

# A POLITICAL CONSIDERATION ON THE JAPAN-ITALY TREATY REVISION RELATIONS DURING THE INOUE KAORU FOREIGN AFFAIRS ERA (1879-1887): CENTERING ON JAPANESE AND ITALIAN PRIMARY SOURCES

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**Abstract:** In the early Meiji Era, the revision of the so-called “Unequal Treaties” was an issue of vital importance to the Japanese government. In particular, since the early 1880s Foreign Minister Inoue Kaoru (1836-1915), unlike his predecessor Terashima Munenori (1832-1893), who had given priority to the acquisition of tariff autonomy, sought to include in the negotiations with foreign powers also the abolition of extraterritoriality. In this context, the Kingdom of Italy found itself playing a significant role in Inoue’s foreign policy in the 1870s after the Italian diplomats in Tokyo had shown a strong interest in treaty revision aiming to obtain the right for the Italian traders to circulate freely in Japan’s inland areas in exchange for the renunciation of their extraterritorial rights. Since the Japan-Italy Treaty Revision Relations during the management of the Japanese Foreign Ministry by Inoue (1879-1887) have not received sufficient consideration by either Italian or Japanese historiographies, this

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research aims to examine it in detail, focusing the analysis on the strategic importance that the Kingdom of Italy had for the Japan government in the 1880s. Some still unclarified issues will be illuminated mainly by making use of Japanese primary sources and integrating them with the Italian ones.

**Keywords:** *Treaty Revision, Japan, Italy, Inoue Kaoru, Japanese foreign policy.*

## Introduction

It is well known that, in the early Meiji Period, one of the Japanese foreign policy's main objectives was to revise the treaties that the Tokugawa Shogunate had concluded with some of the Western countries between 1858 and 1867. These agreements, commonly known as the “Unequal Treaties”, in addition to opening for trade and residence to foreigners two cities and five ports (collectively known as the Treaty Ports)<sup>2</sup>, included a whole series of clauses that put Japan in a position of inferiority to foreign powers. The most onerous and humiliating of these consisted of fixing customs duties on imported goods at an artificial 5% *ad valorem* and granting to all citizens of the treaty nations extraterritorial rights, especially consular jurisdiction, that rendered them immune from Japanese justice. Therefore, after the Meiji Restoration of 1868, the new liberal government taken over from the shogunate struggled to revise the “Unequal Treaties”, aiming, first and foremost, at the abolition of extraterritoriality (i.e., the restoration of legal rights) and the acquisition of tariff autonomy (i.e., the recovery of tax rights).

Meanwhile, since Article 3 of said treaties restricted the movement of foreigners within limited settlements located inside the treaty ports, the Kingdom of Italy showed a strong interest in the treaty revision. Its main purpose was to obtain the right for Italian citizens to move throughout Japan's inland area. This was due to the fact that, when in the 1870s the two countries were closely connected by prosperous large-scale silk trade mainly concerning the export of silkworm eggs from Japan to Italy, the Italian traders needed to bypass the Yokohama silk market (and its brokers) to purchase the best quality products possible directly from local producers in the sericultural districts (Bertelli 2007, 57). In 1873, this particular need led the second Italian Minister Plenipotentiary in Japan, Alessandro

<sup>2</sup> I.e., the port of Kanagawa (Yokohama), Nagasaki, Hakodate, Niigata and Hyōgo (Kōbe), and the cities of Ōsaka and Edo (present-day Tōkyō).

Fe d'Ostiani (1825–1905), to ask the Japanese Foreign Minister Soejima Taneomi (1828-1905) to give Italian traders the possibility to circulate freely in Japan's inland areas in exchange for their renunciation of consular jurisdiction outside of foreign settlements (63-64). Later, in 1879, the third Italian Minister Plenipotentiary, Raffaele Ulisse Barbolani (1818-1900), made an even more advanced proposal to Foreign Minister Terashima Munenori (1832-1893): the Kingdom of Italy would consent to Japan's restoration of tariff autonomy and management rights for coastal trade in exchange for the abolishment of all export tariffs on Japanese products to Italy; moreover, Italian citizens who would have enjoyed the right to transit, reside, trade, hold property, and carry out industrial activities in Japan's inland areas (*naichi zakkyo*) should have submitted completely to the Japanese civil and criminal jurisdiction, while those residing within the foreign settlements would have continued to enjoy the right to be tried within a consular court while obeying Japanese Administrative Rules (Pozzi 2017, 136-37). However, due to Great Britain's strong opposition, both Fè d'Ostiani (Ishii 1977, 97-188) and Barbolani (342-45, 347-48) were forced by the Italian Foreign Ministry to interrupt their negotiations with the Japanese side and align with the positions of other foreign diplomats in Tokyo.

