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## Reevaluating the Circumstances Surrounding the Conclusion of the 1876 Kanghwa Treaty between Korea and Japan

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### Abstract

The Treaty of Kanghwa, 1876, was the first in succession of what are known to historians as “unequal treaties” that integrated the state of Chosŏn (Korea) into the global diplomatic and economic processes in the late nineteenth century. Korean historiography has traditionally emphasized the involuntary nature of the treaty, stressing that the Chosŏn government was forced to sign it following the threat of Japanese retaliation. At the same time, the actions of the government in Tokyo are often assessed as pre-meditated, part of a wider plan, and, sometimes, aimed at the eventual annexation of the Korean Peninsula. In other words, so far as the events of 1876 are concerned, Japan is the aggressor, and Chosŏn the victim.

The author of this paper aims to provide a more balanced and objective assessment of the series of historical events that led to the signing of the Korea-Japan Treaty in 1876, based on a comprehensive analysis of the domestic political circumstances in both countries and the geopolitical situation in the Northeast Asian region. The paper offers a critique of the analytical theory that the Treaty of Kanghwa was part of a plan to colonize Korea, and highlights the possibility that the government of Chosŏn made its own decision to sign the treaty.

*Keywords:* Korea, Japan, Joseon, Treaty of Kanghwa, NEA diplomatic relations in the late XIX century

# Reevaluating the Circumstances Surrounding the Conclusion of the 1876 Kanghwa Treaty between Korea and Japan

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The signing of its first modern diplomatic treaty on February 26, 1876, was a turning point for Chosŏn (Korea) in the late nineteenth century. Creating a precedent, this agreement laid the foundation for the further opening of the country to global diplomacy and trade. However, in Korean historiography, considerable attention is paid not to the negotiation process that preceded the conclusion of the treaty and the geopolitical circumstances surrounding it, but to the political and diplomatic agenda of Japan. In sum, the process of rapprochement between the two countries in early 1876 is frequently analyzed against the background of the Tokyo government's actions. It is easy to assume that the close attention paid to Japan's efforts is largely a result of the trauma of the period of Japanese colonial rule (1910-1945) of the Korean peninsula. The latter also determines the consistently high academic interest in the circumstances of the signing of the Kanghwa (Ganghwa) Treaty, and the formation of several historiographical theories explaining Japan's actions.

Perhaps the most widely accepted analytical concept is that the conclusion of the treaty was the result of the efforts of the so-called "war faction" among the Japanese government.<sup>2</sup> The key points of this hypothesis are the presumptions that the 1876 treaty was the first step in implementing the plan to colonize the Korean peninsula, and that the Un'yō gunboat incident<sup>3</sup> was directly related to the debates regarding Chosŏn that unfolded in the Japanese government in the autumn of 1873.<sup>4</sup> It is also noted that the signing of the treaty was facilitated by the power of the Japanese navy (an example of "gunboat policy"). Therefore, it is significant that the negotiations on Kanghwa island are not analyzed as the culmination of Japan's diplomatic efforts towards Korea, implemented since the late 1860s, but are treated as yet another manifestation of the Japanese state's aggressive interest in its western neighbor, seen earlier in the events of the Imjin War (1592-1598). Within this framework, Korea is assigned a passive role as an object of the Japanese government's diplomatic and geopolitical ambitions, which are assumed to have remained unchanged for a long time.

However, it is important to note that the first attempt to reimagine traditional Korean-Japanese relations was undertaken before the fall of the Tokugawa shōgunate, in 1867. In March of that year, the Japanese military dictator announced the idea of his mediation to resolve Franco-Korean and American-Korean tensions,<sup>5</sup> for which he came up with a plan to permanently billet a Japanese military contingent on the Korean Peninsula.<sup>6</sup> It could be assumed that this peacekeeping agenda of the Japanese government was a product of the desire to normalize relations with colonizing Western countries – which were becoming Japan's trade and diplomatic partners. Amidst the deteriorating power of the shōgun and a significant social split driven by increasing anti-Western sentiments, there was a danger, if not of fragmentation, then of the drastic regionalization of the Japanese state. As a countermeasure, the shōgunate chose to strengthen its authority regionally, demonstrated by the plan. The idea, obviously, did not receive the support of the French diplomatic representative in Japan, who stated that such actions should receive the approval of the government in Beijing,<sup>7</sup> while the Taewŏn'gun led government in Korea responded with a rather sharp refusal which sought to humiliate the shōgunate for opening its land to western barbarians.<sup>8</sup> Although never materialized, this initiative of the shōgunate laid the foundation for the efforts to rebuild Korean-Japanese relations that were undertaken by the new Meiji government in the late 1860s and early 1870s.

From 1868 to 1874, the new Japanese government sent five diplomatic delegations to the Korean peninsula,<sup>9</sup> whose tasks included reforming the traditional relations between the two countries; none succeeded. It is significant that while in 1868, the Japanese envoy was ordered to inform the Chosŏn government, among a number of matters, of the unilateral decision of the government in Tokyo, effective immediately, to replace the traditional Tosŏ trade seal<sup>10</sup> with a new seal, issued by the Japanese Ministry of Foreign Affairs, delegations that followed after were granted the much less ambitious tasks of having Chosŏn recognize the new Japanese government and establish the channel for written diplomatic communication between the two countries. This degradation of the Japanese diplomatic agenda regarding the state on the Korean peninsula hints at the imbalance of power in bilateral relations in favor of the Chosŏn government. In characterizing the position of the latter during the period described, it is important to note that the refusal to accept delegates from Tokyo was connected not only with the Sinocentric sentiments of Korean officials, but also with the

widely spread impression that envoys from modernized Japan were not ashamed to adopt rules of behavior from foreigners and change their appearance, as well as their customs, which, in turn, produced an idea that they should not be allowed into Korea's territory, and Japan itself should be recognized as a "lawless country."<sup>11</sup> These Korean assessments clearly showcase a domination of conservative views in the country and a sense that Japan and the Western colonizing powers were to be regarded as one and the same.

