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### The 19<sup>th</sup>-century International Law of the West and the Japanese Colonialization of Korea: Political Meaning of a Self-reliant State

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# The 19<sup>th</sup>-century International Law of the West and the Japanese Colonialization of Korea: Political Meaning of a Self-reliant State

**Keywords:** Korean History; International Law; self-reliant state; Japan; Japanese-Korean relations; 19<sup>th</sup> century.

## 1 Introduction

Carl Schmitt once stated that “a people is only conquered when it subordinates itself to the foreign vocabulary, the foreign construction [*Vortellung*] of what law, especially international law, is.”<sup>1</sup> If this is true, the three East Asian states – Joseon (Korea), China, and Japan – were completely subordinated to the rule of Western imperialism in the mid-19<sup>th</sup> century when traditional Sinocentric world order<sup>2</sup> collapsed and the Western international law was generally introduced.<sup>3</sup>

- 1 Carl Schmitt, *Die Völkerrechtliche Formen des modernen Imperialismus*, 1933.
- 2 The principle of constituting the traditional Confucian politics or the Sinocentric world order was the ‘禮’ [proprieties] with which “a large nation loves a small one, and the small one serves the large one”. Unlike the modern-state system in which all sovereign states are considered equal regardless of their actual power, the properties adopt the hierarchical system in which the difference between a large state and a small state was recognized and the status and responsibility of states were regarded as different.
- 3 The first book on Western international law translated in East Asia was *Elements of International Law* written by Henry Wheaton (1785-1848), which was published by Tongwen Guan in 1864 with the title of ‘萬國公法’ [International Law of All Nations] under the name of American missionary William Alexander Parsons Martin (1827-1916). Following this in China, *Le Guide diplomatique, précis des droits et des fonctions des agents diplomatiaques et consulaires* written by Karl von Martens

China began descending into unequal treaties in 1842 when it signed the Treaty of Nanjing by the defeat of the First Opium War. Japan entered into disgraceful, unequal treaties in 1858 with five countries – the United States, the United Kingdom, Russia, the Netherlands, and France – after it had yielded to the grandeur of the black ships led by Commodore Matthew C. Perry in 1853. The Joseon Dynasty was incorporated into the modern international order as it concluded a series of unequal treaties in 1882 and 1883 with the U.S., the U.K. and Germany.

Japan thoroughly followed the logic of the Western international law. Its foremost diplomatic goal during the Meiji period was to amend the unequal treaties concluded with Western powers. And in order to do so, she had to be recognized by the Western powers as an equivalent civilized nation by complying with the Western international law more faithfully than Westerners. Accordingly, the invasion of the Joseon Dynasty was made in the form of imitating Western powers which occupied colonies in accordance with the Western international law. On the other hand, proud of itself as the centre of the world, China restricted the application of the international law to the relations with Western and tried to control the remaining states in the Sinocentric order by traditional law and language. And Joseon, sandwiched between the two empires of China and Japan, had to struggle to maintain national autonomy while appropriately taking advantage of both the Western modern international law and the traditional language of the Chinese order, or by walking on a fine line between the two languages.

## 2. Political meaning of a 'self-reliant state [自主之邦]'

The first modern treaty Joseon concluded was the Treaty of Peace and Friendship between Joseon and Japan (a.k.a. Treaty of Kangwha)

was translated as '星輶指掌' [The Guide for Diplomacy] (1876); *Introduction to the Study of International Law* by Theodore D. Woolsey as '公法便覽' [Outline of International Law] (1877); *Das Moderne Völkerrecht der Civilisirten Staaten* by Johann C. Bluntschili as '公法會通' [The Guide for International Law] (1880); *A Treatise of International Law* by William E. Hall as '公法新編' [A New Edition of International Law] (1902).

signed on 27 February 1876. Article 1 stipulates that “Joseon is a self-reliant state [自主之邦] that has the same rights as Japan.”