Nevertheless, there is no doubt that in the 1870s the Kingdom of Italy had considerable strategic importance for Japanese foreign policy since, in the event of implementation, its diplomats' plans would certainly have allowed the Meiji government to make significant progress in revising the "Unequal Treaties". Moreover, Italy continued to be relevant to Japan even during the management of the Japanese Foreign Ministry by Inoue Kaoru (1836-1915), who succeeded Terashima in 1879 and remained in office until 1877. To demonstrate this, the current research aims to analyze in detail, and for the first time, the Japan-Italy Treaty Revision Relations advanced when Inoue Kaoru was Foreign Minister, highlighting his revision policy toward Italy, the Italian Foreign Ministry's attitude toward the signing of a new treaty, and the degree of influence that the fourth Italian Minister Plenipotentiary in Japan, Renato de Martino (1843-1893), in charge since 1883, had during the revision negotiations between the Western Powers and the Japanese side. The research will make use mainly of Japanese primary sources, such as official letters and transcriptions of conversations, preserved at the Diplomatic Record Office of the Ministry of Foreign Affairs of Japan (*Nippon Gaimusho Gaikō Shiriyokan*) and the National Archives of Japan

(*Nippon Kokuritsu Kōbunshokan*)<sup>3</sup>, integrating them with Italian diplomatic documents preserved at the Historical-Diplomatic Archives of the Italian Ministry of Foreign Affairs (*Archivio Storico Diplomatico del Ministero Degli Affari Esteri*).

### **Inoue's revision policy and the role of Japanese diplomats in Italy**

First, it should be remembered that Foreign Minister Inoue Kaoru's foreign policy toward treaty revision consisted mainly of obtaining an increase in tax rates and a gradual restoration of legal rights by gathering the representatives of all the Treaty Powers and personally conducting revision negotiations with them in Tokyo (Ishii 1977, 356). At the request of the British government, Inoue decided in 1881 to carry out a series of multilateral meetings in which the delegates of all the treaty nations would discuss in concert the problem of revision with him (Perez 1999, 74). As a result of that choice, the Preliminary Conference for Treaty Revision (*Jōyaku Kaisei Yobikaigi*) and the more formal Conference for Treaty Revision (*Jōyaku Kaisei Kaigi*) were held in the Capital in 1882 and between 1886 and 1887, respectively. Meanwhile, the main task of Japanese diplomats abroad was to persuade the foreign governments to accept in principle Inoue's requests concerning treaty revision to ensure the beginning and success of the negotiations between the Japanese Foreign Minister and their delegates (Iokibe 2010, 92). Moreover, Inoue's policy included the continuation and development of a work of legal and judicial reform started in 1868, the Westernization of different aspects of Japanese society, and, not less importantly, a strategy aimed at providing Japan with the credibility necessary for the signing of new treaties through the creation of personal bonds with the ruling class of other countries and the promotion of social and informal events, such as dance parties and gala dinners (Inuzuka 2009, 164). This latter strategy is known as "Rokumeikan diplomacy" (*Rokumeikan gaikō*) and takes its name from the homonymous large two-story building in Tokyo built between 1881 and 1883 as a social gathering place for state guests and foreign diplomats with the express purpose of facilitating negotiations at the Conference for Treaty Revision (Kumada 2017, 54).

<sup>3</sup> All these materials have been published (partly also with a translation to English) in the second volume of *Nihon gaikōmonjo: Jōyaku kaisei kankei* (Nihon Gakujutsu Shinkōkai 1941-53, vol. 2).

In the above context, the appointment of the former daimyō of Saga Domain, Nabeshima Naohiro (1846–1921), as Minister Plenipotentiary of Japan in Italy in March 1880 should be considered one of the most evident expressions of Inoue’s foreign policy, and in particular of the “Rokumeikan diplomacy”. After a long stay in England between 1871 and 1878, in the next two years, Nabeshima was the person in charge of the reception in Tokyo and Yokohama of Prince Thomas of Savoy (1854-1931), 2nd Duke of Genoa and brother-in-law of the Italian King Umberto I (1844-1900), during his second visit to Japan (Pozzi 2018, 33). This circumstance, specifically created by Inoue himself, allowed him to build a strong friendship not only with Prince Thomas (Pozzi 2020, 101-02) but, once he arrived in Italy in August 1880, also with other prominent members of the Italian Royal family, especially with King Umberto and his wife Margherita (1851-1926) (103-05). Moreover, Nabeshima actively participated in the social life of Italian high society and personally organized dance parties and gala dinners at the Japanese Legation in Rome, often being praised by Roman and national newspapers. It was probably thanks to these events, as well as to his deep knowledge of European etiquette and culture, that the Japanese Minister enjoyed a high reputation among the members of the Italian ruling class and the Italian public opinion, becoming known to all as *Principe Nabeshima* (106-08).

