Territoriality and the Transformation of Sovereignty

an Analysis of British Treaty Ports in China

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Territoriality and the Transformation of Sovereignty: an Analysis of British Treaty Ports in China, 1842-1878

Abstract

The Opium Wars and the creation of a Treaty Port System are seen as perhaps the most impactful historical events in recent Chinese history. Yet in 1842 this change was not yet acknowledged, nor was the presence of foreigners taken seriously. The idea of *Tianxia,* or all under heaven, in which the Chinese emperor sits in the centre of the universe, ruling an ecumenic empire, was not compatible with the idea that foreign 'barbarians' posed any threat. So how did this realisation come? And how did the Chinese state as we know it today begin its development? The introduction of the concept of territoriality is at the centre of this. In the decades, through the possession of the treaty ports the British and other foreign powers were able to exert power and authority over Qing lands, people, trade and even political institutions. After the loss of the Second Opium War, many of the Qing started to reconceptualise their ideas of order, sovereignty and legitimacy, especially in relation to space, or the loss of territory. Through the building of bureaucracies such as the *Tsungli Yamen*, partially from own motivations but also due to continued pressure of foreign powers, China transformed from an ecumenic empire into a territorial state in less than a century. The beginnings of which lie in the application of territoriality to the logic of her governance.

Acknowledgement

Voor Sander, in de hoop dat ik mijn dromen in jouw naam kan vervullen.

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Introduction

Stories of money, drugs and violence, are something quite commonplace in the media we consume, either as a glorification of indulgence and its lifestyles or as a moral statement, a wakeup call to the horrors of addiction. The story of China in the 19th century really is neither of these following decades of illegal opium smuggle, brought from India into China by British traders, millions were addicted. Yet as argued by Brook and Wakabayashi, "The ''problem'' of opium was secondary to this struggle between states over issues of commercial access and extraterritoriality."[1] Particularly true from the British side, who really only was out for profit to be made, in order to buy luxuries like tea and silk, opium was insofar the only sellable product for them. Trade and profit caused addiction and addiction caused suffering which inevitably led to a response by the Qing officials, who in 1839 set out to strop this trade, leading to a violent war with the British. After winning this First Opium War, the British set up multiple trading posts, referred to them Treaty Ports, under premises of international law and 'free trade'.

Historic Context of the Treaty Ports

Treaty ports refer to spaces which were opened up for foreign occupation through a variety of treaties, in recent times referred to as 'unequal treaties' made between European powers and Japan on the one hand and Qing China on the other. Typically they are actual coastal ports, but the term is also more broadly used for any foreign spaces opened up through such treaties. It started with the opening of the initial five ports, plus the seizing of Hong Kong after the treaty of Nanking in 1842, and the whole system lasted up until 1943 when the system

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[1] Timothy Brook and Bob Tadashi Wakabayashi, eds., *Opium Regimes: China, Britain, and Japan, 1839-1952* (Berkeley: University of California Press, 2000), 3, https://doi.org/10.1525/california/9780520220096.001.0001.

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was abolished.[2] Treaty ports are primarily a commercial and legal conceptualisation but have had large influences on both Chinese political reality and their historiography.[3] Particularly the modern, nationalistic interpretation as these events started a 'Century of Humiliation' in which China's position as a great power was undermined by foreign influence. These notions also tie heavily into the modern 'Rising China' idea, which some see as a return to past greatness.[4]

Besides commerce, the establishment of new legal regimes is almost equally important. Nield sees these spaces as entities of different legal status, ranging from international settlements such as Shanghai to leased areas to colonies like Macao and Hong Kong.[5] The main governing principle of all of these treaties was not the seizure of land or a scramble for China, it was rather the establishment of a stable, open system of trade.[6] Leasing sounded better than annexing, was more mutually beneficial, and was more in line with European goals.[7] While the initial concessions were small in size and often outside of major centres, after 60 years of more than a dozen countries taking more than 180 treaty ports, 2 major wars with Britain and the aftermath of the first Sino-Japanese war and the Russo-Japanese war, it is fair to say this system chipped away gradually at Qing territory and stability. The rather malleable application of British law in the treaty ports along with the interactions officials had with their Qing counterparts make for an interesting case of interjecting legal spheres. British attempts to impose and enforce their laws and customs directly influences

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[2] Robert Nield, 'Treaty Ports And Other Foreign Stations In China', *Journal of the Royal Asiatic Society Hong Kong Branch* 50 (2010): 130.
Nanking is the older spelling for the city of Nanjing.
[3] Robert Nield, *China's Foreign Places: The Foreign Presence in China in the Treaty Port Era, 1840–1943*, 1st ed. (Hong Kong University Press, 2015), 1, https://doi.org/10.2307/j.ctt17w8gkt.
[4] For more on this topic see: Edmund S. K. Fung, 'The Chinese Nationalists and the Unequal Treaties 1924-1931', *Modern Asian Studies* 21, no. 4 (1987): 793–819; Dong Wang, 'The Discourse of Unequal Treaties in Modern China', *Pacific Affairs* 76, no. 3 (2003): 399–425; Ruixue Jia, 'The Legacies of Forced Freedom: China's Treaty Ports', *The Review of Economics and Statistics* 96, no. 4 (2014): 596–608.
[5] Nield, 'Treaty Ports And Other Foreign Stations In China', 123, 124, 125.
[6] Nield, *China's Foreign Places*, 2.
[7] Nield, 129.

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Qing sovereignty.

Treaty ports are thus widely connected to opium trade, as a tool of imperialism. In Greenberg's book, opium trade is presented as the principal driving force for British conduct in opening up China for trade. [8] Although illegal, and morally questionable within British domestic audiences, opium served British interests as it was used as an alternative way to get money to pay for Chinese goods such as tea, silks and porcelain.[9] The key consideration was to establish a favourable trade balance, or outright domination in the East, even if it meant using addictive, dangerous and illegal substances or violence. [10] This would eventually culminate in the Opium Wars through which the system of treaty ports was set up.

The economies of opium were a large transnational affair where already existing domestic consumption and production were expanded upon through foreign, often colonial policies. The history of opium trade and smuggling is well-researched and has many different approaches to it, from its position in the capitalist system to Marxist approaches and colonial studies. Opium trade by the British, particularly through the various port cities, was a development from endemic cultivation in the Sindia and Holkar regions of India.[11] While the scholarly focus is often on the monopolization process by British authorities, a renewed look into local economies is much needed. The export of this product was largely destined for China, originally done the Portuguese from Goa by and through Bengal by the Dutch this system would be taken over by the East India Company in the late 1700s.[12] Private companies and intermediaries would take over the trade as the crown was putting pressure on opening trade relations with China.[13]

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[8] Michael Greenberg, *British Trade and the Opening of China 1800-42 | WorldCat.Org* (Cambridge University Press, 1951), https://www.worldcat.org/title/british-trade-and-the-opening-of-china-1800-42/oclc/889310236.
[9] Greenberg, 104, 105.
[10] Greenberg, 106.
[11] Gunnel Cederlöf, 'Poor Man's Crop: Evading Opium Monopoly', *Modern Asian Studies* 53, no. 2 (March 2019): 633–59, https://doi.org/10.1017/S0026749X17001093.
[12] Gregory Blue, 'Opium for China: The British Connection', in *Opium Regimes: China, Britain, and Japan, 1839-1952*, ed. Timothy Brook and Bob Tadashi Wakabayashi (University of California Press, 2000), 32.
[13] Blue, 33.

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By 1836 thousands of tons of opium were imported or smuggled into China, and it is estimated that about 10% of its population smoked opium.[14] It quickly became seen as a 'moral poison' on society and throughout the 30s Chinese officials banned it several times, arrested traders and in 1838 put down the death penalty for addicts.[15] As this also affected the safety of foreign merchants, tensions between both sides would quickly rise. Opium would remain the central issue of interaction between the British and the Chinese for the first decades following 1839 when the First Opium War broke out. This conflict arose due to the crackdowns on opium smuggling by the Qing, Led by Lin Tse Hsü and the subsequent reaction to protect British merchants and their 'trading rights' by sending an expeditionary force. This conflict would see a British victory and it concluded with the signing of the Treaty of Nanking in 1842. Through this treaty, 4 ports would be leased by the British and the island of Hong Kong colonized.[16] This system of treaty ports would continue to expand over the following decades with over 180 treaty ports possessed by over a dozen foreign powers.

Thesis Aims

This history poses many questions, often pertaining as to how the British won and the effects of imperialism and colonization on the future of China. It is also widely recognized as the beginning of modernity in China. Modernity is used without a moral judgement of being better, rather than through both domestic and foreign efforts the Qing gradually transformed into a state unrecognizable from older generations, and much more similar to states we know today, a change which would eventually lead to the downfall of the empire in 1911. The term 'unequal treaties' is often used, and it is easy to paint a picture of foreign domination and imperialism being the cause of this downfall. While true to some degree, particularly that

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[14] Frederic Wakeman Jr., 'The Canton Trade and the Opium War', in *The Cambridge History of China: Volume 10: Late Ch'ing, 1800–1911 Part 1*, ed. Denis Twitchet and John K. Fairbank, vol. 10 (Cambridge: Cambridge University Press, 1978), 178.
[15] Wakeman Jr., 181.
[16] Wakeman Jr., 211, 212.

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foreign powers sought to gain every advantage to tap into China's resources, they did not seek its downfall or partition. It is not only the 'unequal' part of the treaties which circumvented Qing power but also the (in)actions of local actors, particularly the politics and local practise of opium and weapons trade, all made possible by the possession of the treaty ports. By looking at a central issue in the history of the treaty ports, that being of territorial loss, even if present in territories which were physically small, questions can be answered as to the effects territorial loss has on the legitimacy and sovereignty of a state, which both clearly lacked by the early 1900s. As such the events and the transitions present in the early history of the treaty ports will be viewed through the conception of territoriality.

Simply put, territoriality is primarily defined by the interactions of sovereignty and authority in relation to the possession, control, and maintenance of a defined space. Territoriality relates such core political concepts to the possession and maintenance of space while it is also the ideational, self-interpreting of the possession. In our modern system of state thinking, a state is only a state when it has an exclusive, determined and acknowledged territory. Territoriality takes a step further by assessing that the possession of that territory and the exclusive control over it is the condition for a state's sovereignty, with a primary concern for the protection of the political community and resources within. This paper questions the efficacy of using such a modern concept in the analysis of historical events. It further questions, that if territoriality was present, what effects did it have both on Qing thinking and in their governance? How does it influence their political thinking, specifically about sovereignty and legitimacy? How does it influence their interactions with other states? How does it affect their conception of security and the measures taken to implement it?

This approach is unique in the sense that it takes the loss of territory as the central reasoning for ideational and governmental changes. While much scholarship exists on the changes in political thought and philosophy, or on the implementation of new diplomatic

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strategies, these are always explained as a response to foreign presence. While it is implied that the foreign presence is only able to exist due to the loss of acquiescence of territory, the direct influences of this loss on Qing control, authority and in turn legitimacy and sovereignty are not questioned. This paper then takes from the practices of history, particularly political history and history of political thought as well as from international relations or political geography for the ideas of territoriality and system-level thinking. Specific attention is raised to the efficacy of using a modern theory, with its origins in relatively modern, European history, in the analysis of political actors elsewhere in the world. This paper does not aim to argue that the logic of territoriality is universal, and thus applies equally to all states, including the Qing. Neither does it try to see the history of the treaty ports as a battle between ideologically 'modern' territorial states and backward empires.

Structure

The timeframe of 1842 to 1878 is chosen as the first treaty ports were created then and 1878 is the year of the last sources used. While the treaty ports and many structures resulting from them existed until 1949, this paper focuses on the beginning stages and the initial transformations of Qing political thought and governance in the shadow of these ports. The historiography used primarily leans on the work as presented in the Cambridge History of China. These works are considered classical literature and as such provide a basis for discussions and understanding. My primary sources are separated into three themes. The first is translations of Chinese sources, these are found in the Sources of Chinese Tradition volume, as well as gathered from various secondary literature by Chinese authors. Primary sources pertaining to prominent English figures have been obtained virtually, in the form of correspondence or opinion articles published in newspapers or gazettes. Finally, the collection Co162, a collection of the Colonial Office materials in the British National Archives as well as the Foreign Office collection, Fo17 and Fo1080, also from the British National Archives.

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Much of the correspondence presented here is written originally in Chinese, though some have been translated. All sources used have in common that they rely heavily on upper-class and governmental reporting, in the case of the Qing it is because little writing by commoners was done, especially on matters of foreign affairs. Similarly for the British, although public discourse existed, for the purpose of showing expressions of sovereignty, the people exercising it are the most important source of information.

The main question this paper poses is then: how the specific notions of sovereignty and legitimacy in territoriality played a part in the history of the treaty ports? Specifically in reference to the British implementation of it in their governance of the treaty ports, and to what extent this contributed to the resulting ideational and governmental changes in the Qing?

Chapter 1 will focus on the concept of territoriality and consists of three main questions. Firstly, What is territoriality, What are its origins and what do its concepts help us explain? Secondly, How do states act upon their notion of territoriality? Where I explore both the ideational and governmental components. The ideational refers not only to the mantra of theories underlining a political community but equally to their own self-interpretation. It analyses how territory relates to questions as to its possession, the legitimising reasons for its possession, as well as arguments pertaining to the right to maintain and govern set territorial possessions. The government then refers to practices and policies, both domestically and internationally, which shape governance pertaining to territoriality. Lastly, the question is made on how territoriality relates to 19th century China and the problems which arise through using such a methodology when examining a historical period, with a different historical context. The most important takeaway is that the concept of exclusive territorial states then does not only impact European or modern history. If the British employed notions of territoriality in their governance of the treaty ports, this matters greatly in histories of interactions between states, especially with different cultures. Concepts and practices of one

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side deeply affect the other. Thought structures, such as territoriality, are part of the worldview of historic actors, just as much as their cultural background exists. It is then not a story of explaining 19th century China through territoriality, it is rather the search for answers as to why specific changes happened during that time.

In order to understand the transitions and changes the Qing political system went through we must first understand their system before the Opium Wars. Chapter 3 describes in detail the *Tianxia* system and examines how this worldview relates to sovereignty and both ideational and governmental aspects of territoriality. This chapter pays special attention to the impacts of such a worldview on the opium trade, foreign affairs and strategies of the Qing. *Tianxia*, translated as all under the heavens, is the belief that the world comprises of one system 'under the heaven' and is an ecumenic thought that positions China, also known as *Zhonguo,* meaning Middle-Kingdom, in Chinese, in the centre of the universe. How this worldview informed diplomacy will be examined through the actions and writings of Lin Tse Hsü, just before the outbreak of the First Opium War.

While Chapter 3 shows that by the beginning of the First Opium War, Qing China was not a territorial state, i.e. not possessing a large degree of territoriality, the treaties and subsequent interactions set forth from the treaty on Nanking would start a change in China. Chapter 4 deals with the contents of this treaty as well as questioning to what degree the British aims did not correspond with those of the Qing. It describes the issues in their disagreements and misunderstandings. Most importantly is that this defeat at Canton, and the resulting treaty system is currently regarded as one of the most important shifts in Chinese history, yet the Qing court at the time did act with a sense of urgency, nor showed signs they believed it to be so significant. Yet there were others such as Wei Yüan who did show interest in Western culture and technology, mostly in order to learn from them and defeat them later. Chapter 3 also deals with the specificities of British governance of the treaty ports and the

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ideational basis of their decisions. In order to do this primary source materials, in the form of colonial registers and government gazettes are used.