Joseon is a self-reliant state that has the same rights as Japan. In case where the two parties demonstrate their practical amity in the future, they should treat them with same respect while never violating or demonstrating any hatred toward each other’s rights. First, the two parties should make their best efforts to the permanent peace and prosperity of each other by revising previously established regulations that may have undermined the friendship and expanding generous and widely received regulations.

Having existed as the tributary of China for several hundreds of years, Joseon was granted at this moment a new international status as a ‘self-reliant state.’ Then what political significance the provision of a ‘self-reliant nation’ has.

Prior to this, Japan declared the Westernization as a national policy after the Meiji Restoration in 1868, strived to reorganize the diplomatic relations with China and Joseon in a westernized fashion. As a result, the Treaty of Peace and Friendship between Qing and Japan, the first westernized pact between East Asian countries, was concluded on 13 September 1871, between Li Hongzhang and Date Munenari.

With the binding power of this treaty, Li intended to protect Joseon from Japan’s invasion. Such intention was specified in clear sentences of Article 1, “From now on, the Great Qing and the Great Japan will further strengthen and make their bilateral relations eternal as heaven and earth. In addition, the two parties should treat countries affiliated to each other with respect, never invade them at all, and allow them eternal stability.” What the “countries affiliated to each other [所屬邦土]” here indicates was Joseon.

That state (referring to Japan by the excerptor) is close to Goryeo (referring to Joseon), and from the examination of *A Topical History of the Ming Dynasty* [明史紀事本末], the set pattern of its strength and weakness can generally be figured out. Recently I heard that the country sometimes intends to occupy Joseon. If it tries to annex Joseon with cunning ambition, our country will lose the fence for the three provinces outside Shanhaiguan, so we cannot help preparing plans in advance. If we conclude the treaty at their request for amity, they will feel a little reluctance even though an eternal stability should not be guaranteed. However, it was not simple to specify the name of Goryeo.

Thus, the country was commonly referred to as ‘countries affiliated to each other’, so that the term would roughly include the country.<sup>4</sup>

Japan, however, interpreted the provision in a totally different way. After returning to Japan, Date Munenari gave a briefing that the “countries affiliated to each other did not refer to dependent states.”<sup>5</sup> In other words, Japan internally made sure that Joseon was not subject to the Qing-Japan Amity Treaty.

Whether Joseon was subject to the Qing-Japan Amity Treaty was discussed in earnest in the process of the conclusion of the Treaty of Kangwha. A series of talks over the Joseon issue were held between Japanese Envoy Extraordinary and Minister Plenipotentiary Mori Arinori and Minister of Beiyang Li Hongzhang in Tianjin in January 1876. At the talks, Li asserted that there was no doubt that Joseon consisted of the ‘countries affiliated’ to Qing, but according to Qing’s traditional policy of treating dependent nations generously, the politics and diplomacy had been left to the discretion of those affiliated without any of Qing’s involvement. Mori, however, tried to regard Joseon as an independent nation by imposing the theory of the Western international law that regarded a country which can decide its own internal and foreign affairs as independent. This was because, in order to occupy Joseon, Japan had to recognize Joseon as an independent state and eliminate the interference of Qing.

Mr Minister, you say, “Though Joseon is a dependent state, it is originally not subordinate to China. Thus, China has not engaged in Joseon’s internal affairs and also left negotiations with foreign countries to the discretion of it, so is not able to force them anything.” Considering this, Joseon is an independent nation, and your referring to Joseon as a dependent state is just an empty word.<sup>6</sup>

- 4 “查該國逼近高麗 考之明史紀事本末 其強弱情形 已可概見 近聞該國復時存凱餽之心 倘狡焉思逞 欲行兼併 則我國關外三省 殊失屏藩之固 似亦不可不預為之計 擬乘其款關求好 與之約法 縱不能得其永久相安 或亦稍存顧忌耳 然又未便的指高麗 故泛言所屬邦土 似較賅括” (The Collection of Historical Materials on the Self-strengthening Movement of the Late Qing Dynasty, vol. 1, p. 475). In addition, Li briefed that “this provision was covertly stipulated for countries like Joseon and best consideration was taken into devising it in the treaty.” *Collected Works of Li Hongzhang*, “Written Memorial”, vol. 18).
- 5 *The Diplomatic Material of Japan (Meiji Period)* [日本外交文書], compiled by the Japanese Ministry of Foreign Affairs, Tokyo: Japanese Ministry of Foreign Affairs, 1933-1963, p. 223.
- 6 *Historical Document on Negotiations among Korea, China and Japan during Emperor Guangxu of the Qing Dynasty*, vol. 1, Annex III of Document no. 1; *The Diplomatic Document of Japan*, vol.