Regarding treaty revision, Nabeshima’s main duty was to ensure that the Italian Foreign Minister appointed as soon as possible a representative with full authority to discuss in Tokyo with Inoue a draft treaty concerning an increase in customs tariffs and a partial recovery of legal and judicial rights within the foreign settlements (Nihon Gakujutsu Shinkōkai 1941-53, 2:71-72; Tsuda 1987, 13)<sup>4</sup>. Struggling with the Italian government’s prudent attitude towards the problem of treaty revision and its substantial alignment with British decisions in the matter<sup>5</sup>, Nabeshima strived actively to ensure that Inoue’s requests were quickly accepted by the Italian side. In this regard, it should be noted that he proved to be skilled at gathering information and pursuing negotiations not only through official meetings with the heads of the Ministry of Foreign Affairs but also through informal events (including

<sup>4</sup> It should also be added that on October 2, 1880, Nabeshima proposed to adopt the draft Treaty advanced by Barbolani in 1879 as an alternative revision plan, but on the condition that extraterritoriality was completely abolished in the foreign settlements as well. However, his proposal was immediately rejected by the Italian Ministry of Foreign Affairs (Nihon Gakujutsu Shinkōkai 1941-53, 2:1204).

<sup>5</sup> See the next chapter.

dinners and dance parties that he organized at the Japanese Legation) and confidential talks with influential figures within the Italian ruling class, such as Fè d'Ostiani<sup>6</sup> and Barbolani<sup>7</sup> themselves (Pozzi 2020, 112-13).

However, Nabeshima's constant efforts did not have the desired effect: after having waited for the outcome of the negotiations between Japan and Great Britain, in November 1881, the Italian government eventually instructed the Italian chargé d'affaires in Japan Martin Lanciarez (1834-?) to discuss the problem of treaty revision with the Japanese government on a new basis and in concert with the representatives of the other western nations at a plenary conference (i.e., the above mentioned Preliminary Conference for Treaty Revision), scheduled in mid-January 1882 (Nihon Gakujuitsu Shinkōkai 1941-53, 2:1212-13). Nevertheless, upon his return to Japan in July 1882, Nabeshima continued to be actively involved in Inoue's foreign policy, by organizing dance parties and official dinners for foreign diplomats at the Rokumeikan as Secretary General since 1884 (Tomita 1984, 164).

To preserve and consolidate the personal relations that Nabeshima had been able to create with the Italian ruling class (and, in particular, with the Royal Family), Inoue decided then to appoint as his successor another prominent member of the Japanese aristocracy: Asano Nagakoto (1842-1937), former daimyō of Hiroshima Domain and member of the Chamber of Elders (*Genrōin*) since 1880. When he arrived in Italy in August 1882, the Tokyo Preliminary Conference had just ended the month before. At the Conference, on April 5, Inoue had proposed to the Treaty Powers a plan to abolish extraterritoriality in exchange for the possibility for foreigners to reside, trade, and hold property in Japan's inland areas after a five-year

<sup>6</sup> Nabeshima and Fè d'Ostiani probably met for the first time in May 1873. At the time, Fè d'Ostiani accompanied the Iwakura Mission, to which Nabeshima belonged as a foreign student, to the 1873 Vienna World's Fair and the main Italian cities. As appears in a letter he wrote to Inoue on November 13, 1880, Nabeshima held high regard for Fè d'Ostiani and considered him "a person who understands the feelings of our country well and has a strong influence on our own government" (Nihon Gakujuitsu Shinkōkai 1941-53, 2:1205).

<sup>7</sup> While still in Japan in 1879, Nabeshima had often been in contact with Barbolani to organize with him the welcome ceremonies and other official events for Prince Thomas of Savoy. He had therefore been able to forge a close personal bond with the Italian diplomat (and this was probably one of the reasons that led Inoue to send him to Italy as Minister Plenipotentiary). After Barbolani's return to Italy in April 1881, Nabeshima had the opportunity to meet him again and discuss privately with him the adoption of mixed courts with foreign judges (Nihon Gakujuitsu Shinkōkai 1941-53, 2:1211)

transition period (from the date of the ratification), during which foreign judges would be hired in Japanese courts for cases involving foreigners (Kayaoğlu 2010, 85). However, due to strong opposition from France and Great Britain<sup>8</sup>, he eventually decided to postpone the matter and conclude first a commercial treaty providing only for an increase in customs tariffs (Kajima 1970, 67). Probably to scuttle the negotiations and avoid that sooner or later an agreement on the abolition of extraterritoriality was reached, in May 1883 the British Government sent out to the other Treaty Powers a Circular Letter asking them to sign with Japan the treaty concerning an increase in tariffs only on the condition that it should be “unlimited in duration [...], with no stipulation of revision, but with an indication of some kind that it cannot be modified without the consent of both parties” (Nihon Gakujutsu Shinkōkai 1941-53, 2:301).