While Chapter 3 stipulates that up until this point, the Qing elite showed little interest in the treaty ports, nor saw them as important, Chapter 4 deals with the aftermaths of the Second Opium War of 1856-1860. It deals with the conception of *Pien-Chii,* or the recognition of a changed situation following the burning of the summer palace in 1860. It deals with questions on how the Qing dealt with this realisation, and how did it influence their diplomacy and conceptions of order? The Qing did in fact, change immensely in the 1860s and 1870s, as such the motivations for this change are explored. The final question answered is: what impact did the need for the British to conduct affairs with China in ways that aligned with their perception of territoriality and state-to-state interaction impact China?

This paper then concludes the concept of territoriality played an immense role in the history of interactions between the British and Chinese in the treaty ports. Not only was its logic applied, in albeit sometimes contradicting ways, by the British, through an intense process of adaptation but these same principles largely replaced traditional ecumenic conceptions of order the Chinese possessed. Territoriality was institutionalised in many core aspects of Chinese governance as did it reconceptualise their notions of sovereignty.

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Chapter 1: Territoriality and its Implications on Sovereignty and Legitimacy

1.1 Territoriality

In our current system of states-structure, we are accustomed to the idea of sovereign states, each possessing its exclusive territory over which they govern. When speaking of concepts of sovereignty and legitimacy, we are then accustomed to thinking of the state's sovereignty as being highly linked to and dependent on, its defined territory. Modern territorial nation-states are identified by, and the communities within them identify themselves, by the land they occupy, live in, and govern. This notion of sovereignty is not a universal one, however, yet it is incredibly impactful for the self-interpretation of a state and its citizens as well as its interactions with other states. As such its implementation in history can tell us a lot about the political thought and interactions therefrom of historic actors.

Territoriality is then primarily defined by the interactions of sovereignty and authority in relation to the possession, control, and maintenance of a defined space. Important for territoriality is then the degree of the self-interpretation of a political community in regard to its territory. When defining what a modern state is, Pierson describes the key aspect of territoriality. A space over which a state exercises its sovereignty, which can be conceptualized as absolute, sole legitimate authority over its own political community.[17] Maier defines territoriality as a state defining itself over a particular area.[18] Territory is an inherently exclusive "space with a border that allows effective control of public and political life."[19] Sack defines territoriality as; "The attempt by an individual or group to affect, influence, or control people, phenomena, and relationships, by delimiting and asserting

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[17] Christopher Pierson, *The Modern State*, 3rd ed. (London: Routledge, 2011), 5, 42, https://doi.org/10.4324/9780203810484.

[18] Charles Maier, 'Transformations of Territoriality, 1600-2000', in *Transnationale Geschichte: Themen, Tendenzen Und Theorien*, ed. Gunilla-Friederike Budde, Sebastian Conrad, and Oliver Janz (Göttingen: V & R, 2006), 34.

[19] Maier, 34.

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control over a geographic area."[20] As expressed by Vollaard, this version of territoriality is inherently political, rather than social or biological.[21] Political territoriality, henceforth simply referred to as territoriality, is about relating such core political concepts to the possession and maintenance of space while it is also ideational, self-interpreting on the possession.

States with a high degree of territoriality can be referred to as territorial states, firstly because of the self-interpreting process, but secondly, the territory is also fundamental to legitimacy, as measured by the state's abilities to protect and defend its own territory and the people within. In territorial states, territory is thus not only a legitimizer of state control over a territory but also a material condition of it.[22] Without the physical space, the attachment to sovereignty and legitimacy can't exist. Although not the sole origin of legitimacy, which can be found in other domains such as constitutions, institutions, and religious beliefs, territorial maintenance becomes a key if not the most important definer for legitimacy. If a such state cannot provide for, or protect its citizens from external threats, it is not legitimate.

Thirdly, territoriality has great implications for concepts such as security, both for the state and its people. The conception of security is dependent on the historical form of specific political communities.[23] As the degree of territoriality infers the geographical understanding of a world as consisting of individual sovereign states, it also speaks to the degree of exclusiveness between states' zones of authority and their respective political communities. As such it matters for the conceptualisation of security. Agnew argues that as the territorial creates assumptions of fixed units of sovereign space, it obscures patterns on different scales. [24] The state becomes the unit of analysis rather than local or supranational views. If

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[20] Hans Vollaard, 'The Logic of Political Territoriality', *Geopolitics* 14, no. 4 (16 November 2009): 690,691, Quoting Robert Sack
[21] Vollaard, 690.
[22] Maier, 'Transformations of Territoriality, 1600-2000', 34.
[23] R. B. J. Walker, 'Security, Sovereignty, and the Challenge of World Politics' *Alternatives: Global, Local, Political* 15, no. 1 (1990): 5.
[24] John Agnew, 'The Territorial Trap: The Geographical Assumptions of International Relations Theory', *Review of International Political Economy* 1, no. 1 (1994): 59.

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sovereignty becomes tied to the space, in turn security becomes limited to the maintenance and defence of set space. [25] Or in extension anything pertaining to the safety of the political community which occupies that space.

When discussing what a state is and what it does we are firstly speaking about a normative aspect and secondly about a functional one. [26] The first refers to questions of what a state should be, what its place is in terms of other states and vis a-vis its subjects. The latter refers to what states actually do, their practices of exercising authority. This alludes to what I call an ideational aspect and a governmental apect, especially in regards to territoriality. The ideational refers not only to the mantra of theories underlining a political community but equally to their own self-interpretation. In regards to territoriality, they are questions as to its possession, the legitimising reasons for its possession, as well as arguments pertaining to right to maintain and govern set territorial possessions. In territorial states it could be referred to as part of its essential ideology. Governmentality then refers to practices and policies, both domestically and internationally, which shape governance pertaining to territoriality.

This conceptualisation is reflected in the definitions discussed earlier. The governmentality aspect is firstly seen as by the example of territory being a definable material object over which to control and to assert authority. However, territoriality is more than mere possession of territory; it is also the ideational conception that comes with it. It is ideational, pertaining to a source of self-interpretation as shown by Maier, but also by morphing the attempt to control with spatiality as in Sack. Territory serves as a key conditional aspect for political self-interpretation, who rules and what they rule over. As such it is then a source of legitimacy, the material condition for sovereignty. [27]

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[25] Agnew, 60.
[26] Pierson, *The Modern State*, 5.
[27] Maier, 'Transformations of Territoriality, 1600-2000', 35.

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1.2 Applying Theory to History

Before we dive further into what constitutes the ideational and the governmental we must first discuss the historical situatedness of this concept. This is especially important since this is an application of a modern, western conception to the case of 19th-century China. The main issue with using such a theory is best described by Agnew, and it involves; "viewing the territorial state not in its historical particularity, but abstractly, as an idealised decision-making subject" [28] Such theories in essence create an abstract closed system of thinking, where the ideal-type is preferred over particularities.[29] It is key to remember, especially when using such subjects to refer to states such as the 19th Qing that this definition of territoriality is not neutral, universal or permanent. It is derived from a European notion of an exclusive territorial state, often related to a 'Westphalian' system.[30] The principle of state sovereignty emerged in early modern Europe as a replacement for the principle of hierarchical subordination."[31] It is thus essential to understand that, as Ruggie argues, territoriality as an absolute dominion of space is a 'modern' system.[32] Territoriality, in which both personal and institutional power are defined by one territory, is a modern, European concept. The distinctive feature of the modern state system is the differentiation of its subjects, which are collectively defined based on territorial exclusivity.[33] Thus, territoriality as a reasoning and motivator for state behaviour is historically specific and not permanent.

As this paper takes Britain as a territorial state, it is important to characterise it not as a 'modern' state as we know it now. Britain was also not just part of a static 'Westphalian order', nor sought to distribute such a system elsewhere in such terms perse. Furthermore, as

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[28] Agnew, 'The Territorial Trap', 63.
[29] Agnew, 58.
[30] Michiel Baud and Willem Van Schendel, 'Toward a Comparative History of Borderlands', *Journal of World History* 8, no. 2 (1997): 212, 213.
[31] Walker, 'Security, Sovereignty, and the Challenge of World Politics', 10.
[32] John Gerard Ruggie, 'Territoriality and Beyond: Problematizing Modernity in International Relations', *International Organization* 47, no. 1 (1993): 139–74.
[33] Ruggie, 151.

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we will see in Chapter 3, the British ruled a large colonial empire, which ran beside and often corresponded with Foreign office work, i.e. pertaining to state-to-state relations. Britain's ideas on territoriality differed in the Isles, in Europe, per type of colony, or with its interactions with China.

When analysing its importance we can take the example of its prominence in modern thinking about the international, with a world consisting of segregated blocks of states, often with a national character. On the one hand, as Agnew argues, the territorial state has become an ontological necessity.[34] As such it takes away from the historical context and creates an idealised version of the world. While the idea emerged out of a breakdown of empires, consequently replaced by national monarchies, part of the reason why such exclusive governance did not exist before has to do with technology and capabilities.[35] The lack of well-structured administration, military capabilities, communication networks or even mapping made it impractical to effectively control borders, hence the more pluralistic porous nature of states and empires before. This highlights a major critique of using the state as the central object of analysis. As Agnew argues: "namely that the historical relationship between territorial states and the broader social and economic structures and geopolitical order (or form of spatial practice) in which these states must operate, is not considered.[36] Modern interpretation of history deeply relies on this logic where state and territory are inseparable from the concepts of sovereignty and legitimacy, both in the formation of political identity but also in tying sovereignty into state institutions.[37] The most important conceptual issues deriving from a modern application of territoriality are how we see legitimacy, sovereignty and exclusivity currently as well as possessing a probable tendency to stretch this conception

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[34] Agnew, 'The Territorial Trap', 55.
[35] Pierson, *The Modern State*, 32.
[36] Agnew, 'The Territorial Trap', 77.
[37] Agnew, 60,61.

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over any history sans recognition of our situatedness.

On the one hand, we have to acknowledge that the historical particularity of its European origins, and the bias created through modern conceptions, make its application to other areas and times more problematic. Yet, we must also not neglect its implications in the context of global interactions and imperialism. As Vollaard argues, essentialising its origins is also problematic. "In short, the political use of territory is neither an innate instinct nor necessarily Westphalian. A definition of the political use of territory should therefore avoid any socio-biological or Westphalian bias."[38] Seeing any conception of it as inherently human or simply as a Westphalian conception, and thus not applicable elsewhere, similarly does it injustice. While remaining mindful of not universalising or generalising historical experiences. We should, in equal weight consider that for historical actors, who possessed a rigid understanding of territoriality, territoriality itself is part of their broader social, political and economic order, and as such should be taken into account.

On the surface, a discussion of such ideal-typical concepts might seem wrong when studying specific states in their historical context. While consenting that such a conceptualisation is not essentially 'true' of universal, we must acknowledge its influence on the people possessing or adapting notions and concepts deriving from it. The concept of exclusive territorial states then does not only impact European history. Political thought and perceptions matter greatly in histories of interactions between states, especially with different cultures. Concepts and practices of one side deeply affect the other. Thought structures, such as territoriality, are part of the worldview of historic actors.

If it is true that the British, and other powers, had a high degree of territoriality, this reflected through the treaties and interactions with the Chinese and as such introduced these concepts. Especially if it can be seen that they subsequently influenced Chinese thinkers and

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[38] Vollaard, 'The Logic of Political Territoriality', 691.

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officials we must take its implications seriously. Similarly, if we assume that the Chinese possessed a version of territoriality beforehand. We must be careful not to universalise our understanding of Chinese and Western interactions as an ideal-type competition. The transition in political thought during the 19th century resulting from these interactions is more than a conflict between territorial states, nor is it a story of modernity vs backwards, coloniser vs colony. We learn from this example to see how territoriality influenced thinking, conscious of its implications in history.

1.3 Territoriality: Ideational and Governmental

As discussed before, territoriality influences states in two ways, ideationally and governmentally. We have discussed part of the ideational effects of territoriality before, as how it links the relationship between the territory (spatial) and the state's sovereignty, and legitimacy, along with its political community contained within that territory This refers to questions on the possession, the legitimising reasons for its possession, as well as arguments pertaining to the right to maintain and govern set territorial possessions. Secondly, it refers to the self-interpretation of the actors to and with the territory they possess/ live in. In extremes this kind of thinking would be a form of a national state with one kind of 'people' who live and rule over 'their' land. Thirdly, it refers to the geographical understanding of the world and the position of the actors within it. Modern maps tend to depict clearly recognizable and separable states, all with their own names and colours. Ecumenical empires or feudal societies would not perceive the world similarly. With this understanding of geography comes a strong connotation of in-groups and out-groups. This exclusiveness also pertains to notions of security. A territorial state will see an attack on even small, insignificant territory, as an attack on the state in general. Lastly, is the issue of institutionalized ideas. The simple premise is that the more a logic is applied, the more rigid it becomes, and is less likely to be altered.

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Treaties, laws and constitutions tend to be major sources of institutionalization.

The first two points, the degree of territoriality and the self-interpretation aspect are best explored in the following chapters, as they pertain to the historical context of political thought. Yet there are general notes on territoriality pertaining to geographical understanding to be made. Territorial states typically view other states, other than colonies, as equal, to the extent that they also possess recognised sovereignty, as well as the ability to exclusively possess territory. The exclusive possession of territory is what defines sovereignty in such a system. The worldview of a system of states differs greatly from other worldviews such as the Chinese *Tianxia* system. In general, concerns about order, even cosmic order, and the place of historic actors within those orders have been of great concern for philosophers in human history. An Ecumenical empire such as China did not see the Westerners as equal; in fact, they were referred to as *yi,* or barbarians, implying inherently a position of political and cultural superiority.[39]

Differences in worldviews mattered in state interaction. The Chinese tributary system did not align with British reasoning and governing of foreign and colonial affairs. The former refers to a more equal basis view of state relations, the latter to domination. Furthermore, the larger the degree of territoriality, the more exclusive the state becomes. Agnew argues that when a state's sovereignty is linked to a political community, within a defined territory, practices of exclusivity and othering are more prominent.[40] Part of the issue this alludes to is the propensity for states to use violence, both within their borders to remain in control, and to the legitimacy of warfare for protecting territory. He further argues that: "The identity of a political community becomes tied to a space, and legitimacy becomes a derivative of the state's power to protect said political community from threats outside itself, the process of

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[39] John K. Fairbank, 'The Creation of the Treaty System', in *The Cambridge History of China: Volume 10: Late Ch'ing, 1800–1911 Part 1*, ed. John K. Fairbank and Denis Twitchet, vol. 10, The Cambridge History of China (Cambridge: Cambridge University Press, 1978), 219, https://doi.org/10.1017/CHOL9780521220293.
[40] Walker, 'Security, Sovereignty, and the Challenge of World Politics', 11.