## 1873: Japan and Korea

The year 1873 is an undoubted dividing point in the relations between the two countries. In the context of Japanese history, this period is interesting not only for the debates within its government regarding Chosŏn, but also for the outcome of Iwakura Mission to the United States and Europe, and the opinions of the mission's participants on the geopolitical balance of power in the northeast Asian region and the influence of this on domestic political processes in the country. The Japanese diplomats did not achieve their goal of revising the terms of unequal treaties, but the almost two years spent in Europe and the United States had a significant impact on their understanding of the current conditions of global geopolitics. In particular, in their report, the delegation members drew attention to the fact that the Russian Empire posed the greatest threat to the countries of the North-east Asian region, stressing in this regard that "if Japan and Corea fight with one other, both would fall an easy prey to Russia."<sup>12</sup> In addition, they pointed out that Japan is not yet in a state of equality with foreign powers that treat it "as a vassal state," therefore they asserted that "patiently to bear such a gross ignominy near at hand, and impatiently move for a chastisement of remote Corea for a much lighter offense, cannot be called reason."<sup>13</sup> This position, which emphasizes achieving, first of all, domestic political stability and sovereignty, draws attention to the risks that a military operation on the Korean peninsula would entail and these risks ultimately determined the outcome of the debates of 1873.

It is important to note, however, that the Tokyo government did not altogether reject the idea of a demonstration of its military force. This assumption is supported by Japan's military campaign in Taiwan in 1874. The trigger for these events was the massacre of Japanese sailors who had been shipwrecked near the island by its locals in late 1871. Consultations

followed with the Chinese government, which explained in the summer of 1873 that the Qing were not responsible for the “barbarian” part of Taiwan, which was “beyond the pale of civilization.”<sup>14</sup> Against the backdrop of this rather short-sighted response from the Beijing government, debates within the Japanese government regarding a punitive expedition to Chosŏn unfolded. When the idea of a military operation on the Korean peninsula failed, Japanese militarists turned their attention to Taiwan.

In light of this, it can be concluded that in 1873-1874, the Japanese government implemented a strategy of solving domestic political problems through the utilization of foreign policy. Therefore, the military expedition to Chosŏn was only one of the possible options for executing this strategy. Obviously, a campaign in Taiwan, supported by the Chinese government’s above-mentioned statement, would be a much less risky venture than a campaign against Chosŏn, which threatened a conflict with the Russian Empire.

From the context of Korean history, the year 1873 is important, first of all, because of the removal of Taewŏn’gun from power and the consolidation of political forces around the legitimate ruler, Kojong. By contrast to the period of Taewŏn’gun’s rule, one of the characteristic features of which was the so-called “closed door” policy, which disallowed foreign presence, with Kojong’s coming to power, the approach of the Chosŏn government to the “problem” of foreigners in general, and to the contacts with Japan in particular, softened. This change of course may be influenced by the large-scale changes in personnel within the government and bureaucracy that accompanied Kojong’s coming to power: against the backdrop of the heated political struggle, many high officials, supporters of Taewŏn’gun’s policy, either voluntarily resigned or were removed.<sup>15</sup> More liberal-minded representatives of the Chosŏn political elite were appointed to the vacant positions in the upper echelons of power.<sup>16</sup> Some scholars point out that the new Korean administration changed its attitude toward Japan and immediately made efforts to restore contacts with the government in Tokyo.<sup>17</sup> However, primary written sources give a later date, specifically, during the summer and fall of 1874, hinting that the change in the Korean government’s attitude toward Japan was connected with the latter’s military campaign in Taiwan.

Thus, in early summer 1874, when the Qing fully realized the danger of Taiwan’s annexation by Japan,<sup>18</sup> a letter was sent from Beijing to Seoul in which the Chinese government reported Japan’s desire “to absorb” the peninsula. In order to avoid Japanese annexation, the

Qing recommended that Chosŏn conclude treaties with the United States of America and France. The Chinese government explained that otherwise, Japan's military campaign in Korea would receive support from the above-mentioned Western powers.<sup>19</sup> It is significant that the reaction of the Korean statesmen turned out to be the opposite of what China probably anticipated. A discussion regarding the Qing recommendations did indeed unfold at the court of Kojong, but its outcome was unexpected: some of the Korean dignitaries, appealing to the geopolitical situation, proposed a rapprochement with Japan. The Korean monarch agreed to this proposal.<sup>20</sup> This caused a split in the Chosŏn government, and therefore the response to the Qing's proposal was significantly delayed. It was sent only in late November 1874,<sup>21</sup> and the Qing's recommendations were not accepted.

