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## **Informal Imperialism and the 1879 *Hesperia* Incident: Containing Cholera and Challenging Extraterritoriality in Japan**

Harald FUESS

Informal empire is a classical term of diplomatic history to designate the British role in East Asia after the Opium Wars. This paper looks at informal imperialism more broadly to question the interaction of foreign powers and their citizens with and within Japan. It argues for a contested complexity of the extraterritorial arrangements such that Japanese independence was not only advocated *against* foreign imperialism but partly *with* the support of imperial powers and their nationals, according to international legal and political norms prior to the popular Japanese treaty revision movement of the 1880s and early 1890s. On 15 July 1879, the German government ordered the merchant ship *Hesperia* to break Japanese quarantine regulations and enter the port of Yokohama. This action resulted in furious Japanese and international condemnation. Some scholars claim the deed transmitted cholera to Japan and led to over 100,000 deaths in 1879 alone. What is beyond dispute is that the event ignited a fierce debate on Western extraterritoriality in Japan and abroad, renewed calls for a renegotiation of the international treaties and led to a reorganization of the Japanese maritime quarantine system. While today the “*Hesperia* incident” has been forgotten, it revealed significant disagreements on the nature of extraterritoriality among the various powers and different international approaches to combating epidemic disease. Most importantly, it questions the common vision of a united front of Western imperialists enforcing their interpretation of “unequal treaties” on a defenseless Japan.

**Keywords:** imperialism, Meiji Japan, international law, diplomatic history, maritime quarantine regulations, public health, treaty ports, Japan-foreign relations-U.K.-U.S.-Germany



Figure 1. Illustrated narrative on preventing cholera *Korori fusegi no etoki* (1877) by Taiso Yoshitoshi 大蘇芳年 [月岡芳年] (1839–92). Source: UC San Francisco Japanese Woodblock Print Collection.<sup>1</sup>

“SIR: It is a relief to be able to say that from all advices the Asiatic cholera has happily disappeared from Japan. ... It would seem from the results of the efforts of the health boards of this city of a million of people, that the Asiatic cholera may be arrested by the prompt and liberal use of such disinfectants as carbolic acid; and by a careful regimen, thorough cleanliness, and the prompt removal of all impure matter from the vicinity of dwellings.”  
John Bingham, U.S. Minister to Japan, 15 November 1877<sup>2</sup>

### Introduction: Informal Imperialism

William G. Beasley employed the term “informal empire” to characterize the international order Great Britain created in East Asia after the first Opium War with China (1839–42) and to which Japan belonged via “the treaty port system.” Drawing on the seminal work by Robinson and Gallagher, who showed how the ideology of “free trade” was a core justification for “informal empire.” Formal legal procedures such as treaties and contracts served to promote and protect British trade and political interests in East Asia and Latin America without the necessity of large-scale territorial control implicit in colonies or protectorates as

\* I would like to thank Martin Dusingberre, David Mervart and Sven Saaler for comments on a draft version as well as John Breen for encouraging a deeper exploration of the *Hesperia* story in the first instance.

1 UCSF Website Laura W. Allen: “The liquid is carbolic acid, or phenol, which was a disinfectant considered effective in warding off the disease. In a print from 1877, this fluid is unleashed upon a sword-wielding demon by the ‘prevention squad,’ a crowd of soldiers in Western-style uniforms.” Other references date this print to 1883.

2 FRUS, 1877, pp. 481–82.

in South Asia or Africa.<sup>3</sup> Nevertheless, “informal imperialism” operated with the application or the threat of powerful “gunboat diplomacy,” in maintaining an asymmetrical relationship of power legitimized by international law. One of the key features of informal imperialism was extraterritoriality, namely the principle that each Western treaty power individual had the right to be judged by the civil and criminal laws and legal institutions of his own country. This principle was usually not reciprocal. Subjects of East Asian countries still fell under the jurisdiction of the respective national laws when in Europe or the Americas. Not surprisingly, scholars and the public in Japan still today refer to this arrangement as “the East Asian unequal treaty system” (*higashi Ajia ni okeru fubyōdō jōyaku taisei* 東アジアにおける不平等条約体制).<sup>4</sup> The international agreements Japan concluded after 1858 with sixteen countries usually contained the four elements of informal imperialism: extraterritoriality, designated treaty ports, low and fixed external tariffs as well as the most-favored nation clause that gave each power the same privileges negotiated by any other foreign power.<sup>5</sup> After the Meiji Restoration of 1868, the new Japanese leadership used the revision of the “unequal treaties” as a key political *leitmotif*, especially after 1872 when according to a clause in various treaties revision became legally possible.<sup>6</sup> The desire to renegotiate the treaties served as the core motivation for the famous Iwakura mission to the United States and Europe in 1871–73.<sup>7</sup> Iwakura Tomomi 岩倉具視 (1825–83), who was such an over arching figure that diplomatic historian Ian Nish named the entire period of foreign relation 1869–83 after him, wrote about his foreign policy goals in April 1869:

We must guard our country’s independence ... when foreigners who live in our country violate our laws, we are forced to stand by while agents of their governments exercise jurisdiction over them. Our country has never before known such shame and disgrace.<sup>8</sup>

Nevertheless, the treaties remained valid until the end of the nineteenth century with extraterritoriality finally lifted in July 1899 and Japan regaining its full tariff autonomy by 1911. Japan was thereby the first country in East Asia to obtain full legal sovereignty and independence. Informal Western imperialism developed in different directions elsewhere. Western treaties with Korea were terminated in August 1910 by Japanese annexation. Some Western treaties with China became obsolete with World War I, while others existed until World War II when informal Western imperialism in East Asia came to an end after a century.<sup>9</sup>

Most research on imperialism and extraterritoriality in Japan has so far focused either on the eye-catching initial rounds of treaty negotiation in the early years, or on the later period when diplomacy was closely linked to such domestic politics issues as drafting the Constitution and opening the Diet in 1890.<sup>10</sup> During that politically tumultuous decade of

3 “Informal empire” coined in Robinson and Gallagher 1953; Beasley 1987, pp. 1–26. For other scholars using these terms for East Asia, see Osterhammel 1986; Duus 1989, pp. xiv–xvi.

4 Ino 1995.

5 Chang 1984, p. 4.

6 Ikeda 1997, pp. 191–92.

7 Mayo 1961.

8 Quote from *Iwakura kō jikki* in Nish 1977, p. 12.

9 Whereas Japan introduced the new legal principle that all subjects are equal under the law, Western extraterritoriality was compatible with the Chinese legal system that distinguished between Manchu and Chinese (Cassel 2012).

10 Auslin 2004; Kleinschmidt 2007; Beasley 1989; Han 2013.

the 1880s, governments fell and several foreign ministers, Inoue Kaoru 井上馨 (1879–87) and Ōkuma Shigenobu 大隈重信 (1888–89), resigned because they could not reach an agreement acceptable to foreign powers, their own government peers and the Japanese public. As late as the 1894 elections, treaty revision was a major issue of domestic contestation.<sup>11</sup> Scholars have pointed out how treaty revision united both conservative and liberal critics of the Japanese government, while also galvanizing intellectuals to speak of a common national identity.<sup>12</sup>

We know rather little of Japan's attitudes to Europe and the United States during the "middle years" of the extraterritorial regime—the late 1870s. Standard historical narratives in English often jump from 1872 to the late 1880s. The 1870s then become characterized by international Japanese self-restraint. The Japanese government decided not to attack Korea despite the advocacy of a strong leadership faction. The Taiwan expedition in 1874 led to Chinese legal recognition of Japanese control of the Ryūkyū Islands. The 1876 "opening" of Korea through the Ganghwa treaty furthermore showed how Japan could successfully apply the international logic of informal imperialism to others. Moreover, sweeping domestic reforms led to centralization and consolidation of power in Tokyo, especially after the Satsuma rebellion of 1877. Western imperial retrenchment, where it happened, such as the recall of British and French troops from Yokohama in 1875, appeared to be more the result of a drive to reduce military expenditures than a major change in Japan's foreign relations.<sup>13</sup> In short, one may conclude that in the 1870s the Meiji government was so occupied with domestic reforms in pursuit of "a wealthy country and a strong military" (*fukoku kyōhei* 富国強兵) that it was not seeking to upset Western powers by openly and forcefully challenging its place in the international imperialistic legal order.

Western imperialism in the 1870s also appeared less of a *bête noire* to Japanese politicians than it had during the late Edo period when many of them had plotted to "expel the barbarian and honor the emperor." In the 1870s, treaty revision seemed also less central compared to the late 1880s when, despite censorship, Japanese press reports often criticized the treaties. Japanese officials heard over and over again the Western mantra: modernize your form of governance and reform your legal and penal system so we can entrust you with jurisdiction over our nationals. In return, the Japanese side refused to give in to Western wishes for the full opening of the country to foreign commerce and business opportunities. The "Normanton incident" symbolized the perceived injustice of the system to Japanese. It involved a British court in Kobe exonerating Captain Drake of the *Normanton* of responsibility for an incident in October 1886 when European crewmembers rescued themselves from the sinking ship, leaving all Japanese passengers to drown.<sup>14</sup>

The "*Hesperia* incident," by contrast, is a forgotten event that took place in 1879, a year almost equidistant between the start and end of extraterritoriality in Japan. It brings into relief the diplomatic and public debates, and proves that their main lines of criticism, resentment and reinterpretation did not always follow the formula of Japan against the rest of the world. Rather, it becomes clear there existed a multi-lingual, cross-cultural dialogue, surprising given the *non possumus* (we can not do it) stance adopted by British

diplomats.<sup>15</sup> Here we explore two aspects of the *Hesperia* incident in more detail to place the controversy in the history of Japan and informal imperialism: (1) international and domestic understanding of cholera and public health; (2) the diplomatic and political context of debates on extraterritoriality, treaty revision and sovereignty. Let us now first turn to the key "protagonist" of our story: A ship.

### The "*Hesperia* Incident": The Controversy and the Historical Event

"*Hesperia* Outrage" was the headline of the *Tokio Times* on 9 August 1879. Edward House (1836–1901), the American editor of the newspaper, blamed the German merchant steamship *Hesperia* for "defying and disregarding" Japanese law and accused German diplomats of "insult and injury inflicted upon the dignity and the honor of the empire."<sup>16</sup> Such ranting by the *Tokio Times*, known to be a state-financed pro-Japanese and anti-British newspaper in English, may not come as a surprise, but even the more moderate *Japan Weekly Mail* expressed its indignation.<sup>17</sup> It claimed "few acts since the opening of the ports have caused a greater feeling of irritation among them than the proceedings connected with this vessel." It then wrote of the "bitterness and ill-feeling" created by the German decision, which "is worse than a crime, it is a blunder."<sup>18</sup> The French *Courier du Japon* lamented "the sad impression to the Japanese of how foreigners understand justice." It argued that in case of "force majeure" and "for the general interest" even "open ports" should be closed.<sup>19</sup> Japanese newspapers also criticized the deeds of the *Hesperia*. The *Yūbin hōchi shinbun* spoke of a "violent act" (*sobō no kōi* 粗暴ノ行為); the *Tōkyō nichinichi shinbun*, the *Asahi shinbun* and the *Yomiuri shinbun* devoted a series of articles to it,<sup>20</sup> and compared the event to a warship entering a foreign harbor "bombarding people and houses" (*jinka o hōgeki suru* 人家ヲ砲撃スル). The news spread internationally, first to the United States, then to Europe. The *New York Times* derided European "arrogance" and "bomb-shell diplomacy,"<sup>21</sup> The German-language press in New York carried the headlines "Japan is angry" for an "irrelevant and false diplomatic principle" "letting loose the epidemic" on Japan.<sup>22</sup> The *Times* of London published an article referring to a "high-handed performance" that "might endanger the lives of millions of people."<sup>23</sup> Another article in the *Times* asserted, "No good whatever can result ... from oppressing and alienating Japan."<sup>24</sup> The renowned *Hamburgischer Correspondent* reported its news from San Francisco about the German-Japanese conflict nearly escalating into "violence" and asserting "Eisendecker raped Japan in an outrageous way."<sup>25</sup> A leading German daily, the *Frankfurter Zeitung*, concluded that, due to the "*Hesperia* Affair," the

11 Cullen 2003, pp. 205–207.

12 Pyle 1969, especially chapter "Treaty Revision and Self-Determination."

13 Sims 1998, pp. 93–96.

14 Chang 1984, pp. 81–98.

15 "Non Possumus," *Tokio Times*, 22 December 1877.