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othering becomes possible as a result of a transition from a pluralistic hierarchical model to an exclusive territorial one.[41] This understanding of security is quite Hobbesian, the state's primary role is the role of a protector and provider of security for the people within its established territory, where the primary concern is salvation from violent death. Due to this promise and this version of legitimacy, even the smallest attack on sovereign territory, or its community can not be accepted. Such a conception of security was not present in China before the First Opium War, at least not to such a degree. Opium, for example, was recognised as a major physical and moral threat to Chinese society, yet this trade was not conceived as an attack on Qing sovereign space.[42]

This then begs the question of how or even if these ideas influenced the Qing and their legitimacy in the face of treaty port politics. A major question is if there was an overlap in the ideational aspect of territoriality between the Qing and the British. And if there weren't, what were the differences and in which ways did these manifest in terms of interaction? Regardless of whether the Qing thought of sovereignty similarly, they would have to content with the choices of government the British made over their newly acquired territories of the treaty ports, and vice versa. Even if the Qing did not hold the same thoughts on sovereignty, or legitimacy, they would have to react, respond and work with British policy which itself would be influenced by this. The following chapters deal with the changing conceptions of territoriality, self-interpretation and the changing worldview of the Qing.

The final ideational issue is that of institutionalization, which quite simply means that the universal application of logic means the creation of more rigidity in its use. In other words, pertaining to territoriality, the more rigid this conceptual understanding of territoriality is, the more its logic applies.[43] Institutionalization of this logic coalesces multiple issues into one. It

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[41] Agnew, 'The Territorial Trap', 61.
[42] Wakeman Jr., 'The Canton Trade and the Opium War', 178–80.
[43] Vollaard, 'The Logic of Political Territoriality', 687.

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essentialises it, often in universality, it creates a more rigid understanding and subsequent usage of the logic and it, as a result, blurs logic and reality. As Vollaard argues, institutionalizing its logic enables or constraints certain political behaviour, and as such has implications for the relationship between power and rule.[44] The treaties set up after the Opium War directly institutionalized such concepts into the political interactions between the Qing and the outside world.

Understanding sovereignty, particularly relating to what security means, is deeply affected by institutionalization. Walker argues that at present political formations, other than territorial states, have become almost unthinkable.[45] This has two major effects, first for us as researchers, that it is hard for us to separate ourselves from the paradigm of territorial nation states. This creates issues in the analysis of historical states, whose value and world system might differ from ours. Secondly, when looking at state interactions, the more the British enforced concepts of territoriality within treaties drafted with the Qing, the more the Qing had to act and think according to those principles.

Nevertheless, as is the case in the nineteenth century, these values we live with today were, in such form, introduced into China and East Asia by Western powers. The more the Qing came into contact with such ideas, the more they would have been influenced by them, both in their political thought and in their governance. Institutionalization is meant in a much more literal way than might be obvious. The various treaties following the Opium Wars, and subsequent amendments, quite literally institutionalized British and other powers' ways of conduct and values into 'unequal treaties' the Chinese abided by, as otherwise, the consequences would be quite dire. Examples of this will be explored in the following chapters.

Institutionalization happens through three common modes. First is the repetition of

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[44] Vollaard, 692.
[45] Walker, 'Security, Sovereignty, and the Challenge of World Politics', 6.

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ideas, in intellectual discussions, various forms of media or otherwise. Secondly, it is through enshrinement in legal regimes, think of treaties with other states, laws and constitutions. Lastly, is the practice of these values, mainly the exercise of said legal codes through bureaucracies. Underlying all of these modes is the self-reinforcement of ideologies. As Walker argues, when states are locked into this logic, it becomes enshrined as a powerful structure in the form of disciplines and cliches. [46] A system reflects the self-understanding of its users, and reproducing this self-understanding similarly reinforces the system.

The governmental aspect of territoriality speaks to how it influences practices and policies that shape governance, both internally and externally. As territoriality suggests that a state's sovereignty is directly linked to its ability to control and maintain its territory, the primary concern of a territorial state should then be territorial integrity. The exercise of sovereignty in turn entails control over means of violence, bureaucracies such as tax regimes, standing armies, civil offices and foreign offices.[47] It would then be expected that they are willing to invest immense amounts of money, capital and people into territorial security, or are even willing to give a lot of concessions in the event of potential loss of it. Pierson argues that the concept of territoriality, with sole legitimate authority, enacted within a system of states (meaning that neighbouring states harbour similar notions) tends to fiercely defend its territorial possessions both from internal and external forces. [48] This exclusive, monopolising of authority in a piece of territory allows for more efficient means of resource extraction.

Baud & Van Schendel argue that the maintenance of borders, through barriers, tariffs, policing and military efforts is very costly to a state.[49] If a state is highly territorial we should see them investing lots in the maintenance of their territory. The opening of the treaty ports created new borderlands, and with this questions arise about how the peripheral or local can

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[46] Walker, 20.
[47] Pierson, *The Modern State*, 42,43.
[48] Pierson, 10.
[49] Baud and Van Schendel, 'Toward a Comparative History of Borderlands', 226.

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undermine the central. How much were the Qing willing to invest into protecting pieces of relative inconsequential lands such as the small islands which would become Hong Kong? How important did these small ports become to the overall sovereignty, authority and legitimacy of the old imperial structures? The consequential interactions on the local level made the region much more important to the Qing. It was in fact Canton's dependence on the opium trade, and the Qing's reliance on the funds siphoned from this which started the political debates on the opium trade within the Qing court.[50]

The governmental, as derived from territoriality, will pertain to any kind of action, policy or decision as a result of, or implementing the logic of, territoriality. Many of these examples are best placed in their historic context, and will as such be discussed in the following chapter. Examples of such behaviour will be seen in border regimes, decisions about who is let into a territory, agreements on taxation etc. This ties in heavily with military strategy. How much effort and money is invested into the defence of which territories? The most obvious one in the case of China is that of legal and tax regimes as the treaties themselves pertained heavily to imports, exports, or exemptions for foreign nationals (extraterritoriality) and general governance of the treaty ports. Most important for territoriality is practices of interstate relations, as this deals heavily with worldviews and the acknowledgements of other states. Articles in the treaties, the establishment of permanent diplomatic/consular representation or even the ceremonies/customs of official visits. Territoriality, implying exclusive control over territory equally implies the acknowledgement of others' exclusive territory. As such diplomatic connections based on a premise of inherent equality and sovereignty are central to the external politics of territoriality. Changes after the Second Opium War in this regard have been the most extreme, and I argue paved the way for modern conceptions of territoriality, both pertaining to the domestic as well as the international, into

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[50] Wakeman Jr., 'The Canton Trade and the Opium War', 179–180.

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China. The ideational and the governmental are self-enforcing principles. Regardless which one came first, ideas inspire how to govern, and how a state is governed, constrains possibilities of thought.

1.4 Territoriality and 19th century China

Having highlighted the historic particularity of the idea of territoriality, the big question at hand is whether or not the Qing shared such a concept of territoriality. As argued before, territoriality, particularly its exclusivity, is a historical, European, development and a transition from pluralism such as feudal systems and empires to sovereign states, such as national monarchies or republics.[51] And as Ruggie says, the absolute dominion of space is a 'modern' system.[52] As such, also given the historical particularities of the Qing system of rule, I argue that the Qing did not share a similar conceptualisation of territoriality. I do argue and will show why, I believe they did share many notions of it, and more importantly would develop into a territorial state as a result of these interactions.

The argument rests on three premises. The first, as said before, is that the Qing were not a territorial state in the same capacity as contemporary European powers, ideationally and governmentally. The second is that differences in the political philosophical notion or ideational aspect of territory between the Qing and the British might not matter much in examining the structural effects of their interactions. Despite the relative novelty of these concepts for the Qing, what matters for sovereignty and legitimacy is the legal and real dominion over space. As Ruggie argues, the state need not be territorial, what is important is the differentiation of human collectives.[53] The discussion on Qing perceptions of sovereignty and their reaction to the loss in 1842 will be discussed in Chapter 2. Regardless of the Qing

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[51] Maier, 'Transformations of Territoriality, 1600-2000', 35.
[52] Ruggie, 'Territoriality and Beyond'.
[53] Ruggie, 148.

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defined themselves with their territory, the treaty ports nevertheless diminished their effective rule. Even if possession of territory might not be as essential in Qing political thought and ideas of legitimacy, the loss of control of resources, mainly as a result of imbalanced competition with and costs of combating the British, was detrimental to Qing sovereignty. British governance of the treaty ports, the influx of new people, communities and the trade of goods, which were often undesired, hugely impacted the Qing's ability to effectively control its population and resources. This will be explored in Chapter 3.

Hence, as we will see in Chapter 4, there was major pushback and large bouts of xenophobia in response. The Qing would be directly and indirectly confronted with the British perception of sovereignty, although all aspects might not be shared. The third premise is then that, while not initially having a similar conceptualisation of territoriality, the 19th century can be categorized as a structural shift for the Qing, in that regard. As will become clear, the initial impact of the first five treaty ports, was not big, but the continuing trend would shape conceptions of sovereignty. It is argued that such conceptions of territoriality became a reality for the Chinese as a result of the Treaty of Nanking in 1859, after the Second Opium War.[54] Exploration of new ideas and openness to reshaping both the governmental and ideational landscape of the Qing boomed during the 1860s and 1870s. Those were times of recognition, both of the danger Western powers faced, as well as a recognition that the Qing were not the centre of the world anymore, and had to adapt.[55]

[54] Fairbank, 'The Creation of the Treaty System', 213. He argues that the treaty of Nanking effectively abolished the tribute system, creating state to state interaction as a permanent part of Qing diplomacy. The establishment of permanent consulates was one such measure often attributed as a key part of the modern European political system. Provisions of the treaties were even halted until consuls were appointed, showing the importance of this practice for the British.

[55] Immanuel C.Y Hsu, 'Late Ch'ing Foreign Relations, 1866-1905', in *The Cambridge History of China: Late Ch'ing 1800-1911, Part 2*, ed. John King Fairbank and Kwang-Ching Liu (London: Cambridge University Press, 1980), 70–141.

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Chapter 2 All Under Heaven, Chinese Perceptions of Order

The Qing at the beginning of the First Opium War were not a territorial state as categorised by the previous chapter. To understand the transformation both in political thought and in governance, following the Opium Wars, it is important to begin with an overview of key ideational and governmental elements which made up Qing rule in the 1830s and 40s. Most importantly, their conception both of political and cosmic order, known as *Tianxia*.

2.1 Tianxia

Tianxia, translated as all under the heavens, is the belief that the world comprises of one system 'under the heaven'. Historically, this was the conception of order in Chinese thinking in which the emperor guided the entire world and procured his legitimacy both from the heavens and also from the support of the people. It is a form of ecumenism, or universalism. The system enforced notions of Sino-centrism and assumed Chinese superiority over non-Chinese people. Zhang and Xu, describe the diplomatic aspects of Tianxia as: "Chinese Celestial Dynasty diplomacy: a core tributary system complemented, when dealing with foreign relations, with strict application of moral ethical standards."[56] The tributary system refers both to the practice of foreign affairs but also to the conception of order. The Tianxia system in principle is hierarchical and nonegalitarian, foreign relations were conducted on the premise of the Emperor as 'son of heaven', on top of the hierarchy, dealing either with tributaries, trading partners or barbarians, depending on how 'civilised' they were. Yet, despite this, impartiality and inclusiveness of all worldly subjects were to be bestowed through hospitality by the court to visitors, as long as they behaved accordingly within this

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[56] Xiaomin Zhang and Chunfeng Xu, 'The Late Qing Dynasty Diplomatic Transformation Analysis from an Ideational Perspective', *The Chinese Journal of International Politics* 1, no. 3 (2007): 412.

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hierarchy.[57] Rather than state territoriality, the view of foreign relations was that of vertical power, rather than horizontal.

This system was upheld through moral ethical standards, which were expressed in specific cultural practices but also highly depend on the position within this cosmological hierarchy a people fits in. In Tianxia, the Qing emperor represents or ruled on behalf of the whole world, including the people of Britain and Europe, even if they were morally inferior. The most well-known tradition in this tributary system was the *Kowtow*, or bowing before the emperor. This was expected of any visitor and affirmed this sense of superiority, and in a way gave legitimacy to the emperor.[58] In almost all cases, tributaries would pledge tribute by travelling to China, not the other way around. The act of paying tribute legitimises the rule of the Qing emperor. Legitimacy then comes both from a cosmic source as well as from the position of submission taken by subjects and tributaries towards to Emperor, rather than from any particular territory or populace.

This matters a lot for the geographical view China had of the world. It sets China, in the centre of the universe, with the emperor ruling it. China's modern name, *Zhongguo,* reflects this as it means 'middle kingdom'. Tianxia positions the middle Kingdom as internal, surrounded by 'four seas', and the civil heartland of the world, beginning at the Yangtze.[59] They saw themselves as the centre of an ever-expanding world in which the Chinese emperor is central. Outside of this was *Siyi*, as other states are referred to. This word consists of *Si,* meaning other states and *yi,* meaning barbarians, those far from civilization. Order within disorder outside. Equating this with the concept of exclusivity, as described in the previous chapter, it is clear there was a conceptualisation of outside and inside, civilised vs uncivilised.

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[57] Yen-P'ing Hao and Erh-Min Wang, 'Changing Chinese Views of Western Relations, 1840-95', in *The Cambridge History of China: Late Ch'ing 1800-1911, Part 2*, ed. John King Fairbank and Kwang-Ching Liu (London: Cambridge University Press, 1980), 143.
[58] Zhang and Xu, 'The Late Qing Dynasty Diplomatic Transformation Analysis from an Ideational Perspective', 413.
[59] Zhang and Xu, 412, 413.

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Tianxia encompasses similar exclusionary practices, where borders and frontiers defined core political groups. Yet this is not to argue that this counts as territoriality, as this self-interpretation is not based on specific territory, but rather on borders of empire. Perhaps, as a lot of empires were, they were inclusive as to whom could be part of their internal political community, than territorial (nation) states. Nor should we see this as a sense of nation. The conception of British and Westerners as *yi,* barbarians will undergo quite big changes in the following centuries. As we will see later, through conflict and treaties, and opening up territory for Europeans to conduct business in, in the form of treaty ports, this Tianxia-based political system is quickly broken up.

It would be wrong to assume the Chinese emperor or his constituents treat foreigners in any other way than inferior or insignificant, from a philosophical view but also in practice. Diplomacy under this system was greatly informed by its logic. As argued by Zhang and Zhu, there was no principle of state equality, international relations only dealt with tributary states, and later with mutual trading states western ones. These were still all treated as outside of the civil heartland and were to conform to Chinese superiority and bring envoys and goods as tributes.[60] There were only localised ways of diplomacy no official permanent places for this at court. As expressed by a Chinese official: "We are a sovereign and superior nation; all lands are subject to us; we have no diplomacy; only tributary affairs."[61] this quote shows no differentiation in territorial possession, between states only a moral differentiation. The main issue for the diplomacy was then to maintain a hierarchy of ethics. *"The tributary system was a means of celebrating China's state power and reaffirming its moral superiority over the rest of the world, as it knew it"* [62] This form of diplomacy and understanding of moral superiority implies that the governmental decisions do not rely on the logic of territoriality. China,

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[60] Zhang and Xu, 415.
[61] Quoted in Zhang and Xu, 416.
[62] As Quoted from Zhang and Xu, 417.

