

# Pan-Asianism, Anti-imperialism, and International Law in the Early Twentieth Century

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ARTICLE

## Pan-Asianism, Anti-Imperialism, and International Law in the Early Twentieth Century

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### Abstract

Pan-Asianism as a concept is conventionally associated with Japan's imperialism during the Second World War. This paper, in contrast, argues that far from being merely a language of hegemony, Pan-Asianism had a far more complex role to play in the early twentieth century. As an anti-imperial ideology, Pan-Asianism advanced a normative argument for the emancipation of Asia from Western imperialism and provided an alternative vision of civilization. As an anti-imperial strategy, Pan-Asianism offered Indian nationalist leaders in exile a necessary language to gain international support in favour of their nationalist movement. The paper explains how the ideological and strategic aspects of Pan-Asianism then affected and informed the development of contemporary international law with specific reference to the law of neutrality, the right to self-determination, racial equality, and the Monroe Doctrine. By doing so, it sheds light on an important yet ignored episode of the historical development of international law.

**Keywords:** regionalism; Pan-Asianism; imperialism; neutrality; self-determination; racial equality; Monroe Doctrine; League of Nations

In simple terms, Pan-Asianism represents a regional alliance of Asian nations based on historical ties, common heritage, and a sense of solidarity. The inner meaning of the term is, however, far from simple. As a concept, Pan-Asianism is conventionally associated with Japan's imperialism vis-à-vis its Asian neighbours during the Second World War. The "Greater East Asian Co-Prosperty Sphere", which Japan propagated in 1940, epitomized the height of the country's expansionist campaign in the region in the name of Asian unity and revival. In contrast, this paper explains how Pan-Asianism was used as an anti-imperial ideology and strategy against the West in the early twentieth century. As an anti-imperial ideology, Pan-Asianism put forward a normative argument for Asia's emancipation from Western imperialism and provided an alternative to the dominant Eurocentric discourse on civilization, a vision premised upon a shared Asian spirituality, heritage, culture, and glorious past. As an anti-imperial strategy, Pan-Asianism offered Indian nationalist leaders in exile the language they needed to gain the support of the Japanese and the Chinese in favour of their nationalist movement against British rule in India. In this regard, the paper also demonstrates how the

ideological and strategic aspects of Pan-Asianism then affected and informed the development of contemporary international law.

One of the most prominent Pan-Asianist ideologues in Japan was Shumei Okawa, who was a Class A defendant at the International Military Tribunal for the Far East (the Tokyo Tribunal). The International Prosecution Section of the Tribunal formulated the conspiracy charge almost entirely on the basis of Okawa's writings advocating the unity of coloured peoples and calling for resistance against the West.<sup>1</sup> As the Prosecution Section chose defendants who would be a "representative group" of Japanese war criminals,<sup>2</sup> Okawa became the face of Japan's ideological and propaganda campaign against the West. He was ultimately excused from the trials due to his mental illness because he started behaving strangely during the proceedings; he even slapped the bald pate of General Tojo – the ex-Prime Minister and a convict at the Tokyo Tribunal – who was sitting in front of Okawa in the dock.<sup>3</sup> Due to this allegedly close association between Okawa's work and Japanese imperialism, "there was a tacit yet determined endeavour" by post-war Asian studies scholars in Japan and beyond to dissociate themselves from his work, and Pan-Asianist discourse in general.<sup>4</sup>

Given that Japanese international law during the Second World War was shaped by the hegemonic notion of the "Great East Asia Co-prosperity Sphere" under Japan's control, in the aftermath of the war the notion of Great East Asia and its corresponding international law "quickly sank into oblivion and never emerged again as a subject of discussion, whether academic or not".<sup>5</sup> This association of Pan-Asianism with Japanese imperialism is also why the discourse on Pan-Asianism pays little attention to the fact that colonial peoples in Asia used Pan-Asianism to advance their nationalist cause.

Breaking with the old taboo, a significant amount of scholarship on Pan-Asianism, especially in the disciplines of international relations and Asian studies, has recently emerged. Eri Hotta's influential work challenges the conventional understanding of Pan-Asianism as merely a language of Japanese hegemony in the continent, presenting it in a more nuanced way as a heterodox concept comprising three concentric circles. First, "Teaist Pan-Asianism", a civilizational discourse emphasising commonalities in the philosophical domain of the Asian civilization, which included both China and

<sup>1</sup> Yuma TOTANI, *The Tokyo War Crimes Trial: The Pursuit of Justice in the Wake of World War II* (Cambridge, MA: Harvard University Asia Center, 2008) at 89; Neil BOISTER and Robert CRYER, *The Tokyo International Military Tribunal - A Reappraisal* (Oxford: Oxford University Press, 2008) at 214; Cemil AYDIN, "Japan's Pan-Asianism and the Legitimacy of Imperial World Order, 1931-1945" (2008) 6(3) *The Asia-Pacific Journal* 1 at 1-33.

<sup>2</sup> Solis HORWITZ, *The Tokyo Trial: International Conciliation* (Washington, DC: Carnegie Endowment for International Peace, 1950) at 496.

<sup>3</sup> Report of Dr Yushi UCHIMURA, Professor at the Department of Psychiatry, Faculty of Medicine, Tokyo Imperial University; Head of Tokyo Municipal Hospital at Matsuzawa, 23 February 1947, Northcroft Archive, Macmillan Brown Library, University of Canterbury, Christchurch, New Zealand, MB 1549, Box 200 at 4, cited in Boister and Cryer, *supra* note 1 at 240.

<sup>4</sup> Yukiko Sumi BARNETT, "India in Asia: Okawa Shumei's Pan-Asian Thought and His Idea of India in Early Twentieth-Century Japan" (2004) 1 *Journal of the Oxford University History Society* 1 at 11.

<sup>5</sup> Takao SUAMI, "Global Constitutionalism and International Law Scholars in Japan" (2021) 64 *Japanese Yearbook of International Law* 5 at 34. In support of this argument, Suami also cites Kinji AKASHI, "'Dai Toa Kokusai' Riron - Nihon ni okeru Kindai Kokusaho Jyuyo no Kiketsu - [The Modern Law of Nations and the Great East Asia Coprosperity Sphere]", *Hogaku Kenkyu* [Journal of Law, Politics, and Sociology] (2009) 82(1) at 265. See also Yasuaki ONUMA, "'Japanese International Law' in the Postwar Period - Perspectives on the Teaching and Research of International Law in Postwar Japan" (1990) 33 *The Japanese Annual of International Law* 25 at 25-53.

India.<sup>6</sup> Second, “Sinic Pan-Asianism”, is a basis for an alliance among Asian nations, especially within the narrower geographical and cultural confines of East Asian nations.<sup>7</sup> Finally, at the core, “Meishuron Pan-Asianism”, a language of Japanese expansionism in the name of protecting Asia from Western imperialism.<sup>8</sup> Equally important works by Prasenjit Duara and Cemil Aydin have also problematized the conventional understanding of Pan-Asianism and articulated the concept in its multiplicity.<sup>9</sup>

The gap this paper fills is in examining Pan-Asianism from international law perspectives. The ideological and strategic aspects of Pan-Asianism in the early twentieth century had relevance to corresponding international legal regimes. In many ways, the engagement between those issues and relevant international law provisions affected the course of history leading up to the Second World War. As discussed in Section II, international law failed to adequately respond to various issues emanating from Pan-Asianist ethos and concerns, and sometimes international law itself with its racist and imperialist underpinnings, which facilitated the necessary condition for domination and rivalry among major powers throughout the interwar period.

In Section I, I discuss these ideological and strategic aspects of Pan-Asianism. In offering this account of Pan-Asianism as anti-imperialism, although I have made conscious efforts to look beyond Japan and to highlight Pan-Asianist perspectives of Indian nationalists in exile, in many cases that story had to be told regarding Japan – not least because many of the Indian Pan-Asianists launched their propaganda attacks on the West from within Japan, and Japan remained a safe place for many Pan-Asianist activities in the early twentieth century.<sup>10</sup> There was also a general recognition among Pan-Asianist

<sup>6</sup> Eri HOTTA, *Pan-Asianism and Japan's War 1931-1945* (New York, NY: Palgrave Macmillan, 2007) at 30-7. See also Eri HOTTA, “Rash Behari Bose and His Japanese Supporters” (2006) 8(1) *Interventions: International Journal of Postcolonial Studies* 116 at 124.

<sup>7</sup> Hotta (2007), *supra* note 6 at 37-44.

<sup>8</sup> *Ibid.*, at 45-51.

<sup>9</sup> Prasenjit DUARA, “The Discourse of Civilization and Pan-Asianism” (2001) 12(1) *Journal of World History* 99 at 99-130; Cemil AYDIN, *The Politics of Anti-Westernism in Asia: Visions of World Order in Pan-Islamic and Pan-Asian Thought* (New York, NY: Columbia University Press, 2007). A more recent edited volume closely studies the interaction between China and India from the 1840s to the 1960s, but does so explicitly outside the framework of Pan-Asianism. This implies an obvious purported link between Pan-Asianism and Japan. See Tansen SEN and Brian TSUI, eds., *Beyond Pan-Asianism: Connecting China and India, 1840s-1960s* (Oxford: Oxford University Press, 2021).

<sup>10</sup> The story of Pan-Asianism as anti-imperialism presented in this paper mainly focuses on Japan, India, and to some extent China. To what extent Pan-Asianism had any anti-imperial ideological or strategic relevance to other Asian countries in the early twentieth century is outside the scope of this paper. However, it needs to be noted that there is an emerging body of literature examining the influence of Pan-Asianism in other jurisdictions. For example, Tikhonov looks into how Japanese Pan-Asianism was disseminated in Korea through the publications of the Japanese Pan-Asianist organization *Koa-kai* between 1880 and 1884. *Koa-kai's* Pan-Asianism was simultaneously a culturalist, racist, and regionalist ideology. See Vladimir TIKHONOV, “Korea's First Encounters with Pan-Asianism Ideology in the Early 1880s” (2002) 5(2), *The Review of Korean Studies*, 195 at 195-232. On the other hand, Acharya, working through the framework of Prasenjit Duara, challenges the general Pan-Asianist premise that “Asia is One” by looking into regionalism in Asia at the moment of decolonization with specific reference to Jawaharlal Nehru (India), Ho Chi Min (Vietnam), and Aung San (Burma), and concludes that at least four different conceptions of Asia can be identified in the early post-World War II period. These may be termed “imperialist Asia”, “nationalist Asia”, “universalist Asia”, and “regionalist Asia”. The conception of “exceptionalist Asia” also emerged later as a major political force. See Amitav ACHARYA, “Asia Is Not One” (2010) 69(4) *The Journal of Asian Studies* 1001 at 1001-13. Another important strand of scholarship on Pan-Asianism investigates the influence of this ideology in the Muslim world. Most notably, Aydin compares and analyzes the Pan-Asian ideology of twentieth-century Japan with the Pan-Islamist ideology of the Ottoman Empire as efforts to both resist as well as assimilate some aspects of Western civilization. See Cemil AYDIN, “Beyond Civilization: Pan-Islamism, Pan-Asianism, and the Revolt against the West” in Lutfi SUNAR, ed., *Debates on Civilization in the Muslim World: Critical Perspectives on Islam and Modernity* (Oxford: Oxford

ideologues, as well as Indian nationalists, of Japan's leadership role in securing Asia's freedom from the West.

