

**A SPEECH ON THE
REVISION OF
TREATIES WITH JAPAN
TO WESTERN NATIONS**

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A Speech on the Revision of Treaties with Japan to Western Nations by Shotaro Ozawa

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SHOTARO OZAWA

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ON THE

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REVISION OF TREATIES

WITH

Japan to Western Nations.

BY

SHOTARO OZAWA, LL. M.,

A member of the Graduate Department of Harvard
University.

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1901.

This address, delivered before a large audience of Americans, is here published in English, printed from original copy.

REVISION OF TREATIES WITH JAPAN TO WEST- ERN NATIONS.

Less than half a century ago, a foreign flag was never seen in our ports. A few years later, at the request of an American commodore, the door of Japan, under gentle compulsion, turned slowly on its hinges, creaking with the rust of centuries, and the western world welcomed the hermit nation of the East into the great brotherhood of states. Feudal lords were puzzled and perplexed by the freedom with which naval and military diplomatic representatives from Europe and America offered to flood our land with the blessings of western civilization.

At the present time Japan is everywhere known, and well known; ships from the farthest shores come and go laden with cargoes for Japan, and with wealth from our fields and factories for other countries.

Japan, on entering into communication with other nations, came suddenly into contact with the full energy and effect of modern commercial and political spirit.

Its politics and laws have especially progressed. The moment a monarchy expresses itself in a constitution, and accepts a legislature chosen by popular suffrage, that moment the individual citizen takes on a different character from that of the passive subject. The citizen becomes a law-maker and executes the law.

The stability and progress of the state, since the constitution was granted, has changed the popular idea in Japan of her previous political history under the long rule of feudalism, and under the power of Tokugawa, the former government of Japan. The way in which the people now regard the value of diplomatic relations with other countries amounts to a revolution.

In order to judge their past acts, and to guide their future policy, our nation may well consider on what principle of justice they have compelled their ruler to surrender in part Japan's sovereignty, by granting to foreigners extra territorial jurisdiction on her soil, and by limiting her tariffs on imports, while the sovereignty of no western nation is limited in this respect.

Indeed, there is a prior question: On what ground can we justify ourselves in granting extra territorial jurisdiction? I

think the answer to this question is, that while we were formerly compelled to grant extra territorial jurisdiction to foreign nations in certain of our sea ports, yet it was believed by the government that the continued existence of Japan required the exclusion of foreign nations from the interior part of the country, because of the fear that civil commotion might result.

Even the opening of a few seaports to foreigners was strongly opposed by the people. The great struggles of the several parties against this policy of the minister of state, Gotairo, who presided under the authority of Tokugawa, from which arose the difficulties to the diplomatic relations, indicated great ill feeling against western nations, and led foreigners to a great distrust of our judicial power.

But the good of mankind required that no nation which is accessible should be allowed to seclude itself from the world, and Japan was therefore obliged to grant extra territorial jurisdiction, which was fully warranted by the first treaties between Japan and the United States.

As a result of these treaties, a whole circle of new commercial, social, and political relations are being entered and there are many perils and duties appear-

ing, among which is especially the revision of judicial treaties and the import tariff to be considered at the present time as of the most consequence.

Under the former order of things Japan's trade and industry was practically confined within her own borders; its social habits, customs, literature, and arts almost wholly adapted to her own and no other needs. Now by the radical progress of legal ideas she has many judges and legal advocates on her bench familiar with the maxims and decisions of the western law. European law is taught in her Universities, in the cities, and many provincial places. Thousands of law students at the present time are graduating from the several colleges which teach western jurisprudence with generally a three years' course. She has revised her codes, adopted western jurisprudence, and also her customs and usages have been greatly changed and revised by our jurists.

We shall first consider the subject of extra territorial judicial jurisdiction in Japan. Foreign consular courts for the exercise of it have often been severely criticized as inadequate for the protection of their own citizens. Americans who have suffered from the imperfections of consular courts have been heard to declare that

they would rather trust their case in the hands of the Japanese judges. Beyond doubt the welfare of both nations requires a change in extra territorial judicial jurisdiction. There is a great opportunity to revise the treaties, and now Japan asks that she be allowed to exercise her sovereignty within her own territory and provinces and promises in return to throw open her whole country to foreign trade.

Twenty-eight American and English missionaries, several of whom have been years in Japan, have adopted a memorandum of sufficient importance to be inserted here in this connection. At the convention of missionaries which was held in 1890, the truth of this memorandum was again warranted. No foreigners have a better opportunity than these gentlemen to judge the real spirit and present condition of Japan. Their statement is as follows:

"The Osaka and Kobe Missionary Association having discussed the question of extra territorial jurisdiction in connection with the proposed revision of treaties, the undersigned desire to place on record a formal expression of opinion that the time has arrived when substantial modification should be made in those provisions of the existing treaties which give exceptional

U. S. M.