VAST IMPERIUM: THE ORIGINS OF MODERN CHINESE CONCEPTIONS OF SOVEREIGNTY AND INTERNATIONAL LAW IN GUANGXU ERA GEOPOLITICS

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Abstract

Accounts of the transmission of Western notions of sovereignty and international law to China often focus heavily on Anglo-American initiatives in the period of the Opium Wars, skimming over the complex transnational interactions of the late 19th century. However, key events of the 1870s–1890s played a crucial role in rapidly changing discourses of international legal order and statehood in China. Only then were important terms for concepts such as "autonomy," "territory," and indeed "sovereignty" (zhuquan, 主权) itself, first used in official contexts with their current implications. Such uses were prompted by encounters between Qing officials and various foreign empires, often revolving around competition to define and control the vast but loosely governed Qing space. This article suggests a new emphasis upon these transnational encounters, especially certain diplomatic interactions between the Qing and Meiji Japan, as pivotal and paradigm-changing moments in China's modern legal history. Analyzing sources from the period across six different languages, China's modern zhuquan discourse is revealed to have diverse and highly globalized origins.

I. INTRODUCTION

The 1864 publication of *Wanguo Gongfa* (万国公法), the first full work on international law in Chinese, is often treated as a major turning point for the reception of Western international law concepts and terms in China.[1] This translation of Henry Wheaton's *Elements of International Law*, coordinated by the American missionary William A.P. Martin, introduced (if vaguely, and with limited initial impact) a number of new themes into Chinese discourse. Among these innovations was the book's appropriation of a traditional Chinese term, *zhuquan* (主权), to convey the English term "sovereignty."[2] While it is not fully correct to refer to *zhuquan* as a "neologism,"[3] or as sounding "strange or

[1] *See, e.g.*, Lydia H. Liu, *Legislating the Universal: The Circulation of International Law in the Nineteenth Century*, *in* TOKENS OF EXCHANGE: THE PROBLEM OF TRANSLATION IN GLOBAL CIRCULATIONS 127, 148–49 (Lydia H. Liu ed. 1999); MARIA ADELE CARRAI, SOVEREIGNTY IN CHINA: A GENEALOGY OF A CONCEPT SINCE 1840, 60 (2019).

[2] The 7th century BCE *Guanzi* (管子) treatise on statecraft, for example, already warned: "When the treasury is depleted, the ruler's authority wanes" (zang jie ze zhuquan shuai, 藏竭則主權衰). *See* 2 GUANZI JIN ZHU JIN YI (管子今註今譯) [GUANZI WITH MODERN TRANSLATION AND ANNOTATION], 826 (Li Mian (李勉) ed., Taiwan Shangwu Yinshuguan (臺灣商務印書館), 1988). The term had many later uses before the 19th century.

[3] *See* CARRAI, *supra* note 1, at 60, for one recent description of *zhuquan* as a "neologism."

un-Chinese,"[4] *Wanguo Gongfa* was indeed the first known text to have used this term in a new sense referring to a state's general authority, rather than that of a particular Emperor or other ruler.

However, as this article shows, the concept of sovereignty, as well as associated ideas, are best seen as having been conveyed into Chinese discourse not by Martin's text but rather subsequent geopolitical-diplomatic confrontations with foreign empires, especially Meiji Japan. These encounters and associated texts—most of all the often-overlooked "Ōkubo Memorandum" of 1874—provided an unprecedented impetus for *zhuquan*'s redefinition. The same is true of international law in general, which was during the Guangxu Era (1875–1908) largely redefined from a vague notion of *gongfa* (公法, "just and universal law") to the Meiji-derived *guojifa* (国际法), *i.e.* "inter-state" law, with crucial new connotations. While Western imperialism played an undeniably great role in reshaping Chinese ideas of law and politics,[5] the case of sovereignty's redefinitions in the 1870s–1890s highlights the special, concrete influence that Meiji statist thought exerted over Late Qing-era politico-legal consciousness.[6]

This article begins with an account of Qing-Meiji relations in the early 1870s, including often-overlooked episodes that spurred a new focus on international law in China. It then explains in detail the terminological shifts that accompanied these diplomatic interactions, in which it was Japanese—not Chinese or Western—uses of the construction *zhuquan* (*i.e.*, Japanese 主権, *shuken*) that did most to propel adoption of the revised concept. Subsequently, the article explains the ways Qing officials and diplomats sought to cling to traditional geopolitical frameworks into the 1880s, while adapting them to new challenges. Finally, an ever more entrenched subordinate ranking in the Eurocentric international law community and the efforts of foreign empires to territorially redefine the Qing polity combined to compel official embrace of *zhuquan*, *guojifa*, and other "Meiji-style" legal ideas.

[4] *See* Liu, *supra* note 1, at 148, for this characterization (which is correctly ascribed to several adjacent terms such as *quanli* (权利), for "rights," but somewhat over-broadly generalized to include the term *zhuquan* as well).

[5] *See generally*, STEPHEN R. HALSEY, QUEST FOR POWER: EUROPEAN IMPERIALISM AND THE MAKING OF CHINESE STATECRAFT (2015).

[6] For a related discussion emphasizing the importance of the Meiji influence, albeit focused closely on the process of textual translation and lexical shifts during a slightly later period than that considered in this article, *see* RUNE SVARVERUD, INTERNATIONAL LAW AS A WORLD ORDER IN LATE IMPERIAL CHINA: TRANSLATION, RECEPTION AND DISCOURSE, 1847–1911 (2007). Another discussion calling attention to Meiji Japan as an intellectual influence is presented in Zhang Yongxin (张用心), *Wanqing Zhongguoren de Zhuquan Guannian: Guojifa Shijiao* (晚清中国人的主权观念－国际法视角) [*Perspectives on Sovereignty of Late Qing Era China: An International Law Perspective*], 10 BEIDA SHIXUE (北大史学) [CLIO AT BEIDA] 102 (2004).

II. COMPETING AGENDAS OF REGIONAL HEGEMONY

By the early 1870s, officials in the Meiji government had for years discussed possible ways for Japan to start proactively using international law to assert parity with the West. The newly-appointed Meiji Foreign Minister in late 1871, Soejima Taneomi (副島種臣), advocated a more expansionist posture vis-à-vis Korea in particular. Korean unwillingness to diplomatically engage with Meiji Japan was cognizable as an affront against an equal sovereign under Western (post-Vattelian) doctrines, and might thus justify reprisal.[7]

This was a very practical and concrete application of the notion of "sovereignty," or *shuken*, which had by the early 1870s extensively permeated Meiji political discourse. Indeed, by 1873, a Japanese-English dictionary could simply list *shuken* (主権) as the first and primary translation for the English word "sovereignty."[8] In China, meanwhile, the term was still not in widespread nor official use with this significance. To most in the Qing realm, even high officials, any reference to *zhuquan* (主權) would still be understood as the "ruler's authority," not a conception of state rights or personality drawn from Western doctrines. Indeed, even the small number of officials who had read *Wanguo Gongfa* continued to refer to the idea of sovereignty not as *zhuquan*, but as Martin's alternate term *zizhu zhi quan* (自主之权).[9]

It was also just at this time that "international law" first received, in Japan, the Chinese character translation by which it is still referred to today throughout East Asia: the term *kokusai hō* (國際法) was coined by the scholar Mitsukuri Rinsho (箕作麟祥) in the title of his 1873 translation of Woolsey's *Introduction to the Study of International Law*.[10] Mitsukuri's book title, which is most literally translated as "interstate law, *i.e.*, the public law of the world," very clearly emphasized the "state-to-state" character of legal relations—just the point that Japan was now seeking to assert vis-à-vis the Qing Empire and its various tributary states. The term *kokusaihō* embodied Meiji insistence on "the respective sovereignty" of China and Japan, which had been a major theme during negotiations in 1871–72. These had been led on the Meiji side by the

[7] *See* Wayne C. McWilliams, Soejima Taneomi: Statesman of Early Meiji Japan, 1868–1874, 226–27 (1973) (Ph.D. dissertation, University of Kansas); YASUOKA AKIO (安岡昭男), MEIJI ZENKI TAIRIKU SEISAKU SHI NO KENKYU (明治前期大陸政策史の研究) [RESEARCH ON THE HISTORY OF EARLY MEIJI CONTINENTAL POLICY], 149–50 (Tokyo: Hōsei Daigaku Shuppan kyoku (法政大学出版局), 1998) (Japan); ROBERT ESKILDSEN, TRANSFORMING EMPIRE IN JAPAN AND EAST ASIA: THE TAIWAN EXPEDITION AND THE BIRTH OF JAPANESE IMPERIALISM, 43–44, 65 (2019).

[8] *See* EI WA JII (英和字彙: 附音插圖) [AN ENGLISH AND JAPANESE DICTIONARY], 1094 (M. Shibata (柴田昌吉) & T. Koyas (子安峻) eds., Yokohama: Ni-Shu-Sha Printing Office (日就社), 1873) (Japan).

[9] This term, meaning something like "an authority of self-rule," was used interchangeably with *zhuquan* in *Wanguo Gongfa* as part of a "cluster of terms related to 'sovereignty' and 'independence.'" *See* Svarverud, *supra* note 6, at 107.

[10] *See* THEODORE D. WOOLSEY, KOKUSAI HŌ ICHIMEI BANKOKU KŌHŌ (國際法一名萬國公法) [INTERSTATE LAW, I.E. THE PUBLIC LAW OF ALL STATES] (Mitsukuri Rinsho trans., Tōkyō: Nishodō (二書堂), 1873).

