

The Invisible War
between the United States and Japan over China:
A Study of the Abolition of Extraterritoriality in 1943
(中国をめぐる日米間の見えざる戦い：
1943年治外法権撤廃に関する一側面)

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SUMMARY IN JAPANESE: 本稿では、第二次世界大戦における米国と日本の対中政策の転換に着目し、特に1942年から1943年にかけて不平等条約の撤廃問題をめぐる国際関係の変化を分析することを狙いとしている。不平等条約撤廃過程中的の諸列強の撤廃動機を分析することによって、中国の治外法権問題を取り巻く重層的国際関係の網の目を解明し、アジア・太平洋戦争期の国際関係を総合的に理解する一助となることを目指している。

第二次世界大戦期における東アジア国際関係の重要性にもかかわらず、中国での不平等条約の撤廃問題を取り上げたものは極めて少ない。しかし、中国をめぐる不平等条約の撤廃問題は、第二次世界大戦期における米国の対アジア政策の転換、さらに東アジア国際関係を解明する上で、重要、かつ根本的な鍵の一つを与えてくれるものと考えられる。ここでは、中国における各列強間の権益という主題に焦点をあて、治外法権の撤廃問題を歴史的に追求することによって、アジア・太平洋戦争期における東アジア国際政治の一断面を浮きぼりにしてみたい。

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Introduction

For a long time, scholarship on US-East Asian relations during World War II has concentrated on the complexity of political affairs, especially on military strategy, while issues concerning legal equality in international relations have been ignored. Some historians have paid attention to the matter in regard to the relinquishment of extraterritoriality of the Allied Powers in China, but they emphasized the positive effect of American abolition of extraterritoriality. Japan's role in the process of extraterritoriality abrogation is never mentioned.¹ The outbreak of the Pacific War in 1941 altered the traditional policy of the powers towards China. Thus, the abolition of extraterritoriality became the first step for both the United States and Japan in implementing new China policies.

This paper will explore how the United States and Japan transformed their China policies during World War II. It will focus on the process of the American and Japanese abolition of their unequal treaties with China in 1943, in particular focusing on analysing the motives of the two countries in the process. By re-examining the complexity of international relations in wartime, we can see that the renouncement of extraterritoriality not only marked a historic turning point in America's China policy, but also had a great impact on the transformation of East Asian politics during World War II.

I. The Powers' Abolition Policy before 1941

Chinese desire for the abolition of the unequal treaties with the powers had a long history. Since the establishment of the Chinese National Government by Dr. Sun Yat-sen in 1911, it had been one of the most important goals for the Chinese government in international politics. For example, on December 23, 1933, the Chinese government informed the United States that the Sino-American Commercial Treaty of 1903 should be revised. The American government expressed its willingness to deal with this matter, but no real progress was made and negotiations ended almost as soon as they had begun.² Soon after, the Chinese government continued to negotiate with the United States about American extraterritorial rights and related privileges in China, but these efforts were not successful.

After the outbreak of the Sino-Japanese War in 1937, the United States considered the exercise and continuance of extraterritoriality and other similar privileges in China to be increasingly useful. In December 1937, Secretary of State Cordell Hull expressed his view that the American government should complete its responsibilities and obligations in China. He held the opinion that the presence of American armed units to protect American nationals in China had become more necessary than ever before because the situation in China was rapidly deteriorating. In particular, he stated that at that moment to withdraw American troops from China “would appear like abandoning China to her fate.”³

In order to pursue aggressive policies in China, Japan began to use extraterritorial rights in its newly occupied areas to attack the Western Powers in order to exclude their forces involved in these areas. After establishing two puppet regimes in north and central China, on December 22, 1938, Japanese Prime Minister Konoye Fumimaro told the Imperial Diet that Japan not only respected “the sovereignty of China,” but also was willing to “take an active measure to proceed with the issues concerning the abolition of extraterritoriality and the rendition of concessions and settlements, which would be necessary for the full independence of China.”⁴ Furthermore, on January 26, 1939, Foreign Minister Arita Hachiro clarified in the Diet that Japan was considering abolishing extraterritorial rights in the “new government of China.”⁵

