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COLONIAL 'GOVERN-MENTALITY' IN TRANSITION: HONG KONG AS IMPERIAL OBJECT AND SUBJECT

Abstract

This paper attempts to examine the colonial experience of Hong Kong as a function of the historicity of British imperial rule, whose ideology and practice can be contrasted with experiences in other places (India, Oceania, Africa, etc.) as well as other times and where the changing nature of colonial governmentality can be seen to be influenced by the concurrent emergence of the state, modernity and commoditization.

Keywords

Colonialism; postcolonial theory; modernity; state; globalization; Asia

The late nineteenth century imperial archive: from the politics of difference to the sociology of modern power

THE HISTORICAL IRONY of Hong Kong's handover to China on 1 July 1997 (or 'return to the motherland', depending on one's point of view) was that the future of Hong Kong, which was supposedly a cession in perpetuity, was made to coincide with the end of the 99 year lease of the New Territories (a larger land mass to which Kowloon Peninsula was attached) which was originally acquired by Britain from China for purposes of defending Hong Kong. In practice, despite the legal status of the New Territories as a leased territory and the government's policy of ruling it on the basis of local custom, it was administered for all effective purposes as an extension of the colony. To this heap of contradictions, one might add the mystery of why Chinese government on the other hand continued to play along with the reality of the lease, all the while

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denying the validity of Hong Kong's status as a ceded colony (being the result of a treaty signed under duress). It not only made Handover Day a Chinese national holiday, whose media hype became an industry in itself. The coincidence of Hong Kong's celebration of the Queen's Birthday on the eve of the handover further canonized the five-day weekend into an event of unreal proportions many times over. The reality of Hong Kong's colonial existence, no doubt already mystified by its official 'disappearance', was suddenly resurrected then by the fiction of a lease that had already been meaningless and long dead.

The nature of Hong Kong's colonial experience is worthy of scrutiny not just for what it is, as a matter of *fact*, but also for how it represents itself, through *discourse*. It is probably not surprising that in retrospect both government and academic authorities have consistently denied the existence (or maybe just the relevance) of colonialism, as bluntly highlighted by Alan Birch's *Hong Kong: The Colony That Never Was* (1991), in terms not unlike the way the exploitative character of capitalism was systematically written out of mainstream narratives of social and economic progress in Hong Kong. The way in which actor-authors routinely efface their own subjectivity in action (through claims of cultural objectivity) and writing (through rationalization of the facts) is part and parcel of this colonial *violence*. Hong Kong may have been *terra nullus*, but the occupation of the New Territories is more instructive, since it is a history based on the illusion of indirect rule, then absorbed into the larger reality of Hong Kong's (disappearance of) colonialism. Along the way, there was resistance, which was neatly effaced by imperial writing.

It goes without saying that Hong Kong was a British colony, ceded in 1841 as a result of the Sino-British Opium War. The New Territories was leased from China to Britain in 1898 for 99 years as an extension of the colony for purposes of military defense. Hong Kong was no more than a barren isle when the British first occupied it. The New Territories was on the other hand a large stretch of land occupied by settled rural communities. Yet despite the literal facts, one must ask in what sense Hong Kong constituted a 'colony', in what sense the experiences that have shaped the nature of history and society there can be deemed 'colonial', and in what sense the kind of 'colonialism' indicative of Hong Kong's experience can be seen as a cultural project that contrasts with other colonial experiences, while at the same time reflecting certain more general or fundamental truths that lie at the core of an ongoing relationship between ideology and power.

Much important work on colonialism and culture has appeared recently in the historical and social scientific literature. Scholars writing from the general perspective of cultural studies have been correct to distance themselves from a previous generation of scholars who have for the most part focused on the economic and politically exploitative dimensions of colonialism. This is, of course, not to downplay the obvious effect of domination and destruction that has characterized colonial rule and that capitalized on the creation and maintenance of

difference in social, racial and other terms but instead to highlight the role of both explicit practices and underlying mentalities in legitimizing and normalizing the colonial project. In this regard, numerous studies have thus pointed to the positive effects of diverse colluding factors like religion, language, history and ethnicity that have made the colonial project a quintessentially civilizing as well as routinizing process in ways that have managed also to contribute to the efficacy of rule.