16 House 1879b.

17 On the *Tokio Times*, Huffman 2003, pp. 117–52; Fält 1990, p. 21.

18 "The Quarantine Laws and the *Hesperia*," *Japan Weekly Mail*, 19 July 1879, pp. 920–22.

19 *Courier du Japon*, 16 July 1879.

20 "Shasetsu: Doitsu-sen waga ken'ekihō o warite nyūkō seri" 社説: 独逸船我検査法ヲ破リテ入港セリ. *Yūbin hōchi shinbun*, 26 July 1879; "Shasetsu: Geruman sen Hesperia gō ihan no tenmatsu" 社説: 日耳曼船ヘスベリア号違犯ノ顛末. *Tōkyō nichinichi shinbun*, 28 July 1879.

21 *New York Times*, 4 August 1879.

22 *New Yorker Zeitung*, 28 August 1879.

23 Iriye 1879.

24 Reed 1879.

25 *Hamburgischer Correspondent*, 24–25 September 1879.

German Minister Karl von Eisendecker (1841–1934) should be recalled since he “is hated in all Japanese circles.”<sup>26</sup> The “*Hesperia* incident” or *Hesperia gō jiken* ヘスぺリア号事件, as it is known in Japanese scholarship today, became such an emotional issue in Japan and abroad because it looked as if German diplomats callously defied Japanese quarantine regulations, thus threatening both the Japanese population and the local foreign community with cholera.<sup>27</sup>

Americans have been partly responsible for the view that the German *Hesperia* deliberately transported cholera to Yokohama.<sup>28</sup> According to eminent American diplomatic historian Payson Treat, it caused “a total of death far surpassing those of American soldiers in the [First] World War.”<sup>29</sup> Such an assessment derives from two authoritative American voices of the time. John Bingham, United States Minister to Japan from 1873 to 1885, was the strongest proponent of this persuasion in his multiple reports home. Bingham claimed the resistance of “certain foreign powers” spread the contagion, whereas the United States cooperated with the Japanese authorities.<sup>30</sup> Indeed America was the first nation to implement Japanese quarantine regulations without any amendments or caveats. Prominent notices in newspapers to “Officers of all Naval and Merchant Vessels of the United States of America” threatened them with the sanctions of the “United States Consular Court in Japan” in case of non-compliance.<sup>31</sup> Most famous is the enraged response of the civil war hero and former American president General Ulysses Grant, whose visit to Japan from 21 June 1879 to 2 September 1879 was well received.<sup>32</sup> Grant’s recommendation that Japan should sink the German ship was widely reported in the international press.<sup>33</sup> Grant’s remarks remain influential in diplomatic histories today.<sup>34</sup> According to the official narrative of his world tour, he was propagating the image of the United States as the main Western friend of Japan. In conversation with Itō Hirobumi 伊藤博文 and Saigō Tsugumichi 西郷従道 on 22 July 1879 in Nikkō, he is said to have emphasized that Germans deliberately violated Japanese laws by “sending down a German gun-boat and taking a German merchantman out of quarantine. No European power would dare to do such a thing in the United States. But it illustrates European policy in the East.”<sup>35</sup> The political authority of the two Americans affirmed Japanese views that injustice had been done. Grant and Bingham (whom Grant had appointed Minister to Japan) presented themselves as representatives of a disinterested foreign power warning Japan of European, especially British ambitions in East Asia. American media concurred by emphasizing causality: “since the violation of quarantine by the German vessel cholera has so increased in Yokohama and Tokio ... that these ports

are now formally declared infected.”<sup>36</sup> And to make sure their readers could properly distinguish between the good and the bad “America sides with Japan, but England supports Germany in this affair.”<sup>37</sup> By contrast, the *Frankfurter Zeitung*, when first reporting on the incident warned German readers to treat news “via America” with caution since the United States had been trying for some time to make Japanese and Chinese mistrust Europeans to gain trade advantages.<sup>38</sup>

Let us now recapitulate the event itself.<sup>39</sup> According to diplomatic records and media reports, the *Hesperia* left cholera-infected Kobe on Thursday 10 July 1879 at midday.<sup>40</sup> When on the morning of the next day it arrived at Kannonzaki 観音崎 and was about to enter Tokyo bay, a boat sent by a Japanese naval cruiser ordered it to proceed to the quarantine grounds of Nagaura 長浦 (Yokosuka 横須賀). The governor of Kanagawa, Nomura Yasushi 野村靖 had just announced a quarantine of seven days (some sources say ten days), and so the *Hesperia* was the first Western ship to be affected by this order. It thus became a test case of whether or not Japanese quarantine regulations applied to foreign ships. When ordered into quarantine, Captain Friedrich Johannsen complied, and sent a message to the German Consulate asking for further instructions.<sup>41</sup> On Saturday, the next day, the German Consul at Yokohama, Eduard Zappe (1843–88), and Head Surgeon of the German Naval Hospital in Yokohama, Dr. Hermann Gutschow (1843–1903), visited the ship.<sup>42</sup> They found it free of disease. Based on the reports submitted by both German men and the captain, the German Minister Karl von Eisendecker ordered the *Hesperia* to complete its journey on Monday 14 July. By the evening of that day, the *Hesperia* had left the quarantine grounds and entered Yokohama harbor.<sup>43</sup> On 15 July, Tuesday, the *Hesperia* discharged its goods, and now the passengers disembarked.<sup>44</sup> Among the passengers were the French Consul to Yokohama Henri Pierret



Figure 2. Newspaper advertisement of the *Hesperia* passage to Yokohama. Source: *Hiogo Shipping List and General Advertiser*.

26 *Frankfurter Zeitung*, 1 March 1880 based on a Yokohama newspaper report from 3 January 1880.

27 Tanaka 1991.

28 Perez 1999, p. 199; Jones 1931, p. 68; Treat 1928a, p. 123.

29 Treat 1932, p. 89.

30 FRUS, no. 995, 22 October 1880, p. 652.

31 Bingham, “United States Legation”; [US Quarantine Announcement]. Sir Harry Parkes on 14 July 1879 issued quarantine orders of 7 days for British vessels and threatening fines of “3 months imprisonment” or “500 dollars” administered through the H.B.M. Consular Court. The key difference from the U.S. was his insistence on inspection being done by people he appointed (*Japan Weekly Mail*, 19 July 1879, p. 953).

32 Young 1879, pp. 454–613.

33 *New York Times*, 28 August 1879; *Frankfurter Zeitung*, 11 September 1879.

34 Araki 1959, p. 98; Treat 1928b, p. 272; Yamamoto 1943, p. 210; Pantzer and Saaler 2007, p. 26; Inoue 1968, p. 43.

35 Young 1879, p. 560.

36 *New York Times*, 28 August 1879.

37 *New York Times*, 27 September 1879.

38 *Frankfurter Zeitung*, Morgenblatt, 11 September 1879.

39 In German, Japanese and English the three most reliable accounts are Pantzer and Saaler 2007, pp. 26–28; Iokibe 2012, pp. 75–77; Hoare 1994, p. 92.

40 Diplomatic Correspondence in English: FRUS, 1879–1880, pp. 647–80; Diplomatic Correspondence in Japanese: Nihon Gaimushō 1879, pp. 289–304; Unpublished Diplomatic Correspondence in German: BArch Quarantänemaßnahmen/Japan.

41 The press spelled his name in various ways. Matth Friedrich Johannsen is the name of the *Hesperia* captain in the files of the Staatsarchiv Hamburg.

42 Depending on the source, the dates vary from 11 July in the evening (*Times*), 12 July (*Japan Weekly Mail*) up to 13 July. From a posting in Shanghai, Eduard Zappe transferred in 1871 to Yokohama where he died in 1888. Hermann Gutschow worked at the Yokohama hospital from 1878 to 1884. The German hospital existed between 1878 and 1911.

43 Nihon Gaimushō 1879.

44 Among the numerous accounts in newspapers, Iriye 1879; House 1879b; “The Quarantine Laws and the *Hesperia*,” *Japan Weekly Mail*, 19 July 1879.

and his wife.<sup>45</sup> On Saturday 19 July, less than a week after its arrival, the *Hesperia* left Yokohama for Fuzhou (Foochow) on the Fujian coast of China with tea and general merchandise from the German trading house L[ouis] Kniffler and Co.<sup>46</sup> Breaking the Japanese quarantine failed to hurt its business relations with the local community as Yokohama newspapers continued to advertise *Hesperia* passages to such overseas harbors as Le Havre and Hamburg in 1885.<sup>47</sup> Then, in 1894, the German Steamship Company of Hamburg sold this “iron ship,” originally constructed in Kiel in 1876, to an unnamed Japanese buyer.<sup>48</sup>

The standard international *Hesperia* narrative also alludes to gunboat diplomacy, reminiscent of Matthew Perry’s Black ships. The German “man of war” *Wolf* was accused of playing a “sinister” role.<sup>49</sup> The German *Allgemeine Zeitung* criticized the protection offered by the *Wolf* “a violent encroachment on the territorial sovereign rights of Japan,” and “an injury to Japanese warships” from whose custody the *Hesperia* was taken.<sup>50</sup> The *Wolf* may have escorted the *Hesperia* into Yokohama harbor. It was anchored there when the *Hesperia* “disembarked passengers and cargo under the guns of a man-of-war flying the German ensign.”<sup>51</sup> In July it was certainly one of three ships of the German naval squadron and one of ten foreign warships in Yokohama. The “canon boat *Wolf*” was by far the smallest with 480 tons, 4 canons and a regular crew of 80 men. It was dwarfed even by the *Hesperia* with 1,136 tons. The overshadowing naval presence in Yokohama was the British *Iron Duke* with 6,034 tons and 14 guns. The *Wolf* seems to have functioned as a faster boat to ferry people from one ship to another; it is in this context that newspapers mention it transporting the German consul and the medical doctor to and from the *Hesperia*.<sup>52</sup> If Germany had really wanted to show its strength, it could have mobilized its entire fleet at anchorage. The German navy would anyway have been vastly outnumbered by the Japanese navy which had twenty three ships officially



Figure 3. Official German certificate of ship measurement for the *Hesperia*, 25 March 1876. Source: Staatsarchiv Hamburg.

stationed in Yokohama.<sup>53</sup> Indeed, the popular press mentioned a Japanese warship following the *Hesperia* or ordering it into quarantine, as well as a standoff in the harbor when “police boats” surrounded the ship to prevent it from landing. This is when the *Wolf* supplied a boat for passengers to leave the *Hesperia*.<sup>54</sup> The key reason Japanese naval vessels appeared in the accounts is that the government had entrusted them with enforcing the quarantine on merchant vessels of all nationalities. War-mongering American journalist Edward House emphasized in his editorials Japanese righteous indignation and their right to sink foreign ships, but—fortunately—nobody listened. He recommended: “A warning shot from the *Adzuma* would probably have checked the *Hesperia*’s defiant audacity. If not, she would have better been sent to the bottom, than allowed to persevere in her lawless and guilty course.”<sup>55</sup> As prominent as the *Wolf* features in international narratives, Japanese newspapers do not even mention its existence.

