The London School of Economics and Political Science

East Asia before 'Diplomacy': The Transformation of China and Japan's Foreign Policy-making, 1858-1881

Isami Sawai

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Declaration

I certify that the thesis I have presented for examination for the MPhil/PhD degree of the London School of Economics and Political Science is solely my own work other than where I have clearly indicated that it is the work of others (in which case the extent of any work carried out jointly by me and any other person is clearly identified in it).

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Abstract

The evolution of East Asian international relations in the nineteenth century has traditionally been regarded as a transformation from the Chinese world order to the modern Western international order. This dissertation rethinks this framework by focusing on the East Asian perspectives on their own foreign policy-making. In the 1860s-70s, Chinese documents used the term *zhongwai jiaoshe* [中外交涉; Sino-foreign negotiation], and Japanese documents used the term *gaikoku kōsai* [外国交際; foreign intercourse] rather than the term 'diplomacy.' This implies Chinese and Japanese concepts of foreign relations were fundamentally differed from each other's and those of Western diplomats.

Relying on East Asian primary sources, this dissertation compares Chinese and Japanese foreign policy-making from the difference between Chinese and Japanese conceptions of foreign relations. In China, Prince Gong's group intended to establish a centralised system to secretly manoeuvre the foreign powers, resulting in failure due to the huge geographical distances involved. Prince Gong's group included high-ranking local officials in the foreign policy-making process, which led to the rise of Li Hongzhang in Tianjin, who coordinated negotiations with the foreign powers. In Japan, the Tokugawa Bakufu's foreign policy-making was rapidly transformed through the political struggle between Edo and Kyoto, and Hitotsubashi Yoshinobu succeeded in taking control of foreign relations through his manoeuvre. Although the Meiji government initially regarded the foreign relations as pure 'intercourse' with other countries, the Gaimushō (Ministry of Foreign Affairs) gradually found a way to pursue its goals through trial and error. The nature of their communications with Western powers in the late 1870s eventually reflected key differences between China and Japan's foreign policy making; that is, the relationship between the central governments and foreign legations by telegraphy, and their contrasting attitudes towards the establishment of the 'standard of civilisation' in international law.

Acknowledgements

It is hard for non-native English speakers to complete PhD dissertations in English. If one should tackle this difficulty in the middle of a worldwide pandemic, the hardship doubles or even triples. I suffered tremendously from writing up my dissertation — to be honest, I still cannot believe that I am now writing the acknowledgements for my own PhD dissertation.

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Notes on Conventions

In this dissertation, Chinese and Japanese names are written in the manner of family names first in principle, except when they are authors of English publications or they prefer a manner of first names first in their academic activities.

Chinese words are written in Pinyin. Japanese words are expressed in Hepburn romanisation. Japanese long vowels are expressed with macrons (ū and ō), except for the name of places, such as Tokyo, Osaka, and others.

Abbreviations for primary documents are explained in the footnotes.

Introduction
Zhongwai Jiaoshe, *Gaikoku Kōsai*, and 'Diplomacy'

This dissertation compares China and Japan's foreign policy-making in the 1860s and 1870s. Its main object of research is the evolving nature of the Chinese and Japanese governmental institutions that dealt with foreign relations.

The most prominent feature of present-day East Asian international relations is the rise of China as a major power. Many political leaders and diplomats contend that Xi Jinping government challenges the current liberal international order, values and rules, in a manner that is clearly in-compatible with the US and other Western countries. On the other hand, although its militarism caused the second Sino-Japanese War and the Pacific War, Japan has become a major power in the post-war liberal international order in East Asia.

It is often stated, especially among practitioners of East Asia, that this difference between China and Japan's attitudes towards the international order is rooted in their unique experiences of first contact with the newly aggressive Western powers in the mid-nineteenth century. Since China was 'half-colonised' by the Western and Japanese imperialism, it regards itself as a 'victim' of the Western-dominated international order. This historical memory has led to a strong sense of distrust and even an aggressive attitude towards the current international order. In contrast to this, Japan does not have this type of traumatic memory, because it avoided colonisation and successfully overcame Western pressure and subsequently became one of the major powers in international politics.

Regardless of the validity of this statement, the comprehension of modern history, particularly the period when China and Japan established foreign relations with the West, is an essential element in today's East Asian international relations. Therefore, historians especially need to rethink China and Japan's foreign relations in the period of their first contact with the Western powers, that is, from the 1860s and 1870s (from the establishment of 'foreign office' [Zongli Yamen in 1861/ gaikoku-gata in 1858] to the time when China and Japan finished organising their foreign networks [around 1881]).

Moreover, this research topic is not only meaningful for understanding the contemporary

East Asian international order, but also for fostering historical studies in academia. Although it is often claimed that diplomatic or international history is conservative, old-fashioned, and elitist,[1] at least in terms of East Asian history, these criticisms do not fit in the situation. As noted by Antony Best, diplomatic or international historians of East Asia have from the start realised the need to include various historical methodologies into their research. Since the emergence of modern East Asian international relations was literally the result of the interplay between the two different civilisations, the study of East Asian international history has inevitably from its beginnings contained and cultivated various elements that have only subsequently been dealt with by global historians.[2]

In this meaning, strictly adopting the methodology of empirical diplomatic history, this dissertation not only provides a detailed and nuanced description of historical facts, but also sheds light on several new aspects in foreign relations that can also improve today's historical research (including global history), especially the matter of geographical distance and that of practitioners' perceptions of foreign relations as explained below.

1. Previous Research

Many previous studies have paid attention to the topic of how and why China and Japan's foreign relations in the late nineteenth century led to a contrasting result. These studies can be classified into five groups: first, the foreign relations of East Asia, particularly China; second, the foreign relations of Japan; third, the comparison between China and Japan's foreign relations; fourth, the history of international law and the 'standard of civilisation' in East Asia; and the fifth, the culture of diplomacy in East Asia.

Within the first group, John K. Fairbank and other middle twentieth century China scholars constitute the first rigorous study of East Asian international relations, often referred to as the

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[1] For example, William R. Keylor, 'The Problems and Prospects of Diplomatic/ International History', H-Diplo Essay No. 126, April 10, 2015; Timothy J. Lynch, 'Is diplomatic history dying?' OUPblog, May 3, 2013

[2] Antony Best, 'The "Cultural Turn" and the International History of East Asia: A Response to David Reynolds', *Cultural and Social History*, Vol. 3, No. 4, 2006

'modernisation' framework. This can be typically summarised as follows.

As the traditional central power in East Asia, past Chinese dynasties approached foreign relations with a Sino-centric world order (*Hua-yi* distinction; 華夷秩序) in mind. These Chinese dynasties regarded themselves as the centre of civilisation (*hua*; 華) and surrounding non-Chinese people as inferior barbarians (*yi*; 異), which brought an inbuilt hierarchical relationship into Chinese foreign relations. This view was bolstered by the tributary trade between China and the surrounding peoples, in which ethnic groups brought tributes to China and the Chinese emperor gave Chinese goods to them in return. This type of foreign relations had existed since the premodern period. Despite their status as former ethnic minorities Qing State officials continued this practice. Qing China also maintained this Sino-centric world order in regard to in their expanding relations with the Western powers around the nineteenth century. However, Western powers requested China's acceptance of the modern Western paradigm of international relations, including the equality of sovereign powers, and the sanctity of treaties and of international law. After the first and Second Opium Wars, Qing China finally accepted the 'treaty system', which resulted in their inclusion into the Western international order.[3]

Operating under the new treaty system, the Qing state established the Zongli Yamen, in 1861 after the Second Opium War. Historians tend to view the Zongli Yamen as a symbol of Chinese adaptation to the modern Western international order. Mary C. Wright, for example, treated the Zongli Yamen as a modernising force during the Tongzhi Restoration. Conversely, Immanuel C. Y. Hsü dealt with China's participation in international society by investigating the Zongli Yamen's foreign affairs, and S. M. Meng conducted research on the administrative institution of the Zongli Yamen.[4] Additionally, Masataka Banno revealed in detail the political process behind the establishment of the Zongli Yamen from the end of the Second Opium War, especially by

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[3] John K. Fairbank, *Trade and Diplomacy on the China Coast, the Opening of the Treaty Ports, 1842-1854*: Cambridge MA, Harvard University Press, 1964; John K. Fairbank ed., *The Chinese World Order: Traditional China's Foreign Relations,* Cambridge MA: Harvard University Press, 1968

[4] Mary C. Wright, *The Last Stand of Chinese Conservatism: The T'ung-Chih Restoration, 1862-1874*, Stanford CA; Stanford University Press, 1957; Immanuel C. Y. Hsü, *China's Entrance into the Family of Nations: The Diplomatic Phase, 1858–1880*, Cambridge, MA; Harvard University Press, 1960; S. M. Meng, *The Tsungli yamen: Its Organisation and Functions,* Cambridge MA; Harvard University Press, 1962

emphasising its role in foreign policy-making.[5] Moreover, Banno also surveyed the foreign relations of modern China including the 1860s and 1870s.[6]

The clearest problem with the 'modernisation' framework – that is, the idea of a transformation from the Sino-centric world order (*Hua-yi* distinction) to the treaty system (Western international order) – is that this argument is mainly based on Western primary sources concerning China and has thus paid insufficient attention to Chinese historical documents.[7] This was because in the middle of the political confusion that afflicted twentieth-century China, research on modern Chinese history was primarily led by Western scholars such as Fairbank. Further, while Western accounts of mid-19th century Chinese foreign relations were available, Qing China's diplomatic documents were not.

Later studies developed new frameworks through the study of domestic influences upon Qing's foreign relations as well as paying attention to Chinese historical documents. These trends can be roughly divided into three trends as follows. The first trend has placed emphasis on the Manchurian and Inner Asian nature of Qing China. For instance, the New Qing History studies in English-speaking academia have shed light on the Manchurian influence within the external and internal policies of Qing.[8] In addition to this, Matthew W. Mosca has illustrated the transformation from 'frontier policy' to 'foreign policy', particularly by focusing on Qing China-British India relations.[9] Moreover, Hirano Satoshi has noted that what he terms 'Sino-foreign unity' (*zhongwai yiti*; 中外一體), which denotes the integration of a Sino-centric world order in East Asia and the

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[5] Masataka Banno, *China and the West, 1858-1861: The Origins of the Tsungli Yamen*: Cambridge MA, Harvard University Press, 1964

[6] Banno Masataka, *Kindai Chūgoku Seiji Gaikōshi* [The Political and Diplomatic History of Modern China], Tokyo: Tōkyō Daigaku Shuppankai, 1973

[7] For example, in his handbook of Chinese history research, Banno first looked at the key documents of the Western powers and then moved to Qing China's historical documents (Banno Masataka et al, *Kindai Chūgoku Kenkyū Nyūmon* [The Research Handbook on Modern China], Tokyo: Tōkyō Daigaku Shuppankai, 1974).

[8] For example, Pamela K. Crossley, *A Translucent Mirror: History and Identity in Qing Imperial Ideology*, Berkeley and Los Angeles; University of California Press, 1999; Mark C. Elliott, *The Manchu Way: The Eight Banners and Ethnic Identity in Late Imperial China*, Stanford; Stanford University Press, 2001; Evelyn Rawski, *The Last Emperors: A Social History of the Qing Imperial Institutions*, Berkeley and Los Angeles; University of California Press, 1998; Edward Rhoads, *Manchus and Han: Ethnic Relations and Political Power in Late Qing and Early Republican China, 1861-1928*, Seattle; University of Washington Press, 2000

[9] Matthew W. Mosca, *From Frontier Policy to Foreign Policy: The Question of India and the Transformation of Geopolitics in Qing China*, Stanford CA: Stanford University Press, 2013

Inner Asian world order based on Tibetan Buddhism and Islam, was established during the high Qing period.[10]

In contrast to this, the second trend paid greater attention to the maritime history of East Asia. For example, Hamashita Takeshi developed the concept of the 'tributary trade system' spanning the premodern and modern period by concentrating on trade relationships within maritime Asia.[11] Ronald C. Po has noted that, the conventional image of the Qing polity as an unenterprising land power belies its status as a significant political and military sea power in maritime Asia.[12]

The third trend contends neighbouring countries around China were not necessarily included in the Sino-centric world order. For example, intimating the Sino-centric world order, Japan and Korea regarded themselves as civilised states and accordingly treated surrounding ethnic groups as barbarians in the early modern period, although their relations with each other were kept unclear..[13]

These research trends adopted various approaches that differ from the 'modernisation' framework. However, these scholars were handling periods and subjects that differed from the 'modernisation' framework (especially the period before the nineteenth century), and thus did not necessarily critique the 'modernisation' framework in a straightforward manner. Furthermore, recent Anglosphere researchers have adopted a global history approach that often downplays high-political and diplomatic aspects in order to concentrate on transnational forces.

There are two notable works that differ from these trends. James L. Hevia criticised the 'modernisation' framework, in his study of Sino-Western foreign relations after the Second Opium War through the lens of postcolonial theory. Hevia critiqued the perspective of the Westerners'

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[10] Hirano Satoshi, *Shin Teikoku to Chibetto Mondai* [The Qing Empire and the Tibetan Problem], Nagoya: Nagoya Daigaku Shuppankai, 2004; Hirano Satoshi, *Daishin Teikoku to Chūka no Konmei* [The Qing Empire and the Confusion of China], Tokyo: Kōdansha, 2007

[11] Hamashita Takeshi, 'Chōkō Bōeki Shisutemu to Kindai Ajia' [The Tributary Trade System and modern Asia], *Kokusai Seiji* [International Politics], Vol. 82, 1986; Hamashita Takeshi, *Kindai Chūgoku no Kokusaiteki Keiki: Chōkō Bōeki Shisutemu to Higashi Ajia* [The International Moment of Modern China: The Tributary Trade System and East Asia], Tokyo: Tōkyō Daigaku Shuppankai, 1990

[12] Ronald C. Po, *The Blue Frontier: Maritime Vision and Power in the Qing Empire*, Cambridge: Cambridge University Press, 2018

[13] This characteristic has been scrutinised by Ronald P. Toby, Kim Key-Hiuk, Arano Yasunori, and Shogo Suzuki. Ronald P. Toby, *State and Diplomacy in Early Modern Japan: Asia in the Development of the Tokugawa Bakufu,* Princeton NJ: Princeton University Press, 1984; Kim Key-Hiuk, *The Last Phase of the East Asian World Order: Korea, Japan, and the Chinese Empire, 1860-1882,* Berkeley CA: University of California Press, 1980; Arano Yasunori, *Kinsei Nihon to Higashi Ajia* [Early Modern Japan and East Asia], Tokyo: Tōkyō Daigaku Shuppankai, 1988; Shogo Suzuki, *Civilisation and Empire: China and Japan's Encounter with European International Society*, London: Routledge, 2009

impulse towards a civilising mission and its desire to teach China ‘lessons’ in how to conduct itself within the Western international order. Although Hevia's approach is thought-provoking, his work doesn’t revisit the making of Chinese foreign relations per se, since he still mainly focuses on reconsidering the nature of Western imperialism and colonialism towards China.[14]

Jenny Huangfu Day also challenges the ‘modernisation’ framework. Rejecting the simple ‘impact response’ model, Day successfully depicts the multi-dimensional aspects of late Qing diplomatic communications by reinterpreting Chinese primary documents. Although she has primarily focused on Qing officials who were sent to the Western world, her approach towards the topic suggests the possibility of revealing an alternative framework in the late 19th-century East Asian foreign relations.[15]

The second group of work focuses on Japanese foreign relations understood as a case of modernisation in response to foreign intervention; their scholarship follows a distinct teleological arc. Due to the U.S. Perry Expedition’s arrival, the Tokugawa Bakufu signed the convention of Kanawaga in 1854, which led to the end of the *sakoku* (closure of Japan towards foreigners; the Bakufu’s restriction of foreign intercourse that lasted for about 200 years) policy. Faced with the threat to Japan’s national independence, samurai from Chōshū and Satsuma attempted to expel foreigners by themselves, which in turn caused their respective defeats in the battle of Shimonoseki and the Anglo-Satsuma war and thus made them realise the need for *kaikoku* (the opening of Japan towards foreigners; the opposed meaning of the *sakoku*) and modernisation. After the success of the Meiji Restoration, the Meiji government proceeded with Westernisation and modernisation, eventually leading to Japan’s victories in the Sino-Japanese and Russo-Japanese wars. Meiji Japan also succeeded in restoring its sovereignty by removing the 'unequal treaties' and by the 1900s constituted one of the major powers in international politics. This type of discourse, which understands the Bakumatsu-Meiji period as a modernisation revolution, is not only common in

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[14] James L. Hevia, *English Lessons: The Pedagogy of Imperialism in Nineteenth-Century China*, Durham, NC: Duke University Press, 2003

[15] Jenny Huangfu Day, *Qing Travellers to the Far West: Diplomacy and the Information Order in Late Imperial China*, Cambridge: Cambridge University Press, 2018

Japan but has also been adopted in the classical studies within English-speaking academia, such as those by William G. Beasley and Marius Jansen.[16]

However, many scholars have criticised the above-mentioned framework. In particular, recent historians have been skeptical of the adoption of the retrospective viewpoint – that is, using external ideas such as 'revolution' ,'modernisation', and 'sovereignty– ' in order to construct causal relationships in history.[17]

Few researchers have tried to thoroughly revise the classical framework based on the criticism described above. One reason for this is that the political process of the Bakumatsu-Ishin period is too complicated to describe fully and consistently. In addition to this, as the number of available historical documents has increased in recent years, researchers have been judged by other scholars on the basis of empirically illustrating narrow details of historical facts based on new primary documents rather than thinking more broadly.

Nevertheless, the following three works attempt to revise the classical framework. Michael Auslin has reconsidered the Bakumatsu-Ishin period from the viewpoint of Japan's 'culture of diplomacy', that is, the way in which it handled 'negotiation' with the Western powers in order to maintain its physical and psychological boundaries.[18] Ugai Masashi has shed light on the reality of foreign pressure upon Japan throughout the Bakuatsu-Ishin period by focusing on the viewpoints of the Western powers.[19] Nara Katsuji has submitted a thought-provoking argument by associating the Japanese handling of foreign matters with transformations within domestic decision-making.[20] However, these historians' alternative frameworks are not widely accepted by historians at the moment, since their description of historical events under these frameworks were sometimes

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16 William G. Beasley, *The Meiji Restoration,* Stanford CA: Stanford University Press, 1972; Marius Jansen, 'The Meiji Restoration' in Marius Jansen ed., *The Cambridge History of Japan* Vol. 5: The Nineteenth Century, Cambridge: Cambridge University Press, 1989

17 For example, Sawai Isami, "'Kōsai" kara "Gaikō" he: Meiji Shonen no Gaikoku Kōsai, 1868-1869' [From 'Relations' to 'Diplomacy': The Gaikoku-kōsai in the Early Meiji period, 1868-1869], *Kokka Gakkai Zasshi* [The Journal of the Association of Political and Social Sciences], Vol. 129, No. 9, 10, 2016, p. 123, 124

18 Michael Auslin, *Negotiating with Imperialism: the Unequal Treaties and the Culture of Japanese Diplomacy,* Cambridge MA: Harvard University Press, 2004

19 Ugai Masashi, *Meiji Ishin no Kokusai Butai* [The International Scene of the Meiji Restoration], Tokyo: Yūshisha, 2014

20 Nara Katsuji, *Meiji Ishin to Sekai Ninshiki Taikei* [The Meiji Restoration and the Perception System of the World], Tokyo: Yūshisha, 2010; Nara Katsuji, *Meiji Ishin wo Toraenaosu* [Rethinking the Meiji Restoration], Tokyo: Yūshisha, 2018

questioned by scholars.[21]

The third group, which seeks to compare China and Japan's foreign relations, has typically provided a contrasting explanation. In facing the 'Western impact', Meiji Japan succeeded in modernising and adapting to the Western international order, maintained its independence, and even became a colonial empire in its own right. Qing China, however, failed to conduct a successful modernisation process and persisted in adhering to the old-fashioned Sino-centric world order. This resulted in its semi-colonisation by the Western powers and Japan.

The above-mentioned discourse has frequently been referred to both in Chinese and Japanese historical studies. However, little research has been conducted to investigate Chinese and Japanese foreign relations from a truly comparative historical approach. Researchers tend to place their sole emphasis on either China or Japan and thus are not that familiar with the history of the other country.[22] Simply speaking, historians of Chinese history tend to regard Japan's modernisation as natural and self-evident without further research in Japanese history, while historians of Japanese history treat China as a failed case of modernisation without deep knowledge of Chinese history.

The comparative research of China and Japan's foreign relations can be divided into three groups as follows. The first group emphasises the difference between China and Japan in terms of their treaties with the Western powers. Ishii Takashi, for example, has noted that, in comparing China and Japan's treaties, it is evident that the former was more subordinate to the Western powers because these powers paid more attention to China as a market than to Japan.[23] In parallel, Katō Yūzō, who specialises both in China and Japan's modern history, has argued that the differences in their treaties were crucial for the subsequent trajectory of China and Japan's foreign relations. As

[21] For example, in terms of Auslin's work, Kaoru Iokibe noted that Auslin's 'culture of diplomacy' is too clear-cut of a framework to grasp the depth of historical facts, especially in terms of the relationship between 'physical boundary' and 'intellectual boundary' in Japan. Kaoru Iokibe, '[Book Review] Negotiating with Imperialism: The Unequal Treaties and the Culture of Japanese Diplomacy', *Social Science Japan Journal*, Vol. 10, Issue 1, 2007

[22] Probably for this reason, some recent works rather adopted a collaborative approach among different researchers with different areas and periods. For example, Timothy Brook and Bob Tadashi Wakabayashi eds., *Opium Regimes: China, Britain, and Japan, 1839-1952*, Berkeley CA: University of California Press, 2000; Timothy Brook et al eds., *Sacred Mandates: Asian International Relations since Chinggis Khan*, Chicago IL: University of Chicago Press, 2018

[23] Ishii Takashi, *Zōtei Meiji Ishin no Kokusaiteki Kankyō* [The International Environment of the Meiji Restoration], Tokyo: Yoshikawa Kōbunkan, 1966, pp. 16-24

shown by the stipulation regarding opium, Katō has argued that the Japanese treaties, which were concluded as a result of the Bakufu's negotiation, were relatively advantageous compared to the Chinese treaties, which were concluded as a result of defeat in war.[24] Katō's viewpoint subsequently influenced researchers, such as Auslin, who re-evaluated the Bakufu and Meiji government's 'negotiation' with Western powers throughout the Bakumatus-Ishin period.[25]

The second group has focused on the difference between the dominant political thought in China and Japan. Some researchers have argued that, while Qing Confucius scholars tended to concentrate on hierarchical order, Japanese Confucius scholars put more emphasis on practical reason and thinking, which eventually caused a difference in how the two countries dealt with the West.[26] Furthermore, other researchers have emphasised the militaristic realism and martial ideology of Tokugawa Japan, which was contrary to China and Korea's scholarly 'effeminacy'.[27]

The third group has sought to find the key point of difference between China and Japan in terms of their respective domestic societies. For instance, in recent scholarship, Pär Kristoffer Cassel argued that, while the tradition of 'legal pluralism' in Qing China meant that it was able to accept Western extraterritorial jurisdiction. Meiji Japan lacked any familiarity with such a concept and thus rejected the legitimacy of extraterritoriality, which led to a fundamental difference in China and Japan's foreign relations.[28]

The problem underlying these comparative works on China and Japan, as described above, is that it is not China and Japan's foreign relations per se that are compared. Rather, the scholars focus on other topics such as treaties, political thought, and society in order to compare the Chinese

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[24] Katō Yūzō, *Kurofune Zengo no Sekai* [The World around the Perry Expedition], Tokyo: Iwanami Shoten, 1985; Katō Yūzō, *Bakumatsu Gaikō to Kaikoku* [The Bakumatsu Diplomacy and the Opening of Japan], Tokyo: Chikuma Shobō, 2004

[25] Michael Auslin, op. cit.

[26] For example, Maruyama Masao, *Nihon Seiji Shisōshi Kenkyū* [The Study of Japanese Political Philosophy], Tokyo: Tōkyō Daigaku Shuppankai, 1952; Hirano Satoshi, *'Hannichi' Chūgoku no Bunmeishi* [The Civilizational History of China's 'Anti-Japan' Attitude], Tokyo: Chikuma Shobō, 2014

[27] For example, Ikeuchi Satoshi, *Taikun Gaikō to 'Bui'* [The Tokugawa Shōgun's Diplomacy and 'Military Glory'], Nagoya: Nagoya Daigaku Shuppankai, 2006; Kitaoka Shin'ichi, *Nihon Seijishi* [The Political History of Japan], Tokyo: Yūhikaku, 2011, p. 16, 17

[28] Pär Kristoffer Cassel, *Grounds of Judgment: Extraterritoriality and Imperial Power in Nineteen-Century China and Japan*, New York: Oxford University Press, 2011. In terms of problem with his study, See Hakoda Keiko, 'Book Review: Pär Kristoffer Cassel, Grounds of Judgment: Extraterritoriality and Imperial Power in Nineteenth-Century China and Japan', *Chūgoku: Shakai to Bunka* [China: Society and Culture], No. 28, 2013

and Japanese foreign relations. This might be meaningful in some cases if they reveal indirect differences between China and Japan's foreign relations. However, these foreign relations per se are not enough investigated in many cases.[29]

The fourth group, the history of international law and the 'standard of civilisation' in nineteenth-century East Asia, has long been studied by not only historians but also by IR researchers and international lawyers. The history of international law has been one of the most popular topics in East Asian studies since the pre-WWII period, especially in intellectual history. In particular, the translation of fundamental concepts of the law of nations from the West to East Asia have been the main focus of interest.

The founders of this research trend, such as Yoshino Sakuzō and Osatake Takeki, contended that in Bakumatsu-Ishin Japan the law of nations [*kōhō*; 公法] was understood as a universal rule of international society, similar to the natural law conception of international law. According to their research, the implication of 'public' [*kō*; 公] as the Chinese characters of the law of nations [*kōhō*; 公法] played a huge role in Japan's acceptance of the concept of law of nations.[30]

In regard to China's response to the law of nations, Satō Shin'ichi conducted important research. He revealed how Chinese intellectuals' understandings of the law of nations developed from the nineteenth-century to the present, by focusing on major intellectuals including Guo Songtao, Xue Fucheng, Liang Qichao, and others in the Republican era. Especially in the late Qing period, Satō focused on how these intellectuals found a common ground between the law of nations and the Chinese Confucius tradition, which became an underlying framework for the study of this topic.[31]

Classical arguments focused on China and Japan's philosophical characteristic comprehension of international law in the transformative period from pre-modern to modern East

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[29] For example, Ugai Masashi writes that the ban on opium was widely conducted around the world in the middle of the nineteenth century. He thus notes that Katō's argument, which stated that the ban of opium in the Ansei treaties led to the independence of Japan, was an unreasonable explanation. Ugai Masashi, op.cit., p. 59.

[30] Yoshino Sakuzō, 'Wagakuni Kindaishi ni okeru Seiji Ishiki no Hassei' [The Emergence of Political Awareness in Modern Japanese History], *Yoshino Sakuzō Senshū* [Collected Works of Yoshino Sakuzō], Vol. 11, Tokyo: Iwanami Shoten, 1995: Osatake Takeki, *Kinsei Nihon no Kokusai Kannen no Hattatsu* [The Development of International Thoughts in Modern Japan], Tokyo: Kyōritsusha, 1932

[31] Satō Shin'ichi, *Kindai Chūgoku no Chishikijin to Bunmei* [The Intellectuals and Civilisation in Modern China], Tokyo: Tōkyō Daigaku Shuppankai, 1996

Asian foreign relations. Based on these assumptions, a lot of historians, mainly in East Asian academia, have submitted new and detailed works on this topic, which are too many to introduce in detail in this thesis.[32]

Nevertheless, these works share some underlying problems. Although they explore the response of East Asians towards Western expansion in detail, they pay less attention to the Western world, perhaps because of limited language abilities or unavailable sources. The second and more obvious problems is that they explore philosophical elements while ignoring the practical application of foreign policy. Therefore, the relationship between the philosophical and practical aspects —how the understanding of East Asian intellectuals affected the concrete practitioners' foreign policy in the actual political process, and vice versa— is yet to be fully examined. While some researchers, such as Makabe Jin and Douglas Howland, investigate at least some parts of this relationship in Bakumatsu and Meiji Japan, their works insufficiently reveal the entire relationship between the philosophical and practical aspects in China and Japan's understanding of international law. [33]

In contrast to philosophical approaches the 'standard of civilisation' is a theoretical framework mainly used by Western IR researchers and international lawyers. It contends that in the nineteenth century, Western powers regarded themselves as 'civilised,' and treated non-Western areas as 'uncivilised' that did not meet the 'standard of civilisation'. This standard was enshrined in international law by Western powers to justify their expansion and colonial rule. Subsequently, Japan successfully reached the 'standard of civilisation' by learning international law and the

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[32] A Japanese journal *Higashi Ajia Kindaishi* [The Journal of East Asian Modern History], No. 2, 1998, features the learning and application of international law in East Asia, and the articles in them concisely summarise the conventional works and discussions in East Asian academia. For example, Ōhata Atsuhiro, 'Higashi Ajia ni okeru Kokusaihō no Juyō to Tekiyō' [The Learning and Application of International Law in East Asia]; Kawashima Shin, 'Chūgoku ni okeru Bankoku Kōhō no Juyō to Tekiyō' [The Learning and Application of Law of Nations in China]: Kim Yonggu, 'Chōsen ni okeru Bankoku Kōhō no Juyō to Tekiyō' [The Learning and Application of Law of Nations in Korea]; Yasuoka Akio, 'Nihon ni okeru Bankoku Kōhō no Juyō to Tekiyō' [The Learning and Application of Law of Nations in Japan]. Regarding China, Lin Xuezhong, *Cong wanguo gongfa dao gongfa waijiao: Wan Qing guojifa de chuanru, quanshi yu yingyong* [From Law of Nations to Diplomacy based on International Law: The Incorporation, Interpretation, and Application of International Law in Late Qing], Shanghai: Shanghai guji chubanshe, 2009, pp. 6-35, comprehensively summarises the related previous works written in Chinese, Japanese, and English. The most renowned work on this topic in English academia is Lydia H. Liu, *The Clash of Empires: The Invention of China in Modern World Making*, Cambridge MA and London: Harvard University Press, 2004.

[33] Makabe Jin, *Tokugawa Koki no Gakumon to Seiji* [The Study and Politics in the Late Tokugawa Period], Nagoya: Nagoya Daigaku Shuppankai, 2007; Douglas Howland, *International Law and Japanese Sovereignty: The Emerging Global Order in the nineteenth century,* New York: Palgrave Macmillan, 2016

diplomatic customs of the Western-dominated international society, while China was unsuccessful in doing so until the twentieth century.

The ‘standard of civilisation’ theory was first explained by Gerrit W. Gong and developed by Hedley Bull and Adam Watson.[34] This theory has been scrutinised mainly by ‘English school’ IR scholars.[35] In addition, some international lawyers, such as Marti Koskenniemi and Antony Angie, investigate the ‘standard of civilisation’ from the legal side.[36] However, both approaches have mainly focused on Western thought and actions, paying less attention to detailed responses to the West in terms of the ‘standard of civilisation’. In particular, not many scholars have dealt with the historical role of Japan, even though it was the first non-Western country to pass the ‘standard of civilisation’ and should thus be central to this theory.

A number of IR and international law scholars have shed some new light on this approach. Turan Kayaoğlu, in comparing Turkey, China, and Japan, tries to rethink some parts of the ‘standard of civilisation’ by focusing on legal institutionalisation and abolition of extraterritoriality in these countries.[37] Shogo Suzuki, comparing China and Japan’s encounters with expanding international society, proposes to reveal their concrete socialisation processes vis-à-vis Western international society, especially focusing on the learning and application of international law.[38] Junnan Lai submitted a revisionist view that centres East Asian actions in the making of the ‘standard of civilisation’ narrative by comparing China and Japan’s successful adaptation of international law. He argues the efforts of non-Western countries to achieve modernisation were 'not part of any standard of civilisation given by Western international lawyers, but rather answer sheets submitted by non-Western candidates’ towards the Western powers.[39]

[34] Gerrit W. Gong, *The Standard of ‘Civilisation’ in International Society*: Oxford: Clarendon Press, 1984; Hedley Bull & Adam Watson, *The Expansion of International Society*: Oxford: Clarendon Press, 1984,

[35] For example, Barry Buzan, ‘The “Standard of Civilisation” as an English School Concept’, *Millennium: journal of International Studies*, Vol. 42, No. 3, 2014

[36] Marti Koskenniemi, *The Gentle Civiliser of Nations: the Rise and Fall of International Law, 1870-1960,* Cambridge; Cambridge University Press, 2001; Antony Angie, *Imperialism, Sovereignty, and the Making of International Law,* Cambridge: Cambridge University Press, 2005

[37] Turan Kayaoğlu, *Legal Imperialism: Sovereignty and Extraterritoriality in Japan, the Ottoman Empire, and China*, Cambridge: Cambridge University Press, 2010

[38] Shogo Suzuki, op.cit.

[39] Junnan Lai, 'Sovereignty and “Civilisation”: International Law and East Asia in the Nineteenth Century’, *Modern China*, Vol. 40, No. 3, 2014. Lai Junnan, *Guojifa yu wanqing zhongguo* [International Law and the Late Qing China], Shanghai, Shanghai renmin chubanshe, 2015, draws more comprehensive and challenging picture of international law and late nineteenth-century East Asia.

Many elements of IR scholars and international lawyers' approach are problematic, especially in dealing with the historical origins of the 'standard of civilisation.' These scholars ignore or are unable to read non-western sources. Although Suzuki and Lai pay attention to primary documents, their analysis is still based on a broad description of the historical process and mainly dependent on theoretical works by nineteenth-century international lawyers.[40] Furthermore, they tend to apply simplistic frameworks, including the 'learning and application' view, to what was a complex historical process. In this sense, it would be an understatement to say that empirical historical research, conducted by East Asian historians and strictly based on East Asian primary documents, can contribute to a thorough review of the 'standard of civilisation' theory.

The fifth trend, the culture of diplomacy in East Asia, is a newly emerging field of research. Western scholars in particular have responded to the rise of cultural and global history as well as the relative decline of traditional diplomatic history, some historians, by shifting to examine the 'culture' of diplomacy (or within the diplomacy).[41] Although the cultural aspects had already been explored by East Asian historians have long studied the cultural aspects of diplomacy, the change of research trends in Anglophone history academia, has gained the subfield new popularity among East Asian historians in recent years. [42]

Michel Auslin's research exemplifies this recent trend in Anglophone scholarship. His work defined the 'culture of diplomacy' as a shared view among foreign policy-makers about the world order. In order to reveal Japan's 'culture of diplomacy,' he reconsidered the strategy and the style of Japanese practitioners' negotiations with the West. Diplomatic negotiation was the only effective method for Japanese practitioners to combat the West which had much more powerful armed forces. This approach enabled him to construct a challenging new internal explanation of the drastic change in Japan's foreign relations. His attention to space and time is also provides a nuanced description of diplomatic negotiations.[43]

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[40] In terms of Suzuki's work, See Sawai Isami, "[Book Review] Shogo Suzuki, Civilisation and Empire: Japan and China's Encounter with European International Society" *Kokka Gakkai Zasshi*, Vol. 129, No. 9-10, 2016.

[41] For example, Jan Hennings, *Russia and Courtly Europe: Ritual and the Culture of Diplomacy, 168-1725*: Cambridge; Cambridge University Press, 2016; Jennifer Mori, *The Culture of Diplomacy: Britain in Europe c. 1750-1830*: Manchester; New York; Manchester University Press, 2010.

[42] Antony Best, op.cit.

[43] Michael Auslin, op.cit.

Other historians examine diplomatic ritual as a key element in the 'cultural history of diplomacy' in China and Japan's foreign relations. For instance, Antony Best concentrated on the process of the evolution of Japan's diplomatic rituals in parallel with its Westernisation. Sano Mayuko also dealt with the transformation of Bakumatsu diplomatic ritual in the opening of Japan's territory to Westerners.[44] As rituals had an important position in the Sino-centric world order, this topic is also popular among historians of China. James Hevia, though, rejected this common viewpoint and rather approached it as a collision between two empires with their principles, and not just between two cultures.[45]

Compelling as this work may be, the ambiguous and changing meanings of culture from author to author raise a number of problems. While Auslin's examines the influence of culture on the content and style of foreign negotiations, Best and Sano's focus more on cultural elements (such as rituals) within foreign relations. Meanwhile, Hevia rather de-emphasised the concept of culture in order to reconstruct the matter of rituals within Sino-Western relations. The word 'diplomacy' and its specific role in diplomacy needs to be properly defined and used in a wider context.

The five trends in previous research—that is, foreign relations of East Asia particularly China, foreign relations of Japan, comparisons between China and Japan, the history of international law and 'standard of civilisation' in East Asia, the culture of diplomacy in East Asia– are here summarised as described above share a common problem. Although a variety of research has been conducted on the nature of foreign relations in nineteenth-century East Asia, they fall short in submitting a complete alternative picture of East Asian foreign relations. In other words, the variety of approaches taken has led to the fragmentation of the historical record, in which the classical questions of how and why East Asian foreign relations were transformed have been almost forgotten or regarded as old-fashioned by many recent researchers. Most notably, only a few scholars have tried to directly overcome implicit assumptions about the centrality of Western-centrism in the 'modernisation' framework, and their works are not yet sufficient to fulfil this

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[44] Antony Best, 'The Role of Diplomatic Practice and Court Protocol in Anglo-Japanese Relations, 1867-1900' in Markus Mösslang and Torsten Riotte eds, *The Diplomats' World: The Cultural History of Diplomacy, 1815-1914*, Oxford: Oxford University Press, 2008; Sano Mayuko, *Bakumatsu Gaiko Girei no Kenkyu* [The Study of the Bakumatsu Diplomatic Ritual], Kyoto: Shibunkaku Shuppan, 2016

[45] James Hevia, *Cherishing Men from Afar: Qing Guest Ritual and the Macartney Embassy of 1793*, Durham NC, Duke University Press, 1995

purpose. This dissertation intends to fully and directly review this matter and submit an answer from the author's own viewpoints that will be described in the next section.

2. *Jiaoshe*, *Kōsai*, and 'Diplomacy': Different Concepts of Foreign Relations

This dissertation reconstructs the Chinese and Japanese foreign relations of the latter nineteenth century by adopting a strictly internal approach is rooted in contemporaneous Chinese and Japanese contexts and situations. To do so, the author utilise Raymond Williams's well known approach to reinvestigate the meaning and characteristics of certain 'keywords' in the wider contexts of culture and society. The key concepts which were widely used in China and Japan at that time must be firstly grounded in the domestic and international contexts of their time.[46]

This approach can also be seen in other recent works. In the study of modern Chinese history, some East Asian historians, such as Okamoto Takashi and Kawashima Shin, have emphasise the need to understand Chinese historical words in China at that time as analytical concepts and in terms of periodisation – that is, *yiwu* [夷務; foreign affairs until the Second Opium War], *yangwu* [洋務; from the Second Opium War to the Boxer Rebellion], and *waiwu* [外務; after the Boxer Rebellion and the establishment of the Waiwu Bu].[47] Accepting these concepts and periodisation, Hakoda Keiko linked the process of establishing Chinese embassies after the middle of the 1870s to its relationship with the *yangwu* concept at that time.[48] Similarly, Okamoto and Liao Minshu focused on the widely-used term *hushi* [互市; foreign trade]. By introducing this word, they

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[46] Raymond Williams, *Keywords: A Vocabulary of Culture and Society*, London: Fontana Press, 1988, pp. 11-26

[47] Kawashima Shin, *Chūgoku Kindai Gaikō no Keisei* [The Formation of Modern Diplomacy in China], Nagoya: Nagoya Daigaku Shuppankai, 2004; Okamoto Takashi and Kawashima Shin eds., *Chūgoku Kindai Gaikō no Taidō* [The Growth of Modern Chinese Diplomacy], Tokyo: Tōkyō Daigaku Shuppankai, 2009

[48] Hakoda Keiko, *Gaikōkan no Tanjō: Kindai Chūgoku no Taigai Taisei no Hen'yō to Zaigai Kōkan* [The Birth of Diplomats: The Transformation of Foreign Relations and Embassies in Modern China], Nagoya: Nagoya Daigaku Shuppankai, 2012

emphasise the importance of China's unique trade network in the premodern and modern periods, showing that it clearly differed from the Sino-centric world order and treaty system.[49]

However, this approach contains problems in the scope and appropriateness of the key concepts that these historians adopted. The problem is evident in the terms *yiwu*, *yangwu*, and *waiwu*. For instance, the term *yangwu* was used by Qing officials not strictly reserved for foreign governmental relations but also for matters concerning foreign countries more generally, such as learning Western languages and the introduction of military and scientific technologies. The periodisation of *yiwu*, *yangwu*, and *waiwu* pursues a quantitative approach to foreign relations, that is, a wide range of foreign affairs gradually transforming into pure foreign relations.[50] Nevertheless, this does not necessarily reflect the qualitative transformation of foreign governmental relations per se inherent in the use of the keywords *yiwu*, *yangwu*, and *waiwu*.

In order to see the transformation of the content and form of foreign relations, the periodisation of China and Japan's foreign relations underpinned by other types of concepts, which are also rooted in East Asian internal historical contexts, should be incorporated. This dissertation introduces Qing China's *zhongwai jiaoshe* and Bakumatsu-Meiji Japan's *gaikoku kōsai*, both of which were widely used in China and Japan's primary documents at that time, as key concepts for the comparison of their foreign relations.

A careful reading of Qing China's primary documents, including *Chouban yiyu shimo* [籌辦夷務始末] and *Qingji waijiao shiliao* [清季外交史料], shows that the Chinese historical word which corresponds to the Japanese word *kōsai* is neither *yiwu*, *yangwu*, *waiwu*, nor *hushi.* Rather, it was *zhongwai jiaoshe* [中外交涉, Sino-foreign negotiation; often abbreviated as *jiaoshe*] that was used in historical documents. Even a cursory reading of primary sources shows the Zongli Yamen frequently used the term *jiaoshe* after its establishment in 1861.

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[49] Liao Minshu, 'Shindai no Tsusho Chitsujo to Goshi' [The Qing Trade Order and Hushi], Okamoto Takashi and Kawashima Shin eds., op. cit.; Liao Minshu, *Qingdai zhongguo duiwai guanxi xinlun* [The New Insight on Qing China's Foreign Relations], Taipei: Zhengda Chubanshe, 2013; Okamoto Takashi, 'Shincho no Taigai Chitsujo to sono Hensen', Okamoto Takashi, *Chūgoku no Tanjo: Higashi Ajia no Kindai Gaikō to Kokka Keisei* [The Birth of China: The Modern Diplomacy and State Formation in East Asia], Nagoya: Nagoya Daigaku Shuppankai, 2017

[50] Hakoda Keiko, op. cit., p. 6

In modern Japanese history study, it has long been commonplace to rethink history on the basis of concepts that were widely used in historical documents.[51] In particular, several recent works, including the author's thesis, deepen our understanding of the relationship between *gaikō* [外交; diplomacy] and the Japanese word *gaikoku kōsai* [外国交際; foreign intercourse; often abbreviated as *kōsai*]. From the Bakumatsu to the early Meiji period, the word *gaikō* was hardly used; instead, *gaikoku kōsai* was used among Bakumatsu and Meiji practitioners in Japanese primary documents. Especially after the Meiji Restoration, *kōsai* was frequently used in various papers including the Meiji government's public documents and private letters among Meiji leaders, with the consequence that *kōsai* became a keyword in the early Meiji period. Although *gaikō* was also used in some cases in the Bakumatsu-Ishin period, it was mainly as an abbreviation of the word *gaikoku kōsai.* Although *gaikō* is currently a translation of the English word 'diplomacy', it did not have that meaning in the late nineteenth century. In contrast, 'diplomacy' was sometimes translated into *kōsai* in Japanese.[52]

In order to further investigate the meanings and nuances of *jiaoshe* and *kōsai*, three distinctions must be made. First, it is necessary to establish the difference between 'diplomacy' and these East Asian terms in detail, which will reveal similarities between *jiaoshe* and *kōsai,* in contrast to Western concepts. Second, examining the broader meanings and contexts of *jiaoshe* and *kōsai* will clarify distinctions between the two terms. Third, the author will clearly define *jiaoshe, kōsai,* and 'diplomacy' to provide a firm foundation for my arguments.

It is difficult to provide a clear definition of 'diplomacy'. Ernest Satow, who was the author of *A Guide to Diplomatic Practice,* provided a definition of 'diplomacy' in 1917 as follows: 'Diplomacy is the application of intelligence and tact to the conduct of official relations between the governments of independent states, extending sometimes also to the relations with vassal states'.[53]

[51] For example, Watanabe Hiroshi, *Higashi Ajia no Ōken to Shisō* [The Sovereign and Thoughts in East Asia], Tokyo: Tōkyō Daigaku Shuppankai, 1997; Aoyama Tadamasa, *Meiji Ishin no Gengo to Shiryō* [The Languages and Historical Documents of the Meiji Restoration], Osaka: Seibundō Shuppan, 2006

[52] Sawai Isami, '"Kōsai" kara "Gaikō" e: Meiji Shonen no Gaikoku Kōsai, 1868-1869', p. 125, 126. In terms of 'gaikō' and 'gaikoku kōsai', See for example. Uchiyama Masakuma, 'Gaikō no gainen kitei ni tsuite' [Regarding the Concept of Gaikō], *Hōgaku Kenkyū* [Journal of Law], Vol. 45, No. 6; Morita Yoshihiko, 'Diplomacy kara Gaikō he' [From Diplomacy to Gaikō], in Okamoto Takashi ed., *Sōshuken no Sekaishi* [The World History of Suzerainty], Nagoya: Nagoya Daigaku Shuppankai, 2014

[53] Ernest Satow, *A Guide to Diplomatic Practice*, London: Longmans, Green and Company, 1917, p. 1

On the other hand, Harold Nicolson, who was the author of the world renowned book *Diplomacy*, stated in 1939 as below: 'Diplomacy is the management of international relations by negotiation; the method by which these relations are adjusted and managed by ambassadors and envoys; the business or art of the diplomatist'.[54] As such, even famous specialists of diplomacy provide slightly different definitions of the word 'diplomacy', which can only confuse the reader.

This confusion arises from the failure to take into account the historical and cultural context of 'diplomacy'. According to Harold Nicolson, the word 'diplomacy' comes from the Greek word *diploma*, which meant public document. In the Middle Ages this word was related to palaeography. Thereafter, the word 'diplomacy' became closely associated with '[t]his scientific, this scholarly, element' within modern Western international relations, such as the 'preservation of archives, the analysis of past treaties and the study of the history of international negotiations'.[55] In other words, modern Western diplomacy constituted a systematic approach to foreign relations based on the quotation and organisation of precedents and customs within Western international relations. The stationing of foreign representatives abroad was a key foundation to this approach. These officials were not merely expected to engage in formal negotiations with their hosts but also to collect information from a variety of sources and to cultivate a network of contacts within their host's society and foreign diplomatic corps. By doing so, they were able to keep their foreign minister well apprised of the policy and intentions of the country in which they were posted.

The words *waijiao*/*gaikō* [外交; Chinese and Japanese use the same characters, although their readings differ] are the East Asian translations of 'diplomacy'. However, as far as reading the Chinese and Japanese primary documents of their foreign relations, the use of the words *waijiao*/*gaikō* only became widely accepted after the 1880s in Japan and after the 1900s in China. Prior to this, especially in the 1860s and 1870s, *jiaoshe* in China and *kōsai* in Japan were mainly used as conceptual terms referring to foreign relations.

The fact that *waijiao*/*gaikō* ('diplomacy') was not used in China and Japan in the 1860s and 1870s is an indication neither country was practicing modern Western 'diplomacy.' The fundamental concepts of 'diplomacy' were embedded in European civilisation, history, thought, and practices made the term difficult for East Asians to understand. 'Diplomacy' was not merely knowledge, but also 'the art of the possible' (Bismarck). Learning 'diplomacy' was by far different

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[54] Harold Nicolson, *Diplomacy*, 2nd edition: London; Oxford University Press, 1963, p. 15

[55] Harold Nicolson, op.cit., pp. 26-29

from, for example, learning diplomatic protocols and reading the text of international law.[56]

Both *jiaoshe* and *kōsai*, as expressed in their Chinese character *jiao*/*kō*[交], share a meaning of 'relations',[57] which suggests that foreign relations became a more vital problem in this period. In the mid-nineteenth century, Western expansion forced East Asian countries to reluctantly open their borders towards Westerners to a certain degree. As it turns out, both China and Japan needed to construct their own new content and style of foreign relations in order to cope with this unprecedented situation. Both states had no choice but to forge a policy of foreign relations through a process of trial and error.

On the other hand, the Western 'diplomacy' was also experiencing its own evolution in the second half of the nineteenth century, particularly during the 1860s and 1870s. Western foreign ministries were steadily reorganising and centralising bureaucratic systems in response to increased administrative burdens and the marked expansion of international networks. In the case of the British Foreign Office, as the number of officials and the budget increased throughout the nineteenth century. The central administrative authority of permanent under-secretaries rose as they became responsible for handling complicated communications between the government, parliament, and the diplomats abroad.[58]

The aristocratic nature of Western diplomacy persisted until the beginning of the twentieth century, particularly the cosmopolitan interaction between Western diplomats based on noble family ties, common values and manners, and shared education. Simultaneously, however, recruitment systems into Western foreign ministries gradually become more open and transparent through the implementation of professional examinations and other means. As a result, the proportion of people from outside the aristocracy rose steadily in the latter half of the nineteenth century. This trend was particularly evident in Britain and France, but grew at a slower pace in Germany, Austria-Hungary, and Russia. Communications technology also significantly change the nature of European diplomacy in practice. Although European nations had been stationing permanent diplomats abroad since the fifteenth century, new developments in communication technology meant that they now

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[56] Hosoya Yūichi, *Gaikō* [Diplomacy], Tokyo: Yūhikaku, 2007, p. 5; Oshimura Takashi, 'Rekishi, Bunmei to Gaikō' [History, Civilisation, and Diplomacy], Watanabe Akio ed., *Gendai Nihon no Kokusai Seisaku* [The International Policy of Contemporary Japan], Tokyo: Yūhikaku, 1997, p. 220-221

[57] Morohashi Tetsuji, *Dai Kanwa Jiten* [The Complete Chinese-Japanese Dictionary], Vol. 1, Tokyo: Taishukan Shoten, 1955, p. 536, 538

[58] Zara Steiner, *The Foreign Office and Foreign Policy, 1898-1914*, Cambridge: Cambridge University Press, 1969, pp. 1-23

gradually came under the firmer control of the foreign ministries.[59]

Although, the primary focus of this dissertation will be the comparison of Chinese *jiaoshe* and Japanese *kōsai*, the simultaneous evolution of Western 'diplomacy' in relations with East Asia will impact this discussion significantly.

The basic distinction we start from here when considering the Chinese term *jiaoshe* and Japanese term *kōsai* is that in the East Asian cultural sphere where Chinese characters were in use, one country chose the word *jiaoshe*/*kōshō* [Japanese] [交涉], while the other opted for the word *kōsai*/*jiaoji* [Chinese][交際]. Although the word *jiaoji* [交際] existed in China, and the word *kōshō* [交涉] existed in Japan at that time, a difference in meaning existed between these two words, which are not readily interchangeable.

In Qing China, *jiaoji* [交際] was occasionally used to refer to foreign relations. However, in most cases, *jiaoji* [交際] and *jiaoshe* [交涉] were used differently; the former meant public affairs, and the latter meant personal intercourse among individuals.[60] Along these lines, Qing officials who dealt with foreign relations concentrated on *jiaoshe* [交涉]. For example, in 1879, the Qing diplomat Xue Fucheng insisted that Chinese diplomats staying in Western countries only concentrate on *jiaoshe* [交涉], although Westerners took both *jiaoshe* [交涉] and *jiaoji* [交際] into consideration.[61] In another example, in his recollection, the Qing official Chen Kuilong stated to Western consuls that *jiaoshe* [交涉] was different from *jiaoji* [交際]. According to him, *jiaoji* [交際] meant private intercourse, but since he did not have any private relationship with them, he did not need to meet Western consuls. *Jiaoshe* [交涉] meant public matters among countries, in which he and Western consuls discussed matters with each other based on treaties.[62]

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[59] T. G. Otte, 'Outdoor Relief for the Aristocracy'? European Nobility and Diplomacy, 1850-1914', Markus Mösslang & Torsten Riotte eds, op.cit.; Keith Hamilton and Richard Langhorne, *The Practice of Diplomacy: Its Evolution, Theory and Administration*, London and New York: Routledge, 1995, pp. 89-135

[60] Yang Xiongwei, 'Yulun yu waijio: wanqing zhengfu meiwai xingxiang de xingcheng' [Public Opinion and Diplomacy: The Formation of the Late Qing Government's Toady to Foreigners], *Jindaishi yanjiu* [The Journal of Modern History], 2016-6

[61] Xue Fucheng, *Chouyang chuyi* [The Opinion about Handling Foreigners], Beijing: Chaohua Chubanshe, 2017, p. 44, 45

[62] Chen Kuilong, 'Mengjiaoting zaji' [The Reminiscence of Chen Kuilong], in Shen Yunlong ed., *Li Wenzhong gong (Hongzhang) shilue/ Wu Rulun zhuan, Mengjiaoting zaji/ Chen Kuilong* [The Short Biography of Li Hongzhang/ The Reminiscence of Chen Kuilong]: Taipei, Wenhai chubanshe, 1972, p. 251

Conversely, in Bakumatsu-Ishin Japan, both public affairs and private intercourse were called *kōsai* [交際]. However, due to this interpretation, *kōsai* implied a relatively positive attitude towards establishing and maintaining foreign relations itself. This implication was intensified through the political struggle between the *kaikoku* and *sakoku* in the Bakumatsu period. While Bakufu officials who handled foreign affairs used the word *kōsai*, the anti-foreigner faction opposed the establishment of foreign relations on principle, and thus did not use *kōsai*. However, after the Meiji government's succession of foreign relations, the word *kōsai* became extremely popular across the nation of Japan.

Mizoguchi Yūzō, a Japanese historian of Chinese philosophy, has noted that the concept of public and private were related to Chinese ethical concepts. The public was ethically good and the private was ethically bad. In Japan, the concept of public was merely a bond within a community, which might be even private from an objective viewpoint.[63]

If we analyse *jiaoshe/kōshō* [交涉] and *kōsai*/*jiaoji* [交際] in light of the difference between public and private in China and Japan respectively, *jiaoshe* in China involved being ethically good, right, and steadfast. Even though foreigners communicated with their Chinese counterparts in public, it did not imply a relationship of trust. By interacting with foreign powers under *jiaoshe*, the Chinese side still tended to strategically maintain its fundamental principles and interests, although internal decision-making could be transformed to some extent.

On the other hand, *kōsai* ideally involved extreme flexibility, unrelated to strict ethics. Although foreigners were rejected by Japanese people from having any contact before entering *kōsai*, they should be flexibly accepted by Japanese counterparts once *kōsai* started. In interactions with foreign powers under *kōsai*, the Japanese side was relatively open to mutual intercourse with foreign powers, leaving the possibility of transforming Japan in some cases. This feature of *kōsai* was also seemingly compatible with one aspect of Western 'diplomacy', namely the way in which foreign representatives fostered mutual relationships with each other and within their host's society in order to collect information in the Western world.

Either way, *jiaoshe*/*kōshō* [交涉] and *kōsai*/*jiaoji* [交際] were used differently in China and Japan. Although the detailed process is described in the following chapters, this difference should be understood as arising in part from the contrasting foreign situations which surrounded China and Japan.

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[63] Mizoguchi Yuzo, *Chūgoku no Kō to Shi* [The Public and Private in China], Tokyo: Kenbun Shuppan, 1995, p. 6, 7

China prioritised its interests and political system following the opening of foreign relations after the Second Opium War. Japan, however, experienced ongoing debates and conflicts over opening or closure of the country, paradoxically due to the Bakufu's own decision to establish foreign relations with the West. In contrast to Katō Yūzō's hypothesis described above, defeat and subsequent treaties left China no other option but to pursue *jiaoshe* (negotiation). In Japan, *kōsai* (foreign intercourse) itself engendered severe political conflicts due to the nature of the Bakufu-negotiated treaty concluded by the Bakufu's negotiation, rather than its defeat in war.

The contrasting nature of initial treaties that opened the countries and their influence on foreign policy-making could possibly explain the difference in China and Japan's attitudes towards treaty revision. As will be explained in the individual historical cases in the following chapters, China's *jiaoshe* maintained its fundamental principle through 'negotiation' after the loss of the war. Chinese officials concentrated on defending their interests within the framework of the Nanjing, Tianjin and Beijing treaties. These efforts did not develop into an active push for treaty revision. On the other hand, Japan's *kōsai* began with a struggle over the fundamental meaning of the Ansei treaties. *Kōsai* experienced flexible and dynamic transformation of ideas regarding the treaty, including using the treaty matters for purely domestic political. After the early Meiji period, this feature of *kōsai* was favourable to the pursuit of a form of treaty revision that would enhance Japan's national interests. Although Qing China hardly paid attention to the struggle of Meiji Japan for treaty revision, Meiji Japan sought to the amend its treaty with Qing China in accordance with its treaty revision principle with the West, especially after the latter half of the 1870s.

To summarise, the meaning and conceptual relationship of *jiaoshe*, *kōsai*, and 'diplomacy' in this dissertation can be defined as follows. Although 'diplomacy' is often used simply to describe foreign relations or negotiations, it is important to note the term's grounding in Western civilisation and history. So, the author defines 'diplomacy' as the systematic approach towards foreign relations through quoting and organising precedents and customs within Western international society. While the meaning of 'diplomacy' itself transformed to some extent in the Western world in the late nineteenth century, the transformation within the Western definition and practice of 'diplomacy' differed significantly from that in East Asia at that time. China's *jiaoshe* and Japan's *kōsai* reflected their shared need to cope with the Western expansion through their own particular process of trial and error, without any systematic approach strictly based on their own precedents and customs.

Jiaoshe defines the Qing China's foreign relations in the late nineteenth century, particularly after the establishment of the Zongli Yamen. Since Qing China was defeated by the Western powers in the Second Opium War, its only possible method for coping with the West was to conduct 'negotiation'. For this purpose, the Chinese practitioners tried to maintain a hard policy stance in the public sphere in order to defend their interests. Although the content and style of 'negotiation' transformed over time, the fundamental attitude of *jiaoshe* did not change. *Jiaoshe* did not welcome mutual and flexible communication between China and other foreign powers, especially in the private sphere. Due to these characteristics, *jiaoshe* did not lead to thorough self-transformation of its foreign relations in the 1860s and 1870s.

Kōsai was a concept used in Bakumatsu-Meiji Japan's foreign relations in the late nineteenth century particularly in the 1860s and 1870s. The external factor of *kōsai* was that, since the Bakufu started its official foreign relations without a national consensus, the foreign relations became a difficult issue. Groups supporting maintenance of foreign relation championed the term *kōsai*, and so it was widely accepted after the Meiji restoration. Different from *jiaoshe*, *kōsai* implies not only public negotiations but also private intercourse between Japan and foreign practitioners. This reflected Bakumatsu-Meiji Japan's extreme flexibility in foreign policy-making. The flexible aspects of *kōsai*, seemingly similar to some aspects of 'diplomacy', was exactly the reason why Meiji Japan was able to start a radical transformation of its foreign relations in the 1860s and 1870s.

Leigh Jenco and Jonathan Chappell have pointed out that the angle of 'co-production' between East Asia and Europe is of great importance when re-investigating the history of history-writing.[64] In this sense, the three concepts — *jiaoshe, kōsai,* and 'diplomacy'—are an ideal lens for revealing the equal 'co-production' of basic concepts of foreign relations in the late nineteenth century.

3. Analytical Viewpoints and Dissertation Construction

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[64] Leigh Jenco and Jonathan Chappell, 'Introduction: History from between and the Global Circulations of the Past in Asia and Europe, 1600-1950', *The Historical Journal*, Vol. 64, Special Issue 1, 2021; Leigh Jenco and Jonathan Chappell, 'Overlapping Histories, Co-produced Concepts: Imperialism in Chinese Eyes', *The Journal of Asian Studies*, Vol. 79, No. 3, 2020

Several analytical perspectives aid in our goal of adapting comparison of *zhongwai jiaoshe* in China and *gaikoku kōsai* in Japan to an analysis of complex historical facts. Three analytical viewpoints can help to bridge the gap between East Asian concepts of foreign policy-making and the concrete historical and political processes at that time when considering the shared characteristics between China and Japan's foreign policy-making in the 1860s and 1870s evident in Chinese and Japanese historical documents.

First, the matter of geographical distance and its relationship with foreign policy-making is an essential element to keep in mind. Until the 1870s, China and Japan did not establish permanent legations in foreign countries. Therefore, most matters arising from foreign relations occurred in and were negotiated within China and Japan's respective territories, especially in the treaty ports where Westerners mainly resided and in the frontier areas of other countries.

Moreover, due to a lack of transportation and modern communication technology, the physical distance between political centres, such as Beijing and Edo, and the open ports and frontier areas was an important element in foreign relations. Distance created time gaps between local events on the ground and political decision-making at the centre. In Japan, confused relations between the Bakufu and the imperial court caused further complications when the political capitol moved from Edo to Kyoto and then returned to Tokyo (Edo). Japan was also surrounded by water. China, on the other hand, had a long land border as well as coastline. These differences impacted the nature of the geographical distances involved.

In the late 1870s, along with the development of the telegraph network, China and Japan started establishing foreign legations. However, even this did not guarantee smooth and prompt communication between central governments and representatives overseas. Rather, legations caused a different type of confusion in their foreign policy-making. For these reasons, this dissertation intends to reveal the dynamic transformation of geography in the foreign policy-making through investigating major disputes in China and Japan's foreign relations.

Second, the officials' viewpoint on *zhongwai jiaoshe* and *gaikoku kōsai* should be investigated with consideration of concrete, local political situations. Previous studies have tended to assume that contemporary intellectual and philosophical understandings of foreign situations, including those of the law of nations, were reflected in actual foreign affairs. However,

conventional values and institutions underwent transformed dramatically in China and Japan during the turbulent 1860s and 1870s. Practical and on-the-spot foreign negotiations paradoxically affected the practitioners' philosophical choice of viewpoint on the *zhongwai jiaoshe* and *gaikoku kōsai.* This was also deeply related to China and Japan's respective understanding of Westerners and Western powers, as well as the law of nations.

After the Second Opium War, Chinese officials began an ill-fated effort in foreign relations in order to manoeuvre Westerners through the *jiaoshe* (negotiation). After the revival of the conservative faction and the relative decline of Prince Gong's influence, cooperation with high-ranking local officials such as Zeng Guofan and Li Hongzhang was conducted by Prince Gong's group, which affected not only foreign policy-making but also the practitioners' understanding of foreign relations. In Japan, the dispute between supporters of *kaikoku* and the anti-foreigner faction meant that the search to find a concrete position between these two extremes became a critical issue. Although *kōsai* and the law of nations were entirely accepted at the beginning of the Meiji restoration, Meiji Japan's understanding and handling of foreign relations were only gradually transformed through a process of trial and error. Practitioners gradually developed a more systematic and strategic approach to pursuing the state's goals by using *kōsai,* influencing the conduct of actual foreign affairs.

Previous research into the history of international law, the 'standard of civilisation', and international political philosophy has focused on Chinese and Japanese philosophers and intellectuals who accepted the law of nations based on their own understanding. However, since they were not practitioners in their governments nor hugely involved in foreign policy-making, their political impact on foreign policy-making was not as important as their longer-term philosophical impact.[65] This dissertation instead concentrates on the impact of practitioners on actual foreign policy-making rather than on the philosophical and intellectual elements.

Third, three points necessitate a comparative historical approach between China and Japan in this dissertation. Firstly, this dissertation compares China and Japan's foreign policy-making rather than investigating the history of China-Japan relations. In particular, in the 1860s, the issues that occurred in relation to the Western powers were central in both China and Japan's foreign relations, while the direct relationship between China and Japan only started to constitute a major issue

[65] See the introduction of Chapter 6 for the history of international law and international political philosophy.

after the 1870s. Either way, this dissertation is not intended to concentrate on China and Japan's bilateral disputes with specific countries but rather on the evolution of the foreign policy-making process. In this context, critical issues for both China and Japan occurred in relations with a variety of countries including Britain, France, Russia, and the US.

Secondly, in order to create an internal comparison of China and Japan's foreign policy-making, China and Japan's primary documents are taken as the main historical sources. Reconstruction of concrete political processes are created strictly on the basis of these sources. Although increasing numbers of researchers have adopted a multi-archival approach to the study of international history in recent years, this approach does not fit this dissertation that intends to internally understand the mechanism of East Asian foreign relations. Chapter 6 is the one exception; it uses a variety of documents from the Western world in order to investigate how the transformations of China and Japan's foreign policy-making affected Western diplomacy.[66]

Thirdly, comparison between China and Japan will reveal to some extent the interaction or 'co-produced relationship' between East Asian foreign relations and the Western 'diplomacy' .This part will be treated especially in Chapters 5 and 6. Chapter 5 will deal in part with the transformation of British diplomacy towards East Asia during the expansion of telegraphy networks. Chapter 6 will describe the organisational development of the British Foreign Office as well as the relationship between Western international lawyers and East Asian practitioners. Still, the main purpose of this research will be the transformation of China and Japan's foreign policy-making.

These three analytical viewpoints answer the problems raised by the five research trends in the previous studies. While it is self-evident that the first four research trends can be included in these analytical viewpoints, the last trend, the culture of diplomacy, presents an issue.

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[66] Fukuoka Mariko, 'Puroisen Higashi Ajia Ensei to Nihon Chūgoku' [The Prussian Expedition to East Asia and China and Japan] in Shiode Hiroyuki ed., *Kōron to Kōsai no Higashi Ajia Kindai* [The Public Discussion and Intercourse in Modern East Asia], Tokyo: Tōkyō Daigaku Shuppankai, 2016, compares China and Japan's foreign policy-making by investigating their respective treaty negotiations with Prussia. However, her research is not a fair comparison between China and Japan. Conditions were not equal at that time; although the Zongli Yamen had not been established yet in China, Japan already had the Kuze-Andō government. Furthermore, she only relies on Western documents for the China part, she mainly uses Japanese papers for the Japan part. In order to avoid an unfair comparison, this dissertation will set a certain length of the period (the 1860s and 1870s) and will rely on both Chinese and Japanese primary documents in order to compare the transformations of their foreign policy-making.

As detailed above, the definition of ‘culture’ varied among previous studies. While Auslin regarded ‘culture’ a shared specific way of thinking among practitioners at that time, others used ‘culture’ in order to shed light on aspects overlooked by many of diplomatic historians, such as diplomatic rituals and customs. While this dissertation will also deal with the ‘culture’ of foreign relations in the latter meaning in some places (for example, the issue of imperial audiences in Chapter 4), the key concepts—*jiaoshe*, *kōsai*, and ‘diplomacy’—and the above-mentioned analytical viewpoints are closer to ‘culture’ in the former meaning. In both senses, this dissertation is intended to contribute to the recent research trend of the ‘culture of diplomacy’.

This dissertation consists of six chapters as follows. Chapters 1 and 3 deal with China, Chapters 2 and 4 deal with Japan, and Chapters 5 and 6 simultaneously handle both China and Japan based on specific topics.

Chapter 1: Revisiting the Zongli Yamen: The Struggle for *Zhongwai Jiaoshe*, 1861–1865, discusses Qing China’s foreign policy-making after the establishment of the Zongli Yamen and the start of formal foreign relations with the West by examining the relationships between Prince Gong's group and high-ranking local officials.

Chapter 2: Reconsidering the *Gaikoku-gata*: The Confusion of Bakufu’s Foreign Policy-making, 1858-1867, explores the dynamic interactions within the Bakufu and its relations with the imperial court as a key determinant of Bakufu’s foreign policy-making after the establishment of the *gaikoku-gata* and the start of formal foreign relations with the West.

Chapter 3: The Search for Equilibrium in the *Zhongwai Jiaoshe*: Beijing, Tianjin, and other local officials, 1866–1873, illustrates the transformation of Qing China’s foreign policy-making, from the Zongli Yamen’s inclusion of high-ranking local officials to the Tianjin Massacre and to Li Hongzhang’s appointment as northern superintendent.

Chapter 4: Between *Kōsai* and *Gaikō*: The Drastic Change of Japanese Foreign Policy-making, 1868-1873, analyses the Meiji government, which inherited the running of foreign relations from the Bakufu after the Meiji restoration and engaged in a process of trial and error in order to seek

smoother relations with foreign powers.

Chapter 5: Telegraphy and Foreign Legations: China, Japan, and the Construction of Governmental Foreign Networks, 1873–1881, compares the respective transformations of Chinese and Japanese foreign policy-making processes, particularly concentrating on the fact that both countries introduced telegraphy networks as they established permanent foreign legations.

