

ALTERNATIVE UNDERSTANDINGS OF POWER IN MEIJI JAPAN

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Abstract: Unlike building railroads, writing treaties and conducting diplomacy was by no means a new practice in Meiji Japan (1868–1912). Performing these transactions in the terms of international law, however, required new techniques to control the discourse. The scholars and state aggrandizers who translated international law into Japanese at the time did not cause Japan to become the imperialist nation it did. Their fluent use of this discourse, however, legitimated Japan's imperialist claims within Japan and abroad. Although international terms empowered the powerful, the potential meaning of many of the terms inspired those trying to resist domination. For the architects of the Japanese empire, however, controlling Japanese sovereignty meant controlling the legal terms of governance wherever Japan ruled. The permitted discourse of legitimate Japan circumscribed expression throughout the geographical boundaries to which the new regime aspired. Techniques of control included obvious means such as banning books, but on a deeper level it meant negating definitions that challenged how Japan constituted its sovereignty within Japan and abroad. Following Pierre Bourdieu's discussion of the "metaphor of censorship," I will demonstrate how the few people who challenged the discursive range that the state determined to use contested what most of society – at home and abroad – simply presumed to be a normatively defined legal terminology. Japan did not officially annex Korea until 1910, but it vied most doggedly there with other nations throughout the late nineteenth century over strategic privileges, mining and railroad rights, and souls to proselytize. For these reasons, Japanese officials realized the need to make Japan's Korea policies make international sense more acutely at the time than the country's other colonial schemes in order to engage in that competition with the Europeans and Americans. Within Japan's expanding empire the annexation of Korea most significantly established the perceived legitimacy of Japan as a modern imperial nation. Dissenting voices from mainland Japan as well as colonized Korea, however, tried to subvert how the new international terms were understood and used, and my essay will consider two examples. In the 1870s, Tarui Tōkichi, a poor and unsuccessful politician from Nara, envisioned a new nation he called "Great East" (Daitō) by blending Japan and Korea together. The Meiji government censored Tarui's plan until it effected its own version of "Daitō" whereupon it celebrated Tarui and his book for its foresight. In 1908, a Korean high court justice named Heo Wi demanded that the world recognize his anti-Japanese rebellion (the Uibyeong) as a legitimate war according to international law. The international arena ignored his appeal, and he was tortured to death in a Japanese prison in Seoul. Alternate definitions of international terms were deemed inadmissible or illegal vis-à-vis the state's encoded limits for them, erasing the proposed meanings and often the people themselves from the record of legitimate Japan.

INTRODUCTION

The translation of international law into Japanese and putting its terms into practice were among the most transformative aspects of Meiji Japan (1868–1912). The terms of these laws undoubtedly empowered the strong. At the same time, however, the potential of these terms gave inspiration to those who resisted domination.

Controlling Japanese sovereignty meant controlling the legal terms of governance wherever Japan ruled. This included obvious censorship such as banning books, but on a deeper level it meant negating definitions that challenged how Japan constituted its sovereignty both within Japan and abroad. The international terms that Meiji state policy writers chose for Japan could reflect only those meanings that inhered to the range the government set for them.

Most translators, politicians, professors, and others who engaged with the terms of international law, therefore, did so using a vocabulary that provided the legal structure used by Japan, at home and abroad. The terms of foreign relations used by Japanese officials made sense with a simultaneous transformation of domestic political vocabularies. Diplomats and international legal scholars understood “equality” among nations, for example, in ways that aligned with how parliamentary politicians settled the meanings of the terms within Japan.

In discussing what he calls “the metaphor of censorship,” Pierre Bourdieu argues that “censorship is never quite as perfect or invisible as when each agent has nothing to say apart from what he is objectively authorized to say” (Bourdieu 1991: 138). The permitted discourse of legal Japan circumscribed expression throughout the geographical boundaries to which the new regime aspired. The few people who challenged the discursive range that the state determined, therefore, contested what most of society presumed to be a normatively defined legal terminology.