Dr. D.B. Simmons, a figure referred to as a “Japanese official,” is entirely absent from academic narratives as an individual actor. He does not fit the bipolar worldview of privileged foreigner versus exploited Japanese. He was an accepted member of the Yokohama medical community of foreign doctors, responsible for the quarantine hospital established in emergency to accommodate cholera patients. Contemporary media reports show him inspecting the *Hesperia* and agreeing with Captain Johannsen that the ship should be disinfected. They also claim that on 14 July Kanagawa governor, Nomura Yasushi, personally accompanied Dr. Simmons, as his medical advisor.<sup>58</sup> When Eisendecker’s order for the ship to leave quarantine arrived, it allegedly surprised all. Dr. Simmons, according to newspaper reports, “thrice” prohibited this move and when the ship did enter the harbor, he again went on board and asked it to leave. While he clearly acted as representative of Japanese authorities, here was also a case of medical disagreement between Drs. Simmons and Gutschow. While newspapers never questioned the medical competence of the German Dr. Gutschow, some considered him to be “an interested party,” whereas Dr. Simmons was the person with the vested authority.<sup>59</sup> The *Hesperia* disagreement did not prevent these men from cooperating later towards common cholera relief or patient care.<sup>60</sup> In the context of the *Hesperia* controversy, it is interesting to note that Dr. Danne B. Simmons was an American. He had come to Japan in November 1859 as a Reformed (Dutch) Church missionary, then resigned from the Reformed Board to concentrate on the practice of medicine in Yokohama, which he did until 1882.<sup>61</sup>



Figure 4. German gunboat of the “Wolf” category: sister ship named *Hyäne* (1878).<sup>56</sup> Source: Wikimedia.<sup>57</sup>

45 *Japan Herald Mail Summary*, 16 July 1879. Henri Pierret came from New Orleans to Yokohama in 1877 and then transferred 1880 to Hong Kong.

46 *Japan Weekly Mail*, 19 July 1879.

47 *L’Echo du Japon*, 26 November 1885.

48 Staatsarchiv Hamburg. Deutsche Dampfschiffs-Rhederei zu Hamburg, 8 August 1894.

49 Treat 1932, p. 87.

50 [Hermann Roesler] *Allgemeine Zeitung*, 8 November 1879.

51 One Who Knows, “Correspondence: *Hesperia* Details,” *Tokio Times*, 9 August 1879, 81. The same phrase also appears in *Times*, 11 October 1879.

52 The *Wolf* departed for Shanghai on July 22 (*Japan Weekly Mail*, July 5, 12, 19, 26, 1879).

53 Tatewaki 1996, 3, p. 18.

54 *Japan Weekly Mail*, 19 July 1879.

55 House 1879a.

56 S.M.S. *Wolf*, built in Wilhelmshafen for overseas duty, was completed in March 1878 and reached Singapore in February 1879 remaining in East Asia until 1884.

57 SMS *Wolf* 1878.

58 Iriye 1879.

59 Surgeon at the Japanese Hospital Noge (Tatewaki 1996, pp. 10, 56, 102; Cary 1976, pp. 46, 49).

60 *Japan Weekly Mail*, 23 August 1879.

61 Cary 1976, pp. 46–49.

The behavior of Karl von Eisendecker, a former naval officer, who in 1875 had succeeded Max von Brandt as the German Minister in Japan, constitutes the key riddle in the incident. His biographer writes of his accommodating and cooperative personality. Indeed, later the chancellor Otto von Bismarck asked for his voluntary resignation as German representative in Washington for not forcefully representing German interests; on another occasion, Bismarck reprimanded him for an excessive understanding of the position of other states.<sup>62</sup> On several occasions von Eisendecker himself expressed regret over the *Hesperia* incident. In a letter to Alexander von Siebold (1846–1911), a German who had been employed by the Japanese government since 1870, he mentioned in late 1879 that “he was sorry for the affair.”<sup>63</sup> In a personal note, he stressed that in seven years in Japan he had only once seriously upset the Japanese, namely when he was too strict in enforcing treaty rights in the quarantine issue.<sup>64</sup> Even in his public writing to the Foreign Minister, he showed contrition albeit with some qualifications:

Finally, I express to Your Excellency my regret at the occurrence,

...

If your Excellency had intimated to me, officially or privately, verbally or in writing, that the German authorities were doubtless entitled to be heard in the affair, and that the detention perhaps was not absolutely necessary, but that the Japanese Government were especially desirous that the quarantine in this case should last seven days, then I have no doubt that I should have complied with a desire thus intimated to me.

I regret especially, with regard to the Vice-Minister Mori and to the Minister of the Interior, to whom my thanks are due for their conciliatory efforts, that the affair at last took a turn that was unpleasant to all the parties.<sup>65</sup>

What turned the *Hesperia* event into a larger international affair was not mere misunderstanding. As far as the spread of cholera was concerned, Eisendecker fully believed that he could trust the judgment of his good friend Hermann Gutschow, who had described in detail the previous contacts of the ship in Kobe and China, the health of passengers and crewmembers, and sources of food supply including drinking water.<sup>66</sup> There is no evidence that Eisendecker acted under pressure from the ship’s agents or owners to release the ship for commercial reasons, although he did threaten to hold the Japanese government responsible “to the full extent for all the losses arising from the detention of the ship.”<sup>67</sup> There was a core difference of opinion in interpreting the meaning of the international treaties. An innocent sounding letter by the Japanese Minister of Foreign Affairs Terashima Munenori 寺島宗則 (1832–93) proved to be a turning point, transforming hitherto cooperative German diplomats into self-righteous adversaries. In the letter, dated 12 July 1879, Terashima acknowledged the German effort to inspect the ships for traces of cholera, but he categorically denied that these actions mattered. Regardless of the results, the Japanese quarantine regulations would be applied to their full extent and duration:

62 Hoffmann 2011.

63 “Die ganze Sache thut mir ja selbst leid,” 14 December 1879 (Siebold 2000, pp. 327–29).

64 PAAA, Nachlaß Eisendecker, 2/8, no. 1a.

65 FRUS, 1879–1880, p. 680.

66 On their close relationship, Pantzer and Saaler 2007, p. 34.

67 Suggestion of economic motives. “When we saw how every humane principle was forgotten when money came into question, we turned away in bitterness and disgust” (Mitsukuri 1881, p. 492; FRUS, 1879–1880, p. 677).

Sir: I have had the honor to receive Your Excellency’s favor of yesterday, in which you inform me that you have instructed the German chief staff-surgeon, Dr. Gutschow, to proceed on board the German steamer *Hesperia*, which is now, according to the quarantine regulations, detained at Soshu Nagaura, there to make a medical inspection, and in which Your Excellency requests me to take the necessary measures, in order that no difficulties shall arise at the place. I have immediately notified the authorities concerned, but, at the same time, I must respectfully inform Your Excellency that the inspection by the said medical officer can have no influence on the duration of the prescribed term of quarantine.

With the highest consideration,

Terashima Munenori (Minister of Foreign Affairs)<sup>68</sup>

Eisendecker’s tone changed and he immediately sent telegrams to Berlin, which consulted with London and Paris.<sup>69</sup> On the same day he sent a threatening letter to Terashima. Detention “without sufficient cause” would result in the Japanese government bearing “the full responsibility,” and he “could not answer for the consequences.” In subsequent correspondence, he emphasized that for medical reasons no further quarantine was necessary. But getting to the core of the problem he responded as follows:

I am to understand that Your Excellency, without paying any regard to the opinion of a German expert, intends indiscriminately to detain on the quarantine grounds all German vessels arriving in the bay of Yedo from Kobe or Osaka. I am unable under the existing treaties between Germany and Japan to admit such a right of exclusive disposition of German vessels.

In case Your Excellency really pretends to such a right on behalf of your government, then I feel compelled most formally to protest against it on behalf of the government of the German Empire.<sup>70</sup>

After receiving no answers to three letters he sent over the weekend, Eisendecker issued his controversial order to break the quarantine on Monday. The ship discharged its goods on the 15th. This was five days after departure from Kobe and two days short of the seven day period of quarantine set for naval vessels (if one includes the travel period), but similar to the five days of quarantine ordered for land travel. The small local event in Yokohama may have remained such if the diplomats had agreed to let the issues fade away. Instead, they continued their correspondence until the end of the month with Terashima insisting on the Japanese empire’s “lawful regulations” while Eisendecker invoked the right under existing treaties, “which invest the German authorities with jurisdiction over German ships.” The press escalated the conflict. Already on 16 July the *Courier du Japon* reported on it. In response to critical articles on the quarantine issue in the *Japan Mail* and the *Tokio Times*, the *Japan Daily Herald* published the diplomatic correspondence presumably provided by the foreign diplomats between the Japanese government and foreign representatives from 22 July 1879, which further provided ample material for public debate. This controversy

68 FRUS, 1879–1880, p. 676; Nihon Gaimushō 1879.

69 BArch R 901/20618.

70 FRUS, 1879–1880, p. 677.

proved so politically disruptive that the Japanese government issued a new press ordinance prohibiting newspapers from publishing articles “related to foreign countries” without prior government review. The press in China also reported on these regulations, complaining about press enslavement; however, it agreed that unless the provocative “fire and steel articles” were extinguished the outcome would be the “certain humiliation of the Government of Japan.” With new censorship rules in place, the state could then be held responsible in case of attacks on “Mr. von Eisendecker, Sir Harry Parkes” or other foreign ministers.<sup>71</sup>

The press and public uproar about the behavior of foreign treaty powers had other unexpected consequences. On 10 September, Terashima Munenori vacated his Foreign Ministry position in a cabinet reshuffle. Karl von Eisendecker, his recent opponent, believed the reason was Terashima’s confrontational approach in the quarantine question, especially the *Hesperia* affair. “Even my American colleague,” Eisendecker opined, who has always been supportive of Terashima’s foreign policy, criticized his “tenacious obstinacy, lack of logic and especially courtesy.” Moreover, he grumbled about Terashima’s “unreliability and perpetual mistrust,” seeing in every irrelevant issue “inimical intentions and plans.” Eisendecker concluded that for everyone Terashima’s departure was “very gratifying.”<sup>72</sup> The *Hiogo News* unkindly called Terashima’s new portfolio as Minister of Education “an asylum for imbecile ministers.”<sup>73</sup> Japanese scholars confirm that the *Hesperia* incident caused outrage in the government and public, and so contributed to Terashima’s departure.<sup>74</sup> Eisendecker too considered his own position to be insecure enough in August 1879 that he confessed he may have to depart, if local criticism of his actions endured and because the Japanese were making “lots of official noise” in Berlin.<sup>75</sup> Berlin, however, promoted him in April 1880 to the new title of Envoy—from consul general (Generalkonsul) and minister-resident (Ministerresident) to minister (Gesandter)—, which may have reflected the rising international importance of Japan, but it also demonstrated his government’s approval of his work.<sup>76</sup> Eisendecker was a political survivor of this diplomatic skirmish over the *Hesperia*, but the broader issues of treaty relations and maritime quarantine remained contentious.

### Containing Cholera in International and Japanese Contexts

“Cholera is an easily treatable disease. The prompt administration of oral rehydration salts to replace lost fluids nearly always results in cure,” writes the World Health Organization (WHO) on its website.<sup>77</sup> Now it is common knowledge that the microscopic *Vibrio cholerae bacillus* causes the disease. In warm and humid circumstances, especially river water, it thrives and lives up to twenty days. It can also survive in fruits and vegetables washed in infected water. Humans are only affected if the bacteria is absorbed through their digestive tracks either through eating or drinking or when infected hands touch mouths. On feces the bacillus lives for up to fifteen days, and in dust for about a week, so other sources of transmission come to include clothes, bedding, and communal water supply/lavatories.

71 *North China Herald and Supreme Court and Consular Gazette*, 2 September 1879.

72 PAAA, R18602, Nachlaß Eisendecker, no. 118, A 54, Eisendecker to von Bülow, 29 September 1879.

73 *Hiogo News*, 17 September 1879.