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conceptually, was not tied to a specific territory, other than the centre of the universe. The phrase "all lands are subject to us" implies that territory is ill-defined, despite there, in reality, being a rather clear gap between core and tributary.

This order, as explained by Hao and Wang, is constructed by the Chinese upper class. Sources of Chinese origin from this period, which rely on such conceptualisation, rely heavily on upper-class reporting, common Qing subjects rarely participated in the intellectual environment at the time. [63] As such it is hard to comment on the self-interpretation of commoners to their land of state. Even more interestingly, when discussing the effects of the Tianxia system, is to consider that the ruling class, the Manchu were themselves foreigners. Despite this fact, they largely handled affairs in a traditional Chinese way, and when dealing with Western incursions, they used Chinese culturalism as a basis for their decision-making.[64]

2.2 Moral Trade

When the issue of the opium trade and smuggling became a larger problem for the Qing court, the way to deal with this issue was then formed on a traditional basis. The Qing recognised early that the British were out for trade, and did not believe them to be out for territorial gain. Interestingly, such an attitude towards Europeans is not new, Emperor Qianlong (r.1735-1796) spoke of trade with Westerners as; "Our Celestial Empire possesses all things in prolific abundance and lacks no product within its own borders. There is therefore no need to import the manufactures of outside barbarians in exchange for our own produce. But as the tea, silk, and porcelain which the Celestial Empire produces are absolute necessities to European nations and to yourselves, we have permitted, as a signal mark of favour, that foreign Hongs (merchant guilds) should be established at Canton, so that your wants might be supplied and

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[63] Hao and Wang, 'Changing Chinese Views of Western Relations, 1840-95', 142.
[64] Hao and Wang, 143.

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your country thus participate in our beneficence".[65] A benevolent, plentiful China, superior to others, was not a new idea. China saw trade as a necessity for foreigners and something allowable for the Chinese. Despite recognising British aims for trade, opium specifically could not be allowed. Its issue became the highest priority, not for any reasons pertaining to sovereignty, or ownership of land but due to moral issues. Within the Chinese courts debates on opium and its morality were held and plans to deal with it were discussed. There were large differences between officials upholding the legal moralists' perspective and those of modern schools of Confucianism, one side vying for rehabilitation and the other for harsh punishments.

The consumption of opium, and by extension its trade, was seen as a 'moral poison'. Qing efforts to curb the trade, by establishing patrols to catch opium runners, were relatively unsuccessful. This trade went through a system of intermediaries, called *Cohong* and *Hoppo*.[66] the *Cohong* were Chinese monopolists with whom, primarily, silk and tea were traded, the customs side of things was done through the *Hoppo,* the administrators of Qing customs. As such, regulation of the trade was hard, and seeing as the local Chinese elite was heavily tied into this trade, there were large issues with corruption. Elites gained a lot of income due to opium, parts of which would find its way back to the Qing court.[67] Especially in Canton, which had a monopoly on Western trade, became dependent on this opium trade for profits. Throughout the 30s multiple methods to curb this trade were discussed, arresting smugglers, legalisation or even the death sentence for addicts.[68] Ideationally, territoriality would allude to a self-interpretation of the Qing state, and its political community to the territory, in this case, Canton. As argued by Fairbanks, the Qing's aim to stop the opium trade, came not

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[65] Cited From Zhang and Xu, 'The Late Qing Dynasty Diplomatic Transformation Analysis from an Ideational Perspective', 414.
[66] Wakeman Jr., 'The Canton Trade and the Opium War', 163.
[67] Wakeman Jr., 179.
[68] Wakeman Jr., 179–81.

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necessarily from a concern of the local peasantry, but rather from loyalty from the scholarly ruling class, who used the opium trade for profits despite the large negative effects on the populace.[69] Tianxia, with its vertical power hierarchy, and ecumenism equally does not show territoriality as a large source of sovereignty and legitimacy. The governing of Canton, and the liturgical borders, was done through three primary entities. The first, was the *Cohong*, who were local traders who, despite often siphoning funds to local magistrates, were not government agents. Second, the *Hoppo*, who although part of the administrative part, were often more interested in British money rather than strong bureaucratic agents. The *Cohong* and *Hoppo* thus did not function as a strong border regulating bureaucracy, as would be expected of a territorial state. The third would be the temporary force conjured up to arrest traders and addicts as well as seize goods. Although effective and viscous, this was a contingency matter in the face of a growing threat. Effective, constant border control, as would be expected in a territorial state, was not present.

Thus, in efforts to curb this trade, Lin Tse Tsü, a government official, was appointed imperial commissioner for frontier defence and set out to stop this trade once and for all.[70] He proposed not to implement a death sentence but saw threatening, but not implementing, severe sanctions against addicts as a solution. He reasoned: "'To get rid of the habit of smoking is not a difficult task; what is difficult is to reform the mind. If we want to reform that mind which constantly tends to neglect the law, how can we refrain from promulgating laws that will threaten the mind? "[71] His measures led to wide-scale arrests, under the threat of a death penalty and the large-scale seizure of warehouses and their goods, many of which were British. These measures could not be agreed to by the British, particularly because of the indemnities

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[69] Fairbank, 'The Creation of the Treaty System', 213.
[70] Wakeman Jr., 'The Canton Trade and the Opium War', 185.
[71] Wakeman Jr., 184.

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on extraterritoriality, in other words, special rights or privileges for foreigners were not given. As such these measures caused the British and Qing, led by Lin to clash in Canton.

2.3 War on Opium

Lin wrote a letter to the queen of England in 1839, in which he argues against the opium trade and urged Britain to stop. From his writing, there are three lessons to be found. Firstly it exemplifies Qing ideational roots. The letter opens with a tone of ecumenic self-perception, most likely related to Tianxia.[72] Lin writes from a perspective of the emperor's benevolence and graciousness to enter into dialogue with the British rather than simply shut it down. The British desire for trade and profit is not reflected by Lin, yet graciously still allowed. Secondly, it shows the attitude Lin, and by extension, the Qing had towards foreigners. The British are referred to as barbarians, implying the moral superiority of Lin and the Qing. The third lesson is how Lin treats the opium problem, both as a moral but also as a pragmatic issue. Morally, he pleas for opium to go away for the good of the world, and the British, by extension of their smuggling harmed all others. He argues that the British "in seeking profit to an extreme, they have no regard for injuring others." After which he quite directly asks if they lack a conscience, especially as opium is not permitted within Britain itself why should they be allowed to harm others. While the argumentation follows clear lines of reason, there is a deep condescending tone. Even the proposed solution, to not immediately impose a death penalty on traders, but allow for 6 months to a year of room for the agreement to come into effect is written as if merely a gracious offering from an equal to someone inferior.

While the letter gave lin Tse Hsü an air of charisma and even quite some admiration from the British, the disdain shown towards their interests and the power dynamic depicted

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[72] Tse-Hsü Lin, 'Letter to the English Ruler', in *Sources of Chinese Tradition Volume II*, ed. Theodore de Bary, Wing-Tsit Chan, and Chester Tan (New York: Columbia Univiersity Press, 1839).

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by it, unsurprisingly, caused some issues. The difference in perception of justice caused conflict. The British pushed back, thinking Lin arrogant and consequently refused accusations of bad play. Lin's letter should be seen in the strategy the Qing applied vis a vis the British In the advent of the Opium War. This strategy clearly rested on the ideational concepts described earlier. Generally, the Qing's strategy focussed on appeasement and a *Chi-Mi, or* 'loose rein' policy when dealing with strong 'barbarians' such as the British.[73] A loose policy was based both on the notion that the British were not formidable enough as well as a preference for dealing with internal issues over external ones. Such a loose strategy was common for Chinese foreign relations at the time. "In fact, China did not even recognize the existence of foreign relations with the Western countries but only of 'barbarian affairs', in essence, another name for trade."[74] They, rightfully so, assumed the British were simply out for trade, and did not perceive a danger from stopping such trade. Due to the issues of opium, in their eyes, the solution required more coercion.[75]

One of the tactics used, as a way to control the British, was by closing trade.[76] Yet, partially due to their system of thought and lack of attempts to understand the British they overestimated themselves and underestimated the British willingness and capabilities to go to conflict over this issue. With the seizing of warehouses and harsh measures taken against opium traders, along with Qing officials' disdain for British goals, conflict would break out.

The example of Lin Tse Hsü shows that under the Qing, governance of this border, by way of sending Lin to deal with the issue, had little connection to territoriality. The concern is not of territorial integrity, mainly because there was little reason to fear this. Further, Lin's force did not correspond to any type of (semi)permanent institutions aimed at controlling the

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[73] Hao and Wang, 'Changing Chinese Views of Western Relations, 1840-95', 143.
[74] Hao and Wang, 150.
[75] Zhang and Xu, 'The Late Qing Dynasty Diplomatic Transformation Analysis from an Ideational Perspective', 418.
[76] Hao and Wang, 'Changing Chinese Views of Western Relations, 1840-95', 150.

territory, it was set up for a specific goal. Despite the concern of the Opium trade being brought up often in court, governance of the region was far from structured. The response of Lin Tse Hsü's task force, which quite aggressively confronted the trade itself and the British forces present, was predicated on issues of morality and public health rather than a response towards British incursions into Qing sovereign space.

The Qing responded to early British incursions according to their conceptions of order. While some characteristics of territoriality were present, mainly exclusionary practices, there was a lack of self-interpretation based on territorial possession, rather than cosmic ideas. Their conceptualisation of foreign relations equally did not equate to that of territorial states. Mutual unintelligibility of concerns and ideas led to misunderstanding and eventually to confrontation. The strategies when dealing with the British, were then based on traditional ideas In which it was in the interest of protecting dynastic to avoid provocative behaviour in order to avoid conflict.[77] Yet due to the lack of understanding of British conduct informed by ideas of international law and misreading of relative power, mutual understanding was impossible. The conflict which followed Lin Tse Hsü's measures would be known as the first Opium War and was a decisive loss for the Qing.

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Chapter 3 Treaties, States and Trade: Sovereignty in a System of Treaty Ports

3.1 The Loss at Canton and the Treaty of Nanking

Lord Palmerston, the foreign secretary, organized an intervention on behalf of the British traders who were threatened by Lin's actions. He proposed a blockade, reparations for the destroyed and seized goods, the establishment of formal commercial treaties alongside the opening of new ports and even the occupation of a few islands.[78] Without parliamentary approval, Palmerston sent an expedition to enforce his demands, despite the condemnation of the Tory faction in parliament.[79] Thus even before the war broke out, the British parliament was divided on the efficacy of the measures undertaken by him and by Elliot, the leader of the expeditionary force sent to China.[80] This is to show that the war itself, and the way it was dealt with, can not be stated as a unanimous imperial decision made by Britain. In response to Lin Tse Hsü, some in power such as Palmerston, took action on behalf of their constituents, without full approval.

After the conclusion of the war which followed this decision, the Qing emperor set out to draft a peace treaty, which he saw as a temporary solution to a problem he would solve later down the line. The main British demands were for indemnities to be paid as well as the opening of 5 trade ports Canton, Amoy, Foochow, Ningpo and Shanghai. But more importantly to reshape interactions through diplomatic relations in terms of equality, equal intercourse between officials and British consuls to be present at each of the 5 ports. Alongside this came a uniform tariff on imports and exports, and the abolishment of the *Cohong*.[81]

What is important to understand, especially in the context of imperialism and debates

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[78] Wakeman Jr., 'The Canton Trade and the Opium War', 194.
[79] Wakeman Jr., 194.
[80] Wakeman Jr., 194.
[81] Wakeman Jr., 211, 212.

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about territorial ownership is that the treaty ports, with the exception of Hong Kong, were international concessions, leased territory from the Qing.[82] They were not under the legal jurisdiction of the British, and thus not formal foreign occupation, and were supposed to employ a consul without a populace. Although foreigners did enjoy many privileges under exterritoriality and spheres of jurisdiction. These treaty ports thus came to be as a contingency from the actions of the foreign office, yet the future governance would fall under their particular logic. Yet this logic would not be followed by the Qing. Still believing in a position of superiority, the Emperor's response showed he did not perceive the actual power of the British, accurately, nor the importance of this loss, as such the terms of this treaty were not taken as seriously as they should have.[83]

This defeat at Canton, and the resulting treaty system is currently regarded as one of the most important shifts in Chinese history, yet the Qing court at the time did act with a sense of urgency, nor showed signs they believed it to be so significant. Nield argues that the Qing were quite ambivalent towards this new foreign presence. Despite perceiving the loss as weakness on their part, they remained mostly unconcerned with the situation at hand, as such they did not necessarily accept their presence and tended to interpret issues in the treaties differently from the British, particularly about residential rights.[84] Negotiations were made more difficult as when the treaty was signed the Qing mediators did not have full permission to implement all its parts, as such some parts would take up until 1958, such as securing residences in Canton.[85] This can partially be attributed to the emperor's ambivalence towards this matter as well as the divergence in understanding and aims of both sides. While steps were taken to combat and amend the situation created by the first treaties and the loss at canton, inside of the court, there was a general apathy for politics. The emperor didn't seem to care

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[82] Nield, 'Treaty Ports And Other Foreign Stations In China', 125.
[83] Wakeman Jr., 'The Canton Trade and the Opium War', 209.
[84] Nield, *China's Foreign Places*, 3.
[85] Wakeman Jr., 'The Canton Trade and the Opium War', 211.

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to establish any relations or govern the situation.[86] Unlike behaviour typical of territorial states, the Qing did not attempt to defend their territory or amend its loss vehemently, they were rather concerned about the moral and hierarchical implications of foreign presence.

During the negotiations of the treaties the Qing negotiators kept using traditional methods of diplomacy.[87] It was important to them to keep the British in an inferior position and give concessions only for the sake of friendliness. They did not recognise the situation as fundamentally different from any other foreign affairs of the past. From the beginning, contact with the West was conducted on the belief of it being solely economic and not political, thus high officials should not be involved.[88] Despite the British seeking to install more permanent institutional matters both economic relations but also of political relations, the Qing would still perceive trade as the only concern.

Despite their loss, the Qing did not stray from their original strategies used before the war. They remained under the impression that the British objective was to establish profitable trade relations, rather than colonisation.[89] As such the 5 ports leased were not seen as a major loss. Under this logic still believed that, in order to eventually beat the foreigners, trade should be used as a tool to do so, not any other political measures.[90] The Qing believed that by controlling trade and appeasing the British need for this they could avoid military conflict and retain the upper hand, after all, they wanted Chinese goods, and not vice versa. "use of trade as a positive inducement to peaceful behaviour. Trade expansion, then, would have some positive value for the policy of using trade to control foreigners."[91]

There was no shift in the application of strategy after their loss, nor any signs of ideational change relating to relations with the British. This strategic thinking was, in the past,

[86] Hao and Wang, 'Changing Chinese Views of Western Relations, 1840-95', 154.
[87] Fairbank, 'The Creation of the Treaty System', 219.
[88] Fairbank, 219.
[89] Nield, *China's Foreign Places*, 5.
[90] Hao and Wang, 'Changing Chinese Views of Western Relations, 1840-95', 151.
[91] Hao and Wang, 151.