It could be assumed that the reaction of the Korean government was dictated not only by the newly-appointed state officials, but also by the notion of China's fading regional authority. As early as the late 1840s, the Chosŏn government asked China to prohibit French ships from approaching the coast of the peninsula,<sup>22</sup> apparently believing that the Qing had sufficient military power and authority to do so, acting as a regional hegemon. However, by the early 1870s, after the Second Opium War (1856-1860), the Franco-Spanish expedition in South Vietnam (1858-1862) and, finally, the Japanese campaign in Taiwan (1874), the government in Seoul apparently realized the impossibility of relying on China's protection, which had demonstrated its weakness in military clashes not only with Western but also with regional powers. It was probably the lack of external protection that pushed Kojong to rapprochement with Japan. It is important to note that, having the opportunity to establish relations with the United States of America and France with the assistance of China, the Korean ruler consciously made a choice in favor of Tokyo: it is obvious that even despite westernization and modernization, owing to many years of contacts, Japan was perceived as a friendly neighbor, and, therefore, a safer option for potential diplomatic partner.

## 1875: Un'yō gunboat incident

However, the 1874 talks about rapprochement with Tokyo does not mean that the Korean government was ready to defy the traditional pattern of its contacts with Japan. In June 1875, when a discussion unfolded in the Korean government regarding yet another Japanese

embassy that had arrived with a letter in Pusan (Busan) in early April, most state officials, to one degree or another, spoke in favor of intensifying exchanges between the two countries, suggesting this was necessary to maintain peace.<sup>23</sup> However, refusing to violate traditional diplomatic protocol and etiquette, instead of accepting the mentioned correspondence in its original form, the Korean government decided to send a special translator to Pusan who would make the necessary adjustments to the message so it could be accepted.<sup>24</sup> Knowing nothing of this, the Japanese delegates did not hold their breath for the arrival of messengers from Seoul. Unlike their predecessors, who often lingered in Pusan for a year or a year and a half, awaiting an official response from Korean officials, the 1875 delegation, apparently anticipating a refusal, left the peninsula in early July, thus setting off the Un'yō gunboat incident.

Although there is no direct written evidence that the delegation's departure was part of a plan to force Chosŏn into rapprochement, circumstantial evidence points in that direction. In 1873, the threat of the Russian Empire played a decisive role in the choice between Chosŏn and Taiwan for Japan's potential military operation. However, in early May 1875, Japan and Russia signed the Treaty of St. Petersburg, which generally settled the territorial dispute between the two countries, expanding Japan's diplomatic (and other) reach regarding Chosŏn. Thus, the events of September 20, 1875, on the Korean island of Kanghwa can be, with a high degree of probability, considered to be a military provocation by the government in Tokyo, with the aim of reforming the relations between the two countries.

In the context of the incident on Kanghwa, reaction of the Korean and Japanese governments is also of interest. While the public in Tokyo were actively discussing the possibility of declaring war on Chosŏn,<sup>25</sup> Korean state officials rationalized the increased number of Japanese vessels off the peninsula's coast by the intensification of the illegal rice trade.<sup>26</sup> The latter is especially important: the Korean government did not fear retribution for the events on Kanghwa, which might lead to the conclusion that the Un'yō incident did not influence either the disposition or the decisions made by state officials in Seoul regarding Japan. Moreover, while the government in Tokyo was preparing delegates whose tasks included negotiating the indemnity to be paid by the Korean government for the September 20 clash, or conducting a treaty in the case of a refusal by Seoul to provide monetary compensation,<sup>27</sup> state officials in the Chosŏn capital, in a rather relaxed manner, continued to discuss the

procedure for accepting Japanese diplomatic correspondence received in the future.<sup>28</sup> Even the news that came from Pusan at the end of December about a clash between locals and residents of Waegwan,<sup>29</sup> in which twelve Koreans died,<sup>30</sup> did not seem to make a strong impression on Kojong.

## 1876: Negotiations

The slow pace of affairs was disrupted by the entry of six Japanese ships into Pusan Bay on January 16, 1876. The envoys – Kuroda Kiyotaka (黒田 清隆, 1840 – 1900) and Inoue Kaoru (井上馨, 1836 – 1915) – informed the local authorities that they were authorized by their government to conduct negotiations, and the very next day, after firing ten shots from onboard guns to assert their intentions, they set off for Kanghwa island,<sup>31</sup> warning that if the Korean negotiators did not arrive there, the squadron would move towards Seoul.<sup>32</sup> News of the Japanese envoys and their ultimatum reached Kojong only on January 27,<sup>33</sup> some three or four days after Kuroda and Inoue's delegation arrived at their chosen meeting place. Noticeably, despite the delays on the part of the Chosŏn government, the Japanese delegation never set sail for the Korean capital.

Only three days later, on January 30, 1876, the government in Seoul appointed their mediators. The head of the delegation was 65-year-old Sin Hŏn (신헌 / 申櫛, 1810(11) – 1884), a military official with moderate liberal views. Despite his commitment to the teachings of Sirhak,<sup>34</sup> Sin had built his political career during the reign of Taewŏn'gun, whose trust he enjoyed.<sup>35</sup> Apparently, Sin was a supporter of active, but not modernized, traditional gyorin<sup>36</sup> exchanges between Chosŏn and Japan. It could be assumed that the choice of Sin Hŏn as Chosŏn's representative was the result of the plurality of opinions regarding the prospects for Japanese-Korean relations within the government in Seoul. Only a little more than a year had passed since Kojong had come to power, and his political base was obviously still limited.