21-year-old aristocrat Yanagiwara Sakimitsu (柳原前光), and eventually resulted in the Sino-Japanese Friendship and Trade Treaty.

Yanagiwara had first journeyed to China in 1871 in order to open discussions on a first Western-style treaty between Meiji Japan and the Qing Empire. He then returned to China in 1872 during a subsequent round of negotiations reflecting dissatisfaction in Meiji official circles with the recently-signed treaty, which failed to secure for Japan terms similar to those enjoyed by Western empires on Qing soil. While there, he became aware of newspaper reports regarding the deaths at the hands of local indigenous groups on the island of Taiwan of 54 shipwrecked sailors from the Kingdom of Ryūkyū / Liuqiu (琉球).[11] This development was, as Yanagiwara established in discussions with the British consul at Shanghai, precisely the sort of incident that Western states often used as a legal basis for military reprisals.[12] Though many officials still doubted the wisdom of sending an expedition against Korea, they could perhaps back one against the "natives" of Taiwan.

Ryūkyūan leaders had for centuries maintained an ambiguous status as a "tributary" state both to successive Chinese dynasties and, since the 17th century, to the Satsuma Domain of feudal Japan. This provided a potential basis for a Meiji claim that "its" subjects had been killed on Taiwan. In close cooperation with the newly-arrived French-American military adviser to the Meiji government, Charles Le Gendre, Soejima and other officials began planning their response to the incident which increasingly turned on the notion that "savage" territories could be annexed in a legitimate fashion in order to be "civilized."[13]

Soejima went to China in early 1873 to negotiate with the Qing over the handling of the incident. His visit, and the broader incident, happened to coincide with the multilateral diplomatic confrontation referred to as the "Audience Question," which centered on China's obligations under the 1860 Convention of Beijing to let foreign diplomats to meet with the Emperor.[14] The timely death of the Xianfeng Emperor (咸丰) in 1861 had postponed such audiences. Yet in 1872, his successor Tongzhi (同治) had turned 15 years old and gotten married. It was no longer possible to deny visitation on the basis of minority. Although it seemed clear visits would have to be allowed, there were still unresolved questions that Qing officials saw as implicating stateliness. In particular, would foreign envoys make the traditional *ketou* (磕头, aka kowtow) genuflection to the Emperor? Prince Gong (恭亲王) sent a memorandum to the foreign diplomats on this point, arguing that "in whatever concerns the dignity

[11] *See* ESKILDSEN, *supra* note 7, at 43–44, 65.

[12] *See id.*, at 78.

[13] *See id.*, at 236.

[14] *See* Wang Tseng-Tsai, *The Audience Question: Foreign Representatives and the Emperor of China, 1858–1873*, 14 THE HIST. J. 617(1971).

of the state, each side must take care that it does no injustice to the other."[15] This was also a matter of "popular feeling," as a meeting with the Emperor without proper etiquette would be "in the opinion of every Chinese[ ] derogatory to the dignity of his government."[16] Each of these references to "dignity" reflected internal discussions about preserving Qing "state form" (*guoti*, 国体) and the uniqueness of Chinese customs.[17]

While these negotiations were occurring in Beijing, in nearby Tianjin the more general issues of Sino-Japanese relations were being discussed by Soejima and the Qing Beiyang Trade Minister Li Hongzhang (李鸿章), a powerful Han Chinese official who would dominate foreign policy for decades. Soejima's demands for compensation related to Taiwan were met with heated resistance by Li, but the most immediate result was that the treaty of 1871 was now finally ratified in order to establish a basis for further negotiations. After Soejima proceeded to Beijing in the spring of 1873, he was, as Japan's Foreign Minister and an Ambassador Plenipotentiary, technically the highest ranking diplomatic official from a foreign state then in China. His presence thus immediately affected the possible resolution of the Audience Question, and also presented an opportunity for Japan to more fully assert its very newly-won and fragile recognition as a formally equal power.[18]

These various debates were resolved in part through the intervention of Li Hongzhang, who in May submitted a memorial endorsing a "compromise" over the Audience Question that, in reality, constituted a major concession to the Western demands—the kowtow might be abandoned in favor of some other suitable ceremony. Li noted that audiences were obviously meaningful for the Westerners.[19] Meanwhile, "our dynasty has set rituals for dealing with vassal states [*shuguo*, 属国], but we have no set rituals for dealing with peer states [*yuguo*, 与国]."[20] Given this, it would be preferable to "show our magnanimity" by giving way on "small details" [*kuan qi xiaojie*, 宽其小节].[21] This policy was adopted and two audiences were held in mid-June: first of Soejima

[15] 1 EXECUTIVE DOCUMENTS PRINTED BY ORDER OF THE HOUSE OF REPRESENTATIVES, 1873-1874, 174 (US Government Printing Office, 1874).

[16] *Id.*, at 174.

[17] *See e.g.*, Li Yumin (李育民), *Wanqing Shiqi Guoti Guan de Bianhua Shitan* (晚清时期国体观的变化试探) [*Analyzing the Transformation of Perspectives on* Guoti *During the Late Qing Period*], 6 RENWEN ZAZHI (人文杂志) [THE J. HUMAN.] 71, 84 (2013). Li Hongzhang, for example, acknowledged that since Western powers were now treated as "states equal in form [*diti pingxing zhi guo*, 敌体平行之国]," each state's ministers could be expected to "cling stubbornly to their own conventions and customs."

[18] *See* ESKILDSEN, *supra* note 7, at 115.

[19] *See* QING SHILU (清实录) [VERITABLE RECORDS OF THE QING] (hereinafter "QSL"), Tongzhi Era, Juan 350 (卷三五〇), at 27, Shu Tong Wen Guji Shujuku (书同文古籍数据库) [Shu Tong Wen Ancient Works Database].

[20] *Id.* This term, *yuguo* (与国), dated from ancient times when there were indeed many different states in "China," each of which had equivalent status. *See e.g.*, SIMA QIAN (司馬遷), SHIJI QUANBEN: SHANG (史記全本·上) [RECORDS OF THE GRAND HISTORIAN, VOL. I], Juan 7 (Taipei: Wanjuan Chuban Gongsi (萬卷出版公司), 2016).

[21] QSL, *supra* note 19, Tongzhi Era, Juan 350, at 27. Li's positions were in substantial part based on earlier views put forward by Wenxiang (文祥) as official head of the Zongli Yamen.

alone, in light of his higher diplomatic rank as a full ambassador, and then the Western envoys.[22] The concession on audiences made ripples abroad in diplomatic and legal circles.[23]

Although Soejima achieved a major symbolic victory with the resolution of the Audience Question, his specific demands for compensation with regards to Taiwan were rebuffed based on the premise that the natives were "uncultivated vassals" (*shengfan*, 生番), to whom the Qing administration "did not reach."[24] Though from the Qing perspective this did not imply that the island itself was not Qing territory, it was sufficient in the eyes of the aggressive faction in the Meiji government to justify a military expedition against the offending "savages." The subsequent course of dealings involved Yanagiwara, who continued to pursue the Taiwan issue with the Zongli Yamen (总理衙门) over the following year, and continued seeking to raise more general questions regarding the Qing status in the region. At one point, he compared Taiwan with Cambodia and Tonkin as areas that, because they were not sufficiently "protected" by the Qing, had already been all but abandoned to the West.[25] Japanese forces landed in Taiwan in May, and their operations, ultimately aimed at annexation, would continue through November.

Negotiations in Beijing also continued through the autumn of 1874, as representation of the Japanese side was taken over by the high-ranking statesman Ōkubo Toshimichi (大久保利通), recently returned from the Japanese "Iwakura Mission" of statesman and scholars visiting the West to study a wide range of policy and administrative matters.[26] While in Europe, Ōkubo had been most impressed by Otto von Bismarck's Prussia, as a state combining technological and military superiority—displayed in its dazzling defeat of France in 1871—with a high degree of order and hierarchy. As Bismarck reportedly said to the envoys, Prussia, like Japan, had once been "poor and weak," but had now become great in part through military self-assertion. He advised them to emulate this feat rather than focus solely on diplomacy and international law.[27]

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[22] *See* Wang Tseng-Tsai, *supra* note 14, at 623–25.

[23] *See* G. Rolin-Jaequemyns, *La Diplomatie Européenne à Péking*, 9 REV. DROIT INT'L & LEGIS. COMP. 401 (1877).

[24] *See* Li Xizhu (李细珠), *Li Hongzhang Dui Riben de Renshi ji Qi Waijiao Celüe: Yi 1870 Niandai wei Zhongxin* (李鸿章对日本的认识及其外交策略—以 1870 年代为中心) [*Li Hongzhang's Understanding of Japan and Diplomatic Strategy: With Focus on the 1870s*], 1 SHEHUI KEXUE JIKAN (社会科学辑刊) [SOC. SCI. J.] 145 (2013) .

[25] *See* Mizuno Norihito, *Qing China's Reaction to the 1874 Japanese Expedition to the Taiwanese Aboriginal Territories*, 16 SINO-JAPANESE STUD. 100 (2009); Wayne C. McWilliams, *East Meets East: The Soejima Mission to China, 1873*, 30 MONUMENTA NIPPONICA 237 (1975); Liu Dan (刘丹), *1874 Nian Dajiu Baolitong Beijing Tanpan de Dongyin yu Yingxiang* (1874年大久保利通北京谈判的动因与影响) [*The Motivations and Effects of Ōkubo's 1874 Negotiations with Beijing*], 4 WAIGUO WENTI YANJIU (外国问题研究) [J. FOREIGN STUD.] 85 (2018).

