

Article

The Elevation of Ulleungdo from an Island to a Province and the Korean Government's Expression of Governmentality as Territorial Nationalism

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Introduction

On October 25, 1900, Emperor Gojong issued “Imperial Decree No. 41,” declaring Ulleungdo as an official province of Korea. “Imperial Decree No. 41” was an expression of the Korean government’s effort to end several years of territorial disputes with the Japanese government, which turned a blind eye to nearly five years of incessant Japanese intrusions into Ulleungdo. Through its definitive declaration that Korea would henceforth retain full administrative authority over the island and the adjacent Ulleungdo, Korea was desperately trying to salvage the last inkling of sovereignty it could exercise in the face of Japan’s rapidly encroaching attempt to end Korea’s long history as an independent nation and relegate it to a mere region of its empire. As the first and last modern and internationally binding decree Korea declared as an independent nation, “Imperial Decree No. 41” assured that regardless of Korea’s imminent fate as a colony a decade after the Decree’s announcement, Dokdo and Ulleungdo would irrevocably and permanently remain as Korean territories.

However, the significance of “Imperial Decree No. 41” does not merely lie in what it definitively tried to end and officially confirm in 1900; the Imperial Decree was a product of incessant and tireless efforts by the Korean government to officially assert territorial nationalism and sovereignty over Japan before Japan illegally incorporated Ulleungdo as part of Shimane Prefecture during the mayhem of the Russo-Japanese War. Contrary to the Japanese government’s claim that Korea never exercised proper jurisdiction over Ulleungdo, the Korean government was not only aware of Japanese citizens’ constant attempts to intrude into Dokdo, but magistrates and government officials made numerous petitions to curb and prohibit such intrusions, the result of which was “Imperial Decree No. 41.”

This article will examine the nature of Japanese intrusions and the Korean government’s efforts to prevent them from occurring and argue that attempts to elevate Ulleungdo’s status from an island to a province and the declaration of “Imperial Decree No. 41” was a direct expression of the Korean government’s effort to systematize governmentality over Ulleungdo and express that effort as a matter of territorial nationalism. “Imperial Decree No. 41” marked the full transformation of the Korean government’s will to exercise governmentality over Ulleungdo into territorial nationalism, which is why the Decree must be understood not just as an arbitrary declaration of territorial sovereignty, but

the Korean government’s determined and resolute expression of an official urge to clearly end and reject all possibilities for contention and disputation from Japan concerning Ulleungdo. Although Korea was powerless to change the course of the Russo-Japanese War, the Korean government maintained its original perception that Ulleungdo is Korean territory even throughout the war, which shows that the Korean government was not a passive bystander to Japanese intrusions into Ulleungdo, but fully aware that Japan was intent on seizing Ulleungdo by force. Such a perception clearly proves that in spite of the outbreak of a war between foreign countries which desired to usurp and eclipse Korea permanently from the world map, the Korean government was still cognizant of Ulleungdo as Korean territory despite the chaos and confusion caused by a foreign war. In essence, from the very moment Japanese citizens initiated their intrusions in the early 1880s to the eve of Korea’s annexation by Japan, the Korean government made consistent administrative and diplomatic efforts to assure that Ulleungdo and Dokdo remained under Korean jurisdiction. Moreover, it is precisely due to the brief yet clear record of constant efforts from the Korean government to ascertain its full sovereignty over Ulleungdo and Dokdo that the Japanese Ministry of Foreign Affairs’ claim that Korea never recognized Ulleungdo and Dokdo as its territories before 1905 can be decisively and unequivocally declared as erroneous (Ministry of Foreign Affairs of Japan, “Sovereignty over Takeshima”).

A Review of the Scholarly Literature and Methodological and Theoretical Significance of the Main Thesis

The recent scholarship on Dokdo has mostly focused on the impact of the Korean-Japanese disputes on diplomatic relations between the two countries. Scholars have focused on post-Cold War politics surrounding Dokdo, especially with regard to Korean civil activism towards Dokdo, the rise of Right-wing nationalism in Japan and Shinzo Abe’s attempt to abuse that political tide to his advantage by authorizing revisionist accounts in history textbooks aimed at minimizing the gravity of Japanese war crimes and strengthening Japan’s claim on Dokdo by omitting the fact that Japan clandestinely incorporated Dokdo into Shimane Prefecture while disregarding Korea’s announcement of “Imperial Decree No. 41” (Bae 2012, 19–51; Choi 2005, 465–94; Kim 2010, 1–27; Kwon

and Benham 2016, 47–64). Finally, there have been discussions about “sharing” Dokdo between Korea and Japan in reference to the Aland Model and seeking reconciliation between Korea and Japan regarding territorial sovereignty over Dokdo, which, although well-meant in terms of suggesting a method for easing tensions between Korea and Japan, does not clearly show how they could be permanent solutions for the dispute surrounding Dokdo (Ikegami 2009, 1–22; Akimoto 2020, 52–87).

In general, the recent scholarly literature has rigorously examined and highlighted the continuing importance and relevance of Dokdo and its implications for contemporary Korea-Japan relations and has enriched historical knowledge concerning the island and controversies surrounding Japan's colonial legacy in Korea. Yet, the recent scholarship has not adequately addressed the crucial fact that the Korean government maintained an active interest in protecting Dokdo and Ulleungdo since the 19th century. Considering the recent scholarship on Dokdo and what it has omitted, the primary purpose of this article is to demonstrate that prior to and after the declaration of “Imperial Decree No. 41,” the Korean government made painstaking efforts to officially declare sovereignty over Dokdo/Ulleungdo and practice extensive governmentality policing illegal Japanese logging and residence on Dokdo/Ulleungdo.