On February 1, 1876, Sin arrived at Kanghwa Island. Two days later, on February 3, the Korean representatives met with members of the Japanese delegation for the first time and proposed moving the venue for the negotiations to another part of the peninsula. Possible options included Tongjin and Namyang, but ultimately Incheon was agreed upon as the new location.<sup>37</sup> The desire of the Korean side to move the negotiations from Kanghwa is explained

by the cultural and political value of the island: for many years, it served as a refuge for Korean monarchs during periods of foreign invasion. In addition, the tomb of Kojong's grandfather, which was almost plundered by foreign marauders in 1868,<sup>38</sup> was located there. However, for the Japanese side, the change of the venue for the negotiations became an element of diplomatic muscle-flexing, determining the strength of the parties' positions in further consultations. Therefore, the next day, having already sailed from Kanghwa towards Incheon, the Japanese delegation suddenly turned their ships back to the island, demonstrating that they were only prepared to conduct negotiations there.<sup>39</sup> Sin Hŏn attempted to protest this unilateral decision during a meeting with Moriyama Shigeru (森山茂, 1842 – 1919), who was entrusted to conduct the preliminary consultations. In an attempt to defend the Japanese party's decision and spread some fear among the Korean delegates, Moriyama informed the Chosŏn representative that there were currently four thousand soldiers on six Japanese ships docked at Kanghwa<sup>40</sup> – a clear exaggeration, given the size of the Japanese vessels (one main ship, two warships and three transport ships).<sup>41</sup> The Japanese records contain a figure of 3,000 Japanese soldiers, while the calculations of Korean scholars indicate only 809 navy soldiers.<sup>42</sup> Sin Hŏn tried to counter by accusing the Japanese delegation of unfriendly actions, but the latter kept insisting on carrying on the negotiations at the Kanghwa island.

Meanwhile, on February 7, another message from China was received in Seoul. The Qing government reported that the Japanese envoy in Beijing had conveyed to the Chinese government the desire of the Tokyo officials to establish “friendly relations” with Seoul.<sup>43</sup> The news produced an ambiguous reaction at the Korean court – the message from the suzerain power had clearly arrived late. The result of a meeting of the highest state officials and Kojong was a decision to send a special envoy to Beijing by land to inform the Chinese government of all the details of the current negotiation process and ask for their advice on what to do next.<sup>44</sup> Despite appearing submissive, sending an envoy to Beijing by land, which would obviously take a long time, does not seem to be a genuine effort to seek advice from the senior power, but an attempt to pacify pro-Qing political elites within the government in Seoul, without putting the Japanese-Korean rapprochement on hold.

The first meeting of the high representatives at Kanghwa took place on February 11. Kuroda and Inoue were eager to build on Moriyama's initial diplomatic success, and began the dialogue by discussing the Un'yō gunboat incident. The Japanese delegates emphasized the

iniquity of the actions of the Kanghwa island coast guard. However, Sin Hŏn countered by saying that according to the Book of Rites,<sup>45</sup> one must ask about what must not be done when entering a foreign country's territory. He added that the Japanese vessel had not even notified the Korean government of its mission in the peninsula's waters, so when it approached a part of the Korean coast that was off-limits to foreign ships, it was only natural that the coast guard opened fire on it. Without giving the Japanese envoys a chance to come up with a worthy counterargument, Sin concluded the discussion of the topic by saying that "the events of the previous day had completely melted away, like ice melting."<sup>46</sup>

Realizing that the game was up, Kuroda and Inoue tried to appeal to the unfriendly attitude of Chosŏn officials and accused the government in Seoul of not receiving Japanese envoys for "six or seven years."<sup>47</sup> But Sin Hŏn was prepared for this too. He recalled that in 1867, a Japanese subject had published an article in a Chinese newspaper with false information, which, among other things, reported that every five years the Korean ruler went to the Japanese capital to pay tribute. The article noted that this custom had been violated in the past few years, and therefore the Japanese government was preparing to punish Korea. Sin noted that it was precisely because of this publication that communication between the two countries had been disrupted, and concluded that "there is no need to recall the past in an attempt to improve relations."<sup>48</sup> After this, it became obvious that the diplomatic advantage of the Japanese delegation had been lost.

During this meeting, Kuroda and Inoue also attempted to inquire about a way to avoid misunderstandings between the two countries in the future. Acting in the paradigm of gyorin relations, Sin replied that from now on, all ambiguous situations could be resolved by sending envoys with the appropriate question. This answer from the Korean diplomat gave the Japanese envoys the opportunity to bring up the issue of discussing a treaty, explaining that stable and good relations could be built after its signing.<sup>49</sup> It is significant that Sin Hŏn was not surprised by the Japanese diplomats' offer. It can be assumed that the news from China, received in Seoul several days ago, had already been passed to him.

Kuroda and Sin met again on February 12. Significantly, perhaps realizing his diplomatic weakness vis-à-vis the Korean delegate, Kuroda also invited Moriyama Shigeru, whose interactions with Sin Hŏn had been more productive. This proved to be the case this time as well. Moriyama explained that although the Chosŏn government sought to maintain tradition

in its relations with Japan, the latter had undergone significant changes since 1868. He went on to explain that the systematic refusal to receive Japanese embassies had had a negative impact on bilateral relations. According to him, in order to prevent such a thing from happening again, it was necessary to conclude a written treaty, a draft of which the Japanese side had prepared. In response to Sin's question about the nature and purpose of the proposed pact, the Japanese envoys explained that their government "proposes to open a government office" in Chosŏn in order to "engage in trade together," adding that such a system is used throughout the world and that there are many such offices in Japan as well.<sup>50</sup> The next day, 13 February, a draft of the treaty was delivered to the Korean delegation's headquarters.

