Translating international law into Japanese and using its terms in practice were among the most transformative aspects of Japan’s Meiji era (1868–1912). Doing so gave Japanese rulers a new method of intercourse with the United States and Europe and enabled them to reorder the vocabulary of power within Asia. Moreover, this discourse inscribed the legitimacy of Japan’s empire from the time of its creation.

Although historians of modern Japan have long studied the staggering changes in Japan’s social, political, and economic fabric at the turn of the last century, they have paid less attention to the internal discourses that arose as Japan’s leaders described the country anew. To neglect these discourses is to ignore a critical element in the making of imperial Japan. The island nation had intentionally isolated itself for centuries, and the Meiji government used new discourses so that Japan would make new international sense, at a time when not making sense in this manner rendered a nation ripe for colonization. In the terminology of the day, the world’s emerging colonial powers viewed countries that shunned specific forms of international relations—particularly commercial relations—as “backward” or “barbaric.”

In the face of new global terms of power, Tokyo policymakers created language to describe Japan’s rapid industrialization, mass militarization, and territorial expansion. The challenge for these officials was to craft a vocabulary that was consistent both with traditional Japanese practices and Japan’s new aspirations, and that was, furthermore, intelligible to an international audience. The encoders of Japan’s new place in the world never defined themselves collectively, but their efforts converged along mutual lines. The resulting dis-
courses captured foreign terms to the fullest extent possible and presented Japan’s new policies as legitimate. In the process, the policymakers created perceptions of the justness of imperialist practices around the world at the time. Thus, rather than distinguishing the Japanese empire from others, these efforts confirmed Japan’s place in the international history of global empire.

Unlike other diplomatic histories and imperialism studies, this book traces the construction and dispersion of terms that are too often considered transhistorical. Many scholars have ignored Japan’s discursive shift in this regard by assuming the naturalness of concepts such as sovereignty and independence, or they have blurred Japan’s intellectual history by describing the transition as yet another example of the “copycat Japanese.” Writing treaties and conducting diplomacy was by no means a new practice in Meiji Japan, but executing such transactions in the language of international law required new techniques. The scholars and state aggrandizers who translated international terms into Japanese did not create the imperialist nation that Japan would become. Their fluent use of this discourse, however, legitimated Japan’s imperialist claims within Japan and abroad.

The Meiji regime’s incorporation of Hokkaido (1869), Okinawa (1871), Taiwan (1895), and the southern part of Sakhalin (1905) into the Japanese empire laid the groundwork for later imperialist expansion. Although Japan did not officially annex Korea until 1910, throughout the late nineteenth century, Meiji rulers in Korea vied doggedly with Europe and the United States over strategic privileges, mining and railroad rights, and souls to proselytize. Because it was important for Japan to engage other nations in competition, Meiji officials recognized that the need was more critical for Japan’s new policies toward Korea to make sense than for the country’s other colonial schemes. Within Japan’s expanding empire, therefore, the annexation of Korea significantly established the perceived legitimacy of Japan as a modern imperial nation. During the years between Japan’s opening of Korea in 1876—an opening that self-consciously mimicked the U.S. opening of Japan in 1853—and Japan’s annexation of Korea in 1910, Japan’s legal theorists, politicians, and translators defined the country’s Korean policy as legitimate under international law. The international arena’s quick and formally uncontested sanction of this act in 1910 confirmed the significance of these endeavors to Japan’s future empire.

In the chapters that follow, I examine the discursive aspects of Japan’s annexation of Korea, with particular attention to the international legality of that moment. The international politics of imperialism taught Meiji state
aggrandizers that, if they were to gain full legitimacy for Japan as a colonizing nation, they needed to define their policies in mutually referential terms of law. Colonizing politics were above all a reflexive process; therefore, even before Japan annexed Korea in 1910, its leaders determined to demonstrate that their nation had embarked on a legal and often legislating mission—a *mission législatrice*—to Korea. Japan’s endeavor to make its annexation of Korea *legal* in the eyes of the international community brings into relief a forgotten, yet highly significant, component of the process of Japan’s development as an imperialist power at the outset of the twentieth century.

History largely recounts the dominator’s story at the expense of the dominated. Nevertheless, looking at it here brings to light numerous overlooked presumptions of the so-called international system while describing Japan’s engagement with that system, and it is only by following this story that it is possible to imagine writing the script anew for a more balanced world.

