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## John Bassett Moore, Robert Lansing, and the Shandong Question

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unsettled political conditions (often in association with the drafting of new state constitutions), substantial Progressive movements, and the persistent work of direct-democracy organizations offered opportunities to reformers that were absent elsewhere.<sup>45</sup> These same characteristics were, of course, common throughout most of the West.

In the West the weakness of the established parties allowed direct-democracy advocates to build coalitions that forced often recalcitrant legislatures to implement their proposals. By concentrating on the means of reform—the initiative, referendum, and recall—and avoiding specific reform agendas, the proponents brought together a broad spectrum of interest groups driven by a common belief that giant corporations were responsible for society's ills. In the East and the South, different conditions prevailed. More entrenched party organizations, racism in the South, and a lesser interest in curbing the power of big business contributed to the relative failure of direct democracy east of the Mississippi.

The initiative and referendum have undergone a startling resurgence over the last two decades, with the number of annual propositions now exceeding that of any year prior to 1940, but the power of the earlier legacy remains, for they are overwhelmingly phenomena of the West.

45. J. William Black, "Maine's Experiences with the Initiative and Referendum," *Annals of the American Academy of Political and Social Science*, XLIII (1912), 178; Laurence J. Pelletier, *The Initiative and Referendum in Maine* (Brunswick, Maine, 1951); Rod Farmer, "The Maine Campaign for Direct Democracy," *Maine Historical Society Quarterly*, XXIII (1983), 13–27; James K. Pollock, *The Initiative and Referendum in Michigan* (Ann Arbor, Mich., 1940), 3–5; Robert E. Cushman, "Voting Organic Laws: The Action of the Ohio Electorate in the Revision of the State Constitution in 1912," *Political Science Quarterly*, XXVI (1913), 207–229; Hoyt L. Warner, *Progressivism in Ohio, 1897–1917* (Columbus, Ohio, 1964), 193–194, 295–300; C. H. Haynes, "How Massachusetts Adopted the Initiative and Referendum," *Political Science Quarterly*, XXXIV (1919), 454–475; John A. Hague, "The Massachusetts Constitutional Convention, 1917–1919," *New England Quarterly*, XXVII (1954), 147–167.

## John Bassett Moore, Robert Lansing, and the Shandong Question

STEPHEN G. CRAFT

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In the early twentieth century, two famous American international lawyers had a China connection that was either unknown or has long since been forgotten by scholars. One of those lawyers was John Bassett Moore, adviser to the Chinese legation in the United States as well as to the Chinese delegates to the Paris Peace Conference and the League of Nations. In 1921, Robert Lansing succeeded Moore as counselor to China's Washington legation, and he also proffered his own ideas to the Chinese delegation at the Washington Disarmament Conference. Moore's and Lansing's advice to the Chinese reveals not only their profound disagreements with the foreign policy of Woodrow Wilson, but also the limitations of their approaches in trying to help China win back the Shandong (Shantung) region—a hotly contested area that had been leased to Germany under duress in 1898 and then occupied by Japan in 1914.

At one time, according to political scientist John Millett, "the study of international relations" and "the name of John Bassett Moore" were synonymous. Born and raised in Delaware, Moore studied law at the University of Virginia before drop-

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ping out due to poor health. After working with a former district attorney in Wilmington, he spent six years in the U.S. Department of State, first as a clerk under people like Francis Wharton, the famed American legalist, and then as Assistant Secretary of State. In 1891, he became the Hamilton Fish Professor of International Law and Diplomacy at Columbia University. While there, he achieved prominence as a participant in the U.S. peace movement, in calling for an international court to settle disputes between nations, and in the founding of the American Society of International Law.<sup>1</sup>

Although Moore had never been to China, he became directly involved in China-related matters while Assistant Secretary of State when, as he described it, "the Far Eastern business had largely fallen into my hands." By "business," he meant missionary claims against China as well as Chinese complaints about American exclusion laws and the mistreatment of Chinese nationals in the United States.<sup>2</sup> Moore later developed a China connection through a small coterie of Chinese students at Columbia. The most famous of those students was V. K. Wellington Koo, who studied at Columbia from 1905 to 1912 and was Moore's advisee. Upon completing his Ph.D., Koo returned to China and, following a brief period as counselor in China's foreign ministry, became Chinese minister to the United States in 1915.

Three years later, the Chinese legation in Washington, D.C., needed a new counselor. John W. Foster, who had served in that capacity for nearly twenty years as well as having been adviser to the Chinese government during the peace negotiations at Shimonoseki in 1895 and at the Hague Conference of 1907, died a few months after China entered World War I in 1917.<sup>3</sup> In

1. John D. Millett, "The Department of Public Law and Government," in R. Gordan Hoxie *et al.*, *A History of the Faculty of Political Science, Columbia University* (New York, 1955), 264; Richard Megargee, "The Diplomacy of John Bassett Moore: Realism in American Foreign Policy" (Ph.D. dissertation, Northwestern University, 1963), 2-43; C. Roland Marchand, *The American Peace Movement and Social Reform, 1898-1918* (Trenton, N.J., 1972), 39-73, *passim*.

2. John Bassett Moore to Ernst H. Feilchenfeld, Jan. 23, 1940, box 95, John Bassett Moore Papers, Manuscript Division, Library of Congress, Washington, D.C.

