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On the Meiji Restoration: Japan's search for sovereignty?

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Abstract

It is generally taken for granted that the Meiji Restoration was a watershed event that incorporated Japan into the modern sovereign state system. This conventional wisdom is misleading. The Japanese political system that existed prior to the Meiji Restoration, the so-called Tokugawa Baku-Han regime, was comparable with many modern sovereign states in its exercise of public authority and its ability to control cross-border movements. Furthermore, as Krasner has shown, sovereignty itself is a problematic concept, the fundamental norms and principles of which are frequently violated. A case study of the 1862 incident known as *Namamugi Jiken* demonstrates how Japan was recognized and treated internationally, revealing that while some aspects of Japan's sovereignty were conveniently violated, other sovereignty norms were certainly respected by the Western nations. These norms constrained the range of choices available to the key actors involved in this incident and thus significantly affected the subsequent course of events, which ultimately led to Tokugawa's collapse in 1868. Hence, it was the complex (hypocritical) nature of Japan's existent sovereignty, and not its absence, that explains why the Meiji Restoration occurred the way it actually did.

1 Introduction

The story of Japan's Meiji Restoration has been told by historians, social scientists and novelists numerous times and in countless ways. Some have focused on the long-term internal decay of the pre-existing political system, the so-called Tokugawa Baku-Han regime; others have emphasized the overwhelming external threat posed by Western imperialism; and still others have highlighted the role of nationalism and those individual heroes who embodied it, such as Sakamoto Ryoma and Katsu Kaishu. Although the emphases and nuances placed by different authors vary significantly, it is generally taken for granted in the literature that the Meiji Restoration was a watershed event in the history of Japan (and of the world) because it incorporated Japan into the Western sovereign state system. Originating in the Peace of Westphalia in 1648, it is said, this system extended its scope world-wide by the mid-nineteenth century through the expansion of long-distance trade and the intensification of imperialist competition. The Meiji Restoration is often described as a process through which this system finally absorbed Japan which, located in the Far Eastern corner of the globe, had been able to maintain its virtual isolation for hundreds of years.

In this article I challenge this conventional view, which I argue is both empirically and conceptually misleading. As Krasner (1999) has demonstrated, sovereignty itself is a problematic concept, and its fundamental norms and principles are frequently violated. He claims that sovereignty has to be understood as multidimensional, involving at least four different aspects, namely international-legal, Westphalian, domestic and interdependence. States invariably possess some but rarely all of these sovereign attributes. The Tokugawa regime was comparable with many modern sovereign states in terms of its exercise of public authority and its ability to control cross-border movements. Of course, the Tokugawa government had to live with some routine violations of its sovereign attributes. For example, the central government in Edo (Tokyo) was never able to monopolize domestic political power, because under the peculiar federalist structure of this polity some autonomous authorities had to be delegated to each regional *daimyo* (feudal lord). The symbolic and religious aspects of political authority remained the preserve of the emperor and his close allies in Kyoto. The Tokugawa government also had difficulties in fully controlling cross-border movements, due to the limited intelligence and military resources which it possessed to monitor such activities. Nevertheless, the important point is that such constraints have existed within and between many, if not most, sovereign states. It is inappropriate to construct an idealized notion of sovereignty and to use this as an excessively demanding benchmark against which to claim that Japan prior to the Meiji Restoration did not constitute a modern sovereign state.

I pay particular attention to how Japan was recognized internationally when it began engaging in full-fledged diplomatic interactions with the Western nations. Government documents and diaries written by foreign diplomats stationed in Japan suggest that the Western nations, while correctly understanding the intricate power structure of Japan's polity, recognized and treated the Tokugawa regime as the legitimate government of a sovereign state from the very beginning. I also examine an important incident that took place in 1862, an incident known as *Namamugi Jiken* (also known as the 'Richardson incident' in the United Kingdom), in some detail. An analysis of this incident reveals that while some aspects of Japan's sovereignty were conveniently violated by the Westerners (in this case mostly by the United Kingdom), other aspects of sovereignty norms and principles were respected (hypocritically, as Krasner would suggest). Thus, these norms and principles certainly constrained the domain of choices available to the key decision-making actors involved in this incident and, as a result, significantly affected the way the following course of events unfolded, leading ultimately to the collapse of the Tokugawa government in 1868. To the extent, then, that this incident was consequential, it is arguable that the Meiji Restoration occurred not because of the absence of sovereignty, but rather because Japan was already a developed and internationally recognized sovereign state.

The rest of this paper is organized as follows. In the next section, I summarize the widely accepted view that Japan became incorporated into the Western sovereign state system through the process of Meiji Restoration. In the third section, I critically evaluate such a view while emphasizing the problematic nature of the concept of sovereignty itself. In the fourth section, I analyze *Namamugi Jiken* and its aftermath to illustrate the nature of the constraints which sovereignty norms and principles imposed on various actors. The final section concludes the paper by summarizing the broader implications of the evidence and argument presented.