Consisting of 13 articles, the draft prescribed the exchange of permanent diplomatic representatives situated in the capitals of both states (Article 2); the absence of state regulation of bilateral trade (Article 4); the opening of two additional ports on the peninsula for access by Japanese traders, one of which was to be located in the Yŏnghŭng area on the northeastern coast (Article 5); mutual assistance to ships and their crews that were wrecked or had become lost (Article 6); the enforcement of national laws in the investigation of offenses involving Japanese and Korean citizens (essentially, the right of extraterritoriality) (Article 10); the development of specific norms and rules for bilateral trade through additional agreements (Article 11); the extension of the provisions of similar pacts and treaties that Chosŏn would conclude with foreign powers in the future to Japanese citizens and their interests on the Korean peninsula (essentially, the most-favored-nation treatment) (Article 12).<sup>51</sup> Sin promised to forward the draft treaty to Seoul.

At the same time, there was a debate within the Chosŏn government about the necessity of concluding a written treaty with Japan. Despite some conservative officials who asserted that the Japanese had come to sow discord and that in the event of a military clash the advantage in strength would be on the Korean side, the more moderate opinion that relations between the two countries had deteriorated due to thoughtless adherence to traditions and that bilateral contacts needed to be revived prevailed.<sup>52</sup> However, the pluralism of opinions among state officials in Seoul slowed down the decision-making. Apparently, the Japanese side, fearing a long hold-up, sought to find an effective way to pressure their counterparts to make a decision quickly. Thus, on February 14, a representative of the Japanese delegation told Sin Hŏn that "the Russians are asking whether Japan has relations

with Chosŏn. And they say that if there are no such relations, then we will invade.”<sup>53</sup> Unfortunately for the Japanese diplomats, this bluff had no effect on the speed of decision-making on the Korean side.

The first reaction to the draft treaty was received from Seoul on February 16: court officials drew attention to the unequal status of the two powers, as stated in the preamble to the document.<sup>54</sup> In addition, Sin Hŏn himself was dissatisfied by the Japanese desire to open the Yŏnghŭng region, where the tomb of the founder of the Chosŏn Dynasty, King Taejo, is located, and with the twelfth article of the treaty, which implied the inevitability of concluding similar pacts with other foreign countries. It was these points, among other things, that he brought to the attention of the envoy Kuroda on February 19.<sup>55</sup> On the same day, obviously seeking to strengthen its position in the negotiations, the government in Seoul sent a letter to the Japanese delegates. It once again raised the issue of the 1867 publication in rather bold terms: Korean high state officials wondered how far from the truth the author's statements about a punitive campaign against Chosŏn being prepared in Japan were, and whether he had been punished for slandering his country. In addition, members of the Korean government declared their desire to conclude a treaty "convenient and beneficial for both countries."<sup>56</sup> This letter most clearly demonstrates Seoul's position in the negotiations with Tokyo, which consisted of a synthesis of maintaining traditional gyorin relations and the utilitarian benefits of bilateral cooperation. Sin Hŏn received and delivered this letter the very next day.<sup>57</sup>

However, the main comments on the draft treaty were only delivered from Seoul to Kanghwa on February 22, when Kuroda Kiyotaka, upset by the long silence of the Korean government, tried to stage his departure from the island.<sup>58</sup> Thus, the Korean authorities considered the wording of the second article of the draft treaty, according to which the diplomatic representative of Chosŏn in Japan had the right to contact the Ministry of Foreign Affairs, while the diplomatic representative of Japan in Chosŏn had the right to contact the specially authorized representative of the Korean government, to be unequal. In the commentary to this, the very need for an exchange of permanent diplomatic representatives was questioned.<sup>59</sup> With regard to the tenth article of the treaty, the Korean government stated that "if residents of both countries commit a crime, it would be more obvious to immediately meet with officials of both sides to investigate and apply the law."<sup>60</sup> Moreover, noting that if the Japanese "live mixed with the [Korean]... people, then difficulties will certainly arise," the

state officials insisted on establishing limits on the possible movement of Japanese citizens within the territory of the open ports, specifying that this distance should not be greater than the limit of movement of the Japanese residents of Waegwan.<sup>61</sup> They also expressed the inappropriateness of a more detailed discussion of the rules of trade, as prescribed in the eleventh article of the treaty, and categorically rejected the narrative of the article twelfth: according to the Korean government, historically it maintained contacts only with Japan and did not intend to establish diplomatic contacts with other countries.<sup>62</sup> Finally, in accordance with Sin Hŏn's comments, the possibility of opening the Yŏnghŭng region was rejected.<sup>63</sup>

In addition, the correspondence from Seoul contained a number of proposals from the Korean side, which, in its opinion, needed to be included in the text of the treaty. The Chosŏn proposed to ban the use of the Sangp'yŏngjŏn coin (常平錢);<sup>64</sup> the rice trade; the entry of foreigners into its territory, except for the Japanese; the sale and distribution of opium. It also suggested that the trade should be carried out only by barter and the repatriation of citizens, including criminals, should be enforced between the two countries.<sup>65</sup>