3. For more on John W. Foster's long, distinguished career, see Michael J. Devine, *John W. Foster: Politics and Diplomacy in the Imperial Era, 1873-1917* (Athens, Ohio, 1980).

January 1918, Koo asked Moore for a meeting to discuss "a matter about which I am desirous of speaking to you personally." That matter was apparently his desire for Moore to take Foster's place, because on March 30, 1918, Moore signed a three-year contract as legal adviser to the Chinese legation in Washington. That position included responsibility for "all legal matters including . . . the negotiation of treaties" and "the examination and presentation to the Department of State of any claims of citizens of China." For his services he would receive \$4,000 a year. The Chinese kept his appointment secret, and Moore apparently never told anyone of his contract.<sup>4</sup>

In October, Koo asked Moore to undertake another assignment: to serve as China's "technical delegate" to the Paris Peace Conference. The request delighted Moore because he knew that President Wilson had no intention of asking him to join the American delegation. "The word has gone around," Moore told his daughter, "that they do not want 'international lawyers,' as they are likely to be prejudiced in favor of the past, with all its evil associations and practices." Koo's proposition was attractive as well because Moore would "have a seat at the board, in the conference, [and] not [as] an attaché." Moore, however, delayed accepting the overture until he had obtained approval from Wilson.<sup>5</sup>

A few days later, Moore visited Secretary of State Robert Lansing to relay the Chinese offer personally. In doing so, he did not reveal that he was already a legal adviser to the Chinese legation. Moreover, he asked that the offer remain "strictly confidential."<sup>6</sup> At the outset of the meeting, Lansing took a favorable view, recalling that Foster, his father-in-law, had been adviser to the Chinese delegation at the Hague Conference. Shortly thereafter, however, he added "that that was 'not the same as this,' as there would be political questions on the present occasion." On the other hand, China, he supposed, "would be in

4. V. K. Wellington Koo to J. B. Moore, Jan. 26, 1918, box 38, Moore Papers; Koo to Moore, March 30, 1918, box 94, *ibid.* Even Moore's sole biographer notes that the Chinese sought in vain to have him attached to their delegation but makes no mention of Moore's being in the employ of the Republic of China. See Megargee, "Diplomacy of John Bassett Moore," 300, n. 29.

5. J. B. Moore to Kathleen Moore, Oct. 21, 1918, box 94, Moore Papers.

6. J. B. Moore to Robert Lansing, Oct. 24, 1918, *ibid.*

favor of the President's policy of 'international guarantees.'" When Moore affirmed the supposition, Lansing "expressly declared that he saw 'no objection' to . . . [Moore's] accepting the proposition."<sup>7</sup> Moore left Lansing's office believing that "on several grounds . . . the result will be favorable." If it were not, he was satisfied that he had handled the matter properly.

Moore was taken aback a short time later when he heard from Lansing that President Wilson had expressed his "flat refusal" to the appointment. Wilson, he explained, deemed it "quite improper for an American citizen to become a delegate for any of the Governments represented at the conference—other than the United States—because there might arise questions of difference between this country and the country which the American represented." Moreover, stated Lansing, Wilson noted that the Paris conference would be different from the Hague conference in that the latter "dealt more with technical and academic questions."<sup>8</sup> The State Department then informed Koo that the administration objected to China's availing itself of the services of U.S. and foreign citizens because "China would be better off without them." If the Chinese needed any advice, "the American delegation would feel inclined to advise" them.<sup>9</sup>

In a letter to Lansing, an obviously hurt Moore defended himself by saying that if he had believed there was a conflict of interest between China and the United States, he would have rejected the proposition. While mulling the Chinese overture, he observed, the Foster case had not come to mind, but, rather, "China's long established practice of having as advisers in international affairs citizens of other countries, including the United States; the approval and support of this practice by all governments concerned; and the strong preference constantly shown by China for the services of American citizens" since 1868 when Anson Burlingame became head of a Chinese mission.<sup>10</sup> Because Wilson's reasoning made little sense to him,

7. J. B. Moore memorandum, Nov. 17, 1918, *ibid.*

8. Lansing to J. B. Moore, Oct. 30, 1918, *ibid.*; J. B. Moore to Kathleen Moore, Oct. 31, 1918, *ibid.*

9. Memorandum of Breckinridge Long-Koo conversation, Nov. 26, 1916, box 179, Breckinridge Long Papers, Manuscript Division, Library of Congress; Lansing to Paul Reinsch, Nov. 26, 1918, *ibid.*; Breckinridge Long, diary, Jan. 28, 1919, box 2, *ibid.*; "Informal Memorandum," Peace Conference file, box 186, *ibid.*

10. J. B. Moore to Lansing, Nov. 2, 1918, box 94, Moore Papers.

Moore was "not entirely sure" that the "motives behind inhibition" were "uncontaminated with personal considerations."<sup>11</sup>