2 The conventional story

Typically, the story of Japan's Meiji Restoration begins with the image of a sudden 'encounter' between Japan and the rest of the world. According to this narrative, the impact of Commodore Perry's 1853 US Navy expedition to Japan was significant to the subsequent development of events. Perry demonstrated his superior military power, and demanded that Japan abandon its long-standing isolationist policy and open its ports for international trade. The Tokugawa government resisted initially, but was soon forced to agree to conclude friendship and commercial treaties with the United States, and, subsequently, similar treaties with other Western nations as well. Through this process, the conventional story goes, it became apparent that the decentralized political structure under Tokugawa could not cope effectively with the formidable challenge that Japan had to face. Thus, the 'encounter' with the West is often described as having prompted a revolutionary process that ultimately resulted in the collapse of the Tokugawa government and the establishment of the Meiji state in 1868.

This account promotes the view that Japan's sovereignty, and Japan's modernization more generally, was achieved only because of the timely and insurmountable pressure imposed by the Western world. Japan's polity prior to the encounter with the West, on the other hand, is usually viewed as having lacked the basic characteristics of a modern sovereign state. Kaoru Inoue, for example, in his relatively recent and highly acclaimed study on the subject, writes:

> The Western Imperialists' demand for the opening [of Japan] was in a way the demand that [Japan] establish a sovereign state. If Japan had failed to establish a sovereign state, it would have been incorporated into international society as a colony. . . . Perry did not directly ask for the establishment of a sovereign nation. He simply asked for the opening of the nation, or else asked for the sustained state-to-state negotiations based on treaties. The ability to sign and enforce treaties, however, required [Japan] to be a constituent of international society as a sovereign nation. It was in this sense that Perry demanded that [Japan's] Baku-Han regime be replaced by a sovereign state. (Inoue, 1991, pp. 4–5; translated by the author)

Of course, the Tokugawa government itself made several efforts to reform its increasingly obsolete political system – by opening a limited number of ports, adopting Western-style military technology and training, promoting a radically oppressive leader in Ii Nosuke, and seeking political compromises with the imperial court in Kyoto – all in an attempt to strengthen its power base and thus to cope with the imminent crisis. In the prevailing literature, this process of trial and error is described as Tokugawa's response to the problems that surfaced as a direct consequence of Japan's incorporation into the Western international system. Hiroshi Mitani, for example, writes:

> In 1853 (Kaei 6), the US delegate, Perry, arrived in Japan and, in the following year, by concluding the Japan–US Friendship Treaty he won the right to enter Japanese ports over other Western nations apart from the Dutch. Although it was four years later that formal diplomatic relations and matters of commerce were determined, other major European countries followed suit and, as a result, Japan was incorporated into the Western international system based on these treaties, and Japan chose to live under the new environment. The opening to the Western world immediately prompted various political problems to arise within Japan, including the '*Kaisa* (Open–Close)' question as to whether to grant the opening or not, the matter of rearmament central to the '*Fukoku Kyohei* (Rich Nation, Strong Army)' question, and the '*Kogi* (Public Discussion)' question, regarding the reform

> of the governing structure. These issues surfaced immediately after Perry's arrival, although the relationship among them and their political salience changed over time. (Mitani, 1997, p. 325; translated by the author)

These issues defined the fundamental cleavages in political debate and conflicts within Japan for several decades to come, during which Tokugawa was ultimately forced out of power. Some of these issues, in fact, structured the course of Japan's political development even beyond the regime transition in 1868. It is thus tempting to associate the inception of Japan's sovereignty, and the origins of Japan's modernization as a whole, with the impact of Perry's arrival and the penetration into the Far East of the Western international system.

A variation of this story continues in the narrative of the post-Restoration politics of international negotiations. The Tokugawa government was forced to sign friendship and commercial treaties which were all unequal, including an extraterritoriality clause and qualifications of Japan's tariff autonomy. The newly established Meiji government recognized these deficient treaties as a violation of Japan's 'sovereignty' and invested considerable diplomatic effort in attempts to revise them. The Meiji government was eventually successful not only in revising these original treaties with the Western nations, but also in negotiating new ones with other Asian nations. Indeed, the Meiji government imposed an unequal treaty on Korea with its own gunboat diplomacy, just as Perry had with regard to the Tokugawa government several decades before. Documentation of these treaty negotiations highlights the political ineptness of the previous regime under Tokugawa, reinforcing the conventional notion that the Meiji Restoration took place precisely because Japan needed to catch up with the Western standard of modern sovereignty.

Although accepted as the conventional wisdom, the view outlined above that Japan became part of the modern sovereign state system through the process of Meiji Restoration is misleading. As discussed below, both conceptually and from empirical standpoints, it would be wrong to accept the premise (or corollary) that Japan prior to the Meiji Restoration somehow fell short of constituting a modern sovereign state.