[26] *See e.g.*, IAN NISH, THE IWAKURA MISSION TO AMERICA AND EUROPE: A NEW ASSESSMENT (2008).

[27] *See* OTTO VON BISMARCK, WERKE IN AUSWAHL: REICHSGESTALTUNG UND EUROPÄISCHE FRIEDENSWAHRUNG, 1877–1882, 310–11 (Stuttgart: W. Kohlhammer, 1973).

III. THE TACTICAL APPLICATION OF LEGAL AND SPATIAL CONCEPTS

The most striking moment in the Qing-Meiji course of dealing, and the most significant from for the conceptual history of "sovereignty" in China and throughout East Asia, came with an 1874 communiqué submitted to the Zongli Yamen by Ōkubo Toshimichi in support of Japan's rights to send an expedition to Taiwan—and indeed lay to claim to it—supported by a brief but densely-footnoted memorandum on international legal authorities in support of the Japanese position.[28] If any single moment marks the turning point at which *zhuquan* became the conceptual crux of international law in East Asia, it would be this one.

In the space of only about three pages, the term *zhuquan* was mentioned five times. Moreover, it was now not being used generically to refer to undefined qualities of state "authority," but rather as the signifier for a specific *legal claim to formal, exclusive rights to the possession of, and all authority over the administration of, a specific spatial zone*: the island of Taiwan. This was sovereignty as exclusive title to territory: what mid-19th century jurists often referred to as a state's "dominion" or *dominium* (*eminens*)—eminent domain.

In other words, the Japanese policy was now to treat Taiwan as a *terra nullius* over which existing Japanese state sovereignty could be *extended*—the very first time this status had been applied to Qing-claimed territory by a foreign power. In support of this argument were marshalled citations from several leading legal authorities. These were, in order: Emer de Vattel, Georg Friedrich von Martens, August Wilhelm Heffter, and Johann Caspar Bluntschli.[29] In keeping with the Sino-Japanese treaty ratified the previous year, the 1874 Ōkubo Memorandum to the Zongli Yamen was written in Classical Chinese. Yet the ideas it contained were, without exception, drawn from prominent texts of Western international law.

In the very first line of the memorandum, Vattel was cited for §208 of his *Droit des Gens*, holding that "the law of nations will not recognize the property or sovereignty of a nation except over empty lands where it has effectively and genuinely occupied them or formed in them an establishment or of which it will make actual use."[30] The Ōkubo Memorandum version, notably, combines

[28] *See* CHOU BAN YI WU SHI MO (筹办夷务始末) [FULL ACCOUNT OF THE HANDLING OF BARBARIAN MATTERS] (hereinafter "CBYWSM"), Tongzhi Era, Juan 97, Shu Tong Wen Guji Shujuku (书同文古籍数据库); TONGZHI JIAXU RI BING QIN TAI SHIMO (同治甲戌日兵侵台始末) [FULL ACCOUNT OF JAPAN'S INVASION OF TAIWAN IN THE JIAXU YEAR OF THE TONGZHI REIGN], Juan 3 (Taipei: Taiwan Yinhang (台灣銀行), 1959).

[29] *See* CBYWSM, *supra* note 28, Tongzhi Era, Juan 97.

[30] EMER DE VATTEL, LE DROIT DES GENS, OU PRINCIPES DE LA LOI NATURELLE APPLIQUÉS A LA CONDUITE ET AUX AFFAIRES DES NATIONS ET DES SOUVERAINS 266–67 (Paris: J.P. Aillaud, 1835) (originally published 1756) ("Le Droit des Gens ne reconnoîtra donc la *propriété* & la *souveraineté* d'une nation, que sur les pays vides, qu'elle aura occupés réellement & de fait, dans lesquels elle aura formé un établissement, ou dontdon't elle tirera un usage actuel.").

Vattel's *propriété & souveraineté* (property and sovereignty) into the single word *zhuquan*.[31]

Georg Friedrich von Martens and August Wilhelm Heffter are cited for related points, regarding the specific requirements of effective occupation, including the latter's observation that "occupation over persons" requires either that they submit voluntarily or "under the domination of a conqueror."[32] Ōkubo then cites Bluntschli, first for paragraph §278 of his *Das moderne Völkerrecht der civilisirten Staaten als Rechtsbuch dargestellt*, which described the legal rights that can be attached to "stateless" territories (*statenlosem Land*; *wu shu zhi di*, 无属之地).[33] Other states could gain *zhuquan* (*Gebietshoheit*) over this land if they subject it to occupation (*Besitznahme*; *zhanju*, 占据). Meanwhile, if some state makes a claim to the control of a certain territory, but has failed to effectively make use of it, then mere displays of will do not suffice to claim sovereignty (in Bluntschli: *Statsherrschaft*). There is also no obstacle to another state "ordering and civilizing" the stateless land and its people (*zu ordnen und zu civilisiren*; *jiaohua qi min*, *chuangzao qi zheng*, 教化其民, 创造其政).[34]

There are many firsts in this diplomatic memorandum. Never before had public international law been invoked in such detail and in reference to a specified set of authorities in any interaction between East Asian states. Never before had an important legal question in Greater China turned upon acquisition of sovereignty over an "uncivilized" and "stateless" territory — though gradations of civilization had certainly been applied to territorial acquisitions by European states elsewhere in Asia, *e.g.*, the British acquisition of the North and South islands of New Zealand by treaty and "discovery," respectively, or the claims to Australia on similar grounds.[35] But only the new Meiji characterization of Taiwan as "stateless" brought the concept of a *lack of sovereignty* into direct relation with soil long treated as subject to the moral-political authority of various Chinese dynasties.

In the end, the Japanese mission in Taiwan failed in part due to a high death rate stemming from local diseases and other practical difficulties of colonization, and in part due to Western opposition to annexation. The Qing offer of compensation, made at British and American encouragement, was taken by Japan as implying acceptance of sovereignty over Ryūkyū, although

[31] In Chinese, the passage is rendered: "一国新占旷地非实力占有即就其地建设馆司而获实益，公法不认其主权." CBYWSM, *supra* note 28, Tongzhi Era, Juan 97.

[32] AUGUST WILHELM HEFFTER, LE DROIT INTERNATIONAL PUBLIC DE L'EUROPE 141–42 (Paris: Cotillon, 1857); *See also* GEORG FRIEDRICH VON MARTENS, 1 PRÉCIS DU DROIT DES GENS MODERNE DE L'EUROPE 131 (Paris: Guillaumin et Cie, 1864) ("l'occupation n'est admise que pour les choses qui ne sont pas déjà possédées par un détenteur antérieur et que danns aucun cas elle ne s'applique aux hommes, si ce n'est à ceux qui se soumettent volontairement ou que la guerre a ranges sous la domination d'un vainqueur.")

[33] *See* JOHANN CASPAR BLUNTSCHLI, DAS MODEERNE VÖLKERRECHT DER CIVILISIRTEN STAATEN ALS RECHTSBUCH DARGESTELLT, 167–68 (Nördlingen: C.H. Beck, 1872).

[34] *See* JOHANN CASPAR BLUNTSCHLI, *supra* note 33, at 169–70; CBYWSM, *supra* note 28, Tongzhi Era, Juan 97.

[35] *See* WILHELM G. GREWE, EPOCHEN DER VÖLKERRECHTSGESCHICHTE 72–82 (Baden-Baden: Nomos Verlagsgesellschaft, 1984).

the Qing side continued to dispute this claim. Meanwhile, some Qing officials now argued that other recently-acquired European international law concepts, such as the norm of maintaining the "balance of power," should be invoked to counter Meiji expansion efforts.[36]

As these shifts were occurring in China's external situation, it seemed that the position of the "sovereign" in the sense of the ruler was also being redefined. After the receptions of Yanagiwara and the Western ambassadors in June 1874, there soon followed more requests for audiences with the Tongzhi Emperor, some of which were granted. Very soon afterwards, though, Tongzhi died suddenly of medical causes that have ever since been subject to considerable debate.[37] His cousin Zaitian (载湉), Cixi's four-year-old nephew, was now chosen to replace him via a highly unusual retroactive adoption process. China would thus go without a directly-governing Emperor for another 13 years.

The discourse of *zhuquan* / sovereignty only now started to become noticeable in Qing official and intellectual circles, in this period immediately after both the Ōkubo Memorandum and the Tongzhi Emperor's death. This terminological shift occurred first in a set of international law works, the first new translations into Chinese since *Wanguo Gongfa*, that translators at the Zongli Yamen published with Martin's editorial support. The first of these, a translation of Karl von Martens' *Guide Diplomatique* (5th ed., 1866) (*Xingyao Zhizhang*, 星轺指掌, 1876), did not refer to *zhuquan*.[38] Subsequently, by the following year *zhuquan* was used over a dozen times in William A.P. Martin's translation of Theodore Dwight Woolsey's *Introduction to the Study of International Law* (1871) (*Gongfa Bianlan*, 公法便览, 1877), which appeared four years after Mitsukuri's translation of the text in Japan.