Section II analyzes four international law themes emanating from the anti-imperial ideology and strategy of Pan-Asianism: (i) international law of neutrality in relation to diplomatic tensions between the UK and the US concerning revolutionary activities by Indian nationalists within the US jurisdiction during the Great War and the British reaction to the US inaction; (ii) the right to self-determination of the colonized peoples concerning the Indian Home Rule League petition to the League of Nations; (iii) the discourse on the yellow peril and the diplomatic tension concerning the Racial Equality Clause during the Paris Peace Conference; and (iv) the discourse on an Asian Monroe Doctrine as a crystallization of the Pan-Asianist movement. Although some of these issues have been covered as separate items by existing international law literature, they have not been analyzed within the broader context of Pan-Asianism. This paper sheds light on this important episode of the historical development of international law in the early twentieth century. It is to be noted here that although the intellectual and legal discourse on Pan-Asianism is presented under two separate sections for the sake of structural convenience, the legal discourse – far from being focused merely on legal rules – is essentially intertwined with intellectual, political, and diplomatic elements of Pan-Asianism and should be considered as such.

### I. Pan-Asianism as Anti-Imperialism

At the ideological level, according to Hotta, Pan-Asianism had two core elements. The first was the perception of “Asia” as a common identity marker, be it geographical, racial, or cultural, even if such a concept of “Asia” was a colonial construct.<sup>11</sup> The second core element was the idea that the misery of most Asian countries was due largely to colonial oppression. Hence, Asia needed to be liberated from Western imperialism.<sup>12</sup> A close examination of the writings of the leading Pan-Asianist ideologues also reveals the third common theme in Pan-Asianism as an anti-imperial ideology: Japan's leadership role in guiding Asia along the road to freedom.

Writing in the early twentieth century, the Japanese literary figure and art enthusiast Kakuzo Okakura (1863–1913), also known as Tenshin, presented an ideological vision of Pan-Asianism that romanticizes the spiritual heritage of Asia and juxtaposes this with Western materialism to make a case for an Asian re-awakening against European imperialism. In *The Ideals of the East*, Okakura showcases the spiritual aspects of what amounts to a singular Pan-Asian identity:

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University Press, 2016) at 144–70. See also Cemil AYDIN, “Japan's Pan-Asianism and the Legitimacy of Imperial World Order, 1931–1945” (2008) 6(3) *The Asia-Pacific Journal* 1 at 1–33; Aydin, *supra* note 9. In an interesting piece, Koyagi explains Japanese official and unofficial engagements with the Islamic world during the interwar periods through the performance of hajj, establishing mosques, and organizing Islamic conferences and similar events in Japan. He argues that a lot of these activities were mainly motivated by the desire to expand the coverage of Pan-Asianism in the Muslim world but were ironically done without a proper understanding of Islam. See Mikiya KOYAGI, “The Hajj by Japanese Muslims in the Interwar Period: Japan's Pan-Asianism and Economic Interests in the Islamic World” (2013) 24(3) *Journal of World History* 849 at 849–76. Kramer, in contrast, looks specifically into the religious aspects (not merely geopolitical) of Islam in relation to Pan-Asianism thoughts in Japan, and explains in great detail Shinto and Buddhist appropriation of Islam to fit the latter into the Japanese socio-cultural mould. See Hans Martin KRAMER, “Pan-Asianism's Religious Undercurrents: The Reception of Islam and Translation of the Quran in the Twentieth-Century Japan” (2014) 73(3) *The Journal of Asian Studies* 619 at 619–40. And, finally, Pan-Asianism also influenced Pan-African scholarship during the interwar period. See e.g., W. E. B. DU BOIS, “Africa for the Africans” (1922) 23(4) *The Crisis* 154 at 154–5.

<sup>11</sup> Hotta (2007), *supra* note 6 at 23.

<sup>12</sup> *Ibid.*

Asia is one. The Himalayas divide, only to accentuate, two mighty civilizations, the Chinese with its communism of Confucius, and the Indian with its individualism of the Vedas. But not even the snowy barriers can interrupt for one moment that broad expanse of love for the Ultimate and Universal [...].<sup>13</sup>

But he also regretted that India lost its independence through political apathy, lack of organization, and the petty jealousies of rival interests.<sup>14</sup> Similarly, the Opium War in China and the gradual succumbing of almost all Eastern nations to the superior naval power of the West “brought back the dread image of the Tartar Armada”.<sup>15</sup> At the core of such cultural humiliation of Asia, he argues in *The Book of Tea*, was “either impotent fanaticism or else abject voluptuousness” on the part of the West, which made no genuine efforts to understand Asia.<sup>16</sup> To get rid of such indignation, according to Okakura, Asia must first develop a consciousness of the glorious Asian past and ancient modes of life and society and then protect and restore those Asiatic modes.<sup>17</sup>

The romantic depiction of Pan-Asianism as a unitary Asian whole, defined by philosophical, moral, and cultural harmony, simultaneously assigns Japan the sacred role of leading the rest of Asia to self-consciousness and spiritual reawakening. This is because, while the two great Asian civilizations of India and China lost their glory, Japan – due to its unbroken sovereignty and insular isolation, which protected its ancestral ideas and instincts – emerged as the real repository of the trust of Asiatic thought and culture.<sup>18</sup> In his words: “Japan is a museum of Asiatic civilization”.<sup>19</sup>

In this regard, the Pan-Asianist ideology of the most prominent Bengali literary figure, Nobel Laureate for literature (1913), and philosopher, Rabindranath Tagore (1861–1941), needs to be briefly discussed. Tagore had a significant influence on Okakura who visited India in 1901 and spent a year travelling and living in Tagore’s household.<sup>20</sup> The philosophical premise of Tagore’s Pan-Asianism can be inferred from his thoughts on nationalism. In his lecture “Nationalism in the West”, part of a series of lectures delivered throughout the United States during the winter of 1916–17, Tagore attempted to expose the menace of the Western “nation”. This nation “is the organized self-interest of a whole people, where it is the least human and the least spiritual”;<sup>21</sup> it is “an applied science” which is more or less similar in its principles wherever it is used.<sup>22</sup> Tagore, however, distinguishes between the “nation” of the West and the “spirit” of the West and notes that wherever people in Asia have received the true lesson of the West it is despite the Western nation.<sup>23</sup> This is because the spirit of conflict and conquest, not social cooperation, was at the core of the Western nation.<sup>24</sup>

It is for this reason, Tagore argues, that any “progress” of non-European nations such as Japan – even in the mirror image of European worldviews – was immediately met with

<sup>13</sup> Kakuzo OKAKURA, *The Ideals of the East with Special Reference to the Art of Japan* (London: John Murray, Albemarle Street, 1903) at 1.

<sup>14</sup> *Ibid.*, at 211.

<sup>15</sup> *Ibid.*

<sup>16</sup> Kakuzo OKAKURA, *The Book of Tea* (London: J. P. Putnam’s Sons, 1906) at 8.

<sup>17</sup> Okakura, *supra* note 13 at 240.

<sup>18</sup> *Ibid.*, at 5.

<sup>19</sup> *Ibid.*, at 7–9.

<sup>20</sup> See Hotta (2007), *supra* note 6 at 31.

<sup>21</sup> Rabindranath TAGORE, *Nationalism* (San Francisco, CA: The Book Club of California, 1917) at 26.

<sup>22</sup> *Ibid.*, at 28.

<sup>23</sup> *Ibid.*, at 30.

<sup>24</sup> *Ibid.*, at 33.

suspicion and disapprobation from the West.<sup>25</sup> However, during his visit to Japan in 1916, Tagore reminded the Japanese that their nation's immense potential and promise lies in the Eastern spiritual civilization and not in Western materialism.<sup>26</sup> For Tagore, the rise of Japan epitomizes how the ancient Asian culture could set the premise for the future of a modern nation.<sup>27</sup> Tagore's perspectives on nationalism not only expose the inherent limitation of Western civilization due to its exclusive nature and materiality but also offer an alternative vision of a more spiritual and humane civilization that has its roots in the ancient Asian culture, thereby setting the philosophical premise for Pan-Asianism, although Tagore did not use that term.

Another prominent Pan-Asianist ideologue was Shumei Okawa (1886–1957). High-level correspondence in June 1917 between the British General Commanding Officer and the Governor of the Straits Settlements described him as “violently anti-British” and among the most active supporters of the Indian seditious movement in Japan.<sup>28</sup> Generally known for his ideological influence on ultranationalists and as a Class A defendant at the Tokyo Trial, Okawa was also a leading scholar of Sanskrit and Islamic studies in Japan. His political views were shaped by a deep philosophical and ideological understanding of Pan-Asianism.<sup>29</sup>

Okawa had a romantic obsession with ancient Asian religious scriptures and the practices of the sages until 1913 when he came across Henry Cotton's *New India or India in Transition* (1907). The book offered him a shocking insight into the “real India” under British colonial rule and he was “astonished at the enormous discrepancy between the India which he had idealized in his mind, and the real India as depicted in the book”.<sup>30</sup> In November 1916, Okawa himself published *The Origins and Present State of the Nationalist Movement in India* to inform the Japanese about the misery of Indians as well as their valiant resistance to British rule.<sup>31</sup> Heavily relying on William Jennings Bryan's fierce criticism of the British in *British Rule in India* (1906), Okawa asserted that the state of ignorance, poverty, and degeneration then prevalent in India could only be explained either by Britain's inability to promote the prosperity of India or by its unwillingness to do so.<sup>32</sup> He highlighted not only the racist underpinning of the British treatment of Indians but also the general premise of racial hierarchy between the West and the East.<sup>33</sup>

To Okawa the independence of India from British rule was the precondition of Asian freedom as a whole: “Asian nations must first and foremost gain freedom. A free Asia must then be thoroughly and firmly unified.”<sup>34</sup> In this connection, he wanted Japan to establish a national ideal embodying a bold and vigorous policy to inspire the nation to do great and glorious deeds. That ideal, a core element of his Pan-Asianist thinking, would be for Japan to become, first, the leader of Asia towards the emancipation

<sup>25</sup> *Ibid.*, at 53.

<sup>26</sup> *Ibid.*, at 65.

<sup>27</sup> *Ibid.*, at 69.

<sup>28</sup> *Indian Nationalists in Japan; Pan-Asiatic Movement*, India Office Records and Private Paper, IOR/L/P&J/12/157, CRSS 11213 at 3.

<sup>29</sup> Yoshimi TAKEUCHI, “Profile of Asian Minded Man X: Okawa Shumei” (1969) 7(3) *The Developing Economies* 367 at 367.

<sup>30</sup> *Ibid.*, at 371.

<sup>31</sup> The book, the first of Okawa's publications excluding translations, was privately published in Japanese with the title *Indo ni okeru kokumin undoo no genjoo oyobi sono yurai*.

