

# Reinterpreting Modern Chinese History with FO 17

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children by such metricious  
conversion as British protected persons - provided  
they are recognised by their putative  
fathers and adopt the  
English style of dress.

I think however that if  
any such rule as Sir Claude  
MacDonald suggests were to be  
adopted by HMG it would  
raise a storm of disaffection  
amongst all branches of the  
Christian religion - & as soon as  
it was discovered would cause  
a debate in the House of Commons  
which might possibly have serious  
results, to whatever Government  
sanctioned it.

2. The case of the  
illegitimate child of parents  
who subsequently marry stands  
on entirely different grounds.  
By affording such child  
British protection we encourage  
morality on the part of his  
parents - by giving them an  
incentive (such as it can be)

FO 17/1710: Protection of Anglo-Chinese in China, November 1897.

121 1897  
Peking Nov. 1.  
Sir Claude MacDonald  
No 148. 1 Encl  
Recd  
By Reg Dec 20  
Registration of Illegitimate Children  
Suggests formation of a class  
of British protected <sup>persons</sup> subjects.  
[Ref Peking Dep. 16/94]

Though it is not possible to  
admit all the strange arguments  
with which Mr. Gardner supports  
his intention, there seems to be no  
objection on technical grounds, to  
the creation of a class of protected  
persons in China, as suggested,  
& to a general instruction being  
issued to HM Consuls to that  
effect. The principle of protecting

only that deep: shd be  
made of general application  
- subject to the same qualifns,  
& to the additional conditions  
as to dress & internal recognn  
which are now proposed  
But the question has an  
important political side to it  
which concerns the US Dept &  
is for their consideration.

Mr. Danson  
American Dept.

(M.D.)  
21. 12. 97

But the authority given  
in U. 4 Treaty of Aug 2. 95  
appears to be confined  
to illegitimate children  
whose parents are afterwards

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### What is FO 17?

The Gale digital archive collection titled *China and the Modern World: Imperial China and the West* (1815–1905) provides a digitized version of FO 17, a tremendous treasure-trove of British Foreign Office documents concerning Britain’s policy towards China in the 19th century. It is a collection of the correspondences between British foreign secretaries and their diplomatic delegations in China concerning British relations with the Qing central government, along with other records on diplomatic negotiations with major Western countries and Japan. It consists of 1,769 volumes, starting with a file entitled “Memoir, Part I” and ending with a file entitled “Letter from the High Commissioner to the Admiral giving the dates of the commands received.” Since FO 17 contains countless numbers of correspondence between the British Foreign Office and such prominent diplomats as Lord Elgin, Rutherford Alcock, Sir Thomas Wade, Sir Harry Parkes, and Ernest Satow, the collection has been used mainly by diplomatic historians who are interested in British foreign policy towards the Qing Empire.

Diplomatic historians’ research interests were mainly focused upon the process of how the British Empire succeeded in forcing the Qing central government to open more ports and establish “the extraterritorial system” in these treaty ports until 1860. Therefore, these historians

picked up records of the diplomatic negotiations between the British delegations and the Qing central government officials from the 1830s until 1860, comparing them with the information recorded by the Chinese side in diplomatic documents collected in *Chouban Yiwu Shimo* (籌辦夷務始末). When they had to deal with the diplomatic negotiations with the Qing central government officials after 1860, they at most referred to territorial issues in Ili or Tibet, or to the wars against France and Japan over the control of Vietnam and Korean Peninsula, because the records of the Qing central government in the *Qingji waijiao shiliao* (清季外交史料) were limited to such topics.

Since diplomatic historians also assumed that the commercial profits of the British firms and banks in China were well guaranteed and protected by the extraterritorial system, they never questioned this. As a result, many other documents in FO 17 with such titles as “Domestic various” and “Consular domestic” (especially those written after the 1860s) were thought to be useless, and thus, remained untouched.