Chapter 6: The 'Establishment' of the 'Standard of Civilisation': China, Japan, and Western International Lawyers, 1873–1881, compares China and Japan's actions towards the process of the establishment of the 'standard of civilisation' by focusing on mutual interactions between East Asian diplomats and Western international lawyers.

The Conclusion summarises the above discussions and presents further prospects and remaining problems.

Lastly, a note on why the author chose 1858 and 1881 as the beginning and end dates of the dissertation.

The Bakufu established the *gaikoku-gata*, the first permanent organisation that especially dealt with foreign relations in Bakumatsu Japan, in 1858, just around the time of the conclusion of the Ansei treaties. Since the Zongli Yamen, the first permanent organisation that especially deal with the foreign relations in Qing China, was established in 1861, just after the end of the second opium war, the China section begins in 1861. In addition to these events, the terms *jiaoshe* and *kōsai* are present in primary documents of this period.

There are four reasons for using 1881 as an end date. First, as shown in Chapter 5, differences in approach to foreign relations that emerged from China and Japan's initial struggles to construct official foreign networks are quite evident by the late 1870s, especially when Zeng Jize concluded the Treaty of St. Petersburg in 1881. Second, as described in Chapter 6, China and Japan's contrasting attitudes towards Western international lawyers could also be seen through the late 1870s. This became especially apparent with the establishment of the 'standard of civilisation' at the Association for the Reform and Codification of Law of Nations in 1881. Third, the emergence of the Korea issue in the 1880s introduced a different type of complexity into relations between

Qing China and Meiji Japan. Analysis of this complex conflict would make a comparative history of China and Japan's foreign policy-making as a whole difficult to conduct in practice. Fourth, probably owing to the result of the transformation of East Asian foreign relations, the word *kōsai* became less popular in the 1880s, and the word *gaikō* can be seen more in the Japanese diplomatic papers.

Chapter 1
Revisiting the Zongli Yamen: The Struggle for the *Zhongwai Jiaoshe*, 1861-1866

1. Introduction

The Zongli Yamen's handling of foreign relations has been, without a doubt, one of the most important issues in the study of modern Chinese history. Although historians debate the historical role of the Zongli Yamen, previous studies have not successfully described the ways in which the Zongli Yamen understood and managed foreign relations in the two decades after its establishment.

Many non-Chinese historians have studied the Zongli Yamen as a modernising force in Chinese society at that time and example of 'Western impact'. These historians paid great attention to the Zongli Yamen's leading role in adopting Western technology and knowledge in the military, financial, academic, and international legal spheres. Although its reforms were limited in comparison to Meiji reforms, many historians have generally assessed the Zongli Yamen's role as a positive one in the transformative period from the Chinese world order to the treaty system.[1]

On the other hand, Chinese scholarship tends to view the Zongli Yamen negatively. After its defeat in the Second Opium War, Qing China was half-colonised. Accordingly, the Zongli Yamen has been held up as a symbol of collaboration with the Western powers, or even the voice of Western imperialism, since it functioned as a vessel for the acceptance of Western influence in the military, financial, academic, and international legal spheres. In the last two decades, a large amount of research has been conducted on the Zongli Yamen in Chinese academia. Some Chinese

[1] For example, Richard S. Horowitz, 'Central Power and State Making: The Zongli Yamen and Self-Strengthening in China, 1860-1880', PhD Dissertation, Harvard University, 1998; Ting-yee Kuo, 'Self-strengthening: The Pursuit of Western Technology', John K. Fairbank ed., *The Cambridge History of China*, Vol. 10: Late Ch'ing 1800-1911, Part 1, Cambridge: Cambridge University Press, 1978; Banno Masataka, *Kindai Chūgoku Seiji Gaikōshi*; Mary C. Wright, op. cit.; Masataka Banno, op. cit,; Immanuel C. Y. Hsü, op.cit., and others.

researchers consider these works to be 'redundant', as 'not only their viewpoints and ideas but also even their conclusions are similar'.[2]

These two research trends, despite being seemingly opposed to each other on the surface, are, both based on almost the same understanding of the historical record. That is to say both groups have regarded the Zongli Yamen as the key office that led the 'strengthening movement', and which tried to integrate Western knowledge and technology into Chinese society under the international circumstances of what is called the 'cooperative policy' after the Second Opium War. These two research trends disagree in theoretical and ideological viewpoints about whether these historical facts should be assessed in a positive way or negative way.

Also, while a certain amount of excellent research has been conducted on Robert Hart and the Chinese customs,[3] this type of research may have led to an overemphasis on the importance of these entities, thereby downplaying the role of the Zongli Yamen itself. Moreover, due to a recent trend in which many scholars have focused on topics that are popular in global history studies before the late nineteenth century, the Zongli Yamen, compared to the amount of in-depth studies of Ground Council,[4] is not currently widely studied, especially in English-speaking academia.

However, this fact should not imply that there is little of importance in previous research. In particular, Banno Masataka not only wrote in detail about the establishment of the Zongli Yamen but also tried to reveal Qing Chinese officials' views on treaties with Western countries during the Tongzhi period.[5] Several recent works have also shed new light on the Zongli Yamen. Most importantly, there has been greater stress on changes in the administrative and institutional spheres.

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[2] Zhong Yihu, 'jindai zhiguan zhidu zongli yamen yanjiu zongshu' [A summary of the Research on the Zongli Yamen as a modern administrative organisation], *Shenyang Gongcheng Xueyuan Xueba (Shehui Kexue ban)* [Journal of Shenyang Insitute of Engineering (Social Sciences)], Vol. 4, No. 1, 2008, p. 41; Tan Shuya, 'jin shinian lai youguan zongli yamen yanjiu zongshu' [A Summary of the Research on the Zongli Yamen in the Past Ten Years], *Xinzhou Shifan Xueyuan Xuebao* [Journal of Xinzhou Teachers University], Vol 33, No. 4, 2017, p. 74.

[3] For example, the papers in the *Modern Asian Studies* Vol. 40, No. 3 (2006), especially Richard S. Horowitz, 'Politics, Power and the Chinese Maritime Customs: The Qing Restoration and the Ascent of Robert Hart'; Kathrine Bruner et al eds., *Entering China's Service: Robert Hart's Journals, 1854-1863*, Cambridge MA: Harvard University Press, 1986; Stanley F. Wright, *Hart and the Chinese Customs*, Belfast: W. Mullan, 1950; Hans van de Ven, *Breaking with the Past: The Maritime Customs Service and the Global Origins of Modernity in China*, New York: Columbia University Press, 2014, reconsiders Hart and the Chinese customs.

[4] For example, Beatrice S. Bartlett, *Monarchs and Ministers: The Ground Council of Mid-Ch'ing China, 1723-1820*, Berkeley and Los Angeles, CA: University of California Press, 1991

[5] Banno Masataka, 'Dōchi Nenkan no Jōyaku Rongi' [The Discussion on the Treaties during the Tongzhi Period], *Kindai Chūgoku Gaikōshi Kenkyū* [The Study of Modern Chinese Diplomatic History], Tokyo: Iwanami Shoten, 1970

For example, Jennifer Rudolph has studied the Zongli Yamen within the context of the wider Qing institutional transformation, emphasising the 'negotiated' nature of interactions between the multi-level and central-provincial officials, which was supervised by the Zongli Yamen.[6] Furthermore, Li Wenjie has presented a detailed picture of the bureaucracy and personnel of the Zongli Yamen, foreign legations, and the subsequent Waiwu Bu, using a wide range of documents.[7] These researchers have attempted to overcome the weakness of past scholarship, which mainly pointed to the decentralised, insufficient, or incompletely modernised nature of the Zongli Yamen.[8] On the other hand, Hayamaru Kazumawa criticises the view of the Zongli Yamen as a modern foreign office, and reconsiders the institutional positions of the Zongli Yamen and the superintendents from the viewpoint of the traditional Qing political regime.[9]

The revival of interest in the Zongli Yamen has both advantages and drawbacks. There is a high probability that conclusions the researchers reached, that the Zongli Yamen's administration was apolitical, unified, and working well, was due to their dependence on public administrative documents. Although the administration was ostensibly neutral, the reality of nineteenth-century Qing China did not allow for neutrality. Prince Gong and his followers, who were the founders of the Zongli Yamen and seized central power through a coup shortly after the Second Opium War, needed to manage foreign relations skilfully in order to survive struggles in the Qing political regime. Their handling of foreign relations had a highly political motivations, and this fact should not be downplayed. Its 'negotiated' nature was not limited to purely administrative negotiations between officials in the government; the 'negotiation' (*jiaoshe*) was in fact attempted with almost all counterparts of the Zongli Yamen, including the Ground Council, viceroys, superintendents in the northern and southern ports, and, in particular, foreign ministers of the Western powers.

In addition to this, many previous studies have tended to separately focus on major issues regarding foreign affairs in this period such as the Taiping rebellion, the Lay-Osborn Flotilla, anti-

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[6] Jennifer Rudolph, *Negotiated Power in Late Imperial China: The Zongli Yamen and the Politics of Reform*, Ithaca NY: Cornell University Press, 2008

[7] Li Wenjie, *Zhongguo jindai waijiaoguan qunti de xingcheng* [The Emergence of the Modern Chinese Diplomats Group], Beijing; shenghuo, dushu, xinzhi sanlian shudian, 2017

[8] For Example, S. M. Meng, op.cit.; Wu Fuhuan, *Qingji zongli yamen yanjiu* [Research on the Zongli Yamen in the late Qing period], Taipei: Wenjin Chubanshe, 1995

[9] Hayamaru Kazumasa, '1860 Nendai Shotō ni okeru Tenchō no Teisei to Gaisei Kikō no Hendō' [The Traditional Qing Regime and the Transformation of Foreign Office in the Early 1860s], *Kokusai Seiji* [International Politics], Vol. 197, 2019

Christian matters, Russian encroachments, and others.[10] However, this approach has not sufficiently investigated the Zongli Yamen's overall style and management of foreign relations. To overcome this problem, this chapter sheds new light on these aspects by dealing with major foreign disputes in this period and finds the key moments that fundamentally transformed foreign policy-making as a whole, rather than emphasising the discovery of detailed historical facts in individual cases.

As they focus primarily on the internal logic and dynamism of the transformation of Qing China's foreign relations, public and primary sources Chinese sources will be predominantly used in this chapter. Even public documents should be systematically and internally reinterpreted to shed new light on the underlying trends and changes in the foreign policy-making process.[11]

2. The Context of the Establishment of the Zongli Yamen

Previous studies have scrutinised negotiations between Qing China and Western representatives during the Second Opium War. Following the arrival of British and French representatives and military forces in Tianjin, Chinese representatives Guiliang and Hua Shana persuaded the Qing government to accept British and French requests for talks as a temporary escape from battle. As a result, they concluded the Treaty of Tianjin in 1858, which allowed the residence of foreign envoys in the capital; the opening of more ports, including Shanghai and others in the lower Yangtze Valley; the right of travel to Chinese interior territories; and admittance of Christian missionary activity. However, Emperor Xianfeng and the large pro-war faction did not want these articles to be included in the treaty, especially the one concerning the residence of envoys in Beijing. The Emperor

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[10] This can be clearly seen in how *The Cambridge History of China* (Volume 10: Late Ch'ing 1800-1911, Part 1) set their chapters [5. The Creation of the Treaty System, 6. The Taiping Rebellion, 7. Sino-Russian Relations, 1800-62, 8. The Heyday of the Ch'ing Order in Mongolia, Sinkiang and Tibet, 9. The Ch'ing Restoration, 10. Self-strengthening: the Pursuit of Western Technology, 11. Christian missions and their impact to 1900].

[11] Such reinterpretation is necessary because, due to the continuity of the governmental organisation in Qing China, few private letters remain until nowadays compared to Japan, which experienced the collapse and the establishment of the government during the Meiji restoration. In Japan, owing to the scrap and build of state apparatus around the Meiji restoration in 1868, private letters were widely used instead of public administrative documents.

sent an order to Tianjin that only permitted visits by the envoys instead of their residence, but the treaty had already been signed three days prior.[12]

However, in the process of ratification in 1859, military conflict occurred again between Qing China and British and French navies, which eventually led in 1860 to the marching of the British and French forces from Tianjin to Beijing. Emperor Xianfeng fled to Jehol, leaving Beijing to Prince Gong. Now appointed as a 'minister of foreign affairs' (總理各國事務大臣*; zongli geguo shiwu dachen*), Prince Gong, together with Wenxiang, Guiliang, and others, dealt with the negotiations with Britain and France, and finally succeeded in concluding the Convention of Peking in 1860. In the process of the peace treaty negotiation, Prince Gong and others asked Russian envoy Nicolai Ignatieff to mediate, in exchange for ceding parts of Outer Manchuria to Russia. This process led to the unification of Western (British, French, and US) affairs with those of Russian (which had been under the jurisdiction of the Ministry of Rites) under the general leadership of Prince Gong.[13]

In a cooperative and peaceful atmosphere just after the conclusion of the treaty, Prince Gong's group (which included Prince Gong, Wenxiang, and Guiliang, who in many cases submitted memorials together under their joint names[14]) began to think about military cooperation with Russia against the Taiping rebels, despite Russia's frequent encroachment on the northern border. However, there was a danger that the Russians would take advantage of military cooperation to pursue their own interests. Prince Gong himself knew little about the military situation. He therefore asked for the opinions of high-ranking local officials along the Yangtze River who were in charge of the battle against Taiping rebels, including Zeng Guofan (Viceroy of Lianjiang) and Xue Huan (Governor of Jiansu, and Superintendent of the five ports based in Shanghai).[15] Both Xue

[12] In terms of this process, See for example, Immanuel C. Y. Hsü , op.cit., pp. 21-70; Masataka Banno, op.cit., pp. 10-92

[13] In terms of this process, See for example, Masataka Banno, op.cit. pp. 93-201

[14] According to the record in 1873 written by the Japanese minister of foreign affairs Soejima Taneomi, Prince Gong, as a member of the Qing imperial family, was not familiar with the actual foreign affairs. He therefore had nominal power in the negotiations. As he [Prince Gong] could not speak eloquently in the negotiation, Wenxiang played a leading role in the Chinese foreign affairs behind the scene. (Soejima Taneomi, 'Shishin Nikki' [Diaries in Qing] in Gaimushō ed, *Dai Nihon Gaikō Monjo* [The Diplomatic Papers of Japan; hereafter DNGM], Vol. 6, Tokyo: Nihon Kokusai Kyōkai, 1939, p. 153 (26 May, 1873). However, the internal relations within the Prince Gong's group is quite unclear owing to the lack of Chinese primary sources.

[15] Zhonghua Shuju ed, *Choubian yiyu shimo: Xianfeng chao* [The Management of Foreign Affairs during the Reign of Emperor Xianfeng], Beijing, Zhonghua Shuju, 1979 [hereafter CYSX], Vol. 69, No. 2674-2676, 23 November, 1860; No. 2683

Huan and Zeng Guofan support military cooperation with Russia, not only for military reasons but also to contain British advances.[16]

At this stage, besides cooperations with Russia, Prince Gong's group's primary concern was the arbitrary choice decision of various high-ranking local officials to collaborate with Western powers. For example, during the Second Opium War, Xue Huan received British and French military assistance to defend Shanghai against the Taiping rebels, despite the Qing government's fight against these two Western powers in North China at the same time. Prince Gong's group was ill-informed about this foreign assistance and only became aware of it during a subsequent interview with the British minister to Beijing. Prince Gong's group believed that it could only deal with this matter properly if it was better informed by Xue Huan.[17] Recent Russian territorial encroachments in the northern frontier had also been concealed by the Qing generals there, which caused similar problems for Prince Gong's group.[18]

Against this political background, Prince Gong suggested establishing the Zongli Yamen. In his proposal, Prince Gong's group argued that, in the present circumstances, China should first deal with the Taiping rebellion, then with Russia, and lastly with Britain. As for tactics, Prince Gong's group argued that China should 'ostensibly maintain a friendly relationship while secretly manoeuvring the foreign powers [外敦信睦，而隱示羈縻]' while holding to the treaties, in order not to allow any further Western incursions.[19] With this in mind, they submitted a draft charter on a new order of Chinese foreign relations.

The main points of the charter were as follows. First of all, the Zongli Yamen (總理各國事務衙門; *zongli geguo shiwu yamen* [The office of charging foreign affairs]) was to be established in to deal with Western envoys resided in Beijing. The Zongli Yamen, led by Zongli Yamen ministers (who were to be members of the Ground Council and be supported by their own organisation and by officials from the Ground Council), was to be responsible for all foreign affairs, including interviews with the Western envoys.

Secondly, Gong proposed the appointment of a superintendent of the three ports (later the superintendent of the northern ports) and a superintendent of the five ports (later the superintendent

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[16] CYSX, Vol. 71, No. 2726; CYSX, Vol. 71, No. 2734

[17] CYSX, Vol. 59, No. 2244; Vol. 70, No. 2693

[18] CYSX, Vol. 71, No. 2742

[19] CYSX, Vol. 71, No. 2740

of the southern ports. While the latter already existed in Shanghai, the former was to be newly created in Tianjin with responsibility for overseeing open ports in North China. These superintendents were to report all matters to the Zongli Yamen at all times. Moreover, the draft added, the generals on the northern frontier also needed to honestly report on a monthly basis on matters of *zhongwai jiaoshe* to the Zongli Yamen.

Third, northern and southern superintendents were to direct local officials' implementation of tariffs. Fourth, high-ranking local officials and generals would be able to share information about foreign affairs, while reporting all relevant information to Beijing. Finally, ministers referred to the need for training translators of Western languages.[20]

Whether the idea was 'modern' or not, it is clear Prince Gong's group was attempting to establish systematic order, led by a central organisation within the government in Beijing, for the purpose of coping with post-war international circumstances. This system was intended to not only deal with maritime powers such as Britain and France but also land-based Russia. Prior to the second Opium War, the Western powers firstly had to go to Guangzhou, next to Shanghai, and finally to Beijing for negotiating with the Qing; the establishment of the Zongli Yamen was therefore entirely welcomed by the Western powers.[21]

However, this idea of centralising control over foreign relations faced difficulties from its inception, since the Xianfeng emperor and the hard-line faction were still in Jehol. This conservative faction was reluctant to accept any form of foreign relations with Western powers and therefore only partially accepted the idea of Prince Gong's group. For example, the emperor agreed to establish the Zongli Yamen, but deemed that its formal name should be '*zongli geguo tongshan shiwu yamen* [總理各國通商事務衙門; The office of foreign trade matters]', which meant that only foreign 'trade' matters would be under the Zongli Yamen. Also, the emperor decreed memorials regarding foreign trade and letters from foreign countries were still to be submitted first to the Ministry of Rites and only subsequently transmitted to the Zongli Yamen.[22] This meant that the Zongli Yamen would not be established as a central and independent organisation, as envisioned by Prince Gong's group, but as a more subordinate one. Prince Gong's group protested this

[20] CYSX, Vol. 71, No. 2742

[21] CYSX, Vol. 71, No. 2745

[22] CYSX, Vol. 72, No. 2755

decision, but to no avail.[23]

Owing to the power of the conservative group in the Qing government, Prince Gong's group was obliged to choose a careful and compromising manner when expressing its ideas. A clear example of this was, as stated above, Prince Gong's group used the phrase 'ostensibly maintain a friendly relationship while secretly manoeuvring foreign powers' in its suggestion to establish the Zongli Yamen. One can read this phrase in two ways; as a sign of friendship with Western powers, or as a slogan to continue resisting the foreigners.

In addition, when Prince Gong's group suggested Chonghou as the superintendent in Tianjin, the group explained the reason in an indirect and euphemistic manner as follows.[24] The superintendent in Tianjin was a vital position, since, if Tianjin was able to deal with foreign affairs competently, foreign representatives would have nothing to do in Beijing. Thus, although foreign representatives intended to stay in Beijing, the hope was they would soon see their residence in the capitol pointless. At the time, Henqi and Chonghou were temporarily working in Tianjin. Henqi was especially skilled at manipulating Westerners. However, after British minister Frederick Bruce came to Beijing, then Beijing itself needed someone with this skill to match. Therefore, Henqi should come to Beijing while (the less talented) Chonghou should remain located in Tianjin. If necessary, officials in Beijing and Tianjin could come and go between the two places. It is evident the true goal of Prince Gong's group was to make Beijing the centre of foreign relations, although it appeared in the document that Prince Gong's group was sought the redirection of foreigners away from Beijing.[25]

The establishment of the Zongli Yamen was a critical turning point in Chinese foreign relations. Prince Gong's group began frequent usage of the new phrase *zhongwai jiaoshe* [中外交涉; Sino-foreign countries negotiation'] in their public documents, such as their proposal for the Zongli Yamen. The term *zhongwai jiaoshe* was closely associated with Prince Gong's attempt to

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[23] CYSX, Vol. 72, No. 2768

[24] The author almost literally translated the Chinese memorial below in order to accurately show their logic here.

[25] CYSX, Vol. 71, No. 2744. Banno takes the first part of this sentence seriously and argues that the Qing tried to maintain the existing order by placing Tianjin as a barricade (for example, Masataka Banno, op.cit., p. 234). On the other hand, Hayamaru criticises Banno by considering that this sentence was intended for strengthening the function of Tianjin (Hayamaru Kazumasa, op. cit., p. 13). However, as described above, it is clear that this sentence as a whole was primarily intended for the allocation of Henqi and Chonghou between Beijing and Tianjin. It seems that both Banno and Hayamaru were influenced by the rhetoric in the first part of this sentence.

construct a centralised foreign policy-making in this period. Use of the new phrase implied *zhongwai jiaoshe* led by Prince Gong's group would have its own style and characteristics, distinct from both the traditional China-centric world order and nineteenth-century Western international order.

3. Between Beijing and lower Yangtze valley: 'Borrowing of Foreign Troops' (*jieshi zhujiao*) and the rise of Li Hongzhang in Shanghai, 1860-1866

After the establishing the Zongli Yamen, Prince Gong's group began implementing its vision of the *zhongwai jiaoshe*. In its first year, 1861, that Prince Gong's group's *zhongwai jiaoshe* appears to have worked relatively well. British and French troops withdrew, Robert Hart was appointed Inspector-General of Chinese Maritime Customs Service, and other tasks were conducted without serious complications.[26]Along with establishing leadership over *zhongwai jiaoshe*, Prince Gong's group also established domestic control during. After the death of Emperor Xianfeng in August 1861, the Empress Dowager Cixi and Prince Gong's group led the Xinyou Coup in October and November, excluding the late emperor's hard-line supporters.[27] Despite insufficient organisation of the Zongli Yamen, the coup gave Prince Gong's group substantial control over all of Chinese *zhongwai jiaoshe*, by concurrently working as ministers in the Ground Council and in the Zongli Yamen.

Prince Gong's group capitalised on his enhanced political stature to begin implementing its vision of the *zhongwai jiaoshe*. The most important testing ground was the lower Yangtze valley, especially Shanghai. Shanghai had long been a centre of Chinese foreign trade, where many Westerners had commercial interests. Furthermore, in the early 1860s, Shanghai had been attacked by the Taiping rebels, and thus military defence of Shanghai was essential. The issue for the Zongli Yamen was whether the superintendent in Shanghai (as well as the Shanghai Daotai) would be able to manage foreign relations in line with the Zongli Yamen's instructions, or whether the high-ranking local officials (who could not be ignored due to their military strength) and unreliable

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[26] For example, CYSX, Vol. 77, No. 2913, 2914; CYSX, Vol. 74, No. 2823-2825; CYSX, Vol. 74, No. 2942-2944

[27] On the Xinyou Coup in English, see Kwang-Ching Liu, 'The Ch'ing Restoration', John K. Fairbank ed., op.cit., pp. 418-422

communication between Beijing and Shanghai would prevent Prince Gong's group's from exercising leadership.

Prince Gong's group had two primarily and inter-related difficulties between Western ministers and high-ranking local officials after the latter half of 1861: taxation system in the Yangtze valley, and the management of the 'borrowing of foreign troops' (*jieshi zhujiao*; 借師助剿). The first problem was the taxation system in the Yangtze valley. To implement the convention of trade along the Yangtze river, Xue Huan in Shanghai and the British diplomat Harry Parkes concluded an agreement stipulating foreign merchants entering the Yangtze river should pay import and export duties [進出口税] in Shanghai, and did not need to pay transit duties [子口税] at inner ports along the Yangtze river. However, some high-ranking local officials who controlled the area facing the Yangtze river inland from Shanghai opposed this taxation system. In particular, Guanwen (Viceroy of Huguang) argued that this system would invalidate transit duties as well as allowing traders' disobedience because of a lack of control over the inner ports along the Yangtze River.[28] Zeng Guofan (Viceroy of Lianjiang) supported Guanwen, because he also thought such measures would 'affect the collecting of military budgets'. Zeng Guofan even sent a private letter to Guanwen, writing 'if Prince Gong would not like to handle this matter, I would like to ask you to do so'.[29]

British and French ministers protested the inclusion of high-ranking local officials in the *zhongwai jiaoshe* and stated they would like to discuss the matter solely with Prince Gong's group in Beijing. Although members of Prince Gong's group were not familiar with taxation, Prince Gong's group, Hart, and the Western ministers essentially agreed to the original idea of the taxation system in the Yangtze river. This idea was also practical considering the situation that the Qing did not substantially control the entire Yangtze valley due to the Taiping rebels.[30]

Hart subsequently travelled to the Yangtze valley and met with Guanwen. Although Guanwen accepted Hart's taxation rules, Guanwen was still opposed to the Shanghai-centred taxation system, stating foreign vessels could reach the sea without stopping at Shanghai.[31] Zeng

[28] Zhonghua shuju editorial department and Li Shuyuan eds, *Chouban yiyu shimo: Tongzhi chao* [The Management of Foreign Affairs during the Reign of Emperor Tongzhi], Beijing, Zhonghua Shuju, 2008 [hereafter CYST], Vol. 2, No. 30

[29] Zeng Guofan to Guanwen, 5 November, 1861, Tang Haoming ed, Zeng *Guofan quanji* [Complete Works of Zeng Guofan] (Rev. 2nd) , Changsha: Yuelu shushe, 2011 [hereafter ZGQ], Vol. 24

[30] CYST, Vol. 2, No. 39-47

[31] CYST, Vol. 3, No. 110

Guofan also continued to claim the transit tax should be paid in Hankou, not Shanghai. He lamented discrimination against other area while Wu Xu (The Shanghai Daotai) and Westerners controlled taxation. Moreover, Zeng Guofan pointed out that 'since last winter Xue Huan received direction from Prince Gong about important matters and has delegated trivial matters to Wu Xu, there seemed to be nothing between them'. Zeng Guofan even criticised Prince Gong, stating he had introduced the taxation system in line with British demand.[32] Mao Hongbin (Governor of Hunan) supported Zeng Guofan's idea and suggested in his memorial that Zeng Guofan should be responsible for all ports along the Yangtze River.[33] Despite this criticism from the non-Shanghai high-ranking local officials, Prince Gong's group implemented the original taxation framework itself, while admitting that they were not familiar with the situation because the Yangtze river is quite distant from Beijing.[34]

While the taxation system remained unsolved, the above-mentioned second problem, 'borrowing of foreign troops' (*jieshi zhujiao*), became a serious matter. Taiping rebels occupied Ningbo, Hangzhou, and marched to Shanghai. (The possibility of *jieshi zhujiao* had already been debated even before the establishment of the Zongli Yamen, especially in relations with Russia; at this moment, however, the main counterparts were assumed to be Britain and France, with the intention of manipulating powers through borrowing their troops[35]). Accepting direct lobbying by Shanghai's local leaders in Beijing,[36] and the demand from Xue Huan,[37] Prince Gong's group admitted the necessity for *jieshi zhujiao,* asserting that China could 'put the foreign powers in a cage' [牢籠之計] by doing so.[38] Prior to the adoption of Beijing's new principle of *jieshi zhujiao,*

[32] Zeng Guofan to Mao Hongbin, 12 January, 1862 [No. 940], 12 January, 1862 [No. 941], ZGQ, Vol. 24; Zeng Guofan to Mao Hongbin, 24 February, 1862, ZGQ, Vol. 25. However, to the extent that the author has checked the related documents, including Wu Xu's papers, there is no evidence that proves direct communication between Prince Gong and Wu Xu. The line must, therefore, have been, at the very least, a formal and administrative communication line of central-local relations, that is, Prince Gong's group - Xue Huan - Wu Xu. (Taiping tianguo lishi bowuguan ed. *Wu Xu dangan xuanbian* [Selected papers of Wu Xu], Vol. 1-7, Nanjing: Jiangsu renmin chubanshe, 1983-1984)

[33] CYST, Vol. 3, No. 117

[34] CYST, Vol. 5, No. 156

[35] CYSX, Vol. 71, No. 2755; CYSX, Vol. 71, No. 2757

[36] In regards to this process, See for example, Ono Shinji, 'Rikōshō no Tōjō: Waigun no Seiritsu wo megutte' [The Rise of Li Hongzhang: regarding the Establishment of the Huai Army], *Tōyōshi Kenkyū* [The Journal of Oriental Researches], Vol. 16, No. 2, 1957, pp. 111-113

[37] CYST, Vol. 4, No. 95

[38] CYST, Vol. 5, No. 140

Wu Xu and Xue Huan had already achieved a certain degree of success by cooperating with the Ever Victorious Army and British and French forces to defend Shanghai.[39]

On the other hand, Zeng Guofan paid more attention to the negative aspects of *jieshi zhujiao*, although he had been in favour of it before the crisis. Zeng Guofan argued cooperation with foreign forces should only be a temporary measure and be limited to within the Shanghai area, where Western powers and China shared interests, and stated he would not allow extending the applicable area outside Shanghai, including Nanjing.[40] Furthermore, despite having asserted relations with foreigners should involve 'not showing our true intention and perfunctorily dealing with them' [虚与委蛇] one year previously,[41] Zeng Guofan now changed his attitude and emphasised 'faith' in military relations with the Western forces.[42] As one of the main leaders in charge of military actions against the Taiping rebels, it appears he was trying to preserve his leadership and presence in the foreign policy-making.

Nevertheless, during the Taiping Rebellion both the Zongli Yamen and Zeng Guofan needed cooperation with foreign powers to defend Shanghai. Zeng Guofan considered sending Li Hongzhang, who was a follower of Zeng Guofan and a leader of the Huai Army, to Shanghai to defend the city together alongside foreign powers. After Zeng Guofan's confirmation that Prince Gong and Xue Huan had the same idea regarding defence of the area, Li Hongzhang arrived in Shanghai in April 1862.[43]

As the new Governor of Jiansu (Xue Huan was only the superintendent in Shanghai), Li Hongzhang soon encountered a difficult problem regarding foreign relations in Shanghai. Although Xue Huan was in charge of foreign relations in Shanghai, he did not deal with foreigners directly.

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[39] CYST, Vol. 4, No. 111; CYST, Vol. 4, No. 125, 127; CYST, Vol. 5, No. 134. In terms of the process of the Taipings' attack against Shanghai and its relations with the transformation of the Shanghai superintendent position, See for example, Ueno Shōkun, '1860 nendai shotō no Chūgoku ni okeru Shanhai Kinsa Daijin Kaihen Rongi' [The Debate regarding the Reform of the Superintendent in Shanghai in the early-1860s China], *Shichō* [The Journal of History], Vol. 68, 2010.

[40] Zeng Guofan to Wu Xu, 13 January, 1862, ZGQ, Vol. 24; Zeng Guofan to Xue Huan, 13 January, 1862, ZGQ, Vol. 24; Zeng Guofan to Pan Zengwei, 24 February, 1862, ZGQ, Vol. 25; CYST, Vol. 3, No. 115; CYST, Vol. 5, No. 166; Zeng Guofan to Xue Huan, 15 March, 1862, ZGQ, Vol. 25

[41] Zeng Guofan to Hu Linyi, 20 January, 1861, ZGQ, Vol. 24

[42] Zeng Guofan to Zhou Tenghu, 15 January, 1862, ZGQ, Vol. 24; Zeng Guofan to Xue Huan, 15 March, 1862, ZGQ, Vol. 25

[43] Zeng Guofan to Zhou Tenghu, 15 January, 1862, ZGQ, Vol. 24; Zeng Guofan to Pan Zengwei, 24 February, 1862, ZGQ, Vol. 25; Zeng Guofan to Xue Huan, 24 March, 1862, ZGQ, Vol. 25; CYST, Vol. 5, No. 166-168

Wu Xu who dealt with foreign representatives in Shanghai, but his dealing with Westerners was marked by corruption and obsequiousness.[44]

Xue Huan was unable to maintain his leadership over taxation and *jieshi zhujiao* matters. He was caught between the Prince Gong - (Xue Huan) - Wu Xu line and the group lead by high-ranking local officials' group (Zeng Guofan, Guanwen, Mao Hongbin, and others). Xue Huan thus wrote to Beijing advising the government to abolish his current post, the superintendent of the five ports in Shanghai, for three reasons. First, the jurisdiction of the superintendent reached over ten open ports in six provinces; this was geographically too large for him to manage. Second, after conclusion of the Convention of Beijing, Western ministers ignored Shanghai and negotiated directly with Beijing. Third, high-ranking local officials were more familiar than him with the specific situation regarding the *zhongwai jiaoshe,* especially the taxation system in their own provinces. Xue Huan suggested that the high-ranking local officials who were close to the open ports should control the *zhongwai jiaoshe,* including the taxation in each province under their authority. Xue Huan also noted high-ranking local officials, such as Zeng Guofan and Guanwen, would clearly prefer this scheme.[45]

Zeng Guofan, however, presented his own plan. To solve the problem of geographical distance, he proposed to limit the superintendent's authority to only open ports along the Yangtze valley, thereby excluding other open ports along the coast (in these ports high-ranking local officials should deal with the *zhongwai jiaoshe*).[46] Prince Gong's group submitted a compromise suggestion in light of the opinions of high-ranking local officials. Their idea was to place *zhongwai jiaoshe* matters along the Yangtze River and in Shanghai under the primary responsibility of the superintendent in Shanghai. Local viceroys/governors would assist with the *zhongwai jiaoshe* there. Meanwhile, the *zhongwai jiaoshe* in the coastal ports would be under the responsibility of local

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[44] Li Hongzhang to Zeng Guofan, 13 April, 1862, Gu Tinglong and Dai Yi eds, *Li Hongzhang quanji* [Complete Works of Li Hongzhang], Hefei: Anhui jiaoyu chubanshe, 2008, [hereafter LHQ] Vol. 29; Li Hongzhang to Zeng Guofan, 30 April, 1862, LHQ, Vol. 29; Li Hongzhang to Zeng Guofan, 11 May, 1862, LHQ, Vol. 29

[45] CYST, Vol. 6, No. 212, 213

[46] CYST, Vol. 7, No. 254. At the time, calling the Zongli Yamen weak-kneed, Li Hongzhang expected Zeng Guofan to control foreign relations in Shanghai. H believed Li Hongzhang would simply forward foreign matters in Shanghai to Zeng Guofan, who would deal with these matters (Li Hongzhang to Zeng Guofan, 13 April, 1862 (T1, M3, D15), LHQ, Vol. 29; Li Hongzhang to Zeng Guofan, 5 July, 1862 (T1, M6, D9), LHQ, Vol. 29).

viceroys/governors, and the superintendent would only assists with *zhongwai jiaoshe* there.[47]

In this way, conflict between the Zongli Yamen-(Xue Huan)-Wu Xu line and the high-raking local officials' group finally engendered reorganisation of the Yangtze valley *zhongwai jiaoshe* system as a whole. Nevertheless, full reorganisation was a distant prospect. The main reason for this postponement was that, following his transfer, Li Hongzhang succeeded in establishing his own political power base in Shanghai, one that excluded Wu Xu's group.[48] Western commanders in Shanghai also preferred to establish good relations with Li Hongzhang who they viewed as a substantial military leader.[49] Unlike Prince Gong and Zeng Guofan, Li Hongzhang agreed to counter the Taipings outside the Shanghai area in concert with the foreign powers after seeing the strength of Western armies and navies. As he still thought foreigners were unreliable, so hoped to avoid direct military cooperation [會剿] but preferred individual actions by both armies [分剿].[50] At the same time, following Zeng Guofan's lead, Li Hongzhang tried to maintain a relationship with Western powers along principles of honesty and respect.[51] Li Hongzhang's attitude, one neither too dependent on nor too unfriendly to the West, paradoxically led to relatively smooth relations with the West in Shanghai, especially in the military sphere.[52] Owing to these reasons, when Li Hongzhang was ordered to move to Zhenjiang, after temporarily staying in Shanghai, he tried to stay put by emphasising that 'Westerners strongly support me' and 'the people of Shanghai would not leave me'.[53]

From the viewpoint of Prince Gong's group, who acknowledged the *jieshi zhujiao* but was still worried about the harmful side-effects of using foreign troops.[54] Li Hongzhang's leadership

[47] CYST, Vol. 8, No. 277, 278

[48] Li Hongzhang to Zeng Guofan, 19 April, 1862, LHQ, Vol. 29; Li Hongzhang to Zeng Guofan, 23 April, 1862, LHQ, Vol. 29. Li Hongzhang also received partial support from Xue Huan. According to Li Hongzhang, even though Xue Huan gave foreigners neither advantages nor disadvantages, he would still be better than the 'inexperienced Manchu' (perhaps implying Prince Gong's group) who were easily controlled by Westerners (Li Hongzhang to Zeng Guofan, 14 September, 1862, LHQ, Vol. 29).

[49] Li Hongzhang to Peng Yulin, 19 April, 1862, LHQ, Vol. 29; Li Hongzhang to Zeng Guofan, 23 April, 1862, LHQ, Vol. 29; Li Hongzhang to Zeng Guofan, 3 June, 1862, LHQ, Vol. 29; Li Hongzhang to Zeng Guofan, 2 February, 1863, LHQ, Vol. 29

[50] Li Hongzhang to Zeng Guofan, 19 April, 1862, LHQ, Vol. 29

[51] Li Hongzhang to Zeng Guofan, 29 May, 1862, LHQ, Vol. 29

[52] Li Hongzhang to Zeng Guofan, 29 October, 1862, LHQ, Vol. 29

[53] Li Hongzhang to Zeng Guofan, 29 May, 1862, LHQ, Vol. 29

[54] CYST, Vol. 6, No. 205

over Shanghai was acceptable due to his successful control over the Western forces. From the viewpoint of Zeng Guofan, although he was passive towards the *jieshi zhujiao*, he was willing to accept it as long as it was led by his follower Li Hongzhang, and not by the Prince Gong-(Xue Huan)-Wu Xu clique. For the same reason, Zeng Guofan could also accept the current taxation system as long as Shanghai was controlled by his follower Li Hongzhang.[55] As Hart and Guanwen also agreed to the new taxation rules later,[56] the high-ranking local officials' group refrained from openly criticise Beijing.

As balance of power between factions found an equilibrium, contentions over the taxation system and the *jieshi zhujiao* were both settled alongside the rise of Li Hongzhang in Shanghai. Therefore, after the middle of 1862, *zhongwai jiaoshe* in Shanghai was mainly handled between the Zongli Yamen and Li Hongzhang (the high-ranking local officials' group was no longer involved). The main disputes between them in this period were the Burgevine incident and Lay-Osborn flotilla case. In these cases, the miscommunication between the Zongli Yamen in Beijing and Li Hongzhang in Shanghai intensified, and the latter even engaged in a substantial rejection of the decisions made by the Zongli Yamen and the Western ministers.

The Ever Victorious Army was a problem for Li Hongzhang, because its commander, Frederick Ward, belonged to Wu Xu's group.[57] After Ward's death, Henry Burgevine became its second commander, but he could not build trustworthy relationships with the Western commanders and foreign leaders in Shanghai.[58] Therefore, Li Hongzhang eventually decided to reorganise the Ever Victorious Army.[59] However, realising the situation, Burgevine, who had no desire to come under Chinese command and fled Shanghai with stolen money. This provided Li Hongzhang a

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[55] Ueno Shōkun, op.cit., p. 114

[56] CYST, Vol. 10, No. 368, 369

[57] Li Hongzhang to Zeng Guofan, 23 April, 1862, LHQ, Vol. 29. For more on the Ever Victorious Army, see, Richard J. Smith, *Mercenaries and Mandarins: The Ever-Victorious Army in the Nineteenth Century China*, Millwood NY, KTO Press, 1978; Song Bing-ren, 'Changshengjun yanjiu' [A Study on the Ever-victorious army], National Chengchi University, Master thesis, 1992

[58] Li Hongzhang to Wu Xu, 6 November, 1862, LHQ, Vol. 29; Li Hongzhang to Zeng Guofan, 8 November, 1862, LHQ, Vol. 29. In terms of the Burgevine incident, See for example, Xiong Qiuliang, 'Li Hongzhang yu Bai Qiiwen shijian' [Li Hongzhang and the Burgevine incident], *Anhui Shixue* [Anhui Historical Journal], 1999. 02

[59] Li Hongzhang to Zeng Guofan, 16 December, 1862, LHQ, Vol. 29; Li Hongzhang to Zeng Guofan, 22 December, 1862, LHQ, Vol. 29

perfect opportunity to establish a united military command in the Shanghai area with the permission of the Zongli Yamen, in full cooperation with Western commanders.[60]

However, the situation became complicated because Burgevine fled to Beijing and asked Western ministers there for help. Although the Zongli Yamen claimed it wished to punish him based on information from Li Hongzhang, the US minister to China Anson Burlingame argued that China had no authority to do so since Burgevine was a US citizen. In addition, the British diplomat Wade asked for special treatment in the case. Accepting these requests, Prince Gong's group eventually decided to allow Burgevine to return to the Ever Victorious Army.[61] Li Hongzhang was utterly opposed to Beijing in this matter. Since the new commander Charles Gordon was working satisfactorily, Li Hongzhang tried to reject Burgevine's return.[62] Because Li Hongzhang's military leadership in Shanghai area it was difficult to overrule his rejection. Prince Gong's group was therefore again obliged to negotiate with American and British ministers following Li Hongzhang's line, and reported its rejection of Burgevine.[63] Later, Burgevine joined the Taiping rebels, was subsequently arrested by the Qing side, and finally killed in an accident.[64]

The second major dispute in this period was over the Lay-Osborn flotilla.[65] Prince Gong's group had considered the purchase of foreign ships in order to try to defeat the Taiping rebels. Subsequently, the Inspector-General Horatio Lay negotiated with the government in Britain while he was on home leave. On his return to China, Lay argued that any such fleet should be led by a British naval officer, Sherard Osborn, and should not be under Chinese command. Prince Gong strongly objected to this idea, stating the commander must be Chinese. This matter was then

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[60] CYST, Vol. 12, No. 437; CYST, Vol. 12, No. 478; Li Hongzhang to Xue Huan, 5 January, 1863, LHQ, Vol. 29; Li Hongzhang to Wu Xu, 11 January, 1863, LHQ, Vol. 29; Li Hongzhang to Wu Xu, 15 January, 1863, LHQ, Vol. 29; Li Hongzhang to Zeng Guofan, 12 February, 1863, LHQ, Vol. 29

[61] CYST, Vol. 14, No. 533-542

[62] Li Hongzhang to Wu Xu, 3 April, 1863, LHQ, Vol. 29; Li Hongzhang to Zeng Guofan, 8 April, 1863, LHQ, Vol. 29

[63] CYST, Vol. 17, No. 645-652

[64] CYST, Vol. 32, No. 1180-1186; CYST, Vol. 37, No. 1302-13. Regarding his death, see Ren Zhiyong, 'Taiping tianguo yangjian Bai Qiwen zhi si kao' [The Research on the Death of H. A. Burgevine, General of Taiping Heavenly Kingdom], *Junshi lishi yanjiu* [Military History Review], Vol. 32, 2018

[65] On this incident, see, Inoue Hiromasa, 'Rei-Ozubōn Kantai Jiken no Gaikōshiteki Igi ni tsuite' [The Significance of the Lay-Osborn Flotilla in the History of Sino-British Relations], *Tōyōshi Kenkyū*, Vol. 34, No. 2, 1975

transferred to Zeng Guofan and Li Hongzhang, shortly before the fleet was scheduled to arrive in Shanghai.[66]

Li Hongzhang was naturally opposed to the new naval presence and argued the fleet was not needed in the present war situation.[67] He even wrote to Zeng Guofan that 'Prince Gong can start something but cannot set it down, and hardly understands local military matters'. Li Hongzhang even suspected that Lay and Osborn had intentionally chosen to conduct the negotiations in Beijing because they were familiar with more receptive figures like Prince Gong.[68] Zeng Guofan opposed to Lay and Osborn's plan on similar grounds.[69] Accepting this opposition, the Zongli Yamen finally decided to reject the Lay-Osborn flotilla proposal and as a consequence had to pay a large amount compensate Lay and Osborn.[70]

Both the Burgevine incident and Lay-Osborn flotilla case reveal how Prince Gong's group was not able to exert as much control over China's policy as would be expected. Instead, it was Li Hongzhang's interventions that proved decisive. It is also interesting to note that during these events, Li Hongzhang was temporarily appointed to become superintendent of the southern ports.[71] Subsequently, Prince Gong's group decided not to conduct the reform of the *zhongwai jiaoshe* system, as Li Hongzhang's performance as superintendent finally brought about the stability that was necessary to successful run both the *zhongwai jiaoshe* in Shanghai and the war against the Taiping rebels.[72] By holding a strong local power base, Li Hongzhang's leadership over the *zhongwai jiaoshe* around Shanghai was finally de facto approved by the Zongli Yamen.

However, after the recovery of Nanjing in July 1864, the conditions and circumstances that had led to Li Hongzhang's emergence as leader of the Shanghai area changed. Now, there was no need to keep Li Hongzhang in Shanghai to fight against the Taiping rebels, or maintain military cooperation with Western powers. Rather, since Li Hongzhang's style of *zhongwai jiaoshe* was sometimes too assertive for the liking of both the Zongli Yamen and the foreign powers, there was

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[66] CYST, Vol. 16, No. 624, 625

[67] Li Hongzhang to Zeng Guofan, 5 July, 1863, LHQ, Vol. 29

[68] Li Hongzhang to Zeng Guofan, 2 May, 1863, LHQ, Vol. 29

[69] Zeng Guofan to Prince Gong, 5 September, 1863, ZGQ, Vol. 27; Li Hongzhang to Xue Huan, 23 September, 1863, LHQ, Vol. 29

[70] CYST, Vol. 21, No. 785-793

[71] CYST, Vol. 18, No. 482

[72] CYST, Vol. 18, No. 692

an incentive to remove him from Shanghai. For example, when the Ever Victorious Army killed rebels who surrendered in the attacks on Suzhou, Li Hongzhang asked the Zongli Yamen to negotiate with Western ministers although he claimed he was not trying to destroy peaceful Sino-foreign relationship. In response, the Ground Council stated that if Li Hongzhang had properly managed military matters then foreigners would not be able to intervene in this matter. If the British minister spoke to the Zongli Yamen about this matter, Prince Gong's group would then have been able to dismiss it.[73] Polite on the surface, this communication implied that Li Hongzhang had a tendency to intervene in the *zhongwai jiaoshe* under Beijing, and the Zongli Yamen did not wish to see this level of involvement in their foreign policy-making at this stage.

Li Hongzhang's high-handed manner was unwelcome, not only to the Zongli Yamen but also to Western ministers. For example, when Burgevine was killed in an accident, one Briton was also killed with him. Regarding the latter's treatment, the British diplomat Wade indicated it was a violation of the treaty by Li Hongzhang. Wade even stated foreign powers would regard Prince Gong as a Qing leader only when he could enforce implementation of the treaty on Chinese local officials. If Prince Gong was unable to do so, foreign powers would regard the Zongli Yamen as neither being familiar with the treaty nor diligent in its conduct of foreign affairs.[74]

In another case, in May 1866, the French minister Claude Bellonnet severely criticised Li Hongzhang regarding his handling of a church matter in Nanjing. Bellonnet wrote to the Zongli Yamen stating that, arrogantly, Li Hongzhang had behaved as if he were the ruler of southern China and was waiting for the opportunity to revolt against Qing China. Bellonnet strongly suggested Prince Gong should remove Li Hongzhang and appoint other ministers of the Zongli Yamen to the position of southern superintendent instead. If Prince Gong would not accede to this request, Bellonnet stated France would fight against Li Hongzhang or have to admit Li Hongzhang was the ruler of the area. Since this criticism was too unrealistic, the Zongli Yamen almost ignored it in its reply to Bellonnet.[75] Li Hongzhang justified his attitude by writing there is 'no other choice but to quarrel, no other choice but to prolong. By doing so we could break the foreigners' morale and control their unsatisfied mind. This is also the inevitable situation in dealing with actual foreign

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[73] CYST, Vol. 22, No. 825-826

[74] CYST, Vol. 37, No. 1309

[75] CYST, Vol. 43, No. 1518, 1519

affairs'.[76] At this stage, Li Hongzhang was seemingly unaware of his own role in the *zhongwai jiaoshe* under the Qing political regime, which will be fully explained in Chapter 3 of this dissertation.

Nevertheless, it became obvious that Li Hongzhang's leadership over the *zhongwai jiaoshe* in the Shanghai area could no longer be maintained. About two months later, Zeng Guofan, instead of going himself, asked for the transfer of Li Hongzhang to Xuzhou to prepare for an offensive against the Nian rebels. The government approved the transfer, primarily because of the military situation and Zeng Guofan's illness. However, Beijing and the Western ministers' desire to relocate Li Hongzhang away from Shanghai is likely also to have been relevant in this decision. In his letter to Li Hongzhang, which explained the reason for his transfer, Zeng Guofan stated the following: 'if you go to Xuzhou, visitors would be diminished, and foreigners would not come and stalk you. You could, therefore, have two advantages.'[77]

Thus, while the Zongli Yamen originally intended to establish a centralised system for the *zhongwai jiaoshe*, it soon faced massive difficulties in the lower Yangtze valley. High-ranking local officials in the previously mentioned cases severely criticised and resisted Prince Gong's group's top-down leadership because it opposed their authority, undermined their interests, or were merely impractical. At the same time, the Zongli Yamen gradually realised the need to amend its vision according to actual circumstances and conditions surrounding it. However, since this revised vision was more like a contingent and expedient policy, it led to a new type of result in relations with the high-ranking local officials. This process will be described in detail in Chapter 3.

4. Between Beijing and Land Frontiers 1: The Guizhou Massacre, 1861-1865

The Zongli Yamen's tested implementation of the *zhongwai jiaoshe* beyond just the lower Yangtze valley. Other major foreign disputes in early 1860s occurred in much more distant inland areas from Beijing than Shanghai: including Guizhou and Xinjiang. In the previous section, the issue for Prince Gong's group was whether it could accomplish its centralising vision in the face of opposition from the high-ranking local officials and confusion caused by the Taiping rebels in the

[76] CYST, Vol. 45, No. 1602

[77] Zeng Guofan to Li Hongzhang, 1 October, 1866, ZGQ, Vol. 29

area. Then it had at least been able to communicate relatively quickly with Shanghai. However, with the far inland areas in China, the communication was physically difficult and impossible in some cases, which reveals the limitations of Prince Gong's style of the *zhongwai jiaoshe* much more clearly. Moreover, if the matter was related to a religious matter, such as Christianity, internal conservative opposition in the Ground Council also became a significant factor. This section therefore deals with the negotiation process in resolving the Guizhou massacre.

The Guizhou massacre occurred in 1861. Tian Xingshu (the Provincial Commander-in-Chief in Guizhou) ordered attacks against churches in Guiyang and murdered a French missionary and several Chinese Christians in June and July of 1861. The French chargé d'affaires Michel Kleczkowski submitted the problem to the Zongli Yamen. Prince Gong's group suggested to the Ground Council that it should ask high-ranking local officials in the neighbouring areas, such as Chongshi (General of Chengdu), Lao Chongguan (Viceroy of Liangguang, later Viceroy of Yun-Gui), and Luo Bingzhang (Viceroy of Sichuan), to handle the matter by directly investigating Tian Xingshu and others.

However, quite remarkable for this period, the Ground Council's decision differed slightly from the memorial of Prince Gong's group. Although the Ground Council agreed to most of the Zongli Yamen's suggestions, it especially emphasised its suspicion towards Christianity and fundamental distrust in Westerners.[78] This stipulation showed that there existed some opposition within the Qing government.[79]

Despite the government's decision to ask for an investigation, the matter did not proceed smoothly in 1862. Prince Gong's group suggested the transfer of Tian Xingshu to another province, because an on-the-spot investigation might spark further anti-Christian actions. The Ground Council acceded to this request, despite adding the additional reason that Tian Xingshu did not fully

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[78] CYST, Vol. 6, No. 218-224. About the Guizhou massacre, see, Zhang Yunfeng, 'Guiyang jiaoan zaiyanjiu' [A re-study on the Guizhou Massacre], Guizhou Normal University, Master thesis, 2009; Luo Yingmei, 'Guiyang jiaoan yanjiu' [The Research on Guiyang Massacre], Jilin University, Master thesis, 2007; Wei Fei, 'Cong Guiyang jiaoan de chuli kan wanqing waijiao de kunjing' [The Dilemma of the Late Qing Diplomacy in terms of the handling of the Guiyang Massacre], *Huadong shifan daxue xuebao (zhexue shehuikexue ban)* [The Journal of East China Normal University: Philosophy and Social Sciences], 2003.04; Su Ping, 'Yu Guiyang Jiaoan shixi Qing zhengfu de jimi waijiao' [An Analysis on the *jimi* Diplomacy Late Qing government from the Guiyang Massacre], *Jianhai xuekan* [Journal of Jianghai academia], 1999.02

[79] Although not present in public documents, local officials also proposed to supporting Tian's dissent and ask the Zongli Yamen to resist the foreign pressure. For example, CYST, Vol. 12, No. 470. Moreover, As this type of decision was frequently made in the Guizhou massacre case, the author especially kept these comments by the Ground Council in the following description in order to show the characteristics of China's foreign policy-making in this matter

follow past orders to attack rebels in Guizhou.[80] Prince Gong's group later recommended asking Chongshi to deal with the matter. The Ground Council also approved this request, despite its adding that Chongshi and Luo Bingzhang could secretly communicate with each other in this matter.[81] Finally, Lao Chongguan was also ordered to go to Guizhou to deal with the matter.[82]

Since Kleczkowski reported French gunboats would arrive in China, the Zongli Yamen asked high-ranking local officials to quickly settle the Christian matter in January 1863. Despite the fact that this request was agreed to by the Ground Council, its decision also stated that the Guizhou matter should be promptly settled, since 'the Zongli Yamen ministers could only present arguments to them [foreign powers] and were not able to persuade them'.[83]

Around this time, out of the blue Kleczkowski submitted his twelve requests regarding the matter, including the death penalty for Tian Xingshu and other reparations, to be conducted approximately within the following four months. Prince Gong's group argued in response that it could not receive a quick reply from the local officials in the province; Guizhou was too distant from Beijing and the road to Guizhou was closed, which prevented them from fully dealing with the matter. Prince Gong's group suggested a temporary compromise in which the Qing would agree to only some of the items of compensation. The Ground Council viewed this as a way to preserve 'both the honour of the nation and public feeling'.[84] However, Kleczkowski did not change his attitude, asserting the compensation and death penalty could not be separated. In this situation, the only thing that Zongli Yamen could do was to ask Lao Chongguan to go to Guizhou as quickly as possible.[85] Zhang Liangji (Governor of Guizhou) was also ordered to follow suit.[86]

Meanwhile, Chongshi suggested the Zongli Yamen should confirm Tian Xingshu's crime in advance in order to prevent Kleczkowski's protest in April. However, the Qing government dismissed his suggestion, because Tian Xingshu still controlled his army and Zhang Liangji had not yet reached Guizhou. The government therefore continued to ask high-ranking local officials to go

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[80] CYST, Vol. 8, No. 283-285

[81] CYST, Vol. 10, No. 363, 364

[82] CYST, Vol. 10, No. 376-378

[83] CYST, Vol. 11, No. 411-413

[84] CYST, Vol. 11, No. 424-427

[85] CYST, Vol. 12, No. 443-445

[86] CYST, Vol. 12, No. 468

to Guizhou and deal with the matter as soon as possible.[87] In May, Zhang Liangji finally met with Tian Xingshu nearby Guizhou, where he expressed his regrets about the matter.[88]

Despite the appearance of a new French minister Jules Berthemy,[89] the latter proved no more amenable and in June 1863 issued an even stronger protest than Kleczkowski had against the Zongli Yamen. Other Western countries allied with France over this dispute. Prince Gong's group soon realised that the *zhongwai jiaoshe* were in peril. However, all that Zongli Yamen and the Ground Council could do was to again request the high-ranking local officials to report as speedily as possible.[90]

Subsequently, in August, Chongshi in Sichuan suggested Tian Xingshu should not be transferred to Sichuan but rather forced to return to Guizhou, because, as Tian Xingshu was a former military leader, the troops in Sichuan would be willing to follow him.[91] However, Lao Chongguan and Zhang Liangji, then staying in Guizhou, supported the idea of sending him to Sichuan, since his supporters still existed in Guizhou.[92] The central government initially agreed with the former idea and ordered Tian to return.[93] However, the French minister requested Tian Xingshu not return to Guizhou. Since Prince Gong's group caught wind of information from the Western ministers that Berthemy was considering terminating negotiations, it preferred to hear the French request at this stage. Therefore, in December, the government changed its previous decision and ordered Tian Xingshu to be sent to Sichuan.[94]

However, amidst negotiations in March 1864, Yun Shilin (Governor of Hunan) suddenly suggested Tian Xingshu could come to Hunan and lead the army fighting against rebels there. This request astonished Beijing and was roundly rejected.[95] Nevertheless, after receiving a letter from Yun Shilin, Tian Xingshu tried to leave for Hunan. Again, the only thing the government could do

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[87] CYST, Vol. 14, No. 527, 528

[88] CYST, Vol. 15, No. 578, 579

[89] CYST, Vol. 15, No. 552

[90] CYST, Vol. 15, No. 591-595

[91] CYST, Vol. 18, No. 693

[92] CYST, Vol. 18, No. 701, 702

[93] CYST, Vol. 18, No. 695; CYST, Vol. 18, No. 702

[94] CYST, Vol. 21, No.809-817

[95] CYST, Vol. 23, No.864, 865; CYST, Vol. 23, No.868

was to order Chongshi and Luo Bingzhan to take him back to Sichuan.[96] In July, since there was no specific news, Prince Gong's group asked high-ranking local officials to do so again, emphasising the importance of the *zhongwai jiaoshe*.[97]

Lao Chongguan and Zhang Liangji eventually conducted an interview with Tian Xingshu in October 1864, more than three years after the Guizhou massacre. After the investigation, they suggested Tian Xingshu be exiled to Xinjiang.[98] The Zongli Yamen was especially worried about Berthemy's attitude, because this punishment fell short of the death penalty and the process was moving too slowly.[99] Following France's acceptance, the punishment was finally determined in March 1865, finally resolving the controversy following the Guizhou massacre.[100]

Although the Zongli Yamen intended to fully handle the problem in consideration of the negotiation with the Western powers, internal opposition in the Ground Council prevented it from doing so at the initial stage. Furthermore, the huge geographical distance between Beijing and Guizhou seriously hampered Prince Gong's group control over the case. Even neighbouring high-ranking local officials took months to reach Guizhou. Prince Gong's group could only send reminders to the high-ranking local officials repeatedly. The problem of Christian persecution remained in Guizhou and other areas in China, which caused a dramatic change of Qing China's foreign policy-making, as described in Chapter 3.

5. Between Beijing and Land Frontiers 2: The Russian Encroachment in the Western Frontier, 1860-1865

The other case in which Prince Gong's group faced physical limitations created by geographical distance was in its handling of *zhongwai jiaoshe* in Xinjiang in the early 1860s; that is,

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[96] CYST, Vol. 23, No.876, 877

[97] CYST, Vol. 26, No.934, 935

[98] CYST, Vol. 28, No.1044

[99] CYST, Vol. 29, No.1057, 1058

[100] CYST, Vol. 31, No.1137-1139

the Russian encroachment into Xinjiang.[101] Because Xinjiang is even more distant from Beijing than Guizhou, and it was Russia pressuring Qing China, conditions and circumstance the Zongli Yamen and high-ranking local officials needed to face were much harder than those of the Guizhou massacre. Prince Gong's group adopted new styles in dealing with high-ranking local officials.

Article 2 and 3 of the Convention between China and Russia in 1860 established the Chinese western border. To decide on the specific border, Mingyi (General of Uliasutai) and Mingxu (Ministerial Attache of Tarbagatai) entered into negotiations with their Russian counterparts in Western Siberia from the summer of 1861, although the talks were not easily settled.[102]

In order to prepare for these talks, Mingyi and Mingxu sent several requests to the Zongli Yamen in advance.[103] This was because, from their negotiations with Russia in the previous year, they already knew the Russian encroachment would not likely occur on the northern frontier, but rather on the western frontier, including Ili and Tarbagatai.[104] Although Mingxu requested they split negotiations into separate deliberations on the northern and western frontiers in light of the huge geographical distance involved, Beijing asked Mingxu to deal with the whole border in the negotiation to be conducted in Tarbagatai, as stipulated in the treaty.[105]

While Minxu and Mingyi prepared for talks, the Russians continued crossing the frontier and attempted to establish a fait accompli, which made the Chinese local officials nervous.[106] Negotiations in 1862 did not, therefore, proceed smoothly. Mingxu and Mingyi assumed the

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[101] On this topic, S.C.M. Paine showed a whole picture of the Sino-Russian relations from the late nineteenth century to the early 20th century in his book, but a discussion of Xinjiang in 1860s was conspicuously absent (S.C.M. Paine, *Imperial Rivals: China, Russia, and Their Disputed Frontier*, New York, London, M.E. Sharpe, 1996). Matthew Mosca deftly described Chinas' shift transformation from frontier policy to foreign policy. However, his book focused on the period just before the establishment of the Zongli Yamen, and thus he could only submit a partial picture about the period after 1860 when foreign policy became more centralised under Beijing despite the decline of the Qing state as a whole (Matthew W. Mosca, op.cit.). 'Foreign policy' would not be established smoothly after 1860, and the confusion in introducing 'foreign policy' would rather be the essence of this period. Learning from his book, the author intends to provide a more nuanced description after 1860 in this part, paying attention to communication and miscommunication between the Zongli Yamen and the local officials.

[102] CYST, Vol. 2, No. 50; CYST, Vol. 3, No. 61

[103] CYST, Vol. 4, No. 101; CYST, Vol. 4, No. 107-109; CYST, Vol. 5, No. 185

[104] CYST, Vol. 5, No. 189

[105] CYST, Vol. 6, No. 198

[106] CYST, Vol. 6, No. 299, 302. Judging from the content of the memorial and order, the memorial by Minxu and Mingyi (No. 299) was seemingly sent by them around two months before the decision by the Qing government (No. 302), although the clear date is uncertain. This is because of a huge geographical gap between Beijing and Xinjiang.

Russian representative Ivan Zakharov was the one who was manipulating Russian's foreign affairs behind the scenes. Therefore, they attempted to avoid reaching an agreement on the spot and but instead asked the Zongli Yamen to negotiate with the Russian minister in Beijing, in the hope this would influence, in turn, the Russian representative in Tarbagatai. Although the Ground Council accepted this and ordered the Zongli Yamen to go ahead with the talks, the Zongli Yamen showed a passive attitude, stating that this would potentially cause further harm and that Mingxu should not have high expectations. Furthermore, as there was no time limit for the border demarcation in the treaty, the Zongli Yamen requested Mingxu should be patient in the negotiations.[107] As a result, no agreement was reached in Xinjiang despite more than ten meetings taking place.[108]

At this stage, Prince Gong's group asked the Russian minister in Beijing their attitude and interpretation of details in the treaty, including the phrase 'going straight to the west [往西直至]' in article 2. Russian minister Ballyuzek promised to raise the matter with his government.[109] Receiving this information, Mingxu again petitioned the Zongli Yamen to conduct negotiations through the Beijing—Russian minister axis. Again, Prince Gong did not think that this would be effective and instead asked Mingxu to continue the talks.[110] However, Mingxu continued to try to take advantage of the Beijing axis in negotiations to bypass the unreliable Zakharov, who continued conducting military actions in the frontier area.[111] Despite this, the central government in Beijing was unable to actively cooperate with high-ranking local officials, due to the long distance between Beijing and the frontier areas.[112]

In the summer of 1863, the Russian chargé d'affaires Glinka replied to the Zongli Yamen regarding the geographical direction of the border. He asserted that, according to the original Russian text of the treaty, this part meant not 'going straight to the west [往西直至]' but 'going to the south-west [往西南至]', which must have been a mistake by the translator. Therefore, he stated the delay in border demarcation was due to the Chinese side. Prince Gong's group counter-argued the translation from Russian into Chinese had been conducted by the Russian side and that this kind

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[107] CYST, Vol. 9, No. 334-336

[108] CYST, Vol. 10, No. 393-395

[109] CYST, Vol. 10, No. 397-402

[110] CYST, Vol. 13, No. 488; CYST, Vol. 13, No. 491

[111] CYST, Vol. 14, No. 543-547; CYST, Vol. 15, No. 574; CYST, Vol. 15, No. 597-599

[112] CYST, Vol. 16, No. 613-615

of meaning did not fit with the past communications between China and Russia. Prince Gong's group even claimed it would not have concluded the treaty if it had known the text was to be mistranslated in this way.[113]

After this communication with the Russian representative, however, Prince Gong's group's attitude changed substantially. In 1864, the Zongli Yamen withdrew its past decision to delegate the case to high-ranking local officials, and asked for more information on the matter, while emphasising its sole responsibility for handling the *jiaoshe*.[114] Furthermore, Prince Gong's group declared its own principle, in which China would give up trying to restore territory occupied by Russians and rather concentrate on the rights of nomadic people in the frontier area under Qing rule.[115]

However, Mingyi and others only received communications between the Zongli Yamen and the Russian chargé d'affaires following failure of their own negotiations with Zakharov in 1863. Zakharov had already been aware of the content of communications from the Russian diplomat in Beijing more than one month before. Therefore, in the negotiations, Zakharov insulted his interlocutors stating that 'the Chinese court is okay, but your local officials are not, this incurs ridicule from another country'.[116] After realising Beijing's new principle, Mingyi and others finally decided to conclude the agreement accepting the Russian line, which was approved by Beijing.[117]

Nevertheless, this did not mean the end of the danger in this area. The Muslim Rebellion in Xinjiang dramatically changed the situation there.[118] In order to fight against the rebels, Changquan (General of Ili) asked for troop support, regardless of whether such troops were Russian or Qing. The government in Beijing replied Changquan could follow the previous case of the Ever Victorious Army in borrowing the Russian troops.[119] Also, Mingxu wrote to Beijing it should send communications not through the usual route, but rather use a route through Russia; specifically, from the Ground Council to the Zongli Yamen, to the Russian minister in Beijing, to the Russian bases, and

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[113] CYST, Vol. 17, No. 657-666

[114] CYST, Vol. 22, No. 843, 844

[115] CYST, Vol. 23, No. 854, 855

[116] CYST, Vol. 24, No. 885

[117] CYST, Vol. 29, No. 1068-1071; CYST, Vol. 29, No. 1072

[118] In terms of this topic, See for example, Hodong Kim, *Holy War in China: The Muslim Rebellion and State in Chinese Central Asia*, 1863-1877, Stanford CA, Stanford University Press, 2004

[119] CYST, Vol. 30, No. 1096, 1097; CYST, Vol. 31, No. 1114, 1115

finally to Mingxu. The Muslim rebellion made normal communication routes completely unreliable. Mingxu had already authored fourteen letters to Beijing but did not receive any in reply.[120]

Accepting these memorials, Prince Gong's group inevitably agreed to military cooperation with Russia. However, Prince Gong's group warned this case was different from the *jieshi zhujiao* against Taping rebels, because Russian troops would come over the land frontier. Prince Gong's group thus required the high-ranking local officials to report clearly on the situation because 'our office [Zongli Yamen] deals with the matters of the *jiaoshe*'.[121]

Mingxu appeared to have no time to consider these disadvantages raised by the Zongli Yamen. As there was no reply from the Russian Governorate-General of West Siberia, Mingxu asked Beijing to request the Russian minister in Beijing for military assistance, which led Prince Gong's group to contact the minister.[122] Subsequently, since his Russian counterpart needed to confirm the will of the Chinese emperor, Mingxu requested Beijing's approval by partly using the Russian communication route. This request was approved by the Ground Council,[123] and Prince Gong's group and Mingxu started further discussions about Russian military assistance and payment to Russia.[124]

In the middle of this coordination, however, rebels attacked Ili and local officials there, including Mingxu, were killed. Russian troops arrived after the fall of Ili.[125] Qing China was unable to suppress the rebellions for years; the rebellion lasted until its reconquest by Zuo Zongtang in 1877.