Using recently declassified Korean official documents proposing measures to strengthen inspections on Dokdo and Ulleungdo and Korea's official protests against Japanese intrusions into these islands, I will endeavor to demonstrate that since the late 19th century and even until the outbreak of the Russo-Japanese War, the Korean government proactively sought to curb, prohibit, and protest Japanese intrusions into Ulleungdo and Dokdo. Furthermore, because the majority of Korea's policies were aimed at restricting Japanese access to Ulleungdo because Ulleungdo is the only livable and adjacent territory which can symbolically represent Dokdo as a territory, the idea that administering and managing Ulleungdo is akin to Dokdo is a concept which was not only reflected in Korean newspapers but was also thoroughly reflected in the Korean government's official perception of Dokdo. Therefore, along with the primary aim of correcting the Japanese Ministry of Foreign Affairs' mistaken claim that Korea never officially recognized Dokdo as its own territory before 1905, another principal aim of this article is to correct Japan's erroneous assumption that Dokdo is distinct from Ulleungdo and instead argue that Korea officially

declared sovereignty over both Dokdo and Ulleungdo in 1900 because the Korean government made consistent and constant efforts to expulse Japanese citizens from illegally engaging in fishing and logging on Ulleungdo and considered the elevation of Ulleungdo into a province called “Uldo” as a reflection of the Korean perception that administering Ulleungdo means administering all adjacent bodies of water and territories, among which Dokdo is definitely included.

Japanese Intrusions and the Korean Government's Initial Responses

The modern history of Japan's intrusions into Korean coasts can be traced back to the late 16th century, when the Korean government subdued Wakou pirates in the Sampo Rebellion. By the late 17th century, Korea and Japan had embroiled in the Ulleungdo Dispute, which concluded with the Tokugawa Bakufu formally acknowledging Korean sovereignty over Ulleungdo and Dokdo (Kim, Yun, and Ha 2020, 208). However, genuinely substantive intrusions intensified after Japan “opened” Korea to foreign trade in 1876. “The Commercial Treaty Between Korea and Japan” (1882) legalized a libertine entry of Japanese fishermen into Korean maritime space for commercial fishing and trade and forbade the Korean government from punishing them despite the fact that the treaty made no provisions for authorizing Japanese fishing without a permit (Kim 2021, 8–14). For over a decade following the signing of the treaty, Korean newspapers carried articles and columns protesting angrily over a seemingly endless stream of intrusions into waters surrounding Ulleungdo and Dokdo and demanding their immediate prohibition. However, despite the vigorous mobilization of public opinion around banning illegal Japanese fishing, the Korean media's protests were of no avail, and the Japanese continued to ransack and destroy Ulleungdo's maritime and natural resources, the latter through extensive logging (Kim, Yun, and Ha 2020).

Alarmed at the increasing frequency with which Japanese citizens continued to intrude into Ulleungdo, the Korean government actively sought to police illegal fishing and logging by Japanese citizens and permitted logging to foreigners who had secured an official agreement and a permit from the Korean government. The first major policy that the Korean government implemented

was the elimination of *suto*, or the practice of sending officials three times a year to inspect Ulleungdo and Dokdo. Although the policy was originally devised to inspect living conditions and prohibit the occurrence of intrusions from foreign citizens into the islands, the harsh climate and topography of Dokdo and Ulleungdo led many of the islands' residents to immigrate to the Korean Peninsula in search of regular work and opportunities to lead more prosperous lives. After the end of the Imjin War, *suto* was maintained along with a *gongdo* (Vacant Island) policy, in which the Korean government continued to exercise governmental authority despite leaving Ulleungdo and Dokdo unoccupied (Sohn 2010, 275–313; Bae 2011, 113–48). In short, the Korean government had maintained a constant albeit precarious administration over Ulleungdo and Dokdo by mixing direct and regular inspection rounds with a consistent policy of leaving both islands uninhabited.

However, following the increasing instances of Japanese intrusions starting from the early 1880s, there were growing concerns in the Korean government that a more forceful and stern policy of officially asserting and exercising national sovereignty over Dokdo and Ulleungdo such that by late 1894, the Prime Minister petitioned to abolish the *suto* policy and replace it with a policy of regularly appointing officials to oversee Dokdo and Ulleungdo's internal affairs and report any irregularities or disturbances in maintaining order. Ulleungdo was "already well cultivated," and therefore, there was no need to send "shipmates and tools to villages on the eastern seaboard of the Jeolla Naval Base and dispatch them to Samcheok's Wolseongjin" (The Northeast Asian History Foundation 2021, 34). In other words, because Ulleungdo had plenty of arable lands, it was unnecessary for the Korean government to only rely on the resources and officials from Jeolla Province, since doing so usually translated to a needless waste of time and energy sending and deploying men and supplies first to Jeolla and then to Ulleungdo. By abolishing the *suto* policy, the Korean government's administrative need to inspect Ulleungdo and Dokdo could be done more efficiently, for sending officials and supplies could be done more accurately and economically if the officials directly informed the government specifically about any financial or logistical support they would need to manage administrative affairs on the islands. The appeal of maintaining an economic, efficient, and direct method of administering Dokdo and Ulleungdo was such that the *suto* policy was promptly abolished within the next month under the order of Prime Minister Kim Heung-jip and Ministry of the Interior Pak Yeong-

hyo (The Northeast Asian History Foundation 2021, 37).

In short, the Korean government took the matter of managing Dokdo and Ulleungdo in its own hands and the process of elevating Ulleungdo from an island to a province was thereby initiated, for the policy of having one magistrate for each Korean province would now equally apply to Dokdo and Ulleungdo and confirm that they were all expected to be considered as legitimate Korean provinces as Gyeonggi or Jeolla already were.