This adoption of the Western-influenced "Japanese" usage of *zhuquan* as sovereignty (especially as encompassing territorial sovereignty / *Gebietshoheit*) was then confirmed in the 1880 Tongwenguan translation of Bluntschli's *Das moderne Völkerrecht der civilisierten Staaten als Rechtsbuch dargestellt* (1868) (*Gongfa Huitong*, 公法会通, 1880). This was, of course, one of the texts that Ōkubo had cited six years earlier in his arguments that the Qing failure to "civilize" Taiwan had provided Japan with a right to do so in its stead and thus attain *zhuquan* over the territory. The full Chinese version of Bluntschli's work contains more than forty uses of the term *zhuquan*, and is considerably more exact and consistent in its explanations than *Wanguo Gongfa* had been. Rather than the latter, Ōkubo's 1874 memorandum and the 1880 translation of

[36] *See* Li, *supra* note 24. On "balance of power" (*shou pingjun shi zhi li*, 守平均勢之例), see the 1874 memorandum of Governor-General of Ming-Zhe, Li Henian (李鹤年) in JIAXU GONGDU CHAOCUN (甲戌公牘鈔存) [PUBLIC DOCUMENTS OF THE JIAXU YEAR] (Wang Yuanzhi (王元稚) ed., Taipei: Taiwan Yinhang (台灣銀行), 1959).

[37] *See* Nathan Sivin, *The Question of Efficacy in the History of Medicine*, *in* A MASTER OF SCIENCE HISTORY: ESSAYS IN HONOR OF CHARLES COULSTON GILLISPIE 341, 351 (Jed Z. Buchwald ed., Springer, 2011).

[38] *See* XINGYAO ZHIZHANG (星轺指掌) [A GUIDE FOR EMISSARIES] (Beijing: Tongwenguan (同文馆), 1876).

Bluntschli's text should probably be seen as the real starting point for the modern Chinese discourse of *zhuquan*.

The translation of Bluntschli's §62 – §94, on the "international legal characteristics of states" (including *Souveränität*), contained some of the most significant of these references, and undoubtedly helped to shape future understandings of the term. The contents of the section reinforce this idea that sovereignty is the defining feature of the State's existence, beginning from §62 comparing the State to "a person with both rights and subjectivity" (*you ren . . . you quanli . . . you zhujian*, 犹人 . . .有权利 . . . 有主见), for whom individuals are like organs or limbs.[39] In what follows, §64 defines sovereignty as "the capability for independence and lack of reliance on other states [as well as] the ability not to receive orders from other states." Other paragraphs in this section explain more key features of the concept, such as that sovereign authority "emerges from the people" (*chu yu min*, 出于民) and that it can be limited by international law, but not (legitimately) by other states unilaterally. Perhaps most strikingly for Late Qing readers, §63 states that "whoever *actually* governs the State and wields State authority should be regarded for diplomatic purposes as State ruler" (*guozhu*, 国主; originally "head of State, organ of the State will and State representative").[40]

From the late 1870s, meanwhile, the Qing court's attention shifted to consolidating territorial control of the great empire's vulnerable fringes, from Taiwan to Xinjiang, and Manchuria to Southeast Asia. Indeed, even the naming of Prince Zaitian's new imperial era seems to have embodied the aim of consolidating Qing rule over contested frontiers. Though the Chinese character version, Guangxu (光绪), signified "brilliant (or glorious) succession," a very different message was conveyed by the Manchu language version: *Badarangga Doro*. This signified something close to "Expansive Imperium,"[41] though it could also be rendered as "Vast Order" or even "Extending Sovereignty."[42] The reign name of the child Emperor thus appears to have been chosen to reflect the Qing elite's aspirations to consolidate *zhuquan* over their ancestral territory — despite the growing threats posed by foreign empires.

IV. BEGINNINGS OF QING DIPLOMACY AND REAFFIRMED SUBORDINATION

In the first year of the *Badarangga Doro* era, another inter-imperial crisis emerged when the British diplomat Augustus Raymond Margary was killed,

[39] *See* JOHANN CASPAR BLUNTSCHLI, GONGFA HUITONG (公法会通) [COMPILED EXPLANATIONS OF INTERNATIONAL LAW] (Beijing: Tongwenguan, 1880). Bluntschli's original passage is rather different in that it refers to the State as a "legal being" (*Rechtswesen*) with a "legal will" (*Rechtswille*), and for which people act as "representative organs" (*repräsentativer Organe*). *See* BLUNTSCHLI, *supra* note 33, at 86–87.

[40] *Id.*

[41] *See e.g.*, Erich Hauer, *Why the Sinologue Should Study Manchu*, 61 BULL. N. CHINA BRANCH OF THE ROYAL ASIATIC SOC'Y 156, 163 (1930), for a discussion of this translation of *Badarangga Doro.*

[42] It also seems possible that the Chinese characters for Guangxu (光绪) were chosen as near-homonyms for Guangxu (广序), which would indeed mean something very close to *Badarangga Doro* / "Vast Order."

along with members of his staff, by locals in Yunnan near the border with Myanmar. Subsequent negotiations over compensation between the British head envoy to China Thomas Wade and Li Hongzhang extended until August 1876, when the Chefoo Convention (*Yantai Tiaoyue*, 烟台条约) was signed and gave to Britain, along with 200,000 silver taels, the opening of four new treaty ports, prohibition of taxes on foreign goods (except opium) at all open ports, and new specific rules for consular jurisdiction favorable to British interests.[43]

Aside from these extensive new imposed rules, there were also provisions establishing obligations for the Qing in respect of diplomatic matters. An additional article to the treaty gave Britain the right to dispatch another "mission of exploration," this time to Tibet, and made it incumbent upon the Qing to inform the imperial *Amban* and ensure all requisite permissions.[44] Meanwhile, a set of more general provisions dealt with diplomatic affairs in a comprehensive sense, requiring that the Qing compose an "Imperial Letter" of apology and dispatch this directly to England via a diplomatic mission (in addition to posting it publicly around the country).[45] This mission of apology was in fact an ideal way to achieve another longstanding British aim, which was the posting of a Chinese resident envoy in London. In response to the demand for a diplomatic mission, the Qing court sent the senior official Guo Songtao (郭嵩焘), who left for England and France in late 1875 alongside a few other delegates.[46]

Guo left China in December 1875 and remained abroad until early May 1879. While in London, he met on several occasions with prominent international lawyers.[47] These included the Regius Professor of Civil Law at Oxford, Travers Twiss, as well as David Dudley Field, a prominent American lawyer and advocate for legal codification. Both men were original members of the leading early international law organizations, the *Institut de Droit International* and the Association for the Reform and Codification of the Law of Nations (now called the "International Law Association"), which were then newly-founded.

Guo praised the Western international law community for its "justice and solemnity," but the oppressive aspects of Western international order were also

[43] *See* Agreement Between the Ministers Plenipotentiary of the Governments of Great Britain and China (Chefoo Agreement / Yantai Treaty), Section II(iii), *in* 1 TREATIES, CONVENTIONS, ETC., BETWEEN CHINA AND FOREIGN STATES 495 (Maritime Customs Service, 1917). *Cf.* PÄR KRISTOFFER CASSEL, GROUNDS OF JUDGMENT: EXTRATERRITORIALITY AND IMPERIAL POWER IN NINETEENTH-CENTURY CHINA AND JAPAN 77–84 (2011).

[44] *See* Yantai Treaty, *supra* note 43, Separate Article, at 498–99.

[45] *See id.,* Section I, at 491–93.

[46] *See e.g.*, JENNY HUANGFU DAY, QING TRAVELERS TO THE FAR WEST: DIPLOMACY AND THE INFORMATION ORDER IN LATE IMPERIAL CHINA (2018), 124–131.

[47] *See* GUO SONGTAO (郭嵩焘), SHIXI JICHENG: GUO SONGTAO JI (使西纪程: 郭嵩焘集) [RECORD OF A MISSION TO THE WEST: COLLECTED WRITINGS OF GUO SONGTAO] (Shenyang: Liaoning Renmin Chubanshe (辽宁人民出版社), 1994); GUO SONGTAO (郭嵩焘), LUNDUN YU BALI RIJI (伦敦与巴黎日记) [LONDON AND PARIS DIARIES] (Changsha: Yuelu Shushe (岳麓书社), 1984), Juan 22 (卷廿二).

very apparent to him. He noted, for example, that Westerners used the term "half-civilized" [*hafu seweilaiyiside*, 哈甫色维来意斯得] to refer to countries they excluded from full membership in their community, particularly China, Turkey, and Persia.[48] Elsewhere in his diaries, Guo notes that:

> "Whenever the Westerners open up ports, they are at first very modest. Then, their power and influence grow by the day, and the regulations and prohibitions put in place may oppress [some of the local populace]. This gives rise to mutual enmity and to attempts to expel [the foreigners]. Thereupon, one step is all that is needed to overtake the country and expand their territory by hundreds of miles. And so when they set up their ports, they need not *initially* rely primarily upon military force . . . [and yet] today, the territory remaining to be conquered [by the West] is only Asia and Africa, and no more. Meanwhile Japan is the only [non-Western] state that understands these methods. The rest are all befuddled . . . alas."[49]

This imperialist and hierarchical position towards non-Western states was at the time just beginning to be discussed critically by international lawyers. Throughout the 1870s, the leading American advocate of free trade and legal codification, David Dudley Field, had argued for a clearer status for Asian polities in international law. To this end, he initiated efforts to have the *Institut de Droit International* develop a clear doctrine on this topic. At the *Institut*'s 1874 meeting at Geneva, Field first directly raised the question of "the possibility of applying the European international law to Oriental nations." His views were then summarized in a *Revue* article the following year, along with a questionnaire intended to solicit broader input on the topic.[50] Field noted that international law had been invoked in the interactions between China and Japan during their recent dispute over the island of Taiwan and was also aware that works on international law had been translated, specifically mentioning *Wanguo Gongfa*.[51] Earlier that year, moreover, Field himself had made a tour of East Asia as part of a trip around the world.[52] He had observed the functioning of local mixed courts and also heard criticisms from Westerners as to the state of Chinese justice, which contributed to his belief that some form of extraterritorial jurisdiction was justified.[53]

At the same time, however, Field also strongly advised against formalizing "civilization" as a hierarchical category justifying differential treatment of various states; should one really consider "that a nation. . . which possessed a cultivated literature and perfected arts, while our ancestors were still dressing themselves in animal skins. . . is non-civilized?"[54] In light of such considera-

[48] *See* GUO SONGTAO, LUNDUN YU BALI RIJI 491 (1984) (February 2, 1878).