Japanese and Korean readers are sufficiently aware of this topic and are not surprised by the question, “Was Japan’s annexation of Korea legal?” In fact, they might be tired of it. A reader from a so-called Western narrative tradition, however, might be taken aback to learn that this question not only resonates in daily life in these countries but also periodically explodes into major diplomatic and political incidents. Such a reader might be tempted to dismiss the problem as local or, worse, “Asian,” when in fact it entwines with histories of imperialism around the world, raising questions about how related issues linger in contemporary international relations.

Since the collapse of Japan’s empire in 1945, Japan’s and Korea’s respective stances on the question of the 1910 annexation have been, at different moments and on different levels, at the core of national self-definition. To varying degrees, the official Japanese response maintains that the annexation was legal. The “party line” necessitates that Japan simply did what the other imperialist nations of the world were doing at the time. The logic is not wrong per se, but almost sixty years after the end of the empire this line of argument merely perpetuates the “authorized” view of the twentieth century, which continues to present Japan as a victim of the times. Conversely, and almost without exception, the official Korean position is that the annexation in 1910 was illegal. This position, however, is made more complex by the fact that South Korea and North Korea—two governments that remain officially at war today—speak in unison on an issue that arguably contributed to the civil war that divided them. One of the most cogent points of agreement in current Korean reunification talks categorically declares Japan’s past colonization of
the Korean peninsula as “illegal,” thus sidetracking the sticky issue regarding which Koreans benefited from Japan’s rule.

Unfortunately, therefore, the debate over annexation follows an endless Möbius strip, but it is vital to consider this seemingly endless question anew because the dispute lies at the heart of many postcolonial and postenslavement claims now heard throughout the world. Simply put, it is necessary to alter the question and examine what constituted legal at the time in order to understand what was upheld as legitimate practice.

Several groundbreaking works have analyzed Japan’s annexation of Korea and Korea’s place in Japan’s empire, but the field continues to be ensnared in a logic that measures Japanese imperialism against apparent Western norms. The failure to incorporate Japan’s empire into general theories of imperialism remains a fatal flaw of such studies and of international studies in general. Specialists on imperialism and Japan alike stumble by overlooking the Japanese empire or assuming that anyone who is interested can plug the empire’s history into European theoretical models, which sustains the idea that Japan’s experience is somehow less than that of places where history is presumed to have occurred normally. It is possible, however, to circumvent this problem by analyzing how the terms of international law entered modern Japan’s discourse of power. The thinkers and translators who refracted international law into Japanese knew that its original terms were European, but many believed that making these terms Japanese would define Japan as a member of the “civilized world.”

By illustrating the fusion of power and words, this book aims to confound the view that only military strength truly prevails in power politics. Within an astonishingly short period of time, the Meiji government wrested the privilege of defining legal concepts away from China and conferred on Japan the status of being Asia’s twentieth-century arbiter of power. The international colonial order of knowledge legitimated Japan’s annexation of Korea and gave basis to the racially charged assumptions of international exchange at the time. In chapter 1, I describe the global atmosphere that declared Japan the legal ruler of Korea. Chapter 2 frames the significance of the discourse of international law with a brief intellectual history of how its terms became Japanese. In chapter 3, I bring together these discussions by analyzing how Meiji Japan’s leaders embedded this discourse into legal precedent for Japan, particularly in the country’s relations with Korea. Chapter 4 considers how the Meiji government penalized critics at home and abroad when their understandings challenged state definitions. And, in chapter 5, I analyze the relationship between percep-
tions of Japan as a legal nation and the government’s reordering of the terms of jurisprudence within Japan and Korea, focusing in particular on how such perceptions related to extraterritorial privilege.

In a fulsome concluding section, I square the book’s examination of the legality of Japan’s imperialist designs by discussing the place of colonial policy studies in Japan at the time. In so doing, I demonstrate how this new discipline further created a common sense that Japan’s empire accorded to knowledgeable practice. Although the international arena sanctioned Japan’s annexation of Korea in 1910, later on, when Japanese leaders maintained that their empire’s extension into parts of north China was similarly legitimate, Japan’s former allies began to oppose Japanese imperialism and militarism. In the argument of the day, relations devolved into a devastating but inevitable war to stop Japanese expansion, and the book closes on this point of tension.

Although it is tempting to declare colonial conquest illegal at any time, doing so will not calm the memories of colonial oppression or eradicate the existence of related and ongoing forms of domination. To these ends, we continue to need a more sophisticated understanding of how power works. The pages that follow explore how imperialism’s apologists described the legality of their enterprise, attempting to weigh the implications of their actions in the international arena of the early twentieth century and beyond.