74 Iokibe 2010, pp. 66–68; Tatsukawa 1971, p. 197.

75 Hoffmann 2011, p. 265; Siebold 2000, pp. 327–29.

76 Pantzer and Saaler 2007, p. 376.

77 World Health Organization 2014.

Scrupulous personal hygiene is the most effective way to combat the disease. During an epidemic the bacilli can be killed in water by boiling, and they are not resistant to most disinfectants. They only survive a few minutes in wine or spirits and a few hours in beer. Cholera is a seasonal epidemic, and it tends to break out in warm and humid weather. Infected water supplies and inefficient sewage systems are a common source of contamination in overcrowded living conditions and personal contacts with victims was a key factor in the geographical spread.<sup>78</sup>



Figure 5. Karl von Eisendecker and Terashima Munenori before 1872.  
Source: Pantzer and Saaler, *Karl von Eisendecker*, pp. 20 and 185.

The worldwide diffusion of cholera in the nineteenth century provided the background to the *Hesperia* incident. Cholera had existed in South Asia since ancient times and with the globalization of trade and increasing migration, it became one of the most deadly diseases of the century. In what has been called the first pandemic, cholera spread through Southeast Asia, the Middle East, China and Japan between 1817 and 1822. The second pandemic, from 1827 to 1835, also affected the United States and Europe. Another pandemic cholera devastated Japan in 1858, and it remained in the country after 1877 in an endemic state.<sup>79</sup>

Understanding the causes of the disease took some time. John Snow (1813–58) proved the link between contaminated drinking water and cholera in a midcentury cholera outbreak in London, which galvanized significant investments in modern sewage facilities. By 1884, Robert Koch (1843–1910) identified the cholera bacterium through work on fecal matter in Bombay, and published his findings academically.<sup>80</sup> By the end of the century, alternative explanations of the causes of cholera such as the miasma theory of the German scientist Max von Pettenkofer (1818–1901) had become obsolete in Europe. Miasma believers stressed the transmission of cholera through the air, and argued for the improvement of specific local conditions, but they did not believe in the efficiency of quarantine or strict isolation.<sup>81</sup>

78 Evans 1987, pp. 226–28.

79 Johnston 2012, p. 31.

80 The Italian Filippo Pacini (1812–83) is now officially credited as the original discoverer of *Vibrio cholera* in 1854.

81 Evans 1987, pp. 264–77, 490–508.



A global medical consensus took longer to congeal. Conferences such as those in Constantinople (Istanbul) in 1866 and later in Vienna in 1874 helped to disseminate the latest knowledge, identifying key steps on how to slow-down the spread of this violent contagious disease: (1) quarantine of ships at sea; (2) cordon sanitaire for checking people on land and (3) isolation of cholera patients.<sup>82</sup> Such measures became common practice in Europe and the United States. In September 1879, *Harper's Weekly* described ships arriving in the port of New York being routinely checked for cholera patients. If the disease was found on board, the vessel was fumigated and subjected to quarantine of twenty four hours or longer.<sup>83</sup> However, the views of experts and policy-makers continued to diverge until the end of the century. Robert Koch's theories were first not fully accepted among his peers. Due to the nature of the disease, he was unable to offer scientific proof by reproducing it in infected animal subjects. Moreover, even with a better understanding of the causes, not all countermeasures found broad approval, and there was much public criticism of the utility of what some perceived as excessive and harsh procedures.

One source of resistance was the image of cholera as a disease of the poor and unclean, less likely to affect metropolitan elites. Then there was concern that worldwide measures of quarantine and isolation would disrupt international trade and prove costly to investors for whom "time" increasingly meant "money."<sup>84</sup> The era of free traded ended in Europe as in Germany in 1879, when import tariffs and quotas were introduced. Richard Evans reminds us of the "widely held thesis that anti contagionism was dominant when liberalism and free trade were dominant." He sees this exemplified in the German case when "Pettenkofer's years of influence, the 1860s and 1870s, coincided with the era of free trade in Germany, while Koch's influence became paramount as protection was adopted." Comprehensive quarantine measures, following Koch's contagionist views, were in line with the new interventionist climate of Imperial government in Berlin towards the German states in the 1880s.<sup>85</sup> In his work on epidemics, Sheldon Watt extends that line of reasoning to the relationship of metropolitan elites and dependent colonies. He argues for the interests of "capitalist cosmopolitan elites" in delaying the application of modern British medical theories and practices to British India. There, advocates of the miasma theory were deliberately appointed as medical experts since they saw no need for quarantine or isolation, and posed no threat to the free circulation of goods and people. As a result, essential infrastructural improvements to the water supply were neglected, so that as late as 1900 in British India a cholera epidemic could cost one million lives.<sup>86</sup>

The critical question in terms of the *Hesperia* incident is whether European diplomats in Japan in the 1870s were behind the times or, at least tacitly, endorsing or enforcing a semi-colonial version of hygienic modernity, while Japanese officials were fighting for their national independence by invoking the new dominant vision of metropolitan hygiene. Cholera first entered Japan late in the year 1822 either from Dutch Batavia (Java), where it had raged for two years, via the port of Nagasaki or through Korea via the island of Tsushima and the port of Shimonoseki.<sup>87</sup> The terror and fear it provoked was noted by a witness:

82 Watts 1997.

83 "Quarantine at New York," *Harper's Weekly*, 6 September 1879.

84 The *Hesperia* was detained in quarantine at the Suez Canal in the 1880s.

85 Evans 1987, p. 269.

86 Watts 1997, pp. 120, 124.

87 Yamamoto 1982, pp. 5–8.

In Osaka today enormous numbers of people are dying from a severe epidemic. There are funeral rites for two and three hundred persons every day. The disease begins with diarrhea, and the stomach is severely distorted and twisted out of shape. Abdominal pains, vomiting, and cramps in the arms and legs soon follow. In this disease, after one or two diarrhetic movements, the arms and legs turn cold, and the vital pulse disappears. The eyes recede upward, and the person dies within half-a-day....<sup>88</sup>

Japanese medical practitioners at the time were at a complete loss, some prescribing the so-called Osaka remedy of distilled *shōchū* liquor. What in Europe became known as "Asiatic Cholera," in Japan was called the "Southern Barbarian" disease. Other terms, emphasizing the violent and immediate impact of the disease, were *mikka korori* 三日コロリ (collapse in three days), and *hanji korori* 半時コロリ (sudden collapse).<sup>89</sup> Cholera subsided, however, as winter approached and it stopped at Hakone without reaching Eastern Japan. With the third worldwide pandemic and the opening of Japanese ports to Western traders, the U.S. warship *Mississippi* reintroduced cholera to Nagasaki in 1858. This time, it reached the capital causing about 100,000 deaths and leaving a deep and lasting public impression. The 1858 international treaties were signed in the year of the Ansei cholera epidemic, which, according to Tetsuo Najita, "added enormously to the feelings of disorientation and uncertainty that pervaded the social landscape." People also referred to cholera as *Eijin no doku*, the "Englishman's poison," believing it was opium.<sup>90</sup>

The extent to which the disease persisted in Japan is disputed, but it is clear that after the year 1877 during the next epidemic wave, it was causing annual deaths, with the death toll especially high in 1882, 1886, 1890 and 1895.<sup>91</sup> In the late 1870s and 1880s, the disease was still associated with its overseas origins among foreigners and Japanese. "I have no doubt the disease came from India to China and thence to Japan," U.S. Minister John Bingham wrote in 1877. "I trust it may not find its way to America or Europe."<sup>92</sup> From Niigata two years later, a British diplomat reported heightened anti-foreign feelings during a severe outbreak of cholera, with rumors of Christians having poisoned the wells. Suspicion of foreign doctors persisted as people claimed they wanted Japanese to die in order to export human livers overseas. The Japanese governor of Niigata thus considered it prudent for foreigners, including missionaries with medical knowledge, not to travel out of town, especially during the cholera riots.<sup>93</sup> The Japanese bacteriologist, Kitasato Shibasaburō 北里柴三郎 (1853–1931), who studied under Koch in Berlin and discovered the tetanus bacillus in 1889, provided one of the most damning medical assessments of the foreign origin of cholera in 1887, linking its deliberate spread to a form of naval warfare and a continuous violation of national sovereignty. Western warships (*Kriegsschiffe*) carried cholera: American in 1858, English in 1877 and English and French in 1885. Cholera was not a native disease, he said, "it has always been introduced from the East Asian continent." Japanese government attempts to block the disease were in vain, "because

88 Najita 1999, p. 232; Yamamoto 1982, pp. 11–12.

89 Yamamoto 1982, p. 11.

90 Jannetta 1987, pp. 155–72; Najita 1999.

91 Nagayo 1877.

92 FRUS, 15 November 1877, p. 482.

93 *Japan*, no. 1 (1880). Commercial reports by Her Majesty's consuls in Japan. Mr. Wooley to Mr. Kennedy, 8 October 1879.

foreign ships break the quarantine,” and foreign governments and foreign individuals “resist” (*widerstehen*). “We have to put up with the epidemic being introduced over and over again to our country and all we can do now is to contain the disease under tremendous cost and hope to succeed in its suppression.” This “terrible misfortune” killed a quarter of a million people in the last decade and weighs heavily on the country, “but most importantly it disrupts trade and transportation.”<sup>94</sup> The discourse on the foreign origin of cholera in Japan was ubiquitous, but there was a deafening silence on Japan’s exporting contagious disease to its maritime neighbors like Korea and China.

Regardless of the place of origin of the annual cholera waves, they often had a disproportionate effect on coastal areas, so there was a heightened political and public concern to protect port cities and especially regulate vessels from abroad. Some academic narratives on the *Hesperia* insist that it introduced cholera from China, despite the fact that it had embarked in the port of Kobe to travel to Yokohama.<sup>95</sup>

Fear of cholera once again became widespread and strong in Japan during the hot summer of 1879. Cholera was still truly a frightening disease, literally of epidemic proportions. By the end of that year, the epidemic had cost 105,786 lives and Japanese statistics noted a total of 162,637 cases, which to this very day is the highest number in the official government record.<sup>96</sup> Most patients died within a few days. Stories appeared in the Japanese treaty port newspapers of healthy sailors having worked hard, drunk a lot of water before being sick and dead by the next morning; there were accounts too of unsuspecting families being wiped out within days. *Yomiuri shinbun* reported the sad story of a young self-sacrificing wife who drowned herself after she had diarrhea for fear of having contracted cholera, which would have caused trouble to her husband and neighborhood.<sup>97</sup>

For the epidemic wave of 1879, contemporary medical opinion questioned the foreign origin thesis. At a widely reported meeting of the Tsukiji Board of Health in late July 1879, the German Dr. Dönitz gave this explanation of the likely cause: The

Year	Patients	Deaths
1877	13,816	8,027
1878	902	275
1879	162,637	105,786
1880	1,580	618
1881	9,389	6,237
1882	51,631	33,784
1883	969	434
1884	904	417
1885	13,824	9,348
1886	155,923	109,012
1887	1,228	655
1888	811	460
1889	751	431
1890	46,019	35,422
1891	11,142	7,767
1892	874	497
1893	633	364
1894	546	314
1895	55,144	40,241
1896	1,481	908
1897	894	488
1898	655	374
1899	829	2
1900	378	—

Table 1. Official government statistics on cholera patients and deaths, 1876–1900. Source: Ministry of Health and Welfare Statistics. <http://www.stat.go.jp/english/data/chouki/24.htm>.

94 Kitasato 1887, pp. 213–17.

95 Among others the China claim is made by Inoue 1968, p. 42.

96 Ministry of Health and Welfare Statistics. “Patients and Deaths of Infectious Diseases and Food Poisoning (1876–1999).” <http://www.stat.go.jp/english/data/chouki/24.htm>.

97 *Yomiuri shinbun*, 6 July 1879.