The urgency and wisdom of implementing the new policy became apparent when the Ministry of the Interior reported to the Ministry of Foreign Affairs that there had to be "immediate and effective measures to police and prohibit Japanese individuals from illegally removing bark from Ulleungdo's trees," to which the installation of a magistrate exclusively in charge of managing Ulleungdo and Dokdo was to be the most certain remedy (The Northeast Asian History Foundation 2021, 39). As Pak Jong-yang, an official in the Ministry of the Interior told Prime Minister Kim Heung-jip, Ulleungdo was located "too distant from the mainland and barely any news from the mainland reaches the island." Although there are "villages, should there be no central authority to manage and organize daily affairs," there would be "no way to relieve oneself from the worry that all of the island's residents will disperse." Hence, it was "most appropriate for the central government to appoint a magistrate, whose salary would depend on the island's net tax income" (The Northeast Asian History Foundation 2021, 41). In other words, the need to install a magistrate was borne out of the pragmatic concern that the absence of any authority would greatly weaken the Korean government's management of Ulleungdo, and the appointment of Ulleungdo's magistrate would be done as it was customarily done in every other Korean province, with the magistrate's salary directly covered by Ulleungdo residents' taxes. By ensuring that Ulleungdo's magistrate would be appointed directly by the Korean government and be paid in Korean currency, Pak was suggesting that the Korean government would have a most definitive means to affirm Korean sovereignty and jurisdiction over Ulleungdo and Dokdo.

In addition, the Korean government only permitted foreigners who had obtained the Korean government's consent and agreement on the former's engagement in logging and guaranteed that there would be no interference or restrictions on a foreign logger's activities so long as loggers promised not to trespass into regions not stipulated in their contracts with the Korean

government. For example, a Russian merchant from Vladivostok was granted the right to establish the Korean Logging Company under the condition that the merchant “taught the Korean government about the latest technologies associated with cultivating trees.” The merchant had the freedom to exercise “several rights,” but that freedom could not be exercised for more than 20 years. The merchant was to serve as the Director of the Logging Company but was prohibited from “cutting down trees less than 30 years old,” or “cutting down a first-grade tree for every 100 trees” the merchant saw. The merchant was also expected to “employ Koreans in the service of transporting logs and the Korean government was entitled to receiving 25% of the company’s annual revenue.” In addition, to secure a definitive source of foreign income for the national treasury, Brinner could only make transactions through the Russo-Chinese Bank. Finally, should “operations fail to commence within a year after the signing of this treaty, all of the treaty’s terms will be declared null and void” (The Northeast Asian History Foundation 2021, 41).

In essence, the Korean government was careful to not let foreign loggers take advantage of the government and wanted to ascertain that all matters related to profits accrued by foreigners be subject to a direct monitoring by the Korean government. Furthermore, the Korean government was careful to not give the wrong impression that granting logging rights did not amount to a concession but was rather a privilege which only the Korean government had the right to selectively bestow. This condition was installed to ensure that foreigners did not engage in money laundering or evade taxes by wrongly abusing their liberty to engage in logging as a power to rule supreme over the Korean government. Finally, to ensure that the Korean government would be guaranteed a constant flow of foreign capital into its national treasury but simultaneously prevent Brinner or other foreign loggers from cheating the government of its right to claim taxes from foreigners by paying their share with money borrowed or robbed from other Koreans, the Korean government’s demand that Brinner made all transactions only through a specific non-Korean bank was a measure to confirm that the Korean government would be constantly able to keep track of foreign sources of tax revenue.

The uniqueness of a foreign currency had the dual function of marking the certitude of payment through the fact that the Korean government had received an international source of revenue as well as affirming trust in a foreign merchant that the merchant would respect the Korean government’s authority

by performing a citizen’s public duty to pay taxes. The Korean government extended the same privilege to incoming foreign ships whose sole purpose was to engage in logging in designated areas and instructed Gangwon Province not to obstruct Brinner’s operations in Ulleungdo or any Russian ships from entering Ulleungdo to engage in logging (The Northeast Asian History Foundation 2021, 57).

In short, the Korean government did not consider logging itself as a crime but rather the unprincipled and unbridled abuse of the right to logging without any regard for Korea’s national sovereignty and the importance of keeping good faith between foreign loggers and the Korean government. As long as foreign loggers were willing to abide by specific terms which they had agreed with the Korean government, they were guaranteed the maximum liberty to pursue their business interests under the condition that such liberty did not undermine the authority of the Korean government or cause it to compromise a certain portion of Korea’s sovereignty.

However, with regard to Japanese intruders who often engaged in unlimited logging, libertine murder, and sexual harassment on Ulleungdo, the Korean government was determined not to take such offenses lightly and urged Ulleungdo’s magistrate to report regularly on Japanese conduct, whereupon the Korean government would use incoming reports as decisive pieces of evidence pointing to Japanese citizens’ intent on illegally monopolizing Korea’s maritime resources and disrupting social order and corrupting morals on Ulleungdo and Dokdo. In contrast to Russian loggers who abided by the agreements established between themselves and the Korean government, Bae Kye-joo, Ulleungdo’s magistrate, filed several reports complaining about the “unruly and boisterous behavior of Japanese ruffians who cut down beech trees in libertine fashion and wielded swords against Korean residents and caused a row” (The Northeast Asian History Foundation 2021, 60). The Korean government repeatedly pressed provincial offices to file official protests to the Japanese Consulate with the aim of encouraging the Japanese government to restrict Japanese residents in Ulleungdo and outsiders from engaging in such illegal activities.

Furthermore, on May 26, 1898, in order to ascertain that Ulleungdo would be under the direct jurisdiction and administrative control of the Korean government, the Minister of the Interior petitioned that the Korean government seriously consider including Ulleungdo within the provincial administrative system, upon which the government unanimously voted to adopt the measure

(The Northeast Asian History Foundation 2021, 64). The Korean government deemed the adoption of the measure necessary because with Ulleungdo's population totaling "277 households and 1,137 people, and 4,774 *durak* of cultivated land already available," it was "inevitable that Ulleungdo be fully incorporated within the provincial administrative system" (The Northeast Asian History Foundation 2021, 66). In other words, for the sake of policing the high frequency of illegal activities carried out by Japanese intruders and considering the sizable population on a very small strip of land, the Korean government was certain that a more definitive presence of Korea's administrative control over Ulleungdo was necessary to clearly bring the island under Korea's governance.