Moore's suspicions were shared by Koo, who "expressed great surprise and disappointment" at Wilson's decision. Only three people, including Koo, knew that Moore was China's legal adviser, but Koo saw a connection between his decision to approach Moore in March and Wilson's refusal to permit Moore to go to Paris. The ailing John Foster had repeatedly entreated Koo to employ Foster's grandson, John Foster Dulles, as the Chinese legation's counsel. Koo refused "because of the young man's lack of experience and standing." Foster's wife had then suggested that if the position could not go to Dulles, it should be kept vacant until her son-in-law, Lansing, was no longer Secretary of State and could accept it because the position had been "so long in the family." These conversations persuaded Koo that the Fosters and Lansing were working to prevent Moore from becoming a member of the Chinese delegation. Moore shared that view, believing that, since it was Lansing who had used the example of Foster at the Hague and not he, Lansing must have "put the question before the President in an unfavorable light." After pondering Koo's account of his discussions with the Fosters, Moore concluded that the Fosters and Lansing had learned that he was the Chinese legation's counsel. He therefore offered to resign the post so it could go to Dulles. Koo rejected the notion. "Dulles," he stated, "could be of no use to [me] in the present critical condition of preparations for the Peace Congress." On the other hand, Koo indicated he might be willing to give Dulles a minor clerical job. Both he and Moore felt that "after Mr. Lansing ceased to be Secretary of State, there would no longer be occasion to consider his wishes."<sup>12</sup>

Despite being unable to go to Paris, Moore assisted the Chinese in crafting a legal claim for securing the return of sovereignty over the Shandong territory that had been leased to Germany and then lost to Japan in 1914.<sup>13</sup> The resulting Sino-

11. J. B. Moore to Kathleen Moore, Oct. 31, 1918, *ibid.*

12. J. B. Moore memorandum, Nov. 17, 1918, *ibid.*

13. Wunsz King to Koo, Nov. 9, 1918, box 8:2, Wajjiao dangan [Diplomatic Archives], Record Group 03-12, Institute of Modern History, Academia Sinica, Nangang, Taiwan (hereafter cited as WD).

Japanese agreement of 1915 failed in that goal and, instead, bound China to recognize any accord reached between Japan and Germany over the latter's rights in Shandong. In now seeking to attain Chinese sovereignty over Shandong, Koo was aware that he could not depend on international law alone because of its limitations. "One of the most pronounced deficiencies of international law," he declared in a 1917 speech, is "that the states which are entitled to the rights and privileges of international law have to enforce this law by themselves." If a strong state committed aggression against a weaker state, the latter had to rely on the "force of international opinion for justice; to coerce the [aggressor] to give the proper redress is out of the question; even a threat to use force to enforce its rightful demand would not probably impress the delinquent but . . . stronger state." Hence, there was a need for some means to discourage "territorial aggrandizement by a strong nation on a weak nation."<sup>14</sup>

Koo believed that the answer to the problem lay in Wilsonianism. In January 1918, Wilson had presented his Fourteen Points speech which laid the basis for a "new diplomacy" to replace the "old." Wilson blamed the idea of a balance of power and prewar secret treaties for causing World War I and hoped that his Fourteen Points would be principles upon which a new world could be established after Germany was defeated. Along with the elimination of the wartime treaties, the Chinese were interested in Wilson's notions of self-determination and a "League to Enforce the Peace."<sup>15</sup> Before traveling to Europe, Wilson informed Koo that he planned "to urge the governments to accept the 14 principles as the basis of a peace." The President admitted that applying the principles to the Far East would be difficult but "that mere difficulty was no good reason for not applying them there."<sup>16</sup> If he was successful, the recovery of Shandong was possible.

14. V. K. Wellington Koo, "The Administration of International Law," *Chinese Social and Political Science Review*, II (1917), 22, 23.

15. Thomas J. Knock, *To End All Wars: Woodrow Wilson and the Quest for a New World Order* (Princeton, N.J., 1992), 111-115, 143-144, 195-196; Zhang Yongjin, *China in the International System, 1918-20: The Middle Kingdom at the Periphery* (New York, 1991), 42-43, 51.

16. Memorandum of Koo-Woodrow Wilson conversation, Nov. 26, 1918, in Arthur S. Link, ed., *The Papers of Woodrow Wilson* (69 vols., Princeton, N.J., 1966-1994), LVII, 632-634.

Moore knew that the Chinese had a tough fight ahead over Shandong because Japan had gone public with a claim of its own. The Japanese, observed Moore, contended that Shandong was theirs by right of "compensation for their exertions and sacrifices in recovering it from Germany. It is the strongest ground they could have taken."<sup>17</sup> Moore did not believe China was embarked on a lost cause and had a legal argument of his own to offer, but he did not think it wise to rely on Wilson to solve the Shandong question. Moore believed he understood Wilson. The two had been students together at the University of Virginia, and Moore had served for about a year as a State Department counselor with the Wilson administration. Years later, Moore noted that the "general public" had "imbued [Wilson] with the notion that everything he did was guided by certain fundamental principles, from which no departure ever was to be made." Moore's experience with Wilson had been otherwise. "I served under him nearly a year," Moore explained to a former student, "and, during that time, was more and more impressed with the uncertainty as to what he would do." "One of Wilson's fundamental difficulties, particularly as regarded foreign affairs," Moore went on, "was that he knew practically nothing about them."<sup>18</sup> There is no evidence that Moore conveyed such thoughts to Koo before or during the Paris Peace Conference. If he did, they were forgotten or ignored, because Koo continued to put his trust in Wilson.