6. Conclusion

The Zongli Yamen has been scrutinised in both English-speaking and Chinese academia for some time. However, both nations' academics have based their scrutiny on the same assumption:

[120] CYST, Vol. 33, No. 1199, 24 July, 1865; CYST, Vol. 33, No. 1203-1205

[121] CYST, Vol. 33, No. 1211

[122] CYST, Vol. 34, No. 1218; CYST, Vol. 34, No. 1220-1222; CYST, Vol. 34, No. 1227

[123] CYST, Vol. 35, No. 1250, 1251

[124] CYST, Vol. 36, No. 1284-89; CYST, Vol. 37, No. 1319, 1320; CYST, Vol. 38, No. 1343, 1344; CYST, Vol. 39, No. 1394; CYST, Vol. 40, No. 1396, 1397

[125] CYST, Vol. 42, No. 1475, 1476

that the learning and adaptation of Western knowledge and technologies—the self-strengthening movement—was a key phenomenon in the 1860s. As a result, Qing China's foreign relations have not received sufficient attention. While several recent studies have shed new light on the Zongli Yamen, especially in its role as an institution, they place excessive weight on the administrative aspects of the Zongli Yamen rather than the actual negotiations and the foreign policy-making management it undertook. This chapter describes policy-making processes by strictly focusing on Chinese primary papers.

The Zongli Yamen was established by Prince Gong's group, which faced the need to centralise and systematise the *zhongwai jiaoshe* during negotiations to conclude the Second Opium War. As it considered borrowing of Russian troops against the Taiping rebels, the Zongli Yamen's fundamental principle in handling foreign relations was 'ostensibly to maintain a friendly relationship while secretly manoeuvring foreign powers'. The Zongli Yamen organised its new administration under in line with this principle, including the establishment of northern and southern superintendents. However, the institution of the Zongli Yamen was initially restricted by the persistence of conservative factions. While facing this restriction, Prince Gong's group still pursued its goal for the centralised *zhongwai jiaoshe* in an indirect manner.

Despite the limitations in the organisation of the Zongli Yamen, Prince Gong's group established its own substantial leadership over the *zhongwai jiaoshe* by a coup and managed the foreign relations effectively by the first half of 1861. However, the conflict between the Prince Gong-(Xue Huan)-Wu Xu line and the stance taken by the high-ranking local officials group led by Zeng Guofan intensified in the face of a series of problems: the taxation system problem along the Yangtze valley, the purchase of battleships, and *jieshi zhujiao*. In this process, Prince Gong-(Xue Huan)-Wu Xu line intended to manage the *zhongwai jiaoshe* in a top-down manner from Beijing. But, in order to maintain its authority and presence, the high-ranking local officials were opposed to this mainly from the viewpoint of practicability. This conflict even escalated to the reform of the *zhongwai jiaoshe* system around the Shanghai area. Li Hongzhang who finally brought stability to this area. By excluding the influence of Wu Xu's group and successfully cooperating with the Western troops there, Li Hongzhang finally made Prince Gong's group admit to the status quo of the foreign relations in the area. After the end of the Taiping rebellion, however, Li Hongzhang's tough-negotiator style of the *zhongwai jiaoshe* was no longer welcomed by either the Zongli Yamen or the Western ministers, which constituted one reason for his transfer from Shanghai.

The Guizhou massacre and Russian encroachment in Xinjiang reveal another aspect of the difficulties the Zongli Yamen faced in managing foreign relations in the inland and frontier areas — geographical distance. Following the Guizhou massacre, Prince Gong's group attempted to actively control high-ranking local officials and force them to adopt the central government's order from the beginning. However, Prince Gong's group faced intense difficulties in centrally managing foreign relations. To some degree, the difficulty arose from the reluctance of some Ground Council members. Miscommunication and extreme geographic distance posed an even greater challenge. This allowed some local officials to engage in certain forms of resistance and sabotage, which caused confusion and conflict in reaching resolution of the incident.

Compared to the Guizhou massacre, Prince Gong's group was initially reluctant to actively involve itself in the case of the Western frontier. While high-ranking local officials preferred to ask for assistance in the negotiation, Prince Gong's group thought the geographical distance was too great to be able to initiate action from Beijing. After the Russian minister's reply regarding the interpretation of the treaty, the Zongli Yamen changed its attitude and ordered local officials to accept the Russian reading of the treaty. When a Muslim rebellion in Xinjiang occurred just after these events, high-ranking local officials asked for military cooperation with Russia. Prince Gong's group agreed with this action under the same logic of the *jieshi zhujiao* against the Taipings, although the communication was confused and thus Chinese officials needed to rely on Russian communication networks.

Geographical distances and communications (the first analytical viewpoint) were of great importance in the *zhongwai jiaoshe*. One reason for establishing the Zongli Yamen was to centrally collect information regarding foreign affairs, and thus Prince Gong's group was able to try to show its leadership over the entire *zhongwai jiaoshe* matters from the Zongli Yamen. However, their attempt was impractical at this stage of modern Chinese history. While Prince Gong's group could intervene in the situation in the lower Yangtze valley, where the communication messages traveled relatively easily, their taxation system, the *jieshi zhujiao*, and the purchase of battleships, were all criticised by high-ranking local officials as almost unrealistic. This gap in communication became much more serious in the inland areas. In the Guizhou massacre, although the Zongli Yamen intended to lead the settlement, almost the only thing Prince Gong's group could do was to continue urging local officials there to conduct investigations. During the Russian encroachment into Xinjiang, the Zongli Yamen was even passive about being involved in the case in its initial stage,

probably due to the enormous difficulty in communication. In both the Yangtze and in the inland disputes, Prince Gong's group's negotiation with the Western powers and high-ranking local officials proved difficult. In facing these problems, since communication and transportation technologies were not well developed at the time, the only way for Prince Gong's group to overcome these problems was once again to attempt to transform its own foreign policy-making to suit local conditions. This will be investigated in Chapter 3.

The practitioners' understanding of foreign relations (the second analytical viewpoint) was also of significance here. Although the hard-line faction in the Qing government opposed opening foreign relations with the West, Prince Gong's group accepted its inevitability and started its management over the foreign affairs due to the loss of the Second Opium War. In this sense, 'ostensibly maintain a friendly relationship while secretly manoeuvring foreign powers' was not only the principle of Prince Gong's group but also a point of compromise among all the political actors in the Qing political regime. The cases of Zeng Guofan and Li Hongzhang illustrate the manner of such compromises. Although they did not initially rely on foreigners, they gradually changed their attitude to one based on 'faith' and adopted a combination of hard-line and soft-line approaches towards the West. This was presumably because of their experiences with military cooperation and political disagreements with the Zongli Yamen's approach. This difference could also explain the results of the *zhongwai jiaoshe* style of the Zongli Yamen and that of Zeng Guofan and Li Hongzhang in the former 1860s.

This chapter reveals the Zongli Yamen's struggle to centralise the control over foreign relations in order to conduct its principle of 'ostensibly maintain a friendly relationship while secretly manoeuvring foreign powers'. However, challenging factors such as geographical distance in the *zhongwai jiaoshe* and a special political situation in Shanghai, revealed that the Zongli Yamen's approach and vision were impracticable. As a result, although the Zongli Yamen made great efforts in its own negotiations to assert its leadership, it was pressed and even influenced by Western ministers and high-ranking local officials. After being faced with this failure, Prince Gong's group and high-ranking local officials, especially Zeng Guofan and Li Hongzhang, sought a new style and content for the *zhongwai jiaoshe* in the latter 1860s, which will be explained in detail in Chapter 3.

Chapter 2
Reconsidering the Gaikoku-gata: The Confusion of the Bakufu's Foreign Policy-Making, 1858–1867

1. Introduction

The gaikoku-gata [外国方: Office for Foreign Countries] was established in 1858, around the conclusion of the Ansei Treaties and was the first administration of the Bakufu (Tokugawa Shogunate) created to deal with foreign affairs. Despite its important role, little research has been conducted on this institution by English-speaking or Japanese scholars until now. Based on broadly-defined Western impact and modernisation theory, many researchers identify samurai in the major domains, especially the Chōshū domain and the Satsuma domain, as the main modernising force behind the Meiji restoration. According to this view, the Chōshū and Satsuma domains realised the impracticality of their anti-foreigner movement through the Shimonoseki Campaign in 1864 and the Anglo-Satsuma War in 1863. Afterwards, both domains immediately accepted the opening of Japan to foreigners and earnestly proceeded to modernise their militaries and institutions, which led to their success during the Meiji Restoration. Under this interpretation, how the Chōshū and Satsuma samurai faced the West and what they learned from the West are emphasised above other themes.

In contrast, many scholars have studied the Bakufu's foreign relations. Ishii Takashi published a series of field defining works that are still referred to by contemporary scholars.[1] However, Ishii's works tended to emphasise Western viewpoints, downplaying the Bakufu's approach towards foreign relations. Mitani Hiroshi and Katō Yūzō reinvestigated these points and reassessed the Bakufu's leading role in the conclusion of the Kanagawa Treaty and the Ansei Treaties.[2] Unfortunately, their reinvestigation did not seriously include the Bakufu's foreign relations after the Ansei treaties, leaving a lacuna in the scholarship of Bakufu foreign relations in the period after 1858.

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[1] Ishii Takashi, *Nihon Kaikoku Shi* [The History of the Opening of Japan], Tokyo: Yoshikawa Kōbunkan, 1972; Ishii Takashi, *Zōtei Meiji Ishin no Kokusaiteki Kankyō*

[2] Mitani Hiroshi, *Meiji Ishin to Nashonarizumu* [The Meiji Restoration and Nationalism], Tokyo: Yamakawa Shuppansha, 1997; Mitani Hiroshi, *Perī Raikō* [The Arrival of Matthew Perry], Yoshikawa Kōbunkan, 2001; Katō Yūzō, *Kurofune Zengo no Sekai*; Katō Yūzō, *Bakumatsu Gaikō to Kaikoku*

Recent historians have tried to overcome the limitations of Ishii's works and the second wave of scholarship. In particular, several works have sought to reconstruct foreign relations in the Bakumatsu period based on multilateral relationships by relying on a multi-archival approach. For example, Fukuoka Mariko turned to German primary documents to understand Bakumatsu foreign relations with Prussia after the Ansei Treaties.[3] Ugai Masashi, Fumoto Shin'ichi, and Kogure Sanenori reconsider Bakumatsu foreign relations by using British, Russian, and Dutch primary documents, respectively.[4] By shedding new light on the rivalry among the Western powers in relations with Japan, these works reconsider the diversity and differences of interests among Western powers, which were not merely a result of the 'Western impact' on Bakumatsu Japan.

Additionally, in recent years, not only political and diplomatic historians but also other types of historians have approached Bakumatsu foreign relations from a variety of perspectives. Sano Mayuko writes about Bakumatsu diplomatic rituals and their political background. As a historian of political philosophy, Makabe Jin investigates relations between Bakumatsu Confucian scholars and the foreign policy of the Bakufu kaibō-gakari [海防掛; coastal defences bureau]. Takeharu Ōkubo published important work on the Dutch influence upon political thought in the Bakumatsu period.[5]

In English-language academia, building on the classical work of William Beasley discussing the dichotomy of the closure [*sakoku*; 鎖国] or opening [*kaikoku*; 開国] of Japan, Conrad Totman briefly introduced the transformation from the *sakoku* to *kaikoku* between the Ansei Treaties and the Meiji Restoration.[6] Owing to the influence of cultural and global history, recent studies have sought to overcome Western impact theory and modernisation theory. Michael Auslin rethinks the Bakufu's

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[3] Fukuoka Mariko, *Puroisen Higashi Ajia Ensei to Bakumatsu Gaikō* [Prussian Expedition to East Asia and the Bakumatsu Diplomacy], Tokyo: Tōkyō Daigaku Shuppankai, 2013

[4] Ugai Masashi, *Bakumatsu Ishinki no Gaikō to Bōeki* [Diplomacy and Trade in the Bakumatsu-Meiji Period], Tokyo: Azekura Shobō, 2002; Fumoto Shin'ichi, 'Posadonikkugō Jiken ni tsuite' [About Posadonic Incident], *Tōkyō Daigaku Shiryō Hensanjo Kenkyū Kiyō* [Journal of the University of Tokyo Historiographical Institute], No. 15, 2005; Kogure Sanenori, *Bakumatsuki no Oranda Tainichi Gaikō Seisaku* [Dutch Diplomatic Policy towards Japan during the Bakumatsu Period], Tokyo: Sairyūsha, 2015

[5] Sano Mayuko, op.cit.; Takeharu Ōkubo, David Noble trans, *The Quest for Civilisation: Encounters with Dutch Jurisprudence, Political Economy, and Statistics at the Dawn of Modern Japan*, Leiden: Global Oriental, 2014; Makabe Jin, op.cit.

[6] William. G. Beasley trans. and ed., *Select Documents on Japanese Foreign Policy, 1853-1868,* London: Oxford University Press, 1955; William. G. Beasley, *The Meiji Restoration*; Conrad Totman, *The Collapse of the Tokugawa Bakufu,* Honolulu: University Press of Hawaii, 1980; Conrad Totman 'From Sakoku to Kaikoku: The Transformation of Foreign-Policy Attitudes, 1853-1868', *Monumenta Nippoica*, Vol. 35, No. 1, 1980

foreign policy after the Ansei Treaties as a process of negotiating with Western powers in order to maintain physical, psychological, and intellectual boundaries.[7] Mark Ravina pays special attention to the relationship between Japanese nostalgia and universal ideas, as he takes the global context into consideration.[8]

The flaw shared by all of these works is a relative ignorance of certain fundamental topics, especially the Bakufu's foreign policy-making after the Ansei Treaties, caused by the fragmentation of recent works.[9] Investigation of the kaibō-gakari as an institution that handled foreign relations has been deepened,[10] but not enough attention is paid to the subsequent gaikoku-gata and its foreign relations.

Nevertheless, some researchers have showed their understanding of Bakumatsu foreign policy-making, including that of the gaikoku-gata. Nara Katsuji penned a thought-provoking work on the Bakufu's foreign policy-making after the Ansei Treaties by analysing the changing political situation behind the shift from kaibō-gakari to gaikoku-gata as well as focusing on the consistent towards foreign relations held by Confucian scholars.[11] Kamishiraishi Minoru notes the degree of shared understanding between the kaibō-gakari and the gaikoku-gata, in the context of his hypothesis that the opening of ports simultaneously implied the isolation of Westerners in Japan.[12]

This chapter will describe the Bakufu's foreign relations after establishment of the gaikoku-gata from the viewpoint of the transformation of foreign policy-making. Although much research has focused on major individual case studies in this period, this chapter will concentrate on how handling of these individual cases transformed the Bakufu's foreign policy-making. Matters of

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[7] Michael R. Auslin, op.cit.

[8] Mark Ravina, *To Stand with the Nations of the World: Japan's Meiji Restoration in World History*, New York: Oxford University Press, 2017

[9] It can be stated that Auslin tackles this matter, however, his work did not pay attention to some of the latest research, and also put too much weight on English-language historical documents. Due to this, his description of the Bakufu's internal foreign policy-making remains unclear in many aspects.

[10] In terms of the recent studies that dealt with kaibō-gakari, See for example, Makabe Jin, op.cit.; Nara Katsuji, *Meiji Ishin to Sekai Ninshiki Taikei*; Gotō Atsushi, *Kaikokuki Tokugawa Bakufu no Seiji to Gaikō* [Politics and Diplomacy of the Tokugawa Bakufu in the Period of the Opening of the Country], Tokyo: Yūshisha, 2014; Kamishiraishi Minoru, *Bakumatsuki Taigai Kankei no Kenkyū* [The Research on Bakumatsu Foreign Relations], Tokyo: Yoshikawa Kōbunkan, 2011

[11] Nara Katsuji, op.cit.

[12] Kamishiraishi Minoru, op.cit.

geographical distance and the practitioners' understanding of foreign affairs and the surrounding political situation play a particularly important role in these shifts.

This chapter utilises historical documents in the following manner. The Bakufu's public documents are of primary importance. This analysis supplements public narratives with private documents, considering the fact that these documents politically significant in the revolutionary Bakumatsu period, in which the Bakufu's state apparatus was dramatically reorganised. While, recent historians tend to rely on Western primary documents in order to analyse the intentions of Western powers, this chapter instead puts its central emphasis on Japanese primary documents. By doing so, this chapter reveals the nature of foreign policy-making in the gaikoku-gata period from the inside.

2. The Context of the Establishment of the Gaikoku-gata

Many previous studies have looked at the negotiations between the Bakufu and Western powers that led to the conclusion of the Ansei Treaties. In 1845 (several years before the arrival of Matthew Perry), one of the rōjū (member of Shōgun's council of elders, the main top decision-maker) – Abe Masanori – established the kaibō-gakari, collecting a variety of competent personnel, such as Iwase Tadanari, Kawaji Toshiakira, Hori Toshihiro, Nagai Naoyuki and others. After the conclusion of the Kanawaga Treaties, along with the transfer of the role of main rōjū from Abe to Hotta Masayoshi, the idea of the *kaikoku* – argued by Iwase and others – gradually gained support within the Bakufu. The kaibō-gakari's not only built up coastal defences but also systematised foreign relations, which Ishii Takashi named the 'kaibō-gakari system'.[13] Many recent studies have also investigated the kaibō-gakari revealing, for example, the philosophical backgrounds of the main figures in the kaibō-gakari or paying attention to the conflict between the kaibō-gakari metsuke-gata [目付方; inspectors] and the kanjō-gata [勘定方; finance staff].[14]

Supported by the kaibō-gakari metsuke-gata, in their meetings with the US representative Townsend Harris in 1857, Hotta and Iwase began negotiations for a commercial treaty. Led by Iwase, they produced a draft including a number of significant provisions: the residence of foreign

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[13] Ishii Takashi, *Nihon Kaikoku Shi*

[14] See footnote 203.

ministers in Edo; the opening of the ports of Kanagawa, Hakodate, Nagasaki, Hyogo, and Niigata; the opening of the markets of Edo and Osaka; and consular jurisdiction. Before conclusion of the treaty, the Bakufu sought the imperial acceptance of the treaty to curb domestic opposition. However, the imperial court declined in part because the matter related to the problem of the next Shōgun candidate only dramatically complicated the situation.[15] Hotta moved to Kyoto with Iwase and Kawaji and earnestly asked for imperial acceptance of the '*gaikoku kōsai*'. Hotta was ultimately unsuccessful.[16]

After the failure to achieve imperial acceptance, Hotta lost his authority, and Ii Naosuke was appointed as tairō (Chief minister, the top decision-maker). Ii respected the Japanese emperor and thus was passive about concluding the treaty without imperial acceptance. In the end, based on Ii's reluctant statement that the treaty should be signed if inevitable, Iwase and others decided to sign it.[17] The establishment of an office specialising in foreign relations had been suggested before this time, including Abe's idea of establishing kaibō-kyoku [海防局: coastal defence office] in 1854.[18] The gaikoku-gata was, however, the first attempt at such an institution.

After the dismissal of Hotta in August 1858, Ōta Sukemoto and Manabe Akikatsu were appointed to the new rōjū positions, and Ōta, Manabe, and Kuze Hirochika were ordered to 'deal with foreign countries [外国御用取扱]' as rōjū.[19] Soon after, Iwase and others submitted an idea for setting up a gaikoku-jimukyoku [外国事務局; Secretariat for Foreign Countries], an independent office separated from domestic matters that would handle all foreign matters under the guidance of the main figures of kaibō-gakari. Iwase and others submitted this idea because, considering the situation in which other Western powers were arriving in Japan to conclude commercial treaties, Iwase and others were afraid the new rōjū would mishandle foreign relations, having insufficient know-

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[15] On conclusion of the Ansei Treaties, See for example, Ishii Takashi, op.cit.; Mitani Hiroshi, *Meiji Ishin to Nashionarizumu*

[16] Chibaken Kikakubu Kenminka, *Hotta Masayoshi Gaikō Monjo; Chibaken Shiryō Kinseihen* [The Diplomatic Papers of Hotta Masayoshi: Historical Documents of Chiba Prefecture, Early Modern Period], Chiba: Chibaken, 1981, p. 41, 42. This book regarded the above-mentioned draft as written by Kawaji, however, Tanabe Taichi assumed that this was drafted by Iwase (Tanabe Taichi, *Bakumatsu Gaikō Dan* [The Oral History of Bakumatsu Diplomacy]), Vol. 1, Tokyo: Heibonsha, 1966, p. 88)

[17] Ishii Takashi, op.cit., pp. 336-341

[18] Mito Tokugawake ed., *Mitohan Shiryō* [The Historical Documents of the Mito Domain], Vol. 1, No. 1, Tokyo: Yoshikawa Kōbunkan, 1915, p. 398, 399

[19] Ishin Shiryō Hensan Jimukyoku ed., *Ishin Shiryō Kōyō* [The Chronological Outline of the Meiji Restoration; hereafter ISK], Vol. 2, Tokyo: Ishin Shiryō Hensan Jimukyoku, 1937, p. 594;ISK, Vol. 2, p. 599

ledge in foreign affairs. Iwase and others asked Date Munenari (Daimyō of Uwajima) to suggest this idea to Ii. After Date's recommendation of Matsudaira Yoshinaga (Daimyō of Echizen), the kaibō-gakari intended to recommend Date and appoint him to the position of president [総裁] of the gaikoku-jimukyoku.[20] Accepting this idea, Date persuaded Kuze and received his agreement. Date then had a direct meeting with Ii on this matter.[21] Four days after this meeting the kaibō-gakari was abolished and the gaikoku-bugyō [外国奉行; Commissioner of Foreign Affairs] was newly established. Those who were at the centre of the Bakufu's foreign relations – including Iwase, Nagai, Hori, Mizuno Tadanori and Inoue Kiyonao – were now appointed to the position of gaikoku-bugyō. However, there was no position of president, so Date and Yoshinaga were not appointed to the presidentship.[22]

The gaikoku-bugyō had authority over 'all matters relating to foreign countries', including meetings with foreign representatives and international trade. Their office was set up and lower-level staff were appointed at the same time.[23] In the Bakufu's system for foreign affairs, the gaikokugakari-rōjū [rōjū who dealt with foreign countries] – the gaikoku-bugyō – gaikoku-gata were responsible for foreign relations (hereafter, this system as a whole is referred to as the 'gaikoku-gata').

The gaikoku-gata had three significant administrative elements.[24] First and foremost, the gaikoku-bugyō was staffed by multiple officials working in rotation. As well as holding other positions within the Bakufu, multiple people (more than five) were appointed to the gaikoku-bugyō. They handled foreign affairs by turns on a monthly basis.[25] However, the opinions of the gaikoku-

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[20] Nakane Yukie, *Sakumu Kiji* [The Diaries of Nakane Yukie], Vol. 4, Tokyo: Nihon Shiseki Kyōkai, 1922, 7 August, 1858

[21] *Sakumu Kiji*, Vol. 4, 9 August, 1858; Sasaki Suguru ed., *Shiryō Kōyōgata Hiroku* [The Secret Records of Koyo-gata], Shiga: Sanraizu Shuppan, 2007, 12 August, 1858

[22] Tōkyō Daigaku Shiryō Hensanjo ed., *Bakumatsu Gaikoku Kankei Monjo* [The Papers relating to Foreign Countries in Bakumatsu Period, hereafter BGKM], Vol. 20, Tokyo: Tōkyō Daigaku Shiryō Hensanjo, 1930, p. 709; BGKM, Vol. 20, pp. 709-711

[23] BGKM, Vol. 20, p. 849, 850

[24] Regarding administrative aspects of Gaikoku-gata, see, Katō Hideaki, 'Tokugawa Bakufu Gaikoku-gata: Kindaiteki Taigaijimu Tantōshō no Senku' [Tokugawa Shōgunate's Gaikoku-gata: The Pioneer of the Modern Foreign Office], Yokoyama Yoshinori ed., *Bakumatsu Ishin to Gaikō* [Bakumatsu-Ishin and Diplomacy], Tokyo: Yoshikawa Kōbunkan, 2001; Kamishiraishi Minoru, *Bakumatsuki Taigai Knkei no Kenkyū*

[25] Katō Hideaki, op.cit., pp. 20-22

bugyō were submitted in their joint names, and more than one gaikoku-bugyō was always present at meetings with foreign representatives. Second, officials often occupied gaikoku-bugyō and other bugyō (the governor) roles. Some gaikoku-bugyō concurrently worked as other bugyō, especially ongoku-bugyō [遠国奉行] (Governors of Bakufu's territory distant from Edo) in the areas of the open ports, such as Kanagawa and others. For example, at the time of the establishment of gaikoku-gata, Nagai also worked as kanjō-bugyō [勘定奉行; Commissioner of Finance], Hori was also the Governor of Hakodate [箱館奉行; hakodate-bugyō], and Inoue held the position of Governor of Shimoda [下田奉行; shimoda-bugyō].[26] This concurrent position holding, which was not seen in kaibō-gakari system, was intended to aid with the systematisation of the Bakufu's foreign policy-making. Since governors also had multiple seats, some of the governors of the open ports were based in Edo, while others stayed in their open ports.[27] This concurrency constituted a means by which to introduce central-local mutual understanding and smooth communication in other policy areas, although the multiplicity of voices in decision-making caused some harmful effects .

Third, the gaikoku-gata maintained influential relations with other positions within the Bakufu. Kanjō-bugyō and inspectors were also ordered to deal with foreign relations.[28] In decision-making, as well as the gaikoku-gata, these high-ranking staff submitted their opinions and participated in discussions, which occasionally resulted in their intervention in foreign relations against the gaikoku-gata's policy. Even inspectors were allowed to participate in discussions within the gaikoku-gata and presented their views. Furthermore, these inspectors participated in the meetings with foreign representatives alongside gaikoku-gata staff. Inspectors' presence made foreign representatives feel suspicious of the foreign representatives preferred to engage in one-to-one negotiations with a responsible counterpart.[29]

As well as being the Bakufu's general administration, the gaikoku-gata also had a special institutional system as an office, especially for foreign relations. However, the political situation surrounding the gaikoku-gata changed drastically, shortly after it was established. Ii, who became a

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[26] BGKM, Vol. 20, p. 710

[27] For example, after the demotion of Iwase, Muragaki Norimasa was appointed to gaikoku-bugyō, and was soon ordered to concurrently work as Governor of Hakodate. At this time, a notification that included the appointment of Muragaki to Governor of Hakodate was sent to the Governors of Hakodate staying in Hakodate (BGKM, Vol. 20, p. 585; BGKM, Vol. 20, p. 588; BGKM, Vol. 20, p. 593, 594)

[28] BGKM, Vol. 20, p. 775, 776

[29] Kyūji Shimonkai ed., *Kyūji Shimonroku* [The Interview about Old Practices], Vol. 1, Tokyo: Iwanami Shoten, 1986, pp. 245-249

top leader of the Bakufu, was not an active supporter of opening of Japan. Moreover, in the context of who should be the next Shōgun, Ii supported Tokugawa Yoshitomi (later Iemochi), while many officials within the gaikoku-gata supported Hitotsubashi Yoshinobu. One of the reasons why Ii agreed to the establishment of the gaikoku-gata was to temporarily allow these staff to deal with Western representatives from countries other than the US, such as Britain, who had arrived in Japan to conclude treaties. After the conclusion of the Ansei Treaties, Ii began excluding those gaikoku-gata staff who supported Hitotsubashi Yoshinobu. Iwase was demoted immediately after the conclusion of the treaties, and was later confined to his house during the Ansei Purge in 1859.[30] Nagai and Inoue were also excluded at the beginning of 1859, and like Iwase, Nagai was sentenced to home confinement.[31] Some Daimyō, such as Date and Yoshinaga, were also forced to retire and confined to their houses.[32] Kuze, who was opposed to the punishment of Yoshinaga and stopped working due to illness, was also dismissed from the rōjū and the position of 'dealing with foreign countries'.[33]

The group that had moved to establish the gaikoku-jimukyoku feared retribution prior to Ii's opposition. For example, Hirayama Yoshitada was one of those who participated in the movement for establishing the gaikoku-jimukyoku with 'capable ministers' by taking advantage of the confusion caused by the arrival of British ships in 1858. Hirayama wrote this idea should be promptly pursued during the confusion; otherwise, outdated customs would remain. Hirayama wrote, 'while the purpose of our group is to restore good, His [Ii's] purpose is to deal with foreigners. After the end of handling foreigners, capable ministers would not be needed, and our plan to restore good should be abolished. I am really worried about this.' [34] Unfortunately, Hirayama's fears were realised during the Ansei Purge.

Although the Zongli Yamen in Qing China broke the original institutional limitations by establishing substantial political leadership through the Xinyou Coup, the situation the gaikoku-gata faced was the opposite in the sense that the political situation changed direction only after the institutional establishment of gaikoku-gata. Usage of the word '(*gaikoku-*) *kōsai'* reflects this shift.

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[30]ISK, Vol. 3, p. 53; ISK, Vol. 3, p. 55; ISK, Vol. 3, p. 210

[31]ISK, Vol. 3, p. 142; ISK, Vol. 3, p. 210

[32]ISK, Vol. 3, p. 5; ISK, Vol. 3, p. 102

[33]ISK, Vol. 3, p. 28; ISK, Vol. 3, p. 92

[34] Hirayama Yoshitada to Hashimoto Sanai, 13 August, 1858, *Sakumu Kiji*, Vol. 4

Although Hotta and Iwase had used the term symbolically, gaikoku-gata essentially did not initially use the term.[35] Similar, seemingly neutral terms, including '*gaikoku otoriatsukai*' [外国御取扱; handling of foreign countries], '*gaikoku goshochi*' [外国御処置; treatment of foreign countries] and 'those which were related to foreign countries', were deliberately chosen at this stage. This usage of words provides an interesting contrast to the Zongli Yamen, which started using the phrase '*zhongwai jiaoshe'* immediately after its establishment.

3. The Foreign Relations of the Initial Gaikoku-gata: The Open Port Problems under the Ii Government, 1858–1860

After the conclusion of the Ansei Treaties and the exclusion of Iwase and others, the Ii government began its own foreign relations. Under the Ii government, the gaikoku-gata faced managing the new open ports –Yokohama (Kanagawa), Hakodate and Nagasaki – under treaties with the Western powers. The first problem in this management was the location of Yokohama (Kanagawa). It was close to Edo and was assumed to be the likely centre of international trade in Japan. Although the treaty stipulated that 'Kanagawa' should be opened as a trade port, Iwase, who mainly dealt with treaty negotiations, thought the Bakufu should open Yokohama in the area of Kanagawa in a wider sense. Iwase had an ambitious plan, in which the Bakufu opened Yokohama because it was suitable for trade. By doing so, the Bakufu could develop the economy of the Edo-Yokohama area and compete with the economy of the Osaka area, whose merchants had long been the centre of the Japanese economy.[36] However, the Bakufu's had not yet settled on this policy. For example, Mizuno argued in opposition to Iwase for opening Kanagawa only in a narrow sense (not Yokohama).[37]

Similar to Iwase, Ii thought the Bakufu should regard 'Kanagawa' in a wider sense and thus should open Yokohama. Nevertheless, Ii's reasoning was different from Iwase's in that he

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[35] For example, The Opinion of Hyōjōsho Rōjū, 'Dai Nihon Ishin Shiryō Kōhon' [The Manuscripts of the Historical Documents of the Japan's Meiji Restoration], The University of Tokyo Historiographical Institute, 5 October, 1857. In this document, Iwase suggested that he himself visited Hong Kong in order to study 'the methods of foreign *kōsai* and trade [外国ノ交際交易仕法]' on the spot.

[36] BGKM, Vol. 18, pp. 329-331

[37] BGKM, Vol. 18, pp. 384-392

emphasised the need to open Yokohama as a trade port to keep the foreigners away from the Tōkaidō road (one of the main arterial roads between Edo and Kyoto).[38]

Around this time, Ii sent Manabe Akikatsu (gaikokugakari-rōjū) to Kyoto and tried to repair the relationship between the Bakufu and the imperial court. In this process, Manabe told the imperial court the conclusion of the treaties had been something both he and Ii had not wanted to conduct, and criticised Hotta's mishandling of the talks. Emperor Kōmei and Manabe then discussed placing the new foreign merchant houses well away from Japanese residential areas and limiting access to foreign concessions by using a bridge, such as Dejima in Nagasaki. By doing so, the Bakufu would maintain the same conditions for foreigners in Kanagawa as those for Dutch and Chinese people in Nagasaki.[39] Affected by Manabe's argument and the pressure arising from the Ansei purge, the imperial court replied to the Bakufu that it was relieved to hear of this intention. The Ii government thus restored prima facie cooperative relations with the court in foreign relations.[40]

In this context, similar to the reinterpretation of the original plan of gaikoku-jimukyoku as an office purely dealing with foreign relations, the Ii government reinterpreted Kanagawa as Yokohama in a narrow way in order to geographically isolate foreigners from the area where Japanese people lived. Thereafter, the Ii government paradoxically made efforts to develop Yokohama by letting the gaikoku-bugyō and their subordinate staff work concurrently as the Governors of Kanagawa and their subordinate.[41]

Foreign representatives in Japan realised the intention of the Ii government and were duly opposed to the opening of Yokohama. In several meetings with the gaikoku-bugyō, Harris noted a location that deliberately prevented foreigners from living close to the Tōkaidō was problematic, that the setting was against the treaty stipulation, and showed discrimination against foreigners. For these reasons, Harris protested to the gaikoku-bugyō stating that 'you should intend to make Yokohama like Dejima, I would never live in Dejima.'[42] The British consul Rutherford Alcock also preferred the opening of Kanagawa in a narrow sense (not Yokohama), stating that the Bakufu's

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[38] BGKM, Vol. 21, pp. 260-262

[39] BGKM, Vol. 21, p. 670, 671; BGKM, Vol. 21, p. 703

[40] BGKM, Vol. 21, p. 361, 362

[41] BGKM, Vol. 21, p. 717; BGKM, Vol. 22, pp. 543-545

[42] BGKM, Vol. 21, pp. 372-386; BGKM, Vol. 21, pp. 330-343

placing of the treaty port in Yokohama in order to prevent foreigners from contacting Japanese merchants would be similar to Dejima.[43] The gaikokugakari-rōjū, such as Manabe, counter-argued by referring to the fact that, unlike Dejima which was artificially created, Yokohama's geographical feature was natural and the transportation was also good.[44]

Although the gaikoku-bugyō did not necessarily share the same view with Ii and Manabe, they began preparing for the opening of Yokohama for more practical reasons. Realising the possibility of using Yokohama as an open port, they were worried delays in opening the port would invite criticism from foreign representatives. After inspecting Yokohama, the gaikoku-bugyō proceeded to develop the port, despite opposition of foreign representatives.[45] This development even included inviting Japanese merchants by offering free rent and locating an entertainment district in Yokohama.[46] Due to these efforts, as well as the natural features of Yokohama bay, the majority of Western merchants chose to reside in Yokohama after the opening of the port, and Western powers also substantially so several years later.[47]

At the same time, talks regarding the Nagasaki and Hakodate settlements were also conducted. The Ii government seemingly tried to have these foreign settlements isolated from other areas in the same way as Yokohama. However, in Nagasaki and Hakodate, the negotiations became complicated because usable land was limited. Considering the small size of Hakodate, it was impossible to set the settlement in one spot as stipulated in the treaties. Therefore, the Governors of Hakodate requested that, in Hakodate, they should reclaim land and put foreign warehouses there, which would be separated from the settlement.[48] While the inspectors opposed this idea, stating it would be against the treaties, some gaikoku-bugyō – such as Mizuno and Nagai – supported the

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[43] BGKM, Vol. 21, pp. 53-57

[44] BGKM, Vol. 24, pp. 91-94

[45] BGKM, Vol. 22, pp. 539-543; 'Muragaki Norimasa Nikki' [The Diaries of Muragaki Norimasa, hereafter Muragaki Diary], 1, 3, 5-12, 14, 15, 17, 19, 28, 29, April, 2, 3, 9, 13, 18, 20, 31, May, 1859, 'Dai Nihon Ishin Shiryō Kōhon', 31 March, 1859

[46] BGKM, Vol. 23, p. 46, 47; BGKM, Vol. 23, p. 69, 70

[47] BGKM, Vol. 46, p. 141, 142

[48] BGKM, Vol. 21, pp. 948-951

opinion of the Governors of Hakodate.[49] However, the rōjū regarded the inspectors' opinion as reasonable and ordered them to have a discussion again.[50]

Nevertheless, the gaikoku-bugyō and the Governor of Hakodate counter-argued that it was physically impossible to place the foreign settlement strictly in accordance with the treaties. Despite regarding the opinion of the inspectors as reasonable, the Governor of Hakodate, who was staying in Edo (Hori and Muragaki Norimasa concurrently worked as gaikoku-bugyō), requested the rōjū should send an inspector to Hakodate to check the situation in person because the Governor had already concluded that it was impossible to establish one settlement of sufficient size.[51] The gaikoku-bugyō also supported the Governor of Hakodate and argued they could stipulate the location of the settlement in a new attachment to the treaties.[52] In response to these arguments, the rōjū ordered the Governor of Hakodate to negotiate with Western counterparts while paying attention to the possibility of increasing the number of settlements.[53] Still, the Governor of Hakodate requested the rōjū send an inspector by steamship as soon as possible, being afraid the decision would be delayed considering the distance between Edo and Hakodate.[54] This inspector was in fact sent to Hakodate.[55]

Subsequently, based on opinion in Hakodate, the Governor of Hakodate in Edo asked the rōjū to choose between establishing one settlement by reclamation such as Dejima in Nagasaki, or allowing several settlements. The rōjū subsequently ordered Governor of Hakodate in Edo to deliver his opinion to Hakodate, signalling its willingness to accept the decision of the officials on the spot.[56] In the end, since the negotiation was not settled at that time, the settlement was not placed in

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[49] BGKM, Vol. 21, p. 951, 952; BGKM, Vol. 22, pp. 233-235

[50] BGKM, Vol. 22, p. 106, 107; Muragaki Diary, 26 February, 1859

[51] BGKM, Vol. 22, p. 187, 188

[52] BGKM, Vol. 22, p. 236, 237; Muragaki Diary, 2 March, 1859

[53] BGKM, Vol. 22, p. 188, 189; Muragaki Diary, 18 April, 1859

[54] Muragaki Diary, 18 April, 1859

[55] BGKM, Vol. 22, p. 905, 906

[56] BGKM, Vol. 23, pp. 215-218

one location, and thus substantial mixed residence between Japanese and non-Japanese people occurred in Hakodate.[57]

Around this time, similar to Hakodate, Nagasaki was also faced with a lack of available land. Referring to the communication from the Governor of Hakodate, the Governor of Nagasaki suggested separating the residential area from the warehouse zone in Nagasaki. However, as in the case of Hakodate, the rōjū also initially replied to the Governor of Nagasaki that he should follow the treaties.[58] Despite being supportive of the Governor of Nagasaki, the gaikoku-bugyō maintained the principle of isolation in general, such as being opposed to locating the settlement within the city of Nagasaki. The Governor of Nagasaki therefore decided to reclaim the coastline in order to create land for the settlement.[59] The Governor of Nagasaki twice made further suggestions to the Bakufu about the concrete division of the settlement. These suggestions were accepted by the rōjū.[60]

In August 1859, Alcock protested to the gaikokugakari-rōjū such as Manabe, stating the Nagasaki settlement did not have enough space.[61] In response to this, the Governor of Nagasaki counter-argued that the consuls in Nagasaki did not have any protests and had instead requested the Bakufu's prompt instruction in order to prevent any delay in the placing of the settlement. The rōjū only replied that the Governor of Nagasaki should appropriately deal with the matter.[62] British and US consuls in Nagasaki had complaints in the location of the settlement, and they and Alcock even asked for compensation for the delay in its opening.[63] After notifying the consuls in Nagasaki they could not accept cash compensation, the Governor of Nagasaki reported the matter to Edo. Although the kanjō-bugyō allowed the reclamation, inspectors argued the opinion of the foreign consuls was unreasonable and thus the Bakufu should reject their demands.[64]

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[57] Hakodateshi Hensanshitsu ed., *Hakodate Shishi* [The History of the City of Hakodate], The Overview, Vol. 2, Hakodate: Hakodate-shi, 1990, pp. 465-468

[58] BGKM, Vol. 22, pp. 75-77

[59] BGKM, Vol. 22, pp. 753-755

[60] BGKM, Vol. 23, pp. 242-247; BGKM, Vol. 24, pp. 438-442

[61] BGKM, Vol. 25, p. 21, 22

[62] BGKM, Vol. 25, pp. 483-485

[63] BGKM, Vol. 26, p.163; BGKM, Vol. 27, pp. 84-87

[64] BGKM, Vol. 27, pp. 210-216; BGKM, Vol. 27, p. 218, 219

After the suspension of the decision for several months, Alcock directly brought this matter to the rōjū. According to Alcock's letter in December 1859, the Governor of Nagasaki told consuls that they did not have authority over the settlement and also that he had not received any orders from the Bakufu that allowed him to negotiate with the consuls and make a final decision.[65] The consuls in Nagasaki demanded a review of the Governor of Nagasaki's decision, and the Bakufu finally ordered the Governors of Nagasaki to decide for themselves.[66] Referring to the fact that the usable land of Nagasaki was limited, the rōjū explained to Alcock the delay was not because of the Bakufu or the Governor of Nagasaki but because of the complicated nature of the matter. Therefore, the Bakufu would send an official to Nagasaki and make a decision together with the Governor of Nagasaki.[67]

There were two distinct characteristics in relations between Edo and the distant open ports, such as Hakodate and Nagasaki. First and foremost, the time gap in communication between Edo and the distant open ports was a problem from the beginning. According to Harris, it took seven days at the earliest and twenty-five days at the slowest for communications using express messengers between Edo and Nagasaki.[68] Alcock wrote they had communications between Edo and Nagasaki three times per month, and it took twenty to twenty-five days each way.[69] This meant it took about two months to travel between Edo and Nagasaki. However, since Alcock complained about the delay and suggested both the Bakufu's letters and Japanese currency should be delivered between Edo and Nagasaki by British warships or steamships bound for or coming from Shanghai. This suggestion met with opposition from the inspectors. However, the gaikoku-bugyō and kanjō-bugyō agreed with it from a practical viewpoint and even hired a steamship for this purpose.[70] Furthermore, the Bakufu and the Western powers established cooperation on this point. For

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[65] BGKM, Vol. 31, pp. 289-292

[66] BGKM, Vol. 32, p. 135, 136; BGKM, Vol. 32, pp. 379-382

[67] BGKM, Vol. 33, p. 29; In terms of the Nagasaki settlement, See for example, Hishitani Takehira, Dejima Kenkyūkai ed., *Nagasaki Gaikokujin Kyoryūchi no Kenkyū* [The Study of Foreign Settlement in Nagasaki], Fukuoka: Kyūshū Daigaku Shuppankai, 1988

[68] BGKM, Vol. 21, p. 509

[69] BGKM, Vol. 23, p. 252

[70] BGKM, Vol. 28, p. 194-202; BGKM, Vol. 29, p. 201-204

example, when they sent shipping to Hakodate or Nagasaki, Japan and Britain notified each other and together used it to deliver letters and currency.[71]

Second, there was a gap between formal authority and substantial foreign policy-making in Bakufu. As described above, the Governor of Hakodate and the Governor of Nagasaki had authority over their area in the system. However, in reality they always sought Bakufu guidance before making decisions. In Edo, the gaioku-bugyō, the kanjō-bugyō, and the inspectors met, and in many cases, the rōjū adopted an appropriate opinion based upon their debate. This meant instead of adopting an individual approach towards foreign relations in the open ports, discussion among Bakufu officials of each open port's case became the basis for a unified approach to foreign policy.

This unified approach was supported by the multiple roles of the Governors (in Edo and on the spots) and by the steamship network between Yokohama, Hakodate, and Nagasaki. For instance, in the settlement matter in Nagasaki, the rōjū explained to Alcock that, although the Governors essentially constituted the sole authority over matters at the port, 'in terms of the matter regarding the constitutional rule of all the country, it is a custom of our country that they should report to the government and follow its order; therefore, dependent on the fact of the case, it would be difficult to make a prompt decision'.[72] In another case, the Governor of Hakodate asked the rōjū to establish a rule regarding intercourse with foreign officials. In regard to this request, while thinking it would be humiliating if the Governor visited the consuls first, the Governor of Hakodate wrote, 'if we make a new case here in Hakodate, it would be a precedent for Kanagawa, Nagasaki, and others' and thus 'this would be related to the unity of open ports [諸港一躰]'.[73] In terms of the exchange of foreign silver and Japanese currency, the Governor of Nagasaki told the consuls they should adopt the same regulations as Yokohama.[74] Moreover, in terms of the provision of foods for the consuls in Hakodate, the Bakufu decided the 'three ports [Yokohama, Hakodate and Nagasaki] should have the same rule'.[75] In particular, inspectors noted Yokohama should be 'a model for other open ports' and thus put emphasis on the practices in Yokohama.[76]

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[71] BGKM, Vol. 30, p. 158; BGKM, Vol. 32, p. 73, 74

[72] BGKM, Vol. 33, p. 29

[73] BGKM, Vol. 24, pp. 62-65; BGKM, Vol. 28, p. 71-77

[74] BGKM, Vol. 24, p. 118

[75] BGKM, Vol. 28, pp. 145-157

[76] BGKM, Vol. 27, p. 398

Nevertheless, the style of communication between Edo and Yokohama, Hakodate, and Nagasaki mentioned above was further evident in the fact that the gaikokugakari-rōjū did not have any specific vision of foreign relations. Practical foreign affairs were all delegated to bugyō (the Governor). Thus, practical and administrative unification was reached through the discussion between various bugyō officials.

This problem in substantial decision-making was in fact noted by foreign representatives at meetings with Japanese interlocutors. As a matter of fact, foreign representatives repeatedly asked questions regarding the status of the rōjū and the gaikoku-bugyō and their multiplicity and rotation system. Alcock requested the Bakufu to let one Governor of Kanagawa deal with the negotiations, otherwise the talks always returned to the beginning due to the rotation of the Governor.[77] In reply, the rōjū responded that there existed five Governors of Kanagawa, all of whom concurrently worked as gaikoku-bugyō. According to the rōjū, 'although there should be one the Governor (bugyō) in principle, since now is the beginning of the opening of the ports, several Governors should discuss various matters and adopt the situation of other ports after their return to Edo. By doing that, the treatment of foreigners could be equal everywhere'. The rōjū then stated the original Governor would come back after one rotation cycle finished.[78] At the same time, the Bakufu introduced a monthly rotation system for gaikokugakari-rōjū and gaikokugakari-wakadoshiyori (junior councillors) as well, which strengthened multiplicity and rotation of the officials involved in the making and administration of the Bakufu's foreign policy.[79]

Complaints by foreign representatives about multiplicity and rotation in the Bakufu's foreign policy gradually increased. Alcock wrote to the gaikoku-bugyō that he preferred to have a direct meeting with the rōjū to resolve disputes and later sent a letter that he should decide the date of the meeting with the rōjū in November 1859.[80] Explaining that their reply was delayed due to discussion, the rōjū told Alcock he should meet the gaikokugakari-wakadoshiyori because the rōjū were busy. Alcock did not accept this request, stating he would only accept negotiating with rōjū or full-power representatives. He even suggested the possibility of war, which finally led to his

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[77] BGKM, Vol. 25, pp. 156-158

[78] BGKM, Vol. 25, pp. 322-324

[79] BGKM, Vol. 25, p. 185, 186; BGKM, Vol. 25, p. 186, 187

[80] BGKM, Vol. 28, pp. 379-402; BGKM, Vol. 29, pp. 176-178

meeting with gaikokugakari-rōjū, including Manabe.[81] As well as Alcock, Harris also requested the meeting with the rōjū, and set the date of the meeting by himself. Harris in fact met the rōjū and noted they could not keep a secret because there were too many Bakufu officials participating in the talks.[82] In addition to this, a French representative requested a meeting in cooperation with his British and US counterparts.[83]

Direct meetings with the rōjū did not fully allay the Western representatives' distrust. They deeply distrusted the gaikokugakari-rōjū, who were clearly not enthusiastic about handling foreign relations from the beginning. For example, Harris posed a question as to why the gaikoku-bugyō, rather than the gaikokugakari-rōjū, handled foreign relations and delivered his wish that gaikokugakari-rōjū should treat him in a kind manner, as Hotta did.[84] Additionally, Harris protested Manabe's rude and arrogant attitude, to which the gaikoku-bugyō explained this had occurred because of the first ritual welcome for foreign representatives.[85] In this period, gaikokugakari-rōjū avoided meeting with foreigners and thus tended to delegate it to the gaikoku-bugyō. If the meeting was necessary, the gaikoku-gata made preparations and explained the situation to the gaikokugakari-rōjū in advance.[86] Furthermore, owing to the conflict within the Ii government, the gaikokugakari-rōjū, such as Ōta and Manabe, were dismissed or frequently changed, preventing the establishment of systematic foreign policy-making.[87]

In contrast, Mizuno who was in charge of the gaikoku-gata as a whole. Mizuno was the only gaikoku-bugyō not excluded by the Ansei purge, although Mizuno had in fact supported Hitotsubashi Yoshinobu as the future Shōgun. Mizuno championed opening Yokohama and dealt with the currency matter by concurrently working as the kanjō-bugyō.[88] Although criticism from Russia relating to a murder case against a Russian military officer forced Mizuno to leave the gaikoku-bugyō, he continued to oversee foreign affairs as a substantial gaikoku-bugyō and even

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[81] BGKM, Vol. 29, pp. 343-345; BGKM, Vol. 29, pp. 364-369; BGKM, Vol. 29, pp. 379-395

[82] BGKM, Vol. 29, p. 8-10; BGKM, Vol. 29, pp. 78-107

[83] BGKM, Vol. 29, pp. 22-24; BGKM, Vol. 29, pp. 114-116

[84] BGKM, Vol. 25, p. 342, 348

[85] BGKM, Vol. 28, pp. 182-185; BGKM, Vol. 30, pp. 326-328

[86] *Bakumatsu Gaikō Dan*, Vol. 1, p. 155, 156

[87] BGKM, Vol. 25, p. 85, 86; BGKM, Vol. 25, p. 221, 222; BGKM, Vol. 30, pp. 379-381

[88] *Bakumatsu Gaikō Dan*, Vol. 1, pp.131-139

submitted opinions together with the other gaikoku-bugyō.[89] However, even Mizuno was unable to bridge the gap between the rōjū level and the bugyō (governor) level. Thus, the practical management of foreign relations continued without any clear principles held in common by the Bakufu's top leaders.[90]

Around the end of the Ii government, the attacks of anti-foreigner samurai against foreigners increased, and security for foreigners in Edo and the foreign settlements gradually became a serious problem. It was against this background that Ii was assassinated in the Sakuradamon Incident in March 1860. Due to Ii's death, new Bakufu officials abolished his leadership position; this considerably changed the Bakufu's foreign relations.

4. The *Gaikoku Kōsai* under Restrictions: The Kuze-Andō Government and its Paradoxical *Kōsai*, 1860–1862

After the assassination of Ii in 1860, the Bakufu controlled Kuze, who had been previously dismissed from the rōjū by Ii, and Andō Nobumasa, who was appointed to the gaikokugakari-waka-doshiyori. Andō now mainly led the negotiations with the Western representatives. In the newly-tense situation in which anti-foreigner samurai directly threatened the lives of resident foreigners in Japan, the Kuze-Andō government conducted foreign policy based on the following two objectives.

First and foremost, the Kuze-Andō government pursued the unification of the Bakufu and the imperial court [Kōbugattai; 公武合体]. Different from the Ii government's restoration of the relationship, which was supported by fear of the Ansei purge, the Kuze-Andō government proceeded with Bakufu-court unification by accepting a sister of Emperor Kōmei as the bride of Shōgun Tokugawa Iemochi, by which they intended to restore political stability in Japan. In order for this marriage to go proceed, the Kuze-Andō government needed to compromise with the imperial court to some extent, and thus they promised the Bakufu would start expelling foreigners 'within seven, eight, or ten years'.[91] Deferring the matter of opening or closing the country to

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[89] Ibid., p. 140, 141

[90] Fukuchi Ōchi, *Bakumatsu Seijika* [The Politicians in the Bakumatsu Period], Tokyo: Heibonsha, 1989, p. 150, 151

[91] Nihon Shiseki Kyōkai ed., *Kujō Naotada Monjo* [The Papers of Kujō Naotada], Vol. 2, Tokyo: Nihon Shiseki Kyōkai, 1916, p. 441

domestic politics, the Kuze-Andō government also pursued a temporary deferral in relations with the Western powers. This attitude was evident in negotiations about the delay in the opening of Edo, Kyoto, Niigata, and Hyogo, mainly conducted by Andō and others.

After the opening of Yokohama, Nagasaki, and Hakodate at the end of the Ii government, Edo, Osaka, Hyogo, and Niigata were supposed to be opened between 1860 and 1863. However, the imperial court was opposed to opening Osaka and Hyogo, proposing Niigata as an alternative port. The gaikoku-bugyō and Mizuno stated foreign representatives had already realised Niigata's unsuitability as an open port and thus posited other ports not under the Bakufu's control, such as Tsuruga, should be taken into consideration, instead of Niigata. In contrast, the kanjō-bugyō were opposed to this idea, contending it would take time to put Tsuruga under the Bakufu's control, Tsuruga was too close to Kyoto, and that at least the opening of one new port should be delayed to gauge possible economic damage. Inspectors were also against the opening of Tsuruga and other ports. The gaikoku-bugyō and Mizuno again argued the opening of Tsuruga should be included in the negotiations because putting Tsuruga under the Bakufu's control was not difficult and also because Britain was making a survey of the Japanese coast and thus would realise the existence of other good ports such as Tsuruga.[92] As such, the opinions of bugyō-level officials differed.

In this situation, Andō requested from Alcock an extension of opening cities and ports by stating 'unity of the popular mind' was at stake. Alcock immediately rejected Andō's request, noting the date of the openings had been stipulated in the treaties and any extension meant a surrender to domestic opposition which would only worsen the 'unity of popular mind'.[93] In reply to Alcock, who recommended the conclusion of a treaty with Prussia (whose representative had just arrived in Japan), Andō reported the Bakufu could only conclude a new treaty in exchange for postponement of further opening of cities and ports.[94] Although Alcock still rejected this suggestion, Andō did not give up. He argued the Bakufu 'would like to have a deep and eternal intercourse' with Britain, and even said it was 'an evidence of faith and friendship' for him to negotiate with Alcock in this unavoidable situation. However, Andō's argument did not change Alcock's attitude.[95]

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[92] BGKM, Vol. 40, pp. 89-103

[93] BGKM, Vol. 41, pp. 70-84; 'Eikoku Kōshi Taiwasho' [The Interview with a British minister], 'Tsūshin Zenran' [The Collection of Communication Documents], Series 2, Vol. 47, 27 August, 1860

[94] BGKM, Vol. 41, pp. 23-28

[95] BGKM, Vol. 42, pp. 365-370

Concurrently, Andō reached out to Harris about the extension of the opening of the ports until 'the Japanese people naturally realised' the need for it. He referred to the possibility of causing confusion due to the geographical proximity of Osaka and Hyogo to Kyoto, and explained the complicated political relationship between Edo and Kyoto. Andō openly and honestly told Harris he did not know how to negotiate with the Western powers because 'we are not familiar with the *kōsai* with other countries'. Harris, who supported the Prussian representative's conclusion of a treaty with the Bakufu, promised to support Andō in postponing the opening of the cities and ports outlined above, and thus Andō replied the Bakufu would prepare the treaty with Prussia in exchange for the extension.[96]

In this way, Andō succeeded in obtaining support from Harris by connecting the extension matter with the conclusion of a treaty with Prussia. Harris suggested to Andō the Bakufu could exclude the opening of Edo and other ports in the treaty with Prussia. Then the Bakufu could begin negotiations with Britain and France on the basis of the treaty with Prussia, which Andō accepted. Andō had a close discussion with Harris in this matter and even asked the latter to proofread drafts of official letters towards Western powers regarding the extension.[97] These letters, which requested an extension until the Japanese people naturally expected the expansion of foreign relations, were thus sent to Harris to check in advance.[98] Furthermore, Andō sent letters to the Western powers stating the Bakufu would not conclude treaties with any other countries after Prussia. The gaikoku-bugyō and Mizuno drafted these letters and allowed Harris's proofread them.[99]

At this point, however, Hori Toshihiro, who was one of the gaikoku-bugyō dealing with the treaty negotiations with Prussia, suddenly committed suicide, delaying negotiations. It is difficult to determine the true reason for Hori's suicide, but it seems he committed suicide after arguing with Andō about foreign affairs.[100] Immediately after this incident, the Bakufu ordered Andō to take solely responsible for all foreign affairs in order to systematise foreign policy-making, which made Andō the leader of the Bakufu's foreign affairs.[101]

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[96] BGKM, Vol. 41, pp. 76-94

[97] BGKM, Vol. 43, pp. 67-86

[98] BGKM, Vol. 44, pp. 77-101

[99] BGKM, Vol. 43, pp. 227-232

[100] BGKM, Vol. 44, pp. 144-148

[101] BGKM, Vol. 44, p. 505, 506

Around this time, anti-foreigner samurai attacks became serious matter. They attacked foreigners, and a rumour started they were planning to attack foreign legations. Accordingly, the gaikoku-bugyō began to stay at legations in shifts in order to guard foreign representatives and demanded legations temporarily move to Edo castle.[102] However, anti-foreigner samurai assassinated Henry Heusken, who worked as a translator for Harris, in January 1861. The British and French representatives criticised the Bakufu and moved to Yokohama from Edo in protest.[103] In spite of his translator's murder, Harris stayed in Edo, stating 'I had a friendship with Andō' and 'for Japan.'[104] The Prussian representative temporarily stayed in Edo only until the treaty was concluded. Afterwards he protested the incident before leaving from Japan.[105]

Andō moved on to conduct negotiations with the Western powers other than the US based on the Prussian treaty provisions which did not promise to open Edo and other cities. Andō sought advice from Harris on this matter, who replied Andō should threaten to arrest criminals for attacks against foreigners and also include a specific deadline for extension. After discussion with Andō, who tended to reject a specific deadline, Harris finally suggested setting one for 1868.[106] After the return of the British and French representatives to Edo, following Harris's advice on the letters, Andō sent an official request to Western powers that the opening of Edo and others be extended until 1868.[107] Subsequently, the Bakufu decided to send the Bunkyū Mission to Europe to engage in direct negotiations with Western governments. Although the mission succeeded in postponing the opening of Edo and other ports, they agreed to grant some interests to the Western powers in exchange for the extension.[108]

Beyond the debates over extension, the Kuze-Andō government experienced another considerable problem in the handling of foreign relations: the Tsushima (Posadnik) incident.

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[102] BGKM, Vol. 45, p. 52-58; BGKM, Vol. 45, p. 509, 510

[103] BGKM, Vol. 46, p. 57-59; BGKM, Vol. 46, pp. 80-100

[104] BGKM, Vol. 45, pp. 365-381

[105] BGKM, Vol. 46, pp. 29-33; BGKM, Vol. 46, pp. 100-107

[106] BGKM, Vol. 46, p. 256, 257: BGKM, Vol. 46, pp. 258-261; BGKM, Vol. 46, pp. 302-322

[107] BGKM, Vol. 50, pp. 431-433; BGKM, Vol. 52, pp. 149-177

[108] In terms of the Bunkyū Mission towards Europe, See for example, Miyanaga Takashi, *Bakumatsu Ken'ō Shisetsudan* [The Mission to Europe in the Bakumatsu Period], Tokyo: Kōdansha, 2006

In 1861, a Russian naval ship *Posadnik* suddenly arrived at Tsushima without any notice in order to, supposedly, receive repairs. Although the Daimyō of Tsushima temporarily permitted the repair, after several small incidents with the Russians, he demanded the Bakufu's direct guidance regarding the matter.[109] Bakufu therefore sent Oguri Tadanari, a gaikoku-bugyō, to Tsushima. However, as the Daimyō of Tsushima preferred to transfer his domain territory because of financial difficulty, after his negotiation with Russia broke down, Oguri suggested the Bakufu should directly control Tsushima and offer another land to the Daimyō of Tsushima.[110] In the end, Bakufu protests made to the Russian consul in Hakodate and British military pressure against Russia forced Posadnik to leave Tsushima.[111]

At that time, because Tsushima was located in an important strategic position, control over the island became an issue in the 'great game' between Britain and Russia. Andō seemingly thought the Bakufu should directly control Tsushima and open a port there, with which he hoped to be able to maintain a balance between Western powers.[112] Nonoyama Kanehiro, another gaikoku-bugyō sent to Tsushima after Oguri, suggested opening a port in Tsushima after transferring a part of the island to the control of the Governor of Nagasaki.[113]

This suggestion was put forward in the context of the above-mentioned gaikoku-bugyō's plans for Niigata. The gaikoku-bugyō wanted to bring an ideal port for foreign trade under the Bakufu's control and then open that port to the West instead of Niigata. This would allow the gaikoku-bugyō to organise a new central-local relationship in the Bakufu's foreign policy-making. The Bakufu's attitude towards Tsushima was an active expansion of this scheme of building new central-local relationships on Japan's borders in order to maintain control over its territory. Although the

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[109] BGKM, Vol. 49, pp. 226-230; BGKM, Vol. 51, pp. 187-192; BGKM, Vol. 51, pp. 271-276. In terms of the previous studies regarding the Tsushima incident, See for example, Hino Seizaburō, *Bakumatsu ni okeru Tsushima to Eiro* [Tsushima, Britain and Russia in the Bakumatsu Period], Tokyo: Tōkyō Daigaku Shuppankai, 1978; Nezu Masashi, 'Bunkyū Gannen Rokan Posadonikku no Tsushima Senkyo ni tsuite' [Regarding the Tsushima incident in 1861], Yokoyama Yoshinori ed., *Bakumatsu Ishin to Gaikō*; Fumoto Shin'ichi, op.cit.; Takahiro Yamamoto, 'Balance of Favour: The Emergence of Territorial Boundaries around Japan, 1861-1875' London School of Economics PhD Dissertation, 2015

[110] BGKM, Vol. 53, pp. 63-66; BGKM, Vol. 53, pp. 366-368

[111] Interview between Governor of Hakodate and a Russian Consul, 14 September, 1861, 'Zoku Tsūshin Zenran' [The Collection of Communication Documents Part. 2], Vol. 17

[112] Takahiro Yamamoto, op.cit., p. 53

[113] The Opinion of Nonoyama Kanehiro, Ogasawara Hironari, and Tatsuta Tadanao, Katsu Yasuyoshi ed, *Kaikoku Kigen*, Vol. 2, Tokyo: Yoshikawa Heishichi, 1893, pp. 1797-1803

gaikoku-bugyō accepted Nonoyama's proposal,[114] the dismissal of Kuze and Andō in 1862 disrupted implementation of his plan.

As described above, the style and content of the foreign relations of the Kuze-Andō government clearly differed from those of the Ii government. In contrast to the passive attitude of the Ii government's gaikokugakari-rōjū, Andō engaged in discussions with foreign representatives in his house and even succeeded in cultivating a friendly relationship with Harris. A lower official of gaikoku-gata at that time recalled Andō was clever and perceptive at realising small differences among his counterparts, which foreign representatives also highly praised.[115]

Andō's use of the term *kōsai* reflected his approach to foreign relations. The Hotta government had used the word, but Ii government avoided it. Furthermore, in another clear difference from the Ii government, Andō did not rely excessively on the gaikoku-bugyō but instead handled decision-making independently. By doing so, Andō succeeded in establishing unified leadership over foreign relations, which enabled him to cope with the Tsushima Incident and extension of the opening of Edo and other ports.

Beyond his successes, the content and the style of Andō's foreign relations had several limitations. The most serious was he promised to expel foreigners to fulfil a promise to and repair Bakufu's relations with the imperial court. Under this promise, Andō paradoxically presented himself as loyal to the concept of *kōsai* in order to restrict *kōsai*.[116] Additionally, owing to domestic pressure from anti-foreigner samurai in Japan, Andō had no other option but to try to restrict foreigners' personal interactions with the Japanese people, stating the Japanese society had a different concept of social class. Andō explained '*kōsai* also has divisions and thus we do not hold private parties freely in our houses'.[117]

However, after the Sakashitamon incident in 1862 (the attack against Andō by Mito samurai), the Kuze-Andō government suddenly collapsed, and the Bunkyū Reform began. Nagai Uta (from the Chōshū domain) suggested the following idea; abolishment of the treaties was simply impossible, so Japan should instead widely open the country and cultivate national power, thus allowing it to compete with the Western powers in the future. This idea combined the two extreme

[114] The Discussion of gaikoku-bugyō, Ibid., p. 1804, 1805

[115] *Bakumatsu Gaikō Dan*, Vol. 1, pp. 131-139

[116] In this sense, Andō's style of the foreign relations was exactly similar to that of Soejima Taneomi (this is described in Chapter 4), while the goals of the foreign relations were diametrically opposed.