Japan did not officially annex Korea until 1910, but it vied most doggedly there with other nations throughout the late nineteenth century over strategic privileges, mining and railroad rights, and souls to proselytize. For these reasons, Japanese officials realized the need to make Japan’s Korea policies make international sense more acutely at the time than the country’s other colonial schemes in order to engage in that competition with the Europeans and Americans. Within Japan’s expanding empire the annexation of Korea most significantly established the perceived legitimacy of Japan as a modern imperial nation.

Dissenting voices from mainland Japan as well as Korea, however, tried to subvert how the new international terms were understood and used. The government of course had the power to define the “correct meaning”

of these terms and thus to claim legitimacy based on the “correct understanding” of the new international language. Diversion from the government’s meanings could easily be discredited as “misunderstanding.”

My essay will consider two examples. In the 1870s, Tarui Tōkichi, a poor and unsuccessful politician from Nara, envisioned a new nation he called “Great East” (Daitō) by blending Japan and Korea together. The Meiji government censored Tarui’s plan until it effected its own version of “Daitō” whereupon Japan celebrated Tarui and his book for its foresight. In 1908, a Korean high court justice named Heo Wi¹ demanded that the world recognize his anti-Japanese rebellion (known as the Uibyeong Resistance) as a legitimate war according to international law. The international arena ignored his appeal, and he was tortured to death in a Japanese prison in Seoul.

Alternative definitions of international terms such as theirs were deemed inadmissible or illegitimate vis à vis the state’s encoded limits for them, erasing the proposed meanings and often the people themselves from the record of legitimate Japan.

TARUI TŌKICHI AND DAITŌ

In the late 1870s, a minor furor arose in Japan’s Foreign Ministry over an “uninhabited island” (*mujintō*) that lay between Japan and Korea. Both Japanese and Korean governments claimed the piece of rock as their country’s territory, and formal diplomatic exchange revolved around procedures for shipwrecks and castaways. Fishing industry entrepreneurs along the western coastal areas beseeched their government to define the disputed islands as Japanese. For example, Toda Takayoshi of Shimane Prefecture wrote a series of letters to the governor of Tōkyō, Kusumoto Masashi, to urge “expanding the imperial lands to promote national interests” (*kōchi wo kakuchō shi kokueki wo okoshi*) (Gaimushō 1996: 166). The Matsushima Islands, as they are known in Japanese and Ulleungdo in Korean, and the Takeshima/Dogdo group – known collectively on late-nineteenth-century European maps as the Hornet and Liancourt Rocks – formed the basis of this dispute. One fisherman wrote home from a Russian-occupied port and encouraged his government to “develop” (*kaitaku*) Matsushima. “Although the island is small,” he wrote, “it is very profitable” (Gaimushō 1996: 225). These men and others spoke about the vast

¹ Editor’s note: Korean terms and names are mostly given according to the Revised Romanization System, but in quotations, other transliteration systems may be used.

quantities of fish around the islands, and they formulated their arguments in terms of national interest and prestige. They argued for an expanded and newly bordered Japan.

Tarui Tōkichi's chance involvement in the dispute over these "uninhabited islands" reveals that a poorly educated but politically inclined individual conceived of reformulating national borders in the same terms Meiji aggrandizers used, but with a wholly different object in mind. In 1878, Tarui visited friends in Tōkyō for a few days. Five years later, Tarui wrote about his trip and mentioned a conversation he had in Tōkyō about an "uninhabited island" located off the west coast of Japan and toward Korea (Tarui 1883: 19). Several scholars have drawn attention to Tarui's meeting, but none that I am aware of has connected the conversation with the Japanese-Korean island dispute occurring at the time, a conflict that appeared daily in the Japanese papers. The location of the island Tarui discussed with his friends almost matched the location of the fishermen's descriptions, which is important to understand in light of the new nation that Tarui decided to found several years later. Rather unimaginatively named "Great East" (Daitō), it is possible that Tarui intended at first to establish his country on this disputed speck of land, or, possibly, on an island near the one that today bears the name "Daitō."