Whatever hopes or doubts Moore entertained about China's chances of recovering Shandong, he went to work on a memorandum for the Chinese delegation, dispatching it to Koo in January 1919.<sup>19</sup> Entitled "Leased Territories in China," the twenty-nine-page document discussed the origins of the Shandong question. When China leased the territory to Germany, Moore stated, China had not surrendered its sovereignty over the area. The proper solution to the present dispute had to be an agreement that "necessarily embraces the recognition of national rights and aspirations." "China, therefore, standing before the bar of nations," Moore went on, should ask "that her just claims as an independent power be recognized, and that

17. J. B. Moore to Koo, Nov. 26, 1918, box 94, Moore Papers.

18. J. B. Moore to Edwin M. Borchard, Dec. 1, 1941, box 95, *ibid.*

19. J. B. Moore to Koo, Jan. 14, 1919, box 94, *ibid.*; King to Moore, Jan. 18, 1919, *ibid.*

the disabilities imposed upon her . . . be removed." The government in Peking has "undergone a radical change," and "the conditions under which those leases were obtained have ceased to exist," he explained. Hence, the leases should not be allowed to remain "an obstacle to her national development." Moreover, despite Japan's taking the territory by force after declaring war on Germany, Japan and China in 1915 had signed an agreement (the Twenty-One Demands) in which Japan promised to relinquish the Shandong territory, a public acknowledgment that the leased territory could not be transferred "to another without China's consent."<sup>20</sup>

Moore's memorandum reached Koo at a critical moment. After arriving in Paris, he learned that Peking had recently consented to a Japanese request that Shandong not be discussed at the conference and that China should trust Japan to return the territory through direct negotiations.<sup>21</sup> (Koo discovered as well that China had accepted a loan from Japan, which included an exchange of notes between the two governments. Enmeshed in the notes was a statement that permitted Japan to station troops in Shandong.) This news alarmed Koo not only because he distrusted the Japanese but also because China had declared war to get a seat at the table and seek a settlement of the issue.<sup>22</sup> He decided to ignore his government's wishes. Armed with the arguments presented by Moore, Koo gave a speech before the Paris conference delegates on January 28, 1919, in which he laid out China's claim to Shandong, the "cradle of Chinese civilization, the birthplace of Confucius and Mencius, and a Holy Land for the Chinese." "On the principles of nationality and of territorial integrity, principles accepted by this Conference," declared Koo, "China had a right to the restoration of these territories." China's entry into the war against Germany, he added, had voided the lease arrangement with Germany, and thus the Shandong territory should be returned to China.<sup>23</sup> Koo's

speech was well received by the delegates, but for the next three months little was said about Shandong.

In April the Shandong issue returned to the forefront, but, to Koo's dismay, Wilson dropped a bombshell on China's hopes. According to Wilson, China had been "pleased to agree" to the September, 1918, exchange of notes with Japan, and China's declaration of war had not annulled the Sino-Japanese agreement of 1915, in which China had agreed to recognize any agreement reached between Japan and Germany over the latter's rights in Shandong. Therefore, the consensus among the Big Four was to recognize Japan's claim.<sup>24</sup> Expressing "great disappointment," a somewhat chastened Koo now turned to "Dear Professor" Moore for guidance. "Little has been heard here of the famous fourteen principles," he bitterly told Moore, "and still less has been noted in practice."<sup>25</sup> China was left with only two choices: sign the treaty with reservations or not sign at all. Was there not a "precedent for making reservation[s] in a peace treaty," Koo asked Moore, and if reservations were not permitted, was it "advisable not to sign the treaty at all"? Complicating Koo's decision was China's May Fourth Movement, in which Chinese intellectuals and students vented their indignation against the decision of the Big Four. Despite the telegrams and cablegrams pouring in "urging refusal to sign [the] peace treaty," Koo and his fellow delegates were inclined to sign with reservations.<sup>26</sup>

Moore found precedents for reservations in two treaties—the Treaty of Frankfurt in 1871 and the Treaty of Vienna in 1815. In his opinion, it would be "judicious" for the Chinese delegation to sign with reservations so that their action would "not . . . be interpreted as a waiver or relinquishment of China's rights in regard to the subject-matter of those articles" involving Shandong. Koo then spoke with Wilson's adviser, Colonel Edward House, who led him to believe that the President would have no problem with reservations.<sup>27</sup> It was suggested, probably

20. Memorandum on leased territories in China, box 94, *ibid.*

21. Minutes of the Chinese delegation's meetings, Jan. 21 and 22, 1919, box 11:3, RG 03-37, WD; Zhang, *China in the International System*, 43-45.

22. Minutes of the Chinese delegation's meetings, Jan. 23, 1919, box 11:3, RG 03-37, WD.

23. Sir Maurice Hankey's notes of two meetings of the Council of Ten, Jan. 28, 1919, in Link, ed., *Papers of Woodrow Wilson*, LIV, 316-318.

24. Hankey's and Paul Mantoux's notes of a meeting of the Council of Four, April 22, 1919, *ibid.*, LVII, 616-619, 622-625.