Given this delicate situation, Minister Plenipotentiary Asano was tasked with convincing the Italian government to reject the British request and recognize Japan’s right to terminate the treaty after the expiration of a time agreed upon (2:1215). Meanwhile, in August 1883, the Japanese Minister Plenipotentiary in Germany, Aoki Shūzō (1846–1911), was invited by Inoue to help Asano achieve that goal and, thus, decided to send him the secretary of the Japanese Legation in Berlin, Alexander von Siebold (1846-1911)<sup>9</sup>, as an interpreter and assistant (2:1137, 2:1141). Being able to count on both Siebold’s assistance as well as Fè d’Ostiani’s mediation, on September 27, Asano officially met then-Italian Foreign Minister Pasquale Mancini (1817-1888) and obtained from him the commitment of the Italian government to support Japanese demands against Great Britain’s obstructionism attempt (2:1141-42). Thanks also to this result, on October 8, 1883, the Japanese

<sup>8</sup> These two countries were concerned that under the existing Japanese judicial system, “fair and just trials could not be expected” after the abolition of extraterritoriality (Kamikawa 1958, 142); moreover, at the time, Great Britain feared that this concession would induce its colonies in East Asia and China itself to claim the restoration of their legal rights (Nihon Gakujutsu Shinkōkai 1941-53, 2:1229).

<sup>9</sup> Eldest son of japanologist Philipp Franz Balthasar von Siebold (1796-1866), Alexander George Gustav von Siebold was a German translator, interpreter, and advisor who served the Meiji government for many years starting in 1870. He was one of the people most involved in the process of treaty revision. He served Minister Inoue as a secretary during the 1882 Preliminary Conference and later often collaborated with the diplomat Aoki Shūzō, assisting him in the successful conclusion of the 1894 Anglo-Japanese Treaty of Commerce and Navigation (which took place in London on July 16, 1894). About Siebold and his role during the revision of the treaties, see Katada Tomoko’s work (Katada 2016).

Minister Plenipotentiary in London, Mori Arinori (1847-1889), was able to start new negotiations with the British government (Kajima 1970, 68).

### **Italian Foreign Minister Mancini and his policy toward treaty revision**

As it was briefly mentioned in the previous section, between the end of the 1870s and the early 1880s, the Italian government adopted an extremely prudent attitude towards treaty revision by aligning itself with the positions taken by Great Britain on the matter. This occurred mainly because a large part of the Italian ruling class believed that the Kingdom of Italy should move with great caution on the international scene, trying to interfere as little as possible with the interests of other powers, in order to guarantee the state of “peace” necessary to protect and consolidate the national unity recently conquered in 1861 (Chabod 1951, 533-34). Accordingly, the Italian government gave priority to the resolution of internal problems (and especially the financial ones), aligning itself with the positions of other European nations concerning all the issues not considered of vital importance for Italy (531-32). Furthermore, between 1879 and 1881, then-Prime Minister and Foreign Minister Benedetto Cairoli (1825-1889) needed Great Britain’s support to protect national interests in Tunisia, as he feared that France would take over a region so strategically and economically relevant for his Country (Ministero Degli Affari Esteri 1960-2000, 13:602-04). It is no surprise then that he strived in every way to go along with London’s will on the issue of treaty revision, both by stopping the revision negotiations between Barbolani and Terashima in 1879 and by evading Nabeshima’s requests on the same issue between 1880 and 1881.

In May 1881, after France invaded and occupied Tunis and Tunisia without meeting Great Britain’s opposition (which was hostile to the entire control of the Strait of Sicily by Italy), Cairoli was forced to resign, and Pasquale Mancini succeeded him as Foreign Minister. To bring the Country out of its diplomatic isolation resulting from the *Schiaffo di Tunisi* (lit. the “Slap of Tunis”) and guarantee national security, Mancini adopted a foreign policy aimed at preventing any conflict in Europe at any cost and, at the same time, at allowing Italy to obtain authority and influence in the Concert of Europe (Mancini 1893-97, 6:550); he, then, decided to establish ever closer relations with the Central Empires of Austria and Germany, signing with them a military alliance (the so-called Triple Alliance) on May 20, 1882, “since their need and firm willingness to maintain peace were evident, and



because they also had a greater commonality of interests with Italy, both in large and secondary issues of general policy”<sup>10</sup> (6:610).

As a result of these events, under Mancini’s management, the policy adopted by the Italian government towards treaty revision became more active and less subordinate to Great Britain’s will: for example, after having listened to the requests presented by Asano on September 27, 1883, the new Foreign Minister “took the initiative by writing to the German Government in a sense favourable to the Japanese Government” (Nihon Gakujutsu Shinkōkai 1941-53, 2:1247); furthermore, in October, together with the Berlin and Vienna governments, he supported Japan’s right to conclude new treaties after a fixed period, despite the contrary opinion expressed by Great Britain on that issue (Tsuda 1987, 25).

Meanwhile, Mancini, who was strongly inclined to sign a new treaty with Japan, followed with great interest the running of the 1882 Tokyo Preliminary Conference. Moreover, because he had been a lawyer, jurist, and Minister of Justice, he also paid close attention to the work of legal and judicial reform, which the Japanese government was conducting in parallel with treaty revision negotiations: in particular, he checked out and appreciated the new Japanese codes of criminal Law (completed in 1880 and entered into force in January 1882), which he admitted had been “prepared on the model of the latest codes of Europe, namely those of Italy, which I, when I was Minister of Justice, had the good fortune to pass through parliament”; not surprisingly, at the Preliminary Conference, Foreign Minister Inoue himself mentioned him “as one of the highest authorities who had examined them” (Nihon Gakujutsu Shinkōkai 1941-53, 2:1250).