Japanese government for religious reasons had opened the graves of soldiers, who had died during the civil war in 1877. Since many of these soldiers had succumbed to cholera, the disease reappeared in Kyushu before slowly spreading to Kobe. The ship *Hiroshima maru* then transported it to Yokohama and Tokyo.<sup>98</sup> Less flamboyant was a lengthy review of symptoms and evidence for cholera signed by ten foreign medical doctors. They discussed the possibilities of health problems exacerbated by unripe fruits and vegetables, impure water and deficient drainage and poor ventilation and human contact. They identified the first cholera passengers as having arrived from Kobe on 18 June via the *Niigata maru* and on 19 June with the *Hiroshima maru*—evidence corroborated by the American Dr. Simmons, who had personally treated the patients. By then, 2 August, the doctors admitted that the disease in Yokohama had “already assumed epidemic proportions.”<sup>99</sup> A few days later, the Japanese authorities ended the compulsory quarantine of ships since cholera had become prevalent in Yokohama and Tokyo. Ships would only need to undergo “inspection” and “disinfection.”<sup>100</sup>

The official Japanese government report by the Central Sanitary Bureau on the 1879 cholera epidemic traces the outbreak of that year to a village in Ehime prefecture on 14 March 1879, and sets the date for the arrival of cholera in Kanagawa prefecture (Yokohama) to 18 June and its end to 29 November. The prefectural cholera death toll amounted to 1,493 people and the death rate of infected patients was the staggeringly high one of 70%.<sup>101</sup> Neither the government cholera reports nor Yamamoto Jun’ichi’s authoritative Japanese medical history of cholera mentioned the *Hesperia*.<sup>102</sup> Japanese scholarship on the *Hesperia* incident from a medical perspective does not exist.<sup>103</sup> Despite all the political fuss over the actions of the *Hesperia*, no report ever traced a single case of cholera to this German ship arriving in Yokohama on 15 July, as was duly noted by Sir Harry Parkes in his reports.<sup>104</sup> Documented



Map 1. Map showing infected districts in 1879. Source: Nagayo 1879, p. 20.

98 “The Tsukiji Board of Health,” *Japan Weekly Mail*, 2 August 1879.

99 Hepburn 1879, pp. 992–97.

100 Board of Health, Home Department, “Notification,” *Japan Weekly Mail*, 9 August 1879, p. 1038.

101 Nagayo 1879, pp. 1–6. For a history of Meiji public health administration, see Johnston 1995, pp. 173–78.

102 Yamamoto 1982, p. 46.

103 *Hesperia* is mentioned in the authoritative history of quarantine regulations in Japan but no medical analysis is attempted (Kōseishō 1980, p. 18).

104 TNA, F.O. 46/247.

cholera cases preceded the ship's arrival by almost one month and, considering the contagious nature of the disease, with patients dying within a few days, quarantine measures for Yokohama by mid-July probably came too late to contain the spread of the disease. Even if there had been cholera cases on board, they would not have made a significant difference. So, in a narrow medical sense, we can exonerate Karl von Eisendecker and the *Hesperia* for either bringing cholera to Japan or disseminating it further from Kobe to Yokohama and then to Tokyo and Eastern Japan.

In 1879 the causes and cures for cholera were still unknown. Quarantine, together with individual isolation at home, served to contain the spread of a disease. D.B. Simmons is credited with establishing the first quarantine hospital for infectious diseases in Kanagawa prefecture. A 1877 ukiyoe print (Figure 6), possibly depicting him as the balding man in Western-style clothes with a female patient, warns about the disease coming from the Southwest to Yokohama, and mentions symptoms such as diarrhea. It advises against oily food and raw fish. Contrary to social customs and ideals of family solidarity, the ukiyoe text insists there be no interaction with patients even if they are parents or children. The fact is that a cure did not exist, but carbolic acid or phenol (*sekitansan* 石炭酸) was so widely used as a disinfectant that prices tripled in Yokohama within two weeks.<sup>105</sup> The 1877 government cholera report explained how to produce and use disinfectants on patients, and anything they could have come in touch with. Items that could not be properly disinfected were to be buried and burned in the ground.<sup>106</sup>

Diplomatic doubt about the medical necessity of long quarantine and about the Japanese government's ability to maintain a system of isolation triggered the row over the detention of the *Hesperia*. Japanese notions of public hygiene, however, had



Figure 6. The story of the sickness of cholera *Korewa byō no hanashi* (1877) by Utawaga Yoshitora 歌川芳虎 (1836–82).<sup>107</sup> Source: UC San Francisco Japanese Woodblock Print Collection.

105 Ōtaki 1992, p. 8.  
106 Nagayo 1877, pp. 43–54.  
107 Itō 2013.

been influenced by Germany. As the Imperial Oath of 1868 had promised, Japan should be “seeking knowledge throughout the world” and so Japanese went abroad. One of the most important Meiji period public health bureaucrats had studied in Nagasaki with the Dutch doctor Pompe van Meerdervoort (1829–1908), before he participated in the Iwakura mission. Upon his return, Nagayo Sensai 長与専齋 (1838–1902) became a leading government figure in the Japanese movement for public health, a term which he rendered from the German *Gesundheitspflege* into *kōshū eisei* 公衆衛生. His neologism *eisei* 衛生 for “hygiene” so caught the imagination of a wider public that he felt compelled in 1883 to clarify that it did not mean “easy living, delicious foods, or luxury,” but “to discipline the body”; “to strengthen the soldiers’ vitality.” As historian Susan Burns writes, “Nagayo Sensai viewed sickness and disease as threats to the wellbeing of the “national body,” the literal rendering of the Japanese term *kokutai*, or “national polity.” The principles of the emerging Japanese medical system of the 1870s and 1880s she summarizes as “policing and confinement,” in order to deal “with the ‘danger’ that disease posed to the creation of a large healthy population of potential workers and soldiers.”<sup>108</sup> Appointed in 1875 as the first Director of the Sanitary Affairs Bureau (*Eiseikyoku* 衛生局), Nagayo served in this capacity for seventeen years and, in accord with contemporary German notions of public hygiene, also developed statistical surveys of disease and policies designed to contain epidemics. Reading through the cholera reports of the bureau, one is struck again and again by the strong interventionist language of the central government. Unifying, mobilizing and inspecting the Japanese nation to combat the (foreign) disease constitute a major theme. By the 1880s, public health officers were no longer local government administrators, but the police.<sup>109</sup> Cholera reports in the English-language convey an image of medical modernity also to an international readership.

After a cholera scare in August 1873, the Japanese Ministry of Foreign Affairs and the Treaty Powers cooperated in jointly drawing up “Regulations for inspection at the Open Ports in Japan” to establish a policy for the quarantine of ships from cholera-infected localities. Then the government sought and obtained the consent of foreign diplomats. One of its key features was a “Quarantine Commission” consisting of the local governor, or another principal Japanese officer, and all the consuls at each open port.<sup>110</sup> A crisis occurred in July 1877 when reports reached Nagayo Sensai’s bureau about an overseas cholera outbreak. The bureau immediately instituted its emergency measures and informed the respective government agencies. Within a few days it had to cancel its previous order and postpone all measures due to the resistance of Sir Harry Parkes. The Japanese administration was so upset that it explicitly singled out foreign powers for exacerbating the spread of cholera: “The lives of the seven thousand eight hundred persons ... might not have been saved, if measures of medical inspection had been adopted at the open ports ... when there had not yet been one case of cholera reported in our country.”<sup>111</sup>

A Japanese medical student ten years later cited verbatim from this report in a German medical journal. Mori Rintarō 森林太郎, better known under his literary penname Mori Ōgai 森鷗外 studied under Robert Koch in Berlin and Max von Pettenkofer in Munich

108 Burns 2000, pp. 17–19.  
109 One of the earliest *Cholera Reports*, Nagayo 1877. One of the later ones in the same format, Nagayo 1890.  
110 Treat 1932, pp. 38–39.  
111 Nagayo 1877, pp. 8–10, 13–14.

when in Germany between 1884 and 1888.<sup>112</sup> Mori, the future surgeon-general of the Japanese army, stressed Great Britain's diplomatic obstruction of cholera quarantine.<sup>113</sup> The section of the report cited by Mori explained English logic:

It is not necessary to establish, at present, quarantine hospitals at Yokohama and other open ports of Japan, for a telegram from H. E. the Governor of Hong Kong, sent in reply to the inquiry of H. E. the British Minister at Tokyo, says, that there seems to be no fear of a further spread of the disease at Amoy .... Accordingly the establishment of medical inspection or quarantine is not needed in Japan, under the present circumstances.<sup>114</sup>

Mori Rintarō criticized British diplomats and applied German medical research. As is known worldwide, Mori claimed, the English always deny the contagiousness of cholera (die Engländer in Cholerafragen stets anti-phodistisch gesinnt sind), however for other reasons than the so-called hygienists (Hygieniker).<sup>115</sup> Mori fiercely defended Japanese public health measures and praised the Quarantine Office in Nagaura for maintaining a universally admired institution of isolation. However, his main conclusion was “the time is over now” when foreigners may easily be “recognizing issues of research in East Asia, which had not been visible to the native scholar.”<sup>116</sup>

For proof of the contagiousness of the disease and to argue for the need to protect Japan's maritime borders, Mori turned to the German doctor Wilhelm Dönitz (1838–1912), who taught at Japanese universities between 1873 and 1886 before taking up a position with Robert Koch in Berlin.<sup>117</sup> Dönitz directly attacked the non-contagion theories of Max von Pettenkofer. Japan became a powerful real life medical case study for Dönitz to influence German medicine. As Dönitz had closely mapped the spread of several cholera epidemics in Japan, he could show how it spread along roads or high traffic, and how infections in a village that supplied a fish market were one of the causes for much contagion in Tokyo. His strongest evidence was from a single ship in a disease-free harbor. In summer 1885, an officer of a French warship coming from Tongking in Vietnam died just after the ship set anchor in Nagasaki. A Japanese washman was entrusted with the clothes of the dead man, and within two to three days he and his wife had died of cholera. From this couple within a few weeks developed one of the most murderous epidemics of cholera on record in Nagasaki. “Based on these facts,” Dönitz concluded, how could von Pettenkofer still claim cholera was not a contagious disease and “cholera-infected clothes were harmless?”<sup>118</sup> Dönitz implicitly also criticized another famous German doctor—his compatriot at Tokyo Imperial

112 Kim 2014, pp. 70–71, 98.

113 By 1885, Japanese navy experiments had shown that diet was the cause of beriberi. Mori's article contrasted fast-death by cholera to the slowly spreading disease of beriberi, which had a lower mortality rate. However, already by 1885 Japanese navy medical experiments had shown that diet must be the cause of beriberi without yet understanding the cause of vitamin-deficiency. Mori's insistence on a bacteriological explanation for beriberi caused a large number of fatalities in the Russo-Japanese war due to malnutrition (Mori 1887).

114 Mori 1887, p. 307.

115 Ephodistic theories emphasize contagion, whereas with Hygieniker he probably refers to the group around Pettenkofer (Raschke 2007, pp. 16–17).

116 Mori 1887.

117 Vianden 1985, pp. 152–60.

118 Doenitz 1886.

University, a medical professor well-known for believing in the miasma theory: Erwin Bälz (1849–1913).<sup>119</sup> Despite theoretical differences within the German medical community in Japan, reflecting those in Germany, what is remarkable is the extent of international cooperation and of community involvement in the relief effort in 1879. “16 July 1879: Six hours cholera committee meeting” with a Dutch, an English and Japanese colleagues is one of the diary entries of Erwin Bälz. It is followed by this entry: “23 July 1879 for a week now meetings at the health department every day ... unfortunately the work does not progress as fast as desired...holidays I only have on paper.”<sup>120</sup> Just as at the national level, doctors of several nations were active in the local Yokohama board of health.<sup>121</sup>

Sir Harry Parkes in the late 1870s also had a firm view on the medical necessity of maritime quarantine to contain contagious diseases, namely one that was least disruptive to international trade. Instead of quarantine he recommended the Japanese government implement a system of “medical inspection,” as suggested at the Vienna International Sanitary conference of 1874. His medical opinion thus diverged from the contemporary Japanese and international public interpretation of the 1879 *Hesperia* incident, even though he claimed otherwise. Parkes wrote: “In the short space of little more than a month they have satisfied themselves that Quarantine is useless to check the spread within the country of an epidemic of native origin, and that the measures which they attempted are unsound and impracticable.” Parkes also defined his role as protecting British subjects from “useless vexations” and “from the unnecessary if not arbitrary interference with their liberties.”<sup>122</sup> He also justified his opposition to Japanese quarantine policies by insisting the British represent “more than half the foreign shipping” coming to Japan. When Vice Minister of Foreign Affairs Mori Arinori 森有礼 (1847–89) convened a Health Commission in 1878, and Britain's diplomatic representative was denied the right to vote, Parkes officially withdrew his delegate and consular court judge Hiram Shaw Wilkinson (1840–1926), because he was thus placed in a “derogatory position.” There was a philosophical difference in combatting contagious disease. Mori, according to Parkes, argued that Japan should not consider foreign countries as a model but should rather “frame and adopt her own system,” which should be particularly “stringent.”<sup>123</sup> Parkes, whom some Japanese writers later compared to Napoleon, was fully aware of his stalling reputation.<sup>124</sup>

To his wife he criticized the “impossible quarantine regulations to which they expected foreign ships to



Figure 7. “Harry Parkes and Edward House of the *Tokio Times*,” *Japan Punch*, July 1879, p. 83.