<sup>32</sup> Abbreviated translation of the book entitled “The nationalist movement in India, its present condition and origin”. By Shumei Okawa (London: India Office, 1917), India Office Records and Private Papers, IOR/L/PS/20/H140 at 6.

<sup>33</sup> *Ibid.*, at 9–10.

<sup>34</sup> Shumei OKAWA, *Fukkoo Ajia no shomondai* (Chuukoo Bunko, 1993), cited in Hotta (2007), *supra* note 6 at 69.

of the continent from European domination and, subsequently, the foremost country in the world.

In addition to being an anti-imperial ideology, Pan-Asianism informed the anti-imperial strategy of Indian nationalist leaders in exile.<sup>35</sup> They used the ideology to mobilize support in Japan and China for their nationalist movement against British rule in India. Especially during the Great War and in its immediate aftermath, Indian nationalists in exile were involved in the creation of a series of Pan-Asiatic organizations in Asia, mainly in Japan. These organizations did not enjoy any direct official support from the Japanese government, although in some cases leading politicians and influential individuals offered generous help. The Pan-Asiatic League, created in Japan in 1917, with the active involvement of Okawa and his Indian revolutionary friends Rash Behari Bose (aka P. N. Thakur) and H. L. Gupta, was one of the early Pan-Asianist organizations to study Asian civilizations, cultivating mutual understanding among Asian nations, realising the ideals of the Asiatic civilization, and bringing the peoples in Asia into unity.<sup>36</sup>

These apparently harmless agendas caused serious concerns within British official circles. In a letter dated 12 June 1917, the General Commanding Officer of the Straits Settlements informed the Governor of the Settlements that he had “absolutely reliable information” that the Pan-Asiatic movement was extremely dangerous to British interests. To him, the purpose of the movement was to undermine British influence and prestige in Japan, China, India, and the East generally, in any way possible.<sup>37</sup>

The British officials were more concerned about the various anti-British propaganda activities of Indian nationalist leaders in the Far East under the banner of Pan-Asianism, as revealed by a secret memorandum by C. J. Davidson, the British Consul in Tokyo.<sup>38</sup> According to Davidson, the creation of the Pan-Asiatic League, with the avowed object of unifying Asiatic nations against the rule of the white races, contributed to Bose and his associates’ success in gaining sympathy and cooperation from at least some Japanese radicals for, in their eyes, such a unified Asia would be placed under the leadership of Japan.<sup>39</sup> In another secret memorandum, a British intelligence officer explained why Indian nationalists’ anti-British propaganda and the Pan-Asianist slogan “Asia for the Asiatics” so readily appealed to the Japanese: “When the duty which Japan owes to the ‘oppressed’ Indian nation can thus be shown to coincide so closely with her own inmost desires and ambitions, it is easy to understand the potency of the appeal addressed to her by the Indian revolutionaries.”<sup>40</sup>

During the Great War, some Indian revolutionary leaders in exile in the United States were also actively involved in Pan-Asiatic activities to mobilize their support base in China and Japan. Indian radical nationalist leaders in California worked closely with the Irish nationalists and the German authorities to oust the colonial British government in

<sup>35</sup> For a comprehensive account of the discourse on Asianism within India between 1905 and 1940, see Carolien STOLTE and Harald FISCHER-TINÉ, “Imagining Asia in India: Nationalism and Internationalism (ca. 1905–1940)” (2012) 54(1) *Comparative Studies in Society and History* 65 at 65–92. Elaborating three different versions of “Asianism” in Indian nationalist discourse, the authors conclude that “‘Asia’ in this period was a free-floating signifier, a container to be filled with meaning when a particular agenda so required” (at 91).

<sup>36</sup> *Letter from General Commanding Officer, Straits Settlements to the Governor of Straits Settlements*, 12 June 1917, India Office Records and Private Papers, IOR/L/P&J/12/157, CRSS 11213.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Memorandum Regarding Japanese Co-operation with Indian Revolutionary Agitators*, 1 February 1923, India Office Records and Private Papers, IOR/L/P&J/12/157 [Memorandum Regarding Japanese Co-operation].

<sup>39</sup> *Ibid.*, at 3.

<sup>40</sup> *The Pan-Asiatic Movement. Memorandum by Mr D. Petrie, CIE, Indian Criminal Intelligence Department, on Special Duty in the Far East*. Shanghai, 3 April 1918, India Office Records and Private Papers, IOR/L/PS/18/D/237 at 11 [The Pan-Asiatic Movement Memorandum].



India.<sup>41</sup> These activities came to be known as the “Hindu-German conspiracy” and, in 1917, the US federal government indicted 105 persons of various nationalities for using US territories as a base for German-financed schemes to promote a rebellion against British rule in India. Of them, thirty-five, including seventeen Indians, were apprehended and brought to trial before a San Francisco court where the full scale of the conspiracy was revealed.<sup>42</sup>

Taraknath Das was one of the Indian convicts in the Hindu-German conspiracy, for which he served a 22-month prison sentence. He was forced to flee India in 1906 as a suspected “terrorist” and travelled to Japan before moving to the US.<sup>43</sup> He was actively involved in Indian nationalist activities in San Francisco and also visited China to advance the Pan-Asiatic movement and enhance Chinese support for Indian freedom from British rule.<sup>44</sup> His book *Is Japan a Menace to Asia?* shared a vision of Asia’s future imagined around the three main Asian powers – Japan, China, and India.<sup>45</sup> Working together harmoniously, he hoped these Asian powers would end European and American dominance in Asia.

According to a secret memorandum of the colonial Indian Criminal Intelligence Department, another Indian revolutionary C. K. Chakravarty formed the Pan-Asiatic League in the US to obtain Chinese assistance in the furtherance of plots against British India, especially in exporting arms and explosives from China to India, for which the Chinese were less liable to be suspected than were Indians.<sup>46</sup> The memorandum further noted that Chakravarty planned to get the Chinese government to buy arms in large quantities in the US and ship those to India, in return for financial help from Germany.<sup>47</sup> However, despite some initial success, by the end of 1916, it became quite clear to all parties involved that the plan had failed.

The victory of Britain and the Allies in the Great War not only dashed the hope of Indian independence in the immediate term but also diminished the aspirations of the Indian nationalists abroad. It also made their former sympathizers in Japan speedily lose faith – at least temporarily – in the ability of the revolutionaries to bring about the independence of India or to attain any concrete result from the Pan-Asiatic movement.<sup>48</sup> After the war, Japan developed its official version of Pan-Asianism for imperial purposes. Within India itself, Japan’s annexation of Korea in 1910 and control over Manchuria in China led to disillusionment with Japan and its leadership role in Asia.

From the foregoing narrative on Pan-Asianism as an anti-imperial ideology and strategy, several themes emerged that had relevance to corresponding international law regimes of the time. In many ways, the engagement between those issues and relevant international law provisions affected the course of history leading up to the Second World War. As we will see in the following discussion, international law failed to adequately respond to various issues emanating from Pan-Asianist ethos and concerns, while international law itself, with its racist and imperialist underpinnings, facilitated

<sup>41</sup> See e.g., Giles T. BROWN, “The Hindu Conspiracy, 1914–1917” (1948) 17 *Pacific Historical Review* 299 at 299–310; Don K. DIGNAN, “The Hindu Conspiracy in Anglo-American Relations during World War I” (1971) 40(1) *Pacific Historical Review* 57 at 57–76; Matthew Erin PLOWMAN, “Irish Republicans and the Indo-German Conspiracy of World War I” (2003) 7(3) *New Hibernia Review* 80 at 80–105; *Seventh Report: Un-American Activities in California, 1953*, California Senate Fact-Finding Committee on Un-American Activities (1953).

<sup>42</sup> Dignan, *supra* note 41 at 57–58.

<sup>43</sup> Maia RAMNATH, “Two Revolutions: The Ghadar Movement and India’s Radical Diaspora, 1913–1918” (2005) 92 *Radical History Review* 7 at 7–30.

<sup>44</sup> The Pan-Asiatic Movement Memorandum, *supra* note 40 at 4.

<sup>45</sup> See *ibid.*, at 14.

<sup>46</sup> *Ibid.*, at 1.

<sup>47</sup> *Ibid.*, at 2.

<sup>48</sup> Memorandum Regarding Japanese Co-operation, *supra* note 38 at 4.

the necessary condition for domination and rivalry among the major powers throughout the interwar period. Some of these issues are presented below in chronological order and although these are not always interconnected, what binds them together is the common theme of Pan-Asianism as anti-imperialism. While anti-British activities by Indian nationalists and their allies in the US and China, under the banner of Pan-Asianism, sparked serious diplomatic tensions between the US and the UK regarding the rights and duties of a neutral state in the course of the Great War, the anti-imperial underpinning of Pan-Asianism more directly informed the international law discourse on the right to self-determination during the Paris Peace Conference. Debates around the inclusion of a Racial Equality Clause in the Covenant of the League of Nations and the ensuing propagation of an Asian Monroe Doctrine also developed against the backdrop of the Pan-Asianist ethos of racial justice and, in this connection, the mantra of “Asia for the Asiatics”. The following section elaborates on each of these issues.

## II. Pan-Asianism and International Law

### A. International Law of Neutrality and the Pan-Asianist Movement

As noted earlier, a good number of Indian revolutionary and Pan-Asianist leaders, such as Taraknath Das, were active in San Francisco and New York as part of various nationalist organizations, such as the Pan-Asian League, the Indian Home Rule League of America, and the Ghadar Party. When Das applied for naturalization as a US citizen in 1914, Britain unsuccessfully objected to his approval.<sup>49</sup> But it was also due to British pressure that the founder of the Ghadar Party, Lala Hardayal, was arrested in March 1914.<sup>50</sup> The Ghadar conspiracy to initiate an all-India revolt in the British Indian Army in February 1915 to end British rule was a collaboration between the Ghadar Party in the US, the Berlin Committee in Germany, the underground revolutionaries in India, and the German Foreign Office through the consulate in San Francisco. Hardayal, however, jumped his bail and fled to Germany, to the dissatisfaction of the British Foreign Office.

The then-British Ambassador to the US, Cecil Spring-Rice, took a more cautious approach, discouraging the Foreign Office from taking any firm stance on the issue of Indian revolutionary activities on US soil, mainly because, in his view, such repressive actions would deepen anti-British sentiments among other revolutionaries: Russian Jews, Chinese nationalists, and especially Irish nationalists and the Irish-American press.<sup>51</sup> As Dignan notes, the other difficulty was that William Jennings Bryan, who had published the highly critical pamphlet on *British Rule in India*, that informed Okawa’s writing, was at that time the US Secretary of State.<sup>52</sup>

The outbreak of the Great War created a sense of urgency among British officials about the activities of Indian revolutionaries in the US and their close collaboration with the German authorities. The Secretary of State for India, the Marquis of Crewe, for example, argued that the US government’s toleration of the propaganda activities of Indian revolutionaries openly inciting the troops of a belligerent (the UK) to mutiny in the field was a violation of neutrality principles, and asked the US to follow Switzerland’s example of strict neutrality.<sup>53</sup> Two Ghadar-inspired mutinies among Indian soldiers in Singapore and the Punjab made the impact of German involvement quite explicit and the corresponding British response far more assertive. When Robert Lansing replaced Bryan as

<sup>49</sup> SPRING-RICE to GREY, 22 July 1916, Despatch 15353, F.O. 371/2788, f.211/pp.15353.