The main goal Mancini hoped to accomplish by signing a new treaty with Japan was to obtain a speedy opening of the whole of Japan to Italian trade (ASDMAE, January 7, 1887). In this regard, it should be noted that, in parallel with the constant drop in demand for Japanese silkworm eggs and the consequent decline of the Italian-Japanese silk market since the late 1870s, the interest of the Italian side had progressively turned to intensification and diversification of commercial exchanges between the two countries, especially as regards the import of Italian products into the Archipelago (Pozzi 2017, 135-36). The opening of Japan, therefore, continued to be fundamental for Italy and to obtain it Mancini was willing

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<sup>10</sup> “Essendo evidente il loro bisogno ed il loro fermo volere del mantenimento della pace, ed avendo esse altresì maggiore conformità d’intenti coll’Italia, tanto nelle grandi, come nelle secondarie questioni di politica generale”. Translation by the author.

to abandon the consular jurisdiction reserved for Italian citizens on the sole condition that the codification of the new Japanese laws and the reform of its judicial system on the model of the European ones were completed. He then showed a favorable attitude towards the proposals and requests made by the Japanese side in a matter of jurisdiction. For example, in 1882 he expressed his appreciation for the above-mentioned Inoue's proposal concerning the opening of the country in exchange for the gradual abolition of extraterritoriality (ASDMAE, June first, 1882). About two years later, when, in August 1884, Inoue presented a new proposal with fewer claims regarding the recovery of legal rights (Nihon Gakujutsu Shinkōkai 1941-53, 2:345-51), Mancini accepted to adopt it as a basis for negotiations during a new plenary conference for treaty revision, showing also his desire to make still more concessions than the Japanese government had requested in the matter of jurisdiction (2:1247-48). Furthermore, in October 1884, he even proposed his personal idea "to open the Country at once and place foreigners simply under the existing Japanese laws and courts in the interior until the new codes and new judicial organization with foreign judges are completed" (2:1248).

At the same time, although in August 1884 Inoue had decided with the general consent of the Treaty Powers to increase customs tariffs based on a draft tariff prepared by Germany and Great Britain and submitted as a joint proposal by all the foreign delegates at the Preliminary Conference in May 1882 (2:345, 2:1249), Mancini struggled to obtain from the Japanese side a reduction of the duty on some articles contained in it. During a discussion with Siebold on October 30, 1884, he first claimed a duty reduction on coral, justifying his request as follows:

You (i.e., Siebold) know that Italy has but a small trade in Japan and corals are in fact our principal article. The people who produce it have of late been severely suffering by misfortunes (alluding to the cholera in Naples). They say that the increase in the duty will ruin their trade with Japan and I hope, therefore, the Japanese Government will, in consideration of this, consent to a decrease of the duty. (2:1247)

In December, the secretary of the Foreign Ministry, Augusto Peiroleri (1831–1922), claimed duty reductions on other articles, such as quinine, specifying that high taxation, in addition to damaging Italian merchants, would have enticed some dishonest English and French merchants to smuggle Italian products into Japan (2:1254). Furthermore, as stated by Mancini, without the reductions required by the Foreign Ministry, the

Italian Parliament would certainly have opposed the whole revision project proposed by Inoue in 1884 (2:1256). For all these reasons, on April 25, 1885, the Italian Minister Plenipotentiary Renato de Martino privately asked Inoue to modify the above-mentioned draft tariff by reducing coral duty from 12.5% to 10%, quinine duty from 8% to 5%, and olive oil duty from 10% to 5% (2:381-82). Inoue strongly opposed the Italian demand for duty reduction; he wanted to avoid at any cost other countries making similar requests, thus jeopardizing the success of the negotiations on the question of tariff (2:1251). Therefore, the Japanese Minister Plenipotentiary in Italy, Tanaka Fujimaro (1845–1909), strived to convince the Italian government to retire its demands for reduction (2:1252-53). However, due to the constant insistence of Mancini and his successor at the head of the Ministry of Foreign Affairs, Carlo Felice Nicolis Conte di Robilant (1826-1888), in May 1886, Inoue eventually accepted to reduce the duties on coral, quinine, and olive oil once the Conference for Treaty Revision was over, but on condition that in the meantime this arrangement should have stayed secret between the two governments (2:1264).

