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Introduction

One of the biggest difficulties faced by historians of modern Korean history, especially those of diplomatic history, lies in the lack of diplomatic records. This may well be a surprise considering the vast amount of governmental documents produced during the period. Yet, most official documents only cover superficial procedures of diplomatic transactions, and provide insufficient materials to comprehensively analyze perceptions, political intentions, and processes involved in policy formation. The study of the *Treaty of Peace and Friendship between Joseon and Japan*, better known as the *Treaty of Kanghwa*, confronts similar difficulties. Concluded on February 27th, 1876, between Sin Heon (申櫛), the high reception officer of Joseon, and Kuroda Kiyotaka (黒田清隆), the minister plenipotentiary of Japan, this treaty has attracted substantial scholarly attention as a pivotal point that initiated modern diplomatic relations between Joseon Korea and Meiji Japan, while also playing a significant role in her modernization.

This study revisits the conclusion of the treaty as well as its contemporary meaning by examining newly discovered historical materials

from both Korea and Japan.¹ *The Treaty of Kanghai* has generally been regarded as a representative example of an unequal treaty imposed on the Kingdom of Joseon by the Empire of Japan by adopting gunboat diplomacy from the Western powers. Recent studies, particularly those by Korean historians, have challenged the one-sided nature of the treaty. They argue that the treaty deviated from the typical unequal treaty by incorporating the aspirations of the Joseon state, particularly those of King Gojong(高宗).² While these new interpretations require further support, they shed light on the complicated nature of the treaty. This includes examining the actual negotiation processes, delving into Japanese motivations behind the treaty, and exploring the implications of its various provisions.

Meanwhile, the outbreak of armed conflicts between Japanese naval forces and Joseon soldiers off Kanghai Island, which preceded the *Treaty of Kanghai* by five months, significantly influenced its characterization as an unequal treaty. Known as the *Unyōkan* (雲揚艦) Incident in Korea and the “Ganghwado incident” in Japan, the event is viewed as a deliberate Japanese military provocation against the Joseon state. In Japan, it is perceived either as an accidental skirmish triggered by unprovoked firing from Korean shore batteries towards the Japanese warship *Unyōkan*, or as a selfish decision taken by the ship’s commander, Inoue Yoshika (井上良馨). But the *Unyōkan Incident* offers valuable insights

¹ For example, a classic study on the Treaty of Kanghai is Kiyoshi Tabohashi’s 『近代日鮮關係の研究(A study on modern Korean-Japanese relations)』(1940). Although this study is highly regarded for its extensive use of primary sources and rigorous “empirical history,” in its description about the Treaty of Kanghai, mainly relies on Japanese sources such as Kiyotaka Kuroda(黒田清隆)’s 『使鮮日記(Daily records of the envoy to Joseon)』 and 『朝鮮交際始末(A complete account of the negotiations with Joseon)』 by Oku Yohitada(奥義制).

² Tsukiashi Tatsuhiko 月脚達彦, “Kindai Chōsen no jōyaku ni okeru ‘byōdō’ to ‘fubyōdō’—Nit-Chō shūkō jōku to Chō-Bei shūkō tsūshō jōyaku o chūshin ni” 近代朝鮮の條約における‘平等’と‘不平等’-日朝修好條規と朝米修好通商條約を中心に [Equality and inequality in the modern Korea’s treaties: Focusing on the Japan-Korea Friendship Treaty and the Korea-America Commercial Treaty], Higashi Ajia kindaiishi 13 (2010); Lee Taejin 이태진 “1876 Ganghwado joyak cui my-eongam” 1876 년 강화도조약의 명암 [Bright and dark sides of the Treaty of Kanghai], Hanguksa simin gangjwa 36 (Seoul: Ilchogak, 2005).

into the Japanese intentions regarding the *Treaty of Kanghwa* stemming from complex domestic and international circumstances in Japan. Therefore, it is essential to explore the actual events that unfolded during the incident to understand their implications for the subsequent treaty negotiations.

Two Secret Facts about the Unyōkan Incident

On September 20th, 1875, a small boat from the Japanese warship Unyōkan (245 tonnage) was sent ashore to Kanghwa Island. The small vessel was fired upon by Joseon batteries, leading to an armed skirmish between Joseon soldiers and Japanese crew. The next day, the Unyōkan opened fire in retaliation and silenced the Joseon batteries. On September 22nd, the Unyōkan sailed to Yeongjong Island, south of Kanghwa Island, and its combat soldiers landed, looted and razed the local fortress town, and captured provisions including weapons.

After the Unyōkan returned to Nagasaki on September 28th, the Japanese government publicly released Inoue Yoshika's report on October 8th. According to the report, the Unyōkan was carrying out a ship route surveying mission from the southwestern coast of Joseon to Niu-zhuang (China) (牛莊), on the Gulf of Liaodong. The Unyōkan approached the coast off Kanghwa Island and lowered a small boat to secure some drinking water. Joseon shore batteries fired on the small Japanese vessel, whereupon it signaled for help and the Unyōkan, flying the Japanese flag which had already been reported to Joseon officials in Busan by the Japanese consul there, began to shell the Joseon batteries. The Joseon soldiers continued to fire in violation of the agreement. The Unyōkan approached another set of Joseon batteries at Yeongjong Island to fire on them, and dozens of soldiers were sent ashore on the island. The Japanese attackers killed scores of Joseon soldiers, looted and set fire to the fortress town, and captured large quantities of weapons and gunpowder. The report says that all the battles took place on a single day of September 20th, and that the Unyōkan withdrew and managed to ob-

tain drinking water from another island before it headed home.³

This report was a forgery. Indeed, the historical accuracy and coherence of the report have been subsequently scrutinized by historians.⁴ However, the initial report, which had been submitted to the Japanese Navy on September 29th, the day after Inoue Yoshika's return to Nagasaki, was discovered at the Defense Research Institute of the Japanese Defense Agency in 2002.⁵ The discovery conclusively demonstrated that the claims surrounding the *Unyōkan Incident*, such as the alleged approach of the ship to Kanghwa Island in search of freshwater, the insistence that all engagements with Joseon forces took place on September 20th, as well

³ *Kōbunroku* 公文錄 [Official records], preserved in the National Archives of Japan (Nihon kokuritsu kōbunshokan 日本國立公文書館); *Dai Nihon gaikō bunsho* 大日本外交文書 [Diplomatic Documents of Japan], vol. 8, document no. 57, “Kōkado jiken no keika ni kanshi hōchi no ken” 江華島事件ノ經過ニ關シ報知ノ件 [Report on the process of the KanghwaIsland incident], Fuzokusho 附屬書 [Attached documents] 1, “Jūgatsu yōka Unyō kanchō Inoue shōsa no Kōkado jiken hōhokusho” 十月八日雲揚艦長井上少佐ノ江華島事件報告書 [Report on the KanghwaIsland incident by Inoue, the captain of the *Unyō* warship on October 8].

⁴ For example, Tabohashi Kiyoshi had doubt about the combat capability of the *Unyōkan* that, its being wooden ship with slow speed, it could engage in two rounds of combat at the two fortresses of Choji and Yeongjong on a single day of September 20, fighting against rough tide of the unsurveyed KanghwaStrait (See Tabohashi Kiyoshi, *Kindai Nissen kankei no kenkyū*, 402). Yamabe Kentarō concluded that the warship *Unyōkan* resorted to military action against Korea as a part of Japan’s venture to open Korea on the basis of the following facts—It was only the Kanghwabatteries that suffered unilateral damage in the skirmishes; It was a grave aggression against Korea to enter into the KanghwaBay, a crucial point of defense, without prior notice to the country with which Japan had not yet normalized the relationship; After the skirmishes, the *Unyōkan* returned to Nagasaki on September 28, during which time it did not need water supply (See Yamabe Kentarō 山辺健太郎, *Nikkan heigō shōshi* 日韓併合小史 [A short history of the Japanese annexation of Korea], (Tokyo: Iwanami shoten, 1966), 51–52.

