Each of the two Governments shall immediately upon the exchange of the ratifications of the present act send one or more commissioners to Taiwan to effect a final transfer of that province, and within the space of two months after the exchange of the ratification of this act such transfer shall be completed.

ARTICLE VI

All treaties between China and Japan having come to an end, in consequences of war, China engages immediately upon the exchange of the ratifications of this act, to appoint plenipotentiaries to conclude with the Japanese Plenipotentiaries, a treaty of commerce and navigation and convention to regulate frontier intercourse and trade.

The treaties, conventions, and regulations now subsisting between China and European powers shall serve as a basis for the said treaty and convention between China and Japan. From the date of the exchange of the ratification of this Act until the said treaty and convention are brought into actual operation, the Japanese Government, its officials, commerce, navigation, frontier intercourse and trade, industries, ships, and subjects, shall in every respect be accorded by China most-favored-nation treatment.

China makes, in addition, the following concessions, to take effect six months after the date of the present Act:

First. The following cities, towns, and ports, in addition to those already opened to the trade, residence, industries, and manufactures of Japanese subjects, under the same conditions and with the same privileges and facilities as exist at the present open cities, towns, and ports of China:

Shashi, in the province of Hubei.
Chongqing, in the province of Sichuan.
Suzhou, in the province of Jiangsu.
Hangzhou, in the province of Zhejiang.

The Japanese Government shall have the right to station consuls at any or all of the above-named places.

Second. Steam navigation for vessels under the Japanese flag, for the conveyance of passengers and cargo, shall be extended to the following places:

On the Upper Yangzi River, from Yichang to Chongqing.
On the Wusong River and the canal, from Shanghai to Suzhou and Hangzhou.

[...]

In witness whereof the respective Plenipotentiaries have signed the same and affixed thereto the seal of their arms.

Done at Shimonoseki, in duplicate, this 23rd day of the 3rd month of the 21st year of Guangxu, corresponding to the 17th day of the 4th month of the 28th year of Meiji.

Li Hongzhang,[L.S.]
Plenipotentiary of His Majesty the Emperor of China
Senior Tutor to the Heir Apparent
Senior Grand Secretary of State
Minister Superintendent of Trade for the Northern Ports of China
Viceroy of the Province of Zhiili
Earl of the First Rank
Count Ito Hirobumi,[L.S.]
Junii, Grand Cross of the Imperial Order of Paulownia
Minister President of State
Plenipotentiary of His Majesty the Emperor of Japan
Viscount Mutsu Munemitsu
Junji, First Class of the Imperial Order of the Sacred Treasure
Minister of State for Foreign Affairs
Plenipotentiary of His Majesty the Emperor of Japan.

4.13 JOHN HAY’S OPEN DOOR NOTE
(SEPTMBER 6, 1899)

In the wake of the Sino-Japanese War and the ensuing Triple Intervention of Germany, France and Russia (into the settlement of the war), there was a growing sense that China could be divided up into "spheres of interest." In 1899, John Hay, the United

SPHERES OF INTEREST (SPHERES OF INFLUENCE)— Areas of China in which a specific Western power was said to hold particular interest, but no specific powers during the late nineteenth century.
States Secretary of State, worried that the United States would be denied commercial access to China, sought to forge an agreement among the Western powers present in China. Hay's agreement would allow an "open door" to all countries in all areas. Quite indicative of the period, China was not consulted, much to the chagrin of the increasingly impotent Chinese diplomatic corps. Far from exhibiting an anti-imperialistic tone, as is often asserted, the agreement simply suggested the empire should remain open to all foreign nations on an equal basis.

Questions
1. What are the key elements of the Open Door Note?
2. Why do you think the granting of Germany's holdings at Jiaozhou (Qingdao) was the catalyst for such an agreement?

John Hay, U.S. Secretary of State to Andrew D. White, US Ambassador to Germany

Washington, September 6, 1899

Sir:

At the time when the Government of the United States was informed by that of Germany that it had leased from His Majesty the Emperor of China the port of Jiaozhou [Qingdao] and the adjacent territory in the province of Shandong, assurances were given to the ambassador of the United States at Berlin by the Imperial German minister for foreign affairs that the rights and privileges insured by treaties with China to citizens of the United States would not thereby suffer or be in anywise impaired within the area over which Germany had thus obtained control.

