

# Foreign Office Imperialism: China's treaty ports and the British Foreign Office

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FO 17/384: City Settlements & Suburbs of Shanghai, 1862.



## Foreign Office Imperialism: China's Treaty Ports and the British Foreign Office

In 1889, English diplomat Henry Howard completed a two-year-long inspection of all the treaty ports in China (nineteen at the time) for the British Foreign Office (FO). He opened his report on his findings by remarking that the process served to 'make one realise the many strange places in which our Consular officers have to reside, and the true nature of the numerous difficulties with which they have to contend.' His sense of China's foreign-ness and his sympathy with the British consular staff was based, he wrote, not on their own complaints, but on his personal experiences:

One is apt, on reading accounts of the unhealthiness of Formosa [now Taiwan], the unfriendliness of the natives of the Upper Yantze, or the rough life in Hainan, to imagine that they are ... written by a pessimist, but after my visits to Tamsui, Kelung and Anping, where almost every man is down with fever; after having seen an island in the Yangtze ... on which no foreigner has yet been allowed to set his foot, although the port has been opened to foreign trade for over twelve years; and after having stayed in the miserable hovels in which HM's Consuls have to reside at Hoihow [Haikou] and Ichang [Yichang], I can truly state that nothing I had previously read on these subjects was in the least exaggerated.<sup>1</sup>

The Treaty Ports varied widely, from major cities like Shanghai and Canton (now Guangzhou), which were among those opened first, to small outposts like Kelung in Formosa, now Keelung (Jilong in Mandarin),

<sup>1</sup> FO 17/1098, Henry Howard, 'Report on HM's Consular and Judicial Establishments in China', 31 December 1889, pp. 5-7.

Taiwan, where just a few foreigners resided. Howard's opinion of many of the ports as forsaken, disease-ridden hardship posts was shared by the British consular staff. Most Chinese treaty ports did not offer the kind of position for FO employees to which many of them aspired; they sought to progress from the smaller ports to the larger, more cosmopolitan ones and then, perhaps, from China on to a more important country in Britain's global diplomatic network.

China was in many ways situated between Britain's formal colonies and the independent countries in which Britain simply had diplomatic representation. This intermediate status is reflected in Howard's report as he notes that two consular staff based in China were on loan to the Indian Government for service in Burma, while an interpreter had been transferred to Japan: in this instance, China was geographically as well as symbolically between colony (India) and independent nation (Japan, albeit one that was also subject to foreign incursions in treaty ports at the time).<sup>2</sup> Howard argued that providing such assistance to British imperial and diplomatic interests elsewhere left the treaty ports understaffed, at the expense of British interests in China.

The India Office (IO) exerted significant influence over FO activities in China, and it contributed financially to the upkeep of the consular network on the basis that the trading interests of British India were served as well as those of the United Kingdom. Between 1834 and 1875, it contributed one third of the total cost of maintaining the consular staff, which ran to £84,742 in 1870. It became increasingly difficult to extract this

<sup>2</sup> For comparison between China's and Japan's responses to imperialism, see Pär Kristoffer Cassel, *Grounds of Judgment: Extraterritoriality and Imperial Power in Nineteenth-Century China and Japan* (Oxford: Oxford University Press, 2012).

contribution, however, and the IO reduced its contributions to a flat rate of £15,000 per annum, then £12,500 from 1890. Flurries of letters were exchanged between the two offices in Whitehall, arguing over how much the Indian contribution should be. The Treasury provided figures for 1868-77 showing that 58 per cent of British imports to and exports from China (totalling £40,067,009) were with the UK, while 42 per cent were with British India (much of which would have been Indian opium).<sup>3</sup> In the same period, 63 per cent of the total tonnage of shipping, 422,149 per year, went to or from ports in the UK, and 37 per cent to or from Indian ports.<sup>4</sup> These figures show how nineteenth-century China lay within a British Indian orbit,<sup>5</sup> but with oversight from London.

Until the First Opium War (1839–42), foreigners were confined to Canton, where they could only trade with a limited number of approved middlemen. Foreigners were not permitted to reside year-round in Canton, so they retreated to Macao out of season. Having hit upon opium as the one product for which there was a major market in China, even though it was illegal there, British merchants persuaded their government that war was justified to secure 'free trade', by which they meant the right to trade on British terms without barriers imposed by Beijing. Although opium remained

illegal in China until 1858, the British victory in the First Opium War, secured by superior naval technology, especially the steamship, forced the Qing to open the first five treaty ports and to cede Hong Kong as a colony.<sup>6</sup>

While Britain installed a governor in Hong Kong and brought it under the purview of the Colonial Office (CO) in London, the treaty ports remained at all times Chinese territory: foreigners simply had the right to lease land in their concessions, located outside the local Chinese city, and build upon it. This is why Britain's relations with mainland China were conducted through its FO rather than the CO, a crucial difference reflecting China's unique status vis-à-vis Britain and other colonial powers.