<sup>50</sup> Dignan, *supra* note 41 at 61.

<sup>51</sup> *Ibid.*, at 62.

<sup>52</sup> *Ibid.*

<sup>53</sup> India Office to Foreign Office, 29 December 1914, F.O. 371/2951, f.2632/pp.8826.

the Secretary of State in June 1915, Britain hoped for a more sympathetic hearing from the US on this issue.<sup>54</sup> In December 1915, the British Secretary of State for Foreign Affairs, Edward Grey, communicated two documents to the State Department via Spring-Rice, detailing the extent of the involvement of the German Consulate in San Francisco in various anti-British activities in India.<sup>55</sup> However, it was not until April 1916 that the Department of Justice raided a Wall Street office occupied by the German Consul, Wolf von Igel, and seized important documents, which were later used in the Hindu-German conspiracy trials in San Francisco (as mentioned earlier).<sup>56</sup>

While Britain criticized the US for neglecting its duties as a neutral state by allowing Indian revolutionary leaders and their German allies to use US territory for anti-British activities, on another front the neutrality debate saw an accusation by the US that Britain violated its rights as a neutral state. The claim involved the British cruiser *Laurentic* firing blank and projectile shots to stop the US commercial ship the *SS China* on the high seas on 18 February 1916, and British troops arresting 28 Germans, 8 Austrians, and 2 Turks onboard.<sup>57</sup> Grey argued that the British intelligence services had reliable information that the German passengers had, while resident in Shanghai, been engaged in the collection of arms and ammunition to smuggle to India to fuel revolutionary activities there. When the Germans became aware that the British authorities knew of their plots, they decided to shift the centre of their activity from Shanghai to Manila – they were travelling on the *SS China* to make their move less suspicious. Upon receiving confirmation from the Commander in Chief in Shanghai, the *Laurentic* had, therefore, no hesitation in arresting these Germans.<sup>58</sup> Given that the object of their journey was to find another neutral asylum in which they might continue their plots against Britain, Grey argued, the British side was thus convinced that “persons of this description must be placed within the category of individuals who may, without any infraction of the sovereignty of a neutral state, be removed from a neutral vessel on the high seas”.<sup>59</sup>

In response, the US State Department insisted that none of the detained individuals was in the military or naval services and that international law principles were “plain and definite” in that only military or naval persons may be removed from neutral vessels on the high seas.<sup>60</sup> Lansing reminded his counterpart that this rule was expressly invoked by the British government and followed by the United States in the *Trent* case (1861), and subsequently received official approval from nearly all of the governments of Europe.<sup>61</sup> Thus, he found it absurd that the UK was deviating from their position in dealing with the *SS China*.

<sup>54</sup> Dignan, *supra* note 41 at 64–5.

<sup>55</sup> GREY to SPRING-RICE, 10 December 1915, Despatch 512, F.O.371/2496, f.281/pp.170278.

<sup>56</sup> Dignan, *supra* note 41 at 71.

<sup>57</sup> US State Department, *Papers Relating to the Foreign Relations of the United States: The World War, 1916 Supplement* (Washington, DC: United States Government Printing Office, 1929) at 631–2 [Papers Relating to the Foreign Relations of the US: The World War].

<sup>58</sup> *Ibid.*, at 634.

<sup>59</sup> *Ibid.*, at 635.

<sup>60</sup> Telegram No. 2924, dated 23 February 1916, at 5 p.m. See Papers Relating to the Foreign Relations of the US: The World War, *supra* note 57 at 632.

<sup>61</sup> Papers Relating to the Foreign Relations of the US: The World War, *supra* note 57 at 637. The *Trent* affair was triggered when on 8 November 1861, during the American Civil War, the *USS San Jacinto*, commanded by Union Captain Charles Wilkes, intercepted the British merchant vessel the *RMS Trent* on the high seas, and arrested and removed four private persons *en route* from one neutral country to another, not in the military service of their government but bent on violating England's neutrality by granting commissions and dispatching commerce destroyers from British ports. After a long diplomatic row almost leading to a war between the two countries, USA finally accepted the British position on the inviolability of the right of neutral vessels in the high seas and released the arrested individuals in January 1862.

Responding to the British claim that the arrested passengers of the *SS China* were actively involved in smuggling arms to India and that they facilitated revolutionary activities in India from their base in Shanghai, Lansing pointed out that Britain should have laid its complaints before the Chinese government and that Britain had no more right to invade the neutral jurisdiction of an American vessel than to invade the territorial jurisdiction of China for that purpose. Lansing also reminded Grey that throughout the US Civil War, members of the Southern Confederacy based in Great Britain were plotting against the United States. Also, military, naval, and fiscal agencies had been established and commerce raiders were being built or fitted out in England.<sup>62</sup>

The argument between the two sides continued for the rest of 1916; the British side brought forward new claims that the captured individuals were indeed military and naval servicemen, but the State Department persistently asserted pressure for the release of those individuals, who were finally freed later that year.<sup>63</sup> The multifaceted diplomatic row between the US and the UK on neutrality lost relevance as the US entered the war in April 1917 as a co-belligerent. However, the diplomatic episodes on the rights and duties of a neutral state under international law offer us a useful example of how various actions of Indian Pan-Asianists and their strategic allies triggered extensive diplomatic debates on the international law of neutrality.<sup>64</sup>

### B. Self-determination and the Indian Home Rule League

In his address to Congress on 8 January 1918, US President Woodrow Wilson enshrined the notion of self-determination, without actually using the term, as one of his famous “fourteen points” – which were key guiding principles of the post-Great War international order.<sup>65</sup> The war ended on 11 November 1918 and, before the peace negotiations in Paris had started, the US delegation discussed the need for a principled US approach to the negotiation to restrain the Anglo-French craving for further territorial expansion in Europe and beyond.<sup>66</sup> Wilson, however, had to ultimately drop the principle of self-determination in his fourth draft of the Covenant after vehement opposition from other statesmen as well as some US delegates who argued that the application of the principle of self-determination would further destabilize Europe.<sup>67</sup> The greatest challenge to the principle was the vast majority of the world’s population was still under European colonial rule. In his fourteen points, Wilson’s view on colonial territories under

<sup>62</sup> *Ibid.*, at 638. See e.g., *Alabama claims of the United States of America against Great Britain*, Award of 14 September 1871, [2012] IX Reports of International Arbitral Awards 125 at 125–34.

<sup>63</sup> Telegram dated 15 November 1916, from the Consul General at Shanghai (Sammons) to Lansing. See Papers Relating to the Foreign Relations of the US: The World War, *supra* note 57, document No. 884.

<sup>64</sup> In the aftermath of the Second World War, the concept of neutrality in international law sank into insignificance with the creation of the United Nations, which enshrined the idea of “collective security” in the Charter imposing a duty on all member states to cooperate with the UN in its action against an aggressor. See e.g., *Charter of the United Nations*, 24 October 1945, 1 U.N.T.S. XVI [UN Charter], arts. 2(5) and 43. In reality, however, far from being collective, security arrangements in the current global order are rather shaped by various ideological and geo-strategic groupings, making the already weakened notion of neutrality quite irrelevant.

<sup>65</sup> For the full text of Wilson’s Address to the Congress on 8 January 1918, see Gregory R. SURIANO, ed., *Great American Speeches* (New York, NY: Gramercy Books, 1993) at 143–6 [Wilson’s Address].

<sup>66</sup> See letter from General Tasker H. BLISS, Chief of Army Staff to the Secretary of State, Robert LANSING dated 15 December 1918, and Lansing’s response to BLISS, dated 16 December 1918. US State Department, *Papers Relating to the Foreign Relations of the United States: The Paris Peace Conference*, vol. I (Washington, DC: United States Government Printing Office, 1942) at 294–7.

<sup>67</sup> See David Hunter MILLER, *The Drafting of the Covenant*, vol. II (New York, NY: G. P. Putnam’s Sons, 1928) at 70–1; Robert LANSING, *The Peace Negotiations: A Personal Narrative* (Boston, MA: Houghton Mifflin Company, 1921) at 95.

European control – as compared to German-occupied territories in Europe – was quite muted; he hoped to appease the European allies.<sup>68</sup>

However, the initial promise of self-determination in the immediate aftermath of the war did indeed ignite hope among nationalist leaders in Africa and Asia for independent statehood as part of the Pan-Africanist and Pan-Asianist solidarity and vision.<sup>69</sup> Thus, when Wilson declared the right to self-determination as one of the governing principles of the Paris Peace Conference of 1919, the Indian Home Rule League (in London) submitted a petition, Lala Lajpat Rai being the main author, to the Great Powers of the Conference arguing for India's independence under this principle.<sup>70</sup> During the war, the Indian Home Rule League in America published a letter to President Wilson in the inaugural issue of its influential journal, *Young India*.<sup>71</sup> The letter was an attempt to expose the hypocrisy and double standards regarding universal values of democracy and liberty that the Allied Powers propagated, while their treatment of colonial peoples completely denied those principles and values.<sup>72</sup> The letter described Wilson as “an instrument of God in the reconstruction of the world”.<sup>73</sup> It is in this context that the petition for Indian self-determination was presented before the Paris Peace Conference.

The petition largely dealt with the question of Indian “nationhood” for the right to self-determination. It was also a response to the Wilsonian idea of self-determination that subjugated peoples need to “conform to the identity of one people-one land-one state to be accepted as having a legitimate claim to political personhood”.<sup>74</sup> What is more relevant to our discussion on Pan-Asianism here is the way the petition responded to the question of whether India (or for that matter most colonial peoples) was ready to join the community of self-governing nations. Given that the core of the colonial ideology was the proposition that colonized peoples were not capable of governing themselves, any demand for self-determination by subjugated peoples was bound to encounter this challenge.

There was also another, more specific, context. The post-war British policy, as announced in the House of Commons by the Secretary of State for India, Edwin Montagu, was to increase Indians' participation “in every branch of the administration” and to gradually develop “self-governing institutions with a view to the progressive

<sup>68</sup> Point 5 of Wilson's fourteen points. See Wilson's Address, *supra* note 65 at 144.

<sup>69</sup> A Pan-African movement emerged under the leadership of W. E. B. Du Bois, who was a co-founder of the National Association for the Advancement of Coloured People (NAACP). A first Pan-African congress was organized in 1900 in London followed by a second in Paris in 1919. The Universal Negro Improvement Association (UNIA) also submitted a petition to the League of Nations demanding self-determination for African nations. See the Universal Negro Improvement Association, “Petition of the Universal Negro Improvement Association League to the League of Nations” in R. HILL, ed., *The Marcus Garvey and Universal Negro Improvement Association Papers*, vol. IV (1983) at 735–40. See also W. E. B. DU BOIS, *The Negro* (New York, NY: Henry Holt and Co., 1915); W. E. B. DU BOIS, *Africa: Its Place in Modern History* (Girard, KS: Haldeman-Julius Publishing Co., 1930). For a concise history of Pan-Africanism, see Hakim ADI, *Pan-Africanism: A History* (London: Bloomsbury Academic, 2018).

