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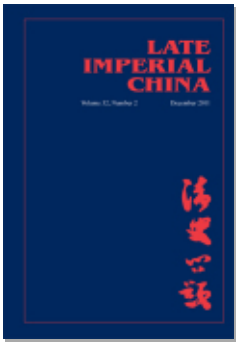

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Was the Opium War of 1840-42 a Just War?

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"The opium trade from India to China," writes John K. Fairbank, "was the most long-continued systematic international crime of modern times." Fairbank is perhaps the best known living American Sinologist. He is distinguished and deservedly influential. I hesitate to disagree with him.[1] But to call the opium trade the crime of crimes over the last century or so is, it seems to me, to forget the two African slave traffics, the one to the New World and the one to the Red Sea and the Persian Gulf; is to forget what the Nazis concealed under the code phrase "final solution" and the survivors call "the holocaust"; is to forget Budapest and Prague on one side of the imperialist ledger, Algeria and Vietnam on the other. David Livingstone and Hannah Arendt, Alexander Solzhenitsyn and Frantz Fanon, would never allow Mr. Fairbank to place the opium trade above these. And neither should we.

But suppose we assign the trade a less ambitious place on the ladder of infamy? Suppose, further, that we look not at the century and a half of its existence but at a particular war it gave a name to, the war England fought with China between 1840 and 1842. Practically nobody has ever called this anything but the "Opium War." And most of those who have called it the Opium War have done so, I do not doubt, with a degree of disapprobation. Here was an armed conflict precipitated by the confiscation, inside China's territorial waters, of twenty thousand chests of a seriously debilitating

drug; chests owned for the most part by British subjects; chests worth millions of dollars, in origin Indian (and India by that time translates loosely "British India"), and introduced into China in defiance of an official Chinese prohibition well advertised and of long standing. Had Canada, half a century ago, threatened hostilities with the United States because the Volstead Act excluded her whisky, or had Portugal at exactly the moment of our Opium War fought England because ships of the Royal Navy were seizing slavers and releasing their valuable cargoes, we might have something comparable.

Why did England go to war with China?

A war it was, I think we can safely say--though no war was ever declared, nor the formality of withdrawing ambassadors observed. (There were, of course, no ambassadors to withdraw. That was part of the trouble.) We can say it was a war because ships and regiments went out to China, swept bays and rivers, occupied towns, engaged such Chinese forces as chose (or dared) to oppose them, and desisted from these enterprises only when the Chinese government agreed to negotiate a settlement of certain matters at issue. That is why we can call it a war. Still, there remains something odd about the business. For the first thing we notice about the Treaty of Nanking, as the settlement is called, is that it says nothing about the opium traffic. Says nothing though we have tentatively agreed that it was opium that precipitated the war and gave it its name. It is a little as if the several treaties that closed the First World War, the treaties that bear so pleasantly the names of places just outside Paris, had neglected to make any arrangement for the permanent disposition of Bosnia.

But, it will be remarked, the Treaty of St. Germain did not arrange things in the Balkans. It simply confirmed what the fighting had already accomplished: the dissolution of the Austro-Hungarian Empire and the creation, among other states, of Yugoslavia. Similarly the Treaty of Nanking, by fastening a sizable indemnity and other indignities upon the Chinese government, attested to the rightness of the opium traffic and promised its continuance and expansion. The drug as such did not require mention because, by the summer of 1842, it was clearly there to stay.

The trouble with this line of argument is that it confuses effect with intent. The Russians, the French, the Serbs even, did not begin the First World War with the intention of constructing a Yugoslavia and dismembering the Austro-Hungarian Empire. The war aims of the victors, and even more that stiff dose of high moral purpose with which their aims became infused, were developments of the war years themselves--a consequence of the unexpected length and dreadfulness of the conflict, and of the belated American entry. But the Opium War, though it too lasted longer than expected and cost the victors more than they had supposed it would,[2] retained on the whole its shape. What Palmerston expected his people to obtain, became with only slight modifications what Aberdeen's people did obtain. And so it is not possible to do with the Nanking settlement what one does happily and naturally with the settlements of 1919: dismiss as irrelevant the perceived discrepancy between what the war was thought to be about and what the peace settled. As England went to war over the opium traffic, the opium traffic has to be in the treaty, and as it is not, something is funny.