After reviewing such massive corrections, the Japanese party paused to consider their next steps. Only two days later, on February 24, Sin Hŏn met with another representative of the Japanese delegation, Miyamoto Okazu (Koichi) (宮本小一, 1836-1916), and discussed with him the additions to the treaty proposed by the Korean side. The Japanese refused to ban the use of the Sangp'yŏngjŏn coin, explaining that it was in active circulation among residents and visitors of Waegwan. They also refused to ban the trade of rice. Considerations of food and humanitarian security of the two countries were used as an argument for this.<sup>66</sup> On the same day, a revised version of the treaty was delivered to the Korean government for consideration,<sup>67</sup> and the very next day, on 25 February, Sin Hŏn received state credentials authorizing him to sign the treaty with Japan.

The pact, signed the following day, took into account most of the adjustments made by the Korean side. For example, the name of Japan in the text was changed - the character for "great" (대/大) was removed, thus equalizing the status of the two countries. Changes were also made to the second article of the treaty: the Japanese diplomatic representative was to interact with the Ministry of Rites of Chosŏn. The final version of the treaty gave the Japanese side the right to choose two ports in the regions of Kyŏnggi, Ch'ungch'ŏng, Chŏlla, Kyŏngsang and Hamgyŏng, the opening of which was postponed for twenty months. Article nine

prescribed joint actions by the two countries against illegal trade, noting that neither of the two governments would bear financial responsibility for their citizens involved in illegal activities. The ban on entry of foreign citizens into the peninsula was de-facto recognized in the treaty. The article on granting Japan the most-favored-nation treatment was completely removed. The only point of the pact in which the Korean side failed to achieve the desired adjustments was the article granting the right of extraterritoriality to citizens of both countries. In total, five chapters from the preamble and thirteen articles of the draft treaty submitted by the Japanese side on 13 February, 1876, were subject to significant adjustments based on the wishes of the Korean side. A part of Seoul's demands, those of a trade and economic nature, formed the basis for the negotiation process for the signing of a trade agreement between the two countries in August of the same year. In this document, in particular, a ban on the sale and trade of opium was stipulated, but the ban on the sale of rice was not agreed upon. The norms regulating the distance of movement of Japanese citizens on the peninsula were reflected in the agreement on the opening of the port of Yesan in 1879.

In conclusion, it should be noted that, contrary to the established notion in the Korean Studies community about the passive role of the Korean side in the negotiation process of February 1876, the primary sources cited in the article clearly indicate a proactive and generally offensive position of the Chosŏn government. Thanks to confident maneuvering and diplomatic manipulation, Sin Hŏn managed to press Japanese delegates to make significant changes to the treaty. In addition, the paper's analysis critiques the assumption surrounding the decisive role of military bravado and pressure from the Japanese side: appeals to the Un'yŏ gunboat incident and refusals to accept Japanese embassies in the late 1860s - early 1870s did not have a significant effect on the agenda or behavior of the Korean representative during the negotiation. Sin's position was supported by the government in Seoul.

On the one hand, the negotiations demonstrate the limits of Japanese pressure, indicating the unpreparedness of the government in Tokyo for a military confrontation with Chosŏn. Meanwhile, the position of the government in Seoul underlines its awareness of the main trends in the geopolitics of Northeast Asia at that time: the degradation of China's military and political power and the growth of Japan's military and political presence in the region. The foresight of the Korean government did not go unnoticed among representatives of the Western colonial powers. Harry Parkes, the British envoy to Japan, characterized the actions

of the Korean government during the negotiations in January-February 1876 as a preemptive guess about "the possibility of other nations coming... and making similar demands to those made by Japan."<sup>68</sup> Emphasizing the desire of the Korean elites to preserve the traditional nature of relations between the two countries, this remark by the British diplomat also eloquently hints at Chosŏn's intention to conclude a treaty with its eastern neighbor on its own terms.

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## Endnotes

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<sup>2</sup> Yi Gŭn'gwan. "The 1876 treaty or Amity between Korea and Japan: A Reappraisal from the Standpoint of Traditional East Asian Regional Order," p. 78.

<sup>3</sup> Also known as the Kanghwa Island Incident (Japanese: 江華島事件, Korean: 강화도사건), it was an armed conflict between the Japanese gunboat Un'yō and the coast guard of the Korean island of Kanghwa, near Seoul, on September 20, 1875. The clash resulted in 35 casualties on the Korean side, but no casualties were recorded among the Japanese military.

<sup>4</sup> Debate of a punitive expedition to Korea (Japanese: 征韓論 / せいかんろん) was a political debate between high Japanese government officials that took place in October 1873, in which they debated whether to use force to influence the Chosŏn government to establish diplomatic relations. It ended with the defeat of the proponents of using force and the widening of the political rift within the Meiji government.

<sup>5</sup> The issue concerns the settlement of the consequences of the unsuccessful expeditions of France and the United States to the territory of the Korean Peninsula in October–November 1866.

<sup>6</sup> Ike Nobutaka. "Triumph of the Peace Party in Japan in 1873" *The Far Eastern Quarterly*, 2.3 (1943), p. 287.

<sup>7</sup> Choe Ching Young, *The Rule of the Taewŏn'gun, 1864-1873: Restoration in Yi Korea* (Cambridge, MA: Harvard University: East Asian Research Center, 1972), p. 140.