Meanwhile, Joseon posed as a 'peripheral nation' that had protected China for the past hundreds of years, and at the same time, followed protocols such as paying tributes and obtaining investiture. But it in practice had no reason to raise any objection to the provision of a 'self-reliant state' since it had conducted its own politics and diplomacy completely free from the interference of China for five hundred years. In this light, Article 1 of the Treaty of Kangwha was the product of diplomatic compromise between Qing and Japan and reflected the power balance of the two empires that confronted each other over the Joseon issue. As for Qing and Joseon as well, the term a 'self-reliant state' only reaffirmed their bilateral relationship in the existing Sinocentric world order. Japan, however, unilaterally translated the term as an 'independent state' and distributed the translated version to Western diplomats after the pact had been signed.

It cannot be denied that there were also loopholes in the treaty itself. Qing and Joseon officials paid most of their attention to the expression of the self-reliant state, but the phrase "the self-reliant state has the same right as Japan" was open to the interpretation that Joseon was an independent and sovereign state that had the same sovereignty as Japan.

### **3. Japan's passive policy toward Joseon**

**3.** On 22 May 1822, Joseon entered into a treaty with the U.S., the first nation among Western states. There was a desperate and realistic reason behind it. In other words, Joseon had no choice but to do so in order to address the country's financial difficulties that reached extreme poverty. The establishment of the maritime customs and the collection of tariffs were almost the only source of revenue and security for foreign loans.

Qing's Li Hongzhang also recommended the establishment of relations between Joseon and Western powers from 1879 in an unofficial way of sending letters to former Joseon Prime Minister Li Yu-won.<sup>7</sup>

9, Document no. 41.

7 Hyeok-su Kwon, *The Reevaluation of Modern Sino-Korean Relations*, Seoul: Hyeon, 2007, pp. 79-108.

As aforementioned, Qing wanted to protect its affiliate from the invasion of Japan through the binding power of the Qing-Japan Amity Treaty, but the conclusion of the Treaty of Kangwha revealed the fact that Japan put a totally different interpretation on the range of the term. Moreover, with Japan's unilateral inclusion of the Ryukyu Kingdom and the military confrontation between Qing and Russia in Xinjiang due to the Kuldja dispute taking place in 1879, Qing came up with a new strategy for holding Joseon within its territory of influence. That came from the old wisdom 'by using barbarians to control barbarians [以夷制夷]' – namely, arranging the conclusion of treaties between Joseon and Western nations.<sup>8</sup> King Gojong and the ruling clique used Qing's recommendation for the conclusion of treaties as means to persuade conservatives at home.

As a result of the compromised intentions of Qing and Joseon, the Joseon-U.S. Amity Treaty had unique characteristics in its form and content. The negotiations for the treaty to the drafting were made by Li Hongzhang and his staff officers. Although Joseon was the party concerned, it indirectly participated in the conclusion of the pact from beginning to end. Its content, however, consisted of terms relatively favourable to Joseon compared to the previous unequal treaties signed between Qing, or Japan, and Western powers. This was because the U.S. government's interest in Joseon was not great at that time, and also because U.S. Admiral Robert. W. Shufeldt, the representative of the U.S., rushed to enter into the treaty to attain the honour of opening Joseon for the first time.

