CHAPTER 4

International Law and the Quest for Civilization

1 International Law and the Opening of Japan

This chapter will examine the lectures on international law that formed the core of Vissering’s five-course curriculum, building on our prior consideration of the lectures on natural and constitutional law in Chapter 1, on statistics in Chapter 2, and on political economy in Chapter 3. This will enable us to complete our portrayal of the experience of Nishi Amane and Tsuda Mamichi during their years of study in the Netherlands and will provide an opportunity for further reflection on the significance of the reception of European international law for the history of political thought in modern Japan.

There has been a considerable amount of research indicating the profound influence of the “Western impact” on the international order and worldview of nineteenth-century Asia.¹ In East Asia, international relations were traditionally conducted in the context of what has been termed a “tribute system” centered on the imperial Chinese court. With the founding of the Joseon dynasty at the end of the fourteenth century, Korea accepted its status as a vassal state of Ming-dynasty China. Even after the Qing replaced the Ming as rulers of the Chinese empire, Korea continued to acknowledge the suzerainty of China, upholding this basic pattern of international relations until the late nineteenth century. Tokugawa Japan, however, occupied a somewhat anomalous position within this order. While generally prohibiting maritime travel to or from Japan, Japan under the Tokugawa shogunate did carry on limited trading relations with the Chinese, the Dutch, the Koreans, the Ryukyans, and the Ainu peoples. But Tokugawa Japan did not enter into a relationship of vassalage or tribute with imperial China, and so there were no official diplomatic relations between the two countries. “Neighborly relations” (kōrin 交隣) were maintained with

¹ For changes in the East Asian international order in the nineteenth century and the transformation of Japanese foreign policy and consciousness of the outside world, see Michael R. Auslin, Negotiating with Imperialism; John Owen Haley, Authority without Power; Mitani Hiroshi, Meiji ishin to nationalism and Perry raikō, translated into English by David Noble as Escape from Impasse; Hamashita Takeshi, Chōkō system to kindai Asia; Arano Yasunori, Kinsei Nihon to Higashi Asia; Okamoto Takashi, Zokkoku to jishu no aida; Sato Seizaburō, “Shi no choyaku” o koete; Matsuda Kōichirō, Edo no chishiki kara Meiji no seiji e; Fujita Satoru, Kinsei kōki seijishi to taigai kankei; Makabe Jin, Tokugawa kōki no gakumon to seiji.
Korea, but this remained a separate and strictly bilateral relationship. Thus, by the mid-nineteenth century, several different images of the international order existed simultaneously in Japan. The Chinese vision of a world order organized around a civilized center expanding outward to a barbarian periphery had become widely accepted along with the Confucian teachings that provided its foundation. On the other hand, some Japanese Confucians and kokugakusha (Japanese classical scholars) like Motoori Norinaga defined Japan itself (honchō 本朝) as the center of this order rather than China. And further complicating the Japanese perception of the outside world during this period was the vision offered by scholars of Dutch studies such as Sugita Genpaku, who, as we saw in the Introduction, insisted that the Earth is a gigantic globe over which the myriad countries are distributed, and criticized a China- or Japan-centered view of the world.

After the beginning of the nineteenth century, however, and especially following the arrival of Perry and his squadron of warships, the situation changed dramatically. The opening of Japan was a political event that shook the very foundations of both traditional diplomacy and domestic rule; it was also a major event in intellectual history, an encounter between two inherently different civilizations. The work of Watanabe Hiroshi has demonstrated that in the course of treaty negotiations, both Japan and the Western powers confronted the philosophical question of whether or not the opening of the country accorded with the principles of reason (dōri 道理). According to Watanabe, the opening of Japan did not take place merely under the threat of military force wielded by the Western envoys. Besides, for the Japanese side, “the opening was not . . . simply a humiliating capitulation to the threat of superior military force. In at least some sense, Tokugawa Japan had freely decided on the basis of universal principles to open itself to the modern West.” As an “extreme example” of this, Watanabe cites Yokoi Shōnan’s impassioned call for the discovery of “principles common throughout the world” (zensekai no dōri 全世界之道理) through “debate by the entire globe” (chikyūjō no zenron 地球上之全論).

Thus, the issues of the opening of the country and signing treaties with the Western powers radically destabilized both foreign and domestic affairs. With the principles of reason underlying their entire world being called into

---

2 On kaikoku as political and intellectual history, see Maruyama Masao, “Kaikoku”; Matsuzawa Hiroaki, Kindai Nihon no keisei to Seiyō keiken; Miyamura Haruo, Kaikoku keiken no shisōshi; Hiraishi Naoaki, Nihon seiji shisōshi; Watanabe Hiroshi, Nihon seiji shisōshi: 17–19 seiki, translated into English by David Noble as A History of Japanese Political Thought: 1600–1901, especially Chapter 18.