On March 30, 1940, Wang Jing-wei escaped to Shanghai, which was under Japanese control, and this finally resulted in a new puppet regime—“the National Government of the Republic of China” in Nanjing. On November 30, Japan officially recognized that Wang’s regime was “the only government of China.” According to Article VIII of the Sino-Japanese Treaty reached in November 1940, Japan announced that it would “abolish extraterritorial rights possessed by Japan in China and make concessions to the Chinese government.”⁶

As soon as Japan recognized the Wang puppet regime, the United States responded vigorously by aiding Chiang Kai-shek through the lend-lease project. With regard to extraterritorial rights in China, the attitude of the American government underwent a subtle change. In April 1941, when Chinese Foreign Minister Guo Tai-qi arrived in Washington he expressed the strong Chinese desire for abrogation of extraterritoriality and requested that the United States take the initiative to “abolish the unequal treaties and complement an agreement based on mutual interests and equality” with China.⁷ On May 13, 1941,

Hull made an announcement that the American government would not change its policy of surrendering extraterritoriality in China because “the time had not come to dispense with the protection that American forces stand ready to accord to American citizens there.”⁸ On May 26, Chinese Foreign Minister Guo Tai-qi reiterated the stand of the Chinese government that Chinese people intended to terminate the unequal treaties and believed in “non-discrimination in international commercial relations” and “in the broad principles of cooperation and equality.”⁹ On May 31, Hull replied to him and proclaimed that the American government understood “China’s aspirations for readjustment of anomalies in its international relations” and promised that the United States would solve this matter with the Chinese government when “conditions of peace again prevail” in China.¹⁰

Hull’s statement implied that matters concerning American extraterritorial rights should be taken up only after the war. Compared with the ambiguous attitude announced before, this policy was rather more progressive, although it was limited only to a special period after the restoration of peace in China. As the war developed in Europe and Asia, the attitude of the American government towards independent self-government became much more explicit than ever before. On August 14, President Franklin D. Roosevelt and British Prime Minister Winston S. Churchill signed the Atlantic Charter, in which the two governments claimed that they respected the right of all peoples who “wish to see sovereign rights and self-government restored to those who have been forcibly deprived to them” after the war.¹¹ Nevertheless, Japan’s sudden attack at Pearl Harbor on December 7, 1941, immediately led to a transformation of America’s China policy.

II. The Abolition of Extraterritoriality in the Pacific War

As soon as the United States entered the war, an alliance between China and the United States was established. The day after the attack, China, together with the United States, declared war on Japan. This special wartime partnership between the two countries resulted in a crucial transformation of America’s East Asian policy.

(1) A Special Sino-US Relationship in Wartime

In the early part of the war, the United States adopted a "Europe First Policy." This policy implied that the war in Asia was secondary to America's global strategy. Notwithstanding, the attack altered American concerns and forced the United States to focus on the war in Asia. The United States intended to keep China in the war, thereby tying down millions of Japanese troops until the ultimate Allied victory in Europe. Thus, the wartime strategy of the United States was to tie China into the war as tightly as possible.

For the United States, China's importance was twofold. America intended to make use of Chinese resistance forces to fight against Japanese aggression. Meanwhile, from the perspective of America's own military strategy, bases on the Chinese mainland would permit American bombers to strike Japan. Admiral Harry E. Yarnell, former Commander in Chief of the US Asiatic Fleet, testified before the House Committee that the Chinese mainland was "the only area from which long-range bombers can reach Japan."¹² This led to the conclusion that Allied success against Japan required the continued participation of China in the war.