Whoever his informant was, and whatever the actual location of the island that Tarui sought was, he made creative use of the rocks he was thinking about. He traveled to Kyūshū, and between 1878 and 1881, while teaching part time at a Chinese-studies school and working as a spot reporter for the *Saga Shinbun*, he sailed off into the waters between southern Japan and southern Korea four separate times in an effort to locate the site for his Daitō. Each time, he and his crew failed to find it.

On their first adventure, in December 1879, the large number of tiny islands off the southern coast of Korea around Tongyung confused them, and they decided to beach their boat. Korean villagers recognized the spruced-up raft as a foreign vessel and took its sailors off to the local officials. Emphasizing heroics in his account, Tarui described how he and his crew used their motley guns and swords to escape and set sail again. This time, weather disoriented them, and when they sought refuge in a port on western Korea's Jeolla coast, officials seized them and their boat as they entered the harbor. Tarui told one of the officials that he "was on [his] way to see a friend in Shanghai." To another one, he said that he was from Tsushima and that he had intended to sail to the Ryūkyū islands (Tarui 1883: 20). The Koreans consulted their manuals and determined what course of action to follow, agreeing finally to escort Tarui and his crew to Busan and then send them back to Japan. Soon, however, the officials decided to free their catch, and Tarui retreated toward Kyūshū in early January 1880.

Failure to locate the island dampened his spirits, and throughout the 1880s Tarui's frustration with the world around him deepened as the Meiji state co-opted supposedly egalitarian ideals into repressive instruments of its rule. His desire to find the "uninhabited island" had, I believe, nothing to do with fishing rights or national aggrandizement. Instead, as becomes clear from Tarui's writings about his imaginary nation, Tarui wanted to create a utopian egalitarian state there, according to his understanding of the term. Back at home, Tarui involved himself in a variety of self-described progressive political movements in northern Kyūshū that opposed the Meiji terms of rule. He attended meetings for months and remained unconvinced that even Itagaki Taisuke's Liberal Party (Jiyūtō) was morally committed to an equal redistribution of wealth. And so, in May 1882, vowing a "morality of spirit," Tarui and Akamatsu Taisuke established the Oriental Society Party (Tōyō Shakaitō) (Tanaka 1930: 3–5). Tarui and Akamatsu gathered followers at the Kōtōji, a temple near Nagasaki. About one hundred people came from Shimabara, where the temple was located, three from Nagasaki, and one each from Tōkyō, Osaka, Niigata, and Saga. One of the few historians of modern Japan to note Tarui's party, E. H. Norman, described it as "one of the most interesting examples of [a] left-wing derivative of the liberal movement." Norman pointed to the significance of choosing Shimabara, "since one of the last great uprisings against Tokugawa domination took place there in the early seventeenth century" (Norman 1975: 288). The founders inscribed the principles of "morality" (*dōtoku*) and "equality" (*byōdō*) in the party's charter and promised to strive for "the greater welfare of society's masses" (*shakai kōshū no saidai fukuri*) (Tanaka 1930: 3–4). Tarui's concern for other societies in the region manifested itself in article five of the party's contract, which urged party members to publish Chinese-style (*kanbun*) versions of their publications and distribute them in China and Korea. The following month, when the Meiji regime's home minister Yamada Akiyoshi learned of the group's existence, he disbanded it on grounds that it disturbed the peace. Early the next winter, a Nagasaki court imprisoned Tarui for a month for printing copies of the organization's charter.

Tarui's sympathetic understanding of inequality within Japan led him naturally to grasp the unequal ways with which Europe and the United States were grabbing at Asia in general. That being said, Tarui never seems to have made the critical connection that what Meiji aggrandizers ultimately wanted to do in Asia meshed with what the Americans and Europeans were also doing. Despite his lack of formal instruction in theories of social justice, Tarui encountered sufficient economic and political dislocation growing up in rural Nara and moving impoverished to Tōkyō in the year of the *Meiji ishin* (1868) to inform his sensibilities to the extremes of