<sup>70</sup> Reprinted in India Home Rule League of America, *Self-Determination for India* (New York, NY: India Home Rule League of America, 1919) [Self-Determination for India]. Both the Indian Home Rule League in London and the India Home Rule League of America (IHRLA; founded in New York by Lala Lajpat Rai) were offshoots of the All India Home Rule League (later *Swarajya Sabha*), which was influenced by and modelled after the Irish Home Rule movement, among others.

<sup>71</sup> The letter was written by the Honorary President of the Home Rule League in India, S. SUBRAMANIAM on 24 June 1917. See *Young India*, vol. 1, No. 1 (January 1918) at 5–7.

<sup>72</sup> *Ibid.*, at 6.

<sup>73</sup> *Ibid.*, at 7.

<sup>74</sup> Itty ABRAHAM, *How India Became Territorial: Foreign Policy, Diaspora, Geopolitics* (Palo Alto, CA: Stanford University Press, 2014) at 11.

realization of responsible government in India as an integral part of the British Empire”.<sup>75</sup> This policy was further qualified by Montagu:

I would add that progress in this policy can only be achieved by *successive stages*. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be the judges of the time and measure of each advance.<sup>76</sup>

It is in this context that the Indian Home Rule League engaged with the issue of trusteeship, offering a fascinating response that struck at the very root of the civilizational discourse, reflecting in many ways the Pan-Asianist ideology of the Oriental, spiritual civilization. The petition first highlights the general premise – that “the theory of trusteeship predicates that the trustee himself is fit” – and then asks: “can the West be a fit trustee for the East? Can materialism be a fit trustee for spiritualism?”<sup>77</sup> The petition thus asserted that the two civilizations are distinct and different and, therefore, Britain cannot be a fit trustee for India.<sup>78</sup>

The petition then argues that the notion of trusteeship is also invalid in that trustees are appointed for minors, whereas India is “the eldest brother in the family of man, noted for her philosophy and for being the home of religions that console half of mankind”.<sup>79</sup> In line with Pan-Asianist ideologues like Okakura, Tagore, and Okawa, the petition relied on ancient Asian traditions and the glorious past to refute the British claim of the Indian incapacity to self-govern. It specifically highlights the rich democratic tradition evidenced in the Indian ancient past: “Our ancestors were fully accustomed to democratic institutions. The great Epic of India not only mentions but describes Indian democracies, and the Buddhist literature fully testifies to their existence in those early days.”<sup>80</sup> Comparing ancient Greek city-states with autonomous villages in ancient India, the petition notes that 500,000 village republics flourished in India for over 2,000 years before being exterminated with the introduction of centralized administration under British rule. The petition thus concludes: “No people in the world have had a wider or longer experience in working popular institutions. It is therefore absurd to presume that Indians are incapable of working democratic institutions.”<sup>81</sup>

Like the Pan-Asianist ideologues, the petition attempted to dismantle and redefine the notion of the “standard of civilization”, the hegemonic nineteenth-century idea that served to justify colonialism in the first place.<sup>82</sup> It also offered an alternative vision of civilization beyond how Westerners perceived it. Unlike the modernisers of nineteenth-century Japan, Lorca notes, the architects of the petition not only refrained from advancing their argument within the dominant frame of the nineteenth-century notion of the standard of civilization but also argued for the recognition of their distinct

<sup>75</sup> House of Commons Debates, vol. 97, cc. 1696–97 (20 August 1917).

<sup>76</sup> *Ibid.*

<sup>77</sup> Self-Determination for India, *supra* note 70 at 10.

<sup>78</sup> *Ibid.*

<sup>79</sup> *Ibid.*, at 11.

<sup>80</sup> *Ibid.*, at 12.

<sup>81</sup> *Ibid.*, at 13.

<sup>82</sup> William E. HALL, *A Treatise on International Law*, 2nd ed. (Oxford: Clarendon Press, 1884) at 40; Thomas J. LAWRENCE, *The Principles of International Law* (London: Macmillan and Co., 1895) at 58; John WESTLAKE, *Chapters on the Principles of International Law* (Cambridge: University Press, 1894) at 87–9; James LORIMER, *The Institutes of the Law of Nations: A Treatise on the Jural Relations of Separate Political Communities* (Edinburgh: Blackwood, 1883) at 101.

civilization in its own right.<sup>83</sup> However, the distinctiveness of the Indian civilization that the petition depicted within the binary of Western-material and Eastern-spiritual civilizations was by no means a “unique” intervention by the petition, as Lorca suggests.<sup>84</sup> Instead, it was the core theme in the making of Pan-Asianism as an anti-imperial ideology, as we have seen in the preceding section, and the tone of the petition in this regard was shaped by the prevalent Pan-Asianist ideology.

Having dismantled the notion of the standard of civilization and the proposition of incremental freedom, the petition concluded:

We may have progress step by step, but we cannot have liberty step by step. The slave cannot be emancipated step by step. The chains of slavery cannot be struck off link by link. Liberty must be given at once and at one stroke, and then progress will follow.<sup>85</sup>

The authors of the petition were also fully aware of how illogical it would be for a foreign government to train the governed for self-government. Thus, they did not find it credible that the British were suddenly keen to train the Indians for responsible government.<sup>86</sup>

The petition, however, fell on deaf ears. India, like many other colonies in the non-European world, had to endure colonial rule for a few more decades, and more subtle forms of imperialism that disadvantaged non-European people remained omnipresent. Nevertheless, the petition exposed the inherent inconsistency and hypocrisy of the doctrine of self-determination as a governing principle at the Paris Peace Conference and epitomized how the voice of the colonized people was marginalized. This frustration deepened a sense of humiliation among the Asiatics thereby intensifying the Pan-Asianist spirit, which took multiple forms and shapes as history progressed towards another world war.

### C. *Yellow Peril and the Racial Equality Clause*

Japan’s decisive victory in the Sino-Japanese War of 1895, its ensuing territorial gains, and a series of other concessions from China signalled its emergence as a Great Power in Asia.<sup>87</sup> This military success, however, created panic among European powers; mainly Russia, Germany, and France, who had vested interests in China. Thus, they joined forces and demanded the reversal of territorial concessions made to Japan. The triple intervention, as it came to be known, left Japan with few options but to submit to this demand.<sup>88</sup> It also provoked the country to focus more on building military capacity and quickly and secretly arming itself.<sup>89</sup> Following the triple intervention, Britain expanded its diplomatic relationship with Japan, reflecting the common interest of containing Russia.<sup>90</sup> The resulting Anglo-Japanese Alliance Treaty of 1902 helped Japan fight the Russian occupation of Manchuria, leading to the Russo-Japanese War; in 1905 Japan sealed its first-ever victory

<sup>83</sup> Arnulf Becker LORCA, “Petitioning the International: A ‘Pre-history’ of Self-determination” (2014) 25(2) *European Journal of International Law* 497 at 501–4.

<sup>84</sup> *Ibid.*, at 502.

<sup>85</sup> Self-Determination for India, *supra* note 70 at 12.

<sup>86</sup> *Ibid.*, at 11.

<sup>87</sup> William G. BEASLEY, *Japanese Imperialism 1894–1945* (Oxford: Clarendon Press, 1987) at 57.

<sup>88</sup> For details of triple intervention diplomacy, see William L. LANGER, *The Diplomacy of Imperialism, 1890–1902* (New York, NY: Alfred Knopf, 1935) at 176–87.

<sup>89</sup> Sydney GIFFARD, *Japan Among the Powers 1890–1990* (New Haven, CT: Yale University Press, 1994) at 17.

<sup>90</sup> For full text of the document, see Ian NISH, *Anglo-Japanese Alliance, 1894–1907* (London: Athlon, 1966) at 216–7.

in a war against a European power.<sup>91</sup> The victory also allowed Japan to consolidate its position in Korea, ultimately annexing it in 1910.<sup>92</sup>

The panic engendered by Japan's emergence as a Great Power exposed the racial dimension of the West's perception of this young Asian imperial power. In the West, the term "yellow peril" emerged as shorthand for this panic. This racist political concept first appeared in April 1895 as an ideological justification for the triple intervention following the Sino-Japanese War: Kaiser Wilhelm II of Germany used the phrase in a letter to Tsar Nicholas II of Russia to refer to the emergence of Japan – profiled as a yellow race along with China – as an imperial power. The notion had spread throughout the Western world by the time of the Boxer Rebellion in China (1899–1901), which was triggered largely by missionary activities in China following the Opium War.<sup>93</sup> Although violence against German missionaries turned into a pretext for Germany to occupy Jiaozhou Bay and allowed other powers to scramble for concessions, the massacre of the Westerners was essentially seen in racial terms: the killing of the German missionaries and other foreigners was compared to the massacre of Europeans by the Huns and Mongols of the Middle Ages, whereas the liberation of Peking by allied armies was described by reference to the liberation of the holy places in Jerusalem by the Crusaders.<sup>94</sup>

Against this background, the victory of "yellow" Japan over "white" Russia brought the fear of the "yellow peril" to the reality the West faced – a fear that Japan was not behaving as an Asian nation was supposed to. As a high Russian official said before the war, the Russo-Japanese War was a "colonial war"; the common understanding of the day was that in such a war, the Europeans attacking with artillery should emerge victorious over the non-European peoples equipped with bows and arrows, clubs, or tomahawks.<sup>95</sup> Japan's deviation from this longstanding rule stunned the West.

At the official level, the Japanese Minister in Vienna, Nokuaki Makino, called the growing rhetoric of yellow peril a "ridiculous bogey unworthy of European civilization".<sup>96</sup> In an interview with the *Neue Freie Presse*, he regretted that it was almost fashionable then to talk about the yellow peril without any real or practical meaning and said: "[Today] we are involved in a great war with Russia. But the Japanese do not fight 'the white races', but only the Russians. It is a defensive war."<sup>97</sup> Arguing that the Japanese ambition for the war was simply to be recognized as a collaborator of the West in the great development of commerce, industry, and culture, he hoped that in the intelligent circles of the West no one would consider the "legitimate" Japanese wishes and ambitions a yellow peril.<sup>98</sup>

This panic about Japan's rise as an imperial power also had an economic dimension. The French economist, Edmond Thery, who argued that the Japanese ought to have been defeated by the Russians for the sake of European economic interests, concluded that if China, modelling itself after Japan, were ever to "succeed in industrializing itself, these two Asiatic nations would present a mortal threat to Europe as economic competitors".<sup>99</sup> Similarly, an editorial published in *The Times of India* in May 1904 argued that

<sup>91</sup> For a detailed account of diplomacy leading up to the Russo-Japanese War, see Beasley, *supra* note 87 at 80–2. See also Shumpei OKAMOTO, *The Japanese Oligarchy and the Russo-Japanese War* (New York, NY: Columbia University Press, 1970).