In order to reach this goal, the United States attempted to support China. Politically, one of the most important measures taken was to aid China's participation in international affairs, recognizing China as a "Great Power" in world politics. This strategy emerged in the spring of 1942. On May 2, 1942, Roosevelt declared that "in the future an unconquerable China will play its proper role in maintaining peace and prosperity not only in Eastern Asia but in the whole world."¹³ Soon after, in discussions with Soviet Foreign Minister V. M. Molotov in late May, Roosevelt further reiterated the importance of postwar cooperation among the "four policemen," which included China together with the United States, Great Britain, and the Soviet Union.¹⁴ The superficial alliance, however, could not alter unequal relations between China and the Allied Powers in international relations. The existence of unequal treaties, which stipulated extraterritorial rights, was an example of continuing legal inequality.

After America's entry into the war, legal discrimination against Chinese was brought to the attention of American public opinion, in particular to the concern of pro-China intellectuals. Pearl S. Buck, for example, America's first woman Nobel Prize winner, who spent most of her life in China and was known as the most influential Westerner to write about China since Marco Polo, emerged as one of the strongest wartime defenders of freedom and equality for Chinese.

For instance, on March 14, 1942, addressing the celebration of India-China

Friendship Day in New York, Buck urged her audience that “our democracy has been marred by imperialism” because “we are only partial democracies” and American freedom was not for “all the principle of human government.”¹⁵ Approximately two weeks later, on March 26, in a radio address, Buck repeatedly denounced American discrimination against the Chinese and pointed out that “China will fight for the Allied cause as long as that cause is a truly democratic one and will give real freedom and human equality to all peoples.”¹⁶

On the other hand, Chinese demands for abolition of the unequal treaties emerged. Typical of these voices was Madame Chiang Kai-shek’s. On April 23, 1942, Madame Chiang issued a statement in the *New York Times* condemning the evils of the extraterritorial rights of the Western Powers in China and stated that “the Westerners must change their attitudes towards China” and “give Chinese real freedom which is based on principles of equality.”¹⁷

Immediately these voices, particularly Madame Chiang’s demand, aroused awareness of the extraterritoriality issue in the State Department. Two days later, on April 25, Hull discussed with British Ambassador Edward Halifax in Washington their extraterritorial and related rights in China because Madame Chiang’s articles, which were considered “state papers” in the American press, strongly denounced the extraterritorial system in China.¹⁸ Having exchanged views with Britain, the State Department concluded that conversation with the Chinese government would not be taken up at that moment until peace was restored in China.¹⁹

This policy became the dominant one in the State Department. Early in 1942, Maxwell M. Hamilton, Chief of the Division of Far Eastern Affairs, gave the following four reasons for not surrendering American extraterritorial and related rights: first, the United States had promised the Chinese government its readiness to abolish extraterritoriality after the war before the war broke out; second, because of the Japanese military occupation, extraterritoriality was not effective. At this moment, American abolition “was nothing but a gesture conceived in and manifesting weakness”; third, under a period of unsettled conditions, there would be a special need for American nationals to have the protection accorded by extraterritorial rights; fourth, when the war was over the United States would deal with the Chinese government in accordance with what the American government needed, and retention of extraterritorial and related rights could give the United States “a bargaining factor of some importance.” Finally, he concluded that there would be “more to be lost than gained by abol-

ishing extraterritoriality now” and insisted on revision of treaties with China “after the termination of hostilities in the light of conditions then prevailing.” Nevertheless, Hamilton pointed out that the United States was fighting not only for self-preservation but also for human rights and democracy, as well as for greater equality in the general political, economic, and social systems that had previously existed. Relinquishment of extraterritoriality would explicitly manifest the war aims of the Allies. Therefore, he suggested that the government take the initiative in setting up a small committee to do some preparatory work toward the drafting of a suitable treaty with the Chinese government in the “not too distant future.”²⁰

In addition, Stanley K. Hornbeck, Adviser on Political Relations, agreed with Hamilton’s proposal and insisted that at that moment “there was no special need for special action on our part in support of Chinese morale or by way of conciliating the Chinese.” In particular, he emphasized that at that time there was no good reason for the United States to play “this China card.” “There may come a time when we will need a card and when it would be advantageous for us to have this card and opportune for us to play it,” he added, “We should make such preparations as would put us in position to move promptly and well if, when and as occasion arises.”²¹