⁵ Lee Taejin 이태진, “Unyangho sageon eui jinsang—sageon eui gyeongwi wa Ilbon gukgi geyang seol eui jinwi” 雲揚號 사건의 진상-사건 경위와 일본국기 게양설의 진위 [True facts of the *Unyōkan incident*: Process of the incident, and the true or false facts about hoisting the Japanese national flag] in Choe Seungheui gyosu jeongnyeon ginyeom nonmunjip ganhaeng wiwonhoe 崔承熙教授停年紀念論文集刊行委員會, ed., *Joseon eui jeongchi wa sahoe—Choe Seungheui gyosu jeongnyeon ginyeom nonmunjip* 朝鮮의 政治와 社會-崔承熙教授停年紀念 論文集 [Politics and society of Joseon Korea: Collection of papers on the occasion of Professor Choe Seungheui’s retirement] (Seoul: Jipmoondang, 2002); Suzuki Jun 鈴木淳, “Unyō kanchō Inoue Yoshika no Meiji hachinen kugatsu nijū kokonoka tsuke Kōkado jiken hōhokusho” 雲揚艦長井上良馨の明治八年九月二十九日付け江華島事件報告書 [Report on the KanghwaIsland incident by Inoue Yoshika, the captain of the *Unyō* warship on the 29th day of the 9th month of Meiji], *Shigaku zasshi* 111–112 (2002).

as the claim that the Unyōkan flew the Japanese flag while being targeted by Joseon batteries, have all been unequivocally fabricated.

Inoue Yoshika, who was later promoted to Admiral of the Japanese Navy, recollected the circumstances at that time at a conference at the Japanese Naval University on May 24th, 1924.

On my sending a telegram to the government upon the return to Nagasaki, all ministers were astonished at it, and called me to Tokyo. The minister of the Ministry of Navy took the trouble of sending me a letter expressing his wish to meet with me secretly at Yokohama before coming to Tokyo, and telling me to keep silence until then. On arriving at Yokohama, I found myself in a very difficult situation.

There was a worrying voice that the ship's (i.e., Unyōkan) maneuvering within three nautical miles from the foreign land, especially in the river (*sic*), constituted a hostile act of violating territorial waters of the foreign country in terms of international law. I responded that I had been aware of the off-limits within three nautical miles from the land, but also aware of the provision that allowed temporary entry to the port when the ship was in need of water, and therefore argued that I had not committed any violation of international law.⁶

The Kanghwa Strait, because of its narrow strip of water, had gained a nickname of “salt river” (鹽河). Upon receiving news of the *Unyōkan Incident*, concerns grew within the Japanese government that the three-day intrusion into the foreign country's waterway constituted a significant provocation under international law. It seems that these concerns led to the actual three-day operations of the Unyōkan from September 20th to September 22nd being reduced into one single day event of September. Furthermore, some news media began voicing critical opinions, asserting that regardless of the intentions, the military act of intrud-

⁶ Inoue Yoshika 井上良馨, “Inoue gensui danwa yōryō” 井上元帥談話要領 [Outline of the talks by Admiral Inoue] in *Meiji tennō ki* 明治天皇紀 [Records of the Meiji emperorship], vol. 5 (Tokyo: Yoshikawa kōbunkan, 1968).

ing into another country's territorial waters should be condemned.⁷ Additionally, a rumor began to spread among the public that the *Unyōkan Incident* had been premeditated by Inoue.⁸ In an effort to alleviate negative public opinions and to prevent potential loss of national prestige, the Japanese government seems to have fabricated the report, emphasizing the Joseon's provocative attack against the Japanese flag and their preceived ignorance of international law.

According to *Biography of Prince Yamagata Aritomo* (公爵山県有朋伝), one of the Meiji oligarchs, the commander Inoue Yoshika received a confidential order from the Ministry of Navy in September 1875. The order instructed the Unyōkan to carry out a military operation against Joseon while en route to Niuzhuang under the pretext of surveying the sea route.⁹ Inoue himself vehemently objected to the order issued by then Acting Navy Minister Kawamura Sumiyoshi (川村純義), as it originally directed the ship to proceed to Hokkaido.¹⁰ These accounts suggest that ordinary officials within the Meiji government initially approached the idea of military action against Joseon with caution. However, by September 1875, a secret decision was made within the so-called inner circle to endorse Inoue's military plan.

Itō Hirobumi (伊藤博文), who later became the first Prime Minister of Japan and the first Resident General in Korea, left behind an extensive collection of documents related to his official tasks. These documents were subsequently sorted out and published as the *Classified Collection*

⁷ “Kōkado jiken o ronzu” 江華島事件を論ず [Discussion on the KanghwaIsland incident] in *Yūbin hōchi shinbun* 郵便報知新聞 [Newspaper via postal service], October 2, 1875.

⁸ Sasaki Takayuki 佐々木高行, a member of the Genrōin 元老院 (Senate) had a following passage in his diary in October 1875: “I am certain that this [Ganghwa] incident has been premeditated by our side I have heard an officer saying that Inoue Yoshika confided to his colleague before leaving for Korea that he should take it a luck if the Koreans would open fire first” (See Sasaki Takayuki 佐々木高行, *Hogohiroi* 保古飛呂比 [A diary of Sasaki Takayuki], vol.6 (Tokyo: Tokyo daigaku shuppankai, 1975), 301.

⁹ Tokutomi Sohō 徳富蘇峰, *Kōshaku Yamagata Aritomo den* 公爵山県有朋伝 [Biography of Prince Yamagata Aritomo], vol. 2 (Tokyo: Hara shobō, 2004), 412–413.

¹⁰ Inoue Yoshika, “Inoue gensui danwa yōryō.”

of *Private Documents* (秘書類纂). In 2007, the collection, housed at the Imperial Household Agency, was republished in photographic form by Yumanishobō publishing company as *Itō Hirobumi Papers* (伊藤博文文書). Among the contents of this collection is a memorandum made by Gustave Émile Boissonade, the French legal advisor to the Japanese government, regarding the compensation claim arising from the *Unyōkan incident*. Boissonade's suggestion, which was made on September 11th, nine days prior to the incident, was in response to a request from Itō Hirobumi, who was serving as the Minister of the Ministry of Construction at that time.¹¹

The primary focus of Boissonade's suggestion was to propose that if Joseon agreed to maintain their previous friendly relations with Japan, the issue of compensation for the violence arising from the *Unyōkan incident* would be easily resolved. This indicates that policy makers within Japanese Government had deliberated on a strategy of connecting the compensation issue with the conclusion of a modern treaty. This constitutes irrefutable evidence that the inner circle of the Meiji Government, including Ito, were aware of the plan for the *Unyōkan incident* in advance.