Perhaps the traffic was left out to save face. The terms and language of the treaty certainly allowed Peking to suppose that nothing fundamental

had changed in the way the western barbarians were going to be managed,[3] and to leave the drug trade out of the thirteen articles now that its continuance had been made certain by force of arms was, it may be argued, simply part of that game. But there is nothing in the correspondence and other papers to suggest that Pottinger was told to, or himself wished to, keep mum on the subject.[4] Besides, there is a much simpler explanation for the omission. Opium is not, in fact, wholly missing from the Treaty of Nanking. Article 4 stipulates that six million dollars in silver is to be paid over as compensation for the twenty thousand chests extorted in the spring of 1839. If we operate on the reasonable supposition that the victors were obtaining what they went to war to obtain, and if we notice that what the treaty gave them was not a legalized opium traffic[5] but a sum of money for a certain number of chests, then perhaps we have to think more carefully about what we mean when we say that opium precipitated the war. Exactly why, I repeat, did England go to war?

The decision to do so was in fact the decision to send out a punitive expedition. That decision was taken, and Charles Elliot (the man on the spot) alerted, at the end of September, 1839. What prompted the decision was the receipt in England of news of the March crisis at Canton: the foreigners detained, the twenty thousand chests extorted. And as you review what was being written and said about the crisis--it isn't much, perhaps partly because England had more disturbing matters on her domestic doorstep--you cannot help feeling that England knew very little and cared very little about China. She had developed no policy for that part of the world. India was another matter. So was the east end of the Mediterranean, the site of the so-called "Eastern question." So were Persia, Afghanistan (where she was

about to fight a war), Burma (where she had just fought one), and the Straits of Malacca. But England had no China policy, just as she had no Pacific fleet. Year after year Palmerston made do with no opinion about China beyond the vague feeling that the Emperor's delusions of grandeur--familiar because of the Macartney and Amherst embassies--ought not to be indulged.[6] The only instructions Elliot, Chief Superintendent of Trade and England's official representative on the China coast, received with any force and regularity had to do with how relations with the Chinese (such as they were)were to be conducted. They were to be conducted with no stooping, no catering to mandarin susceptibilities. That was the extent of Elliot's charge.

Certainly Elliot was never made privy to his government's hopes and fears with respect to the opium traffic. And what do we mean by hopes and fears? Simply this: if we are to believe that the Opium War was fought to make China safe for opium, then the government that began the war and prosecuted it to a victorious conclusion must previously have entertained the hope that the flow of opium from Calcutta and Bombay to the Gulf of Canton and the coastal stations to its east and west would continue and grow--and must previously have entertained the fear that some activity on the part of the Chinese would interrupt that flow. Both the hope and the fear, moreover, must have been actively entertained on Whitehall. For otherwise we shall be asked to believe that the expedition ordered up in the autumn of 1839 was dispatched to save a vital trade the English did not know was vital. Yet if England knew the opium traffic was vital, it is hard to see why this concern did not figure in the instructions Palmerston sent Elliot (and Robinson, and Davis, and Napier before him)--and why the pin did.[7]

It cannot have been because Palmerston feared embarrassment. The instructions were private and Elliot steadily refused to publish them--a thing that repeatedly annoyed some of the British merchants, among them Matheson and Jardine.