25. Koo to J. B. Moore, May 21, 1919, box 94, Moore Papers.

26. Yung Kwai to J. B. Moore, May 19, 1919, *ibid.*

27. J. B. Moore to Yung Kwai, May 24, 1919, *ibid.*; Moore to Koo, May 25, 1919, *ibid.*; Koo-Edward House conversation, May 22, 1919, folder 3, box 1, V. K. Wellington Koo Papers, Butler Library, Columbia University.

by House, that the Chinese sign the treaty and then inform the conference that it had done so with the understanding that the Shandong "question was to come before the League of Nations." Wilson, however, opposed the reservations on the grounds "that the Senate might adopt a similar procedure when ratifying the Peace Treaty." The Big Four also objected, insisting that China could protest only after the signing. This left the Chinese delegates no choice but to abstain from signing the treaty.<sup>28</sup>

Like the Chinese delegates, Moore was deeply disappointed. "The refusal to permit your delegation to make any sort of reservation or explanation, even separately from the treaty," Moore wrote to Koo, "was wholly unjustified and left you no alternative." Moore believed that he was not alone in his feelings: "There exists here a general repugnance to the thought of the United States joining in the disposal of China's rights and property by a treaty to which China is not a party." Yet he had little reason to believe that the U.S. Senate would reverse the judgment at Versailles. "[W]hile a certain amount of political capital may be made out of the Shandong articles, the threat to eliminate them will not go beyond the stage of oratorical denunciation of their presence." Moore was skeptical of efforts by Senator Selden Spencer of Missouri to sponsor a resolution expressing "deep regret" at the Shandong clauses. Tokyo would be delighted with the action in Paris, but Moore opined that it would be accepted at Peking with the "gratitude that Socrates must have felt when he drank the hemlock, though with this difference in the situation—that the philosopher . . . was permitted to hold the cup to his own lips, while, with the United States a party to the question, the Senate would wish the victim a speedy recovery from the fatal draught which we were helping to administer."<sup>29</sup> As Moore expected, Spencer's resolution went down to defeat.

28. Wilson quote in George Morrison, diary, July 14, 1919, item 112, George Morrison Papers, Mitchell Library, Sydney, Australia; see also Arthur Walworth, *Wilson and His Peacemakers: American Diplomacy at the Paris Peace Conference, 1919* (New York, 1986), 374; Koo memorandum to Lansing, June 25, 1919, box 22:4, RG 03-37, WD; Hankey's notes of a meeting of the Council of Four, June 26, 1919, in Link, ed., *Papers of Woodrow Wilson*, LXI, 209; Zhang, *China in the International System*, 88-95.

29. Quotes are found in order in J. B. Moore to Koo, Aug. 22, 1919, box 94, Moore Papers; Moore to Thomas J. Parkinson, Aug. 15, 1919, *ibid.*; Moore to Koo,

The following year, as Koo was preparing to submit the Shandong issue to the league council as a "dispute" under article XV of the Covenant, he received a dispatch from Peking. The foreign ministry wanted to know whether the league could take up the matter, and if not, on what basis of law could China fight such a decision. There was a sense of urgency to Peking's request. In January 1920, Japan had asked China to enter into direct negotiations over Shandong. At that time Peking had begged off, on the grounds that China had yet to sign the Treaty of Versailles. Thus, when the Japanese sent another note in June asking for negotiations, Peking decided it would be better served by turning to the league for help. Not only was there Chinese indignation over negotiating with Japan, there was also strong "public opinion in China," according to Koo, for going to the league.<sup>30</sup>

When asked for advice, Moore responded that China could appeal to the league under articles XV and XIII of the Covenant. Under article XV league members had agreed to submit to the league council "any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article XIII." Article XIII declared that league members "agree to submit to arbitration any dispute between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy." In Moore's opinion, the Shandong question was "a 'dispute likely to lead to a rupture.'" If the league did not agree with him on that point, "then the League is as great an impostor as its assailants pronounce it to be." Moore was not just venting his spleen against the league, he declared. "I make this statement purely upon the legal aspects of the matter." The Shandong issue, he stated, would be a litmus test of the league's "practical capacity to deal with international disputes in a spirit of fairness and sincerity."<sup>31</sup>

To Moore, the league was incapable of dealing effectively with any China question. "The League of Nations seems to have

30. Koo to J. B. Moore, Sept. 24, 1920, *ibid.*; Foreign Ministry to Yue Zhaoyi, Wang Guangji, Wellington Koo, and Alfred Sze, Oct. 14, 1920, in Lin Mingde and Li Yushu, eds., *Zhong ri guanxi shiliao: Shandong wenti, 1920-1926* [Historical documents related to Sino-Japanese Relations: The Shandong Question, 1920-1926 (hereafter cited as *Zhong ri*)] (Taipei, 1987), part I, no. 216, p. 250; Treaty Study Committee to the Foreign Ministry, Oct. 14, 1920, *ibid.*, no. 217, p. 252; Koo to J. B. Moore, Oct. 15, 1920, box 94, Moore Papers.

31. J. B. Moore to Koo, Oct. 18, 1920, *ibid.*



been essentially a ready device for shelving questions, which the Allies at Paris took no particular interest in solving at that time," Moore wrote to an acquaintance. In his mind, the league's founding fathers never had any intention of making it "effective" for accomplishing "altruistic purposes." Nor did he believe his harsh criticism to be unjust. "I know something of diplomacy, European and otherwise, and also something of human nature," Moore observed. "Human beings are and always have been intolerant of intrusion into what they conceive to be the sphere of their individual interests." Moore calculated that the best China could expect to receive from the eight powers on the council was a tie. Great Britain, France, Italy, and Japan were "all parties to the secret treaties under which the German rights in Shandong were to be transferred to Japan," he told Koo. But even a tie was out of the question, he believed, since the other four powers—Belgium, Brazil, Spain, and Greece—will "not at all sustain the position of China" because to do so would mean a "vote . . . against the Principal Allied Powers." China would not fare any better in the assembly where the remaining nations were likewise dependent on the Allies.<sup>32</sup>