For socio-economic historians, however, these various files seem to be the treasures of information concerning what really happened to the Anglo-Chinese relationship at the socio-economic level during the late Qing period. The documents that recorded the troubles between British firms, banks, and Chinese merchants in various local ports are especially valuable because

they contain the unknown truth about why the British merchants in China were quite displeased with the Qing Empire, what really happened in consequence, and how these petty troubles resulted in the signing of the treaty of commerce and navigation in 1902.

### **Historical Background**

The period from 1815 to 1905 covers the heyday of the British Empire and its decline. During this period, the British Empire launched the policies to implement the imperialism inherent in “free trade” over the whole world. Besides calling for major Western countries to sign free trade treaties, they forced Asian countries, such as Siam, China, and Japan, to sign commercial treaties, including articles of guaranteeing free trade. To fulfil their requests, they never hesitated to wield military power. Typical examples of this strategy were the two wars waged against the Qing Empire.

However, the outcome of the wars was far from satisfactory to the British Empire. The irritated British diplomat, Thomas Wade, took advantage of the Margary incident, to force the Qing central government to open more treaty ports and reform the extraterritorial system. Since the Chefoo Convention of 1876 did not bring about any remarkable changes in favour of British firms and banks in China, the British government carried out another similar attempt just after the suppression of the Boxer uprising in 1902.

These facts show that even the champion of the West in the 19th century failed to reform the socio-economic structure of the Chinese Empire in her own favour. The Qing Empire did not accept the ideas of “civil society” or its legal system and institutions, which were indispensable elements for guaranteeing private property. All the British diplomats in China could do was to transplant these ideas and its legal systems and institutions within the tiny spheres of the treaty port cities and Hong Kong as a compromise.

Needless to say, the above outcome was also quite unpleasant for the Qing government officials. Since it was impossible for them to oust the British and other Westerners, they took every opportunity to confine them within tiny territories called “foreign concessions” or “foreign settlements” located in the coastal areas. Besides this, in order to strengthen their state power and to suppress the Taiping rebellion, they eagerly adopted the latest Western technology and scientific knowledge.

The documents in FO 17 were produced during such a period. Both the British mercantile firms and banks in China and the poor Chinese commoners were quite dissatisfied with the new regime that emerged after 1860. Even though the lives and property of British mercantile people in China were well protected by the extraterritorial system, they could not set the selling prices of British industrial goods according to the sales contracts with the Chinese merchants. Moreover,

their Chinese clients frequently breached those contracts, and their names and assets were often utilized as the guarantees for the private sales on credit by their Chinese employees (i.e., compradors) with other Chinese merchants living outside the foreign concessions or settlements.

The regime was also far from satisfactory for the poor Chinese common people. Crushed by a burden that was no less heavy than what they had borne before the Taiping rebellion, their wretched living conditions on the whole remained unchanged. When some of them had the good fortune of being employed by British and other Western firms and were allowed to work within the foreign concessions or settlements, they were quite impressed with the far better living conditions in the Westernized urban districts. It was therefore quite natural for them to make every effort to stay there. In addition, as there was a prospect of earning more wages, they never hesitated to go abroad as “coolies” even though they were often ill-treated. Thus, more and more poor peasant workers and merchants poured into Westernized urban districts, or tried to emigrate overseas, for example, to the Straits settlements of Southeast Asia or to the USA.

Given the above situation, the ruling classes in the local districts feared that the traditional social order of China was being eroded from the bottom of the society upward. Nevertheless, since they were unaware of the genuine cause behind such a negative phenomenon, they attributed the

dissolution of the Chinese social order to the Western presence in their neighbourhood. They mobbed and assaulted Westerners in the early 1890s, which resulted in the Boxer uprising in the end. Taking advantage of the opportunity to suppress the uprising, the British government—along with the American and the Japanese governments—forced the Qing central government to sign new treaties of commerce and navigation between 1902 and 1903. These new treaties became the backbone of a new socio-economic relationship between China and these three powers mentioned above that lasted until the Nationalist revolution.