3 The problematic concept of sovereignty and the case of Japan

3.1 Problematic sovereignty

Krasner claims that 'the basic principle of Westphalian sovereignty, the autonomy of domestic structures, has frequently been compromised through intervention in the form of coercion or imposition by more powerful states, or through contracts or conventions that have involved invitations for external actors to influence domestic authority structures' (Krasner, 1999, p. 220).

Although Krasner notes that the violation of international legal sovereignty is less frequent, he argues that the number of these cases, too, is still too high for them to be treated simply as exceptions. The important point is that sovereignty has always been a problematic concept and its fundamental norms and principles have been compromised constantly in one form or another. Krasner uses the term 'organized hypocrisy' to describe this enduring pattern, that is, the presence of long-standing norms and principles which are nevertheless frequently violated (Krasner, 1999). Before I turn to examine the nature of Japan's Westphalian and international legal sovereignty, I will first probe the other two aspects, namely domestic and interdependence sovereignty. My purpose here is to show that the Tokugawa regime was comparable with many modern sovereign states in terms of its exercise of public authority and its ability to control cross-border movements.

3.2 Domestic sovereignty

Domestic sovereignty refers to the existence of public authority within a given territory. While it presupposes an unambiguous demarcation of a geographic entity upon which such an authority is exercised, the way in which it is actually exercised can vary from one state to another. The question of whether a final and absolute authority exists in the given territory is separate from the question of the organization, or even the effectiveness, of that authority. Obviously, it would be wrong to claim that the United States, Canada, Switzerland, among others, are not sovereign states simply because they adopt federalist structures and the public authority is not concentrated in the central governments. It would be equally wrong to claim that the Tokugawa Baku-Han regime prior to the Meiji Restoration fell short of constituting a sovereign state simply because of the feudal power-sharing between Bakufu (the central Tokugawa government) and Han (*daimyo* domains).

The unification, and thus the emergence, of a territorial entity defined as Japan in the contemporary sense dates back to the late sixteenth century, when hitherto competing and multilayer public authorities converged into a single form, owing to the efforts made by Oda Nobunaga and his successor Toyotomi Hideyoshi. Not only did those two great unifiers put an end to the pattern of military confrontation between territorially motivated individual warlords, they also disarmed the peasantry, dissolved independent guilds, eliminated religion as an institutionalized political actor, and forced the imperial court out of the political scene.[1] The Tokugawa family, when it finally seized power in 1615 by terminating Hideyoshi's offspring, inherited this political structure. It is true, as discussed in the next section, that the demarcation of geographical space upon which Tokugawa's authority was actually exercised was not unequivocal at its margins. Nevertheless, the world which Tokugawa ruled was far more clearly and homogeneously structured than pre-1600 Japan, even comparable to sovereign absolutist states developed in Europe.[2]

Some analysts question the sovereign status of the Tokugawa regime, referring to various aspects of its failures and deficiencies in exercising public authority. But it is important to distinguish 'the defining characteristics' of Tokugawa sovereignty and its 'functional attributes'. Generally, the functional attributes of an entity/concept can vary depending upon the nature of the environment that surrounds it. The defining characteristics, on the other hand, must be identified at the core of the entity/concept and must transcend such contextual variations. With regard to the Tokugawa case at hand, a professional bureaucracy, a standing army, a monopoly of coercive resources, a unitary judicial system and powers of taxation are all examples of factors that are often said to have been lacking or incomplete in this regime (see, for example, Duus, 1963/1993, p. 85). All these factors, however, are functional attributes with which to evaluate the strength and degree of power centralization in the Tokugawa state, not its defining characteristics. The absence of these attributes, if any, was a function of the environment in which Tokugawa regime was situated, and does not mean the absence of its domestic legal authority.

For example, the fact that the Tokugawa government did not possess a large-scale standing army is often used as evidence to point to the failure or deficiency of the Tokugawa state. Certainly, with the benefit of hindsight,

1 As Ishii (2000, pp. 4–5) notes, two important exogenous factors, namely the importation of musket technology in 1543 and the introduction of Christian thoughts in 1549, had a critical impact in facilitating Japan's unification process. The fact that they were both introduced from abroad as early as the late sixteenth century also questions the validity of the conventional story which highlights Japan's sudden 'encounter' with the West in the mid to late nineteenth century summarized in the previous section.

