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I am submitting herewith a dissertation written by Karen Elizabeth Vanlandingham, entitled "Anglo-American Relations with the Chinese in Shanghai, 1860-1875: A Study in Cultural Conflict." I have examined the final copy of this dissertation for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy, with a major in History.

John G. Utley,
Major Professor

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Accepted for the Council:

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# ANGLO-AMERICAN RELATIONS WITH THE CHINESE IN SHANGHAI, 1860-1875: A STUDY IN CULTURAL CONFLICT

A Dissertation

Presented for the

Doctor of Philosophy

Degree

The University of Tennessee, Knoxville

Karen Elizabeth Vanlandingham

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## ABSTRACT

In the fifteen years after China's Ch'ing government signed a series of treaties which acknowledged the power of the western nations and granted to foreigners many new privileges in China, British and American nationals who resided in China's treaty ports came into more frequent and intense contact with the Chinese around them. At almost every point where they met they established institutions to mediate their contact with each other and the contact between their cultures. This study looks at the pattern of interaction which developed between British and American foreigners and the Chinese at Shanghai as individuals and groups from both sides vied with each other to control and shape these emerging institutions of local influence and power in the International Settlement.

The institutions studied are the North China Branch of the Royal Asiatic Society, the Kiangnan Arsenal, the Feng chuan shan Military Camp, the Chinese Christian church, the municipal police force, the Mixed Court, and the Municipal Council. The study deals primarily with non-commercial contact and is based on English-language sources including con-

sular records, secular and religious newspapers, diaries, the journal of a local learned society, and records of the local government and missionary societies.

The foreigners' persistent attempts in the 1860's and 1870's to shape and control local institutions and thereby help fashion for China a future in which Anglo-American ideals and values would find a congenial home were met with sustained resistance on the part of the Chinese. This resistance was, for the most part, polite and genteel. Although it often resulted in neither decisive victories nor clear-cut defeats, this genteel resistance was well-suited to the era and physical setting in which it was practiced. It was a practical way for men who still believed that their own values and ways of ordering society were essentially sound to limit and control the foreign impact on Chinese culture and society. The foreigners discovered that their military superiority did not guarantee that individual Chinese would submit to their wishes, agree with their ideas, or adopt their values.

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# INTRODUCTION

The foreigners who lived among the Chinese in the treaty ports during the nineteenth and early twentieth centuries have not gone unstudied. The stories and anecdotes about their lives have been recorded and rehashed many times over. The image which has been created by the literature of and about the era is embodied in a photograph from the early twentieth century in which a stout and haughty Englishman with a bushy mustache sits in a rickshaw staring rather coldly at the camera. Rigid and emotionless in his tight European suit, he seems impervious to all of China around him. The thin Chinese man standing between the poles of the rickshaw, his head turned toward the camera, seems compliant and subservient.

It is tempting to presume that foreigners and Chinese easily adopted these caricatures in relation to one another. It would seem only natural that the foreigners in the treaty ports, with their demonstrated military superiority and their self-assumed cultural superiority, should be able to live in isolation from the Chinese while dictating to them the terms of their occupation. It might seem equally apparent that the Chinese, having been defeated by western military might, should bow to the wishes of the for-

eigners at almost every point.[1] But this is a fundamentally flawed picture of what actually happened when foreigners and Chinese were brought into contact with one another by the demands of their daily existence in China and the pursuit of their various vocations there.

Foreigners who write about China like to look at the imprint (whether good or bad) which foreigners left on the Chinese, but there is little interest in the interaction between the two because it is generally presumed that there was none of any consequence. But the history of foreign Shanghai in the 1860's and 1870's, when the foundation of the famous and infamous "International Settlement" was being laid, shows that the entire enterprise was built on the interaction between foreigners, mostly British and American, and the Chinese. These foreign residents and the local Chinese were forced into more frequent contact with one another on several different levels and in entirely new areas as more and more people pressed into the International Settlement, new center of foreign trade. At the same time, the political climate in China changed dramatically and this, along with the shift in international relations signalled by the signing of the treaties and conventions of 1858 and 1860, created a new context for exchanges of all

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[1]This picture of foreign dominance and isolation is vividly sketched in George Woodcock's panoramic history of the social lives of the British all over East Asia entitled, The British in the Far East: A Social History of the British Empire (New York: Atheneum, 1969).

kinds--intellectual, social, political, economic and religious. The form, content, and result of this cross-cultural contact are the focus of this study.

Most studies of Sino-foreign contact in the era immediately following the Second Opium War focus on merchants, the development of trade, and the impact which foreign business enterprises had on the development or "underdevelopment" of China. Much of this work has tried to elucidate different perspectives within the ideologically charged debate over economic imperialism. Paul Cohen, in a survey of recent American writing on the Chinese past, lays out the contours of the debating field. As Cohen puts it, the central question in the debate has been whether imperialism was a myth which Chinese nationalists use to justify China's failure to innovate or whether imperialism was a reality which significantly inhibited China's "modernization." Much fine scholarship has been produced on both sides of the question.[2] However, the essential question is one which cannot be answered conclusively because the interpretations drawn from empirical studies are always related to the ideological proclivities of the scholar.

It is not my purpose to delve into this debate but to look at this important period of Sino-foreign contact from another angle--one that is primarily cultural. This

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[2]Paul Cohen, Discovering History in China: American Historical Writing on the Recent Chinese Past (New York: Columbia University Press, 1984).

perspective is not one which American historians who focus on U.S. foreign relations in the nineteenth century have pursued with much vigor. In fact, only recently have "diplomatic" historians begun to see their field as the study of "foreign relations," broadly defined, rather than as a field exclusively devoted to "diplomatic" matters.[3] The range of inquiry has broadened considerably in the last fifteen years but even when people outside of government became the focus of study historians tried to link them in some way to policy formulation. Thus one could write of merchants, missionaries or other non-governmental people, but not without trying to establish their connections with the policy-making elite.[4]

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[3]In the 1960's and 1970's social historians attacked diplomatic historians for their preoccupation with elites and questions of power. Under this attack, the field of "diplomatic history" was renamed "foreign relations." Even within the field, scholars complained that tired conceptual frameworks which emphasized the state as the primary actor in international relations were creating stagnation in the field. The limited source materials available for traditional studies of diplomacy had been overworked and mined out with the predictable result that studies were becoming more and more narrow in scope and built around increasingly insignificant question. Charles Meier gave one view of the state of the profession in, "Marking Time: The Historiography of International Relations," in The Past Before Us: Contemporary Historical Writing in the United States, ed. Michael Kammen (Ithaca: Cornell University Press, 1980), pp. 355-387.

[4]One of the best of these kinds of studies is Warren Cohen, The Chinese Connection: Roger S. Greene, Thomas W. Lamont, George E. Sokolosky and American-East Asian Relations (New York: Columbia University Press, 1978).

Even Akira Iriye, the foremost proponent of "international relations as intercultural relations" followed this line in his early work. In his highly respected survey of U.S.-East Asian relations from the late eighteenth century to the present, he put policy making into the context of the changing attitudes among Americans, Chinese, and Japanese towards one another which had characterized various eras.[5] Later, in 1978, he suggested that the study of international relations be pursued through the framework of "culture and power" with an emphasis on understanding the linkage between domestic power (as an expression of cultural patterns) and external power.[6] However, despite the gradual acceptance of a wider diversity of emphases within the field, most studies do not deal specifically or primarily with the interaction of individuals and groups from different cultures when they were in actual physical contact with one another.[7]

At the 1986 meeting of the Society for Historians of American Foreign Relations (SHAFR) the problem of devising an intellectual scheme for incorporating social history and a cultural perspective into the history of foreign relations

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[5]Across the Pacific: An Inner History of American-East Asian Relations (New York: Harcourt Brace & World, Inc., 1967).

[6]"Culture and Power: International Relations as Intercultural Relations," Diplomatic History 4 (Winter 1979):115-128.

[7]An important exception to this trend has been the work done on Chinese immigrants in the United States.

reemerged when James Huskey presented a paper entitled "The Cosmopolitan Connection: Americans and Chinese in Shanghai during the Inter-war Years."[8] Huskey's work was essentially a community study which focused on relations between Chinese and American businessmen in Shanghai from 1925-1928. His paper raised a storm of controversy--less for what he actually said than for the implications which arose from his approach. "Where is the connection between these 'cosmopolitans' and the formulation of policy?" some historians wondered. When Huskey suggested that there wasn't one, several historians apparently wanted to know why he called himself an historian of foreign relations when what he was really pursuing was social history in an East Asian setting. Had he inadvertently wandered into the wrong historical conference?

Charles Lilley and Michael Hunt responded to the debate sparked by Huskey's paper by suggesting that the history of foreign relations as a field be reformulated to legitimize a variety of approaches. They suggested that research in three relatively autonomous spheres could be comfortably pursued under the rubric of "foreign relations": the traditional sphere of state power; the sphere of international social history which deals primarily with the odyssey of individuals, the flow of ideas, and the influence of

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[8]Subsequently published in Diplomatic History 11 (Summer 1987):227-242.

non-governmental groups across national lines; and finally, the sphere of the international economy which includes the international movement and impact of capital, goods, and technology across state lines. These spheres obviously overlap in many instances but the point Lilley and Hunt made was that the second and third spheres do not have to be developed only as second-rate appendages to the first; they can stand on their own as legitimate fields of inquiry.[9]

The issue which Huskey raised in 1986 has not yet been laid comfortably to rest. Stephen Rabe's Bernath Lecture in 1989 pointed out that it is social history which is now on the defensive and that more traditional diplomatic studies are regaining legitimacy.[10] With the emergence of a more conservative political climate in the United States this return to a preoccupation with power and status is not surprising. Nevertheless, the problem of how the field of foreign relations ought to be defined has not gone away. As Rabe points out, historians of American foreign relations have continued to grapple with the problem of how to make their work more inclusive and humanistic and less chauvinistic and nationalistic. One of the new goals in the field is to produce studies which deal broadly with the

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[9]"On Social History, the State, and Foreign Relations: Commentary on 'The Cosmopolitan Connection,'" Diplomatic History 11 (Summer 1987):243-250.

[10]Stephen G. Rabe, "Marching Ahead (Slowly): The Historiography of Inter-American Relations," Diplomatic History 13 (Summer 1989):297-316.

entire range of interaction between societies. This means finding a way to deal simultaneously with the intellectual, cultural, and social dimensions of foreign relations without neglecting the more familiar political and economic themes. Exactly how (and whether) this can be accomplished is still a much debated question.

The same issue has also emerged from the ongoing debate over "world systems" theories. Studies of development, underdevelopment, and modernization have persistently focused on economic issues to describe the increasingly intense interaction between different cultures which the industrial revolution spawned. The most well-known of these theories are those developed by Andre Gunder Frank and Immanuel Wallerstein. Frank uses the idea of "metropolis and satellites" while Wallerstein uses the distinction between "core and periphery" to explain how capitalism has expanded over the globe and how it has affected the political and economic systems of the societies (including that of Ch'ing China) that were pulled into the capitalist system in the nineteenth century. But what is missing from these studies, as Eric Wolf and Peter Worsely both point out, is a consideration of culture.[11] Both men try to re-incorporate

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[11]Eric Wolfe, Europe and the People without History (Berkeley: University of California Press, 1983); Peter Worsley, The Three Worlds: Culture and World Development (Chicago: University of Chicago Press, 1984). Both authors explain and critique the "world-systems" theories developed in Immanuel Wallerstein, The Capitalist World Economy (Cambridge: Cambridge University Press, 1979) and Andre Gunder Frank, Capitalism and Underdevelopment in Latin America (London: Penguin Books, 1971).

the concept of "culture" into a discussion which has long been dominated by economic and political concerns. For Worsley, drawing rigid boundaries between the political, economic, and social sphere obscures the fundamental interrelatedness of them all. The "cultural," he argues, is not a separate sphere which is causally secondary, but is in fact, "the realm of those crucial institutions in which the ideas we live by are produced and through which they are communicated--and penetrate even the economy."[12]

This proposition leads to the idea that those who can control these non-economic institutions can alter the culture of a society. In his lengthy discussion of "culture" in the introduction to The Three Worlds, Worsley points out that intellectuals like to define culture as a "cognitive map" which tells everyone within the system how humans relate to nature, how the world relates to the cosmos, and also provides a model of the social world and its components. But, he cautions, culture is not just an analytical proposition. Definitions of "good and bad" are more than viewpoints--they are the yardsticks by which people and their actions are measured. In other words, culture provides a "design for living"--a way of thinking about the world; a framework for judging what is right and wrong, good and bad; and a set of standards for acting

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[12]Worsley, The Three Worlds, p. 60.

appropriately in any given situation. Conformity to accepted norms of behavior and thought are rewarded with material gains, high esteem, titles, etc.[13]

In simple societies, the cultural norms are usually those which the ancestors followed. In more complex societies, however, different groups within the society compete with each other to define proper behavior. The group which can define proper behavior, through force or persuasion, and have its ideas and values installed in the institutions of prestige or control within a society, has the power to "define the future" for that society. For Worsley, this is the terrain of "cultural class struggle."[14] Within the context of the present study, this idea of an essential and persistent competition to "define the future" provides a framework for thinking about how the elite representatives of two very different cultures responded to each other within the context of a changing balance of political and economic power in China in general and at Shanghai in particular.

Both the community, Shanghai, and the time period, 1860-1875, are especially fruitful for a study of Sino-foreign relations as "intercultural relations" because two important forces converged during these years. First, Shanghai was just emerging as the premier treaty port in

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[13]Ibid., p. 43.

[14]Ibid., p. 43.

China, outstripping Canton to become the focus of western economic power in China. Second, the balance of military and political power between China and the western nations was tipped decisively toward the latter during these years. We know how these changes affected diplomatic and political relations between the two countries as the nineteenth century wore on but we know less about how this affected the Anglo-American foreigners and the Chinese as their respective cultures or ways of looking at and ordering their worlds, collided with each other in treaty-port Shanghai. Michael Hunt's work on U.S.-Chinese relations during the nineteenth century suggests that sustained contact eventually bred virulent prejudices on both sides and augmented each sides' assumption of superiority but James Huskey's work, which demonstrates that increased contact could foster mutual acceptance and cooperation, is an important qualification to Hunt's thesis.[15] My primary concern has been to define the pattern of interaction which was created when the elites from the Chinese and Anglo-American communities in Shanghai began competing in earnest to define China's future.

The written records left by the foreigners who lived and worked in Shanghai in the nineteenth century are varied.

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[15]Michael Hunt, The Making of a Special Relationship: The United States and China to 1914 (New York: Columbia University Press, 1983; Huskey, "The Cosmopolitan Connection."

They include both secular and religious newspapers, diaries, personal letters, autobiographies, the journal of a local learned society, court records, home inventories, wills, minutes and reports from the local municipal council, trade reports, and correspondence between British, American, and Chinese officials. A general reading of these shows that the range of contact between foreigners and Chinese was more extensive than has generally been acknowledged and that interaction between them was more complex than is implied by the images of the haughty British or American foreigner and the compliant Chinese coolie. There were areas in which more amiable contacts were made between the two sides. In fact, when I began this study I was convinced that if I looked hard enough I would find many instances of mutual interest and cooperation between foreigners and Chinese. What gradually emerged from the sources, however, were persistent undercurrents of domination and resistance at almost every point where foreigners and Chinese came into contact with each other. Both sides wanted to shape China's future. As the representatives of these two very different systems of culture and power met, the struggle to control China's destiny was played out in numerous battles at the local level for control over minds, hearts, and behavior of the Chinese as well as control over the institutions of local power at Shanghai.

The private encounters between foreigners and Chinese were more amiable than public encounters between the

two sides. These cross-cultural personal relationships are discussed in Chapter 1 within the context of the physical and social layout of the International Settlement in the 1860's and 1870's. Some foreigners and Chinese were able to shed many of their prejudices about one another and form friendships and relationships of varying degrees of intimacy. The reactions of foreigners to individual Chinese could not always be categorized simply along class or occupational divisions. Instead, the temperaments of the individuals involved often played a decisive role in determining whether or not particular foreigners developed close relationships with Chinese. Some merchants, missionaries, or consular men lived for years in China and never lost their contempt for Chinese of all classes while others of these same groups had Chinese friends and even married Chinese women. Outside of these personal relationships, however, factors other than individual temperaments and personalities defined the course of Sino-foreign relations at Shanghai. Here the issues were power and control.

During the two decades after the Ch'ing government signed a series of treaties which acknowledged the power of the foreigners--the "unequal treaties" of 1858 and 1860--British and American foreigners worked doggedly to translate the western military and diplomatic victories into control over China's future. They wanted to remake China in their own image in order to protect their own hard-won position

within China and to expand their influence there. At Shanghai, this meant supplanting Chinese patterns of thought and behavior which they deemed incompatible with western ideas and also wresting power from local Chinese officials. The foreigners went about their self-appointed task of reforming China in many different ways but underlying all of their contact with the Chinese was this fundamental desire to make the Chinese more like themselves. At every point of contact, foreigners at Shanghai pushed the Chinese around them to accept western values and conform to western ideas about what was best for China as a whole and for the Chinese and foreigners who lived together in Shanghai.

When the foreigners and Chinese met in Shanghai they each brought to their encounters their own systems of power and culture. The changing balance of power between their various countries and the peculiarities of the "unequal treaties" conditioned the way they approached each other. The foreigners, particularly the British who led the way and the Americans who stayed in their shadow, approached the Chinese around them from a position of power and confidence. The Chinese, on the other hand, approached the foreigners from a position of vulnerability and weakened confidence. They were not completely helpless, however. In fact, the foreigners had agreed to protect and uphold China's sovereignty and this commitment or pretense--it varied considerably--gave local Chinese officials some ground to

stand on in resisting the foreigners' attempts to dictate policy or behavior to various Chinese within their reach.

Each of the following chapters looks at one of the points of contact where the fight to control China's future was waged at the local level. Chapters 2 and 3 look at the battle for the minds and hearts of the Chinese people. Chapter 2 looks at how the foreigners and Chinese approached one another at the intellectual level as each tried to gain "useful knowledge" about the other. The underlying struggle for control over China's intellectual orientation was played out in the attempts of men on both sides to turn knowledge into power. What ensued was an undeclared battle for the mind of the China. Chapter 3 takes up the more intimate struggle between missionaries and their followers for control over the shape of Christianity in China and, consequently, China's moral future. Here, as elsewhere, the foreigners were convinced that their work would be successful only if they could convince the Chinese who came within their circle of influence to accept western values and internalize western ways of thinking.

The remaining chapters look at how the struggle between these two systems of power and culture was played out in numerous smaller struggles to control the institutions of power within and around Shanghai. Chapter 4 traces the creation and demise of a western-style military camp outside of Shanghai at the small village of Feng chuan shan.

Throughout the 1860's and into the 1870's officials on both sides tried to control the structure of the camp and bend it to their own uses. The camp was the focus of much animosity between the two sides and the Chinese made it clear to the foreigners that they would not easily relinquish control over China's future.

The most protracted battles between foreigners and Chinese occurred where the majority of British, American, and Chinese residents at Shanghai met each other in the world of daily life within the bounds of the International Settlement. Chapters 5 and 6 look specifically at how the foreigners tried to control the behavior of the Chinese around them by creating for the settlement a legal and judicial system based on western principles of law and order. Much to their dismay, these efforts to dominate the Chinese were met not with quiet acquiescence but with a stiff resistance which was sometimes, but not always, effective in blunting the designs of the foreigners. The foreigners and their officials ended up fighting against not only the massive resistance of the Chinese in the settlement, but also against Chinese officials who were challenging their right to control the very institutions they had initially created to protect the foreigners' privileged position within the foreign area.

The foreigners who lived in Shanghai in the 1860's and 1870's also created a western-style political structure

for the International Settlement. Chapter 7 looks at how they used their Municipal Council to protect the Chinese who lived within the settlement from what they labeled "excessive Chinese taxation." The themes of domination and resistance that arose at other points where foreigners and Chinese met appear here as well. But the battle lines are redrawn because of an emerging alliance between western and Chinese business interests in the Settlement.

This interplay between domination and resistance emerges throughout this story of Sino-foreign interaction in mid-nineteenth century Shanghai. Much work has been done on the mechanics of domination and resistance in situations in which there is a great disparity in power between the those who appear to be in control and those who appear to be submissive. James Scott's Domination and the Arts of Resistance: Hidden Transcripts brings much of this work together in a clear framework. Scott describes and analyses the wide range of tactics which the "dominated" create and use to subvert the authority of those who wield power over them. He makes particularly good use of studies of British colonial society in India, slave societies of the Caribbean and American South, and European peasant societies to show how members of powerless groups systematically resist domination through secret societies, elaborate and arcane rituals, and even carefully staged public challenges. In each case the dominant group writes the script and the

dominated generally give a creditable performance in the roles in which they are cast because it is in their best interest, for a variety of reasons, to do so. Their off-stage behavior, however, indicates that they are grudging conscripts in the performance.[16]

It is evident that in nineteenth-century Shanghai this kind of resistance, with its "off-stage performances" in defiance of the more powerful foreigners, was practiced by various groups of Chinese who encountered foreigners. This is an important part of the story of Sino-foreign interaction and this study touches on this issue in places (Chapters 3 and 4). My primary focus, however, has been on the elites from both sides--all of whom wanted to shape China's future. To understand the Sino-foreign interaction which occurred at this level it is revealing to re-cast Scott's analogy of "script-writing"; at Shanghai the Anglo-American elites may have wanted to write the script for their joint performance with the Chinese but the Chinese they encountered would not willingly give them permission to do this. This essential conflict was played out in a persistent struggle to control and shape the institutions of power or influence in and around Shanghai. Thus the very institutions which had been created to mediate or facilitate contact between Chinese and western culture and their repre-

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[16]James C. Scott, Domination and the Arts of Resistance: Hidden Transcripts (New Haven and London: Yale University Press, 1990).

sentatives became the arena in which the elites vied with each other to define China's future.

In writing this history of the interaction between British and American foreigners and the Chinese in Shanghai I have tried to present the Chinese side of the story but the focus throughout has been tilted more toward how the foreigners approached and reacted to the Chinese culture and Chinese people around them. This is because I came to the study of this subject from a background in U.S. foreign relations and consequently the sources I have used are overwhelmingly those written by the British and American residents in Shanghai. All of their accounts of the actions and motivations of the Chinese are necessarily distorted by the cultural, racial, and national biases of their own time. This does not render them useless for understanding how the Chinese, in their turn, reacted to the foreigners, but it does mean that their prejudices have to be understood and weighed carefully when their writings and observations are used to interpret Chinese actions. To correct this western perspective and to understand more clearly the view from the Chinese side I have relied heavily in places on the work of authors who use Chinese-language materials to interpret the Chinese response to the foreigners. This is most apparent in parts of chapters 3 and 7.

When I write of "the foreigners" I always have in mind the British and Americans who made up the bulk of the

foreign population in Shanghai. They were undoubtedly the most important groups in Shanghai, both numerically and culturally, during this era and I have confined my study to their interaction with the Chinese. Matters concerning the separate French Concession are not treated even though some Britons and Americans had residences there. Regardless of where British or American nationals lived in Shanghai, whether in the International Settlement, the French Concession, out in the Chinese suburbs or even in the Chinese city, their concerns were overwhelmingly focussed on the International Settlement where both British and American authority was the greatest. The Settlement was their base of power.

Individually, the foreigners who are scrutinized in this study came from a wide variety of religious, social, economic and geographical backgrounds. These differences were apparent to these people and they obviously used them to make some rather clear distinctions among themselves. But despite these very real differences they were also the products of a common economic system and political culture which shaped the way they encountered both nineteenth-century Chinese culture and Chinese groups and individuals. They arrived in China with a firm and deeply rooted conviction that their vibrant individualistic and capitalist system, with all its attendant trappings, values, and subtle nuances, was undoubtedly the best system for everyone every-

where.[17] From the foreigners' point of view, the smoothness and profitability of their relationships with individual Chinese depended on how well they conformed to or accepted the values and assumptions which formed the basis of this Anglo-American culture.

When foreigners were in the mood to be intellectual some of them could genuinely admire certain aspects of Chinese civilization and be reasonably tolerant of the differences which existed between the their culture and that of China. But when British and Americans found their way of life and business in China challenged by Chinese institutions, Chinese ways of seeing things and Chinese ways of doing things, they openly assumed a posture of superiority and aggressively pressed upon the Chinese their demands for conformity. The foreigners discovered with some dismay that their military superiority did not guarantee that individual Chinese would submit to their wishes, agree with their ideas, or adopt their values. The British and American treaties with China may have stated that foreigners had won particular rights and privileges in China but the battle to gain dominance over the Chinese or impose western values on them was often fought out in many small skirmishes at the local level.

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[17]For a revealing description of the optimism of the British "Victorian mind," see Ronald Robinson, John Gallagher, and Alice Denny, "The Spirit of Victorian Expansion," Chapter 1 in Africa and the Victorians: The Official Mind of Imperialism (London: Macmillan Press, 1961).

# Chapter 1

## THE FOREIGNERS' SOJOURN IN CHINA

By the mid-1860's the International Settlement of Shanghai comprised roughly one thousand acres of land outside the walls of the Chinese city (Figure 1). The Settlement had originally been divided into a British Settlement and an American Settlement but they were amalgamated under one municipal government in 1863. However, for many years the two areas maintained the distinctive characteristics that had emerged almost immediately after Shanghai was opened to foreign trade in 1848. The British Settlement, which took in just a little less than one square mile, formed the core of the International Settlement in the 1860's and 1870's (Figure 2). This area was neatly bounded on four sides by water. The eastern border fell naturally at the Whang-pu (Wangpoo) River which carried foreign shipping from the Yangtze River to the port. On the south, the Yangkingpang tidal creek separated the International Settlement from the then sparsely populated French Concession. The western boundary from 1848 until 1899 was Defense Creek, which lay about three-quarters of a mile from the water-

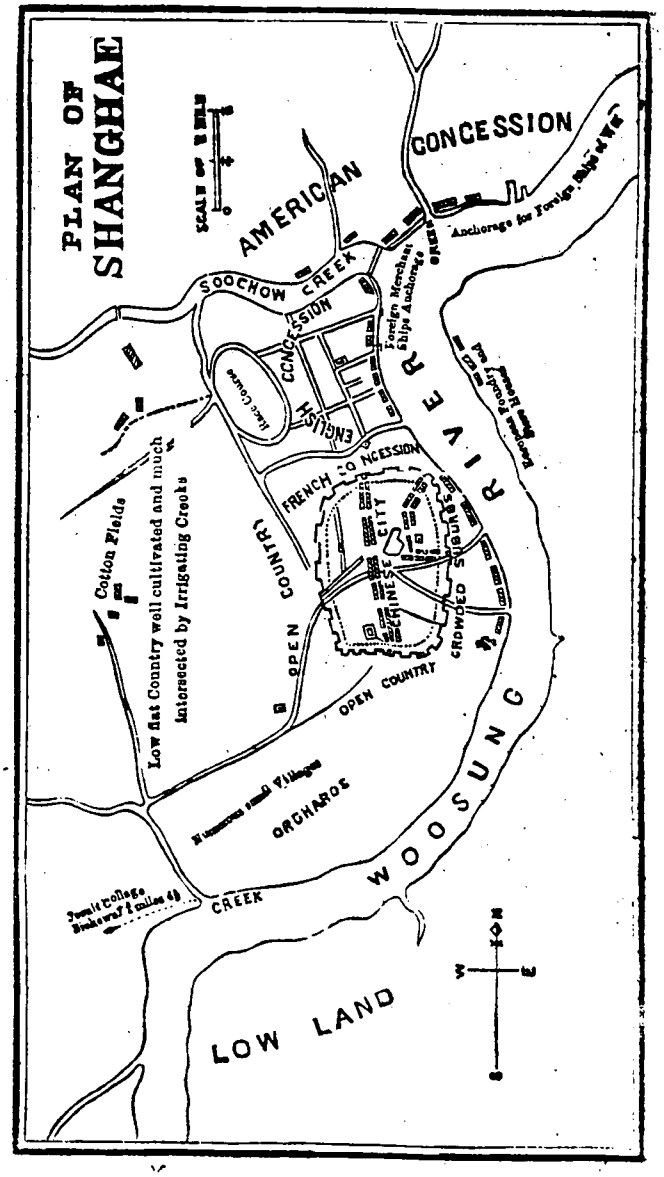


Figure 1. Shanghai and Environs, Circa 1865
[Source: W. F. Myers and N. B. Dennys, The Treaty Ports of China and Japan (London: Trubner and Co. and Hong Kong: A Shortrede and Co., 1967) p. 350.]

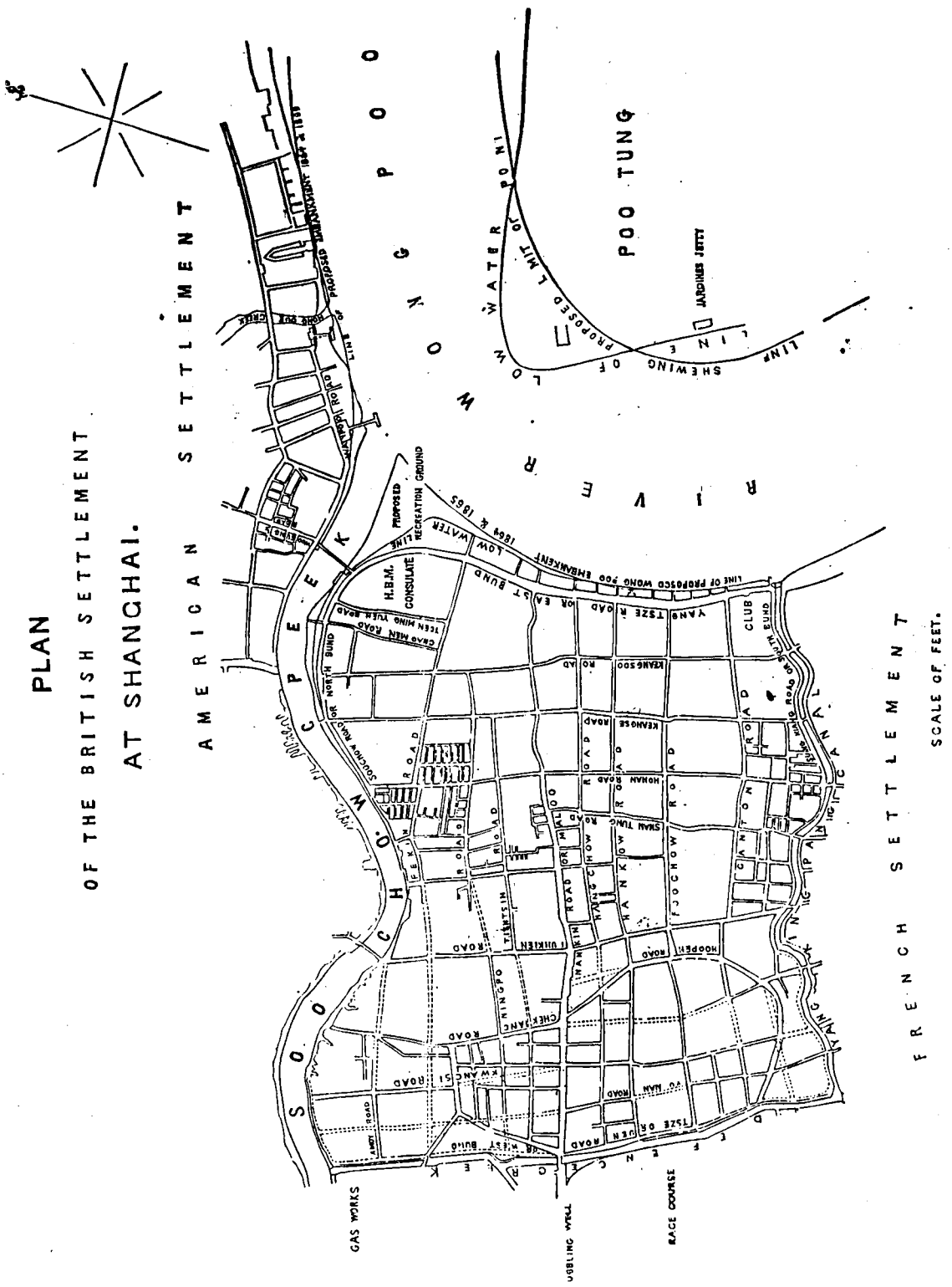


Figure 2. The British Settlement at Shanghai, Circa 1865 [Source: W. F. Myers and N. B. Dennys, The Treaty Ports of China and Japan (London: Trubner and Co. and Hong Kong: A Shortrede and Co., 1967), fold-out between pp. 376-377.]

front. The Soochow River gave the Settlement its northern border.[1]

The American Settlement, which was known locally as Hongkew, was a long narrow rectangle which took in about four miles of waterfront and extended about one mile inland. Along the waterfront at Hongkew there were wharves, shipping facilities, and warehouses but before 1863 few foreign residents chose to live in what was known locally as the "Cinderella of the settlements." The streets leading away from the quay were lined with shops, taverns, and brothels which catered to the hundreds of sailors and seamen who congregated in the area while their ships were in port. In the 1850's most foreign residents, regardless of their nationality, had lived in the British Settlement and it maintained its reputation as the most respectable part of the Settlement even after the foreign population was lured into Hongkew in the early 1860's because of low land prices there. In contrast to the waterfront in Hongkew, the 3,500 feet of waterfront of the British Settlement was devoted exclusively to the grand European-style buildings and walled compounds of the British consulate and the oldest foreign-owned China firms. The only building along the river which revealed what country these building were sitting in was the old

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[1]F. L. Hawks Pott, A Short History of Shanghai (Shanghai: Kelly and Walsh, Limited, 1923), p. 13.

Chinese temple with its distinctive roof and curved gables which housed the Chinese Customs House.[2]

Honan Road divided the old British section of the International Settlement into eastern and western parts of almost equal size. By 1860 all of the prime lots facing the Whang-pu had been claimed so the late-comers began building their offices along Honan Road and it became in the 1860's and 1870's the central business thoroughfare of the International Settlement. Intersecting this street and dividing the Settlement into quadrants was Nanking Road, or "the Maloo" as it was more commonly called by old Shanghai residents. West of Honan Road the Maloo was a thoroughly Chinese street and it was the northern boundary of the Chinese section of the foreign settlement. The thousands of Chinese refugees who fled into the foreign area in the early 1860's to escape from the Taipings in the countryside had congregated in the southwestern section of the Settlement establishing homes, tea shops, theaters, pawn shops and other businesses in the wooden buildings which lined the narrow streets there. In 1865 an informal census revealed that approximately 50,000 Chinese were pressed into this small area.[3]

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[2]W. F. Mayers, The Treaty Ports of China and Japan (London: Trubner and Co and Hong Kong: A. Shortrede and Co., 1867), p. 378.

[3]Ibid., pp. 390-1.

All of the area east of Honan Road remained the preserve of the foreigners. In 1856 there were only 350 foreign residents in Shanghai but by 1865 this had grown to just over 2,000 and a little over half of these lived in the eastern and northwestern areas of the old British Settlement. Another 800 foreigners lived in Hongkew in the midst of some 20,000 Chinese. Approximately half of the total population of foreigners were British, another one fourth were Americans, and the remaining fourth were primarily German, Spanish, and Portuguese. The majority of French in Shanghai lived in the separate French Concession.[4] Neither the foreign nor the Chinese population increased dramatically from 1865 to 1880.[5]

Although Shanghai suffered a severe financial crisis in 1865 trade recovered during the following ten years so that by 1870 Shanghai's imports and exports dwarfed that of all the other treaty ports.[6] As trade regained momentum life in the settlements became more refined and comfortable. The main thoroughfares were paved with granite chips to keep them from turning into impassible quagmires during the sum-

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[4]Ibid.

[5]Rhoads Murphey, Shanghai: Key to Modern China (Cambridge: Harvard University Press), pp. 22-23. Both the foreign and Chinese population in the settlement began to increase more rapidly after 1880 and then exploded after 1890 when Shanghai became a manufacturing center.

[6]Table III, "Foreign and Domestic Trade of Leading Chinese Ports, 1870-1920", Murphey, Shanghai, p. 121.

mer rainy season. The area along the waterfront of the old British Settlement was gradually bunded and turned into a promenade for the foreign population and it soon became a gathering place for Chinese nannies to gossip while strolling with their foreign charges. A succession of commercial wharves were built along the waterfront of Hongkew to accommodate the increasing trade and by the mid-1870's the commercial areas of town were bustling with activity.[7]

The newly-improved streets of the Settlement were dimly lighted with gas lamps placed at one hundred yard intervals but progress in road building and lighting was not matched by progress in drainage and sewage systems. Refuse which was not collected by the Chinese "night soil" contractors was simply dumped on the shores of the Bund or emptied into the tidal creeks which flowed around the city. The poor sanitation in the foreign area before the 1880's, along with the general climate of Shanghai, contributed to the epidemics of cholera, typhus and dysentery which erupted in the Settlement every summer and fall. When foreign residents became ill they were treated at home by one of a handful of foreign medical men who practiced medicine in Shanghai. Although there were two or three hospitals for for-

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[7]Mayers, Treaty Ports, p. 365.

eigners only sailors and the lowest classes of foreign residents used them.[8]

The elite foreigners filled their evenings and leisure hours with a variety of entertainments and recreations. The impressive but underfunded Shanghai Club which was built in 1863-4 provided the most prominent men in the Settlement with an elegant and exclusive refuge where they might smoke, drink gin, and play billiards. Shanghai also boasted a circulating library, amateur theater groups, and occasional guest appearances by touring musical ensembles. For recreation men participated in paper hunts, rowing competitions, horse racing, bowling, and cricket matches. There was a club devoted to each sport and most men were members of several or all of them. Members of the Masonic orders could join their fellows at any one of the eight Masonic lodges which existed by 1866. On Sundays the residents worshiped in the elaborate Episcopal cathedral which, being built in the thirteenth-century Gothic style with a seating capacity of 750, was a prominent Shanghai landmark. Some residents, however, chose to worship at the more modest mission churches which dotted the Settlement.[9]

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[8]The sanitation and health of Shanghai has been thoroughly studied by Kerrie L. Macpherson, A Wilderness of Marshes: The Origins of Public Health in Shanghai, 1843-1893 (Hong Kong: Oxford University Press, 1987); see also Pott, A Short History of Shanghai, p. 74 and Mayers, Treaty Ports, pp. 394-99.

[9]Mayers, Treaty Ports, pp. 402-3 and Pott, A Short History of Shanghai, pp. 80-88.

The foreign residents of the International Settlement worked hard to duplicate the societies and amenities of their home countries but even in doing so they did not remain totally isolated from the Chinese around them. The caricature of the isolated foreigner sitting inside his walled compound is only partially correct. It is true that during the 10-15 years after the port was opened to trade in 1848 foreign businessmen lived in communal residences with the other members of their firm and that these buildings, along with the company's warehouses for silk, tea, and piece-goods, were enclosed by high walls. It is also true that mission stations were frequently enclosed by walls for the safety of the families living there. But most foreigners, whether they lived in these isolated residences or not, were in frequent contact with Chinese. The Chinese business manager, or comprador, along with all the Chinese assistants, also lived and worked within the "hong," as the commercial compounds were called. In large firms there might be as many as 50 Chinese servants and their families living there as well.[10]

While the isolation of foreigners was not complete in the 1850's, it was marked. However, when foreign women began to arrive in Shanghai after the mid-1860's to set up their households with their husbands they quietly trans-

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[10]Charles M. Dyce, Personal Reminiscences of the Thirty Years' Residence in the Model Settlement Shanghai, 1870-1900 (London: Chapman & Hall, Ltd., 1906), pp. 33-34.

formed the physical layout and social arrangements in the settlements.[11] Men who had been content to live within a compound which housed the business offices of their firm now began moving away from the waterfront and building individual residences for their wives and families or, if they were single, renting rooms in boarding houses. In the late 1860's the Shanghai locals noticed what was happening. Italian-style stucco villas supplemented with the inevitable additional verandah were going up along the road which stretched west of the settlement into the countryside where Chinese farmers raised cotton. The most respectable married men of the community were settling into these commodious and elegant residences along Bubbling Well Road with their newly arrived wives.[12] The foreigners furnished their residences with a mixture of European and Chinese furniture and decoration. Not surprisingly, couches, chairs, dining tables, rugs and other basic furnishings were generally imported. Decorative touches, such as vases, linens and small tables were often Chinese.[13]

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[11]In 1868 there were just over one hundred women listed in the first "Ladies Directory," North China Herald, [hereafter cited as NCH] 22 December 1868, p. 626; for the mixed reactions to the arrival of more women in the settlements see NCH, 14 November 1868, p. 553.

[12]NCH, 17 July 1868, p. 339.

[13]Inventories of houses in Shanghai can be found in Shanghai Consulate General, Miscellaneous Records, National Archives, Record Group 84, C3.8, vols. 2-3.

In the 1870's most foreigners still lived geographically segregated from the masses of Chinese who lived in the southwest corner of the Settlement. Even so, they remained surrounded by and in constant contact with Chinese of various social classes for they relied on them for many things. Each foreign household now required one or more cooks, household servants, a general handyman, and a personal servant for each adult. Also, the comprador and his assistants were still key figures in any foreign business firm. When foreign children began to be born in the settlements there arose a need for the more intimate services of nannies and even wet nurses. Chinese nannies, or amahs, as they were called, were usually Cantonese women and in the 1870's they became a common sight in the parks and along the bund. The use of young Chinese women as wet nurses was widespread enough among foreigners by 1871 for a local medical doctor to caution his colleagues to be careful in the selection of wet nurses for the infants of foreigners because of the high incidence of venereal disease in Shanghai.[14]

While the foreign women who came to Shanghai had need of particular services from the Chinese population, foreign men had others. It was no secret to anyone that the many sailors and seamen who passed through Shanghai frequented the numerous brothels of the city and kept the prostitutes in Shanghai well employed. According to Dr.

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[14]Macpherson, Wilderness of Marshes, p. 225.

Henderson, a local doctor who had studied the problem of venereal disease in the Settlement, most of the prostitutes in the foreign area were Chinese women. When he made his survey in the late 1860's he found only a dozen foreign women working as prostitutes. The other 1,612 prostitutes he counted in the 463 brothels in the Settlement were Chinese. Henderson guessed that 97 of these "houses of entertainment," as brothels were euphemistically called, were frequented primarily by foreigners and that some 311 women worked in them.[15]

What was less openly discussed, although commonly known among the Shanghai residents, was the fact that even "respectable" single men in Shanghai patronized the Chinese prostitutes at the local brothels and even kept Chinese mistresses. The census of 1870 revealed that the average foreigner in Shanghai was an unmarried male of about 28 years of age and, as Dr. Henderson wryly noted, a perfect candidate for keeping mistresses and visiting brothels. Henderson guessed from the numerous cases of venereal disease among young male residents in the International Settlement that there was widespread sexual contact between foreign men and Chinese women.[16] Men living in the Chinese treaty ports in the 1850's and 1860's commonly kept Chinese mistresses. Robert Hart, the highly respected Inspector

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[15]Ibid., pp. 219, 223.

[16]Ibid., p. 220.

General of the Chinese Customs, had a Chinese mistress when he lived in Canton in the 1850's and he later admitted that most foreign men did the same while they were in China.[17]

The frequency of mixed marriages in Shanghai is difficult to determine. Wills registered at the American consulate and British business records sometimes describe provisions for the care of these women and their children.[18] Instances of mixed marriages and common law marriages also appear occasionally in the court records from Shanghai. For instance, a British resident said in 1873 that he had been living with a Chinese woman for seven years and in another case a foreigner actually divorced his Chinese wife after he arrived home one night to discover his wife and her Chinese lover in his bed.[19] By 1869 these relationships had produced enough Eurasian children to create public discussion of what to do with them. A local newspaper editor suggested that these children be offered an education which would enable them to compete more readily against "pure whites." The following year a school for Eurasian children was estab-

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[17]Katherine F. Bruner, John K. Fairbank, and Richard Smith, eds., Entering China's Service: Robert Hart's Journals, 1854-1863 (Cambridge: Harvard University Press, 1986), pp. 230-232.

[18]Shanghai Consulate General, Miscellaneous Records, National Archives, RG 84, C3.8, vols. 2-3; Margaret Reid, "Love and Marriage," in The Thistle and the Jade: A Celebration of 150 Years of Jardine, Matheson and Company, ed. Maggie Keswick (London: Octopus Books Limited, 1982).

[19]Minutes of the Mixed Court, 5 October 1868, NCH, 13 October 1868, p. 492.

lished in Shanghai and soon the Municipal Council, acknowledging the public's responsibility for these children, was awarding it annual grants.[20]

During these years Chinese and foreign merchants were also forming increasingly symbiotic relationships as they sought to increase their profits and expand their business enterprises in China. Competition among foreigners for Chinese investment capital for new enterprises such as shipping, silk reeling, and cotton spinning was fierce and brought foreign merchants into closer and more frequent contact with their Chinese counterparts. Businessmen discovered that the firms with the best contacts among the Chinese reaped the greatest financial rewards and the larger firms even began courting prospective Chinese investors or partners with elaborate dinners and entertainments.[21] Business necessities helped forge closer personal ties between individuals in both groups.

Missionaries sometimes developed close relationships with their converts--particularly the most trusted among the native preachers and evangelists. For example, Matthew and Eliza Yates, Southern Baptist missionaries who served for forty years in China, became close friends with Wong Ping

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[20]Pott, A Short History of Shanghai, p. 119.

[21]Yen-p'ing Hao, The Commercial Revolution in Nineteenth Century China: The Rise of Sino-Western Mercantile Capitalism (Berkeley: University of California Press, 1986), pp. 217-230.

San, one of Matthew's first converts and the man who would later become the first Chinese pastor of the Shanghai Baptist Church. Eliza Yates, who did a considerable amount of mission work independently of her husband, grew especially attached to the Chinese woman who served as a combination nanny for her daughter and a general maid who helped with cooking and cleaning. Yates acknowledged that without her help it would have been impossible for her to carry on her own missionary activity, raise her daughter, and keep their household together. The woman was later converted to Christianity and worked with Yates among the Chinese women of Shanghai. Missionaries also worked closely with Chinese language teachers as they struggled to speak and read Chinese and these relationships sometimes developed into friendships.[22]

All of these things suggest that the range of personal relations which developed between foreigners and Chinese was extensive and that some relationships were even intimate. However, many foreigners found the overall experience of living among the Chinese to be enormously frustrating because they always wanted to make the Chinese they encountered more like themselves. In their more optimistic moments they even thought that they could remake all of China in their own image. The more intellectual members of

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[22]Catherine Bryan, At the Gates: Life Story of Matthew Tyson and Eliza Morning Yates (Nashville: Broadman Press, 1949).

the community even supposed that by gathering "useful knowledge" about China and its culture they might uncover some clues which would enable them to better direct China's future. It was one of many attempts to control China which failed to bring the desired result.

# Chapter 2

## THE SEARCH FOR USEFUL KNOWLEDGE

Although all foreigners encountered Chinese people in the course of their daily lives, not all of them were interested in the China that lay beyond the confines of the International Settlement. Likewise, not all Chinese who came into contact with the foreigners wanted to learn anything about their culture. However, there were some men, both Chinese and foreigners, who were interested in these matters and during the 1860's they established two institutions which served as intellectual links between the cultures of China and the western nations. Through these institutions, the North China Branch of the Royal Asiatic Society and the Kiangnan Arsenal, foreigners and Chinese tried to learn more about the culture and achievements of their rivals. Although they approached their respective quests for "useful knowledge" very differently, both sides tried to turn knowledge into power. Underlying the struggle to control or direct the collection of knowledge at each institution was a battle for the mind of China.

# The North China Branch of the Royal Asiatic Society

## The China Watchers

In the autumn of 1857 Joseph Edkins and Elijah Coleman Bridgman, two missionaries then living in Shanghai, discussed over breakfast the feasibility of establishing a "literary and scientific society" in their community. Although both men had lived in China for over ten years and were considered China scholars by the secular society there, they, like many other foreigners living in mid-nineteenth century China, were aware of the paucity of their own knowledge about the people among whom they lived and worked. Admittedly, these missionaries were not seeking knowledge simply for its own sake for their interest in Chinese culture was naturally bound up in their desire to convert the Chinese masses to Christianity.[1] Nevertheless, by the end of September 1858 they had found sixteen other men in Shanghai who had their own reasons for being interested in the undertaking. Some of these men were the partners of the largest merchants houses, some were prominent missionaries, and others were the highest-ranking consular officers. Together, they represented the elite of the foreign community in Shanghai.

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[1]Adrian A. Bennett, Missionary Journalist in China: Young J. Allen and His Magazines, 1860-1883 (Athens: University of Georgia Press, 1983), p. 226.

The society which grew out of a meeting of these men at the rooms of the Shanghai Library eventually became the North China Branch of the Royal Asiatic Society. Inaugurated at the end of a turbulent decade in China's relations with the West, the Society would soon lapse in the midst of a great local crisis and then be reinvigorated a few years later during a period of major domestic reform in China. It began as a missionary-dominated enterprise inclined toward the redemption of China's moral character but when it reemerged it became a merchant-sanctioned quest for knowledge of and insight into contemporary China.