More recently, however, the British Government recognized by a formal agreement with Germany the exclusive right of the latter country to enjoy in said leased area and the contiguous "sphere of influence or interest" certain privileges, more especially those relating to railroads and mining enterprises; but as the exact nature and extent of the rights thus recognized have not been clearly defined, it is possible that serious conflicts of interest may at any time arise not only between British and German subjects within said area, but that the interests of our citizens may also be jeopardized thereby.

Earnestly desirous to remove any cause of irritation and to insure at the same time to the commerce of all nations in China the undoubted benefits which should accrue from a formal recognition by the various powers claiming "spheres of interest" that they shall enjoy perfect equality of treatment for their commerce and navigation within such "spheres," the Government of the United States would be pleased to see His German Majesty's Government give formal assurances, and lend its cooperation in securing like assurances from the other interested powers, that each, within its respective sphere of whatever influence—

First. Will in no way interfere with any treaty port or any vested interest within any so-called "sphere of interest" or leased territory it may have in China.

Second. That the Chinese treaty tariff of the time being shall apply to all merchandise landed or shipped to all such ports as are within said "sphere of interest" (unless they be "free ports"), no matter to what nationality it may belong, and that duties so leviable shall be collected by the Chinese Government.

Third. That it will levy no higher harbor dues on vessels of another nationality frequenting any port in such "sphere" than shall be levied on vessels of its own nationality, and no higher railroad charges over lines built, controlled, or operated within its
“sphere” on merchandise belonging to citizens or subjects of other nationalities transported through such “sphere” than shall be levied on similar merchandise belonging to its own nationals transported over equal distances.

[...]

In view of the present favorable conditions, you are instructed to submit the above considerations to His Imperial Germany Majesty’s Minister for Foreign Affairs, and to request his early consideration of the subject.

Copy of this instruction is sent to our ambassadors at London and at St. Petersburg for their information.

I have, etc.

JOHN HAY.
to capitalize on the growing popular discontent over the Treaty of Shimonoseki and on the rising resentment resulting from concessions given to the Western powers, Kang Youwei flooded the emperor and other high officials with calls for urgent reforms (5.1). In the period between June 11 and September 21, 1898 (now known as the "Hundred Days Reform Movement"), the Guangxu emperor issued, in quick succession, a series of edicts that attempted to usher in an unparalleled era of reform. The response from the Dowager Empress Cixi and her more conservative allies was swift. Six officials were hastily executed, and Kang Youwei fled China to pursue his reformist ideals amongst the vast (and quite wealthy) Chinese overseas population.

5.1 KANG YOUWEI’S MEMORIAL ON INSTITUTIONAL REFORM (JANUARY 29, 1898)

The following document was Kang Youwei’s sixth memorial to the emperor urging major institutional changes. Despite the influence he ultimately attained, Kang Youwei did not have an audience with the emperor for almost six months after writing this memorial, nor would his recommendations take the shape of an imperial edict until June 1898. Kang Youwei’s intellectual make-up, though perhaps a bit artificial by modern standards, was typical for the scholar-official reformers of the day. His logic and reasoning (using past historical examples and Chinese classics to support his views) reflect the reformers’ classical orientation. Despite the traditional veneer, Kang Youwei’s reforms sought to alter the foundation of Chinese society. Kang Youwei should still be seen as a moderate pursuing the middle ground. He championed reforms that fell between the conservative traditionalists who sought to preserve a traditional interpretation of the Confucian classics and the revolutionaries who advocated ending the examination system, modernization of the police and military, and creation of new institutions to modernize China.

Questions
1. What reasons does Kang suggest hinder China’s reform? How does he suggest the emperor resolve these problems?
2. Does Kang favor or resist “Western” reform?

A survey of all states in the world will show that those states which undertook reforms became strong while those states which clung to the past perished. The consequences of clinging to the past and the effects of opening up new ways are thus obvious. If Your Majesty, with your discerning brilliance, observes the trends in other countries, you will see that if we can change, we can preserve ourselves; but if we cannot change, we shall perish. Indeed, if we can make a complete change, we shall become strong, but if we only make limited changes, we shall still perish. If Your Majesty and his ministers investigate the source of the disease, you will know that this is the right prescription.