[117] BGKM, Vol. 42, p. 368

ideas of both *sakoku* and *kaikoku* in order to solve the fundamental problem in Japan's foreign relations. It was positively accepted by Emperor Kōmei and Andō. However, implementation of this plan caused a leadership conflict between the Bakufu, the imperial court, and major Daimyōs. This finally resulted in the visit of Shimazu Hisamitsu (Daimyō of Satsuma) to Edo with an imperial mission, whose pressure subsequently led to the restoration of major figures who had been excluded by the Ansei purge – particularly Matsudaira Yoshinaga and Hitotsubashi Yoshinobu – in the Bakufu's policy-making. Moreover, the need for the Shōgun's travel to Kyoto was also determined. Nevertheless, while the Bunkyū Reform in Edo was underway, the extreme anti-foreigner faction gained the upper hand in Kyoto, which led to the imperial court's sudden decision to expel the foreigners.[118]

All the main figures of the gaikoku-gata were also dismissed as part of the Bunkyū Reform. Andō lost his position, and Mizuno opted to retire instead of taking the governorship of Hakodate.[119] The gaikoku-gata members were now 'almost regarded as foreigners'. Skilful officials were transferred to other positions, and 'those who were unfit to the position' were instead appointed to become gaikoku-bugyō. Mizuno had a heated argument with Yoshinobu and other high-ranking Bakufu officials about this, but his protest was not accepted. From the viewpoint of the gaikoku-gata, this situation would possibly lead to the abolishment of the treaty-based relationship with the Western powers; therefore, 'things were totally turning against them.'[120]

5. Between Kyoto and Edo: Hitotsubashi Yoshinobu and Gaikoku-gata, 1863-1867

The Bunkyū Reform caused total confusion within Japan's foreign policy-making. The Bakufu had no option but to accept the demands of the imperial court and major Daimyōs, which almost destroyed the existing Bakufu's gaikoku-gata and foreign policy-making system. In this political chaos, all these political actors - Bakufu, the imperial court, major Daimyōs, and other samurai - sought to intervene in the Japanese foreign policy-making. In Kyoto, court nobles and

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[118] On the detailed political process of this year, see, Takahashi Hidenao, *Bakumatsu Ishin no Seiji to Tennō* [The Politics and Emperor in Bakumatsu-Ishin Period], Tokyo: Yoshikawa Kōbunkan, 2007

[119]ISK, Vol. 4, p. 3; ISK, Vol. 4, p. 111; ISK, Vol. 4, p. 127; ISK, Vol. 4, p. 162

[120] Sugiura Kansui to Sugiura Yuzuru, 19 August, 1862, Sugiura Yuzuru, *Sugiura Yuzuru Zenshū* [The Complete Works of Sugiura Yuzuru], Vol. 1, Tokyo: Sugiura Yuzuru Zenshū Kankōkai, 1978

major Daimyōs continued discussions from 1862 to 1863, including over whether they should conduct *sakoku* or *kaikoku*. One preliminary conclusion was that the imperial court decided to request the Shōgun's visit to Kyoto.[121]

After the collapse of the Kuze-Andō government, Itakura Katsukiyo, Ogasawara Nagamichi, and others were appointed to gaikokukugakari-rōjū (or equal status to this) positions.[122] Itakura and Ogasawara told Hitotsubashi Yoshinobu the Bakufu should reject anti-foreigner policies in anticipation of future political change and choose *kaikoku* in the dichotomy between *sakoku* or *kaikoku*.[123] However, the imperial court, which was substantially controlled by a radical anti-foreigner faction including Sanjo Sanetomi, who strongly urged the Bakufu to immediately expel the foreigners. Hitotsubashi Yoshinobu and Matsudaira Yoshinaga had no other course but to promise to follow this policy and even decided on a concrete deadline to implement it.[124] After the arrival of Shōgun Tokugawa Iemochi in Kyoto, this deadline was officially set and announced publicly.[125]

After the Bunkyū Reforms, the Namamugi incident of 14 September 1862 was a major diplomatic incident, when a samurai of the Satsuma Domain killed a British subject during the middle of Shimazu Hisamitsu's return from Edo. The handling of this incident constituted one of the urgent matters of the day. In this situation, the gaikoku-gata was faced with the challenge of dealing with both the matter of expelling foreigners and the Namamugi incident simultaneously. Furthermore, the Shōgun was ordered by the imperial court to stay in Kyoto to verify the authority of the imperial court to expel the foreigners, which prevented him from returning to Edo.[126]

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[121]ISK, Vol. 4, p. 70

[122]ISK, Vol. 4, p. 43;ISK, Vol. 4, p. 185

[123] Itakura Katsukiyo and Ogasawara Ngamichi to Hitotsubashi Yoshinobu, 10 December, 1862, Nihon Shiseki Kyōkai ed., *Tokugawa Yoshinobu Kōden* [The Biography of Tokugawa Yoshinobu], Historical Document [herreafter TYKH], Vol. 1, Tokyo: Nihon Shiseki Kyōkai, 1975

[124] A Document to Sanjo Sanetomi and others, 2 April, 1863, TYKH, Vol 1, p. 451, 52; Nihon Shiseki Kyōkai ed, *Date Munenari Zaikyō Nikki* [The Diaries of Date Munenari in Kyoto], Tokyo: Nihon Shiseki Kyōkai, 1916, 30 March, 1863

[125] ISK, Vol. 4, p. 400

[126] Murata Ujihisa and Sasaki Chihiro eds., *Zoku Saimu Kiji* [The Record of the Fukui Domain], Vol. 1, Tokyo: Nihon Shiseki Kyōkai, 1921, 4 May, 1863

Owing to these reasons, although the British demanded compensation for the Namamugi incident, the Bakufu requested an extension of negotiations several times.[127] The rōjū in Edo sent a letter to Yoshinobu in Kyoto requesting the return of Ogasawara in order to help with the Namamugi incident, but Ogasawara did not return to Edo until two months after the despatch of the letter.[128] Furthermore, several days after Ogasawara's return, Tokugawa Yoshiatsu (Daimyō of Mito) moved back to Edo in place of the Shōgun, along with authority over foreign affairs.[129]

In Edo, Ogasawara held discussions about expelling foreigners and on compensation for the Namamugi incident. However, the discussions did not easily reach a conclusion; some of the Bakufu officials were opposed to expelling foreigners as well as rejecting the payment of compensation, others wished to pursue both, while another group supported negotiations for expelling foreigners after paying compensation.[130] Mizuno, who was a former gaikoku-bugyō and supported compensation, led discussions, and both Ogasawara and Tokugawa Yoshiatsu internally agreed to Mizuno's idea. Despite this, as soon as the information arrived that Yoshinobu would return to Edo in order to expel the foreigners, the discussion changed to one of expelling foreigners as well as rejecting the payment of compensation– mainly led by a new gaikoku-bugyō Sawa Yukiyoshi – and Ogasawara temporarily accepted this change of direction.[131] In the end, however, Ogasawara decided to pay the compensation himself, and in fact moved to Yokohama with Mizuno. On the same date, for form's sake, Ogasawara also sent a notification about closing the open ports and expelling foreigners. Ogasawara's conducted the decision one day before the above-mentioned deadline for expelling the foreigners.[132]

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[127] 'The Namamugi incident, Vol. 7' ,'Zoku Tsūshin Zenran', 25 April, 1863; 'The Namamugi incident, Vol. 8' ,'Zoku Tsūshin Zenran', 6 May, 1863; 'The Namamugi incident, Vol. 9' ,'Zoku Tsūshin Zenran', 26 May, 1863

[128] Rōjū to Hitotsubashi Yoshinobu, 20 March, 1863, *Zoku Saimu Kiji*, Vol. 1, 20 March, 1863; Muragaki Diary, 23 May, 1863

[129] Muragaki Diary, 28 May, 1863; *Zoku Saimu Kiji*, Vol. 2, 1 June, 1863

[130] *Bakumatsu Gaikō Dan*, Vol. 2, pp. 43-46

[131] Kaji Seizaemon to Adachi Seiichiro and Ōnishi Seita, 'Dai Nihon Ishin Shiryō Kōhon', 24 June, 1863; Ōba Isshinsai and others to Suzuki Nui, 29 June, 1863, TYKH, Vol. 1, pp. 523-529

[132] Ogasawara Nagamichi to Inoue Masanao, 24 June, 1863, 'Dai Nihon Ishin Shiryō Kōhon', 24 June, 1863; Muragaki Diary, 23 June, 1863

Yoshinobu was still on his way to Edo from Kyoto.[133] Although Yoshinobu and his followers criticised Bakufu officials for their opposition to expelling foreigners, many gaikoku-bugyō, such as Asano Ujisuke, responded by writing *sakoku* did not fit the actual international situation and thus would harm the country even though it was the Emperor's will.[134] After arriving in Edo, Yoshinobu sought to proceed with closure of the open ports. However, Bakufu officials strongly resisted his efforts. Furthermore, Yoshinobu could not simply ignore Ogasawara, whose leadership and ability were regarded in such a way that 'only Ogasawara has the willpower among the high-ranking Bakufu officials', even among Yoshinobu's followers. Therefore, Yoshinobu's allies also assumed that only Ogasawara could conduct the imperial mission of expelling foreigners, despite Ogasawara's decision on the compensation matter.[135] Ogasawara had to deal with all these problems by himself, due to the lack of qualified officials within the Bakufu and sabotage by high-ranking Bakufu officials feigning illness.[136]

Nevertheless, Ogasawara made a decision soon after payment of the compensation. Together with Inoue Kiyonao and Mizuno, he borrowed a steamship from Britain and moved to Osaka with the Bakufu's troops. They intended to directly change the atmosphere of discussions in Kyoto to favour *kaikoku* using their military presence as leverage. Ogasawara and others tried to enter Kyoto from Osaka. However, the rōjū staying in Kyoto and the Shōgun himself stopped their arrival, which resulted in their return to Osaka without fulfilling their goals.[137] Due to the failure of this coup, Ogasawara lost his position, and the initial gaikoku-bugyō group such as Mizuno never returned to the centre of the Bakufu's foreign relations.[138] Thereafter, Edo did not actively lead

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[133] In his memoir, Hitotsubashi Yoshinobu explained Ogasawara and Yoshinobu had secret communications with each other and Ogasawara's paid compensation under Yoshinobu's direction. However, no primary document proves this description. Based on primary documents, it seems that Yoshinobu made a consistent effort to expel foreigners by closing open ports at that time, although his real intention is difficult to reveal (Shibusawa Eiichi ed, *Sekimukai Hikki* [The Memoir of Hitotsubashi Yoshinobu], Tokyo: Heibonsha, 1966, p. 8).

[134] Ōba Isshinsai and others to Suzuki Nui, 29 June, 1863, TYKH, Vol. 1, pp. 523-529; Hitotsubashi Yoshinobu to Takatsukasa Sukehiro, 9 July, 1863, TYKH, Vol. 1, pp. 532-537; The Reminiscence of Asano Ujisuke in terms of Payment of Compensation for the Namamugi Incident, TYKH, Vol. 1, pp. 540-554

[135] Ōba Isshinsai and others to Suzuki Nui, 29 June, 1863, TYKH, Vol. 1, pp. 523-5239

[136] *Bakumatsu Gaikō Dan*, Vol. 2, p. 56, 57

[137] In terms of Ogasawara's coup See for example, Ishii Takashi, *Zōtei Meiji Ishin no Kokusaiteki Kankyō*, pp. 244-254; Nara Katsushi, op.cit., pp. 117-124

[138]ISK, Vol. 4, p. 460

foreign relations. Rather, the Kyoto imperial court and those under the imperial court – such as Yoshinobu, the major Daimyōs, and the rōjū in Kyoto – mainly led Japan's foreign relations.

Yoshinobu – now staying in Edo – still attempted to follow the imperial order to expel the foreigners. However, Yoshinobu was caught in a severe dilemma between Kyoto and Edo owing to the Bakufu officials' resistance, which made Yoshinobu ask to abandon his mission towards the imperial court several times.[139] Even though high-ranking Bakufu officials continued to sabotage the policy, Yoshinobu still made efforts on behalf of the imperial court and argued about the need to close Yokohama as part of the campaign to expel foreigners, sidelining opposing bugyō such as Asano.[140] Moreover, together with the Mito Domain group, Ikeda Yoshinori and Ikeda Shigemasa, who were the brothers of Yoshinobu and Daimyō of the Tottori and Okayama domains respectively, sent letters to Yoshinobu strongly urging him to close Yokohama. In parallel, as shown in the case of rōjū Itakura, who became opposed to Yoshinobu in the middle of this process, Yoshinobu became increasingly isolated in Edo.[141]

A coup occurred in Kyoto on 30 September 1863, the imperial court expelled a radical anti-foreigner group including many Chōshū samurai. Even during this considerable political change, Yoshinobu confirmed through Ikeda Yoshinori and others that the imperial court still maintained its preference for expelling foreigners and thus kept up his lobbying to close Yokohama.[142] Accordingly, the rōjū and the Gaikoku-bugyō had a meeting with foreign representatives and proposed closing Yokohama. The representatives immediately rejected this proposal.[143] Negotiations continued at a lower-rank level, in which the Bakufu claimed that closing Yokohama was necessary, while they reiterated 'this would never mean the destruction of the friendly

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[139] Nihon Shiseki Kyōkai ed, *Nakayama Tadayasu Nikki* [The Diaries of Nakayama Tadayasu], Vol. 1, Tokyo: Nihon Shiseki Kyōkai, 1916, 6, 7, July, 1863; Hitotsubashi Yoshinobu to Takatsukasa Sukehiro, 9 July, 1863, Kunaisho Sentei Gojiseki Torishirabe Gakari ed, *Kōmei Tennoki* [The Records of Emperor Kōmei], Vol. 161, Tokyo: Kunaisho, 1906, pp. 28-32; Hitotsubashi Yoshinobu to Takatsukasa Sukehiro, 8 August, 1863, *Mitohan Shiryō*, Vol. 2, p. 416, 417

[140] Hitotsubashi Yoshinobu to Ikeda Yoshinori, 21 September, 1863, Nihon Shiseki Kyōkai ed, *Tottori Ikedake Monjo* [The Papers of the Family of Ikeda of the Tottori Domain], Vol. 1, Tokyo: Nihon Shiseki Kyōkai, 1921

[141] Hitotsubashi Yoshinobu to Ikeda Yoshinori, Ikeda Shigemasa, Matsudaira Akikuni, 6 October, 1863, *Tottori Ikedake Monjo*, Vol. 1

[142] Hitotsubashi Yoshinobu to Ikeda Yoshinori, Ikeda Shigemasa, Matsudaira Akikuni, 20 October, 1863, *Mitohan Shiryō*, Vol. 2, p. 496

[143] 'A Matter of Closing Yokohama', Vol. 1, 'Zoku Tsūshin Zenran', 26 October, 1863 (B3, M9, D14)

relationship'. Following the French side's advice, the Bakufu decided to send a mission to Europe for direct negotiations with Western governments.[144] Nevertheless, the mission was unable to pursue its goal. Rather, its members devoted themselves to the idea of *kaikoku* and concluded an agreement in Paris in 1864. The Bakufu rejected the agreement and punished the mission after their return to Edo.[145]

Yoshinobu managed to save face and returned to Kyoto in 1864 due to the imperial court's order for Yoshinobu and other major Daimyōs (including Matsudaira Yoshinaga [Echizen domain], Shimazu Hisamitsu [Satsuma domain], and Date Munenari [Uwajima domain]) to gather in the city.[146] In Kyoto, Yoshinobu and those Daimyō who constituted the sanyo-kaigi (councillors' meeting) held a substantial decision-making meeting under the auspices of the imperial court. At the sanyo-kaigi, the issue of closing Yokohama was a major discussion topic. Because Yoshinobu—within the Bakufu in Edo—had consistently supported the idea of closing Yokohama following the emperor's will from the previous year, he strongly argued for the continuation of negotiations regarding port closures, to which some of the other Daimyō were opposed. Yoshinaga subsequently sent a letter to Date stating Yoshinobu hated Satsuma, Echizen, and Uwajima; on the other hand, Yoshinobu frequently received advice from the Mito and Tottori domains.[147] Owing to Yoshinobu's violent language against the Daimyōs at a banquet,[148] the sanyo-kaigi collapsed within several months, and the policy of closing Yokohama was still the major goal in foreign policy.

Following the collapse of the sanyo-kaigi, the major Daimyōs went back to their domains, but Yoshinobu was appointed to the position of kinri shuei sōtoku (head of the Imperial Court's protector) and sekkai bōgyo shiki (commander of Osaka Bay defence). Thereafter, Yoshinobu continued to stay in Kyoto (he did not return to Edo until the battle of Toba-Fushimi in 1868).[149] Subsequently, he began allying with the Aizu and Kuwana domains, cutting conventional cooperation with Mito, Tottori, and Okayama domains.

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[144] 'A Matter of Closing Yokohama' Vol. 2, 'Zoku Tsūshin Zenran', 6 December, 1863

[145] On the opinion of Ikeda Nagaoki and others, *Zoku Saimu Kiji*, Vol. 3, 23 August, 1864, pp. 187-217

[146] ISK, Vol. 5, p. 27

[147] Matsudaira Yoshinaga to Date Munenari, 17 April, 1864, *Zoku Saimu Kiji*, Vol. 3

[148] Hara Ichinoshin to Minobe Matagorō, 25 March, 1864, TYKH, Vol. 1, pp. 37-45

[149]ISK, Vol. 5, p. 184

Two reasons can be noted for Yoshinobu's shift in allies. First and foremost, following the trust of the imperial court, Yoshinobu controlled politics in Kyoto as his stay in the capital extended. For this reason, cooperation with Matsudaira Katamori (Daimyō of Aizu domain and Kyoto Shugoshoku [Military Governor of Kyoto]) and Matsudaira Sadaaki (Daimyō of Kuwana and Kyoto Shoshidai [Local Governor of Kyoto]), both of whose positions kept them in Kyoto, became the top priority for Yoshinobu to establish military-backed leadership. Indeed, at the Kinmon incident in the same year, Yoshinobu, together with the Aizu domain and others, won the battle against the Chōshū samurai. Thereafter, Yoshinobu mainly controlled the political situation, which would lead to the First Chōshū expedition.[150]

Second, in the middle of the Chōshū incident and Mito rebellion (a rebellion of radical anti-foreigner samurai in the Mito domain), Yoshinobu's priorities gradually deviated from those of Mito, Tottori, and Okayama. These domains sought national integration based on the exile of foreigners, which led them to have compassion for Chōshū. In fact, Ikeda Yoshinori offered his aid to improve the relationship between the imperial court and Chōshū and intended to support Chōshū's anti-foreigner activity in Shimonoseki.[151] Moreover, in the Mito rebellion, Ikeda even suggested using anti-foreigner rebels on the frontlines of battles to expel foreigners.[152] However, since the Bakufu finally decided to suppress Mito rebels [153] and Chōshū was regarded as an enemy of the imperial court after the Kinmon incident, stances held by the Mito, Tottori, and Okayama domains rapidly lost its credibility and practicability. Thereafter, the positions of these domains differed from Yoshinobu's political stance; Yoshinobu put primary emphasis on the Chōshū matter in order to settle domestic disputes from the viewpoints of politics in Kyoto.

As described above, Yoshinobu transformed his political and military position and became more focused on the domestic Chōshū matter than the closure of Yokohama. Following this line, it was natural that Yoshinobu also changed his principles regarding foreign relations. Owing to this, Yoshinobu, however, worsened his relationship with the Bakufu over foreign relations once again.

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[150] On the political process led by Yoshinobu, Aizu and Kuwana at this point, See for example, Iechika Yoshiki, 'Ichikaisō Kenryoku no Seiritsu to Hōkai' [The Establishment and Collapse of the Ichikaisō Government], Meiji Ishinshi Gakkai ed., *Bakuhan Kenryoku to Meiji Ishin* [The Bakuhan Power and the Meiji Restoration], Tokyo: Yoshikawa Kōbunkan, 1992

[151] 'Kenbunroku [Observation Record]' in 'Dai Nihon Ishin Shiryō Kōhon', 3 April, 1864; ISK, Vol. 5, p. 244

[152] The Opinion of Ikeda Yoshinori, *Mitohan Shiryō*, Vol. 2, p. 619, 620

[153] Nara Katsuji, op.cit., pp. 222-247

In 1865, due to internal political changes, the Chōshū domain ignored Bakufu orders after the first Chōshū expedition, which led in turn to the second Chōshū expedition. Immediately before the second expedition, the fleets of Britain, France, the Netherlands, and the US arrived in Hyogo to request the early opening of Hyogo and imperial acceptance of the treaties. At the time, the substantial centre of foreign policy-making had already moved to the Kyoto-Osaka area, as shown by the fact that, for example, four out of the five rōjū stayed in Osaka. Foreign representatives had already been informed about this situation; therefore, they thought they could conduct substantial negotiations by arriving in Hyogo with their respective fleets. Furthermore, they hoped to prevent the Second Chōshū expedition.[154]

Shōgun Tokugawa Iemochi and the rōjū (who had stayed in Kyoto) immediately moved to Osaka, and rōjū Abe Masato and others had a meeting with foreign representatives offshore of Hyogo. Foreign representatives requested early opening of Hyogo and imperial acceptance of the treaties because, as they saw it, anti-foreigner feeling in Japan had vanished with Chōshū's acceptance of the need for *kaikoku*. In response to this, Abe and others made up their minds to accept both requests as the Bakufu's sole decision.[155] In contrast, Yoshinobu, who moved to Osaka from Kyoto later than the Shōgun, was opposed to opening Hyogo under the Bakufu's sole discretion. However, his opinion was not accepted in subsequent Bakufu discussions. Bakufu officials became pessimistic about their rule, and Yoshinobu was 'especially confused' by this conclusion.[156] Shōgun Tokugawa Iemochi suggested to the imperial court he should resign from the position of Shōgun and asked the court to appoint Yoshinobu to replace him.[157]

In contrast, the Osaka machi-bugyō (Town Magistrate of Osaka) and others were in favour of Yoshinobu's counter-argument and thus succeeded in achieving an extension of the reply after

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[154] Sir H. Parkes to Earl Russell, 30 October, 1865, *Correspondence respecting Affairs in Japan, 1865-1866: Presented to both House of Parliament by Command of Her Majesty*, London: Harrison and Sons, 1866, No. 66, p. 64

[155] 'Gozaihan Nichijiki 3' [The Diaries of the Stay in Osaka], 13 November, 1865, 'Dai Nihon Ishin Shiryō Kōhon', 13 November, 1865

[156] Ueda Kyūbee to his father, 16 November, 1865, in Miyaji Masato ed, *Bakumatsu Kyōto no Seikyoku to Chōtei* [The Politics and the Imperial court in Kyoto in the Bakumatsu Period], Tokyo: Meicho Kankōkai, 2002, p. 173

[157] 'Gozaihan Nichijiki 4' [The Diaries of the Stay in Osaka], 19 November, 1865, 'Dai Nihon Ishin Shiryō Kōhon', 20 November, 1865

their negotiation with the foreign representatives.[158] Yoshinobu then returned to Kyoto and visited the imperial court with Matsudaira Katamori (Aizu) and Matsudaira Sadaaki (Kuwana), by which time the imperial court had ordered confinement for Abe and others.[159] On this basis, Yoshinobu even suggested to the imperial court it should agree to the early opening of Hyogo and formal acceptance of the treaties. Although the imperial court was tempted to send a court noble and Satsuma samurai to Hyogo for direct negotiations, Yoshinobu and others strongly opposed this action, referring to the danger of causing a war.[160] In the end, Yoshinobu achieved the imperial acceptance of the treaties, although the court still rejected the early opening of Hyogo.[161] The long-lived, polarising debate between *sakoku* and *kaikoku* policies was finally resolved when the court accepted the treaties.

There were two points to consider regarding the style and content of Yoshinobu's foreign relations. First, Yoshinobu's developed his political power in the context of the geographical distance between Edo and Kyoto. Yoshinobu was long regarded as the cleverest person in the Tokugawa family. However, his reinstatement was brought about by the imperial court and the major Daimyōs. Therefore, Yoshinobu needed to represent the Bakufu in Kyoto as well as the imperial court in Edo. Yoshinobu had to pursue his political goal in this contradictory situation. Yoshinobu first defeated Edo officials by forcing Bakufu officials to start negotiations to close Yokohama, excluded the major Daimyō group by destroying the sanyo-kaigi, and finally eliminated cooperation with Mito, Tottori and Okayama. Following these steps, Yoshinobu gradually excluded his political rivals and established his leadership step-by-step, consistently keeping a close relationship with the Kyoto imperial court. Yoshinobu's attitude towards concrete foreign affairs was dependent on his domestic political struggles. Subsequently, foreign representatives also realised the geographical locus of Japan's foreign policy-making had changed, which prompted them to physically arrive in Osaka Bay for direct negotiations.

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[158] The Reminiscence of Tachibana Taneyuki, Shidankai ed., *Shidankai Sokkiroku* [Stenographic Records of Recollections of Historical Events], Vol. 21, Tokyo: Hara Shobō, 1973, pp. 19-39

[159] Ōtsuka Takematsu ed, *Saga Sanenaru Nikki* [The Diaries of Saga Sanenaru], Vol. 1, Tokyo: Nihon Shiseki Kyōkai, 1929, 17 November, 1865

[160] Ōtsuka Takematsu ed, *Asahiko Shinnō Nikki* [The Diaries of Prince Asahiko], Vol. 1, Tokyo: Nihon Shiseki Kyōkai, 1929, 21 November, 1865; *Saga Sanenaru Nikki*, Vol. 1, 21 November, 1865

[161] ISK, Vol. 6, p. 218

Second, Yoshinobu prioritised the imperial will over all other considerations. Whether the decision was *sakoku* or *kaikoku* was a secondary matter for him. When the emperor made a decision to close Yokohama, Yoshinobu made efforts to conduct this policy, despite widespread resistance and the sabotage of Bakufu officials in Edo. Even after removing the radical anti-foreigner group in Kyoto, Yoshinobu tried to ensure the Emperor's will was accomplished and he continued to adhere to the idea of closing Yokohama in the sanyo-kaigi. In addition, Yoshinobu concentrated on Chōshū after the latter domain was identified as the Emperor's enemy due to the Kinmon incident. Later, Yoshinobu convinced the imperial court to accept the treaties by taking advantage of the Western fleets' arrival to Osaka Bay. From Yoshinobu's viewpoint, following the Emperor's will was a greater priority than the handling of foreign relations. This was partly due to Yoshinobu's personal background, who was descended from both the Tokugawa and imperial families, and also because of the influence of Mitogaku. However, the most significant reason was that his power was based most fundamentally on his close relationship with Kyoto. In fact, Yoshinobu placed emphasis on the Emperor's decision in of themselves, not paying great attention to the Emperor and court nobles as individuals. Rather, for Yoshinobu, the Emperor and court nobles were basically objects of persuasion and manoeuvre.[162]

After the death of Shōgun Tokugawa Iemochi during the second Chōshū expedition, Yoshinobu took charge of the Bakufu as the new Shōgun as well as leading politics in Kyoto. In 1867, Yoshinobu suggested agreeing to the opening of Hyogo, by stating that the treaties were 'the foundations of *kōsai*' and they should be protected based on 'faith'. According to Yoshinobu, communication with 'faith' was 'the reason of the whole world', and thus Japan should accept 'the universal relationship over the world'.[163] These wordings were quite different from those Yoshinobu had previously used in foreign relations, especially in the matter of the closure of Yokohama. This was not only because of Yoshinobu's communication with foreigners, including an audience with

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[162] Based on Yoshinobu's memoir and other sources, some previous studies tend to suggest Yoshinobu had a thoughtful attitude in terms of foreign relations, despite Yoshinobu's actual behaviour regarding the closure of Yokohama (For example, Ishii Takashi, op.cit., p. 222). For this reason, some previous studies consider him a progressive figure who supported the opening of Japan, while others argued he was merely an opportunist who accepted the anti-foreigner movement in some parts. In fact, Yoshinobu was considered a smart and complicated figure even during the Bakumatsu period (for example, Matsudaira Yoshinaga to Date Munenari, 17 April 1846, op.cit.). It is therefore difficult to reveal his true intentions even with access to primary documents (excluding his memoir), but Yoshinobu's political behaviour in foreign relations should be described as above in this chapter.

[163] The Suggestion towards the Imperial Court, 9 April, 1867, TYKH, Vol. 3, pp. 40-42

the foreign representatives in Osaka[164], but also because of the gradual acceptance of the law of nations in Japan after imperial acceptance of the treaties. For example, based on the classical Chinese translation (which is referred to in Chapter 3) of *The Elements of International Law* written by Henry Wheaton was now published in Japan, and the word *kōsai* was frequently used in its translation. Furthermore, Simon Vissering's *Lessons of International Law* was also published by the Bakufu scholar Nishi Amane.[165]

Despite the idea being rejected by the imperial court several times, Yoshinobu insisted on requesting the opening of Hyogo, and was finally successful thanks to the support of major Daimyō.[166] Yoshinobu therefore fully resolved what had been a dilemma in foreign relations since 1858. However, Yoshinobu still needed to compete with other actors, such as the Chōshū and Satsuma domains, which sought to overthrow the Bakufu, in order to completely reconstruct foreign relations based in Kyoto and Osaka. In this competition, Yoshinobu was defeated by the coup in 1868 and the Boshin War, which eventually made him hand over jurisdiction of Japan's foreign relations to the new Meiji government. Based on Yoshinobu's line at the very end of his period, early Meiji leaders started constructing their own *gaikoku kōsai*, which is the major topic of Chapter 4.

6. Conclusion

Few previous studies have conducted research on the Bakufu's gaikoku-gata. In the previous scholarship, the relationship between Chōshū and Satsuma domains and the Western powers has tended to be the major focus while investigating 'Western impact', or conversely the Bakufu's leadership over the conclusion of the treaties has been emphasised. In recent years, historians have tended to prioritise the global context after the Ansei treaties using multilingual historical documents. However, the transformation of the Bakufu's foreign relations after the Ansei treaties

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164 The Program of Audience of Four Foreign Representatives in Osaka, TYKH, Vol. 3, pp. 48-65

165 Henry Wheaton, *Bankoku Kōhō* [The Law of Nations], Edo: Kaiseijo, 1865; Simon Vissering, Nishi Amane trans, 'Fuhisurinkushi ban Bankoku Kōhō' [The Law of Nations of Simon Vissering], Yoshino Sakuzō ed, *Meiji Bunka Zenshū* [The Collections of Meiji Cultures], Vol. 8, Tokyo: Nihon Hyōronsha, 1929

166 The Order from the Imperial Court, TYKH, Vol. 3, p. 45, 46; The Order from the Imperial Court, TYKH, Vol. 3, p. 85, 86

has not been studied diachronically. This chapter tackles the above-mentioned gap in the literature by mainly relying on Japanese historical documents.

The idea of the gaikoku-gata was originally suggested by the group of people in and around the kaibō-gakari, including Iwase, Date and Yoshinaga. They suggested this idea in order to maintain their leadership over foreign relations even under the Ii government. While the gaikoku-gata had some restrictions as a Bakufu administration, using the bugyō and other methods, it succeeded in organising a system to handle foreign relations. However, Ii admitted the gaikoku-gata only in order to overcome the difficulties that arose from the conclusion of the Ansei Treaties, and thus subsequently dismissed the main figures of the gaikoku-gata, such as Iwase and others.

As the Ii government made efforts to restore relations with the imperial court through gaikokugakari-rōjū Manabe, it was unable to ignore the the isolation of foreign settlements from Japanese residential areas, as in Dejima. Therefore, the Ii government decided to interpret Kanagawa as Yokohama and by doing so intended to set the port away from the main transportation route of Japan. Despite opposition from the Western representatives, gaikoku-bugyō such as Mizuno organised port facilities, which made Western merchants prefer residence in Yokohama. In contrast, on the question of establishing foreign settlements in Hakodate and Nagasaki, the rōjū and inspectors were expected to establish a single location strictly based on the treaties. Meanwhile, the Governors of Hakodate and Nagasaki and the gaikoku-bugyō showed a more flexible attitude. This was because it was physically impossible to set one location considering the geography of Hakodate and Nagasaki, which rōjū finally deferred to the Governor's decision. In foreign policy-making, rōjū such as Manabe were quite passive in handling foreign relations directly, and thus gaikoku-bugyō such as Mizuno maintained authority in foreign relations in each open port. Ii's assassination caused a fundamental transformation of the Bakufu's foreign relations.

Although the Kuze-Andō government promised the imperial court they would expel foreigners within ten years to stabilise domestic politics, Andō requested the extension of the opening of Edo and others to the foreign representatives. British and French representatives reject this proposal. However, Andō's faithful attitude drew Harris' personal support. Andō and Harris agreed to conclude a new treaty with Prussia in exchange for not including the opening of Edo and others in the treaty. Subsequently, following Harris's advice, Andō officially requested the extension of the opening until 1868, which was eventually accepted by the Western government. Additionally, after the Tsushima incident, Andō and others considered directly controlling Tsushima

and opening a port there in order to maintain Japan's territory, which showed their active attitude towards the expansion of central-local relationship in foreign relations. Nevertheless, Andō's foreign relations contained a fundamental paradox; that is, he wanted restrict state-to-state *kōsai* by using individual *kōsai*. This paradox was deepened in relation to Kyoto, which led to the dismissal of Andō and other gaikoku-gata leaders.

Hitotsubashi Yoshinobu, who was restored by the Bunkyū Reform, promised the imperial court in Kyoto to expel foreigners at once to. Although the matter of expelling foreigners and compensation for the Namamugi incident caused considerable conflict in Edo, Ogasawara made an independent decision to pay the compensation and suggested closing Yokohama to the foreign representatives for form's sake. Moreover, Ogasawara and Mizuno tried to change the political situation in the imperial court by taking troops to Kyoto, which was unsuccessful and caused the exclusion of high-ranking Bakufu officials from foreign policy-making. Moving to Edo, Yoshinobu and Mito officials made efforts to close Yokohama despite the Bakufu's resistance. Even after the exclusion of the radical anti-foreigner group from Kyoto, Yoshinobu disrupted discussions in sanyo-kaigi by arguing to close Yokohama. However, after establishing cooperation with the Aizu and Kuwana domains around the time of the Kinmon incident, Yoshinobu no longer needed to adhere to the policy of expelling foreigners, which led to his earnest persuasion of the imperial court in terms of the imperial acceptance of the treaties and the opening of Hyogo. For Yoshinobu, who established his leadership on the geographical and political divides between Kyoto and Edo, the priority was the Emperor's decision,. This characteristic was exactly the reason why Yoshinobu was able to eventually resolve the *sakoku/kaikoku* debate, the most fundamental dilemma in foreign relations since 1858.

The transformation explained above can be summarised from the analytical viewpoint of geographical distance and communications (the first analytical viewpoint). Under the Ii government, Kanagawa (Yokohama), Hakodate, and Nagasaki were opened to foreigners. Despite the conflict with foreign representatives regarding the concrete location of Kanagawa, the gaikoku-bugyō developed the function of Yokohama as a trade port. This development attracted foreign merchants, and thus Yokohama was admitted as an open port. There were also conflicts with the West in terms of foreign settlements in Hakodate and Nagasaki. However, these debates did not cause serious problems due to the concurrency and multiplicity of the positions of the gaikoku-bugyō and the Governors of these open ports as well as the shortening of communication time

through the introduction of steamships. Overall, the geographical distance between the political centres and the open ports did not constitute a significant problem compared to Qing China. In contrast, the gap between the two political centres – that is, the imperial court in Kyoto and the Bakufu in Edo – did become serious especially after 1862. By taking advantage of differences between Kyoto and Edo, Yoshinobu took control of foreign relations from the Bakufu officials in Edo. Led by Yoshinobu, the centre of foreign policy-making was transferred to the Kyoto and Osaka area, which made the foreign representatives also have to move to Osaka for direct negotiations.

Practitioners' views on foreign relations (the second analytical viewpoint) transformed in a process that can be described as follows. Under the Ii government, top decision-makers, such as Ii and the gaikokugakari-rōjū, and the gaikoku-bugyō (particularly Mizuno), who dealt with foreign relations based on the treaties, differed on how to deal with foreign relations. However, since the former were somewhat passive with no stable viewpoints, practical coordination of foreign affairs functioned well at the level of the gaikoku-bugyō. In contrast to this, in order to delay the opening of Edo and other ports in the context of the cooperation with the Kyoto imperial court, the Kuze-Andō government established centralised decision-making under gaikokugakari-rōjū Andō, intending to restrict *kōsai* with the Western powers by using *kōsai* with Harris and others as a method. Later, Yoshinobu regarded the will of the Emperor as his main priority and treated foreign relations merely as a secondary consideration. In an extension of this logic, Yoshinobu eventually succeeded in turning to the *kōsai* and 'the universal relationship over the world' in contrast to his initial argument for closing Yokohama. In other words, compared to the Hotta government, the Ii government tended to ignore g*aikoku kōsai*. The Kuze-Andō government began use of *kōsai* as a method in order to restrict *gaikoku kōsai*, and Yoshinobu fulfilled the flexible usage of the *gaikoku kōsai* in method alone.

As a result of these transformations, the imperial court accepted treaties with Western powers. Whether to follow *sakoku* or *kaikoku* was no longer a political issue. As described in Chapter 4, the fetishistic attitude towards *gaikoku kōsai*, or the *gaikoku kōsai* as an end in of itself, which was much beyond the usage of the *gaikoku kōsai* purely as a method, was seen after the Meiji restoration. As well as the Bakufu's gaikoku-gata, the early Meiji government continued to pursue other types of trial and error in order to rediscover foreign relations as a method, which led to the development of modern 'diplomacy'.

Chapter 3
The Search for Equilibrium in the *Zhongwai Jiaoshe*: Beijing, Tianjin, and Other Local Officials, 1865-1873

1. Introduction

Previous studies regard the 1870s as the first turning point in Chinese foreign relations after the Second Opium War. Such studies assert that the appointment of Li Hongzhang as 'superintendent of the northern ports' [北洋大臣] after the Tianjin Massacre led to the rise of Li Hongzhang's authority and the relative decline of the Zongli Yamen in Qing China's foreign policy-making.[1]

However, this perspective exhibits two main problems. First and foremost, this understanding is not based on clear evidence. For example, Masataka Banno, at the end of his well-known book regarding the Zongli Yamen, wrote that 'In 1870 Li Hung-chang [Li Hongzhang], who held a large personal army, was appointed governor-general of Chihli [Zhili] with the concurrent post of superintendent of trade for the northern ports. In this position he came into rivalry with the Tsungli Yamen [Zongli Yamen], and eventually he became the real centre for China's conduct of foreign affairs'.[2] He provides no citation to support this assertion. Also, Immanuel C. Y. Hsü said in his influential book, 'So successful was the stratagem that after Li Hung-chang undertook the Tientsin commissionership in 1870s he practically pre-empted the functions of the Tsungli Yamen.[…] Li's office at Tientsin became virtually China's foreign office for the quarter of a century following 1870'.[3] There is no footnote to support this claim either.

Second, previous studies have assumed that Li Hongzhang naturally became the substantial central node in Chinese foreign relations, replacing the Zongli Yamen in this role. However, it is difficult to conceive of how this rapid change in the foreign policy-making process came about. Even though this transformation may have occurred, it only became more apparent in practice after the 1880s, when the Sino-French War and Korea affairs required Chinese military action. In this

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[1] For example, Masataka Banno, op.cit.; Immanuel C. Y. Hsü, *The Rise of Modern China,* New York, London, Toronto: Oxford University Press, 1975

[2] Masataka Banno, op.cit., pp. 245-246

[3] Immanuel C. Y. Hsü, op.cit., p. 335

sense, the Banno and Hsü's hypothesis of a transition of substantial leadership away from the Zongli Yamen to Li Hongzhang requires careful reinvestigation through analysis of actual relations between the Zongli Yamen and Li Hongzhang. Little research addresses this question.

Among English, Chinese and Japanese scholarship, Ogi Eriko is one of the few researchers who has attempted to approach this question thoroughly. She argues relations between the Zongli Yamen and Li Hongzhang as the northern superintendent were relatively cooperative, rather than confrontational, throughout the period of 1870s and 1880s. Pointing out the role of the northern superintendent [the superintendent of three ports] was originally rooted in the traditional Qing political system, and thus acted as a branch office of the Zongli Yamen, Ogi has argued the Zongli Yamen was successfully able to involve Li Hongzhang in its new system for managing foreign affairs. In later periods, the Zongli Yamen and Li Hongzhang were able to help each other manage foreign negotiations, despite foreign legations' frequent attempts to divide the two.[4] Although her research is thought-provoking, it raises two primary concerns. First, her arguments need further research to provide, rather than merely suggest, a broader picture of the topic. Second and more importantly, her analysis focuses primarily on administrative rather than political aspects, a weakness shared with previous studies of the Zongli Yamen.

In order to reveal the political aspects of the *zhongwai jiaoshe* in this period, historians should shed light not only on the bilateral administrative relations between the Zongli Yamen and the northern superintendent, but also on the role of the high-ranking local officials—such as Zeng Guofan, Li Hongzhang, and others—in the complicated process of the *zhongwai jiaoshe*, including in the periods before and after 1870s. In English, Chinese and Japanese scholarship, the overwhelming majority of researchers have emphasised the role of these figures in the self-strengthening movement, especially their leading role in introducing Western technology, education, and other changes, rather than their style and the content of their negotiations with other countries.[5] However, a certain number of Chinese and Japanese researchers have analysed this topic, especially

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[4] Ogi Eriko, 'Kōshin Seihen no Shūshū to Shinchō Gaisei' [Settlement of the Kapsin Coup and the Character of Qing Dynasty Diplomacy], *Tōyō Gakuhō* [The Journal of the Research Department of the Toyo Bunko], Vol. 96, No. 3, 2014: Ogi Eriko, 'Hokuyō Daijin no Setsuritsu' [The Establishment of the Northern Superintendent], Murakami Mamoru ed., *Kingendai Chūgoku ni okeru Shakai Keizai Seido no Henyō* [The Reorganisation of Social and Economic Institutions in Modern China], Kyoto: Kyoto University Institute for Research in Humanities, 2016

[5] See for example, Samuel C. Chu and Kwang-Ching Liu eds., *Liu Hung-Chang and China's Early Modernisation,* Abingdon, Oxon: Routledge, 2015. In terms of the self-strengthening movement from the viewpoint of science and technology, See for example, Benjamin A. Elman, *On Their Own Terms: Science in China, 1550-1900*, Cambridge, MA and London: Harvard University Press, 2005

in regard to Li Hongzhang and others' thoughts and approaches towards the Chinese *zhongwai jiaoshe*.[6] In particular, Bai Chunyan presents a complete picture of Li Hongzhang's thought and approach during the 1860s to 1870s by focusing on his relationship with Japan. In his research, Bai points out that Li Hongzhang's basic principle in foreign affairs was 'manoeuvre' [羈縻] of foreign powers, which was justified by Li Hongzhang's enthusiasm for self-strengthening.[7] Although these works are undoubtedly significant, they are intended to deal with the specific figures themselves rather than the *zhongwai jiaoshe* itself.

This chapter aims at reconsidering the conventional theme, that is, the rise of Li Hongzhang and the relative decline of the Zongli Yamen in Qing China's foreign policy-making in the later 1860s to early 1870s, in the following two ways. First, this chapter will reveal the transformation of the *zhongwai jiaoshe,* as described above, based on primary historical documents. In addition, in line with Ogi, this chapter will also claim the Zongli Yamen—Li Hongzhang relationship was not primarily confrontational. However, nor was their relationship fully cooperative. Rather, the characteristic of 'negotiation' between these two constituted one of the most important features of Chinese foreign policy-making at the time.

This chapter will continue to focus on the internal logic and dynamism of the transformation of Qing China's foreign relations, which is the fundamental goal of this dissertation. As in previous chapters, it focuses on the major disputes as case studies in Chinese foreign relations throughout the period, and by doing so it seeks to identify the underlying mechanisms of the Chinese *zhongwai jiaoshe* and the logic of its transformation.

2. The Search for Central-Local Unity: The Self-Strengthening Movement, the Burlingame Mission, and the Alcock Agreement, 1865-70

After the resolution of the Taiping rebellion, the Guizhou massacre, and the Russian encroachment in Xinjiang as described in Chapter 1, the circumstances of Chinese foreign relations changed as follows. Although the problems of Christianity and the western frontier continued, the series of severe security threats, especially concerning the Taiping rebels, were finally resolved.

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[6] See for example, Okamoto Takashi, *Ri Kōshō* [Li Hongzhang] Tokyo: Iwanami Shoten, 2011

[7] Bai Chunyan, *Rikōshō no Tainichikan* [Li Hongzhang's understanding on Japan] Tokyo: Seibundō, 2015

New circumstances, in particular the issue of treaty revision with Western countries, affected Chinese foreign relations. In addition to this, the Zongli Yamen came to realise the limitation of the approach in the middle of 1860s as described in Chapter 1; that is, the establishment of a centralised foreign policy-making and using it to manoeuvre foreign powers. In accordance with this changing state of foreign affairs, a new style and content of the *zhongwai jiaoshe* were gradually sought by Prince Gong's group, high-ranking local officials, and conservative factions in the central government.

As previous studies have already pointed out, the opinion papers submitted by Hart (November 1865) and Wade (March 1866) both exerted a significant influence on Chinese foreign relations in the 1860s.[8] In his memorandum, Hart first asserted China had become the weakest country in the world. Focusing on the fact that Chinese domestic problems and foreign affairs were closely related, Hart offered several specific pieces of advice regarding its domestic problems, including the reform of the Chinese bureaucratic system. In terms of foreign affairs, Hart suggested holding an imperial audience with the Chinese emperor, establishing Chinese legations in foreign countries, and introducing Western technologies with regards to transportation, communication, and the military. Finally, he urged the Qing government to act more quickly, referring to the Guizhou massacre and other comparable events. Wade used different logic, but his argument was almost the same as Hart's. He pointed out dangerous international circumstances surrounding China and links between domestic and external situations. Wade recommended China immediately embrace Western knowledge and technology. Similarly, Wade suggested the introduction of imperial audiences and the establishment of foreign embassies.[9]

The important thing here was the fact Prince Gong's group sent these documents to the northern and southern superintendents as well as other high-ranking local officials along the coast. Prince Gong's group then asked these officials' opinions of the papers. This was the first consultation exercise in the Zongli Yamen's history of foreign policy-making.[10]

Some officials provided candid responses. Chonghou (Superintendent of the three ports) asserted the government should begin to consider the imperial audience as well as the establishment of foreign embassies. He also criticised the existing scheme, in which lower-ranking officials first

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[8] See for example, Mary C. Wright, pp. 263-268; Banno Masataka, 'Dōchi Nenkan no Jōyaku Rongi'

[9] CYST, Vol. 40, No. 1404, 1407

[10] CYST, Vol. 40, No. 1402, 1403

dealt with matters, after which unresolved issues were handled by viceroys, governors, or superintendents before a final treatment by the Zongli Yamen in direct talks with the Western ministers. Chonghou suggested the central-local relations regarding the *zhongwai jiaoshe* should be more systematised.[11] Chonghou's suggestion was presumably in line with the Zongli Yamen's vision in the previous years.

In contrast to this, many officials' responses to Hart and Wade's proposals were not overly positive. For example, Guanwen (Viceroy of Huguang) and Liu Kunyi (Governor of Jiangxi) said that the main issues for the Western powers were individual cases, such as the Guizhou massacre, rather than complaints about current Chinese society as a whole.[12] These officials, along with Zuo Zongtang (Viceroy of Minzhe), further asserted that Hart and Wade's suggestion of introducing Western technology was intended to further British interests. Some high-ranking officials were already beginning to incorporate these suggestions on their own initiative.[13] By emphasising the innate power of the Chinese people, Ma Xinyi (Governor of Zhejiang) also neglected to take Wade and Hart's suggestions into serious consideration, despite stating the military defence of Beijing should be greatly strengthened.[14]

After hearing the opinions of the high-ranking local officials regarding Hart and Wade's proposals, in 1867, Prince Gong's group again asked the opinions of the high-ranking local officials along the coast, in terms of the treaty revision negotiations that were supposed to be conducted ten years after their first conclusion. In this case, Prince Gong's group consulted with Li Hongzhang (the then superintendent in Shanghai), Chonghou (the superintendent for the three ports) and Zeng Guofan (the southern superintendent) prior to sending its questions to the high-ranking local officials.[15]

In its paper, Prince Gong's group exposed its view of the present situation of *zhongwai jiaoshe,* summarised as follows. In the past, local officials had attempted to shirk responsibility once a problem arose by transferring the case from Guangdong to Shanghai and from Shanghai to Tianjin. Due to the residence of the Western ministers in Beijing, they were no longer able to

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[11] CYST, Vol. 41, No. 1431

[12] CYST, Vol. 41, No. 1440; CYST, Vol. 41, No. 1441

[13] Ibid.; CYST, Vol. 42, No. 1483

[14] CYST, Vol. 45, No. 1603

[15] CYST, Vol. 49, No. 1725

achieve this redirection. Given the danger negotiations would break down, Prince Gong's group opined that they should unite the high-ranking local officials' ideas in advance and prepare for the talks to begin (Therefore, the preparation of Prince Gong's group for the treaty revision was not intended to restore China's sovereign rights, such as in the case Meiji Japan. In contrast to the Japanese case, it rather focused on to what extent it should make a compromise with Britain in order to avoid a military confrontation).[16]

Prince Gong's group asked high-ranking local officials six specific questions concerning Western countries and merchants, relating to the imperial audience, foreign legations, railway and telegraphs networks, internal transportation, salt, and mines, Christianity, and others. While the Zongli Yamen did not present its own ideas clearly, it appeared to have a positive attitude towards the holding of imperial audiences and the establishment of foreign legations, but negative attitudes towards the other issues.[17]

High-ranking local officials' replies were broadly in line with this perspective.[18] Of interest was the variety of perceptions of the *zhongwai jiaoshe* among these high-ranking local officials. For instance, some officials, such as Liu Kunyi (Governor of Jiangxi), emphasised the defence of Beijing, considering that 'in the case of a breakdown [in foreign relations], the damage would be slow and small in local provinces but would be quick and serious in Beijing; if Beijing failed, then local provinces could not follow anyone'.[19] On the other hand, Ma Xinyi, still emphasised that maintaining the power of the Chinese people should be fundamental and presented an opposing viewpoint: 'the riverside [Yangtze valley] and coastline areas are comparatively distant from Beijing; thus, even if an accident occurred it would be easy to compensate for it [尚易設法補救]'.[20]

[16] CYST, Vol. 50, No. 1767-1770. On Qing China's attitude towards treaty revision, one might question why China never thought of the necessity for treaty revision in order to restore its sovereign rights. However, this is a retrospective argument. At this stage, Chinese practitioners were not familiar with the Western concept of sovereignty itself, as seen in their use of Hart in its customs. Moreover, no non-Western country has succeeded in revising its treaties with the West until Japan's success. Considering these points, it is natural that the Prince Gong's group as well as high-ranking local officials had never thought about treaty revision at that time.

[17] Ibid.

[18] CYST, Vol. 51, No. 1793, 1794; CYST, Vol. 52, No. 1811-1813; CYST, Vol. 52, No. 1814; CYST, Vol. 52, No. 1818; CYST, Vol. 52, No. 1820, 1821; CYST, Vol. 53, No. 1822-1830; CYST, Vol. 53, No. 1831, 1832; CYST, Vol. 54, No. 1833; CYST, Vol. 54, No. 1835; CYST, Vol. 54, No. 1836; CYST, Vol. 54, No. 1837-1839; CYST, Vol. 55, No. 1846, 1847; CYST, Vol. 55, No. 1849-1851; CYST, Vol. 55, No. 1852; CYST, Vol. 55, No. 1853-1856; CYST, Vol. 55, No. 1857, 1858; CYST, Vol. 56, No. 1865, 1866

[19] CYST, Vol. 54, No. 1836

[20] CYST, Vol. 55, No. 1852

In this respect, Li Hongzhang argued the possibility of a breakdown in foreign relations was low; the 'law of nations [萬國公法]' could be appealed to in any negotiations in order to reject the unreasonable demands of Western powers.[21] In general, however, these high-ranking local officials were not especially enthusiastic about this topic. Indeed, the Zongli Yamen had to remind them to submit their replies two and a half months after the first memorandum.[22]

In the subsequent negotiations with Britain, Prince Gong's group did not deal with the military threat. British representative Rutherford Alcock was focused on the technical aspects of commercial relations.[23] Nevertheless, Prince Gong's group still had two different types of problems, both external and internal.

The first problem was the Burlingame mission and the British response to it.[24] Close to the time when the Zongli Yamen posed the above questions to the high-ranking local officials, the it appointed the former US minister to China, Anson Burlingame, as an envoy to the Western powers. Prince Gong's group asserted that Burlingame, who was reliable and familiar with both China and the West, would be an ideal figure as a foreign envoy.[25] On the other hand, it was complicated for Prince Gong's group to characterise and control the mission. For example, in the documents given to Burlingame, Prince Gong's group stressed that it had no intention of denying Burlingame the right to be treated with Western-style diplomatic courtesy, but that this did not mean Qing China would itself adopt Western-style diplomatic courtesy.[26] It was unrealistic for the Zongli Yamen to exercise any kind of substantial control over Burlingame's mission from a distance due to the chal-

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[21] CYST, Vol. 55, No. 1849

[22] CYST, Vol. 52, No. 1816

[23] On the Alcock Agreement, see, Mary C. Wright, op.cit., pp. 279-294

[24] A large amount of research has been conducted on the Burlingame mission. See for example, John Schrecker, "'For the Equality of Men—For the Equality of nations": Anson Burlingame and China's First Embassy to the United States, 1968', *Journal of American-East Asian Relations*, Vol. 17, 2010; Martin R. Ring, 'Anson Burlingame, S. Wells Williams and China, 1861-1870: A Great Era in Chinese-American Relations', Ph.D Dissertation, Tulane University, 1972; Frederick Wells Williams, *Anson Burlingame and the First Chinese Mission to Foreign Powers,* New York: Scribner's, 1912. In terms of the previous studies in Chinese academia, Jing Min wrote a summary of this. Jing Min, 'Zhongmei lishi xuejie jiu Pu Anchen xiangguan yanjiu chengguo pingshu' [A Review on the previous studies on Anton Burlingame in Chinese and American academia], *Zhongshang dadxue yanjiusheng xuekan* [Journal of Zhongshang University Research Students], Vol. 39, No. 1, 2018.

[25] CYST, Vol. 51, No. 1796

[26] CYST, Vol. 54, No. 1843-1845

lenge presented by the then existing state of transportation and communication technology. The Zongli Yamen still tried to do just that by establishing eight rules before its departure.[27]

The matter of the Burlingame mission allowed space for intervention by other actors. While it was not seriously considered by the Zongli Yamen at all, Burlingame's intention was to conclude a new treaty that was broadly favourable to China, including reciprocal most-favoured-nation status, the abolishment of extraterritoriality, and denial of the US's interference in China's domestic affairs.[28] Since the mission was conducted amid treaty revision negotiations with Britain, Alcock naturally tried to prevent the Zongli Yamen from backing Burlingame's line by cooperating with the new US minister to China. Alcock warned the Zongli Yamen that Burlingame's arguments were flawed and misleading and emphasised the appropriateness of the specific British demands in negotiations.[29] The Zongli Yamen did not accept Alcock's warning about Burlingame because it understood the U.S.'s friendly attitude was based on a deep understanding of China's situation. However, without close communication with the Zongli Yamen, Burlingame emphasised China's involvement in the community of the law of nations (which was not officially be accepted by Qing at this stage) during his stay in the US.[30]

The second and more important concern was internal opposition within the central government in Beijing. After negotiations with Alcock, high-ranking governmental officials in Beijing were ordered to discuss the treaty revision draft submitted by Prince Gong's group. Although this conference broadly accepted the draft, some ministers, including Prince Dun (Yicong) and Prince Chun (Yixuan), who were the brothers of Prince Gong, held dissenting views.[31] In particular, Prince Chun severely criticised the Zongli Yamen and submitted several suggestions to expel foreigners. In these proposals, Prince Dun and Prince Chun emphasised the need for better military defences along the coastline, criticising Ma Xinyi's aforementioned statement, 'the riverside and coastline areas are comparatively distant from Beijing, and therefore even if an accident occurred it would be easy to compensate for it'. Additionally, Prince Chun even argued for the return of Tian Xingshu (former Provincial Commander-in-Chief in Guizhou, mentioned in Chapter 1) as one way to com-

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[27] CYST, Vol. 52, No. 1799, 1800

[28] CYST, Vol. 69, No. 2216

[29] CYST, Vol. 63, No. 2051

[30] CYST, Vol. 63, No. 2054, 2055

[31] CYST, Vol. 63, No. 2064, 2065

pete with foreigners. Later, Prince Chun was ordered to resubmit his opinion after discussing it again with other high-ranking officials.[32] This group of officials, including Zeng Guofan, discussed the matter again and finally took a softer line than the original anti-foreigner argument.[33]

Prince Gong's group replied the Zongli Yamen had exhibited patience and had been solely responsible for all the *zhongwai jiaoshe*, not having forgotten the humiliation of the Second Opium War. They were still trying to manipulate Westerners, and were responsible for establishing the defence system jointly with local officials [共任], especially with Zeng Guofan, and Ma Xinyi.[34] Ma Xinyi, who had concurrently become the southern superintendent after the transfer of Zeng Guofan, also excused his words, stating he meant to stress the need for mutual trust and cooperation between the central and local officials as if they were a single entity, considering the immense geographical size of the Qing territory.[35] Finally, the Burlingame Treaty was ratified in Beijing in 1869. However, the Alcock agreement was, in the end, rejected by the British government.[36]

The political processes in several *zhongwai jiaoshe* matters between 1865 and 1870 show the emergence of three new changes in the *zhongwai jiaoshe* system. First, the initial experiment sending diplomats to Western countries was conducted in this period. However, the Zongli Yamen appointed a Westerner to this position and seemingly did not have concrete objectives for this mission.

Second and more importantly, an anti-foreigner faction, including Prince Chun, re-emerged within the central government in Beijing. Prince Gong's group experienced a relative decline in political power in the government in 1865, leaving an opening for anti-foreign officials. For example, in May 1864, Xue Huan (Zongli Yamen minister) and other Zongli Yamen ministers were denounced by Wang Zheng at the internal supervisory office, and Xue Huan counter-claimed Wang was using opium. In this case, Wang Zheng was removed from the Ground Council, while Xue Huan remained in the Zongli Yamen.[37]

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[32] CYST, Vol. 64, No. 2066

[33] CYST, Vol. 64, No. 2067. On this, see, Banno Masataka, op.cit., p. 240, 241

[34] CYST, Vol. 64, No. 2073

[35] CYST, Vol. 61, No. 1980; CYST, Vol. 64, No. 2077

[36] CYST, Vol. 69, No. 2212-2216; CYST, Vol. 69, No. 2226, 2227

[37] Chen Yijie ed., *Weng Tonghe riji* [The Diaries of Weng Tonghe], Beijing, Zhonghua Shuju, 1989, Vol. 1, 21 May, 1864; Zhao Erxun et al eds., *Qing shi gao* [Draft History of Qing], Vol. 11, Changchun, Jilin renmin chubanshe, 1995, No. 423

In addition, in April 1865 Prince Gong was suddenly removed from his position by the Empress Dowager Cixi, who believed an accusation about Prince Gong from Cai Shouqi. Cai Shouqi was an official from the conservative faction in the central government, who criticised Prince Gong's arrogance stance towards other officials. Subsequently, since other high-ranking officials were opposed to this action, the conservative faction corrected its statement to the effect that the deposition would not be applied to Prince Gong himself but only to Xue Huan. Prince Gong therefore eventually returned to the Ground Council, while Xue Huan had to resign his position.[38] Nevertheless, Prince Gong was not allowed to return as leader of the Peking Field Force [神機營], of which he had been in charge since the Xinyou coup. The leadership of the Peking Field Force was passed to Prince Chun instead.[39] This transformation of political and military power within the central government was one of the main antecedents for the relative rise of Prince Chun in Qing China's foreign policy-making. It was therefore understandable this incident shocked not only Beijing but also the high-ranking local officials, including Zeng Guofan and Li Hongzhang.[40]

Thirdly and most importantly, the Zongli Yamen began overseeing more formal involvement of high-ranking local officials such as Zeng Guofan, Li Hongzhang, Ma Xinyi, and others in the formal foreign policy-making process. This occurred in parallel with the self-strengthening movement, which was mainly led by the high-ranking local officials such as Zeng Guofan, Li Hongzhang, and Zuo Zongtang. The Zongli Yamen supported the officials in this movement or at least did not hinder them.[41] In other words, the self-strengthening movement promoted cooperation between the Zongli Yamen and officials, which led to a substantial change in the foreign policy-making process.

There are two reasons the Zongli Yamen involved the high-ranking local officials at this time. First, as described in Chapter 1, the Zongli Yamen could not properly control high-ranking local officials when they were involved in negotiations with the Western powers over the battle

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[38] Chen Yijie ed., op.cit., Vol. 1, 3, 4, 7-11, 17, 19, 28 April, 9 May, 7 June, 1865

[39] Nenashi Shintaro, '1860 Nendai ni okeru Shinkiei ni tsuite' [The Peking Field Force in the 1860s]', *Shirin* [Journal of History], Vol. 98, No. 4, p. 69

[40] Li Hongzhang to Zeng Guofan, 30 April, 1865, LHQ, Vol. 29. Regarding the decline of the Prince Gong's power in relation to the Empress Dowager Cixi, see for example, Wu Xiangxiang, *Wanqing gongting shiji* [The Historical Records of the Late Qing Court], Beijing: Zhongguo dabaike quanshu chubanshe, 2016, pp. 77-88

[41] A large amount of research has been conducted on the self-strengthening movement. See for example, Richard S. Horowitz, op.cit.,; Mary C. Wright, op.cit., and others.

against the Taiping rebels, the Guizhou massacre, and other significant events. In order to overcome this problem, the Zongli Yamen realised it need to change the attitude of local officials towards the *zhongwai jiaoshe* by involving them in the formal policy-making process.[42] Second, owing to the relative decline of Prince Gong's group in Beijing, it needed to garner support from high-ranking local officials to counter-balance the conservative faction within the government.

However, these new transformations of central-local unity in the *zhongwai jiaoshe* caused two main problems. First, the changes did not extend to the land frontier areas in the north and west, especially around Xinjiang, because of long-running communication problems. Second, cooperation between the Zongli Yamen and the high-ranking local officials paradoxically turned into mutual dependency in some cases. Ma Xinyi's statement is one example of how dependency could develop.

Li Hongzhang's treatment was another example of mutual dependency in this period. In regard to the anti-Christian movement in Youyang (Sichuan), the Qing government in Beijing claimed this case was closely related to the *zhongwai jiaoshe* due to the protests received from the then French minister Louis Jules Émilien de Rochechouart. It therefore ordered Li Hongzhang, who had just become the Viceroy of Huguang (which was a neighbouring area to Sichuan), to handle the incident alongside local officials there.[43] Since another anti-Christian movement occurred in Zunyi (Guizhou) around that time, and as Rochechouart's protest implied the potential use of a French naval force, Li Hongzhang was also ordered by Beijing to go to Zunyi to resolve the Zunyi problem after the Youyang case.[44] However, not trusting Li Hongzhang, Rochechouart asserted the French navy in Shanghai should go to the scene of the incident with Li Hongzhang. Therefore, the Zongli Yamen had no other choice but to fully endorse Li Hongzhang in front of the French minister, 'Minister Li is a senior statesman of a nation, once appointed as a superintendent in Shanghai, and he is thus familiar with foreign affairs and Christian problems. Since he was ordered to be solely responsible for the two cases, he should fairly deal with them'.[45] In this situation, even before Li Hongzhang finished solving the first case, the Zongli Yamen prompted him to move to Guizhou as soon as possible.[46]

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[42] In terms of this topic, See for example, Banno Masataka, op.cit., pp. 226-231

[43] CYST, Vol. 68, No. 2169, 2170

[44] CYST, Vol. 68, No. 2174, 2175; CYST, Vol. 68, No. 2177-2181

[45] CYST, Vol. 68, No. 2203; CYST, Vol. 69, No. 2221-2223

[46] CYST, Vol. 69, No. 2217; CYST, Vol. 70, No. 2248

Nevertheless, Rochechouart did not respect the half-year waiting time and made his own way to the scene of the incident, travelling through Shanghai and up the Yangtze River. In response to this, Li Hongzhang took a ship from Chongqing to Hubei on a journey lasting 20 days. There, he met a French vice-consul and a missionary sent by Rochechouart, and immediately almost settled the case in communication with the French side and the local officials.[47]

The French minister was seemingly satisfied with this communication and wrote that he wanted to continue directly negotiating with Li Hongzhang even after this incident. For instance, when Li Hongzhang was ordered to go to Shanxi with his army in April 1870, Rochechouart was afraid the settlement of the anti-Christian matters would again be delayed. He therefore told the Zongli Yamen he would like to see Li Hongzhang in person near Tianjin for further discussion about the Guizhou matter, saying 'we agreed in opinion'.[48]

Although Prince Gong's referred Rochechouart to Chonghou (the superintendent in three ports in Tianjin), it is clear the Zongli Yamen and Western Ministers' heavy dependence on Li Hongzhang was transforming central-local relations concerning the *zhongwai jiaoshe.* In regards to the anti-Christian incidents, Prince Gong's group warned in a manner verging on criticism that local officials should be more careful in their treatment of foreign affairs, or else it made Zongli Yamen's negotiating with Western ministers useless.[49] However, it appears this was Prince Gong's group's last moments of trial and error in building their own central *zhongwai jiaoshe* system. Afterward, Prince Gong's group substantially renounced this vision of the *zhongwai jiaoshe* in accordance with the changing situation as explained below.

3. Rebalancing among the Zongli Yamen, Local Officials, and the Western Ministers: The Tianjin Massacre in 1870

The mutual dependency between the Zongli Yamen and high-ranking local officials, especially Li Hongzhang, led to a rebalancing of power between the Zongli Yamen, local officials, and the Western ministers. This substantial reformation of the *zhongwai jiaoshe* emerged from the pro-

[47] CYST, Vol. 71, No. 2263; CYST, Vol. 71, No. 2264; Li Hongzhang to Yu Sishu, 11 December, 1869, LHQ, Vol. 29

[48] CYST, Vol. 72, No. 2300, 2301; CYST, Vol. 72, No. 2309, 2310

[49] CYST, Vol. 71, No. 2289

cess of handling the Tianjin massacre in 1870, one of the most spectacular incidents in Chinese foreign relations relating to the anti-Christian movement. Although much research has been done on this topic from a variety of viewpoints,[50] this section will pay examine it in the context of the transformation of Chinese foreign policy-making, particularly the negotiation style and approach of the Zongli Yamen and high-ranking officials including Zeng Guofan, Chonghou, Li Hongzhang, and others.

In Tianjin in June 1870, Chinese populace's suspicions were directed against the Catholic Church based on accusations of kidnapping children and other offences. Consequently, popular anti-Christian sentiment among local people rose dramatically, which led to tensions between the French consul and Chinese local officials and people. When the French consul killed the servant of a Chinese local official, locals murdered the French consul, attacked French and Russian residents, Christian converts in the city, and burnt Western buildings.

Chonghou (the superintendent of three ports in Tianjin), who was unable to stop this incident, reported it to Beijing, which immediately decided to send Zeng Guofan (Viceroy of Zhili) to settle the matter alongside Chonghou.[51] Despite having a severe illness, Zeng Guofan moved to Tianjin and investigated this case together with Chonghou. Shortly after the incident occurred, Zeng Guofan concluded China should maintain a flexible and peaceful attitude in this case, and compensate the Western powers for any damages.[52] Zeng Guofan and Chonghou reported the damage caused during the massacre to Beijing, and also suggested a concrete negotiation strategy about the matter. Receiving this suggestion, the government delegated the case to Zeng Guofan and Chonghou.[53]

In contrast to Zeng Guofan and Chonghou, the anti-foreigner faction in Beijing advocated for a hard-line stance. In his memorial, Prince Chun stated the massacre was the voice of the Chinese people against the Western invasion and the government should support the people's spirit.