Let us be plain about what we mean by the allegedly vital character of the trade in opium. England was a ready market for tea, which in those days came from China and from no other place. China, on the other hand, was not an eager buyer of anything English--of anything Western, in fact. For years the gap had been covered with bullion. Lately, however, Indian opium had taken bullion's place, taken it so vigorously that the balance had shifted the other way and it was now China that lost silver. The export of opium from India to China had the further double usefulness of adding directly to the revenues of the Bengal Presidency (because opium was a government monopoly, and fetched more when sold than it had cost to produce) and of facilitating the transmission of monies from India to England (because the monies could move in the form of tea purchased at Canton with the silver raised by the sale of opium there). There is nothing disputable about any of this. "Vital" is too strong an adjective, implying as it does that we are dealing with a matter of life and death; but we must certainly admit that the uninterrupted flow of Patna and Benares to Lintin, Cumsingmun, Chinchew, and the other China anchorages was important to more than the immediate participants. The question, however, is: did the more distant beneficiaries know it, and knowing it, take England into war?

Fort William certainly knew; knew, that is, that opium contributed regularly and substantially to the revenue of the Government of India and also balanced England's China trade. For years the Board of Customs, Salt,

and Opium had managed the two Bengal opium agencies with a view to making the best possible use of the China market.[8] But the Board was not the Government of India. Auckland, the Governor-General, came closer to filling that bill--and what was Auckland's reaction when the China news reached him at Simla late in May? It was that China would have to be punished for visiting such an outrage upon the foreigners at Canton, and that at the same time the Government of India should consider getting out of the opium business.[9] Auckland did not long pursue the second suggestion. But his response makes it very difficult to argue that the opium traffic was a life-and-death issue at Calcutta. And when we move to London, where the expedition (and therefore the war) was actually decided upon, there is even less sign that the traffic pulled the levers.

It is true that a China lobby led by William Jardine himself (recently returned home for reasons that had nothing to do with the crisis) demanded access to Palmerston, obtained it, and used it to press upon Her Majesty's government detailed advice on just how to conduct the war. It does not follow that the lobby was using Palmerston.[10] Quite the reverse, Palmerston used the lobby: took its advice on how to conduct the war (handsomely thanking Jardine for that advice when the war was over) and ignored its pleas, though they sometimes bordered on the desperate, for prompt compensation was what the lobby had been formed to obtain. Could not Palmerston hint publicly at the possibility at least, of immediate partial compensation? Palmerston could not, and when the written importunities continued, had his clerks pencil them "returned by Lord P. without observation."[11]

Of course the owners of the twenty thousand chests were paid something in the end. To obtain that something was the immediate object of the

expedition. For England went to war with China in the summer of 1840 (that is when the first expedition reached the coast) to recover the value of certain confiscated property plus expenses and a bit extra for insults and injuries. It is really as simple as that! Because the property in question was opium, and the injured persons men who for a part of each business day dealt in opium, it follows that England went to war over opium. But it does not follow--and this is the crux of my argument--that England went to war to fasten the opium habit upon the Chinese Empire.

But why did England fight over opium? Could she not see that mandarin connivance in the traffic was local and temporary, and that Commissioner Lin's confiscation of the twenty thousand chests meant that Peking was serious about prohibiting the drug? Could she not see this and applaud this and hasten to cooperate with this, inasmuch as men of reason and sensibility everywhere must recognize that opium is a vicious social evil? Had England no moral sense?

The answer, I think, is that she had her share.

It happens that in April, 1840, in the course of a three-day debate on China policy--a debate that was meant to force Melbourne's government out of office, and nearly succeeded--Palmerston delivered himself of a remark so effective, so telling, that it cries out to be repeated here. Tory critics, among them Gladstone, had been telling Palmerston that his had been a policy of drift; that Charles Elliot's efforts to reduce his countrymen's involvement in the opium traffic ought to have been encouraged and sustained; that England, indeed, should have been assisting the Chinese authorities in their campaign against the drug. But what, Palmerston asked, would Parliament have said had he come to it with "a large naval estimate for a number of