Dilemma of the Meiji Government

Inoue Yoshika later recalled that he had anticipated severe punishment, even capital punishment, but nothing happened to him.¹² This implies

¹¹ Hitherto, the Boissonade's suggestion has been known to be made on September 31, thus after the report of the *Unyōkan* incident to the Japanese government. But the date must be an error because there is no September 31 in the month of September. (See Itō Hirobumi monjo kenkyukai 伊藤博文文書研究会, ed, *Itō Hirobumi monjo* 伊藤博文文書 [Itō Hirobumi papers], vol. 1 (Tokyo: Yumanishobō, 2007), 281–285.

¹² Inoue recollected that "I had no qualm at all. I chastised the Koreans for their insult on the flag of the imperial warship, however, my action might well be taken to be excessive, because the government had adopted a policy line of moderation to solve the Korean problem without a bloody clash. Still, our side executed what we believed in, regardless of dismissal from the government or even capital punishment. I was waiting for what would happen next, but there was no news about me at all." See Inoue Yoshika 井上良馨, "Tsuoku hiwa Kōkado jihen" 追憶秘話 江華島事

that the inner circle had prior knowledge of Inoue's plan, and gave him a covert approval. With this in mind, let us now explore the domestic factors that influenced the shift in policy toward Joseon.

As *Biography of Prince Yamagata Aritomo* shows,¹³ the first reason for this can be attributed to the need to address the domestic political dispute surrounding the Cabinet Separation issue. The political system of early Meiji government was a kind of collective leadership system in which imperial councilors (*sangi* 参議) played important roles between the Great Council of State (*Daijō-kan* 太政官 headed by *daijōdaijin* 太政大臣, *udaijin* 右大臣, *sadaijin* 左大臣) and the Ministers (*kyō* 卿). The Cabinet Separation issue emerged as a political reformation program aimed at prohibiting imperial councilors from assuming ministerial positions. However, it held a deeper political meaning as it represented a challenge by the coalition of the conservative faction led by Shimazu Hisamitsu (島津久光) and the radical faction led by Itagaki Taisuke (板垣退助) against the ruling faction comprising Ōkubo Toshimichi (大久保利通), Iwakura Tomomi (岩倉久視), and Itō Hirobumi.

The *Unyōkan Incident* provided a timely opportunity to swiftly resolve the ongoing domestic political feud. Upon receiving news of the incident, Chancellor Sanjō Sanetomi (三條實美) took advantage of the situation and, on October 19th, indefinitely postponed the debate on the Cabinet Separation issue, citing “emergent exigencies.” This decision had a direct impact on Shimazu and Itagaki, who were strong advocates for the separation, leading to their resignation from the government on October 27th. In essence, the Ōkubo and Itō faction effectively leveraged the foreign crisis triggered by the *Unyōkan Incident* to quell political opposition and consolidate their own political power.

Simultaneously, the Japanese government saw an opportunity to leverage on the *Unyōkan Incident* to address longstanding diplomatic ten-

變 [Memoir of the KanghwaIsland incident] in Dai Nihon yūbenkai 大日本雄辯會, Gendai 10-1 (Tokyo: Kōdansha, 1929), 109-110.

¹³ *Kōshaku Yamagata Aritomo den* 公爵山県有朋伝, 412-413.

sions with Joseon. The Meiji Restoration in 1868 was the underlying cause of this diplomatic trouble. Starting from the establishment of the Kamakura Bakufu in the 12th century, the Japanese Emperor (*Tennō* 天皇) held a symbolic role while the political and economic power resided in the hands of the Shogun (征夷大將軍). However, the Shogun's authority was nominally delegated by the Tennō, and with the Meiji Restoration, the latter relinquished his power back to the former. In other words, the Tennō, who had previously held merely symbolic significance, now emerged as a genuine sovereign both in name and in reality.

In the autumn of 1868, the Japanese government sent a diplomatic letter (書契) to notify the Joseon government of this political transformation. But it contained such characters as “皇” (emperor) and “勅” (imperial edict) to refer to the Japanese Tennō, which had previously been exclusively used for the Chinese emperor. Furthermore, 皇 was positioned at the top of a new line, one character space higher than the characters representing the Joseon state and the initial characters of other lines. This arrangement implied the relative superiority of Japan, now under the rule of the Tennō vis-à-vis the Kingdom of Joseon.

Perplexed by these unprecedented practices of Japan, the Joseon government adamantly refused to accept the document. That was because they apprehended that accepting it would not only imply the recognition of Japan's superior status, contradicting the traditional notion of equality between the two nations (交隣 *Kyorin*), but also potentially lead to complications in their relationship with Qing, which had long been recognized as the superior state (上邦 *sangbang*) of Joseon.

The rejection of diplomatic document, however, sparked a wave of anti-Joseon sentiment among conservative factions in Japan. These groups called for military action against Joseon, accusing them of disrespecting the dignity of the Tennō. Finally in 1873, the Meiji government became divided over the debate regarding the appointment of the senior imperial councilor Saigō Takamori (西郷隆盛) as an envoy to Joseon. It is widely believed that Saigō's intention was to provoke Joseon government, anticipating that if they killed him, then Japan would have a justifiable cause for an expedition to the Korean Peninsula. This event is com-

monly referred to as “political turmoil in the sixth year of the Meiji era,” or the “political turmoil over the Punitive Expedition to Korea (*sei-Kanron*)” in modern Japanese history.

Those who succeeded in thwarting Saigō's scheme, including Okubo, Iwakura, and Itō, did not oppose the idea of an expedition to Joseon itself. However, they deemed it unrealistic at the time. In 1873 they argued that threat from Russia posed a significant problem to Japanese national security, and that dealing with it should take precedence over the Joseon Problem.¹⁴ However, the ratification of the *Treaty of St. Petersburg* on August 22nd, 1875 effectively settled the northern border issue with Russia, and the conservative factions once again strongly demanded a solution to the Joseon problem.

Moreover, disgruntled former samurais who lost their status privileges due to the Meiji Restoration were becoming a discontented, anti-governmental social force. The worst scenario that political leaders in the government feared was the alliance between these anti-government force and proponents of the expedition to Joseon, particularly those who held influence in the military and the police. This provides one explanation as to why the inner circle in the Meiji government may have given secret permission or turned a blind eye to the reckless military operation carried out by Inoue Yoshika.

In reality, the Meiji government neither had the capability nor the will to risk a war with Joseon. However, the domestic pressure to take action in addressing the Joseon issue became increasingly difficult to postpone. This dilemma encapsulated the predicament faced by the nascent Meiji government. In July 1875, Matsukata Masayoshi (松方正義), a high-level official in the Ministry of Finance, wrote the following sentences arguing against the possibility of waging war against Joseon due to the deteriorating financial conditions of the state.

¹⁴ Ishii Takashi 石井孝, *Meiji shoki Nihon to Higashi Ajia* 明治初年の日本と東アジア [Japan and East Asia in the early Meiji years] (Tokyo: Yūindō, 1982), 317.

Observing the current situations, the monetary spending and the foreign debts have become excessive. Moreover, the Taiwan incident in the last year and the subsequent conflicts with the Qing entailed a huge amount of military spending. If the conflicts had remained unresolved, coupled with the cabinet decision to issue national bond, the state coffers might well have been depleted. Yet, an army of punishing Joseon is to be raised, even one day's operation will cost tens of thousand cash. Eventually, isn't it the case that the specie reserves of the state treasury would be exhausted and only paper money would be left, leading to a bankrupt finance for the government, and a loss of livelihood means for the dislocated people?