The early Society, while well-known to practically everyone in the small foreign community at Shanghai in the 1860's and 70's, has passed into historical obscurity and is mentioned only in passing in histories of Shanghai. Nevertheless, the Society is an interesting facet in the larger story of the foreigners' reaction to China and Chinese culture. The avowed purpose of the Society was to help the foreigners gain a better understanding of the society and culture of the Chinese among whom they lived and worked. In the best tradition of amateurism, they were genuinely interested in a wide range of subjects and were tolerant of a diversity of opinion within their society. But they had their limitations and prejudices and the most glaring of these was their propensity in the 1860's and early 1870's to cultivate the art of monologue about the

Chinese rather than to foster dialogue with individual Chinese about Chinese culture and society. They wanted to gather information about China which would help them transform the Chinese and make China more accessible to foreigners.

## The Early Society

The members of the newly-formed Shanghai Literary and Scientific Society hoped that the Society would provide a forum in which could be gathered "informed knowledge of the Chinese as we enter a new political era."[2] Foreigners living in China in the last two years of the decade of the 1850's had ample reason to be optimistic about the future. To them the Treaty of Tientsin, which Britain negotiated with China's Ch'ing government in 1858 after defeating the Chinese in the first round of the "Second Opium War," heralded the beginning of a new and more promising era. The treaty seemed to them to be wonderfully inclusive, offering something to almost everyone: for the diplomatic community, there was the provision that the British minister be allowed to reside in Peking; for the missionaries there was a new allowance for preaching among the people; and for the merchants, ten new treaty ports were opened for foreign trade and residence. These privileges, which British diplomats,

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[2]"Preface," Journal of the North China Branch of the Royal Asiatic Society [hereafter cited as JNCBRAS] 1 (December 1859):ii.

missionaries and merchants had been demanding as their rights for many years, the Chinese government had adamantly denied to all foreigners. Believing they had finally won their battle with the Chinese government foreigners of all nationalities held out hopes of great progress for their work in China through these new avenues of contact with the Chinese.

Of the eighteen men present at the first meeting of the Shanghai Literary and Scientific Society, six were missionaries, three were non-missionary doctors, eight were merchants, and one was a military officer. The Society was to have the "peaceful design of conducting useful research into the history, the industries, the philosophy, the literature, the language and the manners of the Chinese people."[3] But what was "useful" research or knowledge? This question plagued members of the society for several years. What missionaries and consular officials thought was useful the merchants often thought was superfluous. And sometimes what merchants and consular officials thought was of great importance the missionaries viewed as only secondary. The definition of "useful" was inevitably fashioned by the kind of work which each individual was in China to do in the 1860's and 1870's.

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[3]Joseph Edkins, Letter to the North China Branch of the Royal Asiatic Society on the 45th anniversary of the Society, printed in the Society's Proceedings, JNCBRAS, n.s. 35 (1902):iii-iv.

As the Society grew the merchants, with their interest in information that could be applied to their pursuit of profit among the Chinese, soon split with the others who sought a more academically oriented society. The focus of this test of wills became the name of the Society. Although seemingly a trifling matter, the members were really struggling over the kind of work to which the Society would devote itself and the stance which it would strike in relation to the Chinese culture around it. According to Joseph Edkins's recollections of the early Society, the merchants wanted to retain the name "Literary and Scientific Society of Shanghai" but the "students of Chinese" on the Society's elected council argued for and succeeded in bringing the Society into affiliation with the Royal Asiatic Society. The men who favored a more academic society were members of the British consular and medical establishment, missionaries, and the self-styled sinologues of the day.[4] Although the merchants apparently wanted a society with aims more directly related to their commercial pursuits and one without the intellectual pretensions that would presumably be associated with so august a body as the Royal Asiatic Society, Bridgman and the missionary perspective won the day.

The Society, now officially christened the North China Branch of the Royal Asiatic Society, met sporadically

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[4]Ibid., p. iii.

from late 1858 through October of 1861 and published three annual journals of its proceedings and papers. The papers published in these journals testify to the wide range of intellectual interests of the missionaries and prominent China scholars who dominated the society.[5] Members contributed according to their presumed expertise and it was here that one can see the wide range of subjects which various members deemed "useful." Edkins and other missionaries presented papers on the religion, ethics, and morals of the Chinese and Japanese people; members who had traveled gave reports of their journeys, including descriptions of local customs and geography; ships' captains presented papers on geography, navigation, or natural laws and phenomena; a consular staff member with an interest in ornithology contributed two papers on birds native to China; and a British surgeon contributed works on Asian ethnology and bibliography. No merchant contributed a paper to the first three journals.[6]

The foreign community in Shanghai in the late 1850's was very small. In 1856 there were only 36 Protestant missionaries in Shanghai, some 70 mercantile firms, and 8 consulates. The total population of foreign residents was

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[5]Among the early members were Griffith John, William Muirhead, Sir Walter Medhurst, Dr. D. J. Macgowan, Alexander Wylie, Mr. (later Sir) Robert Hart, Dr. S. Wells Williams.

[6]Journal of the Shanghai Literary and Scientific Society, 1 (1858) and JNCBRAS, 2 (1859) and 3 (1860).

around 350.[7] Membership in the early Asiatic Society was confined to a handful of the most prominent of this number. Although a "large number" of people reportedly turned out to hear read the first paper, which was devoted to the subject of "cyclones and the law of storms,"[8] very little active interest was taken in the Society by the majority of Shanghai residents. The Society never had more than fifty members during its first three years of life and most of these are easily recognizable as the heads or partners of the largest British and American mercantile houses, missionaries who had lived in China for several years, or consular officials. Foreign assistants and clerks were not elected to membership and few men of other nationalities were elected to membership.

It is possible that the presence of so many well-read missionaries whose interest in Chinese culture was always inclined toward moral issues made the tone of the society unappealing to many residents in the predominantly mercantile world of Shanghai. Edkins, in recollecting many years later the goals of the early Society, said "we were determined to understand both their [the Chinese] religion and their want of religion. We wished to know what makes the Chinese hate us and how far they love us."[9] These

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[7]Mayers, Treaty Ports, p. 364.

[8]Edkins, Letter, JNCBRAS, p. iii.

[9]Ibid., p. iv.

sentiments would have had little appeal for the average merchant and this limited the appeal of the Society in the community.

After the death of Dr. Bridgman in late 1861 the Society languished for lack of enthusiasm on the part of its own members and officers. Some years later, when Henri Cordier, the great French sinologue and bibliographer, wrote a brief history of the North China Branch he had to admit that no one could remember exactly what had happened to it in 1861.[10] The small membership and the dominance of the missionary perspective may have prevented the Society from establishing a solid foundation which would have weathered the storms which hit Shanghai in the early 1860's but these do not entirely explain the demise of the Society. The domestic turmoil in China played a decisive role.

The spirit of optimism prevailing in Shanghai when the Society was founded gave way in the early 1860's to worry and fear as the Taiping Rebels moved toward Shanghai. The Taiping Uprising, which had been spreading destruction throughout China since 1850 in its attempt to overturn the reigning Manchu regime (the Ch'ing), disrupted trade with the interior and consequently threatened the lifeline of the Shanghai community. When the rebels gained control of large

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[10]Henri Cordier, Letter to the North China Branch of the Royal Asiatic Society on the 45th Anniversary of the Society, printed in the Society's Proceedings, JNCBRAS, n.s. 35 (1902):xiii.

areas around the Yangtze River, the main trade artery which connected Shanghai with inland trading centers, merchants were forced to turn their energies toward exploring new avenues of trade and new methods of conducting business to keep from sinking into bankruptcy. In addition, the community as a whole was faced with the challenge of dealing with a flood of Chinese refugees of all classes who fled into the relative security of the settlements to escape the ravages of the Taipings in the countryside. And finally, when the foreign residents realized that the Chinese authorities in Shanghai could protect neither their lives nor their property from the rebels, they began making preparations for the defense of the settlements. As the community began building barricades and the long defunct Volunteer Corps was resuscitated with the elite of Shanghai serving as its officer corps, the foreign merchants, missionaries and consular officials all turned their attention toward the more immediate issue of survival. Interest in the Society and its objects waned.

Revitalization in an Era of Transition

By 1864 the threat had passed and it seemed that the Ch'ing forces, with support from England, France, and Russia, had crushed the last remnants of the Taipings. It was in the atmosphere of cautious optimism which accompanied the gradual revival of trade that another group of men met in March at the rooms of the Shanghai Library to revitalize the

Royal Asiatic Society. In the three years since the lapse of the first Asiatic Society several changes had come over Shanghai and China which affected the membership and tone of the Society. First, foreign merchants had become involved in new kinds of business pursuits which relied increasingly on more intimate relationships with native merchants; secondly, the Ch'ing Government had officially embarked upon a reform movement which seemed to many foreigners to herald China's modernization; and finally, Shanghai had unquestionably replaced Canton as the center of foreign trade and the premier treaty port in China. As these changes created a new setting for contacts between foreigners and Chinese in Shanghai, the newly revived Asiatic Society tried again to bring together the ideas and facts, if not the people, of two cultures during this era of hopefulness and change. But this time the merchants determined the tone of the Society and redirected the efforts of the Society by establishing more clearly what was their definition of "useful" knowledge.

Most foreigners had considered the study of Chinese society, history, and geography to be the preserve of the missionaries. But by the mid-1860's the merchants were increasingly interested in these subjects and there was not a missionary among the men who met at the Shanghai Library in March of 1864, intent on resurrecting the Society. Earlier, the missionaries had been presumed to have the biggest

stake in understanding the ways of the Chinese as it seemed to be essential to developing successful tactics for converting them to Christianity. After 1860, as cooperative business ventures with Chinese merchants became crucial to doing business successfully in China, foreign merchants saw more clearly their need for better information about China's natural products, resources, and geography if they were going to prosper and convert the Chinese to capitalism. Many of them were apparently interested in the Society because it was a way to gain valuable and useful information about the country and people with whom they hoped to pursue their profits.

The revitalized Society attracted many new members in its early years. Henry Cordier described it as a place where the residents could talk about something other than the latest business news: "it was thought that besides 'shop' there were many interesting subjects which, if not so weighty here as business, had nevertheless a great importance, and that if a place was wanted to talk of the rate of exchange, the price of gray shirtings and the last quotation for shares, it was equally necessary that some room should be found for people anxious to consider the multifarious problems connected with the Far East, to recount the deeds of its inhabitants, to study their literature and to inves-

tigate their sciences."[11] The new Society, like the old, boasted many prominent Shanghai merchants. A handful of the most established merchants, along with the various American and British Consuls who came along during the 1860's and 1870's, monopolized the leadership of the Society. But the new Society was not an exclusive club just for the elite and long-time residents. Among the ordinary members were merchants with smaller business enterprises and many men who had been in Shanghai or China for only a short time. In fact, if the China Directory for 1861 is accurate, most of them had been in China for less than three years for their names do not appear in the list of residents. Among those few whose names do appear there, most of them had been residents in Hong Kong or Canton when the Directory was published and were therefore newcomers in Shanghai.[12] In any case, most of these men who joined the Society, like the growing number of foreigners in Shanghai in the 1860's, had only limited contact with the China outside of Shanghai. At the same time, the changing nature of doing business in China brought them increasingly into contact with the Chinese and made their need for information about China increasingly important.

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[11]Henri Cordier [Old Mortality], "History of the North China Branch of the Royal Asiatic Society," NCH, 30 October 1873, pp. 361-62.

[12]The China Directory for 1861 (Hong Kong: A. Shortrede & Co., 1861).

Alexander Jamieson, editor from 1863-1866 of Shanghai's leading newspaper, the North China Herald, applauded the revitalization of the Society. Reflecting the perspective of the merchant society around him, Jamieson, who soon joined the Society, was clearly more interested in its potential for helping further better political and economic relations between China and the western nations than in changing the moral character of the Chinese people. But Jamieson did see clearly that knowledge was related to power and this was what would make the Society so useful to the foreigners. Jamieson was an ardent promoter of the idea that "knowledge of the Chinese, based on careful research and strict inductive reasoning," would enable foreigners to arrive at an understanding of the laws which governed the character and actions of Chinese individuals and the Chinese nation. This understanding would put the foreigners in a better position to deal with the Chinese in the realms of business and diplomacy.[13] This optimistic view underlay the founding of the Society and was shared by many in foreign Shanghai in the mid-1860's as they watched the Chinese embark on what they hoped would be a sweeping program of western-style reform.[14] As Thomas Kingsmill wrote in 1865:

> The events of the last eight years have . . .commenced to bear fruit; changes, none the less important that

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[13]NCH, 12 March 1864, p. 2.

[14]One of many assessments by Alexander Jamieson appeared in the editorial column of the North China Herald on March 31, 1866.

> their growth has been slow and almost unobserved, have obtruded themselves into notice, and a general feeling that reform, radical and complete, is required, has penetrated to all classes native as well as foreign.[15]

The foreigners had their ideas about political and economic reform in China and some even assigned a prominent role in it to the Asiatic Society; the Chinese, of course, had their own plan. Beginning in 1861 when Emperor T'ung-chih ascended the throne as a five year old boy, a group of officials around him initiated a program of Confucian reform which has been called the "T'ung-chih Restoration." Through their strenuous efforts, these scholar-officials brought the Ch'ing dynasty back from the brink of collapse. The program was begun in earnest in the last years of the Taiping Rebellion with the Ch'ing government trying valiantly to strengthen China's economy and political standing in the world after several decades of domestic turmoil and foreign pressures. Under the banner of "self-strengthening," officials began borrowing western military knowledge, technology and tactics. The borrowing was supposed to be limited, however, for although part of the restoration effort officially sanctioned a new, yet still wary, attitude toward foreigners and their technology, the grand design was to maintain Confucian values while adopting

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[15]"Retrospect of Events in China and Japan during the Year 1865," JNCBRAS, n.s. 2 (1865):121.

military weapons and tactics for China's defense.[16] At Shanghai, a handful of Chinese officials began a search of their own for "useful knowledge" about the west. While they were getting started, the Royal Asiatic Society was trying to clarify its own mission in relation to the Chinese culture around it.

## The China Watchers in Action

The members of the new North China Branch of the Royal Asiatic Society had no clear plan for putting the Society's general aims into practice. Like its predecessor, the new Society hoped to supply foreigners with the information they needed to understand contemporary Chinese society, but how they should go about this was unclear. Should they simply gather information or were they to actively disseminate it as well? And exactly what kind of information should they try to collect or disseminate? Or, to rephrase the question, what kind of knowledge was really "useful"? During the first fifteen years of its revived existence, the Society shaped an identity around these crucial issues as it established itself as Shanghai's foremost organized intellectual link with Chinese culture.

Their regular activities, as well as the projects which they adopted and those which were proposed but

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[16]Mary Wright, The Last Stand of Chinese Conservatism: The T'ung-chih Restoration, 1862-1874 (Stanford: Stanford University Press, 1957).

rejected, bring to light the essential traits which the Society cultivated as it's members carved out their niche as the "China watchers" of the day. The members were eager to collect information about China--particularly information which had immediate practical application--but they were also reluctant to pass any collective judgment on the Chinese culture around them. At the same time, however, the very act of gathering information led individual members to form their own assessments about China's progress toward reform.

The members began quite modestly by meeting once every month or at least once every two months, to hear read one or perhaps two papers. Because the community had no professional scholars and few men with an abundance of time on their hands, the Society was at the mercy of those who were willing to prepare a paper for presentation. So those attending the meetings might hear a description of the geography of a particular province, be treated to a history of the medical practices of the Chinese, learn about the production of sugar cane in China or the early use of firearms and gunpowder among the Chinese, listen to a history of the Chinese language, or even discover more about modern banking institutions in China. At the end of the year, the best of these papers and sometimes an article which had not been publicly presented were published in an annual journal. Each member who had paid his dues received

a copy and the remainder were sold to non-members or exchanged with other learned societies.

The Society had not spelled out in its charter any particular dogma about its work and, consequently, members had different opinions about what kind of work the Society should do beyond the monthly meetings and the publication of the annual journal. A proposal for the Society to help publish a new edition of the Chinese Classics and a suggestion that it republish portions of the old Chinese Repository brought the issue into focus.

Underwriting the publication of a new edition of the Chinese Classics would seem to be the perfect way to help foreigners understand the Chinese since the "Five Classics" summed up the philosophical bedrock of Confucian culture, society and government. The study of these five books--one on rituals, two on history, one on poetry, and one on cosmology and divination--was the foundation of the examination system which permitted Chinese access to government office and the ranks of the elite in their society. To make this information accessible to foreigners by publishing a good English-language translation was crucial to understanding Chinese culture. This was the kind of project which missionaries in the 1830's and 1840's had often advocated but when it was aired in 1865 at one of the Society's meetings it generated little discussion and even less enthusiasm for it was never undertaken and never mentioned again in the Society's proceedings.

Two years later the members defeated a proposal to reprint portions of the Chinese Repository. The Repository was a journal of Chinese culture which missionaries at Canton had published in the 1830's and 1840's. Frances (Frank) Blackwell Forbes, a prominent American merchant whose family ties to the China trade went back to the 1830's, spent many hours sifting through the Repository and noting which items should be retained, which should be edited down, and which should be ignored altogether. He and the other members of the committee appointed to look into the proposal recommended that the best of the articles on geographical, topographical, historical, classical, and philological subjects be printed. Reflecting the more secular tone of the new Society, they recommended that journals, itineraries, and notices, many of which had been written by missionaries, be condensed and that religious materials, including purely religious biographical articles, be omitted altogether. But the publication of even this pared down version of the Repository was apparently more than the members were willing to undertake. Henri Cordier, who served as the Society's librarian from 1870-1873 during his short residence in China, was relieved that the project never materialized. Commenting on the decision several years after the fact he said "this serial is obsolete, much

of its contents is valueless; its reprint would be costly and its use not very great."[17]

The decision to avoid both of these projects reflected the more pragmatic bent of the Society in the late 1860's and 1870's. The members of the Society were not interested in funding a new edition of the Chinese Classics or of reprinting the Chinese Repository because these works contained precisely the type of information which most of the members regarded as too esoteric for their tastes or needs and, in a more general sense, for the needs of a modern China. Being themselves wedded to the material world by virtue of their work, they did not want to understand the underpinnings of Chinese culture so much as they wanted to know more about the material world of the Chinese: native products and produce, local geography and geology, and internal trade and communication networks. These were the things which would eventually transform China so these were the things which they intended to study and this was where they spent their limited money. For example, in the same year in which the reprint of the Repository was shelved, the Society enthusiastically sponsored an expedition to explore the upper channels of the Yellow River "in the interest of

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[17]Henri Cordier, Letter to the Council of the North China Branch of the Royal Asiatic Society, published in the Report of the Council of the North China Branch of the Royal Asiatic Society for 1874, JNCBRAS, n.s. 9 (1874):ix-x.

Science and Commerce."[18] The expedition was hailed as a great success by the locals in Shanghai and when the captain presented his report to the Society the meeting was crowded with members and guests.

But the most telling example of the Society's passion for collecting was its library and it is the library which most clearly reflects the essential character of these China watchers as information gatherers.

Frank Forbes, who was a dedicated supporter of the Society throughout the 1860's and 1870's, was the catalyst behind the library project. He himself was a widely read man with many Chinese friends and associates and the library reflected his respect for many aspects of Chinese civilization. In late 1867 he submitted his proposal for a library which would benefit many classes of people in the community. The library should be designed to be of use not only to sinologues, he argued, but also merchants in need of specific information and travelers in need of general information.[19] Forbes wanted the library's collection to be focussed primarily on books and papers relating directly to China. He was particularly concerned that the library

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[18]Report of the Committee to Promote the Exploration of the Old and New Channels of the Hwang Ho, published in the Report of the Council of the North China Branch of the Royal Asiatic Society for 1868, JNCBRAS, n.s. 5 (1868):x-xi.

[19]Memorandum of a Proposal to Establish a Public Library in Shanghai, published in the Report of the Council of the North China Branch of the Royal Asiatic Society, NCBRAS, n.s. 4 (1867):iii-v.

attempt to preserve for public use early and increasingly rare works on China and its dependencies, dictionaries and philological works on the Chinese language, histories of China, and journals of travels in China which provided information about the social, political or industrial condition of the people. He also insisted that the library should include Chinese works translated into foreign languages as well as copies of diplomatic correspondence and official reports and statistics from the customs-houses.

The library, as Forbes envisioned it in the late 1860's, would be a place where foreigners could go to get information written by both natives and foreigners about all aspects of Chinese society, economy, history and material culture. The Society responded enthusiastically to Forbes' plan. Although short of funds the Society in 1869 seized the opportunity to buy Alexander Wylie's large collection of rare Chinese books when he offered them for sale on the eve of his departure from Shanghai. From this impressive foundation the library continued to grow and soon its holdings outpaced the ability of successive honorary librarians to keep it adequately catalogued and in order.

The library was the perfect project for the Society to sponsor and support for it fit the disposition of the China watchers admirably. It allowed the members to participate in the admittedly laudable cause of collecting information but it did not oblige them to have an intimate

encounter with the very culture the Royal Asiatic Society was dedicated to studying. As individuals, most of the members did not devote a lot of time to studying China. They believed, however, that by pooling their efforts and collecting such useful information as they could that the Society would stimulate interest in the study of Chinese history, culture, and society. This, in turn, would lay a foundation from which they could pursue their larger goal of transforming China and the Chinese into a country and a people more like themselves.

The Society in the Context of the Community

The Society's work was not really appreciated by the majority of Shanghai residents. As the foreign population in Shanghai grew the rate of participation in the society fell. Their meetings were sparsely attended and despite several concerted attempts over the years to get the public more interested in its work, active participation in the Society was confined to a small circle of residents.[20] In the Presidential Address of 1873 Frank Forbes admitted that the Society's circle of supporters was small and that many

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[20]The membership rolls show a slow but steady decline in the number of resident members during the 1870's and early 1880's despite a growing foreign population in Shanghai. As many of the earliest members left Shanghai, they became corresponding or non-resident members so that the total number of members of the Society continued to grow but the number of Resident members did not. The number of resident members hovered between 40 and 50 men during the 1860's and 1870's.

in the community did not hold the Society in very high regard when he rather candidly said "the public is too apt to look upon us as an assemblage of dryasdusts and crochet-mongers, held together by the necessity of mutual admiration."[21] Things were no better ten years later when the Council's Report for 1884 acknowledged that "the fact is beyond question that little or no interest in our meetings is taken by the general public in Shanghai. . . .It is beyond question that the China Branch of the Asiatic Society is an institution which foreign residents in China could ill do without. But it is equally beyond question that the value of the Society is not at this moment sufficiently appreciated as a means and a stimulus to the study of Sinology."[22]

The fact that so few people appreciated the Society's work is not really surprising. What is surprising is that in the midst of a predominantly mercantile community, where men were presumably preoccupied with the affairs of trade and the market, that the Society was able to survive at all. Particularly in its early years, when the foreigners' knowledge of China was still quite limited, the Society played an important role in encouraging for-

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[21]Frances Bennet Forbes, "President's Address," delivered February 13, 1874, published in JNCBRAS, n.s. 9 (1874):xxvi.

[22]Report of the Council of the North China Branch of the Royal Asiatic Society for the Year 1884, JNCBRAS, n.s. 19 (1884):v.

eigners to study various aspects of Chinese culture. However, because most of the members were interested in gathering practical information and never tried to disguise this fact, it might be tempting to dismiss the whole enterprise as little more than informal imperialism hiding behind a scholars' gown. This criticism does have some validity for it is true that the members of the Society saw nothing wrong with trying to use information they obtained through the Society to enlarge their own business prospects. Their intellectual interest in Chinese culture and contemporary society was obviously meshed with their life's work. Thus when Frank Forbes surveyed the accomplishments of the Society in 1873 he was unabashedly proud of the Society's role in collecting information about China's geography and natural resources--subjects which were directly related to a mid-nineteenth century merchant's prospects for business in the Chinese countryside.[23] The members' enthusiasm for these practical subjects was balanced to some extent by the work which the Society fostered in areas where there was no real direct application to the needs of businessmen. Many a meeting was devoted to topics which would seem intolerably dull even to today's academicians and yet the Society continued to host them and give the authors of these papers a forum in which to speak and publish their investigations.

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[23]Forbes, "President's Address," JNCBRAS, p. xxvi.

Nevertheless, it is clear that the members of the Society thought it quite natural that knowledge of China should be construed in terms which they could use to expand their businesses or to justify greater western influence in China. When they heard papers describing China's natural resources they thought of how those resources could be best used for China's development as well as their own profit. When they learned more about China's transportation system they thought of enlarging it with steam-powered ships and a network of railroads. When thy heard papers describing Chinese religious, social, and political customs which seemed to them to be very backward and archaic they became more convinced that China would benefit immensely from western ideas and values.

The members of the Society also thought it quite natural that they talked among themselves about China but did not talk with Chinese people about China and Chinese culture. For the first twenty years of the Society's existence, there were almost no active Chinese members. In 1864, shortly after the revitalization of the Society, the Society did offer membership to two high-level local officials but this seems to have been done out of courtesy and there is nothing to indicate that either man ever attended the meetings or looked on the membership as anything more than official patronage of an educational endeavor. One of them, Ying Pao-shih, taotai of Shanghai from 1865-1869, maintained

his membership for several years and even provided the Society with a meeting room in one of his Shanghai residences until 1867. But Ying was a man known for his enthusiasm for the revitalization of traditional education and Confucian morality in the midst of the self-strengthening movement and he supported many different local educational endeavors in Shanghai during his tenure as taotai. His support for the Asiatic Society was probably a facet of this more general concern.[24]

The lack of Chinese members may have reflected an overt prejudice against the Chinese but the issue was really more complicated than that. The absence of Chinese members was related to the fact that the Society, with its intrinsically western and self-serving approach to the study of China, held little appeal to the Chinese. The only other Chinese member of the Society up to 1887 was Yung Wing, who was a member from 1867 to 1871, and he was an anomaly in Shanghai in the mid-nineteenth century for he was one of only a handful of Chinese who had been educated in the west. He had the distinction of being the first Chinese to be

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[24]In the mid-Ch'ing system of provincial administration a taotai was a middle-level officer who oversaw the civil and military affairs of a tao, or circuit, an area roughly one-fifth to one quarter of the size of the province. There is no precise English or American equivalent. According to Leung, his main duty was to oversee the laws and customs of the locality. Leung Yuen-sang, The Shanghai Taotai: Linkage Man in a Changing Society, 1843-1890 (Honolulu: University of Hawaii Press, 1990), p. 10; on Ying, see pp. 156-57.

graduated from an American University, having received a B.A. degree from Yale in 1854. When he returned to China he brought with him an extensive exposure to western ideas and values and a strong commitment to helping China modernize along western lines. These things gave him enough common ground with the foreigners at Shanghai to be offered membership in their Society.[25]

In fact, it wasn't until the late 1880's, when more foreign-educated Chinese began to return to China, that more than a handful of Chinese men became members of the Society. When two Chinese men were admitted to membership in 1887 the Council urged that more Chinese gentlemen be encouraged to join the Society "as this would undoubtedly promote its general aims."[26] More joined in the following decades but despite this seemingly commendable openness to Chinese members, the Society continued to keep the Chinese culture around them at an arms length where it could properly be studied. The Society, perhaps unwittingly, even expressed this detachment in the physical setting of its meetings. When Ying reclaimed his property in 1867 the Society moved its meetings into the decidedly foreign atmosphere of the New Masonic Hall and it remained there for many years.

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[25]Yung Wing describes his odyssey in both worlds in his autobiography My Life in China and America (New York: Henry Holt and Company, 1909; reprint Ann Arbor, Michigan: University Microfilms, 1975).

[26]Proceedings of the Meeting of 18 November 1887, JNCBRAS, n.s. 22 (1887):122.

There is certainly little doubt that the men who joined the Society, like almost all foreigners in nineteenth-century China, whether American, British, French, or German, were convinced of the superiority of their own culture. This was the point from which foreigners began working toward gaining a better understanding of the Chinese in the 1860's and it is not surprising that the foreigners found it much easier to cultivate the art of monologue about China than to foster dialogue with the Chinese around them. So they shared their own perspectives about China with one another and it was not until the 1890's that any Chinese truly joined the discussions. In the 1860's and 1870's the members of the North China Branch of the Royal Asiatic Society acted more as the "China watchers" of their century, keeping their distance from Chinese culture, scrutinizing its more useful parts, reflecting on its future, and cultivating their role as the congregation of local experts on all things Chinese. Underlying all their efforts was the persistent hope that by understanding China they could change China and the course of its future. But they were not the only men in China who were interested in shaping the course of China's future.

## The Kiangnan Arsenal

### Hired Minds and the Self-Strengthening Movement at Shanghai

While a handful of foreigners ruminated over the fate of the Chinese empire and continued their quest for

"useful knowledge" about China in the quiet dignity of the rooms of the Royal Asiatic Society, Chinese workmen were busy building a cluster of unmistakably western-looking buildings on a ten-acre plot south of Shanghai. The building would be the new home of the Kiangnan Arsenal. Like the foreigners in the Royal Asiatic Society who were searching for "useful knowledge" about China, the men who presided over the creation of the arsenal at Shanghai had very specific ideas about what comprised "useful knowledge." Until the humiliating defeat that China suffered in the Second Opium War (1858-1860) few Chinese officials thought that China might have something to learn from western culture. It was only the men the Ch'ing government had relied upon to beat back the Taiping rebels who understood the benefits the west had to offer, even if only in the art of waging war. Tseng Kuo-fan and Li Hung-chang, close friends and the primary leaders of the fifteen-year-long campaign against the Taipings, had seen western weapons and western tactics in action against the rebels and both men had been impressed.

Toward the end of the war Li began laying the foundation for the Kiangnan Arsenal which would train Chinese workmen and engineers to master the skills and technology necessary to produce the western-style ships, weapons and ammunition which gave the foreigners their military advantage. Tseng, his highly influential political ally, approved his plans. The development of the Kiangnan Arsenal

was part of the "self-strengthening movement" which had been spawned by the Taiping Uprising. The goal of this Chinese-led reform movement was to use foreign technology to keep the foreign powers from overrunning China's culture and society.[27] Li, Tseng, and the other Chinese officials in the self-strengthening movement intended to take from the West only those things which were necessary to shore up China's defenses.

These men were facing a crisis and they were in a hurry so they hired foreigners to explain and demonstrate to Chinese intellectuals and workmen the ideas and skills they needed to modernize China's military. The foreigners were willing for their own reasons to be hired hands or hired minds in these new institutions. At both the arsenal and in other areas where foreigners were hired to work in the self-strengthening movement, these foreigners tried to take advantage of their contact with individual Chinese and Chinese officials to impress on them the superiority of western ways of approaching the world and ordering a society. Here, as at so many other points of contact between the two cultures, there was a subtle but nevertheless intense struggle for control over China's future. But the hired hands were at a disadvantage because as hirelings, their power, and hence their influence, was limited.

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[27]On the self-strengthening movement see Mary Wright, Last Stand.

The foreigners who were employed at the Kiangnan Arsenal were not employees of the imperial government.[28] Li Hung-chang and his colleagues hired these men to work specifically for them. They were essentially foreign members of their personal staffs, or mu-fu. The mu-fu was a private bureaucracy which provincial and local officials created to supplement the official government bureaucracy. The numerous regulations and restrictions which governed appointments in the official bureaucracy made it difficult for an official to utilize men with pertinent and useful skills or expertise. The mu-fu system gave key officials in the government bureaucracy the flexibility they needed to confront the myriad problems in China in the nineteenth century because it allowed them to surround themselves with the men whose ideas they needed and on whose personal loyalty they could depend.[29]

Tseng Kuo-fan and Li Hung-chang both created large mu-fu which utilized the talents of men, including for-

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[28]Members of the foreign-run Chinese Maritime customs service were employees of the imperial government. For a history of the customs servive see Stanley Wright, Hart and the Chinese Customs (Belfast: Queen's University, 1950); for Robert Hart's experience as an employee of the Ch'ing government see Bruner, Fairbank, and Smith, Entering China's Service, and Jonathan Spence, To Change China: Western Advisers in China, 1620-1960 (Boston: Little, Brown and Company, 1969), pp. 93-128.

[29]For an extended discussion of the mu-fu system see Kenneth E. Folsom, Friends, Guests, and Colleagues: The Mu-fu System in the Late Ch'ing Period (Berkeley: University of California Press, 1968).

eigners, who could not otherwise be easily employed in the official bureaucracy. The men in this network were paid by Tseng or Li and were supposed to be directly loyal and ultimately accountable to them. Li and Tseng worked energetically to place members of their mu-fu in strategic positions in the regular bureaucracy where they then became valuable and trustworthy allies.[30] Like the Chinese members of a mu-fu, the foreigners who worked in Li's enterprises in the 1860's and 1870's were supposed to be loyal and accountable to him. Unlike the Chinese members of a mu-fu, however, most foreigners did not offer the promise of becoming valuable allies. They were essentially purveyors of information and as such were deemed expendable by their immediate Chinese supervisors. This put them in a difficult position because many, if not all of them, believed that they had the solution to one or all of China's problems.

This often put these hired hands at odds with the very institutions in which they were employed. As the hired "experts" and the unofficial representatives of the western nations which had forced the Ch'ing government to sign the "unequal treaties" of 1858 and 1860, the foreign employees often believed that they should help set priorities and influence how things were done within each institution. Foreign officials at the local level, particularly the con-

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[30]Li himself had risen to power through Tseng's mu-fu.

suls and military men on the Shanghai station, backed them up in this. Chinese officials, on the other hand, believed that the foreigners' military superiority did not give the foreigner the right to usurp Chinese authority and dominate these institutions. At the arsenal, employees and officials on both sides vied with each other to control the direction in which the various departments would go. They often disagreed over the policies that should be established and followed and exactly who should have the greatest influence in making these decisions. Should foreign assumptions about what was best for China and Sino-foreign relations be the guiding principles? In the foreign language school and the translation bureau at the Kiangnan Arsenal, the conflict over competing claims to authority was subtle so these questions did not produce direct confrontations between the Chinese and foreign officials or employees. But the underlying struggle became apparent as each department evolved in the 1860's and 1870's.

Establishment of the Arsenal

The war against the Taipings convinced Li Hung-chang that if China was going to regain its stature in the world and resist foreign encroachment Chinese people would have to learn to produce western-style weapons and machinery. Li also knew that his own political power was dependent on the army he had created and used so brilliantly during the war. As the war was ending he began experimenting with new ideas

in order to strengthen his own army and preserve his base of power. To meet these challenges he and his ally Tseng Kuo-fan established arsenals at Shanghai, Sunkiang, and Soochow in the mid-1860's. Each was organized differently. Foreigners controlled the decision-making process at Soochow, the Sunkiang arsenal employed no foreigners at all, and the Kiangnan Arsenal at Shanghai was run by Chinese officials but foreigners were employed in several departments.[31] Li was obviously casting about to find the best combination of Sino-foreign collaboration for his quest for "useful knowledge."

Li's arsenal at Shanghai was first housed in a warehouse located in the Hongkew section of foreign Shanghai. He wanted to purchase equipment in England which would enable the arsenal to produce 1000 rifles per month. When his agents told him how much the machinery would cost he balked--not because the sum was too much to pay, but because the risk of entrusting such a large sum to foreigners was too great. Li had learned the hard way that when foreigners were hired to act as purchasing agents things did not always turn out satisfactorily for the Chinese. Several similar projects had, in the few years prior to this, been disastrous for the Chinese. Money had been advanced for ships,

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[31]Thomas Kennedy, The Arms of Kiangnan: Modernization in the Chinese Ordnance Industry, 1860-1895 (Boulder, CO: Westview Press, 1978).

arms, and machinery which never arrived and Li had good reason to act cautiously with his money.[32]

So he sent Ting Jih-ch'ang, the Shanghai Taotai, to look for machinery already in China. Ting found in Hongkew a machine shop which seemed adequate. Ting talked with the owners and in the spring of 1865 he rented the site and purchased the machinery outright. Li put Ting in charge of the arsenal and four Chinese managers were appointed to help him. Li sent Yung Wing, the first Chinese graduate of Yale, back to the United States to purchase machinery for the arsenal. Over on hundred pieces of machinery arrived in the fall of 1865 and were installed at the arsenal. What Li and Ting had created was essentially a machine shop which could produce other machines of production. In the first year of its operations, the arsenal produced thirty or forty additional pieces of machinery.[33]

The quarters at Hongkew soon became cramped and Li began searching for a new location. He wanted to move the arsenal to Soochow so that he could directly supervise its operations. He realized, however, that it was better for it to be at Shanghai near the center of western trade since

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[32]Ibid., pp. 45-46.

[33]Thomas Kennedy, "The Establishment of a Modern Military Industry in China, 1860-1868," Bulletin of the Institute of Modern History, Academica Sinica 4,2 (1974):803-5; 816; for Tseng Kuo-fan's assessment of the arsenal in 1865 see Ssu-yu Teng and John K. Fairbank, eds., China's Response to the West: A Documentary Survey, 1839-1923 (Cambridge: Harvard University Press, 1954), pp. 64-65.

many of the raw materials needed for production had to be purchased abroad. Still, he was uneasy about having the arsenal so near the influence of the foreigners and was particularly wary of leaving it within the bounds of the International Settlement. He said he wanted to isolate the Chinese workmen from the baleful influences of the foreigners in Shanghai but he was probably more concerned about the autonomy of the arsenal and wanted to move it out of the area which was under the political control of the foreigners. So in 1867-1868 Chinese workmen began building new buildings on a ten-acre plot south of the city on the Whangpu River.[34]

Li placed the Shanghai Taotai in charge of overseeing the operation of the arsenal. During the years from 1864 to 1875, five men held the office of taotai: Ying Pao-shih (1864 and 1865-69), Ting Jih-ch'ang (1864), T'u Tsung-ying (1869-1872), Shen Ping-ch'eng (1872-1874) and Feng chun-kuang (1874-1877). All of them were in Li Hung-chang's circle of influence and all of them watched over the arsenal with great care. Despite this delegation of authority, however, Li Hung-chang and Tseng Kuo-fan (until his death in 1872) continued to direct the arsenal's development. Tseng pushed the arsenal into an ambitious ship-building program

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[34]Kennedy, "The Establishment of a Modern Military Industry in China," p. 816 and Kennedy, Arms of Kiangnan, p. 60.

from 1867-1872 but after Tseng's death, Li steered the arsenal back into an emphasis on arms production.[35]

But the Kiangnan Arsenal, although ostensibly a production plant, was, by the 1870's, much more than an armaments factory or ship-building plant. By 1875 the arsenal comprised thirty-two buildings, including workshops, warehouses, special factories for the production of boats and munitions, map shops, architectural shops, translation rooms, and business offices, in addition to dockyards and outdoor works. It was the largest Chinese-operated foreign-style enterprise in China in the 1870's and the foreigners were impressed with it.[36] An article in the North China Herald described the arsenal with obvious approval:

> The tall chimneys, the residences of the Foreign Engineers, the college just completed, the little town where the native mechanics live, the rows of workshops, foundries and godowns, the dockyard where two steamers are being built, and the wharf with vessels loading and unloading, present a scene of activity not unlike some of our large establishments at home.[37]

Here, at last, was tangible evidence of China's movement toward progress and modernization. The fact that the arsenal resembled a bustling western-style establishment was reason enough to commend it. That it had arisen so

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[35]Kennedy, Arms of Kiangnan, pp. 58-59.

[36]Stanley Spector, Li Hung-chang and the Huai Army: A Study in Nineteenth-Century Regionalism, with an Introduction by Franz Michael (Seattle: University of Washington Press, 1964), p. 157.

[37]NCH, 11 January 1870, p. 22.

quickly and expanded so rapidly was, in the estimation of the writer, nothing short of amazing. The arsenal impressed foreigners because it was producing something upon which westerners placed a high value: ammunition, small arms, big guns, and heavy machines.[38] It was also the only place where the knowledge of the foreigner was properly acknowledged and respected. Foreigners worked not only in the manufacturing area as advisers and skilled artisans, but were also employed in two separate departments which were devoted specifically to transmitting western knowledge to Chinese: the foreign-language school and the translation bureau.

The Foreign Language School

A school for teaching foreign languages to Chinese youth had been established in Shanghai in 1863 before the arsenal was even underway.[39] A Kiangsu scholar named Feng Kuei-fen had convinced Li Hung-chang to sanction the project and secure the necessary approval from Peking. The students were taught foreign languages but also given a thorough education in the Chinese classics. Committed to preserving their own cultural values and institutions, Feng and Li

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[38]For the output of the arsenal during these years see Kennedy, Arms of Kiangnan, Appendix I, Table 3, p. 164.

[39]For a detailed history of the T'ung wen kuan see Knight Biggerstaff, Earliest Modern Government Schools in China (New York: Cornell University Press, 1961), pp. 154-65.

believed that this design struck a good balance between their own tradition and the culture of the West. Being firmly grounded in the truths of Chinese culture these youths would presumably be able to sift through what western culture had to offer and select what was best for China. Feng and Li assumed that this would be western mathematics, physics, and technology. When the new buildings south of Shanghai were completed in 1869 the foreign language school was moved to the newly-constructed arsenal compound.[40]

Tseng Kuo-fan and Li Hung-chang endorsed an extensive program for the school but this level of teaching was never reached and foreign observers were disappointed.[41] The school employed only one English teacher. Young J. Allen, an American Methodist missionary, held the post for most of the period between 1867 and 1881.[42] Allen's experience at the school was an indication of how limited the influence of the foreigners really would be within this institution.

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[40]Adrian Bennet, John Fryer: The Introduction of Western Science and Technology into Nineteenth-Century China, Harvard East Asian Monographs, no. 24 (Cambridge: Harvard University Press, 1967).

[41]Biggerstaff, Earliest Modern Government Schools, pp. 154-59.

[42]Allen held the post for 6 months in 1864 and then he was replaced by a man from Canton who, according to Allen, knew little English and not much Chinese. This man was replaced at some point by another foreigner and then Allen was re-hired in 1867 when Ying Pao-shih became the Shanghai Taotai. Allen continued working at the school until 1881. Bennet, Missionary Journalist, p. 30.

Allen was an evangelical Christian from Georgia who arrived in China in 1860. The civil war in the United States cut him off from his funding and he accepted a job at the language school to support himself and his growing family. He learned at the outset of his tenure that the Chinese official in charge of the school did not want him to foist his religious sentiments on the students. Although he was ostensibly free to choose his own teaching materials, he knew that his predecessor had been dismissed for using textbooks which were overtly Christian. This clear warning from the Chinese authorities prompted Allen to use science as a way of introducing his students to western ideas, including Christianity.[43] But even this experiment was not entirely successful. His students were amazed by the simple scientific experiments he conducted for them but most of them concentrated their intellectual energies on the Chinese portion of their studies. Although they were supposed to be learning English, they gave only half-hearted attention to their language studies.

Allen resorted to intimidation to gain more control over the students and push them to work harder. Instead of teaching all the students together and allowing them to remain anonymous in a conglomerate class, he divided them into sections according to their abilities and labeled the

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[43] Ibid., pp. 32-34. William Muirhead of the London Missionary Society was the missionary who told him about his predecessor.

groups upper, middle, and lower. Neither the students nor the Chinese officials connected with the school liked this tactic but Allen persisted and he was able to get some results. After the students were forced to gauge themselves publicly in relation to one another their attention to their language studies improved.[44]

Allen also grew impatient with the local officials at Shanghai who paid scant attention to the program. Only one official, Ying Pao-shih, the same man who had been invited to join the Royal Asiatic Society, showed more than a cursory interest in the program. While he was Shanghai Taotai (1865-1869), he invited the best students from the school to his yamen on Sunday afternoons and had them translate simple communications received by his office from the British and American consulates. Since these messages always came with an English translation, it was easy to check the accuracy of the student's work.[45] The opportunity to impress an important Chinese official gave the best students much-needed incentive to put more effort into their foreign language study.

Allen's biggest disappointment, however, was that his students were not regularly assigned to provincial officials who presumably needed translators and, in fact, these

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[44]Ibid., p. 35.

[45]Ibid., p. 33. A yamen was a Chinese official's heaquarters and aldministrative offices.

officials rarely requested graduates from the school. A few of the best students were sent on to an academy at Peking to go through the science program there but at one point it seemed that there was nothing for the graduates of the foreign language school to do but hang around the school and continue their Chinese studies. Some stayed so long that they eventually forgot the foreign languages they had been taught.[46] This did little to motivate the remaining students to pursue their foreign language studies with vigor.

Allen was never happy with the foreign-language school while he taught there because he had so little control over the students while they were at the school and he could not control their placement after they were graduated. Foreign influence at the school was further curtailed in the 1880's when Chinese instructors who could teach English, French, and German to the Chinese students replaced all of the foreign instructors.[47] But this was only part of the problem which foreigners had in using their influence at the school to transform China in any way.

Chinese officials throughout the nineteenth century remained committed to using the Chinese language as the primary medium of learning--even for the learning and teaching of foreign subjects. Most officials realized that some

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[46]Biggerstaff, Earliest Modern Government Schools, p. 180.

[47]Ibid., pp. 178-81.

Chinese people would need to be trained in foreign languages to meet the demands of modern diplomacy but during the 1860's and 1870's most officials still thought diplomatic contact would be limited and they believed therefore that there would be no need for large numbers of Chinese proficient in foreign languages. A few would do. Most of the self-strengtheners believed that the Chinese language could and should be adapted to the new usages required by the needs of science and technology. Surprisingly, most foreigners who gave any thought to the matter in the 1860's and 1870's agreed that the Chinese language should be used by Chinese. For this reason, the translation bureau at the arsenal was much more influential than the language school in introducing Chinese intellectuals to the ideas of the West.

The Translation Bureau

The work of the translation bureau had a much larger impact on the transmission of western ideas and western culture to China than did the language school, although at times the hired hands who worked there were convinced that it, too, was an almost fruitless endeavor. The translation department was the brainchild of three Chinese men, Hsu Shou, Hua Heng-fang, and Hsu Chien-yin, Hsu Shou's third son. These men had been studying western technology and science since the 1850's and they were the leading experts in China at that time on these subjects. They had been

employed by Tseng Kuo-fan in his arsenal at Anking in 1862 and had actually built at Tseng's request the first Chinese-made working model of a steam engine. The prospect of living close to foreigners from whom they could learn more western science was appealing to these men so in 1867 they asked to be transferred to the arsenal at Shanghai. Since Tseng and Li wanted to begin building ships at the Kiangnan Arsenal and these men had some expertise in this area, they granted the trio's request and they went to Shanghai.

Shortly after the men arrived at the arsenal they convinced Ting Jih-ch'ang, the Shanghai Taotai and the supervisor of the arsenal, to establish a translation department at the arsenal.[48] Even before the department had received official sanction from Peking, Ting, who was a confirmed modernizer in the areas of military and economic self-strengthening, had hired John Fryer, an Englishman, to translate scientific material at the arsenal. Fryer had come to China as a headmaster of a mission school in Hong Kong but his tenure at the school was short and unhappy. He then taught English for several years at a mission school in Peking and edited a Chinese-language newspaper in Shanghai before being offered the job at the arsenal. Relieved to

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[48]Bennet, John Fryer, p. 20; on the background of Hsu and Hua see James Reardon-Anderson, The Study of Change: Chemistry in China, 1840-1949 (Cambridge, England: Cambridge University Press, 1991), pp. 17-25.

get away from the tedious job of teaching English to uncooperative Chinese boys, he eagerly accepted the job.[49]

After the translation department was officially incorporated at the arsenal, Ting hired a small group of British and American men to join Fryer. Most of the men Ting hired stayed at the arsenal for many years and were the core group of translators in the critical decades of the 1860's and 1870's. Alexander Wylie, an English missionary associated with the British Bible Society, stayed 8 years. Carl Kreyer, an American and ex-Baptist missionary, worked for 9 years while Young J. Allen, who was hired in 1871, eventually worked there for 10 years. Dr. D. J. Macgowan, an American medical missionary and later a China scholar and free-lance writer, worked at the arsenal briefly but John Fryer stayed longer than any of them, remaining in the employ of the arsenal for almost thirty years.[50]

These men worked closely with the Chinese who were employed at the translation bureau. In fact, the men who worked there became more like colleagues than in any other area of Sino-foreign interaction. This was because the men who worked in the translation bureau were genuinely and even passionately interested in the work they were doing. The foreigners and the Chinese who worked there wanted to be there and this feeling of mutual interest was strengthened

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[49]Bennet, John Fryer, p. 14.