<sup>92</sup> Beasley, *supra* note 87 at 85–90.

<sup>93</sup> Joseph W. ESHERICK, *The Origins of the Boxer Uprising* (Berkeley, CA: University of California Press, 1987) at 77, 123–30.

<sup>94</sup> Sukehiro HIRAKAWA, *Japan's Love-Hate Relationship with the West* (Kent: Global Oriental Ltd., 2005) at 230–1.

<sup>95</sup> *Ibid.*, at 233.

<sup>96</sup> "The Yellow Peril: A 'Ridiculous Bogey'" *Neue Freie Presse* (1906).

<sup>97</sup> *Ibid.*

<sup>98</sup> *Ibid.*

<sup>99</sup> Hirakawa, *supra* note 94 at 234.



Britain did not need to be worried by the German Emperor's depiction of yellow peril as "the irruption of a swarm of devastating Asiatics" or "another Genghiz Khan arising to lead a Mongoloid horde across the waste places of Asia to the confines of Germany".<sup>100</sup> Instead, the "real yellow peril" remained in the possibility of losing the Chinese market, or even China itself, to Japan.<sup>101</sup> In the same vein, Hirakawa argues that Japan's victory in the Russo-Japanese War was a reason for the US decision to restrict Japanese immigration to the US despite its continuous support for Japanese imperial ambition on the Asian mainland.<sup>102</sup> It was in the context of the resurgence of a yellow peril in the West that Okakura published his *The Awakening of Japan* in 1905, as a precursor to Pan-Asianism.

It is to be noted that, even during the Meiji era, several political associations such as "Raising Asia" (*Ko-A*), "Solidarity with Asia" (*Asian rentai*), "Developing Asia" (*Shin-A*), and "Society for Raising Asia" (*Koa-kai*) actively propagated the idea of Asian solidarity, but did not have much influence on Japanese foreign policy because the Japanese government preferred to maintain strategic relationships with the West, especially Britain.<sup>103</sup> At times, the Japanese government even denied any possibility of Asianism in the face of increasing fear about yellow peril in the West. Speaking before the Central Asian Society in London in 1904, the Japanese diplomat Sueatsu Kencho, in a bid to dismantle the fear about the yellow peril, asked his Western audience: "Can anyone imagine that Japan would like to organize a Pan-Asiatic agitation of her own seeking, in which she must take so many different people of Asia into her confidence and company—people with whom she has no joint interests or any community of thought or feeling?"<sup>104</sup>

However, it became almost impossible for Japan to avoid the issue of race as the US enacted discriminatory domestic legislation specifically targeting the Japanese on racial grounds. Under the *California Alien Land Law* of 1913 (also known as the Webb-Haney Act), certain foreigners were prohibited from owning or holding a long-term lease over agricultural lands in California. Although the law affected Chinese, Indian, and Korean immigrants, its specific aim was to discourage immigrants from Japan.<sup>105</sup> Makino, later the chief Japanese negotiator at the Paris Conference, found the law especially painful as it denigrated the physical features of the Japanese people.<sup>106</sup> To Japan, such a discriminatory law was nothing short of a national humiliation while it was signalling its emergence as the only non-white Great Power on the world stage. Racial discrimination against Japan, by then the generally accepted leader in Asia, naturally emboldened the Pan-Asian cause as the vast majority of Asian peoples were also subject to racial humiliation in the form of colonialism. The Paris Peace Conference of 1919 thus offered Japan the perfect opportunity for a theatrical show of its demand for "racial equality".

The Japanese demand for racial equality during the Paris Peace Conference came in the context of the creation of the League of Nations. The Japanese delegation, headed by Makino, received the following brief from the Japanese Government on the creation of the League:

<sup>100</sup> "The Real Yellow Peril" *The Times of India* (6 May 1904).

<sup>101</sup> *Ibid.*

<sup>102</sup> Hirakawa, *supra* note 94 at 231.

<sup>103</sup> Sven SAALER, "Pan-Asianism in Modern Japanese History: Overcoming the Nation, Creating a Region, Forging an Empire" in Sven SAALER and Victor KOSCHMAN, eds., *Pan-Asianism in Modern Japanese History* (London: Routledge, 2007) at 4–5.

<sup>104</sup> Quoted in Saaler, *supra* note 103 at 5.

<sup>105</sup> Naoko SHIMAZU, *Japan, Race and Equality: The Racial Equality Proposal of 1919* (London: Routledge, 1998) at 101.

<sup>106</sup> Nobuaki MAKINO, *Kaikoroku*, vol. II (Tokyo: Chuo Koronsha, 1978) at 85, cited in *ibid.*, at 101.

The Japanese Government is in favour of the ultimate aim of the League: but, in view of the racial prejudices which have not yet entirely been banished from among the nations, there is a danger ... that its establishment will in practice produce results gravely detrimental to Japan. Nevertheless, if a League of Nations is to be established ... the Delegates will so far as the circumstances allow make efforts to secure suitable guarantees against the disadvantages to Japan which would arise as aforesaid out of racial prejudice.<sup>107</sup>

Thus, the Japanese delegates initiated the racial equality clause which they hoped would be part of the Covenant of the League of Nations. As Shimazu's meticulous account of the negotiation on the racial equality clause in Paris reveals, the Japanese delegates first shared multiple versions of the proposal with the US before Wilson finally agreed to propose amending Article 21, dealing with religious freedom with a clause on racial equality: "The equality of nations being a basic principle of the League of Nations, the High Contracting Parties agree to accord as soon as possible to all alien nationals of states, members of the League, equal and just treatment in every respect making no distinction, either in law or in fact, on account of their race or nationality."<sup>108</sup>

Far from being a demand for racial equality as a universal principle, the proposal deals only with alien nationals of member states of the League and excluded colonial subjects. Even so, the Japanese proposal was vehemently opposed by Britain and its Dominions, which immediately saw the proposal as an immigration issue. Australia and Canada were especially concerned about the implication of this clause for their anti-Asian immigration policies.<sup>109</sup> A few days before the proposal was formally presented by Japan, the British Foreign Secretary, Arthur Balfour, is reported to have commented to Colonel Edward House, the Special Advisor to the US President, that he dismissed the possibility of any English-speaking communities tolerating a great Japanese flow of immigration; the insertion of the Japanese racial equality clause into the League Covenant would be quite damaging.<sup>110</sup>

When the proposal was defeated by the majority vote, Japan was not only forced to take face-saving measures to appease its domestic audience but also had to address the immigration-related concerns of the British Dominions. The compromise came in the form of a revised, toned-down proposal – not even as an article, but in the preamble to the Covenant – which simply read, "By the endorsement of the principle of equality of all nationals of States members of the League".<sup>111</sup> As Shimazu notes, the revised proposal was so modified from the original proposal that it was rather difficult to relate this to the immigration issue any more. Nevertheless, unlike the British Dominions of Canada and South Africa, Australia continued to resist the move – to the irritation of all powers and dominions.<sup>112</sup> It is to be noted here that racial thinking was central to the formation of a modern Australian federation underpinned by the "White Australia" policy at the beginning of the twentieth century and, therefore, the British policy of granting equal rights to all citizens of the Commonwealth, including its Asian members, had been a source of tension between Australia (supported by Canada and South Africa) and the

<sup>107</sup> Shimazu, *supra* note 105 at 113. For a detailed account of negotiations on the racial equality clause during the Peace Conference, see 13–81.

<sup>108</sup> *Ibid.*, at 20.

<sup>109</sup> *Ibid.*, at 18.

<sup>110</sup> *Ibid.*, at 19.

<sup>111</sup> *Ibid.*, at 24.

<sup>112</sup> *Ibid.*, at 23–7.

British Empire.<sup>113</sup> The British government was, however, bent on maintaining imperial unity and, hence, was unwilling to press Australia hard.<sup>114</sup> The notion of racial equality was inconvenient to the British anyway due to its obvious link to colonialism, irrespective of the Japanese intention behind the proposal.<sup>115</sup>

Japan eventually gave up on any hope of success. However, on 11 April 1919, Japan formally presented its slightly modified proposed insertion to the preamble, that is: “By the endorsement of the principle of equality of nations and just treatment of their nationals.”<sup>116</sup> Although this proposal enjoyed majority support, Wilson, as the chair of the proceeding, deviated from the standard practice of a majority decision and, on the ground of strong opposition from the British Empire delegation, imposed a unanimity ruling. Given that no negative vote was taken under the unanimity ruling, the proposal was defeated for the second time despite majority support – without the opposition of the US and the UK formally being recorded.<sup>117</sup>

The defeat of Japan’s racial equality proposals underscored the omnipresence of racial hierarchy embedded in the international order. This, in turn, reignited a sense of need for cooperation among coloured peoples and also for collective action against racial discrimination. Pan-Asianism had already laid the normative foundation for such actions in Asia. In the aftermath of the Paris fiasco, Japanese policy radically changed from an evasive approach to Pan-Asianist activities by Indian nationalist leaders and their Japanese sympathizers to a more assertive approach, incorporating Pan-Asianism into its foreign policy.

The feeling of racial humiliation deepened as the US Congress hastily passed the 1924 Immigration Act, which targeted Japanese immigrants. As the Japanese politician Yusuke Tsurumi noted in a lecture in the US shortly after the law was enacted, even if the supreme issue before the Congress was “the protection of American civilization against a flood of Japanese immigrants”, to the Japanese the issue was whether Japan was to “stand on an equal footing with Western powers, or to be cut off from the fellowship and be driven back upon a purely Oriental policy and theatre of operation”.<sup>118</sup> With the realization that Japan was not treated as an equal to the Western Great Powers, despite Japan’s status as a Great Power in the Paris Peace Conference, Pan-Asianism was revived by the traditional Asianists within the Japanese official circles.<sup>119</sup> Japan soon incorporated Pan-Asianism in its official diplomacy, but essentially perceived it within the framework of nationalism and, later, ultra-nationalism.<sup>120</sup>

<sup>113</sup> Antony ANGHIE, “Race, Self-Determination and Australian Empire” (2018) 19(2) *Melbourne Journal of International Law* 423 at 432. See also Gary FOLEY, “Black Power, Land Rights and Academic History” (2011) 20(3) *Griffith Law Review* 608 at 609.

<sup>114</sup> Shimazu, *supra* note 105 at 35.

<sup>115</sup> Similarly, Wilson himself was quite racist in his politics and policies. He not only promoted racialized concepts of “otherness” abroad, but also patronized white supremacy and segregation in the Civil Service, rolling back even the limited success achieved in racial equality in the US. See Cecelia LYNCH, “The Moral Aporia of Race in International Relations” (2019) 33(2) *International Relations* 267 at 274. His views on race relations have been the subject of a critical re-evaluation in recent years and, as a result, Princeton University removed his name from its prestigious School of Public and International Affairs in 2020 citing his racism. See Brett TOMLINSON and Carlett SPIKE, “Princeton Renames Wilson School and Residential College, Citing Former President’s Racism” *Princeton Alumni Weekly* (27 June 2020), online: Princeton Alumni Weekly <[www.paw.princeton.edu/article/princeton-renames-wilson-school-and-residential-college-citing-former-presidents-racism](http://www.paw.princeton.edu/article/princeton-renames-wilson-school-and-residential-college-citing-former-presidents-racism)>.