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[50] For example, John K. Fairbank, 'Patterns behind the Tien'tsin Massacre', *Harvard Journal of Asiatic Studies*, Vol. 20, No. 3/4, 1957; Tang Ruiyu, *Qingji tianjin jiaoan yanjiu* [The Study of the Tianjin Massacre], Taipei: Wenshizhe chubanshe, 1993

[51] CYST, Vol. 72, No. 2318-2320

[52] Zeng Guofan to Chonghou, 24 June, 1870, ZGQ, Vol. 31; Zeng Guofan to Chonghou, 27 June, 1870, ZGQ, Vol. 31; Zeng Guofan to Prince Gong, 27 June, 1870, ZGQ, Vol. 31; Zeng Guofan to Li Hongzhang, 29 June, 1870, ZGQ, Vol. 31; Zeng Guofan to Ding Richang, 29 June, 1870, ZGQ, Vol. 31; Zeng Guofan to Prince Gong, 30 June, 1870, ZGQ, Vol. 31

[53] CYST, Vol. 73, No. 2342, 2343

Prince Chun asserted that for this to occur the government should not demote the responsible local officials in Tianjin and should rather prepare coastal defences.[54] In reply to this memorial, Prince Gong's group counter-argued it would strictly investigate the culpability of local officials, although it also agreed with the need for the coastal defences.[55]

During the immediate investigation, Zeng Guofan could not find any evidence to support anti-Christian rumours in Tianjin. He said that 'in the *zhongwai jiaoshe*, we could not convince them without any clear evidence.[…] Westerners like to do good things in their nature, why on earth would they do such a cruel thing [to local Chinese people]?' Zeng Guofan therefore thought he would be able to reach an agreement with Western powers by offering compensation after meeting with Rochechouart.[56]

However, on 19 July, referring to the arrival of the French navy in Tianjin, Rochechouart argued for the death penalty against Chen Guoduan (Commander of the Peking Field Force [神機營]; he stayed in Tianjin at the time of the incident) and other local officials in Tianjin. Zeng Guofan and Chonghou did not think these figures deserved dismissal, let alone the death penalty. However, given their concern over the breakdown of negotiations, they suggested the dismissal of the two local officials in charge of Tianjin.[57]

The government in Beijing confirmed the dismissal and decided to send Chen Guoduan to Tianjin. At the same time, Beijing inquired with the viceroys and governors in each province about the state of the coastal defence capabilities in order to prepare for any potential Western naval attack.[58] During this process, Prince Chun, the top leader of the Peking Field Force, tried to defend his commander Chen Guoduan, by stating he did not have anything to do with the massacre. In addition to this, Prince Chun emphasised Chen Guoduan's military ability, which he said would be useful for any possible conflict with Westerners.[59]

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[54] CYST, Vol. 73, No. 2331

[55] CYST, Vol. 73, No. 2354

[56] Zeng Guofan to Lu Dingxun, 17 July, 1870, ZGQ, Vol. 31

[57] CYST, Vol. 73, No. 2361; Zeng Guofan to Prince Gong, 20 July, 1870, ZGQ, Vol. 31

[58] CYST, Vol. 73, No. 2364-2367; CYST, Vol. 73, No. 2374. In terms of the replies of the viceroys and governors, CYST, Vol. 73, No. 2409; CYST, Vol. 74, No. 2426, 2429; CYST, Vol. 74, No. 2438; CYST, Vol. 75, No. 2457; CYST, Vol. 75, No. 2462, 2465; CYST, Vol. 76, No. 2492; CYST, Vol. 76, No. 2494; CYST, Vol. 76, No. 2510

[59] CYST, Vol. 73, No. 2370, 2375

In response to Beijing's ambivalent attitude, Zeng Guofan directly criticised the handling of Chinese foreign relations. He claimed it had been inconsistent for several decades: the government was hard-line in some cases but soft in others. He also emphasised the need for coastal defences, saying his handling of the case was necessarily 'too soft' because of the lack of military preparedness. Furthermore, owing to his illness, Zeng Guofan asked Beijing to send more officials who were familiar with the foreign affairs.[60]

Receiving this memorial, Beijing decided to order Mao Changxi (the Zongli Yamen minister), Ding Richang (Governor of Jiangsu, and a member of Zeng Guofan's personal staff) and, in particular, Li Hongzhang and his army, to move to the Beijing-Tianjin area [幾內] to support Zeng Guofan.[61] However, Li Hongzhang and his army were in Shaanxi province to suppress the rebels there. Due to the large distances involved, it took about two and a half months for Li Hongzhang to reach the Beijing-Tianjin area.[62]

In Tianjin, on the other hand, Zeng Guofan, Chonghou and Mao Changxi continued negotiations with the French side. Rochechouart stayed true to his aforementioned requests and asserted he would return to Beijing if his requests were not accepted. Although Zeng Guofan and others tried to prevent him from doing so, in early August, Rochechouart returned to Beijing to directly negotiate with the Zongli Yamen. He told its ministers Zeng Guofan's handling of the matter had been slow and unreliable.[63]

Receiving pressure from the French minister, Beijing now needed to directly deal with the incident. The Zongli Yamen set a deadline for investigations in order to settle matters quickly, following Ding Richang's suggestion that paying compensation would remove any reason for the

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[60] CYST, Vol. 73, No. 2378; CYST, Vol. 73, No. 2386

[61] CYST, Vol. 73, No. 2379-2383; CYST, Vol. 73, No. 2387

[62] CYST, Vol. 76, No. 2489. In terms of Li Hongzhang's move to Tianjin, Ding Richang claimed Li Hongzhang and his army could go down the Yangtze River and travel by ship from Shanghai to Beijing-Tianjin. From Ding Richang's point of view, travel by this route would be faster than going overland, and by doing this Li Hongzhang could contain Western navies involved in the military clash from the rear (CYST, Vol. 74, No. 2411). However, this idea was refused by the central government and other viceroys including Ma Xinyi (Viceroy of Liangjiang) and Yinggui (Viceroy of Min-Zhe) (CYST, Vol. 74, No. 2413; CYST, Vol. 75, No. 2454; CYST, Vol. 75, No. 2463). Ding Richang himself also wondered which route he should take to reach the Beijing-Tianjin area from Shanghai: shipping on a foreign ship or using the domestic canal. Most likely using the latter route, Ding Richang finally reached Tianjin in late August (CYST, Vol. 74, No. 2410; CYST, Vol. 75, No. 2440)

[63] CYST, Vol. 74, No. 2401; CYST, Vol. 74, No. 2407; CYST, Vol. 74, No. 2418

Western powers to start a war as well as give China time to reform the state apparatus and army.[64] Zeng Guofan, Ding Richang and others therefore concentrated on investigating the case. However, even by early September, they could only find seven or eight criminals with clear evidence against them and 20 criminals without such evidence.[65]

Beijing and the French minister wondered why the investigation was delayed and so insufficient.[66] The Zongli Yamen was especially worried about the number of Chinese local suspects, which was too small considering the number of Western victims, knowing this would not satisfy the Western powers. Prince Gong's group therefore decided that, instead of relying on Zeng Guofan, it should expedite Li Hongzhang's dispatch to Tianjin as the new Viceroy of Zhili, and also asked Chenglin to control the Tianjin local defence force.[67] Prince Gong's group also suggested that Chen Guoduan temporarily be sent to Beijing during the investigation, which was reluctantly accepted by Prince Chun.[68] Prince Gong's group even suggested Zeng Guofan should move to Shanghai as superintendent there, although this was not accepted by the central government in Beijing.[69]

Regarding these decisions, Zeng Guofan again protested Prince Gong's judgement, that he should be consistent in maintaining right and faithful attitudes rather than indecision.[70] Zeng Guofan also argued that whether the Westerners started a war or not would not solely depend on the number of the criminals.[71] He even pointed out that, with regard to foreign relations, Prince Gong should 'prepare for the matter in advance rather than immediately decide it when the time comes'.[72]

Despite his protest, in late September, Zeng Guofan and others reported an increase in the number of criminals as a result of their further investigation.[73] After the arrival of Li Hongzhang in

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[64] CYST, Vol. 75, No. 2440; CYST, Vol. 75, No. 2441; Zeng Guofan to Cao Yaoxiang, 30 August, 1870, ZGQ, Vol. 31

[65] CYST, Vol. 76, No. 2478

[66] CYST, Vol. 76, No. 2479

[67] CYST, Vol. 76, No. 2480-2482

[68] CYST, Vol. 76, No. 2485, 2486; CYST, Vol. 76, 2490

[69] CYST, Vol. 76, No. 2483, 2484

[70] Zeng Guofan to Prince Gong, 9 September, 1870, ZGQ, Vol. 31

[71] Zeng Guofan to Prince Gong, 12 September, 1870, ZGQ, Vol. 31

[72] Zeng Guofan to Prince Gong, 19 September, 1870, ZGQ, Vol. 31

[73] CYST, Vol. 76, No. 2497

Tianjin, they made a final report referencing a total figure of nine officials and 45 locals, which he believed would 'not only satisfy France but also bear telling to other countries'.[74] Based on this report, the Zongli Yamen accepted the French minister's calculation of compensation.[75] Finally, Chonghou reported all of the outcomes to the French government, which accepted them.[76]

As soon as the settlement of the Tianjin massacre was completed, a reorganisation of the *zhongwai jiaoshe* system came under consideration among Qing officials. It was Mao Changxi, the Zongli Yamen minister who had transferred in Tianjin to help Zeng Guofan, who first suggested the reorganisation of the *zhongwai jiaoshe* system. According to Mao Changxi, negotiations over the massacre had been protracted because the superintendent of the three ports did not have full authority in the Tianjin area. The superintendent of three ports in Tianjin only had power over foreign affairs, while the Tianjin local officials directly reported to the Viceroy of Zhili staying in Baoding. This contrasted with the situation in Shanghai, where the Viceroy of Liangjiang had been concurrently appointed as the southern superintendent. This made the area relatively stable in terms of foreign affairs. Mao Changxi therefore suggested that, based on the case in the southern China, the Viceroy of Zhili should concurrently be appointed as the superintendent of three ports. He also proposed Li Hongzhang as the best candidate for this post, considering his military experience and the abilities he had demonstrated when he was in command in the lower Yangtze Valley.[77] Mao Changxi's suggestion was favourably received by Prince Gong's group as well as other members of the Ground Council.[78]

In response to this decision, Li Hongzhang himself added his own specific plan for the unification of foreign and local affairs in Tianjin. The previous superintendent, Chonghou, was in communication with Western consuls on equal terms, despite no stipulation thereon in the treaty. Li Hongzhang argued a new Tianjin Customs Daotai [津海關道] should be established under the control of the Viceroy of Zhili (who was the northern superintendent simultaneously), and this individual should have daily communication with the Western consuls, although the Viceroy of Zhili would participate in the negotiations if necessary. Li Hongzhang also submitted specific

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[74] CYST, Vol. 77, No. 2521

[75] CYST, Vol. 77, No. 2542

[76] CYST, Vol. 78, No. 2545-2549

[77] CYST, Vol. 77, No. 2523

[78] CYST, Vol. 78, No. 2561, 2562

administrative rules regarding the Tianjin Customs Daotai. Both his suggestions and rules were confirmed by Beijing.[79]

The reorganisation of the *zhongwai jiaoshe* system after the Tianjin Massacre had three characteristics. First and foremost, the search for a proper understanding of the influence of geographical distance in the *zhongwai jiaoshe* was an important issue. Since only a few days' travel separated Beijing and Tianjin, relations between the Ground Council and the Zongli Yamen in Beijing, Zeng Guofan and others in Tianjin, and Western ministers, could be flexible. The government in Beijing asked the high-ranking officials in Tianjin to deal with the massacre at the beginning of the negotiations. However, it increasingly intervened in Tianjin after interviewing the French minister directly, who had moved to Beijing from Tianjin. From the viewpoint of the officials in Tianjin, this was regarded as an unsystematic chain of command and inconsistent policy of the *zhongwai jiaoshe*, which intensely irritated Zeng Guofan. This confusion resulted in the recognition of problems inherent in the *zhongwai jiaoshe* system around the Tianjin area by the relevant Chinese leaders.

Second, the reorganisation of the *zhongwai jiaoshe* system around Tianjin area in the wake of the crisis was modelled after the system in the Shanghai area, especially regarding the geographical distance and the systematic division of authority among the Viceroy, superintendent, Daotai, and local officials. This idea of reorganisation was mainly led by Li Hongzhang, who had played a prominent role in reconstructing the *zhongwai jiaoshe* system in Shanghai, as described in Chapter 1.

Even after leaving Shanghai, Li Hongzhang strongly felt the need for 'distance'.[80] In his thoughts at the time, the concept of 'distance' [遠] was combined with that of 'flexibility' [柔] towards foreign countries in the *zhongwai jiaoshe,* which he emphasised to facilitate the settling of the Tianjin massacre negotiations. According to Li Hongzhang, a 'flexible' attitude could embody true 'strength' [剛].[81] In other words, making and keeping appropriate 'distance'='flexibility' could

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[79] CYST, Vol. 78, No. 2570, 2572; CYST, Vol. 78, No. 2584, 2585, 2587; Li Hongzhang to the Zongli Yamen, 29 November, 1870, LHQ, Vol. 30; Li Hongzhang to the Zongli Yamen, 16 December, 1870, LHQ, Vol. 30

[80] Just before the Tianjin massacre, Li Hongzhang tried to coordinate the relations between Ma Xinyi (Viceroy of Liangjiang) in Nanjing and Ding Richang (Governor of Jiangsu) in Shanghai in regards to the control of the newly established Shanghai Arsenal, in which he supported Ding by simply stating that there existed a certain distance between Nanjing and Shanghai. (Li Hongzhang to Ding Richang, 18 June, 1870, LHQ, Vol. 30; Li Hongzhang to Ma Xinyi, 19 June, 1870, LHQ, Vol. 30)

[81] Li Hongzhang to Ma Xinyi, 18 July, 1870, LHQ, Vol. 30

bolster resources for negotiations with the Western powers in the *zhongwai jiaoshe*. This was the background to Li Hongzhang's suggestion for the establishment of a new Daotai under his control, and by doing so, he established appropriate distance in handling foreign affairs in the Tianjin area.

Li Hongzhang's had not previously been shared this idea with the Zongli Yamen (especially in the early 1860s), Zeng Guofan, and other actors who sought the systematisation of central-local relations with the centre taking the lead rather than a balance between central and local officials. However, after the recognition of the impossibility of implementing this idea, Li Hongzhang played a leading role in demonstrating a new type of system for the *zhongwai jiaoshe*.

Third, the significance of adequate coastal defences and military reinforcements was emphasised as a point of consensus by the Zongli Yamen (Prince Gong's group), the conservative and anti-foreign faction (Prince Chun and others), and Zeng Guofan and Li Hongzhang's group. As described above, Prince Chun asserted a hard-line policy in the government in Beijing once the treatment of his subordinate Chen Guoduan became an issue. After the settlement of the incident, Prince Chun criticised the relevant leaders and officials in negotiations and strongly advocated for the expulsion of foreigners by strengthening the army and adopting conservative policies.[82] Prince Gong's group reflected on their handling of the incident, and the Ground Council decided to concentrate on self-strengthening in order to make the future expulsion of foreigners more feasible.[83] At this stage, Prince Gong's group could not exclude or ignore the conservative faction; rather, it had no other way but to maintain a careful balance in the central government in Beijing. This constituted one reason why Zeng Guofan and Li Hongzhang were regarded as important leaders with respect to the *zhongwai jiaoshe*; for both Prince Gong's group and conservatives. The self-strengthening movement was acceptable as a point of compromise between them, although for different reasons.

4. The Northern Superintendent Li Hongzhang and his 'Negotiation': The Sino-Japanese Treaty, the Imperial Audience, and the Mudan Incident, 1870-1874

Although reform of the *zhongwai jiaoshe* system in the Tianjin area was modelled after that in Shanghai, the political and geographical conditions in Tianjin and those of Shanghai were quite

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[82] CYST, Vol. 79, No. 2590-2592

[83] CYST, Vol. 79, No. 2594, 2595

different. In fact, Li Hongzhang himself wrote that 'the southern superintendent [南洋] can delegate to the Shanghai Daotai, and thus Nanjing is regarded as a centre [根本]. The northern superintendent [北洋] can go directly to Beijing, and thus Tianjin can be effectively regarded as a gate [門戶]'.[84] This meant that Li Hongzhang's role in this period was, at least from his viewpoint, that of gatekeeper for Beijing rather than being the centre of the *zhongwai jiaoshe* in this area.

Despite this, Li Hongzhang gradually took advantage of his position as well as showing his presence in the *zhongwai jiaoshe* by resolving a number of foreign policy matters. Three major disputes in this period—the Sino-Japanese treaty, the imperial audience, and the Mudan incident—proving grounds for Li Hongzhang as the northern superintendent.

Negotiations for the Sino-Japanese friendship and trade treaty in 1871 was the first foreign matter Li Hongzhang presided over in Tianjin.[85] In the midst of the Tianjin massacre negotiations, Yanagiwara Sakimitsu, a diplomat of Meiji Japan, visited Tianjin for the preliminary negotiation of a treaty with Qing China. Considering Japan's geographical proximity, military strength, and cultural similarity to China, Li Hongzhang asserted it would be beneficial to draw Japan onto the Chinese side rather than push it towards the West. He stated that, by doing so, China could prepare for 'communicating [with Japan] and containing [Japan]'[連絡牽制].[86]

Li Hongzhang therefore supported Yangiwara's suggestion, but the Zongli Yamen was un-enthusiastic about concluding a treaty with Japan.[87] Li Hongzhang reemphasised the need to induce Japan into directly negotiating with China, referring to the possibility of intervention by Western

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[84] Li Hongzhang to Fang Deji, 12 March, 1871, LHQ, Vol. 30

[85] This section will mainly treat the Chinese foreign policy-making process regarding the making of the treaty. See Chapter 4 for a deeper analysis of Japanese perspectives on negotiations. On negotiations for the Sino-Japanese treaty in 1871, See for example, Morita Yoshihiko, 'Bakumatsu Ishinki no Taishin Seisaku to Nisshin Shūkō Jōki' [Japanese Foreign Policy towards Qing China in Bakumatsu Ishin period and the Sino-Japanese Friendship and Trade Treaty], *Kokusai Seiji*, Vol. 139, 2004; Li Qizhang, 'Nisshin Shūkō Jōki Seiritsu Katei no Saikent'ō [Reconsideration of the Making Process of the Sino-Japanese Friendship and Trade Treaty], *Shigaku Zasshi* [The Journal of Historical Science], Vol. 115, No. 7, 2006; Li Qizhang, 'Kindai Nicchu Gaikō no Reimei: Nisshin Shūkō Jōki no Teiketsu Katei kara miru' [The Emergence of Modern Sino-Japanese Diplomacy: From a Viewpoint of the Negotiation Process of the Sino-Japanese Friendship and Trade Treaty], University of Tokyo, Ph.D. Dissertation, 2008; Li Qizhang, 'Jindai zhongri guanxi de qidian: 1870 nian zhongri diyue jiaoshe de jiantao' [The Origin of the Modern Sino-Japanese Relations: The Investigation on the Sino-Japanese Friendship and Trade Treaty1870], *Zhongyan yanjiuyuan jindaishi yanjiusuo jikan* [Bulletin of the Institute of Modern History Academia Sinica], Vol. 72, 2011; Bai Chunyan, *Rikōshō no Tainichikan*

[86] Li Hongzhang to the Zongli Yamen, 3 October, 1870, LHQ, Vol. 30

[87] CYST, Vol. 77, No. 2526; CYST, Vol. 77, No. 2535-2537

powers in this matter.[88] The Zongli Yamen then allowed negotiations to begin, saying they concurred with Li Hongzhang.[89] After considering other viceroys' opinions, the Zongli Yamen ordered Li Hongzhang to deal with the matter.[90]

Before the Japanese representatives visited Tianjin again, Li Hongzhang began preparing a draft of the treaty together with his follower Ying Baoshi (Jiansu Province Judicial Commissioner) and Chen Qin (Tianjin Custom Daotai).[91] According to Li Hongzhang, he chose these assistants in consideration of Ying Baoshi's familiarity with the Shanghai area (which was closer to Japan than other areas in China) as well as the establishment of an equal relationship with the Japanese side in the negotiations (if the diplomatic rank of the Japanese representatives was low, Li Hongzhang planned to communicate with them through Ying Baoshi).[92] The Chinese draft of the treaty was therefore mainly written by Chen Qin, Ying Baoshi, and Li Hongzhang.[93]

Meiji Japan's representatives, Date Munenari, Yanagiwara Sakimitsu, and other diplomats, visited Tianjin in July 1871. Li Hongzhang, who had been delegated full authority by Beijing, was to directly face them in the negotiations.[94] While the Japanese representatives brought their own draft of the treaty, Li Hongzhang decided to maintain a tough attitude towards the Japanese representative and defended the Chinese draft.[95] As a result, the Chinese draft was the primary basis for the conclusion of the treaty.[96]

As such, Li Hongzhang successfully pursued his goal of simultaneously communicating with and containing Japan [連絡牽制]. This treaty stipulated that, for example, China and Japan should not invade each other's territory and they should 'support each other' if a third country

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[88] Li Hongzhang to the Zongli Yamen, 14 October, 1870, LHQ, Vol. 30; 'Zongli geguo shiwu yamen: Riben liyue' The Archives of the Institute of Modern History, Academia Sinica, 01-21-023-01-027

[89] CYST, Vol. 78, No. 2559

[90] CYST, Vol. 78, No. 2599; CYST, Vol. 80, No. 2610, 2611

[91] CYST, Vol. 80, No. 2620, 2621; CYST, Vol. 81, No. 2643

[92] Li Hongzhang to Zeng Guofan, 22 January, 1871, LHQ, Vol. 30; Li Hongzhang to Zeng Guofan, 9 April, 1871, LHQ, Vol. 30

[93] In terms of the detailed writing process of the draft, See Bai Chunyan, op.cit., pp. 67-75

[94] CYST, Vol. 81, No. 2651-2654; CYST, Vol. 81, No. 2659; CYST, Vol. 81, No. 2660; CYST, Vol. 81, No. 2661, 2662

[95] CYST, Vol. 81, No. 2667-2670

[96] CYST, Vol. 82, No. 2686-2688

attacked either of them.[97] As described in Chapter 4, the articles of this treaty caused debate in Japan. Yanagiwara therefore returned to Tianjin, this time with the aim of amending the content of the treaty before ratification. Li Hongzhang rejected the revisions, asserting that 'losing faith should be the worst thing in the law of nations'.[98] Subsequently, in 1873, the new Japanese Minister of Foreign Affairs, Soejima Taneomi, and other Japanese diplomats visited Beijing-Tianjin area to ratify the treaty.

Li Hongzhang and the Zongli Yamen regarded this Sino-Japanese treaty in the framework of the *zhongwai jiaoshe* and did not associate it with treaty revision with the Western powers. In fact, almost all the practitioners in Qing China did not raise the need for treaty revision, nor did they earnestly follow Meiji Japan's trial and error approach to negotiations for treaty revision with Western powers in the 1870s. When the Gaimushō started treaty revision negotiations with the West in the latter half of the 1870s, they also wanted to align the Sino-Japanese treaty in accordance with those with the West. However, since the Qing government did not see the need for the treaty revisions, Meiji Japan suffered in negotiation with the Zongli Yamen. This gap in attitudes between China and Japan towards the treaty revision will also be examined in Chapter 6.

At the same time as Soejima's visit, the issue of granting an imperial audience to foreign ministers (the second major foreign matter in this period) came under consideration. Since the Tongzhi emperor had just reached manhood, the Western ministers in Beijing requested imperial audiences. The Zongli Yamen thought the Western ministers could follow the Chinese ritual in China, because the Burlingame mission had followed Western rituals in Europe and North America. However, the Western ministers refused to kowtow during the audience and instead requested standing bows be made.[99] This caused criticism and opposition from Chinese officials.[100] Interestingly, one such official suggested asking the opinion of Li Hongzhang, in saying that 'all *zhongwai jiaoshe* affairs should be appropriately planned by the Zongli Yamen ministers, superintendents in each port, and others'. Beijing therefore consulted with Li Hongzhang on the matter.[101]

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[97] CYST, Vol. 82, No. 2687

[98] CYST, Vol. 86, No. 2788; CYST, Vol. 86, No. 2808; Li Qizhang, 'Nisshin Shūkō Jōki Seiritsu Katei no Saikent'ō, pp. 73-76

[99] CYST, Vol. 89, No. 2903-2908

[100] CYST, Vol. 89, No. 2912; CYST, Vol. 89, No. 2918; CYST, Vol. 90, No. 2931; CYST, Vol. 90, No. 2933, 2935; CYST, Vol. 90, No. 2955

[101] CYST, Vol. 89, No. 2917, 2919

Li Hongzhang replied in his memorial that the standing bow should be permitted but that the foreign ministers should hold the audience all 'together', 'at the same time' and 'only once'. He based his reasoning on the law of nations as well as on a work of classical Chinese literature, which stated that 'praising good people and having compassion to those with lack of ability, this is the way to conciliate guests from distant areas [柔遠人]'.[102]

It was around this time the Japanese representatives visited Tianjin.[103] Therefore, Li Hongzhang suggested to the Zongli Yamen the Japanese representative, Soejima, should also participate in the imperial audience together with the other foreign ministers, in view of Japan's favour to China during the Maria Luz incident.[104] In fact, after treaty ratification in Tianjin, Li Hongzhang lobbied the central government to agree to Soejima's visit to Beijing. Li Hongzhang even introduced Sun Shida (the official of the Jiansu Custom) to Soejima to follow and support him in Beijing.[105] Having worried about the Zongli Yamen, which had not yet decided on the matter of the imperial audience, Li Hongzhang ordered Sun Shida to send him reports about Soejima's negotiations in Beijing.[106]

While Soejima was not opposed to accepting Chinese ritual in Tianjin, he quickly adopted a hard-line attitude towards the Zongli Yamen in regard to the imperial audience in Beijing.[107] Soejima asserted that his own audience should not conform to Chinese ritual and be conducted privately because his diplomatic rank, as ambassador, was higher than that of the other ministers.[108] Soejima's behaviour was reported to Li Hongzhang by Sun Shida. Despite feeling angry, Li Hongzhang replied to Sun Shida that Beijing should conduct the audience, at least on the same

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[102] CYST, Vol. 90, No. 2923

[103] CYST, Vol. 90, No. 2924

[104] Li Hongzhang to the Zongli Yamen, 17 January, 1873, LHQ, Vol. 30. Maria Luz incident was the case in which the Meiji government released Chinese coolies in the Peruvian ship Maria Luz through international arbitration. See for example, Morita Tomoko, *Kaikoku to Chigaihōken* [The *Kaikoku* and Extraterritoriality], Tokyo: Yoshikawa Kōbunkan, 2004.

[105] 'Shishin Nikki', 1 May, 1873

[106] Ibid., 2 June, 1873

[107] Li Hongzhang to the Zongli Yamen, 3 May, 1873, LHQ, Vol. 30; Li Hongzhang to Sun Shida, 14 June, 1873, LHQ, Vol. 30

[108] 'Shishin Nikki', 2-4 June, 1873

terms of the Western ministers who would perform a simultaneous standing bow.[109]

While Prince Gong's group continued to strongly encourage the kowtow in the negotiations with foreign ministers, Li Hongzhang's opinion was finally adopted by the Zongli Yamen and approved by the Ground Council.[110] Nevertheless, Soejima still stuck to his request. Through hard negotiations by Li Hongzhang, with Sun Shida acting behind the scenes, the Zongli Yamen eventually accepted Soejima's request and granted an individual imperial audience.[111] After the audience, in his return trip to Japan, Soejima again met Li Hongzhang in Tianjin, where he praised Li Hongzhang by stating that the successful audience was 'all because of Li Hongzhang's support'.[112]

While Soejima's imperial audience was conducted as described above, the Mudan incident (the Taiwan expedition), the third major foreign issue in this period, was also closely related to Soejima's visit to China. In fact, another purpose of Soejima's visit to China was to discuss the Mudan incident with the Qing government.

The Mudan incident was the massacre of shipwrecked Ryukyu people by Aboriginal people on the island of Taiwan in 1871. While Soejima and other Japanese diplomats did not refer to this incident in front of Li Hongzhang in Tianjin, amid the negotiations over the imperial audience in Beijing, the Japanese diplomats Yanagiwara Sakimitsu and Tei Einei discussed the incident with the Zongli Yamen ministers Mao Changxi and Dong Xun, with Sun Shida present. In these talks, both sides held the Ryukyu people were their own respective subjects. However, according to the Japanese sources, the Zongli Yamen ministers stated that the Aboriginals in Taiwan lived in a place 'outside (Chinese) civilisation' [化外], although this word is not to be found in the Chinese sources.[113] In 1874, the Meiji government conducted the Taiwan expedition to seek revenge,

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[109] Li Hongzhang to Sun Shida, 31 May, 1873, LHQ, Vol. 30; Li Hongzhang to Sun Shida, 14 June, 1873, LHQ, Vol. 30

[110] CYST, Vol. 90, No. 2936-2940

[111] 'Shishin Nikki', 23 June, 1873

[112] Ibid., 7 July, 1873

[113] Ibid., 21 June, 1873; Li Hongzhang to Wang Kaitai, 19 June, 1873, LHQ, Vol. 30. The Zongli Yamen ministers believed Yanagiwara intentionally used the Mudan incident as a tactic in his negotiations for an imperial audience.

asserting the Qing government had admitted the aboriginal area in Taiwan was 'outside civilisation'; in other words, *terra nullius* in international law.[114]

This episode shocked Beijing and local officials concerned with Taiwan. Although Taiwan was a long way from northern China, Li Hongzhang was principally responsible for handling the conduct of Chinese foreign policy in regard to the incident. Upon being informed of Japan's attack in Taiwan, the Zongli Yamen at first considered ordering Li Henian (Viceroy of Min-Zhe/Governor of Fujian), Wenyu (General of Fuzhou) and Li Zongxi (the southern superintendent) to deal with the incident. However, Li Hongzhang suggested to the Zongli Yamen that it should not ask the southern superintendent but rather Shen Baozhen (Minister of Naval Affairs [船政大臣]) to handle the matter, considering the distance between Nanjing (where the southern superintendent was located) and Taiwan.[115] Beijing adopted this idea, and thus Shen Baozhen travelled to Taiwan to more quickly deal with the matter in conjunction with other officials. These officials sent their reports to the Zongli Yamen and to the 'Northern and Southern Superintendents'.[116] Simultaneously, the high-ranking local officials in the area, alongside the northern and southern superintendents, oversaw the strengthening of coastal defences in case of Japanese attack. Prince Gong's group expected local officials to cooperate with each other and Li Hongzhang also played a key role in this situation by dint of his military experience.[117]

Meanwhile, the Zongli Yamen began negotiations with Yanagiwara in Beijing. Although the Zongli Yamen asserted that, based on the Sino-Japanese treaty, Japan should have communicated with China before the attack, Yanagiwara replied the expedition was conducted under their authority in view of the fact that the Aboriginals in Taiwan were savages under no authority. The Zongli Yamen counter-argued Taiwan Chinese historical records proved their sovereignty over Taiwan,

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[114] On the Mudan Incident (the Taiwan expedition), See for example, Ishii Takashi, *Meiji Shoki no Nihon to Higashi Ajia* [Japan and East Asia in the Early Meiji Period], Tokyo: Yūrindō, 1982; Katsuta Seiji, 'Ōkubo Toshimichi to Taiwan Shuppei' [Ōkubo Toshimichi and the Taiwan Expedition], *Jinbun Gakkai Kiyō* [The Journal of Humanity Studies], No. 34, 2002; Gotō Arata, 'Meiji Shichinen Taiwan Shuppei no Ichikosatsu', *Hōgaku Seijigaku Ronkyū* [The Journal of Law and Politics], No. 60, 2004

[115] Li Hongzhang to the Zongli Yamen, 10 May, 1874, LHQ, Vol. 31

[116] CYST, Vol. 93, No. 3020; CYST, Vol. 93, No. 3030-3034; CYST, Vol. 93, No. 3035, 3036; CYST, Vol. 93, No. 3039; CYST, Vol. 94, No. 3058-3063

[117] CYST, Vol. 94, No. 3064-3067; CYST, Vol. 94, No. 3068, 3069; CYST, Vol. 94, No. 3075-3077; CYST, Vol. 94, No. 3078-3082; CYST, Vol. 95, No. 3084-3086; CYST, Vol. 95, No. 3088, 3089; CYST, Vol. 95, No. 3096-3098; CYST, Vol. 95, No. 3104-3109; CYST, Vol. 97, No. 3154, 3159, 3161; CYST, Vol. 97, No. 3163; CYST, Vol. 97, No. 3168, 3169; CYST, Vol. 97, No. 3171; CYST, Vol. 97, No. 3174; CYST, Vol. 97, No. 3175; CYST, Vol. 97, No. 3190, 3191; CYST, Vol. 98, No. 3192, 3195

against which Yanagiwara reasserted his own opinion.[118] Then, as described in detail in Chapter 4, Ōkubo Toshimichi, a top leader of the Meiji government, visited Beijing and took over negotiations. Ōkubo asserted the Japanese expedition was based on textbooks of the law of nations while pointing out flaws in Chinese historical records. The Zongli Yamen continued to refer to the Sino-Japanese treaty, stating it was more reliable than the law of nations, with which the Zongli Yamen was 'not particularly familiar'.[119]

In contrast to Beijing, Li Hongzhang criticised the Japanese attack on Taiwan as an illegal action under the law of nations.[120] Furthermore, in order to settle the matter, he suggested the Zongli Yamen provide some payment to Japan, not as compensation but as recognition of the victims of the Ryukyu people and others. In Li Hongzhang's view, China's coastal defences were not good enough for a war against Japan. Simultaneously, he highlighted that China should continue its attempts to keep Japan on its side as a as part of the policy of 'manoeuvring' foreign powers. This opinion was considered by the Zongli Yamen. Through the mediation of the British minister Wade, the Zongli Yamen and Ōkubo finally reached an agreement that Japan withdraw its troops from Taiwan and China should pay a sum of money to Japan and admit the Japanese expedition was a legitimate action.[121]

Since the Zongli Yamen's decision regarding this case was based on Li Hongzhang's suggestions, Li Hongzhang wrote in a private letter he would be responsible for the matter. However, he criticised the amount of money provided to Japan. Li Hongzhang also condemned the absence of leadership in the government in Beijing. According to him, while Wenxiang was relatively superior, Prince Gong was indecisive, and other ministers were generally incompetent.[122] In this context, Li Hongzhang highlighted to further support the self-strengthening movement, especially improved naval defence. This stance was subsequently widely shared by the Zongli Yamen, as well as by the high-ranking local officials.[123] Li Hongzhang's influence in this incident suggest he had clearly established de facto leadership over the Chinese *zhongwai jiaoshe.*

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[118] CYST, Vol. 96, No. 3137-3152

[119] CYST, Vol. 97, No. 3176-3188

[120] Li Hongzhang to the Zongli Yamen, 10 May, 1874, LHQ, Vol. 31

[121] CYST, Vol. 98, No. 3200-3202

[122] Li Hongzhang to Li Hanzhang, 11 November, 1874, LHQ, Vol. 31

[123] CYST, Vol. 98, No. 3200-3202

Analysis of the aforementioned political processes shows both the development and limitations in Li Hongzhang's handling of the *zhongwai jiaoshe* in this period. In regard to its development, Li Hongzhang's leadership gradually become more influential through his deft handling of both the Zongli Yamen and the foreign powers. Unlike Zeng Guofan, who directly criticised Prince Gong during the Tianjin massacre, Li Hongzhang tended to coordinate or intervene in the process behind the scenes, always preparing alternatives. His geographical position, that is, a few days' travel from Beijing, distanced him from the formal foreign policy-making process while retaining certain points of contact with it. In other words, he could manipulate the foreign policy-making process in Beijing as well as establishing his own ideas and preparations from a certain distance—both geographically and in intentions. For instance, pertinently, Li Hongzhang's reasoning took into account the law of nations as well as Chinese traditions. As a result of his actions, other high-ranking officials, regardless of their pro or anti-foreigner leanings, substantially reconciled themselves to Li Hongzhang's unique position in foreign policy-making, as a figure whose influence on a parallel with that of the Zongli Yamen.

On the other hand, Li Hongzhang was faced a number of restrictions. The reason Li Hongzhang needed to become more sophisticated approach was that he was not powerful enough to change the fundamental Qing governmental system itself, in which it was difficult for Han Chinese officials to intervene in Manchu governance to any significant degree. The reference to Qing traditions, in addition to the law of nations, was also because he could not aspire to genuine power within the Qing political regime. Li Hongzhang's developed his 'negotiation' methods between Beijing and foreign ministers because of these institutional and political conditions.

5. Conclusion

This chapter is intended to rethink the conventional argument about 'the rise of Li Hongzhang and the relative decline of the Zongli Yamen in Qing China's foreign policy-making process' in the latter 1860s and early 1870s, in two ways. First, since previous studies have not provided an empirical explanation of the aforementioned transformation, this chapter aimed to investigate it in detail through analysis of primary historical documents. Additionally, as in works written by Ogi, this chapter attempts to explain the complicated relationship between the Zongli Yamen and high-

ranking local officials, especially Li Hongzhang, which was neither fully cooperative nor fully confrontational.

After 1865, the Zongli Yamen began its efforts to involve the high-ranking local officials in the foreign policy-making process by asking their opinions regarding the British diplomats' opinions and the treaty revision. The Zongli Yamen also sent its first formal mission to other countries. However, these efforts caused disputes vis-a-vis the anti-foreign faction in the central government and with other foreign powers. These changes were due to the relative decline of the political power of Prince Gong's group within the government and the mutual dependency between central and local officials regarding the handling of *zhongwai jiaoshe*. The importance of Li Hongzhang in foreign policy-making had gradually risen due to his successful handling of the suppression of anti-Christian movements in inland areas, which led to the subsequent new equilibrium within the *zhongwai jiaoshe* after 1870.

The Tianjin massacre occurred in 1870. Zeng Guofan (Viceroy of Zhili) and Chonghou (superintendent of three ports) dealt with the investigation of the incident and negotiations with the French minister. Beijing initially delegated the matter to them and supported their actions. However, due to the French minister's direct protest to the Zongli Yamen in Beijing, Beijing quickly intervened in the investigation and negotiations in Tianjin. While Zeng Guofan directly pointed out Beijing's inconsistency in the *zhongwai jiaoshe*, Beijing did not validate his criticism. This complicated communication between Beijing and Tianjin culminated in the reorganisation of the *zhongwai jiaoshe* system led by Li Hongzhang. This reorganisation was modelled after the *zhongwai jiaoshe* system in Shanghai, where one figure could concurrently be appointed to both the superintendent (foreign affairs) and viceroy (local affairs).

After this reorganisation in *zhongwai jiaoshe*, the negotiations regarding Sino-Japanese treaty, the imperial audience, and the Mudan incident became matters of *zhongwai jiaoshe*. In terms of the Sino-Japanese treaty, Li Hongzhang persuaded Beijing to conclude the treaty. He took advantage of his personal network across Tianjin and Shanghai, and succeeded in 'communicating with and containing Japan at the same time'. In the process of negotiating for the imperial audience, Li Hongzhang suggested a new style of audience to the Zongli Yamen and coordinated between Soejima and the Zongli Yamen through Sun Shida. In the Mudan incident, Li Hongzhang frequently advised the Zongli Yamen and exerted a strong influence on negotiations in Tianjin. These pro-

cesses simultaneously showed the development and limitations of Li Hongzhang's style of negotiation.

Considering the issue of geographical distance in the *zhongwai jiaoshe* (the first analytical viewpoint), the latter half of the 1860s saw a dramatic transformation. Since Prince Gong's group was unable to impose its centralising vision in the early 1860s (see Chapter 1), it changed its principle and intended to bring high-ranking local officials in distant areas into the formal foreign policy-making process. In this context, Li Hongzhang showed his ability by solving the anti-Christian matters in the inland area. On the other hand, one of the issues in the Tianjin massacre was disagreement between Beijing and Tianjin; since Tianjin was close to Beijing, the officials in Tianjin were required to properly coordinate and negotiate with Beijing, which was a different type of problem compared to other distant areas. However, as Li Hongzhang was also able to manage this problem, he gained substantial leadership over the making of foreign relations, in area close to and distant from Beijing.

In this chapter, the transformation of and conflict between the practitioners' world views (the second analytical viewpoint) are present to a certain extent, among Prince Gong's group, the anti-foreign factions, and the high-ranking local officials including Zeng Guofan, Li Hongzhang, and others. Prince Gong's group saw its presence decrease in the government owing to its inability to establish the centralised system of the *zhongwai jiaoshe,* the political confusion in Beijing mainly caused by the Empress Dowager Cixi, and the seizure of the Peking Field Force by Prince Chun. Therefore, the anti-foreign faction, represented by Prince Chun, developed a relatively significant presence in foreign policy-making. In response, Prince Gong's group tried to bring high-ranking local officials, who had practical experience interacting with foreign powers, into the foreign policy-making process. This enabled more pragmatic officials to openly express their ideas. As the conceptual distance between Prince Gong's group and Zeng Guofan/Li Hongzhang was not great in comparison to the gulf between them and the anti-foreigner faction, the relationship between Prince Gong's group and Zeng Guofan/Li Hongzhang became closer and closer in the late 1860s. This bolstered Li Hongzhang's growing leadership over the foreign policy-making process, not only because of his Huai army's military power but also because of his tough and sophisticated negotiating style. That style was a better fit for the situation than Prince Gong's group's *zhongwai jiaoshe*.

Not only in terms of the style but also the content of *zhongwai jiaoshe*, the attitudes of the Zongli Yamen and Li Hongzhang show some differences, particularly regarding international law.

The Zongli Yamen supported the translation of the famous textbook *The Elements of International Law* for the first time in East Asia by an American missionary, William Martin, and even applied it to one case in foreign relations. However, the Zongli Yamen said that its concepts did not apply to China, although it contained some useful information for dealing with Western powers.[124] This was a consistent attitude considering Prince Gong's groups' basic principle as described in Chapter 1. Li Hongzhang showed more trust in international law from the late 1860s to the former 1870s, which was manifested in the difference of opinions between the Zongli Yamen and Li Hongzhang during the Mudan incident. However, in referring to international law, Li Hongzhang also emphasised the importance of using it to manoeuvre the Western powers, without neglecting Qing traditions.

After the Mudan incident, Li Hongzhang's effective leadership over the style and content of the Chinese *zhongwai jiaoshe* became more influential, although the Zongli Yamen continued to have formal authority in the Qing political system. Chapters 5 and 6 of this dissertation also describes this situation, while mainly focusing on the matter of telegraphy and international law.

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[124] CYST, Vol. 27, No. 995, 30 August, 1864. In terms of the Zongli Yamen and the Chinese translation of international law, See for example, Lai Junnan, op.cit.; Fu De-yuan, *Ding Weiliang yu jindai zhongxi wenhua jiaoliu* [William A. P. Martin and Chinese-Western Cultural Exchanges in Modern Chinese History], Taipei, Taida chuban zhongxin, 2013, and others.

Chapter 4
Between *Kōsai* and *Gaikō*: The Drastic Change of Japanese Foreign Policy-making, 1868-1873

1. Introduction

Compared with the Bakumatsu period and subsequent era of treaty revision, Japanese foreign relations in the early Meiji period (from 1868 to the middle of the 1870s) are relatively understudied by historians.[1] There are two reasons for this neglect. First and foremost, historians still largely accept the conventional view of Meiji foreign relations. After the confusion over foreign relations during the Bakumatsu period, the Meiji government decided to modernise, learn and adapt to the Western-centred international order. Meiji-era adaptation finally succeeded in abolishing the 'unequal treaties' and transforming Japan into a major imperial power around the time of the First Sino-Japanese War and the Russo-Japanese War. However, this view is a teleological perspective. Analysing Japanese foreign relations based on historical outcomes oversimplifies Meiji foreign relations as a continuous effort to achieve modernisation and treaty revision since its beginning. This narrative is simply incongruent with the historical facts.[2]

Second, as a revolutionary period of dramatic transformation, the early Meiji period is excessively complicated to explain in detail. Analysis of newly discovered historical documents has significantly increased the complexity of the chronology of the period. As some contemporary historians contend, especially in Japanese academia, this fact has pushed historians of the Bakumatsu-Meiji period to concentrate on detailed historical facts, while discouraging them from engaging in an entirely new picture of the period.[3]

In Japanese academia, previous works on the early Meiji foreign relations suffer from the

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[1] On the Bakumatsu period, See for example, Nara Katsuji, op.cit.; Fukuoka Mariko, op.cit; Gotō Atsushi op.cit.; Sano Mayuko, op.cit. In terms of the treaty revision period, See for example, Iokibe Kaoru, *Jōyaku Kaiseishi* [The History of Treaty Revision], Tokyo: Yūhikaku, 2010

[2] On this point, See Ugai Masashi, *Meiji Ishin no Kokusai Butai*

[3] Nara Katsuji, 'Meiji Ishin ron no Genjō to Kadai [The Present Condition and Challenges regarding the Theory of the Meiji Restoration]', *Rekishi Hyōron* [Historical Journal], Vol. 812, 2017; Gotō Atsushi, 'Bakumatsuki Taigai Kankeishi Kenkyū no Genzai' [Recent Studies on Foreign Relations during the Last Days of the Tokugawa Bakufu], *Rekishi Hyōron*, Vol. 812, 2017

above-mentioned problems. On this topic, Ishii Takashi wrote a classical work using Japanese and Western diplomatic papers, but his Marxist framework requires revision in accordance with the present development of historical studies.[4] Relying on Western sources as well, Hirose Yasuko and Hagiwara Nobutoshi revealed the detailed processes of early Meiji foreign relations. However, their works concentrated on specific cases and actors in this period, which prevented them from submitting both nuanced descriptions and an overview of the period.[5] Inuzuka Takaaki, Nagai Hideo, and Yasuoka Akio also wrote about Meiji foreign relations through their own frameworks, but their description of the political process was still basic.[6] Overall, the study of early Meiji foreign relations is a missing link in previous studies of modern Japanese history.

In English-speaking academia, several works aimed to rethink previous works according to their own approaches. For instance, Michael Auslin investigated not only the Bakumatsu foreign relations but also the early Meiji foreign relations focusing on the concept of the physical and intellectual Japanese 'boundary', emphasising the role of the Iwakura Mission.[7] Robert Eskildsen focused on early Meiji Japan's 'mimetic' civilised and imperialist attitude towards the Taiwanese aboriginals during the Taiwan expedition (the Mudan incident) in 1874.[8] Antony Best and John Breen explored the transformation of the Japanese diplomatic ritual from the early Meiji period, and Andrew Cobbing covered Japanese travellers' experiences in Britain in the 1860s–70s at the point of

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[4] Ishii Takashi, *Zōtei Meiji Ishin no Kokusaiteki Kankyō*; Ishii Takashi, *Meiji Shoki no Kokusai Kankei* [The International Relations in the early Meiji period], Tokyo: Yoshikawa Kōbunkan, 1977

[5] Hirose Yasuko, 'Kirisuto Kyō Mondai wo meguru Gaikō Jōkyō [The Diplomatic Circumstances regarding the Christian Problem]', *Nihon Rekishi* [Japanese History], No. 290, 291, 303, 1972-1973; Hirose Yasuko, 'Meiji Shonen no Tai Ōbei Kankei to Gaikokujin Naichi Ryokō Mondai [The Foreign Relations with the Western Powers and the Matter of the Domestic Foreign Travel in the Early Meiji Period]' *Shigaku Zasshi*, Vol. 83, No. 11-12, 1974; Hagiwara Nobutoshi, *Tōi Gake: Ānesuto Satō Nikki shō* [A Distant Cliff: Extracts from the diaries of Ernest Satow], Tokyo: Asahi Shinbunsha, 1998-2001

[6] Inuzuka Takaaki, *Meiji Ishin Taigai Kankeishi Kenkyū* [The Study of the Foreign Relations in the Meiji Restoration], Tokyo: Yoshikawa Kōbunkan, 1987; Nagai Hideo, *Meiji Kokka Keiseiki no Gaisei to Naisei* [The Internal and External Politics in the Period of the Meiji State-building], Sapporo: Hokkaidō Daigaku Tosho Kankōkai, 1990; Yasuoka Akio, *Bakumatsu Ishin no Ryōdo to Gaikō* [The Territory and Diplomacy in the Bakumatsu-Ishin period], Osaka: Seibundō Shuppan, 2002

[7] Michael R. Auslin, op.cit.

[8] Robert Eskildsen, 'Of Civilisation and Savage: The Mimetic Imperialism of Japan's 1874 Expedition to Taiwan', *The American Historical Review*, Vol. 107, No. 2, 2002

their initial encounter with the Western world.[9] While these works identify interesting features of early Meiji foreign relations in original and diverse ways, they also show that problems located in the Japanese-language literature still remain.

In regards to these points, the author of this dissertation published an article that reconsidered the early Meiji foreign relations in the period of 1868–1869.[10] In this article, the author suggested historians needed to face the fact that Meiji practitioners did not use the word '*gaikō*'[外交] (diplomacy) but instead used '(*gaikoku*) *kōsai*'[（外国）交際] (foreign intercourse) to describe foreign relations. By doing so, the author argued historians needed to focus on the characteristics of the style and content of *gaikoku kōsai,* which clearly differed from Western-style diplomacy. Specifically, historians must attend to the following two features: first, the geographical distance between the political centre (Kyoto, Osaka, and Tokyo), the centre of foreign relations (Osaka, Yokohama), and the distant open ports (Nagasaki, Hakodate, and others); and second, the dynamic relations between politics and practitioners' choice of philosophical/intellectual perspectives on the *gaikoku kōsai* (these points are also explained in detail in Introduction of this dissertation). Although this article was published only a few years ago, the importance of this understanding has gradually been accepted by other researchers.[11]

In this chapter, not only the period of 1868-1869 but also the whole early Meiji period, 1868-1873 (from the Meiji Restoration to the Iwakura Mission) should be dealt with from the perspectives explained above. The early Meiji period had its own characteristics that were clearly different from other periods. Even after the final denial of the *sakoku* described in Chapter 2, the fundamental principles and approach of the *gaikoku kōsai* were still unclear at the beginning of the Meiji government. A variety of political actors and sometimes opposing opinions gathered under the new Meiji government. Therefore, paradoxically, the most fundamental feature of this period was how the Meiji leaders constructed their own view and approach through concrete political conflicts in foreign relations. By doing so, the evolution of foreign relations proceeded from *gaikoku kōsai* towards 'diplomacy'.

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[9] Antony Best, op.cit.; John Breen, 'The Rituals of Anglo-Japanese Diplomacy: Imperial Audiences in Early Meiji Japan', Gordon Daniels and Chusichi Tsuzuki eds, *The History of Anglo-Japanese Relations, Vol.5, The Social and Cultural Perspectives, 1600-2000*, Basingstoke: Palgrave, 2002; Andrew Cobbing, *The Japanese Discovery of Victorian Britain*, Abingdon Oxon & New York: Routledge, 1998

[10] Sawai Isami, op.cit.

[11] In his newly published book, Nara Katsuji fully adopted the author's historical explanations and terminology of foreign relations in 1868-1869. See Nara Katsuji, *Meiji Ishin wo Toraenaosu*

The transformation of the *gaikoku kōsai,* as well as its style and content, in the early Meiji period can be roughly divided into the following three parts; first, Date and Higashikuze's initial leadership, from 1868–1869; second, the Tokyo Gaimushō's struggle for overall authority, from 1869–1871; and, third, Soejima's *kōsai* and the Iwakura Mission, from 1871–1873. The characteristics of *gaikoku kōsai* in each period are explained below, by analysing the major issues using strict empirical history.

2. Osaka, Nagasaki, and Tokyo: Date and Higashikuze's leadership over the new 'Kōsai交際' with the West, 1868-1869

The first leaders who led the initial *gaikoku kōsai* at the very beginning of the Meiji period were Date Munenari (Daimyō of Uwajima) and Higashikuze Michitomi (court noble). Many previous studies have almost entirely ignored their roles because they were in charge of foreign relations only for a short term, from 1868–1869. The author thinks that their approach provided the most fundamental characteristics of the Japanese *gaikoku kōsai*.

After the restoration of imperial rule and the battle of Toba-Fushimi, the last Shōgun Tokugawa (Hitotsubashi) Yoshinobu and his old Tokugawa army fled from Osaka to Edo (Tokyo) in January 1868. Around this time, the Western ministers to Japan (Britain, France, Netherland, Prussia, and the US) also evacuated from Osaka (where they temporarily stayed to prepare for the opening of Osaka and Kobe) towards Kobe. The Bakufu's Magistrate of Kobe fled to Edo at the same time.[12]

During the dramatically changing situation of the revolution, the new Meiji government, which had been established in Kyoto about a month beforehand, needed quickly to wrestle the handling of foreign relations from the Bakufu. The Meiji government, whose top leaders were Iwakura Tomomi (court noble) and Sanjō Sanetomi (court noble), appointed Date Munenari, Higashikuze Michitomi, and others to a new gaikoku jimu torishirabe gakari [外国事務取調掛] (The Office of the Matters of the Foreign Countries, hereafter GJTG). Date was placed in charge.[13]

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[12] Robert Morton and Ian Ruxton eds, *The Diaries of Sir Ernest Mason Satow* [hereafter Satow's Diary], Kyoto: Eureka Press, 2013, 3 February, 1868

[13] ISK, Vol. 8, 2 February, 1868; 'Otedome Nikki' [Date's Diary], Uwajima Date Bunka Hozonkai [Uwajima Date's Culture Preservation Society], 甲25-46, 47 [hereafter Date's Diary], 4 February, 1868

While Date and Higashikuze were not particularly familiar with the foreign situation, their knowledge and experience were at least better than other actors within the Meiji government. At that time, Higashikuze was the only court noble who had been to Nagasaki and met a foreigner, which was the reason why he participated in the GJTG.[14] Although Date had met some foreigners (for example, Ernest Satow) and had also shown an interest in the translation of *The Elements of International Law* written by Henry Wheaton, he did not have any specific knowledge and information on foreign relations either, nor a systematic vision of it.[15] Since low-status samurai could not achieve high-ranking positions, the Meiji government did not have enough suitable candidates for the GJTG. Hence the Meiji government chose Date and Higashikuze.

The first task the GJTG needed to accomplish was to proclaim, both to the public and to the Western ministers, that the new Meiji government would handle Japanese foreign relations. Although the Meiji government had considered doing so before, the outbreak of an incident in Kobe forced its hand. In February 1868, when the soldiers of the Okayama domain physically passed through Kobe, they accidentally clashed with foreign troops. This resulted in the occupation of Kobe by foreign troops. Western ministers demanded the Meiji government explain the cause of the clash.[16] Higashikuze (who had moved to Osaka with the Meiji government's army at that time) thus travelled to Kobe to have a meeting with the Western ministers. There he clearly and frankly stated the Meiji government would henceforth be responsible for all foreign matters, including the Kobe incident.[17] At the same time, in Kyoto, Date argued to Sanjō that foreign matters should be dealt with under the 'law of nations' [公法] and with consideration of the opposition of conservative court nobles.[18] As a result, the Meiji government proclaimed to the public that the government would be responsible for foreign relations in accordance with the 'law of nations' while stating that

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[14] Higashikuze Michitomi, *Chikutei Kaikoroku Ishin Zengo* [Higashikuze's Memoir: Around the Meiji Restoration], Tokyo: Hakubunkan, 1911, p. 228; The Reminiscence of Higashikuze Michitomi, *Shidankai Sokkiroku*, Vol. 4, p. 101, 102

[15] Satow's Diary, 8 January, 1867; Date's Diary, 21 January, 1868; Date Munenari to Matsudaira Yoshinaga, The University of Tokyo Historiographical Institute, 'Ishin Shiryō Hikitsugi Hon', II へ-343-A-4, 5 February, 1868

[16] DNGM, Vol. 1, No. 1, p. 213, 214

[17] DNGM, Vol. 1, No. 1, pp. 229-235

[18] Date's Diary, 6, 7 February, 1868

this had been decided owing to the 'unavoidable circumstances of the world [大勢真ニ不被為得已]'.[19]

After this, Date and Higashikuze negotiated concrete conditions with Western ministers for the settlement of the Kobe incident. Western ministers demanded capital punishment for responsible Okayama military staff, this demand was immediately brought to Kyoto and approved by the Meiji government.[20] Later, Date moved to Kobe to discuss further details with Western ministers. Showing a faithful attitude, Date accepted the Western ministers' demand under the name of the 'law of nations', but also attempted to negotiate to save the life of the Okayama military staff behind the scenes.[21] However, Date's request was not accepted by the Western ministers and the executions were carried out.[22]

The settlement of the Kobe incident cleared the way for Western ministers to receive audiences with the new Meiji Emperor. Audiences would clearly show the legitimacy of the new government in Japan's foreign relations. After Date and the Western ministers moved back to Osaka, Date, Higashikuze, and other GJTG staff decided to conduct imperial audiences and started negotiations about its conduct with both the Meiji government in Kyoto and the Western ministers.[23] Because Western ministers considered returning to Yokohama where they had their legations and many of their nationals resided, the GJTG needed to coordinate between the two sides as soon as possible.[24] As a result, the GJTG officially requested Western ministers' arrival in Kyoto for an imperial audience before getting the acceptance of the Meiji government in Kyoto (although the government subsequently permitted it).[25]

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[19] DNGM, Vol. 1, No. 1, p. 227, 228

[20] DNGM, Vol. 1, No. 1, p. 247, 249, 270, 275, 276; Date's Diary, 11, 12 February, 1868; Satow's Diary, 14 February, 1868; Kasumi Kaikan Kazoku Shiryō Chōsa Iinkai ed., *Higashikuze Michitomi Nikki* [The Diaries of Higashikuze Michitomi], Vol. 1 Tokyo: Kasumi Kaikan, 1992 [hereafter Higashikuze's Diary], 14 February, 1868

[21] DNGM, Vol. 1, No. 1, pp. 341-343; Date's Diary, 1 March, 1868; 'On Nikki', Uwajima Date Bunka Hozonkai, Zatsu Kiroku 03-31-8-2, 03-31-9, 03-31-30 [hereafter Date's Notebook], 29 February, 2 March, 1868

[22] Date's Notebook, 2 March, 1868

[23] Date's Notebook, 6 March, 1868; Higashikuze's Diary, 5 March, 1868

[24] Date's Notebook, 6 March, 1868

[25] DNGM, Vol. 1, No. 1, pp. 348-350, 390, 391; Date's Notebook, 7 March, 1868; Satow's Diary, 7 March, 1868

In the middle of the negotiations, the Sakai incident occurred. French sailors and Tosa Domain soldiers came into conflict in Sakai, leading to the death of eleven French sailors. Following the advice of the British minister Harry Parkes, Date and Higashikuze immediately decided to accept the demands of the French minister Léon Roches, which included the capital punishment of all the Tosa samurai involved in the incident.[26] According to the Tosa domain, the number of soldiers involved was twenty-seven.[27] On the other hand, the Meiji government in Kyoto, especially Iwakura and Sanjō, did not accept this and responded to Date and Higashikuze that the number should be less than ten.[28] Acting between the Meiji government and the Western ministers, the decision made by Date and Higashikuze was to tell the French side the number of soldiers to be punished should be twenty (although the French side called off the death penalty procedure when eleven Tosa samurai conducted *seppuku*).[29] By doing this, the GJTG earned the trust of Roches, who later accepted an invitation to an imperial audience together with the British and Dutch ministers in Japan.[30]

After the settlement of the Sakai incident, the British, French, and Dutch ministers moved to Kyoto from Osaka to attend the imperial audience. On the way to the imperial palace in Kyoto, however, Parkes was attacked by two anti-foreigner samurai. Although Parkes was not injured, the British representatives returned to their accommodations. Date and other leaders of the Meiji government visited Parkes at once, who appreciated the visit.[31] Later, Parkes attended the imperial audience, stating the *gaikoku kōsai* should be based on the 'law of nations'.[32]

Date and Higashikuze's leadership over foreign relations shortly after the establishment of the Meiji government had two features. First, Date and Higashikuze adopted a faithful and friendly attitude towards Western ministers. They also emphasised and positively accepted the idea of the 'law of nations'.[33] Their understanding of the 'law of nations' was not the 'law of the Western

[26] DNGM, Vol. 1, No. 1, pp. 382-389, 401-403; Date's Notebook, 9, 10, 12 March, 1868

[27] Date's Notebook, 13 March, 1868

[28] DNGM, Vol. 1, No. 1, p. 423

[29] Higashikuze's Diary, 15 March, 1868; DNGM, Vol. 1, No. 1, pp. 437-445

[30] Date's Notebook, 15 March, 1868; Higashikuze's Diary, 18 March, 1868

[31] DNGM, Vol. 1, No. 1, pp. 474-488

[32] DNGM, Vol. 1, No. 1, pp. 498, 499

[33] In terms of the previous studies regarding the previous studies of the law of nations, See the Introduction as well as the introduction section of Chapter 6 of this dissertation.

powers' but the 'law of heaven' [天法], which was influenced by the natural law interpretation, especially Wheaton's, comprehension of international law.[34] This attitude was closely related to Date and Higashikuze's political background: that is, the leader of a relatively powerless domain (Uwajima) and a court noble, and both of whom did not have any real military power. They thus had no alternative but to rely on the abstract idea of the law of nations, and tried to lead the foreign relations in this direction in the new Meiji political regime.[35] Second, Date and Higashikuze's strategy was based on specific geographical conditions. The Meiji government was located in Kyoto and the Western ministers stayed in Osaka or Kobe. Thus, Date and Higashikuze could take advantage of the geographical distance between Kyoto, Osaka and Kobe, which took one or two days to cross, in order to properly manipulate and coordinate the foreign policy-making.

Nevertheless, Date and Higashikuze's leadership did not last long because of criticism from within the Meiji political regime. In particular, the pro-Meiji government samurai in Nagasaki severely criticised Date and Higashikuze's handling of foreign relations, writing that adapting their policy towards foreign relations in Nagasaki would be in vain because the *kōsai* in Osaka adopted an excessively soft-line approach towards foreigners.[36]

In Nagasaki, after the battle of Toba-Fushimi, pro-Meiji government samurai inherited local administration from the Tokugawa governor and started to follow their own *gaikoku kōsai* .[37] In comparison with Date and Higashikuze, the Nagasaki administration led by Sawa Yoshinobu (court noble), Ōkuma Shigenobu (Hizen domain), and Inoue Kaoru (Chōshū domain), adopted a more hard-line approach based on the 'law of nations'. Specifically, they engaged in tough negotiations with the foreign consuls in Nagasaki and even criticised them in the name of the 'law of nations', while also pursuing the equal treatment of Japanese people and foreigners in their *gaikoku kōsai*.[38] This 'independent' *gaikoku kōsai* in Nagasaki was based on the fact that the Meiji government in

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[34] Date's Notebook, 1 March, 1868

[35] In terms of Date's personal background, See Inoue Isao, *Ōsei Fukko* [The Restoration of Imperial Rule], Tokyo: Chuō Kōron Shinsha, 1991, p. 113, 117

[36] Inoue Kaoru to Itō Hirobumi, 20 April, 1868, Ito Hirobumi Kankei Monjo Kenkyūkai ed., *Itō Hirobumi Kankei Monjo* [The papers of Itō Hirobumi; hereafter IHKM], Vol. 1, Tokyo: Hanawa Shobō, 1973, p. 116

[37] Tōkyō Daigaku Shiryō Hensanjo ed., *Hogohiroi: Sasaki Takayuki Nikki* [The Diaries of Sasaki Takayuki; hereafter Sasaki's Diary], Vol. 3, Tokyo: Tōkyō Daigaku Shuppankai, 1972, 1, 4-7, 10 February, 1868

[38] Ibid., 8-11 February, 1868; Fujimura Tōru ed., *Matsukata Masayoshi Kankei Monjo* [The Papers of Matsukata Masayoshi], Vol. 1, Tokyo: Daitōbunka Daigaku Tōyō Kenkyūjo, 1979, p. 151; Onjōji Kiyoshi, *Ōkumahaku Sekijitsutan* [The Memoir of Ōkuma Shigenobu], Tokyo: Rikkenkaishintō Tōhōkyoku, 1895, pp. 218-220

Kyoto delegated its authority over the whole Kyūshū area to Sawa, probably due to the government's concentration on the Boshin War.[39]

Kido Takayoshi (the leader of Chōshū domain) regarded the differences between Osaka-Kobe-Kyoto (GJTG) and Nagasaki in terms of the style and content of the early Meiji *gaikoku kōsai* as a serious problem. Kido recognised the need for the systematisation of *gaikoku kōsai* in the following two respects. First, he considered issuing a new criminal law in order to prevent attacks against foreigners, such as the Kobe and Sakai incidents.[40] Second, Kido pursued a systematic, universal order for the open ports in Japan. Kido pointed out the *gaikoku kōsai* in Nagasaki was too radical; Osaka-Kobe should be the centre of foreign relations, and Yokohama, Hakodate, and Nagasaki should be subordinate to it.[41] The first point was included in the Five Public Notices after the political coordination,[42] and the latter point was resolved through the negotiation of the Urakami Christian incident.

In the Urakami area in Nagasaki, the Nagasaki administration found and caught a group of 'hidden' Christians (*Kakure Kirishitan*; Christianity was still forbidden at that time). Sawa wished to issue the death penalty to leaders of the Christian group, and thus he sent Ōkuma and Inoue to Osaka to deliver his request.[43] While initially Ōkuma and Inoue persuaded Kido and other Meiji leaders to adopt Nagasaki's opinion, protests from by Parkes encouraged the Meiji government to compromise and decree the Christians should be sent into exile, which was arranged by Date.[44]

In order to fulfil this decision, Kido himself moved to Nagasaki and forced Sawa and others to follow the decision.[45] Around this time, the central Meiji government restrained the temporary

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[39] 'Kyūshū Jiken narabini Nagasaki Saibansho Goyō Karidome Nikki' [The Diaries of Sawa Yoshinobu; hereafter Sawa's Diary], The University of Tokyo Historiographical Institute, 0173-7, 11 March, 1868, 12 April, 1868; Dajōkan ed., *Fukkoki* [The Historical Documents on the Meiji Restoration], Vol. 2, Tokyo: Naigai Shoseki, 1929, p. 707

[40] Kido Takayoshi to Itō Hirobumi, 13 March, 1868, IHKM, Vol. 4, p. 175, 176

[41] Kido Takayoshi to Itō Hirobumi, 1 May, 1868, IHKM, Vol. 4, p. 183. The editors of *Itō Hirobumi Kankei Monjo* guessed that this letter was written in 1869, but the author assumes that it was written in 1868, considering the fact that the centre of the *gaikoku kōsai* had already moved to Tokyo-Yokohama area in 1869.

[42] DNGM, Vol. 1, No. 1, p. 565. In terms of the political process for this stipulation in the Five Public Notices and Kido's influence on it, See Sawai Isami, op.cit., pp. 144-145

[43] Sasaki's Diary, Vol. 3, 5 May, 1868; Sawa's Diary, 29 April, 1868

[44] Tsumaki Chūta ed., *Kido Takayoshi Nikki* [The Diaries of Kido Takayoshi; hereafter Kido's Diary], Vol. 1, Tokyo: Nihon Shiseki Kyōkai, 1932, 4, 7, 11, 17, 24 May, 1868; *Ōkumahaku Sekijitsutan*, pp. 226, 230-232; Date's Notebook, 2 June, 1868

[45] Sawa's Diary, 2, 3 July, 1868; Kido's Diary, Vol. 1, 3, 10, 18 July, 1868

'independence' of Nagasaki in the *gaikoku kōsai* through the reconstruction of central-local relations. That is, under the *Seitaisho* (The Constitution of 1868) regime newly introduced by the Meiji government, the idea that the local governors had authority over the *gaikoku kōsai* was denied. The gaikokukan (the new foreign office after the GJTG) was admitted to maintain total control over it.[46] Additionally, mainly led by Kido and Inoue, the experts in the Nagasaki administration, including Sawa, were subsequently transferred to other positions outside of the city.[47]

Kido successfully systematised *gaikoku kōsai* geographically. However, as the Edo area was placed under the Meiji government's control, Yokohama, where the Western legations were located and Higashikuze was in charge of the port at that time, became the substantial centre of the *gaikoku kōsai* rather than Osaka.[48] As gaikokukan in Osaka declined in importance, the Meiji government in Kyoto reduced its authority over *gaikoku kōsai,* despite Date's opposition.[49] Finally, the Meiji government decided to transfer the gaikokukan from Osaka to Kyoto.[50] Date still made efforts to maintain his style of *gaikoku kōsai* by putting his staff in Osaka, but his position was no longer of particular importance.[51] Along with the relocation of the capital from Kyoto to Tokyo, the gaikokukan also moved to Tokyo together with the Meiji government itself. Therefore, the geographical conditions that supported Date and Higashikuze's leadership were fundamentally transformed.

In 1869, when the relocation of the capital to Tokyo became permanent, the enthusiasm of the anti-foreigner faction again increased inside and outside the Meiji government. Attacks against foreigners, including Parkes and British diplomatic and naval staffs, by anti-foreigner samurai occurred around Tokyo and Yokohama.[52] Parkes became enraged and severely protested to

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[46] DNGM, Vol. 1, No. 1, pp. 711-713

[47] Inoue Kaoru to Itō Hirobumi, 5 November, 1868, IHKM, Vol. 1, p. 121; Kido Takayoshi to Itō Hirobumi, 25 December, 1868 (M1, M11, D12), IHKM, Vol. 4, p. 189; ISK, Vol. 10, 16 April, 1869

[48] Gaimushō ed., *Gaimushō Enkaku Ruijū* [The Papers of the History of the Gaimushō], Tokyo: Kuresu Shuppan, 1997, pp. 86-88

[49] Ibid., p. 93; DNGM, Vol. 1, No. 1, p. 762, 763; 'Taiseiki' [The Diaries of Matsudaira Yoshinaga], No. 2, Fukui City History Museum, 22 June, 1868

[50] *Gaimushō Enkaku Ruiju*, pp. 94-98; Date's Notebook, 15 July, 1868

[51] Date Munenari to Gotō Shōjirō, 17 July, 1868 (M1, M5, D28), The University of Tokyo Historiographical Institute, Ishin Shiryō Hikitsugi Hon, II㇀-140-27

[52] DNGM, Vol. 2, No. 1, pp. 551-555, 559-566

Higashikuze, criticising the gaikokukan for failing to administer foreign relations effectively: Parkes stated that, if this continued, 'it would immediately cause the war'.[53]

However, the gaikokukan staff could not fully control the Meiji government in Tokyo, especially the keihokan [刑法官] (Criminal Law Office). In order to cope with this crisis, the pro-gaikokukan group within the Meiji government and the sympathisers with the anti-foreigner faction were in conflict.[54] Because the Western ministers lamented the excessive delays to the resolution of the incident, they joined together to pressure the gaikokukan by cancelling meetings and other events.[55] Finally, almost all the top leaders of the Meiji government in Tokyo, as well as the gaikokukan staff, had a meeting with Parkes to explain and apologise for the situation, which disclosed the limitations of Date-Higashikuze's approach to the *gaikoku kōsai*.[56]

After this, Date adopted a detached attitude towards politics, while Higashikuze actively and naively tried to control the whole government in Tokyo. Higashikuze and others temporarily succeeded in establishing leadership within the government by suddenly changing the decision-making process. However, this caused a wide range of opposition inside and outside the government, which in turn led to serious dysfunction within the Meiji government in Tokyo.[57]

It was Iwakura, Kido, and Ōkubo Toshimichi (the leader of Satsuma domain) who introduced a new approach to *gaikoku kōsai*. Around the time of disputes regarding the attacks against foreigners happened, Iwakura, Kido, and Ōkubo were not in Tokyo but remained in the Osaka area together preparing for the *hanseki hōkan* (return of lands and people to the emperor). However, as Sanjō and others in Tokyo demanded their return to Tokyo due to the crisis, Iwakura and Ōkubo

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53 Date's Diary, 5 May, 1869; Higashikuze Michitomi to Machida Hisanari and Yamaguchi Naoyoshi, 6 May, 1869, Waseda Daigaku Daigakushi Shiryō Sentā ed., *Ōkuma Shigenobu Kankei Monjo* [The Papers of Ōkuma Shigenobu], Vol. 8, Tokyo: Misuzu Shobō, 2012, p. 105, 106

54 Nakai Hiroshi to Ōkuma Shigenobu, 6 May, 1869, *Ōkuma Shigenobu Kankei Monjo*, Vol. 8, p. 104; Unknown sender to Godai Tomoatsu, 17 May, 1869, Nihon Keieishi Kenkyūjo ed., *Godai Tomoatsu Denki Shiryō* [The Papers for the Biography of Godai Tomoatsu], Vol. 1, Tokyo: Tōyō Keizai Shinpōsha, 1971, p. 116

55 DNGM, Vol. 2, No. 1, pp.632-634, 645-652, 670-672; Date's Diary, 12 May, 1869

56 Date's Diary, 21 May, 1868; *Saga Sanenaru Nikki*, Vol. 3, 21 May, 1869

57ISK, Vol. 10, 24 May, 1869; Higashikuze Michitomi to Shijo Takauta, 26 May, 1869, 'Dai Nihon Ishin Shiryō Kōhon', 24 May, 1869; Matsudaira Yoshinaga to Nakamikado Tsuneyuki, 7 June, 1869, Waseda Daigaku Shakai Kagaku Kenkyūjo ed., *Nakamikadoke Monjo* [The Papers of Nakamikado Family], Vol. 1, Tokyo: Waseda Daigaku Shakai Kagaku Kenkyūjo, 1964, p. 260, 261; Ikeda Yoshinori to Nakamikado Tsuneyuki, 20 June, 1869, *Nakamikadoke Monjo*, Vol. 1, p. 262

went back to Tokyo after discussing their new principle and approach towards the *gaikoku kōsai*.[58] According to Iwakura, the government should rely excessively on neither the law of nations nor anti-foreigner sentiment because 'the law of nations was just a book of precedents' and 'was not something that we should rely on or protect'.[59] Rather, the government should openly argue its case with foreigners based on 'faith', and if needed, it should not hesitate to resort to military force.[60]

Iwakura expressed this attitude to Parkes, which was to some extent similar to that of the Nagasaki administration in 1868. Iwakura met with Parkes and severely criticised his 'uncivilised' and 'not compassionate' attitude towards the Meiji government in Tokyo. He even suggested the possibility of resorting to force in this situation. Parkes was not enraged with Iwakura's comment and rather appreciated it, stating he could finally hear the true and frank voice of the Meiji government.[61]

After achieving Western ministers' trust, Iwakura and Ōkubo began reconstruction of the Meiji government in Tokyo. By taking advantage of the election inside the government, they successfully established their leadership and suppressed Date and Higashikuze as well as excluding the anti-foreign elements.[62] As a result, Date retired from the gaikokukan position.[63] Higashikuze was subsequently sent to Hakodate in Hokkaido, although he lodged a complaint about his transfer due to the pride he took in his experience in *gaikoku kōsai*. In order to appease Higashikuze, Iwakura and Sanjō reassured him in a special note, writing 'it goes without saying that you did not cause a national danger in the past; even though you cause trouble in the frontier area [Hakodate], the gov-

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58 Tokudaiji Sanenori to Iwakura Tomomi, 13 May, 1869, *Nakamikadoke Monjo*, Vol. 1, p. 255; Sanjō Sanetomi to Iwakura Tomomi, 17 May, 1869, 'Iwakura Tomomi Kankei Monjo' [The Papers of Iwakura Tomomi], National Diet Library Modern Japanese Political History Materials Room, 267

59 Ōtsuka Takematsu ed., *Iwakura Tomomi Kankei Monjo* [The Papers of Iwakura Tomomi; hereafter ITKM], Vol. 1, Tokyo: Nihon Shiseki Kyōkai, 1927, pp. 323-328

60 DNGM, Vol. 2, No. 1, pp. 367-377

61 The Meeting between Iwakura Tomomi and a British minister, 7 June, 1869, 'Dai Nihon Ishin Shiryō Kōhon', 21 May, 1869; Minutes of interview between H. M. M's Minister and the Ex-prime Minister Iwakura Uhioyei no Kami on 7 June, 1869. F. O. 46/109, No. 13, 12 June, 1869. Encl.