revenue cruisers to be employed in the preventive service from the river at Canton to the Yellow Sea, for the purpose of preserving the morals of the Chinese people, who were disposed to buy what other people were disposed to sell them?"[12] Of course Palmerston's government, with or without Parliament's consent, could have instructed the Government of India to cancel the scheduled Calcutta opium auctions or at least contract for no further plantings of the poppy in the Bengal agencies.[13] And if Parliament had simultaneously declared the drug impermissible cargo to ships of British registry, there must have been an immediate and steep decline in the volume of chests reaching the China coast. But the ready availability of opium in places other than Bengal and the existence of abundant tonnage not under British registry, was sure to reverse that decline before long unless a "preventive service" was put down. Would Parliament, he asked the House, pay for sloops and frigates in sufficient force to smother opium smuggling on the China coast? Of course Parliament would not. I imagine that the same rhetorical question was heard again in the 1920s when Englishmen inquired guiltily about rum-running from the Bahamas to the Florida coast. And it is probably heard today in Ankara and Mexico City whenever the governments there are reproached by their own earnest nationals for not doing more to reduce heroin addiction in the United States. Shall the country of supply, even perhaps the country of transit or some country with no direct involvement whatever, shoulder the burden of preventing the country of demand from obtaining what it wants but should not have?[14]

Yet a moment's reflection reminds us (though in the debate, oddly, no one thought to remind Palmerston) that at the very moment in 1840 that Palmerston made his remark, the Royal Navy was involved, heavily and

expensively, in the work of stopping an international traffic in an anti-social, evil, morally proscribed article. I refer, of course, to the slave trade.[15] For years England was the world's policeman in this matter. Palmerston himself was the most unremitting advocate of her being so. Why, then, was she not willing to stand international watch over opium too?

It is no answer to say that commercial and financial self-interest dictated the difference. Slave owning and slave trading had once been as British as plum pudding; first the one and then the other had been cut out of British life; and though the accident that England lost the slave colonies of North America had something to do with it, an organized political campaign by English moralists had more. Slavery and the slave trade were proscribed in places governed from Westminster because Englishmen came to perceive them as sinful. Why the same perception did not develop at the same time with respect to opium and the opium traffic it is not easy to say. Familiarity had something to do with it: the English used opium as a medicine, to keep their children quiet, and to lighten some of the miseries of daily life. They had a drug problem but it was not much of a drug problem--and on the whole they did not know they had it. Unfamiliarity, too, had something to do with the matter. The Chinese people, whose probable destruction through opium addiction we are asking the English of that time to perceive, were distant, unapproachable, inscrutable--and they took the drug in an odd and un-English way, they smoked it.[16] Then, too, it will always be difficult to concentrate upon drugs as powerful a current or moral disapproval as can be summoned to play upon certain other things--slavery, child labor, capital punishment to name three--because these three are things that are done to you while a drug is something you take.[17] We

cannot ignore, moreover, the complication that if opium meant one thing to Englishmen and another thing to the Chinese, it meant still a third thing in India--and India could not be left out of the equation. But whatever the explanation, the fact is that in 1839 the English conscience was not stirred, was hardly even touched, by the Chinese opium problem. And that made all the difference.

Whether England sent an expedition to pry China open for English manufactures is doubtful as well as somewhat irrelevant. Four ports besides Canton were part of the spoils at Nanking, but they were neither what the ships and men were chiefly fighting for nor what they Chinese--then or since--most resented losing. The same is true of Hongkong. It is significant that no one on either side of the struggle has ever tried to christen this "The Piece Goods War" or "The Hongkong War." Protestant and Catholic missionary insistence upon proselytizing access was even less determining. Later the missionaries would have influence with their governments--the Catholic missionaries in particular with the French--but this early in the century they had, so far as I can judge, none. England went to war to protest the arbitrary confiscation of, and recover the value of, certain goods the private property of British subjects.[18] That, in the 19th century, was a legitimate reason for war. That, in the 19th century, made the Opium War in every sense including the technical sense a "just" war.[19]

Notes

1. Fairbank makes this remark (New York Times Book Review, 11 January 1976) in the course of reviewing my book (The Opium War 1840-42, Chapel Hill, 1975). For a more strident indictment of that traffic, see the review of the same book and two others on the Opium War by Charles Curwen in The Times Literary Supplement, 11 June 1976.