wealth and power around him. A telling example of the precarious nature of his home life can be understood by considering the fact that, when he finally ran for parliament in 1892 as a member of the Oriental Liberal Party (Tōyō Jiyūtō), he did so under the pseudonym of Morimoto Tōkichi because his family was known in his home region for its constant state of bankruptcy. Tarui even published the first edition of his famous treatise under the name Morimoto (Tanaka 1930: 51–52). Unlike thinkers such as Nakae Chōmin and Ōi Kentarō, who are remembered for their articulate antigovernment positions, Tarui was not educated in a way that taught him how to describe his ideas referentially. Nakae and Ōi, for example, used the term “equality” with clear quotation or invocation of John Locke and John Stuart Mill. Tarui, on the other hand, used “equality” as if the concept in its Lockean sense was naturally part of Japanese language and thought, a tendency that has left him subject to extremely different historiographic claims.

Adherents and detractors alike have labeled Tarui’s thought eclectic and unsophisticated. This sentiment was best articulated by the famous social critic Tanaka Sōgorō, who suggested that the influences on Tarui’s thought resembled “a cocktail of Confucian and Buddhist teachings and contemporary European and American thought” (Tanaka 1930: 34). Despite the hodgepodge nature of Tarui’s ideas, Tanaka placed Tarui at the center of his genealogical pantheon of thinkers who envisioned egalitarian possibilities for modern Japan. Oddly enough, however, Tanaka scarcely mentioned his protagonist’s lifelong concern for Asia, paying scant attention in his 1930 biography, for example, to Tarui’s renowned essay proposing the unification of Japan and Korea. The book’s frontispiece did, however, afford some reference to Tarui’s zeal for Asia by reprinting a photograph of him in the center of a copy of his letter to the Korean king in which he appealed for assistance in the unification of Japan and Korea.

On the other hand, the in-house historians of the notorious pan-Asianist Black Dragon Society (Kokuryūkai) accorded Tarui the honor of having formulated the “first policy that strove for the general safety and well-being of East Asia” (Takeuchi 1963: 32–34). The stench of pan-Asianism from this group’s affection for Tarui continues to render his legacy highly suspicious, and several historians have denounced him as the progenitor of Japan’s “invasionistic” thought (Han 1984: 31).

In 1884, when several French navy ships opened fire on the Chinese port city of Fuzhou, Tarui’s sense of Asia as a victim of Euro-American conquest intensified into a commitment to revolt. After the French bombardment, Tarui went to Fuzhou to participate in the resistance. From there, he moved to Shanghai, where he helped establish a school – the East Asia Academy (Tōa Gakkan) – sponsored by the Tōkyō-based Asian Develop-

ment Society (Kōakai). Under the direction of the self-described nationalist/Asianist Suehiro Tetchō, Tarui worked at the school for a year with colleagues who included Baba Tatsui, Nakae Chōmin, Sugita Teiichi, and Hiraoka Kōtarō, until financial problems forced the school's closure. In 1885, Tarui returned from China to Japan, to Osaka, where he made new friends such as Ōi Kentarō through his Shanghai acquaintance with the Korean reformer Gim Oggyun. Tarui soon joined Ōi Kentarō's scheme to sail from Osaka and invade Korea and win over the Korean government by distributing translations of Rousseau and Mill, a plan that could not have been more different from the Meiji government's Conquer Korea debates a decade earlier. Osaka police discovered the plot before the ship left port and imprisoned the group's organizers. Tarui served only a few months in jail, but while there he drafted what remains the original plans for his imaginary state, Daitō. Osaka police destroyed the initial draft of Tarui Tōkichi's *Treatise on the Unification of Great East (Daitō gappōron)* when he was released from jail in 1885. He rewrote and published the essay several years later in the form that has become known to many readers. (Tarui 1975 [reprint]; see also Takeuchi 1963). In at least the published version, he crystallized his efforts to create an Asia-centered socially egalitarian political body at this time.

That Tarui celebrated Japan's annexation of Korea in 1910 should in no way be effaced. In his younger days, however, he appears to have been ignorant of, or blind to, the obstacles posed by the already unequal relationship between Japan and Korea, or perhaps he believed that these obstacles represented an insignificant threat to the formation of an egalitarian nation. Tarui's vision of Daitō incorporated a variety of positions, but fundamentally he blended a profound concern for creating egalitarian polities with an abstract empathy for other Asian nations. Furthermore, he insisted that his envisioned society meshed legally with international law.