To escape from this predicament, Ōkubo and Itō opted for a diplomatic solution instead of pursuing a military expedition against Joseon. Their plan was to employ gunboat diplomacy to compel the Joseon government into signing an unequal treaty, similar to the tactics employed two decades before by American Naval Commodore Matthew C. Perry at Edo Bay. In this orchestrated performance, the Japanese would take a role of civilizing agents, bring civilization to the "barbarous" Joseon people. It would not only instill a sense of superiority among the Japanese populace, serving as a psychological compensation for the frustration for their feelings of inferiority compared to the West, but also be hailed as a remarkable achievement of the Meiji regime's policy of Europeanization. Additionally, the coercive conclusion of an unequal treaty with Joseon would help quell the staunch opposition from extremists who relentlessly demanded for a military expedition.

Indeed, the primary objective of the Japanese delegation during the negotiations on Kanghwa Island was to create a spectacle by imposing an unequal treaty using the same approach of gunboat diplomacy commonly employed by the European powers. The purpose was not solely to secure favorable terms for Japan, but rather to showcase their capability to assert themselves as a strong and modern nation, aligning with the practices of Western powers. The focus on a symbolic display of power had its effect and established Japan's presence as an emerging force. The report

of Harry S. Parkes, the British minister to Japan, holds great significance in understanding the essence of the situation.

The conclusion I have formed is that Japan has entered into the [Joseon] question deliberately and in conjunction with Russia, the understanding arrived at having been effected at St. Petersburg. With such an alliance Japan hopes that she can insure success either in negotiation or in war ; and that while raising her reputation as a spirited nation and a champion of progress in the East, the Government will succeed in gaining the good opinion of the Samurai, and in diverting attention from troublesome home questions.¹⁵

Was the Treaty of Kanghwa a Product of Gunboat Diplomacy?

In February 1876, negotiations on Kanghwa Island commenced with the arrival of several warships. The Japanese delegation seemingly followed the precedent set by Admiral Perry's gunboat diplomacy in 1853 when he arrived in the Gulf of Edo with four warships and successfully signed the Kanagawa Treaty with the Edo *bakufu*. Before sailing to Kanghwa Island, the Japanese fleet, consisting of seven warships, arrived at Busan port and conducted a gunnery exercise to demonstrate their military power. As Minister Plenipotentiary Kuroda Kiyotaka entered the Kanghwa Island Fortress, accompanied by 400 combat soldiers, the Japanese warships performed a ceremonial firing of their guns at sea. At the Yeolmu Hall (閱武堂) conference venue, four gatling-guns were mounted, creating an intimidating atmosphere. These belligerent actions by the Japanese would undoubtedly have caused deep anxiety among the Joseon populace, who still had a fresh memory of the *Unyōkan incident* that had occurred just four months earlier.

¹⁵ Harry S. Parkes to the Earl of Derby, December 31, 1875. *Yedo* (Park Il-Keun, ed. *Anglo-American Diplomatic Materials Relating to Korean, 1866-1886*, Shinmundang, 1982, pp. 13-20).

Unlike the Americans in Japan 23 years prior, the Japanese did not have the intention of waging a war against Joseon in case the negotiations broke down. Furthermore, the failure of the first delegation sent by the Tennō to achieve its mission was anticipated to fuel the calls for military action. But while the Japanese delegation made explicit threats to the Joseon delegation using their naval and army forces, various conciliatory and deceptive tactics were employed behind the scenes during the actual negotiations.

The detailed accounts of the Japanese negotiation tactics can be found in Sin Heon's *Daily Record of Trip to Kanghwa* (沁行日記).¹⁶ In one notable example, Kuroda's fleet consisted of a total of six ships at Kanghwa Bay, including two warships, a flagship, and three transport ships. The flagship Genbumaru had a tonnage of 400 tons, while the largest warship Nisshinmaru had a tonnage of 1,468 tons. These ships were much smaller in size compared to the American battleship Colorado, which attacked Kanghwa Island in 1871 with a tonnage of 3,480 tons, or Commodore Perry's Susquehanna, which appeared at Edo Bay in 1853 with a tonnage of 2,450 tons.

The Japanese mission deliberately anchored the fleet at Hangsan Island, located south of Kanghwa Island, and utilized small boats to navigate through the strait of Kanghwa. According to British Captain James who was present with the Japanese, the purpose of this maneuver was to maintain a distance from the Joseon people in order to conceal the true strength of the Japanese fleet.¹⁷ Concerned about the size of their forces,

¹⁶ The *Simhaeng ilgi* 沁行日記 is a daily record by Sin Heon 申樞 (penname Widang 威堂), the reception minister of Joseon Korea at the negotiations of the Ganghwa treaty, documenting the whole process of the negotiations. It includes diplomatic communications, reports, and memorials, and so on, and its second volume has long been considered to be lost. But the volume in point has been discovered at the National Library of Korea in 2010, and was translated into modern Korean by this author, and published in the same year. See Kim Jong-hak trans., *Simhaeng ilgi: Joseon i girok han Ganghwado joyak* 沁行日記: 조선이 기록한 강화도조약 [Daily record of trip to Ganghwa: A record of the Ganghwa Treaty by a Joseon Korean] (Seoul: Purunyoksa, 2010).

¹⁷ According to James, the fleet consisted of only one corvette and the remaining five light vessels. See Park Il-Keun, ed., *Anglo-American Diplomatic Materials Relating to Korean, 1866-1886*, 45-48; Geundae Hanguk oegyomunseo pyeonchan wiwonhoe 근대한국외교문서편찬위원회, ed.,

minister Kuroda and vice-minister Inoue Kaoru (井上馨) requested a reinforcement of two battalions to their government from Busan.¹⁸ Although they assured the Japanese Fleet Command that no violent acts would occur in Kanghwa Island, their request was turned down. As a result, they had to pretend that the Japanese possessed a formidable force of 4,000 during the negotiations, instead of the actual number of 809.¹⁹

The paradox of adopting the Western model of gunboat diplomacy while lacking the capability to resort to military action is evident in the official instructions given to Kuroda. He was granted significant discretion in the negotiations with the Joseon delegation, indicating that the Japanese government preferred a peaceful resolution rather than a military confrontation. Initially Daijōdaijin Sanjō Sanetomi instructed Kuroda to include several stipulations in the treaty. These included:

- ① The normalization of diplomacy on the basis of equal national status;
- ② Free trade in treaty ports;
- ③ The opening of Kanghwa Island or a place near Seoul;
- ④ Freedom of navigation in Joseon coastal waters;
- ⑤ The rescue of shipwrecked individuals;
- ⑥ The establishment of consulates.

Indeed, some of the stipulated items might be set aside depending on expediency. In the confidential instructions issued simultaneously, it was specified that only three items must be included:

- ㉠ Opening of Kanghwa Island in addition to Busan;
- ㉡ Freedom of navigation in Joseon coastal waters;
- ㉢ Official apology for the Unyōkan incident.

Geundae Hanguk oegyomunseo 근대한국외교문서 [Diplomatic documents of modern Korea], vol. 5 (Seoul: Northeast Asian History Foundation, 2013), document no. 13.

¹⁸ Itō Hirobumi kankei bunsho kenkyūkai 伊藤博文關係文書研究會, ed., *Itō Hirobumi kankei bunsho* 伊藤博文關係文書 [Papers relating to Itō Hirobumi], vol. 1 (Tokyo: Hanawa shobō, 1973-1981), 144.

¹⁹ *Simhaeng ilgi*, 78-79.