In the meantime, in response to Madame Chiang’s demand, the British government was also taking into account the same problem. On May 12, 1942, Halifax called on Hull in Washington and requested American collaboration to proceed with their extraterritorial rights in China since Madame Chiang continued to publish articles in the American press strongly condemning the extraterritorial system. Eventually, the two governments reached the conclusion that “the present time would not be favorable” for them to abolish extraterritoriality in China.²² Furthermore, in June, American Ambassador John G. Winant in London discussed this issue again with Anthony Eden, Britain’s Foreign Minister. The two governments agreed that it was not “an opportune time” for surrendering their extraterritorial rights in China.²³ Nevertheless, Japan’s challenge to the interests of the Allied Powers in the occupied areas led the United States to alter its policy and begin to play this “China card.”

(2) The “Down with Anglo-American Imperialism” Campaign

The discriminatory policies of the Allied Powers towards China, their Achilles’ heels, gave the Axis Powers a strong tool against Roosevelt’s Four Free-

doms. In particular, Japanese propagandists found this very valuable ammunition in their appeals to other Asians. They began to use this psychological weaponry—unequal treaties, which were considered the first step in a Western invasion of Asia, to preach a campaign of “Asia for the Asiatics.”

Five days after the attack, Japan began to call the war “The Great East Asia War” and proclaimed that the purpose of the war was to “overthrow the American and British imperialists, who have oppressed and squeezed one billion Asians in order to establish an ideal order of co-prosperity and co-existence in East Asia.”²⁴

In order to reinforce the propaganda effect, in February 1942, an article entitled “A New Step Towards Emancipation of Asian Peoples” came out in *Toa Kaihou* [Emancipation of East Asia]. It insisted that the essence of “injustice and inequality” was rooted in exploitation by the Western Powers of Asian peoples.²⁵ Later, in June 1942, a series of “Open Letters to Asian Peoples” came out in the *Asahi Shimbun*, in which exploitation and oppression of Asians by the Western Powers was strongly denounced.²⁶ In another editorial, “Shake Hands—Japan and China” on June 25, the author saw hypocrisy in the Allied democracies and appealed to the Chinese to “share hardship” with the Japanese in this war for “China’s independence and freedom.”²⁷

In summary, the Japanese ridiculed the Allied Powers in their newspaper and radio propaganda directed towards Asian peoples, insinuating that such statements clearly showed the Allies intended to keep China in a semi-colonial state as long as possible, and that Asian peoples would never receive equal and impartial treatment from the Allied Powers.

Japan’s campaign of “Asia for the Asiatics” aroused an immediate response from its agents in China. Before the coming of the 100th anniversary of the Nanjing Treaty, the ratification of the first unequal treaty between China and the Western Powers in 1842, various anti-Anglo-American movements took place in the Japanese occupied areas. On August 10, Ling Bo-sheng, Minister of Propaganda of the Wang puppet regime, issued a radio address: “From the Opium War to the Great East Asia War.” “Our Chinese have had deep hatred towards British and American imperialists since the Opium War,” he addressed his audience. “Now it is a crucial moment for us to liberate East Asia from Western oppression and eradicate this humiliation.”²⁸ Subsequently, the Wang puppet regime declared a special week, from August 23 to 29, to batter the evils of Western imperialism in order to “wake up Asian peoples in this great war.”²⁹

The anti-Allied propaganda was highlighted in late August in the Japanese occupied areas. On August 29, on the 100th anniversary of the ratification of the Nanjing Treaty, the Wang government in Nanjing convened a momentous mass meeting. At the meeting Wang Jing-wei, Chairman of the Nanjing government, condemned the evils of the unequal treaties and extolled Japanese achievements in assisting Chinese to “overthrow the oppression of the Western imperialists.” Furthermore, he appealed to the Chinese, uniting with the Japanese, to “drive away all the Western imperialists from Asia” in order to “vitalize East Asia.”³⁰ With a high spirit of Chinese nationalist consciousness, a tremendous “Down with Anglo-American Imperialism” movement prevailed in the Japanese occupied areas.