119. Suzuki and Suzuki 2009.

120 Bälz and Bälz 1937, p. 48.

121 Ichikawa 2008.

122 TNA, F.O. 46/247. Parkes to Salisbury, 1 August 1879.

123 TNA, F.O. 46/247. Parkes to Salisbury, 29 March 1879.

124 Mitsukuri 1881, p. 491.

submit." He bragged about his influence and insisted on the righteousness of his stance: "The other Ministers also did nothing because they awaited my return ... the Japanese Government have had to rescind the regulations they made in my absence and issue new ones ..."<sup>125</sup> Needless to say, he privately expressed contempt for the U.S. Minister Bingham, "who argued so strongly, loudly, and discourteously in favor of the *Revised Regulations*" for quarantine that Parkes suspected him of involvement in the Japanese drafting process, or even of having written the rules himself.<sup>126</sup> Their conceptual difference in interpreting extraterritoriality clearly turned into personal animosity.

When the Anglo-German alliance on quarantine regulations formed in 1879, the other foreign powers were silent to the extent that the *Japan Herald* named each country whose official position they had not heard: France, Netherlands, Spain, Belgium and Denmark.<sup>127</sup> Parkes himself claimed the (almost) full support of the other treaty powers when discussing quarantine regulations with the Japanese government. Diplomatic records reveal a split into two camps: Great Britain, Germany, and France against the enforcement of Japanese quarantine regulations without foreign consent, versus the United States, Russia and Italy accepting Japanese emergency measures.<sup>128</sup> In Europe, France had been at the forefront of the maritime quarantine movement due to fear of epidemics spreading from the Middle East. In Japan in 1879 there is no evidence of a distinct French diplomatic position in the public debate despite the fact that the French consul was a passenger on the *Hesperia* and the newspaper *L'Echo du Japon* was rather critical of German diplomacy in the affair.<sup>129</sup>

Imai Shōji argues that, in the aftermath of the *Hesperia* incident, quarantine regulations were always drawn up in consultation with foreign powers. Medical boards included foreign medical experts and quarantine for foreigners demanded consular consent.<sup>130</sup> No further diplomatic interference or blockade of implementation is known or mentioned in the official cholera reports or the official hundred year history of quarantine.<sup>131</sup> Just like the other rules of extraterritoriality, 1899 proved the watershed year of independence in the quarantine question. The quarantine law of 1899 required that quarantine of ships from infected foreign ports hoist the international signal for epidemics, a yellow flag, when they reached a Japanese harbor. It set a fine of up to 500 yen for transgression.<sup>132</sup> No exceptions would be granted. Japan thus gained full legal and administrative control in its battle with infectious diseases.

The *Hesperia* incident reflected a shift in Japanese and international medical persuasions and practices towards greater quarantine and isolation. The Japanese insistence on a strict quarantine regimen for ships went further than was common at the time or even afterwards when a simple inspection of a passenger list or twenty four hour quarantine was the norm as described and mocked as ineffective for Hong Kong, Suez and Le Havre by Dönitz on his voyage home to Germany in 1885 from an infected Japanese port. Dönitz contrasted the exemplary and systematic Japanese effort with the superficial and arbitrary practices in

other coastal regions: "The further East one gets, the lighter it becomes," but it was worst in Shanghai, Hong Kong and Singapore "where foreigners rule"; they know from long experience that cholera rarely affects them.<sup>133</sup> The Japanese frustration with foreign diplomats who, in earlier years prevented what Japanese deemed necessary medical measures, may have added to an intransigent attitude. By the 1880s, the endemic nature of the disease had reduced the threat of cholera being spread from abroad. Nevertheless, German ships in later years—unlike the *Hesperia* in 1879—appear to have transported cholera from China to Japan without undergoing any quarantine. The 1890 report of a cholera epidemic that cost 35,000 lives explains that several coolies died in Nagasaki in June 1890 "after violent vomiting and diarrhea" subsequent to unloading cargo from the German steamship *Swatow* from Shanghai and the German vessel *Vorwärts* from Hong Kong.<sup>134</sup> Just like in earlier years, Japanese blamed foreigners for (re)introducing cholera and preventing effective counter measures. When the central board of health wanted to enact a permanent maritime quarantine law in November 1890 "a foreign" committee member prevented it arguing that cholera had already been endemic in Japan for a decade.<sup>135</sup> Despite the establishment of a modern medical maritime quarantine system, Japan was irreversibly integrated into the international flow of goods and people, and contagious diseases. On 8 November 1899 bubonic plague appeared in Japan.

#### Challenging Extraterritoriality and Emphasizing Japanese Sovereignty

The *Hesperia* incident may be interpreted as a basic disagreement over the nature and extent of extraterritoriality in Japan, with the Japanese government deliberately challenging the existing international order and the mainstream, British-led consensus on its workings. Strong American support and the silence of the majority may have facilitated Japanese actions, which Great Britain and Germany considered deliberate provocations. The fact that the first foreign ship subjected to quarantine was German may have been coincidence. German newspapers criticized Eisendecker for his stupidity in having been used by Great Britain, which prudently did not take a publicly offensive step. The press hinted that the *Hesperia* already knew what it was facing upon embarkation at Kobe, when news of the quarantine of the *Genkai maru* arrived. The ship's crew told passengers reluctant to board that the new quarantine regulations for Yokohama would not affect them as they were on a foreign vessel.

While *Hesperia* narratives in English frequently mentioned the threat the *Hesperia* posed to the population, Japanese writers emphasized the damage done to the nation at large. Meiji period accounts still pointed up the actual risk of introducing the epidemic to "a densely packed city of a million inhabitants," and in 1881 Japanese writers boiled with "indignation" when discussing the "injustice" of "the limitation of the sovereign rights to which we as an independent nation are entitled." Articles and books in Japanese routinely discussed the ship's breaking quarantine, under such headings as "evil practices of consular jurisdiction" (*ryōji saiban no heigai* 領事裁判の弊害) or "examples of foreigners ignoring Japanese administrative regulations" (*gaijin ga Nihon no gyōsei kisoku o mamoranai rei* 外人

125 Letter to his wife, Yedo July 16, in Dickins and Lane-Poole 1999, pp. 277–78.

126 Dickins and Lane-Poole 1999, p. 260.

127 *Japan Daily Herald*, 5 August 1879.

128 Imai 1964, p. 37.

129 *Hesperia* not mentioned in Sims 1998.

130 Imai 1964.

131 Kōseishō 1980.

132 De Becker 1916, pp. 10–13.

133 Dönitz 1886.

134 Nagayo 1890, pp. 1–23.

135 Kōseishō 1980, p. 21.

が日本の行政規則を守らない例).<sup>136</sup> The main postwar article in Japanese on the *Hesperia* incident analyzes it as part of the problem of the “unequal treaties.” Let us finally here explore the issue of extraterritoriality more closely.<sup>137</sup> Extraterritoriality clauses had existed in Japan since 1858 and eventually covered relations with sixteen nations. These treaties, through their most-favored nation clause, provided for unilateral extraterritoriality, which meant that “treaty power foreigners” in Japan could only be sentenced by their own country’s officials according to their national laws.<sup>138</sup>

These international treaties usually failed to specify the particular institutions and laws according to which extraterritoriality was supposed to work. It was up to each nation to design its own system. Great Britain created and developed the most elaborate version, which included a court of appeals at Shanghai. Others, like the United States, France, and Germany maintained their own consular courts in Yokohama, even if they sometime had to borrow the British jail, or a Japanese prison. Many nations relied simply on the consular court services of other Western powers in Japan, so the presiding judge of the Danish Consular Court on one occasion could be the German, on another the British, consul. At the extreme end of indifference to the maintenance and exercise of extraterritorial privileges were those countries with few trading interests or people living in Japan. In such cases, the Japanese government simply renegotiated (as with Mexico in 1889), or it revoked their rights, as it did in 1892 without much protest. Contrary to popular perception, then and now, the majority of court cases in consular courts did not pit Japanese plaintiffs against foreign defendants; rather, they were civil law suits involving foreign litigants or petty police cases, dealing with drunken and disorderly sailors.<sup>139</sup>

So, did extraterritoriality mean that foreigners were at liberty to ignore Japanese law and regulation with impunity? In theory, of course, an offence or crime committed in Japan would be covered by foreign laws as well. Foreign powers often decided that really serious crimes requiring capital punishment were beyond the jurisdictional authority of consular courts in Japan, and needed to be adjudged by the courts of their home country such as Germany. Smaller felonies, however, were not always covered by foreign laws and sometimes cases had to be dismissed for simple lack of proper court jurisdiction or suitable laws, as in a documented case of fraud in the American consular court. Throughout the 1870s, the practical diplomatic custom had been that Japanese laws and regulations, especially regarding common municipal affairs, became *de facto* binding *after* their adoption, sometimes with alterations, by the foreign consuls. So, consuls could in theory pick and choose which Japanese regulations they required their citizens to obey. When Japanese authorities wanted to devise regulations covering treaty port foreigners, they had to consult with the respective diplomats. Not all foreign residents agreed with this interpretation of extraterritoriality, and some challenged the consular practice of imposing Japanese laws on them. Japanese hunting regulations, for example, caused problems between the Japanese administration and gun-carrying Westerners, even when the foreign diplomats agreed to enforce these rules in their consular courts.<sup>140</sup> Again, revisions to the Japanese press law of June 1875 permitted only

136 Imai 1964; Yamamoto 1943, p. 210; Inoue 1968, p. 42.

137 Imai 1964, pp. 35–40.

138 For detailed paragraphs on consular jurisdiction in the treaties: Taniguchi 1998, pp. 264–65.

139 Fuess 2013; Roberts 2014; Chang 1984; Cassel 2012.

140 Wippich 1999; Howland 2011.

Japanese subjects to own, edit and manage newspapers. In 1876, Sir Harry Parkes, at the request of the Japanese government, issued a regulation that prohibited British nationals from publishing Japanese newspapers and the American Minister Bingham most reluctantly followed this example. Accordingly, the recently-started Japanese language newspaper of the experienced journalist John R. Black, the *Bankoku shinbun*, was shut down which meant that, unlike Treaty Port China, a native language press outside the parameters of government censorship could not develop in Japan. After 1878, the British Foreign Office, over the objection of its Minister in Japan, decided to tell Japan informally that it would consider municipal law binding. By 1882, it had given official notification of this fact. Incorporation of Japanese municipal law into ministerial regulations, according to historian James Hoare, thereafter became an automatic process.<sup>141</sup> The *Hesperia* incident fell into this transitional phase of British re-interpretation of its attitude towards municipal law and extraterritoriality.