However, according to the December 27th secret instruction, Kurda was granted additional discretion. He was informed that he could decide the timing of the enforcement of items ⑤ and ⑥ based on his judgement.²⁰ The instruction emphasized the mission's peaceful intent and methods, explicitly directing Kuroda to avoid resorting to military action even if the negotiations were to break down. Instead, he was instructed to retreat to Tsushima Island and await further orders.²¹

The specific evidence regarding the Japanese government preparing a draft of the *Treaty of Kanghwa* in advance has not been found. It is highly possible that the drafting process took place during the journey to Kanghwa Island or shortly before the negotiations.²² In December 1875, a special messenger named Hirotsu Hironobu (廣津弘信) arrived in Busan, one month ahead of the Kuroda mission. He informed the Joseon officials about the dispatch of the Japanese mission to Kanghwa Island and the accompanying warships and soldiers. Although he explained that the mission aimed to address the issues arising from Joseon's rejection of Japanese diplomatic letters and to determine the responsibility for the Unyōkan incident, he did not mention the intention to conclude a new treaty with Joseon.²³ It was not until the second official meeting held in Kanghwa Island that the treaty issue was raised by the Japanese delegation. This was likely because they were concerned that revealing the in-

²⁰ Oku Yohitada 奥義制, *Chōsen kōsai shimatsu* 朝鮮交際始末 [A complete account of the negotiations with Joseon], vol. 3 (1877).

²¹ Tada Koumon 多田好問, ed., *Iwakura kō jikki* 岩倉公實記 [Veritable Records of Prince Iwakura], vol. 2 (Tokyo: Kōgōgūshiki, 1906), 310–312; Nihon gaimushō 日本外務省, ed., *Nihon gaikō nenpyō narabi ni shuyō bunsho* 日本外交年表註主要文書 [Chronical table and major documents of Japanese diplomacy], vol. 1 (Tokyo: Gaimushō), 62–64.

²² The draft of the 1871 China-Japan Treaty was written by the deputy envoy Yanagihara Sakimitsu. See Fujimura Michio 藤村道生, “*Sei-Kan ronsō ni okeru gaiin to naiin*” 征韓論争における外因と内因 [External and internal factors in the sei-Kan debate] in *Nihon kokusai seiji gakkai* 日本国際政治学会, *Kokusai seiji 37 Nihon gaikōshi no shokmondai III* 国際政治 37 日本外交史の諸問題III [International politics 37: Various issues of Japanese diplomatic history III] (Tokyo: Yūhikaku, 1968), 7.

²³ “*Senhō riji nusshi bassui ōsetsu sho naiwa sho tori*” 先報理事日誌抜萃應接書内話書取 in *Chōsen kankei kōshō ishū* 朝鮮關係考證彙集 [Historical collection relating to Korea], preserved in the Seoul National University Library.

tention for a new treaty earlier would prolong debates and hinder the swift progress of the negotiations on-site.

Throughout the negotiation process, the Japanese delegates employed a mixed tactic of alternating coercion and coaxing, which created a sense of confusion and perplexity for Sin Heon.

During the brief talk with the Japanese, I repeated that the issues of receiving the Japanese documents and the treaty provisions would be reported quickly [to the court] and the results would be duly delivered to them. Then, Kuroda threatened that “in case the things did not go smoothly, unfortunately, a force of tens of thousand soldiers might well go ashore. [Your country] should take precaution against the measures that might lead to the loss of friendly relations between the two countries.” I felt outraged about such intimidation. Yet, while they tried to settle the issues by coercion on the one hand, they also never cease to utter appeasing words on the other. What an [incomprehensible] habit they had.²⁴

The so called unequal treaties that Western imperial powers imposed on East Asian nations in the late nineteenth century generally included the following provisions—the consular jurisdiction, the agreed custom duties, and the unilateral most-favored-nation treatment. Nonetheless, only the extraterritorial jurisdiction was defined in the *Treaty of Kanghwa*. The most-favored-nation clause was dropped at the request of the Joseon delegates, and the issue of custom duties remained indefinite (See Article 1 and Article 9 in Table 1). The deviation from the typical provisions of unequal treaties in the Treaty of Kanghwa has been interpreted as a mistake on the part of Kuroda Kiyotaka, or as a reflection of the treaty’s “imperfect character” as an unequal treaty.

However, such interpretations are flawed in overlooking the context of the Japanese mission and its genuine motivations. From the point of

²⁴ *Simhaeng ilgi*, 133.

view of the Japanese government, the significance of concluding the Treaty of Kanghwa lay not as much in securing specific diplomatic and economic advantages as in promoting national prestige by working out an unequal treaty by way of Western-style gunboat diplomacy. The British minister Harry S. Parkes, after interviewing Moriyama Sigeru (森山茂), who had served as an entourage in the negotiations in Kanghwa, made an incisive observation about the attitude of Japanese mission toward the treaty as follows. “Following the rules of Western diplomacy instead of those of the East, they asked, he said, for nothing which they did not intend to obtain. On the other hand, as they did not wish to make difficulties for Joseon, they demanded nothing which she could not easily grant.”²⁵

Contrary to the prevailing historical perception of the *Treaty of Kanghwa* as an unequal treaty imposed on Joseon through the use of force, numerous historical materials of Joseon indicate that their demands were considerably accommodated by Japanese. The conventional belief, shared by both Korean and Japanese alike, is that *the Treaty of Kanghwa* served as the a initial step toward the eventual colonization of the former. However, it should be noted that this perception had not been prevalent among Korean politicians and intellectuals prior to the liberation from the Japanese colonial rule in 1945.²⁶ To provide a comprehensive analysis, Table 1 presents a comparative examination, article by article, of the original treaty draft proposed by the Japanese and the revisions put forth by the Joseon government.

²⁵ Harry S. Parkes to the Earl of Derby, March 27, 1876. *Yedo* (Park Il-Keun, ed. *Anglo-American Diplomatic Materials Relating to Korean, 1866-1886*, p. 47).

²⁶ Tsukiashi Tatsuhiko 月脚達彦, “Kindai Chōsen no jōyaku ni okeru ‘byōdō’ to ‘fubyōdō’—Nit-Chō shūkō jōku to Chō-Bei shūkō tsūshō jōyaku o chūshin ni.”

Table 1. Japanese Draft and Joseon Government's Revisions of the Treaty of Kanghwa

	Japanese Original Draft	Joseon government's Revisions
Preamble	<p>The Great Government of Japan and the Government of Joseon, being desirous of resuming the amicable relations that of yore existed between them, and of promoting the friendly feelings of both nations on still firmer basis, have for this purpose appointed their Plenipotentiaries, that is to say:</p> <p>The Emperor of Great Japan appointed and sent Kuroda Kiyotaka, High Commissioner Extraordinary to Joseon, Lieutenant-General, Member of the Privy Council, and Minister of the Colonisation Department, and Inouye Kaoru, Associate High Commissioner Extraordinary to Joseon, and Member of the Genroin; and The King of Joseon appointed Sin Hon, P'an- jung-jiu-pu-sa; and In Ja-syng, To-chiong-pu, Pu- chiong-koan:</p> <p>Who, according to the powers received from their respective Governments, have agreed upon and concluded the following Articles.</p>	<p>The booklet we have sent states that in the preamble there is no need to address the designation of sovereign of each country in favor of only the name of state. This matter is greatly objectionable. There is one precedent in the preamble of the China-England Treaty to be emulated, in which only the name of state was written like "Grand Academician such person appointed by the Great Government of the Qing" or "Earl such person appointed by the Great Government of England." Accordingly, what can be a problem in using only the name of state?</p>
Article I	<p>Joseon being an independent state enjoys the same sovereign rights as does Japan.</p> <p>In order to prove the sincerity of the friendship existing between the two nations, their intercourse shall henceforward be carried on in terms of equality and courtesy, each avoiding the giving of offence by arrogance or manifestations of suspicion.</p> <p>In the first instance, all rules and precedents that are apt to obstruct friendly intercourse shall be totally abrogated, and, in their stead, rules, liberal and in general usage fit to secure a firm and perpetual peace, shall be established.</p>	<p>Nothing in particular worth debating.</p>