[49] GUO, LUNDUN YU BALI RIJI 954–55 (1984).

[50] *See* David Dudley Field, *De la Possibilité d'Appliquer le Droit International Européen aux Nations Orientales*, 7 REV. DROIT INT'L & LEGIS. COMP. 659 (1875).

[51] *See id.*

[52] *See* HENRY M. FIELD, THE LIFE OF DAVID DUDLEY FIELD 96 (New York: Charles Scribner's Sons, 1898).

[53] *See id.*, at 256–60.

[54] Field, *supra* note 50, at 664.

tions, Field argued that "the perspective of civilization is *not* the one upon which the application of international law in China should depend."[55]

The greatest problem with consular jurisdiction for Field was not that it was "unequal" or overrode native sovereignty, but rather that it might actually deter the flow of global capital. Along these lines he reported a complaint made by the Khedive of Egypt that, before the recent introduction of professional mixed tribunals, he had had trouble attracting investments because contract disputes would have to go before (potentially biased or inexpert) consular officials. A more professionalized extraterritoriality system, rather than its abolition, would seem to address such concerns. Indeed, Field ultimately advocated global adoption in non-Western lands, China in particular, of a system close to the Egyptian mixed tribunals, with an appellate chamber composed of six European judges and four natives.[56] Such a solution could last "until a more complete assimilation of judicial institutions between Occidental and Oriental nations."[57]

This approach to the problem, acknowledging the need to better respect the sovereignty of (some) non-Western peoples but without fully eliminating the "necessary" involvement of European judges, was endorsed by others at the *Institut de Droit International*'s 1879 meeting in Brussels, including Travers Twiss.[58] At the same meeting Joseph Hornung, a leading Swiss judge, statesman, and professor at the University of Geneva, more strongly condemned the "self-interested" European approach to such matters, which had "forced open China's ports" and exerted rule over Egypt "solely in the interests of European creditors."[59] Despite his strong language, though, Hornung too did not seek a complete abolition of consular jurisdiction, but rather its reform to be more equitable and inclusive, as per Field's suggestions. He also noted with approval the way that European states had forced the Ottoman Empire to give autonomy to its subjugated peoples at the recent 1878 Berlin Congress, and argued that such intervention should be extended further—albeit only in the interests of subject peoples, indeed, even those oppressed by Christian rulers.[60]

The advocates of relatively accommodationist ideas towards China during the 1870s, like Field or Hornung, faced increasingly stiff opposition. One particularly negative reaction was that of the German consul at Shanghai, Friedrich Richard Krauel, who submitted his thoughts in an 1877 article in the *Revue de Droit International et de Législation Comparée*. It was impossible to treat the Chinese as equal members of the compact between civilized nations, he wrote, because "good faith, which presides among us in the relations

[55] *See id.*, at 667.

[56] *See id.*, at 663, 667–68.

[57] ANNUAIRE DE L'INSTITUT DE DROIT INTERNATIONAL 1879–1880, 300 (Brussels: C. Muquardt, 1880).

[58] *See id.*, at 298–300.

[59] *See id.*, at 305–307; *Cf.* Joseph Hornung, *Note a Propos de l'Application aux Nations Orientales du Droit des Gens Coutumier de l'Europe*, 11 REV. DROIT INT'L & LEGIS. COMP. 447–49 (1879).

[60] *See* Hornung, *supra* note 59.

between belligerents, is totally unknown in China."[61] More significant in shaping global juristic opinion, though, were interventions by Friedrich Fromhold von Martens (aka Fyodor Fyodorovich Martens), the Estonian-Russian international lawyer who would, by the end of the century, be esteemed the "Chief Justice of Christendom" among other titles of acclaim.[62] One of Martens' earliest influential works on international law was his 1873 doctoral thesis on "The Office of Consul and Consular Jurisdiction in the East,"[63] which put the concept of civilization at the center of a defense of extraterritorial consular jurisdiction for Europeans among "heathen" (*heidnischen*) states.[64]

In 1873, Martens was mainly applying this exclusionary logic to Russia's then-primary geopolitical foil, the Ottoman Empire, which he argued could not be treated as an equal in international law given the (supposedly) xenophobic and intolerant character of Islam.[65] He was less overtly negative regarding the status of non-Muslim lands, including China and Japan. By the end of the 1870s, though, Martens' focus would shift, and he emerged as an advocate of the view that China was a potential enemy of the community of "civilized" nations. Martens' arguments along these lines developed largely as interventions into the area that is today called the Ili Kazakh Autonomous Prefecture of Xinjiang.[66]

The interests justifying Russia's incursion were based on the presence of the two consulates that had been opened via the Treaty of Kuldja (中俄伊犁塔尔巴哈台通商章程) in 1851. After local uprisings against Qing rule, Russia had seized territory but stated that it would withdraw its forces once "order" was restored. It then however, refused to do so after Qing forces had effectively eliminated local resistance by 1877. An attempt to resolve the dispute in 1879 by the Manchu official Chonghou (崇厚) resulted in the Treaty of Livadia (中俄交收伊犁条约), in which Ili itself was nominally returned but whose terms actually constituted a vast concession to Russia, which was soon disavowed by the Qing court.[67]

The Qing side then sought to renegotiate the treaty, while Russia insisted on its validity. A firm Qing position and Moscow's wariness amidst Great Game maneuverings with Britain resulted in the Treaty of Saint Petersburg of 1880, whereby the Russian-occupied territory in Xinjiang was returned to effective Qing rule: a rare example of a diplomatic victory for China. Amidst

[61] A. Krauel, *Applicabilité du Droit des Gens Européen a la Chine*, 9 REV. DROIT INT'L & LEGIS. COMP. 387, 398 (1877).

[62] *See e.g.*, Edwin Maxey, *Development of International Law*, 40 AM. L. REV. 188, 194 (1906).

[63] *See* F. MARTENS, DAS CONSULARWESEN UND DIE CONSULARJURISDICTION IM ORIENT (H. Skerzt, trans., Berlin: Weidmann, 1874); *Cf.* Arthur Nussbaum, *Frederic De Martens, Representative Tsarist Writer on International Law*, 22 NORDISK TIDSSKRIFT INT'L RET 51 (1952); Andreas T. Müller, *Friedrich F. Martens on "The Office of Consul and Consular Jurisdiction in the East,"* 25 EUR. J. INT'L L. 871 (2014).

[64] *See* MARTENS, *supra* note 63, at 36–39.

[65] *See id.*, at 501.

[66] On the broad contours of this conflict and its diplomatic repercussions, *see* IMMANUEL C.Y. HSU, THE ILI CRISIS: A STUDY OF SINO-RUSSIAN DIPLOMACY 1871–1881 (1965).

[67] *See id.*

this disagreement, Martens, by now a prominent scholar at St. Petersburg, published a book important for his burgeoning career on *The Conflict Between Russia and China: Its Origins, Its Development, and Its Universal Importance*.[68] He begins with an invocation of Russia's two centuries of "friendly" relations with China, adding with studied incredulity "[h]ave some not gone so far as to claim that there is an affinity of race between the Russians and the Chinese and that the same blood runs through their veins (sic)!"[69] Shortly afterward, he turns to the notion of civilizational difference to call for a unity among Western states, which had "a solidarity of interests . . . consisting in the obligation to be always . . . the representatives of a civilization superior to that of China[.]"[70] Any "blow that China delivers against Russia," then, was actually "directed against all of the civilized nations": A Chinese triumph against Russia would result in the "general expulsion of the *foreign devils* from the Chinese territory . . . [and put] in peril the immense capital that the civilized nations import into the Middle Empire."[71]

The strongest critique of consular jurisdiction during the debates at Wiesbaden again came from Joseph Hornung, who was unable to attend in person, but sent notes with his views, criticizing the practice as a "deplorable *per se* infraction of sovereignty."[72] At this point, William A.P. Martin was also in Europe having sought out networking opportunities with the members of the *Institut de Droit International*. However, rather than getting directly involved with the issue of consular jurisdiction, he appears to have pursued less controversial topics. On September 13, 1881, for example, Martin delivered a speech before orientalists in Berlin on "Traces of International Law in Ancient China."[73] Hornung, whom Martin had visited in Geneva, urged him to translate this speech which "fills a lacuna in the history of international law" and publish it in the *Institut*'s journal, which he did in Issue XIV the following year.[74]

Martin was himself then elected as an *associé* of the *Institut de Droit International* during its annual meeting held at Turin in September 1882.[75] At the same meeting at which Martin was elected, the *Institut* also voted into effect Martens' *avant-projet*, strongly reaffirming extraterritorial consular jurisdiction while adding that it should be exercised with interests of the natives in mind.[76] Indeed, the majority of *Institut* members were not even willing to

[68] *See* F. MARTENS, LE CONFLIT ENTRE LA RUSSIE ET LA CHINE, SES ORIGINES, SON DÉVELOPPEMENT, ET SA PORTÉE UNIVERSELLE: ÉTUDE POLITIQUE (Brussels: C. Muquardt, 1880).