During the late 1870s, Japanese intellectuals openly criticized the international treaties and their implementation in Japan even appealing to the home audiences of representatives of the foreign powers. One famous and influential case was that of the young Baba Tatsui 馬場辰猪 (1850–88) who in 1876 published *The Treaty between Japan and England*, while studying law in England. Baba stressed “English people ought to obey the laws of our country as soon as they set their feet on our shore.” In particular, he criticized three elements of the treaties (1) legal extraterritoriality; (2) low and fixed tariffs; and (3) foreign interference in domestic affairs. He appealed to British “fair play” when he questioned the need for extraterritoriality:

Europeans who come to our country look upon the Japanese nation as a sort of *quasi*-independent nation, and they make no scruple to violate the laws of our country because they have no fear of the government whose interest and duty it is to adequately punish the offenders. There have been some crimes committed by Englishmen, the nature of which is disgraceful even to describe; only recently a violent outrage was committed on a Japanese girl of thirteen, and this most shameful criminal act was punished in the Consular court with an imprisonment of six months... Of course it is open to us to bring our grievances before the Consular court, but these consuls ... protect their countrymen rather than to prosecute or convict them.<sup>142</sup>

Besides the “anomaly” of extraterritoriality, the treaties also gave foreign merchants a business advantage over their Japanese partners who did not know English law. The treaties thus were “against the interest of progress and commerce in our country.” Free trade, said Baba, existed only in theory since the treaties cemented inequality in commercial relations. While the British were selling their manufactured goods to Japan benefitting from fixed and low tariffs, they set the import rate for Japanese merchandise such as tea and tobacco at staggering rates of between 50–70 and between 300–350 percent respectively.<sup>143</sup> He drew his examples of foreign interference in domestic affairs from the world of commerce: foreign obstruction of silk worm egg certifications and banknote issues. Baba called the treaties “impassable obstacles to the equal and free intercourse between two independent nations,”

141 Hoare 1975, pp. 94–95, 165; Daniels 1996.

142 Baba 1987, p. 138.

143 Baba 1987, p. 152.

and expressed his emotions thus: "It is perfectly clear that no honorable nation will be contented with such indignities as these, and every Japanese will look upon these concessions with the feeling of disgust and indignation."<sup>144</sup> While his language was exceptionally blunt, others shared his views, and the Japanese government at least tried to ameliorate the domestic effects of the international treaties and increase its room for maneuver without challenging the treaties outright or in principle.

Terashima Munenori, Japan's Foreign Minister from October 1873, was one of the leading figures in the attempt to revise the international treaties. His main policy aim was to regain tariff autonomy for Japan, as well as strengthening the administrative role of the customhouse.<sup>145</sup> His greatest achievement was a new customs treaty with the United States, which was an importer of tea and raw silk from Japan and had less to lose than exporting nations like Great Britain. The Yoshida-Everts convention concluded on 25 July 1878 was one of the key reasons why, in 1879, the United States was considered a friendly nation in Japan, and why the visit of General Grant was so widely celebrated.<sup>146</sup>

Contrary to common perceptions, Terashima may not have been entirely "passive" in his attempts to revise extraterritorial clauses in administrative affairs, and his two foreign legal advisors, the American Eli Sheppard (1842–1927) and the German Hermann Roesler (1834–94), wrote high-profile public defenses of his position in English and German. Eli Sheppard, advisor on international law from 1876 to 1880, publicly advocated a legal reinterpretation. A trained lawyer and former American consul to Tientsin, Sheppard was also an old friend of American Minister John Bingham, whom he had met during the American civil war; he later worked for Bingham's law office. In 1879, Eli Sheppard published a series of twelve articles in the *Japan Weekly Mail*, which was also circulated as a book. His writing challenged the legal basis of Western extraterritoriality in municipal affairs.<sup>147</sup> Explicitly rejecting the extraterritorial notion of "an *imperium in imperio*," he referred to Bluntschli, Savigny and other respected scholars of international law of the time. Sheppard argued that any independent country commanded full sovereignty over its territory and all the people living in it, and without doubt deserved the full benefits "of Christian ethics embodied in the positive Law of Nations."<sup>148</sup> A country may through treaties delegate some of these rights to others, but Japan had never intended to relinquish them totally; legislative powers still remained with Japan. "Jurisdiction" as defined by the treaties could only mean that foreign consular courts were part of the Japanese judicative structure and should implement Japanese not foreign law.<sup>149</sup> Sheppard criticized the views of "Her Majesty's Minister regarding the Quarantine Regulations of Japan" expressed in October 1878, and those written to him by the German Minister after the *Hesperia* incident, namely:<sup>150</sup> "It could never have been intended by the extra-territorial clauses of either of the treaties to wholly exempt foreign subjects resorting to, or living in Japan for purposes of trade, from the municipal laws and regulations of the territorial government."<sup>151</sup> When the *Hesperia* incident erupted, those

144 Baba 1987, pp. 155–56.

145 Iokibe 2012, pp. 68–69.

146 Young 1879, pp. 558–61.

147 Sheppard 1879.

148 Sheppard 1879, pp. 26, 39.

149 Sheppard 1879, pp. 9–10, 13, 16, 28.

150 Sheppard 1879, p. 66.

151 Sheppard 1879, p. 72.

involved understood it involved not only the concrete problem of preventing cholera; but also the larger issue of Japanese attempts to undermine extraterritoriality through a *fait accompli*. Eli Sheppard was the most visible foreign defender of the Japanese government's legal position.

Karl Friedrich Hermann Roesler had a strained relationship with the German government as he had lost his professorship in Germany due to his conversion to Catholicism. Aoki Shūzō 青木周藏 (1844–1914), the Japanese representative in Berlin, had hired him

to be a legal advisor for the Japanese Foreign Ministry. This may have been the reason why he remained anonymous as the author of a "Letter from Japan" series in the leading German newspaper, the *Allgemeine Zeitung*. In an article of August 1879 he attacked foreign powers in Japan, explicitly the British position, and implicitly the German view, on quarantine.<sup>152</sup> Foreign powers wanted to subordinate (*Mediatisierung*) the Japanese government. When Japan concluded its international treaties, it had no intention to include administrative and police law, "which by their very nature are local in character and in which no independent government should accept the interference of foreign governments." Defending the legal right of the Japanese government to cancel the existing treaties unilaterally, the article continued: "The foreign powers cannot rightfully and rationally claim a right that they would not recognize among each other and that has not the slightest justification in the existing law of nations (*Völkerrecht*)." The legal case was clear enough, it said; the power question alone remained. Britain disputed and in fact undermined Japanese commercial and industrial autonomy as well as its sovereignty. With this rhetorical question, the article concluded: The British state's desire to extend its supremacy in Asia to Japan is obvious enough, but it is difficult to comprehend why other powers, especially Germany, should be supportive of "British selfishness."<sup>153</sup> While it may be an exaggeration to argue that the Japanese Foreign Ministry engaged in a concerted international public relations campaign in late 1879, Japanese newspapers close to the government, like the *Nichinichi shinbun*, espoused what foreign newspapers then called the "sovereign rights theory."

In contradistinction to the commonsense narrative of a Japan subjugated by a unified group of dominant Western powers, this study reveals a broader range of interests and beliefs within and among the participants of different nationalities. So far, consular jurisdiction and tariffs rates have usually taken center stage in the narrative of extraterritoriality and Japan. It is evident, however, that nineteenth century globalization brought not only black ships and a new international order to Japan, but previously unknown diseases such as cholera, and their sometimes conflicting Western counterpart, the latest scientific knowledge of medicine and public health. To protect the bodies of Japanese subjects, it was crucial to defend the



Figure 8. "Sheppard and Extraterritoriality," *Japan Punch*, November 1879, p. 134.

152 Roesler 1984; Bartels-Ishikawa 2007, pp. 52–59.

153 *Allgemeine Zeitung*, 17 August 1879.

(sovereign) body of the nation—arguments proposed in the defense of Japanese action by Japanese and foreigners alike.

### Conclusion: Japan in the Western World Order

The *Hesperia* incident of 15 July 1879, involved a ship deliberately breaking Japanese maritime quarantine in Yokohama on the orders of the German government. The incident was a significant political conflict in international relations between Japan and the foreign powers, and reflected the power rivalry in Japan between the representatives of the United States and Europe. During the late 1870s, the Japanese government tried to challenge the existing treaties by a close scrutiny of the legal texts and their narrow interpretation, a position also advocated by its foreign legal advisors, and widely supported by the Japanese public. Maritime quarantine became one of the fields of lingering international contention as the Japanese government attempted to distance itself from an arrangement reached in 1873, by which the permission of foreign consuls was necessary to quarantine their ships. The desire for national independence in the protection of external borders and of Japan's population was fuelled by the British Minister's refusal to institute quarantine prior to the 1877 cholera epidemic, which in Japanese perception resulted in an unnecessary death toll. Thereafter, the Japanese Foreign Ministry tried to limit the voice of diplomatic representatives in the respective sanitary committees leading to the official withdrawal of the British representative in 1878. When Terashima Munenori, without wider consultation, insisted on a quarantine for the *Hesperia* that exceeded international standards he, according to the German Minister Eisendecker, then overtly challenged foreign jurisdiction over their ships without any medical necessity. The outcome of this perceived provocation was support by Great Britain and animosity from the United States. By September 1879, Terashima's confrontational approach led to his isolation and dismissal from office. The Satsuma-born Terashima was succeeded by the more conciliatory and diplomatically suave Inoue Kaoru from Chōshū. Inoue served as Foreign Minister for eight years until September 1887. In his first draft proposal for a revised treaty, Inoue included the outright abolition of extraterritoriality and consular jurisdiction. Unlike the "passive aggressive" approach of Terashima, Inoue sought to reach an open, negotiated consensus through a series of multilateral conferences.

This study of *Hesperia* incident has also shown the emergence of a worldwide and transcultural public sphere of a reading public. Foreign diplomats exercised the power to overrule the wishes of the Japanese government, but at the cost of incurring Japanese and international wrath. Diplomats then responded by engaging with the powerful press. The Western-language press located in East Asia published in English or in French. Different newspapers competed in the treaty ports and partly maintained cooperation with Japanese newspapers. This press informed the local foreign resident community in Yokohama and Kobe, but also acted as a hub for news and the formation of public opinion on Japan in the United States and Europe. Together with the actions of Japanese government officials and their foreign advisors, the press served to reflect the rights and duties of Western nations in their daily interactions with Japan. In the late 1870s, the Western press in East Asia served an important intermediary function. The rest of the world often referred to it as "the Japanese press" while the Japanese called it the "international press." Sometimes denigrated as the uniform mouthpiece of a small ghettoized community of foreigners, the

treaty port press deserves to be reintegrated into Japanese history for the role it played in nation building in the first Meiji decade, and for projecting Japanese images and interests in a global context.

More than anything else, the *Hesperia* incident fuelled the public debate on national sovereignty and served to restrict, if not eliminate, extraterritoriality, which had formed the framework for political action, diplomatic negotiations and public discourse throughout the 1870s. As all agreed, Japan was a sovereign state, but through international treaties it had waived specific rights, which under the regime of "international law" were the prerogatives of an independent nation. The conditions and circumstances under which it could retrieve those rights were not clearly defined. After the Iwakura mission abandoned the revision of the treaties due to the difficulty posed by the most-favored nation clause, the government accepted the international verdict that its administrative and legal institutions failed to conform to the standards of "civilized" countries. By the late 1870s, voices in multiple languages in and outside of Japan argued that Western countries abused the terms of the treaties by the very standards of international law to which diplomats so often referred. While diplomats still got away with their insistence that Japanese capabilities could not be trusted, they increasingly felt the pressure—not least on the home front—to take a more accommodating stance towards a rising nation.