	Japanese Original Draft	Joseon government's Revisions
Article II	<p>The Government of Japan, at any time after fifteen months from the date of the signature of this Treaty, shall have the right to send an Envoy to the capital of Joseon, where he shall be admitted to confer with the high officials in power on matters of a diplomatic nature. He may either reside permanently at the capital or return to his country on the completion of his mission.</p> <p>The Government of Joseon, in like manner, shall have the right to send an Envoy to Tokio, Japan, where he shall be admitted to confer with the high officials of the Ministry of Foreign Affairs on matters of a diplomatic nature. He may either reside permanently at Tokio or return to his country on the completion of his mission.</p>	<p>It is necessary to exchange the envoys of both countries after the conclusion of a treaty of friendship between them. Yet, it seems contradictory to the courtesy of equality for our envoy to meet with the high officials of the Ministry of Foreign Affairs, while for your envoy to meet with the “high officials in power.” [On the basis of the principle of mutuality], if your envoy is to meet with our high official, our envoy is to meet with your high official, and if our envoy is to meet with the official of the Ministry of Foreign Affairs, your envoy is to meet with the official of the Board of Rites. As a rule, the Board of Rites is in charge of neighborly relations [in our country], how can it be different from the Ministry of Foreign Affairs of your country.</p> <p>After setting up the office and trade regulations at the port, there will be no need to establish separately an agency for handling affairs. In case of the affair that needs attention, your official and our local official can get together to work out the measure. Why is it that the envoy should stay permanently in Seoul?</p> <p>Moreover, the land being apart and the sea being deep between the two countries, the journey to and from them is perilous. Though exchanging of envoys is of great importance to each state, frequent visits are a matter of great difficulty. Hence, it is advisable to keep an interval of ten or fifteen years in exchanging envoy. All these issues are for the sake of convenience to each country, and should be settled clearly.</p>
Article III	<p>All official communications addressed by the Government to that of Joseon shall be written in the Japanese language, and the Government of Joseon will use the Chinese language.</p>	<p>Admissible.</p>

	Japanese Original Draft	Joseon government's Revisions
Article IV	<p>Cho-riang-hang, in Fusan, Joseon, where an official establishment of Japan is situated, is a place originally opened for commercial intercourse with Japan; and trade shall henceforward be carried on at that place in accordance with the provisions of this Treaty, whereby are abolished all former usages.</p> <p>In addition to the above place, the Government of Joseon agrees to open two ports, as mentioned in Article V of this Treaty, for commercial intercourse with Japanese subjects.</p> <p>In the foregoing places Japanese subjects shall be free to lease land and to erect buildings thereon, and to rent buildings, the property of subjects of Joseon.</p>	<p>Allowing commercial intercourse will naturally lead to setting up official residence. Yet, the official quarters even in other place should have boundaries, which should not be trespassed. In the event of mixed residence with our subjects, troubles are bound to occur, damaging the perpetual harmony and friendship. The travel limits by Joseon ri can be defined taking geographical features into account. Yet, the premise of official residence should not exceed the Choryang residence in size.</p>
Article V	<p>The port belonging to the Yeongheung Magitracry, Hamgyeong Province will be opened in the fifteenth month from the second month of the ninth year of Meiji, corresponding with the date of Joseon, the first moon of the year Piong-ja.</p> <p>On the coast of four provinces, viz., Kiong-kyi, Chiung-chiong, Choll-la, and Kiong-siang, one port suitable for commercial purposes shall be selected, and the time for opening the port shall be in the twentieth month from the second month of the ninth year of Meiji, corresponding with the date of Joseon, the first moon of the year Piong-ja.</p>	<p>Yeongheung as the original site of our state distinguishes itself from other places, in the vicinity of which there is a dynastic ancestor shrine. What makes you insist on this site in spite of other places available? It is out of question to open Hamheung, Anbyeon, and Muncheon because dynastic ancestors' tombs are located there.</p> <p>Needless to say, no port can be opened in Gyeonggi, as well as in Chungcheong and Jeolla Provinces. The search for one port should be confined to the coastal area of Gyeonggang Province.</p>
Article VI	<p>Whenever Japanese vessels, either by stress of weather or by want of fuel and provisions, cannot reach one or the other of the open ports of Joseon, they may enter any port or harbour either to take refuge therein or to get supplies of wood, coal, and other necessities, or to make repairs; the expenses incurred thereby being defrayed by the ship's master. In such events, both the officers and the people of the locality shall display their sympathy by rendering full assistance, and</p>	<p>Permissible.</p>

	Japanese Original Draft	Joseon government's Revisions
	<p>their liberality by supplying the necessities required. If any vessel of either country be at any time wrecked or stranded on the coasts of Japan or of Joseon, the people the vicinity shall immediately use exertion to rescue her crew, and shall inform the local authorities of the disaster, who will either send the wrecked persons to their native country or hand them over to the officer of their country residing at the nearest port.</p>	
Article VII	<p>The coast of Joseon, having hitherto been left unsurveyed, are very dangerous for vessels approaching them; and in order to prepare charts showing the position of islands, rocks, and reefs, as well as the depth of water, whereby all navigators may be enabled safely to pass between the two countries, any Japanese mariner may freely survey said coasts.</p>	Permissible.
Article VIII	<p>There shall be appointed by the Government of Japan an officer to reside at each of the open ports of Joseon, for the protection of Japanese merchants resorting there, provided that such arrangement be deemed necessary. Should any question interesting to both nations arise, the said officer shall confer with the local authorities of Joseon, and settle it.</p>	Permissible.
Article IX	<p>Friendly relations having been established between the two Contracting Parties, their respective subjects may freely carry on their business without any interference from the authorities of either Government, and neither restriction nor prohibition shall be made on trade.</p>	Permissible.
Article X	<p>Should a Japanese subject residing at any of the open ports of Joseon commit any offence against a subject of Joseon, he shall be tried by the Japanese Authorities. Should a subject of Joseon commit any offence against a Japanese subject,</p>	<p>It the event of criminal case of respective subject, the officials in jurisdiction get together to investigate and apply respective law, thereby promoting mutual trust.</p>

	Japanese Original Draft	Joseon government's Revisions
	he shall be tried by the Authorities of Joseon. The offenders shall be punished according to the laws of their respective countries. Justice shall be equitably and impartially administered on both sides.	
Article XI	Friendly relations having been established between the two Contracting Parties, it is necessary to prescribe Trade Regulations for the benefit of the merchants of the respective countries. Such Trade Regulations, together with detailed provisions, to be added to the Articles of the present Treaty, to develop its meaning and facilitate its observance, shall be agreed upon at the capital of Joseon, or at Kanghoa in the country, within six months from the present date, by special Commissioners appointed by the two countries.	Details of some provisions can be clarified and settled in the present negotiations. Is there still a further need to send later the commissioners to discuss such details?
Article XII	The Government of Japan had traditionally granted foreign subjects the right to engage in trade in those Japanese ports open to foreigners including the Joseon people. In the future, in case Joseon should conclude a treaty with a third country that would grant any right not included in the Articles of the present Treaty, Japan would enjoy the same privileges as a most-favored-nation.	As a rule, our country had not had any intercourse with foreign countries except for the Japanese, with whom we had maintained neighborly relations for long. How can there be a possibility for us to conclude treaties with other [Western] countries? This is beyond question—an impossible thought.
Article XIII	The foregoing twelve Articles are binding from the date of the signing hereof, and shall be observed by the two Contracting Parties faithfully and invariably, whereby perpetual friendship shall be secured to the two countries. The present Treaty is executed in duplicate, and copies will be exchanged between the two Contracting Parties.	Also permissible.