Moreover, Japan was playing the game well. Based on Koo's information about the Japanese overtures, Moore inferred "that when the Shandong 'dispute' is brought before the League of Nations, the representatives of Japan will say that, as far as concerns their country, there is no 'dispute.'" Japan had made "a friendly invitation" to negotiate, and China had taken over four months to respond. And when China did respond, it rejected talks.<sup>33</sup>

Moore proved correct in his assessment. Although Koo won a fight to get China appointed to the council in December 1920, in the hope that this would help advance his country's claim to Shandong, that expectation was not fulfilled. "Judging from my experience," confessed Koo in March 1921, "I am not able to say as yet how the Council can help in the way of bringing about a settlement of those momentous questions that are

32. J. B. Moore to Mrs. Hamilton Wright, June 1, 1920, *ibid.*; Moore to Koo, Oct. 19, 1920, *ibid.*

33. *Ibid.*; Koo to Foreign Ministry, Oct. 22, 1920, *Zhong ri*, part 1, no. 264, p. 277; Koo to Foreign Ministry, Oct. 23, 1920, *ibid.*, no. 267, pp. 278–279.

uppermost in our minds."<sup>34</sup> By this time, Moore was no longer offering advice to Koo. His contract ended in March, and the Chinese government refused to renew it, though there is no evidence that Peking was disappointed in his work. The Chinese legation in Washington, D.C., now hired former Secretary of State Robert Lansing as legal adviser, bringing the position back to the Foster family.<sup>35</sup>

Whatever debt the Chinese owed the Foster family or whatever the strength of their desire to maintain a tradition, it is still astounding that the Chinese hired Lansing. Nearly four years before, he had signed an agreement with Japan in which the United States recognized that country's "special position" in Manchuria. This was a tremendous setback for the Chinese, who were trying to halt Japanese expansion in that part of the continent. At the Paris Peace Conference, Lansing became known among many in the Chinese delegation as "the chief betrayer of China," even though he had adamantly opposed Wilson's decision not to return Shandong to China. Still, Lansing had joined the chorus of Americans telling the Chinese to "trust America." Furthermore, it was Lansing who declared that the "President will stand right behind China," prompting E. T. Williams, the former chief of Far Eastern Affairs in the State Department, to remark, "He did and pushed her over head first." Despite rumors that Koo and Lansing had had a falling out, Koo sent a note to Lansing expressing regret over the latter's resignation as Secretary of State and asking for his advice on how to deal with the Shandong question.<sup>36</sup>

In many respects, Lansing seemed the right person for the job of legal adviser. His marriage to John W. Foster's daughter had brought him into the practice of international law, which eventually opened the door to government service as a delegate to arbitration conferences. He had a China connection that

34. *New York Times*, Dec. 16, 1920, pp. 1, 12; Koo to Paul S. Reinsch, March 15, 1921, Paul S. Reinsch Papers, Wisconsin Historical Society, Madison.

35. Alfred Sze to J. B. Moore, April 4, 1921, box 94, Moore Papers; Koo to Lansing, May 31, 1921, vol. 57, Robert Lansing Papers, Manuscript Division, Library of Congress, Washington, D.C. (hereafter cited as Lansing Papers, LC).

36. Morrison, diary, May 6, 1919, Jan. 5, 1920, items 112 and 113, Morrison Papers; Williams to Long, May 5, 1919, box 186, Long Papers; Koo to Lansing, Aug. 14, 1920, vol. 54, Lansing Papers, LC.

went back to the early years of the century when he had assisted his father-in-law in handling the Chinese legation's legal matters. Lansing was also prominent in the American peace movement and a founder of the American Society of International Law. In 1914, he had replaced the outgoing Moore as a counselor in the Department of State, and a year later he succeeded William Jennings Bryan as Secretary of State.<sup>37</sup> His extensive experience in law, politics, and negotiations as well as his family connections probably offset whatever qualms the Chinese may have had about him.

Despite his public defense of the Shandong articles in the league's covenant, Lansing was furious with Wilson's handling of the issue.<sup>38</sup> To allow Japan to retain its claim over Shandong in return for that nation's entrance into the league was, he believed, "an iniquitous agreement" comparable to "those secret arrangements which have riddled the 'fourteen points' and are wrecking a just peace."<sup>39</sup> Shandong was a "democratic territory" about to be occupied by "an autocratic government." While "China is given a shell, called 'sovereignty,'" he declared, "the economic control, the kernel, is turned over to Japan." Japan's threat to leave the league over Shandong was a bluff. He did not think Japan "would . . . abandon her present exalted position" in exchange for the territory.<sup>40</sup>

Lansing shared Moore's doubts about the "efficacy" of the league because it was untried and because "Japan's representation on the Council will possibly thwart any international action in China." Like Moore, he also believed that world politics was still in the hands of a few: "Why go through the farce of an all-embracing League of Nations when an alliance of a few great powers controls the destinies of the world?"<sup>41</sup> Lansing's lack of faith in the league was grounded in a skepticism about human nature similar to that held by Moore: "An enduring peace can

37. Daniel M. Smith, *Robert Lansing and American Neutrality, 1914-1917* (Berkeley, 1958), 1-2.

38. Dimitri D. Lazo, "A Question of Loyalty: Robert Lansing and the Treaty of Versailles," *Diplomatic History*, IX (1985), 35-53.

39. "Japanese Claims and the League of Nations," April 28, 1919, microfilm copy, Lansing Papers, LC.