2 Some analysts indeed describe the Tokugawa regime as an 'absolute state'. For such an extreme view, see for example Shoda (1989) and White (1988, 1995). This discussion relates to the recently revived debate in Japan about the periodization of Japanese history. I side here with the revisionist view, advanced most provocatively by Bito (1992), that it is more appropriate to see the sixteenth century as the key historical juncture at which the modern territorial entity of Japan emerged. This calls into question the validity of the application of traditional concepts such as 'modern era' and 'feudalism' to the Japanese context. See also the views of economic historians (e.g. Hayami and Miyamoto, 1988), who argue that contemporary market-oriented society has its origins in the Tokugawa era, and who thus emphasize the continuity, rather than discontinuity, between the pre- and post-Meiji Restoration periods.

the absence of such an army turned out to be fatal for the regime when it was unable to quash Choshu-Han's second rebellion in 1866. Similarly, the fact that the Tokugawa government did not possess the power to impose tax in *daimyo* domains is often used to point to the autonomy of Han from Bakufu, and thus the limitation of the latter's (Tokugawa's) public authority and influence. Such a limitation may have contributed to Tokugawa's fiscal crisis and its ultimate fall. But the absence of a standing army or powers of taxation does not mean that Tokugawa lacked authority in these two critical areas of governance. Public authority can exist, but does not have to be exercised explicitly all the time. Indeed, when Perry's arrival changed the environment and the leadership felt it necessary to do so, Tokugawa did try to organize a unified navy and to construct Western-style army divisions for national defense (Mitani, 1997, chap. 6). With regard to powers of taxation, the Tokugawa regime monopolized the benefits of tariffs earned after the opening of trade, and recent studies reveal that this new source of revenue substantially improved, albeit temporarily, the Tokugawa government's financial status during the 1860s (Ishii, 2000, pp. 14–15). In short, the Tokugawa government, when it chose to do so, did exercise authority and used its power in implementing necessary measures *vis-à-vis* various domestic actors.

Toward the end of the Tokugawa era, of course, more symptoms surfaced which indicated the decline of Tokugawa's domestic sovereignty. The most important and symbolic incident was Tokugawa's decision to inform the imperial court of Perry's request and to ask other *daimyos* for advice on the matter of whether to open ports for international trade. This decision, in retrospect, was seemingly irrational on the part of Tokugawa; it entailed inviting other actors to play more prominent roles in government and thus ultimately undermined its own legitimacy and authority. The point to be stressed, however, is that these actors, who took various parts in the subsequent revolutionary process, all took it for granted that Japan as a whole was the geographical unit of governance. No actor hoped for the division of Japan's territorial space or the reapportionment of public authority, unlike in India where some domestic groups sided with the British in the power-struggle resulting in its colonization. Although the Meiji Restoration was a process that changed the organization and effectiveness of Japan's domestic sovereignty, it was not an incident that created such sovereignty from scratch.

3.3 Interdependence sovereignty

Interdependence sovereignty is defined as a state's ability 'to regulate the flow of information, ideas, goods, people, pollutants, or capital across its borders'

(Krasner, 1999, p. 4). Obviously, the effectiveness of this aspect of sovereignty varies according to a number of exogenous factors, most notably technological progress. According to the conventional story, pre-Meiji Restoration Japan did not possess interdependence sovereignty. Although it resisted initially, the Tokugawa government was coerced by Western pressure to open ports, indicating its inability to control cross-border movements of people and goods. Tokugawa did manage to enforce its isolationist policy for a remarkably long period of time, but the development after Perry's arrival is rather revealing in that the previous regime of autarchy was perhaps the product of Japan's fortunate geographical location *vis-à-vis* potential external threats, and nothing else. When technological innovation enabled Western imperial powers to penetrate the Far East, one might thus be led to believe, Tokugawa's lack of interdependence sovereignty was exposed.

It is hard to deny that the interdependence aspect of Tokugawa's sovereignty was affected by the advent of various Western technologies born out of the Industrial Revolution. This, however, does not imply the absence of such sovereignty. Tokugawa's isolationist policy was implemented flexibly and with a clear sense of realism in a constantly changing international environment. Tokugawa's decision to abandon that policy and to respond to Western demands by opening Japan was also based on rational calculation specifically designed to achieve effective border control.

One important characteristic of Tokugawa's isolationist policy is that it applied varying levels of strictness to the regulation of different aspects of transborder movement. This itself is an indication that the implementation of policy was based on conscious choice. By far the strictest controls were imposed on the embarkation of Japanese people from Japanese territory. This control was first initiated by Toyotomi Hideyoshi, who in 1588 ordered each feudal lord to register all fishermen in his domain and to force them to pledge not to commit piracy. Under this policy, those feudal lords who either allowed or acquiesced in the act of piracy were themselves penalized (Mitani, 1997, p. 13). The Tokugawa government not only inherited this control, but strengthened it. As a result, it became virtually impossible for a Japanese person to travel abroad. This tight restriction on the movement of Japanese people was motivated at least in part by a desire to preempt the formation of potentially threatening maritime power outside of Japan. A pirate force, believed to originate in Japan, had dominated the China Seas and had posed a recurrent threat in the entire region up until the early seventeenth century. It made sense that the Tokugawa was keenly interested in regulating the exit of population, as well as critical strategic information, out of Japan.