### **The Plenary Conference and Italian delegate de Martino's role**

While Japan and Italy were reaching an agreement on the tariff issue, the Plenary Conference for Treaty Revision met in Tokyo on May first, 1886. This conference was attended by Inoue, the Vice Foreign Minister Aoki Shūzō (1844-1914), and delegates from 12 countries with full powers to draw up and sign a new treaty with the Meiji government. Initially, they discussed a new revision project involving an increase in customs tariffs (from 5% to 11%) in exchange for an extension of legal rights (Sganzerla 2012, 75-76); but, since neither the Japanese nor the British sides seemed satisfied, it was later shelved, and, in its place, it was decided to adopt as the basis of discussion a counterproposal submitted on June 15 by the British plenipotentiary Sir Francis Richard Plunkett (1835-1907) and his German colleague Theodor von Holleben (1838-1913) (Minohara and Naraoka 2016, 23). In summary, this draft convention, known as the *Anglo-German Project*, provided for the abolition of consular jurisdiction after 3 years from the entry into operation of a seventeen-year treaty (articles 9) in exchange for the opening of Japan's interior to foreign travel, trade, and residence (article 1); however, within two years after the ratification of the treaty, the Japanese government should have put into operation new law codes and new law courts prepared on the model

of Western legal principles, once they have been approved by all Treaty Powers' governments (articles 2 and 3); furthermore, Japan was required to establish and maintain for 15 years after the opening of the interior a legal system of mixed courts, composed mostly of foreign judges and with jurisdiction in cases involving foreigners (Articles 5, 6, and 8) (Nihon Gakujutsu Shinkōkai 1941-53, 2:477-81).

Now, even if the Italian Minister Plenipotentiary and delegate to the Conference, Renato de Martino, is often mentioned in numerous Japanese contributions on treaty revision, especially as regards the discussions during the Conference, his name is never directly associated with the *Anglo-German Project*. If we read the letters that de Martino sent to the Italian Ministry of Foreign Affairs between June 1886 and January 1887, it emerges instead that he not only actively endorsed this project (Fujiwara 2004, 150) but even contributed significantly to its realization.

Before arriving in Japan at the beginning of 1885, de Martino had been instructed by Minister Mancini to attempt to obtain the opening of Japan's interior, bearing in mind that "as a condition of abandoning consular jurisdiction, (the King's Government) required only that the codification and the judicial system were completed"<sup>11</sup>. Nonetheless, although this principle had been eventually shared by the Concert of Europe, de Martino and the other foreign delegates didn't settle for the completion of the codification of new laws but found it necessary to have for a certain period European judges applying Western laws and teaching Japanese magistrates how to do it (ASDMAE, January 7, 1887). Concretely, de Martino's idea, which he called *Concetto Italiano* (lit. "Italian Concept"), consisted of safeguarding foreign citizens in Japan simply by obtaining that they could be tried in Courts of Cassation and Courts of Appeals composed mostly of Western judges (ASDMAE, August 16, 1887). Concerning this idea, in a confidential letter dated January 7, 1887, de Martino wrote to Foreign Minister Robilant as follows:

The happy success (of the negotiations) is due to this concept, all mine and which I revealed to my government a few months after I arrived in this Country. Experience has demonstrated that it was the only possible solution. The facts have shown how the interests of Germany and England induced them to be united in that concept, instead of opposing and paralyzing

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<sup>11</sup> "Per abbandonare la giurisdizione consolare, (il Governo del Re) chiedeva soltanto che la codificazione e l'ordinamento giudiziario fossero completati". Translation by the author.

each other. And considering it, in the end, a satisfactory compromise by which, once the truly harmful consular jurisdictions were abandoned, the much-desired opening of the Empire could be obtained, both of them (i.e., Great Britain and Germany) accepted the bases that I proposed and constantly supported. This is how I was able to write to Your Excellency that the political concept of the King's government could triumph. [...] And the proposal of judges of foreign nationality was accepted (by the Japanese government), after many of our efforts, and mainly mine, only because it was limited to only 15 years. [...] <sup>12</sup> (ASDMAE, January 7, 1887)

In the absence of further sources that prove it, it seems hard to say for sure that de Martino's contribution has been decisive for the creation of the *Anglo-German Project* and its acceptance by the Japanese government as a basis for further discussions, but there is no doubt that at the Conference the Italian diplomat played a significant role as mediator and arbiter of disputes both within the Western side (especially between the British and the German delegates) and between it and the Japanese representatives. For example, after the submission of the *Anglo-German Project*, he contributed to the elaboration of various amendments and additions discussed during the sitting and later became part of a more articulated plan known as the *Draft Jurisdictional Convention* (Nihon Gakujutsu Shinkōkai 1941-53, 2:481-92). Speaking of this latter draft treaty, it is worth mentioning de Martino's merit of having compiled paragraphs 1 and 2 of Article 6, which were concerned respectively with the partition of jurisdictional competencies between the Japanese courts and the consular ones and the enforcement of Japanese courts' judgments by the consular courts during the first three years transition period from the entry into force of the new treaty; their composition was certainly a complex work considering that de Martino had to gather and arrange propositions and

<sup>12</sup> "A questo concetto, tutto mio e da me palesato al mio governo pochi mesi dopo del mio arrivo in questo paese, è dovuta la felice riuscita (delle trattative). La esperienza ha dimostrato come fosse la sola possibile soluzione. I fatti hanno constatato come gl'interessi della Germania e dell'Inghilterra consigliassero che si unissero in quel concetto, invece d'avversarsi e paralizzarsi a vicenda. E considerandolo, alla perfine, un compromesso soddisfacente mercè del quale, abbandonate le invero dannose giurisdizioni consolari, si potesse ottenere la tanto agognata apertura dell'impero, hanno consentite ambedue alle basi da me proposte e costantemente sostenute. È così che ho potuto scrivere all'Ecceellenza Vostra che il concetto politico del governo del Re poté trionfare. [...] E se la proposta di giudici di nazionalità straniera venne accettata (dal governo giapponese), dopo molte fatiche nostre, e principalmente mie, fu perché limitata a soli 15 anni. [...]". Translation by the author.

additions previously made by the other delegates (including Vice Foreign Minister Aoki) and by himself so as to make all the colleagues agree on such thorny issues (Fujiwara 2004, 252-57).