[69] *Id.*, at 6. The incredulous/defensive note "(sic)!" is Martens'.

[70] *Id.*

[71] *Id.* (italics in original).

[72] *See* ANNUAIRE DE L'INSTITUT DE DROIT INTERNATIONAL 1882–1883, 229–37, 256–60 (1883).

[73] *See* W.A.P., Martin, *Les Vestiges d'un Droit International dans l'Ancienne Chine*, 14 REV. DROIT INT'L & LEGIS. COMP. 227 (1882).

[74] *See id.*

[75] *See* ANNUAIRE DE L'INSTITUT DE DROIT INTERNATIONAL 1882–1883, 20, 326–27 (1883).

[76] *See id.*, at 256–60.

endorse Field's proposed transition to an Egypt-style mixed-tribunal system.[77] As far as the elite of international law was concerned, there was no consensus that non-Western states like China could claim equal sovereign rights. Even the figure in this community most closely tied to China, William A.P. Martin, was not a vocal advocate of this view. The few who came closer to it, like Field and Hornung, ultimately compromised on the issue.

V. THE DISMANTLING OF TRADITIONAL REGIONAL RELATIONS

When former U.S. President Ulysses S. Grant arrived in China in 1879 as part of his post-presidency trip around the world, he was fêted by Qing officials like no previous visitor. The prestige of the occasion allowed for the smooth papering over of possible areas of tension, such as the recent trend of violent attacks on Chinese immigrant laborers in the U.S. West Coast. Grant engaged in particularly wide-ranging conversations with Li Hongzhang and Prince Gong, a highly influential elder in the ruling Manchu clan. The latter had sought to have Grant arbitrate the disputes over Ryūkyū / Liuqiu, which had radically escalated with the recent official annexation of the polity by Japan. The record of Grant's journey indicates that Prince Gong was familiar with the recent example of the 1871 *Alabama* arbitration between Great Britain and the United States, and sought a similar solution.[78]

Grant demurred over this proposal, but did try to contribute to solving the dispute.[79] While in Japan, Grant then raised the issue with leading officials, and even with the Meiji Emperor himself. His overall conclusion, however, seems to have been endorsing a Japanese proposal to divide Ryukyuan territory between China and Japan. This was an option that the Qing side considered, despite ultimately rejecting it.[80] Despite being willing to ascribe a mere "semi-dependence" to Ryūkyū, the Qing Court's internal documents regarding the dispute continued to focus heavily on traditional language of tribute, rather than the new vocabulary of Western or Meiji public law. Prince Gong, in particular, emphasized how "Ryūkyū has long been affiliated to China and Japan's elimination of this kingdom and its ancestral dynasty, without cause, is beyond all decency and reason."[81] Although Japanese claims regarding *zhuquan* had by now brought this term to the attention of Qing officials, they still did not address the concept in their own internal high-level discussions. Instead, regional order was still to be understood in terms of relationships among

[77] *See* JAMES LORIMER, 1 THE INSTITUTES OF THE LAW OF NATIONS 218 (Edinburgh: William Blackwood and Sons, 1883).

[78] *See* JAMES DABNEY MCCABE, A TOUR AROUND THE WORLD BY GENERAL GRANT: BEING A NARRATIVE OF THE INCIDENTS AND EVENTS OF HIS JOURNEY 696–99 (Philadelphia: The National Publishing Co., 1879).

[79] *See id.*, at 704–705.

[80] *See* Li, *supra* note 24, at 151.

[81] *See* 8 QING JI WAIJIAO SHILIAO (清季外交史料) [HISTORICAL MATERIALS ON QING DIPLOMACY] 129 (Wang Xiyin (王希隐) ed., 1932).

polities—making varying degrees of "independence," or *zizhu* 自主 / "self-rule," a more relevant concept.[82]

Qing diplomatic communications of the period show both the capacious and rather ambiguous nature of *zizhu* / "autonomy" as it was then understood. For example, a 1879 note from Guo Songtao's successor in London, Zeng Jize (曾纪泽), used the phrase *zizhu zhi quan* to refer to both the legal status possessed by Brazil after its independence from Portugal *and* to that of the country's former slaves after the recent abolition of slavery.[83] The following year, Zeng describes how Romania had transformed from a "half-sovereign vassal state [*shuguo banzhu zhi bang*, 属国半主之邦]" into an "autonomous state [*zizhu zhi bang* 自主之邦]."[84]

The concept of "autonomy," specifically in its highly elastic interpretations during the period of the late 19th century rush for colonies, played an important role in Chinese encounters with public law. In the 1880s, it was especially central to the conflict with France over Vietnam, which had been gestating since the 1874 Treaty of Saigon in which the French had recognized "the sovereignty of the king of Annam and his complete independence from any foreign power."[85] At the same time, the Red River connecting the Mekong Delta with Yunnan had been internationalized and opened to foreign maritime passage.[86] The French translations of Qing communications over the dispute made frequent and somewhat confused references to "souveraineté" (*i.e.*, sovereignty) over Vietnam.[87]

However, the internal communications of the Qing court focused not on *zhuquan* but rather on concrete aims such as preventing French dominance of the region and maintaining China's security in the Red River delta region.[88] During discussions with Foreign Minister Challemel-Lacour, Zeng even directly asked: "how does this protectorate differ from sovereignty? . . . Does France intend to protect Vietnam in the way China does . . . or do you want to establish a protectorate like that which Britain has established in Egypt?"[89]

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[82] *See, e.g.*, *id.*, vol. 8 at 12. *See also id.*, vol. 15 at 80.

[83] *See* Waijiao Bumen Dang'an (外交部門檔案) [Foreign Ministry Archives], Academia Sinica Institute of Modern History (hereinafter "WJDA"): 01-21-020-01-002.

[84] *See* WJDA: 01-21-020-05-001.

[85] Treaty of Saigon, Fr.-Viet., Mar. 15, 1874. *See also* MINISTÈRE DES AFFAIRES ÉTRANGÈRES, DOCUMENTS DIPLOMATIQUES: AFFAIRES DU TONKIN. DEUXIÈME PARTIE. DÉCEMBRE 1882–1883 (hereinafter "AFFAIRES DU TONKIN"), 71 (Paris: Imprimerie Nationale, 1883).

[86] For a discussion of this aspect of the treaty, *see* JEAN DUPUIS, L'OUVERTURE DU FLEUVE ROUGE AU COMMERCE ET LES ÉVÈNEMENTS DU TONG-KIN (1872–1873): 2 JOURNAL DE VOYAGE ET D'EXPÉDITION (Paris: Challamel Aîné, 1879).

[87] *See* MINISTÈRE DES AFFAIRES ÉTRANGÈRES, AFFAIRES DU TONKIN, *supra* note 85, at 92. Significantly, the Chinese versions of such communications did not refer to *zhuquan*, only to various other terms such as *zhuguo* (主国) —ruling country—etc.

[88] *See* WJDA: 01-24-009-01-024.

[89] MINISTÈRE DES AFFAIRES ÉTRANGÈRES, AFFAIRES DU TONKIN, *supra* note 85, at 144–45. *Cf.* Anna Irene Baka & Qi Fei, *Lost in Translation in the Sino-French War in Vietnam: From Western International Law to Confucian Semantics: A Comparative–Critical Analysis of the Chinese, French, and American Archives*, *in* MORALITY AND RESPONSIBILITY OF RULERS: EUROPEAN AND CHINESE ORIGINS OF A RULE OF

Although such questions obviously referred to practical concerns, the Ferry administration justified its aggressive policy before internal critics by saying that the affair turned on a mere "grammatical quarrel" over how China's relationship with Annam should be characterized.[90] French officials would later refer to the conflict with China, which erupted into open warfare (albeit not a legally declared war) as turning on "not precisely a matter of China's suzerainty, but rather of the maintenance of certain traditional ties and of a kind of vague, indeterminate situation that China seemed to want to preserve . . . regarding Annam." Thus, the whole affair could be regarded as no more than "a sort of war of words [*une sorte de guerre de mots*]."[91]

As Zeng and other Qing officials emphasized, however, there were indeed concrete practical interests of the Qing state in maintaining the status quo in the region. Zeng argued that "internationalization" of a major waterway that provided access to the Chinese interior was a concrete threat to the polity. He even expressed to Ferry that "China sees the Red River as its throat, and must have administrative authority over it."[92] Though the practice of "internationalizing" internal waterways was itself only a few decades old, the Qing desire to retain exclusive authority over a key border river was treated as exotic and outré by the French side: "you will still be able to use the river as before for commerce, so why persist in struggling for this 'administrative authority'?"[93]

The military conflict that ensued after the breakdown of negotiations was prosecuted by France not as a "war," but rather as a supposed set of reprisal actions by France for alleged treaty violations by China justifying the occupation of Tonkin and expelling of Chinese forces, along with other hostile moves. The government of Prime Minister Jules Ferry described itself as being in a "state of reprisal" against China, until the alleged treaty violations (including failure to evacuate forces from Tonkin after the French had been targeted by local bandit groups) were remedied and compensation provided. These moves were criticized by some observers, for example the influential German jurist Friedrich Heinrich Geffcken, who argued in the *Revue de Droit International et de Législation Comparée* that "international law knows no such bizarre state [as a state of reprisal]; it knows only *acts of reprisal* [which] authorize[] a government to avenge without formal declaration of war, by a military action, torts of which it claims to have been the object[.]"[94]

Geffcken argued that reprisal was only justified for one state to make another "feel the injustice of its behavior and to take measures to ensure satis-

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LAW AS JUSTICE FOR WORLD ORDER (Anthony Carty & Janne Nijman eds., 2018), 389–90 (*souveraineté* in the French was *zhuguo* (主国) in Zeng's original Chinese).