[50]Ibid., p. 69.

by the process of translation used at the arsenal which was, in itself, a cooperative endeavor. The foreigner did not select a book and then sit down at his desk with it and translate it into written Chinese. In fact, the foreign translator did very little writing at all. Each foreign translator worked with several Chinese writers. The foreigner would read out loud in Chinese while his Chinese partner wrote out in rough form the meaning of what he heard. Whenever the Chinese man came to something he did not understand, the two would stop and discuss the matter until both were confident that they understood the meaning of what they were reading. After a rough draft had been composed, the Chinese partner would work by himself to smooth out the writing and render it intelligible and acceptable. Sometimes the foreign translator would read the finished work and make suggestions to improve it but this was not always the case. While the Chinese partner was working on the finished project, the foreigner would be reading another work with a different Chinese translator.[51]

It was through this kind of continual and persistent sharing of ideas that the men who worked together in the translation department were able to enlarge their understanding of and appreciation for the culture and ideas of each other. Fryer and Allen, in particular, developed close friendships with their primary translating partners.

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[51]Ibid., pp. 29-30.

Fryer worked closely with Hsu Shou, one of the men who had first suggested the need for a translation department. Together they translated 12 books and their collaboration laid the foundation for modern chemistry in China. Although neither man was trained as a chemist, they introduced into China some of the most important European chemistry treatises of the late nineteenth century. Even more importantly, Fryer and Hsu tried through their work to promote among the Chinese literati the spirit of scientific experimentation which was such a fundamental component of the western rationalism which they hoped to spread throughout China.[52] They did this by focusing on translating works of pure science rather than applied science and technology.

Allen's relationship with his primary translating partner is less well known but it is clear from comments in his diary that Feng Kuei-fan was especially interested in understanding Allen's religious doctrines and practices. For his part, Allen used his relationship with Feng to expand his understanding of Chinese culture and particular Chinese practices such as ancestor worship. For Allen, the result of his work at the arsenal was an increasingly intellectual approach to spreading the gospel in China. The message he preached in China was that Christianity, science, and material progress would all go hand in hand in China and that commerce would be the key which unlocked the door to

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[52]Reardon-Anderson, The Study of Change, pp. 37-38.

all of this. [53] This message was eventually picked up by Chinese reformers in the early twentieth century.

Personal relations between Chinese and foreign employees in the translation bureau were very good because the men who worked there, both foreign and Chinese, wanted to see Chinese intellectuals adopt some of the basic values which characterized English and American culture in the mid-nineteenth century: scientific rationalism, commitment to progress and change, and devotion to trade and economic individualism. They were convinced that China was destined to take her place among the most advanced nations of the world and that she could do this only if she were able to adopt these western values. Fryer believed that "the translation department of the Kiangnan Arsenal. . .bids fair to become a powerful means for helping forward this venerable old nation, and bringing it somewhat into the track of the 'march of civilization' which the Foreigner likes in general to boast about."[54]

Relationships between foreigners and Chinese in the translation bureau were also good because there was no direct conflict over authority there. The higher officials who had sanctioned the creation of the translation department had defined the purpose of the department only in very vague terms and there was no precise scheme under which the

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[53]Bennet, Missionary Journalist, pp. 228-29.

[54]Bennet, John Fryer, p. 24.

translators were to work. The foreigners had a great deal of freedom to do their work as they pleased and most responded enthusiastically to the challenge they saw before them. Each man was hired to translate books in a particular area but exactly what he chose to translate was left to his own discretion.

The books which the foreigners chose to translate were reflections of their ideas about what China needed to know to catch up with the industrialized nations of the West and regain her stature in the world. Allen had been hired to translate works of history but his commitment to Christianity and scientific rationalism prompted him to select material which emphasized the interrelationship in western civilization between science, commerce, progress, and Christianity. Fryer began his work in the field of technology and applied science but as his understanding of both science and China grew, he realized that the Chinese needed a base of pure science on which to build their own scientific knowledge. Up to 1880 he and Hsu produced primarily books of applied science and technology but after that date they translated more books of theoretical and experimental science. Carl Kreyer was supposed to translate works on military technology and since the Germans were fast taking the lead in military technology he chose to translate books on German military and naval technology and training. Macgowan and Wylie believed that mathematics would be the

basis for advances in industrial technology and that the earth sciences would unlock China's vast mineral resources for industrial and military use. Thus, they translated books on these subjects hoping they would be of practical value to the Chinese.[55]

The lack of any overall direction to the translating program in these early years had important implications. On the one hand, this freedom gave the foreigners the opportunity to help define what it was that China needed to know. They were very influential in steering their colleagues toward particular subjects and this made their work both challenging and rewarding. But the absence of any overall direction from the Chinese officials overseeing the program made it difficult for the foreigners to influence what happened to their work once they had completed it. They had no control over whether or not the books were used at the arsenal or in any other Chinese school. In these early years it turned out that although the translation department produced more than a hundred books, hardly any of them were used as textbooks at the arsenal's own schools! After a mechanical school was opened at the arsenal in 1870 Fryer translated for it several books on engineering, navigation, military and naval affairs, chemistry, and

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[55]The books translated by the foreigners who worked at the arsenal are listed in Bennet, John Fryer, Appendix II and Appendix III, pp. 83-102 and 103-109.

mineralogy but none of them was used at the school until the mid 1880's.[56]

This was a sobering experience for these men who looked on their work at the arsenal as a part of a great charitable enterprise. All of them thought they were doing a great service to China and helping her along the road to enlightenment. Fryer wrote in 1869: "Looking at it [the translation department] in a philanthropical point of view it seems to me to be second to none of the various means that are now employed by Missionary societies--especially as it gives [access to Western ideas] to the class of Chinese who form the most important part of the nation and who can be reached in no other way."[57] When the foreigners realized that their work would not be circulated among educated Chinese through official channels, they struck out on their own to create an audience for their translating work. They were so convinced of the importance of their work for China's future that they created their own journals, magazines, and societies in which they circulated the translation work done at the arsenal. These unofficial offshoots from the arsenal introduced many Chinese intellectuals to western ideas.

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[56]John Fryer, "An account of the department for the translation of foreign books at the Kiangnan Arsenal, Shanghai," NCH, 29 January 1880.

[57]Bennet, John Fryer, p. 24.

John Fryer was the most energetic in these endeavors. He helped found the Shanghai Polytechnic Institute which collected scientific material and made it available to interested Chinese through a public reading room. The Institute also had on display various articles of western manufacture. Fryer also published a popular scientific journal which had the English title The Chinese Scientific and Industrial Magazine. In 1885 he began selling books translated at the arsenal in his own bookstore, the Chinese Scientific Book Depot. The Book Depot, which soon had branches in six other cities, sold books authored by both Chinese and foreigners on a wide range of subjects including western science, mathematics, manufacturing, travel accounts, and even traditional Chinese culture. Through it thousands of western books were sold to Chinese intellectuals.[58]

Young J. Allen also tried to find a wider audience among the Chinese for his translation work. He founded two Chinese-language magazines, The Church News (1868-1874) and the Chinese Globe Magazine (1874-1883), both of which mixed Christian teaching and religious news with general and scientific information. At the peak of circulation, each magazine reportedly sold 2,000 copies per issue. These mag-

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[58]Ibid., pp. 51 and 63-66.

azines had many subscribers among the educated Chinese in the treaty ports in the 1870's and 1880's.[59]

Overall, the foreign translators found their work at the arsenal personally satisfying and they used their work there to carve out an identity for themselves in relation to the Chinese. None of them had dreamed when they set out for China that they would be employed by Chinese officials, diverting their attention from their original callings as missionaries or educators in order to be hired hands for the Chinese government. They all had initially accepted jobs at the arsenal because they needed money or were searching for prestige and personal satisfaction.[60] Once employed, they justified their employment at the arsenal to themselves and others by seeing in their work the means to transform China and bring this venerable old country into the "march of western civilization."

Unfortunately for these men with their high hopes, their employers were not yet ready to join this march because they had their own plan for China's future. Chinese officials did recognize the usefulness of certain parts of

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[59]Bennet, Missionary Journalist, pp. 100-12.

[60]Allen, for example, had been completely abandoned by his home mission board during the American Civil War and reconstuction era and Kreyer was probably in a similar situation. Fryer was unhappily employed at a mission school and was eager for the chance to make a name for himself in China. Wylie recieved only a nominal salary from the British Bible Society and was anxious to increase his resources so that he could continue his work of spreading tracts throughout China.

western culture, particularly its military technology, but they were not interested in adopting the western values and social structure which had produced it. So when the hired hands at the arsenal tried to use their contacts with Chinese intellectuals and students to push China toward accepting western values and approaches toward the world they ran headlong into the very Chinese officials who had employed them. The foreigners' influence was restricted because their employers carefully controlled what was done with the products of their labor--whether they were students or books.

At both the Kiangnan Arsenal and the Royal Asiatic Society men who were very interested in China's future were searching for "useful knowledge." The Chinese officials in the self-strengthening movement approached this task from a position of vulnerability. Their country had been devastated by a civil war and they were facing pressure from the western nations which had already proven China's military inadequacy. They did not have the time to pursue useful knowledge in the amateurish way that the members of the Royal Asiatic Society pursued "useful knowledge" about China. They decided to hire foreigners to bring the necessary knowledge to them. They hoped that by hiring these men they would be able to control the exchange of information

and "borrow" only what was necessary to shore up China's defenses against the western nations.

The foreigners, on the other hand, pursued their quest for useful knowledge from a position of strength. Their countries had demonstrated their military superiority in 1858 and again in 1860. They were the official winners and the "unequal treaties" acknowledged this fact. They did not need to "borrow" anything from the Chinese culture they were studying. Many of these men were genuinely interested in understanding Chinese history, culture and society. But always underlying their search for useful knowledge was the conviction, sometimes articulated and sometimes not, that the knowledge they were gaining about China would help them better direct China's future and secure a place for foreign ideas and values in it. They used information about China's resources, for example to argue for the development of the mining industry in China. They also gathered knowledge about Chinese customs in order to show, by explicit or implicit comparison, the superiority of their own ways.

The more information they collected about China, however, the more convinced they became of the need for sweeping reform throughout the country. The Society even turned their concerns about China's future into an annual ritual. Every year one of the members compiled a "Retrospect of Events" and used this to assess the progress that reform was making in China. The member would prepare a

summary of the major events of the year and this was published in the Society's Journal and sometimes read before a meeting of the Society. The retrospects, while they are not an accurate reflection of the sentiments of the entire Society, are interesting because each writer, as the "China watcher of the year," as it were, was free to include in his chronicle his own evaluation of the progress China was or was not making toward political, economic, and social reform. It is here that some of the members' underlying concerns about China are most evident.

Over the decade of the 1860's and into the 1870's, as the foreigners adapted to the changing political and economic situation in China and also adapted to changes within themselves which their exposure to life in China had initiated, the tone of the successive retrospects changed from optimism about the prospects for reform in China, to frustration with the inefficiency of the central government, to a decided pessimism by the end of the 1870's about China's future. Thomas Kingsmill wrote the "Retrospects" for 1865 and 1867. He said in the second one that the predictions he had made in 1865 had been premature:

> When on a previous occasion it fell to the lot of the writer of the following notes to compile for this society a retrospect of the important events occurring in the year 1865, a hope was expressed that the Chinese government had cordially, though slowly, entered on the path of progress. In this hope the writer is now sorry to express himself disappointed: on the contrary the year has to all appearances been one of decided retrogression in all matters relating to the affairs of the empire, whether in internal relations with its own

> subjects, or its external intercourse with foreign powers. During the year a general feeling of uneasiness has been apparent, and neither amongst the Chinese nor with foreigners have feelings of cordial unanimity been displayed.[61]

As the China watchers scrutinized the events of each passing year, the writers became more and more convinced that the transformation of the empire which so many had envisioned in the early 1860's was not very close at hand. The general optimism of the early 1860's waned as they were increasingly reminded of the difficulty of molding the Chinese in the foreign image. In 1866 Charles Butcher wrote:

> The year which has just concluded has been comparatively barren of events and the writer of a Retrospect sees few salient points on which to fix his attention. The contrast between East and West cannot be more vividly presented to us than when we look at the rapid march of stirring incidents which has signalized the year 1866 in Europe and than turn to the monotonous picture presented by the field of Asian politics.[62]

While the battle for the minds of the Chinese continued at the Kiangnan arsenal similar battles for control were underway in other areas where Chinese and foreigners cam into contact with each other. In each case, there was a battle for local control over some particular situation, institution, or group of people and behind this was the larger, often unspoken struggle for control over China's

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[61]Thomas Kingsmill, "Restrospect of Events in China and Japan for the year 1867," JNCBRAS, n.s. 4 (1867):251.

[62]Charles Butcher, "Retrospect," JNCBRAS, n.s. 3 (1866):113.

future. Whose values would shape China's future? While the intellectuals tried to win over the minds of Chinese intellectuals the foreign missionaries were after the hearts and souls of the Chinese. Their battleground was on the plane of both theology and morality.

# Chapter 3

## ACTING LIKE CHRISTIANS

In 1868 Rev. A. E. Syle, an American missionary in Shanghai, expressed the feelings of many Protestant missionaries in China when he proclaimed that "we must give to the multitudes a clear and pure Christianity."[1] But when he wrote these words he was responding to a crisis which had been brewing among Protestant missionaries in China for several years. The secular press in Shanghai and Hong Kong regularly attacked the principles and methods of Protestant mission work in China and praised those of the Roman Catholic missionaries. The Catholics, the newspaper editors were fond of saying, had a greater impact upon the Chinese because they lived among the people, conformed to their style of dress, ate their food, and did not force their converts to stand apart from the Chinese Confucian tradition. Certainly the statistics made the Roman Catholic approach seem the most viable: in 1870 the Catholic missionaries claimed almost 400,000 converts throughout China while in

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[1]Rev. E. W. Syle, "On the Present Aspects of Missionary Work in China," Chinese Recorder [hereafter cited as CR] 1,10 (February 1869):196.

1877 the Protestants showed less than 10,000 Christians on their rolls.[2]

Syle and many other Protestant missionaries vigorously defended their work by pointedly reminding their secular critics that statistics alone were not proof of effective mission work. Numbers revealed nothing about the quality of the converts who were being counted. If we wanted to create a church full of beggars and baptized heathens, they often retorted to their detractors, we could easily do it by handing out food and letting anyone and everyone join the church without testing the sincerity of their profession of faith. Young J. Allen, who spent his entire life in Shanghai as a missionary, spoke for many when he said, "By pay we can make preachers of every member, and by rice inducements fill our Churches with ardent adherents. But such we do not want. . . .Conviction must be insisted on and conversion to the faith or we shall have to repent over and over again in sackcloth and ashes."[3]

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[2]Editorial, CR 2,9 (February 1870):254-57. Statistics are from "Statistics of Roman Catholic Mission in China," and "Statistics of Protestant Missions in China," in Records of the General Conference of Protestant Missionaries, May 10-24, 1877 (Shanghai: American Presbyterian Mission Press, 1877), pp. 480-488.

[3]Quotation from Bennet, Missionary Journalist, p. 87. Other responses to this criticism are "Protestant Mission in China a Failure," CR 1,11 (November 1867):124-26; "Statistics of Romish Mission, and their lesson," CR 2,4 (August 1868):70-71; and a letter of rebuttal, CR 1,11 (March 1869):220-25. [The Chinese Recorder ceased publication breifly and when it was restarted the new publishers began with volume 1 again.]

Allen, Syle, and their evangelical colleagues never donned any sackcloth or heaped ashes over their heads in the Old Testament style during their tenures in China but they did go to great lengths to protect the gospel message from corruption as it passed from their hands into the hands of the Chinese. They wanted to control the Chinese understanding of the Christian God and make it conform as closely as possible to their own interpretation of who God was and what God required of his followers. To accomplish this they had to maintain the upper hand in their relationships with the Chinese but this, of course, was no easy task. The most opportunistic Chinese who were attracted to the missionaries and their message took advantage of the missionaries' various offerings without embracing the faith they offered. But the sincere converts also challenged the ability of the missionaries to completely control the shape which Christianity would take in China. Although converts may have accepted the basic tenets of the Christian faith they often tried to blend these with their familiar Chinese religious beliefs and the accepted morality of their own culture. Thus for the missionary, the enemy in this battle for the hearts and souls of the Chinese was traditional Chinese culture and values.

# The Missionary Establishment at Shanghai

## The Shanghai Missionaries

Although Shanghai by the mid-1870's was the largest and busiest of the open ports in China, the work of the Shanghai missionary was just as frustrating and difficult as that of any other missionary in China. Missionaries who were stationed in Shanghai might have had more amenities than their fellow-workers in the smaller ports or in the interior but their work was not substantially different. In fact, despite the growing economic importance of Shanghai, the permanent mission work there was no larger than that of many other mission stations. In 1869 there were eight different missionary societies in Shanghai and spread among them were just 10 missionary couples and 5 single women. At the same time, there were 41 missionaries at Canton, 29 in Peking, and at least five other stations which had over 20 missionaries. The Shanghai station, which was relatively small, did not grow dramatically during the 1870's. In 1877 there were just over 30 missionaries in Shanghai--a scant increase over the 25 there in 1869.[4]

The complaints of the Shanghai missionary were the same ones articulated by missionaries everywhere in China. There were never enough missionaries to carry on the work

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[4]The missionaries at Shanghai in 1869 were listed by name in CR 2,3 (July 1869); the numbers for 1877 are from "Statistics of Protestant Missions in China," Records of the 1877 Conference, pp. 480-485.

they had set for themselves and consequently the work load for any given individual was more than he or she could usually bear. The climate was dangerous for foreigners and this, combined with chronic overwork, made the attrition rate very high. From the opening of mission work in Shanghai in the early 1840's to 1877 approximately 110 missionaries and 60 missionary wives came and went from Shanghai. Only half of the missionaries who were stationed in Shanghai in 1869 were still serving there in 1877.[5] This constant turnover hindered the growth of mission work because, as one long-term missionary said, it took 2-3 years to properly train new-comers and by then their health was already so bad that they either died in the field or were forced to return to their homes.[6]

To this general litany of complaints the Shanghai missionaries added two that were unique to their station. They believed that their work in Shanghai, an increasingly prosperous treaty port, was actually more difficult than work in the more remote areas of China because their audience was more sophisticated and therefore more skeptical about the gospel message. When Shanghai missionaries visited other mission stations they were often amazed at the large numbers of converts in the local churches. Many mis-

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[5]"Statistics of the Protestant Missions in Shanghai," CR 8,4 (July-August 1877):302-326.

[6]Bennet, Missionary Journalist, p. 29.

sionaries moved from Shanghai to stations in smaller ports or in the interior because they believed that it was easier to work among Chinese whose values had not been corrupted by the endemic love of money at Shanghai.[7]

The Shanghai missionaries were also forced to work in a setting dominated by merchants and their lifestyles and values. Relations between the two groups were marred by antagonisms and criticism on both sides. Rev. Muirhead, a long-term missionary of the London Mission Society, once remarked that strangers and newcomers to Shanghai were often surprised to hear so many unfavorable remarks made by the merchant community about mission work in Shanghai. He complained that many took these statements to be true and harbored ill-feelings against missionaries without ever knowing any of them personally.[8] Merchants complained that the missionaries stirred up trouble with the Chinese and consequently caused trouble for everyone. The missionaries accused the merchants of undermining mission work with their materialism, their frequent disregard for the Sabbath, and

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[7]Marquis Wood Diary, 22 April 1864, Marquis Wood Papers, Duke University Archives; "Country Work," CR, 1,2 (June 1868):33.

[8]Records of the 1877 Conference, p. 281. At the 1877 Conference the Rev. Dean Butcher, the pastor of the foreign community's Episcopal church, delivered a essay on the "The Duty of the Foreign Residents to aid in the Evangelization of China and the best means of doing so." The discussion which the paper sparked among the Shanghai missionaries indicates how antagonistic was their relationship with the merchant community. Records of the 1877 Conference, pp. 279-83.

the part they played as opium sellers. One missionary reported that the Chinese he tried to preach to had noticed the disparity between the doctrines espoused by the missionaries and the lives led by the merchants. They often said to the missionaries, "If your own people do not yet follow your teachings why do you come to us with them?[9]

Faced with animosity from educated Chinese and condemnation from their own countrymen, the missionaries at Shanghai turned to each other for support and encouragement. In the 1860's they established monthly and quarterly interdenominational meetings which helped them break up the isolation of their individual work. But even this limited comraderie could only alleviate a small bit of the frustrating reality of their lives in China. The names of most of the missionaries who served in Shanghai are easily compiled but their lives are largely undocumented. Some surface occasionally in newspaper articles or as writers of letters-to-the-editor but for the most part they worked quietly and diligently while coping as best they could with the despair so common to their work. Marquis Wood, a Methodist from North Carolina, served in Shanghai from 1860-1866 and his diary of that experience provides a window into the lives of the lesser-known missionaries of the era.[10]

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[9]"Country Work," CR, p. 33.

[10]Wood Diary, 1860-1866.

Marquis Wood and his wife Ellen arrived in Shanghai from North Carolina in 1860 along with fellow Methodist Young J. Allen. Wood struggled to learn the Chinese language but it was only after several years of valiant effort that he was able to speak well enough to preach effectively in his mission's street chapel. He won few converts, however, and he was constantly haunted by the fear of being a failure. Ellen was often sick and he worried about her health. He was devoted to her and he spent many hours at her bedside during her frequent illnesses. Within a few months of the birth of her second child she developed a painful breast infection which foreign doctors tried to relieve by repeated lancings. But the infection spread and she died when her son was only five months old. Wood was devastated but he tried to stay on in China. He sent his two young sons to live with a missionary family in Tungchow but within two years he was overtaken by severe depression and poor health. In 1866 he reclaimed his children and returned to North Carolina where his fortunes improved markedly.[11]

The Woods' story is typical of what happened to many missionaries who ventured to China in the mid-nineteenth century. Mission work in Shanghai paid only small dividends

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[11]Ibid. Wood's story eventually ended more happily than many other missionaries who went to China. He resumed his ministry in North Carolina and eventually became the president of Trinity College (later Duke University).

and to many the effort must have seemed all out of proportion to the results. In 1877, the six missionary societies which provided statistics for their Shanghai stations counted about 700 Chinese converts on their church rolls. There may have been another 100 or so under the care of the two societies which did not turn in reports but it is unlikely that there were more than 1,000 names on the church rolls in 1877. Looking just at the numbers, it might appear that the work was actually going well. Shanghai's 1,000 converts represented a little less than 10% of the total number of Protestant converts reported to be in all of China.[12] But these numbers did not reflect the actual state of the Chinese congregations in Shanghai because, as every missionary knew from experience, the number of active participating members was usually only a fraction of the number on the rolls. In the early and mid-1860's Marquis Wood often showed up at the Chinese church for a scheduled service or Sunday school and found only two or three Chinese members waiting for him--and sometimes there were none at all.[13] At times it must have seemed that these people would never be transformed into decent church-going Protestants.

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[12]"Statistics of Protestant Missions in China," Records of the 1877 Conference, pp. 480-85.

[13]Wood Diary. In 1863 Young J. Allen noted in his diary that his church had gone down from 25 to 12 members due to death and expulsion; Bennet, Missionary Journalist, p. 24; Matthew Yates reached the incredibly high number of 75 members by 1875 but he had been working in Shanghai since the late 1840's; Bryan, At the Gates, pp. 228-9.

For the handful of missionaries who survived the rigors of missionary life in Shanghai for more than ten years the story was not as grim. Those who persevered in their work and eluded death eventually gained the respect of many Chinese and foreigners at Shanghai and were able to see the Protestant churches in Shanghai grow in the 1880's and 1890's.[14] The most intellectually-oriented of this group of missionaries became the nucleus of a scholarly elite within the larger missionary community in China. These men moved more easily than most of their colleagues between the missionary establishment and the secular foreign community where they were accepted as experts on Chinese culture and social practices. In the 1860's and 1870's this group, which was centered on Shanghai and Peking, included some of the most well-known missionaries in mid-nineteenth century China: Alexander Wylie, Joseph Edkins, William Muirhead, Young J. Allen, Matthew T. Yates and John Fryer.[15] But even these men, with their intellectual sophistication, remained fundamentally committed to bringing to the Chinese masses a "pure and clear" Christianity. And like all of their Protestant colleagues, they had to face the frustrating

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[14]William Muirhead, Alexander Wylie, Young J. Allen, and Matthew and Eliza Yates.

[15]John Fryer was not really a missionary. He had gone to China as a educator and worked as a teacher in various mission schools and Chinese government-sponsored schools. Although not a missionary, he was often included in their camp. Bennet, John Fryer.

realization that they could not always do this because they could not always control their relationships with the Chinese who were attracted for their own reasons to the Christian message.

Rice Christians and Others

The Protestant missionaries who labored in China in the nineteenth century saw themselves as the bearers of a gift from God to the Chinese people. This gift was the news that although all humans were sinners, God loved all people and would deliver them from their sins and save them from eternal damnation if only they would repent and believe on Jesus Christ. Most Chinese could not comprehend this most basic premise of evangelical Christianity because it was inconceivable to them that they were living in a state of sin and had anything to be saved from or feel guilty about. Their own philosophical systems did not teach them that all humans were innately evil. The version of Confucian doctrine which permeated nineteenth-century Chinese society emphasized, instead, the innate goodness of humans and their potential for improvement and elevation. When Marquis Wood began mingling with the Chinese in Shanghai he was astonished to discover that they had so little concern about their eternal damnation. "The more I become acquainted with the Chinese the more I discovered their ignorance of the origin of all things, of sin and of any idea of escaping its consequences. They seem to be ignorant of almost every

thing except money and something to eat."[16] Confronted by this intellectual impasse, the missionaries tried to use the biblical imperative of charity, or "good works," to open the door for greater contact with potential converts.

The door the missionaries opened, however, led into a hall filled with Chinese anxious to take advantage of whatever material goods and services the missionaries had to offer. The "rice Christian," the person who became a Christian in order to receive gifts of food from the missionaries, was a staple figure in nineteenth-century mission work but there were many other people who preyed on the missionaries' charity. Poor Chinese, who assumed that all foreigners were rich, looked to the missionaries for alms. The unemployed but able-bodied often wanted to work for the missionaries--perhaps as a servant or, even better, as an assistant. It mattered little to them what they had to say or do as assistants as long as they received foreign money for doing it. Poor families with no way to educate their children in traditional Chinese schools often saw a tuition-free mission school as an enticing alternative to no education at all. Men involved in legal disputes hoped to trick the missionaries, who had special privileges and protection

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[16]Wood Diary, 17 July 1862.

under the treaties, into helping them win some long-standing dispute with a neighbor.[17]

Most of these people had no interest in becoming the kind of Christian the missionaries wanted to create out of their Chinese followers. They were content to feign interest in Christianity, take what they could from the missionary, and discard the heart of the message. Many inquirers were not at all subtle about this. Marquis Wood was followed home from his preaching services by more than one person who wanted to know if he could have rice and clothes if he became a Christian. Once an educated Ningpo man showed considerable interest in the Christian doctrine Wood was explaining. Wood began to get his hopes up--the man even spoke passable English--but a few days later when he showed up to join the church he asked Wood if he could borrow some money from him. Wood's comment was "I suppose I shall not have him to ask any further questions about joining the Church."[18]

The missionaries knew that when they gave charity to the Chinese they were usually being taken advantage of and they didn't like it. But they were caught between two

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[17]The attractions which Christianity held out to Chinese converts is discussed in Nishan J. Najarian, "Religious Conversion in Nineteenth Century China: Face to Face Interaction Between Western Missionaries and the Chinese," in Social Interaction in Chinese Society, eds. Sidney L. Greenblatt, et. al. (New York: Praeger Publishing, 1982). pp. 67-111.

[18]Wood Diary, February 1863 and February 1866.

imperatives. Their own scriptures demanded that they submit to this kind of manipulation. In the Gospel of Luke Jesus instructed his followers to go the extra mile in dealing with antagonists: "But I say unto you which hear, Love your enemies, do good to them which hate you. Bless them that curse you, and pray for them which despitefully use you. And unto him that smiteth thee on the one cheek offer also the other; and him that taketh away thy cloak forbid not to take thy coat also. Give to every man that asketh of thee and of him that taketh away thy goods ask them not again."[19]

The missionaries who read this in their Bibles realized, however, that this very radical Biblical imperative was no more practical in China than it was anywhere else in the world. They could not build up a strong native church in China by following these instructions. If they gave out rice to help poor church members there would be no end to the number of people who might join the church but as soon as the handouts stopped all these "rice Christians" would disappear. If they gave free medical help the Chinese might hear a bit of the gospel truth while they sat in the waiting area but they would probably go away more impressed by the skill of the missionary doctor than with the benevolence of his god. Even giving away Bibles and religious literature had its drawbacks. One disgusted missionary wryly wondered about the fate of the thousands of pages of Christian liter-

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[19]Luke 6: 27-30. KJV.

ature which had already been distributed in China: "How many [tracts and books] have been devoted to the soles of the Chinese, how many have been burned in sacrifice to literary gods, how many have done service as conveniences for the silk embroiderer, and how many have been read." He continued by saying that "the object of distributing a Christian literature is not to furnish a cheap substitute for sole leather or a facile offering to the god who presides over letters or a thread-holder to the embroiderer." The missionaries, he pointedly suggested, needed to develop a way of distributing literature which would "secure immunity from such uses, and still disabuse the money loving Chinamen of the idea that the missionary is a trader, a book seller. . ."[20] He understood perfectly the missionary's dilemma: how could the missionary spread the Christian message without being taken either for a fool or just another foreign peddler?

Missionaries knew that many Chinese who responded to the gospel message were "takers" rather than "receivers" and these people made the missionaries look like fools and feel like victims. They tried to counter these persistent attacks on their personal integrity and the integrity of the missionary enterprise by establishing rules and formulas to govern their interaction with their potential converts.

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[20]"On Book Distribution," CR 9,2 (March-April 1878):138-41.

They carefully monitored rice handouts and gave aid only to poor church members who attended worship regularly. They sold their Bibles and religious books for a small price to discourage the patently insincere. They charged small fees for medical services at the mission clinics to underscore the value of what they were providing. Some missions categorically refused membership to anyone who was involved in a lawsuit which had not been settled.[21]

One of the missionaries' favorite approaches to the problem of direct charity was to incorporate "self-help" into their charitable work. For example, when Rev. Syle initially established the Asylum for the Blind at Shanghai in the 1840's money donated by foreigners was given directly to the blind men. Syle became disgusted with this system of handouts and he hit upon the idea of having the men weave cash strings out of straw which they could then sell to support themselves. The blind men objected at first but when Syle told them that those who didn't work wouldn't eat, most took up the work. Syle was convinced that after the men learned to support themselves through useful work they "brightened up" and took a better view of themselves.[22]

Some issues, however, were too complicated to be resolved with simple rules or formulas. The use of native

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[21]Najarian, "Religious Conversion," pp. 88-89.

[22]Rev. E. W. Syle, "Shanghai Asylum for the Blind," CR 1,7 (November 1868):139-41.

assistants in evangelistic work, the establishment of mission schools, and the standards for membership in the fledgling Chinese Christian church were especially difficult problems for the nineteenth-century missionaries to resolve. These issues became the focus of acrimonious debate within the ranks of the missionaries because they plainly exposed the essential problem of mission work: the missionaries needed converts just as much or perhaps more than the converts needed what the missionaries had to offer in the way of material goods or protection from malevolent Chinese spirits. Without converts, the missionary's work was obviously futile but the Chinese could get along without the missionaries and their message. This made it hard for missionaries to maintain as much control over their relationships with the Chinese as they would like and this put them at a disadvantage in their struggle to maintain the purity of the gospel message.

## The Native Assistant Controversy

The use of "native assistants" provoked many heated debates among Protestant missionaries throughout the century. When Protestant missionaries from all across China gathered in Shanghai in 1877 for their first inter-denominational conference, this issue, with its many attendant problems and questions, dominated their discus-

sions.[23] The missionaries made a distinction between native assistants, who were employed directly by the missionary, and local pastors, who were the caretakers of a particular congregation and were generally supported (at least partially) by contributions from the local Chinese Christians. Assistants were hired to preach among the people, hand out Christian tracts, answer basic questions about salvation and repentance, and urge people to accept Jesus Christ as their personal savior. Most of the Shanghai missionaries employed paid assistants to help them with their evangelistic work. By 1877 the various missions in Shanghai were supporting at least 13 male assistants, 12 Bible women, and 7 colporteurs.[24]

The use of paid Chinese agents raised problems for the missionaries almost as soon as the practice was begun. The Bible women usually worked closely with a female missionary and they were generally sincere converts and faithful in their work.[25] Many of the male assistants and col-

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[23]Records of the 1877 Conference.

[24]All of the mission stations, with only one exception, reported that they used paid assistants. Two societies did not provide statistics so these numbers are probably low. "Statistics of the Protestant Missions in China," Records of the 1877 Conference, pp. 480-86.

[25]On the role of Bible women see Kwok Pui-lan, Chinese Women and Christianity, 1860-1927, American Academy of Religion Series, no. 75 (Atlanta: Scholars Press, 1992), pp. 80-83. The close relationship between female missionaries and Bible women is captured in Bryan, At the Gates, p. 137.

portuers, however, were not ardent converts and did not much care whether they were preaching the gospel correctly or, in some cases, whether they preached or distributed tracts at all once they were safely out of the missionary's sight. Most Chinese recognized these mercenaries for what they were and their reaction to them was uniformly skeptical. They greeted these paid emissaries with the insult, "Eat his rice, speak his words" or "If your foreign missionary will pay me six dollars a month, I can preach as well as you."[26]

Foreign money always attracted Chinese takers of some kind and the missionaries were uncomfortably aware of the ramifications which foreign-paid assistants had on mission work throughout China. An insincere messenger was a liability to the evangelical missionaries because he inevitably distorted the Christian message and, at the same time, threatened to undermine the integrity of the entire missionary enterprise. As one missionary explained the problem, when other Chinese discover that these evangelists are paid by foreign missionaries they need no other reason to account for their "conversion" and this hardens their heart against both the messenger and the message.[27]

Many missionaries acquiesced in the system which grew up in the 1860's and 1870's because it was expedient.

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[26]Najarian, "Religious Conversion," p. 87.

[27]Both sides of the controversy are outlined in the series "On Native Agency," CR 1,7 (July 1867):49-51 and 1,8 (August 1867):70-72.

Others abhorred it because it seemed to represent a laxity that would eat away at the heart of Christian missionary work in China. A few, like the abrasive T. P. Crawford of Tungchow, refused to use mission funds to employ any kind of native assistants. At the 1877 conference he vehemently condemned the practice and the other essayist on the subject echoed his objections.[28] The conference members, however, did not endorse their ideas. Most of the Shanghai missionaries disagreed with Crawford's harsh pronouncements and dire warnings about the use of native assistants. Rev. J. M. W. Farnham, of the Presbyterian Mission in Shanghai, said he was sorry that the essayists had reached such illogical conclusions and that it would have been helpful if someone had presented a more balanced paper on the subject. He and many other missionaries thought Crawford's stance was too idealistic and unpragmatic.[29]

All of the long-term missionaries at Shanghai, even the staunchly evangelical Matthew Yates, agreed that given the problems facing them in China it would be better to send out a large group of imperfect messengers than to await the arrival of more theologically correct missionaries from abroad. They knew that they needed the assistance of Chinese people if they were going to spread the gospel

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[28]"On the Advantages and Disadvantages of Native Assistants," Records of the 1877 Conference, pp. 323-33.

[29]Every discussant diasagreed with the essays. Records of the 1877 Conference, pp. 333-38.

throughout China. William Muirhead, being British, naturally compared the use of native assistants in China to the British government's approach to ruling India. He argued that the magnitude of the enterprise they were contemplating would require native help and that despite excesses in some cases, "the adoption of this measure has everywhere been found most useful, most economical and most necessary."[30] Young J. Allen, a Methodist missionary at Shanghai, agreed. It was more efficient, he often argued, to train Chinese evangelists who obviously already knew the language of the people and could live among them very cheaply than it was to send missionaries from the United States or Britain. It took several years of preparation and a lot of money to maintain foreign missionaries in China. Allen calculated that the money used to support one foreign missionary would pay the salaries of 10 native evangelists.[31]

The fact remained, however, that missionaries were not entirely comfortable with a practice which had grown up out of necessity and for which they were forced to argue on the grounds of expediency. Even those who adopted the practice acknowledged their theological objections to using it. Since many of those who were hired to preach, evangelize, or distribute tracts in the interior were poor, the missionaries suspected that they had ulterior motives for their

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[30]Records of the 1877 Conference, p. 334.

[31]Bennet, Missionary Journalist, p. 29.

willingness to serve for pay. The missionaries were embarrassed by the fact that many paid helpers operated on the motto "no foreign money, no preach foreigners doctrine." It was difficult at times to know whether any particular individual was working for the love of Christ or the love of money and this raised problems for those who wanted to protect the purity of the gospel as they understood it. Protestant missionaries wanted their own understanding of the teachings of Jesus conveyed to the Chinese--not some corrupt or paganized version of them. If an assistant was working simply for the pay he would receive, could he be trusted to disseminate Christian teachings properly? Could Chinese who were being paid to spread the gospel be trusted to keep the message pure if they themselves did not believe it in their hearts? Did they even understand what they were preaching about?

The missionaries, then, had to find ways to control these messengers so that they could control the message they disseminated. So they created guidelines for hiring and using native assistants which they hoped would maximize the effectiveness of the system while minimizing its negative aspects. First, they limited the number of paid assistants they used in their evangelistic work. Most missionaries agreed that it was not good to have too many paid assistants relative to the number of converts because if the proportion got too high, the regular church members began to balk at

doing their own evangelistic work without pay. In addition to undermining the spirit of volunteerism in the churches it also sent the wrong message to those who were being preached to.[32] The missionaries also limited the salaries of native assistants to discourage hangers-on and loafers from asking for these jobs. As a general rule they based the salary on how much this same person could make if he were not employed by the church. One missionary suggested that assistants should not be paid more than they would be able to make at any honest work given their background and skills. By the mid-1870's most missions had discovered that a salary between $4-$12 a month was adequate but not excessive.[33]

These measures gave the missionaries some control over the messengers but they still needed to find a way to control the actual message that the assistants were spreading as they went about their work. The missionaries wanted to keep the message "pure and clear" but this was not easy given the complex ideas and symbolism of the Christian religion. Many assistants, who were not educated men in the first place, often did not fully understand the doctrines they were expounding. Confucian scholars liked to challenge them on some of the finer points of Christian doctrine but the assistants, even if they were sincere converts, were

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[32]"On Native Agency, I," CR 1,7 (July 1867):49-51.

[33]Justus Doolittle, "Salaries of Native Helpers," CR 2,11 (April 1870):308-313.

often unable to defend themselves from these intellectual assaults.[34] To fortify their messengers against attack the missionaries drilled their assistants in the rudiments of Biblical interpretation and the foundations of Protestant theology. But even with training it was difficult for the assistants to understand fully the Bible. At one quarterly examination of native helpers the participants discussed the meaning 1 Chronicles 20:2 in which King David puts on the crown of the Philistines. According to the Chinese translation the crown weighed some 44 pounds. The native helpers discussed the significance of this fact for some time before the missionary leading the discussion suggested that the translation was a bit off and that the crown had great value rather than great weight. However, one Chinese helper said he thought it best to stick to the Chinese text "for he believed that the Philistines had made the crown on purpose, hoping that when they put it on David's head he would be crushed by it." Though their discussion was apparently conducted with great sincerity, they nevertheless came to a rather unorthodox conclusion.[35]

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[34]Rev. Roberts, a Shanghai missioanry connected with the American Presbyterian Mission, admitted that his assistants were easily intimidated by Confucian scholars and this was generally admitted by the missionaries whenever they discussed this topic. Records of the 1877 Conference, p. 321.

[35]CR 1,10 (October 1867):103.

The native assistants, then, were a constant problem for two reasons. Those who were insincere undermined the missionary enterprise simply by the effect which their obvious insincerity and their moral laxity had on their listeners. The missionaries tried to weed these people out by following careful hiring practices. Controlling the theology of the sincere converts who wanted to be assistants was more difficult but the missionaries were determined to do it because this was, after all, at the heart of their mission to give the Chinese a "clear and pure" Christianity. This same need drove them to reassess in the 1860's and 1870's their approach to educational work among the Chinese.

## Christian Schools or Mission Schools?

The purpose and structure of mission schools had been debated by Protestant missionaries in China since the early nineteenth century. The earliest Protestant missionaries in China had established mission schools in hopes of converting young "heathen" Chinese to Christianity and creating a steady supply of Chinese ministers and evangelists for the Christian church in China. With free tuition, clothing, meals, and books the missionaries were able to attract students but they soon discovered that many of these students had no desire to join the missionaries in their evangelistic or pastoral work. Some simply wanted to be fed regularly. The most industrious students usually stayed only long enough to learn enough English to be able

to get a job with a foreign business firm. Others wanted to follow the traditional Chinese route to success by entering the government bureaucracy.[36] By the 1870's the missionaries were convinced that they were losing control over the educational work of their mission because they could not control the vocational choices made by their students. This forced them to reassess the role of educational work in mission work.

The missionaries who gathered in Shanghai for the 1877 conference discussed the topic of mission schools and education in the missionary enterprise but they reached no consensus on the matter.[37] Each missionary's attitude toward educational work was conditioned by his or her own experience with this kind of work in China. Some missionaries who had seen only meager results from their own mission schools argued that educational work diverted missionaries from the more fundamental work of preaching the gospel to unbelievers. These people believed that preaching, rather than teaching, should remain the primary means of evangelizing the Chinese. They liked to point out that

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[36]"On Native Agency, III," CR 1,8 (August 1867):71.

[37]The conference heard essays by Rev. R. Lechler (Hongkong), C.W. Mateer (Tungchow), E. H. Thompson (Shanghai), Mrs. F. F. Gough (Ningpo), and Samuel Dodd (Hangchow). These essays presented many different, and sometimes conflicting ideas about the role of education work in mission work. The Shanghai missionaries dominated the discussion which followed and their lack of consensus was apparent. Records of the 1877 Conference, pp. 160-203.

the early apostles of the Christian church did not start schools but simply carried the message directly to the unbelievers through preaching.[38]

Some missionaries, however, were developing more complex arguments for the continuation and expansion of educational work. One group agreed that using schools to convert "heathen" students had not been successful but insisted that the schools were nevertheless an integral part of missionary work. Instead of using schools to convert unbelievers, these missionaries argued, schools should be used to train converts or the children of coverts so that these people could spread a "pure and clear" Christianity among their own people. For these missionaries mission schools were a way to shape a correct theology among converts and keep the Christian faith from being hopelessly contaminated by Chinese ideas and practices. Calvin Mateer, an American Presbyterian missionary who had been running a school in Tungchow for several years, summed up the problem which most missionaries saw before them:

> As native Christians increase in numbers, and spread into the interior, they will pass more and more from under the direct teaching and control of foreigners. Then will arise danger from the encroachments of heathen superstition, and from the baleful influence of the Chinese Classics. Superstitions of all kinds find a

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[38] Rev. Butler of Ningpo, Dr. Talmage of Amoy and Rev. Sheffield of Tungchow all argued this at the conference. In his essay on education C. W. Mateer pointed out that opponents of mission schools used this argument to condem the practice. "The Relation of Protestant Missions to Education," Records of the 1877 Conference, pp. 171-180.

> congenial soil in the human heart, and they often change their forms, without changing their nature. The multiform superstitions of China will not die easily. And unless they are constantly resisted, and intelligently ferreted out and exposed, they will commingle with Christianity and defile it. History shows us how the whole early church was gradually defiled by superstition, and her life destroyed. Among other causes of this sad fact, stands preeminent the want of the true philosophy of mind and matter as her handmaid and ally.[39]

Education, then, was the only hope for keeping the gospel message pure as it spread into the countryside away from the direct supervision of the missionary establishment. Mission schools should shape converts into acceptable messengers of the gospel and good representatives of Christian faith. To achieve this these missionaries proposed a curriculum emphasizing the Bible and the natural sciences. Only this combination, they believed, could root out the superstitions which were so firmly implanted in the Chinese mind and then prepare the messengers to defend themselves and their new religion from attack by educated Chinese. As Mateer went on to explain,

> An uneducated Christianity may hold its own against an uneducated heathenism, but it cannot against an educated heathenism. We want in a word to do more than introduce naked Christianity into China, we want to introduce it in such a form, and with such weapons and supports as will enable it to go forward alone, maintain its own purity, and defend itself from all foes. With this in view, the true policy is to educate, and as fast as possible to put into the hands of Chinese Christians the means of educating themselves.[40]

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[39]Ibid, p. 178.

[40]Ibid, p. 178

For Mateer and the other missionaries who placed a heavy emphasis on teaching western science to Chinese students, it seemed obvious that Chinese Christians must be able to think like the missionaries if they were going to be entrusted with spreading the gospel message among the Chinese.[41] The Shanghai missionaries apparently agreed with Mateer about the importance of retaining mission schools in mission work because all the mission societies in Shanghai, with only one exception, operated at least one school.[42] The number of schools which were opened in Shanghai during the 1860's and 1870's is hard to determine because many were short-lived and they are mentioned only in passing in missionary biographies and reports. However, the records from the missionary conference held in 1877 provide a picture of the situation in that year. In 1877 there were in Shanghai 4 boarding schools for girls and 4 for boys with an enrollment of 73 and 94 students, respectively. The more numerous day schools had significantly more students. The records show 23 day schools for boys with an enrollment of 494 and 16 day schools for girls with an enrollment of 260.[43]

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[41]See also Rev. R. Lechler's essay on the same subject, Records of the 1877 Conference, pp. 160-171.

[42]"Statistics of the Protestant Missions in China," Records of the 1877 Conference, pp. 480-85

[43]Ibid. There were several additional schools under the auspices of the Baptist mission which were not reported in these figures. Matthew Yates consistently refused to submit statistics for his mission station because he believed that they misrepresented mission work in China.

There is very little information about individual schools but the missionaries' discussion of education at the 1877 Conference reveals something about the general characteristics of these schools. The girls schools, which were run primarily by missionary wives and single female missionaries, emphasized the gentle art of domestic science, the only "natural science" they believed appropriate and necessary for women. When Rev. Syles put forward a proposal in 1868 for a female school at Shanghai he explained that the school would "resemble as nearly as possible a well-ordered Christian family." The school would teach personal hygiene and domestic science and the students would learn and practice the housekeeping skills which make a home attractive. To challenge their minds they would be taught to read English and sing church music. Syle envisioned a school with 30 girls who would start their course of study at age 12. The program would last 7 years with the young women finishing their studies at a nice marriageable age. They would then await marriage which, according to Syles, "puts woman in her true social position."[44]

Eliza Yates, who had taken up her true social position as the wife of Matthew Yates, worked tirelessly with her husband during their long tenure in China. She operated several schools for girls in Shanghai which were run along

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[44]Syle's circular, which was dated 1 November 1868, was reprinted in the CR 1,10 (February 1869):215.

the lines that Syle proposed. Girls were taught to read so that they could study the Bible but the heart of the curriculum was initiation into the mysteries and arts of western-style domesticity. Yates tried to inculcate in these young girls western values about marriage, homemaking, and the obligations of women within the Christian nuclear family. Both Matthew and Eliza Yates believed that exposure to these western values would inoculate these girls against "heathen superstition" and thereby keep them from teaching superstitions and idolatry to their own children.[45] The Yates and the other missionaries who ran schools for girls expected this carefully controlled education to create a quiet revolution from within Chinese culture.

There was little controversy about how schools for girls should be run. The underlying goal during the nineteenth century was to create Christian wives for the Christian men who were presumably being created at the boys schools. The subject of boys' education, however, raised many more questions at the conference because there was no general agreement about what the end product of a boys school was supposed to look like. Each missionary had his own ideas about the kind of boys and young men he wanted to attract to mission schools and how he wanted to mold them once they arrived. The structure of each school and its

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[45]Bryan, At the Gates, pp. 109-110; on the role of women in eradicating idolatry in China see Yates' remarks in Records of the 1877 Conference, p. 197.

curriculum was created in relation to these expectations. The debate of the role of education in mission work eventually became quite complicated. At the center of the controversy for many years, however, was one apparently simple but fundamentally complex question: should the instruction in mission schools be in English or Chinese? At the heart of the matter was the issue of control.

This apparently simple question was actually a Pandora's box for the missionaries. Missionaries in the 1840's and 1850's had learned the hard way that when English was taught in the day schools, the Chinese students typically attended for 2 or 3 years and when they had acquired some facility with the English language they went off into the business world where their unique skills could earn them a good salary. Many missionaries resented running schools which were essentially training grounds for the business interests in Shanghai. Those who felt this way insisted that Chinese be used as the language of instruction in order to avoid attracting those who were not interested in Christianity but simply wanted to learn a useful skill. Matthew Yates stood on this side of the issue. The end product of a mission school, in his estimation, should be a Chinese man educated in his own culture but enlightened about the truth of the gospel. Such a man would understand the Confucian moral and ethical principles of his own society but be able to move beyond them and grasp the supe-

rior Christian ethics and values. At the same time, his education would not encourage him to abandon his own people and associate primarily with secular foreigners.[46]

Teaching in Chinese and using a predominantly Chinese-style curriculum had serious drawbacks and the missionaries were only too aware of these. Well-to-do families sent their children to their own family-run schools so mission schools which taught a Chinese curriculum appealed primarily poorer Chinese. As long as this class of Chinese were the main patrons of mission schools the stigma which had become attached to Christianity as a religion only for the low and needy would continue to hamper the spread of Christianity in China. Also, Chinese-style education required the use of Chinese teachers and this made it difficult for the missionaries to fully control the educational process. Chinese Christians who were competent to teach both the Chinese classics and Christian dogma were rarities in nineteenth-century China so the missionaries were forced to hire non-Christians to teach most of the curriculum. Like the paid assistants, one could never be sure exactly what the Chinese teachers were teaching the students unless one stood over them at every turn. The missionaries were too busy to do this so they tried to minimize the unacceptable aspects of Confucian learning by using only

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[46]Bryan, At the Gates.