By saying that colonialism is a cultural project, one can mean many things, in actuality. Anthropological interest in the role of Christian missions has situated colonialism within a wider civilizing process while at the same time accenting the importance of symbolic systems in the political process as a whole.[1] Others have noted the strategic use of language in the construction of colonial power.[2] The emergence of discursive fields like historical writing and Orientalist writing can also be viewed as products of colonialism, whereby the meaningful construction of knowledge constitutes an integral part of an ongoing cultural struggle.[3] To such examples of culture, one might add other forms of narration and representation, like travel writing and art, as phenomena that emerge out of a colonial context.[4]

The collusion between colonialism and culture can be understood not only in terms of how colonialism may be constituted as a cultural project but also as a function of the way the colonial experience has given rise to the phenomenon of culture. Asad (1973: 115), for example, has suggested that, in addition to glossing over the disruptive effects of colonial domination through recourse to images of functional integration, the cultural objectification implicit in ethnographic writing in postcolonial times reflected to a large extent a situation of 'routine colonialism'. Similarly, Dirks (1992b: 3) has noted that modern notions of public culture, of the kind that usually invoke some systematic unity of language, race, geography and history, may have been perhaps literal products of nationalism but were in essence claims encouraged and facilitated by a history of colonialism.

Without denying the utility of the diverse notions of culture that have been invoked by recent writings on colonialism, I believe that there is another aspect of culture implicit in the practices themselves, a kind of *mentalité*, so to speak, that can be seen as guiding the actions of concrete agents and behaviour of social institutions which shed significant light on the nature and meaning of colonialism.

I argue that how one understands that culture (as *mentalité*) depends upon how one understands colonialism. Despite calls from certain quarters of literary criticism to rally around the general banner of 'postcolonial' theory, quite rightly criticized by Gates (1991) as a kind of 'critical Fanonism', I think that colonialism in this context has to be taken in the first instance quite literally as a historical phenomenon. Whether or not it is desirable for us in the final analysis to produce localized theories rather than general laws of colonialism, I believe it is necessary, methodologically speaking, to situate the colonial experience within its

proper geo-historical context. There are many kinds of colonial experience, not only because different kinds of colonial agents inevitably bring along different kinds of (cultural and socio-political) baggage but also because in each specific situation, colonialism inevitably changes as a result of interaction with local forces in ways that demand ongoing syntheses and shifting strategies. Each colonial experience is in other words a narrative in itself. But this does not mean on the other hand that such narratives should be understood only at the level of events. On the contrary, it is necessary to understand such events in the context of an interpretive framework by viewing action, discourse and practice both in terms of their underlying motives and intentions and as a function of inherently cultural rules and assumptions.

I believe that many of the essentializing tendencies of postcolonial theory stem from a misleading preoccupation with explaining the politics of 'difference'. In this regard, racism has been conveniently viewed as a tool for making manifest a process of political domination and cultural construction of alien others which appears to be universal to colonial regimes everywhere. It is as though colonial institutions are themselves contingent upon such sentiments, cultural in origin, for their continued sustenance in socio-political terms. Noting that it is something of a paradox that racial differences between colonizer and colonized should become most prominent in precisely that period of the late nineteenth century when technologies of disciplinary power were deployed in the service of the colonial state, Chatterjee (1993: 10) extends this 'rule of colonial difference' even further to explain the inner dynamics of anti-colonialism, nationalism and post-colonialism. To the contrary, I think that it is easier to show that racism or ideologies of racial difference are common to all cultures and are if anything analytically distinct from the formation of colonial regimes.[5] Moreover by cogently noting how 'the *quality* and *intensity* of racism vary enormously in different colonial contexts and at different historical moments', Stoler (1989: 137) makes it possible to suggest that the polarization of racial and other differences are instead arbitrary signs or dependent variables of a socio-political institution whose nature is grounded in specific places and times.