Because Tarui's proposal would have denied the sovereignty of Japan itself, he posed no small threat to how the government defined the country, but it is clear from his essay that Tarui's goal was possible within the limits of international terms as he defined them. His political reconfiguration of Japan and Korea would first have extinguished the separately perceived sovereignty of both Japan and Korea. Together as Daitō, the nations would have assumed a unitary existence. Unlike the terms of the 1905 protectorate agreement the Meiji government later established over Korea, Tarui saw the ultimate (though not immediate) erasure of a hierarchical distinction between the two components of his new country. He envisaged "Great East" as a utopian place of equality not only within its geographic borders but also as a state that would join equally in federated alliances with China to stave off the acquisitive desires of the Europeans and Amer-

icans. Tarui imagined his nation as an egalitarian state towards which the countries would need to work, in a process of overcoming the unequal social and economic conditions that prevailed in Japan and Korea at the time. He described the merger as initially “unprofitable” for Japan, but believing in his utopia, he proclaimed, “that which profits Korea profits Japan, and that which profits Japan profits Korea” (Takeuchi 1963: 117). Unfortunately for Tarui’s dreams, the book did not sway hordes of followers. In fact, not until twenty years later – *after* Japan’s official annexation of Korea in 1910 – did the book even attract a measurable readership.

The desired audience of Tarui’s book was clear: he published the text in *kanbun* with the express intent of making it more accessible to Korean readers. Relying on the reputation he had gained as a parliamentary representative from the short-lived Oriental Liberal Party (Tōyō Jiyūtō) in the early 1890s, he published his treatise in 1893 (as Morimoto). Naming the new nation profoundly concerned him, and he devoted the second section of his essay to the problem. Quoting *The Analects* (13, 3), he wrote:

It is said that, “If the name is not correct, words lose their order.” It is also said that, “a name is the guest of its substance.” [...] First, I will clarify the name, and then examine how the substance accords with the name. (Takeuchi 1963: 117)

He elaborated:

My main point is to cause Japan and Korea to form a single, unified country. There would be nothing misleading about calling my plan “the Union of Japan and Korea.” However, if we want to create a unified substance, we must resolutely turn away from this method. In both past and present times, disputes have arisen from heated disagreements over the placement and hierarchy of names [in a title]. For example, the Adriatics and the Romans formed an alliance and conquered Macedonia. A poet celebrated [the victory] with a triumphal song, but in the verses of this poem he placed the Adriatics ahead of the Romans. Discord developed between the two countries, and they began fighting. This deserves consideration, especially in the case of the name for a newly established nation. (Takeuchi 1963: 109)

More important, it was fundamental to Tarui that his national project be understood internationally. He was adamant that Daitō accord to the terms of international law:

Equality for both sides is truly the principle of exchange. International law does not posit [national] hierarchies based on territorial size or the size of populations. I will not rely on the old names for the coun-

tries, and in the hope of avoiding any discrimination, I will designate the two countries under a [new] unified name: Daitō. In the federated countries of Europe as well, the name of each state [continues to] exist while a general name overarches [all]. Should the two countries unify now and use Daitō to name them both while also continuing to use their respective old names, they will avoid discord amongst themselves. (Takeuchi 1963: 109)

In light of the fact that men such as Uchida Ryōhei, leader of the Black Dragon Society, wrote paeans to him, it is difficult even to want to see Tarui in a different light. His spastic attempts to form alliances with Korean progressives (such as Gim Oggyun) in the 1880s, however, embodied his concern for creating a viable resistance to what he saw as the wholly racist and destructive imperialist policies that the United States and European countries were perpetrating in Asia. Tarui believed that he could overcome borders and create a better political body by choosing “the correct name” for the amalgamation of Korea and Japan. Moreover, he evoked the “teachings of international law” as the legitimating means with which to effect the “harmonious unity” he envisioned – only that it was not in his power to define the meaning of the law in ways that would give his meanings legitimacy. Daitō negated both Japan and Korea. Although the government first discarded and then shelved Tarui’s ideas, they resurrected and praised his foresight after Japan officially erased Korea in its own terms.