<sup>116</sup> Shimazu, *supra* note 105 at 27.

<sup>117</sup> France and Japan unsuccessfully opposed the unanimity ruling. The following countries voted in favour of the proposal: Japan, France, Italy, Brazil, China, Greece, Serbia, and Czechoslovakia. See *ibid.*, at 30–1.

<sup>118</sup> Yusuke TSURUMI, *Present Day Japan* (New York, NY: Columbia University Press, 1926) at 103.

<sup>119</sup> Masamichi ROYAMA, *Foreign Policy of Japan: 1914–1939* (Westport, CT: Greenwood Press, 1973) at 36.

<sup>120</sup> See Miwa KIMITADA, “Pan-Asianism in Modern Japan: Nationalism, Regionalism and Universalism” in Sven SAALER and Victor KOSCHMAN, eds., *Pan-Asianism in Modern Japanese History* (London: Routledge, 2007) at 22.

In this regard, it needs to be reiterated that Japan's racial equality proposal never meant racial equality to be a universal principle.<sup>121</sup> Japan never intended to propagate racial equality among all Asian nations; it considered itself to be racially superior to the Chinese and the Koreans. Thus, during the wars against China and Russia, Japanese conscripts, many of whom were travelling to China and Korea for the first time, perceived their encounter with the natives essentially in pejorative racial terms, as their diaries show.<sup>122</sup> Soldiers rarely used derogatory expressions when referring to the Russians because they believed them to be of their standard. In fact, in Japanese official discourse, the Russo-Japanese war was seen as a "civilized war between civilized peoples".<sup>123</sup> Nevertheless, Japan's advocacy for "racial equality" and the rejection of the proposed Racial Equality Clause underscored the West's commitment to maintaining racial hierarchy at the international level. To the Pan-Asianists, the longstanding issue of racial justice gained renewed importance as part of the anti-imperial agenda and also as an element of the anti-colonial nationalist movement. Colonialism was, after all, primarily premised upon racial hierarchy.

Japan's advocacy for racial equality in Paris also continued to earn sympathy outside Asia for some time. Especially among African-Americans, Japan was seen as fighting the same battle against "white supremacy".<sup>124</sup> Leading voices of the New Negro movement in the US, such as A. Philip Randolph, Chandler Owen, Cyril V. Briggs, Hubert Harrison, and Andrea Razafkeriefio, looked up to Japan for demanding racial equality at the Paris Peace Conference, thereby internationalizing the issue that they had been fighting for at home.<sup>125</sup> Throughout the interwar period, even when Pan-Asianism became an integral part of Japan's expansionist foreign policy, Japanese imperialism enjoyed a better reception than did European colonization, at least among some African-American intellectuals, due to the apparent lack of racial connotation in Japanese policies. Most notably, W. E. B. Du Bois saw a version of his vision of Pan-Africanism materialize in Japanese Pan-Asianism, wherein a non-White civilization would flourish in a self-sustained way.<sup>126</sup> He even urged the Chinese to cooperate with Japan to this end.<sup>127</sup> With his preoccupation with the issue of racial equality, he thus had no trouble in supporting the Japanese colonization of Manchuria, which he saw as free from any racial discrimination: "There is, however, no apparent discrimination between motherland and colony in this respect. Nowhere else in the world, to my knowledge, is this true. And why? Because Japanese and Manchoukuans are so nearly related in race that there is nor can be no race prejudice. Ergo: no nation should rule a colony whose people they cannot conceive as Equals."<sup>128</sup> Japan's wartime brutalities vis-à-vis its Asian neighbours, of course, dismantled this myth of racial equality in a painful manner.

<sup>121</sup> Shimazu, *supra* note 105 at 114–5.

<sup>122</sup> Naoko SHIMAZU, "Reading the Diaries of Japanese Conscripts: Forging National Consciousness During the Russo-Japanese War" in Naoko SHIMAZU, ed., *Nationalism in Japan* (London: Routledge, 2006) at 57–9.

<sup>123</sup> *Ibid.*, at 60.

<sup>124</sup> For a detailed account of African American support for Japan's advocacy for racial equality, see Gerald HORNE, "Tokyo Bound: African Americans and Japan Confront White Supremacy" (2001) 3(3) *Souls* 16 at 16–28.

<sup>125</sup> See Yuichiro ONISHI, "The New Negro of the Pacific: How African Americans Forged Cross-Racial Solidarity with Japan, 1917–1922" (2007) 92(2) *Journal of African American History* 191 at 191–213.

<sup>126</sup> Du Bois, *supra* note 10 at 154–5. In contrast, Buck urged African Americans to unite with White Americans in the fight against Japanese imperialism. See Pearl S. BUCK, "A Letter to Colored Americans" *The Chicago Defender* (7 March 1942). See also Seok-Won LEE, "The Paradox of Racial Liberation: W. E. B. Du Bois and Pan-Asianism in Wartime Japan, 1931–1945" (2015) 16(4) *Inter-Asia Cultural Studies* 513 at 513–30.

<sup>127</sup> W. E. B. DU BOIS, "Listen Japan and China" (1933) 40(1) *The Crisis* 20 at 20.

<sup>128</sup> W. E. B. DU BOIS, *The Pittsburgh Courier* (5 February 1937) at 3.

#### D. The Asian Monroe Doctrine

The defeat of the racial equality proposals at the Paris Peace Conference reinforced the feeling among colonized peoples in Asia that the League of Nations was not going to emancipate them from racial subjugation despite all the claims of self-determination, democracy, freedom, and so on. Instead, they saw the new international organization as a new means to perpetuate subjugation. This mood was succinctly captured in an article in the June 1920 issue of the *Journal of the Ta-Ya (Pan-Asiatic) Society*. “Pronunciamento to the People of Asia” asserted that although the Western powers talk of charity and love as their guiding principles, they treat other races miserably. The treatment Asia had received from the white race for the last 300 years was now moving this glorious continent backwards. With a tone filled with frustration, it then went on to claim: “To them other races are slaves over whom they must dominate. Their advocacy of the League of Nations and of self-determination for all countries is pure cant as is clearly shown by their opposition to racial equality.”<sup>129</sup> The article thus concluded that Asian suffering at the hands of the white race for centuries made it imperative for Asians to unite and cooperate to restore the continent’s old glory.<sup>130</sup>

Even long before the defeat of the racial equality proposal, Pan-Asianists were suspicious of the League. In July 1918, a Japanese magazine in the Straits Settlements, *Nanyo Shimbun*, reproduced an article by the Japanese Pan-Asianist, Masataro Sawayanagi, who was a member of the House of Peers (Imperial nominee) and represented Japan at the “World Oriental Conference” in Berlin in 1902. In this article, Sawayanagi argued that the League of Nations would only benefit the strong powers at the cost of the weaker nations, and the prevention of another world war would be because of the inability of the African-Americans in the US or of the Indians under British rule to resist ill-treatment and extreme cruelty and not because of the League.<sup>131</sup> Noting that a large majority of the so-called coloured races are groaning under the oppression of a white minority, Sawayanagi asserts that all races must have the same status and the same rights irrespective of colour, and that Japan’s upholding of such an Asiatic policy “does not mean an anti-European policy, but of course if the Europeans persist in keeping Asiatic races in subjection, war would probably result”.<sup>132</sup> Sawayanagi was equally aware of how Japan’s expansionist ambition would benefit from the race war against the West in the name of Pan-Asianism.<sup>133</sup>

It is in this context that the idea of an “Asian Monroe Doctrine” was already in the air during the Great War. The Monroe Doctrine of 1823, crafted by US President James Monroe and Secretary of State John Quincy Adams, asserted that the Western Hemisphere was closed to future colonization and that any attempt by a European power to oppress or control any nation therein would be viewed as a hostile act against the US.<sup>134</sup> The proposition of an Asian version of the doctrine attracted attention when, at a banquet given in honour of the Japanese Mission in New York on 29 September 1917, Japan’s special envoy Baron Ishii proclaimed that the Monroe Doctrine would apply to

<sup>129</sup> Despatch from His Majesty’s Consul General at Mukden, 21 August 1920, India Office Records and Private Papers, IOR/L/PS/11, 8737.

<sup>130</sup> *Ibid.*

<sup>131</sup> Letter from the General Commanding Officer, Straits Settlements to the Secretary, War Office in London, 16 August 1918, India Office Records and Private Papers, IOR/L/P&J/12/157.

<sup>132</sup> *Ibid.*

<sup>133</sup> *Ibid.*

<sup>134</sup> For details on the Monroe Doctrine, see E. R. MAY, *The Making of the Monroe Doctrine* (Cambridge, MA: Harvard University Press, 1975); J. SEXTON, *The Monroe Doctrine: Empire and Nation in Nineteenth-century America* (New York, NY: Hill and Wang, 2011).

the Far East. He declared that “not only would Japan not seek to assail the integrity and sovereignty of China, but she was prepared to defend the independence of China against any aggression, for she knew her own landmarks would be threatened by any outside interference with China”.<sup>135</sup>

This proclamation, albeit unofficial, caused concerns among Western powers but enjoyed the immediate support of Pan-Asianists back home. On 19 January 1918, the *Japan Chronicles* published a translation of a portion of Ichiro Tokutomi’s book *The Rising Generation in the Taisho Era and the Future of the Japanese Empire*. Tokutomi, the proprietor and chief editor of the *Kokumin Shimbun*, and a Crown Member of the House of Peers, was an ardent advocate of the Asian Monroe Doctrine. In this book, Tokutomi spelt out the doctrine as follows:

By this Asiatic Monroe Doctrine we mean the principle that Asiatic affairs should be dealt with by the Asiatics. As, however, there is no Asiatic nation except the Japanese capable of undertaking these duties, the Asiatic Monroe Doctrine is virtually the principle of the Japanese dealing with Asiatic affairs ... We do not hold so narrow-minded a view as to wish to attempt to drive the Whites out of Asia. What we want is simply that we become independent of the Whites.<sup>136</sup>

In carrying out the Asian Monroe Doctrine, Tokutomi argued, the Japanese people must first win the respect and affection of the Eastern races and the deference of the whites. He was also certain that the doctrine would face opposition from the white races but insisted that “world affairs cannot always be settled to the advantage of the Whites, nor were we born to serve the Whites” and, therefore, they “cannot offer any strong opposition to our steps which are taken in accord with a sense of high justice”.<sup>137</sup>

The doctrine complemented the Pan-Asianist discourse and proved popular among Pan-Asianists. Extracts from Tokutomi’s book featured in Das’s book *Is Japan a Menace to Asia?* as an appendix, and in Okawa’s intercepted letter to the editor of the *Modern Review*. Authors such as Sugita Teichi even advocated for an “Asian League”, in opposition to the League of Nations, to include not only the Buddhist countries that had already achieved some kind of spiritual bond, but also the peoples of India, Persia, Turkey, and Afghanistan, to ensure that no Western power could succeed in suppressing any Asian nation. “The fate of Asia must be decided by Asians” was the slogan of the day.<sup>138</sup> Thus, although Asianism was initially defined by racial and cultural similarity along with geographical proximity, Asian peoples’ feeling of common destiny in their struggle against Western imperialism and colonialism gradually came to be depicted as the core of the Pan-Asian movement.