2. Both Whitehall and Fort William expected the expedition of 1840 to settle the affair. In the event more time, more ships and men, and therefore more money were required.

3. The living and trading area outside Canton, to which the English and other foreigners had been confined from time immemorial, was to be reproduced now at four other ports. (Canton city itself would be no more accessible to foreigners than it had been before, as the English to their annoyance quickly discovered.) Allowing consuls at these ports was entirely in keeping with the ancient principle that a community of foreigners ought to be superintended by a taipan drawn from among themselves. And the placing of a resident English ambassador at Peking--certainly the sign of signs that China was at least entering the family of nations--figured nowhere in the treaty and was in fact delayed for twenty years.

4. In the negotiations preceding the signing of the Treaty of Nanking it was actually Pottinger who broached the matter. The three Chinese commissioners "unanimously declined entering upon the subject," says Loch, "until Sir Henry assured them he did not wish to speak of it but as a topic of private conversation. They then evinced much interest, and eagerly requested to know why we would not act fairly towards them, by prohibiting the growth of the poppy in our dominions, and thus effecutally stop a traffic so pernicious to the human race. This, he said, in consistency with our constitutional laws, could not be done; and he added that even if England chose to exercise so arbitrary a power over her tillers of the soil, it would not check the evil so far as they (the Chinese) were concerned, while the cancer remained uneradicated among themselves, but that it would merely throw the market into other hands." (Granville G. Loch, The Closing Events of the Campaign in China, London, 1843, 172-73.)

5. Could Pottinger have obtained an article legalizing the traffic? Probably not, it would have been more than Peking could take. What is interesting however, is that Palmerston and Aberdeen did not instruct him to make a determined effort in that direction. If this was because successive foreign secretaries felt sensitive to Chinese feelings on the subject, perhaps we have been misjudging these gentlemen right along

6. So the most important of the instructions given Napier when he went out in 1834 as England's first Superintendent of Trade was that which said he must deal directly with the Governor-General at Canton, i.e., insist on being treated as the official emissary of a non-tributary state. In the event his embassy "fizzled" over just that issue.

7. Had Palmerston ever by word or hint told Elliot to make China safe for the opium traffic, we should know it from the long and comprehensive defense of his tenure as Superintendent and Joint Plenipotentiary that Elliot prepared when he was recalled. Se Elliot to Aberdeen, 25 January 1842, FO 17/61.

8. "The great object of the Bengal opium agencies," explained a former opium examiner in the 1830s, "is to furnish an article suitable to the peculiar tastes of the population of China." D. Butter, "On the Preparation of Opium for the China Market," Journal of the Asiatic Society of Bengal 5 (March 1836): 171-79.

9. "I wish that I knew what to say to you upon the events of China," Auckland wrote Hobhouse on June 6. "As regards India we must for the present look upon the opium revenue as annihilated. It will probably be determined that the disconnection of the Government from the cultivation of the poppy shall gradually take place; and an export duty, producing little or nothing at first, must be substituted for the profits of the monopoly." Broughton Papers, Add. Mss. 36,474, British Museum.

10. Both Charles Curwen (in the review mentioned in note 1 above) and Jack Beeching (The Chinese Opium Wars, New York, 1975, 96-97, 106) assume that the lobby used Palmerston.

11. Just how desperate some Bombay and Calcutta correspondents of Jardine's were is apparent from a reading of the Jardine Matheson letterbooks. Palmerston's indifference is suggested not only by the observation (on the back of a letter from J.A. Smith dated 3 December 1839) but also by another penciled instruction on the back of a letter from G.G. de H. Larpent, chairman of the London East India and China Association, dated 26 November and demanding to know what Her Majesty's government planned to do on the China coast (blockade?). "State that the parties interested in the matters to which his letter relates must judge for themselves as to the orders which they may think it expedient to send to their correspondents in China." Both are in FO 17/36. If this is working hand in glove with the men of commerce, I wonder what Palmerston was like when he kept someone at arm's length.