HEO WI AND THE UIBYEONG

Closer to the time of Japan’s official annexation of Korea in 1910 sets the scene for my other example of an alternative understanding of international law. Ill-equipped, poorly trained, and sporadically organized Korean men and women formed troops that fought armed, uniformed, and quartered Japanese troops throughout the hills of central and southern Korea between 1906 and 1914. Canadian reporter Frederick McKenzie described the first group of Righteous Army (Uibyeong) fighters he encountered near Wonju in the autumn of 1907:

[H]alf a dozen of them entered the garden, formed in line in front of me and saluted. They were bright lads, from eighteen to twenty-six. One, a bright-faced, handsome youth, still wore the old uniform of the regular Korean Army. Another had a pair of military trousers. Two of them were in slight, ragged Korean dress. Not one had leather boots. Around their waists were homemade cotton cartridge belts, half-full.

One wore a kind of tarboosh on his head, and the others had bits of rag twisted round their hair. (McKenzie 1920: 161–162)

The Uibyeong were anti-Japanese fighters in a tradition whose leaders proclaimed violent uprisings against Japan as their sole patriotic recourse. Most often their leaders relied on an orthodox school of Confucian thought to describe their actions. One commander, however, declared the Righteous War legal in terms of international law. Heo Wi (also known by his nom de guerre Wang San) argued that the Koreans fought a just war and demanded that they be allowed to effect changes within Korea that would regain the country's sovereignty. As a judge on Korea's high court, he knew that the complete eradication of Japan's privileges was critical in order for the Korean government to rule itself.

In late spring 1908, the commanders of several Uibyeong brigades made a large-scale push to recapture Seoul from the Japanese colonial regime. According to the Japanese resident general's official figures, the "rioters" (*bōto*, as they were belittled in Japanese) numbered 11,400 people at the time. Though unsuccessful, Heo argued that the Korean government must define itself in terms of independence and sovereignty, and he issued a list of thirty demands to Resident General Itō Hirobumi calling for the full rectification of Korea as a nation (see Jo 1985). His first three demands included the restoration of Emperor Gojong, the reinstatement of control over diplomatic rights, and the abolishment of the Japanese colonial office. The Japanese tried to prevent the list from being made public, but the most daring newspaper remaining in operation in Seoul, the *Daehan Maeil Sinbo*, alluded to it shortly after its publication: "Rumor abounds that the Uibyeong [...] submitted a list of thirty demands, including the abolition of the resident general, the expulsion of Japanese officials, the restoration of diplomatic rights, and other things" (*Daehan Maeil Sinbo*, May 23, 1908).

The previous summer, the Japanese government had forced the Korean emperor to abdicate and installed his son as a puppet ruler. The Japanese-backed succession delegitimated the new emperor's rule within Korea. In Heo's thinking, "restoring" Gojong would relegitimate the line. Only when Korea could articulate a condition of self-rule would Koreans be able to describe the nation as sovereign in international terms. Meanwhile, according to the Japanese colonial records, fierce battles on the outskirts of Seoul continued through June. In the end, the superior numbers, munitions, and organization of Japanese troops prevailed, and Heo was captured and tortured in jail. Heo's attempt to resuscitate the place of Korea in foreign consciousness would result in his death.

Earlier bands of righteous fighters waved reactionary banners proclaiming their uprisings in terms quite different from the ones Heo Wi and

his comrades used a decade later. In 1895 the antiprogressivist scholar Mun Seogbong led the first in a five-month-long series of armed uprisings against the Japanese in Korea and also against fellow Koreans he believed to be sympathetic to Japan. One of his comrades, Yu Inseog, wrote a manifesto steeped in the typical anti-Japanese rhetoric ("Japan has forced us to cut our topknots") and described the Japanese as "Western bandits." The scholars and fighters of this 1895 righteous uprising despised Japan and the Japanese, and they believed that all recently imported intellectual and material elements in Korean society were evil. The movement disbanded in part because the king rescinded the inflammatory topknot decree requiring adult males to adopt the so-called civilized short haircut of the West, and, despite the rebels outrage with him, he named them "loyal" and pardoned them.