40. "The Japanese Claims to Kiau Chau and Shantung Admitted," May 1, 1919, *ibid.*

41. "Japanese Claims and the League of Nations," April 28, 1919, *ibid.*

never be built on the hypothesis that nations will act unselfishly. To attempt to do so would be like trying to weave a coat of mail out of moonshine." "Greed, Fear, Intrigue, Dreams and Martial Glory" were all obstacles to peace. "The world is selfish and self-seeking. Nothing that we can say will change its character. Let us come down from the clouds and stop chasing rainbows."<sup>42</sup>

Lansing trusted neither the Europeans nor the Japanese. His stay in Europe had reaffirmed his belief in American superiority. "The more I learn to know the Old World, the stronger my love for America. . . . The more I breathe the foulness of European intrigue, the sweeter and purer becomes the air of my native land." If he recognized that this was ethnocentrism on his part, he was not ashamed: "An American, who boasts of the superiority of his country, of its institutions and ideals, is entitled to do so, because he lives in the freest, the greatest and the best land in all the earth. It may offend the European aristocrat, but it . . . is the truth."<sup>43</sup> Despite Wilson's mishandling of the Shandong question, Lansing had no qualms about advising the Chinese to "trust America." He may have also viewed his position as a way of righting Wilson's wrongs.

After resigning as Secretary of State, Lansing was approached for his advice by China's delegates to the league. When asked by Koo whether the league would consider China's dispute with Japan, Lansing responded along lines similar to those of Moore. China had rejected Japan's request for direct negotiations by ignoring the offer, giving the impression that no dispute existed. Moreover, league members could not be expected to oppose provisions in a treaty that they had just signed. Finally, with the United States not in the league, with the Republicans making it clear that they would oppose U.S. entry into the league without reservations to the treaty, and with American public opinion siding with the Republicans, the United States would be of little help to China.<sup>44</sup>

The following spring, Lansing replaced Moore as counselor to China's legation in Washington, D.C. By late summer,

42. Quotes in order: "Scraps 2," folder 29, pp. 82, 34, 81, box 10, Robert Lansing Papers, Firestone Library, Princeton University.

43. "Scraps 2," folder 29, pp. 44-45, *ibid.*; see also note 4.

44. Koo to Foreign Ministry, Oct. 20, 1920, *Zhong ri*, part 1, no. 258, pp. 273-274.

he was assisting the Chinese in preparing for the Washington Disarmament Conference of 1921. Lansing looked forward to the meeting, "hopeful that the Washington Conference so far as it deals with the Far East will be able to accomplish something." "The prospect of fencing with the Japanese to gain a strategic advantage rejoices my soul," he told a friend.<sup>45</sup> To Lansing, Japan was a "Hyena" that had taken Shandong from Germany "like the scavenger [*sic*] of the African forests in gorging on what nobler beasts have pulled down."<sup>46</sup>

Yet Lansing realized that "the task of advising the Chinese delegation . . . would not be an easy one."<sup>47</sup> First, there was the matter of representation at the conference. Because of insurgents in Canton, China now had two governments, and Lansing wanted Peking to "persuade the revolutionists of Canton" to join Peking in a united delegation at the conference. "The most serious handicap of the Chinese delegates," he stated, "will be the present division of authority between the North and South, and the claim that the delegation cannot and does not speak for all China." If Peking took his advice, it would be a "fine stroke of diplomacy," giving "notice to the world that . . . China's statesmen were ready to unite in defense of the rights and interests of their people."<sup>48</sup> Peking responded positively, inviting the southern government to join the Chinese delegation at the conference, but Canton refused, rejecting as well personal pleas from Lansing.<sup>49</sup>

Besides the Peking-Canton division, another problem facing China was its refusal to negotiate with Japan over Shandong. The failure of China to try to reach a settlement with Japan, cautioned Lansing, might cause Japan's allies at the Washington conference to "feel compelled to back Japan's at-

45. Lansing to Alexander Kirk, Oct. 1, 1921, vol. 58, Lansing Papers, LC; Lansing to John W. Davis, Oct. 4, 1921, *ibid.*; E. T. Williams, diary, Aug. 1, 1921, C-B 977, ctn. 3, vol. 8, E. T. Williams Papers, Bancroft Library, University of California, Berkeley.

46. "Scraps 3," notebook, 1919-1924, folder 30, p. 49, box 10, Lansing Papers, Firestone Library.

47. "The Difficulties Which Beset the Chinese Delegation to the Washington Conference," Oct. 26, 1921, microfilm copy, Lansing Papers, LC.

48. "China and the Washington Conference," Aug. 1, 1921, *ibid.*

49. Chen Yunlung, *Xu shichang pingzhuan* [A critical biography of Hsu Shih-ch'ang] (Taipei, 1979), 657, 658, 660.

titude." The Chinese were sharply divided on whether China and Japan should take up the dispute before the conference commenced.<sup>50</sup> The disagreement remained unresolved even after the Chinese delegation arrived in Washington. There were two factions, one of which Lansing described as "idealistic." The idealists, led at the conference by Koo and backed by Chinese public opinion, refused to negotiate with Japan over Shandong because to do so would be an acknowledgment that Japan controlled the territory. The other faction, led by Alfred Sze, Chinese minister to Washington, was, in Lansing's words, more "practical" in its approach to the Shandong question. While Sze and his followers agreed that Japan had no rights in Shandong, they believed that failure to negotiate with Japan meant a continuation of the status quo, since China alone was too weak militarily "to compel Japan's withdrawal by force." The "Chinese government will lose much and gain nothing by supporting the program of the idealists," warned Lansing. "The adoption of an impossible program is not in my judgment good politics. It may win at first popular favor, but when it fails of realization its authors are bound to be condemned."<sup>51</sup>