The same criticism can be brought to bear against Said's *Orientalism* (1978). To be sure, more attention has been drawn to the objectification of the other in the construction of hegemonic discourses than to the more important point that such discourses have been made possible by the prior existence of an 'imperial contest'. Yet while Said has been content largely to concentrate predominantly on texts of high colonialism and the production of metropolitan knowledge, he has said much less about the institutional realities of colonialism that have given rise to these possibilities of discourse as well as those native realities that have been effectively obscured and objectified by both the discourses and practises of colonialism.

If one can accept the institutional realities of colonialism as an appropriate point of departure for understanding the underlying *mentalité* of (local) colonial

regimes and the way it may differ from the *mentalité* of native institutions and practices, one must then necessarily ask, what kinds of colonialism are there, and how does the Hong Kong experience contrast with other examples in reference to both (cultural) origins and (historical) specificity? What is it about the underlying *mentalité* of Hong Kong's colonialism that sheds light on its cultural uniqueness and makes it relevant to anthropological misunderstandings of Chinese traditions?

At the risk of essentializing the nature of British colonialism in Hong Kong as a bounded category (*vis-a-vis* French colonialism or the experience of British colonies elsewhere and at other times), one must nonetheless admit that it shares certain features of colonial experience found elsewhere. Perhaps the most obvious was the implementation of what has been referred to in the literature as the policy of 'indirect rule'. Hong Kong society may have been built from scratch since its cession by China in 1841, but given the predominantly Chinese population that eventually settled there and in Kowloon (ceded in 1860), there was much more to suggest that the overall disposition of the place resembled that of other treaty ports in China than colonies like the Falkland Islands. This became even more so the case when the New Territories was 'leased' in 1898. Even though in strict legal terms, Hong Kong (and Kowloon) was a colony in the outright sense of being permanently ceded – while the New Territories was a temporary lease, where the colonial government simply assumed the role of manager-*cum*-taxlord – in practise, however, this distinction eventually became blurred and, for all intents and purposes, non-existent. In other words, the New Territories may have been as a matter of fact an outright lease, where the colonial government attempted to administer the territory in accordance with native custom and tradition, but this policy of indirect rule was in principle no different from that which guided administrators in late nineteenth century Fiji, India and elsewhere. Having said this, however, one should also note that the faithfulness to which individual colonial administrators regulated society in accordance with local custom varied considerably, largely as a function of how strictly policy was carried out.[6] In the New Territories, one can honestly say that indirect rule was largely guided by purity of purpose but for complex reasons to be explained in the course of this study became subverted as a result of many other mitigating factors. Given that colonial policy here was by initial intention guided by the principle of preserving traditional institutions on the basis of local custom, one must then ask to what extent did the colonial government accurately understand the nature and operation of traditional custom, and what were the consequences of its particular implementation of tradition upon the actual state of those beliefs and practises? While such questions have been posed already in the burgeoning literature on Fiji and India in particular, local historians and anthropologists of Hong Kong have almost without exception taken the appearance of 'traditional' custom and social organization at face value.[7]

The flip side of the colonial government's effort to administer society on the basis of local tradition was the emergence of modern institutions, most notably the state itself, that necessitated the disciplinary regulation of those same local social organizations and practices. In a Fijian context, Thomas (1990: 170) has argued that colonialism was in this regard a 'contradictory' project that on the one hand encouraged non-intervention in the maintenance of a customary order yet on the other hand necessitated intervention to subordinate that order to the disciplinary designs of the state. Similarly in his study of law in colonial India, Dirks (1986) has shown how legal efforts to codify and legitimize existing institutions led to subtle changes in rural society yet at the same time constituted the major failure of rural society to effect a complete and fundamental change. Contradictory as it may seem on the surface, I believe that the very aim to preserve tradition, which was a culturally arbitrary feature of late nineteenth century British colonial policy, was ironically part and parcel of the state's hegemonic and disciplinary designs. More than simply preserving tradition, it was the state's implicit aim to systematize and rationalize it, using the entire technology of modern objectification at its disposal (law, statistical knowledge, economic management) to make it optimally effective as a means of regulating it. At the heart of the colonial regime and its mandate or desire to rule then is the notion of governmentality (in a Foucaultian sense).