By the late 1890s, the Japanese government had forced the Korean government to sign, thereby confirming that Japanese fishermen would have liberal access to Korea's maritime resources without needing any prior consent or approval from the Korean government. However, the signing of the treaty did little to alter the Korean government's resolve to continue policing Dokdo and Ulleungdo's waters and urge the Japanese Consulate to repatriate Japanese citizens found guilty of "displaying unruly conduct" while logging and transporting lumber from Ulleungdo since the very existence of Japanese citizens on Ulleungdo despite Ulleungdo's status as a port not open for international trade was a "clear violation of Korean law, which forbid foreigners without permits or authorization from the Korean government to remain on Korean territory" (The Northeast Asian History Foundation 2021, 104). By "unruly conduct," the Korean government specifically meant the "illegal collection of sea cucumbers and roaming around the island naked, and flogging innocent Korean citizens living near the port for no apparent reason." Japanese citizens also "formed villages housing hundreds of people, transported wood products illegally by boat and clandestinely traded grains without the knowledge or consent of Ulleungdo's magistrate or Korean residents" (The Northeast Asian History Foundation 2021, 97).

Although the Japanese Consulate reported back to the Korean government that it had promptly adhered to the Korean government's request that Japanese intruders be sent back to Japan, the news quickly turned out to be a disappointment and a source of great frustration for the Korean government, for the news proved to be false, given that there was no official reply from the Japanese Consulate after it had promised to "send back the Japanese citizens within a reasonable amount of time," specifying what was exactly meant by a

"reasonable amount of time" (The Northeast Asian History Foundation 2021, 114). The Korean government had planned to strictly enforce restrictions on foreign vessels intending to fish near the waters of Ulleungdo and Dokdo, and there were debates about whether "Japanese fishermen" should be included within the broad category of "foreigners." However, a definitive conclusion to the issue had to be tabled, since the Korean government had to confront protests from the Japanese Consulate about the former's policy of only expelling Japanese fishermen from Ulleungdo (The Northeast Asian History Foundation 2021, 108–09).

The Japanese Consulate was still dissatisfied with what it deemed as the Korean government's discriminatory conduct against Japanese residents on Ulleungdo. According to the Japanese Consulate, Japanese residents on Ulleungdo "had resided on the island for at least a decade and the Korean Magistrate had implicitly allowed the Japanese residents to stay and even instigated their entry into the island." Moreover, because "all transactions were completed after consulting with the Magistrate and were pre-arranged purchases and sales, chopping wood is to be considered a legal activity." The Japanese government argued that such transactions "were important from the perspective of supply and demand" and the transactions are also something "which the Korean residents eagerly desire" (The Northeast Asian History Foundation 2021, 181).

In other words, the Japanese government was assigning much of the blame and responsibility for the Japanese residents' presence on Ulleungdo to the Korean government and attempting to summarize every Japanese conduct on the island as related to or contributing to Ulleungdo's economy. Moreover, by invoking a natural law of economic activity such as supply and demand, the Japanese government was implying that not only was Japanese presence on Ulleungdo welcome to many Koreans who were dependent on the Japanese residents for trade, but also naturally necessary for the Korean residents as a permanent source of livelihood.

Yet, since the Korean government was well aware of Ulleungdo's Japanese residents' past record of engaging in disruptive and rowdy behavior, it still stood firmly by its policy of expelling Ulleungdo's Japanese residents to enhance the county's public security. The Korean government rejected every claim of the Japanese government, arguing that "Korean residents tilled the land and made what was originally a barren mountain very hospitable, and the Japanese

government's claim that Japanese residents had been living on Ulleungdo for almost a decade is false since it was Korean residents who had lived on the island for 18 years, while Japanese residents only started living on the island 3 or 4 years ago." Since the Korean government had forbid all foreigners from "secretly transporting goods from areas not designated as trading ports," the Japanese presence was "a clear violation of Korean law." Moreover, although the Japanese practice of secretly chopping down trees is stated "as part of a contract," the decision to allow for that provision "was a clear mistake of the preceding magistrate," and because the number of trees chopped down were "countless," and the practice was still carried out in a "libertine fashion" even after the cooperative investigation between Korea and Japan, there was no way "to hide the fact that the Japanese had been clandestinely "chopping down numerous trees for a considerable amount of time." Finally, the Korean government criticized the Japanese government's "lukewarm commitment to disciplining its citizens," and if "Japanese citizens habitually visit Ulleungdo," the responsibility "lies fully with the Japanese government," and if the Japanese government "intends to continue encouraging such malpractice," then there was "simply no point in examining currently existing treaties." Therefore the only solution was for the Japanese government to "make sure that Japanese residents remaining on Ulleungdo be sent back home within a specifically designated time" (The Northeast Asian History Foundation 2021, 182–83). In short, the Korean government was arguing that not only was Japanese presence on Ulleungdo a very recent and unwelcome phenomenon due to Japanese residents' clandestine destruction of Ulleungdo's trees and violation of Korean law, but also that the Japanese government could not be trusted because it was encouraging crimes which were not allowed per any of the treaties signed between Korea and Japan.

Yet, the Japanese Consulate adamantly refused to accept the Korean government's rebuttal in part or in whole and issued another complaint claiming that the Korean government was discriminating against Japanese citizens while allowing foreign missionaries to reside comfortably in Seoul and other nearby cities. Nevertheless, the Korean government was still resolute about maintaining its original stance against Japan and was, in the words of Foreign Minister Pak Che-sun, "getting extremely annoyed by the Japanese government's attempt to unnecessarily prolong the issue and forcing Korea to meaninglessly waste memoranda, which was very frustrating" (The Northeast Asian History Foundation 2021, 186–87). The Korean government not only rejected the

Japanese assumption that the disorderly conduct of Japanese fishermen was consummate with or comparable to foreign missionaries' proselytizing missions but also issued a general prohibition against all foreign vessels fishing near Ulleungdo without a permit. The Korean government also pointed out that all "foreign merchants suspected of trading in unopened ports were to have their merchandise confiscated in accordance with the "Commercial Treaty Between Korea and Japan's Article 6," and because Japanese residents "built houses on Ulleungdo in a libertine fashion and bullied and cowed Korean residents and chopped down trees without a permit," the Korean government questioned whether foreign missionaries and Japanese residents on Ulleungdo "merited a worthy comparison" (The Northeast Asian History Foundation 2021, 194–95).