By the time Howard inspected the treaty ports, Britain had acquired more of them, after victory in the Second Opium War (1856-60) and under the Chefoo Convention (or Yantai Treaty) of 1876, imposed on the Qing following the murder of British consular official Augustus Margary by Chinese subjects.<sup>7</sup> Britain was only the first of many foreign powers to force open treaty ports for foreign settlers to live and conduct business on Chinese soil. France and the USA opened their own concessions in the treaty ports of Shanghai and Tianjin, with further French concessions at Hankou

<sup>3</sup> Gregory Blue, "Opium for China: The British Connection", in Timothy Brook and Bob Tadashi Wakabayashi (eds), *Opium Regimes: China, Britain, and Japan, 1839-1952* (Berkeley: University of California Press, 2000), pp. 31-54.

<sup>4</sup> FO 17/1466, Treasury report, 8 August 1879, pp. 175-77. On the significance of shipping to British imperialism in China, see Anne Reinhardt, *Navigating Semi-Colonialism: Shipping, Sovereignty, and Nation-Building in China, 1860-1937* (Cambridge, MA: Harvard University Press, 2018), pp. 2-103.

<sup>5</sup> Thomas R. Metcalf, *Imperial Connections: India in the Indian Ocean Arena, 1860-1920* (Berkeley: University of California Press, 2008), p. 14 and *passim*; Isabella Jackson, "The Raj on Nanjing Road: Sikh Policemen in Treaty-Port Shanghai", *Modern Asian Studies* (2012), 1672-1704.

<sup>6</sup> The classic treatment of this process is John King Fairbank, *Trade and Diplomacy on the China Coast: The Opening of the Treaty Ports 1842-1854* (Cambridge, MA: Harvard University Press, 1953). See also, more recently, Robert Bickers, *The Scramble for China: Foreign Devils in the Qing Empire, 1832-1914* (London: Penguin, 2012), pp. 18-112.

<sup>7</sup> FO 17/742-46, Yunnan Mission, murder of Mr Margary, Mr Grosvenor's Mission. Volumes 1-5. Wang Shen-tsu, *The Margary Affair and the Chefoo Agreement* (London: Oxford University Press, 1940), 70-126.

and Guangzhou. More would follow in the 1890s (obtained by Japan) and the early twentieth century: Russia, Germany, Austria-Hungary, Belgium and Italy all opened concessions following their joint victory as part of the Eight-Nation Army that defeated the Qing in the Boxer War. China was thus in the unique position of being colonised by many nations and yet retaining a considerable degree of sovereignty.<sup>8</sup> Until Japanese aggression towards China accelerated from 1915 onwards, however, Britain was the dominant foreign imperial power in China. The FO was responsible for overseeing all British activity in the Chinese treaty ports and the British Diplomatic Legation in Beijing. The FO files contain thousands upon thousands of letters, memoranda, reports and instructions that reveal the major developments and the day-to-day business of what I characterise as 'Foreign Office imperialism'.

A. F. Madden coined the term 'Foreign Office imperialism' to describe FO management of protectorates in the years leading up to the First World War. He said it was 'more expansionist' than imperialism directed from the CO, more inclined to view colonial acquisitions as strategic gains against rivals, but also that it exhibits greater 'laxity' in its management of territories.<sup>9</sup> These were all features of FO activity in China.

The FO did not favour an ever-expanding British official presence in China if it meant higher and higher costs to the British taxpayer and unnecessarily antagonising the

Qing government. In fact, cognizant of the comparative unimportance of Chinese trade to the British exchequer, despite the potential of its vast population for consumption of British goods, the FO strived at all times to keep costs to a minimum. It rejected calls from the British merchant community in China to designate the Yangzi River region a British sphere of influence,<sup>10</sup> even though British interests were concentrated in the ports up and down the river that flowed into the sea by the greatest treaty port, Shanghai.

The FO charged Howard with investigating costs at all the treaty ports and consulates in China, with a view to economy. The FO believed it might be able to pare down its consular staff, such as by merging the offices of Chief Justice and Consul-General at Shanghai. Howard emphatically rejected such suggestions, drawing on the views of those he interviewed on the ground.<sup>11</sup> If the Shanghai Consul-General were also the Chief Justice, he argued, both Chinese and foreigners would believe the court to be controlled by the British Minister at Beijing, whereas all were apparently content that control resided locally at present.

Law and the legal apparatus of the British state were central to FO operations in China, as extraterritoriality underpinned imperialism in China. Extraterritoriality was the legal provision in the Treaty of Nanjing (1842), adopted by all foreign states in subsequent unequal treaties with China, that foreigners and foreign

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<sup>8</sup> The intense, multinational form that colonialism took in Shanghai, for example, I define as 'transnational colonialism'. Isabella Jackson, *Shaping Modern Shanghai: Colonialism in China's Global City* (Cambridge: Cambridge University Press, 2018), pp. 6-9.

<sup>9</sup> A. F. Madden, 'Changing Attitudes and Widening Responsibilities, 1895-1914', in E. A. Benians, James Butler and C. E. Carrington (eds), *The Cambridge History of the British Empire, Vol. III: The Empire-Commonwealth* (Cambridge: Cambridge University Press, 1959), pp. 381-2.