[90] *See* statement of Charles de Freycinet during parliamentary debate of July 7, 1885, *in* JOURNAL OFFICIEL DE LA RÉPUBLIQUE FRANÇAISE. DÉBATS PARLEMENTAIRES. CHAMBRE DES DÉPUTÉS 1332 (1885).

[91] *Id.*

[92] WJDA: 01-24-009-01-024.

[93] *Id.*

[94] Heinrich Geffcken, *La France en Chine et le Droit International*, 17 REV. DROIT INT'L & LEGIS. COMP. 145 (1885).

faction," and only if such reprisals were properly limited and distinct from the comprehensive hostilities of war.[95] Without "a flagrant injustice or denial of justice," moreover, reprisals would not be justified, even against non-Western states. This was a point of view quite unlike those of the most influential *Institut* members, however. James Lorimer, for example, wrote in his influential 1884 work *Institutes of the Law of Nations* that China, along with Turkey and Japan, belonged "partly to the category of recognised and partly to the category of protected States."[96] With respect to such states, "interference with their internal government . . . is so often called for on grounds of humanity, [that] they are constantly relapsing into the position of protected [*i.e.*, not fully sovereign] States."[97]

During these years Geffcken, as editor of successive editions of August Wilhelm Heffter's *Das europäische Volkerrecht der Gegenwart*, continued to refer to notion of "half-sovereignty" as "an extremely vague concept, close to an oxymoron."[98] But the contradictory aspects of the term seemed not to bother most members of the international law profession. As Lorimer put it, "having only half a loaf of bread is better than having none at all."[99] In Martens' view, however, it would be better not to extend even that half-loaf. In his highly influential *Traité de Droit International* of 1883, he pointedly did away with the category of "half-civilized" and instead simply lists China, along with Japan, Persia, and Turkey, among the "non-civilized" peoples who cannot be considered subjects of international law.[100] Martens' treatise, coinciding Qing defeat at sea against France, did much to cement a new consensus on its subordinate status.

The early 1880s "war of words" regarding the amorphous of autonomy and "protection" helped prompt the 1884 Qing decision to establish Xinjiang as a province. Advocating haste in realizing this shift, the Zongli Yamen noted that Russia might very well see China's war with France as an opportune time for new incursions.[101] The transformation of Xinjiang into a province was carried out by merger with Gansu; along with this shift, meanwhile, came the intensification of a "civilizing project" intended to transform local Muslim populations into more homogenized Qing subjects.[102] Meanwhile, Taiwan was formally made into its own province the following year, having been treated for centuries

[95] *See Id.*

[96] LORIMER, *supra* note 77, at 239.

[97] *Id.*, at 218.

[98] DAS EUROPÄISCHE VOLKERRECHT DER GEGENWART (August Wilhelm Heffter & Friedrich Heinrich Geffcken eds., Berlin: Schroeder, 1873) ("Ein überaus vager Begriff, ja beinahe ein Widerspruch in sich.").

[99] James Lorimer, *Prolegomènes d'un Système Raisonné de Droit International*, 10 REV. DROIT INT'L & LEGIS. COMP. 348 (1878).

[100] *See* F. MARTENS, TRAITÉ DE DROIT INTERNATIONAL 286 (Paris: A. Marescq Ainé, 1883). Earlier, Martens had referred to China and Japan as "non-civilisés ou à demi-barbares." *See* MARTENS, *supra* note 68, at 8.

[101] *See* WJDA: 01-17-051-02-004.

[102] *See* ERIC SCHLUESSEL, LAND OF STRANGERS: THE CIVILIZING PROJECT IN QING CENTRAL ASIA (2020).

as a constituent part of Fujian. Ten years into the *Badarangga Doro* reign, it had already lived up to its titular aim of extending the exercise of *zhuquan* over some vast frontier spaces. At the same time, though, China's hierarchical ties with neighboring kingdoms were collapsing.

Amidst the unfolding of the Sino-French War, the 1884 Treaty of Hué (顺化条约) confirmed most French aims, in particular that China would, from now on, recognize the "autonomy" of their former tributary and that rights of intervention and "protection" belonged solely to France.[103] International jurists did not engage in any major protests of the escalations of European imperial expansion in East Asia. William A.P. Martin, for example, noted that China was bitter over having "lost its cause," but had luckily "gone too far [in adopting international law] to now retreat." Without bothering to argue for China's side of the conflict, or that French actions in Vietnam were improper, he instead focused on his own achievements in translation—including a new 1883 edition of the *Institut de Droit International*'s *Oxford Manual on the Laws of War on Land*, as well as Henry Fawcett's *Manual of Political Economy*—which he thought would help China to further adopt Western ways.[104]

VI. ENTRENCHING NEW CONCEPTS OF SOVEREIGNTY AND AUTONOMY

Qing officials increasingly feared that foreign empires would confer "autonomy" on more of the various peoples that the Qing still considered part of their *Badarangga Doro*. Alongside Vietnam and Ryūkyū, the threat of a collapse of Qing influence also arose during the 1880s with respect to Joseon (aka Korea), Tibet, and Burma. In the case of Joseon, internal political conflicts and Japanese pressure combined to create a state of turmoil raising the prospect of another lost tributary. In the 1876 Treaty of Ganghwa, the Meiji Empire had applied pressure to open formalized diplomatic relations with Joseon, with the treaty's first article reading "[a]s the Kingdom of Joseon is an independent (*jishu* / *zizhu* 自主) state it possesses equal authority to that of Japan" (朝鮮國ハ自主ノ邦ニシテ日本國ト平等ノ權ヲ保有セリ).[105] Over the coming years, the prospect of Joseon's rulers, either voluntarily or under Japanese duress, putting into effect this stipulation of the Treaty of Ganghwa and thus following a similar course to that of Vietnam vis-à-vis France, remained a major concern.

During this period, a young military officer named Yuan Shikai (袁世凯) first rose to prominence, having been appointed to serve as the "Commissioner of Trade" at Seoul and then helping to put down the 1884 coup hostile to Qing influence, while coordinating military training and seeking to ensure the maintenance of traditional tributary ties. In repeated memorials over the course

[103] *See* Treaty of Hué, Fr.-Viet., Jun. 6, 1884.

[104] *See* W.A.P. Martin, *La Chine et la Droit International*, 17 REV. DROIT INT'L & LEGIS. COMP. 504 (1885).

[105] Treaty of Ganghwa, Japan-Kor., Feb. 26, 1876. Nowhere in this treaty text, notably, was *shuken* / *zhuquan* / sovereignty mentioned, despite its central role in Meiji-Qing diplomacy in the previous several years vis-à-vis Taiwan.

of the 1880s Yuan advised the Qing Court of the risks that Meiji-backed factions in Joseon would seek to turn its status of "self-rule" into a pretense for a Japanese incursion.[106] Yuan would serve in Korea until 1894, being promoted by Li Hongzhang for his contributions to stabilizing the situation under something at least resembling the status quo, and preventing a repeat of Vietnam or Ryūkyū—while also avoiding open conflict with Japan.

Meanwhile, after a century of progressive annexations and conflicts with Burmese rulers, the British colonial administration unilaterally abolished Burma's monarchy in 1885.[107] In the face of unrest, the British sought to ensure a stable situation for their newest colonial possession, and handled this matter along with the questions of frontiers between British India and Tibet in the "Convention between Great Britain and China relative to Burmah and Thibet" of July 24, 1886.[108] This agreement stipulated China's acknowledgment that "in all matters whatsoever appertaining to the authority and rule which England is now exercising in Burmah, England shall be free to do whatever she deems fit and proper."[109] In return, Burma's new rulers would ensure that tribute missions to the Qing would continue to be sent.[110] Article III, meanwhile, stipulated that the parties would subsequently sign a later agreement to demarcate territorial borders. Qing officials such as Zeng Jize protested this "usurpation of Burma's authority of self-rule" (*duo qi zizhuquan*, 夺其自主权),[111] but, in the aftermath of the war with France, intervention was out of the question.

By the 1890s, Japan, too, would fully take up its role as a colonial power. It finally succeeded in prospectively ending consular jurisdiction in its territory via the 1894 Anglo-Japanese Treaty of Commerce and Navigation, prompting some international lawyers in the West to look back to the debates of the previous two decades. This renunciation of extraterritorial consular jurisdiction in Japan by European powers was disturbing to some respected scholars of international law influenced by Martens' worldview, as it was the "first occasion on which Oriental diplomacy has triumphed in its long war on the Consular Jurisdiction," by means of which, "the position of all Europeans [had] been shaken."[112]

By the mid-1890s, many Western jurists were far less interested in the optimistic visions of East Asia's cooperative, mutually-beneficial opening to trade and civilization that had earlier stimulated men like Anson Burlingame or

[106] *See* WJDA: 01-25-015-01-024; WJDA: 01-25-020-01-030; WJDA: 01-25-023-01-025.

[107] *See* Jordan Carlyle Winfield, *Buddhism and Insurrection in Burma, 1886–1890*, 20 J. ROYAL ASIATIC SOC'Y 345 (2010).

[108] Convention relative to Burmah and Thibet of July 24, 1886. *See* HANDBOOK OF TREATIES, &C., RELATING TO COMMERCE AND NAVIGATION BETWEEN GREAT BRITAIN AND FOREIGN POWERS, WHOLLY OR PARTIALLY IN FORCE ON JULY 1, 1907 (London: Harrison & Sons, 1908).