Compared to the strict regulation of the flow of people, the inflow of foreign goods was generally less restricted under Tokugawa. Aside from the famous 'Dejima' (at Nagasaki), where the Dutch were given exceptional trading permits, the Tokugawa's isolationist regime had many loopholes, leaving channels through the Ryukyu (Okinawa) and Tsushima islands open for trade with the Chinese and Koreans (Tashiro, 1981). The special situations of these two sets of islands were related to their ambiguous territorial status. While the Tsushima and Ryuku islands were both recognized as part of Japan by the Tokugawa government, the former had forged subordinate relations with Korea, and the latter with China, both for diplomatic and trading purposes. Tokugawa's toleration of these ambiguous statuses might be seen as a failure to establish a clearly demarcated territorial space upon which its public authority was exclusively exercised (thus weakening domestic sovereignty). However, this cannot be cited as evidence for Tokugawa's deficiency in interdependence sovereignty. When increased trade with East Asia caused domestic shortages of gold and silver, the Tokugawa government initially responded by minting poor-quality coins but eventually adopted a systematic import substitution program, closing off most of its trading ties with the regional economy (Hayami and Miyamoto, 1988). The Japanese economy, as a result, became remarkably self-sufficient. It was therefore clear that the Tokugawa regime had the capacity to regulate the cross-border movements of goods, as well as the will to do so, even at the expense of significant economic repercussions.

The inflow of foreign ideas and information was also tolerated. Although Christianity was banned and its adherents severely punished after the Shimabara revolt in 1638, books and periodicals about other cultures and religions frequently came into the hands of Japanese intellectuals. From the mid-eighteenth century on, so-called *Rangaku* (Dutch studies) flourished even among the governing élites, who were interested in natural and social sciences, including medicine, astronomy, physics and geography.

It is well known that when Perry arrived in 1853, he was surprised to find that some Tokugawa leaders were well-informed about the West – its technology, political systems, history and current events. Thus, the metaphor of 'sudden encounter' between Japan and the rest of the world, often emphasized in the conventional story-telling of the Meiji Restoration, is inappropriate. As Perry himself reported:

> The higher classes of the Japanese with whom the Americans were brought into communication were not only thoroughly acquainted with their own country, but knew something of the geography, the material progress, and contemporary history of the rest of the world. Questions were frequently asked by the Japanese which proved an information that, considering their isolated situation, was quite remarkable, until explained by themselves in the statement that periodicals of literature, science, and politics, were annually

> received from Europe through the Dutch at Nagasaki; that some of these were translated, republished, and distributed through the Empire.
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> (Hawks, 1856, pp. 463–464)

In later years, therefore, Tokugawa's foreign policy was informed by fairly extensive knowledge of the West (Sato, 1992, pp. 25–26). When the news of the first Opium War arrived in 1842, for example, the previous order issued in 1825 for the prompt repulse of approaching foreign vessels was immediately relaxed. It was replaced by a new order that food and supplies be provided for these vessels if they were requested. The perception that the Western powers had superior military technologies was reluctantly and yet realistically accepted, at least within the central government. Even hardliners, influenced by Tokugawa Nariaki at Mito, recognized the recklessness of the previous order and did not insist on its continuation.

It is in this context that the Tokugawa's decision to open Japan's ports must also be understood. As evident with the ban on the export of gold and silver, as well as with the reversal of the order regarding the repulsion of foreign vessels, the Tokugawa government had all along exercised its power to change the direction and emphasis of its isolationist policy. The decision to form trading relations, too, was guided by an autonomous and rational calculation on the part of Tokugawa, and did not represent a lack of ability to regulate border movements. The opening of a limited number of ports under its own direct control meant that Tokugawa's central government would monopolize the tariff revenues, which turned out to be quite substantial. Reluctant and gradual liberalization was therefore a conscious choice made by Tokugawa, to serve both the national and its own interests: to avoid direct military confrontation with the militarily superior West on the one hand, and to improve its own governmental financial status on the other.

In retrospect, this decision, or the formalization of Tokugawa's monopolistic position over trade, had grave political consequences. The new regime completely revoked the hitherto privileged revenue of some powerful *daimyos*, especially Satsuma-Han, which had long engaged in secret trading with China through the Ryukyu islands (Ishii, 2000, p. 15). This financial grievance is said to have laid the foundation for Satsuma to form an alliance with Choshu-Han, and ultimately to lead rebel forces against the Tokugawa government. To the extent, therefore, that Tokugawa's monopolization caused Satsuma's subsequent behavior, it is arguable that Tokugawa's will and ability to regulate cross-border movements had a great impact on the subsequent course of events leading to the Meiji Restoration.

4 International recognition, Westphalian sovereignty and the Meiji Restoration

4.1 The Namamugi (Richardson) incident[3]

This incident took place on 14 September 1862, almost a decade after Perry's arrival and four years after the commercial treaties came into effect. An English merchant named Richardson was brutally murdered on the road connecting Kanagawa and Kawasaki by a group of armed Satsuma samurai. Richardson, together with three other Westerners, was riding a horse, when they encountered a train of *daimyo* retainers belonging to Satsuma. They followed the custom of standing aside to let the train pass, but then they came in sight of a palanquin, occupied by Shimazu Hisamitsu, the father of the Prince of Satsuma, who had just finished an important meeting with the Shogun and was on the way back to his domain. Richardson and his peers were 'ordered to turn back, and as they were wheeling their horses in obedience, were suddenly set upon by several armed men belonging to the train, who hacked at them with their sharp-edged heavy swords' (Satow, 1992, p. 52). Richardson was immediately killed, and the other two male foreigners were severely wounded. The female witness to this incident escaped and hurried back to report what had just happened to her friends and colleagues in Yokohama, where their special residential area was located.