Most Joseon government officials of that time believed that Joseon still had weak national power and insufficient knowledge on and experience of modern diplomacy, so it is favourable to take an advantage of a larger country of Qing. In this case, the biggest problem was that Joseon was regarded as the nation affiliated to Qing in the international society, but the U.S. declared that it would not ask about the traditional tribute relation between Joseon and Qing and treat Joseon as an

8 Idem, *A Study on the History of the Relations Between Korea and China of the End of the 19th Century – Highlighting Li Hongzhang's Recognition of and Policy Toward Joseon*, Seoul: Baeksan Jaryowon, 2000.

equal contracting party.<sup>9</sup> Thus, Joseon anticipated that if it signed pacts with Western states through the mediation of China, it would be able to expect automatic interference of and support from China, as well as conduct diplomacy on an equal footing with Western powers without losing its national autonomy. So-called 'double gain theory [兩得論]' asserted by Kim Yun-sik emerged with such a background.

We have been worried since, though it is evident that Joseon is China's vassal state, China has shown no willingness to sincerely take care of Joseon. Considering its isolated and weak conditions, Joseon will not maintain its independence without the protection of a large nation. Li Hongzhang is the official who holds the control of the military. Since he took the lead in Joseon's critical issues, gave statements to nations, and signed treaties by proxy, he will be ridiculed if he doesn't make utmost efforts to help Joseon when something happens to us. If nations across the world see China take care of Joseon, their disregard of us will also weaken. In addition, if Joseon maintains its independence as it is under the influence of China, it will use the equal rights without any interference when fostering relations with other states. This can be considered double gains since we don't take risk of losing rights and it does not run counter to the loyalty toward the large nation.<sup>10</sup>

The treaty between Joseon and the U.S. provided an international approval for the Double-folded System [兩截體制], in which the Sino-centric order and the modern international order coexist, or the traditional language of the former and the logic of international law of the latter were applied to separate spaces for Joseon and Qing and for Joseon and Western powers, respectively.<sup>11</sup> Following the treaty, Joseon concluded the pact with the U.K. on 6 June 1882, and Germany on 30 June 1882, in the same way.

The basis of Japan's modern diplomatic policy was to adapt herself to the mainstream. Since the U.S. and other Western powers approved

9 Tyler Dennett, *Americans in Eastern Asia*, New York: Macmillan, 1922; Federick C. Drake, *The Empire of the Seas*, Honolulu: University of Hawaii Press, 1984.

10 *Um-Chung Sa*, September 27, 1882 [by the lunar calendar].

11 For more information on the Double-folded System, see Yong-gu Kim, *The International Politics of the Crash of World Views: The Proprieties of the East and International Law of the West*, Seoul: Nanam Publishing House, 1997, pp. 244-261; Tamaki Harada, 'The History before the Establishment of the Double-folded System Between Joseon and China', *The Opening and Modernization of Joseon*, Tokyo: Keisuishu, 1997.

Joseon's Double-folded System, Japan was not able to publicly raise Joseon's independence issue. Japan did not advocate it till the Sino-Japanese War of 1894. She had to take consideration into its diplomatic relations with Western powers preferentially.

## **4. The Sino-Japanese war and the independence of Joseon**

It was the year of 1894, just before the Sino-Japanese War when Japan began actively interpreting and arguing the term a 'self-reliant state' as an independent nation.

The Donghak Peasant Movement, which began in Gobu, Jeolla Province, in February 1894 spread like wildfire. Finally, at the news that Jeonju, the origin of the royal family, fell on 31 May, the Joseon government was shocked enough to ask Qing for reinforcements. As soon as the government officially called on Qing to deploy the army on 3 June, the Qing army prepared for the dispatch and completed its first deployment of about 2,800-strong troops to Asan, Chungcheong Province, from 8 to 25 June.