62 Ōkubo Toshimichi to Iwakura Tomomi, 6 June, 1869, Sasaki Suguru et al eds., *Iwakura Tomomi Kankei Shiryō* [The Historical Documents of Iwakura Tomomi; hereafter ITKS], Vol. 2, Kyoto: Shibunkaku Shuppan, 2012, p. 76; Iwakura Tomomi to Ōkubo Toshimichi, 7 June, 1869, ITKM, Vol. 4, p. 252, 253; Nihon Shiseki Kyōkai ed., *Ōkubo Toshimichi Nikki* [The Diaries of Ōkubo Toshimichi; hereafter Ōkubo's Diary], Tokyo: Nihon Shiseki Kyōkai, 1926, Vol. 2, 20 June, 1869; *Saga Sanenaru Nikki*, Vol. 3, 21-23 June, 1869

63 ISK, Vol. 10, 8 July, 1869

ernment would never suspect and bother you because of this'.[64]

Date and Higashikuze's leadership over the initial stage of the early Meiji foreign relations can be summarised as above. The prominent characteristic of their foreign relations was that Date and Higashikuze first accepted requests from Western counterparts through friendly intercourse (*kō-sai*) with Western ministers (as well as their emphasis on the law of nations), and subsequently conducted coordination between the Meiji government and the Western powers. Although this approach met opposition from inside the government, Date and Higashikuze's approach clearly reflected the atmosphere of this period, which welcomed constructing foreign relations in a positive and optimistic manner. At the beginning of the Meiji period, the word *gaikoku kōsai* spread rapidly and was used by many actors inside and outside the Meiji government. Date and Higashikuze quite frequently used this word in foreign policy-making. Without a doubt, this word clearly reflected their style and content of foreign policy-making.

3. The Caterpillar and the Butterfly: The Tokyo Gaimushō's Struggle for United Authority, 1869–1871

After the end of Date and Higashikuze's initial leadership over *gaikoku kōsai*, Sawa Yoshinobu, who had been the Governor of Nagasaki in 1868, was appointed minister of the gaikokukan.[65] Furthermore, Terashima Munenori was appointed as vice-minister.[66] Subsequently, in the middle of 1869, the gaikokukan was reorganised into the Gaimushō [外務省], an institution that has lasted until the present day in Japan.[67] Therefore, these new leaders and the new organisation pursued the new style and content of *gaikoku kōsai*.

Sawa had originally been an anti-foreigner court noble in the Bakumatsu period. Having been exiled from Kyoto, he became a leader of the Ikuno rebellion [生野の変] in 1863. After the

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[64] Ōkubo's Diary, Vol. 2, Tokyo: Nihon Shiseki Kyōkai, 1926, 29 September, 1869; Iwakura Tomomi to Ōkubo Toshimichi, 30 September, 1869, ITKM, Vol. 4, p. 308, 309; Sanjō Sanetomi to Iwakura Tomomi, ITKM, Vol. 4, p. 311

[65] ISK, Vol. 10, 8 July, 1869

[66] *Saga Sanenaru Nikki*, Vol. 3, 23 June, 1869

[67] DNGM, Vol. 2, No. 2, pp. 296-316

failed rebellion, he was in internal exile until the restoration of imperial rule in 1868.[68] However, by this point he no longer belonged to the anti-foreigner group. His experiences were different from typical court nobles, which might be one reason for his appointment as the Governor of Nagasaki and later as the minister of foreign relations. However, except in the Urakami Christian case, in which he came into conflict with Kido and the Meiji government, he did not have any specific approach to *gaikoku kōsai.* On the other hand, Terashima was a samurai from the Satsuma domain who had been a scholar of the bansho shirabesho [蕃書調所, the Bakufu's research institute for Western matters] and had been to Europe as one member of the Bakufu's mission. After the Restoration of 1868, he worked as a GJTG staff member under Date and Higashikuze and supported their *gaikoku kōsai* policies as a practitioner.[69]

Sawa and Terashima's Gaimushō had two fundamental problems in their *gaikoku kōsai*; first, relations with other ministries in the Meiji government and Western ministers in Tokyo area, and second, the central-periphery relations.

In terms of the former, the problem occurred because the change of geographical conditions of *gaikoku kōsai* at the end of the Date-Higashikuze period. As the geographical systematisation of the *gaikoku kōsai* was conducted in 1868, the Gaimushō was now located together with the Meiji government and Western ministers in the Tokyo area. This geographical condition allowed the Meiji government's leaders and staff (other than the Gaimushō) to engage in direct communication with Western ministers and to bypass the Gaimushō. Additionally, as concrete issues of the *gaikoku kōsai* were gradually changed from security (including attacks against foreigners) to trade and other types of matters, the needs and chances for other ministries to intervene in the *gaikoku kōsai* increased. In particular, Iwakura remarked the main issues which the Meiji government currently faced were the establishment of *gaikoku kōsai*, finance, and rule over Ezo (Hokkaido). The need to resolve the former two problems was widely shared within the Meiji government.[70] Thus, these political issues led Meiji government's leaders and staff members, not just Gaimushō employees, to be involved in the foreign-policy-making process.

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[68] On the Sawa and the Ikuno Rebellion, See, Sawa Nobukazu and Mochizuki Shigeru, *Ikuno Gikyo to Sono Dōshi* [The Ikuno Rebellions and its Rebels], Tokyo: Harukawakai, 1932

[69] About Terashima, see, 'Terashima Munenori Jijo Nenpu' [The Autobiography of Terashima Munenori], Terashima Munenori Kenkyūkai ed., *Terashima Munenori Kankei Shiryōshū* [The Papers of Terashima Munenori], Vol. 2, Tokyo: Shijinsha, 1987, pp. 37-75

[70] DNGM, Vol. 2, No. 1, pp. 367-377; DNGM, Vol. 2, No. 1, pp. 923-929

One such case was the issue of Japanese coins and foreign trade. In the Bakumatsu period, the value of Japanese coins declined due to the worsening quality of the metal used in coins. The Western ministers protested this change beginning in 1869 because of potential damage to the Western traders in Japan.[71] However, as this matter required special knowledge of the currency system, both Date and Higashikuze were unable to deal with these protests. Date and Higashikuze could only ask the Western ministers to await the reply from Ōkuma, who was responsible for the matter despite remaining in Osaka. This answer irritated Western ministers. Parkes even sarcastically asked Terashima whether Date or Ōkuma was in the higher position.[72] Only after contacting Ōkuma in Osaka, could Date and Higashikuze finally explain to Western ministers that the old coins had been suspended and the Meiji government was now trying to mint new money.[73]

This matter continued to be a problem because the Meiji government decided to introduce the *kinsatsu* [金札; Gold Bill] with legal force in the interim before the new coins were released.[74] As well as the problem of the poor-quality coins, the Western ministers were also opposed to *kinsatsu* stating the latter would exert a negative influence on international trade.[75] Western ministers duly requested a meeting with the top Meiji leaders including Sanjō, Iwakura, Sawa, Ōkuma, and others.[76]

It was around this time Sawa officially assumed the position of foreign minister and the Gaimushō was established. In response to Western ministers' requests, Sawa naively answered 'you could directly ask questions to Ōkuma because all things related to this matter were delegated to the Ministry of Finance' which reflected a reluctant attitude to arrange meetings with Western ministers. This was not only criticised by the Western side but also by some Gaimushō staff.[77] Western ministers did not accept Sawa's suggestion and finally had a meeting with the Meiji top leaders, in which the Meiji leaders told Western ministers the inferior coins were fake coins created by

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[71] DNGM, Vol. 2, No. 1, pp. 144-148

[72] Date's Diary, 24 April, 1869; DNGM, Vol. 2, No. 1, pp. 148, 149; DNGM, Vol. 2, No. 1, pp. 302-304; DNGM, Vol. 2, No. 1, pp. 334-336

[73] DNGM, Vol. 2, No. 1, pp. 334-336; DNGM, Vol. 2, No. 1, pp. 358-361; DNGM, Vol. 2, No. 1, p. 409, 410

[74] DNGM, Vol. 2, No. 2, pp. 938-944

[75] DNGM, Vol. 2, No. 2, p. 62, 63; DNGM, Vol. 2, No. 2, pp. 75-83

[76] DNGM, Vol. 2, No. 2, pp. 288-291

[77] Ibid.; DNGM, Vol. 2, No. 2, pp. 320-322; DNGM, Vol. 2, No. 2, p. 322, 323

Daimyōs during the confusion of the Bakumatsu period.[78] After negotiations, the Meiji government agreed to exchange the fake coins owned by foreign traders in each open port.[79]

The Gaimushō's weak hold over the *gaikoku kōsai,* both in relations with the Meiji leaders outside the Gaimushō as well as Western ministers in Tokyo, was also evident in other cases in this period of 1869–1871. For instance, in the Urakami Christians case, which was still a serious matter, Nagasaki local staff sought to exile more Japanese Christians. In order to prevent this, Western ministers requested a meeting with top Meiji leaders after Parkes paid a direct visit to Nagasaki.[80] Although Terashima resisted their protests by in the name of Japan's national sovereignty, behind the scenes Sawa and Terashima argued to Meiji leaders they should compromise with Western ministers.[81] Finally, Western ministers had a meeting with top Meiji leaders in which the Meiji government decided to suspend the exile programme.[82] Another example of the Gaimushō's weakness was that it sent a document to the Western ministers about the topics it wished to discuss regarding treaty revision. However, in a meeting between Sawa and the Dutch minister about treaty revision, Sawa emphasised this document only reflected the opinion of the Gaimushō and did not represent the views of other ministries, including the Ministry of Finance and Ministry of Popular Affairs (Minbushō). In response, the Dutch minister gave Sawa advice the Ministry of Foreign Affairs in general needed to work as the representative of the whole government regarding matters of foreign relations.[83]

In 1870–71, Western diplomats viewed the Gaimushō with contempt. They despised the Gaimushō and only trusted top Meiji leaders, especially Iwakura. For example, on the Japanese word to be used in the imperial audience for a British admiral, Parkes protested to the Gaimushō that the British Queen should be translated into *kōtei* [皇帝; Emperor] in Japanese, not *teiō* [帝王]. Although these two Japanese words had almost the same meaning, due to the miscommunication between the Japanese and the British sides, this matter led to Sawa's informal submission of his

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[78] DNGM, Vol. 2, No. 2, pp. 330-339

[79] DNGM, Vol. 2, No. 2, pp. 345-347

[80] DNGM, Vol. 2, No. 3, pp. 535-539

[81] DNGM, Vol. 2, No. 3, pp. 539-555; DNGM, Vol. 2, No. 3, p. 555, 556

[82] DNGM, Vol. 2, No. 3, pp. 559-600

[83] DNGM, Vol. 4, p. 59, 60

resignation. Iwakura and Parkes had a meeting and the matter was settled; Iwakura mentioned Sawa's inadequacy as the Minister of Foreign Affairs.[84]

The Gaimushō realised the need to establishing its own leadership and authority over *gaikoku kōsai* in the Meiji government. In 1871, Sawa and Terashima submitted a proposal stating Western ministers always tried to bypass them and instead directly meet with the top Meiji leaders. Sawa and Terashima argued these meetings should be stopped in order to maintain the Gaimushō's leadership over *gaikoku kōsai,* because the Gaimushō was created to represent the state.[85]

However, the Western side did not accept the Gaimushō's position at this stage. In the case of the foreign garrison in Yokohama, the British preferred to contact Iwakura but could only arrange a meeting with Sawa. This enraged the British chargé d'affaires Francis Adams who criticised Sawa at this meeting, stating Iwakura was superior to the Minister of Foreign Affairs, and the Minister of Foreign Affairs was 'just a bureaucrat with no authority' under the direction of Iwakura.[86] Shortly after this event, which revealed the limitations of Sawa's efforts, there was a personnel reorganisation in line with the *haihan chiken* [Abolition of the domain system], and Sawa was replaced by Iwakura, who was still regarded as a top Meiji leader.[87]

In contrast, the Tokyo Gaimushō was successfully able to establish its leadership in this period in regard to central-local relations in *gaikoku kōsai*. For example, after victory against the former Tokugawa army in Hokkaido in 1869, the Meiji government's staff in Hakodate failed to properly control the city by not following the orders of the Gaimushō. On receipt of a request from Parkes for firmer action, Terashima suggested sending more experienced, high-ranking officials to Hakodate.[88] Higashikuze's transfer to Hakodate, as described above, was thus not just because of his declining political fortunes in Tokyo but also the result of this more positive reason.[89] Higashikuze replaced all the former officials in Hakodate and the port came firmly under the con-

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[84] DNGM, Vol. 3, pp. 662-673; Sawa Yoshinobu's Explanation, 23 April, 1870, ITKS, Vol. 1, pp. 49-53

[85] DNGM, Vol. 4, p. 13, 14

[86] DNGM, Vol. 4, pp. 559-600

[87] DNGM, Vol. 4, p. 15, 16, 29

[88] DNGM, Vol. 2, No. 2, pp. 455-459; DNGM, Vol. 2, No. 2, pp. 551-556; DNGM, Vol. 2, No. 2, pp. 584, 585

[89] DNGM, Vol. 2, No. 2, pp. 574, 575; DNGM, Vol. 2, No. 2, p. 654, 655

trol of the Meiji government in Tokyo.[90] In the Urakami Christians case, the Nagasaki local staff in 1869 told Parkes, who directly visited the city, 'the Nagasaki staff were merely local staff and only have authority over the trade in Nagasaki'.[91] This remark is also evidence of the Tokyo Gaimushō's control over the open ports in Japan after 1869.

As an extension of this central-local dynamic, the Tokyo Gaimushō also tried to manage the frontier areas, Tsushima and Hokkaido-Sakhalin (Karafuto), which faced Korea and Russia, respectively. The Korea matter in particular was closely related to the reorganisation of central-local relations. In the Tokugawa period, as previous studies have pointed out, the Tsushima domain was the only window on to Korea, and thus the Tsushima domain mainly handled relations with the Yi Dynasty in Korea as its 'family duty' [Ieyaku; 家役]. After the Meiji Restoration in 1868, on receiving a request from Ōshima Tomonojō, a samurai from Tsushima, the Meiji government agreed to continue to delegate the authority over relations with Korea to the Tsushima domain. The background of this request was that the domain wished to request governmental support, due to its being in severe financial difficulty. However, Korea rejected the letter from the Meiji government, noting the form of the letter was different from the Tokugawa period and also impolite to the Yi Dynasty.[92]

In this situation, after 1869, the Gaimushō changed the central government's position. It wanted to take authority over Korean matters from the Tsushima domain, stating that the latter's 'private relationship' [*shikō*; 私交] should be superseded by *gaikoku kōsai*, which was based on treaties and the law of nations.[93] Miyamoto Kōichi, a Gaimushō staff member whom Sawa regarded as competent, even asserted that the government should tell Korea that 'now is the period of *kōsai*

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[90] DNGM, Vol. 2, No. 2, pp. 656-660; Higashikuze Michitomi to Iwakura Tomomi, 11 August, 1870, ITKS, Vol. 1, pp. 71-73

[91] DNGM, Vol. 2, No. 2, pp. 436-452

[92] In the relationship between the Tsushima domain and the early Meiji foreign relations, see, Arano Yasunori, op.cit.; Ueno Takao, 'Bakumatus Ishinki no Chōsen Seisaku to Tsushimahan' [The Policy towards Korea and the Tsushima Domain in the Bakumatsu-Ishin Period], *Nenpō Kindai Nihon Kenkyū* [The Annual Journal of Modern Japanese Studies], No. 7, 1985; Sim Gijae, *Bakumatsu Ishin Nicchō Gaikōshi no Kenkyū* [The Study of Japan-Korea Diplomatic History in the Bakumatsu-Ishin Period], Kyoto: Rinsen Shoten, 1997; Ishikawa Hiroshi, 'Meiji Ishinki ni okeru Tsushimahan no Dōkō' [The Movement of the Tsushima Domain in the Meiji Restroation], *Rekishigaku Kenkyū* [The Journal of the Historical Science Society], No. 709, 1998; Ueno Takao, 'Nicchō Kankei no Kindaiteki Kaihen to Tsushimahan' [The Modern Reformation of the Japan-Korea Relations and the Tsushima Domain], *Nihonshi Kenkyū* [Journal of Japanese History], No. 480, 2002; Ishida Tōru, *Kindai Ikōki no Nicchō Kankei* [The Japan-Korea Relations in the Modern Transformation Period], Hiroshima: Keisuisha, 2013

[93] DNGM, Vol. 2, No. 2, p. 849, 850; DNGM, Vol. 2, No. 2, pp. 854-858

all over the world, no longer the relations with one or two neighbouring countries [*rinkō*, 隣交]'.[94] Initially, the Tsushima domain indirectly resisted this demand by submitting a proposal that the Gaimushō should establish complete authority over *gaikoku kōsai*, including Korea (which implied the Tsushima domain would no longer cooperate with the Gaimushō).[95] Although some of the Gaimushō staff who were sent to Korea to investigate the situation claimed that the government should use this opportunity to establish its authority, at this point, a compromise was reached in which the Gaimushō appointed the Daimyō of Tsushima as a special staff position focusing on the relations with Korea. The Meiji government approved this alongside the *haihan chiken* in 1871 and it led to financial aid for the Tsushima domain.[96]

Not only the transformation of relations with Korea but also the establishment of new foreign relations with other countries also became important subjects for the Gaimushō. In addition to the establishment of legations and consuls in other countries,, the Gaimushō sent staff to the Kingdom of Hawai'i in order to make arrangements for Japanese immigrants who had travelled there during the Bakumatsu Period.[97]

Establishment of a new *gaikoku kōsai* with Qing China was the most important challenge for the nascent Gaimushō. Although they debated whether they should ask for references from the Western ministers or directly contact the Qing government by relying on the traditional ties with China, Sawa and Terashima decided to send Yanagiwara Sakimitsu to Beijing to negotiate a treaty using the Western ministers' references, as described in Chapter 3.[98]

This proactive attitude towards establishment of new *gaikoku kōsai* was based on ideas of Gaimushō staff. In this period, some of the staff, including Yanagiwara, whom Sawa regarded as particularly competent, enthusiastically supported the idea of expanding *gaikoku kōsai* and foreign trade.[99] Their enthusiasm for establishing new *gaikoku kōsai* and controlling central-local relations

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[94] DNGM, Vol. 2, No. 2, p. 864; Sawa Yoshinobu to Iwakura Tomomi, 8 April, 1870, ITKS, Vol. 1, p. 60

[95] DNGM, Vol. 2, No. 3, pp. 145-153; DNGM, Vol. 2, No. 3, pp. 153-159; DNGM, Vol. 3, pp. 173-175

[96] DNGM, Vol. 4, pp. 284-288; DNGM, Vol. 2, No. 3, pp. 153-159; DNGM, Vol. 3, p. 174, 175

[97] See for example, Suzuki Shō, 'Meiji Shonen no Nihon Hawai Jōyaku Kōshō to Jōyaku Kaisei Mondai' [The Negotiation regarding the Japan-Hawaii Treaty and the Treaty Revision in the Early Meiji period], *Chūō Shigaku* [Chuo Journal of History], No. 37, 2014

[98] DNGM, Vol. 3, pp. 180-189; DNGM, Vol. 3, pp. 200, 201; DNGM, Vol. 3, pp. 219-223

[99] 'Chōshi Meiji 2 nen Yanagiwara Sakimitsu Shuki' [The Diaries of Yanagiwara Sakimitsu], The Imperial Household Archives of Japan, 35841; Sawa Yoshinobu to Iwakura Tomomi, 8 April, 1870, ITKS, Vol. 1, p. 60

in the *gaikoku kōsai*, arose from their relative weakness in political conflicts with other ministries in the Meiji government and Western ministers in Tokyo. Parkes issued a sarcastic criticism of this trend in the Gaimushō. In his meeting with Sawa and others over Yanagiwara's mission to China, Parkes criticised the Gaimushō for attempting to conclude a job in one or two days that foreigners had usually spent ten years trying to accomplish. Parkes also argued this kind of attitude was 'just like a butterfly flying around the world', which would wholly be in vain.[100] Although Parkes still gave a reference to Yanagiwara, the former's statement vividly illustrates the style and content of the Gaimushō's *gaikoku kōsai* in this period.

In order to solve the problems Sawa and Terashima's *gaikoku kōsai* faced as, it was necessary to introduce another new type of the style and content of foreign relations led by a new leader, because these difficulties were seemingly caused by a lack of political power and management ability over foreign relations. It was Soejima Taneomi, a distinct personality among Meiji leaders, who led the Gaimushō in facing these challenges.

4. The 'Relations' as a Method: Soejima's *gaikoku kōsai* and the Iwakura Mission, 1871–1873

After Sawa Yoshinobu's resignation, around the time of the extensive *haihan chiken* reform in August 1871, Iwakura Tomomi, one of the top leaders of the Meiji government, assumed the position of the Minister of Foreign Affairs. However, Iwakura and many other top Meiji leaders, including Kido Takayoshi and Ōkubo Toshimichi, soon left Japan as members of the Iwakura Mission in December 1871.[101] Because of this, Iwakura worked as Minister of Foreign Affairs for only several months. Subsequently, Soejima Taneomi, a samurai from the Hizen domain, was appointed as the new Minister of Foreign Affairs.[102] Terashima Munenori worked as vice-minister under Iwakura and Soejima.[103]

In the Boshin War period, Soejima stayed in Nagasaki and worked with Sawa, Ōkuma, and others. Later, he moved to Tokyo and was appointed member of the Council [*sangi*; 参議], which

[100] DNGM, Vol. 3, p. 205, 206

[101] DNGM, Vol. 4, p. 15, 16

[102] DNGM, Vol. 4, p. 22, 23

[103] Shushikyoku ed., *Hyakkan Rireki* [The Personal Histories of the Meiji Governmental Officials], Vol. 1, Tokyo: Nihon Shiseki Kyōkai, 1927, p. 92, 93

was the centre of decision-making in the Meiji government in 1869. There, since Sawa and Terashima's Gaimushō had not established their own leadership and thus needed decisions from the Council, Soejima worked as a Council member who mainly dealt with *gaikoku kōsai*.[104] In addition, Soejima was in charge of negotiations with Russia, especially regarding the border matter in Sakhalin (Karafuto).[105] In 1871, he was appointed representative with full authority over negotiations with Russia and moved to Hakodate. However, since the Russian representative could not reach Japan, Soejima was unable to perform his functions and returned to Tokyo.[106] Due to this experience, Ōkubo and Terashima suggested Soejima be considered a potential candidate for foreign minister instead of Sawa (who had planned to be sent to China for the treaty negotiation).[107]

Around this period, Terashima showed his improved understanding of *gaikoku kōsai*. In a letter to Iwakura as Minister of Foreign Affairs, Terashima argued the treaties and law of nations did not fully cover all aspects of *gaikoku kōsai*. In the Edo period, *rusui* [留守居: the officers of Daimyōs who stayed in Edo] had invited others to their houses and interacted with each other in order to collect information, which in fact contributed to remove the inadequacy of their own rules in Edo. Learning from this experience, Terashima suggested Iwakura actively and privately interact with the Western ministers in order to cover the parts in foreign relations which was not necessarily covered by the treaties and law of nations, which would change the principles of *gaikoku kōsai*.[108] In other words, private and individual *kōsai* [human relationship] could be used as a strategic method in *gaikoku kōsai*.

Terashima's new idea for *gaikoku kōsai*, in which he combined the traditional custom of *rusui* with the new method of foreign relations, was not only pursued under Iwakura but also under Soejima's Gaimushō. While Soejima had learned the law of nations in Nagasaki, he realised these laws, which were written by scholars, were in some cases impractical in actual foreign

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[104] Soejima Taneomi, 'Soejima Haku Keireki Gūdan' [The Life History of Count Soejima Taneomi], Shima Yoshitaka ed, *Soejima Taneomi Zenshū* [The Complete Works of Soejima Taneomi], Vol. 2, Tokyo: Keibun-sha, 2004, p. 426

[105] Ibid., pp. 50-52

[106] DNGM, Vol. 4, p. 352; DNGM, Vol. 4, p. 353; DNGM, Vol. 4, p. 361; DNGM, Vol. 4, p. 361, 362

[107] Terashima Munenori to Ōkubo Toshimichi, 28 May, 1871, Rikkyo Daigaku Nihonshi Kenkyūkai ed., *Ōkubo Toshimichi Kankei Monjo* [The Papers of Ōkubo Toshimichi; hereafter OTKM], Vol. 4, Tokyo: Yoshikawa Kōbunkan, 1970, p. 221

[108] Terashima Munenori to Iwakura Tomomi, 31 August, 1871, ITKS, Vol. 1, p. 222, 223

negotiations.[109] Due to this experience, Soejima sought to build friendly relationships with the Western ministers by holding private meetings in his own home located next to the Gaimushō. In order to privately entertain the Western ministers, Soejima even built a private farm to produce milk and grew roses in his garden.[110] In addition, Soejima strategically invited different Western diplomats on different days. By doing so, he could understand each of these individual diplomats' thoughts and stifled cooperation between them.[111] By purposefully mixing private and public lives, Soejima successfully built close human relationships with Western ministers, especially the Russian and American ministers.[112]

For example, in his negotiations regarding the border matter in Sakhalin, Soejima originally wanted to purchase Sakhalin from Russia. Soejima invited Russian minister to Japan E. K. Vjucov to his own house and held many meetings there.[113] Although Soejima's invitation was not accepted, because of his own mission to China, Vjucov's disagreement, and domestic opposition within the Japanese government, he instead considered compromising with Russia in order to concentrate on Japan's policy towards Taiwan and Korea.[114]

In another case, the *Maria Luz* incident, in which the presence of Chinese coolies on a Peruvian ship in Yokohama caused an international legal dispute, Soejima argued the Gaimushō should deal with the case instead of the Ministry of Justice. Soejima succeeding in rejecting the Peruvian opinion and sent the coolies back to China. At the same time, he brought the case to the mediation of the Russian Emperor, through which Soejima tried to show his good offices to Russia in the border negotiations.[115] Furthermore, in settling this dispute, Soejima was able to build a good relation-

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[109] Soejima Taneomi, 'Meiji Shonen Gaikō Jitsureki Dan' [The Real History of the Early Meiji Diplomacy], *Soejima Taneomi Zenshū*, Vol. 3, pp. 370-372

[110] Soejima Michimasa, 'Katei no Chichi wo Kataru' [The Talk on My Father at Home], Maruyama Kanji, *Soejima Taneomi Haku* [Count Soejima Taneomi], Tokyo: Dainichisha, 1936, p. 341

[111] 'Meiji Shonen Gaikō Jitsureki Dan', p. 380

[112] Asahina Chisen, 'Soejima Taneomi Haku' [Count Soejima Taneomi], *Meiji Kōshinroku* [The Records of Meiji Meritorious Retainers], Tokyo: Meiji Kōshinroku Kankōkai, 1917, p. 351. Also, the matter of a Russian teacher in Hakodate Colonial Office was resolved without any problems 'fully because of Soejima's efforts and his successful negotiation' (Ōhara Shigezane to Iwakura Tomomi, 20 July, 1872, ITKM, Vol. 5, p. 154)

[113] 'Soejima Haku Keireki Gūdan', pp. 447-449

[114] In terms of Soejima's foreign policy towards Russia, See for example, Daigo Ryūma, 'Gaimukyō Soejima Taneomi to Nichiro Ryōdo Kōshō' [Foreign Minister Soejima Taneomi and the Russo-Japanese Territorial Negotiation], *Kokusai Seiji*, No. 191, 2018

[115] 'Meiji Shonen Gaikō Jitsureki Dan', p. 381, 382

ship with the American minister, Charles Egbert DeLong. Soejima was later able to take advantage of this connection in several matters of foreign relations.[116]

The most well-known case of Soejima's strategy was his foreign policy towards Qing China. In 1871, Li Hongzhang and Date Munenari signed a Sino-Japanese Friendship and Trade Treaty. In the negotiations for this treaty, as described in detail in Chapter 3, Li Hongzhang rejected the draft submitted by the Japanese side and succeeded in making the Japanese representatives accept the Chinese draft, whose Article 2 implied the existence of an alliance between China and Japan from the viewpoints of the Western ministers in Japan.[117] Although Iwakura revealed a passive attitude towards this article, Date in China decided to sign the treaty, stating Article 2 did not specifically refer to an Sino-Japanese alliance.[118]

After his return from Beijing to Tokyo, Date and other staff tried to persuade Iwakura and other Meiji leaders that Article 2 did not imply an alliance but only referred to mediation. They even submitted related documents, including textbooks on the law of nations, the opinions of international lawyers, and Article 1 of the Burlingame Treaty.[119] This type of coordination and negotiation was identical to Date's style of *gaikoku kōsai* in 1868–1869. He initially accepted the requests of his foreign counterparts and subsequently coordinated between the Meiji government and foreign counterparts by taking advantage of geographical conditions. However, Iwakura and Western ministers were dissatisfied with this, and after this event, Date completely disappeared from the Meiji government political scene.

After Iwakura's departure to the Western world in 1871, Soejima was responsible for negotiations with Qing China. After the Mudan incident, Soejima felt the need to punish Taiwanese aboriginals.[120] Soejima made up his mind to visit China in order to ratify Date's treaty and to judge Qing China's attitude towards indigenous Taiwanese. Around this time, as described in Chapter 3, because the Tongzhi Emperor achieved his majority, foreign ministers in China including Soejima were to attend an imperial audience. After the ratification, however, Soejima argued that in light of his diplomatic rank of ambassador, he should conduct an imperial audience before the Western rep-

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116 'Soejima Haku Keireki Gūdan', pp. 446

117 DNGM, Vol. 4, p. 238

118 DNGM, Vol. 4, p. 236, 237; DNGM, Vol. 4, p. 238; DNGM, Vol. 4, pp. 239-245

119 DNGM, Vol. 4, pp. 253-262

120 In terms of the entire picture of Soejima's mission to China, See 'Shishin Nikki', pp. 132-154, 161-186, 187-222 (April to October, 1873)

resentatives who were only ministers plenipotentiary. Soejima's request stalled negotiations between Soejima and the Zongli Yamen. In this situation, Li Hongzhang and Sun Shida supported Soejima behind the scenes, which eventually allowed the Zongli Yamen to accept Soejima's request. One reason for this was that Soejima had already achieved a degree of personal trust with Li Hongzhang and Sun Shida in Tianjin.[121] Moreover, in the middle of this confusion, Soejima sent Yanagiwara and others to the Zongli Yamen, and according to them, the latter orally admitted the Taiwanese aboriginals were not under their jurisdiction.[122] This statement was used to justify the subsequent Japanese expedition to Taiwan in 1874.

Despite the advantages described above, Soejima's *gaikoku kōsai*, which strategically used his private interpersonal skills, inevitably contained some weaknesses. First and foremost, Soejima's *gaikoku kōsai* was unable to overcome the problem of geographical distance. The most obvious example of this was in the Gaimushō's relations with the Iwakura Mission. Because almost the half of the top Meiji leaders, including Iwakura, Ōkubo, Kido and others, participated in the mission, relations and communications between these members and the remaining Meiji leaders in Tokyo was a considerable concern.[123] Although before the mission's departure, both those who were about to leave and those who remained agreed they should not significantly change the political situation without consulting each other, this agreement was not honoured by either side. Upon arriving in the US, two young leaders, Itō Hirobumi (Chōshū domain) and Mori Arinori (Satsuma domain), were intent upon revising the 'unequal treaties' in response to the favourable attitude of the US government. Their original goals for the mission had only been to notify the foreign officials of Japan's intention to raise treaty revision as well as to observe the fruits of Western civilisation.[124] The mission's members accordingly decided to start formal negotiations with the US government. However, the latter informed them they did not possess official confirmation of their plenipotentiary

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[121] After the resignation of the minister of foreign affairs, Soejima privately travelled to China again, and met with Li Hongzhang and Sun Shida. There, taking advantage of his abundant knowledge of Chinese classics and poets, Soejima wrote and gave traditional Chinese poets for both of them. Soejima Taneomi, 'Sōkai Zenshū' [The Collected Poems of Soejima Taneomi], *Soejima Taneomi Zenshū*, Vol. 1, p. 11, 22

[122] DNGM, Vol. 6, pp. 177-179

[123] On the Iwakura Mission and the caretaker government, see, Ōkubo Toshiaki, *Iwakura Shisetsu no Kenkyū* [Research on the Iwakura Mission], Tokyo; Munetaka Shobō, 1976; Ian Nish ed, *The Iwakura Mission in America and Europe: a new assessment,* Richmond: Japan Library, 1998; Tanaka Akira, *Iwakura Shisetsudan no Rekishiteki Kenkyū* [The Historical Research on the Iwakura Mission], Tokyo: Iwanami Shoten, 2002; Kasahara Hidehiko, *Meiji Rusu Seifu* [The Meiji caretaker government], Tokyo: Keiō Gijuku Daigaku Shuppankai, 2010

[124] Sasaki's Diary, Vol. 5, 21 January, 1872; Kido's Diary, Vol. 2, 26 March, 1872

powers.[125] Therefore, Ōkubo and Ito returned to Japan in haste in order to receive such a commission.[126]

In order to safeguard the Gaimushō's leadership over the *gaikoku kōsai*, Soejima and Terashima both strongly opposed granting plenipotentiary rights to the Iwakura Mission, stating that only the foreign minister and the Gaimushō should have authority over such matters.[127] Soejima even resisted granting the commission by submitting a letter of resignation. However, the caretaker government finally issued the full-power commission. Subsequently Soejima sent Terashima, who had been appointed as the Japanese minister to Britain, together with Ōkubo and Itō, to secretly check the Iwakura Mission.[128]

On the other hand, the British chargé d'affaires to Japan, Francis Adams (Parkes was home on furlough at the time), and the German minister to Japan, Maximillian von Brandt, went to the US and met members of the Iwakura Mission. There, they argued that negotiating treaty revision bilaterally with the US would be disadvantageous for Japan considering the most-favoured-nation clause in the 'unequal treaties'. This would allow other Western countries to enjoy any advantages that a new treaty granted to the US, while not being bound by any of its disadvantages.[129] This interpretation of the 'unequal treaties' was, described later in Chapter 6, not a widespread understanding of the treaty among international lawyers. It was merely the opinion of Western ministers in Japan who wished to maintain their commercial interests. This view came as an unpleasant shock to the Iwakura Mission.[130] Finally, after spending several months in vain, the mission decided to abandon negotiating treaty revision.[131]

Soejima and the caretaker government's inability to control the Iwakura Mission was not only due to the 'divided government' caused by the unique composition of the mission, but was also due to their lack of experience using communications technology in foreign relations. The telegraph network from the Western world reached Nagasaki in the middle of 1871. The domestic telegraph

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[125] DNGM, Vol. 5, pp. 138-141; DNGM, Vol. 5, pp. 142

[126] Sasaki's Diary, Vol. 5, 21 January, 1872; Kido's Diary, Vol. 2, 26 March, 1872

[127] DNGM, Vol. 5, p. 183, 184

[128] DNGM, Vol. 5, p. 53; Ozaki Saburō, *Ozaki Saburō Jijo Ryakuden* [The Autobiography of Ozaki Saburo], Tokyo: Chūō Kōron Sha, 1976, p. 113

[129] *Ozaki Saburō Jijo Ryakuden*, Vol. 1, p. 114

[130] Kido's Diary, Vol. 2, 26 June, 1872

[131] DNGM, Vol. 5, pp. 63-67

network between Tokyo and Nagasaki was launched around the end of 1872.[132] Therefore, at least at the beginning of its mission, the Iwakura Mission could send a telegram to Nagasaki, and then it could be forwarded to Tokyo by post, which took more than several days.[133] This meant members of the Iwakura Mission were not familiar with the rapid development of the Japanese telegraph networks in this period.[134]

Japanese leaders and staff sent letters to each other (in fact, the price of telegraphy was extremely expensive at that time). However, it usually took around one or a few months to reach the addressee, which sometimes caused confusion because letters occasionally arrived out of sequence.[135] In addition to technological restrictions, as the mission moved from one place to another in the Western world within a short period, communication became more complicated. For example, mission members received an official letter from the Gaimushō through the new Japanese minister to Austria while they were staying in Copenhagen. However, mission members learned in this letter that Soejima had already left Japan to China for negotiations, of which the mission members were wholly unaware. They thus replied, 'we would like to ask you to describe the entire picture of this matter. Otherwise, the mission members will not understand what is going on, which would cause an inconvenience because the information regarding the foreign situation is not sufficiently shared among one another'.[136] Moreover, even Sanjō's request to Iwakura ordering the mission quickly to return to Japan because of a number of problems within the caretaker government was delayed due to an accident in the domestic telegraph network, and thus they had to use a mail-steamer.[137]

Second, since Soejima's *gaikoku kōsai* relied heavily on his personal and close interaction with diplomatic and political counterparts, his handling of the *gaikoku kōsai* was in some cases based merely on verbal promises with no supporting evidence. As described below, this characteristic made him individual, independent, and thus isolated from other Meiji leaders and staff, even

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[132] DNGM, Vol. 4, pp. 940-942; DNGM, Vol. 4, p. 615

[133] DNGM, Vol. 4, p. 124

[134] DNGM, Vol. 5, p. 107, 108

[135] For example, DNGM, Vol. 5, p. 63

[136] DNGM, Vol. 6, p. 43, 44

[137] DNGM, Vol. 6, p. 70

including the Gaimushō. In other words, Soejima's *gaikoku kōsai*, by its nature, led to his failure to manage the Gaimushō as an organisation and the Meiji government.

Regarding the border matter in Sakhalin, Kuroda Kiyotaka (Satsuma domain), who was in charge of the vice director of the Colonisation Commission (Kaitakushi), opposed the purchase of Sakhalin and instead argued the Meiji government should concentrate on development of Hokkaido.[138] Owing to this, Vjucov realised Soejima was almost the only one in the Japanese government who supported the purchase of Sakhalin, which, in turn, ruined the latter's negotiation strategy. Soejima therefore discussed the possibility of an agreement, which included the right of the Japanese army to pass through Sakhalin in exchange for relinquishing possession of the islands. However, this matter was left unresolved by Soejima and Vjucov, mainly because of the foreign minister's mission to China.[139]

Even in Taiwan matter, over which Soejima had a strong opinion, several Meiji leaders and Gaimushō staff members criticised his unreliable grandstanding. For example, Ōkuma observed Soejima only confirmed the matter of jurisdiction over Taiwan by word of mouth, not based on diplomatic papers.[140] Ōhara Shigemi (court noble), who worked as a member of the Gaimushō staff, shared his concern about Soejima's idea of the Taiwanese expedition with Iwakura, stating 'the foreign minister [Soejima] had completed his work strongly on the basis of his own thought, without paying attention to other opinions' and 'it is unfortunate that Soejima seemingly does not have any followers at all'.[141] Moreover, even Terashima, who was staying in London at the time and thus was not involved in Soejima's decision to visit China, was opposed to the foreign minister's behaviour. He wrote that it was unnecessary to sign the treaty with China because it was not in line with Japan's desired terms. He also added 'the case in Taiwan is not so serious as to require the foreign minister's mission to China. This would cause the absence of the foreign minister from the Japanese

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[138] 'Kuroda Kaitaku Jikan Kengen' [The memorial of the vice director of the Colonisation Commission Kuroda], 'Dajō Ruiten' [The Records of the Dajōkan] (National Archives of Japan), Part 2, Vol. 126, May 1873

[139] DNGM, Vol. 5, p. 370, 371 (The Note of Tanabe Taichiro)

[140] *Ōkumahaku Sekijitsutan*, p. 644, 645

[141] Ōhara Shigemi to Iwakura Tomomi, 12 January, 1873, 24 February, 1873, ITKM, Vol. 5, p. 218, 219, 253, 254

government.'[142] Finally, even Iwakura criticised Soejima, stating that his efforts in terms of the China matter were 'not enough'.[143]

These two weaknesses constituted the background of the political confusion in 1873. As is well-known, the main issue in this confusion was the *seikanron* dispute (the attack on Korea). While several Meiji leaders in the caretaker government, in particular Saigō Takamori (Satsuma domain), supported this idea, other leaders such as Iwakura and Ōkubo were against it. The opposition argued the Meiji government should concentrate on state-building and the modernisation of Japan. This dispute led to the exclusion of the belligerent group from the Meiji government.

In considering *gaikoku kōsai*, however, the confusion in 1873 had a different meaning. As the foreign minister at that time, Soejima strongly supported the *seikanron*. Soejima's efforts to build friendly relationships with Russia were intended to remove the likelihood of the latter reacting negatively in the event of Japanese military action against Korea.[144] In Beijing, Soejima developed a friendly relationship with the Russian minister to China A. E. Vlangali, and on his return to Japan they had a meeting in Tokyo where they discussed Sakhalin and Korean matters.[145] Through these efforts, Soejima thought he had reached an agreement with the Russian representative on Korea. However, even a member of the *seikanron* group criticised Soejima over this, stating 'it was an informal agreement which was not reliable' and thus 'it was merely a deepening of the relationship.'[146] Soejima's *gaikoku kōsai*, which justified the Taiwanese expedition based on oral testimony from the Qing government, also intended to do the same in relation to *seikanron*. This was not necessarily accepted by other Meiji leaders.

Moreover, having had a meeting with Iwakura after the crisis and also receiving an explanation from Soejima about his plan of attacking Korea after his resignation, Parkes regarded Soejima

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[142] Terashima Munenori to Ōkubo Toshimichi, 2 April, 1873, Nihon Shiseki Kyōkai ed., *Ōkubo Toshimichi Monjo* [The Papers of Ōkubo Toshimichi], Vol. 4, Tokyo: Nihon Shiseki Kyōkai, 1928, p. 507

[143] Iwakura Tomomi to Samejima Naonobu, 19 September, 1873, ITKM, Vol. 5, p. 322

[144] 'Meiji Rokunen Kugatsu Ittō Shokikan toshite Rokoku Chūzai no Mei wo Uketaru Tōji no Jijō oyobi Rokoku Jijō to no Bassui' [The Extract of the Situation on September 1873 as well as the situation in Russia and others], F. 22, 'Hanabusa Yoshimoto Kankei Monjo' [The Papers of Hanabusa Yoshimoto] (Diplomatic Archives of Japan); Parkes to Granville, F. O. 46/167, No. 67, 20 August, 1873

[145] 'Meiji Rokunen Kugatsu Yittō Shokikan toshite Rokoku Chūzai no Mei wo Uketaru Tōji no Jijō oyobi Rokoku Jijō to no Bassui'; Nakamura Junkurō ed., *Soejima Taishi Tekishin Gairyaku* [The Outline of Ambassador Soejima's Mission to China], Tokyo: Nakamura Junkurō, 1891, p. 39

[146] Etō Shinpei to Iwakura Tomomi, 15 October, 1873, Matono Hansuke, *Etō Nanpaku* [Etō Shinpei], Vol. 2, Tokyo: Hara Shobō, 1968, p. 244

as the leader of the group who supported *seikanron*.[147] Considering this, the confusion in 1873 was not merely a conflict caused by Saigō but also a power struggle between Soejima and Iwakura's group (including Ōkubo, Kuroda, Itō, Inoue, Ōkuma, and Terashima at that time) especially in terms of the style and content of the *gaikoku kōsai*.[148]

In fact, as soon as Soejima left the foreign ministry after the crisis, Terashima was immediately appointed as the new foreign minister. The weaknesses of Soejima's *gaikoku kōsai*, that is, the lack of management of Gaimushō as an organisation as well as the avoidance of documentation, made Terashima suffered at the beginning of his term of office. In particular, there were so many things only his predecessor had known, particularly in relations with Russia.[149] Nevertheless, Terashima made efforts to overcome the problems created by Soejima. By doing so, he advanced Meiji Japan's *gaikoku kōsai*, which was now evolving into something more akin to Western 'diplomacy'. These processes are to be analysed in Chapter 5 and 6 in this dissertation.

5. Conclusion

Japan's foreign relations in the early Meiji period have not been sufficiently scrutinised compared to the Bakumatsu and the treaty-revision periods because of the widespread teleology in the scholarship. Neither Japanese nor Anglosphere academia has produced much work that deals directly with this topic. However, this chapter builds upon the author's previous work which was intended to tackle the problem. By regarding *gaikoku kōsai*, which was different from modern diplomacy, as the key concept that defined Japanese foreign relations at that time, this chapter focused on the significance of geographical distance and changes brought about by the fluid political situation and the intellectual transformation in the conceptualisation of foreign relations.

At the very beginning of the Meiji Restoration, Date and Higashikuze led *gaikoku kōsai*, which was characterised according to the following two points. First, their style was to take advant-

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[147] Parkes to Granville, F. O. 46/168, No. 9, 3 November, 1873

[148] Some previous works put emphasis on the factor of Soejima and foreign relations as a non-negligible background of the political confusion of 1873. See, Iechika Yoshiki, 'Soejima Gaimukyō Haiseki Undō to "Meiji Rokunen Seihen"' [The Movement of Excluding Foreign Minister Soejima and the "Coup in 1873"], *Bunka Shigaku* [The Studies in the Cultural History], No. 38, 1982; Hagiwara Nobutoshi, op.cit., Vol. 10, 2000

[149] DNGM, Vol. 6, p. 362, 362

age of the one- or two-day geographical distance between Kyoto, Osaka, and Kobe in order to manipulate the Meiji government in Kyoto and Western ministers. Second, their interpretation of *gaikoku kōsai* was to positively rely on the law of nations as seen through the prism of natural law, with the intention of building friendly relationships with Western ministers while pursuing their own political ambitions. On the other hand, the samurai in Nagasaki established a more hard-line approach than Date and Higashikuze. This, though, was suppressed by Kido, who pursued the geographical systematisation of foreign relations during the relocation of the capital from Kyoto to Tokyo. In 1869, the *gaikoku kōsai* of Date and Higashikuze lost trust inside and outside of the Meiji government: Iwakura, Ōkubo, and Kido, who moved from Osaka to Tokyo, replaced Date-Higashikuze's *gaikoku kōsai* and introduced a new approach, which adopted a more fair and just attitude along with a relative distrust in the law of nations.

In 1869–1871, the Gaimushō led by Sawa and Terashima faced two different problems in their approach to *gaikoku kōsai*. First, the Gaimushō needed to collaborate with other ministries in the Meiji government in dealing with *gaikoku kōsai*. Furthermore, Western ministers often bypassed the Gaimushō to engage in meetings with the Meiji top leaders. Although the Gaimushō made efforts to establish its authority and leadership over *gaikoku kōsai*, this attempt was not successful, and Iwakura instead adopted *gaikoku kōsai* as a Minister of Foreign Affairs around 1871. On the other hand, when considering central-local relations in *gaikoku kōsai*, the Gaimushō largely succeeded in controlling the open ports and the Tsushima domain. The Gaimushō also earnestly tried to send missions to other countries to build a new *gaikoku kōsai*. This difference in the Gaimushō's attitudes arose from the Gaimushō's weakness in regard to the first problem. However, Parkes criticised it as just like a butterfly, which implied that the Gaimushō's attitude in expanding *gaikoku kōsai* was too optimistic, without preparation or reflection.

Soejima's style of *gaikoku kōsai*, which was similar to that of Terashima, was characterised by his private relationships with foreign ministers based on his own personality and interpersonal skills, putting less emphasis on international law and treaties. By adopting this style, Soejima strategically pursued his goal, especially in regard to the border matter in Sakhalin, the *Maria Luz* incident, and the imperial audience in China, as well as the Taiwan matter. However, because Soejima's style relied greatly on his personal ability, he was not able to solve the problem of geographical distance in *gaikoku kōsai* or that of the organisational management of the Gaimushō and the government as a whole. As a result, the gap between Soejima and Iwakura's group in terms of

style and content of *gaikoku kōsai* widened. This gap was one important element that triggered the political confusion of 1873 and Soejima's resignation from the government.

Through the lens of geographical distance (the first analytical viewpoint), in 1868–1869, while Date and Higashikuze took advantage of distance to coordinate *gaikoku kōsai*, they also suffered from the difference in styles and contents of *gaikoku kōsai* between the centre and the open ports in Japan. In the period of 1869–1871, the Gaimushō not only controlled the open ports under their leadership but also sought to build new relations with other countries by sending their own diplomats abroad, which worsened relations with Western ministers in Japan. In the period of 1871–73, although Soejima restored friendly relations with the Western ministers in Japan, he deepened conflicts between the caretaker government and the Iwakura Mission and this problems was exacerbated by the need to communicate over great distances and the ramifications of his visit to China.

On the other hand, from the viewpoint of the relations between the changing political situation and the practitioners' interpretative perspective on *gaikoku kōsai* (the second analytical viewpoint), Date and Higashikuze regarded the law of nations as a kind of national law in starting a new *gaikoku kōsai*. By systematising foreign relations, however, Iwakura, Ōkubo, and Kido adopted a fairer and more just attitude along with a relative distrust of over-reliance on the law of nations. In the period of 1869–1871, the Gaimushō believed building new relations with other countries was just and natural in response to the pressure of the top Meiji leaders, other ministries, and the Western ministers in Japan. In the period of 1871–1873, Soejima and Terashima realised building personal relationships with ministers in a private capacity would be more useful than treaties and law of nations, and Soejima strategically pursued this goal by relying on his own personality and interpersonal skills. This was successful to some extent. However, Soejima's approach eventually isolated him and he lost the trust of other leaders and his staff.

Overall, in both aspects, it is clear the search for the proper style and content of *gaikoku kōsai* did not consist of a continuous and systematic effort to learn and adapt to modern Western international order. Rather, it was a rapid process of trial and error (swing like a pendulum) involving a variety of elements, in particular the mastering of the challenge of geographical distance and competition between different practitioners' viewpoints. The transition process from the *gaikoku kōsai* and modern diplomacy should be seen in this wider point of view, against the backdrop of a dramatically changing political situation.

Meiji Japan's foreign relations differed significantly from those of Qing China. This gap was recognised both by Chinese and Japanese practitioners at the time. When Soejima entered into negotiations with the Zongli Yamen, they discussed the differences between the Gaimushō and the Zongli Yamen. Wenxiang asked Soejima how old he was; Soejima replied that he was 46 years old. Wenxiang also asked how many foreign ministers the Japanese government had, and Soejima answered 'Only me. I deal with all countries'. The Zongli Yamen ministers said that their ages were around 50 to 80 years old; Soejima said that the Japanese government had fewer members from the older generation because they had old habits and were thus unable to cope with current matters.[150]

This conversation showed symbolically the differences in organisation and practitioners between the Gaimushō and the Zongli Yamen. These gaps resulted from the differences between the style and content of the Chinese *zhongwai jiaoshe* and those of the Japanese *gaikoku kōsai*. As it turns out, this difference became more evident in the subsequent period, as shown in Chapter 5 and 6.

[150] DNGM, Vol. 6, p. 149

Chapter 5
Telegraphy and Foreign Legations: China, Japan, and the Construction of Governmental Foreign Networks, 1873–1881

1. Introduction

In contrast to previous chapters that analysed China or Japan individually (Chapters 1 and 3 for China and Chapters 2 and 4 for Japan), Chapters 5 and 6 deal with both China and Japan together, shedding new light on specific aspects of the *zhongwai jiaoshe* and *gaikoku kōsai* in the early to the latter half of the 1870s.

The reason for this shift in focus is that in the 1870s both China and Japan started organising permanent foreign legations in other countries. These legations exerted considerable influence on China and Japan's style and the content of its foreign relations. China established its first foreign legation was established in 1877. The first Japanese foreign legation had opened in 1871. Before this, China and Japan's foreign relations were primarily conducted between the Zongli Yamen/ Gaimushō and the Western ministers in China/Japan. After the establishment of the China and Japan's foreign networks, however, relations between the foreign legations (of China and Japan) and the foreign ministries in the governments of other countries were also entered the realm of China and Japan's foreign policy-making. This transformation exerted an influence on not only China and Japan but also created a direct impact on Western powers, particularly regarding their way of thinking about international society. Since the fundamental backgrounds was the same for China and Japan, Chapters 5 and 6 put more emphasis on these backgrounds. These chapters will also investigate similarities and differences between the characteristics of China and Japan's foreign relations.

For these reasons, Chapter 5 mainly focuses on China and Japan's communications between the Zongli Yamen/ Gaimushō and the newly established foreign legations. Previous studies regarding this matter showed two major trends.

Historians of international relations have provided a picture of the foreign legations in their initial stage. Immanuel C. Y. Hsü's classic work explained China's establishment of foreign legations as a symbol of its participation in the modern diplomatic world.[1] Developing this framework,

[1] Immanuel C. Y. Hsü, op.cit.

some researchers have evaluated the foreign legations, especially their administrative aspects. The most comprehensive work of this trend in recent years has been that of Li Wenjie.[2] Emphasising the Qing's internal reasons for introducing the legations, Li Wenjie summarised the historical development of the administrative system of Chinese foreign relations. In contrast, in Japanese history studies, the establishment of Japanese foreign legations has not been regarded as important as the case of China. Nevertheless, several works had been published on this topic. For example, the Gaimushō summarised the process of expanding its own foreign administrative network.[3] Inuzuka Takaaki published several fundamental works on the Japanese legations in their early stage.[4] Andrew Cobbing has also described Japan's case in comparison with other Asian countries, especially focusing on Sameshima Naonobu, a Meiji diplomat, and Frederick Marshall, a Western adviser.[5]

Second, studies of the history of technology and economic history have dealt with the expansion of foreign networks especially from the 'traffic revolution' viewpoint. The 'traffic revolution' refers to the rapid unification of the world as a whole. Particularly from the 1850s to 1870s, technological innovations such as the opening of the Suez Canal, the expansion of the steamship and railway networks, and the widespread introduction of the telegraph system brought the nations of the world closer together. Led by Daniel Headrick's world-renowned works, some East Asian historians—such as Motono Eiichi, Ishii Kanji, and Kokaze Hidemasa—have studied the traffic re-

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[2] Li Wenjie, op.cit.

[3] Gaimushō Hyakunenshi Hensan Iinkai ed., *Gaimushō no Hyakunen* [The 100-year History of the Gaimushō], Vol. 1, Tokyo; Hara Shobō, 1969, pp. 95-135

[4] Inuzuka Takaaki, *Meiji Gaikōkan Monogatari* [The Story of the Meiji Diplomats], Tokyo: Yoshikawa Kōbunkan, 2009; Inuzuka Takaaki, 'Zaiei Nihon Kōshikan no Secchi Keii to sono Hensen', *Seiji Keizai Shigaku* [The Political and Economic Historical Studies], Vol. 330, 1993

[5] Andrew Cobbing, 'Opening Legations: Japan's First Resident Minister and the Diplomatic Corps in Europe', *Diplomacy & Statecraft*, Vol. 28, No. 2, 2017

volution in China and Japan, although their main interests lie in international trade rather than state-to-state diplomacy.[6]

However, recent historians challenge these two trends. Some East Asian historians—such as Okamoto Takashi and Hakoda Keiko—have criticised the unwritten assumptions based on modernisation theory and Western-centric ideas in the works on the expansion of legations. Okamoto and Hakoda instead conducted a new project reinvestigating Chinese foreign legations and its foreign ministers strictly based on Chinese primary sources.[7]

Reacting to works in the 'traffic revolution' camp, some historians reinvestigate the development of traffic and communication technologies and their impact on foreign policy-making. David Nickles published a book on this topic, although his interest lay in the modern Western world. He wrote that telegraphy diplomacy accelerated the centralisation of foreign policy-making, thus gradually diminishing the traditional autonomy of diplomats in the long run.[8] However, the situation in East Asia was not as simple, since the traffic revolution and the expansion of foreign legations' networks proceeded simultaneously in Qing China and Meiji Japan. Chiba Masashi revealed in detail how the mutual relationship between the expansion of the telegraph network and its usage within Qing China's foreign networks since the 1870s.[9] Andrew Cobbing also dealt with this matter

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[6] Daniel R. Headrick, *The Tools of Empire: Technology and European Imperialism in the Nineteenth Century*, New York: Oxford University Press, 1981; Daniel R. Headrick, *The Invisible Weapon: Telecommunications and International Politics*, New York: Oxford University Press, 1991; Motono Eiichi, "'The Traffic Revolution": Remaking the Export Sales System in China, 1866-1875', *Modern China*, Vol. 12, No. 1, 1986; Ishii Kanji, *Jōhō, Tsūshin no Shakaishi* [Social History of Information and Communication in Modern Japan], Tokyo: Yūhikaku, 1994; Kokaze Hidemasa, *Teikoku Shugika no Nihon Kaiun* [Japanese Maritime Transportation under Imperialism], Tokyo: Yamakawa Shuppansha, 1995; Kokaze Hidemasa, 'Jūkyū Seiki ni okeru Kōtsū Kakumei to Nihon no Kaikoku, Kaikō' [The Traffic Revolution in the Nineteenth Century and the Opening of Country and Ports in Japan], *Kōtsūshi Kenkyū* [Historical Review of Transport and Communication], Vol. 78, 2012; Ōno Tetsuya, *Kokusai Tsūshinshi de miru Meiji Nihon* [Meiji Japan from the Viewpoint of International Communications], Yokohama: Seibunsha, 2012

[7] Hakoda Keiko, op.cit.; Okamoto Takashi, Hakoda Keiko, and Aoyama Harutoshi, *Shusshi Nikki no Jidai* [The Period of the Diaries of Chinese Foreign Ministers], Nagoya: Nagoya Daigaku Shuppankai, 2014

[8] David Paull Nickles, *Under the Wire: How the Telegraph Changed Diplomacy*, Cambridge MA & London: Harvard University Press, 2003. It is worth noting that this transformation did not occur immediately. Since the cost of telegrams was high, Western diplomats made efforts to shorten the length of their telegrams in comparison to despatches, especially in the beginning of its introduction to Western diplomacy in the middle nineteenth century.

[9] Chiba Masashi, *Kindai Kōtsu Taikei to Shin Teikoku no Henbō* [Modern Traffic and Communication System and the Transformation of the Qing Empire], Tokyo: Nihon Keizai Hyōronsha, 2006; For recent studies on the Telegraphy network in Qing China, see, Erik Baark, *Lightning Wires: The Telegraph and China's Technological Modernisation*, Westport: Greenwood Press, 1998; Wook Yoon, 'The Grand Council and the communication systems in the late Qing', Yale University, PhD Dissertation, 2008.

in his above-mentioned article and indicated the fact that 'it was Japanese rather than Western use of the telegraph that did more to affect the standing of foreign diplomats in Japan'.[10]

These recent works are of great importance. However, few researchers have attempted to describe the dynamic transformation in the style and content of China and Japan's foreign relations caused by the development of communication technologies and the expansion of the foreign networks. One exception is Iokibe Kaoru's research on Terashima's leadership and its relationship with the Japanese ministers to Western countries during Japan's treaty revision negotiation.[11] Nevertheless, this work was neither a reconsideration of *gaikoku kōsai* nor a comparison between the *zhongwai jiaoshe* and the *gaikoku kōsai*.

This chapter intends to fully consider the dynamic transformation of the *zhongwai jiaoshe* and the *gaikoku kōsai* in light of the relationship between the political centre and foreign legations. As in previous chapters, the practitioners' style and content of foreign relations in Qing China and Meiji Japan are analysed by investigating the main events in the foreign relations that transformed the foreign policy-making. The expansion of telegraphy networks and their impact on foreign policy-making is also considered.

2. Physical Distance and Communication Distance: The Margary Affair and Guo Songtao's Mission to Britain, 1873–1878

In Qing China, the Margary affair was a key incident when considering the transformation of *zhongwai jiaoshe*. During negotiations over this crisis, the gap in communication speed between China and Britain was clearly evident. China had not yet introduced a telegraphy system, but Britain had partially introduced it to its foreign policy-making. Additionally, Guo Songtao was subsequently sent to Britain to apologise for this affair. He used the opportunity to open Qing China's first foreign legation. For this reason, this section investigates the transformation of *zhongwai jiaoshe* in the late 1870s especially by focusing on their relations with the transformation of communication between distant places.

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[10] Andrew Cobbing, op.cit., p. 204

[11] Iokibe Kaoru, op.cit.

The Margary affair of 1875 was the first main issue for the *zhongwai jiaoshe* after the Mudan incident. In Yunnan province, the Qing suppressed a Muslim rebellion in 1873, but even then did not sufficiently control the area. A British diplomat, Augustus Margary, travelled from Shanghai to Burma through an inland route in order to explore the potential for trade. On his way back to Shanghai, Margary and his Chinese staff were killed by locals in Yunnan province.[12]

The Zongli Yamen immediately realised the possibility of British coercive intervention and thus ordered Cen Yuying, the Governor of Yunnan, to investigate the incident.[13] However, Thomas Wade, the British minister to China, adopted a more hard-line approach than the Zongli Yamen expected. Wade not only demanded compensation but also submitted other demands not related to the murder, such as an imperial audience and resolution of taxation problems. After a week-long negotiation, Wade decided to leave Beijing for Shanghai, stating that it was more convenient to contact London using the telegraph.[14]

The Zongli Yamen wrote that 'although their land belongs to China, it cannot be said that the Yunnan barbarians were under Chinese control'. However, considering the precedent of the Mudan incident, it would have been disadvantageous to reveal this view to Britain. Receiving information from Li Hongzhang and Robert Hart, the Zongli Yamen feared the formation of Anglo-Russian collusion. The British army could attack Yunnan while Russian troops marched from Ili, which Russia had occupied during the confusion of the Muslim rebellion.[15]

As in previous cases described in Chapter 3, Li Hongzhang was mainly in charge of advising local staff in Yunnan and conducting negotiations with the British. Li Hongzhang sent a letter to a local official in Yunnan ordering him not to allow British troops to enter the province, advising he could resort to international law to uphold this principle.[16] Li Hongzhang continued these direct updates to local officials in Yunnan.[17] Furthermore, Li Hongzhang intended to prevent the British from visiting the location of the affair directly. He wrote the Chinese would not be able to suffi-

[12] In terms of the Margary affair, See for example, Shên-tsu Wang, *The Margary Affair and the Chefoo Agreement*, London: Oxford University Press, 1940

[13] Wang Yanwei and Wang Liang eds, *Qingji waijiao shiliao* [The Diplomatic Papers of the Qing Period], Vol. 1, Changsha: Hunan shifan daxue chubanshe, 2015 [hereafter QWS], p. 6, 7

[14] QWS, Vol. 1, p. 8, 9

[15] Ibid; Li Hongzhang to the Zongli Yamen, 20 April, 1875, LHQ, Vol. 31, p. 195

[16] Li Hongzhang to Pan Dingxin, 11 April, 1875, LHQ, Vol. 31, p. 190

[17] Li Hongzhang to Cen Yuying, 11 May, 1875, LHQ, Vol. 31, p. 215; Li Hongzhang to Pan Dingxin, 11 May, 1875, LHQ, Vol. 31, p. 216

ciently protect them since 'it should take a month to send a letter to Yunnan' and 'it should take another month for a Chinese official to cross the China-Burma border there'.[18]

However, Li Hongzhang could not fully control the situation. Having worried about Cen Yuying's belligerent attitude, the Zongli Yamen decided to order Li Hanzhang, a brother of Li Hongzhang and Viceroy of Huguang at that time, to move to Yunnan to handle the matter with Cen Yuying.[19] Li Hongzhang was worried about this decision since no one in Yunnan was familiar with foreign affairs, and Li Hanzhang had also never dealt with this type of serious foreign issue.[20] Hence, through Ding Richang staying in Beijing, Li Hongzhang secretly contacted Wenxiang and Shen Guifen in the Ground Council in order to curb Cen Yuying in an indirect manner.[21] Despite these secret negotiations, Li Hanzhang was finally determined to go to Yunnan for investigation.[22] Later, Li Hongzhang was worried about whether Li Hanzhang could handle sole responsibility for this affair and thus made the central government also send the retired Zongli Yamen minister Xue Huan to Yunnan to support Li Hanzhang.[23]

Several months after initial negotiations, Wade returned from Shanghai and had a meeting with Li Hongzhang in Tianjin. Wade asked Li Hongzhang for the Zongli Yamen's permission to engage in negotiations with Li Hongzhang, but Li Hongzhang avoided a clear answer.[24] Additionally, Li Hongzhang noted Yunnan was far from Beijing and the Qing government did not have the telegraph, implying that it was difficult to proceed with negotiations at this stage. Wade was frustrated by this response, and, accordingly, Li Hongzhang almost gave up halfway, stating 'there has already been no solution regarding this matter'.[25]

Despite his pessimistic outlook, Li Hongzhang continued substantial negotiations with the British behind the scenes in Tianjin. The British were also afraid of a break in the talks and thus submitted six requirements, including sending an envoy to Britain to explain the affair. Li Hong-

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[18] Li Hongzhang to the Zongli Yamen, 1 May, 1875, LHQ, Vol. 31, p. 210

[19] Li Hongzhang to Li Hanzhang, 21 June, 1875, LHQ, Vol. 31, p. 252, 253; QWS, Vol. 1, p. 14

[20] Li Hongzhang to Ding Richang, 23 June, 1875, LHQ, Vol. 31, p. 256, 257

[21] Li Hongzhang to Li Hanzhang, , 23 June, 1875, LHQ, Vol. 31, p. 255, 256

[22] Li Hongzhang to Li Hanzhang, 5 July, 1875, LHQ, Vol. 31, p. 263

[23] Li Hongzhang to Li Hanzhang, 1 September, 1875, LHQ, Vol. 31, p. 302, 303

[24] Interview with Thomas Wade, 3 August, 1875, LHQ, Vol. 31, p. 279

[25] Li Hongzhang to the Zongli Yamen, 4 August, 1875, LHQ, Vol. 31, p. 280, 281

zhang replied that sending an envoy in and of itself might be acceptable, but selecting the right person would be a concern and the affair was still under investigation.[26]

Nevertheless, circumventing Li Hongzhang, Wade also decided to send the British diplomat William Mayers to the Zongli Yamen in Beijing for negotiations, even though Wade thought 'Li Hongzhang is the most competent minister in China', the Zongli Yamen was, after all, the official institution for foreign matters. Li Hongzhang hastily sent letters to the Zongli Yamen, arguing the Zongli Yamen should avoid the danger of the negotiations breaking down by making compromises on some points.[27] Li Hongzhang even argued it was China that had erred.[28] However, the Zongli Yamen was still unable to report the result of its findings to the British side because Cen Yuying's investigation was delayed and Li Hanzhang was still on his way to Yunnan.[29] Later, the Zongli Yamen finally suggested asking Li Hongzhang to officially handle the matter and send envoys to Britain, both of which suggestions were admitted by the Emperor.[30] A break in relations was thus avoided, and Wade temporarily returned to Shanghai.[31]

Several months after the initial order, Li Hanzhang and Xue Huan finally reached Yunnan and submitted a memorial to Beijing to the effect that local officials in Yunnan including Cen Yuying were responsible for investigation delays.[32] The following year, Li Hanzhang and others finally sent a long report to Beijing in which they suggested the punishment of responsible local officials and the imprisonment of other people involved in the incident.[33] Moreover, Li Hanzhang asked the Zongli Yamen to handle the matter based on their report, and avoid British pressure to force a compromise.[34] On the other hand, owing to several telegrams from the British foreign secretary in London asking about the situation, Wade's room for compromise was shrinking throughout this

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[26] Li Hongzhang to the Zongli Yamen, 9 August, 1875, LHQ, Vol. 31, p. 282, 283

[27] Li Hongzhang to the Zongli Yamen, 11 August, 1875, LHQ, Vol. 31, p. 285, 286; Thomas Wade to Li Hongzhang, 11 August, 1875, LHQ, Vol. 31, pp. 286-288; Li Hongzhang to the Zongli Yamen, 13 August, 1875, LHQ, Vol. 31, p. 288, 289

[28] Li Hongzhang to the Zongli Yamen, 24 August, 1875, LHQ, Vol. 31, p. 293, 294

[29] QWS, Vol. 3, pp. 39-41

[30] QWS, Vol. 3, p. 41, 42, 46, 47

[31] Li Hongzhang to Ding Richang, 13 October, 1875, LHQ, Vol. 31, p. 317, 318

[32] QWS, Vol. 4, p. 62

[33] QWS, Vol. 5, pp. 87-90

[34] QWS, Vol. 6, p. 98, 99

period.[35]

Therefore, neither the Zongli Yamen nor the British minister had escape routes. The Zongli Yamen could not reach agreement on several concrete demands from the British side, including additional open ports and the investigation of Cen Yuying by Britain. This led to a break in the negotiation and Wade's leaving Beijing for Shanghai in order to send telegrams to London again, although Li Hongzhang tried to stop Wade in Tianjin.[36]

The Zongli Yamen still intended to continue negotiations with Wade through Robert Hart and Li Hongzhang.[37] The British side suggested conducting talks in Chefoo (Yantai) in Shandong province and requested that Li Hongzhang (or another minister) be sent there, which the Zongli Yamen accepted.[38] Beijing essentially admitted Li Hongzhang's full discretion in the negotiations in Chefoo, while showing a reluctant attitude towards a possible British investigation of Cen Yuying.[39]

In Chefoo, Wade invited other Western ministers in China to lend their support, and other ministers temporarily gathered in the city as bystanders taking a summer break.[40] Li Hongzhang and Wade had several negotiations in this atmosphere. Initially, Wade insisted on the investigation of Cen Yuying by Britain, and Li Hongzhang rejected it, noting that the British side did not have any clear evidence proving the need for the investigation.[41] However, by holding a party and inviting Western ministers and Wade, Li Hongzhang gradually realised the Western ministers were not willing to risk a conflict.[42] Moreover, Western ministers all agreed the British demand for an investiga-

[35] QWS, Vol. 4, p. 67, 68

[36] QWS, Vol. 6, pp. 101-104; p. 104, 105

[37] QWS, Vol. 6, p. 106, 107

[38] QWS, Vol. 6, pp. 108-110; QWS, Vol. 6, p. 110, 111. From one viewpoint, this request was a British sign of compromise, since it substantially invited Li Hongzhang to have a discussion in a new place far from Beijing. Li Hongzhang stated, if it was Shanghai, a lot of merchants would try to intervene in the negotiation and the superintendent of southern ports would be still distant from Shanghai, which would make the situation worse. (Li Hongzhang to the Zongli Yamen, 27 May, 1875, LHQ, Vol. 31, p. 405, 406). On the other hand, however, as described in the following part, inviting a Chinese representative to a place where other ministers gathered was also a British strategy to draw more advantageous conditions for Britain at the same time.