Christianized versions of the Chinese classics and by personally teaching courses on religion.[47]

By the early 1870's the situation was changing. Despite the problems associated with teaching English, the missionaries were compelled by the changing demands of their prospective clients to conform to Chinese expectations.[48] In Shanghai, the demand for English was so great by the mid-1870's that the London Missionary Society had no trouble filling its Shanghai school, which taught English, with more than 50 students who were willing and able to pay their own tuition.[49] The need to conform to the demands of the Chinese around them points once again to the dilemma facing missionaries who wanted to give to the Chinese a "pure and clear" Christianity: they were locked into a symbiotic relationship with the Chinese they hoped to convert. They wanted students for their schools but in order to get them, they had to offer something that the students wanted. What they wanted was not indoctrination in Christian teachings.

During this era William Muirhead and a handful of other Shanghai missionaries connected with the more scholarly circle of missionaries in China were moving from

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[47]Evelyn Rawski, "Elementary Education in the Mission Enterprise," in Christianity in China: Early Protestant Missionary Writing, eds. Suzanne Barnett and John K. Fairbank (Cambridge: Harvard University Press, 1985), pp. 133-51.

[48]Ibid., p. 141.

[49]Records of the 1877 Conference, p. 201.

this simple realization toward an even more complex defense of educational work. These men, who saw a need for education which stretched beyond the simple training of students for church service, developed ideas which would become standard thinking among "progressive" missionaries by the early twentieth century. Like Mateer and Yates, they wanted to clear the Chinese mind of "superstition" but they were increasingly willing to achieve this goal indirectly. To do this they had to give up their desire to control the students' choice of vocation. For this they substituted the hope that their students would eventually move into positions of importance within Chinese society and create a powerful climate for change within their country. At Shanghai, the missionary at the forefront of this movement was Young J. Allen.

Like many other long-term missionaries to China, Allen was forced by the realities of life in China to adapt his philosophy and practice of mission work to the realities of the Chinese setting. Allen arrived in Shanghai in 1860 and began his mission work along the standard lines by studying the Chinese language and preaching in street chapels. At the end of five years of hard work his church contained fewer than 20 members. He explained the problem this way: "At present we simply discuss the doctrines of salvation, and though we may be able to overwhelm them with

argument, they remain unchanged and unbelieving."[50]

During the American Civil War Allen was cut off from all funds from the United States. To support his large family he accepted a job at a Chinese government school and this experience changed his ideas about how missionary work should be carried out in China. He became convinced that teaching western science and mathematics to Chinese students who were studying a traditional Chinese curriculum would eventually clear away the superstitions and irrationality which were impeding their acceptance of Christianity. He wanted to create Chinese men who would become respected and influential members of their society but who would at the same time be thoroughly indoctrinated in western values and scientific ideas. With the intellectual "edge" of western science these men would be able to convince their more traditional Chinese colleagues of the superiority of western ideas in general and perhaps Christian ideas in particular. The goal was not to shape Chinese converts into model messengers of the gospel but to create a handful of educated Chinese who could become agents of a broader change within Chinese culture. Comfortable in both Chinese and western culture they would act as leaven among the great mass of Chinese people. For this plan to work missionaries had to attract Chinese from the upper classes of society to their

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[50]Bennet, Missionary Journalist, p. 28.

schools by offering an attractive blend of Chinese and western learning.[51]

Allen refined his ideas in the various day schools which he ran in the 1860's and 1870's. Then, in 1881 he announced his plans for an eight-year program which would combine the study of science, religion, English, and the Chinese classics. The school resolved the question of English versus Chinese as the language of instruction by creating a two-tiered approach to education. The curriculum in the lower levels was based on the Chinese classics and the Bible but was taught in Chinese. English was introduced in the higher grades when the course of study included western math and science.[52] Allen christened the enterprise the Anglo-Chinese School and it eventually had two branches in the International Settlement.

The Chinese in the International Settlement responded enthusiastically to the Anglo-Chinese School. In its first year of operation, 1882, the school had 330 students and almost 100 prospective students had been turned away because of lack of space. Many of the students were the children of families in the official, literary and

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[51]There were other missionaries at Shanghai who agreed with Allen's basic premise. Among them were Rev. Farnham and William Muirhead. Records of the 1877 Conference, pp. 196-203.

[52]Bennet, Missionary Journalist, pp. 89-91.

wealthy merchant classes. This was exactly what Allen had been hoping for. [53]

The Anlgo-Chinese School was successful because Allen made crucial accommodations to the Chinese culture around him. However, he never relinquished his conviction that what China needed was a good dose of western Christian values. One day, a group of Chinese scholars visited his home and after some polite discussion about the West, they asked him what he had found remarkable or praiseworthy about China. He was stunned by the question and could not come up with an answer because he could not think of a single thing. He believed, however, that the only way to begin the process of changing China was to begin by changing individual Chinese. And this would have to be done gradually. A missionary stationed at Hong Kong explained it this way:

> Men cannot be driven into the church, they must be led. And to lead them, it is necessary first to go up to them, to get to where they are, to take hold of their very hands and so gently draw them along. We cannot make a man a Christian by logically knocking him down, and stripping him of all his preconceived notions, and then forcibly arraying his naked soul in the robes of biblical doctrines. We must open the door of his soul, and let in the light, and then he will of himself discern his true state. To open the doors, we must find a key; and only sympathy can do this.[54]

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[53]Ibid., p. 90.

[54]Rev. F. S. Turner, "On the Best Method of Presenting the Gospel to the Chinese," CR 1,11 (November 1869):229.

The missionaries who were willing to meet the Chinese halfway in the area of education were not necessarily prepared to be so flexible in matters concerning the emerging Chinese Christian church. On this issue even the handful of missionaries who formed the nucleus of the scholarly missionary establishment remained adamant about protecting the purity of the gospel message by maintaining rigid standards for admission to the church. For them and indeed for almost all Protestant missionaries in mid-nineteenth century China, building up a strong native church was still a central priority. Charitable work and even educational work would be pointless activities if they did not help build up the Chinese Christian church. The missionaries were not interested in simply creating converts; they wanted to create church-going Christians who accepted their interpretation of the scriptures and conformed to their standards of moral practice and behavior. This proved difficult to do because Chinese converts had an annoying penchant for melding Chinese Confucian, Buddhist and familial religious traditions and ideas with the Christian religion they had recently embraced. The potential for the corruption of Christianity was appalling to most missionaries and they fought against it with all the rules and regulations they could think of.

## Chinese Christians and the Chinese Christian Church

Most evangelical missionaries combined their own ideas of personal piety and morality with a literal reading of the Bible and this gave them little flexibility in dealing with the "heathen" customs which their converts brought with them into the church. The missionaries had come to China expecting that their way of institutionalizing Christianity would prevail among their followers. They discovered, however, that Chinese Christians formulated their own ideas about the God the missionaries talked about and they had their own ideas about Christian morality in the context of Chinese culture. Naturally, these were not always identical with the missionary's ideas but the missionaries never gave up their attempt to mold their converts and would-be church members into expounders of correct theological doctrines and exemplars of western Christian morality. The missionaries wanted not only their hearts, but their minds and lives as well.

### The Term Question

Chinese converts did not always envision God in the same way that the Protestant missionaries envisioned God and this bothered the missionaries. The problem was reflected in the dispute over what Chinese term to use for "God." Chinese religious ideas are very different from those of western Christianity so the Chinese language does not con-

tain a word that exactly corresponds to the idea of "God" which the Protestant missionaries brought with them to China. Protestantism is monotheistic while popular Chinese folk religions, which were very influential particularly among the lower classes, recognized a variety of gods. Also, the Christian idea of an immanent and transcendent being that created the world, stands apart from the world, and is at the same time in the world, was not easily understood by Chinese intellectuals who believed that the universe has no creator but is always in the process of creating and recreating itself. Because there were no terms in Chinese which matched exactly the missionaries' theological constructs, the missionaries had to choose words which they thought would convey most accurately to their Chinese listeners their own ideas about God. The fact that they argued so vehemently among themselves about which term was most appropriate was evidence of how important it was to them that they convey to the Chinese their own particular understanding of God.

The controversy over what Chinese term should be used for God was so divisive among the missionaries themselves that they agreed not to discuss the matter when they gathered at the 1877 conference in Shanghai. When Dr. Legge, an eminent scholar of China, unwittingly violated this agreement in an essay read before the conference, some missionaries got so upset that they threatened to break up

the conference. The matter was resolved by prohibiting discussion of Legge's essay on the floor of the conference and by leaving the essay out of its printed record.[55] Outside of the conference, however, the missionaries argued among themselves--not so much to change their opponents' minds but to justify their own positions. The arguments were theologically complex and often convoluted but the missionaries took the issue seriously because they believed that the term that they used for God had a profound impact on the images which the Chinese formed about God. This, in turn, affected how converts behaved in relation to this God.

Missionaries were divided into two camps: those who advocated the use of the term shang-ti for God and those who preferred shen. Those who advocated the term shang-ti, which is used in the Chinese classics to mean "supreme ruler," believed that this gave the Chinese the proper idea of the omnipotence, power, and grandeur of God the Creator. Opponents of this term said that since there was a tradition in China which already worshiped a particular god known as shang-ti this term could not convey to the Chinese that the Christian god was the only god and not simply one of the idols which they had been worshipping all along.

Those who advocated the use of the term shen argued that shen, which is a generic term for deities or benevolent

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[55]"The Protestant Missionary Conference," CR 9,4 (August 1877):156-57.

spirits, conveyed more properly the idea that the Christian God was a spirit and not an idol whose name they already knew as shang-ti. To convey the idea that the Christian God was superior to any Chinese spirits or idols the missionaries often referred to God as the shen of shen. Opponents of shen said that this word would be even more confusing to Chinese converts because it did not make an adequate distinction between the Christian God and the myriad other generic gods who were mere idols and superstition.[56]

In general, the more moderate mainline Protestant missionaries, represented principally by the British, used shang-ti in their preaching and in their translation work in the 1860's and 1870's. Most scholarly missionaries also preferred shang-ti. Shang-ti was closer philosophically to ideas about reverence and worship already laid out in the Chinese classics so those who advocated shang-ti tended to be those missionaries who emphasized the essential similarities between Confucian and Christian teachings and

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[56]The term question generated many articles in the Chinese Recorder. 'Inquirer', "Is the Shangti of the Chinese Classics the Same Being as Jehovah of the Sacred Scriptures?" CR 8,5 (Sept-October 1877):411-426; Rev. McClatchie, "God," CR 8,5 (September-October 1877):398-411 and part 2 of the same, 8,6 (November-December):476-518; J. E. Walker, "Too Straight is Crooked the Other Way," CR 8,6 (November-December 1877):519-524; and Joseph Edkins, "Some Brief Reasons for Not using Ling in the Sense of Spirit," CR 8,6 (November-December 1877):524-529; this same issue of the Recorder also contained letters on the subject from Alexander Wylie and Calvin Mateer.

who directed their message toward the educated Chinese. Most American missionaries, who were more evangelical than their British counterparts, preferred in the 1860's and 1870's to use shen. The advocates of shen generally emphasized the differences between Christianity and the popular Chinese folk-religions. They tended to work more among the common people.[57]

The missionaries kept up their arguments throughout the nineteenth century in the pages of the widely read missionary journal The Chinese Recorder. By the turn of the century, they were tired of debating the matter although the issue was never completely resolved. While the missionaries tried to justify their own preferences, the Chinese converts took up the matter for themselves and eventually influenced the choices that many missionaries made.

Most Chinese Christians preferred the term shang-ti even when the missionaries they were around used the term shen. In Fukien province, the Chinese converts' persistent use of shang-ti forced the local missionaries there to abandon their preference for shen. Shang-ti was easier to reconcile with Confucian ideas so in choosing a name for this "new" god they were worshipping, the converts chose the

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[57]Irwin Hyatt has a succinct summary of the term question in Our Ordered Lives Confess: Three Nineteenth-Century American Missionaries in East Shantung (Cambidge: Harvard University Press, 1976), pp. 210 and 231-32.

name that was most compatible with their old ideas.[58] This was part of the general tendency among converts consciously to look for points of compatibility between their new Christian religion and the ideas and practices of the Chinese culture in which they had been raised. This was particularly true when they tried to come to terms with the standards of morality which came packaged with Protestant Christianity.

Christian Morality in a Chinese Context

Missionaries, hoping to keep Christianity untainted by what they considered heathen customs, naturally urged converts to abandon many of their traditional religious practices as well as those cultural practices which seemed incompatible with western standards of morality. Many Chinese converts, however, were reluctant to give up their traditional practices when they were not clearly opposed to essential Christian teachings. The writings of Chinese Christians from this era, though sparse, indicate that sincere converts struggled constantly to articulate the relationship between Christianity and many of the ideas and practices of their own culture. The issues which sparked the most persistent debates were opium smoking, polygamy and concubinage, footbinding, "Sabbath breaking," and ancestor

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[58]For the Chinese perspective on the term controversy see Kwok Pui-lan, Chinese Women and Christianity, pp. 31-38.

worship.[59] Although some missionaries insisted that converts should be encouraged to read the Bible and come to their own conclusions about how best to answer these questions for the Chinese Christian church, most missionaries were not willing to leave such weighty decisions completely to Chinese judgment.

There were some issues on which most converts and the missionaries could agree. Almost everyone condemned opium smoking and thought that it should be a matter for church discipline.[60] There was also a general agreement among both missionaries and converts that footbinding, polygamy, and concubinage were evils that should be eradicated under the Christian concepts of morality. These particular practices, however, raised practical problems which made it difficult for missionaries and converts to agree on whether these practices should be made matters of church law. Most missionaries liked to think that their own pronouncements on these issues were based on the Bible but in many cases the Bible was silent on these issues or, even worse, gave conflicting standards. This ambiguity gave the Chinese converts the ground which they needed to defend their own position. The debate over footbinding at the

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[59]This is most apparent in the subjects of the articles written by Chinese Christians in the pages of The Church News, a Chinese-language news magazine published by Young J. Allen at Shanghai. Bennet, Missionary Journalist, pp. 138-40 and 167-68.

[60]Bennet, Missionary Journalist, pp. 102, 142.

Presbyterian Synod of 1878 is a good example of the push-and pull which characterized relations between missionaries and converts on issues of morality and ethics.

Footbinding, which was widely practiced among the middle and upper classes of Chinese society, was troublesome to the missionaries for several reasons. First, it seemed to be a cruel practice and a grotesque distortion of the human body which God had created. The practice also made them uncomfortable because they thought it a concession to the sexual licentiousness of Chinese men who seemed to demand this exoticism of their women. Finally, there was also a practical matter: women with bound feet had trouble getting to church and thus footbinding hindered their compliance with other church rules--primarily, the requirement to attend church regularly.[61]

The Chinese pastors who attended the Presbyterian Synod were divided on the matter of footbinding. Most agreed it was abhorrent but not all of them followed the missionaries' reasoning in the matter. One of the oldest native pastors, Mr. Zia, stood firmly against footbinding on the grounds that it was a sin against God who created the human body and it was a sin against parents who had given women their bodies. It was also sinful because it inflicted

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[61]J.G. Kerr and Dr. D. Dudgeon outlined the basic arguments made by missionaries in the CR 2,6 (November 1869):163-164.

unnecessary pain on children and because it was a source of sexual temptation to men.[62]

Several of the Chinese pastors at the meeting, however, were reluctant to allow the missionaries to make a cultural practice that was not specifically condemned in the Bible into a matter for church discipline. They resisted the idea that just because a practice was condemned by westerners it should not be permitted among the Chinese. One of the younger pastors argued that Mr. Zia's arguments were ill founded. If these arguments were valid, he said, then any alteration of the body, including practices which westerners did not condemn, such as cutting hair, piercing ears, compressing the waist or shaving the head, would all have to be viewed the same way. If small feet were a temptation to men that was the individual's problem because not all men found small feet provocative. Foreign men, he pointed out, found the custom revolting. It was, in essence, a matter of cultural conditioning. Another pastor pointed out that it was easy for those without daughters to argue against the practice but in his case, he had two girls and he had to bow to his wife's insistence on this matter.[63]

There was nothing in the Bible even remotely related to this problem so the discussants were on their own. The

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[62]Rev. J. M. W. Farnham, "The Synod of China," CR 9,3 (May-June 1878):206.

[63]Ibid.

Synod finally passed a resolution against footbinding but not before the wording was changed to reflect the point of view of the dissenting Chinese pastors. The wording was changed from "whereas it is contrary to the Scriptures" to "whereas it is contrary to the spirit of the Gospel." Even after the resolution was passed the Chinese pastors continued to press the matter. If something was contrary to the "spirit of the gospel" did the church have the right to discipline members on the matter? Some thought so but others argued that the Synod had no business voting on it. Practices not specifically proscribed by the Bible were matters that belonged to the family and not to the church. As one Chinese pastor argued, "Every nation has its own laws; every family its own customs. If we adhere to the doctrines of religion, it is enough; with these doctrines the Synod has to do, but not with binding the feet. That should be left with each family to do as it thinks best."[64]

The Chinese Christians also argued in the Church News about footbinding but could not find a satisfactory solution to the problem because the matter was so closely related to the intimate subject of Chinese family life.[65] This was also true of polygamy, the other family practice which so disturbed the missionaries. Here, the issue was complicated by the fact that the Bible, instead of being

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[64]Ibid.

[65]Bennet, Missionary Journalist, p. 142.

silent on the matter, presented two conflicting standards. Polygamy was practiced by the early Hebrews but had been replaced by monogamy by the time of the New Testament writings. The missionaries who wanted to bar polygamists from the church were forced to make the specious argument that God had originally sanctioned monogamy as the proper basis for marriage and had only granted special permission for polygamy among the Jews when their "hearts had been hardened against God."[66]

Some Chinese converts thought that polygamy, like footbinding, was simply a Chinese cultural practice which the missionaries had no right to proscribe. Others were willing to concede that a man who had only one wife when he became a Christian should not take another but even these converts did not want to be legalistic in the matter. For them, the issue had a practical side which could not be ignored. If a man wanted to join the church and he already had more than one wife should he be forced to give up all but one? And if so, how would he choose which one to keep and what would become of the women and children who would be abandoned?

Rev. R. Nelson of the Protestant Episcopal Mission at Shanghai elaborated one of the more extreme responses to the problem. In an article published in the Chinese

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[66]Rev. C. Hartwell, "The American Board of Commissioners for Foreign Mission on Polygamy," CR 2,7 (December 1869):186.

Recorder he insisted that there was only one truth concerning the matter and that it was laid out in the New Testament: "polygamy is wrong in all places and times and everywhere" and therefore polygamists should not be allowed into the church under any circumstances. If a polygamist wants to join the church, Nelson argued, he should sever his ties with all but one woman and then the church should help care for the women and children who would be cut off from support.[67]

Nelson's article created a storm of controversy within the missionary community all over China. Letters both supporting and criticizing his stance were printed for several months in the Recorder. It was clear, however, that there were many missionaries in Shanghai who were not willing to be as strict as Nelson.[68] Nelson's opponents pointed out that there was no clear Biblical foundation for excluding someone from church membership for practicing polygamy and reminded him that setting excess wives adrift as social outcasts in their own society was a most uncharitable proposition. It was also ridiculous to think the struggling churches could somehow take care of these women and their children. They clearly did not want to condone polygamy but

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[67]Rev. R. Nelson, "Relation of Polygamy to Christianity," CR 1,9 (January 1869):169-73.

[68]Nelson himself singled out the missionaries of the London Missionary Society in Shanghai and Hongkong as well as "certain members of the American Presbyterian Mission in China."

the prevailing circumstances in China forced them to make allowances for it. So most missionaries were willing to allow a man with several wives to join the church provided that afterward he did not add any more women to his collection.[69]

Huang P'in-san (Wong Ping San), a Baptist convert at Shanghai, explained in several articles in the Church News why many Chinese converts were opposed to barring polygamists from the church and making polygamy a matter for church discipline. Huang's own church had in 1868 rejected a convert who had two wives but he apparently disagreed with the Baptist policy. He and other converts did not think polygamy was necessarily wrong. They pointed out that although western law prohibited it, the Bible, especially the Old Testament, did not. Since there was no law against it in China and it was a useful practice--it insured that a man could have children and heirs and it gave him a way to secure a "capable" wife if the first should prove to be "stupid," there was no need to proscribe it. Some Chinese, Huang noted, even argued that polygamy was proper because the practice was socially acceptable.[70] The issue clearly was not resolved in the pages of the Church News. The Chinese writers were trying to help fashion a solution to a

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[69]Responses to Nelson's article appeared in the Chinese Recorder throughout 1869.

[70]Bennet, Missionary Journalist, p. 138.

complex question of Chinese family life in relation to Christianity and the Christian church had not yet offered a solution which seemed acceptable to them.[71]

Most Chinese converts in the 1860's and 1870's were too poor to have more than one wife so the debate over polygamy, while important in principle, did not affect them directly. All converts, however, did have to deal with the issues of "Sabbath breaking" and ancestor worship. Converts believed, in fact, that these were the primary obstacles to the acceptance of Christianity among the Chinese.[72]

The most evangelical missionaries were appalled by the fact that so many Chinese converts did not set aside Sunday as a day of rest and worship but instead went about their regular business as is the Chinese custom. The Old Testament injunction forbidding work on the Sabbath--and particularly buying and selling--was very difficult for Chinese converts to observe because so many of them were poor and could not afford to sacrifice an entire day's wages every week. All missionaries realized this but some still insisted that this was a sacrifice which the Chinese Christians should be encouraged to make in order to prove their commitment to their new faith. One missionary even suggested that Chinese Christians who might take the

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[71]Ibid, p. 139.

[72]"On Sacrificial Offerings," CR 8,6 (December 1877):489.

literary examinations should refuse their degree if the conferring ceremonies were held on a Sunday. This same man also thought that it would be very difficult for a Chinese convert to participate in the military trials (the military equivalent of the literary examinations) with a clear conscience since they almost always were held over a Sunday.[73]

The "Sabbath question" was a regular topic of debate among missionaries at their conferences and in their newspapers and magazines. In 1870 an article by an unnamed missionary at Hankow created an extended and often ugly exchange of letters and articles between those who were lenient in requiring converts to observe the Sabbath regulations and those who took a more legalistic stance. The author of the article said that when he first arrived in China he had believed that members should be required to devote the entire Sabbath day to worship and church work if they were to remain in good standing as church members. Over time, however, he and the other missionaries at his station had realized that this goal was simply too difficult for most Chinese church members and they now only required church members to attend at least one service on Sunday.[74]

The editor printed the article with a disclaimer which shows just how sensitive the Sabbath question really

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[73]Rev. Hartwell, "The Relation of Christians to the Examinations," CR 1,11 (March 1869):217-220.

[74]E. A., "The Lord's Day," CR 2,10 (March 1870):275-279.

was. He was reluctant to print the article, he wrote, because he was appalled at the ideas put forward in it. However, he thought that if the missionaries at this particular station held such views then the rest of the missionary community should be aware of it. He also suggested, with a touch of malice, that correspondents on the subject should sign their full names to their articles so that readers back home would know how each missionary stood on the issue.[75]

The article sparked a debate which went on for months in the pages of the Recorder. Several missionaries attacked the author for making such an enormous concession to Chinese custom. The Bible was clear on this matter, they wrote: the Sabbath should be observed. Of course, what the missionaries observed was not the true sabbath as defined by the Jewish law but rather a Sunday observance to which they selectively transferred some of he formalities of the older Jewish observance. The irony of this was not lost on the more perceptive Chinese converts as well as the missionaries who advocated a less stringent rule for "honoring the Sabbath." They called on the legalists to make their own behavior consistent with their extreme rules. If no work was to be done on the Sabbath, they pointed out, then missionaries should not hire sedan chairs on Sunday to get themselves or their families to church. They should also free all of their servants from work on Sunday and encourage

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[75]Editorial comments, CR 2,10 (March 1870):279.

them to attend Sunday services. One critic pointedly exposed the hypocrisy which often followed from obeying the letter rather than the spirit of the law. Some missionaries, he noted, would hire a sedan chair on Sunday but tell the bearers to come back on Monday for their pay so that they would not be "breaking the Sabbath." When the letter of the law is overemphasized, he said, the meaning is often missed altogether.[76]

But even this missionary finally concluded that converts should be constantly pushed toward "higher" standards of behavior--including a strict observance of the Sabbath--and most of his colleagues would have agreed with him. At the 1877 conference essayists considering "Standards for Admission to Church Membership" as well as the best methods of "Raising the Moral and Spiritual Tone of the Native Church" complained about the widespread disregard for the Sabbath and all of the discussants agreed that this was a critical problem facing the church.[77] A year later, at both the Presbyterian Synod and the Methodist Conference, the missionaries were still bemoaning the "laxity of the Sabbath" among their members and the Methodists finally made Sabbath observance an official matter of church dis-

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[76]F. H. Ewer, "The Lord's Day," CR 3,2 (July 1870):48-51 and 3,2 (August 1870):68-71.

[77]Records of the 1877 Conference, pp. 241-271.

cipline.[78] The problem, as one missionary saw it, was that many of the "oldest and best" missionaries did not insist on Sabbath observance but simply preached the necessity of it. There was a danger, he warned, of the Christian church in China becoming a "lawless, Sabbath-breaking Church."[79] The prospect was truly alarming.

Ancestor worship was equally troublesome to the missionaries and even more difficult for Chinese converts to give up. As one Chinese pastor pointed out in a paper on this subject, it was difficult for Chinese to give up making sacrifices to their ancestors because these customs were very old, they were practiced by all classes in society and were therefore difficult to abstain from with a clear conscience, and the observances provided livelihoods for many people. "Therefore, those who hear the doctrine and evidently wish to 'enter the religion' when they hear of this matter they are unable to receive it, and conclude it is better to turn back."[80] The missionaries themselves were deeply divided on the issue--usually along the same lines as

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[78]Disrespect for western traditions of Sabbath observance among the Chinese was one of the subjects of the pastoral address to the Methodist Conference, CR 9,1 (January-February 1878):62-65; the report of the resolutions the conference adopted were published in CR 9,3 (May-June 1878):210-215.

[79]Rev. C. Leaman, "Sunday in the Churches," CR 9,5 (September-October 1878):360-372.

[80]"On Sacrificial Offerings," CR 8,6 (December 1877):489.

the term question. Matthew Yates carried the banner for the most evangelical missionaries who objected to allowing Chinese converts to continue worshipping their ancestors in their traditional ways. Yates was, in fact, obsessed with this particular problem and spoke about it whenever an opportunity arose. In 1867 he read a paper on ancestor worship to a meeting of missionaries in Shanghai. In his paper he argued that ancestor worship was not a commendable practice, as some missionaries might think, but was an idolatrous practice which needed to be stamped out all over China. In one way or another, he said, ancestor worship was intimately related to most, if not all, of China's current "problems."[81]

Yates believed that ancestor worship lay at the root of many of social evils in China, including betrothal of young children, polygamy, heavy taxation (to finance the elaborate rites and rituals that must be performed), loss in industrial potential (because women spend so much time making items for these ceremonies when they could be doing more productive work), and finally, hindrance of emigration of Chinese workers who might otherwise go abroad and find productive work. He concluded that for all these reasons "the country is kept overcrowded. The result is squalid-

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[81]Matthew T. Yates, "Ancestral Worship and Fung-Shuy," read at the quarterly meeting of the Shanghai missionaries, Shanghai, 16 September 1867; printed in the CR 1,2 (June 1868):23-28 and 1,3 (July 1868):37-43.

ness, vice, thefts, piracy and insurrection. It is impossible for such a population to find remunerative employment in the space allotted to them. Hence they devour each other while chained to the tombs."[82] Even more importantly, the Chinese reverence for the past and the dead people who populated it kept the Chinese from appreciating and accepting western culture, technology, and the idea of progress.

His paper provoked a lengthy discussion at the meeting but the details of the conversation were not preserved. The missionaries did, however, take up the issue with vigor in the Chinese Recorder. Missionaries who took a strict view of the matter liked to boast about converts they knew or had heard about who had made noble sacrifices for this principle. One missionary related the following story:

> I know an old man well, who has been a Christian since 1860. He is blind, and in deep poverty. In 1866 his share of his family property might have been realized in hard cash, to the value of about $50. But from fear of any connection with ancestral worship he declined to receive one cash; and he is now a beggar, despised and persecuted by his family, but happy in simple faith--an outcast from the family hall, yet an heir of heaven.[83]

Despite dramatic testimonies like this one the missionaries continued to complain that at least some of their converts would not give up the rites associated with the

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[82]Ibid, p. 39.

[83]Rev. A. E. Moule, "What is Truth--A Testimony," CR 1,8 (December 1867):75.

reverence of their own ancestors. They tried, instead, to both worship the Christian God and honor their ancestors in their traditional way. Some apparently justified their actions by pointing out that the Bible commanded each person to honor his or her father and mother. And did not Christians in the United States and Great Britain honor their ancestors with tombstones, yearly visitations, and gifts of flowers?[84] Some missionaries, usually those who were most inclined to see a basic similarity between Confucian and Christian teachings, thought that the Chinese reverence for ancestors provided a natural foundation for reverence for the one true God who was the Father of them all. Instead of proscribing the practice, they tried to turn it to their own advantage. The most evangelical missionaries, however, called it idolatry and refused to sanction it.

Many converts apparently steered a middle way between these two extremes. Almost all of the writers in the Church News argued that ancestor worship was incompatible with Christianity but at the same time they continued to emphasize the basic similarity between Confucian and Christian teaching on reverence for ancestors in general and parents in particular. One writer suggested that over the centuries too much emphasis had been put on the latter part of Confucius' injunction that one should

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[84]Bennet, Missionary Journalist, p. 140.

respect one's parents when they were both alive and dead. A few writers even argued that Confucius had not instituted ancestor worship and that it was a later distortion of his teaching. The proper way of honoring one's parents was by living a good life, not by worshipping their tablets.[85]

Living a good life was exactly what the Protestant missionaries in China in the mid-nineteenth century wanted their converts to do but missionaries and converts could not always agree on what this meant. Chinese converts persistently searched for areas of compatibility between their old ideas, beliefs and practices, and the new Christian doctrines the missionaries had brought to China. Their own writings as well as the chronic complaints of the missionaries reveal how widespread was this tendency. The missionaries, on the other hand, wanted to spread a "pure and clear" Christianity in China. In the 1860's and 1870's they translated this imperative into a strategy to protect themselves from the manipulations of insincere seekers and a campaign to keep "heathen" ideas and practices out of the fledgling Chinese church. To do this they had to be able to dominate their relationships with both potential and actual converts. This, they discovered, was a very difficult, tiresome and seemingly endless challenge. The insincere

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[85]Ibid., 139.

seemed infinitely resourceful and persistent. The sincere converts posed even greater challenge. The missionaries tried to convince them to abandon those old ways of ordering their lives and families which were obviously incompatible with Anglo-American moral traditions and values. Some converts did but many more evidently resisted these attempts to make them accept western ideas about what was proper Christian behavior in the context of Chinese society. Their defiance was captured by the Chinese pastor at the Presbyterian Synod when he said, "Every nation has its own laws; every family its own customs. If we adhere to the doctrines of religion, it is enough."[86]

The battle for the hearts and minds of the Chinese among foreign missionaries and foreign intellectuals was hardly over. Although their ideas did eventually have an enormous impact on China, the missionaries, like the hirelings at the Kiangnan Arsenal and the men of the Royal Asiatic Society, never were able to transform China into a replica of their own society. As more women and men took advantage of the opportunities for education offered by the growing number of Christian colleges in China in the late nineteenth and early twentieth centuries, marriage and family customs did begin to evolve toward western standards but this did not mean that the students embraced the entire

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[86]Chinese pastor quoted by Rev. J. M. W. Farnham, "The Synod of China," CR 9,3 (May-June 1878):206.

Christian message. Likewise, scientific rationalism gained wider acceptance among Chinese intellectuals at Shanghai in the twentieth century but this did not mean that these men were ready to abandon much of their own culture. The foreigners were agents of change but they often were frustrated by their inability to control the direction of that change among the Chinese.

# Chapter 4

# HIRED HANDS: FOREIGNERS IN THE CHINESE SELF-STRENGTHENING MOVEMENT

The battle for the hearts and minds of the Chinese continued into the twentieth century. Meanwhile, the underlying contest for control over China's future was also being played out in other areas where foreigners and Chinese came into contact with each other at Shanghai. Given the recent fighting of the Taipings around Shanghai, it is not surprising that the most urgent issue confronting the foreigners at Shanghai in the 1860's and 1870's was the physical protection of the Settlement. Both foreign and Chinese officials agreed that a military force capable of defending Shanghai should be kept near the city. They could not agree, however, on who would really control the training and use of this force. There was no doubt that under the treaties this right and responsibility fell to the Chinese. There was also no doubt that the foreigners were not pleased with this arrangement. They became convinced during the late 1860's that their own safety in China was dependent upon creating in China a western-style military system which could defend their lives and property at Shanghai and be

part of a larger system which would protect foreign rights throughout China. At Shanghai, the focus of their concern was the new military camp at Feng chuan than.

## The Camp at Feng chuan shan

In late 1864, General Charles Gordon, the celebrated and popular commander of the late Ever-Victorious Army, travelled on a dirt road from Shanghai to a small village twenty miles southwest of Shanghai. Li Hung-chang, who had worked closely with Gordon in the 1863 and 1864 campaigns against the Taipings, asked Gordon to go to Feng chuan shan and set up a military camp there where foreigners could teach Chinese soldiers and their officers the fundamentals of western drill and military discipline. The war against the Taipings had convinced Li that if China were going to regain its stature in the world and resist foreign encroachment Chinese people would have to learn to produce and use western-style weapons and machinery. He intended for the Kiangnan Arsenal at Shanghai and the military camp at Feng chuan shan to build the arms and men he needed to both strengthen China and preserve and expand his own political power base which was rooted in the superiority of the army he had created and used so brilliantly against the Taipings. Just as he had hired foreigners to teach foreign languages to Chinese students and used foreigners to translate books into Chinese, he turned to foreigners for help with this part of his military self-strengthening program.

The production plant at the Kiangnan Arsenal was still trying with only limited success to achieve western standards of efficiency and standardization in producing western-style arms for the Chinese forces.[1] Despite the slow development of arms manufacturing Li went ahead with his plans to introduce more western drill into his Chinese forces. He knew that the new armaments produced at his arsenals would be ineffective if the soldiers did not master the western drill and military tactics which made these weapons so effective.

Charles Gordon, known to the foreigners as "Chinese Gordon," was the perfect choice to set up the new military camp near Shanghai. Gordon understood Li and his ways of doing things better than almost any other foreigner in China.[2] Yet he still shared many outlooks and assumptions with his British military colleagues and this made him an excellent mediator between the two sides. Knowing both sides as well as he did, Gordon correctly suspected from the start that the military camp at Feng chuan shan would be

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[1]For a discussion of the slow progress of arms production at the arsenal see Kennedy, Arms of Kiangnan, pp. 58-66.

[2]Gordon had proven his integrity and trustworthiness during several difficult years of fighting for Li. Although the two men had had a major falling out over Li's execution of several rebel leaders who had been assured of immunity after the capture of Soochow, Li still respected Gordon and thought him the best foreigner for this job. Richard J. Smith,[ ]Mercenaries and Mandarins: The Ever-Victorious Army in Nineteenth Century China (Millwood, NY: KTO Press, 1978).

beset with difficulties. During the ten years of its existence, Chinese and British officials collided with each other over almost every aspect of the camp's structure and administration as the British tried to influence the operation of the camp and the Chinese blocked their encroachments at every point.[3]

## The Genesis of an Idea

Located about twenty miles from Shanghai, and about six miles from Sunkiang, the camp at Feng chuan shan was intimately connected with the development of Shanghai and the course of Sino-foreign relations there. The camp was born at a turning point in the military campaigns against domestic rebellions in China and in the midst of a policy crisis in Britain. When the idea was first broached in 1864 by the British, it seemed to offer a solution to an immediate and long-term problem in which both British and Chinese officials had a stake: namely, the creation of a stable and protected environment for Sino-foreign trade at Shanghai and in the Yangtze River basin.

By the end of July, 1864, the Taipings had been defeated, their capital at Nanking having finally been taken by imperial forces amidst great slaughter. But the Nien rebels were still threatening the imperial government and

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[3]The only English-language study of the camp at Feng chuan shan is Richard Smith, "Foreign-Training and China's Self-Strengthening: The Case of Feng-huang-shan, 1864-1873," Modern Asian Studies 10,2 (1976): 195-223.

the Muslims on China's western borders were also promising trouble. Things were quiet around Shanghai but no one could be sure whether the calm would last. At the same time, almost everyone had a stake in protecting the trade of Shanghai from any further disruptions. Li Hung-chang, serving as governor of Kiangsu province and the commander of the army which had been fighting the Taipings there since late 1861, relied on the customs revenue and local taxes on trade to finance his army and Tseng Kuo-fan's as well. Britain and France were both receiving 20% of the customs revenue as part of the indemnity owed them from the Chinese government after the Second Opium War (1858-1860). And then, of course, there were the Chinese and foreign merchants whose livelihoods were hanging in the balance.[4]

The idea for a military camp near Shanghai was thus born out of a common need shared by British and Chinese officials in the mid-1860's to insure the protection of Shanghai. The foreign officials who were concerned with the camp saw it as an answer not only to the immediate need to protect Shanghai but as part of a long-term plan to insure stability in China. By 1863 they were convinced that the only hope for restoring the stability necessary for Sino-foreign trade to flourish was to strengthen the Ch'ing

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[4]On the financial importance of Shanghai see Stanley Spector, Li Hung-chang and the Huai Army: A Study in Nineteenth-Century Regionalism, with an Introduction by Franz Michael (Seattle: University of Washington Press, 1964), pp. 67-82.

government and help it establish a military system that could then protect Shanghai and the Yangtze river basin from further domestic turmoil. British policy had vacillated during the fifteen-year-long civil war, sliding from a declared neutrality, to pro-Taiping leanings, and then finally, after 1860, to a decided stance in favor of the imperial government. By the early 1860's the British government was sending British regulars to fight the Taipings in the area around Shanghai.[5]

The British press began questioning the use British troops in the Chinese civil war because it violated the official British policy of neutrality. British politicians, however, did not take action until press reports in 1863 and 1864 documenting atrocities being committed by Chinese imperial forces against the Taipings raised a storm of controversy and made withdrawal of British troops inevitable.[6] At the same time, Li's army, which had also provided protection for Shanghai, was no longer available to stand as a deterrent to further outbreaks of rebellion. Increasingly wary of Li's growing strength and influence the imperial government demobilized part of his Huai army and ordered most of the remaining troops north to fight the Nien

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[5]The British troops were used to secure the so-called "30-mile radius" around Shanghai. Britain's changing policies are described in detail in J. S. Gregory, Great Britain and the Taipings (New York: Frederick A. Praeger, 1969).

[6]Ibid., pp. 133-153.

rebels.[7] In addition to this the Ever-Victorious Army had become so unruly and unpredictable by late 1864 that Charles Gordon, its commander, told Li that it should be disbanded.[8] With the Chinese troops gone, the Ever-Victorious Army disbanded, and the British regulars going home, the foreigners in Shanghai were worried that there was no force adequate to keep the peace around Shanghai.

The British and the Chinese, because they had the largest stake in the Sino-foreign trade, were anxious to find a solution to this problem. The withdrawal of British troops from China put British officials in a difficult spot. They needed to get British troops out of the business of fighting the Taipings but they did not want to trust the defense of the economically important treaty ports, and particularly Shanghai, to a purely Chinese force. Casting about for a solution, they reflected on the success of the Ever-Victorious Army which the Chinese gentry residing at Shanghai had raised and financed. British officials in Shanghai had supported the Ever-Victorious Army during its heyday and had objected to its disbandment. To them, the next best thing to British regulars in China were Chinese troops trained by British officers.

So in 1864 Thomas Wade, who at this time was Secretary to the British Legation at Peking, suggested to the

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[7]Spector, Li Hung-chang, p. 98.

[8]Smith, Mercenaries and Mandarins, p. 132.

Chinese authorities at Shanghai that the Chinese be encouraged to hire British military men to train several Chinese battalions in foreign military discipline and the use of foreign weapons.[9] He urged Li Hung-chang and Tseng Kuo-fan to establish military camps near Shanghai and several other treaty ports to accomplish this. Harry Parkes, serving as the British consul at Shanghai at the time, liked the plan. Li and Ting Jih-ch'ang, the Shanghai Taotai, were interested. Like the British officials, they too saw the proposed camp as an expedient solution to a pressing problem. Now the Governor-general of a three-province area, Li was responsible not only for the defense of Shanghai but also for the rest of Kiangsu, Kiangsi, and Anwei provinces. Most of his army was gone and he needed a way to secure Shanghai which would keep the foreigners happy. He also had a vested interest in keeping Sino-foreign trade at Shanghai healthy because it financed his military campaigns and his personal bureaucracy which, together, were the basis of his growing political influence.[10]

Li and Tseng also liked Wade's plan because it was compatible with the military modernization they were already pursuing. Li had been impressed with the successes of the Ever-Victorious Army under its first commander, an American named Frederick Townsend Ward, and he attributed the success

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[9]Wade to Medhurst, No. 36, 9 May 1873, FO 228: 524.

[10]Spector, Li Hung-chang, pp. 51-82.

of that force to their superior arms and their efficient use of them. In the early 1860's he had hired foreigners to train some of his own Huai Army troops in foreign drill and by 1863 between thirty and forty thousand of his men were equipped with foreign small arms or cannon which fired explosive shells.[11] By the mid 1860's, after the Taipings had been defeated, both Li and Tseng Kuo-fan were trying to create more of these lien chün, or literally, "trained troops." This was supposed to be one of the fundamental parts of the program of the self-strengthening movement of the 1860's and 1870's.

Using foreigners to train Chinese troops produced conflict between Chinese and foreigners at several levels. Li placed the Shanghai Taotai and a Chinese military officer in charge of the new camp at Feng chuan shan. The British were to supply candidates for the positions of drill instructors. However, Chinese officials and foreign officials had different ideas about how the camp should be run and they began vying with one another for control over it. The official British policy from Peking was that the camp was wholly Chinese and should remain so. However, the British consuls at Shanghai and the British military commanders in China in the 1860s' and early 1870's took an active interest in the camp. The Shanghai consuls, in particular, tried to influence what went on there. Confident

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[11]Kennedy, Arms of Kiangnan, p. 41.

that they knew more than the Chinese about modern military methods and tactics and convinced that they knew what was best for China, these men believed that their advice about establishing and running the camp should be heeded. Their country had defeated the Ch'ing forces in 1860 and now it was time to secure this victory at the local level.

But Li did not want the foreigners to dominate the camp and he was careful from the beginning to structure authority in the camp to prevent this. Local British officials at Shanghai had only a limited area in which to maneuver because their government was committed to upholding rather than undermining China's sovereignty. This conflict over how much authority foreigners would have both within and over the camp plagued the camp at Feng chuan shan from its inception in 1864 until its demise in 1873. To the foreigners, the structure of authority which the Chinese built into the camp from the beginning made it impossible for the camp to become what they wanted it to be: a training ground for the modernization of the Chinese army along British lines. They had hoped through this military camp to transform "undisciplined" Chinese soldiers into reasonable facsimiles of orderly British troops which could then provide the stability and order which was so essential to the growth of trade. They found, however, that to produce truly "disciplined troops," as opposed to simply "drilled troops,"

They needed more authority over the men in the camp than the Chinese were willing to give them.

Drawing the Battle Lines

Li Hung-chang, Charles Gordon, and British Consul Harry Parkes worked out the original provisions upon which the camp at Feng chuan shan was founded. Gordon came up with the basic outlines for the institution, Parkes added a few details, and Li sanctioned the scheme after adding a few of his own precautions. Gordon proposed that 1,000 men at a time be sent to the camp and that 6 British officers be hired as permanent drill instructors to train them. Chinese officers were to retain command over the men while the drill instructors taught the men how to use western weapons effectively. The instructors would conduct the drill in Chinese and the troops would keep their normal Chinese military dress, organization, and discipline. The foreigners were not to interfere in any way with the administration of the camp or the discipline of the men. The chief instructor could set the schedule for daily parades, maneuvers for the soldiers, and classes for the officers but he had to stay out of all other matters at the camp--including the payment, promotion or dismissal of the men. If he had trouble with any particular soldier or officer, he was to report this to

the Chinese commanding officer in charge of the camp who would inflict on the man any necessary punishment.[12]

Li dispatched a small battalion of soldiers to the camp in the fall of 1864 and Gordon began training them. He realized almost immediately that he would not be able to accomplish what he and Parkes had envisioned when they were planning the camp. They thought that the camp would both provide a force capable of defending Shanghai and help modernize the Chinese military system. They envisioned several thousand troops passing through the camp in any given year and spreading out over the Chinese interior to maintain order and stability throughout the Chinese countryside. By their very example they would demonstrate to other Chinese military leaders the superiority of western military organization and training. General Brown, the chief British military officer in China, captured the initial optimism of the foreigners involved in the project when he enthusiastically endorsed the plan for the camp and suggested that 3,000 men be kept in training there at all times. This could then be easily brought up to 10,000 in an emergency and "such a force with a powerful siege and field artillery commanded by Chinese officers acting under the counsel and advice of for-

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[12]"Memorandum of the conditions under which the services of certain British Military officers are requested for the purpose of instructing Chinese officers and men at the Camp of Feng Huang shan", enclosure no. 7 in Parkes to Wade, no. 155, 23 November 1864, FO 228:369.

eign officers would render the suppression of rebellion in whatever part of China it might break out. . . ."[13]

As the threat of rebellion erupting near Shanghai abated after 1865, British military and consular officials became less interested in the immediate protection of Shanghai and increasingly interested in making the camp part of a larger effort to reform the Chinese military system. They thought it was their business to be concerned about the state of China's military because under the "Cooperative Policy" of British Minister Bruce, the British were depending on the Ch'ing government to maintain order in China and uphold the provisions of the Sino-foreign treaties. By reforming the Chinese military they hoped to strengthen the Ch'ing government. The rules for the camp left little space for the influence of interested foreign military and consular officials but this did not deter them. They thought that by controlling the appointment of the drill instructors they might be able to exert their influence in the camp.

Appointment of Drill Instructors

When Li Hung-chang hired foreigners to work in his enterprises he preferred to use men who were free agents. He liked to use British or American civilians, men who had been discharged from the British military, or non-

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[13]General Brown to Parkes, 3 October 1864, enclosure no. 1 in Parkes to Wade, no. 96, 12 October 1864, FO 228:368.

commissioned officers because these kinds of men were unencumbered by competing claims to authority. He undoubtedly felt that this made these men more loyal to him and less likely to be moved around at the whim of the foreign officials. Harry Parkes, however, wanted to keep the British men who worked at the camp firmly under British control. He wanted only men in the British military service to work at the camp. Major General Guy, who had succeeded Brown as the commander of British forces in China and Japan, agreed.[14] This conflict emerged clearly when Gordon announced late in 1864 that he would be leaving China soon and resigning his position at the camp.

Gordon and Parkes suggested to Ting and Li that Major Jebb of the 67th Regiment be promoted to Chief Instructor at Feng chuan shan. Even though Jebb was still under orders in the British army they approved the selection because they trusted Gordon's judgment and because Jebb had been at the camp with Gordon and worked with him in the Ever-Victorious Army. At the same time, however, Ting also requested that William Winstanley, who was not a member of the British regular service but had been with the Ever-Victorious Army, be allowed to stay on at the camp. General

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[14]There was already at this time considerable discussion in the Foreign Office in London about the advisability of allowing discharged British officers and soldiers to be employed by Li and other Chinese officials. Jack B. Gerson, Horatio Nelson Lay and Sino-British Relations, 1854-1864, Harvard East Asian Monographs, no. 47 (Cambridge: Harvard University Press, 1972), pp. 155-166.