<sup>8</sup> In mid-December 1867, Taewŏn'gun sent a letter to Japan that openly mocked the country's failure to repel military attempts to open up the archipelago in the mid- to late-1850s. For details, see: Choe, *The Rule of the Taewŏn'gun, 1864-1873: Restoration in Yi Korea*, pp. 141-142.

<sup>9</sup> Kawamoto Embassy, 1868; Urase Embassy, 1870; Yoshioka Embassy, 1870; Sagara Embassy, 1872; Moriyama Embassy, 1875.

<sup>10</sup> The Tosŏ trade seal (도서 / 圖書) was a seal that the Chosŏn government gave to the lords of Tsushima Island beginning in 1418 to control Japanese trading ships arriving at the port of Pusan. Only ships with documents bearing this seal were allowed to trade in Pusan.

<sup>11</sup> Choe, *The Rule of the Taewŏn'gun, 1864-1873: Restoration in Yi Korea*, p. 164.

<sup>12</sup> Ike Nobutaka. "Triumph of the Peace Party in Japan in 1873," p. 294.

<sup>13</sup> Ike Nobutaka. "Triumph of the Peace Party in Japan in 1873," p. 294.

<sup>14</sup> Denny Orbach, "'By Not Stopping': The First Taiwan Expedition (1874) and the Roots of Japanese Military Disobedience" *The Journal of Japanese Studies*, 42.1 (2016), p. 35

<sup>15</sup> Kojong sillok, 10 kwŏn, Kojong 10.11.13, muo, article 1. [https://sillok.history.go.kr/id/kza\\_11011013\\_001](https://sillok.history.go.kr/id/kza_11011013_001).

<sup>16</sup> Thus, the well-known supporter of rapprochement with Japan, Pak Kyusu, was appointed to a position at Kyujanggak, which gave him access to the ruler [16, 10.10.11.25. Gyonyo, article 1. [https://sillok.history.go.kr/id/kza\\_11011025\\_001](https://sillok.history.go.kr/id/kza_11011025_001)].

<sup>17</sup> Sean Han, "Informal diplomacy in Chosŏn Korea and new engagement with the West and Westernized Japan, 1873–1876" *Modern Asian Studies* 57.1 (2023), p. 258.

<sup>18</sup> By early July, most of Taiwan's native tribes had admitted defeat at the hands of the Japanese.

<sup>19</sup> Kojong sillok, 11 kwŏn, Kojong 11.6.24, ūlmi, article 1. [https://sillok.history.go.kr/id/kza\\_11106024\\_001](https://sillok.history.go.kr/id/kza_11106024_001).

<sup>20</sup> Kojong sillok, 11 kwŏn, Kojong 11.8.9, kimyo, article 1. [https://sillok.history.go.kr/id/kza\\_11108009\\_001](https://sillok.history.go.kr/id/kza_11108009_001).

<sup>21</sup> Kojong sillok, 11 kwŏn, Kojong 11.10.13, imo, article 2. [https://sillok.history.go.kr/id/kza\\_11110013\\_002](https://sillok.history.go.kr/id/kza_11110013_002).

<sup>22</sup> Takemichi, Hara, "Korea, China, and Western Barbarians: Diplomacy in Early Nineteenth-Century Korea" *Modern Asian Studies*, 32. 2 (1998), p. 412

<sup>23</sup> Kojong sillok, 12 kwŏn, Kojong 12.5.10, pyŏngo, article 1. [https://sillok.history.go.kr/id/kza\\_11205010\\_001](https://sillok.history.go.kr/id/kza_11205010_001).

<sup>24</sup> Kojong sillok, article 2. [https://sillok.history.go.kr/id/kza\\_11205010\\_002](https://sillok.history.go.kr/id/kza_11205010_002).

<sup>25</sup> Foreign Relations of the United States, 1876, p. 956. URL: <https://history.state.gov/historicaldocuments/ebooks> (accessed 06.08.2024).

<sup>26</sup> Kojong sillok, 12 kwŏn, Kojong 12.9.23, pyŏngjin, article 1. [https://sillok.history.go.kr/id/kza\\_11209023\\_001](https://sillok.history.go.kr/id/kza_11209023_001).

<sup>27</sup> Peter Duus, *The Abacus and the Sword: The Japanese Penetration of Korea, 1895-1910* (Berkeley, CA: University of California Press, 1995), p.46.

<sup>28</sup> Kojong sillok, 12 kwŏn, Kojong 12.11.15, musin, article 1. [https://sillok.history.go.kr/id/kza\\_11211015\\_001](https://sillok.history.go.kr/id/kza_11211015_001).

<sup>29</sup> Waegwan was a trading post of the Japanese principality of Tsushima in Pusan, which came under the control of the government in Tokyo after the Meiji Restoration.

<sup>30</sup> Kojong sillok, 12 kwŏn, Kojong 12.11.29, imsul, article 2. [https://sillok.history.go.kr/id/kza\\_11211029\\_002](https://sillok.history.go.kr/id/kza_11211029_002).

<sup>31</sup> Sin Hŏn, *Simhaengilgi*, translated by Kim Jonghak (Seoul: P'urŭnyŏksa, 2010), p. 41.