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effectively implemented under the tribute system, using a trade boycott was only one device for manipulating the barbarian.|[92] British efforts were to be undermined firstly through concessions and discussion within the treaties and amendments thereof. Secondly, on a local level, the implementation of the *Jung min chi hi,* strategy, using the people to control the barbarians, they attempted to use popular opposition against foreigners.[93] This became more effective the more the common people feared the foreigner, and the more foreigners there were i.e. different states also looking for concessions in China it became easier to play the foreigners off against each other. [94] Hence, conceding the 5 ports was not initially perceived as a large loss or hit to their sovereignty. Still convinced of their superiority and the efficacy of their strategies, they believed that the foreign presence in these ports could be controlled but would also ultimately help to bring them down through popular dissent. Modern sovereign states similarly use such strategies, but the underlying premise of it pertains to the retaining of sovereignty through the control of trade, resources and areas which pertain to such practices. For the Qing on the other hand it was merely a tool of statecraft aimed at the subduction of an enemy, without little regard to the protection of the local population or economic means, as they were not perceived as essential.

Believing they were in control of the situation, the Qing failed to realise the political implications of the British demands. A large reason for the later implications was the lack of understanding both of the British generally as well as the incapability, within their own ideational understanding, to perceive the British as equals or superiors in some regards. Comparing the British demands and aims with the first treaties to the aims and views of the Chinese we can get a better understanding of the impossibility of the situation. As described before, the British, besides the payment of indemnities for the damages caused by the conflict,

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[92] Hao and Wang, 150.
[93] Hao and Wang, 151.
[94] Hao and Wang, 151.

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primarily set out to establish a stable trading regime, through the 5 trade ports, supported by the installation of consuls to help diplomatic matters.[95] Through these negotiations, they aimed to establish a system of rights to expand trade in which the treaty tariff enhanced commercial opportunity, especially in Canton. These were low, not protective and wiped out special fees and perquisites. Furthermore, inland transit dues became limited, capped at a per cent of tariff value. It was not a case of free trade.[96] While this was in no way, set up fairly or equally, in fact, it brought immense benefit for the British at the detriment of protection for the Qing, it was negotiated under a basis of equality in terms of diplomacy and a system of rights, such as a uniform tariff.

On the other hand, the Qing did not see this treaty as a foundational challenge to their order as described above. For them, diplomacy worked not under equality, but under the supremacy of the Chinese emperor. They saw the British as a trading state, not too different from their perception of tributary states, with a strict morality superiority, especially towards the British envoys.[97] This is partially the reason why no official diplomatic position in court was established. The Qing did not deviate from their perception of politics as a hierarchical order of ethics. Hence it is no surprise that the Qing court was generally apathetic towards this development and its possible consequences. As argued by Zhang and Xu, the tributary system inhibited analyses of China's political situation, as they saw Western diplomacy as strictly commerce related and not political. It did not suit the situation. They continued implementing tactics of reward and coercion of suppression and comforting while they were in no position to hedge their power in such a way.[98]

Both sides did not correspond in their aims for this treaty. As such, the outcome of it

[95] Wakeman Jr., 'The Canton Trade and the Opium War', 211, 212.
[96] Fairbank, 'The Creation of the Treaty System', 221.
[97] Zhang and Xu, 'The Late Qing Dynasty Diplomatic Transformation Analysis from an Ideational Perspective', 415.
[98] Zhang and Xu, 418.

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was swayed heavily in the favour of the British side due to their military superiority. The Qing did not acknowledge this event as substantial enough to take it as seriously as they perhaps should have. This would lead to major issues in the negotiation process, one of which being, as argued by Fairbank: "the treaty system had been set up by gunfire and had to be maintained by gunboat diplomacy"[99] The negotiations showed quite clearly that the British objectives were to establish trade, rather than actual colonisation, for trade to be established negotiations were needed, which the Qing were not too keen on participating in. [100] The British wanted China to follow them in establishing systems of international contact, open trade, and rule of law yet, for this to be possible a revolution of Chinese cultural institutions was needed. [101] As mutual understanding and cooperation were impossible due to the ideational differences, change more often than not was implemented through violence.

While the Chinese did not yet perceive the Treaty of Nanking of 1842 as fundamentally undermining their position, it is argued by others such as Fairbank that the treaty represents the abolishment of the treaty system, ushering in state-to-state diplomatic relations on the grounds of equally acknowledged sovereignty.[102] The Chinese responding to this with apathy and continuing their diplomatic efforts based on a system of tributary states was self-defeating.[103] Applying the tactic of *Chi-Mi,* loose reign policy, during the signing and negotiations of the treaties, the Qing attempted to effectively give concessions of commerce and personal interactions to buy off the British, they thought that by negotiating the treaties they could set limits, which under the logic of hierarchical international politics, China's cultural superiority would help them neutralize their enemies. [104] Yet by setting such limits, and limiting trade to a few spaces they contradicted British wishes and inevitably

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[99] Fairbank, 'The Creation of the Treaty System', 232.
[100] Nield, *China's Foreign Places*, 5.
[101] Fairbank, 'The Creation of the Treaty System', 232.
[102] Fairbank, 213.
[103] Hao and Wang, 'Changing Chinese Views of Western Relations, 1840-95', 153.
[104] Fairbank, 'The Creation of the Treaty System', 218.

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invited conflict. By not acknowledging their military's inferiority and need for change, the treaty system as formed in the 40s and 50s became an opening phase of foreign influence, domination and exploitation.[105]

This is not to say that the British and later foreign powers were out for the destruction of the Qing, in fact, a stable and peaceful environment was mutually beneficial for their goals.[106] Particularly following the second opium war, the British and French provided large support for the Qing against rebel groups. Furthermore, the treaties were not wholly imposed, in the sense that Qing concerns were not taken into account. Issues such as the *kowtow*, or other rituals at court, or even the presence of an ambassador in Beijing took decades to negotiate. Other issues such as the provision of residential and trading areas, consul for jurisdiction and the most-favoured-nation principle were not of British origin but instead came from traditional methods of diplomacy with tributary states.[107]

While the defeat in 1842 did not immediately change Qing's ideational perceptions or governance, it did open the way for foreign influence, which was exacerbated due to the inadequate responses by the Qing. The treaties opened issues of territoriality by implementing the logic of state equality, and diplomacy as a tool and emphasising the existence and importance of foreign lands and peoples. The misunderstandings and opposing nature of both sides would lead to more conflict, eventually even shifting the perception of security for the Qing, seeing other states as threats to their sovereignty. Especially interactions in the treaty ports would lead to the necessity of increased attention given to foreign matters and also cause issues balancing between foreign and domestic governance. Although non of this was truly acknowledged or felt in the 1840s.

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[105] Fairbank, 214.
[106] Nield, *China's Foreign Places*, 5.
[107] Fairbank, 'The Creation of the Treaty System', 227, 227.

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3.2 Understanding the Enemy

The treaties, and the presence of foreigners particularly in the treaty ports, nevertheless did represent a big change in the political landscape of China. The changing political landscape was not merely created through the Qing court and the British negotiators, there were also Qing subjects, often those close to the conflict, who did perceive a need for change. The loss in 1842 caused intrigue, concern, fascination or maybe even fear in some Qing subjects of which: "a segment of Chinese officials and literati of the period, after a war with a barbarian state of Western Europe, urgently sought to understand the enemy and discover what kind of place Europe was."[108] Their ideas were solidly based on traditional principles of scholarly work and tactics, yet included the need to understand the foreigners as more than simple barbarians.

Lin Tse Tsü himself accumulated and translated a variety of Western publications before and during his conflicts with the British. He used newspapers, histories, books on law and encyclopaedias. He eventually compiled this work and translations into a *Gazetteer of the Four Continents*. Which would be a primary collection of sources for future scholars to work with in regard to studying Westerners and their culture. Yet when discussing early advocates for change, Wei Yüan stands out. His work, which was largely based on Lin's collections, aimed at applying knowledge of the barbarians to practical problems and solutions. He proposed to use and learn from Western methods for three purposes. Firstly, to understand the strengths and weaknesses of them. Secondly, to catch up technologically and exploit their weaknesses. Thirdly, to use this time to grow, and diligently bide their time while at the same time playing Westerners off against each other.[109] The aims and content of his book are

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[108] Hao and Wang, 'Changing Chinese Views of Western Relations, 1840-95', 146, 147.
[109] Yüan Wei, 'Preface to the Illustrated Gazetteer of the Maritime Countries', in *Sources of Chinese Tradition Volume II*, ed. Theodore de Bary, Wing-Tsit Chan, and Chester Tan (New York: Columbia University Press, n.d.), 11.

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reflected in the preface to his work, where he describes the contents and chapters. It is diverse in subjects as well as geographical scope. He explains the purpose of his book as "Its purpose is to show how to use barbarians to fight barbarians, how to make barbarians pacify one another [to our advantage], and how to employ the techniques of barbarians in order to bring the barbarian under control." [110] There is both a recognition of Western methods, particularly referring to military ones, as superior and a necessity for the Chinese to adopt those methods. For example, he addressed an entire chapter on the gunboat, and China's need to adopt it.

This interest, and recognition of the military of the British, might allude to seeing the barbarians as not wholly inferior, yet his view is still deeply rooted in the Tianxia worldview. On opium, he comments that despite it being the greatest crime, "our present emperor, His Majesty, is so benevolent and diligent. His virtue matches that of His ancestors." [111] He mimics how Lin wrote about his emperor in the Letter to the British Monarch. Due to the moral excellency of his regent, Wei considers the following: "Why should we fear that the time is not ripe for the extermination of the barbarians; why should we fear that there may be no chance to show our might" [112] From this, we can gather that he inherently believes the capabilities to control and fight off the barbarians, particularly due to the strength of the emperor to guide them. Yet he sees issues in a defeated mindset, as such he speaks: "Let us get rid of our ignorant lethargy." [113] And further urges the Chinese to "Bring all the wasteland in the country under cultivation; let all farms be under good care; so that the people within the four seas will be contented and even the most remote barbarians will be our subjects." [114] The universal worldview here is depicted, and it also alludes to legitimacy that comes from the welfare of the subjects, although these are not delimited by territory. His strategy rests on

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[110] Wei, 13.
[111] Wei, 14.
[112] Wei, 14.
[113] Wei, 14.
[114] Wei, 14.

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firstly studying the barbarians, and even implementing some of their tools, yet urges to improve internal stability and prosperity in order to pacify barbarians. The usage of the terms 'four seas' and pacifying the barbarians still allude to Tianxia conception. The belief is that China represents a central kingdom, from which extends civilisation in an ever-growing effect. In order to pacify the British, who are part of this system, they first need to look inward and solve their issues first.

He then goes on to speak on practical matters, which tactics to employ and to whom. He describes the situations of military technology but also economic measures and descriptions of the histories of various civilisations and their relations with each other. yet the search to understand other places as objects worth of study reveals a perception which differs from the old one. Fairbank argues that this worldview is initially overwhelmed by internal rebellion and the need for dynastic survival.[115] As argued by Yao Ying "Finally, he wanted to save China from disgrace, and by emphasizing maritime and frontier defence avoid China's conquest by a foreign nation."[116] Yet it is done in a novel way, combining traditional scholarly methods with a focus on the external. Examples are made such as focussing on international trade, for instance, to make other Asian countries, including British colonies, resist the Western efforts. Or to improve the Chinese military condition, as Wei Yüan argued for the making of new shipyards and arsenals with the help of foreigners.[117]

The interest in creating a new, systematically produced, view of Western countries, geographies and cultures was an initial step in a changing ideational perception of the world, and its order. While their perspectives were firmly based on the 'middle kingdom' and Tianxia perspectives, the opening up to foreign ideas and studies would begin dissolving such perspectives.[118] Through the study of other countries, a step is made in changing the self-

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[115] Fairbank, 'The Creation of the Treaty System', 218, 219.
[116] As cited in Hao and Wang, 'Changing Chinese Views of Western Relations, 1840-95', 148.
[117] Hao and Wang, 149.
[118] Hao and Wang, 148.

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understanding of the Qing as a state and its political community in the world. As such a step is taken in a change of scale in the political order, from an ecumenical one to a more territorial one.

When relating all of this to the issue of territoriality it should first be clear that despite the loss of the war and the drafting of the treaty of Nanking, the Chinese, particularly its rulers, did not initially view these five ports, as an endangerment to their sovereignty and legitimacy, fully believing in their ability to defeat the barbarians in the future. Their conception of order was still based on what I describe as the Tianxia system, both internally and externally. Legitimacy still came from a belief in moral superiority, and their belief in this did not wane. From the various examples given on the Qing's strategy, it is clear they still implemented their traditional ways and views of international politics to the British, not necessarily recognising a need to change their ways in the face of this new challenge.

Yet, ideationally, we perceive a change in Qing self-understanding in the examples of Lin Tse Tsü and Wei Yüan, who were the first to put a primacy on translating, reading and learning from Western works and knowledge, particularly in geographical notions. The ideational shift is then present through intellectual discussions, but also through the legal regimes set by the treaties, even if these were not taken too seriously yet. This trend would continue to shape, at least the geographical perception of the world into something more akin to a system of states, each unique, rather than the 'middle Kingdom' perspective.

Partially because of the lack of urgency to change and implement new measures, the power imbalance allowed the British to continue to undermine Qing efforts of governing and control, particularly in the new treaty ports. While the possession of the territory was not the key factor in the eyes of the Qing, it was the material condition for imperial and colonial actions, of the Westerns states, to be possible. Governmentally little changed, as the Qing

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continued to implement their traditional tactics, did not possess a formal diplomatic bureaucracy, and attempted to postpone or circumvent the governing instruments the British attempted to create.

Yet the treaties institutionalised matters of territoriality into the political reality of the Qing. The lease of land, the system of tariffs, and the push for equalized and bureaucratised diplomatic interactions, which go hand in hand with the acknowledgements of other states as peers certainly were impactful to the Qing's ability to control their own territory. While not initially too impactful for self-understanding and governmental options, the power imbalance and the unequal clauses made future attempts to amend them harder. Despite not initially recognising it, as Qing dominance over these areas dwindled, the issue of territorial concession and layered zones of authority would prove to become more present in the Qing mindset in the following decades.

3.3 British Governance of the Treaty Ports

Qing dominance, and in turn legitimacy and sovereignty dwindled due to the situation created by the treaty ports. I argue that a changing perception of sovereignty and legitimacy, as it pertains to notions of territoriality, in this case, comes from British governance, resting on concepts of territoriality, rather than an initial ideational reconceptualization on the side of the Qing. It was the need to deal with, concede to and adapt British and foreign demands through the spaces of the treaty ports, which induced complications.