Guy gave a grudging consent but made it clear that he did not want any other men who were not in the British service to be appointed to the camp.[15]

Jebb's tenure was short and stormy. As he prepared to leave the camp in the spring of 1865 he recommended as his replacement Captain Winstanley.[16] Up to this point the selection of the chief instructor had not been much of an issue. No one had objected to the appointment of either Gordon or Jebb but Winstanley's nomination was different because he was not under British military orders. Li and Ting immediately accepted Winstanley's nomination. Ting liked Winstanley because he was personable, thorough, conscientious, and hard-working. He knew how to mind his own business and was careful to stay out of all matters which did not fall directly under his authority. The fact that he was not under British military orders made him even more attractive. As Jebb observed shortly before his departure, "The Taotai . . .seems to prefer having the services of Mr. Winstanley (who is not in any way likely to be fettered in

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[15]Parkes to Li, 8 December 1864, enclosure in Parkes to Wade, no. 119, 8 December 1864, FO 228:368.

[16]"Quarterly Report from Feng chuan shan," 1 April 1865, enclosure in Parkes to Wade, no. 25, April 1865, FO 228:388; Jebb to Parkes, 14 June 1865, enclosure no. 2 in Parkes to Wade, no. 54, 24 June 1864, FO 228:389.

his actions by military rules and changes) to those of any British officer."[17]

Consul Parkes and Major General Guy, however, had their own ideas about the succession. Since the camp was supposed to secure the safety of foreign Shanghai and provide a foundation for the future security of foreigners in China, they thought that British military officials should help select the chief instructor. When Guy, who was stationed in Japan, learned that Jebb was leaving, he turned immediately to his own circle of men and offered the position to a Major Gamewell who had been serving as the Deputy Assistant Adjutant General of the British forces in China.

Gamewell was not a man that Chinese officials would find palatable. He had a stiff and haughty demeanor and the way in which he tried to take up his command proved to be disastrous for him and his supporters. He arrived in Shanghai with a "to whom it may concern" type of memo from Major Guy which simply said that he had appointed Major Gamewell to the position of chief instructor at the camp.[18] When Taotai Ting received Gamewell's brusque correspondence he was predictably insulted by the man's lack of decorum. Ting sent the Acting British Consul a short, excessively polite note explaining that he could not sanction Gamewell's

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[17]Jebb to Markham, n.d., enclosure no. 1 in Markham to Wade, no. 69, 17 July 1865, FO 228:389.

[18]Markham to Wade, no 72, 21 July 65, with enclosures, FO 228:389.

appointment since he had not requested Gamewell's services and Gamewell had arrived without proper introductions. Jebb was already gone and Winstanley had been appointed to the position pending approval by the authorities in Peking. The taotai explained that he could not possibly override Winstanley's appointment and substitute Gamewell.[19]

Gamewell took umbrage at the whole affair. Unable to take up his position and embarrassed by the predicament in which he had landed, he made a hasty but dignified retreat to Hong Kong to await the settlement of the matter. This took several months. General Guy tried to force Ting and Li to accept Gamewell by withdrawing the other British officers who were employed by the Chinese in various military capacities.[20] This had no effect on Ting, however, and he refused to remove Winstanley. When Charles Winchester arrived in Shanghai in early August to take charge of the British consulate he was determined to have the Chinese accept Gamewell. He had discussed the matter with Parkes and Guy while they were all in Japan and they all agreed that the Chinese should be forced to accept Gamewell. After Winchester arrived in Shanghai he realized that since Gamewell had abandoned the field there was no practical way to press the Chinese to accept him without further loss of

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[19]Ting to Markham, n.d., enclsoure no. 4 in Markham to Alcock, no. 72, 21 July 65, FO 228:389.

[20]This was Wade's recollection of what happened. Wade to Medhurst, 1873, FO 228:524.

dignity to both himself and Gamewell. When Ting and Li had made it was clear that no troops would be sent to the camp unless Winstanley was appointed, the British were forced to concede and approve Winstanley's appointment.[21]

This episode over the appointment of the chief instructor for the camp was typical of the power struggles which often characterized relations between foreigners and Chinese when they tried to work together in joint enterprises. The Chinese believed they had the right to maintain ultimate control over these hybrid institutions while the foreigners believed that they knew what was best and that the Chinese should defer to their judgment and accept their opinions.

There were no other battles over the appointment of the chief instructor because Winstanley remained at the camp until it was closed in 1873. But the British did not give up completely. They wanted the camp to be run like the military training camps which were being developed and used in England to make the British army more efficient and professional.

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[21]Winchester to Wade, no. 80, 12 August 1865, FO 228:389.

## Feng chuan shan as a British Training Camp

### A Problem of Numbers

Parkes had been watching events at the camp closely during late 1864 and early 1865 and he was not satisfied with what he saw. He did not think there were enough men at the camp for proper training nor enough "officers of note" to command the few who were there. Parkes also disapproved of the man Li had appointed as commander of the camp. He was not, in Parkes' opinion, an officer with enough rank and respect to give the camp the legitimacy it needed. Parkes and Brown began pressing Li to correct these problems. They urged him to raise the number of men in training from 1,000 to 3,000, to send high-quality officers for training, and to give the command of the camp to a more distinguished army officer.[22]

Li complied with these requests but he did not give Parkes exactly what he wanted. Li agreed in principle to send more men to Feng chuan shan for training but he did not place them within the camp. Instead, he stationed 5,000 men at the nearby Chinese camp at Sunkiang and appointed General P'an Ting-hsin, a distinguished officer from the Huai Army, to serve concurrently as the commanding officer of both

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[22]Parkes to Li, 15 October 1864, enclosure no. 1 in Parkes to Wade, no. 115, 23 November 1864, FO 228:368.

camps. Li told Parkes that P'an would send detachments over to Feng chuan shan for training.[23]

P'an did not follow Li's instructions with enough vigor to please either Parkes or Brown. Both men were still unhappy with the situation at the camp because they wanted the Feng chuan shan camp to function like the military training camps at home. The first large-scale military camp in England had been held only 11 years earlier but British military men were convinced that these training centers were essential for creating efficient modern armies. The purpose of these camps, which had seemed so revolutionary when they were first proposed, had been to bring together large numbers of troops and give the infantry battalions systematic and standardized training which would enable them to work together efficiently as an army under a central command. By the 1860's British military men had conceived of the idea of a permanent camp of instruction to which battalions would be sent for a few months training year round. This was the kind of camp that Parkes and Brown wanted to create at Feng chuan shan.[24]

Without several thousand men and a core of competent officers the drill instructors at Feng chuan shan could not

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[23]Li to Parkes, 3 November 1864, enclosure no. 6 in Parkes to Wade, no. 115, 23 November 1864, FO 228: 68.

[24]Hew Strachan, Wellington's Legacy: The Reform of the British Army, 1830-54 (Manchester, England: University Press, 1984), pp. 155-175.

put the troops through the complex maneuvering outlined in Field Exercise and Evolutions of the Army, the official drill manual for the British army.[25] To British army men the discipline and practice which these exercises required were the foundation of a modern army. When Li refused to commit large numbers of troops to Feng chuan shan Parkes interpreted this as a sign of Li's growing ambivalence about the entire undertaking. He accused Li of giving the scheme only limited support and undermining its original purpose. He told Li that if more troops and better officers were not sent to the camp he would have to ask for British troops to be stationed at Shanghai and Li would have to help pay for them.[26]

Parkes was bluffing and Li knew it because the foreign newspapers had already announced the impending withdrawal of British troops from China. Li did not appreciate the tone of Parkes' letter and its challenge to his authority. He very curtly reminded Parkes that since Shanghai was Chinese territory it was his, Li's, responsibility to pro-

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[25]Frederick Myatt, The British Infantry, 1660-1945: The Evolution of a Fighting Force (Pooel/Dorset: Blandford Press, 1983), pp. 102-3. This manual, which remained the standard text for training throughout the 19th century, emphasized learning three basic battle formations: the line for a fire fight or a fairly short attack; columns of various types for more extended movement and maneuvers; and the square as a defence against cavalry. This manual was translated into Chinese and used, with some slight modifications, for training Chinese troops at Feng chuan shan.

[26]Parkes to Li, 15 October 1864, enclosure no. 1 in Parkes to Wade, no. 115, 23 November 1864, FO 228: 368.

tect it and that he had already made arrangements to do so. He informed Parkes that the 5,000 troops which were under General P'an's command at Sunkiang would provide ample protection for Shanghai. Some of these men would be trained in western drill. He coolly told Parkes that "these measures will be amply sufficient for defensive purposes, and it will not be necessary to put the British Government to the trouble of stationing its troops here any longer as a protection."[27] He did not mention any plans to reform his military force. In fact, the more the British officials pressed him on the matter, the more reluctant Li became to give additional support to the camp.

Despite the unfriendly tone of the correspondence which passed between Li and Parkes in late 1864, the camp continued to operate and after Winstanley finally took up his position as chief instructor at the camp in the late spring of 1865, training got underway in earnest. Li sent three new battalions to the camp and their commanders were men of higher military rank than the earlier commanders. The British authorities welcomed this as a sign of progress, believing they had won a small victory in their struggle to control the camp.

Winstanley took up his post with enthusiasm. As soon as the new battalions arrived he divided each one into

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[27]Li to Parkes, 3 November 1864, enclosure no. 5 in Parkes to Wade, no. 115, 23 November 1864, FO 228: 368.

companies and then sub-divided each company into squads. He then assigned to each squad either a foreign or Chinese drill instructor. These squads began their training without arms and when they had reached a certain level of discipline and physical competence they were assigned a particular weapon with which they were supposed to become proficient. The squads at Feng chuan shan were primarily rifle squads but a few were assigned to artillery and mortar. As they mastered the use of their weapons they were moved on to company drill and from there to battalion drill.[28]

Winstanley set the schedule for the camp. The stockades were paraded in the morning and the evening whenever weather permitted. During the day the drill instructors drilled the squads and companies and taught the soldiers how to use and care for their weapons. The officers also attended classes devoted to theoretical studies. By early 1866 the program was running smoothly. The men were well-behaved and progressing nicely in their drill and Winstanley had developed a cordial relationship with the Chinese officials overseeing the camp.[29]

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[28]Extracts from Winstanley's diary, enclosure no. 2 in Winchester to Alcock, no. 8, 25 Janurary 1866, FO 228:411.

[29]Winstanley to Winchester, 23 January 1866, enclosure in Winchester to Alcock, no. 8, 25 January 1866, FO 228:411.

Drill vs. Discipline: Winstanley's Predicament

Like his predecessors Gordon and Jebb, Winstanley gradually realized that he could not produce truly "disciplined" troops with the limited authority he had been given. His growing frustration finally spilled over into his quarterly report at the end of 1869:

> I have often mentally quarreled with the use of the term disciplined as applied to Chinese troops under European instruction. Drilled they may be, but disciplined they most certainly are not. Drill alone does not constitute the disciplined soldier. All the internal organization existing in European armies is amongst the Chinese utterly wanting and thus the benefit obtained by making the soldier conscious of and bringing him perpetually in contact with the supervision of his superiors is altogether lost. His principal use in this country is as a source of profit to his commanding officer.[30]

Li had carefully limited from the beginning the role of the drill instructors at the camp to keep the foreigners from trying to dominate the camp. He had said clearly that the foreign employees would have no authority over the men outside of the daily drilling and that they would be accountable to Li or his subordinates and not to British officials. He warned Parkes

> Should any officer after his engagement and arrival at the Camp of instruction, either by following some plan of his own, not work in harmony with the Chinese officer in command, or show himself incapable of discharging the duties of an instructor and his never being of any service, the right to dismiss and change such an officer, as occasion may require, must be reserved and (such dismissed officer) will not have it in his power to allege that he has been engaged for a year and claim salary accordingly.

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[30]Quarterly Report, 13 January 1870, enclosure in Winchester to Peking, no. 4, 25 January 1870, FO 228:492.

> A more important point to be observed is that the foreign officers will attend only to their particular duties of instruction and will not interfere in the command of the men.[31]

With only this limited authority the drill instructors exerted little real influence over the Chinese soldiers and officers. They could drill the troops, but they could not produce any proper military discipline among them because they were not allowed to have any authority over the men outside of the daily parades and drill practices. They could not reward the energetic and interested men with promotion nor could they punish those who were complacent or disruptive. Under this system, the foreign instructors could not hope to produce anything resembling good British soldiers and officers.

Winstanley was the chief instructor at the camp for seven years but during that time he did not control what went on inside the camp and what was done with the troops who were trained there. Initially the Chinese officers did not like the incessant drilling and parading which Winstanley tried to get out of the troops. They often requested leave for themselves or asked for their men to be excused from drill or parades for various reasons. The Chinese battalion commanders frequently went to Shanghai, Soochow, or Nanking where they might stay for a few days or several weeks. If two of the three commanding officers were gone at

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[31]Li to Parkes, 3 November 1864, enclosure no. 6 in Parkes to Wade, no. 115, 23 November 1864, FO 228: 368.

the same time it was almost impossible to parade the battalions and carry on the regular training program. Winstanley tried to explain to them how their absence disrupted the training program but they did not seem to care. Eventually Winstanley began refusing more and more of these requests and after several years the officers seemed to him to be submitting more readily to the constant drill and daily parading.[32]

Off of the parade ground Winstanley's authority was even more limited. In 1868 Winstanley discovered that the soldiers were defacing graves in the vicinity of the camp and using the stone to repair various buildings at the camp. Their officers, whom Winstanley assumed were sanctioning this "disgraceful behavior" did not stop them. Winstanley had to handle matters such as these very carefully. If he went to the local authorities with his information he would create ill-feeling at the camp and make his job there almost impossible. Since the local officials had investigated the matter but done nothing he, too, let the matter drop.[33]

Other incidents reminded Winstanley of how limited his authority was. He installed a sundial at the camp to

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[32]Quarterly Report, 23 January 1866, enclosure no. 2 in Winchester to Alcock, no. 8, 25 January 1866, FO 228:411; Quarterly Report, 13 January 1870, enclosure in Medhurst to Alcock, no. 4, 25 January 1870, FO 228:492.

[33]Winstanley to Medhurst, 20 November 1868, enclosure in Medhurst to Alcock, no. 129, 16 December 1868, FO 228:453.

help the men maintain their camp routine but after it was defaced several times he was forced to remove it. Another time the men of one of the stockades, while celebrating with firecrackers the marriage of one of their captains, actually burned down part of the nearby village.[34] Winstanley was most concerned, however, about the personal habits of the men which prevented them from being good soldiers. Opium smoking was apparently widespread among men in the military. Winstanley reported that of the $6 per month that the average man received as salary, he spent $4 on opium smoking. "To indulge in it everything, even clothes and food is sacrificed." And, as he noted in his report, "a more wretched or useless object than the opium smoking Chinese soldier it is hard to conceive."[35]

There was nothing that Winstanley could do about this or most of the other problems he saw developing in the camp. "You can imagine," he wrote to British Consul Walter Medhurst, "that considerable discretion is requisite on my part to know how much <u>not</u> to see and at what point to make a stand--to refrain from being a retailer of grievances to make no threat without executing it."[36] Because his author-

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[34]Quarterly Report, 23 January 1866, enclosure no. 2 in Winchester to Alcock, no. 8, 25 January 1866, FO 228:411; and Quarterly Report, 13 January 1870, enclosure in Medhurst to Wade, no. 4, 25 January 1870, FO 228:492.

[35]Quarterly Report, 13 January 1870, enclosure no. 2 in Medhurst to Alcock, no. 4, 25 January 1870, FO 228:492.

[36]Ibid.

ity was so limited and his intentions were so grand he had to walk a fine line between pushing the Chinese toward reform and ignoring potentially serious problems at the camp.

Winstanley's predicament was even more evident in matters concerning the administration of the camp as a whole. He could do nothing except complain to himself and the British Consul about what he considered the gross mismanagement of the camp. By the early 1870's the men at the camp were in a state of chronic discontent bordering at times on mutiny. The men were unhappy with their irregular pay and with the sudden dismissals which were becoming more common within the battalions. When the camp was first opened, the men had been paid monthly, as was the British custom. As as members of a foreign-drilled company their work was more strenuous than that of men in the regular forces and so a dependable monthly payment kept them happy and helped raise the morale of the entire battalion. By the late 1860's however, the camp had gone back to the standard Chinese practice of paying the men several times a year and even this pay could not be guaranteed. Sometimes it was late and sometimes it was pocketed by officers or bureaucrats somewhere else in the system. The behavior of the men deteriorated as their pay became more sporadic.[37]

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[37]William Winstanley, "Memoradum respecting the late disturbances at Feng chuan shan," enclosure in Medhurst to Wade, no. 3, 10 January 1873, FO 228:524.

The men also objected to the fact that commanding officers could dismiss soldiers and officers at will from a battalion. Whenever a new commanding officer took charge of a battalion at the camp, he usually began his tenure by dismissing men and officers to make room for family and friends to whom he owed favors. This was an accepted practice in mid-nineteenth century China. Although it was undoubtedly much abused, the system had several points in its favor. Tseng Kuo-fan had encouraged this system of military organization in his Hsiang Army because it was grounded in the Confucian principles of loyalty to one's family, friends and native-place. He built his original army entirely upon local militia units which were kept intact under the commanders which had recruited them. Tseng insisted that each commander recruit his entire unit because he believed that this kept the men directly loyal to their leaders. This system had proven effective in the Hsiang Army and Li Hung-chang instituted a similar pattern for his Huai Army.[38]

This system destroyed the professionalism which Gordon, Brown, Guy and others intended to introduce through the camp. British army reformers in the mid-nineteenth century had been pushing the British army to create a more professional officer corps. They had even succeeded during the

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[38]On the familial aspects of military organization in the Hsiang and Huai armies see Folsom, Friends, Guests, and Colleagues, pp. 62-70; on the initial organization of the Huai army see Spector, Li Hung-chang, pp. 40-42.

Crimean War in curtailing the sale of commissions to the sons of landed gentry.[39] British officials in China thought the Chinese practice of encouraging familial and friendship ties in the Chinese military similarly archaic and they decried the inefficiency which this bred throughout the entire military system. Winstanley noted that at Feng chuan shan the system "serves to practically neutralize any instruction given for a new commander might come in and effectively dismantle a regiment that has been drilled for several years and whose men all know one another and replace the men with his friends, despite the fact that these men have no training, military knowledge, or at times, even physical capacity."[40]

The foreigners might not have objected so strongly to the constant shuffling of men under the Chinese system if the men who were dismissed from the camp had been sent somewhere where their training might have been put to good use. At Feng chuan shan, however, the commanding officers simply set the men adrift. Some returned to their homes while others would hang around outside the camp and cause trouble. This undermined the morale of the remaining men and made the pointlessness of the camp as a training ground for a new

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[39]On the professionalization of the British army see Brian Bond, The Victorian Army and the Staff College, 1854-1914 (London: Eyre Methuen, 1972) and Strachan, Wellington's Legacy.

[40]Quarterly Report, 13 January 1870, enclosure in Medhurst to Wade, no. 4, 25 January 1870, FO 228:492.

Chinese army obvious to everyone involved. Why spend two or three years training men only to release them from the army and send them home or make beggars of them?

Even more disturbing to British officers was the fact that neither battalions nor individual officers, once trained, were ever sent out to train other Chinese troops. They simply sat at the camp. Parkes, Gordon, and Guy had assumed that the men who were trained at the camp would be rotated out of the camp every 12-18 months.[41] As Parkes had said in one of his earliest letters to Li:

> The main object of this camp of instruction should be the foundation of efficient officers who should be selected for their abilities and their willingness to apply themselves earnestly to the study of their profession. After completing their course they should be able to undertake in their turn the work of training Chinese troops and should be sent to the different military stations for this purpose. If carried out in this way the scheme would soon be productive of good result.[42]

But this ripple effect was stunted because the battalions stayed at the camp for several years and at times it seemed that they would never leave. In late 1868 Winstanley very dourly reported that the men at the camp had been there for 3 and 1/2 years and were about as good as they were likely to get.[43]

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[41]Parkes to Li, 21 November 1864, enclosure 3 in Parkes to Wade, no. 115, 23 November 1864, FO 228: 368.

[42]Ibid.

[43]Winstanley to Medhurst, 20 November 1868, enclosure in Medhurst to Alcock, no. 129, 16 December 1868, FO 228:453.

The camp limped along in this manner for a few years more before it was finally disbanded after two mutinies in 1872. The protests broke out after a new commanding officer, who was assigned to one of the battalions at the camp, began dismissing officers and men. The men also charged that the new officers punished them too harshly. Finally, on Christmas day, one entire battalion laid down its arms and threatened to go directly to Soochow to see the Governor of the province and complain about the excessive punishment and dismissals handed out by a certain colonel and his adjutants. They were intercepted and convinced to return to the camp but shortly after this episode Shen Ping-ch'eng, the new Shanghai Taotai, decided to transfer the troops to Nanking, Yangchow, and Soochow. He dismissed Winstanley, giving him six months severance pay, and kept only the four lowest-ranking foreign drill instructors. Though Shen said he would assign new troops to the camp, he never did so and within six months the instructors were let go and the camp closed.[44]

## The Feng chuan shan Camp in its Chinese Context

### The Decision to Close the Camp

The decision to terminate the camp did not come about as abruptly as it appears. The mutinies which broke

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[44]Shen to Medhurst, 8 May 1873, enclosure in Medhurst to Wade, no. 36, 9 May 1873, FO 228:524.

out in 1872 were a convenient pretext for abandoning the camp but Tseng Kuo-fan and Li Hung-chang had discussed the fate of the camp as early as 1868. After Tseng took Li's place as Governor-General of Kiangnan he became more actively involved in the operation of the camp. The emperor eventually appointed Li to the Governorship of Chihli province, the highest provincial post in China. Li never returned to Kiangsu as an appointed official so after 1870 he concentrated his efforts to create foreign-trained troops in Chihli province where he could keep them closely under his own control.[45] He did not abandon the camp at Feng chuan shan on ideological grounds: it simply passed from under his control to Tseng Kuo-fan and Tseng preferred to use Chinese rather than foreigners to introduce foreign knowledge and technology into China. Between 1868 and his sudden death in 1872 he was apparently questioning the use and administration of the camp given the new political era which was dawning.

By late 1868, the Chinese imperial forces had wiped out the Taiping and Nien rebels. The men who had waged war against these groups for almost twenty years began reassessing their military needs and strategies. Li and Tseng were thinking about moving the camp at Feng chuan shan to a better location and turning it into a central training center for troops from several provinces. When British officials

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[45]Spector, Li Hung-chang, pp. 217-220.

asked Winstanley for his opinion of this proposal he said that if the camp was supposed to protect Shanghai then obviously it should stay where it was. If, however, the goal was to train a larger number of Chinese troops from several provinces, then it might be wise to move it to a more central location.[46] While the Chinese officials were pondering the camp's future, they made no attempt to infuse any new life into it.[47]

Tseng was not opposed to training Chinese troops along western lines. In fact, after 1870 when he took up once again the post of Governor-General of Kiangnan after a one-year absence, he began emphasizing the creation of lien-chun, or "trained troops." However, he did not like to use foreign advisers, preferring as one historian said, to "[look] to Li and his own followers for the requisite specialized skills, sacrificing ability for dependability."[48] The drill manual which was used at the camp had already been sent to other Chinese camps in the area for use among the

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[46]Winstanley to Medhurst, 20 November 1868, enclosure in Medhurst to Alcock, no. 129, 16 December 1868, FO 228:453.

[47]In 1865 Li had called for 100 men trained in rocket drill to be sent north but this was the only request for troops which Winstanly recorded in his camp diary.

[48]Spector, Li Hung-chang, p. 160.

Chinese troops at Fang cheaou and Soochow.[49] Within a few years of the establishment of the camp at Feng chuan shan there was a small pool of Chinese officers who were competent in western drill and could be used as drill instructors at this camp and others. Although the foreign instructors routinely complained about the complacency of Chinese officers, Winstanley noticed that there were men among them who took a lively interest in their training and were becoming quite proficient in western drill. Some, in fact, had become so knowledgeable about the drill that it was becoming increasingly difficult to find foreign instructors who knew more than the Chinese officers and who could command any authority. These Chinese officers challenged the foreigners' knowledge of their own drill and the latter could no longer bluff their way through the exercises. Instructors who could not master the Chinese drill commands were ridiculed. Winstanley was once forced to dismiss one drill instructor because of his ineptitude with the Chinese drill commands.[50]

Tseng was trying to eliminate foreign instructors among the "trained troops" throughout the Kiangnan area when

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[49]In 1865 one of the Chinese generals had asked Winstanley to supply him with the drill manual used at Feng chuan shan so that it could be used at these other camps. Quarterly Report, 23 January 1866, enclosure No. 8 in Winchester to Alcock, 25 January 66, FO 228:411.

[50]Quarterly Report, 13 January 1870, enclosure no. 2 in Medhurst to Wade, no. 4, 25 January 1870, FO 228:492.

he died in 1872. The mutinies which occurred at the camp shortly after his death gave other officials in Kiangsu the opportunity to divide the troops among themselves and close the camp.[51]

The Foreigners' Experience with Feng chuan shan

The experience which the drill instructors and the British officials had in relation to the camp were mixed. Like many foreigners in China in the mid-nineteenth century, Winstanley and the other foreign officers got along well with most of the Chinese they dealt with on a face-to-face basis. Winstanley believed that his drill instructors were well-behaved towards the Chinese and well-liked by the men at the camp. But there were still hints of an underlying tension between the foreign officers and the Chinese at the camp. The difference in salary and privileges afforded the foreign officers cannot have escaped the notice of the Chinese officers. Winstanley never reported any overt hostility from the Chinese officers but when news of the "Tientsin Massacre" arrived at the camp in mid-1870, Winstanley received some "friendly hints" from the Chinese at the camp that it would be wise to withdraw the foreign officers until things settled down.[52]

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[51]Spector, Li Hung-chang, p. 160.

[52]Winstanley to Medhurst, 16 July 1870, enclosure in Medhurst to Alcock, no. 47, 16 July 1870, FO 228:492.

In the end, the foreign instructors could not escape from the anomalous position they occupied as purveyors of information and skills in an institution which they could not control. Li had made it clear from the beginning that the foreign instructors were expendable and that the camp might be terminated at any time and without warning. Still, when Consul Medhurst heard that the camp was going to be abandoned, he complained to Wade in Peking that the British, and particularly Winstanley, should have been consulted about the decision. He and Winstanley had already been talking together about how the camp might be revised to make it more efficient and useful to both the Chinese and the British. But Wade remained firm: the camp belonged to the Chinese and it was their business if they wanted to close it down.

The Chinese officials who were responsible for the military camp at Feng chuan shan and the Kiangnan Arsenal recognized the military superiority of the West. What they would not admit, however, was the right of the foreigners to control Chinese efforts to define what "useful knowledge" China needed to appropriate from the West. This put the foreigners who accepted employment in Chinese institutions devoted to "self-strengthening," whether as drill instructors, language teachers, production engineers, or

translators, in an uncomfortable position. They wanted to convince the Chinese they worked with and even those beyond their immediate range of influence, to accept the same values which had shaped their own world. They wanted individual Chinese and the Chinese as a society to commit themselves to the ideas of efficiency, self-discipline, progress, individualism and scientific rationalism which had created nineteenth-century western culture. Their knowledge and technical expertise were valuable commodities in China during these decades when Chinese officials in the self-strengthening movement were making their initial forays into western technology and culture. But these same officials also looked on the foreign hirelings with suspicion. In most cases the officials maintained the upper hand and they managed to limit the authority that the foreigners could wield in the institutions in which they worked and thus limited the impact they could have over the larger Chinese intellectual culture around them. Having no control over what was done with the things they created, whether they were soldiers, battalions, translators, or books, the foreigners who worked for the Chinese often found their influence severely curtailed by the very people who had sought out their knowledge and expertise.

Most contact between foreigners and Chinese in foreign Shanghai did not, however, take place in the muddy parade ground of the military camp, in the manufacturing

areas of the arsenal, or even in the rooms of the translation bureau or the Royal Asiatic Society. It took place, instead, in the streets and houses of the International Settlement where the thousands of Chinese who lived within its borders offered more immediate and pressing challenges to the presumed authority and superiority of the foreigners. Here the process of creating institutions imbued with western values to govern and control the Settlement became the stage for a persistent struggle between foreigners and Chinese officials for local political power and authority.

# Chapter 5

## BRINGING GOOD ORDER TO THE MODEL SETTLEMENT

By the late 1860's, the elite among the British and American residents in Shanghai had begun to call their little enclave in China the "Model Settlement." They were proud of the spacious residences they had built, the beautiful gardens they tended, the thoroughfares they had laid out, the businesses they had nurtured, the wharves and jetties they had constructed and the system of municipal government they were developing. But despite these accomplishments the foreigners had to admit that they were still far from achieving the control over the Chinese that seemed essential to their long-term survival and prosperity in China. To increase their control over the Chinese within the Settlement they tried during the decades of the 1860's and 1870's to force Chinese officials to accept legal and judicial institutions within the Settlement which were run along western principles and which undercut Chinese authority over the Chinese living there. This was what lay behind their attempt to bring "good order" to the "Model Settlement."

## Crime in the Model Settlement

To the Anglo-American population living in Shanghai few problems were more vexing and persistent than what seemed to them to be the high rate of crime within the settlement. Crime seemed to greet the foreigners at every turn and come from several quarters, including foreign adventurers and the floating population of foreign sailors, Chinese servants and employees of the foreign firms, and the general population of Chinese residents. The first group was naturally the easiest for the foreign residents to control for they had at their disposal the moral authority and the legal apparatus they needed to bring rowdy men of their own nationalities into line. However, the treaties which the western powers signed with China in the mid-nineteenth century did not give foreigners in the treaty ports jurisdiction over the Chinese who lived in the foreign areas. So when they set out to bring "good order" to the Chinese part of the Settlement the foreigners had no firm legal ground under their feet. Undaunted by this small detail, they pressed forward, establishing a foreign-controlled police force and an independent court. But things did not always go smoothly and they didn't always get what they wanted. They discovered that it was much more difficult to control the Chinese living in the Settlement than it was to deal with the problems which the lowest class of foreigners at Shanghai created.

Foreign Nuisances

As the Imperial Chinese government brought the Taiping menace under control in late 1864, the foreign men who had been lured away from their usual seafaring employment in the open ports to take up arms as mercenaries for the Taipings found themselves without work. When hundreds of these former sailors and newly-unemployed adventurers arrived in Shanghai from the Chinese countryside, the resident community became understandably alarmed. Crime became a serious problem and some in the community were of the opinion that these men were being driven to crime by actual want. "For the first time in the history of Shanghai," wrote the editor of the North China Herald, "the streets were crowded by foreigners in every stage of destitution, some actually crowded by foreigners in every stage of destitution, some actually in rags asking alms, others wandering about in search of employment."[1]

Obviously this state of affairs could not be tolerated in the "model settlement." Something had to be done to remove these people from the settlement or at least make the employable. So the residents of foreign Shanghai did what many good middle-class respectable British and American people in the mid-nineteenth century would do when confronted with such a problem: they formed a society to

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[1]"Retrospect of the Year 1865," NCH, 10 February 1866, p. 22.

clean up their city. The society tried to help some of the men find employment but because they were unwilling to work at menial jobs for lower wages than the Chinese were paid and because they had no references and little useful experience to offer commercial houses in Shanghai, these foreigners were hard to place in Shanghai. The foreigners soon discovered that it was much easier to get rid of these people by simply raising money to pay their passage back to the United States, England, or anywhere else they might be willing to go. The taotai of Shanghai, the highest ranking local official, even offered to contribute to the cause and the foreign residents, who were naturally anxious to help remove these troublesome people from their midst, reportedly "quickly responded to the call thus made on their charity."[2] Self-interest was probably foremost in the minds of the foreigners but regardless of the motivation the plan worked. As this class of foreigners was cleared from the settlement the crime rate fell dramatically.[3]

By 1866 the problems created by the ex-mercenaries were under control but as Shanghai continued to grow and dominate foreign commerce and shipping in China, large numbers of transient seamen and sailors began to frequent the port and they created different problems which required more long-term solutions. Their vices were those of sailors

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[2]Ibid.

[3]Ibid.

everywhere but their offenses against the law were relatively minor and generally confined to drunkenness, carousing, disturbing the peace, "furious riding," and assaulting other seamen.[4] While awaiting the departure of their ships or looking for new employment, these men, who were generally in their late 20's and 30's, congregated in the boarding houses that sprang up in Hongkew (originally the "American settlement") and found entertainment in the taverns, grog shops, and brothels which dotted the streets there.

When these men got into trouble it was usually among themselves and they were not too much of a bother to the majority of established residents who lived across the Soochow Creek in the more respectable area that had originally been the British settlement. Still, the Municipal Council, the elected governing body first of the British Settlement and after 1863 of the amalgamated Anglo-American International Settlement, felt that something needed to be done to control the maritime population and minimize the nuisances they created in Hongkew as low land prices drew more residents into the area to build houses and businesses. So it was that throughout the 1860's the council worked out a plan which focussed on curbing drunkenness and its attendant problems. In the early 1860's the

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[4]Records of the Consular Jail, Shanghai, C33, vol. 1, Record Group 84, National Archives, Washington, D.C; also, the law reports for the British Supreme Court printed in the North China Herald, 1870-1875.

Municipal Council began to issue liquor licenses in an attempt to regulate the types of establishments that could sell liquor. In 1868 the council outlined a plan to further regulate the taverns and grog shops for the benefit of the entire community. The first part of the plan was a continuation of their effort to limit the number of liquor licenses to be given out. Through this scheme they succeeded in reducing the number of taverns owned by non-Chinese on Hongkew from 32 in 1864 to 13 in 1868. They also used the licensing system to enact the second part of the plan, which relocated these establishments whenever possible to the back streets, "in neighborhoods less frequented by the respectable part of the community." Convinced that the liquor generally sold in Hongkew was of "the most inferior description," the council also wanted to regulate the quality of the liquor sold in the taverns by having the liquor sold in each establishment tested periodically by the municipal police.[5]

Except for the testing of liquor, which turned out to be quite impractical, the plan was fairly successful. When the behavior of foreign sailors could not be kept within acceptable limits by controlling their environment and circumscribing their activities, these men, who were generally citizens of one of the treaty powers, could be

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[5]Minute Paper of the Shanghai Municipal Council, June 1868, Shanghai Consulate, Letters Received, C8.2, vol. 44, RG 84, NA.

dealt with through the Consular Courts and if necessary, locked up in the British Consular Jail. However, when the ruling elite of the International Settlement turned to the problem of bringing into line the large numbers of Chinese residents who had filled the Settlement during the Taiping Rebellion they found themselves confronted by a greater challenge and one which brought them into direct conflict with local Chinese officials and customs.

The Plague of Theft

In the early 1850's, when the foreigners in Shanghai numbered fewer than 100, the only Chinese allowed to live in the foreign areas were the employees of the foreign firms. Indeed, when the English representative George Balfour arranged with the Chinese authorities for foreigners to take up residence in the marshy area which flanked the Chinese city, no one had imagined that one day the Chinese population within the settlements would dwarf that of the foreigners. However, thousands of Chinese poured into the settlements in 1853-4 when a rebel group called the Small Sword Society occupied the Chinese city. Still more sought refuge there ten years later when the much stronger and more threatening Taiping rebels advanced on Shanghai. According to late-nineteenth and early-twentieth century sources, the Chinese population in the foreign settlements went from 500

in 1850 to 20,000 in 1854 and then up to 500,000 in 1864.[6] As peace returned to the countryside after 1865, many of these people returned to their homes. However, as many as 91,000 stayed on and their presence raised difficult questions about what rights these people had, how they were to be treated, who would have jurisdiction over them, and what form of legal system would be used in administering justice in cases where they were concerned.

Foreigners had always been somewhat wary of the laboring class of the Chinese population but they had learned rather quickly to accept them as an indispensable part of the lifestyles the foreigners wished to maintain in China. After all, someone had to heat and carry their bath water, clean their houses, feed their horses, convey them about in their sedan chairs, cook their meals, wash their clothes, supply them with food, deal with their sewerage, and take care of all the other menial or unpleasant tasks which were beneath their dignity to do for themselves. But the foreigners found that they had to pay a price for the amenities and luxuries the Chinese workers provided because they could not always control the behavior of their own servants and furthermore, it was impossible to restrict residence in the settlement to the employees of the foreigners or those whose businesses were directly beneficial

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[6]Rhoads Murphey, Shanghai: Key to Modern China (Cambridge: Harvard University Press, 1953), p. 11.

to the residents. They could not form a society, raise some subscriptions, and send off the troublesome Chinese as they had the foreigners whose presence they detested.

As the Chinese population grew, certain problems grew with it. Some of these were relatively innocuous although to the foreigner they were a constant source of irritation, like a pebble lodged in a shoe. For instance, foreigners regularly accused Chinese of obstructing bridges with their wheelbarrows, "loitering" in areas where foreigners lived or carried on their business, making loud noises in the streets which spooked horses, dumping garbage on open fields within the Settlement, and generally disturbing the peace, particularly when they congregated in the neighborhood of the noisy Chinese theaters.[7] The foreigners also had complaints which were more serious.

Violence against foreigners in the settlements was not unknown, but it was rare during the 1860's and 1870's. Most Chinese realized that a direct attack on a foreigner was dangerous business so by the late 1860's most crime directed against foreigners was in the form of theft. To the foreigners this was altogether maddening because it seemed as if there was nothing that the Chinese wouldn't steal. Their domestic servants stole potatoes and bread from their larders, china and silver from their pantries,

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[7]Records of the Mixed Court, 1871-1876, Shanghai Consulate, C8.2, vol. 60, RG 84, NA.

clothes from their wardrobes and clothes-lines, curtains from their windows, blankets from their beds, money from their wallets, and even books from their personal libraries. Their valuable dogs were not safe and foreigners were often dismayed and embarrassed to find their own servants stealing from the houses of their friends.[8]

Equally irritating to the foreigners was the predilection of Chinese in the settlements and from the surrounding villages to steal public property. In the early 1860's there was some debate among the foreigners over the construction of sidewalks made of wooden planks. One resident pointed out the foolishness of the plan, insisting that the planks would not last over a winter because the Chinese would steal them and burn them as firewood.[9] The side rails of bridges were regularly removed, planks from the bridges were stolen, and sometimes the damage was so great that entire structures had to be rebuilt. With some exasperation the Municipal Council complained to the British and American consuls that trees which had been planted along the thoroughfares leading out of the Settlement were regularly stolen. Tools issued to the municipal coolies often went

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[8]Ibid.

[9]Letter to the Editor, NCH, 9 Feburary 1861, p. 22.

missing, lead pipe was stolen from the gas works and bamboo fences were stolen from mission compounds.[10]

More directly troublesome to foreign businessmen, however, were the professional thieves who roamed the settlements and stole from Chinese and foreigners alike. Although the professional burglars rarely broke into foreign houses or businesses they did prey on the wealthy Chinese who lived in the International Settlement and they found other ways to make a profitable living at the expense of the foreigners. Under cover of darkness they regularly stole copper and brass fittings from the numerous ships in the harbor and often stole the fittings off public and private docks as well as iron bars off of godown windows. Copper and brass articles, including such things as wash basins and nails, were particularly alluring to thieves.[11]

Some of the theft involved more sophisticated schemes in which Chinese who had connections among the foreigners took advantage of their position or their knowledge of the foreigners' ways to make some money. One man, Tsong Wing, passed himself off as an employee of the gas works and removed numerous brass brackets from the walls of several Chinese and foreign hongs. When he called at the hongs, he

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[10]Minute Paper of the Municipal Council, 7 March 1868, Shanghai Consulate, Correspondence Sent and Received, C8.2, vol. 47, RG 84, NA.

[11]Records of the Mixed Court, 1871-1876, Shanghai Consulate, C8.2, vol. 60, RG 84, NA.

said the brackets were to be repaired but as soon as he had collected his goods he pawned them to a Chinese dealer in old brass.[12]

There were also cases where more significant amounts of goods were stolen and these usually involved Chinese who were employed by or worked with foreigners and who might use their positions to steal goods from cargo boats and warehouses. In one case heard in 1871 the owner of a Chinese light boat and his security were charged by W. Lowe with stealing goods in transit from the jetty to the ship and steamer while they were on cargo boats. This was accomplished by utilizing "thief doors" in the bulkheads which allowed a thief to get into the hold and extract portions from the bales of silk or cotton shirtings. These goods were then carried off and stored in various warehouses in the settlement, including that of the security.[13] This same Loh was accused not long after this of stealing over 12 tons of coal.[14]

All of this theft, and particularly the petty theft, was a source of great irritation to the foreigners for it seemed to be constant and, although they would never admit it, it clearly revealed to them the lack of respect which

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[12]Ibid. Case was heard on September 21, 1871.

[13]Ibid. Case was heard on June 7, 1871.

[14]Records of the Mixed Court, 1871-1876, Shanghai Consulate, C8.2, vol. 60, RG 84, NA.

they commanded from the Chinese. One thief, when asked by a Chinese magistrate whether he knew that what he had stolen had belonged to a foreigner, looked straight at the judge and said that he had stolen it because it belonged to a foreigner! This prompted an outburst of laughter from the Chinese in the courtroom and consternation from the foreigners who were there. The Chinese, it turned out, would be harder to control than they had imagined. When the foreigners looked for ways to correct these problems, they discovered just how difficult it would be to transplant to China their own ideas about justice, punishment, and judicial procedure.[15]

The Foreign Response to Crime

Since the late eighteenth century foreigners who had seen Chinese justice in action condemned it as barbaric and harsh. Early Anglo-American visitors and residents had complained that criminals were treated too harshly and condemned to punishments which were inhumane and too severe. Their complaints were generally based on their horrified response to the public stranglings and decapitations which they were sometimes allowed or forced to witness. However, the foreigners' perspective changed as they came into closer

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[15]This kind of behavior is a form of resistance or social protest commonly used by groups without economic and social power to balance the scales in the their relationshps with those who wield power over them. Scott, Domination and the Arts of Resistance.

contact with the Chinese in their daily living. By the 1850's the British and American residents in the foreign settlements at Shanghai were complaining that the Chinese system was inefficient and too lenient and that Chinese arrested for committing crimes within the settlements were not given adequate sentences when they were sent into the Chinese city for trial.[16] This was an issue of crucial importance to them because they believed that the only way to control crime in the foreign settlements was to have a judicial system which emphasized deterrence. The foreigners complained constantly in the 1850's and early 1860's that when criminals operating in the settlement got off with light sentences, they were only being encouraged to return to the settlements and resume their activities. "Deterrence" became the battle cry of the embattled foreigners.

The British and American residents in Shanghai did not approve of the Chinese city government's methods of maintaining law and order in the foreign area so they began pressing their ministers in Peking to gain for them the right to establish their own police force and a police court under the oversight of the Municipal Council. Through these institutions they hoped to gain more control over the growing Chinese population living in their midst. However, what seemed to be a purely local problem involved the very touchy

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[16]A. L. Kotenev, Shanghai: Its Mixed Court and Council (Shanghai, 1925), p. 45.

and complicated issue of Chinese sovereignty and the British and American ministers at Peking in the mid-1860's were rather adamant in their views on the matter. The Treaty of Tientsin (1858), the first of the "unequal treaties," stated clearly that the Ch'ing Emperor was to retain his sovereignty over his subjects regardless of where they lived and that any Chinese subject who committed a crime against a foreigner was to be arrested and punished by the Chinese authorities according to the laws of China. Sir Frederick Bruce, representing Great Britain, and Ansom Burlingame, representing the United States, were convinced that ultimate Chinese authority over Shanghai should be emphatically asserted. Throughout the 1860's and 1870's successive ministers at the foreign legation in Peking maintained this stance as the United States and Britain pursued together a "cooperative policy" in relation to China's Ch'ing government.

Under this "cooperative police" the western powers agreed to cooperate with one another and the reigning Manchu regime to strengthen the existing Chinese government so that it, in turn, could be held responsible for upholding the Sino-foreign treaties and safeguarding British and American interests in China. The British government did not want to end up with the burden of governing another India and the Americans certainly had no interest in establishing a colonial government in China so a policy which kept the cur-

rent government intact was practical and appealing to both. Therefore, it was not surprising that any official move by the Shanghai residents to establish their settlement as a quasi-independent territory were decisively checked by the foreign ministers who believed that it was in the best interest of both foreigners and Chinese for the Chinese to avoid relinquishing their sovereignty in any way.[17] While this "cooperative policy" made good sense in Peking, London, and Washington, it created unforeseen problems in Shanghai where local needs prompted the residents to press for more and more local autonomy, particularly in municipal and judicial matters which affected them so directly.

## A Municipal Police Force

### Policing the Settlement

Although it was not sanctioned by treaty, the foreign consuls in Shanghai had in fact exercised jurisdiction over Chinese in the settlements since the early 1850's when Shanghai had first been threatened by the Small Sword rebels. This was done with the consent of the beleaguered local Chinese officials who, at the time, saw the arrangement as expedient and efficient. Chinese accused of petty crimes had been tried and sentenced in the consular courts and only the more serious cases were turned over to the city

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[17]Mary Wright, The Last Stand, p. 260.

magistrates.[18] In 1854, with the Small Sword Society in control of the Chinese city, the local Chinese authorities allowed the foreigners to police the foreign settlements with their own men and out of this was born a police force which operated under the supervision of the British Municipal Council. The force began with only 8 foreign constables but within two years it had grown to over 30 men. After the Small Sword rebels were expelled from Shanghai the consuls challenged the authority of the Municipal Council and tried to wrest from it control of the police force. Before the issue could be settled, the Taiping Rebellion created a fresh outbreak of turmoil in the area around Shanghai and during this unsettled time the council managed to firmly establish its jurisdiction in the matter and the police force came to rest firmly under its watchful eye.[19]

But keeping up the police force was not easy and finding competent men to serve as constables was often exasperating. Both Chinese and foreign men were recruited for the force--the former because of their cheapness and the latter as a check on the former--but neither were particularly efficient and the force was a rather scraggly sight in the 1860's. In 1861 it was made up of three European sergeants and 28 constables but these numbers say little

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[18]Kotenev, Shanghai, p. 45.

[19]The history of the early police force is in F. L. Pott, A Short History of Shanghai, (Shanghai, 1928), p. 38; statistics on the police force are on p. 69.

about the state of a force which was, at the time, the object of constant derision in the community. One letter to the editor of the North China Herald from a merchant complaining of the "declining and inefficient state of the police force" summed up the attitude of quite a few of the foreigners in Shanghai in the early 1860's. In former years, the writer stated, there was generally a "tolerably smart and attentive constable" to be seen in the busiest parts of the settlement and his presence seemed to have a "salutary effect on the passing and odorous crowd." Lately, however, constables were rarely seen anywhere and when you did find one, he was usually in the place least needing his attention. He might be seen creeping along the orderly bund while not far away "coolies were wrangling and fighting, beggars whining, and cripples exhibiting their horride [sic] afflictions, not six yards from our door."[20]

The foreign men hired for the force were seamen who had no discipline and no training as police constables. This rag-tag bunch of men showed little initiative while on the job and as they ambled around the streets some of them no doubt stopped in the taverns along their beats for some refreshment. The Superintendent of Police, on at least one occasion, had to warn the men that anyone caught drunk twice would be fined ten days pay and might be dismissed from the force and have his name sent to the British Consul as a per-

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[20]Letter to the Editor, NCH, 26 January 1861, p. 14.

son of untrustworthy character.[21] These sailors also had little respect for the Chinese in the settlements and were sometimes accused of mistreating them. Foreign firms registered complaints with the watch committee when policemen assaulted their Chinese boatmen or other employees.[22]

The Municipal Council for the British Settlement and its counterpart across the Soochow Creek, the Hongkew Defense Committee, searched diligently for alternatives to these inadequate sailors. The council encouraged military men from Hong Kong to apply for the jobs while the defense committee tried to recruit both "Manilamen" and more respectable Europeans for these jobs but there were not enough of these men to go around and the committee could not compete with the wages private citizens paid this class of men to protect their property.[23]

While this personnel crisis was brewing, another more serious threat to the force surfaced. Frederick Bruce, the British Minister in Peking, began in 1863 to insist that responsibility for policing the settlement be turned back

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[21]Minutes of the Municipal Council Meeting, 7 March 1861, printed in NCH, 16 March 1861, p. 42.

[22]Minutes the Municipal Council Meeting, 22 February 1861, printed in NCH, 9 March 1861, p. 39.

[23]Minutes of the Meeting of the Hong Kew Defense Committee, 25 January 1862, printed in NCH, 1 February 1862, p. 19.

over to the Chinese authorities.[24] But the residents in Shanghai fought hard against this proposition. Crime was increasing daily in the settlements due to the influx of Chinese refugees and foreign adventurers. The editor of the North China Herald complained that "burglary has literally become a mania, and cases of the most outrageous nature are being perpetrated at the rate of two or three a week, without seeming hope of detection. Assaults by rowdies, both on foreigners and Chinese, are by no means uncommon, and the victim, so far from expecting the discovery and punishment of his assailant, congratulates himself if he escapes without loss of property or serious injury to person."[25] To the foreign residents it seemed that this was certainly no time to hand control of the force over to the crumbling Chinese government in the city and, in fact, the increasing crime rate was one of the critical factors which pushed the British and American settlements to merge their governments and create a single Municipal Council for an amalgamated "International Settlement."