Meanwhile, Acting Ambassador to Joseon Sugimura Hukashi anticipated that the Joseon government helpless with the peasant movement would soon ask Qing for more soldiers, and already briefed to the foreign affairs ministry on May 22 that Japan had to weigh the deployment of its army to Joseon in order to maintain the balance of power. At roughly the same time, the Japanese military, in particular the Japanese army raised their hostile voices that it was time for Japan to send troops to Joseon. Eventually, on 2 June, just a day before the Joseon government officially called for the dispatch of the Qing military, the deployment of the Japanese troops was determined at an extraordinary session of the cabinet council held in the official residence of the prime minister. At the session, the foreign minister Mut-su Munemitsu argued based on Sugimura's reports, "If Qing sends troops to Joseon with whatever a cause and duty there are, Japan also has to deploy equal troops to maintain the balance of power between

Japan and Qing in the Korean Peninsula.”<sup>12</sup> Japan’s domestic political situation had an influence on that decision to some degree. At that time, the 2<sup>nd</sup> Ito Hirobumi cabinet was driven into a corner by the pressure from the parliament,<sup>13</sup> so there was a political calculation to resolve the crisis of the administration by aggravating an external crisis.

On 5 June, the Japanese Imperial General Headquarters, the highest command department of the army and navy under the direct control of the emperor, was established. It was even ahead of the arrival of Qing troops at Joseon, and Japanese troops dispatched in Joseon were only a single mixed brigade and a standing squadron with several vessels, so such a grandiose headquarters was not necessary. Nevertheless, the headquarters was set up, which implies that regardless of changes in the future political situations, Japan presumed the possibility of going to war against Qing, and determined that the process toward the war would be led by the military.

The remaining issue was to justify the deployment of its troops to Joseon. Ahead of this, Qing and Japan mutually agreed that the two withdrew all troops from Joseon in accordance with the Tianjin Treaty of 1885; if they had to deploy troops with serious incidents such as a civil uprising, they would officially send a prior written notification of the dispatch; and withdraw the troops as soon as things calmed down. Since the deployment of the Qing military was conducted on the official request of the Joseon king, there were no problems if Qing notified the deployment in advance. On the contrary, Japan had no grounds for the dispatch and had to find a cause to justify it.

Japan first found the grounds from Article 5 of the Hansung Treaty between Joseon and Japan of 1882, which stated that the latter may have deployed some troops for the security of her Embassy in Seoul. The army Japan had planned to dispatch at that time, however, was a large-scale one with as many as about 8,000-strong soldiers.<sup>14</sup> This was more than threefold the number of soldiers Qing decided to send to Joseon. It was obvious that Japan had no need to deploy such large-

12 Soho Tokutomi, *Biography of Prince Yamagata Aritomo*, vol. 2, Tokyo: Harasyobo, 1969, pp. 120-121.

13 Kiyoshi Tabohashi, *Study on the Modern Japanese-Korean Relations*, transl. Kim Jong-hak, vol. 2, Seoul: Ilchokak Publishing, 2016, pp. 274-275.

14 Keiichi Harada, *The Sino-Japanese Wars*, Tokyo: Yoshikawa Kobunkan, 2008, p. 15.

scale troops just in order to defend her Embassy. Moreover, the Donghak peasant army dispersed themselves in Fortress Jeonju on 11 June with concerns that it would provide a cause for foreign interference, and Seoul was also regaining its stability.

At that time, the Japanese government was most concerned about finding a cause for the deployment reasonable enough to persuade Westerners. Accordingly, the cabinet was convened on June 14 and 15 to set up a policy that it would suggest a joint 'reform' of Joseon's domestic affairs; if Qing refused to the suggestion, Japan would solely carry out the reform; and in the meantime, the Japanese army would not be withdrawn.<sup>15</sup> Japan chose the reform of Joseon's domestic affairs as a cause for its deployment since it could leave good impression to Westerners and shift the responsibility of beginning a war toward Qing if the country did not agree on the joint reform.<sup>16</sup> However, it can be confirmed in Mutsu's memoir that the reform was just an excuse for deploying troops and going to war.