What is key when discussing British territoriality is that, although they had shifting motives between colonialism, imperialism or state interactions, even a small piece of land was enough to exert constant pressure on Qing space. It was the constant transformation of, traditions, rituals and pressure exerted by the British and the various other powers who wanted trickled in after, which made the Qing come to the eventual realisation of change, and the need to address it. Foreign control, even over a small territory of the Qing, allowed an

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expression of power over traditional and new instruments of governance. British governance which diminished Qing control over her own lands and subjects is contributable to 3 things. First, the presence of British military and police. Second, British power in institutions governing the borders such as the Chinese Maritime Customs Service. Third, the principle of extraterritoriality. These pressures, as well as the drafts of treaties, and the need for foreign help controlling domestic turmoil led to the Qing changing perceptions and strategies of governance.

To understand how the treaty ports aided in the British expression of control over Qing lands, and the subsequent erosion of Qing sovereignty, we need to understand how the British sought to operate within Chinese space. To remind, all treaty ports, with the exception of Hong Kong were leased space as stipulated under the articles of the treaties.[119] This also meant that after the formalization of the treaty, both the Foreign Office (FO) and the Colonial Office (CO) played a role in the British attempt to control the Treaty Ports. In other words, for the British, the treaty ports leased from China were seen as diplomatic state-to-state operations, while the islands of Hong Kong, were under direct territorial rule as a colony. As argued by Jackson, for the FO operations, law and legal apparatus were central to their governance, as such, issues of extraterritoriality, that foreigners and their companies were subject to British and not to Chinese law, was a central concern.[120] This had major implications for the Qing's sovereignty as it severely limited their ability to control or persecuted foreigners, or those working for foreigners through jurisdiction.

It further highlights another issue of territoriality in the context of colonialism. While territoriality claims recognised and acknowledged control over territoriality, which is exclusive to that of other states, this idea becomes blurred under colonialism. While Britain

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[119] Nield, 'Treaty Ports And Other Foreign Stations In China', 125.
[120] Isabella Jackson, 'Foreign Office Imperialism: China's Treaty Ports and the British Foreign Office', *Gale*, n.d.

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might have been a territorial state in the context of Europe, and acknowledged and was acknowledged by her peers there, this was not the case in colonies or places of colonial influence. Territoriality coexisted with imperialism, and the interactions in China show that even the British themselves were not completely assured of which position they took. The idea of colonialism changed for the British as well in 1858, when after the 'Great Rebellion' India came under direct crown rule, rather than colonial control by the East India Company. This was also a recognition of the partial sovereignty of India. As we will see the issue of colonial territoriality vs state territoriality is clear in the governance of China and the treaty ports.

In order to illustrate how the treaty ports were used by the British, I will use a correspondence between Sir F. Rogers, the secretary of state for the colonies, and the Governor of Hong Kong Sir H. Robinson. The debate rests on the fact that Hong Kong was under colonial administration, and as such was also a port which could be used for military purposes. Rogers puts forward the demand for Hong Kong, like other colonies, to contribute to the maintenance of Royal troops stationed there. I use this document, not for its specific debate, nor for the outcome of it, but rather to showcase how both the British parliament, represented by Sir F. Rogers and the government in treaty ports represented by Sir H. Robinson thought and conceptualised their aims within China.

After requesting a contribution of 20.000 Pounds per Annum for the Military protection of the colony Robinson responds to Rogers, disagreeing both with the ability to meet such charges as well as questioning the justification of it.[121] Robinson firstly argues he doesn't understand why Hong Kong should be analogous to other colonies, for it operates differently than them and is more similar to the other treaty ports: "Hongkong is altogether

[121] Sir F. Rogers, 'Correspondence between the Secretary of State for the Colonies and the Governor of Hongkong. No 1.', 25 April 1863, CO131-6, National Archives.; Sir H. Robinson, 'Correspondence between the Secretary of State for the Colonies and the Governor of Hongkong. No 2.', 21 May 1863, CO131-6, National Archives.

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an exceptional case and bears no analogy of such great producing plantations as "Ceylon, Mauritius, and the Principal Australian Colonies." As such he believes that the conditions for stationing royal troops in Hong Kong are not similar to that in other colonies: "The Troops in Hongkong are stationed there for national and not for colonials objects. They are not in my opinion necessary for the protection of any mere colonial Trade or interests, or as is assumed in your despatch as an undoubted fact—"for the security of its European Inhabitants."

Robinson argues that the colonial status of Hong Kong is not, such as with the other colonies for production purposes but rather as it serves the national objectives of the crown pertaining to trade with China. Hong Kong is part of the colonial administration as it allows for the placement of troops, argued by Robinson to be of only national importance. Robinson further argues that the Royal troops don't serve their objectives but that their own police and armed traders are sufficient for the protection of both foreign and Chinese populations. He considers the large local police force to "be sufficient under any conceivable circumstances for the maintenance of internal order without recourse to Her Majesty's troops." Robinson clearly sees Hong Kong as more similar to other treaty ports than other colonies. Its objective of trade and not production he highlights by paying attention to the large Chinese population within the port, as well as their important role in trade: "The connection of Hong Kong with this great Trade consists chiefly in the fact that a certain number of the Heads of the China houses and Banks elect to live in Hong Kong as a convenient centre from whence to direct the operations of their Establishments scattered throughout China."

This decision is deemed as keenly unfair and problematic for Hong Kong as such contributions mean larger taxes for its inhabitants, risking people leaving for other ports, in which contributions are not present, such as Shanghai. He specifically emphasises the Chinese population's stake in Hong Kong being a safe environment to trade in. Troops stationed in Hong Kong are then of national as opposed to colonial objectives.

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While the discrepancy of Hong Kong being under the Co and the other treaty ports being under the Fo, and the resulting issues therefrom, would be an interesting project, what is important for us is not the specifics of the debate but rather what they tell us about British governance and the premises underlying them. This document answers why Hong Kong was of colonial status, and the need for a military presence, which was impossible, with the exception of certain clauses, in formal treaty ports. The debate shows that while state and local objectives coincided, both wanted safe trade, as well as preserving the territory they possessed, either through police or military presence. This strategy of a large expenditure of military and police forces shows that British governance was in line with principles of territoriality and saw Hong Kong as their space, with their political community, more so than in other treaty ports. It did not mean territorial expansion but the ability to control it. As well as defending trade, surrounding land and the defence from possible rebellions or Qing incursions. When speaking on the security of European inhabitants Rogers stated that military expenditures "during subsequent years owing to the War in China Charges have considerably increased. "[122] Hong Kong was a basis for the military to preserve territories and protect its political communities against aggression. Having a military there is of the essence for territorial politics but similarly, it diminished Qing sovereignty by depriving them of the same opportunity. As Robinson said: "there can be no doubt that the presence of a small body of Troops somewhere nearer China than India has an excellent effect in averting difficulties, while they form a basis for operations, if misunderstands should unfortunately arise."[123]

As territoriality pertains not only to the preservation of the space but also to the control of its political communities the example of the large Chinese population in Hong Kong is interesting. Chinese, who can use Hong Kong to bypass Chinese restrictions, are in a way

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[122] Rogers, 'Correspondence between the Secretary of State for the Colonies and the Governor of Hongkong. No 1.', 25 April 1863.
[123] Robinson, 'Correspondence between the Secretary of State for the Colonies and the Governor of Hongkong. No 2.', 21 May 1863.

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increasingly dependent on British territories and their regulations. Since trade was also important for the Qing, this bypasses their sovereignty with trade regulations not set in their land and taxes not paid. The existence of the treaty ports, regardless of the Qing's perception of their importance was meaningful for their ability to govern. As Robinson said: "in the management of this vast Trade, and in the government of our own subjects scattered along the whole length of the sea of China in the Foreign settlements – now 14 in number – we are necessarily brought into constant intercourse with the Chinese government." The impacts of the British presence, the claimed territory and the troops there, on the political situation were great.

British governance extended itself further outside of direct control over treaty ports and its communities, or the legal measures written in the treaties. British themselves often headed governmental initiatives such as the Chinese Maritime Customs Service, established in 1854. This service was headed by the British Robert Hart who claimed: "It is to be distinctly and constantly kept in mind that the Inspectorate of [the] Customs is a Chinese, and not a foreign Service, and as such, it is the duty of each of its members to conduct himself towards Chinese, people as well as officials, in such a way as to avoid all cause of offence and ill-feeling." [124] This foreign presence in trade and its customs was not only personal but also practical. Issues of traders' fees and privileges were checked by this customs union. Even the punishment of criminals was done here, yet it was headed by foreigners such as Hart. Even the standards for coinage, weights, and measures were based on British standards. [125] While this is not a complete domination of Chinese institutions, the introduction of Western measures and cooperation between both sides was very impactful. Much of the politics between the Qing and foreign powers was done through such institutions, where the personal

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[124] Richard S. Horowitz, 'The Chinese Maritime Customs Service, 1854-1949: An Introduction', *Gale*, n.d. For more on the Maritime Customs Service see *See Horowitz, GPS - Hans J. van de Ven Breaking with the Past: The Maritime Customs Service and the Global Origins of Modernity in China.*
[125] Fairbank, 'The Creation of the Treaty System', 231.

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relationship between the leadership was seen as a measurement of the overall relations between the states.

   If a Chinese institution, pertaining to foreign trade, is headed by foreigners, there is a direct breach of sovereignty, under the premises of territoriality. If the governance of your own land is not done by your own political community, but controlled by outsiders, there is an issue. This issue would be perceived and attempted to be amended as we will see. This is not an isolated case, with many other institutions, such as Chinese diplomatic institutions also being headed by the British.

Issues such as economic, bureaucratic and military privileges closely align with issues of territoriality, meaning that citizens with a foreign passport are not able to be persecuted under Chinese law. This system led to a distinct advantage of foreigners over Chinese resources. The treaty ports should then be seen as a part of empire building, yet as said before, most of the treaty ports and the institutions therein were not colonial, in the literal sense of the word. They saw China as an opportunity, as did other states who followed their example, as a state whose sovereign existence was deemed more important than possible direct control. Yet measures such as extraterritoriality interfered directly, at least under the assumption of territoriality, with the Qing's ability to control its own territory. It would not be until the 1860s that the Qing realised the breadth of the issues and would adapt to this situation ideationally and governmentally.

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Chapter 4 Recognition of a Changed Situation Change: 60s and 70s

The 1840s and 1850s saw various amendments to the treaties and the finalisation of its clauses, yet it nevertheless was not enough to overcome the issues between the Qing and foreign powers. While trade was now under standard tariffs, opium continued to be an issue as well as issues of diplomatic conduct and the irreconcilability of a tribute system vs consular system. Inevitably tensions rose again, and a second war was fought. This war began in the context of the Taiping Rebellion, which took up most of the efforts of the Qing. After a British vessel was stopped, and its flag allegedly lowered, the British responded with bombardment. Similarly to the prelude of the first war, in response to indemnities, the Qing burned warehouses holding British goods in Canton, which again did little to preserve peace. A joint British and French expedition was led to China in response, which defeated the Chinese. After the defeat various treaties were signed such as the Treaty of Nanking in 1858. This treaty would be informed under 3 premises, first that the Qing negotiators would hold full powers and sovereignty, equally to the British. Second, it would lead to extended trading rights and privileges for Britain, including inland travel, and Third, China would enter a 'modern state system' which included formal diplomatic ties, without damaging the court's dignity.[126] A second treaty, that of Shanghai, legalized the opium trade. These original treaties fell short of expectations, and the tensions during its ratification process saw several envoys in Beijing killed. Another expedition was launched and after the burning of the summer and old palace in Beijing, this conflict would be settled in 1860.

This settlement would be even more detrimental than the original, besides the original three premises further compensation was demanded. Kowloon became part of Hong Kong, there would be a permanent representation in Beijing and a British garrison in Tientsin. Hsu describes the situation: "foreign administrative control of concession areas in treaty ports,

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[126] Fairbank, 249, – 253.

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foreign warships in Chinese waters and troops on Chinese soil, foreign shipping in China's coastal trade and inland navigation, and tariffs limited by treaty."[127] Meaning that the situation changed to that of gunboats and coercion. This treaty would come to see traditional notions of sovereignty overruled as a result of military weakness and an ability to control domestic issues and rebellions. Yet, while foreign presence and control increased this was done, from a British point of view, to "to support Chinese political stability and maintain British commercial pre-eminence by peaceful means." [128] These new treaties, as well as the destruction and burning of the Summer Palace in 1860, created a more clearly recognised change in the political landscape. Besides the domestic turmoil of the Taiping rebellion, the incursions deep into Qing heartland and the burning of the palaces dealt a huge blow to Qing authority and legitimacy, much more than the previous conflicts around Canton did. Foreign military might was clear now and this time many of the Qing recognised the dangerous situation they were in.

4.1 Ideational and Institutional Changes

The Qing began recognising the immense changes they had to deal with, many of which came in the balancing of internal uprisings and rebellions as well as their attempt to use, and play against various foreign powers each other at the same time, which in the case of the Second Opium War, did not work in their favour. A change had to be made, which according to Hsu was in the modernization of diplomacy and the recreation of Western-style industries in which foreigners were to be employed, to teach them to do so.[129] While Fairbank already argued that the first treaty of Nanking in 1842 was the end of the Tianxia system, Hsu recognises that this perception really sank in during the 60s, when the Tianxia began to be changed into a Kuo-

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[127] Fairbank, 259.
[128] Hsu, 'Late Ch'ing Foreign Relations, 1866-1905', 71.
[129] Hsu, 70.

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Xia (nation-state).[130] This is exemplified not by any form of popular sovereignty but by a transformation of ecumenicism to a territorial state, with peers abroad. A dramatic change was that foreigners would no longer be referred to as *yi,* barbarian, in official documents anymore, rather the term *Yang,* meaning foreigner would be used.[131] Even this simple change in wording shows a different attitude to foreigners and reflects a change in the self-interpretation of the Qing.

According to Hao and Wang literati began acknowledging the new situation, most often referred to as *Pien-Chii*, meaning a changed situation.[132] This change can most deeply be seen in the conceptualisation of diplomatic situations: "Affairs in connection with the West were in the main called 'barbarian affairs' (y*i-wu*) before the sixties, 'Western affairs' (*jang-wu*) and 'Western learning' (*Hsi-hsueh*) in the seventies and eighties, and 'new learning' (*hsin-hsueti*) in the nineties".[133] A clear change towards Westerners can be seen in this, although slow. As argued by Hsu, such documents and correspondence reveal a 'revolutionary departure' from a worldview of Sino-Centrism and exceptionalism, instead choosing one where China become part of an international community of states.

Hao and Wang further argue that the closed-door policy changed into a more open stance, a 'good faith', also known as the faithfulness and honesty policy, in which diplomacy and international law were put forward as key elements to maintain peaceful relations. Yet along with Western learning, and teaching of diplomats and interpreters, they continued using traditional strategies such as the *Chi-Mi* strategy. Especially in the 60s this was built on the consideration that the treaty provisions would be kept, yet this would not always be the case but the West often did not honour these treaties.[134] While they worked together with the treaty

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[130] Hsu, 70.
[131] Hsu, 188,189.
[132] Hao and Wang, 'Changing Chinese Views of Western Relations, 1840-95', 156.
[133] Hao and Wang, 200.
[134] Hao and Wang, 'Changing Chinese Views of Western Relations, 1840-95', 160–64; Zhang and Xu, 'The Late Qing Dynasty Diplomatic Transformation Analysis from an Ideational Perspective', 90..