In any case, even though an agreement was eventually reached by the parties with the completion of the Draft Jurisdictional Convention on April 22, 1887, the Plenary Conference ended without results since Minister Inoue had to suspend it *sine die* on August 9 and resign from his post on September 17 after strong criticism of his negotiations with the Foreign Powers had spread both among the Japanese public opinion and inside the Meiji Government itself (Perez 1999, 76–78). As he wrote in a letter sent to Minister Robilant on August 16, de Martino could observe “the Public Opinion rising against the conditions agreed upon by us and that the Government of this absolute Monarchy being forced to bow before the National Will even at the risk of antagonizing or alienating the whole of Europe”<sup>13</sup>; moreover, he argued that such protests had been fomented by a part of the Nation “called the “Liberal”, which most represents democratic doctrines and which would like to be [...], in my opinion, too violently reforming”<sup>14</sup> (ASDMAE, August 16, 1887); in the same letter, he did not even fail to acknowledge the responsibility of the Western side both in having made excessive demands without worrying about the discontent that they would create among the population and in having proposed too many amendments, thus altering and weakening the above-mentioned “Italian Concept”:

And are we blameless? Did the Bureaucracies of Europe not, by dictating the details of the Convention, obscure that policy (i.e., the “Italian Concept”)? Forced to lay hands on extraterritoriality and Consular Powers, did they not think of anything other than subrogating them with provisions that did not consider the most delicate and jealous feelings of this nation? Among the Plenipotentiaries at the Conference, was it not lacking, in someone, the right appreciation of the environment, and, in such others, the academic skills necessary for this work? Have not been imposed by both parties, despite all opposition, clauses as offensive and burdensome as they would have been difficult to implement? Did someone not persist in declaring that

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<sup>13</sup> “L’Opinione Pubblica sollevarsi contro le condizioni da noi pattuite, ed il Governo di questa Monarchia assoluta essere costretto a inchinarsi dinnanzi alla Volontà Nazionale anche al rischio d’inimicarsi o d’alienarsi l’Europa intera”. Translation by the author.

<sup>14</sup> “Chiamata la “Liberale”, che rappresenta maggiormente le dottrine democratiche e che vorrebbe essere [...] troppo, a parer mio, violentemente riformatrice”. Translation by the author.

it was not enough that the laws complied with the “Western Principles” but that, to be valid, they needed the approval and the sanction of the foreign governments, as well as any modification? And is that not a usurpation of legislative powers and sovereignty? [...] Lastly - and so that my criticism does not continue - was the clear and sacred Italian Concept not submerged in the additions and modifications generated by the rivalry between the Plenipotentiaries of England and Germany? That concept put in place a guarantee of security for our fellow citizens simply by allowing them to be tried on appeal and in cassation by a majority of magistrates belonging to Western nationalities. And the Plenipotentiary of Germany instituted a division of the Supreme Court into two chambers, one for the review of the sentences given by a Court of Appeal and the other for appeal in Cassation, but he was finally forced, it is true, to abandon this, I don’t know if German, “appeal of the appeal”. And the Plenipotentiary of England desired, without it being possible to prevent it, that foreign judges should exist in the Courts of First Instance too, and he was barely prevented from imposing foreign praetors as well. [...] <sup>15</sup> (ASDMAE, August 16, 1887)

But even so, de Martino had no doubts that the Draft Jurisdictional Convention, despite its flaws, would ultimately allow Japan to obtain the abolition of the Consular Jurisdiction, while at the same time allowing the