12. Hansard's Parliamentary Debates, 3rd ser., 53:940.

13. Unfortunately opium contracted for by the Board of Customs, Salt, and Opium in a given September was harvested the following February, reached the Ghazipur or Patna factories in April or May, was delivered (in chests) at Calcutta the following autumn or winter, and in some cases was not auctioned until the mid-summer following--almost two years

later. Thus the pipeline was long and always full, and there was no easy way to interrupt the flow. When the China news reached the Board, it closed a few of the smaller subagencies and instructed the rest to contract for no additional acreage in the coming growing season, but it refused to cancel the Calcutta auctions already scheduled.

14. The whole question of national responsibility in this area needs examination. For a recent survey with respect to the traffic in heroin, see Catherine Lamour and Michel R. Lamberti, The Second Opium War, London, 1974.

15. There is an immense literature on this subject. I do not know of any systematic attempt to compare the international traffic in slaves with the traffic in opium.

16. "To most people in the West at this time," observes Evan Luard in Britain and China (London, 1962, 25-26), "the habit of smoking opium seemed, like the wearing of strange clothes, the binding of feet, child marriages, pigtails and concubines, merely another quaint and exotic oriental habit. It was different from the practice of the West, certainly; but not necessarily wrong for that. Precisely because the opium habit was scarcely known in the West, little thought was given to the social problems it presented, and there had been no occasion for the hardening of any stereotyped moral attitude towards it. Consequently there was scarcely more revulsion in England at the institution of public auctions of opium in India, or its subsequent sale in China, than there was over the publication in Britain of the unabashed confessions of an English opium-eater." Though embedded in what must seem to many an old-fashioned and complaisant book this observation seems to me exactly right.

17. Just why the Chinese took opium, eventually in very large quantities, is uncertain. In his careful and detailed study "Opium Smoking in Ch'ing China" (a paper given at the ACLS University of California Conference on Local Control and Social Protest in the Ch'ing, Honolulu, July 1971--and perhaps since published?) Jonathan Spence observes right off the bat that he ought to devote an entire section to motivation--to why Chinese smoked--"only the data is extraordinarily elusive." He does suggest, however, as students of drug addiction in the west regularly suggest, that--in the words of a recent biographer of Coleridge--"some kind of personality disturbance of inadequacy must be present for a person to resort seriously to drugs." Perhaps China as a corporate person suffered thus. "The considerable success of the opium suppression campaigns between 1906 and 1915," Spence writes in his concluding paragraph, "points up the force of emergent nationalism and the recovery of a sense of social purpose, just as the fall back into the massive addiction between 1915 and 1945 points to the premature frustration of that nationalism and sense of purpose. The success of the Communist suppression campaign reaffirms the cycle. As a sequence these events seem to indicate that in ending opium addiction psychological factors are more important than physiological ones." Or political ones?

There is no evidence that the English (or the Parsees, or the Americans for that matter) on the China coast forced Chinese to buy or smoke opium, or even promoted its consumption as they promoted tea drinking in India later in the same century. They did not peddle pipes, lamps, or the other articles a smoker requires; they did not tie opium sales to tea purchases. And, curiously, none of them regularly smoked opium themselves--of this I am quite sure, because the missionaries would have learned of it and pointed an accusing finger. But no doubt many took it (in a tincture) for medicinal purposes, and some may have become dependent upon it in consequence.

18. When in March, 1840, Palmerston was asked what the object of the China expedition was, he gave this answer I suspect he meant it. Hansard, 52:1221-23.

19. It is probably safe to say that in the 19th century, though not today, a state was considered to have the right to resort to force "not only to defend the state's 'self' but also as a measure of legitimate self-help taken in response to other injuries . . . injuries in response to which alternative means of self-redress prove unavailing and unsatisfactory" (Robert W. Tucker, Just War and Vatican Council II: A Critique. New York, 1970, 40.) Expropriation of property qualified as one such injury