In short, the Korean government was pointing out that the Japanese Consulate's erroneous and forced comparison between foreign missionaries and Japanese residents on Ulleungdo was non sequitur because the sheer detrimental effects of Japanese activity on Ulleungdo on the daily lives of Ulleungdo's citizens clearly proved that unlike foreign missionaries who were in Korea to introduce a foreign religion the Japanese did more harm than good for Koreans, the Japanese Consulate's comparison was unreasonable and misguided.

The Korean government's response and prohibition against unauthorized fishing were measures demonstrating that Ulleungdo and Dokdo's waters were all subject to Korean laws and that there was absolutely no discrimination against a particular individual in the enforcement of restrictions against illegal fishing, and finally, displaying a firm resolve to demonstrate that, in spite of all recent attempts to usurp and ignore Korea's sovereignty by Japanese residents on Ulleungdo, the Korean government was determined to retain legislative authority to protect Korea's maritime sovereignty against foreign attempts to seize Korea's maritime resources despite Japan's attempt to deny Korea's national sovereignty. In other words, the Korean government's constant attempts to enforce laws policing Japanese attempts to monopolize Korea's forestry and fisheries were indirect attempts to voice discontent over and opposition to Japan's attempt to treat Korea as an anarchical strip of land rather than a sovereign and an independent nation as though Korea's colonization by Japan was already a foregone conclusion before the signing of the Treaty of Annexation in 1910.

The Declaration of “Imperial Decree No. 41” and Korea’s Perceptions of Japanese Intrusions into Ulleungdo During the Russo-Japanese War

To the Korean government’s dismay, and despite its repeated requests to the provincial offices to protest to the Japanese consulate, the Japanese government did not provide adequate responses to such protests, only presenting defensive replies which prolonged the tension-ridden stalemate between the two countries. Moreover, when the Korean government discovered that some Korean residents on Ulleungdo were collaborating with Japanese citizens to illegally engage in logging by liberally abusing the fact that the Korean government’s permit on logging did not specifically state whether collaborating with a foreigner was strictly illegal, the Royal Judicial Court (Jungchuwon) sent an official inquiry about the possibility of renaming Ulleungdo “Uldo” and appointing a magistrate to oversee the island’s public affairs (The Northeast Asian History Foundation 2021, 135–36). In other words, the Korean government began to seriously consider strengthening its administrative authority toward Ulleungdo not only to prevent future incidents of illegal Japanese intrusions but also to prevent and punish Korean residents of Ulleungdo from facilitating such intrusions and fostering collaboration while engaging in illegal logging or fishing, or unjustly profiting from Ulleungdo’s Korean residents by charging exorbitant prices for merchandise obtained through such illegal business ventures.

Therefore, by May 1900, the Korean government, in order to perform an objective assessment of the situation in Ulleungdo, proposed to the Japanese government that there ought to be a cooperative investigation on Japanese citizens living in Ulleungdo because the Japanese residents “continued to chop down beech trees and refused to pay court fees associated with opening a hearing about their conduct on Ulleungdo.” Moreover, because Japanese citizens on Ulleungdo were fundamentally foreigners living on a Korean territory, the Korean government felt the need to “investigate with the intent” of confirming the rationality of “agreeing to prepare and reimburse the exact sum of whatever fines the Japanese wished to impose on Korean residents, since it is originally the Korean residents’ right to use Ulleungdo as Koreans saw fit on their own territory” (The Northeast Asian History Foundation 2021, 146–47). In other words, the Korean government wished to obtain an objective assessment about

Japanese conduct in Ulleungdo by inviting the Japanese government to observe the situation directly and thereby convince the latter of the irrationality behind foreign residents trying to impose fines on the native population.

However, the cooperative investigation did not yield satisfactory results for the Korean government, for on one hand, it merely affirmed the accuracy of the Korean government’s assessment that Japanese intruders on Ulleungdo were “secretly chopping down beech trees, stripping bark, and selling finished wood products.” Some Japanese male residents “sexually harassed married Korean women and showed no sign of remorse for their rude behavior.” To make the situation worse, the Magistrate of Ulleungdo was but a titular position without any effective power to enforce law, since he had “no soldiers under his command to prevent the Japanese residents from intruding and displaying rowdy behavior” (The Northeast Asian History Foundation 2021, 161). The most worrisome result was that in spite of the cooperative investigation, there was absolutely no changes made to correct the uncomfortable situation on Ulleungdo, with Japanese residents on the island continuing to “intensify their engagement in illegal logging” (The Northeast Asian History Foundation 2021, 176–77). Although the Korean government instructed yet again to Ulleungdo’s Magistrate to file another official complaint to the Japanese Consulate, it was becoming clear that the Korean government had to put an end to the continuous stream of violence, theft, and disorder from Japanese residents on Ulleungdo.

Finally, as the previous section demonstrated, the Korean government was frustrated by the Japanese government’s attempts to evade any sense of responsibility by trying to justify the disorderly conduct shown by Japanese intruders as economically beneficial or being within the scope of authorized activities that the Magistrate of Ulleungdo had allowed. Given the Japanese intent to cast the problems in Ulleungdo as mazes without any exits, by October, there were voices of concern echoing out of the Ministry of the Interior about the need to rename Ulleungdo and raise the stature of the Magistrate to the Head of Ulleung County. Since there were already “400 or more households, and cultivated agrarian land was expanded to 10,000 *durak* (approximately 9,917,355 square meters), and the average Ulleungdo resident produced 20,000 sacks of sweet potatoes and 20,000 sacks of barley, 10,000 sacks of beans, and 5,000 sacks of flour every year,” it was proper for the government to consider calling the Magistrate of Ulleungdo its County Head

(The Northeast Asian History Foundation 2021, 199).