From the beginning, I didn't put much weight on the reform of Joseon's internal affairs and suspected whether a country like Joseon could complete the reform in a satisfactory fashion. The reform, however, diplomatically became a sort of a critical issue, and the Japanese government had no option but to attempt to conduct the reform. While we hadn't addressed issues such as what situations and causes the opinions of the Japanese government and the public were based on, we anyway managed to make such an agreement, which I considered was an extremely favourable situation at home and abroad. I wanted to know whether this good cause would be able to restore the relationship between Japan and Qing, which was already destroyed, and if it was not possible, whether Japan rather had to use the cause to accelerate the destruction. I wanted to use this as a hydrometer to know whether it would bring rain or clear whether by significantly changing dark sky with black clouds.<sup>17</sup>

As the Japanese Ministry of Foreign Affairs had already predicted, the Qing government decided to refuse Japan's proposal of joint

15 Munemitsu Mutsu, *Records of Loyalty* [襄憲錄], Osaka (not for sale), 1932, pp. 17-19.

16 Kiyoshi Tabohashi, op. cit., p. 326.

17 Munemitsu Mutsu, op. cit., pp. 25-26.

reform, and notified this on 21 June through Chinese Ambassador to Japan Wang Fengzao. The Japanese government convened the cabinet meeting on the next day of 22 June and decided to solely launch the reform of Joseon. Accordingly, Ambassador Otori had an audience with King Gojong on 26 June and asked for an appointment of investigators on the premise of the internal affairs reform. At that time, the 11<sup>th</sup> regiment of the Japanese which had stationed in Incheon was close to the outskirts of Seoul. The entire mixed brigade completed the Incheon landing on June 28.

The request of Japan was little different from the interference in Joseon's internal affairs under the disguise of the reform. The Joseon government of course called on the withdrawal of the Japanese army as the prerequisite for the domestic reform, while declaring the independent implementation of it.

Then, Ambassador Otori mentioned the tributary relationship between Joseon and Qing as means of putting pressure on the Joseon government. His calculation was to first ask whether Joseon agreed on Qing's cause that the deployment of the army aimed to protect its vassal nation; and if Joseon agreed on it, Japan would hold the country accountable for specifying itself as a 'self-reliant state' in the Treaty of Kangwha; and if it denied it, Japan would force Joseon to cooperate with herself in return for repelling the Qing army on behalf of Joseon. He briefed such a plot to the Japanese foreign ministry on 28 June when he had an audience with King Gojong, and put it into action on his own without waiting for an answer.<sup>18</sup> Such questioning over the tributary relationship between Joseon and Qing continued until 20 July when Japan delivered an ultimatum.

In the official notifications sent when the Qing government deployed its troops to Joseon in early June of this year, the government mentioned the dispatch was the "long-standing practice to protect its tributary" while the notices the Qing army issued to local officials of Joseon from Asan to Jeonju specified that "the Chinese government cherishes its vassal nation so much that it could not help saving it", and used the expression of a "tributary need for protection". All of these are evidently recognized as the disregard of Joseon's in-

18 Kiyoshi Tabohashi, *op. cit.*, pp. 324-350.

dependence and the violation of Joseon's right to autonomy ... The Joseon government allows the Qing army deployed with an unjust cause to stay permanently within its territory, which infringes on Joseon's right to independence, and accordingly, neglects the provision stipulated in its treaty with Japan that "Joseon is a self-reliant state that has the same rights as Japan." Therefore, we hope that the Joseon government will fulfil its duty of complying with the treaty by immediately evicting the Qing army outside the borders. Evicting the Qing army is of course an urgent task, so please conduct it rapidly. In addition, please send a reply over the decision made by the Joseon government until the day after tomorrow of 22 June.<sup>19</sup>

Ambassador Otori requested to send a decisive reply no later than 22 July. The Joseon government reiterated its position in night of 22 July that the Qing army's presentation of the protection of the vassal state as a cause and its unwidrawal had nothing to do with Joseon, and Joseon's internal and foreign affairs were determined independently in the past and in the future as well so Joseon did not violate the provision that "Joseon is a self-reliant state that has the same rights as Japan." The position of the Joseon government made no odds to Otori. Without waiting for the reply of the Joseon government, he surprisingly occupied Gyeongbok Palace, the royal palace of Joseon dynasty, at the dawn of 23 July by mobilizing the 21<sup>st</sup> infantry regiment.<sup>20</sup> Then under military threat, he coerced King Gojong into implementing the reform and ordering the Joseon government to petition for the withdrawal of the Qing army and the cancelation of three treaties with Qing that were regarded as the symbol of the tributary relationship between them – the Treaty for Overland and Overseas Trade Between Joseon and Qing, the Treaty for Trade in Junggang and the Treaty for Trade in Jilin. Japan hereby seized the *casus belli* that allowed it to go to war with Qing for the progress and independence of Joseon in conformity with her own wish.