<sup>15</sup> “E siamo noi senza colpa? Le Burocrazie d’Europa, dettando i particolari della convenzione non oscurarono quella politica? Costrette a por le mani sulla Estraterritorialità e i Poteri Consolari, pensarono ad altro se non a surrogarli con disposizioni che non tennero conto dei sentimenti più delicati e più gelosi di questa Nazione? Fra i Plenipotenziari alla Conferenza non mancava forse, in taluni, il retto apprezzamento dell’ambiente, e, in tali altri, la disciplina degli studi occorrenti all’opera? Non furono imposte, dagli uni e dagli altri, nonostante ogni opposizione, clausole tanto offensive ed onerose quanto sarebbero state d’ardua attuazione? Non si ostinarono gli uni a dichiarare che le leggi di quest’Impero non bastava fossero conformi ai “Principi Occidentali” ma che, per essere valide, necessitavano l’approvazione e la sanzione dei governi stranieri, e così pure ogni modifica? E non è quella una usurpazione dei Poteri legislativi e della Sovranità? [...] Infine – e perché la mia critica non si dilunghi – il chiaro e sacro Concetto Italiano non fu sommerso nelle addizioni e modifiche generate dal rivaleggiare dei Plenipotenziari d’Inghilterra e di Germania? Quel concetto poneva la gaurentigia pei nostri concittadini semplicemente nello essere giudicati in appello e in cassazione da una maggioranza di magistrati appartenenti a nazionalità Occidentali. E il Plenipotenziario di Germania istituiva una divisione della Corte Suprema in due Camere, l’una per la revisione delle sentenze date in appello e l’altra per i ricorsi in Cassazione, ma dovette poi, egli è vero, abbandonare questo, non so se tedesco, “appello di appello”. E il Plenipotenziario d’Inghilterra volle, senza che si potesse impedire, che i giudici stranieri esistessero pure nei tribunali di prima Istanza, e a mala pena fu evitato che imponesse anche Pretori forestieri. [...]”. Translation by the author.

Treaty Powers to trade freely throughout the Country. Even after the failure of the negotiations, the Italian diplomat did not resign himself to “abandoning the opening of this empire, which is for the benefit of all, but perhaps of ours more than of any other country”<sup>16</sup>; moreover, he remained convinced that the problem of treaty revision could be solved only through a “pure and simple return to the Primitive Italian Concept without excrescences, confusion, or complications”<sup>17</sup>, firmly believing that “among all Powers, we are the only ones who could untie the knot”<sup>18</sup> (ASDMAE, August 16, 1887).

### Conclusion

The present research aimed at bringing to light some unclarified issues concerning the Japan-Italy Treaty Revision Relations advanced during the Foreign Minister Inoue Kaoru Era, mainly by making use of historical sources found in Japan and integrating them with some Italian diplomatic documents. Its analysis resulted in the conclusion that, as in the 1870s, the Kingdom of Italy had considerable strategic importance in Japanese foreign policy even during the years of Minister Inoue’s management. It can be stated based on the following considerations.

First, this importance is evident considering Inoue’s great attention to selecting the diplomats to send to Italy. In particular, in the first years of his mandate, putting into practice the so-called “Rokumeikan diplomacy”, Inoue appointed as Japanese Ministers Plenipotentiary in Rome two members of the Japanese aristocracy he believed were able to convince the Italian government to comply with the Japanese government’s requests by forging (or strengthening) solid bonds of friendship with influential exponents of the Italian ruling class. Second, since 1882, Foreign Minister Mancini has adopted a more independent and active attitude than in the past toward treaty revision: aiming to obtain a rapid opening of the whole of Japan to Italian trade, he chose to move together with those powers, such as Germany and Austria, which could have shared Italy’s same goals and interests; moreover, he was often ready to accept Inoue’s proposals concerning jurisdiction, not failing to show the willingness to abandon Italy’s extraterritoriality rights on the sole condition that the Japanese government completed its work of

<sup>16</sup> “Abbandonare l’apertura di quest’Impero ch’è a beneficio di tutti, ma forse del nostro più che di ogni altro paese.”. Translation by the author.

<sup>17</sup> “Ritorno puro e semplice al primitivo Concetto Italiano senza escrescenze, confusioni e complicazioni”. Translation by the author.

<sup>18</sup> “Fra tutte le potenze, noi siamo la sola che potrebbe sciogliere il nodo”. Translation by the author.



legal and judicial reform. Third, Italian Minister Plenipotentiary de Martino played a leading mediation role at the Conference for Treaty Revision in 1886-87, thus greatly contributing to reaching an agreement by the parties. It should not be forgotten that de Martino's efforts were held in high regard by the Japanese government itself: when he received the Grand Cross of the Rising Sun from Emperor Meiji (1853-1912) in October 1887, it appeared in *The Japan Daily Mail* that "the Italian Representative's uniformly friendly and helpful action, especially throughout the Treaty Revision negotiations, is doubtless the proximate cause of this distinction" (Japan Mail Office 1870-1915, 8:395).

In conclusion, the role that the Kingdom of Italy played in Japanese foreign policy must have been even more significant if we consider that about seven years after the resignation of Foreign Minister Inoue, on December first, 1894, it became the third country, after Great Britain (July 16) and the United States (November 22), to sign a new treaty of Friendship, Commerce, and Navigation with the Meiji government and start dealing with Japan on an equal basis (Zavarese 2004, 152). However, to understand to what extent the action of the Kingdom of Italy influenced the general progress of negotiations between 1887 and 1894, it is necessary to consider in detail what policy and attitude its government and diplomats adopted toward treaty revision during those years. Therefore, since Japan-Italy Treaty revision relations between the late 1880s and the early years of the following decade are still almost completely neglected by both Italian and Japanese historiography, in my next research I intend to deal with this subject by using the primary sources stored in the diplomatic archives of both countries.

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