(3) Towards Abolition

Japan’s propaganda weapon to utilize the unequal treaties to batter the Allied Powers raised concerns in American public opinion. On May 18, 1942, an article entitled “Exclusion and Extraterritoriality” came out in *Contemporary China*. The author denounced the racial discrimination against the Chinese in American legislation and the evils of extraterritorial rights in China and demanded that “the era of the unjust system” toward China must “come to an end.”³¹ In order to silence Japanese propaganda, on August 10, another article entitled “This Is No Racial War” was published which clamored for freedom and equality for “all the oppressed races and nations.” The author stressed the significance of terminating unequal treaties in order to counteract Japanese Propaganda which was greatly impeding America’s good relations with China.³²

In response to the increasing demand for abolition of extraterritoriality, on August 13, Roger S. Greene, a former US diplomat in China and a main war-time pro-China lobbyist, wrote to Stanley Hornbeck and requested that the State Department concern itself with this matter since it would “help to convince some doubters in Asia that we really do mean that the Atlantic Charter shall apply to the Far East as much as Europe.”³³

In addition, on August 17, Senator Elbert D. Thomas, a member of the Senate Committee on Foreign Relations, urged Congress to abolish the unequal treaties with China as soon as possible. He addressed the Senate:

As a war measure, the United States and Great Britain should say to China that they renounce their extraterritorial rights. I cannot conceive why we

should wait until peace comes to negotiate an extraterritorial agreement with China, when the Japanese have rushed us, and the Chinese with us, as the British, and practically all the extraterritorial law, out of China at the present time.... I know of no better time to renounce our rights than on August 29, 1942, 100 years after the imposition of the Opium War Treaty.³⁴

In light of growing popular sentiment in favor of action toward abolition, the State Department decided to consider the extraterritoriality issue. Since Hull insisted on "a common interest" among the Allies, he suggested working with Britain. On August 27, Hull discussed with Halifax possible abrogation of extraterritoriality.³⁵ The American and British governments conceded to conclude brief treaties with China, which would provide for abolition of extraterritoriality. On September 5, Hull urged Winant in London to convince the British government to take an affirmative step in the matter of abolition. The United States insisted that this strategy would accomplish the following three principle objectives. First, it would have psychological and political benefits to the cause of the Allied Powers, which would be of concrete assistance to China and strengthen the determination of the Chinese war effort. Second, it would eliminate an existing anomaly in relations with China. Third, it would enable the United States to earn Chinese trust in postwar politics. Finally, the British government agreed to abolish its extraterritorial rights in China. Both of the governments decided to formally communicate the Chinese government on October 10, the Independence Day of the Republic of China, that they would abolish their extraterritorial and related rights in China and issued statements in the press in the two countries in order to strengthen their propaganda effect.³⁶

This action of the Allied Powers won great enthusiasm from the Chinese government. On October 9, Roosevelt informed Chiang Kai-shek that the United States would rescind the unequal treaties with China.³⁷ Chiang, greatly moved by this unexpected action, sent a telegram to Roosevelt: "Certainly, this will bolster the morale of us Chinese to fight against Japanese aggression bravely," he said. "Any other action cannot compare with the renouncement of the unequal treaties."³⁸ Subsequently, in a radio address, Chiang clarified that the abolition was not only "an important milestone in the history of the revival of the Chinese nation," but was also "a brilliant lighthouse erected by Britain and

America to guide men's progress on the road to freedom and equality for all mankind."³⁹ The American Ambassador in Chongqing, Clarence Gauss, reported to the State Department on Chinese enthusiasm for the abolition and said that this Anglo-American policy would be "a blow to Japanese propaganda efforts."⁴⁰

Notwithstanding the propaganda effect of the Allied Powers far exceeding their expectations, little progress was made in negotiations. The United States had drafted a brief agreement before the announcement was issued. It mainly consisted of the following articles: renouncement of extraterritorial rights; abrogation of the Sino-American Treaty of 1901 (Boxer Protocol); and return of the International Settlements at Shanghai and Amoy to China as well as other related rights.⁴¹ The State Department began to ask the British government for this draft treaty.