[39] QWS, Vol. 6, p. 112, 113; pp. 114-116; Li Hongzhang to the Zongli Yamen, 19 June, 1875, LHQ, Vol. 31, p. 414, 415

[40] Li Hongzhang to Li Hanzhang, 9 August, 1875, LHQ, Vol. 31, p. 452; Li Hongzhang to the Zongli Yamen, 13 August, 1875, LHQ, Vol. 31, p. 453, 454

[41] Li Hongzhang to the Zongli Yamen, 22 August, 1875, LHQ, Vol. 31, p. 453, 454

[42] Li Hongzhang to the Zongli Yamen, 31 August, 1875, LHQ, Vol. 31, p. 462, 463; Li Hongzhang to the Zongli Yamen, 1 September, 1875, LHQ, Vol. 31, p. 465, 466

tion in Beijing was not sufficiently supported by evidence.[43] In the end, Li Hongzhang and Wade reached a compromise. The British agreed to drop their investigation of Cen Yuying, the Chinese side admitted wider interests could be addressed, including the abolishment of certain trade taxes for foreign merchants.[44] These items were the main topics of discussion at the Chefoo Convention.

When considered from the 'traffic revolution' viewpoint, the Margary affair negotiation process reveals important characteristics of the transformative period. Because London and Shanghai were connected by telegraph networks, the effective distance between Britain and China became almost equivalent to that between Shanghai and Beijing. This transformation decreased the British minister's range of discretion. In this situation, Wade sought to force a Chinese compromise with the new tactic of repeatedly moving between Shanghai and Beijing. This situation was different from the geographical condition of the previous Chinese *zhongwai jiaoshe*, in which the central-local geographical distance was a critical problem for Qing China but not for Western ministers. The Chinese side, especially Li Hongzhang, recognised this change for Britain. Even though Robert Hart suggested immediately sending an envoy to Britain because this would allow China to circumvent Wade and directly negotiate with London, Li Hongzhang was skeptical of this proposal, considering direct negotiation with the British government a disadvantage.[45] Li Hongzhang therefore participated in Wade's settling on talks in Chefoo on his own, which finally succeeded in avoiding a military clash, despite still giving some interests to Britain.

After the settlement of the Margary affair, the first Chinese minister to Britain, Guo Songtao, was selected to be sent to London as a permanent resident minister. This became the first case of a permanent Chinese legation in another country.[46] The foreign legation, which had not been an element in the Chinese *zhongwai jiaoshe*, considerably affected its foreign policy-making.

The first Chinese minister to Britain, Guo Songtao, had participated in Zeng Guofan's Xiang's army in its fight against the Taipings in the 1850s and had also worked with Li Hongzhang

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[43] Li Hongzhang to Ding Baozhen, 4 September, 1875, LHQ, Vol. 31, p. 468, 469

[44] Li Hongzhang to the Zongli Yamen, 5 September, 1875, LHQ, Vol. 31, p. 469, 470; QWS, Vol. 7, pp. 118-128

[45] Hakoda Keiko, op.cit., p. 32, 33

[46] In previous studies, Immanuel C. Y. Hsü emphasised the role of Robert Hart who introduced modern Western diplomatic system, including permanent foreign legations (Immanuel C. Y. Hsü, op.cit., pp. 176-179). On the other hand, recent studies in East Asian academia instead sheds light on China's internal moment in deciding to put foreign legations. For example, See Li Wenjie, op.cit., pp. 49-66; Hakoda Keiko, op.cit., pp. 14-40

since the first half of the 1860s. Having abundant knowledge of foreign affairs, Guo Songtao was regarded as one of the finest officials in the *zhongwai jiaoshe*. He was also renowned for his passionate temper and stubbornness, and thus strongly insisted on his own opinion without regard to others when he believed his idea was right. For example, in the middle of the Margary negotiations, Guo Songtao submitted a memorial that severely criticised Cen Yuying's handling of the affair, although many officials in Beijing thought they should reject the British criticism of Cen Yuying.[47]

Guo Songtao and his staff moved to London in 1877. There, he submitted a letter of apology about the Margary affair to the Queen and launched the first Chinese legation in a foreign country. Guo Songtao worked on several matters in London. In particular, he cooperated with an anti-opium group in Britain, and by these means, tried to cultivate a more favourable atmosphere towards China among the British people, which was to some extent successful.[48] However, Guo Songtao could not fully demonstrate his abilities in his stay in London for two reasons.

First, the geographical distance between Beijing and London created a new communication gap in *zhongwai jiaoshe*. This gap was to an extent similar to the central-local gap in *zhongwai jiaoshe* in the 1860s. For instance, due to the 'great game' between Britain and Russia in inner Asia at that time, Britain also had some connection with the Muslim revolt in Xinjiang, including sending a consul to Kashgar. After 1875, the Chinese army supervised by Zuo Zongtang started the reconquest of Xinjiang. The British response was to propose mediation with the leader of the revolt, Yaqub Beg.[49] After hearing of Britain's intentions, Guo Songtao sent a memorial to Beijing explaining it would be better for China to accept British mediation. He even made several radical suggestions regarding the handling of Xinjiang area, although he was not familiar with the situation owing to the large distances involved.[50]

In contrast, the global telegraphy network created several new aspects and styles of communication in comparison to previous eras. Immediately following his memorial, Guo Songtao sent another memorial to Beijing which, based on a newspaper in Britain, reported Yaqub Beg's death and the British consul's departure from Kashgar. Guo Songtao sent this memorial urgently because

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[47] QWS, Vol. 4, p. 61, 62

[48] On his activities as a Chinese minister to Britain, see, Owen Hong-Hin Wong, *A New profile in Sino-Western Diplomacy: The First Chinese Minister to Great Britain*, Hong Kong: Chung Hwa Book, 1987; Jenny Huangfu Day, op. cit., pp. 124-154

[49] In terms of this process, See for example, Hodong Kim, 'Collapse of the Muslim State', op.cit.

[50] QWS, Vol. 11, pp. 201-203

of the deficit in communication speed between China and Western countries. According to Guo Songtao, Westerners could use telegraphy, which would take only one day to deliver information, but it would take more than two months for Guo Songtao to send a memorial to Beijing. Guo Songtao was thus afraid this gap would cause trouble in negotiations between the British minister and China.[51] At this stage, paradoxically, by relying on the Western telegraphy network, Guo Songtao in London could receive information about Xinjiang before officials in China.

Nevertheless, the situation Guo Songtao faced, as described above, did not fully unite the political sphere of communication between Beijing and London. Rather, since these spheres were only partially united, Guo Songtao consequently worsened the gap in attitudes towards *zhongwai jiaoshe* between Beijing and London (when they were not united at all, this problem had not occurred).

One reason for this was caused by the psychological distance from China and Guo Songtao's personality. As Guo Songtao acquired first-hand experience in Western countries and gained psychological distance from the internal pressures within Chinese society, he felt he should not hesitate from reporting his views and experiences to Beijing as well as suggesting necessary reforms regarding the *zhongwai jiaoshe*. For example, Guo Songtao recommended sending Chinese ministers to foreign countries other than Britain, suggested Western missionaries should be required to possess reasonable qualifications, provided proposals for concrete measures to prevent opium from spreading, submitted an idea for compiling a book of trade laws and regulations in order to coordinate the *zhongwai jiaoshe* in local areas, and even advised opening a Chinese consulate in Singapore.[52] Except for the last, the Chinese government rejected all of his suggestions.

Secondly, Chinese *zhongwai jiaoshe* system, including its newly established foreign legation, amplified differences of political opinion in the *zhongwai jiaoshe*. From the beginning of his mission, Guo Songtao's work was hindered by his unfriendly relationship with Liu Xihong, the vice-minister to Britain. When Guo Songtao's mission reached London, both the appointment of Guo Songtao as resident minister and of Liu Xihong as a vice minister were initially not accepted by the British government. This was because the letter from the Chinese government did not include the appointment of Guo Songtao, and the law of nations also did not recognise vice-minister-

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[51] QWS, Vol. 11, p. 203, 204

[52] QWS, Vol. 8, p. 152; QWS, Vol. 10, p. 182, 183; QWS, Vol. 11, p. 204, 205; QWS, Vol. 11, p. 206, 207; QWS, Vol. 11, p. 207, 208

ship status. Therefore, Guo Songtao asked for proper credentials from Beijing, and Liu Xihong also asked Beijing to send him to Germany as a permanent minister.[53]

Despite a previous friendship, Liu Xihong could not stand being placed under Guo Songtao.[54] The personal relationship between Guo Songtao and Liu Xihong therefore worsened. For example, Liu Xihong took all the legation staff other than Guo Songtao for a walk or a visit, while Guo Songtao also invited the legation staff, except for Liu Xihong, for a dinner.[55] This relationship mirrored their differences in political opinion. After his subsequent move to Germany as a minister, Liu Xihong sent several suggestions to Beijing arguing against Guo Songtao's above-mentioned suggestions, emphasising the impracticality of Guo Songtao's plans.[56] Guo Songtao consequently became upset and openly criticised Liu Xihong. Moreover, Guo criticised the Qing officials in Beijing and even argued they should hold more discussions with foreigners.[57]

This conflict emerged in Beijing when the Zongli Yamen published Guo Songtao's diary without his permission. As Guo Songtao described Western society in positive terms in the diary, many anti-foreigner literati both inside and outside the government severely blamed Guo Songtao for becoming too 'Westernised'. Although he maintained his attitude against these criticisms, in the end he requested to resign.[58]

Few actors in the Qing political regime supported him at the time. After Wenxiang's death in

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[53] QWS, Vol. 9, p. 176, 177; Vol. 9, p. 177

[54] On the relationship between Guo Songtao and Li Xihong, previous works point out that, although Guo Songtao and Li Xihong were not friends from the beginning, Li Xihong achieved a vice-minister position by political manoeuvre in the Qing government (For example, see Immanuel C. Y. Hsü, op.cit., p. 187). However, this explanation was based on Guo Songtao's recollections after his trouble regarding Li Xihong in Britain. Recent studies based on primary documents from that time have revealed Guo Songtao had a good relationship with Li Xihong, and their relationship became worse only after the trouble regarding the vice-ministership. (See for example, Zhang Yuquan, 'Wanqing waijiaoshishang de yidian yiwen: Lun Guo Songtao yu Li Xihong de guanxi' [One Question in the Late Qing Diplomatic History: Discussing the Relationship between Guo Songtao and Li Xiahong]), *Gonggong quanli yanjiu* [Public Administration Review], 2005-No.1). Another researcher indicated the fundamental differences between Guo Songtao and Li Xihong in regard to their respective views on Chinese and British society (See for example, Ono Yasunori, *Shinmatsu Chūgoku no Shitaifuzō no Keisei: Kaku Sūtō no Mosaku to Jissen* [The Formation of the Image of Literati in Late Qing China: The Grope and Practice of Guo Songtao], Tokyo: Tōkyō Daigaku Shuppankai, 2018)

[55] Guo Songtao, *Guo Songtao riji* [The Diary of Guo Songtao], Vol. 3, Changsha: Hunan renmin chubanshe, 1982, 15 June, 1877 [G3, M5, D5]; Immanuel C. Y. Hsü, op.cit., p. 187

[56] Li Xihong, *Zhude shiguan dangan chao* [Records of Chinese Embassy in Germany], Vol. 1, Taipei, Taiwan xuesheng shuju, 1966, pp. 13-34

[57] QWS, Vol. 12, p. 233, 234

[58] Immanuel C. Y. Hsü, op.cit., p. 188, 189

1876, Zongli Yamen ministers Li Hongzao and Shen Guifen led different political factions, mainly based on regional bonds.[59] Li Honzao's group supported Li Xihong because of personal ties and shared hard-line views on *zhongwai jiaoshe*. Shen Guifen, who shared similar ideas with Li Hongzhang in many cases, also did not support Guo Songtao in this case. This meant only a few Zongli Yamen ministers such as Prince Gong supported Guo Songtao.[60] In particular, Li Hongzhang strongly defended Guo Songtao and criticised Li Xihong, but Li Hongzhang stayed in Tianjin and thus could only provide support from a distance.[61]

Differences over *zhongwai jiaoshe* were reinforced by the institutional multiplicity of Qing China's *zhongwai jiaoshe* system. The Zongli Yamen, as well as the Ground Council, had multiple seats. This enabled the co-existence of different views on the *zhongwai jiaoshe* (As stated above, the Chinese foreign legation in Britain also planned to have two representatives, rather than one minister and one subordinate staff member). This institutional background to the *zhongwai jiaoshe*, which now even extended to the foreign legations, inevitably held the disadvantage that the co-existence of different views invited confusion into the foreign policy-making process. This type of confusion occurred again in negotiations following the Ili Crisis.

3. Long-distant Ministers and Beijing in Confusion: The Settlement of the Ili Crisis, 1878–1881

Negotiations regarding the Ili Crisis in the period of 1878 to 1881 were another case that clearly showed the transformation of the *zhongwai jiaoshe* and its relationship with the 'traffic revolution'. The reconquest of Xinjiang by Zuo Zongtang began in 1875. However, as Russia ac-

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[59] For more about these political factions, see, Lin Wenren, *Nanbei zhi zheng yu Wanqing zhengju, 1861-1884* [The Conflict between North-South Factions and the Political Situation in the Late Qing Period], Beijing: Zhongguo shehui kexue chubanshe, 2005

[60] Zhang Yuquan, op.cit., p. 10

[61] Li Hongzhang to the Zongli Yamen, 21 June, 1878, LHQ, Vol. 32, p. 326, 327; Li Hongzhang to Shen Guifen, LHQ, Vol. 32, p. 333, 334, 4 July, 1878; Li Hongzhang to the Zongli Yamen, 18 July, 1878, LHQ, Vol. 32, p. 340. In addition to this, while highly praising Guo Songtao's insights into foreign affairs, even Li Hongzhang was sometimes bothered by Guo Songtao's overly frank and direct personality (Li Hongzhang to Guo Songtao, 8 December, 1877, LHQ, Vol. 32, p. 163, 164; Li Hongzhang to Li Hanzhang, 13 July, 1878, LHQ, Vol. 32, p. 338, 339)

quired substantial control over the Ili area during the Muslim revolt, its treatment of the area became a serious matter between China and Russia.[62]

In order to negotiate with Russia, Chonghou was sent to St. Petersburg. Many Chinese officials considered Chonghou, who had been the superintendent of three ports in Tianjin throughout the 1860s, to be familiar with *zhongwai jiaoshe*. However, practitioners from centre of *zhongwai jiaoshe*—especially Li Hongzhang and Guo Songtao—viewed Chonghou as weak, naive, and incompetent.[63] In spite of this, the government in Beijing assumed that Chonghou was qualified for this mission, and thus it appointed him as a fully qualified plenipotentiary.[64]

However, Chonghou's negotiations with Russia created considerable confusion. Chonghou was not sufficiently knowledgeable for this mission. For example, when Chonghou moved to Russia, Zhang Peilun, an official of the Hanlin Academy, criticised Chonghou for not choosing a land route through Xinjiang in order to become familiar with the geography of the area.[65] Also, when Chonghou visited Guo Songtao in France during his journey to Russia, Chonghou could not explain the concrete negotiation strategy towards Russia to Guo Songtao.[66]

A second problem was that the communications between Chonghou in St. Petersburg and the government in Beijing were poor. Chonghou was able to communicate with Beijing by using telegraphy and steamships; communication from St. Petersburg and Shanghai took a single day and then from six to eight days between Shanghai and Beijing.[67] At the beginning of negotiations, Chonghou sent telegrams to the Zongli Yamen stating the Russian government agreed to return Ili to China in exchange for admission of its commercial interests and monetary compensation.[68]

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[62] In terms of the previous studies of this negotiation process, see for example, Immanuel C. Y. Hsü, *The Ili Crisis: A Study of Sino-Russian Diplomacy, 1871-1881*, Oxford: Clarendon Press, 1965; Li Enhan, *Zeng Jize de waijiao* [The Diplomacy of Zeng Jize], Taipei: Zhongyang yanjiuyuan jindaishi yanjiusuo, 1966, pp. 61-163; S. C. M. Paine, op.cit., pp. 132-173. Although these previous studies describe the detailed negotiation process per se, this section rather focuses on the transformation of foreign policy-making and its relations with telegraphy through reinterpreting the Ili crisis negotiation. In this respect, see for example, Chiba Masahi, op.cit., pp. 60-65

[63] Li Enhan, op.cit., p. 64, 65

[64] QWS, Vol. 13, p. 255

[65] QWS, Vol. 14, p. 266, 267

[66] Guo Songtao, 'Yangzhi shuwu wenji' [The Collection of Guo Songtao], Shen Yunlong ed., *Yangzhi shuwu wenshiji* [The Collection of Guo Songtao], Vol. 10, Taipei: Wenhai chubanshe, 1968, p. 23

[67] Li Hongzhang's Memorial, 16 September, 1880, LHQ, Vol. 9, p. 158, 159

[68] QWS, Vol. 15, p. 293

Through Chonghou's telegraphic communications, the Zongli Yamen prepared concrete conditions for an agreement.[69]

However, in the latter stage of negotiations, the Russian government demanded revision of the original border in Tarbagatai, Ili, and Kashgar areas, which had already been determined in 1864. In this new request, Ili was to be almost surrounded by Russia and would thus become quite difficult to defend. Chonghou reported this demand to the Zongli Yamen, and the Zongli Yamen immediately responded by telegraph that the demand was unacceptable.[70] Nevertheless, after a while, Chonghou sent telegrams to the Zongli Yamen stating he had already concluded the Treaty of Livadia, in which the new border was set mainly based on Russian terms. Although the Zongli Yamen ordered Chonghou to reject the agreement, Chonghou replied it was too late to do so.[71]

Considering this a serious problem, the Zongli Yamen immediately asked questions to high-ranking local officials, such as Zuo Zongtang, Li Hongzhang, and Shen Baozhen (Viceroy of Liangjiang as well as the southern superintendent).[72] Although these three officials were all critical of Chonghou, their opinions differed. Zuo Zongtang strongly disagreed with the content of the treaty and sought a way to reject it.[73] Li Hongzhang rather showed a passive attitude towards rejecting the treaty, considering its terms a mistake of the Chinese side.[74] Shen Baozhen suggested not ratifying the treaty based on the law of nations.[75] Overall, these opinions on the part of high-ranking officials were practical responses. After receiving these opinions, and even before Chonghou's return to China, the Zongli Yamen severely criticised his poor handling of the talks.[76]

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[69] QWS, Vol. 15, p. 301, 302; p. 302, 303; p. 303, 304

[70] QWS, Vol. 16, pp. 309-313

[71] QWS, Vol. 16, p. 321, 322

[72] Ibid.; QWS, Vol. 16, p. 322, 323

[73] Zuo Zongtang to Yang Shiquan, in Shen Yunlong ed., *Zuo Wenxiang gong (Zongtang) quanji* [The Collected Works of Zuo Zongtang], Vol. 7, Taipei: Wenhai chubanshe, 1979

[74] QWS, Vol. 17, pp. 333-335

[75] QWS, Vol. 17, p. 328

[76] QWS, Vol. 17, p. 338, 339

The '*qingliu*' [清流] group submitted more radical opinions. The *qingliu* group were in the government in Beijing outside the Zongli Yamen.[77] This group strongly criticised Chonghou and argued he should be sentenced to death.[78] In addition, Baoting, one of the members of this group, noted 'the Zongli Yamen has tended to deal with the matter secretly, and its words have tended to be unreliable'. He proposed changing the foreign policy-making process by involving a wider range of opinions to cope with this crisis.[79] Despite the opinion of the *qingliu* group, as Li Hongzhang, Guo Songtao, and Western ministers to China all disagreed with the idea of capital punishment for Chonghou, the government temporarily determined not to punish him.[80] On the other hand, influenced by the voice of the *qingliu* group, the government decided to send Zeng Jize—who was the son of Zeng Guofan and had been appointed Chinese minister to Britain and France in succession to Guo Songtao—to Russia in order to re-negotiate the terms of the treaty.[81]

However, the *qingliu* group opposed Zeng Jize's appointment stating he was too Western-oriented and thus was not qualified for the mission.[82] Li Hongzhang and Guo Songtao also opposed his appointment on the grounds that Zeng Jize's current relationship with Britain as a minister would possibly make the relations with Russia much worse.[83] Moreover, Zeng Jize himself was unwilling to accept this appointment, which was natural considering the domestic criticism within the Qing regime.[84] Zeng Jize therefore intended to establish a clear principle for the second negotiation before it began. He gave top priority to the border demarcation and lower priority to commercial interests and compensation, which was essentially admitted by Beijing.[85]

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[77] In terms of the 'Qingliu' group, See for example, Lloyd Eastman, 'Ch'ing-i and Chinese Policy Formation during the Nineteenth Century', *The Journal of Asian Studies*, Vol. 24, No. 4, 1965; Lloyd Eastman, 'Ch'ing-i and the Chinese State' in *Throne and Mandarins: China's Search for a Policy during the Sino-French Controversy, 1880-1881*, Cambridge, MA: Harvard University Press, 1967; Mary Rankin, "'Public Opinion" and Political Power: Qingyi in Late Nineteenth Century China', *The Journal of Asian Studies*, Vol. 41, No. 3, 1982; Wang Weijiang, *"Qingliu" yanjiu* [The Study of 'Qinliu'], Shanghai: Shanghai shudian chubanshe, 2009

[78] QWS, Vol. 18, p. 344, 345; Vol. 18, pp. 349-352; Vol. 19, p. 361, 362; Vol. 21, p. 404

[79] QWS, Vol. 19, p. 360, 361

[80] QWS, Vol. 20, pp. 394-397; Vol. 21, p. 401, 402; p. 403; p. 409, 410

[81] QWS, Vol. 18, pp. 360

[82] QWS, Vol. 19, p. 361, 362

[83] Li Hongzhang to Zeng Jize, 25 April, 1880, LHQ, Vol. 32, p. 538

[84] QWS, Vol. 20, pp. 394-397

[85] QWS, Vol. 21, pp. 411-413

Zeng Jize transferred from London to St. Petersburg in the middle of 1880. However, the Russian government rejected opening new negotiations with him, stating that the Russian government had already sent its minister to China with the Russian fleet and preferred to conduct talks in Beijing.[86] Receiving Zeng Jize's telegram from Russia reporting Russian intentions,[87] Beijing officials became highly indecisive in their negotiation principles, fearing the transfer of negotiation to Beijing might lead to a military clash with Russia.[88]

However, accepting Zeng Jize's request, the Russian side finally agreed to conduct re-negotiations in St. Petersburg.[89] Although the negotiations did not proceed easily at the beginning because of the geographical distance between St. Petersburg and Livadia, where the Russian Emperor was staying (it took at least four days to communicate), after the Emperor's return to St. Petersburg in December, the talks made considerable progress.[90] Finally, in 1881, both the Chinese and Russian sides reached a new agreement, the Treaty of St. Petersburg, in which most of Ili province was returned to Qing China.[91]

During the negotiations, Zeng Jize used telegraphy to communicate with Beijing quite frequently. This frequent exchange of information was an essential element of Zeng Jize's success in re-negotiating with Russia.

However, another aspect of this communication is worth paying attention to. At the time, Zhang Zhidong, one of the leaders of the *qingliu* group, continuously submitted hard-line opinions about the matter. For example, Zhang Zhidong not only argued for the death sentence for Chonghou, but also submitted a memorial regarding defence against Russia, even though he was not in charge of the military.[92] Subsequently, when the officials in Beijing feared the transfer of negotiations from St. Petersburg to Beijing, Zhang Zhidong, welcomed this transfer, arguing the Chinese

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[86] QWS, Vol. 22, p. 426, 427; Vol. 22, p. 430, 431

[87] QWS, Vol. 22, p. 433, 434

[88] Immanuel C. Y. Hsü, op.cit., p. 165

[89] QWS, Vol. 22, pp. 482-485

[90] Immanuel C. Y. Hsü, op.cit., p. 183

[91] QWS, Vol. 22, pp. 482-485

[92] QWS, Vol. 21, p. 408, 409; QWS, Vol. 22, p. 423, 424

government should display its coastal defences to the Russian envoy in order to demonstrate China's war spirit. This, he believed, would make negotiations advantageous for China.[93]

Zhang Zhidong also submitted his own interpretation of the treaty as advice to Zeng Jize, although Zhang Zhidong was not in the position of the *zhongwai jiaoshe* at all.[94] His message was forwarded to St. Petersburg. Zeng Jize dismissed it in a subsequent telegram back to Beijing, stating 'what Zhang Zhidong stated is reasonable, but Russia resorts to power and does not pay much attention to reason [*li*; 理]'.[95] However, after learning Zeng Jize in Russia had asked for mercy for Chonghou to ensure that re-negotiation would occur, Zhang Zhidong severely criticised Zeng Jize's attitude towards Russia. This too was transmitted to Zeng Jize in Russia.[96] After decoding the telegram including Zhang Zhidong's accusation of Zeng Jize, Zeng Jize felt exhausted and speechless. Zeng Jize then wrote a classical Chinese poem; relying on a story of ancient Chinese history, he implied Zhang Zhidong could take credit; he would give that seat to Zhang Zhidong for the greater cause of helping Qing China.[97]

In addition, northern superintendent Li Hongzhang occasionally sent telegrams to Zeng Jize directly from Tianjin, without Beijing's permission. However, Beijing discovered it was being by-passed, and subsequently forced Li Hongzhang to ask for permission before sending further telegrams to Zeng Jize.[98]

As shown above, in the re-negotiation process, decision-making within the Qing government involved not only the Zongli Yamen and high-ranking local officials such as Li Hongzhang and Zuo Zongtang but also the *qingliu* group—especially Zhang Zhidong and other high-ranking officials. This made *zhongwai jiaoshe* more complicated. Furthermore, because this complexity was directly transferred, by telegram, to Chinese ministers in foreign countries especially Zeng Jize, they also had to participate in the discussion by telegraph. Communications between Beijing and Tianjin by telegraphy was also confused, allowing Li Hongzhang room to find his own role in the *zhongwai jiaoshe*.

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[93] QWS, Vol. 22, p. 433, 434

[94] QWS, Vol. 22, p. 422, 423

[95] QWS, Vol. 22, p. 427

[96] QWS, Vol. 22, p. 428, 429

[97] *Chushi yingfaeguo riji*, 15 September, 1880

[98] QWS, Vol. 23, p. 447

In contrast to Western diplomacy, the introduction of telegraphy into *zhongwai jiaoshe* did not change the fundamental foreign policy-making process. Rather, because the central-local communications in the *zhongwai jiaoshe* were not centralised but rather horizontal, central and local officials were cooperative in some cases and confrontational in other cases. Local officials also intervened in Beijing behind the scenes in the other cases. The *zhongwai jiaoshe* system simply expanded and included Chinese ministers in other countries through telegraphic communications. In other words, due to the development of telegraphy, the Chinese ministers abroad now paradoxically needed to participate in the discussion in Beijing and try to shift them rather than simply follow centralised orders from the Zongli Yamen. For this reason, the development of network of foreign representatives did not lead to satisfactory negotiations with foreign powers, such as treaty revision negotiations carried out through the foreign legations seen in Terashima's foreign policy-making in early Meiji Japan. Even after the construction of a telegraph line between Shanghai and Beijing, as suggested by Li Hongzhang, these characteristics persisted.[99]

4. Towards a conductor in Tokyo: Terashima's systematic strategy and its failure, 1873–1879

In comparison with Qing China and its troubled relations with the 'traffic revolution', the nature and the development of Japan's *gaikoku kōsai* showed different characteristics in the 1870s. In fact, Foreign Minister Terashima adopted telegraphy as an indispensable part of his strategic approach to foreign relations, as shown in his negotiations for the Treaty of St. Petersburg of 1875 and revision of the 'unequal treaties' with the West.

Terashima Munenori (Satsuma domain), who worked as a vice minister in the Gaimushō from the beginning of the Meiji Restoration, was appointed to Foreign Minister following Soejima's resignation in 1873. After the ensuing turbulent political reform, Ōkubo Toshimichi, a former leader of the Satsuma domain, became the centre of the Meiji government and handled most major political matters until his assassination in 1878.

Although the relationship between Ōkubo and Terashima was fair (they were both from the Satsuma domain), Ōkubo decided all major foreign affairs during this period, such as the Taiwan expedition in 1874 and the conclusion of the treaty with Korea in 1875. Since these episodes were

[99] Li Hongzhang's Memorial, 16 September, 1880, LHQ, Vol. 9, p. 158, 159

both military matters and issues for *gaikoku kōsai*, room for Terashima's involvement and contribution in the political process was limited. In addition, negotiations regarding these cases were conducted close to Japan, meaning Ōkubo and his followers could directly conduct negotiations. For instance, Ōkubo himself went to Beijing for direct negotiations with the Qing government over the Taiwan matter. In this case, Terashima was unable to keep in frequent contact with Ōkubo because there was no direct telegraph network between Beijing and Tokyo. Moreover, Terashima did not need to control the negotiations from Tokyo because the top leader himself conducted direct talks on the spot.[100]

However, while still under Ōkubo's leadership, the settlement of the border with Russia over Sakhalin and the Kuril Islands did allow Terashima to play a role to some extent because of the need to communicate between Tokyo and St. Petersburg by telegraph .[101]

By taking advantage of his personal relationship with the Russian minister to Japan, Soejima had tried to settle the border dispute in Sakhalin in exchange for Russia's neutrality in case of any future Japanese attack on Korea. The Ōkubo government needed to succeed in this negotiation after Soejima's departure. Terashima—who had been a vice minister under Soejima and had originally suggested the specific style of *gaikoku kōsai* with particular emphasis on holding personal discussions with the foreign ministers in Japan—wrote the government should appoint Soejima as a minister to Russia in order to continue negotiations. However, in the context of the power struggle inside and outside the Meiji government after the confusion in 1873, Ōkubo instead argued the need to send an envoy to Russia in order to fully exclude the influence of both Soejima and the Russian minister to Japan, who was close to Soejima, which meant the total denial of the style and content of Soejima's *gaikoku kōsai*.[102]

[100] On foreign negotiations regarding the Taiwan and Korea matters in 1874-1875, see 452 in this dissertation.

[101] On the negotiation process for this matter, see, Daigo Ryūma, 'Enomoto Takeaki to Karafuto Chishima Kōkan Jōyaku' [Enomoto Takeaki and the Treaty of St. Petersburg] (1)(2), *Handai Hōgaku* [Osaka Law Review], Vol. 65, No. 2, 2015/ Vol. 65, No. 3, 2015; Inukai Honami, 'Karafuto Chishima Kōkan Jōyaku no Teiketsu Kōsh'ō [The Negotiation for the Treaty of St. Petersburg], *Meiji Ishinshi Kenkyū* [The Journal of the History of the Meiji Restoration], Vol. 2, 2005; Fumoto Shin'ichi, 'Karafuto Chishima Kōkan Jōyaku no Teiketsu to Kokusai Jōsei' [The Conclusion of the Treaty of St. Petersburg and International Circumstances], Meiji Ishinshi Gakkai ed., *Meiji Ishin to Ajia* [The Meiji Restoration and Asia], Tokyo: Yoshikawa Kōbunkan, 2001

[102] Ōkubo Toshimichi to Iwakura Tomomi, 12 November, 1873, *Ōkubo Toshimichi Monjo*, Vol. 5, p. 145, 146; Kuroda Kiyotaka to Ōkubo Toshimichi, 6 January, 1874, OTKM, Vol. 3, p. 13; Itō Hirobumi to Kido Takayoshi, 14 November, 1873, in Kido Takayoshi Kankei Monjo Kenkyūkai ed, *Kido Takayoshi Kankei Monjo* [The Papers of Kido Takayoshi; hereafter KTKM], Vol. 1, Tokyo: Tōkyō Daigaku Shuppankai, 2005, pp. 252-254; Itō Hirobumi to Kido Takayoshi, 14 January, 1874, KTKM, Vol. 1, p. 262, 263

Accepting the recommendation from Kuroda Kiyotaka, a samurai from the Satsuma domain and leader of the Kaitakushi (Hokkaido Colonisation Office) at the time, Ōkubo decided to send Enomoto Takeaki to St. Petersburg as the representative of the Japanese government in this matter.[103] Enomoto had been a leader of the Tokugawa Shogunate's navy which had continued to resist the new Meiji government around Hakodate in Hokkaido in 1868-9. After his surrender, he worked as a staff member of the Meiji government under Kuroda's direction. Because of these experiences, Enomoto was familiar with the northern border matter and seemingly shared a view similar to Ōkubo and Kuroda, namely that Japan should abandon Sakhalin in order to concentrate on the colonisation of Hokkaido.[104] Under the Ōkubo government, Terashima agreed to the appointment of Enomoto, praising his knowledge of the Sakhalin matter.[105]

The Meiji government decided to issue new instructions to Enomoto for the talks. Article 1 of this instruction stipulated the need to end mixed residence in Sakhalin and set up a new Russo-Japanese border there. Article 2 stipulated that Japan should receive another territory given that Japan was handing over the whole island of Sakhalin to Russia. Then, Article 3 stipulated that this other territory should be the entire Kuril Islands.[106]

Following these instructions, Enomoto began negotiations with the Russian government in St. Petersburg. In order to fulfil the goal, Enomoto initially started to bargain by arguing about the need to set a border in Sakhalin, ignoring Articles 2 and 3 of his instructions.[107] Although the talks soon moved to a debate about the exchange of Sakhalin and the Kuril Islands, the Russian side answered it could only agree to transfer some parts of the Kuril Islands, but not the entire island chain. Enomoto therefore sent a telegram to Terashima to ask whether it was possible to receive only some of the Kuril Islands, in contrast to the above-mentioned instruction.[108] Terashima and Kuroda spent some time coordinating a response within the government including holding a discussion with Ōkubo. However, before their reply was sent, Enomoto, based on his own sources in Rus-

[103] Ōkubo Toshimichi to Kuroda Kiyotaka, 6 January, 1874, *Ōkubo Toshimichi Monjo*, Vol. 5, pp. 284-286; Kuroda Kiyotaka to Ōkubo Toshimichi, 8 January, 1874, OTKM, Vol. 3, p. 13; Ōkubo's Diary, 10 January, 1874; Kuroda Kiyotaka to Ōkubo Toshimichi, 11 January, 1874, OTKM, Vol. 3, p. 14

[104] DNGM, Vol. 7, pp. 444-447. In terms of Kuroda's opinion of giving up Sakhalin, See 'Kuroda Kaitaku Jikan Kengen'

[105] Hanabusa Yoshimoto to Terashima Munenori, *Terashima Munenori Kankei Shiryōshū*, Vol. 2, p. 297, 298

[106] DNGM, Vol. 7, p. 420, 421

[107] DNGM, Vol. 7, pp. 440-444

[108] DNGM, Vol. 8, p. 178, 179

sia, decided to request the entire Kuril Islands by telling Russia this was a new order from the Japanese government.[109] Finally, the Russian side agreed to hand over the entire Kuril Islands. The Treaty of St. Petersburg was concluded in 1875, and Enomoto succeeded in exchanging Sakhalin and the entirety of the Kuril Islands as instructed by the Meiji government, which was highly appreciated by Terashima and Kuroda.[110]

In this negotiation process, telegraphic communications between Terashima and Enomoto did not cause any serious problems. Other than the above-mentioned description, for example, Enomoto sent one telegram to Terashima to the effect Terashima should be careful about the activities of the Russian minister to Japan. According to Enomoto's information, the minister had been instructed to investigate the contents of Japan's instructions to Enomoto.[111] Before concluding the agreement, Terashima asked Enomoto by telegraph if it were possible to attain more than the Kuril Islands, although Enomoto replied this would be impossible.[112]

At the same time, Terashima was disturbed by telegraphic communications around the time of reaching the agreement. For example, Terashima discussed with the Russian minister the unclear telegram from Enomoto—which in turn discussed the aftermath of the exchange of Sakhalin and the Kuril Islands – in order to confirm what had been agreed between Russia and Japan in St. Petersburg.[113] After reaching substantial agreement, Terashima had a meeting with the Russian minister to Japan about practical preparations for the exchange, in which Terashima frankly stated it was difficult to understand the details of Enomoto's telegram.[114] After learning of the conclusion of the treaty by telegraph, Terashima and the Russian minister had to wait for about one month for the letters from Russia to arrive in Japan because telegrams were unable to explain the details.[115] Besides these small problems, however, as Enomoto could pursue his goal mainly based on the content of the instructions, Terashima did not need to strictly control him from a distance.

[109] DNGM, Vol. 8, pp. 184-190; Kuroda Kiyotaka to Ōkubo Toshimichi, 26 January, 1875, OTKM, Vol. 3, p. 19; Sanjō Sanetomi to Ōkubo Toshimichi, 19 February, 1875, OTKM, Vol. 4, p. 110, 111; Ōkubo's Diary, Vol. 2, 20 February, 1875

[110] Enomoto Takeaki to Enomoto's brother and sister, 20 June, 1875, Kamo Giichi ed., *Shiryō: Enomoto Takeaki* [The Papers of Enomoto Takeaki], Tokyo: Shinjinbutsu Ōraisha, 1969, p. 285, 286

[111] DNGM, Vol. 7, pp. 447-449

[112] DNGM, Vol. 8, p. 198; DNGM, Vol. 8, pp. 198-202

[113] DNGM, Vol. 8, pp. 196-198

[114] DNGM, Vol. 8, pp. 211-214

[115] DNGM, Vol. 8, pp. 229-231

Around the time when the matter was settled in 1875, the Ōkubo government was unable to fully focus on the *gaikoku kōsai* owing to the domestic political confusion, which eventually culminated in the Satsuma Rebellion in 1877. Subsequently, Ōkubo was assassinated in 1878, and thus several leaders, such as Ōkuma, Ito, and Inoue, collectively led the Meiji government while competing with each other in rivalries based on the ministries of which they were in charge.[116]

Against the background of this political situation, Terashima had the chance to pursue his own agenda in *gaikoku kōsai* for the first time in his career. This agenda was the revision of the 'unequal treaties' with the Western powers. The Bakufu had concluded the initial treaties, which were not based on equal sovereign relations with the Western powers, in 1858. In particular, the two main issues in Meiji treaty revision were the abolishment of consular jurisdiction and the restoration of tariff autonomy. Furthermore, as Western ministers and consuls were allowed a wide range of discretion in the practice of activities at the open ports and over other issues, the Japanese government had several disadvantages in both nominal and practical senses. Terashima openly remarked on this problem to the British foreign secretary when he went together with the Iwakura Mission.[117]

Although Terashima had a strong interest in this issue, Western ministers in Japan, led by Parkes, kept requesting the Japanese government allow foreigners to reside not only in foreign settlements but also in Japanese territory, which Terashima was unable to grant.[118] Therefore, Terashima intended to directly negotiate with the Western governments through the Japanese ministers to these countries, circumventing the Western ministers to Japan.[119] The need to circumvent Western ministers was similar to condition in negotiations for the Treaty of St. Petersburg in 1875.

However, a major problem for Japan lay in the unavoidably multilateral nature of this issue. The 'unequal treaties' contained a most-favoured-nation clause, which had been interpreted as unconditional around the time of the Iwakura Mission. Therefore, in order to successfully revise the treaties, Terashima needed to simultaneously reach the same conditions in the revised treaties with

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[116] For more on the Meiji government's political process in this period, see Mikuriya Takashi, Ō'kubo Botsugo Taisei' [The Political Regime after the Death of Ōkubo], *Meijishi Ronshū* [The Collection of Meiji History], Tokyo: Yoshida Shoten, 2017

[117] Gaimushō et al eds., *Jōyaku Kaisei Kankei Dai Nihon Gaikō Monjo* [The Japanese Diplomatic Papers regarding the Treaty Revision] [hereafter JKKDNGM], Vol. 1, Tokyo: Nihon Kokusai Kyōkai, 1941, pp. 225-229

[118] DNGM, Vol. 6, pp. 657-683; pp. 691-694

[119] JKKDNGM, Vol. 1, pp. 333

all of the main Western powers. An individual new agreement with only a subset of Western powers would have no meaning considering the effect of the unconditional most-favoured-nation clause.

Terashima tried to overcome this difficulty with multilateral telegraphic communication with Japanese ministers in Western countries. After coordination with the Ministry of Finance, Terashima was determined to first tackle the matter of tariff autonomy, not that of consular jurisdiction. However, in Terashima's view, tariff autonomy and the consular jurisdiction were not mutually exclusive. Rather, the restoration of tariff autonomy was a necessary step to abolish consular jurisdiction because the tariff matter also involved a variety of administrative issues including setting regulations in foreign settlements in Japan, which should also be restored to the Japanese government.[120]

Terashima's treaty revision negotiation was based on a strategic and systematic understanding of how to solve the issues of tariff autonomy and consular jurisdiction. Because the US government showed a more favourable attitude towards Japan than European countries, Terashima started negotiations with the US through Yoshida Kiyonari, the Japanese minister to the US at that time. Terashima wrote official instructions and an unofficial letter for Yoshida. While the former, which was supposed to be submitted to Western governments, requested the restoration of Japanese tariff autonomy in exchange for opening new ports and abolishing export duties for Western powers, the latter explained their systematic view of treaty revision negotiations and asked the Japanese ministers to cultivate a favourable atmosphere in Western countries. To this end, Terashima especially emphasised it would not be difficult for the Japanese government to fulfil this goal 'if we expressed our view inside and outside Japan, share clear thoughts, and cooperate to face the counterparts'.[121]

As it turned out, Terashima's strategic and systematic approach to treaty revision negotiation was unsuccessful. One important reason was that Terashima failed to share the same level of understanding in this respect with the Japanese ministers to Western powers, who stayed distant from Tokyo.

At the outset Yoshida could not fully understand Terashima's strategy from the instructions and letter he received and thus needed to exchange telegrams and letters in order to determine their concrete meaning.[122] Even after this, learning of the U.S. government's preference, Yoshida preferred to conclude a new agreement which stipulated the Japanese tariff autonomy with a certain

[120] Iokibe Kaoru, op.cit., pp. 53-56. The following description relating to Terashima's treaty revision negotiation is mainly based on Iokibe's work.

[121] JKKDNGM, Vol. 1, pp. 366-374

[122] JKKDNGM, Vol. 1, pp. 414-417; p. 417; pp. 417-419

condition. There was no guarantee the Gaimushō could successfully revise treaties with other Western powers in the near future.[123] Terashima opposed Yoshida's idea in order to avoid any negative effect on subsequent negotiations with the European countries and ordered Yoshida not to reach an official agreement but rather to obtain a promise from the U.S. government.[124]

Yoshida was dissatisfied with Terashima's reply. Yoshida posed a question about the big picture of Terashima's strategy, including what Terashima was planning to do in subsequent negotiations with the European countries. Furthermore, Yoshida made the obvious complaint that communications between Tokyo and foreign legations were not yet smooth enough due to the large geographical distance between them. Yoshida therefore requested full negotiating powers for himself in terms of the conclusion of the new agreement with the US.[125] As Yoshida was not convinced by Terashima's written explanations, even after the exchange of telegrams and letters for almost a half year, Terashima yielded and allowed Yoshida to proceed with concluding a new treaty with the US.[126]

Nevertheless, Yoshida was still frustrated by communications between Tokyo and Washington, stating they could not share mutual understandings on the matters at hand. He even suggested temporarily moving back to Japan, which Terashima rejected.[127] Terashima also ordered Yoshida to only conclude a temporary agreement with a time limit that would hopefully be included in any future general treaty revision that included the European powers. This invited severe criticism from Yoshida because Terashima's order was almost equal to denying the meaning of Yoshida's efforts for the negotiation with the US.[128] After this confusion, Yoshida finally concluded a temporary agreement with the U.S. in 1878, which envisaged the restoration of Japan's tariff autonomy provided that other powers also accepted the agreement.[129]

Based on the agreement in the U.S., Terashima began earnestly tackling treaty revision negotiations with the European powers in coordination with Japanese minsters in the Western capitals.

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[123] JKKDNGM, Vol. 1, pp. 423-427

[124] JKKDNGM, Vol. 1, p. 429, 430; pp. 449-451

[125] JKKDNGM, Vol. 1, pp. 432-436

[126] JKKDNGM, Vol. 1, p. 441, 442; p. 442; pp. 442-444; pp. 444-447; p. 447; pp. 449-451

[127] JKKDNGM, Vol. 1, p. 457, 458; p. 459, 460

[128] JKKDNGM, Vol. 1, p. 472; p. 474; p. 474, 475; p. 476, 477

[129] JKKDNGM, Vol. 1, p. 495

Terashima sent official instructions and unofficial letters to the Japanese ministers in Europe, similar to those that had been sent to Yoshida. However, these instructions and letters were even more complicated and convoluted than those sent to Yoshida. In the unofficial letters, Terashima ordered Japanese ministers to ask Western governments to send their full-power representatives to Tokyo for a treaty revision conference. Terashima seemingly intended to avoid further confusion with his foreign legations by holding talks in Japan. Furthermore, Terashima attached documents as references which enumerated the administrative problems that Japan was facing. Although these problems were not directly related to the tariff autonomy per se, Terashima considered these documents useful for the Japanese ministers to understand his approach to treaty revision.[130]

In other words, while Terashima originally intended to use Japanese ministers in the Western counties to circumvent Western ministers in Japan, he came to recognise he could not fully rely on Japanese ministers in Western countries. Because of communication problems, Terashima now made efforts to avoid both the Western ministers in Japan and the Japanese ministers in Europe. At the same time, in order to reduce the communication problems, Terashima tried to provide a detailed explanation to Japanese ministers in Europe by sending many reference documents. These approaches were logical in theory. However, this made Terashima's negotiation strategy less practical, especially from the viewpoint of the Japanese ministers in Europe.

In fact, while Japanese ministers reported Terashima's instructions to Western powers, the British, French, and German governments were all quite passive towards treaty revision, although these governments allowed a limited increase in the Japanese tariff.[131] Therefore, paradoxically, this time Terashima needed to push Japanese minsters to actively engage in negotiations with these governments, in contrast to the US case, where Terashima had made efforts to restrain Yoshida. Terashima ordered Yoshiwara Shigetoshi, a Ministry of Finance staff scheduled to go to France for another purpose, to deliver the draft of the revised treaty to Paris. There, Ueno Kagenori (the Japanese minister to Britain), Samejima Naonobu (the Japanese minister to France), and Aoki Shūzō (the Japanese minister to Germany) were instructed by Terashima to discuss the above-mentioned draft, which was based on Yoshida's agreement. The ministers were also instructed to submit the draft to

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[130] JKKDNGM, Vol. 1, pp. 391-398; pp. 398-400

[131] JKKDNGM, Vol. 1, pp. 536-539; JKKDNGM, Vol. 1, pp. 670-678; JKKDNGM, Vol. 1, p. 746-751

the British, French, and German governments. If necessary, they could change some parts of the draft before the submission.[132]

On the contrary, in Paris, these three Japanese ministers in Europe concluded they should not submit the draft to their respective governments and pursued a rise in duties rather than the restoration of tariff autonomy.[133] In other words, Japanese ministers in Europe decided not to follow Terashima's negotiation plan. One reason for this change of plan was the information and complaints they received from Yoshida in the US through private letters.[134] Additionally, led by Ōkuma, the Ministry of Finance pursued a short-term increase of the tax income, due to the aftermath of the Satsuma Rebellion.[135] Subsequently, the British government suggested holding a conference on treaty revision in London, a suggestion with which other Western ministers and the Japanese ministers agreed, while Terashima still stuck to his original plan. Now that the Japanese ministers had failed to follow him at all and started ignoring Terashima's order received by telegraph.[136]

The Japanese ministers' opposition was seemingly rooted in long-term complaints they had about Terashima's style of foreign relations. For example, about the Taiwan expedition, Kawase Masataka, the then Japanese minister to Italy, complained at the time that the Japanese ministers in other countries were not informed of the expedition by the Gaimushō.[137] In another case, Aoki was not informed by Terashima about the exchange of Sakhalin and Kuril Islands. Aoki complained that 'since Terashima does not share any information regarding politics with me at all, not only were we put in a roundabout situation but also it caused huge inconvenience in *kōsai*.' From Aoki's viewpoint, Terashima intentionally 'kept the Japanese ministers stupid' rather than 'letting them cause problems in foreign legations'. Aoki even concluded 'it is difficult for a sailor of a dung boat

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132 JKKDNGM, Vol. 1, pp. 410-412

133 'Jōyaku Kaisei Kōshō Keika Hōkokusho' [The Report of the Progress of the Treaty Revision], Ōkuma Monjo [The Papers of Ōkuma Shigenobu], Waseda University Library, イ 14 A0941

134 Yoshida Kiyonari to Samejima Naonobu, 25 June, 1877, Kyōto Daigaku Bungakubu Nihonshi Kenkyūshitsu ed, *Yoshida Kiyonari Kankei Monjo* [The Papers of Yoshida Kiyonari], Kyoto: Shibunkaku Shuppan, 2008, Vol. 4, p. 264, 265; Yoshida Kiyonari to Matsukata Masayoshi, 25 June, 1877, *Yoshida Kiyonari Kankei Monjo*, Vol. 4, pp. 265-267

135 Iokibe Kaoru, op.cit., pp. 58-61

136 Aoki Shūzō to Itō Hirobumi and Inoue Kaoru, 13 March, 1879, IHKM, Vol. 1, p. 46, 47

137 Kawase Mastaka to Kido Takayoshi, 9 October, 1874, KTKM , Vol. 3, p. 196, 197

[糞船] to catch up with the countries of steamships [the Western countries]'.[138] They felt Terashima did not sufficiently trusted them, and thus did not trust Terashima either.

Terashima and Japanese ministers continued negotiations, which will be discussed in Chapter 6. However, negotiations in the absence of mutual trust between the Gaimushō and the foreign legations did not lead to success in any of the countries. The only exception was Enomoto in Russia. The Russian government showed a favourable attitude towards treaty revision. However, the amount of trade between Russia and Japan was small compared to other powers, and thus this had little substantial impact on the entire treaty revision negotiation conducted by Terashima.[139] In 1879, Inoue replaced Terashima as Foreign Minister, and Terashima never returned to the helm of Japan's foreign relations.

5. Conclusion

Around the middle-to-late 1870s, Chinese and Japanese foreign relations established permanent foreign legations in other countries, especially in the Western world. Simultaneously influenced by the 'traffic revolution', Chinese and Japanese governments began to utilise the global telegraphy network to communicate with their foreign legations. Previous studies have shed light on the administrative and technological changes within Western diplomacy, but few researchers have paid much attention to telegraphy's impact on foreign policy-making in East Asia. In contrast to Western countries, because China and Japan did not have foreign legations before the introduction of telegraphy, their foreign legation network and their usage of telegraphy were constructed from scratch at the same time. The comparative investigation of this issue shows the transformation of the *zhongwai jiaoshe* and *gaikoku kōsai* compared to the previous period, and the similarities and differences between the *zhongwai jiaoshe* and *gaikoku kōsai*.

The Margary affair negotiation showed the transformation of the traffic revolution in China. Qing China was faced with the geographical distance between Beijing and Yunnan, and thus its handling of the affair was delayed. In parallel, owing to the new telegraph connection between London and Shanghai, the British minister had to deal with the matter partly under the observation

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[138] Aoki Shūzō to Kido Takayoshi, 19 May, 1875, KTKM, Vol. 1, p. 92, 93

[139] JKKDNGM, Vol. 1, pp. 799-801

of the British government. This gap confused the negotiation process, but Wade and Li Hongzhang still managed to reach agreement in Chefoo by taking advantage of the geographical distance between Shanghai and Beijing during their negotiations. The establishment of a permanent Chinese minister to Britain also demonstrated the transformation of the *zhongwai jiaoshe* in this period. Guo Songtao was able to use the telegraph in London to deliver information to Beijing. However, due to poor personal relationships within the legation, his first-hand experiences in Britain, and his own personality, Guo Songtao instead worsened the rift between Beijing and London. Despite Li Hongzhang's support, Guo Songtao eventually had to flee to his hometown.

During the Ili Crisis, Chonghou moved to Russia for treaty negotiations. Partly because he did not have close communication with Beijing by telegraph, he concluded the Treaty of Livadia, which was totally disadvantageous for China. Beijing rejected Chonghou's negotiation and the appointment of Zeng Jize for the re-negotiation of this treaty. By maintaining close telegraphic communications with Beijing, Zeng Jize was able to conclude a new treaty, the Treaty of St. Petersburg. Throughout this process, however, the *qingliu* group in Beijing continued to criticise Chonghou, Zeng Jize, and the Zongli Yamen by arguing for their own hard-line foreign policy. Moreover, this group was substantially involved in foreign policy-making, and thus its opinions were directly transferred to Zeng Jize in Russia by telegraph, which necessarily involved Zeng Jize in the arguments in Beijing as well. This fact showed that, in China, telegraphy did not change the nature of the *zhongwai jiaoshe*. Rather, it expanded the previous *zhongwai jiaoshe* system, so that even foreign legations were now involved in the discussions in Beijing, similar to high-ranking local officials.

In Meiji Japan, Terashima conducted two foreign negotiations through Japanese ministers in other countries using telegraphy. The first case was the exchange of Sakhalin and Kuril Islands between Russia and Japan. Due to Ōkubo's denial of Soejima's style of *gaikoku kōsai*, Terashima had to handle the matter through Enomoto, the Japanese minister to Russia, in order to circumvent the Russian minister to Japan. While Enomoto struck several bargains with the Russian side, he essentially followed Meiji government instructions. Therefore, the distance between Terashima and Enomoto did not cause serious problems due to telegraphic communication. The second case was the treaty revision negotiations. Terashima decided to negotiate with Western governments through Japanese foreign legations to avoid Western ministers to Japan. Despite his strategic and systematic view on treaty revision, Terashima was unable to fully share his understanding with Japanese minis-

ters to Western countries, because of insufficient written communication. This practical problem caused repeated complaints of the Japanese minister to the US and even triggered the total denial of Terashima's direction by the Japanese ministers in Europe. Terashima's treaty revision negotiation thus led to failure, and Inoue inherited the issue.

The similarity between China and Japan's cases as explained above can be summarised as follows. Both Chinese and Japanese foreign legations had no precedents; their activities were therefore dependent on the personalities and abilities of the ministers in the respective countries. Additionally, both China and Japan suffered from using telegraphy in their foreign negotiations at this stage, which caused divisions to develop between the centre and the foreign legations and thus disrupted the successful conclusion of negotiations.

In parallel, Qing China and Meiji Japan also had several points of difference in using the foreign legations and its telegraphic network, which reflected the difference between the *zhongwai jiaoshe* and the *gaikoku kōsai*.

In Qing China, although the Margary affair was an opportunity for it to establish Chinese foreign legations, the Qing officials including Li Hongzhang did not actively regard the legations as direct and important windows on Western governments. The reason for this was that the high-ranking central and local officials had different opinions due to the institutional multiplicity of the government. The central government in Beijing was not able to maintain its strong chain of command over foreign legations. For this reason, the foreign legations instead needed to persuade and inform Beijing, similar to the high-ranking local officials in Chapters 1 and 3. This meant the foreign legations were also included under the foreign policy-making process of the time, which did not promote the qualitative transformation of the *zhongwai jiaoshe*.

In Meiji Japan, the Meiji government and Terashima used foreign legations to circumvent Western ministers to Japan. In the context of domestic politics, Terashima's principle was to refuse Soejima's *gaikoku kōsai* after the exclusion of Soejima in the political confusion in 1873. Under the relatively centralised leadership of the Ōkubo government, Enomoto followed clear orders from the government and conducted a bargain that essentially fit within the borders of his instructions. However, this successful experience was not sufficient to develop a multilateral state-to-state relationship, in which the Gaimushō and the foreign legations needed to share the same level of understanding in spite of the huge geographical distances. Foreign legations did not support the development of Terashima's style and content of foreign relations because of the inherent restrictions of tele-

graphic communications at this stage. However, this process of trial and error further led to the transformation of Japan's style of foreign relations, that is, from *gaikoku kōsai* to Western-style diplomacy.

The introduction of telegraphy affected not only Chinese and Japanese practitioners but also Western diplomats as well. As explained above, based on the fact that London and Shanghai were now connected by telegraphy, Wade's strategy towards Qing China in the Margary Affair differed from strategies in the previous period when he had a relatively wide range of autonomy in China. Wade needed to move to Shanghai to contact London, but by doing that he could also try to gain concessions from Qing China. Nevertheless, the transformation of Western diplomacy due to telegraphy was still different from East Asia, whose legations did not have the same level of autonomy prior to the introduction of telegraphy.

The transformation of China and Japan's foreign relations in this period was not limited to the style of foreign negotiations as seen in the case of foreign legations and telegraphy. Partly in parallel with the evolution of modern diplomacy in the Western world, the content of foreign relations in China and Japan was also changed in this context, including the role of the Chinese and Japanese foreign legations and their influences on the law of nations. This part will be described in Chapter 6.

Chapter 6
The 'Establishment' of the 'Standard of Civilisation': China, Japan, and Western international lawyers 1873-1881

1. Introduction

Previous chapters mainly focused on the practices and understandings of China and Japan's political actors in order to reveal trends in the transformation of East Asian foreign policy-making. Based on these characteristics, this chapter instead concentrates on changes in international norms and order caused by international practitioners' thoughts and actions across Europe and East Asia.

This research topic has been scrutinised not only by historians but also by IR scholars and international lawyers. In particular, the works of Gerrit. W. Gong and Hedley Bull/Adam Watson are undoubtedly the two most significant ones.[1] Following them, the term 'standard of civilisation' become widely accepted, beginning a distinct trend among many researchers, especially 'English School' IR scholars.

Following pioneering works by George Schwarzenberger,[2] the study of nineteenth-century international law soon became merely analyses of the conventional textbooks of well-known international lawyers such as Henry Wheaton and others, until the recent revival led by Marti Koskenniemi and Antony Angie.[3] Among this new literature, Ōnuma Yasuaki introduced an 'inter-civilisational' viewpoint into nineteenth-century international legal history.[4] Arnulf Becker Lorca shed light on the role of non-Western international lawyers in the emergence of the 'standard of civilisation'.[5] Moreover, the international private lawyer Harata Hisashi has pointed out the 'standard of civilisation' was used as a transitional type of legal framework which differed from both natural and posit-

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[1] Gerrit. W. Gong, op.cit.; Hedley Bull and Adam Watson, op.cit.

[2] George Schwarzenberger, 'The Standard of Civilisation in International Law', *Current Legal Problems*, Vol. 8, No. 1, 1955

[3] Marti Koskenniemi, op.cit.; Antony Angie, op.cit.

[4] Ōnuma Yasuaki, 'When was the Law of International Society Born? – An Inquiry of the History of International Law from an Intercivilisational Perspective', *Journal of the History of International Law*, Vol. 2, No. 1, 2000

[5] Arnulf Becker Lorca, *Mestizo International Law: A Global Intellectual History 1842-1933,* Cambridge: Cambridge University Press, 2014

ive law.[6]

IR researchers Turan Kayaoğlu, Shogo Suzuki, and international lawyer Junnan Lai study the specific relationship between East Asia and the concept 'standard of civilisation'.[7] These works sufficiently prove it is no longer possible to investigate the 'standard of civilisation' without understanding the role of East Asia within it.

Both IR researchers and international lawyers, however, have not succeeded in uncovering the full picture of the historical origins of the standard. Their research suffers from over-dependence on outdated secondary works. Even when they cite primary documents, their historical approach is still too broad and draws on over-simplified theories such as the 'learning and application' view or, the 'natural/positive law' view. For instance, some regard the Taiwan expedition in 1874 as an event in which Japan adopted a civilisational attitude, or a positive law view on international law. They do not adequately support these explanations with historical evidence.[8] Further analysis into related historical documents is necessary.

As also explained in the Introduction, for East Asian historians, learning and application of international law has been one of the most popular questions in the nineteenth-century history study. Although the accumulation of studies is substantial, this body of historical scholarship shares similar problems with IR and legal scholars. These historians explore the East Asian response to Western expansion in detail but pay less attention to the Western world. Additionally, they tend to only deal with the legal aspects of individual matters at the time and the philosophical impact caused by the translation of international law textbooks, such as *Element of International Law* by Henry Wheaton.[9]

Beyond the conventional framework, Chinese historian Kawashima Shin points out the necessity of recognising the internal dynamism in the Western international society and for noting the geographical variety of practitioners' comprehension of international law within China (for example, the difference between the understanding by officials in Beijing, Shanghai, and other ports).

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[6] Harata Hisashi, 'Jūkyū Seiki Kōhan no Kokusai Shihō Rikai no Tokushitsu to sono Haikei (1-4)' *Hōgaku Kyōkai Zasshi* [Journal of the Jurisprudence Association], Vol. 133 (No. 1, 4, 7, 8), 2016

[7] Turan Kayaoğlu, op.cit.; Shogo Suzuki, op.cit.; Junnan Lai, op.cit.

[8] Tomoko T. Okagaki, *The Logic of Conformity: Japan's Entry into International Society,* Toronto: University of Toronto Press, 2013; Arnulf Becker Lorca, op.cit.; Shogo Suzuki, op.cit.; Junnan Lai, op.cit.

[9] See footnote No. 32 of the Introduction chapter of this dissertation.

However, he has not yet conducted sufficient empirical research on these points.[10]

The most important empirical research on this topic is done by Douglas Howland. In his work on the Association for the Reform and Codification of Law of Nations (hereafter ARCLN), Howland claims Japan had been a member of international society from the beginning. The 'standard of civilisation' was merely a political rhetoric used by Western powers to protect their privileges in Japan. His work has significantly raised the level of research on this topic. For instance, he has rightly stated it was natural law to which Japan appealed regarding the matter of the 'standard of civilisation', and also pointed out the 'standard of civilisation' was only fully conceptualised around 1880.[11]

However, his work contains three drawbacks. Firstly, despite his emphasis on the legal-political and practical approaches to the topic, he investigates purely legal matters and sources especially ARCLN's reports rather than diplomatic documents and other related papers. As a result, he does not focus on the dynamic relationship between Japan's diplomatic strategy and its understanding of international law. Second, by focusing on the first point, Howland's main argument about the 'standard of civilisation' is not supported by empirical historical facts. The 'standard of civilisation' was established through communication and negotiation between Western international lawyers and East Asian practitioners, particularly led by Japanese diplomats' informal diplomacy for treaty revision. Thirdly, Howland does not include China in his book. China was a major power in East Asia and held a clearly different attitude towards the comprehension of international law at the ARCLN.

In order to overcome these problems, the following three points should be emphasised. First, rather than relying on the secondary intellectual works of lawyers, this chapter investigates the practical and mutual relations between international legal/diplomatic practitioners' thought and actions. Second, beyond the conventional 'learning and application' perspective and the 'natural law/positive law' perspective on East Asian international law, the process and moment when each side reached a certain point of agreement or compromise should be revealed. Third, a comparison between China and Japan is also indispensable because the clear contrast between the two countries reflects various ways of thinking regarding international order in the 1870s and early 1880s.

To make these approaches possible, this chapter mainly deals with the ARCLN and Chinese and Japanese diplomats' actions in relations to the ARCLN. Despite having been briefly

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[10] Kawashima Shin, op.cit., pp. 17-19

[11] Douglas Howland, op.cit.

referred to several times,[12] Howland was the first scholar to conduct an in-depth analysis of ARCLN.[13] His work, however, requires further context. In order to provide these contexts, this chapter begins with the British government Law Officers' opinions. Although established international lawyers such as Robert Phillimore and Travers Twiss were appointed as Law Officers, almost no one has analysed their opinions regarding East Asian matters.[14] Drawing on primary diplomatic documents and related materials, this chapter submits a fresh but nuanced illustration of the establishment of the 'standard of civilisation'.

2. Western lawyers' practices toward East Asia: British Law Officers and the Foreign Office institution in the middle nineteenth century

Many of the previous studies on the history of international law assume the superiority of Western civilisation was cultivated before nineteenth century, which led to imperialism/colonialism and to 'unequal treaties' being forced on semi-civilised countries. However, a more objective view of historical process suggests there may only be a slight linkage. At least in the 1860s-70s East Asia, it should be noted Western lawyers tended to have considerably different ideas about international legal matters from Western diplomats in East Asia.

In this period, as is well known, Britain established a superior position for itself in East Asia compared to other Western powers. Owing to the huge geographical distances involved, British ministers in East Asian countries by necessity played an important role in British foreign policy-making towards the region. It sometimes took several months to communicate with Whitehall. Despite this fact, a considerable number of documents were sent and received. In particular, international legal matters were often transmitted from ministers to Law Officers of the Crown through the

[12] For example, Immanuel C. Y. Hsü, op.cit; Owen H. H. Wong, op.cit., p. 220, 221; Richard S. Horowitz, 'International Law and State Transformation in China, Siam, and the Ottoman Empire during the Nineteenth Century', *Journal of World History*, Vol. 15, No. 4, 2004, p. 465; Rune Svarverud, *International Law as a World Order in Late Imperial China: Translation, Reception and Discourse, 1847-1911,* Leiden and Boston: Brill, 2007, p. 144; Lin Xuezhong, op.cit., p. 290; Arnulf Becker Lorca, op.cit, pp. 1-4

[13] Douglas Howland, op. cit.