### **What New Inquiries Can Be Made with FO 17?**

So far, many researchers of the history of the late Qing period tended to regard the presence of the British Empire in China as an absolute evil with almighty power simply because it forced the Qing central government to grant Britain the official permission to import India-planted opium. Meanwhile, they considered the Qing central government was a weak regime with no power to resist the foreign devil. In fact, these assumptions were incorrect. They were deeply influenced by the Japanese political propaganda during the Asia-Pacific Ocean war to justify its invasion of China and Southeast Asia. Although it might have been useful for the Marxists and the Maoists of the cold war period, we should stay away from such outdated assumptions and find out what really happened in the Anglo-Chinese relationship during the 19th century.

How to break through the above old paradigm?  
Can we benefit from the FO 17 documents in our research?

First of all, we should re-examine the character of the Chinese society, which barred British legal systems and institutions from infiltrating the country. As I pointed out before, the stubbornness of the Qing Empire was by no means favourable for the Chinese common people. The “self-strengthening movement” to build up the military industry and to reorganize the taxation system using the latest Western technology and knowledge did not bring about an improvement of the people’s living conditions. As a result, the Anglo-Chinese “cohabitation” relationship after 1860 started to be eroded by the activities of the Chinese common people, who took every opportunity to get rid of the jurisdiction of the Qing government officials.

What were the genuine causes of the erosion of the Chinese society, and how are these reflected in the FO 17 records? Several groups of FO 17 files shed some light. The first group is composed of files with the titles such as “Coolie Convention and Emigration,” “Emigration,”<sup>1</sup> and “Emigration Fees.”<sup>2</sup> These files record the exodus of the common people, whether rich or poor, from the inland China to the foreign concessions and settlements in the coastal areas or overseas via Hong Kong. They at first poured into the zones

where the “extraterritorial system” was effective, to be employed by the British or other Western firms. Many of them further emigrated overseas from there.

The second group is composed of files concerning the tariff and taxation system in China, with the titles of “Transit Passes (Likin)”<sup>3</sup> and “China Tariff.”<sup>4</sup> The documents in these files record the activities of the Chinese who attempted to avoid paying various heavy commercial dues known as “Likin 釐金” in the inland districts. Since the British merchants were exempt from paying such commercial dues once they had paid the one-half duty (*zikou banshui* 子口半税) to the Imperial Maritime Customs, their Chinese employees or vendors frequently used the certificates of payment of the one-half duty (known as the “transit pass”) bearing the names of their British or other Western employers or buyers. In so doing, the Chinese avoided the heavy commercial tax burden imposed by the Qing provincial governments. This malpractice especially prevailed among those who traded agricultural products for export or materials for foreign factories in Shanghai from the 1880s onward. As the numbers of “transit passes” issued for purchasing agricultural products for export increased and began to prevail among the Chinese, the collection of commercial dues functioned less and less well; in the end, this

<sup>1</sup> FO 17/873–891.

<sup>2</sup> FO 17/1082–1083.

<sup>3</sup> FO 17/1228–1229, 1578–1580, 1707–1709.

<sup>4</sup> FO 17/1563–1564, 1567–1577, 1581–1590.

became the most important item on the agenda of the negotiations for the new treaty of commerce in 1902.

Besides this, more and more Chinese tried to use other facilities of the extraterritorial system to protect their lives and property through their close relationship with the British and other Westerners in China. This caused anger and fostered rebellion among those who could not take advantage of such a system, aimed against the British and the other Western presences. FO 17 contains detailed records of such activities in files with titles such as “Anti-Foreign Riots.”<sup>5</sup>

Faced with the wrath of the Chinese, the British side had to consider a response. However, they were faced with a dilemma. Without the help of some Chinese whom they employed or with whom they had a close commercial relation, the British firms and banks in China could hardly do anything. At the same time, they had never wanted to be involved in the troubles caused by the activities of their Chinese employees or commercial partners with the third parties. Therefore, they had to draw a line between the Chinese whose life and property they had to protect and the Chinese whose life and property they did not. Negotiations with the Qing central government on the issue were recorded in the files with titles such as “Protection of Anglo-Chinese in China”<sup>6</sup> and “Issues of Passports Anglo-Chinese.”<sup>7</sup>

<sup>5</sup> FO 17/1126–1129, 1146–1149, 1171–1172, 1260–1264.