<sup>10</sup> Nathan Albert Pelcovits, *Old China Hands and the Foreign Office* (New York: Crown Press, 1948), pp. 66-70.

<sup>11</sup> FO 17/1098, Howard, 'Report', pp. 70-80.

companies in China would be subject not to Chinese law, but to the laws of their own land. Unlike the British colonies, overseen from London by the IO or CO, British influence in China existed primarily over legal interactions between British and Chinese nationals, rather than over extensive tracts of land. As Cole Roskam explains, 'extraterritoriality put forth a vision for jurisdictional sovereignty untethered from the formal control of physical territory.'<sup>12</sup> The Supreme Court at Shanghai, separated from the British Consulate there but still paid for by the FO, was at the heart of this colonial-legal system (alongside the Shanghai Mixed Court, beyond the FO's purview, where cases involving both Chinese and foreigners were heard). The FO retained authority over appointments at the court, as for consular posts.<sup>13</sup> The establishment of the Supreme Court at Shanghai in 1865, replacing the one at Hong Kong as the highest British court in China, signalled a shift in the balance of British influence from the colony to the treaty port and thus from CO to FO oversight.

Far from accepting calls for a reduced consular staff, Howard called for its expansion. Just 60 FO officials were responsible for running all British diplomatic, consular and legal operations in mainland China, and not all of them were at their posts at any one time. Howard similarly rejected the FO suggestion that consular staff should be expected to pay for their own medical treatment, citing the low incomes of junior staff in particular, and insisted that the FO continue to pay the medical expenses of its staff in China. He did identify other potential savings, recommending, for

example, that the vice-consulate at Whampoa (Huangpu) be abolished (which was done) and the removal of officials' entertaining allowances (which was rejected). Consular staff numbers grew slightly but continued to be minimal.

In some cases, Howard advocated promotions and pay rises to reflect officials' workloads and to meet the demands of what he saw as a Chinese preoccupation with status. Robert Bickers explains how Britons were taught that 'face' was the most important social characteristic in China, resulting in 'a heightened sense of foreign individual and national prestige.'<sup>14</sup> Howard claimed that 'it is well known' that the Chinese viceroy at Canton 'thought it beneath his dignity to deal with a simple Consul' so the post should be elevated to Consul-General. The geographical location of Canton close to Hong Kong meant the Consul had an unusually high workload, acting as a go-between for the Chinese authorities and the colony's British governor. Howard stated matter-of-factly that 'the Governor of Hongkong cannot correspond directly with the Chinese authorities' so the Consul at Canton managed delicate matters between the two parties.<sup>15</sup> This was a full time job: no fewer than 1,084 despatches and 2,100 notes exchanged hands between the Canton Consulate and the Government of Hong Kong in 1886–89. While Canton never regained its paramount position in the British presence in China after the opening of the treaty ports, Howard considered it to be, politically, the most important consulate in China. He therefore advocated a more generous salary as well as a promotion for the Consul. The FO sanctioned the promotion to Consul-

<sup>12</sup> Cole Roskam, *Improvised City: Architecture and Governance in China* (Seattle: University of Washington Press, 2019), p. 33.

<sup>13</sup> FO 17/1394, Sir Nicholas Hannan, Chief Justice of the Supreme Court at Shanghai, to the Marquis of Salisbury, FO, 17 July 1899, p. 53 and *passim*.

<sup>14</sup> Robert Bickers, *Britain in China: Community, Culture and Colonialism, 1900-45* (Manchester: Manchester University Press, 1999), 27.

<sup>15</sup> FO 17/1098, Howard, 'Report', p. 93.

General, but was unsympathetic to the call for a permanently higher salary for the position, seeking to maintain 'face' on the cheap.

A sense of racial superiority over the local population and its leaders characterised Foreign Office imperialism in China, as throughout the British Empire (and other empires). Howard repeatedly referred to the 'annoyance' and 'inconvenience' caused by proximity to Chinese residents, and was particularly damning of the Bund by the consulate at Hankou which, he wrote, 'has become the resort of all the idle coolies of the town, who sleep, gamble, beg and do what they like there generally, to the intense annoyance of the occupants of the Consulate.'<sup>16</sup> His attitude reflected the default position of nineteenth-century FO staff when dealing with countries that they considered less developed, and the prejudices of Britons in China more generally. While China was not a full colony, it was not spared the racial discrimination of colonialism. Despite this, there was a British puzzlement at why they were not more favourably received in China. For Howard, 'the Chinese authorities and people are by no means as friendly to foreigners as one would have a right to expect after so many years of intercourse.'<sup>17</sup>

There would be many more years of 'intercourse' between China and Britain, but the unequal basis of the relationship precluded much friendliness.

#### **Citation**

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<sup>16</sup> FO 17/1098, Howard, 'Report', p. 152.

<sup>17</sup> FO 17/1098, Howard, 'Report', p. 18.