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powers, and with the limitations implemented by the treaties, there was an increasing feeling that foreign presence in their land, and control over their resources was a threat to their legitimacy and sovereignty. A changed perception of sovereignty or security is then followed by a change in governance. The concern for governing their own lands and communities can be seen in the shifting of governance to that which represents a concern for the state's position in international affairs. The tributary system of diplomatic relations was amended by the treaties. This system saw both consuls and merchants undertake the mission of Western trade and commercialisation within China. There was no formal diplomatic agency, until 1861. The Qing believed that 'We are a sovereign and superior nation; all lands are subject to us; we have no diplomacy; only tributary affairs.[135] As they did not adhere to the ways of tributary missions it gradually broke down China's old institutions.[136] Diplomacy was on a personal basis, yet pushed to become institutionalized. The amended treaty of Tientsin of 1960 represents a large change in this perception and tradition

Following this treaty, the *Tsungli Yamen,* a permanent diplomatic institution based in Beijing, was established in 1861. This represents perhaps the biggest shift in Qing governance and reflects changed ideational perceptions of sovereignty. It was a key new instrument for the Qing, which both reflect and enforces the changed perception of order. This change was also acknowledged and promoted by foreign powers, mainly through their urging and helping the Qing to establish the Tsungli Yamen. This was a definitive change in the perception of geographical order, with the minister of the Tsungli Yamen saying: "Today, there are many countries outside China." [137] This is a radical change from previous decades where there were

[135] Zhang and Xu, 'The Late Qing Dynasty Diplomatic Transformation Analysis from an Ideational Perspective', 416.
[136] Fairbank, 'The Creation of the Treaty System', 229.
[137] Xiaomin Zhang and Chunfeng Xu, 'The Late Qing Dynasty Diplomatic Transformation Analysis from an Ideational Perspective', *The Chinese Journal of International Poltics* 1, no. 3 (2007): 59.

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no foreign affairs, only tributary ones. They worked alongside the recently established British permanent representation in Beijing.

4.2 Motivations

Yet this change in the Qing governmental apparatus was not a linear progress. It began when they acknowledges the changed situation and aimed for more open relations. [138] Acknowledgement of a changed situation and the need to deal with it most likely has to do with fear. The events and ending of the Second Opium War, and the horrors of the Taiping rebellion showed both the Chinese elites and people that order needed to be maintained and that the old way of doing so was insufficient. As such governance and strategy changed from that described earlier to more open relations with foreign countries, particularly as they were now seen as a large, potential, threat which could no longer be dealt with through enticement and coercion.

There are three parts to this changed perception of sovereignty. The first factor pushing a changed perception of sovereignty is that of incremental internal ideational change. the Tsungli Yamen created under the treaty of Tientsin in 1861 is an example of this. [139] Its leader, Li Hongzhang, would be the head of this for over thirty years. Li Hongzhang himself embodied such an institutional change, Li Hongzhang was responsible for late Qing Dynasty foreign relations for thirty years. His guiding principle was, "All treaties with foreign countries are in place and impossible to change." Underlining this idea was the argument that "Since our exchange of treaties with the barbarians, they have returned to Tianjin and to the south in groups. Moreover, the demands they make are based on the treaty conditions. This indicates that they do not covet our territory and people." [140] While their defeat most certainly

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[138] Zhang and Xu, 90.

[139] Zhang and Xu, 'The Late Qing Dynasty Diplomatic Transformation Analysis from an Ideational Perspective'.

[140] Zhang and Xu, 90.

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played a role in their willingness to create new institutions many like Li saw it as an opportunity that needed to be taken in a changed world, rather than a fearful reaction to it.

There were thus those who saw Western presence as the new norm, rather than merely a challenge to the existing order. As seen before by some literati, starting from Lin Tse Hsü and Wei Yüan, an increased interest in Western languages, knowledge and technology continued to grow throughout these decades. The Tsungli Yamen also represents this change and the continuation of traditional strategies would henceforth be done through these new institutions. Perhaps these structural changes were an attempt at putting the matter in their own hands, rather than submitting to foreign power entirely. While the Tsungli Yamen enabled everyday communication between China and various powers, it was definitively perceived that the treaties and their provisions were clearly not being handled fairly. This included a discussion on foreign intentions. The establishment of the Tsungli Yamen shows a shift in the perception of sovereignty, away from a celestial dynasty to that of a sovereign state among others.

While some embodied this change from within, for many the primary motives for change were due to foreign pressure. Foreign pressure came in two ways, firstly because of a recognition of a foreign threat, particularly to economic and territorial control. Secondly, it refers to direct pressures from Foreign powers for China to change institutionally.

Economic pressure, especially under the new treaties would be seen as a new threat to sovereignty. This enormous pressure and the unfair systems set in place by the treaties would create the idea of *li-Chüan*, a new notion of sovereignty, separate from the Tianxia system.[141] Their version of sovereignty became increasingly tied to economic control, which they referred to as *li-Chüan,* which encapsulated the threat the Chinese perceived by the expansion of Western trade as a threat to their authority.[142] As argued before, most of the Qing believed

[141] Hao and Wang, 'Changing Chinese Views of Western Relations, 1840-95', 190.
[142] Hao and Wang, 190.

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that the only goal of the foreigners was trading, but where earlier trade was seen as a necessity for the foreigners and something which could be granted by the Chinese if they so wished, now it was reconceptualised as essential for the Qing state itself. As such, many saw the expansion of the treaty system, especially the growth of it into inland China as a threat, some arguing that foreigners wished to seize China, rather than merely trade.[143] Trade was thus on the one hand perceived as a foreign measure of imperialism, but it was also reconceptualised as a tool for sovereignty. The idea of using trade to appease foreigners gained a different understanding. Key issues became the foreign control over economic enterprises, mining endeavours, the usage of the silver dollar for trade and the British position in institutions such as the Chinese Maritime Customs Service, all began to be seen as diminishing *Li-Chüan.[144]* Trade was no longer only important for the foreigner, and thus a tool to be used, it became a key part of the Qing's understanding of sovereignty and authority.

We should thus recognise, that despite the Chinese relative willingness to change, and be open to new ideas during these decades was paired with a fear of foreign incursion and domination. As foreigners gained more treaty ports, access to inland China and more influence in Chinese institutions, pushback against the foreigners in these positions came as well. Induvial agents of traders operated through the terms of the treaties and were able to get away with a lot as they were protected under extraterritoriality. Yet they relied on Chinese counterparts, business only possible with the help of Chinese traders: they knew the trade well and could guarantee business for one another, and under contract, they built their own structures.[145] These agencies outstruck existing consulates in the treaty ports in size and capacities, they believed they formed the basis of the treaty ports themselves rather than the foreigners. further growing the connection between a Chinese political community and these

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[143] Hao and Wang, 159.
[144] Hao and Wang, 190.
[145] Fairbank, 'The Creation of the Treaty System', 230.

territories.

As such, the treaty ports which were earlier perceived as rather inconsequential by the Chinese, now became the focus. The inability to control these lands, borders, trades and people became directly detrimental to sovereignty. Shared control became an issue, and besides traders and companies, the Qing also attempted to remove those in positions of power, such as Robert Hart, who was the British head of the Chinese Maritime Customs Service. Much of this meditation was done through the Tsungli Yamen. Hence, the idea of *Li-Chüan* is a further development of territoriality.

Lastly, foreign pressure was also exerted directly by foreign officials pushing China to change, towards 'progress'. Foreigners often headed or were in close cooperation with Chinese bureaucracies, as such their vision of what China ought to be was very impactful. There was a clear teleological thinking by the British of territorial states being the next step in the development towards 'modernity', which is what they wished for China. By looking at the perspectives of Sir Robert Hart and Sir Thomas F. Wade's ideas of what China ought to be we can get a better idea of why such institutional changes came to be.

Sir Robert Hart, who was the head of the Chinese Maritime Customs Service, was also the leader of the Pin Chun Mission of 1866, the first informal mission of the Chinese abroad.[146] In a letter published in 1869, he spoke out on issues the public had with this mission and reflected on its perception. He starts his letter stating his intentions for China, to 'progress', in the Western understanding of the word, by urging on "the necessity for the establishment of a resident mission at the Court of every Treaty Power."[147] He sees such diplomatic missions as necessary for China to preserve its freedom and independence, and to

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[146] Hsu, 'Late Ch'ing Foreign Relations, 1866-1905', 71.
[147] Robert Hart, 'Apendix III: Note on Chinese Matters', in *Anson Burlingame and the First Chinese Mission to Foreign Powers*, ed. Frederick W. Williams (New York: Charles Scribner's Sons, 1869), 285.

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prepare: "for the day when China should not merely hear the words of foreign representatives in Beijing, but should be able to address each Government in its own Capital through a resident Chinese medium."[148] He reflects his own stance but also a popular demand for China to become a state, which reflected their notions of state sovereignty.

Hart as the head of one of the most important bureaucracies and an important diplomat played an immense role in China's position if world affairs. Although he wishes for China to progress, he stresses on the one hand the ignorance on the part of Western audiences, expecting these changes to come from China internally. He explains, condescendingly, that the Chinese lack knowledge, and interest or don't acknowledge of the importance of Western matters.[149] His central argument is that to secure progress for China: "time must be given and patience displayed."[150] He prescribes the treatment which is necessary for China not to fall back into suspicion and isolation. He believes that continued advising or enforcement of progress will only be detrimental, as unanimous pressure by all treaty powers would be necessary but impossible. Instead, he proposes China should continue by herself, after having received encouragement and help from Western powers insofar. He argues that further coercion, or expediting of this matter will only serve to make China more suspicious of foreign powers.

He argues that: "to promise not to force her to improve would be simply to deprive China of her greatest motive for attempting what must end in progress, namely, that feeling of insecurity and that desire to provide against contingencies."[151] Here he acknowledges the impact Western presence has and also shows his logic of statehood. In order for China to transition into a territorial state, the state must function to protect its citizens from violence. As such, while allowing China to progress by herself, he also enforces the idea that fear of

[148] Hart, 287.
[149] Hart, 288-290.
[150] Hart, 290.
[151] Hart, 296.

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foreign interference is necessary for her change. As such he heralds the idea of progress being in the form of a territorial state.

China's development is of clear concern and although there is the belief that the Chinese are not yet capable of doing so, there is nevertheless the implication that it is a necessity. Hart believes that this progress is only achievable by letting China run its course, now that her eyes are opened to its necessity. Despite the obvious imperialism, it is clear from such statements that the British, such as Hart, believed that this change in perception in China was in fact introduced by the Westerners, through the treaty ports. And that Chinese lethargy towards it was in response as to anger towards Westerners. "A single Power's attempt, even if disinterested, to coerce China into progress…. does harm by creating suspicion and gratuitously evoking opposition." [152] From a British perspective, the change ideational and governmental change of China is thus directly contributable to themselves and a need for China to 'progress'.

4.3 Problems of 'Progress'

Hart's warnings came true as reforms and external pressure for China to transform, came to a breaking point in 1868 with the Alcock Convention. This convention was a revision of previous treaties, particularly pertaining to increased mobility within the interior of China.[153] While the Qing initially agreed to this, there was pushback against it even from the West. For instance, Lord Stanley, a prominent British politician said: 'We must not expect the Chinese, either the Government or the people, at once to see things in the same light that we see them; … we must lead and not force the Chinese to the adoption of a better system." [154] The changes in diplomatic and other institutions were perceived as too rapid, as claimed by Lord Clarendon, a British diplomat, they had: "neither a desire nor intention to apply unfriendly pressure to

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[152] Hart, 292.
[153] Hsu, 'Late Ch'ing Foreign Relations, 1866-1905', 72.
[154] Hsu, 73.

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China to induce her Government to advance more rapidly in her intercourse with foreign nations than was consistent with safety, and with due and reasonable regards for the feelings of her subjects.'"[155] Such pressure was indeed felt by Chinese officials, as such they used the American minister Anson Burlingame to push against the convention. [156] And with his help, it would later be absolved. Foreign incursion would also lead to instances of xenophobia such as in the Margaret affair, anger against foreigners would continue in the following decades. Despite acknowledging the risks of pushing 'progress' by many British, all of them never the less share the idea that this was either inevitable or necessary.

A conflict of control over trade would continue for the next decades. The Tsungli Yamen would continue to push for actual equal treatment between states. An example of this would be a letter sent by the Tsungli Yamen to the British legation in Beijing in 1876. It is written on behalf of the Prince of Kung to the British minister and simply requests that "there should be a uniform system of regulations. In order that there may be rules to be observed in good faith and permanency."[157] They request a consultation with the British minister to set up a uniform system of procedures. This type of correspondence shows three things. Firstly, there was an established system of quite simple messages, written in Chinese, exchanged between the Tsungli Yamen and the British legation in Beijing on behalf of the ruler. Second, it shows that the Chinese perceive this instrument as essential in order to conduct diplomatic and political business with foreign powers, where before there was a disdain towards dealings with foreigners, such correspondence tells us the Qing saw it as necessary and were willing to implement it, as it deals with more than day-to-day operations. it can be concluded that the Qing sees it as a vital institution for securing the objectives of the state. The third deals with the phrase 'in good faith and permanency'. They claim that, if the consultation is successful

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[155] Hsu, 73, 74.
[156] Hsu, 73.
[157] Tsungli Yamen, 'Tsungli Yamen Note to British Regarding Trade', 14 June 1876, FO1080/179/3, National Archives.

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and a procedure can be decided upon, the Tsungli Yamen will "successively proceed with the present communication." Such letters are plentiful and continue throughout the decades as continuous works of communication, such correspondence is then not meant to be used in exemplary scenarios but as an integral part of state operations. It shows both a recognition of British instruments of diplomacy, i.e. being willing to not only accept the presence of but also actually indulging the operations of a permanent British legation. It also shows a changed perception of the Qing state in the world, it shows a great departure from previous iterations of Qing diplomacy which were personal, hierarchical and irregular. Such state craft shows a different method of control, permanent diplomatic institutions make it clear that China begins to see itself as a state among other states, and wishes to use these instruments in order to represent and govern her communities and territory.

Nevertheless, there continued to be the impression under Western audiences that China was unwilling to change. As well as an increased expression of Grievance from an increasing scope of Chinese groups. Responding to this sentiment Wade wrote a letter, as asked by Rutherford Alcock, to address his view as an insider. He remarks that people perceive China as having an: "inability to cope with her difficulties, which are becoming more frequent every day, while her readiness to accept friendly suggestions is perceptibly decreasing." [158] Similar to Hart, Wade also urges China to increase intercourse with foreign countries, as it is the only way " by which she can make herself strong."[159] He sees China as refusing to adapt: "China… has ever preserved an unyielding and haughty demeanour, despising the institutions of all countries but her own, and thus rendering it impossible to cultivate feelings of cordial friendship."[160] He questions the performance of Chinese officials, and their sense of sacrifice, equating a loyal centralised bureaucracy as essential for the state.