This was not the first incident of its kind. Yet the Richardson incident was fundamentally different from any of the previous murders of foreigners, because for the first time it involved a Han as a formal party to the case. Upon hearing the news, the Tokugawa government held an emergency meeting to reflect upon the implications of the incident and discuss appropriate measures to be taken. According to his own diary, Shogun Yoshinobu Tokugawa himself suggested that Satsuma should arrest the murderer after arriving in Kyoto. Satsuma, however, was either unable or unwilling to arrest the murderer (see Minamura, 1998, pp. 42–43). No apology was made by anyone in Japan, and the British intensified their diplomatic pressure.

In March 1863, the British representative in Edo received instructions from the Foreign Office to demand appropriate reparations from both the Tokugawa government and the Prince of Satsuma. On 6 April, an official note was delivered to the Tokugawa government, demanding the payment of £10 000 in gold for the wives and families of the victims as well as £100 000 as a penalty on the Shogun for the murder which took place in his territory. A separate demand for the payment of £25 000 was made to Satsuma; this payment would be distributed among the relatives of the victims. Negotia-

3 In reconstructing the events here, I have benefited greatly from a fascinating narrative offered by Satow (1921/1998).

tions continued, and the deadlines set by the British were extended several times. During the negotiations, the British delegates made it clear to the Japanese that refusal to comply would have serious consequences, possibly even war. Finally on 24 June, the Tokugawa government decided to pay the amount requested in full. Satsuma, however, still refused to pay its part.

On 15 August, the British fleet, which had been sent to Kagoshima Bay, exchanged fire with Satsuma. As a result of British bombardment, the city of Kagoshima was completely destroyed, and many civilian lives were lost. Having accomplished the purpose of demonstrating its military might, the British fleet left the bay. Two months later, two representatives of Satsuma appeared at the British legation and agreed to pay £25 000. Finally, the Richardson incident was at an end.

4.2 Analysis

The Richardson incident offers an interesting case study with which to probe the nature of Japan's international legal and Westphalian sovereignty at that time. International legal sovereignty refers to 'the practices associated with mutual recognition, usually between territorial entities that have formal juridical independence'. Westphalian sovereignty is defined as the 'exclusion of external actors from authority structures within a given territory' (Krasner 1999, pp. 3–4). In the Richardson incident, the principles associated with both of these aspects of sovereignty were violated.

The British decision to demand two separate reparations, one from the Tokugawa government and the other from Satsuma-Han, was clearly at odds with the principle of international legal sovereignty. If Tokugawa was recognized as the sole and legitimate government of a sovereign state, then the British demand should have been made directly and only to Tokugawa. According to the newspaper coverage of the discussion that took place in the House of Commons on this incident, some members of the British Parliament questioned the legality of Britain's demand. Lord Stanley, in particular, noted:

> I do not understand what justification can be alleged for the double claim made by Her Majesty's Government – first, the claim made on the Tycoon; and next, that made on the Prince of Satsuma. I could understand either if the other were not put forward. I could understand your treating the Prince as entirely independent, and then your course would be obvious. You might have applied to the Tycoon in the first instance, and if he replied, 'I cannot punish the Prince of Satsuma,' you might have said, 'Then we give you fair notice that we shall punish him ourselves.' But if the Prince of Satsuma is

> responsible for the murder, then this demand of 100,000*l*. from the Tycoon, who is not responsible, who did not order the murder, and could not have prevented it, is simply unjustifiable. On the other hand, if the Prince of Satsuma is to be treated as a subject, no doubt we have a right to come to the Government of Japan for compensation; but then we ought to leave it to the Government to settle matters with the Daimio.[4]

The fact that Britain and Satsuma experienced a limited military confrontation was another indication that the principle of international legal sovereignty was violated. If Satsuma was part of an internationally recognized sovereign state, then a military engagement with Satsuma should have led to a fuller engagement with Japan as a whole. It was obvious, however, that the United Kingdom had no intention of declaring a total war against the Tokugawa government. Neither was Tokugawa prepared at all to engage in a war with Britain on behalf of Satsuma, even though the city of Kagoshima had been totally destroyed and many civilians killed. Satsuma, in the meantime, had no expectation that Tokugawa would rally support and mobilize its military force against Britain at that time. Thus, all parties involved in this incident acquiesced to the fact that Japan's international legal sovereignty was being violated.