Since Britain enjoyed more privileges than any other Power in China except Japan, it was cautious about each word of the draft. The British government agreed to abolish extraterritoriality, but it considered the American draft "unwise" because it included "many restrictive provisions designed to safeguard American or British interests" in China and requested a revision to defend their rights.⁴² After amendments to the draft, the American and British governments began to negotiate with the Chinese government.

During the negotiations, Chiang Kai-shek told T.V. Soong, Chinese Foreign Minister, "all unequal treaties must be completely abolished apart from extraterritorial rights."⁴³ The unequal treaties included extraterritoriality, special commercial and other rights in relation to inland navigation and cabotage and privileges enjoyed by American naval vessels in Chinese territorial waters, and American and British nationals in China, etc. The Chinese government prepared for a draft treaty which focused on abolishing all special privileges enjoyed by American and British nationals in China. The American and the British governments agreed to rescind extraterritorial rights. However, as they related to other special rights and interests involved in China, various problems and conflicts surfaced. The United States persisted in maintaining privileges for its nationals such as real property and "impartial treatment"; Britain insisted on "non-discrimination" against its nationals in international commerce and business.⁴⁴ It was at this moment that an invisible war between the Allied Powers and Japan started.

III. An Invisible War between the US and Japan over China

In October 1942, with the great growth in Chinese nationalist consciousness, the Allied Powers decided to abolish their extraterritorial and related rights in China. In the meantime, Japan tried to use this unusual opportunity for another propaganda offensive on the ideological battlefield and began to adjust its China policy.

In August 1942, when the Chinese movement known as “Down with Anglo-American Imperialism” prevailed in the Japanese occupied areas, Shigemitsu Mamoru, Japanese Ambassador in Nanjing, sent a confidential telegram on August 17 to the Foreign Ministry. He gave a detailed description of the rapid development of Chinese nationalism and urged his government to “catch this golden opportunity” for an offensive against the Allies. “To abolish the unequal treaties,” he insisted, “would have a great value for our future.”⁴⁵ The key point of this new policy proposed by Shigemitsu was to recognize “China’s independence and sovereignty.” The Japanese Foreign Ministry accepted his proposal. On August 19, Japan decided to abolish the unequal treaties. The Japanese government insisted that the abolition could have three advantageous effects. First, the renouncement of the unequal treaties, the first step in the Western invasion of East Asia, would give Japan a “psychological success.” Second, Japanese conquest of Hong Kong, a British colony, would have great political value for the campaign of “Asia for the Asiatics.” Third, Japan could use this abolition to condemn the double standards of the Allied call for democracy and freedom.⁴⁶

Japan’s policy immediately won enthusiasm from the Wang puppet government. In his address on August 29, Wang Jing-wei showed his “great gratitude” for Japan’s action and appealed to “four hundred million Chinese, uniting with the Japanese, to fight for ultimate victory in the Great East Asia War.”⁴⁷

In addition, Japan paid great attention to the Allies extraterritoriality abolition movement. When news of the official announcements issued by the United States and Britain came out on October 10, the Japanese government concerned itself with the issues relating to the “abolition of Japan’s special privileges” and giving the Chinese “equality” and “independence.” On October 15, the Japanese consulate in Beijing sent a confidential telegram to the Foreign Ministry, and requested the government to abolish extraterritoriality since “it would greatly benefit our campaign for the emancipation of East Asia” and would

have “immense propaganda value to batter the Allied Powers.”⁴⁸

Considering the rapidly deteriorating situation in China, the Japanese government insisted that abolition would be increasingly important to “obtain Chinese cooperation and enhance Chinese morale” in “the Great East Asia War.” On November 10, Japan decided to abolish its extraterritorial and related rights in China and began to work out a strategy—“China’s entry into the Great East Asia War.”⁴⁹ Subsequently, negotiations between Japan and the Wang puppet regime were carried out in extreme secrecy.