<sup>32</sup> Kojong sillok, 13 kwŏn, Kojong 13.1.2, kabo, article 1. [https://sillok.history.go.kr/id/kza\\_11301002\\_001](https://sillok.history.go.kr/id/kza_11301002_001).

<sup>33</sup> Kojong sillok, 13 kwŏn, Kojong 13.1.2, kabo, article 1. [https://sillok.history.go.kr/id/kza\\_11301002\\_001](https://sillok.history.go.kr/id/kza_11301002_001).

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- <sup>34</sup> Sin studied under Chong Yakyonga, a prominent representative of the Confucian movement "for real sciences" - Sirhak.
- <sup>35</sup> Encyclopedia of Korean culture. URL: <https://encykorea.aks.ac.kr/Article/E0033557> (accessed 06.08.2024).
- <sup>36</sup> Gyorin (Korean: 교린 / 交隣) relations – literally meaning "good neighborly relations". A term developed in Joseon to characterize and designate its relations with feudal Japan. The earliest use of the term dates back to 1413.
- <sup>37</sup> Sin Hön, *Simhaengilgi*, p. 61.
- <sup>38</sup> Oppert and Feron expedition, 1868.
- <sup>39</sup> Sin Hön, *Simhaengilgi*, p. 67.
- <sup>40</sup> Sin Hön, *Simhaengilgi*, p. 78.
- <sup>41</sup> Sin Hön, *Simhaengilgi* p. 46.
- <sup>42</sup> Sin Hön, *Simhaengilgi*, p. 79.
- <sup>43</sup> Kojong sillok, 13 kwön, Kojong 13.1.13, yulsa, article 4. [https://sillok.history.go.kr/id/kza\\_11301013\\_004](https://sillok.history.go.kr/id/kza_11301013_004).
- <sup>44</sup> Ibid.
- <sup>45</sup> "Liji" (Chinese: 禮記) is one of the main canons of Confucianism, compiled in the IV-I centuries BC.
- <sup>46</sup> Kojong sillok, 13 kwön, Kojong 13.1.19, sinhae, article 1. [https://sillok.history.go.kr/id/kza\\_11301019\\_001](https://sillok.history.go.kr/id/kza_11301019_001).
- <sup>47</sup> Kojong sillok, 13 kwön, Kojong 13.1.19, sinhae, article 1. [https://sillok.history.go.kr/id/kza\\_11301019\\_001](https://sillok.history.go.kr/id/kza_11301019_001).
- <sup>48</sup> Kojong sillok, 13 kwön, Kojong 13.1.19, sinhae, article 1. [https://sillok.history.go.kr/id/kza\\_11301019\\_001](https://sillok.history.go.kr/id/kza_11301019_001).
- <sup>49</sup> Kojong sillok, 13 kwön, Kojong 13.1.19, sinhae, article 1. [https://sillok.history.go.kr/id/kza\\_11301019\\_001](https://sillok.history.go.kr/id/kza_11301019_001).
- <sup>50</sup> Kojong sillok, 13 kwön, Kojong 13.1.20, imja, article 1. [https://sillok.history.go.kr/id/kza\\_11301020\\_001](https://sillok.history.go.kr/id/kza_11301020_001).
- <sup>51</sup> Sin Hön, *Simhaengilgi*, pp. 138-143.
- <sup>52</sup> Kojong sillok, 13 kwön, Kojong 13.1.20, imja, article 2. [https://sillok.history.go.kr/id/kza\\_11301020\\_002](https://sillok.history.go.kr/id/kza_11301020_002).
- <sup>53</sup> Sin Hön, *Simhaengilgi*, p. 147.
- <sup>54</sup> Sin Hön, *Simhaengilgi*, p. 159.
- <sup>55</sup> Sin Hön, *Simhaengilgi*, pp.191-201.
- <sup>56</sup> Kojong sillok, 13 kwön, Kojong 13.1.25, chöngsa, article 4. [https://sillok.history.go.kr/id/kza\\_11301025\\_004](https://sillok.history.go.kr/id/kza_11301025_004).
- <sup>57</sup> Sin Hön, *Simhaengilgi*, p. 203.
- <sup>58</sup> In an attempt to speed up the negotiation process and stimulate the Korean government to make decisions, Kuroda Kiyotaka pretended to leave Kanghwa Island. The trick had limited effect. On February 25, the Japanese envoy "returned" and continued the negotiations (Sin Hön, *Simhaengilgi*, pp. 223-224).
- <sup>59</sup> Sin Hön, *Simhaengilgi*, p. 240.
- <sup>60</sup> Sin Hön, *Simhaengilgi*, p. 241.
- <sup>61</sup> Sin Hön, *Simhaengilgi*, pp. 240-241.
- <sup>62</sup> Sin Hön, *Simhaengilgi*, p. 240.
- <sup>63</sup> Sin Hön, *Simhaengilgi*, p.241.
- <sup>64</sup> Also known as sangp'yöng t'ongbo (常平通寶) – a Korean currency coin that was put in circulation in 1678.
- <sup>65</sup> Sin Hön, *Simhaengilgi*, p. 242.
- <sup>66</sup> Sin Hön, *Simhaengilgi*, pp. 254-255.
- <sup>67</sup> Sin Hön, *Simhaengilgi*, p. 260.
- <sup>68</sup> Pak Il-gün. *Anglo-American Diplomatic Materials Relating to Korea, 1866-1886* (Seoul: Shin Mun Dang, 1982), p. 47.