Our present trouble lies in our clinging to old institutions without knowing how to change. In an age of competition between states, to put into effect methods appropriate to an era of universal unification and laissez-faire is like wearing heavy furs in summer or riding a high carriage across a river. This can only result in having a fever or getting oneself drowned.

HUNDRED DAYS REFORM MOVEMENT (1898)—A period that lasted from June 11 to September 21, 1898 when the Guangxu emperor, on advice from Kang Youwei and other top reformers, issued a series of decrees instituting far-reaching reforms. The reform movement ended when Cixi, Dowager Empress, staged a coup, executed several reformers, and effectively removed the emperor from power.
It is a principle of things that the new is strong but the old weak; that new things are fresh but old things rotten; that new things are active but old things static. If the institutions are old, defects will develop. Therefore there are no institutions that should remain unchanged for a hundred years. Moreover, our present institutions are but unworthy vestiges of the Han, Tang, Yuan, and Ming dynasties; they are not even the institutions of the Manchu ancestors. In fact, they are the products of the fancy writing and corrupt dealing of the petty officials rather than the original ideas of the ancestors. To say that they are the ancestral institutions is an insult to the ancestors. Furthermore, institutions are for the purpose of preserving one's territories. Now that the ancestral territory cannot be preserved, what good is it to maintain the ancestral institutions?...

Although there is a desire for reform, yet if the national policy is not fixed and public opinion not united, it will be impossible for us to give up the old and adopt the new. The national policy is to the state just as the rudder is to the boat or the pointer is to the compass. It determines the direction of the state and shapes the public opinion of the country.

Nowadays the court has been undertaking some reforms, but the action of the emperor is obstructed by the ministers, and the recommendations of the able scholars are attacked by old-fashioned bureaucrats. If the charge is not "using barbarian ways to change China," then it is "upsetting the ancestral institutions." Rumors and scandals are rampant, and people fight each other like fire and water. A reform in this way is as ineffective as attempting a forward march by walking backward. It will inevitably result in failure. Your Majesty knows that under the present circumstances reforms are imperative and old institutions must be abolished. I beg Your Majesty to make up your mind and to decide on the national policy. After the fundamental policy is determined, the methods of implementation must vary according to what is primary and what is secondary, what is important and what is insignificant, what is strong and what is weak, what is urgent and what can wait. ... If anything goes wrong, no success can be achieved.

After studying ancient and modern institutions, Chinese and foreign, I have found that the institutions of the sage-kings and Three Dynasties [of Xia, Shang, and Zhou] were excellent, but that ancient times were different from today. I hope Your Majesty will daily read Mencius and follow his example of loving the people. The development of the Han, Tang, Song, and Ming dynasties may be learned, but it should be remembered that the age of universal unification is different from that of sovereign nations. I wish Your Majesty would study Guan Zi and follow his idea of managing the country. As to the republican governments of the United States and France and the constitutional governments of Britain and Germany, these countries are far away and their customs are different from ours. Their changes occurred a long time ago and can no longer be traced. Consequently I beg Your Majesty to adopt the purpose of Peter the Great of Russia as our purpose and to take the Meiji Reform of Japan as the model of our reform. The time and place of Japan's reform are not remote and her religion and customs are somewhat similar to ours. Her success is manifest; her example can be followed.

5.2 EXAMINATION SYSTEM AS AN OBSTRUCTION TO REFORM
(AUGUST 23, 1898)

No reform struck at the heart of traditional Chinese culture (let alone Qing bureaucracy) more than the attempt to overhaul China's examination system as the primary method of selecting its civil officials. It is difficult for us in the modern era to understand how these exams were intertwined with Chinese society. Officials were selected by it; the entire education system revolved around it; and many believed the culture's whole moral make-up was shaped by it. To reformers the exams became the cause of everything that kept China from modernizing. For conservatives the exam structure defined the very bonds that held Chinese society together. The exam topics themselves had been slowly modernized so that by the end of the nineteenth century, questions on issues of reform and modernization were included. However, many traditional elements such as the need to adhere to a strict rhyme scheme, rigid format, and calligraphy remained. The question of how to refine the exam system does, on many levels, reflect the tensions throughout Chinese society at the turn of the century.