The finalized version of the treaty, agreed upon by both the Joseon and Japanese parties, is presented in Table 2.

Table 2. Final Text of the Treaty of Kanghwa

	Final Version of the Treaty of Kanghwa
Preamble	<p>The Great Government of Japan and the Great Government of Joseon, being desirous of resuming the amicable relations that of yore existed between them, and of promoting the friendly feelings of both nations on still firmer basis, have for this purpose appointed their Plenipotentiaries, that is to say:</p> <p>The Great Government of Japan, Kuroda Kiyotaka, High Commissioner Extraordinary to Joseon, Lieutenant-General, Member of the Privy Council, and Minister of the Colonisation Department; and Inouye Kaoru, Associate High Commissioner Extraordinary to Joseon, and Member of the Genroin; and</p> <p>The Great Government of Joseon, Sin Hon, P’an-jung-jiu-pu-sa; and In Ja-syng, To-chiong-pu, Pu- chiong-koan:</p> <p>Who, according to the powers received from their respective Governments, have agreed upon and concluded the following Articles.</p>
Article I	<p>Joseon being an independent state enjoys the same sovereign rights as does Japan.</p> <p>In order to prove the sincerity of the friendship existing between the two nations, their intercourse shall henceforward be carried on in terms of equality and courtesy, each avoiding the giving of offence by arrogance or manifestations of suspicion.</p> <p>In the first instance, all rules and precedents that are apt to obstruct friendly intercourse shall be totally abrogated, and, in their stead, rules, liberal and in general usage fit to secure a firm and perpetual peace, shall be established.</p>
Article II	<p>The Government of Japan, at any time after fifteen months from the date of the signature of this Treaty, shall have the right to send an Envoy to the capital of Joseon, where he shall be admitted to confer with the President of the Board of Ceremonies on matters of a diplomatic nature. He may either reside permanently at the capital or return to his country on the completion of his mission.</p> <p>The Government of Joseon, in like manner, shall have the right to send an Envoy to Tokio, Japan, where he shall be admitted to confer with the Minister for Foreign Affairs on matters of a diplomatic nature. He may either reside permanently at Tokio or return to his country on the completion of his mission.</p>
Article III	<p>All official communications addressed by the Government to that of Joseon shall be written in the Japanese language, and for a period of ten years from the present date they shall be accompanied by a Chinese translation. The Government of Joseon will use the Chinese language.</p>
Article IV	<p>Cho-riang-hang, in Fusan, Joseon, where an official establishment of Japan is situated, is a place originally opened for commercial intercourse with Japan; and trade shall henceforward be carried on at that place in accordance with the provisions of this Treaty, whereby are abolished all former usages, such as the practice of Siei-kion-jion²⁷ (junks annually sent to Joseon by the late Prince of Tsusima, to exchange a certain quantity of articles).</p>

²⁷ “Siei-kion-jion” (*Segyeonseon* 歲遣船) referred to annual Japanese ships sent from Tsushima to Busan for trade.

Final Version of the Treaty of Kanghwa	
	<p>In addition to the above place, the Government of Joseon agrees to open two ports, as mentioned in Article V of this Treaty, for commercial intercourse with Japanese subjects.</p> <p>In the foregoing places Japanese subjects shall be free to lease land and to erect buildings thereon, and to rent buildings, the property of subjects of Joseon.</p>
Article V	<p>On the coast of five provinces, viz., Kiong-kyi, Chiung-chiong, Choll-la, Kiong-siang, and Ham-kiong, two ports suitable for commercial purposes shall be selected, and the time for opening these two ports shall be in the twentieth month from the second month of the ninth year of Meiji, corresponding with the date of Joseon, the second moon of the year Piong-ja (February 1876).</p>
Article VI	<p>Whenever Japanese vessels, either by stress of weather or by want of fuel and provisions, cannot reach one or the other of the open ports of Joseon, they may enter any port or harbour either to take refuge therein or to get supplies of wood, coal, and other necessities, or to make repairs; the expenses incurred thereby being defrayed by the ship's master. In such events, both the officers and the people of the locality shall display their sympathy by rendering full assistance, and their liberality by supplying the necessities required. If any vessel of either country be at any time wrecked or stranded on the coasts of Japan or of Joseon, the people the vicinity shall immediately use exertion to rescue her crew, and shall inform the local authorities of the disaster, who will either send the wrecked persons to their native country or hand them over to the officer of their country residing at the nearest port.</p>
Article VII	<p>The coast of Joseon, having hitherto been left unsurveyed, are very dangerous for vessels approaching them; and in order to prepare charts showing the position of islands, rocks, and reefs, as well as the depth of water, whereby all navigators may be enabled safely to pass between the two countries, any Japanese mariner may freely survey said coasts.</p>
Article VIII	<p>There shall be appointed by the Government of Japan an officer to reside at each of the open ports of Joseon, for the protection of Japanese merchants resorting there, provided that such arrangement be deemed necessary. Should any question interesting to both nations arise, the said officer shall confer with the local authorities of Joseon, and settle it.</p>
Article IX	<p>Friendly relations having been established between the two Contracting Parties, their respective subjects may freely carry on their business without any interference from the authorities of either Government, and neither restriction nor prohibition shall be made on trade. In case any fraud be committed or payment of debt be refused by any merchant of either country, the authorities of either one or the other Government shall do their utmost to bring the delinquent to justice and to enforce recovery of the debt. Neither the Japanese nor the Joseonn Government shall be held responsible for the payment of such debt.</p>

Final Version of the Treaty of Kanghwa	
Article X	Should a Japanese subject residing at any of the open ports of Joseon commit any offence against a subject of Joseon, he shall be tried by the Japanese Authorities. Should a subject of Joseon commit any offence against a Japanese subject, he shall be tried by the Authorities of Joseon. The offenders shall be punished according to the laws of their respective countries. Justice shall be equitably and impartially administered on both sides.
Article XI	Friendly relations having been established between the two Contracting Parties, it is necessary to prescribe Trade Regulations for the benefit of the merchants of the respective countries. Such Trade Regulations, together with detailed provisions, to be added to the Articles of the present Treaty, to develop its meaning and facilitate its observance, shall be agreed upon at the capital of Joseon, or at Kanghoa in the country, within six months from the present date, by special Commissioners appointed by the two countries.
Article XII	The foregoing eleven Articles are binding from the date of the signing hereof, and shall be observed by the two Contracting Parties faithfully and invariably, whereby perpetual friendship shall be secured to the two countries. The present Treaty is executed in duplicate, and copies will be exchanged between the two Contracting Parties.