[109] *Id.*, art. II.

[110] *See id.*, art. I.

[111] 5 QING JI WAIJIAO SHILIAO, *supra* note 81, at 14.

[112] Michael James Farrelly, *Our New Treaty with Japan*, MACMILLAN'S MAGAZINE 71 (1895).

Field. More had come around to the view that "the true policy of Europeans in the East is one of solidarity."[113] Many in the 1890s, such as the German jurist Paul Heilborn, turned specifically to Lorimer's version of the levels of civilization to define duties owed to civilized peers (against whom interventions were presumptively unjustified); half-civilized states like China, Turkey, or Japan (against whom they might be justified based on context); and lastly "tribes" (*Stämmen*), against whom they were presumed justified.[114] This schema was increasingly standardized in legal texts during the 1880s–90s, with China taking up a role as the "semi-civilized" state par excellence.

Subsequently, the most significant geopolitical and ideological shock that altered both China's domestic intellectual climate and its position in global hierarchies was the disastrous Qing defeat in the First Sino-Japanese War of 1894-1895. It was with this victory that Meiji Japan finally annexed Taiwan, and made its clearest claim so far to belonging in the highest rank of "civilization," that of expanding empires, rather than the precarious middle zone. Amidst the ensuing international rush for new rights and concessions, the Qing state found itself consistently relegated to a third party status in dealings carving out spheres of influence in its own territory.

The role of the First Sino-Japanese War in accelerating the reception of international law concepts was clearly demonstrated in official discourse at the highest levels. This process is strikingly embodied in one largely forgotten episode. In early 1895 Emperor Guangxu instructed Li Hongzhang that "Taiwan could not be abandoned," and referred to a "petition written (or signed) in blood" (*xue shu* 血書) that had been submitted by Han Chinese gentry and commoners living on the island, asking imperial officials to defend it against foreign conquest. The content of the blood petition, meanwhile, invoked §286 of Bluntschli's *Das moderne Völkerrecht der civilisirten Staaten als Rechtsbuch dargestellt* (in its 1880 Chinese translation), which required annexation of one state's territory by another to have "recognition by the politically enfranchised population that dwell in the separated territory."[115] In Guangxu's message, there was almost certainly the very first instance of a sitting Chinese ruler directly invoking the text of a source of international law (in this case, Bluntschli's treatise) as a legitimate, non-coerced legal authority.

The Qing defeat of 1895, and specifically the Treaty of Shimonoseki that ended hostilities, was also the event that consolidated the term and concept

[113] *Id.*

[114] *See* MARTTI KOSKENNIEMI, THE GENTLE CIVILIZER OF NATIONS: THE RISE AND FALL OF INTERNATIONAL LAW 1870–1960, 129–30 (2001); *Cf.*, FRANZ VON LISZT, DAS VÖLKERRECHT SYSTEMATISCH DARGESTELLT 54 (1st ed., Berlin: O. Haering, 1888).

[115] QSL, Juan 56, 769. The relevant part of the passage reads: "又谕、电寄李鸿章、连日纷纷章奏。谓台不可弃。几于万口交腾。本日又据唐景崧电称、绅民呈递血书。内云公法会通第二百八十六章。有云割地须商居民。能顺从与否." Bluntschli's §286 reads in relevant part: "Die Rechtsgültigkeit einer derartigen Abtretung fetzt voraus . . . c) mindestens die Anerkennung von Seite der politisch berechtigten Völkerschaft, welche das abgetretene Gebiet bewohnt und nun in einen neuen Stat übertritt." BLUNTSCHLI, DAS MODERNE VÖLKERRECHT DER CIVILISIRTEN STATEN 169 (Nördlingen: C.H. Beck, 1868).

zhuquan / "[territorial] sovereignty" into the Qing public law lexicon. Indeed, the Treaty of Shimonoseki was the very first international treaty or public law authority of any kind in which the Qing were forced to agree to a clause concerning *zhuquan*—albeit, even now, only in the Japanese version of the text. Just as had been the case in the dealings of the 1870s, it was again the expanding Meiji Empire that forced Qing interlocutors to directly confront the notion of "sovereignty" as a clear legal demarcation of exclusive (and alienable) dominion over territory.[116] Nonetheless, the Chinese version of Article II of the Treaty remained ambiguous: "China will perpetually hand over authority as to the following places . . . to Japan (中国将管理下开地方之权 . . . 永远让与日本)."[117] Meanwhile the Japanese text specified: "The Qing Empire will perpetually separate [from itself] and hand over to Japan . . . *shuken* over the below-listed territories (清國ハ左記ノ土地ノ主權 . . . ヲ永遠日本國ニ割與ス)."[118]

Those territories, the island of Taiwan, the Pescadores island group, and the southern part of Manchuria known as Guandong / Kantō, were treated as alienable in a way incompatible with any claim to Qing influence. The more absolute Western notion of territorial sovereignty, reliant upon exclusionary state authority, was clearly conveyed in the Japanese invocation and description of *tochi no shuken* (土地の主権, literally, "sovereignty over territory"—a phrasing influenced by the German *Gebietshoheit*), but was still invisible in the Chinese version's simplistic reference to a mere, vague "authority" (*quan*, 權). In order to "avoid any future confusion," meanwhile, the Treaty also indicated that, while the Japanese and Chinese texts were both valid, so too was an English translated version that was drawn up at the same time, which would be treated as authoritative in case of any disputes over language. For the quoted part of Article II that differed so markedly in the Chinese and Japanese versions, the English version reads: "China cedes to Japan in perpetuity and full sovereignty the following territories[,]"[119] thus corresponding most directly to the Japanese version of the text with respect to the form of "authority" at stake.

As with the Ōkubo communiqué of 1874, the Treaty of Shimonoseki of 1895 sought to compel the Qing state to recognize sovereignty as the only meaningful legal status to describe territorial administration. In addition to Article II on sovereignty, the first Article pledged China to "recognize[]

[116] *Cf.* Zhang, *supra* note 6, at 108–12.

[117] Zhong-Ri Maguan Tiaoyue (中日馬關條約), art. II, *in* GUOJI TIAOYUE DAQUAN: MINGUO SHI SI NIAN ZENGDING (SHANG BIAN) JUAN JIU ZHONGGUO YU RIBEN TIAOYUE (国际条约大全: 民国十四年增订 (上编) 卷九 中国与日本条约) [COLLECTED INTERNATIONAL TREATIES: 1924 EXPANDED EDITION (SERIES I) VOLUME 9: TREATIES BETWEEN CHINA AND JAPAN] 6 (Shanghai: Shangwu Yinshu Guan (商务印书馆), 1925).

[118] Nisshin Ryōkoku Kōwa Jōyaku oyobi Betsuyaku (日清両国媾和条約及別約), art. II, *in* KANPŌ (官報), May 13, 1895.

[119] Treaty of Peace Between Japan and China, art. II, *in* TREATIES BETWEEN THE EMPIRE OF CHINA AND FOREIGN POWERS, TOGETHER WITH REGULATIONS FOR THE CONDUCT OF FOREIGN TRADE, CONVENTIONS, AGREEMENTS, REGULATIONS, ETC. 181, 181 (William Frederick Mayers ed., Shanghai: North China Herald Ltd., 1906).

definitively the full and complete independence and autonomy of Korea," and specified that this entailed that "payment of tribute and the performance of ceremonies and formalities by Korea to China, in derogation of such independence and autonomy, shall wholly cease for the future."[120] It was at this point, and not before, that the term *zhuquan* started to become a dominant concern among officials and intellectuals in various settings within China—notably including networks of reformers who began pushing the Qing court to undertake Meiji-style reforms in order to preserve Chinese sovereignty.[121]

VII. CONCLUSION

The period of the Late Qing Guangxu reign, between 1875–1908, overlapped with the process during which major Western legal concepts related to sovereignty and international law became fully entrenched in Chinese discourse, both in officialdom and civil society. Historical discussions of this process have often emphasized earlier Anglo-American influences, particularly William A.P. Martin's translation of *Wanguo Gongfa*, as its key elements. However, close examination of the era's geopolitical conflicts and diplomatic interactions suggests that Chinese notions of *zhuquan* and *guojifa*—sovereignty and international law—instead owed more to impacts from a diverse set of actors, in particular from Meiji Japan.

The concept of *zhuquan*, which is of course of great importance to Chinese international law interactions today, can be thought of as a specific product of the early Guangxu / *Badarangga Doro* era, in which Qing rulers confronted imperial encroachments in numerous frontier zones, especially Taiwan and Xinjiang. The similarly important notion of *zizhu* or autonomy, meanwhile, found its first major expressions in Chinese political discourse in relation to the transformation of former tributaries like Vietnam, Ryūkyū / Liuqiu, and Korea. Better appreciating the linkage between these concepts and the specific encounters of the 1870s–1890s period — rather than just a vague notion of "foreign imperial aggression since 1840" — could help us to interpret why these ideas have been understood in certain ways historically, or even why they are used in certain ways today. This history may also raise the future potential for today's socialist China, as it asserts an ever-greater role in international affairs, to critically reassess some of the inherited ideas of 19th century empires.

[120] *Id.*, art. I.

[121] *See e.g.*, HUNAN WEIXIN YUNDONG SHILIAO (湖南维新运动史料) [HISTORICAL MATERIALS ON THE HUNAN RESTORATION MOVEMENT] (Yin Feizhou (尹飞舟) ed., Yuelu Shushe (岳麓书社), 2013).