

Taiwanese' Legal Experiences on Nationality under Japanese Rule: Discussion on Migration between Taiwan and China

Tay-sheng Wang

ABSTRACT

During the late nineteenth century, the overseas Chinese in Fujian and Guangdong regions on the one hand enjoyed the benefits of western nationals with their legal foreign identity; and on the other hand were immune from disadvantages imposed upon foreigners because of their Chinese roots. The concept of nationality seemed to have little relevance to one's identity or loyalty. Rather, it served as an instrument for gaining benefits. Sharing the same attitude of these overseas Chinese in China, the Han Taiwanese 'opted' for Japanese nationality under the 1895 treaty between China and Japan. Hence, they enjoyed tax exemption and extraterritoriality as Japanese nationals in China. Desiring for the same benefits, some local Chinese posed themselves as Japanese nationals from Taiwan. Following China's legislation on nationality in 1909, lots of controversies arose between Japan and China over the nationality and legal treatment of Taiwanese with Japanese nationality in China. In 1910, the Japanese authorities took measures to confirm the nationality of Japanese nationals from Taiwan and intentionally allowed many local Chinese to attain such legal status so as to increase Japanese influence in China.

Under Japanese rule, the Taiwanese in China could actually enjoy legal treatment as Japanese nationals. Their lawsuits would be tried by Japanese consuls in China, without interference from the notorious Chinese judiciary, and re-tried by the court in Taiwan after 1921. Even those Taiwanese who fled to China out of dissatisfaction with Japanese colonial rule were still overseen by the Japanese authorities because of their Japanese nationality. As Japanese nationals, the Taiwanese asked the Japanese authorities to protect their interests in China, and in turn the Japanese authorities also asked the Taiwanese to perform their duty as loyal subjects of the Imperial Empire. During World

War II, many Taiwanese assisted the Japanese military authorities and even sacrificed their lives. However, some Taiwanese in China out of personal interests sought to become Chinese nationals.

Across the strait in Taiwan, Chinese nationals, who shared the same language and culture with the Taiwanese, also enjoyed different legal treatment and extraterritoriality. Nevertheless, the social status of overseas Chinese nationals in Taiwan was not high; hence, the general public had little desire for pursuing the Chinese nationality. On the other hand, Taiwanese had no loyalty toward Japan either. They were treated as second-class nationals under Japanese rule. As a whole, Taiwanese during the Japanese colonial era had no country of their own and felt little nationalistic sentiments regardless of whichever legal nationality they had.

Keywords: Nationality, Taiwanese Nationals, Extraterritoriality, Consulate Adjudication, Overseas Chinese