As shown in Table 1 and Table 2, the Joseon government did not contest the Japanese draft proposals in Articles 1, 3, 6, 7, 8, and 13. However, in the preamble of the treaty, the titles addressing the sovereigns of the two countries—originally stated as the “*Emperor of Great Japan*” and the “*King of Joseon*” in the Japanese draft—were replaced with the term “*Government of Great Japan*” and the “*Government of Great Joseon*,” respectively, at the insistence of the Joseon government. This decision was made to avoid reopening the issue of hierarchy between the two countries that specifying royal titles could potentially raise. Therefore, both parties agreed to use the term ‘government’ instead of ‘emperor’ and ‘king’ for the treaty-making authority and to include the adjective ‘great’ in the names of both countries, aiming to equalize the national status of both nations.

Regarding Article 2, the Japanese request to send an ambassador as they deemed necessary after the passage of fifteen months was accepted. Additionally, the Joseon negotiators successfully designated the receiv-

ing minister of the envoy from each country as the Minister of the Ministry of Rites in Joseon and the Minister of the Ministry of Foreign Affairs in Japan. In Article 5, the Japanese were compelled to abandon their intention to open Yeongheung as a treaty port. Instead, the Joseon negotiators allowed them to search for two ports from the five provinces of Gyeonggi, Chungcheong, Jeolla, Gyeongsang, and Hamgyeong. Furthermore, the Joseon negotiators successfully demanded their Japanese counterparts to remove Article 12, which provided for the most-favored-nation treatment, from the draft. On the other hand, the Japanese rejected the Joseon's demands stated in Articles 4, 10, and 11.

The Joseon government did not strongly object to the inclusion of typically unequal treaty stipulations in Article 7, 8, 9, and 10. However, it is important to emphasize that the government's relatively indifferent attitude should not be considered as a basis for denying that the Treaty was of an unequal nature. In fact, the fundamental problem with the treaty was that the Japanese deliberately designed an ambiguous treaty text, leaving room for arbitrary interpretation. This deliberate ambiguity made it challenging for the Joseon government to ascertain the exact meaning and implications of the treaty.

For instance, let's consider Article 1 of the *Treaty of Kanghwa*, which defines the international status of Joseon. The article was translated into English by the Japanese Ministry of Foreign Affairs as "Chosen, being an independent state, enjoys the same sovereign rights as does Japan." In other words, the Japanese interpreted the term "*jaju ji bang*"(自主之邦) as "independent state."²⁸

However, the concept of "*jaju*"(自主), as understood in both Joseon Korea and the Qing Dynasty, did not necessarily contradict the traditional tributary relationship between the two states. The Joseon king practiced various political rituals, such as paying tribute to the Qing emperor and receiving investiture from him. These rituals were performed as a way to demonstrate deference and acknowledge the superior status of the Qing

²⁸ "朝鮮國自主之邦 保有與日本國 平等之權",

Dynasty. In return, Joseon enjoyed de facto national autonomy in matters concerning its internal administration and foreign affairs. In general, it can be stated that the Qing Dynasty assumed a moral responsibility for Joseon as the superior state (*sangguk* 上國). However, it did not directly control Joseon's foreign affairs or interfere with its internal administration. This distinction sets for example, the concept of “*jaju*”, etc. apart from the Western concept of a protectorate.

In the transitional context of the 19th century, during a time when Western international law was not yet been fully embraced, the concept of “*jaju*” (自主) remained inherently ambivalent. It could be understood as either a “*sokguk*”(屬國), a nominally subservient state that nevertheless enjoyed complete autonomy in its internal and foreign affairs without interference from the superior state, or as an independent sovereign state aligned with the principles of modern international law.

Furthermore, the ambiguity surrounding the concept of “*jaju*” (自主) served to mask the inherent contradictions of the trilateral relationship in East Asia for a considerable period of time. While there existed a nominal hierarchy between Joseon and Qing, both the Qing and Japan, as well as Joseon and Japan, these countries had embarked on modern diplomacy based on the principle of equal sovereignty through the the *Treaty of Peace and Friendship* between Qing and Japan in 1871 and the *Treaty of Kanghwa* in 1876. As a result, the triangular relationship carried inherent contradictions. However, the provision of “*jaju ji bang*”(自主之邦) was sufficiently ambiguous, allowing for different interpretations for Qing, Joseon, and Japan. This ambiguity effectively prevented the issue of Joseon's international status from coming to the forefront. With this, Joseon and Japan were able to bring an end to the nearly eight-year diplomatic break after the Meiji Restoration and begin a new form of modern diplomacy on an equal government-to-government basis. The paradoxical triad between Joseon Korea, Qing China, and Meiji Japan came to an end when Qing, defeated in the *First Sino-Japanese War* (1894-1895), was forced to recognize the full and complete independence and autonomy of Joseon.

Conclusion

Upon receiving the news of the conclusion of the *Treaty of Kanghwa* on March 1st 1876, Ōkubo Toshimichi sent a congratulatory letter to Itō Hirobumi, stating that “auspicious news from Korea had reached me immediately, which was a fortunate event beyond expectations and worthy of celebrating together with you.”²⁹ Negotiations on the Kangwha had also been a risky endeavor for them with no guarantee of success.

Kuroda was granted extensive authority to negotiate and sign the treaty, with the only restriction being the avoidance of military force. Among the three objectives that needed to be fulfilled during the negotiations the opening of Kanghwa Island in addition to Busan, freedom of navigation in Korean coastal waters, and an official apology from the Joseon government for the *Unyōkan Incident*, the first two were effectively addressed in Articles 5 and 7 of the Treaty. In Article 5, Kuroda’s decision to choose two ports from the southern provinces of the Korean Peninsula, rather than Kanghwa Island was based on his own judgment that the tides were too high to serve as a suitable port. The third condition was met when Shin Heon delivered the official statement of the Joseon government during the signing of the *Treaty of Kanghwa* on February 27th.³⁰

The Japanese government’s limited goals from the beginning, along with the numerous acts of appeasement and covert maneuvers that occurred during the official negotiations, expose the truth behind their claims of opening Korea through gunboat diplomacy, akin to Commodore Perry’s actions in 1853. In reality, Japan had neither the capability nor the will to wage a war. In this sense, the negotiations in Kanghwa Island can be seen as a “diplomatic drama” orchestrated by the Okubo regime, aiming to resolve the diplomatic stalemate with Joseon following

²⁹ Itō Hirobumi kankei bunsho kenkyūkai 伊藤博文關係文書研究會, ed., *Itō Hirobumi kankei bunsho* 伊藤博文關係文書, vol.3, 239.

³⁰ *Simhaeng ilgi*, 269–270.

the Meiji Restoration and to alleviate domestic political challenges. The negotiations ultimately resulted in an “incomplete and unequal treaty.” However, this outcome was not attributed to Kuroda's failure or the proactive response of the Joseon side. Instead, it was primarily due to the inherent weaknesses within the Okubo regime.

This study does not argue against the fact that the *Treaty of Kanghwa* was an unequal treaty. However, it highlights that the ‘inequality’ arose from a combination of Joseon’s powerlessness and Japan’s arbitrary post-hoc interpretation. The leadership of Meiji Japan was well aware of the power-political nature of the modern international order. As a diplomatic strategy, they often left treaty language ambiguous when its power was insufficient or the situation was unfavorable. Later, when their power became sufficient, they unilaterally interpreted the treaty’s meaning. If we consider this pattern as a significant aspect of modern Korean-Japanese relations, it is clear that its origins can be traced back to the duplicitous actions taken before and during the signing of the *Treaty of Kanghwa*.

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