The *Hesperia*'s transgression furthermore symbolized the violation of the Japanese nation to the medical community. Containing contagious diseases in early Meiji Japan constituted a highly political act, transcending the realm of specialized medical philosophies and therapeutic practices. The issue of cholera was used by Japanese and foreign doctors to combat "foreign" diseases, and to hold invasive foreigners at bay. Domestically they rallied the nation and intruded into the private lives of Japanese communities and families. The mantra of "quarantine the healthy, isolate the sick, disinfect them and burn everything else touched by disease" required and encouraged strong and effective bureaucratic and logistical capabilities, and the regulation and overruling of personal desires. In 1877 when the state told its armed forces, returning victorious from the battlefields of Kyushu, to remain on their cholera-infected ships, the "soldiers, disregarding the directions of the officers, to remain on board ... landed forcibly, brandishing their swords and muskets, and threatening to revolt. ...the disease commenced to spread over Kobe, Hiogo, Osaka and Kyoto."<sup>154</sup>

As we have seen, the Japanese measures for enforcing a stringent quarantine on foreign shipping in the 1870s went hand in hand with the global enhancement of the powers of the nation state, and the rise of economic protectionism. It was only later, after 1884, that these measures found their scientific justification through bacteriological research. The political acceptance and support in Japan for at least some national seclusion was widespread, and even foreign newspapers called for open ports in Japan to close temporarily. A rather long duration of one week quarantine by international standards of twenty four hours was supported by a strong belief in the necessity of protecting Japanese people and asserting national sovereignty. Maritime quarantine also became a tool in its own empire-building efforts, when Japan applied it in a strict way to consolidate its colonial borders and ports

154 Nagayo 1877, p. 17.



such as Pusan in Korea.<sup>155</sup> In China, by contrast, the imposition of maritime quarantine was widely resisted into the early twentieth century, partly because the state appeared ineffective in its implementation, but more because the Chinese associated the system with the infringement of their dignity and sovereignty by treaty port foreigners.<sup>156</sup>

Instead of a full scale revision, the Japanese Foreign Ministry under Terashima Munenori in the 1870s focused on two specific issues. The first was tariff revision. It appeared more urgent than ever with the balance of trade turning against Japan in that decade, when the value of its imports exceeded its foreign revenues through the export of silk and tea, raising the artificially low tariff rates. The 1878 treaty convention with the United States, although never implemented—it stipulated that all the other powers needed also agree to a change in the tariff system—provided a milestone of Japanese diplomatic success. Other states, Great Britain in particular, continued to adhere to the ideology of free trade with low tariffs, and their economic stakes in import trade were higher. In the end, the tariff system remained in place beyond the extinction of extraterritoriality until 1911.

The second issue proved to be more contentious, but more effective. The government, its foreign advisors and the press started to insist on a narrow reading of treaty stipulations. Japanese sovereignty, they said, applied unless explicitly restricted by a clause in the treaty. Administrative, municipal or police regulations they did not consider to be part of the “law” as defined by the treaties and thus did not need to be enforced by consular courts. Foreign diplomats resented this approach as it questioned their own claims for legitimacy. British Minister Sir Harry Parkes interpreted Japanese policies restricting hunting, prohibiting the import of medicinal opium or institutionalizing independent quarantine as infringements on the treaty rights of British nationals, which he was “duty-bound to protect.” Quarantine to him was an infringement of individual liberty and free trade. He, like some local Western newspapers, feared that extending to the Japanese state the uncontrollable right of administration over the foreign community would lead to abusive and arbitrary acts, and even drive them out of Japan. The *Hesperia* controversy in regards to a broader denial of the validity of administrative regulations was almost his last stand on this issue. The British Law Lords, the highest appellate court in the land, ruled in a landmark case of 31 December 1878 that “Japanese municipal law should prevail except where inconsistent with treaty rights.”<sup>157</sup>

The *Hesperia* incident also shows unity among the leading treaty powers in their desire to maintain the legal framework of informal imperialism. They may have disagreed on trade and tariffs, municipal and police regulations, medical philosophies and practices, but in 1879 they all wanted to maintain the system of consular jurisdiction and extraterritoriality. With the advent of Inoue Kaoru as Foreign Minister, the Japanese government took a more conciliatory and multilateral approach on treaty revision, resulting in two major rounds of conferences in the 1880s. The feud between the Americans on one side and the British-led Europeans on the other endured for several years. What most visibly changed was the attitude of German Minister Eisendecker on the issue of the rights of foreigners in Japan. With the cooperative approach of the new Foreign Minister, Eisendecker became a conciliatory negotiator in the treaty revision process. In the end, Inoue’s approach also failed

155 Kim 2013.

156 Benedict 1996, pp. 150–53.

157 TNA, *F.O.* 46/238.

to accomplish revision. When the wider public learned about the secret arrangements the government had made with foreign powers, it considered the compromise an infringement on Japanese sovereignty, and rallied to push for full national independence and the end of informal empire.

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## Takahashi Tomio's *Henkyō*: Eastern Easts and Western Wests

Nathan HOPSON

In 1979, historian Takahashi Tomio applied Frederick Jackson Turner's "frontier thesis" to the history of Japanese state and national formation, arguing that as the Western frontier had determined American national character, the Eastern frontier had determined the course of ancient Japanese history and the character of Japan itself. Takahashi was a scholar of Northeast Japan (Tōhoku) who attempted to transcend the limitations of Japanese history with a structural model recognizing the mutually constitutive nature of core and periphery, metropole and frontier. This article traces the development of Takahashi's argument, with attention to the influence of his personal history and the universalist tendencies of early postwar Japanese historiography. Ultimately, Takahashi's appropriated frontier thesis did not catch on, and his prominence in Tōhoku studies diminished. However, the so-called "Jōmon boom" of the early 1990s and the rise of "Tōhoku-ology" (*Tōhokugaku*) accomplished his goal of imparting value to the Northeast better than his frontier thesis could have. On the other hand, the frontier thesis was explicitly rejected by *Tōhokugaku's* leading figure, Akasaka Norio, as an expression not of universal historical laws, but of a view of the Northeast as a backward periphery to be conquered and exploited.

**Keywords:** frontier, Frederick Jackson Turner, Tōhoku, universalism, historiography, postwar thought, regionalism, Umehara Takeshi, Akasaka Norio, Emishi

In 1979, historian Takahashi Tomio penned a polemic on Japanese history called *Henkyō* 辺境, meaning "Frontier." In it, he applied Frederick Jackson Turner's (Figure 1) "frontier thesis" to the history of Japanese state and national formation, arguing that as the Western frontier had determined American national character, so the Eastern frontier had determined the course of ancient Japanese history and the character of Japan itself. Takahashi was a fierce critic of the historical imaginary propagated by popular and official national history. The subtitle of this book, "Mō hitotsu no Nihonshi" もう一つの日本史, has a double meaning. "Another Japanese history" declares Takahashi's intent to rethink Japanese history completely, but can also be read to mean that the frontier itself is "another Japan," which is

his term “secondary nature” to the whole of the Japanese poetic tradition, he expands its meaning to include even poetic images of “nature in the raw” (e.g., the clamorous sexual intercourse of cats) that would have made a Heian courtier’s hair stand on end. At one point he does admit that it “would be hard to call beer or a short-sleeved shirt [seasonal words in modern haiku] a form of secondary nature” (p. 217). But he does not pursue the theoretical implications of this admission.

Actually, there is an important larger literary-critical issue at stake here too, beyond even the history of Japanese poetry: our tendency to view and evaluate the literatures of the past through our own rather narrow lens of what might be called “modern realism.” What, after all, is “real” or “primary” nature, or, more to the point, poetic truth in the representation of nature? As Makoto Ueda has pointed out, poets such as Matsuo Bashō sought, in their hermetical retreat, “a reclusive life devoted to a quest for eternal truth in nature” (Ueda, *Bashō and His Interpreters*, p. 4). One wonders whether Shirane would nonetheless consider Bashō’s nature “secondary,” even in those famous late haiku pervaded by a tragic sense of nature’s loneliness and desolation?

No doubt this is far from Shirane’s intention, but his central argument might give the impression, especially to those readers as yet unconvinced of the greatness of the Japanese poetic tradition, that much of the classical poetry is of “secondary” status: precious, affected, artificial, and in general further removed from the truth or reality of nature than the poetry of other traditions. Widening his argument even further, he makes the provocative suggestion, in the final paragraph of the book, that the relatively poor record of the Japanese in protecting their environment may also have been because their supposed closeness to nature was only a closeness to secondary nature: “the extensive cultural seasonalization and the pervasive presence of secondary nature may have dulled the sense of urgency with regard to conservation and the need to save the environment...” (p. 219). Thus he generalizes what was, at most, an aesthetic prejudice of some Heian aristocrats into an all-pervasive tendency of Japanese culture, from ancient times to the present. Although in a uniquely negative form, this seems to me to verge on the kind of *nihonjinron* discourse about the “special relationship” between the Japanese and nature that Shirane himself rightly calls into question earlier in this book.

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**Gina L. BARNES** took her B.A. (1969) at the University of Colorado in Japanese Language and East Asian Civilization, and M.A. (1974) and Ph.D. (1983) at the University of Michigan in Anthropology/Archaeology. She taught East Asian Archaeology at Cambridge University (1981–95) and Durham University (1996–2006), retiring as Professor Emeritus. While at Cambridge, she led two projects in Japan in conjunction with Tenri University and Nara Educational University: a geological coring project in 1984, and an archaeological excavation at the Miwa site, Nara, in 1989–90. In 1991, she founded the East Asian Archaeology Network, which became the Society for East Asian Archaeology in 1996, serving as its first President and later Treasurer and Bibliographer. Her main area of research concerns ancient states and is best represented by *Protohistoric Yamato* (University of Michigan, 1988), *State Formation in Korea* (Curzon/Routledge, 2001), and *State Formation in Japan* (Routledge, 2007). In 2011, she was made a Fellow of the Geological Society of London for her geoarchaeological work, and in 2012, she took a B.Sc. with the Open University in Geosciences. She is currently revising her 1993/1999 textbook *The Rise of Civilization in East Asia* (Thames & Hudson) for publication with Oxbow Books in 2015. Prof. Barnes is currently a Professorial Research Associate at SOAS University of London in both the Department of the History of Art and Archaeology and the Japan Research Centre. Her many publications are accessible from her staff page at SOAS (<http://www.soas.ac.uk/staff/staff30624.php>).

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**Wilburn HANSEN** received his B.A. in East Asian Studies from Columbia University, his M.A. in Religious Studies from the University of Colorado at Boulder, and his Ph.D. in Religious Studies from Stanford University. He has taught at the University of California Santa Barbara and Western Kentucky University, and is now Associate Professor of Japanese religions in the San Diego State University Department of Religious Studies. He has published and lectured on ethnography, folklore, and healing. His monograph from the University of Hawai’i Press, *When Tengu Talk: Hirata Atsutane’s Ethnography of the Other World*, which was published in 2008, concerns the relationship between science and the supernatural in nineteenth-century Japan. Dr. Hansen also publishes on Japanese medieval religion, as well as modern Asian religions in the West. He is currently working on a book that reviews the speculative discourse claiming Japan once had a native writing system given to them by the Japanese gods. At San Diego State he teaches Writing on Religion, World Religions, Asian Thought & Culture, Religion in Japanese Culture, Asian-American Religions, Buddhism, and Religions of East Asia and has served as Director of the Center for Asian and Pacific Studies.

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**Juergen P. MELZER** is currently a postdoctoral fellow at Harvard University’s Program on U.S.-Japan Relations. He received a B.A. in Japanese from SOAS, University of London, and was awarded a M.A. degree in Regional Studies East Asia by Harvard University. He also studied at Ritsumeikan University and the University of Tokyo. In spring 2014 he completed his Ph.D. in East Asian Studies at Princeton University. His thesis “Assisted Take-off: Germany and the Ascent of Japan’s Aviation” examines the trajectory of Japan’s aviation from its birth in 1910 until 1937, when, on the eve of war with China, Japanese military aviation matched and in many aspects even surpassed that of the West. He argues that German assistance prepared Japanese engineers for the important transition from imitation to independent design. His present research includes the roles of France, Britain, and the United States in the transfer of aviation technology to Japan. He is interested in a contextual and transnational history of technology that looks into the complex and dynamic interplay between technology and the public, military, and political spheres.

**Jason MORGAN** is a Ph.D. student in Japanese history at the University of Wisconsin-Madison, U.S.A. His particular areas of interest include Japanese and East Asian legal and intellectual history, and he is currently working on a project researching case law (*hanrei*) in Taishō Japan. Before coming to Wisconsin, Morgan was a full-time Japanese-to-English translator living and working in central Japan. He completed his undergraduate degree in



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