In other words, to reflect the substantial increase in Ulleungdo's capacity to be self-sufficient and the sizable Korean population on Ulleungdo, the Korean government thought that elevating both the position of the island and the man who would be in charge of managing it would raise Japan and other foreign countries' respect toward Korean sovereignty and permanently eliminate the likelihood of unauthorized challenges to Korean sovereignty on Ulleungdo.

By 1900, the political and administrative situation in Ulleungdo necessitated the Korean government's direct intervention. Ulleungdo's population had dramatically increased, but because there was no administrative unit overseeing the island, the Korean government had to devise a means to monitor the situation more effectively and assure that the island's population could maintain a reasonable lifestyle without resorting to relocation to the Korean Peninsula. In addition, the Korean government was alarmed that despite many years of issuing protests to the Japanese Consulate, Japanese intrusions and illegal logging became more frequent. Realizing that its numerous attempts at protesting and restricting unauthorized Japanese intrusions were meeting a dead end, the Korean government decided to take care of matters into its own hands by issuing an official declaration of territorial sovereignty over Dokdo and Ulleungdo. Imperial Decree No. 41 had the following stipulations:

1. Ulleungdo shall henceforth be renamed as "Uldo," and be incorporated into Gangwon Province, and the Korean government shall elevate the director of the island to its Magistrate and assign Degree 5 to the county.
2. The Central Administrative Office will be located in Daehadong, and the Central Administrative Office shall be responsible for managing the entire island of Ulleungdo, Chukdo, and Seokdo (Dokdo).
3. Ulleungdo will be the 27th county of Gangwon Province and "Uldo County" shall be added below "Anhyeop County."
4. Uldo's expenses shall be prepared in accordance with the standards of a Grade 5 county, but because the administrative staff has yet to be assembled and everything is in its formative stages regarding the organization of the new county, expenses for the island shall be prepared using taxes collected from the island's residents.
5. All additional provisions to the following decree shall be specified once Uldo County has acquired significant infrastructural progress.

(The Northeast Asian History Foundation 2021, 205)

As it can be clearly seen from the declaration, the Korean government was not only fervently committed to clarifying Dokdo and Ulleungdo's identities as Korean territories, but also intending to make such commitment has international legitimacy by assigning it with a binding power of international law. The first article ascribed much significance to Ulleungdo's changed name of "Uldo" by declaring the island as part of a province in the mainland. This procedure reflected the Korean government's belief that Ulleungdo was not some distant or irrelevant island but a legitimate province of the Korean Peninsula and would therefore receive equal attention in terms of financial and administrative assistance from the central government as it had been the case for other provinces which comprised the Korean Peninsula proper. The elevation of Ulleungdo's director as a magistrate likewise reflected the Korean government's belief that the central government will maintain full jurisdiction over Ulleungdo and only officials approved by the central government would have the right to be commissioned to the island. Finally, the incorporation of Ulleungdo as an official county of Gangwon Province meant that Ulleungdo was now an inseparable territory of Korea, or as geographer David Storey (2017, 116) puts it, a "seat of power and a functional space in which a state operates" and was also a major component of the territorial essence of Korea as an independent and a sovereign nation. Article 2 is notable for its reflection of the Korean government's urge to assert the centralization of governmental authority over Ulleungdo, and the fact that the Uldo Magistrate would also be in charge of managing Seokdo, which is a local name for Dokdo, reflected the Korean government's clear perception that managing Uldo's affairs was akin to managing Dokdo's affairs (Choi 2020, 44–47; Yu 2012, 37–71; Kim 2019, 105–33; Jo 2008, 211–52).

Since Dokdo is an uninhabitable island, the perception also reflects the current Korean perception that Dokdo is a quintessential part of Ulleungdo such that the two islands ought to be perceived as a unitary Korean territory, not distinct islands. Ulleungdo was thereby no longer merely an island but an independent center of governmental administration, whose main task was to ensure that Dokdo and all major and minor islands near or adjacent to Ulleungdo would remain under permanent and direct Korean control. This article thereby also serves as decisive evidence that Koreans perceived Dokdo as a legitimate Korean territory and "Imperial Decree No. 41" was a clear effort to translate such a perception into an immutable fact of life which no Japanese

resident or any other foreigner could challenge or change so long as active Korean administration was to constantly remain in effect per Article 2.

The third article is a specification of the first article, and despite Ulleungdo's geographical identity as an island, its incorporation as a county shows that the Korean government was aware of the importance behind securing geographical proximity as a clear basis for asserting territorial sovereignty. The elevation of Ulleungdo into a land-based county rather than a maritime territory suggests that the Korean government wished to keep a close eye on Ulleungdo and also reflected an urge of the Korean government to encourage Koreans' immigration to Ulleungdo so it could function as an important economic center and potential source of tax revenue for the Korean government in the future.

Finally, Articles 4 and 5, while externally reflecting the Korean government's perception of Ulleungdo's immediate reality of being an underdeveloped territory, also reflect the Korean government's belief in the island's potential to undergo extensive infrastructural development. Although taxes had to be collected from whatever Ulleungdo's residents possessed as properties at the time of the decree's announcement, both articles suggest that the Korean government would provide extensive financial support to encourage the growth of the county's economy, which would demonstrate that the central government considered the advancement of Ulleungdo's welfare as seriously as that of Seoul or Busan. Article 5 in particular was conceived as a measure to imply that the amount and frequency of the Korean government's attention to Ulleungdo's affairs would proportionately increase with the level of infrastructural development, which would adequately address the chronic problem of Ulleungdo falling behind in keeping up with political and socio-economic developments happening in the Korean Peninsula. Furthermore, because Ulleungdo's geographical nature as an island would translate into different economic and infrastructural needs, whose fulfillment would depend on the precise condition of the Korean Peninsula's economy, Article 5 implied that the central government would devote necessary measures and effort to ensure that geographical distance between Ulleungdo and the Korean Peninsula would not proportionally translate into radical differences in living standards and put Ulleungdo at a clear disadvantage compared with the other counties.