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[158] T.F Wade, 'Mr. Wade on China', n.d., 38.
[159] Wade, 39.
[160] Wade, 39.

He concerns himself with the 'prosperity' of China, which means "give up all ideas of gaining anything by antiquated customs and worn-out contrivances."[161] According to Wade, China has to change and become a part of the world. He underbuilds his need for China to continue under new instructions, as being inherent to the "obligations of international law", foreign powers should not take over China, but their interests should be protected.[162]

He further acknowledges China's fear of territory being taken away, yet counters this by arguing that foreign powers have continuously helped China quell domestic unrest, and had had plenty of opportunities to do so, but not done it. He wants China to be like England, but before this can happen "it is necessary that she accredit ambassadors to the courts of foreign power."[163] Wade paradoxically supports an independent China, but equates her prosperity to the presence of foreigners, as they "would place on a sound footing her sources of wealth and her tranquillity, and would thus secure on a solid lasting foundation her independence as a nation."[164] This is paradoxical due to the assumption that a sovereign state can go hand in hand with semi-colonial policy as implemented by the treaty ports. While it is clear that in the eyes of the British, China needed to transform itself into a 'modern' state, their continued control and expansion of the treaty ports contradict this wish. It was not clear to the British themselves what they wanted China to be, and their wish for a sovereign stable territorial state, from which they could still hold a favoured trading position was inherently incompatible.

Ultimately, the desire of the British and other foreigners for China to be independent and transform itself into a modern state lies in their concern with the control and extraction of

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[161] Wade, 41.
[162] Wade, 42.
[163] Wade, 44.
[164] Wade, 44.

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resources from China, using the treaty ports and diplomacy as a method to do so. For their purposes a peaceful, cooperative China is beneficial. Yet, Hart sees China as inherently incapable of and uninterested in change, and Wade sees the Chinese as helpless against domestic unrest and inherently needing foreign help in order to prosper. However, they misconceive the difficulties and apprehension towards change as unwillingness or laziness.

What they don't realize is that, while many Chinese did desperately cling to a sense of security by using traditional methods, their apprehension with and readiness to be friendly to foreigners similarly has as much to do with them realising the damages the foreign presence in these ports do to their sovereignty as with actual unwillingness. Territoriality became a major concern yet the possibility to adhere to it was not there yet. The letter by the Tsungli Yamen exemplifies the Chinese stand on this issue. As a new institution, which falls in line with the wanted progress by the British, it is nevertheless used to negotiate for fair and balanced relations, through it there is a recognition of missing authority due to the terms of trade and the presence of the treaty ports. Especially with domestic turmoil as well, the Qing did not have the strengths to completely control their territory, From these documents, it is clear that there was change happening, but not in the sense of inherent progress, but rather as an incomplete response to the changed situation presented both by domestic issues as well as the struggle to remain in control over her own land and resources vis a vis foreigners. Paradoxically, the ways to do so were limited and submitting to the adaption of Western methods and ideas ended up being the way forward.

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Conclusion: The Birth of Chinese Territoriality

The main question this paper posed was: how the specific notions of sovereignty and legitimacy in territoriality played a part in the history of the treaty ports? Specifically in reference to the British implementation of it in their governance of the treaty ports, and to what extent this contributed to the resulting ideational and governmental changes in the Qing? We began by exploring the concept of territoriality, which is first, a self-interpreting process of a state and its political community to its defined territory. Second, territory and control thereof become, if not are the primary source of legitimacy for a state. Third, being a territorial state implies things for security, territorial integrity and the protection of its exclusive political community become primary. Furthermore, to be recognised as a sovereign state with an exclusive territory, you have to similarly recognise others as being such. Foreign affairs become wholly state-based and its goals become greatly influenced by its logic of it. While being a modern convention, it nevertheless is part of a historical context, and even for states where such ideas did not come about endemically, the interactions with states who do follow its logic are meaningful.

As such we discovered that the concept of Tianxia was the primary conceptualisation of order, sovereignty and legitimacy. Tianxia is an ecumenic form of thinking with a core tributary system enacted through the strict application of moral/ethical standards. Legitimacy is derived both cosmic as well as from popular support as well as submission by tributaries and subjects. This conception saw China as the centre of the world, in which they were superior and foreign states, known as *Siyi,* were not deemed to be of importance. Tianxia is not territoriality, as the self-understanding within is not based on a specific territory, but rather on borders of imperial borders and frontiers, nor was there any sense of nation or strict political belonging. Most important for territoriality is practices of interstate relations, as this deals heavily with worldviews and the acknowledgements of other states. Articles in the

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treaties, the establishment of permanent diplomatic/consular representation or even the ceremonies/customs of official visits. Territoriality, implying exclusive control over territory equally implies the acknowledgement of others' exclusive territory. As such diplomatic connections based on a premise of inherent equality and sovereignty are central to the external politics of territoriality

In their diplomacy there was no principle of state equality, it was rather based on ethics and hierarchy. This form of diplomacy and understanding of moral superiority implies that governmental decisions do not rely on the logic of territoriality. There was no sense of exclusive territory as under Tianxia all lands are subject to the Chinese, nor the recognition of other's equal sovereignty. Instead, they dealt with the issue by sending Lin Tse Hsü. His dealings on the question rested on 3 premises, all based on traditional notions of sovereignty He shows the Chinese benevolence and questions the morality of the British. Lin Tse Hsü's task force, which quite aggressively confronted the trade itself and the British forces present, was predicated on issues of morality and public health rather than a response towards British incursions into Qing sovereign space

Although self-interpretation is a major marker for territoriality, as was the case with the Qing, states do not have to define themselves closely by possessing territory to be impacted by territoriality. The loss of control over its own communities and resources resulting from the treaty ports influenced both its legitimacy and sovereignty.

The consequences of the opening of 5 trade ports at Canton, Amoy, Foochow, Ningpo and Shanghai were, on paper, the formal implementation of relations in terms of equality, equal intercourse between officials and British consuls to be present at each of the 5 ports, as well as a uniform tariff on imports and exports. The British imposed logic was not followed by the Qing. Still believing in a position of superiority, the Emperor's response showed he did not perceive the actual power of the British, accurately, nor the importance of this loss, as

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such the terms of this treaty were not taken as seriously as they should have. the Qing failed to realise the political implications of the British demands. A large reason for the later implications was the lack of understanding both of the British generally as well as the incapability, within their own ideational understanding, to perceive the British as equals or superiors in some regards. British wanted to establish economic and political relations, yet the Qing did not see any necessity on the political side, thus high officials were not involved.[165] Despite their loss, the Qing, did not stray from their original strategies used before the war.

Yet people such as Wei Yüan did see a need for change He proposed to use and learn from Western methods for three purposes. Firstly, to understand the strengths and weaknesses of them. Secondly, to catch up technologically and exploit their weaknesses. Thirdly, to use this time to grow, and diligently bide their time while at the same time playing Westerners off against each other.[166] Through the study of other countries, a step was made in changing the self-understanding of the Qing as a state and its political community in the world. As such a step is taken in a change of scale in the political order, from an ecumenical one to a more territorial one.

British governance of the treaty ports, which fell under various understandings of territoriality was the main reason for changing perception of sovereignty and legitimacy, as it pertains to notions of territoriality, rather than an initial ideational reconceptualization on the side of the Qing. This is because, foreign control, even over a small territory of the Qing, allowed an expression of power over traditional and new instruments of governance. Although not yet recognised by the Qing, this was he first step towards change.

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[165] Fairbank, 'The Creation of the Treaty System', 219.
[166] Wei, 'Preface to the Illustrated Gazetteer of the Maritime Countries', 11.

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The 60s and 70s exemplify a major transition from traditional thinking, such as the Tianxia concept to a different version of sovereignty, such as Kuo-Xia, or self-realization of a nation-state. While by the end of the 1870s China definitely was not a nation-state yet, the beginnings of a different ideational interpretation are apparent. Whereas sovereignty under Tianxia was cosmological and partly popular, the interactions with foreign powers and the necessity to change went hand in hand with a reconceptualization of China as another country among many. China's position in an international hierarchy changed from a vertical perception, with them at the top, to a horizontal one being in essence equal to other states. China as the centre of the world, surrounded by four seas, with everyone outside of their cultural sphere being barbarians changed into something similar to our modern system of states. Interest in Western cultures, technologies and politics arose, firstly through the works of Lin Tse Hsü and Wei Yüan, whose tradition would be set forth in was initially *i-wu,* barbarian studies. These were inherently attempts to grow ideationally in order to control foreigners, or even be able to beat them by learning their strengths and weaknesses. These intellectual discussions ultimately became known as *hsin-hsueti* or 'new learning', and besides searching for methods of improvement, discussions on core issues of sovereignty and legitimacy and China's place in the world would become commonplace.

The self-interpretation of the Chinese changed due to the realisation of a new situation, or *Pien-Chii*. While the loss of the 5 original ports in 1842 was barely acknowledged by Qing rulers as a concern, the immense impact they had on the foreign ability to control trade and resources from China, and equally the resulting inability for the Chinese to control such resources, caused a situation unmanageable for the Chinese. While they originally attempted to restore control by stopping trade, arresting smugglers and burning warehouses, the following losses in the first two opium wars created an acknowledgement that the situation

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needed a different approach and that controlling their territory was of key importance. While opinions were different on how this situation changed and how it should be dealt with, the 60s and 70s showed the first examples of renewed intellectual discussions, mostly informed by the conditions and issues of the treaties and the unfair position China was put in. While some such as Li Hongzhang insisted on institutional changes, others were more wary of foreign intentions, often believing they were out to conquer or control China entirely. Sovereignty was then reconceptualised in two ways, the first being state sovereignty through governance, particularly with respect to its foreign relations and sovereignty coming from the control of economics and trade, known as *li-Chüan*. Both conceptualisations worked hand in hand, with the Tsungli Yamen turning into a core actor in diplomatic interactions and conflict resolution, rather only through local people, magistrates, or occasional armed excursions, such as the case of Lin Tse Hsü.

These examples but particularly the Tsungli Yamen, although its creation was greatly influenced by foreign demands, nevertheless exemplify the institutionalisation of changed ideas. In which territoriality played a great role. Governance over Chinese territory, particularly vis a vis other states became a core concern, which it was not before. Similarly, the concern for foreign populations in the treaty ports, issues of extraterritoriality and their own population in treaty ports became a major loss for Qing sovereignty as they were firstly unable to control domestic issues themselves, let alone keep back foreign traders, missionaries and soldiers. The perceived and real issues caused by foreign populations made the divide between Chinese political communities and foreign ones more distinct. Rather than merely accepting the presence of foreigners as a nuisance, their continued efforts to penetrate deeper into China became a core part of Chinese politics, as such the distinction between an and out-group became stronger, as did the conception of exclusive territory.

Institutions such as the Maritime Customs Service and the Tsungli Yamen became

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ever more important for day-to-day governing, yet the dominant positions of treaty powers and foreign individuals in these processes had a great impact. From the letters of Wade and Hart, written almost a decade apart, we can see that foreign pressure was great and that the British wanted to build China up as an independent state, following the British example. These ideas of sovereignty pertaining to the control and maintenance of territory are thus institutionalized through the many treaties limiting China, but also the new bureaucracies and the foreign pressure to change.

Changing attitudes towards China's position in the world, the reconceptualization of sovereignty as well as both interest in and grievance towards foreigners reflect this new concern for territorial integrity and security thereof. Institutionalization means the more the concept is used the more it becomes true, the following decades would then be a continuation of this process. In its Hobbesian logic, territoriality falls on the premise that the primary concern for people is to be saved from physical harm and that the state is the actor which should provide security. It is then not surprising that with the acknowledgement of a changed situation, and the realisation that Westerners might be a threat, something actively encouraged by people such as Robert Hart, caused discontentment in groups of elites and in a lot of the population, the following decades knows many anti-foreign protests, movements, and even killings. These decades saw much apprehension, particularly against the economic powers of the foreigners, which itself was reconceptualised as the basis for legitimacy and sovereignty.

An issue of this analysis is reflected by Agnew who argues that by merely taking the Westphalian conceptualisation of territoriality as a basis of analysis: "the historical relationship between territorial states and the broader social and economic structures and geopolitical order (or form of spatial practice) in which these states must operate, is not considered.[167] Yet I hope it is clear from these arguments that, in fact, through the imposing,

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[167] Agnew, 'The Territorial Trap', 77.

dispersion, and learning of Western ideas, both in voluntary domestic practices as through coercive treaties, Western ideas such as territoriality, exemplified by the British view of what Chinese politics ought to be, and their governance in foreign relations, was part of the broader social, economic and geopolitical context for the Qing. It is a transition, seen as a teleological story of progress from the side of the British, and seen as a necessity out of a changed situation for the Chinese. It is then also important to recognise that many of these changes were not mere copies of Western ones, although inspired by Western writing, technology and leadership in these institutions, the ideas rested on and were developed from traditional Chinese methods, as exemplified by Wei Yüan. For many later scholars and leaders Japan, which went through a similar process of modernisation, was taken as an example of a previously Confucian state, now on par with Western countries, at least militarily. The 80s and 90s saw much growth and flourishing of political thought, often inspired by Western ideas which were often fused with traditional Chinese concepts. The idea of independence from colonial rule would also become a part of discussions of sovereignty in these decades. Anti-foreigner responses continued and grievances against foreign power's intrusions grew, particularly due to Russian and Japanese aggression. Alongside this the treaty ports would come to be seen from the 1890s onward as a major factor contributing to disrupting and transforming traditional society, ushering a decline in power and order and generating revolutionary responses.[168] The transformation into *Kuo-Xia*, began in the 60s but would cumulate into the 1911 revolution, after which China would emerge as a territorial nation-state.

The analysis of the role of territoriality in Chinese history, or even treaty port history is not complete. This thesis only dealt with the period up to 1878, whereas the real transformation occurred later. Issues such as changes in the Chinese control over means of violence or means

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[168] Fairbank, 'The Creation of the Treaty System', 214.

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of resource extraction are not addressed. The development of the Qing military, judicial and taxation systems to name a few all changed during these decades. Furthermore, many aspects of social issues are hinted at but not explained. Nearly all sources used to pertain to elites and refer to international interactions more than domestic developments, such as the Taiping Rebellion. Many issues remain unaddressed. An analysis of the treaty port communities and the interactions between the Chinese and foreigners can be studied under a borderland conceptualisation. Lastly, an entire debate in Qing history on frontier defence or maritime defence is not covered, whereas the issue of foreign treaty ports is central in this debate, and thus also deals with the conceptualisation of territorial security.

Referring back to the discussion of the historicity of this concept, territoriality is central to our modern thinking of politics and the international system, it has become an ontological necessity. As such for researchers of all kinds it is necessary to consider its implications both currently as well as in the past, both how and if it was part of their social and political context and how our understanding of it influences our analyses. While acknowledging the issues of universalised concepts, we can nevertheless pay respects to the historical specificities. The history of Chinese interactions with the West is very easily essentialised and in order not to fall into ideal-typified histories of modernity vs backwards, coloniser vs colony, or various nationalisms we should learn from this example to see how concepts such as territoriality influenced thinking, conscious of its implications in history.

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