By late November, a draft treaty was completed. In “A Policy of China’s Entry into the War,” the Japanese government decided to “catch a very proper, political opportunity to force China to declare war on the Allies in late January, 1943.” With respect to the significance of Japan’s strategy, the Foreign Ministry prepared a detailed policy of propaganda for the abolition. This strategy focused on “the great influence and political effect towards peoples in the Greater East Asia Co-prosperity Sphere and those who were oppressed by American and British imperialists in the world.”⁵⁰

In order to bolster Chinese morale for entry into “the Great East Asia War,” Wang Jing-wei visited Japan on December 20, 1942. In a conversation with Wang next day, Prime Minister Tojo Hideki expressed his “great sympathy” for the Chinese, who were oppressed by British and American imperialists for over one hundred years. Tojo requested the Chinese, cooperating with the Japanese, to devote themselves to the construction of “the Greater East Asia Co-prosperity Sphere.” Wang stated the Chinese commitment to “share hardship” with Japan. He also showed Chinese determination to enter the war. Tojo “gladly accepted Wang’s proposal.” In regard to the exact date, they decided that the best opportunity would be late January, 1943.⁵¹

While Japan and the Wang puppet regime undertook their preparatory work for a new treaty, the United States and Britain were also negotiating with the Chinese government. Negotiations between China and the United States were going successfully. However, since Britain would not give up some special commercial interests in China and refused to deal with the issues concerning the return of Hong Kong, negotiations between China and Britain had to be suspended in late December, 1942. The original American plan, which the United States and Britain had intended to announce publicly to abolish the unequal treaties with China on January 1, 1943, had to be postponed. However, it was at this moment that another unexpected incident occurred.

To the Chinese, it was a historic event to abolish the unequal treaties with the Powers. It had been one of the most important targets for the Chinese government in international relations since the Republic of China was founded in 1911. Therefore, within the process of preparatory work for a new treaty, the Chinese government also paid attention to the political effect of abolition and was vigorously preparing for its propaganda value in order to enhance China's position in international politics, though this was undertaken in secrecy. However, the Allies' abolition strategy, which was considered "top secret," was revealed suddenly.

The incident occurred before the coming of the new year. On December 27, 1942, an editorial entitled "Salute to President Roosevelt" came out in *Zhongyang Ribao*, which was the official newspaper of the Chinese government. The author expressed China's great gratitude for the American lend-lease project and surprised his readers by reporting that "new agreements to renounce unequal treaties with the United States and Great Britain will be signed on January 1, 1943."⁵² The news spread quickly. The United States criticized the Chinese government for the leak. Chiang Kai-shek was extremely embarrassed. Immediately, Tao Bai-chuang, Chief Editor of *Zhongyang Ribao*, was punished.⁵³

Nevertheless, this unexpected incident provided Japanese propagandists with a golden chance for an offensive on the ideological battlefield. The failure of the Allied Powers to renounce the unequal treaties on January 1, 1943 forced Japan to speed up preparatory work for a new treaty. On January 3, 1943, Shigemitsu called on Wang Jing-wei. During their discussions, Shigemitsu obtained information that the United States was dealing with the abolition of extraterritorial rights in China. Immediately he sent a confidential telegram to the Foreign Ministry and requested his government to "maximize the political effect of abolishing extraterritorial rights immediately."⁵⁴ The Japanese government accepted his proposal and was vigorously preparing for an agreement with the Wang puppet regime. On January 5, Shigemitsu discussed these matters with Wang Jing-wei and requested China's immediate action to "enter into the war as soon as possible." Wang accepted his proposal. The next day an official announcement to "Declare War on the Allies" was completed by the Wang regime.⁵⁵