The Municipal Council of the new International Settlement was able to fend off Bruce's attempt to undermine the municipal police force and when things began to settle down after the last of the Taiping Rebels were brought under

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[24]"Retrospect of Events for 1863," NCH, 16 January 1864, p. 11.

[25]NCH, 30 January 1864, p. 18.

control in 1865, the Council was able to increase the efficiency of the force. The first thing it did was to bring a bit of England to Shanghai in the form of two trained London police officers. Messrs. Penfold and Stripling arrived in April of 1865 to take control of a force consisting of 101 men, 65 of whom were Europeans and 36 of whom were Chinese.[26] They set to work shaping up this motley group and under their guidance the constables received more training and were put under greater discipline and supervision. Hoping to improve the appearance of the force and thereby boost both internal morale and the prestige of the police in the community, they convinced the Watch Committee to recommend to the Council that a little bit of money be spent on uniforms for the native policemen so that they "all may appear dressed alike."[27]

The force as a whole improved markedly but foreigners still had few good things to say about the Chinese policeman. He was once described by a very disdainful European in the following derisive terms:

> These policemen are to be seen with unfailing regularity at the police stations, when the hour for chow is at hand; it is only now and again during day time, and very seldom at night, that one can be seen on the streets. They are dressed in a uniform which is half Chinese, half European. In winter they wear top boots;

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[26]Report of the Watch Committee to the Municipal Council, 10 January 1866, printed in NCH, 20 January 1866, p. 10.

[27]Report of the Watch Committee to the Municipal Council, 8 May 1866, printed in NCH, 26 May 1866, p. 84.

> thick black cloth trousers. . .a loose blue jacket, with an embroidered number in Arabic numerals on the right breast, and a similar embroidery of the Chinese number on the left breast. . . .In summer, . . .the native policeman wears a light suit, with a pith helmet shaped like an inverted soup plate, and he invariably carries an umbrella on parade. An umbrella is not a very handy thing for a policeman to carry when he has to run in a prisoner; but then the native policeman so very seldom makes any capture, that he does not find the umbrella in the way. . . .A Chinese policeman when going home to dinner can walk about four miles an hour; when on duty he walks about a mile in three hours. When he sees a row going on between some natives on the street, he goes off in the opposite direction, and turns the first corner. . . .A Chinese policeman was never seen running, except when some one was chasing him, or had frightened him in the dark.[28]

The Watch Committee, however, was less critical of the Chinese on the force. They admitted that there were occasional problems with the Chinese constables, as when one Tswa Tsing Kwa was prosecuted in the Mixed Court for stealing bedding from a boat and taking some clothing from a prisoner. The committee was quick to point out, however, that during the entire year from April 1865 to April 1866, only two charges of misdemeanor had been brought against Chinese constables and they put this forward as evidence of "how efficient an ancillary they can be made to the Foreign Force, when under proper management."[29]

Chinese also served in the Municipal Police Force as "native detectives" and there was little complaint about

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[28]W. H. Macfarlane, Sketches in the Foreign Settlement and Native City of Shanghai (Shanghai, 1881), pp. 84-85.

[29]Report of the Watch Committee to the Municipal Council, 8 May 1866, printed in NCH, 26 May 1866, p. 84.

their service in this role. As the nineteenth century progressed fewer European or American officers were employed and gradually the force began to be composed of a higher ratio of Chinese constables, sergeants, and detectives. For example, in 1866 when three Europeans were retired from the force at the expiration of their contracts, they were replaced by three Chinese constables and one native detective.[30] The famous towering Indian policemen so common in the early twentieth century did not appear in the force until the 1880's.[31] By the late 1860's the police force, composed of more Chinese constables and detectives, but still under the supervision of foreigners, regained its good name in the community. The police force was no longer the object of frequent complaints in the North China Herald and the police report became so routine that it was no longer printed in the paper's reports of the meetings of the Municipal Council. In fact, when in late 1868 there was a rash of assaults by Chinese rowdies on foreigners walking alone at night near the Soochow Bridge, the editor of the North China Herald said with confidence that "the police have coped so ably with other forms of rowdyism that we doubt not they will eventually discover who are the people

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[30]Report of the Watch Committee to the Municipal Council, 14 March 1866, printed in NCH, 24 March 1866, p. 48.

[31]On the role of the Sikh policemen, see Betty Wei, Shanghai: Crucible of Modern China (Hong Kong and London: Oxford University Press, 1987), pp. 100-102.

guilty of these frequent outrages."[32] Superintendent Penfold and Inspector Stripling were frequently praised in the foreign press and among the consular officials for their good work and in 1871 the Chinese provincial authorities bestowed gold medals on them for their service.

From the foreigner's point of view, the success of the police force was due entirely to the fact that Europeans maintained control over the force and closely supervised the Chinese who were employed. But as the Shanghai residents knew all too well, an efficient police force was only half of the battle in controlling crime. The foreigners soon discovered that the fates of the criminals which the hard-working police arrested were in the hands of a judicial system over which they had little direct control. Like the police force, the judicial system which evolved in the International Settlement was an institution of mixed parentage which operated on the edges between two cultures. However, the foreigners were not able to have much direct influence over the operation of the court and consequently it became a source of constant frustration to them as the local Chinese authorities resisted their attempts to impose western judicial customs, procedures, and punishments on an essentially Chinese court.

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[32]NCH, 8 December 1868, p. 594.

## The Mixed Court

### A Court for the Settlement

In the early 1860's the Shanghai Taotai and the Shanghai Chih-hsien (the local district magistrate responsible for resolving civil problems) moved to reclaim jurisdiction over the Chinese living in the foreign settlements. This coincided with the creation of the Tsungli-yamen, a new bureaucracy located in Peking which was given responsibility for handling foreign relations. With the establishment of the Tsungli-yamen in 1861, control of Sino-foreign relations, which had been left in the hands of local and provincial officials nearest the treaty ports, was gradually centralized at Peking. Consequently, local officials in Shanghai were instructed to reclaim some of the authority over Chinese in the foreign areas which had been relinquished during the 1850's.[33]

To test the resolve of the foreigners on the matter the Shanghai Taotai and Chih-hsien began sending the Chinese city police into the settlements with warrants to arrest Chinese and bring them into the city courts. The foreigners objected to this and when this system was used to extort money from Chinese who did business with the foreigners, George Seward, the American Consul in Shanghai, stepped in and arranged a compromise. Seward got the Chinese authorities in 1863 to agree that all warrants issued by the city

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[33]Leung Yuen-sang, The Shanghai Taotai, pp. 67-73.

magistrate would be approved and stamped by the municipal authority before they were executed within the Settlement. The plan was supposed to be a face-saving and power-sharing plan--the Chinese city officials retained ultimate authority over their subjects while the consuls maintained their authority in the foreign area. In practice, however, it meant that the foreigners maintained the upper hand under the guise of cooperation. This was clearly not intended in any of the Sino-foreign treaties and the issue was not completely laid to rest.

This compromise temporarily resolved one complaint which the foreigners had about the working of the Chinese judicial system in relation to the settlements. However, it did not address what the foreigners saw as the most crucial issue: the failure of the Chinese judicial system to adequately punish Chinese criminals operating in the foreign area. Criminals arrested in the Settlement by the municipal police, as many as 20 a day, were sent by the consuls into the city for trial but due to the difficulty of obtaining witnesses and preparing the cases in writing, the proceedings before the city magistrate were usually cursory and most foreigners were convinced "that in many cases the offenders were released after a short detention, and returned to the Settlement to steal and offend as before."[34]

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[34]Consul H. Parkes to T.T. Wade, British Minister at Peking, quoted by Kotenev, Shanghai, p. 46.

The need for some kind of court within the foreign area became increasingly pressing in the early 1860's due to the influx of Chinese into the settlements but attempts to establish an independent judicial system invariably stumbled on the obstacles of Chinese sovereignty and differences between foreign and Chinese traditions of jurisprudence. Nevertheless, the British and American consuls, at the constant urging of the Municipal Council, which after 1863 represented the newly amalgamated British and American settlements, began working toward getting a court for the new International Settlement. In early 1864 the consuls submitted a proposal to the ministers in Peking for a municipal police court but Alcock and Burlingame refused to sanction such an innovation. Both were intractably committed to maintaining Chinese sovereignty in the foreign areas of the treaty ports. Then Sir Harry Parkes, the British Consul, came up with a solution which promised to be agreeable to all sides. His plan, which he worked out in informal discussions with the Soochow Futai, a high provincial official, called for the establishment of a "Mixed Court" which would sit in the International Settlement with a Chinese magistrate presiding and foreign assessors watching cases on behalf of the foreign community. This extraordinary court, which had no written constitution and no established rules of procedure when it opened its doors on May 1, 1864 in a dilapidated building on the grounds of

the British consular compound, was destined to become the focus of much animosity between foreigners and Chinese in Shanghai. The court was given jurisdiction in all police cases arising in the Settlement as well as jurisdiction in criminal cases in which Chinese were charged by foreigners, in criminal cases involving foreigners not represented by a treaty consul, and in civil cases brought by foreigners against Chinese or by Chinese against unrepresented foreigners. It was also a court of appeal in both civil and criminal cases. However, cases which might require severe punishment of the defendant would still be transferred to the city magistrate.

The plan made the ministers in Peking happy because with a Chinese magistrate presiding over it, the Mixed Court was unquestionably Chinese and thus did not threaten the principle of Chinese sovereignty. Similar "mixed tribunals" had been devised to meet the needs of Chinese and Russians living along the borders of these two empires and this precedent made the foreign ministers even more comfortable with the Shanghai arrangement. The local Chinese authorities in Shanghai were initially pleased with the idea and the foreign community breathed an almost audible sigh of relief for it seemed to them that they would finally be able to regulate more satisfactorily their own affairs. However, disillusionment with the Mixed Court quickly set in on all sides as the difficulties of finding common ground between

Chinese and Anglo-American customs of judicial practice became increasingly apparent.

There were two problems related to the criminal jurisdiction of the court which plagued it from its inception. First, the numerous cases of theft which came before the court raised the issue of punishment. The foreigners and the Chinese officials could not agree on what kinds of punishment could be given to Chinese criminals that would not violate Chinese customs and laws but which would at the same time satisfy the foreigners' demands for justice. Secondly, this court, which was an admittedly hybrid institution occupying a strip of ground between two cultures, struggled constantly to maintain its reputation within both the foreign and Chinese communities in the face of strong undercurrents of disrespect.

## Conflict over Punishment in the Mixed Court

The foreigners' obsession with deterrence, which had been so apparent in their quest for a municipal police force, was also a factor in the establishment of the Mixed Court. In their minds, the prestige of the Mixed Court would depend on how well it could deter criminals from operating in the Settlement. Their primary complaint about the old system of sending Chinese criminals into the city for trial and punishment had been that the system did nothing to discourage criminals from coming back to the

Settlement to resume their activities after they had been tried. Foreigners believed that when criminal acts or even nuisances were not adequately punished and when the punishments were not made highly visible within the Settlement, the offenders and other Chinese had no motivation to stop these activities.

The foreigners naturally assumed that they would be able to have more influence over the punishments meted out in this new court which would be sitting in their own back yard. But what was adequate punishment? Here the opinions and customs of the two sides were decidedly different. When the Mixed Court opened in 1864 the presiding magistrate, because of the initially low rank of the post, could administer only a limited array punishments. Criminals could be chastised, flogged with various thicknesses of bamboo, imprisoned in a cangue (a heavy wooden collar in which the neck and hands of the prisoner were confined), given short prison terms, or fined. To the foreigners, none of these punishments had the proper moral effect on either petty or professional criminals. Chastisement was thoroughly useless and floggings, particularly on hardened criminals, had absolutely no effect. The cangue, because it involved some public humiliation, was a marginally suitable way of punishing compradors, house servants, and other more "sensitive" criminals. As for prison sentences, there was no way to be sure that prisoners actually served their terms

in the Chinese city jail and fines, they argued, only hurt the poorest criminals. The Municipal Council was convinced that a better system was needed so they instituted one of their own--despite the fact that it was a flagrant violation of the original agreement on which the Mixed Court was constituted.

What the Municipal Council came up with was a system of hard labor in which convicted criminals were sent to a chain gang and forced to build and repair roads in the International Settlement by dragging the municipal roller or crushing stones with pick axes. The foreigners were convinced that this, more than corporal punishment, would discourage criminals from operating in the foreign areas. The British assessor sitting on the court in 1865 explained it this way in his report for the year:

> It exposes the criminal to derision and contempt of his fellows, and thereby deters them from following his example. It makes him useful while he is undergoing his punishment, and it enables the Court to see its sentences properly carried out.
>
> Its deterrent effects have been most marked. Receivers of stolen property, who laughed at being sent into the City to be bambooed, secure that, if unable to bribe themselves off, a fee to the executioner would make the infliction a farce, were horrified at the institution and cleared out the Settlement in crowds when the first of their number made his appearance in the gang; and a domestic servant once sentenced to it so utterly loses face that he almost invariably leaves the place directly his term is concluded. Even the more callous criminals dislike it, as their employment on the roads makes them so well known that it is impossible for

them to continue their vocation after a week or two passed at hard labor.[35]

What the foreigners really liked about the system of hard labor was that it gave them a measure of control in the Chinese judicial process which they otherwise lacked. They could make sure that criminals did not get out of their sentences by bribing the executioners and they even got a bit of useful work out of the criminals at the same time. The Chinese officials, however, did not like the system since it infringed on their jurisdiction over their own subjects and had no place in Chinese law or practice. The Shanghai Taotai in 1865 complained to British Consul Charles Winchester that "now all Chinese are sentenced by the Foreign Official to hard labour, and the circumstances of the case are never reported to the Magistrate of the City." He argued that the Chinese officer of the court should be allowed to punish Chinese offenders and since "there is no such punishment in the Chinese code as hard labour, . . .it is not agreeable to the Treaty that Chinese should be punished with a punishment belonging to a foreign Code."[36] Although the taotai's argument was unquestionably sound, the foreigners were determined not to give up their experiment without a fight.

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[35]Chaloner Alabaster, Memorandum on the Mixed Court, 1865, quoted in Kotenev, Shanghai, p. 58.

[36]Ying to Winchester, 8 November 1868, quoted in Kotenev, Shanghai, p. 59.

The first round in the battle over the hard labor system started when a Chinese man died while serving his sentence in the chain gang. The foreigners insisted that the man died from an "old disease" but the taotai seized the opportunity to try to tip the balance of power in the court back in favor of the Mixed Court Magistrate. Hard labor sentences were suspended temporarily while discussions commenced between the consuls and the taotai. The taotai did not gain his objects but he did succeed in having a set of written regulations for the use and treatment of the prisoners drawn up. These regulations set the minimum term for hard labor at 3 days and the maximum at 3 months. Women could not be sentenced to hard labor and only men between the ages of 18 and 45 who had been declared by a medical officer to be fit enough to endure the term could be placed on the chain gang. The prisoners were supposed to be inspected daily by the medical officer and they were not to be forced to work in rain, snow, or other extraordinary weather. The leather-covered chain which secured each man to his neighbor was to weigh no more than eight pounds. The men were to receive three meals a day of rice and vegetables and a helping of meat every other day. During the summer they could be worked from 6 a.m. to 10 a.m. and from 4 p.m. to 6 p.m.; in the winter from 10 a.m. to 4 p.m.

The chain gang was resumed under these new regulations and the charges that the system was cruel and inhumane

gradually disappeared.[37] Hard labor continued to be the foreigners' favorite punishment for Chinese convicted of robbery, theft, knowingly receiving stolen property, and extortion. However, it was not long before the foreigners began to see that what had looked good on paper was not operating so well in practice. Chinese officials and criminals alike had found ways to undermine the effectiveness of the system and a general contempt for the arrangements grew up within the foreign community. In the public press and among the consular staffs there were complaints that the magistrate wasn't sentencing enough men to the chain gang and that many others were bribing Chinese doctors to grant them exemptions.[38] The foreigners also complained that the food given the prisoners was so good and plentiful that many criminals actually enjoyed their short assignments to the chain gain. As one Mixed Court assessor said, "the dietary scale [is] too large, the provisions given being greater in quantity and better in quality than a fully employed coolie can afford. Of course the men should be well fed, but the prisoners should be convinced that the prison fare is at least not better than their honest brethren outside and they themselves are accustomed to

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[37]Chaloner Alabaster, Memorandum on the Mixed Court, 1865, quoted in Kotenev, Shanghai, p. 60.

[38]Memorandum by Vice-Consul Forrest on the New Regulations for the Hard Labor Prisoners, n.d., enclosed with Minute Paper of the Municipal Council, 19 June 1868, Consular Records, Shanghai, C8.2, vol. 47, RG 84, NA.

eat."[39] It wasn't long before the Municipal Council began to complain about having to pick up the tab for what it considered the luxurious upkeep of these men.

Attempts by the foreigners to rectify this situation to their satisfaction produced an unexpected result. In April of 1868, the Municipal Council, on the recommendation of the Watch Committee, asked the consuls to press the taotai to reimburse the Council for the money which it had spent on the hard labor prisoners during the previous fiscal year. At the same time, the Council submitted to the consuls revisions to the existing regulations which would give the Council more discretion over the use and treatment of the prisoners and, most importantly, enable the Mixed Court Magistrate to assign criminals to longer sentences on the chain gang. The Council wanted the minimum sentence to be 14 days instead of the original 3, and the maximum sentence to be 6 months rather than 3. They also wanted to lower the minimum age of prisoners from 18 to 14, give the Council more latitude in setting the prisoners' work hours, and allow the prisoners to be worked during inclement weather, provided they were assigned to work which could be done under a cover.[40]

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[39]Ibid.

[40]Municipal Council to Consuls, 11 April 1868, Consular Records, Shanghai, C8.2, vol. 44, RG 84, NA.

The consuls accepted most of the proposed revisions but they warned the council that this was not a good time to press the Chinese authorities on the question of reimbursements. A new magistrate for the court had just been announced and a new taotai was also coming into office. The foreigners had not yet had a chance to size up the new officials and to gauge their probable response to the question of either revisions in the hard labor system or reimbursements. So they put off the negotiations with the new taotai until August.[41] When the consuls did send the taotai a letter requesting the Chinese government to pay for the upkeep of the hard labor prisoners, Taotai Ying's immediate response was what some had feared. Ying refused to pay the bill which had been presented to him and curtly informed the consuls that since the hard labor system had never been intended as more than a temporary measure until the Mixed Court could procure adequate instruments for traditional Chinese punishments, that the entire system should now be abolished. The Mixed Court had received adequate numbers of cangues and various thicknesses of bamboo, he said, so there was no need to continue this system which was not recognized by the laws of China. Even if the system was retained he could not, he pointedly informed them, pay for the upkeep of the prisoners since the labor was done in the Settlement

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[41]Watch Committee, Circular Letter to the Consuls, 15 July 1868, Consular Records, Shanghai, C8.2, vol. 47, RG 84, NA.

and, again, was not sanctioned by Chinese law.[42] Ying's stance was clearly a power play to block the foreigners' attempt to force him to pay for the prisoners and to gain for himself the upper hand in the negotiations. Not long after this exchange of letters he said he was willing to discuss the matter further if certain changes in the system were made.[43]

The foreigners ultimately lost more ground than they gained in this confrontation. The Municipal Council had threatened to abandon the hard labor system if the Chinese government did not pay for the prisoners' rations while on the chain gang only to realize that the Chinese would be glad to see the system abolished. The foreigners realized too late that they had taken their stand on precarious ground and had unwittingly played into the hands of the Chinese officials. They began accusing these officials of working at the behest of certain influential "respectable" criminals of the comprador class who were vehemently opposed to the hard labor system. Negotiations continued sporadically over the next year but by 1870 Consul Medhurst had to

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[42]Consuls Medhurst, Seward, and George Basil Dixwell to Ying, 19 August 1868, and Taotai Ying to Consuls Medhurst, Seward, and Dixwell, 24 August 1868, printed in NCH, 5 September 1868, p. 430.

[43]Seward to Cunningham, Chairman of the Municipal Council, 23 February 1869, in which he outlines for Cunningham what has taken place so far in his meetings with the taotai. Consular Records, Shanghai, C8.2 vol. 47, RG 84, NA.

inform the Municipal Council that he could not press the Chinese any longer on the issue of paying for the prisoners. The Council, which had backed itself into a corner, was forced to let the system lapse.

The problem of finding a system of punishment which would discourage theft continued in the 1870's. In 1871, after seven years of the Mixed Court's operations, foreigners were still complaining that the inadequacy of the punishments inflicted actually served to directly encourage crime in the Settlement.[44] The underlying problem was one of perspective. As one British assessor noted, the Chinese magistrates considered burglary and theft to be misdemeanors and, try as they might, the foreigners could not convince the Chinese officials to punish these crimes with sufficient severity.[45] The foreigners also had trouble convincing the Chinese officials to agree with them on what to do about the restitution of stolen property.

Taotai Ying admitted that theft in the foreign settlements was very high and that there needed to be a standard procedure whereby victims could be compensated for their losses. In a letter to the foreign consuls Ying explained that traditional Chinese law required that robbers be held responsible for reimbursing the owner for goods

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[44]Davenport, Memorandum on the Mixed Court, enclosure in Markham to Wade, no. 53, 29 July 1871, FO 228:504.

[45]Ibid.

stolen and sold to pawnshops. Ying did not want legitimate pawnshop owners who unknowingly accepted stolen goods to bear the brunt of the rampant theft in the Settlement. Foreigners, however, insisted that the pawnshop owners should accept the loss if the thieves themselves could not be held accountable. The taotai suggested that in such a case, the foreigners' only course was to turn to the magistrate for recompense. He also noted that when servants stole from their masters, the theft had to be reported immediately to the authorities. If the victim failed to do this and the goods turned up in a pawn shop then the foreigner would have to redeem the goods himself.[46]

The idea that the victims of a crime should have to pay to recover their goods from pawnshops struck the foreigners as absurd. They were also not pleased with the idea that they should apply to the cumbersome Chinese bureaucracy for recompense. The impasse which the two sides had reached was apparent in a case which came into the Mixed Court in November of 1868. A Mr. Biben was robbed of a $180 watch one evening while he was walking near the Soochow Bridge. The next day the police found the watch in a pawn shop where an advance of $22 had been given on it. Chen, the Mixed Court Magistrate, told Biben that he should pay the $22 if he wanted his watch back. The Europeans in the court were

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[46]Ying to Consuls, 14 May 1869, Consular Records, Shanghai, C8.2, vol. 63, RG 84, NA.

shocked at this decision and when F. Jenkins, the American assessor, objected to the decision and said he would appeal it, Chen turned on him and said that if Jenkins objected to the decision he should pay half of the amount for Bibel![47]

Decisions such as this one, along with the chronic problem of insufficient sentences for convicted criminals, undermined the reputation of the court among the foreigners. Although the inauguration of the court had been met with great hopes and expectations, the subsequent disillusionment was very deep. The foreigners were forced to confront the fact that their ability to run the court to their satisfaction was rather limited. Each announcement of modifications in the court's regulations or a change in magistrates was greeted with a fresh, but short-lived, wave of hopefulness. By the early 1870's, however, many foreigners considered the Mixed Court hopeless. The editor of the North China Herald, which had regularly vented complaints about the inadequacy of the court during its six year history, began an article on the court with these dispirited words: "Inveighing against the Mixed Court is not a very hopeful process, but we have seen other abuses remedied, which seemed nearly as impervious; and do not quite despair of improvement, even in the remarkable institution which graces the Maloo."[48]

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[47]NCH, 10 November 1868, p. 546.

[48]NCH, 1 March 1870, p. 146

Disgusted with the Mixed Court, many foreigners dispensed their own forms of justice, particularly when they caught Chinese stealing from them. When an American named John Roberts was reprimanded by his consul, George Seward, for locking up an employee in one of his godowns, he had this to say in defense of his actions:

> I have received your favor of this date relative to my punishment of Chinese caught stealing on my premises, and I agree with you that legally I am not justified in taking the law into my own hands. I find, however, that in practice, the plan I have adopted works well, and the fact that no complaints have been made to you by the parties whom I have shorn, flogged, or imprisoned, proves that they have felt themselves to be rightly served. I tried the Mixed Court repeatedly and became disgusted every time I went there, and were I to send all the criminals I detect to court for trial, I should have to appear every day in the week, which would occupy too much of my time. The police authorities are well aware of the system I pursue and highly approve of it, considering it more beneficial than any other course I could adopt.[49]

In response to Seward's next letter, Roberts pointed out to the consul that it was an accepted practice among Americans to punish servants by cutting their wages or thrashing them.[50] Seward fined Roberts $50 but the sympathy of the public was clearly with Roberts. The North China Herald, commenting on the case, was careful to admit that what Roberts had done was illegal but sympathized nevertheless with his predicament:

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[49]John Roberts to Consul Seward, 16 June 1868, Shanghai Consular Records, C8.2, vol. 44, RG 84, NA.

[50]John Roberts to Consul Seward, 17 June 1868, Shanghai Consular Records, C8.2, vol. 44, RG 84, NA.

> Of the illegality of Mr. Roberts' conduct there can of course be no question. No man has a right to take the law into his own hands. The misfortune is that, if he obey this principle in China, in dealing with the Chinese, the law is so feebly administered that it might nearly as well be in no hands at all. Mr. Roberts of course ought to have taken the culprit before the Mixed Court, by which he would have been duly sentenced to two or perhaps three days 'labour' in the chain gang. That is, he would be given two good meals a day at the public expense, be lodged at night more comfortably and cleanly than in his own hut, and allowed, if the weather were fine, to bask in the sun and pretend to tap stones, by way of earning these luxuries.[51]

Both foreigners and Chinese who did come before the Mixed Court showed their disrespect for the institution by their demeanor. Neither Chinese offenders nor the foreign plaintiffs bothered to show even the minimal amount of respect they would have demonstrated in one of their respective tribunals. British Consul Medhurst, upon visiting the Mixed Court one day shortly after Magistrate Chen had been installed there, noticed that the Chinese defendants were quite disrespectful to Chen both in their language and tone of voice and that the European plaintiffs made it a habit to lounge upon the audience table in front of him.[52] The Chinese had been freed from many of the usual Chinese yamen regulations, such as kneeling and bowing, because these were offensive to the foreigners; criminals who were hauled before the court took full advantage of this and there was very little fear and trembling on their part when they

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[51]NCH, 27 June 1868, p. 300.

[52]Medhurst to Alcock, 14 August 1867, FO 228:452.

approached the magistrate. Medhurst thought that this might be checked by warning the Chinese that the relaxation of the regular forms were exceptional measures which might be revoked at any time should the offender forget that he was, indeed, in a Chinese court. But it wasn't really a Chinese court and everyone knew it. Medhurst and others clearly saw that something needed to be done to bolster the prestige of the magistrate in the eyes of the Chinese and the foreigners but nothing seemed to help. Foreigners and Chinese alike continued to speak derisively of the Mixed Court and Chen was on more than one occasion ridiculed in print by the foreigners.

Discussions in the foreign press of the imperfections of the Mixed Court generally focussed on Chen's eccentric personality and sometimes bizarre demeanor in the courtroom. Chen evidently had a penchant for embarrassing antics in the courtroom when things did not go as he wished. In one case, when he and the foreign assessor were at odds over whether a prisoner should be sent to the court jail or to the municipal jail, Chen left the bench, bowed in front of the assessor and began carrying on in a most undignified manner until the assessor was forced to leave the court with the prisoner.[53] The description which one foreign journalist gave of Chen was of a man of little judicial discretion

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[53]Macfarlane, Sketches in Shanghai, p. 10.

who could be swayed by the most pathetic of fabricated stories and lamentations.[54]

On the other hand, the foreign consuls and assessors who worked with Chen were not as harsh in their judgments of him. On first hearing of the likely appointment of Chen, the consular establishments were generally satisfied that a good choice had been made for Chen already had some exposure to western laws and customs and even more importantly, he reportedly knew how to run an orderly court.[55] The foreigners who worked with Chen did not always agree with him and were often put out with his behavior, but they, more than the public at large, could appreciate the difficulty of his position. Until 1869 the magistrate's post was only that of the wei-yuan rank which meant that the Mixed Court Magistrate was merely a deputy of the city magistrate, the Shanghai Chih-hsien, and had no independent power. Even after the position was elevated at the insistence of the legation in Peking to that of tung-chih with more independent power, Chen, who presided over the Court during the entire decade of the 1870's, had to carefully negotiate his way between the demands of the foreign consuls and assessors on the one hand and the Shanghai Taotai and the Shanghai Chih-hsien on the other.

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[54]Ibid., pp. 8-9.

[55]Vice-Consul Forrest, Memorandum on the Mixed Court, enclosure in Winchester to Alcock, no. 59, FO 228:452.

Chen's position was not an enviable one. Chen and the Mixed Court operated on the edge of two cultures and he was pushed and pulled by higher authorities on both sides. The Municipal Council, always worried about the crimes of burglary, theft and extortion, tried to influence the workings of the court by urging the consuls to get the magistrate to pass heavier sentences for these crimes to check them in the settlement. The foreign assessors who were sent from the British and American consular establishments pressed him to deal stringently with Chinese defendants when foreigners brought cases into the court. The assessors also had the power to challenge Chen's decisions by blocking proceedings in any case and insisting that it be referred to the consuls and to Chen's superiors, the taotai or chih-hsien. When cases involving violent crimes between foreigners and Chinese came into the court, the foreign consuls and the taotai and chih-hsien were drawn into the court and Chen was caught in the cross-fire between the two sides as each clamored for its own understanding of justice to be served.

On one level Chen's dilemma was personal but he was part of a larger struggle which transcended particular cases and issues arising in the Mixed Court. What was going on was a contest for control over the institutions of local power in the International Settlement. It was a battle not only to determine who would control the Chinese in the for-

eign area, it was also a battle to determine who would define right and wrong and whose ideas of justice would prevail in a community composed of a handful of foreigners and a large number of Chinese. Whose cultural norms and traditions would be the standard? The treaties set the parameters for the battle but much of what went on there was worked out independently of Peking. Foreigners could accept in the abstract the principle of Chinese sovereignty which their ministers were so fond of espousing but when the principle prevented them from satisfactorily dealing with practical issues which affected their own physical and material security in the International Settlement then they modified or skirted the principle to suit themselves.

Neither side entirely won or lost this particular battle for control. The Chinese authorities conceded on the point of the police force because this was expedient and did not impinge much on Chinese sovereignty. If the Municipal Council wanted to foot the bill for policing the foreign settlement, that was so much the better. They were also willing to allow a Mixed Court to be established for the foreign area but they were determined to keep it essentially Chinese. The foreigners, on the other hand, wanted to use the Court to force their own definitions of justice on the Chinese but the Chinese resisted attempts to have such obviously self-serving western values and procedures built into the structure of the court. They were able to keep

many of their own standards intact when cases were relatively minor. However, when cases involving violent crimes arose in the foreign areas the battle to decide whose "justice" would prevail took on an entirely different tone.

# Chapter 6

## MIXED JUSTICE

During the heat of July in 1869 a Greek man named Constantine, along with several other foreigners, attacked the boat of a Chinese tax collector sailing on the Yangtze River. Soldiers on a nearby gunboat saw the attack and pursued the foreigners as they retreated with their treasure. When Constantine and the others saw the boat they began firing and several Chinese soldiers were killed before the attackers escaped. Constantine was later arrested in Hong Kong and eventually extradited to Shanghai to stand trial in the Mixed Court.[1]

His case fell under the jurisdiction of the Mixed Court because he was an "unrepresented foreigner"--that is, his nation had not signed a treaty with China and had no official representatives there. The mid-nineteenth century Sino-foreign treaties gave foreign countries the right to try their citizens under the law of their own land, even when the victim was Chinese. If Constantine had been American, French or German, he would have been tried in the

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[1]Medhurst to Alcock, no. 78, 21 July 1869, FO 228:473; and Medhurst to Alcock, no. 120, 18 November 1869, FO 228:474.

consular court of his particular nation and if he had been British his case would have gone to the British Supreme Court which had been established in Shanghai in 1865. But an unrepresented foreigner had to take his or her chances in the Mixed Court with a Chinese magistrate presiding and have only the minimal amount of protection which was afforded by a foreign observer who watched the case on behalf of the foreign community. In Constantine's case, the Shanghai Taotai Shen Ping-ch'eng invited British Consul Medhurst and French Consul Mejan to observe the trial.

Constantine was a thoroughly bad character and there was virtually no doubt in the minds of Medhurst, Mejan, and most other residents of the International Settlement that he was a member of the party which killed the Chinese sailors. Nevertheless, the foreign consuls wanted to see that the case was handled properly since this was the first time a foreigner would be tried for murder by the Mixed Court. The importance of the case to foreigners and Chinese was heightened by the realization of both that the case would establish precedents on issues of great importance to them. The Chinese wanted to establish unequivocally their right to obtain justice in cases involving foreigners while the consuls wanted to establish firmly their right to insist that "proper", i.e., western, procedures be followed in cases where foreigners of any nationality were tried for a serious crime, and particularly one which might call for the death

sentence. Although these goals might not in theory seem contradictory in practice they proved mutually exclusive.

The Chinese legal system and the western legal system had different understandings of the role that the law and the courts were supposed to play in a society and this led them to adopt significantly different approaches to justice. The Chinese court was tacitly acknowledged by Chinese officials as an important instrument for conveying messages to the public. The presiding magistrate, who was not merely a judge, but was also the main civil and administrative officer for a locality, used his decisions in court to educate the local population on matters of public and private morality.[2] British and American courts, on the other hand, had evolved by the early nineteenth-century into institutions designed primarily to protect the rights of individuals. Public instruction of the community was not the primary function of the court.

This difference in emphasis meant that the two legal systems necessarily had different ways of executing justice in specific cases. Under Chinese law, cases were judged on their individual merits and the magistrate, if he were a man of integrity, tried to balance the needs of both sides in

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[2]Chinese courts and Chinese magistrates are discussed in Ch'u T'ung-tsu, Local Government in China under the Ch'ing (Cambridge: Harvard University Press, 1962) and John R. Watt, "The Yamen and Urban Administration," in G. William Skinner, The City in Late Imperial China (Stanford: Stanford University Press, 1977), pp. 353-390.

any given case to restore harmony to the relationship. In the Anglo-American tradition, cases were assessed not simply on the basis of the details in the particular case, but in light of judgments handed down in earlier, similar cases and with an eye toward the influence this decision would have on future cases. Thus a good judge would look for precedents and give a decision which was consistent with previous judgments. When the two systems met, as in mixed cases, these idealized ideas of how one arrived at justice were corrupted by attempts by people on both sides to use their own system for the advantage of their countrymen.

The emphasis in Anglo-American law on the rights of the individual meant that technicalities of procedure and form were stressed to insure that, at least in theory, all individuals would be treated in a predictable and comparable manner. This principle created among the foreigners a preoccupation with what they called "proper procedures" and by which they meant "Anglo-American" procedures. Foreign officials believed that it was their responsibility to see that fundamental principles of western law were upheld in the courts and in practice this meant insisting that particular methods of collecting, presenting and evaluating evidence were followed.

This insistence on proper procedure became a critical issue to both Chinese and foreign officials whenever homicide or assault cases involving foreigners and Chinese

burst into the relative quiet of the International Settlement in the 1860's and 1870's. British and American officials extolled procedural correctness as the means to the end of serving justice and protecting foreigners from the vagaries of Chines justice. The Chinese, on the other hand, viewed it as a tool used by foreigners to obstruct justice and protect foreigners from the consequences of their actions when it suited them to do so. The arguments which ensued over this sensitive issue became part of the ongoing struggle to determine whose cultural values and systems would prevail in the institutions of power in the International Settlement. The foreigners may have won the military battle and gotten their treaties but at the local level, the fight continued.

## Homicide and the Mixed Court

### Constantine's Case

Constantine's trial was opened in the Mixed Court on March 17, 1870 with the Shanghai Taotai presiding. The approaches taken by the Chinese and the foreign officials to this case show how very different were their ideas of judicial procedure in criminal cases. The prosecution brought forward as witnesses the Chinese tax collector whose boat was plundered and some of the boatmen who had been hired by Constantine and the other foreigners to form the crew of their boat. Two soldiers from the gunboat who had been wounded but survived the attack were not brought to the

court for their statements to be taken because, as the taotai said, they lived "too far away" and the injuries they sustained in the attack would make it "inconvenient" for them to come to Shanghai. The investigation had not gone far before Medhurst and Mejan became convinced that the witnesses were giving a fabricated story and that the taotai's object was to get a conviction on the easiest possible terms. Medhurst and Mejan became more and more disturbed by the course of the proceedings and finally an exasperated Medhurst complained directly to Wade, the British Minister in Peking, that the taotai was not following proper procedures. As evidence of this he explained that the taotai had directly discouraged all of their attempts to have the evidence translated to the prisoner verbatim or to sift it by cross-examination and that when Constantine had asked at the close of the depositions to call witnesses to prove an alibi, the taotai had ridiculed the proposal as childish in the face of the incriminating evidence which had already been brought forward. He only consented to hear the witnesses after Medhurst and Mejan insisted that he do so.[3]

Medhurst also objected to the fact that the court was proceeding on a series of assumptions which had not been satisfactorily proven as facts. He asked the taotai to present conclusive evidence that the alleged victims were

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[3]Medhurst to Wade, no. a/27, 11 May 1870, FO 228:492.

really dead, that their deaths were the result of gunshot wounds, and that Constantine had actually fired the shots which killed them. From the perspective of western law this was not an unreasonable request but the taotai, working within a different framework, saw things differently. He declared that all this was unnecessary since he had a deposition from an officer on the gunboat which gave all these details. The consuls asked to see this document but the taotai informed them that it was in his yamen in the city. Medhurst and Mejan then left the court with the understanding that no decision would be made until the prisoner was given a chance to read the depositions and respond to them in writing. When the depositions arrived at Medhurst's office he noticed that some things which had been said in court had been left out and that some statements which he had not heard had been inserted. He sent them back and insisted that they be corrected.[4]

Medhurst and Mejan became increasingly unhappy with the taotai's handling of the case and they eventually refused to participate in the proceedings. Medhurst explained to Wade that "any further attempt on our part to bring even the most general principles of foreign law to bear on the case would inevitably fail, and only end in landing us in the unenviable position of having been parties

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[4]Medhurst and Mejan to Shen, 5 April 1870, enclosure in Medhurst to Wade, no. a/27, 11 May 1870, FO 228:492.

to a judicial murder." After registering their official protests with the taotai, they withdrew from the case.[5] Constantine was not the legal responsibility of either consul and their foremost concern in this case was not to protect his life. They did not care very much about what happened to Constantine because, as Medhurst pointed out, even though the evidence brought forward was defective from a legal point of view, there was little or nothing that could be said to argue for the innocence of the man for he was known to be quite depraved.[6] However, the case was important to them on an abstract level for it had raised two crucial issues for the foreign community. One of these, the need for acceptable procedures for conducting inquests, was raised only incidentally in the case, but it would soon become a major point of contention between the foreigners and the Chinese authorities. The other issue, which figured very prominently in the case, was the need for a mutually acceptable method for establishing valid evidence in cases where foreigners were accused of violent crimes against Chinese.

Chinese judicial custom differed from western law on what constituted valid and conclusive evidence. When Medhurst and Mejan wrote to Taotai Shen about Constantine's

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[5]Medhurst to Wade, no. a/27, 11 May 1870, FO 228:492.

[6]Ibid.

case, their objections to the proceedings centered on this issue. They argued that the evidence which had been produced in court in Constantines' case only proved that Constantine was one of a party involved in the affair and it did not clearly establish what share of the guilt was actually his. Also, the most damaging evidence was given by the hired boatmen who had already been arrested as accomplices and Medhurst emphasized to the taotai that under western law, the evidence of an accomplice has no value unless it is corroborated by circumstantial evidence or some other evidence of a distinctive character. This led Medhurst and Mejan to insist that the two men who had been wounded in the attack but who had not yet appeared in court be brought into court to give their statements. The consuls also objected to the fact that a proper inquest in the presence of a foreigner had not been held immediately following the deaths of the Chinese soldiers. They concluded their letter to the taotai with this revealing statement: "The case is one of life and death and according to both Chinese and Western ideas the evidence must be clear and incontrovertible in the minutest particulars before it can be considered right to condemn a human being to death."[7]

The taotai, however, did not wish to be bothered with the "minutest particulars." He wanted to see justice

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[7]Medhurst and Mejan to Shen, 5 April 1870, enclosure in Medhurst to Wade, no. a/27, 11 May 1870, FO 228:492. Emphasis added.

served. His response was succinct: "Where the evidence is clear of course it is idle to take the prisoner's statement." Constantine was plainly guilty and therefore, under Chinese law there was no need to let him plead his case. The taotai's reasoning was not based on the technicalities of judicial procedure but on his understanding of the particular facts of the case. The fact that the court could not establish which man Constantine actually killed was minor, in his opinion, since it would be ridiculous to think that men seeing an attack of four foreigners could distinguish between them. He explained that in Chinese law, the evidence of accomplices was definite and permissible and added that it would be terrible to let criminals go just for the want of an eyewitness! The fact that a proper inquest was not held also seemed ridiculous to him for the men who buried the seven bodies could give adequate proof that the men were dead. He concluded by emphasizing that the murder was a reality and the Chinese principle of a life for a life, which, he noted, was the same as in western law, should prevail in this case.[8]

The taotai's arguments were not unreasonable given his grounding in Chinese law but correct procedure was of paramount importance to the foreigners. Upon learning of the results of the trial, Wade immediately objected to

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[8]Shen to Medhurst and Mejan, enclosure in Medhurst to Wade, no. a/27, 11 May 1870, FO 228:492.

Prince Kung, the head of the Tsungli-yamen, about the death sentence being given on a foreigner in a case where the evidence had not been gathered in a proper manner.[9] The pressure from Peking was successful and Constantine was arraigned in court again. This time, western methods of procedure were followed. Medhurst cross-examined all three men who were wounded as well as the Chinese soldiers on the gunboat who witnessed the initial attack. After the evidence was collected it was forwarded to Peking. To the local Chinese officials, however, all of this seemed a pointless exercise since it was obvious to everyone that Constantine was guilty.

In the end, Constantine was saved from execution not by the demands of the British minister but by a technicality unrelated to those being debated in Peking. While the Tsungli-yamen and the foreign ministers were wrangling over the details of the case, Constantine was quietly released from the municipal jail simply because the Municipal Council refused to allow him to remain in its charge any longer. Since he couldn't legally be transferred to either the Chinese jail or the British consular jail, Medhurst claimed that he was powerless to prevent his release. When Wade discovered that Constantine had been freed he was furious but Constantine, no doubt with a sigh of relief, was already making his way to Manila to try his luck there. His

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[9]Wade to Medhurst, no. 18, 8 June 1870, FO 228:493.

unexpected departure from Shanghai left unresolved the problem of defining and rendering justice in mixed cases. The foreigners had succeeded in forcing the taotai to accede to western procedures for obtaining and presenting evidence in court but Constantine's release on a technicality did little to convince the Chinese of the merits of the western legal system.

The entire episode was further evidence for the Chinese that to the foreigners, justice simply meant protecting foreigners from the consequences of their actions in China. Even before Constantine was released, when the first appeal to the ministers and the Tsungli-yamen was made, Taotai Shen had blatantly warned Medhurst and Mejan that if Constantine was let off, he would retaliate in future cases in which Chinese were accused of murdering foreigners by throwing similar obstacles in the way of the prosecution in those cases.[10] Shen was telling the foreigners that if justice were miscarried in this case, then he and other officials would find a way to make up for it later. This injustice would be paid for by an injustice at the expense of the foreigners. But no foreigners were murdered in Shanghai in the years immediately after Constantine's case so the battle which was apparently brewing here shifted into another judicial arena.

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[10]Shen to Consuls Medhurst and Mejan, 12 April 1870, enclosure in Medhurst to Wade, no. a/27, 11 May 1870, FO 228:492.

Inquests in Mixed Cases

Constantine's case was unique because it was tried before the Mixed Court and because it involved the murder of a Chinese official by a foreign outlaw. The other homicide cases which captured the attention of the International Settlement in the early 1870's were very different but they brought up once again the difficulties of defining justice in a society where two very different cultural systems met and clashed. In these other cases "respectable" British citizens were accused of killing Chinese coolies or servants and the cases, according to the stipulations of the treaties, came under the jurisdiction of the British Supreme Court. In the minds of many foreigners the right to be tried in a court of one's own nationality was one of the most important clauses of the treaties and it was one which they used to their advantage. In the late nineteenth and early twentieth centuries Chinese nationalists would protest passionately against the system of privileges which this extraterritoriality eventually fostered.[11] In the 1860's and 1870's, however, Chinese objections to the system were played out through subtle and sometimes not-so-subtle attempts to undermine the system from within.

According to the rules established for the operation of the Mixed Court, the initial inquest in any case which

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[11]Arthur Ransome succinctly discusses the grievances of the Chinese nationalists in The Chinese Puzzle (London: George Allen and Unwin Ltd, 1927), pp. 135-141.

concerned the death of a Chinese subject was handled by the chih-hsien, the Chinese district magistrate.[12] Inquests provided a particularly good place for the culture of China to clash with that of the West. Not only were there judicial matters in contention, but in cases of violent death, medical procedures were also at issue. In Constantine's case, the British and French consuls had protested feebly that a proper inquest was not held in the presence of foreign officials immediately after the soldiers were shot even though this was specifically called for by the treaties. But since there was little doubt that the soldiers had been killed by shots fired by the foreign attackers the consuls had not pressed the issue. However, when "respectable" foreigners killed Chinese, whether intentionally or accidentally, the procedures employed and the standards adopted at inquests assumed much greater importance.

In the fall of 1870, Alexander Ross shot with a hunting gun a Chinese man named Woo ah kun. As the man did not seem to be in any immediate danger of dying from his wounds, Ross called for a Chinese doctor to tend to Woo. When the doctor failed to return after his first visit, Ross called Dr. Macgowan, a respected physician in the community. Anticipating trouble due to the circumstances of the case,

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[12]"Rules for the Mixed Court at Shanghai," American Diplomatic and Public Papers: The United States and China, Series II: The United States, China, and Imperial Rivalries, vol. 18 (Wilmington, Del.: Scholarly Resources Inc., 1979), p. 209.

Macgowan recommended that the man be taken for treatment and observation to the foreign-run Chinese hospital. Dr. Jamieson, one of the surgeons at the hospital, pronounced Woo's wounds superficial but diagnosed Woo as having capillary bronchitis and began treating him for this. To everyone's surprise, Woo died at the hospital the following day.[13]

There was never any question about whether Ross shot Woo and there was little reason to suspect that the shooting was intentional or premeditated. However, when the chih-hsien notified the British consulate that an inquest was to be held in the case, the trouble began because Chinese officials had very different guidelines for conducting inquests and their attitudes towards them were very different from the foreigners'.

Chinese tradition did not condone the dissection of human bodies so most officials, as well as the general public, were opposed to post-mortem examinations. However, Chinese law did recognize the importance of correctly establishing the cause of death in cases of violent death and the chih-hsien was required to conduct an inquest at the spot where the victim had been killed or where the body had been found. At an inquest the chih-hsien examined the body for external evidence of the cause of death but he usually did

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[13]Inquest Proceedings, enclosure in Medhurst to Wade, no. 74, 17 November 1870, FO 228:492.

not attempt to go beyond a superficial examination. In many cases, the official might even forego this obligation and assign a coroner to this unpleasant duty and he would merely watch the coroner and then record the verdict. The problem with this was that the coroner was not necessarily a trained specialist but was more often an underling who was routinely assigned to this task. He might have read the semi-official guide book for coroners which explained the various methods which could be used to determine the cause of death but it was also possible that he had never seen this book. After the inquest, the magistrate had to file his report immediately and capture the criminal within a prescribed time limit or he would have to pay a penalty or perhaps be demoted. Although there were ways to get around these punishments magistrates still liked to close cases as quickly as possible.[14] When a foreigner was implicated in the death of a Chinese subject the proceedings became more complicated because the foreign consul who represented the accused was called to the inquest and the foreign official and the Chinese magistrate had to arrive at a verdict together before the case could go to trial.

At the inquest concerning Woo's death, the chih-hsien and Acting Consul Davenport could not agree on the cause of death because the two men used different standards for deciding what constituted valid evidence. The Chinese

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[14]Ch'u, Local Government, pp. 119-121.

magistrate argued that the evidence of the body proved that Woo ah kun had died of gunshot wounds, but Davenport, having heard Dr. Jamieson's diagnosis of capillary bronchitis, refused to concur in a judgment of homicide. Davenport insisted that witnesses be called so that more conclusive evidence could be obtained. At this the chih-hsien began yelling, "What further need have we of witnesses. Here is the body! There is Heaven above. It will strike! I desire justice!" He lamented loudly and for the benefit of the Chinese audience of the impossibility of seeing justice served in this case as long as the foreigners refused to accept the evidence obtained from the corpse.