<sup>6</sup> FO 17/1710.

By analyzing these files as a first step, we can inquire into the history of late Qing period from an entirely new viewpoint.

The FO 17 files also record the decline of the British influence and the rise of the Japan in the Qing central government in some seemingly irrelevant files, such as the four files with the title of “Protection of Trade Marks.”<sup>8</sup>

The Qing central government was forced to protect the trademarks of British firms in China according to Article 7 of the new treaty of commerce and navigation signed in 1902. Accordingly, they instructed Robert Hart, the Inspector General of the Chinese Maritime Customs Service, to draft a trademark registration law through consultations with British officials in 1904. With advice from the commercial attaché of the British consulate-general (George Jamieson) and other major British importers in Shanghai, Hart drew up the draft “Trade-mark registration regulations (*Shangpai guahao zhangcheng* 商牌挂号章程)” and submitted the document to the Ministry of Commerce of the Qing central government in March 1904. To their surprise, the Ministry rejected the British draft because they had already prepared another version titled “Provisional Trademark Regulation (*Shangbiao zhuce shiban zhangcheng* 商標註冊試辦章程)” with the assistance of a Japanese bureaucrat from the Ministry of Agriculture and Commerce. The

<sup>7</sup> FO 17/1711.

<sup>8</sup> FO 17/1724–1727.

“Provisional Trademark Regulation,” which was a *de facto* copy of the Japanese trademark law (1899), adopted the principle of first-to-file; in contrast, the British drafted the “Trade-mark registration regulations” on the principle of first-to-use.

The arrangements for instructing the Ministry of Commerce of the Qing central government to draw up the “Provisional Trademark Regulation” was part of a plan by *Kiyoura Keigo* 清浦奎吾, minister of Agriculture and Commerce in the Japanese cabinet. If the Japanese succeeded in transplanting the Japanese trademark law with the first-to-file discipline in China, then Japanese firms could register their trademarks in China—mostly nothing but forgeries of trademarks owned by Western firms—before the British and other Western firms could do so. This would make the trademarks of British and other Western firms “illegal” in China. Noticing the intention of the Japanese government, the British and other Western governments fiercely opposed the Qing central government’s “Provisional Trademark Regulation.” This was the beginning of the Anglo-Japanese commercial struggle lurking behind their military alliance against Russia, which continued until the 1930s.

#### **Further Research**

The above examples are, after all, parts of my personal research activities now in progress. Ambitious researchers may find that the abundant documents in FO 17 can inspire many more new

ideas and perspectives about the history of late Qing China. Furthermore, even if researchers can track down what I have proposed so far in FO 17, they are still required to consult other documents written in Chinese and other languages. This is a painstaking process.

To unveil what happened in China after 1906, ambitious historians should also consult other British Foreign Office files. The most important and interesting information is contained in FO228, the consular archives. Unfortunately, FO228 is still only available in the National Archives at Kew, Surrey, London. The unpublished documents of the Chinese, Japanese and US governments at *Nangang* 南港, Taipei, *Roppongi* 六本木, Tokyo and College Park, Maryland should also be consulted at the same time.

As a whole, the digitized FO 17 series not only provides ambitious researchers with abundant new and rare materials to reconsider the history of Anglo-Chinese relations in the late Qing period, but also invites them to embark on an adventurous trip in the world of primary source. The digitized FO 17 opens a door onto a new world.

#### **Citation**

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