19 *Official Documents Between Korea and Japan*, 28 June 1894 [by the lunar calendar], vol. 28.

20 Akira Nakatsuka, *Occupy Gyeongbok Palace of 1894*, transl. Park Maeng-su, Seoul: Blue History, 2002.

## 5. Conclusion

In the night before the beginning of the Sino-Japanese War, Ambassador Otori on his own judgement questioned the Joseon government with Article 1 of the Treaty of Kangwha—the provision of a ‘self-reliant nation.’ As explained previously, Western powers including the U.S. already accepted the Double-folded System. In addition, a rush declaration of Joseon’s independence against Western powers would cause problems when Japan annexed Joseon in the future. Therefore, aside from Otori’s rampaging about finding the *casus belli*, the Japanese government began seeking ways to make Joseon a protectorate. At that time, the Japanese government took the bypass of making Joseon a protectorate because the theory of a protectorate was the latest trend of the then international law, and therefore, Japan wanted to show off how well she abided by the international law, or the rule of civilized nations. The theory was so new that it seemed unfamiliar even to the Western academia, to the extent that the discourse over the theory first began in 1881 when France forced Tunisia to conclude the Treaty of Bardo. In fact, the Protectorate Treaty between Joseon and Japan followed in the footsteps of the precedent of this Treaty from its details to the process of coercing the conclusion.<sup>21</sup>

Japan interpreted the meaning of a ‘self-reliant state’ stipulated in Article 1 of the Treaty of Kangwha as a sovereign independent state because of its political convenience. But she never sincerely considered or provided practical aid to Joseon’s independence until her forced annexation of Joseon. At a time of the conclusion of the treaty, Japan just inserted the expression of a ‘self-reliant state’ in the circumstances where she had to rush to sign the treaty and in consideration of the diplomatic relations with Qing. After the conclusion of the treaty Japan unilaterally argued the expression meant ‘sovereign independence’, and ended up finding the *casus belli* for waging the war against Qing and occupying Gyeongbok Palace by force in 1894. From a considerably early stage, Japan learned by experience the nature of the non-moral power politics of the modern international order. This appeared in her diplomatic behaviours: she included ambiguous provisions in treaties

21 Arai Shinichi, ‘In Regard to the Style of the 2<sup>nd</sup> Japan-Korea Treaty – Highlighting Its Ratification’, *Quarterly Study of War Responsibilities*, 1996, no. 12.

when her national power was not strong enough, and in the future when became stronger, arbitrarily interpreted them by force.

I want to add one final word about the remarkable feature of Japanese modern diplomacy. Her policies toward Joseon were always drafted and conducted in a manner of being conscious of Westerners. This was not just because of a strategic consideration for avoiding the intervention of the West. The most important diplomatic goal in the Meiji era was to amend the unequal treaties coerced by Western powers, and in order to do so, it had to comply with the international law to be recognized by those powers as a member of a civilized world.

The overall policy of modern Japan toward Joseon and East Asia was materialized in a form of corresponding to the global strategies of the U.K., the most powerful and civilized state of the 19<sup>th</sup> century. However, as the hegemony of the U.K. was significantly threatened in the 1920s by the emergence of Germany, and the Anglo-Japanese Alliance ended, Japan rapidly took a militaristic stand. In other words, when the world order was in a relatively peaceful state, and there was guidance from a hegemony state, Japan completely adapted itself to the order. However, when she believed that the order was disturbed and the hegemony state weakened, it turned itself into an aggressor faster than any other nations. From World War II to this day, Japan has acted as a sincere regional partner to the Asian policy of the U.S. Such diplomatic behaviours of modern Japan still have significant implications even today when the rapid economic and military rise of China deteriorates the hegemony of the U.S. and East Asia is in disorder.

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