Davenport finally convinced the magistrate to hear the witnesses. Several Chinese witnesses related the story of the accident. Dr. Jamieson, as the attending physician, then testified that the gunshot wounds had been superficial and that the man was suffering at the time from a bronchial infection. He said that as far as he could tell, the man had died of an internal disease which was unrelated to the gunshot wounds. Both Dr. Jameison and Dr. Macgowan, however, pointedly told the chih-hsien and the court that without an autopsy there was no way to be sure of the cause of death. The body was already in an advanced state of decomposition so any further external examinations were useless. When Macgowan suggested the necessity of a post-mortem examination in this case and in all cases of violent

death, the chih-hsien said he could not even consider the proposition. Meanwhile, the body had to be moved outside because the stench had become unbearable. After four and half hours of testimony, which was interrupted at several points by outbursts from the chih-hsien ridiculing and badgering witnesses, Davenport read his verdict: Woo had died of an internal disease.[15]

The chih-hsien was livid. He leaped to his feet and began railing about the vicissitudes of foreign consuls and insisted that Ross be tried for willful murder before the Supreme Court. When the case came to the attention of Chief Judge Goodwin, he tried to quash the proceedings because he thought there was no evidence worth bringing before a jury. British Consul Medhurst, always sensitive to the result that decisions like this would have on relations between Chinese and foreign officials, suggested to Goodwin that he try Ross just for the sake of formality to appease the Chinese sense of justice.[16] He was confident that Ross would be acquitted, and of course, he was.

The foreigners were happy with the outcome of the case but they were still not pleased with the idea of allowing the Chinese magistrate to conduct inquests in cases in which foreigners were involved. The debate began again

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[15]Inquest Proceedings, enclosure in Medhurst to Wade, no. 74, 17 November 1870, FO 228:492.

[16]Medhurst to Wade, no. 71, 19 November 1870, FO 228:492.

shortly after Ross's acquittal when three Chinese were killed in two separate incidents at the Rifle Butts, the foreigners' firing range and parade ground. In one case, a member of the crew of the British ship Zebra, while shooting his rifle at targets, shot and killed the assistant marker. In the other case, a member of the Shanghai Volunteer Corps, which had been drilling since the news of the Tientsin "Massacre" several months earlier, somehow shot two small Chinese boys who were scurrying around collecting empty cartridges. In both cases the chih-hsien tried to have the foreigners tried for murder and once again, the inquests became an arena for angry confrontations between the chih-hsien and British officials.

In the case of the two boys who were shot, the chih-hsien began his investigation into the case before the foreigners could give him the evidence they were preparing. The bodies of the children had been taken to the Hongkew Police Station and when the magistrate arrived, he looked quickly at them and announced that the boys had been killed by two separate shots and that this obviously ruled out the possibility of an accident. When British Consul Medhurst told the magistrate that this was "a hasty and ridiculous conclusion" the chih-hsien turned toward the large crowd of Chinese bystanders and launched an impassioned oratory on the need for justice to be done in this case. Medhurst reprimanded him for his behavior and cut short this care-

fully calculated outburst. Medhurst later reported to the British minister at Peking: "I verily believe that had I not taken up his extraordinary conduct on the spot in very sharp language he would have brought in a verdict of willful murder against more than one individual and that the people would have gone away under the fixed impression that an atrocious murder had been committed by the foreigners which nothing but a life for life penalty could adequately have avenged."[17]

The essential point of contention in this case, as well as in the case of the death of the assistant marker, was the same one which had come up at the inquest on Woo ah kun: whose standards for evaluating evidence would be used in mixed cases? Western officials complained that at inquests the Chinese officials gave too much weight to the evidence gained from a superficial examination of the corpse and that they treated the testimony of witnesses as merely secondary. Furthermore, when they did consent to hear testimony they did not make a clear distinction between evidence given by eyewitnesses and testimony based only on hearsay.[18]

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[17]Inquest Proceedings, enclosure in Medhurst to Wade, no. 62, 10 September 1870, FO 228:492; Medhurst's report of the case is in Medhurst to Wade, no. 71, 19 November 1870, FO 228:492.

[18]Medhurst to Wade, no. 71, 19 November 1870, FO 228:492.

This latter problem became especially apparent as the case involving the death of the assistant marker unfolded. There were only two witnesses at the inquest. One was an officer from the ship Zebra who testified that the shooting was accidental; the other was a Chinese villager who said that he saw the foreigner bring his rifle to his shoulder, aim it at the victim, and fire. The chih-hsien said that the evidence of the foreigner was not acceptable since he was a companion of the accused and that he must therefore rely on the testimony of the villager. Medhurst protested the decision and after considerable debate the chih-hsien said he would defer judgment in the case. A few days later, Medhurst received a note from the chih-hsien which said he had just received further evidence in the form of depositions from the relatives of the deceased which proved malicious intent on the part of the seaman. To Medhurst, this was ridiculous for none of the relatives had even been present when the man was shot. They claimed that the discharge from the rifle had gone in a southwesterly direction, whereas the Butts stood westward from where the man had fired his gun. This, they had concluded, proved malicious intent. This made no sense to Medhurst and he refused to participate in a second investigation, informing the magistrate that all of the evidence he needed to make a decision had already been provided.[19]

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[19]Ibid.

Medhurst found the chih-hsien's behavior in all three of these cases deplorable. He was convinced that the chih-hsien was acting without the slightest interest in seeing justice done. But the chih-hsien was equally convinced that Medhurst was actively trying to block the course of justice. He saw the foreigners' insistence on adherence to technicalities as an elaborate but subtle scheme to protect their own people from the consequences of the crimes they committed against Chinese. He probably saw in all of these "accidental" shootings a general disregard for the safety of Chinese or even criminal negligence. After all, no foreigners ever "accidentally" shot other foreigners. But Medhurst was not thinking of these things and he became so put out with the chih-hsien that he finally hinted to Wade in Peking that the man should be officially reprimanded or removed from office. Wade did not act on this suggestion because he thought that this would only lead to worse relations with the Chinese since it would have to be pursued at the imperial level.[20] Medhurst, did, however, use the chih-hsien's obnoxious behavior to press Wade to work out new regulations regarding inquests in mixed cases and he found Wade and the other members of the consular body in Shanghai in general agreement with him on these points.

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[20]Wade to Medhurst, no. 35, 21 December 1870, FO 228:492.

Medhurst made four suggestions to Wade. First, all inquests in which foreigners were involved should be held at the Mixed Court. Second, the chih-hsien and a subordinate consular officer should preside over the inquest. Third, evidence from both sides should be made an essential part of any inquest. Last, the magistrate should urge the family of the victim to consent to a post-mortem examination conducted by a foreign medical officer when this would help clarify the circumstances surrounding the death.[21]

Medhurst's design in all this would have been immediately apparent to most foreigners in Shanghai as well as most Chinese officials. The proposals were calculated to legitimize and expand the role of foreigners at inquests while subverting the authority of the local Chinese officials. Medhurst believed that it was dangerous to have the lives of British subjects in the hands of Chinese officials because, as he explained to Wade, "They are inimical to foreigners and they cherish a supreme contempt either affected or real, for all foreign institutions and ideas [so] that they invariably refuse credence to any foreign story when pitted against the statements of one of their own race, and that it is their practice at times to declaim for effects'

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[21]Medhurst to Wade, no. 71, 19 November 1870, FO 228:492.

sake in open court in favor of the side which they happen to advocate."[22]

He made his recommendations based on this conviction and each one was designed to achieve a particular end. For instance, holding the inquest at the Mixed Court instead of at the site where the body was found would deprive Chinese officials of a ready and potentially volatile audience. Foreign officials had been trying to move the inquests into their own area of control for some time. For example, in the Ross case, the chih-hsien had attempted to hold a second inquest at a burial ground outside the city wall where a large crowd would be sure to gather. British Vice-Consul Davenport had refused to bring Ross and the other witnesses there for fear that he would not be able to protect them if the crowd became unruly. Medhurst no doubt calculated that the chih-hsien's behavior might also be a bit more agreeable within the confines of the Mixed Court where he would be out of his usual element. Requiring testimony from both sides to be entered as evidence would obviously give the foreigners a better chance of presenting their side of the story and force the chih-hsien to acknowledge it.

The proposal concerning who would preside over the inquest was at best only a thinly veiled attempt to undermine the authority of the Chinese officials. Of the three judicial officers with which Medhurst had to deal, the

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[22]Ibid.

chih-hsiens were undoubtedly his least favorite. Chen, the Mixed Court Magistrate during the decade of the 1870's, was sometimes obnoxious and the men who filled the office of taotai over the years could be expected to be intransigent in some cases, but in general they were willing to try to work harmoniously with the foreigners. In fact, the position of Shanghai Taotai was apparently reserved after the mid-nineteenth century for officials who could work well with foreigners and who could oversee modernization programs.[23] The chih-hsiens, however, worked more closely with the local Chinese population and had little reason to be in routine contact with foreigners. The men who filled this office were less likely to be complaisant when dealing with foreigners and consequently relations between the chih-hsien and foreign officials were usually strained.

As it stood, the district magistrate presided over inquests along with the appropriate foreign consul. Medhurst's proposal would undercut the chih-hsien and establish a new hierarchy of authority in mixed cases. Under his plan, a lower-ranking representative from the consulate would sit with the district magistrate at inquests and the consuls would get involved only if these two could not agree on a verdict. When an appeal was necessary, a consul and the Shanghai Taotai, the chih-hsien's ranking superior, would hear the evidence. Pairing the chih-hsien with a

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[23]Leung, The Shanghai Taotai, pp. 87-104.

vice-consul or even a clerk from the consulate was intended to insult him since all officials, whether Chinese or foreign, always tried to deal with the highest ranking officer they could. The plan would give the consul greater authority by allowing him to take disagreements to the taotai as appeals arising from a lower authority.

The final proposal, which suggested the necessity of performing autopsies, was eminently practical and was heartily endorsed by the foreign medical men in the community. But aside from its obvious utilitarian function in cases of violent death, this would have other advantages. If adopted, it would force the Chinese to admit publicly the superiority of western medical procedures and would at the same time introduce them to the intricacies and usefulness of the practice of dissection. One foreign doctor was convinced that this would be a springboard for introducing the usefulness of other western ideas and practices as well. This policy would, he said, "promote anatomical knowledge among them, which would indubitably contribute to their advancement in other respects." The same doctor shrewdly remarked that even if the local Chinese officials refused to sanction the practice, the foreigners would derive the satisfaction of having a ready excuse for the Chinese whenever a foreigner was acquitted on the grounds of inadequate information due to the want of pathological or chemical examination. The foreigners could easily shrug their

shoulders and point to the intransigence of the Chinese officials and insist that the problem did not lie in the failure of western justice.[24]

This doctor's comment reveals how well the foreigners who lived in Shanghai understood the elaborate charade which had been concocted by both sides around the very problematic issue of justice. The real question was who would control the machinery of power by having their definitions of justice, their rules of procedure, and ultimately their values ensconced as the standards for the entire community. The foreigners had certain rights which had been spelled out in the treaties but how these were to be translated into practice in actual cases had not yet been entirely settled. Chinese officials were aware that the foreigners, with their implicit military superiority, had the upper hand in Peking but they also knew that they did not have to make the going easy for foreigners in Shanghai. It is in this light that the seemingly injudicious behavior of the chih-hsien--his public posturing, flamboyant outbursts, refusal to accept foreign evidence and threats of judicial reprisal--becomes explicable. The "cooperative policy" had a very different face on the local level.

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[24]Dr. D. J. Macgowan to Municipal Council, April 1870, enclosure in Medhurst to Wade, no. 71, 17 November 1870, FO 228:492.

## The Failure of Western Justice and the Chinese Response

All three of the shootings discussed above were accidental rather than premeditated and if there were elements of criminal negligence involved they were almost impossible to prove in Shanghai in the 1870's. It is clear from the approach which foreign officials took towards these cases that the foreigners thought it important to preserve the appearance, if not the reality, of justice in mixed cases. But the lack of justice was sometimes blatantly obvious. The leniency of the foreigners in dealing with their own people was painfully apparent when George Ford was brought to trial in 1873 for the murder of a Chinese coolie. The foreigners used the technicalities of their own legal system to protect a man who deliberately shot a coolie in the midst of an argument over wages. A handful of foreigners had in the past been sentenced to death for killing Chinese but these men had all been sailors, mercenaries or other members of the lower classes of society.[25] Ford's case was the first one in which a "respectable" member of the community was brought to trial for a crime of this sort and the foreigners rushed to his aid to save him from execution. Chinese officials were justifiably outraged by what

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[25]In late 1869 a British man from the sailor-adventurer class was hanged for the murder of a Chinese man. The case attracted little notice in Shanghai. Medhurst to Wade, no. 85, 4 August 1869 and no. 105, 2 September 1869, FO 228:474.

happened and it raised once again the underlying question of whose system of justice would prevail when foreigners and Chinese crossed paths.

The Case of George Ford

The murder of Chou chin-chin happened three years after the string of shootings in the fall of 1870. In the evening of September 10, 1873, a group of six coolies who had been hired to do some work for George Ford came to his house to question him about the wages they had received. They had been shorted the amount promised to them because they had allegedly failed to complete all of the work which Ford wanted done. Instead of receiving 250 cash each, the men were paid 50 cash each and told to come back the following day to finish the work and they would then be paid the remainder of the money. The coolies had worked all day and moved a great many items of furniture from Ford's old house to his new one in the area known as Dow's Dock. Ford, however, insisted that he had wanted a particularly large stone moved and told the men that until they did so, they would not get their money. The coolies pointed out that it was getting dark, that they had already worked all day, and that they had nothing with which to move the stone anyway. They insisted that Ford pay them the full amount. Ford was determined not to pay them. When the coolies refused to leave without their money, Ford went into his house and brought out a pistol with which he threatened the coolies

and he even hit one of the men in the head with it. When the men continued to press Ford for their money he went back into the house and brought out a loaded hunting gun. Upon seeing this, the coolies began to run away. Shortly after this two shots were fired and as Consul Medhurst rather inelegantly put it, the shots "blew off the upper part of the skull of an unhappy coolie, scattering his braines for many feet around."[26]

The case did not go to the Mixed Court for trial. It went, instead, to the British Supreme Court because Ford was a British citizen and the treaties guaranteed him the right to be tried under the laws of his own nation. When the case came before the court it brought into public view many of the problems which had remained dormant for several years and it also revealed how far the foreigners were willing to go in protecting one of "their own" from the consequences of his actions.

One of the biggest problems in murder trials involving the death of a Chinese subject at the hands of a foreigner was that many of the witnesses to the incident were Chinese and the foreigners distrusted their testimony. Aside from the general problem of language, there was also the issue of legal competence. In a British court, witnesses were required to swear that they believed in God.

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[26]Medhurst to Wade, no. 76, 16 September 1873, FO 228:524.

Fear of divine retribution for the sin of lying was supposed to provide the foundation for their true testimony and persons who could not fulfill these technicalities were not valid witnesses. Foreign attorneys in Shanghai attempted on several occasions in the late 1860's and early 1870's to eliminate damaging testimony against their clients by arguing against the competence of Chinese witnesses on the grounds of "defective religious beliefs." More than one attorney in Shanghai tried to argue that since the Chinese did not believe in a single supreme god there was no way to induce them to tell the truth on the witness stand.[27] This was the line of argument that Ford's attorney employed but Sir Edmund Hornby, the judge before whom the case was argued, had already settled this matter several years earlier. He was convinced that most Chinese believed in some kind of god or spirit that would qualify them as competent witnesses under the guidelines set forth in Taylor's Law of Evidence. All that was needed was for the witness to state that he believed he would receive divine punishment for wrongdoing or lying.[28] To keep the foreigners from constantly begging this question, Hornby had requested Medhurst to draw up a formula for swearing Chinese witnesses which

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[27]This issue came up at the murder trial of Robert George. Medhurst to Alcock, no. 85, 4 August 1869, FO 228:474.

[28]Judge Hornby elucidated his opinion in the appeal of Robert George's conviction for murder, enclosure in Medhurst to Alcock, no. 85, 4 August 1869, FO 228:474.

would render their evidence acceptable in a British court of law. Medhurst provided one and it was subsequently approved by the minister in Peking[29]

Even after the technical aspect of the problem of Chinese witnesses had been settled, however, a more general one remained because foreigners distrusted evidence given by Chinese witnesses even after they had been "properly" sworn in. One local newspaper gave their estimate of Chinese witnesses in an 1874 editorial: "The examination of Chinese witnesses, either in a civil or criminal case, is one of the most trying tests to which the forbearance of foreign officials is exposed in all the length and breadth of their intercourse with the slippery denizens of the Middle Kingdom. . . . The peculiar bent of the Chinese mind with all its prejudices and superstitions is quite as much an obstacle in the way of eliciting truth as any offered by the fantastic but still amenable varieties of Chinese syntax."[30] Even this writer admitted, however, that Chinese witnesses could be induced to tell the truth when they were handled in the proper manner--that is, when they were questioned in a more or less traditional Chinese fashion and not expected to answer questions outside of their competence.

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[29]"Queries and Formula for Swearing Chinese Witnesses in British Courts," enclosure in Medhurst to Alcock, no. 90, 9 August 1869, FO 228:474.

[30]"Chinese Testimony," Celestial Empire, 5 September 1874, pp. 221-22.

> Under proper treatment a Chinese witness is by no means doggedly stubborn or doltishly stupid. . . . Occasionally a question will be put by a foreigner to an unsophisticated boor, never dreamt of in the philosophy of the latter, and such as would never have fallen from the lips of one of his own officials; the answers given under such circumstances are usually unique of their kind. We know of one instance where a boatman was asked, in reference to a collision case, at what rate he thought the tide was running. The witness hesitated, looked up, down, on either side, and behind him; finally he replied--'I am a poor boatman: I only earn one hundred fifty cash a day, and how can you expect me to know at what rate the tide was running?

Judge Hornby, too, realized the difficulty which Chinese witnesses had when they were expected to conform to western customs which they did not understand. He ascribed the dishonesty of witnesses more to their confusion than to malicious attitudes:

> After an experience of nearly 20 years with Asiatic witnesses, I may give you the benefit of my own observation upon the subject. I never knew Asiatic witnesses who were capable of giving anything like cooked answers to a long story. Their first account, especially if they belong to the lower class of society, is generally the true one; and they are really unable to concoct a story or to learn by heart one concocted for them. In cross-examination they are utterly at sea, they don't understand it, or its object. To them it is but a continuation of the examination in chief; their desire is to give an answer to everything, and they search to see whether an answer is possible, they think they must give an answer at all events, and they often give a false one, or invent one, rather than not give one; but emphatically it is their first account which is really to be relied on.[31]

The tone of superiority which is so evident in Hornby's statement is telling evidence of his own class and racial prejudices. In his estimation, a Chinese from the

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[31]Sir Edmund Honrby, Reg. vs. Ford, enclosure in Medhurst to Wade, no. 83, 29 October 1873, FO 228:523.

lower class of society was not even smart enough to tell a good lie. However, in the Ford case, Hornby did accept the testimony of the Chinese witnesses and even told the jury at the conclusion of the arguments that he found the testimony of the Chinese witnesses much more reliable and honest than that of Ford and the other witnesses for the defense. But Hornby and the jury of foreigners could not bring themselves to believe that the life of a coolie and that of a British gentleman were of equal value. The jury found Ford guilty but then recommended him to mercy and Hornby sentenced him to only two years in prison.

Both Taotai Shen and Chih-hsien Yeh protested the sentence given to Ford. The taotai's letter was quiet in tone but firm. He wrote, "It seems to me to be a very grievous case and that George Ford shot Chou Chin-chin with evident intention, knowing what he was doing. Now there is but one penalty for murder in China as well as elsewhere, death. In the present case the Judge's sentence of merely two years imprisonment is not sufficient to atone for the injury, and Chinese subjects will feel unsatisfied on hearing of it."[32] Predictably, the chih-hsien's response was less restrained but in this case, his reasoning was not unsound:

> You state in your dispatch that Ford's intention in fetching his gun was to frighten the men. Now if he had

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[32]Shen to Medhurst, 30 October 1873, enclosure in Medhurst to Wade, no. 86, 4 November 1873, FO 228:524.

> got his gun out and not fired it off, it might have been said that he wished to frighten them, this might also have been said had he fired off the gun with nothing but powder in it, but as the case stands, Ford fired off a loaded gun at the men, and when the first discharge did not kill, he let it off again and only ceased firing when a man had been killed.
>
> Can this be called merely frightening people? When a man evidently deliberately kills another is this to be called an accident? In a case involving human life why should there be the least vacillation shewn? When the facts of the case are clearly ascertained and the punishment applicable, then it may be said that justice is done.
>
> You state that the jury recommended the prisoner to mercy. This is evidently connivance on their part. Now connivance of this kind is not only unsatisfactory to Chinese rulers and people, but I fear subjects of all foreign nations will also disapprove, because as a general rule, if murderers can be screened, those who screen them are said to encourage evil doing by laxity, and if no one is afraid of the law the number of criminals will increase. If this state of affairs exists the result will be wanton acts of violence, until something very serious occurs. This will be decidedly to the disadvantage of your countrymen.[33]

Medhurst refused to respond to Yeh's letter, saying that it was deliberately offensive in its tone. He told the Shen, however, that Ford "was tried in the most formal manner prescribed by British law, and exactly the same process was pursued, as would have been followed out, had the person killed been a British subject."[34] Medhurst may have convinced himself that this was true but the Chinese did not believe it for a moment. Race and class were undoubtedly factors in the sentence which was given to Ford. An earlier

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[33]Yeh to Medhurst, 3 November 1873, enclosure in Medhurst to Wade, no. 86, 4 November 1873, FO 228:524.

[34]Medhurst to Shen, 3 November 1873, enclosure in Medhurst to Wade, no. 86, 4 November 1873, FO 228:524.

murder case which came before the Supreme Court in 1869 provides an interesting counterpoint to Medhursts' statement. The case did not involve the death of a British subject but the circumstances of the murder were similar to the Ford case except that the accused, a Mr. Ketchel, was an ethnic Malay from Singapore who had acquired British citizenship. Like Ford, he got into a violent argument about money but in this case, it was with the Chinese woman with whom he was living. In his rage, he stabbed and killed her. Like Ford, Ketchel's crime was not premeditated but unlike Ford, he was not a white man and was not a member of the "respectable" British community in Shanghai. Judge Hornby sentenced him to 10 years in prison.[35]

The Ford case was important to the Chinese officials because it involved the basic issue of parity with which they had been struggling ever since the treaties of 1860 had established the principle of extraterritoriality. In their letters, both men reminded Medhurst that when decisions like this were handed down in cases in which foreigners murdered Chinese it was very difficult for Chinese officials to sentence Chinese offenders to the severe punishments which the foreigners insisted on. The taotai even offered the observation that the lack of parity which was evident in these circumstances would be detrimental to general rela-

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[35]Medhurst to Wade, no. 31, 13 June 1870, FO 228:492.

tions between the countries, and hence would ultimately affect trade.[36] The chih-hsien made a more direct threat:

> But hereafter if a Chinaman kills a foreigner, whether it be by firearms or knife or other weapon, it will be put down as an accident, or death caused in frightening a man, and in any case, no life will be forfeit in return, because the homicide was unintentional. It is you who have given the precedent. I hope that you will be good enough to write me an answer to inform me that Ford's case may be taken as a precedent if any Chinaman kills a foreigner and that no forfeiture of life in return will be required, in order that I may duly inform my superiors, that they may make this a rule in similar cases.[37]

They were back to the entwined problems of precedents and parity. They were still struggling to determine whether or not the foreign courts, the Mixed Court, and the regular Chinese courts, all of which had a sphere of jurisdiction within the same geographical area, could establish an acceptable degree of equivalence between the decisions made in each under very different systems of law and procedure. But it was becoming more and more apparent that the issue could not be completely settled and so they decided instead to keep score and employ whatever tactics they could to advance their own side and frustrate the advances of the other.

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[36]Yeh to Medhurst, 30 October 1873, enclosure in Medhurst to Wade, no. 86, 4 November 1873, FO 228:524.

[37]Yeh to Medhurst, 3 November 1873, enclosure in Medhurst to Wade, no. 86, 4 November 1873, FO 228:524..

## The "Cooperative Policy" and Local Justice

The cases discussed thus far were not typical of the criminal cases that generally arose in the various courts of the International Settlement. For example, in the six months December 1867 to June 1868 there were a little over 1,000 criminal cases brought into the Mixed Court. Of these, 20 were charges of burglary, 350 of assault and robbery, 565 of petty theft, 75 of municipal offenses, 21 of extortion, and about 25 of miscellaneous charges.[38] The majority of these cases involved only Chinese. Likewise, most of the cases in the consular courts concerned brawls and fights among foreign sailors. In fact, there were fewer than ten cases of foreigners killing Chinese during the period from 1865-1875. Nevertheless, these cases assumed an importance beyond their small number because they pointedly exposed the difficulty of establishing comparable systems of justice in a community composed of a large population of Chinese and a small group of foreigners who were backed up by the military superiority of Britain, France and the United States. This military power was a pervasive element in relations between individual Chinese and foreigners and between Chinese and foreign officials at the local level. It had framed the treaty negotiations of 1860 and it con-

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[38]Vice-Consul Forest, "Memorandum on the Mixed Court," July 1868, enclosure in Winchester to Alcock, no. 59, 7 July 1868, FO 228:452.

tinued in the following decades to shape the way in which conflicts were resolved between foreigners and Chinese both within and outside of the various courts.

When British and American traders first began to arrive in China in significant numbers in the early eighteenth century their opinions about Chinese justice toward non-Chinese were decisively formed by two separate incidents in which foreigners who had accidentally killed Chinese were strangled to death after having been turned over to the Chinese for trial. At the time, the foreigners did not have enough military strength in China to challenge the Chinese on this issue. Their main objective was to get on with their trading and they would pay almost any price to be able to do this. However, after the Opium War of 1858-1860, the balance of power shifted decisively toward the foreigners and with these cases resonating in the collective memory of the foreign community in China, the foreign diplomats demanded that the Chinese accede to the principle of extraterritoriality. The Chinese were in no position to refuse the demand but they tried to counter it in the decades following the signing of the treaties by insisting that parity be established between decisions made in the Chinese and the foreign courts, particularly in cases of violent crimes. But establishing parity was not easy because decisions in local cases were not made solely on the basis of the particulars of each case. Every incident

between foreigners and Chinese, regardless of where it occurred in China, became a potential factor in this larger equation of justice. The cases discussed above, as well as a few additional ones, elucidate this continuing attempt by both sides to first define and then render justice in mixed cases.

## The Tientsin "Massacre" and the Call for "Justice"

In June 1870 the attention of the entire foreign community in China was riveted by events in the northern port of Tientsin. A popular uprising against the French mission there left two Russians, several French officials and a dozen missionaries dead.[39] The events which led up to this atrocity were not immediately clear to the foreigners but their response was a combination of inward terror and outward belligerence. In Shanghai, the community was uneasy.[40] The Volunteer Corps was revived and began drilling as the local papers began their strident calls for justice to be served. The French officials in Peking pressed for stringent punishments for those implicated in what everyone was calling the "Tientsin Massacre." They demanded that several local officials forfeit their lives to atone

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[39]The details of the Tientsin trouble are in Paul A. Cohen, China and Christianity: The Missionary Movement and the Growth of Chinese Antiforeignism, 1860-1870 (Cambridge: Harvard University Press, 1963), pp. 229-261.

[40]Medhurst to Wade, no. 43, 13 July 1870, FO 228:492.

for the actions of the mob. The foreign community in Shanghai joined the rising chorus demanding "justice."

The Chinese called in one of their most eminent statesmen, Tseng Kuo-fan, to investigate. While he was still sorting through what had happened the series of shootings at the Shanghai Rifle Butts which were discussed earlier took place. Tensions were high and now it was the Chinese officials' turn to demand justice. When seen within the context of the Tientsin disaster, the response of the Shanghai Chih-hsien, which seemed all out of proportion to the specific cases which occurred in the fall of 1870, becomes more understandable. Although the cases were not obviously connected to one another, they were related to each other in the larger equation of parity.

The foreign public as well as the officials in Shanghai understood that these relatively minor incidents had taken on a much larger significance because of the events at Tientsin. And they were not unaware that the incidents were linked. After all, the two boys were shot by a member of the Volunteer Corps which had been mobilized in response to the fear that the Tientsin trouble had inspired. The foreigners were sensitive to the delicate nature of the situation and they were careful to see that the families of the two boys who were killed were not sent away empty-handed. Medhurst relayed this to Wade when he wrote, "A subscription has already been set on foot . . . and I have

no doubt that under the circumstances it will be liberally responded to."[41] But the parents of the two boys went away from the court convinced that had a foreigner been shot by a Chinese the verdict given would have been different.[42]

Individual foreigners and the foreign public in Shanghai often used their money to smooth over difficulties with the Chinese but the British and American consuls in Shanghai, who were concerned with more than short-term mollification, had decidedly different views. George Seward, the American consul, was confident that the threat of coercion was enough to secure the compliance of the Chinese.[43] British Consul Medhurst took a characteristically long-term, yet simple approach to the problem. He believed that if the foreigners took the technically correct course in each individual case the cumulative result would be a relatively equitable system of justice. Because of this Medhurst was always careful that all the "right things" were done in each case so that he could point to these technicalities and insist that case had been handled properly. It was important that the appearance of fairness be carefully main-

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[41]Medhurst to Wade, no. 62, 10 September 1870, FO 228:492. Emphasis added.

[42]Newspaper clipping of the inquest, no citation and no date, enclosure in Medhurst to Wade, no. 71, 19 November 1870, FO 228:492.

[43]Paul Hibbert Clyde, "Attitudes and Policies of George F. Seward, American Minister at Peking, 1876-1880," Pacific Historical Review 3 (1933):402.

tained. He did this in the case involving Constantine. When the British authorities in Hong Kong had refused to extradite Constantine because it was technically illegal for them to do so, Medhurst had intervened. He urged Wade, the British Minister, to see that Constantine was sent to Shanghai so that the Chinese in the future could not accuse the foreigners of having failed to help them get redress for a serious crime.[44]

Medhurst also made it a policy to use the technicalities of foreign law whenever possible to protect British citizens. This combination of tactics was clearly evident when he pressured a reluctant Chief Judge of the Supreme Court into trying Ross for willful murder to placate the Chinese, knowing full well that a jury of foreigners would acquit Ross. Knowing that George Ford might be acquitted by a jury of his peers, he tried to eliminate beforehand any possible grounds for complaint by hiring one of the best attorneys in Shanghai to prosecute the case for the British government. Having secured a prominent lawyer he reported, "I feel satisfied therefore that be the result what it may the Chinese will have no reason to complain hereafter that their interests in the matter have not been thoroughly attended to."[45]

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[44]Medhurst to Wade, no. 120, 18 November 1869, FO 228:473.

[45]Medhurst to Wade, no. 76, 16 September 1873, FO 228:524.

In this case, however, as in others, the local Chinese authorities did not feel that their interests had been attended to. When Chinese officials began hinting that lenient sentences given to foreigners would be the model for their own judgments in similar cases involving Chinese, Medhurst had a ready and disarming reply. He very soothingly assured them that if Chinese officials would simply administer their own laws as fairly as the British judges administered Britain's laws everything would be fine:

> You further express your fears that the so called lenient treatment of the offender in the present instance may have the effect of tying the hands of the local authorities hereafter whenever they have in their turn to grant redress in the case of crimes committed by Chinese. I do no however anticipate any difficulty on this account. H.M. Chief Judge has in this instance administered English law according to his honest interpretation of its requirement; and if the local authorities in similar cases which come under their cognizance, are equally conscientious in administering their own laws, which by Treaty they are bound to do, there is not much risk of any complaint of injustice being brought against them.[46]

But the foreigners knew that should they have any complaint of injustice they could always throw a gunboat into the equation and force the Chinese to grant the redress to which they felt entitled. They were always ready to bring out their war ships when they wanted to make a point with the Chinese. For example, in March 1872 a group of Chinese villagers attacked two foreign men from Shanghai who had come to the village to negotiate a settlement over the

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[46]Medhurst to Shen, 13 November 1873, enclosure in Medhurst to Wade, no. 91, 15 November 73, FO 228:524.

cargo of a ship which had sunk near the village. One man was an American and the other a German and before the circumstances of the incident had been clarified preparations were begun to send the U.S.S. Monocacy to the village to secure the release of the foreigners. This did not become necessary but the knowledge that this was possible made the foreigners bolder in their dealings with the Chinese. In this particular case, which was eventually heard in the Mixed Court, the American and German assessors managed to secure some very harsh punishments against several Chinese who were probably not even the true culprits.[47]

The Chinese had no gunboats in the 1870's with which to intimidate the foreigners so local officials employed the more subtle tactics of delay and evasion in order to frustrate the foreigners' attempt to define justice in their own self-serving way. These measures were particularly useful in relatively minor cases for Chinese officials knew that although these tactics infuriated the foreigners they would not provoke them to take drastic action. But when foreigners were forced to wait too long or too many individuals went unpunished for particular crimes, foreign officials would threaten to bring the negligence of the local authorities to the attention of their provincial superiors and this was something which local officials always tried to

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[47]Vice-Consul Alabaster to Wade, no. 12, 14 March 1872 and no. 25, 15 April 1872, FO 228:415.

avoid. This ability to turn local issues into confrontations at higher levels over treaty provisions was the basis for the power which the foreigners ultimately wielded in their relationships with local Chinese and their officials. This is well illustrated by the course of events which followed an incident in which two British residents from Shanghai became involved in a serious confrontation with a crowd of Chinese at a village not far from Shanghai.

The initial incident which started all the trouble was not an unusual one in mid-nineteenth century China. In April 1875 two British residents of Shanghai, a Mr. Hague and a Mr. Cooper, went out on a short hunting expedition. While shooting into some barley for snipe near the village of Quisan they shot a villager. They ran to the man and saw that he had been wounded in the face, shoulder, and leg. It was not uncommon for foreigners to accidentally injure Chinese when they were out on shooting expeditions and Cooper and Hague did what most foreigners would have done in this situation. Believing that the man was not seriously injured, they gave him a dollar as compensation and he went away, apparently content.

Later in the day, as Cooper and Hague were leaving the area in their boat, a crowd of Chinese gathered on the banks of the river. The man they had shot was now stretched out in the bottom of a boat, moaning and seemingly unable to get up. The tepao, or village headman, went to the for-

eigners and demanded fifty dollars as a more adequate compensation for the accident. Cooper and Hague at first objected to this demand but when they saw that it would be difficult for them to safely escape from the situation they agreed to pay the fifty dollars. They told the headman that they did not have that much cash money with them and asked if they could return to Shanghai and send it back or at least have time to try to gather it up. On the following morning when Cooper and Hague were unable to produce the fifty dollars the crowd, apparently with the consent of the headman, dragged Cooper off the boat and reportedly had a noose around his neck before he was able to get away. The men were saved by the sudden appearance of a group of German sportsmen but before escaping they managed to capture two of the leaders of the crowd and they took them to Shanghai.[48]

The American treaty granted Americans the right to arrest Chinese for aggressions such as these and foreigners often hauled Chinese from the countryside into Shanghai for punishment when they thought they would not be able to get the redress they wanted from local officials away from the port. The British treaty, however, did not specifically allow this and British Consul Medhurst had always discouraged British residents from taking this high-handed approach to resolving conflicts with the Chinese. When

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[48]Statement of Mr. Cooper given before Consul Medhust, enclosure in Medhurst to Wade, no. 83, 20 August 1875, FO 228:555.

British citizens did turn over such prisoners to Medhurst he generally forwarded them to the Chinese authorities for punishment. However, by 1875, Medhurst was tiring of this procedure for the Chinese officials, in their attempt to exact some small revenge against the foreigners, invariably turned the prisoners free and rarely conducted any kind of investigation in these cases. So this time he decided to hold on to the prisoners and he informed Taotai Feng that he would release the men into Chinese custody only when he was told exactly when and where they would be tried.[49]

The taotai angrily told Medhurst that trouble of this kind could be avoided if British citizens were not allowed to wander around the Chinese countryside indiscriminately shooting villagers. Medhurst countered with complaints that earlier similar cases had been treated with "studied neglect" and that if local officials would do their job in keeping their own people under control foreigners would not have to seize Chinese.[50] To Medhurst it seemed that the Chinese had managed to tip the balance of power back into their own favor by using the tactics of delay and evasion. To redress this imbalance he decided to use this incident to expand the authority and prestige of

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[49]Medhurst to Wade, no. 83, 20 August 1875, with enclosures, FO 228:555.

[50]Medhurst to Wade, No. 83, 20 August 1875, with enclosure of Medhurst to Taotai Feng, 15 July 1875, FO 228:555.

the foreigners into the countryside beyond the bounds of the treaty port. The steps he took were typical of the approach which foreign officials used when they wanted to make sure that individual Chinese were adequately punished for crimes against foreigners. They claimed that they were merely seeing that treaty provisions were carried out but the entire approach was rooted in their comfortable military superiority.

First, Medhurst got the Shanghai Taotai to call the Quisan Chih-hsien Fan to Shanghai to try the two men at a special sitting in the Mixed Court. Fan, who was not used to acceding to the demands of foreigners, proved to be quite recalcitrant and he did little to hide the fact that the trial was simply a farce. When Fan refused to arraign anyone other than the two men who initially had been captured, Vice-Consul Davenport, who had been overseeing the trial, stopped the proceedings. Medhurst was away from Shanghai investigating some trouble between foreigners and Chinese in Chinkiang. When he returned, he took up the matter personally and insisted that Taotai Feng move the trial to Quisan and see that a suitable number of men be brought to trial. He also made a formal complaint against Fan for "having designedly obstructed the plain course of justice."[51]

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[51]Medhurst to Wade, No. 83, 20 August 1875, FO 228:555.

Shortly after this Fan was removed from office and a new chih-hsien was installed in his place. Foreigners were often able to have local officials removed from office when they were not sufficiently compliant but these removals were not always a substantive victory for the foreigners. In this case, as in others, it was not clear whether Fan was demoted, promoted, or simply given a lateral move to get him out of this volatile situation. At any rate, the new chih-hsien was no more willing than Fan to do what Medhurst wanted so Medhurst employed a tactic which was almost guaranteed to get results. He wrote Taotai Feng and threatened to send Vice-Consul Davenport to Soochow to lay the case before the provincial governor, the Kiangsu Futai. When Taotai Feng learned this he had no choice but to concede defeat. A trial was held in Quisan and ten men who were positively identified as leaders of the crowd were tried and sentenced to various punishments. None of the punishments was very severe but the foreigners were satisfied. This was the first time in the area around Shanghai that an investigation had been conducted in the interior with foreign officials observing the proceedings. They thought that they had managed to establish an important precedent and send a strong message of warning to the Chinese in the countryside about the dangers of molesting foreigners outside the bounds of the treaty port areas.

Medhurst's handling of this case was neither unusual nor unique to officials in Shanghai. He was simply working within the framework of the cooperative policy which Britain and the United States pursued together during the 1860's and early 1870's. The goal of this policy was to work through, rather than around, local Chinese officials and make them responsible for upholding the treaty provisions at the local level. But who would finally interpret what the treaties really meant in practice? In the area of judicial matters the treaties provided no precise formula for handling the problems which arose out of mixed cases. The Rules for the Mixed Court, which were written in 1868, endorsed by the British and American ministers, and promulgated in 1869, stated that "foreigners who may be charged with any offense, if represented by Consul on the spot, shall be dealt with by them as the Treaties provide."[52] This seemed straightforward enough but the American and British treaties of 1858 said only that the trial of anyone accused of a crime, whether Chinese or foreign, would be held in the court of the defendant, presided over by an officer of his own nationality, and subject to the laws and procedures of that nation.

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[52]"Rules for the Mixed Court at Shanghai," American Diplomatic and Public Papers, p. 209.

This division of jurisdiction, so clear on paper, was inadequate in practice because British and American officials were not convinced that anything resembling "justice" was dispensed in Chinese courts when foreigners were involved and Chinese officials looked with similar disdain on the proceedings of the American consular court and the British Supreme Court. Their different understandings of justice and correct judicial procedure made it impossible for them to believe that any mutually acceptable degree of parity could be established between the foreign and Chinese courts. The foreign ministers in Peking and the Tsungli-yamen continued in the 1870's and 1880's to discuss the problems connected with administering justice in mixed cases, while officials in Shanghai parlayed with one another as cases came before them. The problem of treaty interpretation, which was admittedly difficult to resolve in criminal cases, was also a factor in the ongoing conflict over where the lines of political authority in the International Settlement would be drawn .

# Chapter 7

# "OUR CHINESE"

The Chinese who lived within the borders of the International Settlement were in an anomalous position. The Sino-foreign treaties declared unequivocally that they were subject to Chinese officials but in reality they were, as Chinese subjects living in an area given over to the foreigners, a contested piece of property. Because they lived so near the foreigners, were an important economic asset to them, and often had a direct impact on their lives, the foreigners never stopped trying to wrest jurisdiction over them from their own Chinese officials. In the mid-1860's, as conditions returned to normal after the end of the Taiping uprising, the foreigners began to spread a protective mantle over the Chinese in the Settlement who increasingly became "our Chinese" in the minds of the foreigners. "Our Chinese," the British and American residents reasoned, deserved protection from the corrupt and greedy Chinese city officials. This conviction drew them into a persistent conflict with local officials over the related issues of jurisdiction and taxation.

The fight to gain control over the Chinese living in the International Settlement was a contest primarily between the foreigners' elected body, the Municipal Council, and the highest-ranking local official in Shanghai, the Shanghai Taotai. Foreign consuls, Chinese provincial and imperial officials, and the foreign ministers in Peking played supporting roles in the drama by offering advice, settling disputes, and setting limits. The Municipal Council, representing the interests of the foreign community, pressed for legal jurisdiction over the Chinese in the Settlement. Their actions were motivated by economic self-interest and complicated by conflicting interpretations of the Sino-foreign treaties which had been signed in 1858 and modified in 1860. Underlying this endeavor was a measure of genuine concern for the Chinese who lived in the Settlement which was mixed with a large dose of calculated self-interest.

## Legal Authority and Municipal Jurisdiction

In 1865, the attention of the foreign community turned toward the Chinese brothels in the Settlement. This was no moral crusade to eradicate or even regulate these houses of ill-repute. On the contrary, the foreigners were out to defend the owners against alleged harassment by Chinese city officials so that they could continue to conduct their businesses in the Settlement. While no foreigner in Shanghai in the 1860's would publicly defend on moral

grounds the institution of prostitution, almost every foreigner, including many missionaries, wanted to protect the owners of brothels from excessive taxation or illegal levies by Chinese officials. The reason was quite simple: the issue at stake was not morality but economic interests and political power.

The trouble began when men purporting to be representatives of the taotai's office went into the International Settlement in late 1865 to collect taxes from the brothel owners. By this time the Taiping uprising had been brought under control and the taotai was moving to reassert his authority over the Chinese who had drifted under the foreigner's mantle of protection during the war years. Local Chinese officials had always used levies, both official and unofficial, to generate the revenue they needed to run their offices. These were collected by lower-level functionaries or by tax farmers who bid for the right to collect the taxes. Both groups were free to devise their own method of collection. They simply turned over to the official in charge a previously stipulated sum of money and no questions were asked about how it was obtained and how much extra they had collected for themselves. This was a common procedure in Chinese taxing systems. The foreigners, however, denounced these practices and labeled them as "extortion" and "squeezes" to express their own disapproval of the system.

During the war years the foreigners had managed to keep the taotai's tax collectors out of the International Settlement by convincing him in 1863 to allow the Municipal Council to levy and collect in lieu of all other taxes a single 8% house tax on Chinese living in the Settlement. During the height of fighting against the Taipings in Kiangsu province, the Municipal Council supervised the collection of the taxes and the money was turned over to the taotai. After the war ended in the area around Shanghai, a new taotai was appointed to Shanghai and he moved to reassert Chinese authority over the Chinese in the Settlement. When the military crisis which had precipitated the agreements lapsed the collection of the 8% house tax lapsed also. The taotai sent tax collectors into the Settlement to resume taxation and the competition for jurisdiction over the settlement Chinese flared again.[1]

The tax collectors who visited the brothel owners in late 1865, like most of their colleagues, were ruffians who used violence or threats of violence to persuade their targets to cooperate. In this case, most of the brothel owners did pay up. The Council responded by issuing a proclamation to brothel owners and shopkeepers in the International Settlement instructing them not to pay the custom-

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[1]Alexander Jamieson traced the history of the taxation issue in a editorial in NCH, 7 April 1866, p. 54; the subject was discussed at length throughout the NCH, 21 April 1866, pp. 62ff.

ary "squeezes" when the collectors came around and to call on the Municipal Police for any protection they might need. The Council hoped that the Chinese in the Settlement would cooperate and thereby keep any organized system of extortion from regaining a foothold in the foreign area. However, the decision of the Council to issue the proclamation and the resolve of the taotai to collect the taxes brought into the open two conflicting principles of official Sino-foreign relations: the right of Chinese officials to exercise unmitigated sovereignty over their own people and the right of the foreigners to control what went on within the bounds of the International Settlement.

In an attempt to challenge the authority of the Chinese city officials, the foreign residents used any line of argument they could think of and they often advanced along several at once. Their tactics were not carefully coordinated but their efforts were directed consistently toward one end: limiting Chinese control over the Chinese residents of the International Settlement. Their unrelenting efforts to achieve this goal put them at odds with the British and American consuls in Shanghai. Both British Consul Charles Winchester and American Consul George Seward had little choice but to support the official policy of their governments in this matter and insist on recognizing and upholding the sovereign rights of the Chinese officials. Since the right to tax at will is a basic element of

sovereignty, the consuls, working under the "cooperative policy" which had been outlined in 1862, refused to sanction any attempt to limit the right of Chinese officials to tax Chinese in the Settlement. As the Municipal Council moved to shield the settlement Chinese from Chinese officials, tensions between the council and the consuls as well as the council and the taotai began to mount.

## The Brothel Owners and Special Taxation

The first argument the foreigners employed against the taxation of the brothel owners was fundamentally flawed and revealed the economic foundation for their fears. They complained that this was a special tax which was being levied only on brothel owners in the Settlement and not on brothel owners in the Chinese city. As such, they argued, it was obviously an attempt to drive the brothel owners out of the settlement area by a subtle scheme of over-taxation. This posed a serious problem for the foreigners for if it were true, it would have devastating repercussions for many small entrepreneurs and businessmen as well as some of the larger firms. The reason? If the brothel owners were targeted for special taxation then it would not be long before other shopkeepers and businessmen would be subjected to other special taxes. The end result, many foreigners reasoned, would be a massive exodus of Chinese residents from the International Settlement.

At first glance it might seem that this would be exactly what the foreigners would want. Why not clear the Settlement of Chinese and remove once and for all the entire problem of competing claims to jurisdiction? The reason was primarily economic. During the Taiping uprising many foreigners had hastily thrown up buildings for business and residence and rented them to the thousands of Chinese who had fled into the settlement area for protection from the chaos in the countryside. The money generated by these rentals had become an important part of the local economy. As peace returned to the rural areas and the refugees began heading home, many local landholders, including missionaries and small investors who had profited so handsomely from this speculation and overdevelopment, were faced with financial ruin. The foreigners who had tried in the 1850's to keep all extraneous Chinese out of the settlement now realized how profitable these people could be. So though they might complain about the Chinese as a whole, the foreigners could not afford to have them all leave the International Settlement. As the editor of the North China Herald pointed out, a massive exodus of Chinese house renters would cause the "serious depreciation of foreign property."[2] This, in turn, would simply exacerbate the already depressed local economy.

The foreigners saw quite clearly that to protect their own economic interests they had to keep the Chinese

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[2]NCH, 31 March 1866, p. 50.

house-renters, whether brothel owners, shopkeepers, or residents in the Settlement, from being forced out by over-taxation or illegal levies. To the foreigners, the taxation of the brothel owners was the beginning of a dangerous trend which had to be stopped. But the foreigners faced a problem: they had no legal authority to prohibit Chinese officials from levying as many taxes on the settlement Chinese as they pleased. Sir Frederick Bruce, British Minister to China during the early 1860's, had persistently argued this point in the face of periodic challenges from Shanghai residents. His successor, Rutherford Alcock, continued to follow this line of policy and he was supported in this by the American ministers. Never a group to give up without a fight, however, the foreigners at Shanghai continued to look for an avenue to challenge the taxation. After specialists working for the British consulate proved that the taxes were indeed levied on brothel owners in the Chinese city, the foreigners were forced to abandon their first line of argument and adopt another angle of attack. Fortunately for them, events intervened to present them with the opportunity they needed.

"False Accusation" Warrants

The brothel owners themselves had not been sure whose rules they should play by. Could and would the foreigners really protect them from the Chinese bullies or should they pay the taxes and questionable levies and avoid

any risks? After the Municipal Council's proclamation was made several brothel owners decided to cast their lot with the foreigners. They claimed exemption from the taxes under the authority of the Municipal Council and refused to pay them. The Chinese tax-collectors retaliated with an ingenious scheme. They went to the Chinese city yamen and took out warrants against the brothel owners which accused the owners of crimes unrelated to the payment of the taxes. The case of Chien Lao Woo, a local brothel owner, was typical. After refusing to pay the customary squeezes Chien was arrested and taken to the city yamen on charges of kidnapping a young woman and forcing her into prostitution in his brothel.