The Richardson incident and its aftermath can also be seen as a case in which the principle of Westphalian sovereignty was violated. The British demand to the Tokugawa government included a demand for the payment of £100 000 from the Shogun as a penalty for allowing the murder to take place in his territory in open daylight, and for not making any effort to arrest the murderer. Shogun Yoshinobu, however, did make an effort in that he ordered Satsuma to arrest the murderer later in Kyoto. Thus, to be accurate, the British demand for the penalty was made not because Shogun did not make any effort, but because they simply did not accept Tokugawa's way of handling the matter. The enforcement of criminal justice is a domestic affair and, according to the principle of non-intervention, the Tokugawa government should have had an exclusive authority to decide what measures to be taken regarding the arrest of the murderer in this case. By agreeing to pay the penalty and thus admitting its fault, the Tokugawa government exposed its lack of autonomous and exclusive authority. It was in this sense that the British demand was in violation of Westphalian sovereignty.

What should we make of these apparent violations of sovereignty? Should we accept the conventional wisdom that Japan prior to the Meiji Restoration

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4 I thank Takeichi Minamura for providing me with a copy of the original text quoted in *The Times*, 10 February 1864.

was not a fully fledged sovereign state after all? My answer is no. The Richardson incident is not atypical in that the powerful actor, in this case the United Kingdom, chose to impose its own will against a less powerful state (Japan) even at the expense of violating established sovereignty principles. The claim that Japan fell short of constituting a sovereign state prior to the Meiji Restoration is based on a highly idealized notion of modern sovereignty. Such sovereignty has not existed anywhere, at any time.

A more important insight to be gained from the Richardson incident is, in my view, related to what Krasner calls the 'hypocritical' nature of sovereignty, the pattern that temporary and sporadic violations of sovereignty principle do not lead to the abandonment of that principle in its entirety. With regard to international legal sovereignty, it is undeniable that since Perry's arrival, Western nations had recognized Tokugawa as the sole and legitimate government of a sovereign state. The Western nations had an accurate understanding of the intricate power structure of Japan's polity, especially the duality of the authority shared between emperor and shogun. The fact that all the international treaties were nevertheless concluded in the name of the Tokugawa Shogun indicated that the Westerners respected Tokugawa's legitimacy and sovereignty from the international legal perspective. Despite the interruption caused by the Richardson incident, the British continued to recognize Tokugawa as the legitimate government until 1865, when a war between Tokugawa and Choshu-Han became imminent. Even then, the behavior of Great Britain was in accordance with the principles of international-legal and Westphalian sovereignty, as it immediately declared neutrality in the dispute.

I emphasize that if the Tokugawa had not been recognized as a legitimate government, the Richardson incident would have unfolded in a completely different way. It is documented that, upon hearing the news of Richardson's murder, '[e]verybody in the settlement who possessed a pony and a revolver at once armed himself and galloped off towards the scene of slaughter'. Moreover, there was a chance that immediate retaliation could have taken place. Satow describes that possibility as follows:

> It was known that Shimadzu Saburo [Hisamitsu] was to lie that night at Hodogaya, a post-town scarcely two miles from Yokohama. To surround and seize him with the united forces of all the foreign vessels in port would, in their opinion, have been both easy and justifiable. . . . In the absence of any organised police or military force able to keep order among the turbulent two-sworded class it cannot be doubted that this course would have been adopted by any Japanese clan against whom such an offence had been committed, and the foreign nationalities in Japan were in the same position

> as a native clan. They were subject to the authorities of their own country, who had jurisdiction over them both in criminal and civil matters. . . . A meeting was called . . . when after an earnest discussion and the rejection of a motion to request the foreign naval authorities to land 1000 men in order to arrest the guilty parties, a deputation consisting of some of the leading residents was appointed to wait on the commanding officers of the Dutch, French and English naval forces and lay before them the conclusions of the meeting. . . . At the meeting Colonel Neale altogether declined to authorize the adoption of measures, which, if the Tycoon's government were to be regarded as the government of the country, would have amounted virtually to making war upon Japan. (Satow, 1998, pp. 53–54)

This episode is illustrative of 'organized hypocrisy'. On the one hand, it suggests that the British and foreigners were not free from the constraints imposed by the principles of international-legal and Westphalian sovereignty. Without such constraints, Colonel Neale would have simply authorized the immediate use of military force to capture the murderer of Richardson. Their extraterritoriality privilege (which itself is a violation of Westphalian sovereignty principle) should have made it easier for them to pursue such an heroic action. But the fact that they did not take that course of action, and the reasoning of Colonel Neale, suggest that, at least at this point, the Westerners decided to abide by the norms of sovereignty and to refrain.[5] On the other hand, we know that the British did in fact violate sovereignty principles later by demanding and coercing payment from both the Tokugawa government and Satsuma-Han. We also know that the British later attacked Satsuma in retaliation, completely violating Westphalian non-intervention principles. In retrospect, the initial restraint did not last long, and Britain, when it chose to do so, behaved as a powerful actor against less powerful Japan.