Chatterjee (1993: 26) has attempted to explain the essence of colonial rule largely as a function of its inherent project to perpetuate cultural difference and through continued imposition of categories that mark the duality of colonizer and colonized, like tradition and modernity. He notes that from a European point of view, colonial rule was usually never about the imposition of their own political institutions onto the other but the promotion of native self-government; it really aimed toward the preservation of local tradition instead of its destruction in the face of modernity. These claims that colonial rule was always about 'something else', as if to deny the obvious fact of political domination, was according to him a persistent theme in the *rhetoric* of colonial rule (emphasis added). This has also coincided with his observation that the more nationalism (anti-colonialism) tried to contest colonial power in the outer or material domain of politics, the more it met with efforts by colonialists to harden the boundaries of cultural difference to keep the inner or spiritual domains of self and other separate and sovereign.

Scott (1994) has attempted to extend Chatterjee's ideas about the nature of colonial governmentality by showing how its intrinsic politics of cultural difference and reconstruction is really the evolution of a rule of modern power. The implicit contradiction that Chatterjee sees between the inner and outer domains of colonial politics becomes in Scott's terms a basic change in the nature of governmentality where modern power is characterized by its shift in 'point of application' from the economy to the body social, which includes the various conditions of customary and disciplinary life routine invoked by terms like tradition and modernity.

There is indeed much one can say about the 'rhetoric' of denial pointed out by Chatterjee as being fundamental to the contradictions of colonial rule. While the masking of domination is clearly an element of colonial governmentality that is intrinsic to the efficacy of any kind of hegemonic presence, in Gramscian terms, I argue that this deliberate process of cultural mystification is general to the emergence of state power rather than peculiar to the colonial regime. However, contrary to Scott, I understand the nature of the modern project inherent to late nineteenth century British colonialism to revolve around its *discursive content* and *practical instrumentality* rather than its point of application. Without denying that all of society becomes the site of power, much like the way anthropological views of a total and systemic society later become galvanized through reference to the conceptual interlocking of 'social structure and 'function', what needs to be explained is why tradition, which is a culturally *peculiar*, hence symbolically *arbitrary*, aspect of late nineteenth century British colonial *imagination*, suddenly becomes incorporated into the colonial state's project of modernity, then how the content of tradition becomes reconstructed and given new meaning in full light of the various technologies of legal codification, administrative practice and policing. It remains now to show how this field of discourse is defined, then spell out in what sense it entailed modern interventions through routines of state.

To reverse the Gramscian order of things, I argue then that the empire is basically a (cultural) fiction whose reality is intertwined with the process of state legitimation and methodologically put into practise by an entire technology of legal apparatuses and disciplinary institutions. Richards' (1994: 6) observation that the late nineteenth century British 'imperial archive was a fantasy of knowledge' and that it was a 'paper empire' united not by force but by 'information' is quite germane in this regard. It was not so much that the need for information was what kept the empire unified in lieu of actual physical control but rather that the Victorian project of positive knowledge was something incorporated into the colonial project as a whole. Institutions such as the British Museum, which served as monument for the accumulation of artifacts and documents, were clearly the product of this imagination. Likewise, the exhibitionary complex that viewed the entire world as taxonomy was what Mitchell (1988) in an Egyptian context termed 'colonizing'.[8] As Cohn (1984) noted in his study of the census and social structure in colonial India, this process of objectification was part of the colonial government's need to define the nature of society as a prerequisite for administering it in its own terms. In broader terms, one can argue that this imagination of the universe as ordered taxonomy that had to be made visible through the accumulation of information in order for it to be regulated systematically and effaciously was a peculiar kind of world ethos or cultural vision that deeply influenced the conduct of government and by implication made all dimensions of social routine subject to what Corrigan (1990) aptly termed 'moral regulation'.[9] Rather than being peculiar to colonial governmentality *per se*, it was