The "false accusation warrants," as the foreigners quickly dubbed these arrest warrants, gave the foreigners a strip of legal ground from which they could wage their fight for greater control over the Chinese in the Settlement. Here was something they could rally against--the intrusion of Chinese city police into the foreign area. The restrictions on the use of city police in the settlements had been carefully laid out in agreements between the foreign consuls and the Shanghai Taotai in the 1850's. Under these agreements Chinese city police had to take their warrants to a consular office to be inspected and stamped. After the legality of the warrant had been established, the policeman could arrest the person named in the warrant but he would be

accompanied by a consular constable or a municipal police officer. This officer or constable would presumably protect the Chinese subject of the warrant from mistreatment. But now the city police officers were bypassing the municipal police and the foreigners assumed they were doing so because their warrants were illegal.

The foreign residents demanded that the consuls begin investigating the validity of the warrants and refuse to stamp those that were suspicious. Both Consul Seward and Consul Winchester insisted, however, that they could not legally concoct any general scheme to prevent the warrants from being served. Under the provisions of the treaties they had no right to interfere in any way with the relationship between Chinese officials and the Chinese people. Their responsibility in the case of warrants ended with certifying that the warrant had been issued by a proper Chinese authority. The validity of the charge contained in the warrant was not particularly their concern and attempting to look into the circumstances involved in each case would be ridiculously time-consuming. They could only investigate individual cases after the arrest had been made and the facts of the case had become public.[3]

The foreign residents would not relent and they tried to push the consuls into a corner on the matter. If

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[3]Minutes of the Landrenters Meeting, 18 April 1866, printed in NCH, 21 April 1866, pp. 63-64.

the consuls could not or would not protect the settlement Chinese then the Municipal Council should be given the authority to the job. They pressed the consuls to concede to the Municipal Council more authority within the International Settlement. Specifically, they insisted that the municipal police be allowed to prevent these "false accusation warrants" from being served. Toward this end, a Mr. Hargreaves placed before the annual meeting of the landrenters on April 18, 1866 the following resolution:

> That in consequence of the alarming increase in the illegal exactions made on residents in the Foreign Settlement by the Chinese Authorities, the incoming council be empowered to prevent the execution of warrants against Chinese through any medium other than the Municipal Police, and in case of need, to suspend arrest, pending investigation into the nature of such exactions.[4]

The response of the meeting was enthusiastic. The merchants applauded and quickly endorsed the resolution. The move put Consul Winchester, as the chairman of the meeting, and Consul Seward, as the next in line to the chair, in a difficult position. Neither felt he could rightly put the resolution before the meeting without violating policy directives from Peking. Winchester was adamant about the fact that he could not interfere in any general way with the issuing of warrants from Chinese authorities. He could look into individual cases but he could not make blanket rules which interfered with Chinese sovereignty. Seward agreed with him and

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[4]Ibid., p. 64.

pointed out that he had been in Shanghai during Sir Harry Parkes tenure as consul in the 1850's and he knew that at that time warrants were stamped without even being examined because Parkes believed he had no right to interfere in the matter.[5]

Hargreaves refused to withdraw his resolution and the Council refused to table the matter until some guarantee could be given that this practice of by-passing the municipal police in the serving of the warrants would stop. Neither Winchester nor Seward could give them this assurance and they both withdrew from the meeting. William Keswick, a member of the British firm of Jardine Matheson who conveniently enough also held the post of Consul for Denmark, took the chair and the resolution was passed.

Unfortunately for Hargreaves, he made his resolution at a meeting of the landrenters which had been called specifically to approve the Council's report for the year 1865 and to vote acceptance of the new Municipal Council. Thus, his resolution was out of order and technically indefensible. This technicality was not lost on Consul Winchester who pointed it out the following day in an announcement in the local newspapers. In any case, the resolution was a dead letter because it was clear that neither Winchester nor Seward would sign it. By this time, however,

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[5]Ibid.

the issue was reaching beyond the case of the brothel owners and taking on much larger implications for the community.

The editor of the North China Herald, not surprisingly, supported Hargreaves' resolution. He insisted that it was not about legitimate taxation but was aimed at stopping all these "false-accusation warrants" which were used so freely not only against brothel owners but also against Chinese shopkeepers in the Settlement.[6] But he was not being totally honest. The warrants were a convenient pretext for complaint but the underlying issues were still the questions of taxation, jurisdiction, and political power in the Settlement. The editor was closer to the truth when he suggested that the harassment of the brothel owners was only a minor part of a larger controversy about the limits of municipal power in relation to both consular authorities and Chinese officials. The Municipal Council, he suggested, was trying to discover whether it had the right to regulate taxation on the Chinese in the Settlement and the Council was forcing the issue so that the consuls and the legations at Peking would have to make a clear decision about the limits of the Council's domain.[7]

The ministers at Peking clearly believed the Municipal Council was overstepping its bounds and, indeed, had been overstepping them for some time. The British Min-

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[6]Editorial, NCH, 5 May 1866, p. 70.

[7]EDitorial, NCH, 21 April 1866, p. 62.

ister, Sir Rutherford Alcock, pointed back to Bruce's statement of 1863 and told the Shanghai residents to stop raising the question of taxation over and over again. Both the British and American ministers were tired of these challenges to their own interpretation of the treaties on the issue of foreign rights and Chinese sovereignty. The Council, they believed, had gradually moved beyond its legitimate authority and was claiming powers for itself far beyond those granted by the treaties. It needed to be reigned in and called to account.[8]

The foreign residents realized that they would not be able to count on a favorable interpretation of the treaties from either Peking or the consular establishments in Shanghai. This was an added impetus to move the locus of foreign power over settlement Chinese from the consuls to the Municipal Council. When Winchester said that consular constables would go with Chinese city police to serve warrants, the Council, with a touch of righteous indignation, complained that an important principle of their authority was being usurped. They wanted the municipal police to do the job and for the consular constables to stay out of these matters. Winchester assured the Council that the consular officers were only being used in the contested cases now pending and that no precedent was being established.

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[8]Alcock to Winchester, 10 April 1866, printed in NCH, 28 April 1866, p. 67.

Although Keswick, representing the Council, shot back another letter reiterating his position Winchester remained firm.[9] Cases would have to be settled in the Mixed Court and this, indeed, was where the issue went next.

The foreigners did not want to use the Mixed Court to settle these problems. As the Mixed Court investigation into the cases concerning the brothel owners showed, these "false accusation" warrants usually did contain a tiny piece of truth. However, because this bit of truth was so distorted in the actual charges that were made only a full-blown investigation could untangle all the threads of the story. In the case of Chien Loa Woo it took Magistrate Chen three days to wade through all the evidence relevant to the charges and counter-charges that had been made in the case. He finally declared that the charge of kidnapping made in the warrant was unsubstantiated and had been fabricated in order to intimidate the brothel owner. Although the men who had taken out the warrants were sentenced to light prison terms the foreigners were not satisfied.[10] Using the Mixed Court to rectify these wrongs after the fact did not provide Chinese businessmen with adequate protection from arbitrary arrests. "Our Chinese," they must have said to themselves, should not be subjected to this kind of system. As the

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[9]Keswick to Winchester, 24 March 1866; Winchester to Keswick, 24 March, 1866; Keswick to Winchester, 29 march 1866; all printed in NCH, 31 March 1866, p. 51.

[10]Mixed Court Summary, NCH, 5 May 1866, p. 70.

editor of the North China Herald put it, "the peaceful tenants of European property" should not be at the mercy of "a regularly organized body of extortioners and bullies."[11]

The foreigners renewed their efforts to find a question which would give them the answer they wanted to hear. Having been forced to abandon their opposition to the brothel tax on the grounds that it was a "special tax" not collected in the city, and failing to convince the consuls to take action, they changed directions and broadened their attack. The line of argument changed but the underlying economic motivation remained the same. It was "unfair" they now said, for the Chinese in the Settlement, whether brothel owners, shopkeepers, or residents. to have to pay the foreigners' municipal taxes as well as all the local taxes levied in the city. Under this system the Chinese residents in the Settlement were being doubly taxed simply because they had chosen to live among the foreigners. Not only was this unfair, they said, but even more importantly, it was designed to encourage settlement Chinese to migrate into the less heavily taxed Chinese city.[12]

The foreigners seemed to have a good case. But the real problem, as the Chinese interpreter at the British consulate pointed out, was that it was the foreigners'

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[11]Editorial, NCH, 5 May 1866, p. 70.

[12]Keswick, Chair of the Municipal Council, to Winchester, 15 March 1866, printed in NCH, 31 March 1866, p. 51.

municipal taxes, in conjunction with the regular Chinese taxes, which made the tax burden so heavy for Chinese in the Settlement. The foreigners expected the settlement Chinese to pay municipal taxes to contribute to the upkeep and improvement of the settlement area despite the fact that they had no representation on the Municipal Council and had never asked for the public works, municipal services, or health campaigns that the Council undertook. It was not the fault of the Chinese government, he added, that the foreigners have come up with these high taxes for city services and that shopkeepers who resided in the Settlement knowingly lived there anyway in hopes of making big profits.[13]

Matthew Yates, a long-time missionary in Shanghai and a man who had spent much time among the lower classes of Chinese in the International Settlement, agreed with this assessment and urged the Council to reduce taxes on the settlement Chinese. But the foreigners preferred to pressure the Chinese officials to eliminate their taxes rather than lower the municipal taxes on the Chinese. The taotai, for his part, was willing to consider eliminating taxes for local services which duplicated those collected by the Municipal Council. Imperial taxes, however, would have to be collected and he agreed to provide the Municipal Council

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[13]"The Nature of Le-Keuen," Comments made in the Chinese Department of H. B. M.'s Consulate on the "Memorandum on Taxation" by Yung King, printed in NCH, 7 April 1866, p. 55.

with a list of these. This agreement, not surprisingly, did not settle the problem but instead created a lengthy debate about which taxes were legitimate imperial taxes and which taxes were local taxes. The debate became increasingly focussed on the likin taxes which had been created during the war years to raise revenue for the provincial armies fighting the Taipings. As discussions turned toward the likin taxes the foreigners made the last of their leaps of argument. From their starting point of defending brothel owners from a bunch of ruffians they had finally arrived at the conclusion that the Shanghai Taotai was attempting to undermine the "free trade" which had been guaranteed by the treaty of Tientsin. This was one of their favorite and recurring themes and they did not let pass this opportunity to bring the issue out into the open once more.

## Likin Taxes and Municipal Authority

### The Likin System of Taxation

The foreigners understood the Chinese tax system only dimly and it is not surprising that their facts were not always in order before they began their assaults on it. Public discussions of the taxation issue tried to clarify the operation of the Chinese taxation system and determine exactly what kinds of taxes were being levied on the Chinese in the Settlement. At first the foreigners wondered if the taotai's taxes were the old "war taxes" and if so, whether

they could be legitimately collected now that the war was over. Then there was the assertion that perhaps these were actually new taxes and might not have any imperial sanction at all. Were they essentially local or provincial taxes? After considerable debate and investigation the foreigners realized that what had happened was that the "voluntary contribution taxes" which had been collected during the war years to finance military operations against the Taipings had gradually been formalized into the likin system of taxation.

The new likin tax was identical to the old tax in its structure and collection but was now being used to repay foreign debts as well as to subsidize segments of the military. It was designed as a tariff or surcharge of one percent (or more) on commercial goods.[14] It had been created by the imperial government in the 1850's to finance the military operations against the Taipings but it was so effective in raising large sums of money for the military that it was retained even after the Taipings had been defeated. The revenue was collected and reported to the imperial government which then allocated the money among the various provinces. It was unquestionably an imperial tax that was administered from Peking. However, the actual collection of the taxes and its distribution among the

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[14]Susan Mann, Local Merchants and the Chinese Bureacracy, 1750-1950 (Stanford: Stanford University Press, 1987), p. 95.

provinces was placed in the hands of provincial officials. Each province devised and implemented its own system of collection and this made it appear to many foreigners that it was in fact a provincial or even a local tax. Matthew Yates was only one foreigner who was mistaken about this. Speaking as a local authority on the matter he insisted, incorrectly, that the imperial government knew nothing of these taxes and that they were appropriated entirely by the local officials.[15]

The likin tax had two separate parts. There was an inventory tax on goods in warehouses or in stock in shops and then there was a transit tax on goods as they moved along the trade routes. Together, the tax was intended to be so small as to provoke little resistance. This was, in fact, the case during the 1850's and early 1860's. After the war, however, when local and provincial tax bureaucracies multiplied the number of collection points for the transit dues, Chinese peasants and local merchants who found their goods being taxed several times before they reached their final destination staged protests and complained loudly to their local officials about the taxes. The tax was particularly burdensome for those who could not evade the taxes by changing their trade route to avoid the

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[15]Minutes of the Landrenters Meeting, 18 April 1866, printed in NCH, 21 April 1866, supplement.

collection centers or by purchasing exemption certificates through bribery or threats.[16]

Although foreign goods were supposed to be exempt from likin taxes under the treaties it was difficult for Chinese merchants to prevent taxes being levied on these goods once they passed out of foreign hands and began making their way into the interior. This drove up the cost of the goods and made them more difficult to sell at a profit in the interior. So the foreigners added the weight of their political clout to this widespread popular opposition to the "transit dues." They first claimed that since these were nothing more than a continuation of the old "war taxes" of the Taiping era they should not be collected now that the Taiping menace had been laid to rest. When this avenue of argument failed to achieve any good result they fell back on their favorite complaint and began to insist that the taxes were an insidious menace to the principle of "free trade." One local merchant wrote to the North China Herald to complain about the adverse impact which likin taxes had on Shanghai in particular and on Sino-foreign trade in general.

> We should demand its [the likin] discontinuance, because, while it is levied ostensibly upon the Chinese, it is paid mainly by the European owners of property, whether in the form of merchandise or of real estate; it affects the price of imported commodities so that trade in the interior is stifled; it raises the cost of foreign built building due to building materials costing more; in trying to cut operating costs, Chinese shopmen

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[16]Mann, Local Merchants, pp. 96, 105-110.

in the settlement ask for reductions in their rent or threaten to move their businesses.[17]

This writer's complaint was taken up by foreign residents throughout the International Settlement and fashioned into one of their favorite collective refrains: these taxes were tantamount to an attack on free trade because they obstructed the development of internal trade. The likin taxes, they claimed, were a deliberate attempt by reactionary Chinese officials to undermine the principle of free trade through an elaborate scheme of over-taxation. The foreigners directed their accusations toward the entire Chinese government in general and the taotai in particular.

The view from the taotai's office, however, was naturally quite different. Although the campaign against the Taipings was over, there were other rebel groups that were still fighting against imperial forces and Li Hung-chang continued to demand support for his army. Li's financial base was in Kiangsu province and he would continue to use it to finance his military operations and secure his own power. The taotai, as one of Li's men, had to provide significant sums of money for Li's Huai Army. The Chinese businesses in the Settlement were very profitable and the taotai believed that these merchants could afford to pay more taxes in exchange for the privilege of operating there. He was not trying to drive Chinese businessmen out of the

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[17]"Scrutator," Letter to the Editor, NCH, 7 April 1866, p. 55.

Settlement. On the contrary, he wanted to take advantage of their lucrative business operations there to increase his own revenues.[18]

The presence of the Chinese in the Settlement did raise increasingly complex problems for Sino-foreign relations at the local level, however, and after the Taiping crisis eased, successive taotais tried to reestablish their right to maintain jurisdiction over Chinese regardless of where they lived. This authority had been steadily eroded during the war years when Chinese officials were vulnerable and welcomed help from the foreigners. In the post-war years, the taotais tried to regain their authority and in the process ran up against the entrenched interests of both the foreigners and the Chinese who had settled in the International Settlement.

The trouble over likin taxes were not settled in the decades of the 1860's or 1870's. In fact, this issue troubled Sino-foreign relations into the twentieth century as the foreigners continued to press their case about the debilitating effects which the tax had on the development of internal trade. They chanted this refrain whenever an opportunity presented itself and they pressed their convictions on their consular representatives and their home

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[18]Spector, Li Hung-chang, pp. 67-82.

governments at every turn.[19] W. H. Medhurst, British Consul at Shanghai in 1876, reported as much to the Foreign Office when he said in his Trade Report for 1875 that the continued existence of likin collection outside of Shanghai had discouraged foreign traders from even attempting to introduce foreign goods into the interior. Likewise, American Consuls continued in the late 1870's and 1880's to report that the likin tax was the single greatest obstacle to the increase of American trade in China.[20]

The multiple taxation of commercial goods in transit from one location to another did undoubtedly increase the cost of imported goods and thus the tax did place burdens on the merchants and limit distribution of goods outside of the major trading and urban centers. It is clear, however, that some Chinese and foreign merchants found ways to get around the taxes--whether by varying their routes to avoid the collection points, bribing the tax collectors, or obtaining certificates of exemption from the tax. Foreign-owned foreign goods were supposed to be exempt from these transit dues after customs dues had been paid. Passes were issued which were supposed to travel with the goods and insure

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[19]The relationship between China merchants and British policy makers is in Nathan Pelcovits, Old China Hands and the Foreign Office (New York: Octogan Books, 1969).

[20]Documents 29-32 in American Diplomatic and Public Papers, The United States and China, Series II, vol. 17, pp. 341-449.

their exemption at the various collection points. Foreign merchants who wanted to increase the distribution of foreign goods in the interior through native merchants often sold these certificates of exemption to the native merchant who would then claim that since he was merely acting as an agent of the foreigner the goods should still be exempt from taxation. Chinese officials were perfectly aware of this practice and often countered it by refusing to honor these exemption certificates when they were carried by Chinese merchants.

But as important as this concern over the likin tax was among the foreigners in the International Settlement, it was not a problem which could be solved entirely by the Municipal Council. This was a problem for the revisers of the treaties and for upper-level Chinese officials. In the treaty revision talks of 1869 Rutherford Alcock pressed the Chinese for reform and gained from Chinese officials a consent to abolish all inland taxation in exchange for higher import duties. The foreign merchants, however, protested loudly against this plan and eventually were able to block ratification of the Alcock Conventions because of this provision. Then there was in the late 1870's a flurry of discussion at the imperial level about the need to reform the likin tax system but nothing substantial was accomplished and demands by foreign and Chinese merchants

alike for radical reform of the system continued well into the twentieth century.[21]

Despite this lack of progress at the imperial level, however, the foreigners at Shanghai were able to win some ground in the struggle to gain more control over Chinese taxation in the area around Shanghai. In 1877 they succeeded in having the collection of likin taxes abolished within the Settlement area. This victory was gained through the efforts of the German consul who insisted that the taxes were a violation of the German treaty with China. When Chinese officials conceded the point and stopped collecting likin taxes within the settlement area, Chinese merchants used their not inconsiderable clout to force the Chinese officials to abolish likin taxes in the Chinese city and within a 17-mile radius of Shanghai. They did this, ironically, by threatening to move their businesses into the foreign settlement area where the likin had already been abolished.[22] But outside of this likin-free area the usual

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[21]Holcombe to Evarts, no. 17, 1 July 1878, Dispatches from United States Ministers to China, M92:49 reprinted in American Diplomatic and Public Papers: The United States and China, series II, vol. 17, p. 364; on the merchants and the failure of the Alcock convention see Pelcovitz, Old China Hands; for a discussion of attempts to reform the likin sytem after 1902 see Mann, Local Merchants, pp. 145-162.

[22]M. von Brandt, "Memorandum on the Inland Taxation on foreign Goods and native Produce in China," Enclosure in Holcombe to Evarts, no. 17 of 1 July 1878, Dispatches from United States Ministers to China, M92:49 reprinted in American Diplomatic and Public Papers, series II, vol. 17, p. 364.

taxes were collected so the issue of likin was hardly dead in 1877.

## Expanding the Authority of the Municipal Council

Partially in response to all of this trouble over taxation and jurisdiction, the foreign residents in Shanghai turned their energies toward expanding the authority of the Municipal Council. In 1866 a committee of men was elected by the landrenters to begin revising the land regulations. The Settlement had been managing under a set of regulations promulgated in 1854 but which were increasingly ill-suited to the needs and growing ambitions of settlement residents in the 1860's. The authority of the Municipal Council in relation to the Chinese in the Settlement was one of the pressing issues which needed a clear resolution. The tensions inherent in this issue were apparent in the struggle to decide whether the Chinese residents in the Settlement should have any representation on the Municipal Council. The other problem, which was the question of he authority of the Municipal Council in relation to the legations at Peking, was also taken up through the revision of the land regulations.

### Chinese Representation on the Municipal Council

The Municipal Council had evolved during the 1850's out of a "Committee for Roads and Jetties" which had been

set up by the original land regulations of 1845. Neither body had ever included any Chinese because in those early years there seemed to be no need to include them. When the community was first established no one expected that more than a few hundred Chinese employees and servants of the foreigners would ever live in the settlements. By the 1860's all of this had changed and it was time to consider the matter seriously.

The first set of revised land regulations which were sent from Shanghai to Peking in 1866 for consideration by the foreign ministers included the provision that the Chinese have some kind of representation on the Municipal Council. The idea for allowing Chinese representation on the council had initially been put forward by Sir Frederick Bruce as early as August 1863. Bruce apparently thought that it would be helpful to have a Chinese representative on the Council to act both as a "yes-man" and as an informal informant about matters among the Chinese population of the Settlement. The "Chinese element" in the Council, Bruce suggested, should be consulted when any measure affecting the Chinese residents was being considered and the Chinese representatives' consent to these proposals should be obtained.[23] At the time, the foreigners at Shanghai did not like Bruce's suggestion. If the Chinese were given

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[23]Sir Frederick Bruce to foreign land-renters of Shanghai, 6 August 1863, Parliamentary Papers, China, No. 3, 1864, p. 146, quoted in Kotenev, Shanghai, p. 14.

unlimited access to the Council, they argued. they would eventually dominate the political processes in the Settlement and this "might easily ruin the municipal system, owing to the systematic peculation of native officials, and their indifference to the maintenance of order and to sanitary and other local requirements tending to the progress and prosperity of the Settlement."[24]

By 1866, however, when the committee of men elected to begin revising the land regulations started considering the problem, they began to see the advantage of allowing limited Chinese representation on the Council. Their first draft proposal did not include this provision but subsequent ones did and it was eventually endorsed by the foreign community at a meeting of the landrenters.[25] How this person or group of persons would be chosen was not clearly spelled out but it was apparent that the "Chinese element" would have no veto power in the Council. The foreigners were probably thinking that Chinese merchants might elect a representative from among themselves and that this person would act as an adviser on matters affecting the Chinese population.

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[24]Foreign Landrenters to Bruce, quoted in Kotenev, Shanghai, p. 15.

[25]Minutes of the Meeting of the Committee appointed at the Landrenters Meeting of 15 April 1865, enclosure in Winchester to Alcock, no. 7, 3 February 1866, FO 228:411.

By the time this draft of the revised land regulations reached Peking, Rutherford Alcock had replaced Bruce as the British Minister. Alcock at first endorsed the idea of Chinese representation because he thought that having a Chinese representative would help facilitate the collection of taxes from the natives without giving them any real power in local affairs. After all, if the Chinese had a representative on the legislative body then they were obviously prime candidates for taxation by that same body. So the presence of a representative was calculated to gain from the Chinese in the Settlement compliance with decisions made for them by the Council. The foreign ministers of the United State, Russia, and Prussia all agreed with the proposal to include Chinese on the Council.[26] However, when the land regulations were officially sanctioned in 1869 and put into effect, the idea had been eliminated and there would be no Chinese representation on the Council until the first decade of the twentieth century.

The reason for the elimination of the proposal in the revising process which went on from 1866 to 1869 is not clear. Alcock did not explain in the official documents that have survived why he deleted his recommendation for representation from the official draft that was sent from Peking. There was simply a note penciled in the margin of

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[26]Alcock to Winchester, 20 November 1866, FO 228:410.

the rough draft of 1866 which said "omit." It is not unreasonable to surmise from the tone of subsequent correspondence between the British minister and the consuls at Shanghai that the underlying problem was the issue of sovereignty. The ministers in Peking wanted in the late 1860's and early 1870's to limit the power of local foreign groups in order to keep them from creating problems which would have to be mediated in Peking. Having Chinese representation on the Municipal Council at Shanghai seemed an invitation to complications in Sino-foreign relations.

The Revised Land Regulations

The men who worked on revising the land regulations did, however, find a way to increase the autonomy of the foreign residents in the International Settlement. The new land regulations had less than twenty regulations but over one hundred bye-laws. The bye-laws could be changed without consulting Peking so the revisers put many of their authority measures there so that they could change them without requesting permission from Peking. This gave the residents, through the Municipal Council, more authority over the Chinese in the settlements. They could make laws and pass ordinances without consulting anyone but themselves.[27] But here, just as with the likin taxes the foreigners were not

[27]Kotenev, Shanghai, pp. 15-16.

able to translate their local victories into any larger control over the direction of China's future.

# CONCLUSION

The foreigners' persistent attempts in the 1860's and 1870's to control the Chinese in Shanghai and thereby help fashion for China a future in which Anglo-American ideals and values would find a congenial home were met with sustained resistance. At some places in China during the era, resistance to foreign encroachment was virulent and violent. The Tientsin Massacre was just one example of the hostility with which Chinese gentry sometimes responded to the foreigners.[1] At Shanghai, however, Chinese resistance was, for the most part, polite and genteel. It was well-suited to the era and physical setting in which it was practiced but the ambivalent legacy of the T'ung-Chih restoration era made it difficult for later generations of Chinese to agree on whether these tactics, which had often resulted in neither decisive victories nor clear-cut defeats, had been wise or foolish, beneficial or harmful. Some nationalists, such as Chiang Kai-shek and his Koumintang followers, commended the men of the self-strengthening generation for pursuing China's interests while adapting to the

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[1]Paul Cohen, China and Christianity: The Missionary Movement and the Growth of Chinese Anti-foreignism, 1860-1870 (Cambridge: Harvard University Press, 1963).

changes confronting China after the signing of the unequal treaties. The more militant Chinese nationalists who took to the streets of Shanghai in the 1920's to protest foreign domination in China accused the men who had practiced this genteel resistance of capitulating to foreign pressures and compromising Chinese sovereignty. In comparison to their strident protests the efforts of earlier generations seemed anemic and totally inadequate.[2]

But the China of the mid-nineteenth century was not the China of the 1920's and this genteel resistance seemed to its practitioners as the best alternative for dealing directly with foreigners at the local level. Further military resistance would have been futile in the wake of China's defeat in the Second Opium War. Likewise, diplomatic resistance was no longer possible. This genteel resistance, however, was a practical way for men who still believed that their own values and ways of ordering society were essentially sound to limit and control the foreign impact on Chinese culture and society. Individuals such as Christian converts or the Chinese modernizers, who were interested in some of what the foreigners had to offer but wanted to control the selection process, used an informal system of polite non-compliance. For Chinese officials, genteel resistance was a more coordinated bureaucratic

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[2]Mary C. Wright, Last Stand of Chinese Conservatism, pp. 300-305.

resistance to block or limit foreign influence in the institutions of local power in and around Shanghai.

This picture of attempted domination and a generally genteel resistance does not fit nicely into the framework of much of the literature on "domination and resistance" because at Shanghai in the mid-nineteenth century, the power difference between the opposing sides was not clearly drawn or universally acknowledged. The foreigners obviously commanded more military power than the Chinese. They had proven this well enough. At the same time, however, the "cooperative policy" the British and American governments pursued in China put restraints on the foreigners who lived there. For the foreigners the key to power lay not in using their military power to force conformity on the Chinese but in exploiting the opportunities which the treaties afforded them for creating and controlling institutions of local power within the treaty ports. At Shanghai, the municipal police force, the Mixed Court, and the Municipal Council exemplified the western approach to creating an orderly and prosperous society. But even at Shanghai, where foreign power was the greatest, the foreigners were unable to completely control the very institutions they had helped create or, for that matter, to use them to gain all the concessions they desired.

The foreigners wanted to create the set and write the script for their joint performance with the

Chinese but the Chinese wanted a hand in this as well. There were times and places during the 1860's and 1870's when the Chinese were able to control this script writing. This was particularly apparent in the way Chinese officials limited the authority of foreigners in the Kiangnan Arsenal and the Feng chuan shan military camp. In situations where they were unable to write the script, they nevertheless succeeded in forcing the foreigners to modify the one they had drafted. Confrontations between foreigners and Chinese over the Chinese Christian church as well as the Mixed Court in the International Settlement showed that the Chinese were not willing to allow foreigners to dictate to them the values and standards which would control their lives.

There was one very important area of contact between Chinese and the Anglo-American foreigners which this study touched on only peripherally. This was the commercial arena. Most studies of Sino-foreign relations in the nineteenth century emphasize the importance of economic contact. This is neither unusual or unwarranted since the majority of British and American foreigners in Shanghai in this era were merchants. This emphasis is also due in no small part to the fact that economics is often at the center of intellectual concerns in western culture. This study has not tried to enter the debate over economic imperialism which concerns economic historians but to change the focus of study toward the struggle between two very different

systems of culture which were brought together largely by this commercial contact.[3] This commercial contact is an important element of the story because this was the one area in which foreigners and Chinese were clearly bound together by mutual interests. This was apparent in the way in which Chinese merchants and entrepreneurs within the International Settlement formed an alliance with the foreigners against the trade and taxation policies of the imperial government. This group of Chinese came the closest to being like the foreigners themselves and so were the easiest for them to adopt and protect as "our Chinese."

The struggle for control over Chinese individuals and groups as well as control over the institutions which were developed in the 1860's to mediate contact between foreigners and Chinese brought into sharp focus the clash between the Anglo-American and the Chinese cultural systems which was being played out during the years of the T'ung-chih Restoration. China's future was at stake and both sides wanted their values to be the foundation for China's future social, economic and political order. As Chinese power continued to deteriorate in the late-nineteenth century tensions between Chinese and foreigners increased. After the foreign military presence became more obtrusive in

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[3]The outlines of the debate are clearly presented in Paul Cohen, Discovering History in China: American Historical Writing on the Recent Chinese Past (New York: Columbia University Press, 1984), pp. 97-147.

China following the Boxer Uprising, Chinese resistance to foreign domination at Shanghai moved decisively from genteel to militant. The battle for control was not yet over.

Even in the 1860's some foreigners realized how difficult it would be to recreate China in the image of the west. Sir Rutherford Alcock, one time British consul at Shanghai and later British Minister to China, explained it this way in a letter to a friend:

> The world's experience since history began has shown, that although colonies may be transplanted from a parent stock, civilization itself cannot be transferred wholesale from one people to another, either by the sword or by Treaties. It is something that must grow in the soil where it is to take root, and from small beginnings. It must adapt itself to the climate and soil and all its surroundings; and in turn, as years give it strength, it modifies them also; and so, by mutual and reciprocal action, they form, sooner or later, one consistent and harmonious whole.[4]

Alcock's organic analysis of how one civilization might transform another was part of the naturalistic view of the world held by educated men raised in the first half of the nineteenth century in the United States and Britain.[5] In the late-twentieth century historians are more apt to talk of culture than civilization and to look at cultural change as a product of the competition between conflicting cultural systems. At Shanghai, the pressure for cultural

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[4]Alcock to Stanley, 5 May 1868, quoted by Mary Wright, Last Stand of Chinese Conservatism, p. 251.

[5]For an interesting discussion of the changing of the scienctific mind in the nineteenth century see Peter Buck, American Science in Modern China, 1876-1936 (Cambridge, England: Cambridge University Press, 1980).

change came from the missionaries, merchants, and consular officials who tried in the face of genteel resistance, to convince the Chinese around them to share their own enthusiasm for and commitment to the principles of productivity, efficiency, scientific rationalism, capitalism, economic individualism, and western Christian morality which were the basis for their own culture. Western military power provided an important backdrop for their efforts but Sino-foreign interaction at Shanghai shows how difficult it was to export Anglo-American values and institutions.

# SELECTED BIBLIOGRAPHY

# SELECTED BIBLIOGRAPHY

## I. Primary Sources

### Newspapers, Journals and Archival Sources

Atlanta, Georgia. Emory University. Young J. Allen Papers.

Chinese Recorder (Foochow). Microfilm edition. 1868-1875. [A useful index has been compiled by Kathleen Lodwich. The Chinese Recorder Index: A Guide to Christian Mission in Asia, 1867-1941. 2 vols. Wilmington, Del.: Scholarly Resources, 1986].

Durham, North Carolina. Duke University. Marquis Wood Papers. Marquis Wood Diary. 1860-1865.

Forbes Papers. Papers of Francis Blackwell Forbes. Microfilm Edition. Boston: Massachusetts Historical Society, 1969.

Great Britain. Records of the British Foreign Office. Microfilm Collection. Embassy and Consular Archives: China, FO 228. 1858-1875.

Journal of the North China Branch of the Royal Asiatic Society. 1858-1859; 1864-1900.

North China Herald (Shanghai). Microfilm edition. 1860-1875

United States. Department of State. Records of the Foreign Service Posts. Shanghai Consulate. National Archives. Record Group 84. General Decimal Files.

C3 Miscellaneous Records. 1859-1886
C8 Correspondence Sent
C8.2 Correspondence Received
C14 Registrations of American Citizens
C21 Seaman's Register
C32 Land Records
C33 Consular Court (and Jail) Records. 1851-1864; 1869-1878
C35 Mixed Court Records. 1865-1870; 1871-1876.

## Published Sources

American Diplomatic and Public Papers: The United States and China. Series II, The United States, China, and Imperial Rivalries, 1861-1893. Wilmington, Del: Scholarly Resources, Inc., 1979.

Dyce, Charles M. Personal Reminiscences of 30 Years Residence in the Model Settlement, Shanghai 1870-1900. London: Chapman & Hall, Ltd., 1906.

The Hong Kong Directory, with List of Foreign Residents in China. Hong Kong, 1859.

Lang, H. Shanghai Considered Socially. 2nd ed. Shanghai: American Presbyterian Mission Press, 1875.

Macfarlane, W. Sketches in the Foreign Settlement and Native City of Shanghai. Reprinted from the Shanghai Mercury. Shanghai, 1881.

The China Directory for 1861. Hong Kong: A. Shortrede & Co., 1861.

Records of the General Conference of Protestant Missionaries, May 10-24, 1877. Shanghai: American Presbyterian Mission Press, 1877.

Williams, Samuel Wells. The Middle Kingdom. 2 vols. London: W. H. Allen & Company, 1883.

Mayers, W. F., Dennys, N. B., and King, C.. The Treaty Ports of China and Japan. London: Trubner and Co. and Hong Kong: A Shortrede and Co., 1867.

Teng Ssu-yu and John King Fairbank. China's Response to the West: A Documentary Survey, 1839-1923. Cambridge: Harvard University Press, 1954.

Yung Wing. My Life in China and America. New York: Henry Holt & Company, 1909; Ann Arbor: University Microfilms, 1975.

## II. Secondary Sources

### General Works on China

Balazs, Etienne. Chinese Civilization and Bureaucracy. Edited by Arthur E. Wright, translated by H. M. Wright. New Haven: Yale University Press, 1964.

Britton, Roswell S. The Chinese Periodical Press, 1800-1912. Shanghai: Kelly and Walsh, 1923; reprint ed., Taipei: Ch'eng-wen Publishing Co., 1966.

Cohen, Paul. Discovering History in China: American Historical Writing on the Recent Chinese Past. Studies of the East Asian Institute. New York: Columbia University Press, 1984.

Elvin, Mark and G. William Skinner, eds. The Chinese City Between Two Worlds. Stanford: Stanford University Press, 1974.

Fairbank, John King. Trade and Diplomacy on the China Coast: The Opening of the Treaty Ports, 1842-1854. Cambridge: Harvard University Press, 1953.

_____. The United States and China. 4th ed., enlarged. Cambridge: Harvard University Press, 1983.

Feuerwerker, Albert. The Foreign Establishment in China in the Early Twentieth Century. Michigan Papers in Chinese Studies, no. 29. Ann Arbor: University of Michigan Press, 1976.

Gregory, J. S. Great Britain and the Taipings. New York: Frederick A. Praeger, 1969.

Hao, Yen-p'ing. The Comprador in Nineteenth Century China. Cambridge: Harvard University Press, 1970.

_____. The Commercial Revolution in Nineteenth-Century China: The Rise of Sino-Western Mercantile Capitalism. Berkeley: University of California Press, 1986.

Hou Chi-Ming. Foreign Investment and Economic Development in China, 1840-1937. Cambridge: Harvard University Press, 1965.

Iriye, Akira. Across the Pacific: An Inner History of American-East Asian Relations. Introduction by John King Fairbank. New York: Harcourt, Brace & World, 1967.

King, Frank H. H. and Prescott Clarke, eds. A Research Guide to China Coast Newspapers, 1822-1911. Harvard East Asian Monographs. Cambridge: Harvard University Press, 1965.

Le Fevour, Edward. Western Enterprise in Late Ch'ing China: A Selective Survey of Jardine, Matheson, and Company's Operations, 1842-1895. Cambridge: Harvard University Press, 1968.

Liu, Kwang-Ching. Anglo-American Steamship Rivalry in China, 1862-1874. Cambridge: Harvard University Press, 1962.

Mann, Susan. Local Merchants and the Chinese Bureaucracy, 1750-1950. Stanford: Stanford University Press, 1987.

Murphey, Rhoads. The Outsiders: The Western Experience in India and China. Ann Arbor: University of Michigan Press, 1977.

Naquin, Susan and Evelyn S. Rawski. Chinese Society in the Eighteenth Century. New Haven: Yale University Press, 1987.

Reid, Margaret. "Love and Marriage." In The Thistle and the Jade: A Celebration of 150 Years of Jardine, Matheson and Company. Edited by Maggie Keswick. London: Octopus Books Limited, 1982.

Robinson, Ronald, John Gallagher, and Alice Denny. Africa and the Victorians: The Official Mind of Imperialism. London: Macmillan Press, 1961.

Scott, James. Domination and the Arts of Resistance: Hidden Transcripts. New Haven and London: Yale University Press, 1990.

Spence, Jonathan. To Change China: Western Advisers in China, 1620-1960. Boston: Little, Brown and Company, 1969.

_____. The Gate of Heavenly Peace: The Chinese and Their Revolution, 1895-1980. New York: The Viking Press, 1981.

_____. The Search for Modern China. New York: W. W. Norton & Company, 1990.

Wolf, Eric. Europe and the People Without History. Cartographic Illustrations by Noel L. Diaz. Berkeley: University of California Press, 1982.

Woodcock, George. The British in the Far East: A Social History of the British Empire. New York: Atheneum, 1969.

Worsley, Peter. The Three Worlds: Culture and World Development. Chicago: University of Chicago Press, 1984.

Wright, Mary C. The Last Stand of Chinese Conservatism: The T'ung-chih Restoration, 1862-1874. Stanford: Stanford University Press, 1957.

## General Studies of Shanghai

Clifford, Nicholas R. Shanghai, 1925: Urban Nationalism and the Defense of Foreign Privilege. Center for Chinese Studies. Ann Arbor: University of Michigan Press, 1979.

_____. Spoilt Children of Empire: Westerners in Shanghai and the Chinese Revolution of the 1920's. Hanover, Ct: Middlebury College Press, 1991.

Elvin, Mark. "Market Towns and Waterways: The County of Shanghai from 1480-1910." In The City in Late Imperial China. Edited by G. William Skinner. Stanford: Stanford University Press, 1977.

Fewsmith, Joseph. Party, State and Local Elites in Republican China: Merchant Organizations and Politics in Shanghai, 1890-1930. Honolulu: University of Hawaii Press, 1985.

Gamewell, Mary Ninde. The Gateway to China: Pictures of Shanghai. New York: Fleming H. Revell Company, 1916; reprint ed., Taipei: Ch'eng-wen Publishing, 1972.

Honig, Emily. Creating Chinese Ethnicity: Subei People in Shanghai, 1850-1980. New Haven: Yale University Press, 1992.

Lanning, George. "Names and Nicknames of the Shanghai Settlements." Journal of the North China Branch of the Royal Asiatic Society. 51 (1920):81-98.

Lanning, George and S. Couling. The History of Shanghai. Shanghai: Kelly and Walsh, 1921.

McElderry, Andrea Lee. Shanghai Old-Style Banks (Ch'ien-chuang), 1800-1935: A Traditional Institution in a Changing Society. Michigan Papers in Chinese Studies, no. 25. Ann Arbor: University of Michigan Press, 1976.

Montaldo de Jesus, C. A. Historic Shanghai Shanghai: Shanghai Mercury, 1909.

Murphey, Rhoads. Shanghai: The Key to Modern China. Cambridge: Harvard University Press, 1953.

Pott, Francis Lister Hawks. A Short History of Shanghai. Shanghai: Kelly and Walsh, 1928.

Wei, Betty Peh-T'i. Shanghai: Crucible of Modern China. Hong Kong: Oxford University Press, 1987.

Leung Yuen-sang. The Shanghai Taotai: Linkage Man in a Changing Society, 1843-1890. Honolulu: University of Hawaii Press, 1990.

## Science, Technology, Education and the Self-Strengthening Movement

Bennet, Adrian A. John Fryer: The Introduction of Western Science and Technology into Nineteenth Century China. Harvard East Asian Monographs, no. 24. Cambridge: Harvard University Press, 1967.

Biggerstaff, Knight. Earliest Modern Government Schools in China. Ithaca, NY: Cornell University Press, 1961.

_____. "The Secret Correspondence of 1867-1868: The Views of Leading Chinese Statesmen Regarding the Further Opening of China to Western Influence," Journal of Modern History 22 (1950):127-149.

Bodde, Derk. Chinese Thought, Society, and Science: The Intellectual and Social Background of Science and Technology in Pre-modern China. Honolulu: University of Hawaii Press, 1991.

Buck, Peter. American Science and Modern China, 1876-1936. Cambridge, England: Cambridge University Press, 1980.

Daniels, George H., ed. Nineteenth-Century American Science: A Reappraisal. Evanston: Northwestern University Press, 1972.

Folsom, Kenneth E. Friends, Guests, and Colleagues: The Mu-fu System in the Late Ch'ing Period. Berkeley: University of California Press, 1968.

Kennedy, Thomas. The Arms of Kiangnan: Modernization in the Chinese Ordnance Industry, 1860-1895. Boulder, Co: Westview Press, 1978.

_____. "The Establishment of Modern Military Industry in China, 1860-1868." Bulletin of the Institute of Modern History, Academia Sinica 7 (1978):659-682.

Needham, Joseph. Science and Civilization in China. Vol. 5: Chemical and Chemical Technology. Cambridge, England: Cambridge University Press, 1976.

Reardon-Anderson, James. The Study of Change: Chemistry in China, 1840-1949. Cambridge, England: Cambridge University Press, 1991.

Smith, Richard J. Mercenaries and Mandarins: The Ever Victorious Army in Nineteenth Century China. Millwood, NY: KTO Press, 1978

_____. "Foreign Training and China's Self-Strengthening: The Case of Feng-huang shan, 1864-1873." Modern Asian Studies 10,2 (1976):195-223.

Spector, Stanley. Li Hung-chang and the Huai Army: A Study in Nineteenth-Century Regionalism. Introduction by Franz Michael. Seattle: University of Washington Press, 1964.

## Christian Missions

Bennet, Adrian A. Missionary Journalist in China: Young J. Allen and His Magazines, 1860-1883. Athens: University of Georgia Press, 1983.

Bryan, Catherine. At the Gates: Life Story of Matthew Tyson and Eliza Morning Yates. Nashville: Broadman Press, 1949.

Cohen, Paul. China and Christianity: The Missionary Movement and the Growth of Anti-foreignism, 1860-1870. Cambridge: Harvard University Press, 1963.

Covell, Ralph. W. A. P. Martin: Pioneer of Progress in China. New York: Christian University Press, 1978.

Fairbank, John King. "The Many Faces of Protestant Missions in China." Introduction in The Missionary Enterprise in China and America, pp. 1-19. Edited by John King Fairbank. Cambridge: Harvard University Press, 1974.

Field, James A. "Near East Notes and Far East Queries." In The Missionary Enterprise in China and America, pp. 23-55. Edited by John King Fairbank. Cambridge: Harvard University Press, 1974.

Hill, Patricia Ruth. The World Their Household: The American Woman's Foreign Mission Movement and Cultural Transformation, 1870-1920. Ann Arbor: University of Michigan Press, 1985.

Hunter, Jane. The Gospel of Gentility: American Women Missionaries in Turn-of-the-Century China. New Haven: Yale University Press, 1984.

Hyatt, Irwin T. Our Ordered Lives Confess: Three Nineteenth-Century American Missionaries in East Shantung. Cambridge: Harvard University Press, 1976.

Kwok Pui-lan. Chinese Women and Christianity, 1860-1927. American Academy of Religion Series, no. 75, Susan Thistlewaite, ed. Atlanta: Scholars Press, 1992.

Latourette, Kenneth Scott. A History of Christian Missions in China. London, 1929; New York: Russell & Russell, 1929, 1967.

Lutz, Jessie. Christian Missions in China: Evangelists of What? Boston: D. C. Heath, 1965.

Najarian, Nishan. "Religious Conversion in Nineteenth Century China: Face to Face Interaction Between Western Missionaries and the Chinese." In Social Interaction in Chinese Society, pp. 67-111. Edited by Sidney Greenblatt, et. al. New York: Praeger Publishing, 1982.

Phillips, Clifton J. Protestant America and the Pagan World: The First Half-Century of the American Board of Commissioners for Foreign Mission, 1810-1860. Harvard East Asian Series. Cambridge: Harvard University Press, 1969.

Rawski, Evelyn. "Elementary Education in the Mission Enterprise." In Christianity in China: Early Protestant Missionary Writing, pp. 133-151. Edited by Suzanne

Wilson Barnett and John King Fairbank. Cambridge: Harvard University Press, 1985.

Rubenstein, Murray. "Propagating the Democratic Gospel: Western Missionaries and the Diffusion of Western Thought in China, 1830-1848." Bulletin of the Institute of Modern History, Academia Sinica 11 (July):251-272.

Varg, Paul. Missionaries, Chinese, and Diplomats: The American Protestant Missionary Movement in China, 1890-1952. Princeton: Princeton University Press, 1958.

## Local Government in the International Settlement

Bodde, Derk and Clarence Morris. Law in Imperial China: Exemplified by 190 Ch'ing Dynasty Cases. Cambridge: Harvard University Press, 1967.

Chen Fu-mei Chang. "Local Control of Convicted Thieves in Eighteenth-Century China." In Conflict and Control in Late Imperial China, pp. 121-142. Edited by Frederic Wakeman, Jr. and Carolyn Grant. Center for Chinese Studies. Berkeley: University of California Press, 1975.

Ch'u T'ung-tsu. Local Government in China under the Ch'ing. Cambridge: Harvard University Press, 1962.

Clyde, Paul Hibbert. "Attitudes and Policies of George F. Seward, American Minister at Peking, 1876-1880: Some Phases of the Cooperative Policy." Pacific Historical Review 2 (1933):387-404.

Coates, P. D. The China Consuls: British Consular Officers, 1843-1943. Hong Kong, Oxford, and New York: Oxford University Press, 1988.

Elvin, Mark. "The Administration of Shanghai, 1905-1914." In The Chinese City Between Two Worlds, pp. 239-262. Edited by Mark Elvin and William G. Skinner. Stanford: Stanford University Press, 1974.

_____. "The Mixed Court of the International Settlement at Shanghai (Until 1911)." In Papers on China no. 17, pp. 131-59. Cambridge: East Asian Research Center, Harvard University, 1963.

Kotenev, Antol M. Shanghai: Its Mixed Court and Council. Shanghai: North China News and Daily Herald, 1925.

McPherson, Kerrie L. A Wilderness of Marshes: The Origins of Public Health in Shanghai, 1843-1893. Hong Kong and New York: Oxford University Press, 1987.

Michie, Alexander. The Englishman in China During the Victorian Era, as Illustrated in the Career of Sir Rutherford Alcock. London: William Blackwood & Sons; reprint, Taipei: Ch'eng-wen Publishing Co., 1966.

Pelcovitz, Norman. Old China Hands and the Foreign Office. New York: Octagon Books, 1969.

Stephens, Thomas B. Order and Discipline in China: The Shanghai Mixed Court, 1911-1927. Forward by Dan Fenno Henderson. Asian Law Series. Seattle: University of Washington Press, 1992.

van der Spenkel, Sybille. "Urban Social Control." In The City in Late Imperial China, pp. 609-632. Edited by G. William Skinner. Stanford: Stanford University Press, 1977.

Watt, John R. "The Yamen and Urban Administration." In The City in Late Imperial China. Edited by G. William Skinner. Stanford: Stanford University Press, 1977.

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