The legally binding power of "Imperial Decree No. 41," which was effective immediately upon its declaration in October 25, 1900, became the

main basis with which the Korean government persistently protested against "Japanese citizens who visited Ulleungdo whenever they pleased and chopped down trees in mountains which were designated as restricted areas." The Korean government also complained that the "forests were already barren and there were no more beech trees left for Korean citizens to use" since Japanese citizens already considered the "mountains filled with potential lumber as their own properties." The Korean government stressed that such behaviors were "a disgrace for both countries under international law" and that the Japanese Consulate "should make every effort to encourage the swift withdrawal of all Japanese citizens" from Ulleungdo (The Northeast Asian History Foundation 2021, 213–14).

The Korean government was well aware that neither verbal warnings nor written protests were having much effect on changing the behavior of Japanese citizens. Therefore, after a year since the declaration of "Imperial Decree No. 41," the Korean government instructed Ulleungdo's Magistrate that "all trees on Ulleungdo were national property and therefore could not be chopped down for private use." Therefore, the Magistrate had to "arrest and heavily punish all who were lying to and bullying Korean citizens while roaming around scot-free in Seoul and other provinces" (The Northeast Asian History Foundation 2021, 216). To reinforce the urgency of protecting Ulleungdo, the Korean government not only ordered the Prefect's Office in Dongrae to quickly report on "every instance of foreigners' violations on Ulleungdo," also arrest "Koreans who were suspected of clandestinely collaborating with foreigners," and "impose severe punishments as consequences for such behavior" (The Northeast Asian History Foundation 2021, 218; 222). In other words, the Korean government not only made all types of offense made against Ulleungdo's forestry capital crimes deserving harsh punishment but also elevated national awareness of the gravity of such crimes by instructing the second largest city in Korea to monitor Ulleungdo on Seoul's behalf to ensure that the national government could always expect to receive the most up-to-date information and reports about any foreigners' attempting to harm or damage Ulleungdo.

In short, the Korean government's decision to issue "Imperial Decree No. 41" can be understood as an attempt to put an end to its frustration with the lack of authority to enforce and punish foreign, especially Japanese intrusions of Ulleungdo's forestry by treating Ulleungdo's forests as objects of governmentality managed directly by the Korean government. In addition,

contrary to the Japanese government's claim that this Decree had no legally binding power over Takeshima, the Korean government's use of the local name "Seokdo" in reference to Dokdo and its declaration that the Decree would have immediately legally binding authority upon its declaration proves that the Korean government seriously considered nationalizing Ulleungdo's forests and Dokdo in 1900, or 5 years before Shimane Prefecture incorporated Dokdo as "Takeshima."

Finally, the Korean government clearly desired to have a clear sense of real-time management over Ulleungdo's forestry and exempted crimes against Ulleungdo's forestry from extra-territoriality by linking foreigners and their potential Korean collaborators as being subject to severe punishment for national treason. These three observations suggest that the Korean government was not only keenly aware of Ulleungdo and Dokdo as Korean territories but made every legal effort to punish all illegal and unauthorized foreign and native attempts to claim any part of Ulleungdo and Dokdo's resources as private property. "Imperial Decree No. 41" ensured that Ulleungdo and everything on the island and surrounding it would be immediate objects of governmentality, or attempts by the Korean government to shape human conduct concerning relations between Ulleungdo and the Korean state to improve the welfare of the territory's Korean residents against illegal Japanese intrusions through a strict monitoring and regulation of Japanese citizens' behavior (Li 2007, 275).

The outbreak of the Russo-Japanese War in 1904 made it increasingly difficult for Korea to maintain its neutrality, for Japan nullified Korea's official declaration as a neutral country and forced the Korean government to sign the Korea-Japan Protocol, in which Article 4, by allowing Japan to "intervene whenever Japan deems necessary and proper to defend the integrity and independence of the Korean Empire," essentially mutated the entire Korean Peninsula into a military supply base for the Japanese war effort (Kim, Yun, and Ha 2020, 645). However, Japan's coercive transformation of Korea into an auxiliary position during the Russo-Japanese War had no impact on the Korean government's resolve to maintain a constant alert on Japan's activities near Ulleungdo and Dokdo. Although the Korean government had to declare "all previous agreements with Russia null and void" due to Japan's pressure, the Korean government continued to instruct Ulleungdo's magistrate to regularly report Japan's military operations against Russia and to prohibit any unauthorized landings on Ulleungdo and Dokdo. The results of the magistrate's

compliance with the Korean government's directive ranged from direct observations of the Japanese navy exchanging fire with their Russian counterpart to reports of mass killings between Japanese and Russian soldiers, during which several Korean residents of Ulleungdo were sacrificed.

The reports' contents were relatively brief, as they contained only essential information about Japanese attempts to construct buildings on Ulleungdo and establish telegraph lines near Ulleungdo without Korean consent, Japanese fishermen wielding "long swords and treating human lives like pieces of straw," and Japan's exchange of cannon fire with Russia near Ulleungdo (The Northeast Asian History Foundation 2021, 329; 332; 344–45). Yet, the existence of such reports reveals two important facts which correct Japan's assertion that Shimane Prefecture legally incorporated Dokdo as Japanese territory in 1905. First, the Korean government, in commissioning such reports even during the frenzy of war, never officially recognized Japan's maneuver. Even if it may be true that the Korean government was not aware of Shimane Prefecture's incorporation of Dokdo, the consistent production of reports from Ulleungdo about Japanese and Russian violations of Korea's maritime sovereignty suggests that Shimane Prefecture's decision had no impact whatsoever on the Korean government's official recognition of Ulleungdo and Dokdo as Korean territories. All the reports written during the height of the Russo-Japanese War make it clear that outbreaks of violence were considered as violations of Korea's maritime sovereignty, which is why every report ended with a request that the Korean government urgently investigate details concerning these incidents. Secondly, the Korean government's decision to maintain its policy of designating official magistrates to administer Dokdo and Ulleungdo remained unperturbed by the outcome of the Russo-Japanese War, for although many Korean officials were well aware that much of Korea's legal and financial authority had been divested by the Japanese government, the Korean government still had the will and urge to assert sovereignty over Dokdo and Ulleungdo.