In contrast, the proposed Asian Monroe Doctrine worried the Chinese who were already sceptical about Japan’s leadership role in Asia. One popular Chinese daily asked: “The refusal of the United States to countenance outside interference in the affairs of American republics came to imply an obligation on America herself to interfere where circumstances made it necessary. Are we to infer from Baron Ishii’s proclamation that the same obligation may one day be assumed by Japan as regards China?”<sup>139</sup> Western powers, of course, construed the doctrine as “an expression of Japan’s determination to arrogate

<sup>135</sup> The Pan-Asiatic Movement Memorandum, *supra* note 40 at 27.

<sup>136</sup> *Intercepted Letter from Shumei Okawa to the Editor of the Modern Review, dated the 15th April 1917, 26 June 1917, India Office Records and Private Papers, IOR/L/P&J/12/158.*

<sup>137</sup> *Ibid.*

<sup>138</sup> Saaler, *supra* note 103 at 7.

<sup>139</sup> The Pan-Asiatic Movement Memorandum, *supra* note 40 at 27.

to herself in future the position of sole dictator in the internal affairs of China” – as a secret memorandum from a British intelligence department revealed.<sup>140</sup>

Even more alarming for China was the US’s successful insertion of Article 21 as an amendment to the Covenant of the League: “Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe Doctrine, for securing the maintenance of peace.”<sup>141</sup> While Article 21 was primarily intended to offer this cornerstone of US foreign policy a renewed legal force, the phrase “regional understandings” worried China. Although content with the Monroe Doctrine itself, China was concerned that by incorporating a general recognition of regional understandings, the article also acknowledged Japan’s proclaimed special position vis-à-vis other Asian countries, especially China, within the legal framework of the League. The leading Chinese diplomat in Geneva, and a member of the Chinese delegation in Paris, Wellington Koo (Gu Weijun) thus pleaded that “the Monroe Doctrine should be named specifically and alone in this Article, and not made one of a class of regional understandings”.<sup>142</sup>

With strong British support, Article 21 eventually made its way into the Covenant. Nevertheless, China continued to press for the removal of the phrase “regional understandings” from the article. The Chinese delegate Wang Chonghui raised the issue again at the League Assembly meetings in late 1921, unsuccessfully arguing that since “there might be regional understandings which were contrary to the letter and spirit of the Covenant”, Article 21 should be qualified by the following phrase: “provided such engagements or understandings do not prejudice the rights or interests of the Members of the League not parties to them”.<sup>143</sup>

Following the Manchurian incident,<sup>144</sup> Japan withdrew itself from the League in 1933. As a result, more inclination towards ‘de-Westernization’ and a further sharpening of the image of Japan as the leader and emancipator in Asia appeared central to Japan’s political and military thinking.<sup>145</sup> In a manifesto written in English in 1938, Tatsu Kawai linked Japanese imperial expansion not only to its national security but also to the emancipation of other Asian peoples from the cultural, spiritual, and political corruption of the West. In this sense, the militarization of Japan, he argued, was dedicated to the peace of East Asia and the welfare of the world.<sup>146</sup> This increasing inclination towards anti-Western rhetoric and simultaneous imagination of Japan as an Asian power leading Asia culminated in the official policy of “Greater East Asian Co-Prosperity Sphere” in 1940.

By then, no doubt, Japan’s leadership in the Pan-Asianist campaign had become a cause of grave concern for other Asian nations who saw how Pan-Asianism was rapidly evolving

<sup>140</sup> *Ibid.*

<sup>141</sup> See *The Covenant of the League of Nations*, 28 April 1919 (entered into force 10 January 1920), online: The Avalon Project <[https://avalon.law.yale.edu/20th\\_century/leagcov.asp](https://avalon.law.yale.edu/20th_century/leagcov.asp)>.

<sup>142</sup> David Hunter MILLER, *The Drafting of the Covenant*, vol. I (New York, NY: G. P. Putnam’s Sons, 1928) at 12–14.

<sup>143</sup> See Alison A. KAUFMAN, “In Pursuit of Equality and Respect: China’s Diplomacy and the League of Nations” (2014) 40(6) *Modern China* 605 at 620.

<sup>144</sup> The Manchurian incident refers to the seizure of the Manchurian city of Mukden on 18 September 1931 by the Japanese Army using the pretext of an explosion along the Japanese-controlled South Manchurian Railway. This incident was followed by the Japanese invasion of all of Manchuria and the establishment of the state of Manchukuo – which was in effect controlled by Japan – in March 1932. See Ian NISH, *Japanese Foreign Policy in the Interwar Period* (Westport, CT: Praeger, 2002) at 85–102. For a detailed account, see Royama, *supra* note 119 at 37–72; Thomas W. BURKMAN, *Japan and the League of Nations: Empire and World Order, 1914–1938* (Honolulu, HI: University of Hawaii Press, 2008) at 165–93.

<sup>145</sup> Goto KEN’ICHI, “Indonesia under the ‘Greater East Asia Co-Prosperity Sphere’”, Minako SAKAI and Tessa MORRIS-SUZUKI, trans., in *Multicultural Japan: Palaeolithic to Postmodern* (Cambridge: Cambridge University Press, 1996) at 162–3.

<sup>146</sup> Tatsu KAWAI, *The Goal of Japanese Expansion* (Tokyo: The Hokuseido Press, 1938) at 15, 63–5.

into a rhetoric for legitimising Japanese colonial rule over Asia.<sup>147</sup> Indeed, this notion of “Asian co-prosperity” was loaded with Japan’s imperial ambition. Given that Southeast Asia was enormously rich in natural resources and politically subordinate to Western rule, Japan believed that, as a superior Asian fellow nation, it had the right to acquire and use those resources to create a new order in Asia, which would ultimately overthrow the Western colonial system in the region.<sup>148</sup> By the first half of 1942, the whole of Southeast Asia had come under Japanese rule.

Japan convened the Greater East Asia Conference in November 1943 to ensure enhanced support from these countries in the face of worsening war situations. However, in the joint declaration closing the conference, the Japanese authorities carefully avoided the term “Greater East Asia Co-Prosperity Sphere” with its connotation of Japanese leadership and, instead, emphasized “the construction of an order of co-existence and co-prosperity, mutual support for autonomy and independence, and the abolition of racial discrimination”.<sup>149</sup> The world soon witnessed with utter horror the hegemonic vision of regional order that unfolded in Asia in the final years of the Second World War. And with this, the concept of Pan-Asianism, despite all its anti-imperial ideological and strategic relevance, became the unfortunate symbol of imperialism and gradually sank into intellectual, political, and legal insignificance.

### III. Conclusion

The foregoing narrative reveals that, far from being merely a language of hegemony and power put forward by Japan for its imperial projects in Asia during the Second World War, Pan-Asianism had complex roles to play in the early twentieth century. As an anti-imperial ideology, Pan-Asianism put forward a normative argument for the emancipation of Asia from Western imperialism and provided an alternative vision of civilization premised upon a shared Asian spirituality, heritage, culture, and glorious past – however fictitious such a common Asian identity was – going beyond the dominant Eurocentric discourse on civilization. As an anti-imperial strategy, Pan-Asianism offered Indian nationalist leaders in exile the language they needed to gain support from the Japanese and the Chinese in favour of their nationalist movement against British rule in India. The Pan-Asianist slogan “Asia for the Asiatics” was simultaneously a call to end European imperialism in Asia and an invitation to Japan to lead this anti-imperial campaign.

These ideological and strategic aspects of Pan-Asianism affected and informed the development of international law in several areas: the international law of neutrality, in relation to diplomatic tensions between the UK and the US concerning Indian nationalists’ revolutionary activities within the US jurisdiction during the Great War and the British reaction to the US inaction; the right to self-determination of colonized people concerning the Indian Home Rule League petition to the League of Nations; the discourse on the yellow peril and the diplomatic tension concerning the racial equality proposal during the Paris Peace Conference; and the discourse on an Asian Monroe Doctrine as a crystallization of the Pan-Asianist movement.

This analysis of international law dimensions of Pan-Asianism as an anti-imperial ideology and strategy in the early twentieth century sheds light on an important yet ignored episode of the historical development of international law. At the normative level, seen through the lens of “Pan-Asianism as anti-imperialism”, it also reveals how

<sup>147</sup> *Ibid.*, at 8.

<sup>148</sup> *Ibid.*, at 162.

<sup>149</sup> See “The Joint Declaration of the Greater East Asia Conference”, online: WW2 Database <[www.ww2db.com](http://www.ww2db.com)>.



international law of the time, as ever, was an effective tool used by dominant Western powers to crush anti-colonial nationalist movements, to deny colonial peoples their legitimate right to self-determination, or to reject racial equality, even in its mildest form, as a governing principle of the League of Nations.

On another level, the story of Pan-Asianism as anti-imperialism remains a story of failed promises and hopes – beyond ideology and strategy. One may argue that such promises and hopes were doomed to failure due to their sheer naivety alone. Rash Behari Bose, for example, remained committed to Indian independence and a supporter of Pan-Asianism until his death in January 1945, even as Pan-Asianism took a violent, imperialist turn in the hands of the Japanese policymakers. As Hotta eloquently notes, “Bose, by the end of his life, was a man of several allegiances, beholden to them by blood, circumstances, and marriage”<sup>150</sup>: he was an Indian independence fighter, a Pan-Asianist, a Japanese citizen married into an influential Japanese family, and a Japanese ultra-nationalist who believed in the legitimacy of Japan’s leadership in Asia.<sup>150</sup> Even at the time of his death, Bose still believed that India would gain independence with the help of Japan. However, he did not live long enough to see Indian independence, the defeat of Japan in WWII, or the death of his son who was killed in Okinawa during the final phase of the war.<sup>151</sup>

On the other hand, even after Japan’s humiliating defeat in the war and the ensuing US occupation of the country, in several Southeast Asian countries – including Vietnam, Indonesia, and Malaysia – Japanese soldiers helped local people in their ongoing fight against Western colonial powers.<sup>152</sup> Thus, like the concept itself, the promises, hopes, legacies, and histories of Pan-Asianism are far from singular. As China, the new regional hegemon in Asia, is now flexing its muscle in the continent and beyond, there is some value in revisiting these promises, hopes, legacies, and histories of Pan-Asianism and the role of international law therein.

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<sup>150</sup> Hotta (2006), *supra* note 6 at 131.

<sup>151</sup> *Ibid.*

<sup>152</sup> Kristine DENNEHY, “Overcoming Colonialism at Bandung, 1955” in Sven SAALER and Victor KOSCHMANN, eds., *Pan-Asianism in Modern Japanese History: Colonialism, Regionalism, and Border* (London: Routledge, 2007) at 213, 217–22.

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