Heo Wi, I Sangcheon, Bag Gyubyeong and others shared a similar hatred of Japan when they revived the idea of a Righteous Army in the summer of 1904. Departing from the tactics of their predecessors, however, the men used the language of international law to make their appeal (Jo 1985: xv–xviii). Heo had participated in some of the earlier uprisings based on the principles of Confucian thought, and never formally distanced himself from his Confucian roots. He did not, for example, join the decidedly "enlightened" and anti-Confucian Independence Movement. However, he and his friends gradually shifted their outlook. As Heo's biographer Jo Donggeol wrote (1985: xii), they maintained their façade of traditional Confucian "righteous fighters," but in fact became enlightenment thinkers.

This can be observed in their attitude towards the first progressive reforms, the Kabo Reforms of 1894: Many of these reforms were reversed in the upheavals after the Sino-Japanese war, but Heo and his friends, who had become known as the "reform Confucianists," endeavored to keep the reforms in place rather than returning to the Confucian structure. In fact, after attending the national Confucian academy (Seonggyun-gwan) in Seoul in the late 1890s in an effort to "shed" his provincial thinking (Jo 1985: viii), Heo even took the opportunity to pass the modern civil service exam that had recently been introduced. In 1904 he became a judge on Korea's high court.

That summer, as a newly minted arbiter of law, Heo made every attempt to explain the new Righteous Army's cause in terms of national sovereignty and international law. On July 1, the *Hwangseong Sinmun* printed the group's manifesto, a proclamation that the Japanese Foreign Ministry promptly catalogued as a "declaration of independence from Japan" (*Hwangseong Sinmun*, July 1, 1904). Heo and his comrades announced that Japan was deceiving the Koreans and called for a national "armed uprising" in protest:

Japanese will emigrate in droves to our country and pillage it [...] We are morally obligated to redeem ourselves and preserve the territorial integrity of our country [...] Compatriots, we appeal to you to join us in our bloody struggle. We must cover the countryside and make banners from old cloth and weapons from farm implements to overwhelm the enemy [...] Heaven supports our just cause. (*Hwangseong Sinmun*, July 1, 1904)

Although resonant with older righteous rhetoric, Heo used the new international terms with which he had become familiar. He knew the expression “territorial integrity” from the agreement signed the previous February between Japan and Korea. The concept determined a basis for national independence, and Heo used it in an effort to rally Koreans to the cause. Andre Schmid has described how ideas of “territory” and “sovereignty” were becoming linked at the time as a means to define Korea’s historical existence and place claims on the past. He argues that, “building on a number of late Joseon spatial discourses while supplanting others, the Korean state together with leading nationalist writers sought to redefine spatial conceptions of the nation within the vocabulary and practices of territorial sovereignty” (Schmid 1997: 28). Different from the thinkers whom Schmid discusses, Heo was not concerned with redrawing Korean maps to aggrandize an originary Korea. Rather, he sought to ascribe the internationally sanctioned terms of national definition to his righteous movement.

Throughout his campaigns, Heo had to appeal his cause to the nations that sustained Japan’s erasure of Korea because they constituted the international audience. In the summer of 1904, a year *before* Japan declared Korea its protectorate, Heo wrote:

According to their terms [...] Japan may “take the necessary measures if the welfare of the Imperial House of Korea or the territorial integrity of Korea are endangered.” This provision does not ensure the welfare of our country. It is a trick to assert Japanese supremacy in Korea. (*Hwangseong Sinmun*, July 1, 1904)

Earlier in 1904, the Korean government, formally declared its “neutrality” when Russian and Japanese troop movements indicated that war would soon break out. A month later, in February, the Japanese envoy to Seoul, Hayashi Gonsuke, signed a protocol with the Korean minister of foreign affairs, I Jiyong, assuring that “the Imperial Government of Japan guarantees the independence and territorial integrity (*ryōdo hozen*) of the Empire of Great Korea” (Gaimushō 1933–, vol. 37: 339–340). The protocol’s subsequent article promised Japanese assistance should a “third

country or internal uprising endanger the territorial integrity of Korea." Finding the agreement vacuous, Heo challenged the provision that granted Japan the privilege of "occupying strategic points when necessary":