Lansing's admonition to follow a "realistic" program reflected his attitude at the time of the earlier Paris Peace Conference when, in his opinion, Wilson's idealism had led to failure. Wilson's fundamental problem, believed Lansing, was his faulty understanding of human nature. If the President had "temper[ed] his idealism with a recognition of . . . human selfishness, he would not be so often called an ass."<sup>52</sup> Lansing hoped the Chinese would use common sense and not make "asses" of themselves, but he worried about the outcome. "I can see rocks ahead [that] . . . will not be easy to avoid." In an attempt to harmonize the factions, he urged W. W. Yen, the Chinese foreign minister, to come to Washington and seek to "avoid a clash between the conflicting policies,"<sup>53</sup> but the pro-

50. "China and the Washington Conference," Aug. 1, 1921, microfilm copy, Lansing Papers, LC.

51. "The Difficulties Which Beset the Chinese Delegation to the Washington Conference," Oct. 26, 1921, *ibid.*

52. "Scraps 3," notebook, 1919-1924, folder 30, p. 88, box 10, Lansing Papers, Firestone Library.

53. "The Difficulties Which Beset the Chinese Delegation to the Washington Conference," Oct. 26, 1921, microfilm copy, Lansing Papers, LC.

Japanese premier of China refused to permit Yen to make the journey. Lansing then sought to bring the factions together on his own, but his pleas got nowhere, and Koo's faction won out. The Peking government rejected direct negotiations with Japan, while Chinese students in Washington, D.C., demonstrated outside of the conference building to ensure that their compatriots remained on that path.

On November 23, Koo submitted the Shandong matter to the conference's Committee on Pacific and Far Eastern Questions, claiming that he did not want to raise the issue but was "compelled by Chinese home opinion not to evade the presentation of these questions." At first, the delegates, particularly Koo, were seen as heroes, because the Chinese public mistakenly believed the conference would consider their grievances.<sup>54</sup> When the United States applied pressure on Peking and its delegates to negotiate with Japan, they reluctantly did so. The talks culminated in February 1922, with Japan agreeing to withdraw its troops that year in exchange for monetary compensation. Although there was widespread Chinese anger over the settlement, the recovery of Shandong was one of the few bright spots in a conference that was mostly a failure for China. Direct negotiations opened the door to further Sino-Japanese negotiations over Shandong throughout 1922.

Although the Chinese were displeased with the Washington Peace Conference, both Moore and Lansing were delighted with the results. Lansing called the recovery of Shandong a "signal victory" for the Chinese, whom he credited for "their skill as negotiators[,] . . . their clear presentation of the just rights of China, and . . . their firmness, which amounted almost to stubbornness." Moore likewise believed that the Chinese delegation had done "remarkable work, and is much to be congratulated on its conduct under difficult conditions."<sup>55</sup>

Although neither Moore nor Lansing wielded decisive influence on Chinese foreign policy, each man had his strengths

54. John V. A. MacMurray to Charles Evans Hughes, Nov. 23, 1921, box 161, Charles Evans Hughes Papers, Manuscript Division, Library of Congress; Beilby F. Alston to Lord Curzon, Nov. 28, 1921, *Documents on British Foreign Policy, 1919-1939* (London, 1966), First Series, XIV, 518.

55. Lansing to Koo, Sept. 6, 1922, vol. 60, Lansing Papers, LC; J. B. Moore to King, June 26, 1922, box 48, Moore Papers.

as an adviser. Moore contributed his knowledge of the law, his legal reasoning, and his ability to point to legal precedents, while Lansing provided his knowledge of negotiation tactics and his frank opinions on political matters.<sup>56</sup> Why then was there such a divergence in interpretation of the Washington conference's results between these two Americans and their Chinese clients? In Moore's mind, the Shandong question, as well as all other China issues, could only be answered by China. Years later, he observed that "the fundamental difference between the course of China and that of Japan in foreign affairs is that China relies on other countries to help her, while Japan relies on herself." The reason for this, he observed, is that "Japan is a political and racial entity while what is generically known as China is characterized by diversity and divisions. If the Chinese cannot cure this then no one else can." As a result, Moore objected to U.S. attempts to "cure" China's troubles, though he could accept limited American efforts on China's behalf. Lansing, on the other hand, believed that the United States was the best friend that China had, and he approved of the American formula for resolving the Shandong controversy because he was convinced that it was in China's best interests.

Yet Lansing, Moore, and like-minded American legalists who approved of the Shandong settlement and who believed that the United States was a true friend of China could not bring themselves to recognize that American friendship was essentially hollow. The United States was fundamentally committed to protecting its own interests, not to providing justice for China. Peking was forced to pay for territory that rightfully belonged to China, and, worse, China had to pay Japan with money borrowed from that country. The resolution of the Shandong question gave the Chinese little about which to rejoice, especially since the Chinese diplomats and public expected a more just Wilsonian solution.

56. J. B. Moore to Feilchenfeld, Jan. 23, 1940, box 95, Moore Papers.