Hence, the Richardson incident leads one to reconsider the origins of the Meiji Restoration in relation to the question of Japan's sovereignty. According to the conventional wisdom, one might highlight Tokugawa's confusion in responding to this incident, as well as the Britain–Satsuma war, as illustrative of a lack or deficiency of Japan's sovereignty prior to the Meiji Restoration. The above episode, however, reminds us of the importance of considering what did not happen, as well as what actually did. The British would have acted differently, and thus the process leading to the

5 Neale's decision not to retaliate immediately was probably based on his sense that such an action would have destroyed the Tokugawa government together with British commercial interests in Japan (see footnote 6 below). As Krasner (1999) would suggest, such a powerful actor as Britain in this case would adhere to sovereignty norms and principles only when they suit its interests.

Meiji Restoration would have unfolded differently, if there had not been international legal and Westphalian principles in operation.[6]

The Richardson incident became a turning point for Satsuma. After the peace settlement was reached, and having learned a lesson about the superiority of Western technology, Satsuma purchased a naval ship from Great Britain. Hereafter, their radical 'exclusionism' disappeared, and Satsuma accepted the importance of opening up Japan. Satsuma subsequently started a military build-up program and formed an alliance with Choshu-Han to lead the rebellious force against Tokugawa in 1868. It is thus arguable that the Meiji Restoration occurred the way it actually did, not because of the absence of sovereignty, but rather because Japan was already a developed and internationally recognized sovereign state.

5 Conclusion

The conventional notion that Japan became a sovereign state as a result of the Meiji Restoration is a myth. The construction of Japan's sovereignty had virtually nothing to do with the Meiji Restoration, nor with the sudden 'encounter' with the West which is said to have prompted the revolutionary process. On balance, the Tokugawa regime that existed prior to the Restoration was comparable with any modern sovereign state, in terms of its exercise of public authority and its ability to control the cross-border movements of goods, people and ideas.

The conventional notion that Japan fell short of constituting a sovereign state prior to the Meiji Restoration is based on a highly idealized notion of modern sovereignty. It is true that some aspects of sovereignty principles were conveniently violated, as in the Richardson case and its aftermath documented above. Even so, the existing principles of international-legal and Westphalian sovereignty constrained the behavior of key actors involved in this case, and therefore critically affected the way in which subsequent events unfolded.

6 Satow presents his own counterfactual: 'But such an event as the capture of a leading Japanese nobleman by foreign sailors in the dominions of the Tycoon would have been a patent demonstration of his incapacity to defend the nation against the "outer barbarian," and would have precipitated his downfall long before it actually took place, and before there was anything in the shape of a league among the clans ready to establish a new government. In all probability the country would have become a prey to ruinous anarchy, and collisions with foreign powers would have been frequent and serious. Probably the slaughter of the foreign community at Nagasaki would have been the immediate answer to the blow struck at Hodogaya, a joint expedition would have sent out by England, France and Holland to fight many a bloody battle and perhaps dismember the realm of the Mikados. In the meantime the commerce for whose sake we had come to Japan would have been killed. And how many lives of Europeans and Japanese would have been sacrificed in return for that of Shimadzu Saburo?' (Satow, 1992, p. 54).

Surely, it was not the complete absence of sovereignty that led to the Meiji Restoration.

To claim that there was already a developed and internationally recognized sovereign state in Japan prior to its 'encounter' with the rest of the world has theoretical and even normative implications beyond simply re-evaluating the historical significance of the Meiji Restoration. It is mistaken to argue that sovereignty and the international system of sovereign states originated in Europe and that they were gradually exported to other regions of the world. Such Eurocentricism still remains at the core of many studies of international relations and must be corrected. The arguments and findings presented in this paper suggest that a sovereign state can develop and its principles can be exercised regardless of regional and chronological contexts. Sovereignty has its own dynamic of evolution. This dynamic includes 'organized hypocrisy', as a key element, at which the logic of consequences, which is driven by interests, and the logic of appropriateness, which is driven by norms, intersect.

This emphasis on the autonomous process by which sovereignty evolves challenges not only the conventional wisdom about Japan's modernization but also the conceptualization of East Asian international relations as a whole. The nineteenth century has been identified as a key era for East Asia because it was in this century that the organizing principle of Confucian tribute was replaced by sovereign reciprocity. Krasner identifies and conceptualizes violations of sovereignty norms and principles in the Western context. A careful re-reading of the events and history of East Asia prior to the nineteenth century would similarly reveal hypocritical violations of the norms and principles associated with the Confucian world of hierarchy and deference. The notion of 'organized hypocrisy' helps us to understand that the Asian and European organizing principles of international relations should be viewed as nothing more than ideal types. Organized hypocrisy was in practice common to both systems, which can therefore be conceived of as part of the same continuum rather than constituting fundamentally different forms of international order. The differences, if any, between East Asian and European experiences of international relations are a function of variables related to the environments in which these regions happened to be situated, and are not related to the fundamental nature of sovereignty.

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