Fisheries and railways are now open to Japanese control [...] Japan will occupy "strategic points" all over the countryside [...] revealing Japan's desire to swallow Korea. (*Hwangseong Sinmun*, July 1, 1904)

He viewed the "strategic points" clause as evidence of "the inconsistency of Japan's words and actions." As a result, he judged that "this agreement violates the basic principles of international law" (*Hwangseong Sinmun*, July 1, 1904).

Expressing his cause in international terms not only enabled Heo to elicit sympathetic support, but also permitted him to define his war as a legal response to Japan's actions. Unfortunately for Heo at the time, Japan's repeated assurances to Korea that Korean independence would be fully restored after the war with Russia (promises publicized in the popular press to the Korean people) undermined his condemnation of Japanese "inconsistency."

In the wake of the protectorate, Heo Wi left Seoul to plan an uprising that would amount to a legally declarable war. As luck would have it for Heo, the Japanese disbanded the Korean army in 1907. The soldiers, angry and often taking their weapons with them, scattered around the country. Heo did not intend to be a lone martyr, and in order to mount the war he wanted to declare, he formed an alliance with another righteous leader, I Inyeong, and together they began to collect troops. Like Heo, I knew the importance of making the cause intelligible to the world. In September 1907, I distributed an ultimatum throughout Korea, demanding the "restoration of [Korea's] independence," which he also sent to each of the foreign consulates in Seoul. He even mailed the proclamation to Korean groups in Honolulu and San Francisco, so their members could publicize his message abroad (*Gaimushō* 1933 -, vol. 41: 819).

Together, as the self-proclaimed National High Command of the Righteous Army, Heo and I issued a new declaration of their combined legitimacy: "The Righteous Army is a patriotic society. The Great Powers must acknowledge that Japan violated international law in waging war on us. We appeal in the name of justice and humanity." Their plan to recapture Seoul in November 1907 aimed at "eradicating the treacherous new treaty" Japan had imposed in order to "reestablish the conditions of a nation" (*Daehan Maeil Sinbo*, July 28, 1909). From its inception, Heo defined his war as the legitimate means to prevent Japan from erasing Korean sovereignty,

a just response to a breach of the international standard to which “the powers” subscribed.

Heo’s attempt to legally declare war failed. No foreign country recognized his appeal. The other imperialist nations maintained their nationals’ commercial privileges in Korea through treaties with Japan, the outward guardian of the peninsula. A foreign representative’s sanction of Heo’s war as just would have challenged Japan’s classification in international law as Korea’s protector at a time when the imperializing nations of the world granted Japan “paramount supremacy” there. Recognizing what Japan called a “rebellion” in Korea as a “war” would have legitimated “rebellions” around the world, in the Philippines, Hawaii, Vietnam, Malaysia, Algeria, Egypt, Madagascar, Morocco, to name just a few. Japanese troops captured and imprisoned Heo Wi early in 1908, and the Japanese government labeled him a “rioter.” He died in jail that summer.

The process of bringing together such disparate voices is difficult because they are rife with incompatibility. Together, however, these individuals encountered a shared impasse that bonded their actions. The inability to use international terms for purposes that differed from the limits that Japan ascribed to them underscores the historical condition that only authentically recognized regimes registered in international law at the beginning of the twentieth century. Only those wielding material power had the privilege to define the meaning of international law. Diverging interpretations by the powerless could be ignored. At the beginning of the twenty-first century, the international arena brims with examples of disconnected voices using international terms in ways not defined by the world’s recognized authentic regimes. From former sex slaves of the Japanese Imperial Army to the unknown leaders of the recognized twenty-two million refugees in motion on the planet, it is undeniable that terms such as equality, independence, and sovereignty continue to inspire hope to rail against perceived injustice. The problem remains of who is able – or who is recognized as able – to define the “correct” meaning for these terms.

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