This fact importantly demonstrates that the Korean government firmly and steadfastly believed in the international legality and legitimacy behind issuing "Imperial Decree No. 41" and demonstrates that Korea's incorporation of Dokdo is legally binding. The maintenance of Korea's official policy toward Dokdo and Ulleungdo even during and after a war which had sealed Korea's fate as Japan's colony suggests that although Korea may have lost its national sovereignty following the end of the Russo-Japanese War, the Korean

government never lost sight of its national heritage and legitimacy as the representative of a formerly independent nation. Only with a firm consciousness of national sovereignty can a national government maintain a sense of national policy towards its own territory, and the continuation of reports on Japan's wartime aggression of Dokdo and Ulleungdo's maritime space and the maintenance of Korea's official practice of appointing magistrates all suggest that Korea had preserved its consciousness of Dokdo and Ulleungdo as Korean territories before 1905 and it was a consciousness whose strength was so strong that even the imminent shadow of colonization could not significantly alter it in favor of Japan.

Conclusion

Confirming the precise boundaries of a nation's territory is a cornerstone of a nation's assertion of national sovereignty and the Korean government's official stance toward Dokdo and Ulleungdo after the 1880s remained consistently committed to enshrining this principle. Contrary to the Japanese government's claim that the Korean government did not officially recognize Dokdo as its own territory before and after 1905, this article, through a close analysis of recently available official documents from the Korean government, showed that Korea was well aware of Japanese intrusions in Ulleungdo and Dokdo and took painstaking measures to prevent them from reoccurring. The initial response of abolishing the *suto* policy and replacing it with regular appointments of magistrates to oversee both islands' political and administrative affairs was a key step towards affirming the Korean government's urge to put an end to Japanese intrusions in the islands, which had intensified following the signing of the "Treaty of Ganghwa." When the implementation of the new policy did little to curb the tide of Japanese intrusions, the Korean government added another stricter policy of allowing only foreigners to whom the government had issued legal permits to visit the islands and conduct their intended businesses.

In addition, the Korean government sent stern warnings and reprimanded the Japanese government for failing to stop Japanese residents in Ulleungdo from arbitrarily chopping down Ulleungdo's trees. However, when such measures did not yield satisfactory results, the Korean government issued "Imperial Decree No. 41" to formally incorporate Ulleungdo and Dokdo as a

unitary Korean territory and declared harming trees on Ulleungdo as a capital crime which, if done with the aid of Japanese or foreign citizens, could be tried as treason. This heightened sense of alarm signified the Korean government's urge to place Ulleungdo more tightly under its control and jurisdiction and to introduce corporeal punishment as a severe consequence for illegal logging and other misdemeanors. The legitimacy of "Imperial Decree No. 41" was still valid in Korea's perspective such that even though the height of the Russo-Japanese War prevented Korea from enforcing punishments as rigorously as it had prior to the war, the Korean government still monitored activities on or near Ulleungdo as a clear sign that a Korean consciousness of national sovereignty over Ulleungdo and Dokdo was still well alive despite the war's intention to deny it.

The entire history of Korea's efforts to police Japanese and foreign activities on Ulleungdo as well as Korean collaborators demonstrates that Korea had actively maintained a high alert about potential infringements on its sovereignty over Ulleungdo and Dokdo such that the Korean government's resolve to protect Ulleungdo remained impervious even to the threat of a major foreign war which sought to rob Korea's sovereignty. In short, contrary to the Japanese Foreign Ministry's claim that Korea did not exercise sovereignty over Dokdo and Ulleungdo before 1905, the Korean government's official records confirm that the Korean government made every effort available—from warning the Japanese Consulate to declaring "Imperial Decree No. 41" and maintaining a high alert over Ulleungdo and Dokdo even during the Russo-Japanese War—to constantly affirm and protect Korea's sovereignty over the unitary territory.

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Abstract

The Korean government's announcement of "Imperial Decree No. 41" was a direct expression of the Korean government's effort to systematize governmentality over Ulleungdo and express that effort as a matter of territorial nationalism. "Imperial Decree No. 41" marked the full transformation of the Korean government's will to exercise governmentality over Ulleungdo into territorial nationalism, which is why the Decree must be understood not just as an arbitrary declaration of territorial sovereignty, but the Korean government's determined and resolute expression of an official urge to clearly end and reject all possibilities for contention and disputation from Japan concerning Ulleungdo. Finally, although Korea was powerless to change the course of the Russo-Japanese War, the Korean government maintained its original perception that Ulleungdo is Korean territory even throughout the war, which shows that the Korean government was not a passive bystander to Japanese intrusions into Ulleungdo, but fully aware that Japan was intent on seizing Ulleungdo by force. Such a perception clearly proves that in spite of the outbreak of a war between foreign countries which desired to usurp and eclipse Korea permanently from the world map, the Korean government was still cognizant of Ulleungdo as Korean territory despite the chaos and confusion caused by a foreign war. In essence, from the very moment Japanese citizens initiated their intrusions in the early 1880s to the eve of Korea's annexation by Japan, the Korean government made consistent administrative and diplomatic efforts to assure that Dokdo and Ulleungdo remained under Korean jurisdiction.

Keywords: Ulleungdo, Korea, governmentality, "Imperial Decree No. 41," Japanese, intrusions