[14] Kayaoğlu rightly points out that the Foreign Office often deferred to the law officers' opinions, which suggests their role was important in the British imperial policy-making process (Kayaoğlu, op.cit, p. 29), by referring to Johnston W. Ross, *Sovereignty and Protection: A Study of British Jurisdictional Imperialism in the Late Nineteenth Century,* Durham: Duke University Press, 1973. However, both works do not conduct detailed research based on historical documents.

Permanent Under-Secretaries at the Foreign Office. The Attorney and Solicitor-General of the Crown were the top and second ranked of the Law Officers. International law including those involving events in East Asia were dealt with by the Queen's Advocate, which was the third ranked of the Law Officer, although all three lawyers signed the reports. Established international lawyers, such as Robert Phillimore (1862-1867) and Travers Twiss (1867-1872), were appointed as the Queen's Advocate. Although the position remained vacant after 1872, James Parker Deane was appointed to do the same work.[15] While many of their reports dealt with daily legal matters in foreign settlements, they sometimes provided opinions about delicate problems. Their opinions, however, have scarcely been analysed by both historians or legal scholars.[16]

Law Officers' reports in terms of East Asia were generally abstract and obscure. This is primarily because they lacked the knowledge, information, experience, and authority on East Asia, in comparison with British diplomats in the area. Their opinions were therefore highly depended on diplomats' assessment of the situation, especially in drastically changing circumstances. For example, regarding the hostility between the Bakufu and the Chōshū domain in the Bakumatsu period, while the Law Officer provided some reports on the activity of British subjects in Japan based on the orders-in-council, their reports generally expected the British minister to Japan to issue proper regulations for British subjects if necessary.[17] During the Boshin war in 1868-1869, the Law Officers were reliant on the discretion and decision-making of Sir Harry Parkes.[18]

However, this feature also meant their opinions were relatively neutral, objective, and divorced from regional political considerations that influenced the legations in East Asia. They tried to apply the rule of law rather than intentionally interpreting treaties and interpreted regulations in favour of their people's interests.[19] Moreover, they sought to apply English common law even in the

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[15] 'Dept. Committee to inquire into System on which Legal Business of Government is conducted. First, Second and Third Reports, Minutes of Evidence, Appendix, House of Commons Papers, 1877', p. 33

[16] F. O. 83 (The National Archives in Kew) is the series of the Law Officers' reports in relation to foreign affairs: for example, F. O. 83/2298, 2299 (Japan), F. O. 83/2247-2253 (China).

[17] F. O. 83/2298, Law Officers' Report, 137 Japan, 10 April, 1865

[18] F. O. 83/2299, Law Officers' Repot, 224 Japan, 24 April, 1868; 252 Japan, 12 May, 1868; 296 Japan, 30 July, 1868

[19] In some cases there were exceptions. For example, the Law Officers provided political strategies to diplomats when they believed Japanese officials tried to pursue their political interests with regard to the payment for fines by British subjects pertaining to shooting. F. O. 83/2299, Law Officers' Report, 103 Japan g., 22 March, 1875

Far East.[20] Notably, they earnestly exchanged several letters with Parkes to ensure Parks maintain British neutrality during the Boshin war.[21] Their stances were at times contradictory to Foreign Office policy in general and especially to the resident British minister's policy. The Law Officers tended to allow the Japanese government wider administrative control over the treaty ports than British diplomats expected.[22] More significantly, during negotiations over the right of foreign nationals to travel into the Japanese interior in 1873, they expressed the view that the most-favoured-nation clause in the treaty with Japan should be understood as conditional rather than unconditional.[23] British diplomats in Japan previously asserted an 'unconditional' interpretation, particularly during the Iwakura Mission in 1871-1873 to prevent the mission from accomplishing treaty revision with the US.[24] As this was integral to the goals of British diplomats in Japan, it seems Parkes even ignored the Law Officers' report.[25]

Two reasons could explain the Law Officers' opinions. First, from a philosophical perspective, the Queen's advocate was appointed not from among the common law lawyers but rather from the civil law lawyers in the Doctors' Common, who specialised in Roman and Canon law.[26] Their approach to international law was fundamentally based on a natural law perspective in a broad sense. They wrote their opinions for the government from a practitioner's viewpoint, and from a Western-centric viewpoint.[27] Second, for practical reasons, the Law Officers' institutional role in the state apparatus was to maintain the rule of law, even among legations abroad. Even

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[20] F. O. 83/2299, Law Officers' Report, 254 Japan g., 16 July, 1873

[21] F. O. 83/2299, Law Officers' Report, 215 Japan, 9 April, 1868; 224 Japan, 24 April, 1868; 252 Japan, 12 May, 1868; 296 Japan, 30 July, 1868; 567 Japan, 31 August, 1868; 124 Japan, 13 March, 1869

[22] For example, F. O. 83/2299, Law Officers' Report, 217 Japan g., 30 May, 1873; 200 Japan g., 5 July, 1876; 144 Japan g., May, 1876

[23] F. O. 83/2299, Law Officers' Report, 298 Japan g. 15 September, 1873. It was firstly pointed out by Hirose Yasuko, op.cit. No. 11, p. 20, 21

[24] Hagiwara Nobutoshi, op.cit., Vol. 9

[25] Hirose Yasuko, op.cit., No. 12, p. 55, 1974

[26] J. Ll. J. Edwards, *The Law Officers of the Crown: A Study of the Offices of Attorney-General and Solicitor-General of England with an Account of the Office of the Director of Public Prosecutions of England,* London; Sweet & Maxwell, 1964, p. 132, 133. In terms of the role of civil lawyers in the development of international law, See Arnold McNair, 'The Debt of International Law in Britain to the Civil Law and the Civilians', *Transactions of the Grotius Society*, Vol. 39, 1953

[27] F. O. 83/2299, Law Officers' Report, 242 Japan, 26 June, 1865. The Law Officers admitted Japan had a jurisdiction regarding Europeans from the countries which did not conclude treaties with Japan, but wrote it should be tempered by advice and moral control by Christian people.

Parkes had a somewhat natural law perspective with regard to international law. However, his intention was to protect and expand British nationals' political and commercial interests by asserting that these were natural under international law.[28] In contrast, the Law Officers' opinions were aimed at deterring abuses of the law, as well as providing legal protection for British subjects' rights and interests in foreign countries. It was therefore natural for the Law Officers to have different intentions from diplomats. This inevitably led to controversy between them.

However, the raison d'être for the civil law approach had been questioned by many lawyers in the 1860s and 1870s. Civil law lawyers were regarded as old-fashioned, and positive law interpretations of international law were gradually prevailing in academia. What is more, as the legal aspects of foreign affairs increased dramatically, it became impossible for the Queen's advocate to provide reports on all these issues.[29] After Twiss' retirement in 1872, the office of Queen's advocate was abolished. James Parker Deane was appointed to substantially take over his job, but his formal position was unclear.[30] For these reasons, the Foreign Office established the post of full-time resident legal adviser in 1876, to which Julian Pauncefote was appointed.[31] These personal and institutional changes provided an institutional background for the discussion on international law and East Asia in the 1870s and demonstrate that its role within diplomacy was still evolving even in the West.

3. Initial discussion of exclusive 'standard' in absence of non-Western countries: Western international lawyers 1873-1876

The idea of the ARCLN was firstly proposed by American peace activists Elihu Burritt and James Miles. Under the auspices of David Dudley Field, an established lawyer who dedicated himself to the codification of American civil law and subsequently the law of nations, Miles went to Europe to cultivate support among Western lawyers for the formation of an association to codify the

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[28] Sawai Isami, op.cit., p. 137

[29] J. Ll. J. Edwards, op.cit., p. 137, 138

[30] 'Dept. Committee to inquire into System on which Legal Business of Government is conducted. First, Second and Third Reports, Minutes of Evidence, Appendix' op.cit., pp. 33-37

[31] J. Ll. J. Edwards, op.cit., p. 139

law of nations. After that, the ARCLN was founded in Brussels in 1873.[32]

Two obvious features can be seen in the early stages of the ARCLN. First, it was constituted not only by legal scholars but also by various practitioners including judges, diplomats, and others. Second, the goal of the association was to formulate the code of the law of nations, reflecting the peace movement for international arbitration as a substitute for war, which had been triggered by the *Alabama* case.[33] Annual conferences of the ARCLN had wide-ranging agendas, but items under discussion were relatively idealistic ideas. Former Queen's advocates, Phillimore and Twiss, were important members of ARCLN. Twiss played a leading role at every conference in its early stages.

The ministry of foreign affairs in Japan was interested in the ARCLN almost from its inception. Kawase Masataka, the Japanese minister to Italy from 1873, was ordered to attend the second annual conference held in Geneva in 1874. He did not, however, seemingly participate in any substantial discussion. Rather, his intention lay in simply participating. He thought friendly relationships between European countries were 'the reason why civilised countries are certainly civilised', and 'as I was ordered to attend Geneva conference, I am going to go there around September, where I will try the elementary school of civilisation [文明之ヱレメンタルスクールを相試可申候]'.[34] Although he made a speech at the conference, because he could only speak Japanese, no one could understand it. A newspaper therefore only noted in appreciation his low, soft and natural voice. His speech of congratulations and gratitude was translated into English and reproduced in French by Prof. Jousserandot. Jousserandot also provided information about extraterritoriality and consular jurisdiction in the Orient.[35] Despite his performance, Kawase reported that he gained special interests, became acquainted with many legal scholars, and received much kindness about everything.[36] Later, Kawase became one of the vice-presidents of ARCLN.[37]

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[32] ARCLN, *Reports of the First Conference Held at Brussels, 1873, and of the Second Conference Held at Geneva, 1874*: London; West, Newman & Co., 1903, p. vi, v

[33] Ibid., pp. V-Viii

[34] Kawase Masataka to Kido Takayoshi, 19 July, 1874, KTKM, Vol. 2, p. 193

[35] 'Le Conférence de Droit International', *Journal de Genève*, 13 Septembre 1874. Probably because of this result, the official report of the second conference did not refer to Kawase's speech at all.

[36] Kawase Masataka to Kido Takayoshi, 22 September, 1874, KTKM, Vol. 2, p. 194

[37] ARCLN, *A Summary of the Proceedings of the Third Annual Conference Held at the Hague September 1st-6th, 1875*: London; William Clowes and Sons, 1875, p. 32. Howland writes that Ueno Kagenori is the first Japanese member, but this is simply wrong (Howland, op.cit., p. 39).

While ARCLN welcomed Kawase's attendance and was regarded by him as a symbol of Western civilisation, he acknowledged the political nature of its ideals. In a private conversation with international lawyers at the conference, Kawase sought to discover whether it was possible to submit the Russo-Japanese territorial dispute to international arbitration, which was not widely accepted by Western lawyers. Instead, ARCLN lawyers intensely discussed the possibility of international arbitration regarding the Taiwan expedition (the Mudan incident) in 1874. Kawase wrote that the contradiction was due to military power. Although it would be difficult to impose the results of arbitration on Russia, one of the great powers, it would be easier to do this on China and Japan owing to the weakness of their respective armed forces.[38] For Kawase, the nature of the ARCLN was not only legal and idealistic, but also inherently political.

The ARCLN's interest in the applicability of international law to Asia at first appeared to spring from its ardour for expanding international arbitration. For example, the arbitration of *María Luz* incident between Japan and Peru was conducted by the Russian emperor in 1875.[39] In addition to this, at the third conference in The Hague in 1875, Miles stated that international arbitration was gradually accepted, by adding 'even Japan and China, the other day, had accepted the decision of Mr. Wade, the British Minister in Pekin [Beijing], on the occasion of the murder of certain Japanese on the island of Formosa'.[40] This means the discussion about international law and East Asia was conducted only among Western international lawyers at ARCLN, excluding non-Western participation.

At the ARCLN fourth conference in 1876, a controversy arose among Western international lawyers in terms of the 'principles of international law to govern the intercourse between Christian and non-Christian peoples'. Joseph Parish Thompson presented a paper on 'The Intercourse of Christian with non-Christian people'.[41] Thompson introduced the idea of a Christian and non-Christian division because he held the civilised-uncivilised dichotomy was unsuitable 'since Japan and China have a fair title among civilised nations', and 'inasmuch as modern international law was born of Christian sentiment in Grotius, and now obtains throughout Christendom, the division is

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[38] Kawase Masataka to Kido Takayoshi, 8 April, 1875, KTKM, Vol. 2, p. 206, 207

[39] In terms of Maria Luz incident, See for example, Morita Tomoko, op.cit.

[40] 'Conferences on International Law' *Times*, 4 September, 1875. This type of viewpoint was clearly different from Japanese and Chinese ones.

[41] This paper was subsequently collected in his book *American Comments on European questions, international and religious*: Boston MA: Houghton, Mifflin and Co., 1884, pp. 104-131

fair'. Concretely analysing the circumstances of non-Christian nations from the perspective of territory, commerce, humanity, public peace and order, and religion, Thompson concluded intercourse should be conducted based on law and justice, and particularly 'it should recognise and express the obligation of higher and more favoured peoples to protect the weak and elevate the low'. His paper was supported by several participants at the conference.[42]

Opposing viewpoints also arose. William Lloyd Birkbeck, a professor in Cambridge, opposed Thompson's treatment of non-Christian countries, by asserting it did not distinguish between 'Turkey, Japan and India, with their civilisation and historical importance' and 'the savage races who stood lowest in the scale of humanity'; moreover, arrogation of religious superiority should not be involved in the theory. Sheldon Amos, a professor of jurisprudence at the University of London, indicated 'the necessity of distinguishing between moral and legal forces'. He also suggested the Committee consider the extent to which existing rules of international law could be applied, and how international law could be extended, to non-Western political communities, as well as the applicability of moral rules as a substitution for general law to uncivilised nations. [43]

This discussion clearly shows that, at least in 1876, there was no agreement about the 'standard of civilisation'. Thompson, as an American idealist lawyer and Christian anti-slavery activist, tried to characterise legal relations between Western and non-Western worlds as those between Christian and non-Christian countries, although at the same time he was a strong supporter of religious freedom.[44] Birkbeck, as a scholar who drew a historical sketch of English law,[45] relativized Western civilisation and religion, and introduced the 'savage' category based on his own historical viewpoint. Amos was apparently inclined to exclude positive rules from Western—non-Western relations, but include morality into them, as a positive international lawyer. He had stated in a lecture to the students of the Inns of Court that, as distinct from international morality, it was difficult to extend strict law to countries such as China and Abyssinia because 'it is essential, then, that there should be some correspondence between the States in regard to the standard of Moral feeling existing in each, and that there should be a common language, —not identity of language, but some lan-

[42] Ibid.; ARCLN, *Report of the Fourth Annual Conference, Held at Bremen, September 25th-28th, 1876,* London; William Clowes and Sons, 1880, pp. 30-32

[43] Ibid., p. 32

[44] Joseph Parish Thompson, 'The Intercourse of Christian with non-Christian people', *American Comments on European questions, international and religious*, p. 129, 130

[45] William Lloyd Birkbeck, *Historical Sketch of the Distribution of Land in England with Suggestions for Some Improvement in the Law,* London: Macmillan, 1885

guage, such as Latin or French, with which each nation is conversant and which may be used as a channel for the expression of International Law'.[46]

At the fifth conference in Antwerp in 1877, the committee of ARCLN which dealt with this matter reached a prima facie conclusion. The committee admitted existing international law was imperfect as a principle to bind Christian countries in their intercourse with non-Christian countries. In light of the fact that 'Japan and China have now been happily received into the comity of nations', Western civilised governments should exert moral influence on non-Christian peoples to persuade them to reform their laws if they were unjust and barbarous, although resorting to force should be avoided.[47]

So, there was a mixture of various ideas (idealistic, religious, historical, and positivist ideas) regarding the 'standard' (not the 'standard of civilisation' yet), which is far from the typical description historians provide of Western lawyers in the 1870s. In addition, the 'standard' at this point tended to emphasise only the essential difference between Western and non-Western values, and did not provide any requirements to meet the 'standard'.

It goes without saying that this conclusion was unsatisfactory. To investigate the reality of non-Western countries, particularly East Asian ones, and to reach a conclusion about the matter, Western international lawyers realised the need to invite participants from the area, not as observers of civilisation, but as substantial contributors. In fact, China and Japan's diplomats attended the subsequent conference, which altered Western lawyers' original concerns and demands.

4. Obscure but inclusive 'standard of civilisation': China and Japan's participation in 1878

Ueno Kagenori, Japan's minister to Britain since 1873, and Guo Songtao, China's minister to Britain since 1876 (and France since 1878), decided to attend the sixth conference in Frankfurt am Main in 1878.[48] They had a close relationship since the beginning of Guo Songtao's stay in London. Guo Songtao especially had received useful information regarding Japan's governmental

[46] Sheldon Amos, *Lectures on International Law delivered in the Middle Temple Hall to the Students of the Inns of Court,* London: Stevens and Sons, 1874, p. 17, 18

[47] ARCLN, *Report of the Fifth Annual Conference, Held at Antwerp 30 August to 3 September,* London; William Clowes and Sons, 1878, p. 58

[48] On Guo Songtao's attitude towards the ARCLN, see Zhang Jianhua, 'Guo Songtao yu wanguo gongfa hui' [Guo Songtao and the ARCLN], *Jindaishi yanjiu* [The Studies of Modern History], No. 133, 2003

system, education, and other modernisation policies through his meetings with Ueno.[49] Despite having already known the name of Association,[50] Guo Songtao did not learn about the ARCLN in detail until Ueno informed him about it in 1878. On 21 March, Ueno provided a concrete explanation of the ARCLN including the nature of the association and the next annual conference. Ueno emphasised that Western countries could maintain their intra-relations because of the legal scholars' efforts, and told Guo Songtao 'Japan and China should seek to once attend the conference'.[51] Ueno also gave the ARCLN's *Report of the Fifth Annual Conference, Held at Antwerp* to Guo Songtao on 4 April, from which the latter gained further information such as the topics discussed at the conference.[52] Ueno introduced Guo Songtao to Twiss and the two met to talk about the next conference.[53] Twiss also gave Guo Songtao a brief lecture on the history of international law on 30 July.[54]

However, Guo Songtao decided not to attend the conference but instead to send Ma Jianzhong, a young student in Paris who later became an outstanding diplomat and leader of the self-strengthening movement.[55] Two reasons account for this: first, the Chinese government would not admit Guo Songtao's attendance, considering the case of the International Telegraph Union; Second, Ma Jianzhong was the more appropriate person to go. As a student at École Libre des Sciences Politiques, Ma Jianzhong was one of the first Chinese who studied international law at a Western university.[56]

Contrary to Guo Songtao's favourable but cautious attitude, Ueno was quite enthusiastic from the beginning. Ueno was recommended to attend the conference by Western lawyers, probably Twiss, and reported to Terashima Munenori (Minister of foreign affairs) that he had been elected as

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[49] Guo Songtao, *Lundun yu Bali riji* [The Diaries in London and Paris], Changsha; Yuelu shushe, 1984. 20 July, 1877; 28 October, 1877; 3 November, 1877; 23 December, 1877; 11 February, 1878

[50] Ibid., 17 September, 1877

[51] Ibid., 21 March, 1878

[52] Ibid., 4 April, 1878

[53] Ibid., 31 May 1878

[54] Ibid., 30 July, 1878

[55] Ibid., 18 August, 1878. Regarding Ma Jianzhong as a historical figure, See Banno Masataka, *Chūgoku Kindaika to Bakenchū* [The Modernisation of China and Ma Jianzhong], Tokyo; Tōkyō Daigaku Shuppankai, 1985: Okamoto Takashi, *Bakenchū no Chūgoku Kindai* [Ma Jianzhong and Modern China], Kyoto: Kyōto Daigaku Gakujutsu Shuppankai, 2007

[56] Zhang Jianhua, op.cit., p. 289, 290

a vice-president of the ARCLN and asked for permission to accept the position.[57] After explaining the detailed situation to Inoue Kaoru, one of the Meiji leaders who had just returned to Tokyo from London at the time, Terashima allowed Ueno to accept it.[58]

At the conference, the two East Asian ministers presented their papers. There was a clear contrast in that reflected their distinct attitudes. In his written statement, Guo Songtao, despite being desirous to learn international law, said ‘China is not in a position to adopt the Law of Nations at once', referring to the difference between China’s administrative system and the Western model.[59]

In contrast, Ueno posed two concrete problems in regard to Japan’s 'unequal treaties’; a subject which Guo Songtao did raise at all. The first problem was foreign trade. Ueno complained that treaty powers 'pretend to have the right to be consulted and satisfied, and by such action desirable changes are rendered most difficult, if not impossible'. The second problem was consular jurisdiction; about which he claimed ‘so long as a system of consular jurisdiction contrary to the sovereign rights of a country is insisted on, so long should that system be conducted on sound principles of justice and administration'. In particular, Ueno pointed to the incompetency of the administering justices, and the inappropriate system for appeals in which cases needed to be heard in distant courts outside Japan.[60]

After Ueno, Stuart Lane, a secretary of the Japanese Legation in London, provided additional information to reinforce Ueno’s statement. Emphasising the intelligence of Japanese people (for example, one student had obtained very high honours in Cambridge), Lane enumerated concrete cases of abuse by foreign people in matters of consular jurisdiction and custom administration involving foreign banks, lighthouses, game laws, taxes, unqualified consuls and the system of appeal. Lane asserted that Japan at present did not refuse extraterritoriality per se, but in accordance with its progress and changes, Japan wanted to restore national sovereignty to a degree that would allow for the improvement of several unsatisfactory situations.[61]

Guo Songtao, Ueno, and Lane’s statements helped lead to the conference passing resolutions in the hope that relations between Europe and Asia ‘may be from time to time modified in

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[57] DNGM, Vol. 11, p. 327

[58] DNGM, Vol. 11, p. 328

[59] ARCLN, *Report of the Sixth Annual Conference, Held at Frankfort-on-the-Main, 20-23 August, 1878,* London: William Clowes and sons, 1879, p. 40

[60] Ibid., p. 39

[61] Ibid., p. 41, 42

conformity with the advance in the principles of law and procedure, which the Association meets to promote', and that sovereign rights needed to be recognised 'so far as the the interests of substantial justice and righteous procedure, of humanity and civilisation, may admit'. Furthermore, the committee that dealt with this topic was reestablished, and Lane and Halliday Macartney, a secretary of the Chinese legation in London, were appointed as members.[62]

This result shows a certain success for Ueno and Lane's strategy regarding Japan's treaty revision. Before the conference, on 10 March 1878, Ueno had received instructions from Terashima to start negotiations for treaty revision with the British government.[63] In the attachment to this instruction, Terashima listed the instances of interference by Western ministers in Japan in relation to port administration and consular service, most of which corresponded to the cases that Ueno and Lane submitted to the conference.[64] Following Terashima's basic line, Ueno tried to appeal for treaty revision to the Western international lawyers within the ARCLN. The invitation to Guo Songtao was presumably intended to gain an ally for this purpose. Ueno succeeded in changing the Western lawyers' view. They admitted the improvement of 'unequal treaties' as far as the progress of law and procedure, and humanity and civilisation. Ueno also gained an advantage by putting Lane on the committee.

Moreover, Ueno was subsequently invited to the Paris conference of the Institut de Droit International, a scientific body constituted by international legal scholars,[65] just after the ARCLN conference.[66] There, Twiss expressed his opinion that the question of the application of international law to Oriental countries should limit itself to China and Japan. Also, relations with these countries should be treated differently in accordance with their respective progress towards civilisation. Twiss also referred to the problems of the Christian religion and the administration of justice, in which

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[62] Ibid., p. 42, 43

[63] JKKDNGM, Vol. 1, pp. 392-394

[64] JKKDNGM, Vol. 1, p. 396

[65] The Institut de Droit International was an organisation built in the same period with ARCLN. Contrary to ARCLN, it sought to be a scientific body constituted only by established legal scholars. It also had an interest in the applicability of international law to non-Christian countries, in which Twiss was a leading figure. On the institute and East Asia, Howland, op.cit.; Harada Merisa, 'Jūkyu Seiki Ajia no Kokusaihō Juyō to Bankoku Kokusaihō Gakkai' [The Learning of International Law and The Institut de Droit International Law in the nineteenth-century Asia], bachelor's thesis, University of Tokyo, 2011; Harada Merisa, 'Jūkyū Seiki Kōhan no Chūgoku ni okeru Kokusaihō wo meguru Jōkyō' [The Situation Regarding International Law in the late nineteenth-century China], *Higashi Ajia Kindaishi* [The Journal of Modern East Asian History], No. 16, 2013

[66] DNGM, Vol. 11, p. 328, 329

Twiss incorporated information from Asian diplomats.[67] It is obvious that Ueno substantially co-operated with Twiss in this respect.

Compared to Ueno, Guo Songtao did not seemingly achieve a huge success. As described in Chapter 5, he was limited by the Chinese government's desire to maintain its own hold over foreign policy-making even after the establishment of its first foreign legations. It therefore restricted Guo Songtao diplomatic activities in order to avoid domestic disputes within the government. It is well known that Guo Songtao's diary account of his journey to Europe was published in China and that this led to him being severely criticised by conservative groups in and outside Beijing, which eventually led to his return to China in 1879.[68] Also, the need for treaty revision itself was not widely shared among Qing practitioners. In this situation, it was undoubtedly impossible for Guo Songtao to openly make an appeal for treaty revision following Ueno's example. In addition, facing disputes with Japan in Taiwan, Korea, and Ryukyu, Chinese diplomats had complicated sentiments about Japan. These complications may have prevented Guo Songtao from fully cooperating with Ueno.

Moreover, Ma Jianzhong did not work well as a substitute for Goo Songtao at this conference. First, although Ma Jianzhong had learned international law in Paris, his attitude towards it was quite cynical. Ma Jianzhong wrote in 1878 that 'there is a divergence of opinions among Western international law scholars. It is not because their logic is unclear, but because their interests are different from each other. Although the basis is one, there are dozens of various schools. It is difficult to choose. Therefore, negotiators only use the law of nations to justify their own interests'.[69] As a young talented man, but too cynical to associate with others, it does not seem Ma Jianzhong did his work well. Ma Jianzhong did not even fully report the content of discussions at the conference to Guo Songtao, which made Guo Songtao a little unsatisfied.[70]

Zeng Jize, the next Chinese minister to Britain and France, followed a similar line to Guo Songtao. In meeting Twiss on 3 July 1879, Zeng Jize told him that China had always dealt with foreign relations with Western powers based on the law of nations, but it was quite difficult to

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[67] Institut de Droit International, *Annuaire de L'institut de Droit International: Troisième et Quatrième années*, Vol. I, Brussels: Librairie C. Muquardt, 1880, pp. 300-305

[68] Immanuel C. Y. Hsü , op.cit., pp. 201-203

[69] Ma Jianzhong, 'Bali fu youren shu' [Reply to Friend from Paris], Ma Jianzhong, *Shikezhai jiyan* [The Records Ma Jianzhong], Beijing: Zhonghua shuju, 1960, p. 36

[70] Guo Songtao, op.cit., 10 September, 1878

rapidly alter its whole foreign policy, especially China's special relations with the small tribute states. However, as the essence of law of nations is the underlying principle of the reason [*li*; 理], the difference was not great.[71] For Chinese diplomats, at least in the 1870s, the natural law perspective on international law could be used in order to justify the East Asian status quo and delay of China's full-adaptation of international law. At the same time, Guo Songtao and Zeng Jize asserted that the independence of small tribute countries should be protected by the law of nations.[72] Conversely, this interpretation of international law was compatible with the exclusive 'standard' and international arbitration among Western international lawyers prior to 1878, which had been challenged by Ueno.

Ueno's success, however, did not lead to the accomplishment of treaty revision because Terashima's strategy considerably differed from Ueno's approach and experiences in Europe.

First, Terashima's strategy was to begin with practical tariff problems, and step by step, ultimately reform the 'unequal treaties'.[73] This is the reason why, although the main issue was the tariff tax, Terashima added and attachment detailing a variety of Western minister's administrative offences. Terashima said that the attached complaints should be used only when the negotiation partner asked for a concrete explanation of the administrative interferences besides tariff problems. Japan's ministers were not to voluntarily explain these issues because it could upset Terashima's gradual strategy.[74] Having received his instructions, however, Ueno was opposed to Terashima's policy which emphasised Japan's need to increase tariffs in order to bolster poor governmental revenue. Ueno predicted the British government would find this disreputable. As he could not change the policy, in May 1878 he unwillingly submitted it to the British foreign secretary, Lord Salisbury, who opposed Japan's restoration of tariff autonomy but generally allowed the increase in tariffs.[75] Ueno's made his earnest appeal to the ARCLN in order to gain general support from established Western international lawyer inside and outside government. Although he was prohibited from using the list of complaints in this way, Ueno deemed it necessary to improve the atmosphere surrounding tough government-level talks.

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[71] Zeng Jize, *Zeng Jize riji* [The Diaries of Zeng Jize], Beijing: Zhonghua shuju, 2013, 3 July 1879

[72] Okamoto Takashi, *Chūgoku no Tanjō: Higashi Ajia no Kindai Gaikō to Kokka Keisei*, pp. 106-114

[73] Iokibe Kaoru, op.cit., pp. 53-56

[74] JKKDNGM, Vol. 1, p. 395

[75] JKKDNGM, Vol. 1, pp. 536-542

Second, Ueno realised there were differences of opinions between the Foreign Office and Harry Parkes, who had always adopted a fierce policy toward Japan based on the Western merchants' interests in Japan settlements. Ueno tried to deepen the split between them as a negotiation tactic.[76] Ueno had good reason to do so. The official who handled negotiations with Japan was Julian Pauncefote, an assistant under-secretary of state for foreign affairs. He had originally been a lawyer having worked in Hong Kong government, but since 1876, mainly dealt with legal issues in British foreign relations.[77] When Pauncefote met Lane on 4 October 1878, their discussion went beyond the tariff issue to consular jurisdiction. Pauncefote asked Lane to explain his ideas on consular jurisdiction because 'you must be thinking on this problem in detail. I know that you made a speech about it in Frankfurt am Main'.[78] Although their discussion of alternative legal systems was unofficial and private, Ueno and Lane might have thought indirect appeal would reach the British government's lawyer and cultivate a cooperative mood.

Considering the divisions between lawyers and diplomats in British foreign policy-making, there seemed to be hope for success. However, this hope was simply an illusion. First, Pauncefote was not a civil law lawyer but a common law lawyer. He therefore did not share the relatively sympathetic view of East Asian countries based on natural law, like Twiss. Second, he was obviously a diplomat, not an apolitical lawyer. Third, and most importantly, the institutional unification between legal and East Asian issues after 1876, in which a lawyer within the Foreign Office dealt with international legal matters, enabled Pauncefote to influence negotiations. In reality, Pauncefote and Parkes were opposed to Japan's restoration of tariff autonomy. He adopted a superficially cooperative attitude towards Ueno and exaggerated the differences between the Foreign Office and Parkes in Tokyo, with the aim of confusing Japan's strategy. For this reason, Ueno gradually altered his line in accordance with London's opinion, thinking Terashima's policy was unrealistic. This exacerbated differences between Terashima and Ueno (and other Japan's ministers), one of chief reasons Terashima's treaty revision negotiations failed.[79]

Nevertheless, Ueno's efforts at the ARCLN conference resulted in the establishment of an inclusive 'standard of civilisation'. Both Terashima and Ueno were replaced in 1879. The next for-

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[76] Iokibe Kaoru, op.cit., p. 63, 64

[77] In terms of Pauncefote, See for example, Leigh Wright, *Julian Pauncefote and British imperial policy, 1855-1889,* Lanham Md: University Press of America, 2002

[78] JKKDNGM, Vol 1, p. 555

[79] Iokibe Kaoru, op.cit., pp. 63-70

eign minister, Inoue Kaoru, and the next minister to Britain, Mori Arinori, continued approaching Western international lawyers with a new strategy for treaty revision.

5. Establishment of the practical and positive ‘standard of civilisation’: Mori’s trial and error toward Western international lawyers 1879-1881

Japan’s cooperation with the ARCLN continued after 1878. Ueno had asked Terashima to send him drafts of Japan’s new domestic laws, including those of the civil code, criminal code, and criminal procedure code. Ueno also asked for documents relating to the abolishment of torture if the drafts of codes were still incomplete.[80] Although the 1871 civil code, the new draft of criminal codes, and the document relating to the abolishment of torture were sent to Japanese legation in London in May,[81] they were not reflected in the ARCLN discussion initially, probably because of Ueno’s return to Japan in 1879.

At the seventh annual ARCLN conference in London in 1879, Gerard Anton van Hamel, a counsel to the Dutch Ministry of Law, expressed his opinion on the matter of extraterritoriality in China and Japan. Van Hamel pointed out that ‘Now, the diplomatic bodies of those countries wish to see their endeavours sustained by a vote of this Association, and under these circumstances a resolution of the Association should be very carefully considered', argued that 'this essentially practical question be not decided upon purely theoretical grounds'. Van Hamel argued four conditions should be fulfilled before the abolishment of extraterritoriality. First, China and Japan should have laws in accordance with principles in Western countries. He asserted that, in Japan a positive civil code did not exist, the criminal code and procedure were unsatisfactory, and there was doubt whether torture had completely ended. Van Hamel also required a guarantee that the laws would not be changed afterwards in a reactionary sense, and that the country would remain open to free trade. Fourth, van Hamel regarded the administration of justice as ‘the main point of question'. Based on information from the Dutch consul in Japan, Van Hamel criticised Japanese judges for always ruling in favor of Japanese natives. Van Hamel summarised, 'as the question of extra-territoriality does not formally affect the sovereignty of the two Asiatic governments, inasmuch as the extra-territorial jurisdiction

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[80] DNGM, Vol. 12, p. 258, 259

[81] DNGM, Vol. 12, pp. 259-265

is a concession stipulated by legal treaties, it may be said that the abolition of the extra-territorial clause is but a question of time, and that, if wished by the Chinese and Japanese governments, the abolition will someday be a fact- someday, but not for many years'.[82]

Van Hamel's long report opened a new phase in discussions of the 'standard of civilisation'. After the general agreement on the necessity for a 'standard of civilisation' in the previous year, the concrete requirements to pass the standard became the main topic of discussion. The main issue here was the degree of legal progress required, which was closely related to the assessment of the current situation of non-Western countries. Van Hamel's remarks, obviously based not on moral and theoretical but on his strict positive law perspective, strengthened this point. Some participants expressed similar ideas to Van Hamel's. Twiss, however, admitted, 'the question of extra-territorial jurisdiction eminently presented a case in which what was most defensible in theory might easily be least expedient in practice', referred to the necessity of being 'treated differently in different countries', and expected the deliberations within the Japanese government involving Ueno would bring a fruitful result to the ARCLN committee.[83]

Instead of Ueno, Mori Arinori became the Japanese minister to Britain after 1879. Mori, a well-known leader and advocate for radical Westernisation in Japan and former vice-minister of foreign affairs at the time of Terashima's negotiations, adopted a much more active approach toward Western international lawyers, in response to the opposing lawyers such as van Hamel.

At the eighth ARCLN conference in Berne in 1880, the Japanese delegate was Irie (later Hozumi[84]) Nobushige. Irie had just graduated from King's College London and become a barrister at the Middle Temple in 1879. Afterwards, he became a professor at Imperial University of Tokyo and contributed to the draft of the Meiji Japan's civil code. At the conference, Irie After argued Japan's progress was 'entirely exceptional' compared to other Asiatic and Islamic states. He then introduced some concrete suggestions for the treaty between Japan and Western powers, stating, 'consular jurisdiction, as the Congress is well aware, as it exists in Japan, is based solely upon treaty arrangements between that country and other powers'. Irie submitted two problems; consular court was inefficiently operated and Westerners' routinely abused privileges provided by extraterritoriality. Regarding the first point, by citing various examples, Irie criticised the incompetence of consu-

[82] ARCLN, *Report of the Seventh Annual Conference, Held at the Guildhall, London, 11-16 August, 1879,* London: William Clowes and Sons, 1880, pp. 208-213

[83] Ibid., p. 214

[84] JKKDNGM, Vol. 2, Editor's note., p. 670

lar judges: difficulties in cases between foreigners of different nationalities, the difficulty in procedures regarding consular jurisdiction, and the need for a proper court of appeal. Regarding the second point, Irie argued the abuses of extraterritoriality prevented the Japanese government from enforcing a variety of regulations and emphasised the treaty should be interpreted on the premise that 'every word should be taken in its plain and ordinary meaning' according to Phillimore's *Commentaries upon International Law*. To summarise, Irie argued, 'in the meantime, pending a more satisfactory solution of the question, consular jurisdiction in my country should be strictly limited in accordance with a reasonable interpretation of the treaties themselves and be rendered respectable and effective by the establishment of proper tribunals and a proper course of procedure'.[85]

Irie's remark was tentatively accepted by the other participants, including Twiss. Then, John Davidson, a former legal adviser to the Japan's government, voiced his opinion. Introducing the general progress of Japan in almost all areas, including education, science, trade, industry, and particularly law and the legal system, Davidson asserted, 'thus in Japan foreign life and property are now perfectly safe'. Accordingly, he suggested the adoption of the mixed court or that of foreign judges sitting in a Japanese court as a substitute for consular jurisdiction, stating a mixed court would be better.[86] (The mixed court had been adopted in Egypt at that time. The court had both Western and Egyptian judges, and they applied a specially drafted law that was a mixture of Western and Islamic law. On the other hand, the adoption of foreign judges meant Japanese and Western judges in Japanese court would apply Japanese laws to foreigners). The president of the ARCLN showed quite a sympathetic attitude to 'its Japanese friends', especially Mori who attended the conference.[87]

It could be said Mori's active approach bore fruit at this conference. Mori explicitly regarded the conference as useful for his plans because consular jurisdiction was included in the subjects under discussion.[88] Mori's strategy was not simply to express Japan's position, but to control discussions as a whole behind the scenes. He made the conference advantageous to Japan by using two persons, Irie and Davidson.

As a young talented lawyer of around 25 years old, Irie's style of argument was radical and

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[85] ARCLN, *Report of the Eighth Annual Conference, Held at the Berne, August 24th-28th, 1880,* London: William Clowes and Sons., 1881, pp. 51-57

[86] Ibid., pp. 57-60

[87] Ibid., p. 61

[88] DNGM, Vol. 13, p. 471

a little provocative. However, he could effectively rebut the opinions of Western lawyers like Van Hamel. Using the same grounds of practical and positive legal interpretation, Irie claimed consular jurisdiction that was incomplete. Irie also criticised administrative abuses in the treaty, partly incorporating the natural law view into the interpretation of Japan's treaty with Western powers. Phillimore's textbook quoted from Emer de Vattel's *The Law of Nations*, and both of them relied hugely on Roman law in chapters on the law of treaties.[89]

Irie's studies in London cultivated a firm attitude. Irie audited the lectures of Edward Shepherd Creasy,[90] who affirmed that positive international law, which was separate from moral and universal international law, could be applied to non-Western states when they showed a recognition of such rule. According to Creasy, recognition was shown 'by proof of a general wish manifested by such States to be treated on terms of connected amity, and by proof of mutual observance of respect for rights, and for established international usages'. Creasy had also recently affirmed that China and Japan could be included in the community of positive international law.[91] Irie appeared confident that both natural and positive international law should be applied to 'exceptional' Japan, which he believed should be distinguished from other non-Western countries. This might be the reason why Mori appointed Irie as the Japanese government's representative.

Davidson's pro-Japanese argument reinforced the general development of civilisation and drew attention from other Western lawyers. However, Davidson did not take a neutral position. Mori had asked him to provide an opinion regarding the Japanese government's draft for a revised treaty prior to the ARCLN Bern conference.[92] Furthermore, after the conference, Mori sent Inoue notes on Davidson's above-mentioned speech, and a letter from Davidson to Mori that provided additional explanation.[93] Despite no explicit statement, this action indicated that Mori had a strong informal relationship with Davidson, and probably shared his ideas.

There are two reasons why Mori decided to take this approach. The first reason was, simil-

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[89] Robert Phillimore, *Commentaries upon International Law*, Vol. II, Second Edition, London: Hodges, Foster, & Co., 1871, pp. 101-104; Emer de Vattel, *The Law of Nations,* Dublin: Luke White, 1792, ss. 264-266

[90] Hozumi Nobushige, 'Ryūgaku Shimatsu Sho', *Shosai no Mado* [The Window of Author's Study], No. 35, 1956, p. 11

[91] Edward Shepherd Creasy, *First Platform of International Law,* London: John van Voorst, 1876, p. 130, 131

[92] JKKDNGM, Vol. 2, pp. 634-645

[93] JKKDNGM, Vol. 2, pp. 666-673

ar to Ueno's, appeal to Pauncefote, whom Mori always regarded as pro-Japanese.[94] Second, it was necessary for Mori to stress the seriousness of the consular jurisdiction problem, as a result of a recent change in diplomatic principles under Inoue's foreign ministry. Learning from the failure of Terashima's gradual strategy, Inoue first announced his pursuit of total reform of both extraterritoriality and tariff, and then through negotiation find a point of compromise with Western powers in the administrative level.[95] Inoue's instructions to Japan's ministers in Western countries on 22 May 1880, therefore, included a demand for reform concerning consular jurisdiction,[96] while explaining to Mori that this was not a serious change from Terashima's strategy.[97] Although Mori initially believed the government should concentrate only on tariff problem because it would take too much time to negotiate over consular jurisdiction,[98] he followed Inoue's line and started negotiations. This change, as Mori had assumed, left a negative impression on the British government.[99] Paradoxically, Mori needed to fully emphasise the importance of consular jurisdiction problem to assure the credibility of Inoue's bluff. Mori's followers conducted their intense appeal to the ARCLN for that purpose.

However, Mori's actions went far astray of Inoue's vision of treaty revision, especially the adoption of the mixed court system as a potential substitute for consular jurisdiction. Prior to the conference, Mori asked Inoue about the idea of adopting foreign judges to deal with cases relating to foreigners, to which Inoue replied 'Foreigners shall be tried in ordinary Japanese Court in the same way as Japanese subjects. There is however at present the question of appointment of foreign judges to be especially employed as Japanese judge[s] in case[s] when foreign interests are involved, but it is still under [the] consideration of the Government. You are not therefore authorised to mention this [to the] English Government'.[100] Having received the text of Davidson's speech at the conference which stated that mixed courts would be the best for Japan, Inoue worried about

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[94] JKKDNGM, Vol. 2, p. 613; Mori Arinori, 'Inoue Gaimukyō ate Kōbun An Meiji 14 nen 5 gatsu 13 nichi' Ōkubo Toshiaki et al eds, *Shin Shū Mori Arinori Zenshū* [The New Complete Works of Mori Arinori], Vol. 1, Tokyo: Bunsendō Shoten, 1997, pp. 413-415

[95] Iokibe Kaoru, op.cit., p. 94

[96] JKKDNGM, Vol. 2, pp. 13-68

[97] JKKDNGM, Vol. 2, p. 615, 616

[98] JKKDNGM, Vol. 2, p. 608

[99] Iokibe Kaoru, op.cit., pp. 99-102

[100] JKKDNGM, Vol. 2, p. 621; JKKDNGM, Vol. 2, p. 621, 622

Mori and Davidson's arbitrary actions. Inoue sent a long letter to Mori, saying, 'although Davidson seemed to give a speech as if he had been Japanese representative' and 'you seemed to publicly agree to his speech at the conference', 'Japanese government has rejected the mixed court system from the beginning; if a person tries to apply that system to Japan, he would bring great harm to us rather than benefit'.[101]

Mori was therefore required to alter his approach to the ARCLN. As the Japanese government on 1 April 1881 made an internal decision to adopt foreign judges if Western powers accepted Japan's claim regarding consular jurisdiction,[102] Mori apparently tried to bring the ARCLN in line with Japan's treaty revision principles.

At the ninth ARCLN conference in Cologne in 1881, Twiss presented a long paper which led to the conclusion of the discussion on international law and East Asia. Twiss first referred to the difference of civilisations between China, Japan, and Turkey; in distinction to the other two, Japan was a homogenous country and had already established religious freedom. Then, acknowledging problems within the administration of consular jurisdiction Irie pointed out in the previous year, Twiss suggested the 'institution of Special territorial Court, in which native and foreign judges should be associated, and which should be competent to exercise jurisdiction in all civil and commercial causes, where the parties should be of different nationalities' for the Japanese government, because it would be 'a step far in advance of the Egyptian system of mixed court'. In addition, Twiss introduced Japan's new penal code and criminal procedure law, both of which were published in 1880 and were based on French models. He added, 'I am informed that the Japanese Government have in course of preparation a new Civil and Commercial Code'.[103]

After his speech, Humphrey William Freeland, known as the man who gave the book *Self-Help* to Nakamura Masanao (a young overseas student in London and later Meiji Japan's leading enlightenment thinker[104]) introduced the contents of Japan's new penal and criminal procedure law. Freeland asked the ARCLN to adopt two resolutions; one that the ARCLN were gratified to hear Twiss's statement about Japanese new penal and criminal procedure law, and the other that it 're-

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[101] JKKDNGM, Vol. 2, p. 676

[102] JKKDNGM, Vol. 2, p. 691

[103] ARCLN, *Report of the Ninth Annual Conference, held at Cologne, August 16th-nineteenth, 1881,* London: William Clowes and Sons, 1882, pp. 129-140

[104] Fujii Yasushi, 'Nakamura Masanao ni Self-Help wo Okutta Jinbutsu' [A Figure who gave *Self-Help* to Nakamura Masanao], *Eigakushi Kenkyū* [The Journal of the History of English Studies], No. 25, 1992

cognises in the fact of their promulgation a noble effort on the part of an enlightened Government to bring its laws into harmony with the requirements of justice, of humanity, and civilisation'.[105] The motions were carried unanimously with Lane's and even Van Hamel's support. Finally, the ARCLN carried an additional resolution that the conference had listened with great interest to Twiss' suggestions to recommended Japan establish a 'special territorial court' as a measure of transition.[106]

It can be said that these resolutions established the 'standard of civilisation' for the first time, bringing domestic laws into harmony with justice, humanity, and civilisation. The 'special territorial court' was also situated as a concrete step for Japan.

The conference's resolutions were obviously the result of Mori's informal diplomacy and Western international lawyers' favourable response. By providing Twiss with information, and by bringing pro-Japan Westerners to support him, Mori succeeded in exerting indirect influence on the conference to bring it in favour of Japan's treaty revision. This was clearly shown in the fact that the resolution for a 'standard of civilisation' in terms of domestic legal system was made in parallel with the recommendation for the 'special territorial court'. More importantly, Twiss's idea of a 'special territorial court' was very similar to the Japanese government's idea of adopting foreign judges.[107] After the conference, Mori sent Inoue notes on Twiss's speech, stating 'I believe that his speech would be quite useful for Japan's treaty revision; I indirectly made considerable efforts to achieve it'.[108]

This 'standard of civilisation' became a solid legal assumption in subsequent negotiations. Although the matter of consular jurisdiction was originally a bluff in Inoue's strategy, it gradually became a useful diplomatic issue for resolving a wide variety of administrative difficulties in dealing with Western countries. After tough and complicated negotiations with politicians in Japan and

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[105] ARCLN, *Report of the Ninth Annual Conference, held at Cologne, August 16th-nineteenth, 1881*. pp. 140-143

[106] Ibid., p. 143, 144

[107] DNGM, Vol. 14, Kawakami's Note, p. 402. Howland regards the special territorial court as a 'special mixed court' and misunderstands that Twiss's paper and the ARCLN recommended 'some form of special mixed court' to Japan (Howland, op.cit., p. 44, 164). Due to insufficient documentary research, Howland fails to distinguish the content of the mixed court and the special territorial court and pays no attention to Japan's informal diplomacy towards Western international lawyers. As a result, Howland mistakenly assumes the ARCLN's recommendation in 1881 was a political requirement by the Western powers to protect their interests. However, as explained above, the ARCLN's recommendation was rather the fruit of Japanese informal diplomacy under its treaty revision negotiation. On the basis of this successful experience, Western practitioners saw Japan's treaty revision as just a matter of time, especially after the Tokyo treaty revision conference in 1882.

[108] JKKDNGM, Vol. 2, p. 748

with Western powers, Inoue and the Western powers finally reached an agreement in 1887, including the implementation of modern domestic laws and adoption of foreign judges. The ‘standard of civilisation’ no longer prevented Inoue from signing the agreement. Rather, the main stumbling block was Japan’s harsh nationalism and internal political disputes.[109]

After the ARCLN conference in 1881, Western international lawyers widely accepted the ‘standard of civilisation’ and developed its meaning. For instance, the most famous category of the ‘standard of civilisation’ —'civilised', 'barbarous', and 'savage'—by James Lorimer was formulated in his book *The Institutes of Law of Nations* published in 1883. In Lorimer’s book, it seems he saw 'semi-barbarous states' as the ones ‘whose municipal law and the judgments of whose court are not recognised by civilised nations'.[110] Here, the trace of Japan’s informal negotiations can be observed. The ‘standard of civilisation’ was not one forcefully imposed by Western powers, but a mutual construction between Western lawyers and Japan, particularly led by Japanese diplomats who pursued treaty revision negotiations.

6. Conclusion

Although several previous works have revealed how the ‘standard of civilisation’ cannot be understood without considering its relationship with East Asia, these studies contain several weaknesses. In particular, they do not fully focus on the relationship between international legal theory and practice, between Western and East Asian practitioners, and between East Asian countries. To overcome these points, the following three viewpoints were explored in this chapter: international legal/diplomatic practitioners’ thought and actions; the mutual negotiations/communications between Western lawyers and East Asian practitioners; and comparison between China and Japan. As the most suitable case study, the ARCLN and the British Law Officers were mainly investigated, especially their relations with China and Japan.

As the most influential Western power in East Asia, British Law Officers, including established international lawyers such as Phillimore and Twiss, occasionally expressed their views on

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[109] For example, See Komiya Kazuo, *Jōyaku Kaisei to Kokunai Seiji* [The Treaty Revision and Domestic Politics], Tokyo: Yoshikawa Kōbunkan, 2001

[110] James Lorimer, *The Institutes of the Law of Nations: A Treatise of the Jural Relations of Separate Political Communities,* Vol. 1, Edinburgh and London: William Blackwood and Sons, 1883, p. 239

East Asian matters. Their opinions were generally circumspect but relatively neutral and objective compared to British diplomats to East Asia. This is because of their natural-law-based sympathetic view towards East Asia, and their institutional role in the government that allowed them to challenge the opinions of diplomats. As the number of international legal cases increased after 1876, the international legal adviser was put in the Foreign Office.

The ARCLN was founded in 1873 based on an idealistic view of international law. Western lawyers at the ARCLN primarily viewed East Asia with their own ideal in mind, that is, the goal of establishing international arbitration. They started discussions on the applicability of international law in non-Western countries but could not easily reach a conclusion because of the submission of a variety of opinions characterised by religious, historical, positivists, and other perspectives. Western international lawyers in ARCLN had some type of the 'standard' among them, but it did not define the countries that could pass the 'standard'. The Japanese diplomat Kawase participated in the conference in the ARCLN's early stage, but his purpose was participation as its own goal, not contribution to the discussion. Through participation, he realised the inherently political nature of the ARCLN.

In 1878, the Japanese diplomat Ueno and the Chinese diplomat Guo Songtao expressed their opinions at the ARCLN conference. Introduced by Ueno and Twiss, Guo Songtao sent Ma Jianzhong to the conference to present his paper. The speech expressed China's desire to learn international law but also reinforced essential differences between the Western world and China. Hampered by Ma Jianzhong's passive performance, the conservative party in the Qing political regime, and conflicts with Japan over China's tribute states, Guo Songtao and his successor Zeng Jize's approach was conversely compatible with an exclusive 'standard' before 1878. Unlike Chinese diplomats, Ueno adopted an earnest approach towards the ARCLN. Allied with the Chinese diplomats, Ueno highlighted the administrative problems arising from the 'unequal treaties' with Japan, and Lane introduced additional information, concurrently emphasising the general progress of Japan. The ARCLN appreciated their contributions and seconded resolutions that related to the obscure but inclusive 'standard of civilisation' to Asian countries. Ueno's strategy was closely related to Terashima's treaty revision policy. His appeal was conducted to cultivate indirect support from Western lawyers in order to put pressure on the Foreign Office's international lawyer Pauncefote. However, based on the institutional unification between legal and East Asian matters and his character as a diplomat, Pauncefote conversely outmanoeuvred Ueno, which eventually led to the

failure of Terashima's diplomacy.

The next matter in the ARCLN was to think about the concrete conditions of the 'standard of civilisation'. In 1879 Van Hamel indicated the problems in Japan's domestic laws and legal system from the practical and positive law perspective. The new Japanese foreign minister Inoue and the minister to Britain Mori renewed Ueno's approach to the ARCLN. In 1880, Irie, stressed the exceptional position of Japan among non-Western countries, taking both natural and positive law perspectives into consideration. He also noted the incompetence of consular judges and systematic problems inherent in consular jurisdiction. Emphasising the development of Japanese society, Davidson supported Irie's depiction and the necessity of introducing the mixed court as a step to pass the 'standard of civilisation'. This was an exercise in Mori's informal diplomacy, which exceeded Inoue's strategy. Receiving Inoue's introduction rejecting the mixed court, Mori tried to cultivate favour among ARCLN members for Japan's treaty revision negotiations. In 1881, following Twiss's speech that recognised Japan's special position, the ARCLN admitted Japan's efforts to improve its laws and the special territorial court as a proper step. It can be said this established the 'standard of civilisation'. ARCLN's confirmation constituted the legal basis for Inoue's negotiations, despite eventually being undermined by Japan's internal politics and nationalism.

The following significant points emerge from this chapter. In terms of international law, the most crucial point is that the 'standard of civilisation' was not merely established within Western international lawyers' theoretical works, or by non-Western learning of international law in general. Rather, it was gradually developed through negotiations and communications between Western international lawyers and East Asian practitioners. It was primarily led by the Japanese government's informal diplomacy and closely related to the treaty revision negotiations. Additionally, the transformation of the legal advisory institution in the British government was an important institutional background for the development of the 'standard of civilisation' and for Japan's treaty revision. Furthermore, it is also worth noting lawyers sympathetic to a natural law outlook cooperated to develop the 'standard of civilisation' and Japan's informal diplomacy rather, not positivist lawyers.

In regard to Japan's negotiations at the ARCLN conference, pro-Japan Western practitioners who thoroughly emphasised the general progress of Japanese society. Japanese practitioners tended to concentrate on Japan's treaty revision. At least in this period, the Japanese elite did not necessarily consider their position under the context of international order. Western practitioners always did so and knew the most efficient way to appeal to Westerners.

When comparing China and Japan's foreign policy-making, the following points are clear. Although China's attitude was based on the international legal discussions at that time, its domestic political situation did not allow its diplomats to actively participate in the ARCLN. Therefore, unlike Japan, they only used international law to maintain the East Asian status quo and support China's passive attitude towards the full-adaptation of the western international order, which was conversely compatible with the discussion at the ARCLN prior to 1878. On the other hand, although it was ultimately unsuccessful, Japan initially intended to ally with China. Japanese diplomats then changed their strategy and stressed Japan's differences with China and other non-Western countries. By conducting informal diplomacy with Western international lawyers behind the scenes, Japan finally succeeded in establishing a 'standard of civilisation' favourable to Japan's treaty revision. In this process, although Japanese foreign legations were partly able to independently conduct negotiations, the minister of foreign affairs was able to alter their plans and controlled foreign legations. The Japanese government thus maintained its preference for appointing foreign judges rather than accepting the mixed court system. In this sense, the differences between China and Japan's attitudes towards the ARCLN symbolically indicate the results of the transformation of the Chinese *jiaoshe* and the Japanese *kōsai* in the 1860s and 1870s.

Conclusion

1. Discussion

The comparison between China and Japan's foreign policy-making in 1860s and 1870s as summarised in this thesis holds a number of implications for historiography. The similarities and differences between China and Japan's foreign policy-making in practice, conceptualised as Chinese *jiaoshe* and Japanese *kōsai*, are primarily emphasised in order to investigate the nature of China and Japan's foreign relations in the latter nineteenth century. Although many previous studies have paid attention to the philosophical, social, and other backgrounds of their foreign relations, the foreign policy-making itself has not fully been scrutinised as an object of empirical historical study.

Because China and Japan both faced the challenges posed by Western expansion around the same period, Chinese *jiaoshe* and Japanese *kōsai* shared some specific characteristics. In particular, both countries faced the disruption of their decision-making due to the problem of managing the geographical distance between political centres and local officials, and subsequently between political centres and foreign legations too. Although telegraphy and improved transportation technologies ameliorated this problem, imperfect communications and overconfidence in this technology further disrupted the foreign policy-making process.

In addition, rather than looking at intellectuals' philosophical views on foreign relations, this dissertation emphasises the political actors' understanding of foreign relations and its direct impact on foreign policy-making. These actors were primarily figures such as Prince Gong's group, Zeng Guofan, Li Hongzhang, Prince Chun (in China), Andō Nobumasa, Hitotsubashi Yoshinobu, Date Munenari, Higashikuze Michitomi, Soejima Taneomi, Terashima Munenori, and others (in Japan). Due to the situation of China and Japan in this period in which conventional political structures were radically been transformed due to the need to deal with the Western power, the practitioners' fundamental understanding of foreign relations was closely related to short-term political considerations. Thus Political factors greatly influenced the paths for transformation of Chinese and Japanese foreign relations.

The same elements help explain the differences between Chinese *jiaoshe* and Japanese *kōsai*. In China, because geographical distances between the political centres and open ports/

periphery areas were huge, Prince Gong's group's attempt to centralise foreign policy making resulted in complete failure. The high-ranking local officials did not necessarily follow the order of Prince Gong's group due to their local interests, or they were simply unable to smoothly communicate with Beijing. Subsequently, the balance or mutual dependency between Beijing and high-ranking local officials shifted In this situation, Li Hongzhang came to play an important role in foreign policy-making. By taking advantage of the distance between Beijing and Tianjin —not too distant but not too close with each other—Li Hongzhang could coordinate the Chinese foreign relations behind the scene with a degree of flexibility.

On the other hand, in Japan, the geographical distances between the political centres and the open ports/periphery areas did not cause a huge problem. Rather, the distance between Edo and Kyoto was of fundamental importance due to the rising political influence of the Kyoto imperial palace. Despite confusion during the Meiji Restoration itself, the Meiji government soon managed to establish a centralised foreign policy-making process based in Tokyo. In regards to technology, although China and Japan both began introducing telegraphy networks and establishing permanent foreign legations in the 1870s, their styles for using this new means of communication were totally different. Qing China's existing foreign policy-making process was preserved or even strengthened by these huge changes. Meiji Japan flexibly took advantage of them in order to fully expand its *kōsai*, which caused another problem in its foreign policy-making.

Additionally, although Chinese practitioners recognised Western practices and rules in foreign relations, they used them in a limited number of ways in their efforts to manoeuvre the foreigners through negotiation (*jiaoshe*). The stance of Prince Gong's group was to 'ostensibly maintain a friendly relationship while secretly manoeuvring the foreign powers'. However, in many cases they were rather influenced by both Western representatives as well as high-ranking local officials. Although Zeng Guofan subsequently adopted a faithful attitude towards foreigners and Li Hongzhang understood international law and Western diplomatic practice, their opinions were constrained by Beijing where the Zongli Yamen and conservatives maintained a careful balance of power. Since Zeng Guofan argued with Beijing straightforwardly, he was removed from Tianjin following the Tianjin Massacre. However, Li Hongzhang was sophisticated enough to partly introduce the Western logic of foreign relations as well as respecting the conventional Qing political regime, which means he could gradually become an indispensable figure in Chinese foreign policy-making in the 1870s.

In contrast, Japan experienced a fundamental transformation in their approach to Western rules and practices. Initially, the Bakufu suffered in the conflict between the *sakoku* and *kaikoku* approaches—either total rejection or total acceptance of *kōsai* with the West. Andō tried to temporarily postpone the decision between *sakoku* and *kaikoku* by constructing personal intercourse with the Western representative on the spot. While Yoshinobu sought personal advantage by manoeuvring this dichotomy for his own political sake. Conversely, the Meiji Restoration initially made the Meiji leaders to adopt a more open attitude to exchange with the West. From this perspective, Soejima sought his own interests to build a personal relationships with the Western ministers. Terashima then developed his foreign policy in a more strategic and systematic way, which was an initial phase of modern diplomacy. The differences between China and Japan's respective practical attitudes towards foreign relations was reflected in their attitudes towards treaty revision and the 'standard of civilisation'. Although China maintained a passive attitude towards treaty revision and international law, Japan conducted its own informal diplomacy in cooperation with some Western international lawyers. Accordingly, Japan's success in creating a favourable concept of 'standard of civilisation' at the ARCLN was compatible with Japan's policy towards the treaty revision negotiations.

Although some previous studies by historians, IR researchers, and international lawyers have introduced a simplistic modernisation or 'learning and adaption' model for understanding East Asian foreign relations, this dissertation reveals that the transformation of East Asian foreign relations was in fact not at all a linear or smooth process. On the contrary, for both Chinese and Japanese historical figures, the process of evolving a better understanding of how to conduct foreign relations was primarily a continuous cycle of trial and error. Despite similar backgrounds in China and Japan, the attempts by diplomats of both nations to manage the situation were influenced by unique historical factors as well as severe political struggles behind the scenes. Therefore, it is clear that the features underlying Chinese *jiaoshe* and Japanese *kōsai* differed from the conduct of classical Western 'diplomacy' at that time, which itself been developing for several centuries fundamentally within the unique context of European international relations.

Nevertheless, the enormous flexibility of *kōsai* and the adoption of centralised foreign policy-making enabled Meiji Japan to develop a more systematic and strategic approach towards foreign relations through its own experiences. This contributed eventually to the transformation of its foreign relations into modern 'diplomacy' after the 1880s. Meiji leaders saw the need for treaty

revision in parallel with this larger development of Japanese foreign relations, because renegotiating the 'unequal treaties' required a more sophisticated, unilateral approach towards the major Western powers.

On the other hand, because the *jiaoshe* approach was from the beginning influenced by the Qing's defeat in the Second Opium War, it did not lead to the same rapid development of foreign policy-making that was seen in Japan. Chinese foreign policy-making included 'negotiation' between three groups: Beijing officials, foreign representatives, and high-ranking local officials. Contention and miscommunication between these groups introduced significant confusion into the crafting of resolutions to crises but did not cause a total breakdown of the entire system. Although eventually a minor re-balancing of its foreign policy-making process was achieved through the elevation of Li Hongzhang, this change still took place within the existing Qing political framework and values. Re-balancing did not lead to the development of a modern diplomatic outlook or ethos. As Qing China could therefore maintain the status quo in foreign relations, Chinese practitioners, including even Li Hongzhang, did not feel the need to pay greater attention to treaty revision.

In the end, this research also shows how detailed empirical investigation on East Asian foreign policy-making reveals complicated elements within the state-to-state foreign relations. Such in-depth analysis differs greatly from stereotypical picture of diplomatic or international history by other historians. It can therefore be said that there still remains a lot of rooms for analysis of the development in the sphere of East Asian international history in the late nineteenth century, especially from the internal viewpoints of East Asian countries.

Furthermore, this examination of Chinese *jiaoshe* and Japanese *kōsai* not only provides a thorough review of the historiography, but also contributes to our comprehension of today's East Asian international relations by rethinking the historical origins of China and Japan's content and style of foreign relations. Some people roughly apply their simplistic historical interpretations of China and Japan's foreign relations on their present international attitudes—for example, China seeks international supremacy today because it regards the international relations in terms of a Sino-centric world order. As described in this dissertation, this type of simplistic narrative is not based on an empirical historical research into foreign policy-making and thus should not be considered by today's practitioners and general publics. The in-depth research on East Asian policy-making process, particularly focusing on the physical and internal elements of practitioners, is also strongly required in this meaning.

2. Further Prospects and Remaining Problems

After the 1880s, China and Japan's foreign policy-making followed different tracks, thus extending the transformations described in this dissertation.

In Meiji Japan, although treaty revision negotiations led by Inoue and Ōkuma remained the main priority, conflict with China and Korea also became an important issue due to political confusion in Korea, such as the Imo Incident and the Gapsin Coup. Thus, the international environment required a foreign policy different from *gaikoku kōsai* mainly directed toward Western powers. Furthermore, as shown in Chapter 6, the Gaimushō had gained central control over foreign policy-making to a certain extent. In fact, the frequency of the use of the term *gaikoku kōsai* greatly diminished throughout the 1880s.

For Qing China, the period after the 1880s was a time of losing its tributary states, such as the Ryukyu, Vietnam, and Korea. In response, China intended to put these countries under its direct control by arguing these countries were equal to protectorates under international law. Furthermore, China actively intervened in the domestic situations of other nations, especially in Korea where Qing official forced it to conclude treaties with other countries.[1] In contrast to this transformation of its view on foreign relations, there were no great structural changes in relations between the Zongli Yamen and high-ranking local officials in Chinese foreign policy-making process. Although Li Hongzhang had a substantial influence on policy towards Korea and other matters, he still had to negotiate with Zongli Yamen ministers in Beijing behind the scenes from Tianjin in order to reach decisions.[2] In this sense, it is natural the word *zhongwai jiaoshe* was still used after the 1880s.

The following two points remain unresolved in this dissertation: first, reinvestigating China and Japan's foreign relations from the viewpoint of the Western powers. As described in the Introduction, this dissertation intends to reconstruct Chinese and Japanese foreign policy-making based on internal understandings of their foreign relations. It uses East Asian primary documents to overcome the assumptions of Western-centrism and modernisation theory in the previous framework.

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[1] Okamoto Takashi, op. cit.; Kirk W. Larsen, *Tradition, Treaties, and Trade: Qing Imperialism and Chosŏn Korea, 1850-1910*, Cambridge MA: Harvard University Asia Center, 2008

[2] Ogi Eriko, 'Kōshin Seihen no Shūshū to Shinchō Gaisei' [Settlement of the Gapsin Coup and the Character of Qing Dynasty Diplomacy],

For this purpose, except for Chapter 6, Western diplomatic papers were not earnestly incorporated in the analysis.

However, after the above-mentioned investigation were conducted, it was necessary to engage with the Western perspective on East Asian countries based on the Western documents. This would enable a deeper the understanding of East Asian foreign relations from the premodern to the modern period. In this case, the diplomatic papers of Britain, which was a superpower in East Asia, as well as those of the US and France should be referred to. While the author considered including this content as a chapter in this dissertation, time restraints and the author's abilities make such research unfeasible at the present time. These materials remain a fruitful avenue for future research on this topic.

Second, in order to fully understand East Asian foreign relations, comparison between China and Japan needs to be expanded to include Korea. In Korea in the 1860s and 1870s, the word '*oe gyo*' [外交; 외교], a literal translation of 'diplomacy', was not widely used. In the Korean diplomatic documents written in Chinese characters at that time, neither *(zhongwai) jiaoshe* [（中外）交涉] nor *(gaikoku) kōsai* [（外国）交際] were widely used. Korean officials instead use *(sadae) gyorin* [（事大）交隣; （사대）교린].[3] Previous studies in Korean history have dealt with *(sadae) gyorin*. Some note the existence of '*gyorin* order' as Korean foreign relations. However, it seems little research has been conducted in the context of the internal and equal comparison among East Asian countries.[4]

Gyorin [交隣] contains the same kind of similarities and differences that one can see between Chinese *jiaoshe* [交涉] and Japanese *kōsai* [交際] in the same period. That is, as symbolised by the first character *jiao/ ko/ gyo* [交], China, Japan, and Korea all needed to start dealing with foreign relations before their realisation of a systematic and strategic attitude towards the foreign powers. Additionally, as symbolised by the different characters *she* [涉], *sai* [際], and

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[3] For example, according to the *Seungjeongwon ilgi* [Journal of the Royal Secretariat] which was one of the most important historical records in the Korean court, the word gyorin was consistently used for the foreign relations from the pre-1860s to the 1900s. The words *gyoseop* [交涉; 교섭], *gyoje* [交際; 교제], and *oegyo* [外交; 외교] were hardly used in terms of the foreign relations before the 1880s. However, after the 1880s, probably because of the influences of China and Japan, these words were also adopted by Korea in their foreign relations (Guksa pyeonchan wiwonhoe ed., *Seungjeongwon ilgi* [Journal of the Royal Secretariat], Gojong Vol. 1-12, Seoul: Guksa pyeonchan wiwonhoe, 1967-1968)

[4] For example, Kim Yonggu, *Segyegwan chungdoi gwa hanmar oegyosa*, 1866-1882 [The Clash of Worldviews and the Late Korean Diplomatic History, 1886-1882], Seoul: Munhak gwa jiseong sa, 2001

rin [隣], respectively, China, Japan, and Korea individually pursued their own content and style of foreign relations through trial and error. The variety of words used reflects the diversity of meaning attached to foreign relations in each country. Compared to China and Japan, Korea regarded relations only with neighbouring countries as foreign relations. This discussion would greatly benefit from an empirical historical research similar to approach used on the Chinese and Japanese cases in this dissertation.

In the middle of this research, the author felt the need to include Korea in the comparison, but was unable to do so due to the author's ability and time limit. This matter should also be investigated as a future research topic.

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