In addition, Japan speeded up steps toward abolition. On January 7, Shigemitsu, Japanese Ambassador in Nanjing, sent a new proposal to the For-

eign Ministry, in which he suggested moving the agreement to an earlier date. "If our announcement is later than the United States," he urged his government, "it would be completely disadvantageous to our strategy."⁵⁶ Having considered the political, and especially propaganda value of Japan's abolition of the unequal treaties and China's entry into the war, the Japanese government decided to reach a new treaty with the Wang puppet government in advance. On January 8, as soon as Shigemitsu informed his government that all preparatory work for a new treaty had been accomplished, the Japanese Imperial Diet decided to implement a new treaty with the Wang puppet regime immediately.⁵⁷

On January 9, 1943, Wang Jing-wei and Shigemitsu signed the Sino-Japanese Agreement in Nanjing, which stipulated that Japan would relinquish its extraterritorial rights in China. In the meantime, Wang Jing-wei issued an announcement that China had declared war on the United States and Britain. After signing the treaty, Wang Jing-wei and Tojo made a radio address in the two countries saying the two governments would "cooperate and fight against Anglo-American imperialists, who squeezed one billion Asian peoples, in order to eradicate the calamity caused by Anglo-American imperialism" and to "devote ourselves to the peace of the world."⁵⁸

Japan's actions surprised the Allies. Having heard the news, Chiang Kai-shek wrote in his diary on January 10, "I really feel regret that our treaty was postponed." He added, "A new treaty will be reached soon, but its effect would be far below our expectation."⁵⁹ After some compromise by the Chinese government, treaties between the United States, Britain, and China were implemented on January 11, 1943, abolishing extraterritorial rights and related privileges. Subsequently, the Chinese government reached treaties with Belgium and Luxembourg, Brazil, Canada, Denmark, the Netherlands, Norway, Portugal, Sweden, and Switzerland. Thus China ended its humiliating century of legal inequality and semi-colonialism.

Conclusion

The abolition of unequal treaties by the Powers in China in January 1943 ushered in a new era in Chinese-foreign relations. It not only terminated abnormal relations that had existed between China and the Powers for a century, but also marked the moment that China took its first step toward legal equality

and independence in international relations. It indicated the emergence of an independent and sovereign China in international politics. In this sense, the abolition was an epoch-making event in Chinese history.

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

Therefore, abolition itself did not mean that the Powers had no intention of maintaining their special rights or interests in China. On the contrary, it was for more political reasons that the Powers renounced the unequal treaties with China. Hull wrote in his *Memoirs* later that the abrogation of the unequal treaties would be advantageous in weakening Britain's dominant position in China so that America's influence in East Asia could be maintained.⁶⁰

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

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

Notes

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- 1 For details, see, Wesley R. Fishel, *The End of Extraterritoriality in China* (Berkeley: University of California Press, 1952); Wu Meng-xue, *Meiguo zaihua lingshicaipanchuang bainianshi* [A Hundred Year History of America's Extraterritorial Rights in China] (Beijing, 1992).
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- 4 Foreign Ministry of Japan, *Nihon gaiko bunsho narabini shuyo bunsho* [Japan Foreign Relations and Main Diplomatic Documents] (Tokyo: Harashobo, 1969), p.407.
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- 11 *New York Times*, 15 August 1941.
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- 19 Secretary of State Hull to the British Ambassador (Halifax), 12 May 1942, *ibid.*, pp.277-278.
- 20 Memorandum by the Chief of the Division of the Far Eastern Affairs (Hamilton), 27 March 1942, *ibid.*, pp.271-274.
- 21 Memorandum by the Adviser on Political Relations (Hornbeck), 9 April 1942, *ibid.*, pp.274-275.
- 22 *Ibid.*, pp.277-278.
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- 24 *Asahi Shimbum*, 13 December 1941.
- 25 *Toa Kaitou* [Emancipation of East Asia], February 1942, p.62.
- 26 "Open Letters to Asian Peoples," *Asahi Shimbum*, 24-30 June 1942.

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- 36 Secretary of State (Hull) to the Ambassador in the United Kingdom (Winant), 5 September 1942, *ibid.*, pp.287-288.
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- 41 *Ibid.*, pp.298-301.
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- 56 Shigemitsu to the Foreign Ministry, 8 January 1943, *ibid.*
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