general to the governmentality of modern society in ways that became easily appropriated by the state. As Cohn (1988) phrased it, the emergence of the state created its own forms of knowledge, necessitating the incessant accumulation of documentation in the genre of reports, investigations, commissions, statistics, histories and archaeologies. Such knowledge has usually complimented various imaginations of the social invoked by myths of sacred origin, icons of national identity, shared values, ethnic traditions and political thought.[10] This need to know, document and imagine provided the basis for its capacity to govern by defining and classifying spaces, making separations between public and private, demarcating frontiers, standardizing language, defining national identity and licensing the legitimacy of certain activities over others. It is thus part and parcel of the state's project to define itself and rationalize its continued existence.

In effect, in order to govern efficaciously, it was necessary to 'know', and the content of such knowledge was made possible by an ensemble of methodologies and practices that made visible the 'structure' of society and put into functional operation the various components of social life. If colonial governmentality was part and parcel of the state's project, it also had to be to some extent intertwined with the very conduct of a modern, disciplinary society. In my opinion, law played an important role, not only in terms of its ability to objectify in reference to 'value-free' codes and rules but also by virtue of its institutional link to power. Far from being an 'objective' institution, as perceived by those in power, it should be the very source of conflict with 'native' reality. As Dirks (1986) has noted for India, rule of law was the main reason why the British failed to alter the basic character of society (through preservation of tradition) yet at the same time explained why the (modern) changes that came about were actually achieved with so little major disruption. The dual consequence of legal rule is in my opinion ultimately the real source of contradiction that lies at the heart of British colonial governmentality.

Land as constituted: the changing mythologies of local rule in the New Territories of Hong Kong

In short, it is possible to view the experience of British colonialism in Hong Kong from the late nineteenth century onward as the realization in practice of a basic contradiction in the colonial state's effort to institutionalize the content of tradition using the methodology of a modern, disciplinary society. This interaction between colonizer and colonized was mediated through culture and played out in shifting contexts of power over time which can be read at the level of concrete events. The unfolding of events themselves then became the medium upon which second and third order narratives of Hong Kong history and society were later constructed. These latter narratives then became in turn reifications of 'routine colonialism'.

If anything, the territorial imperatives of local rule cannot be taken lightly. Colonial domination has usually been viewed as the administration at a local level of global policies that have explicit roots in the political theory of the time. Much less has been said, however, about the local practises themselves and the underlying *mentalité* invoked at a more unconscious level of routine control. They constitute the taken-for-granteds of colonial rule that are manifestations of a different kind of historically constituted global ethos. At one level of generality, the land and the people constitute an object of knowledge and structuration in a system of routine control. At another level of generality, the colony as perceived also becomes an object of speculation and policing within changing utopian visions of the 'empire'.

The problematic nature of indirect rule, even in the 'leased' New Territories (as opposed to the *terra nullus* status of Hong Kong and Kowloon), exemplified the kind of administrative control which was central to the late nineteenth century imperial archive that entailed an imagination of both land and people. Simply stated, land demarcation and village surveys were not just prerequisite for the collection of tax revenue; they were the basis of effective and orderly local administration in all other respects. As time went on, the relevance and function of land in relation to the maintenance of the status quo may have changed, but the extent to which the colonial government regulated affairs of local society in reference to indigenous tradition reflected the importance generally of native knowledge to efficacy of rule.

One of the priorities which the British set out to accomplish immediately after occupying the New Territories was to undertake a detailed survey of all land ownership and tenure by individual plot for every existing village in the territory. The survey entailed the work of specially trained Indian surveyors, assisted by Chinese coolies, working continuously over a period of three years from June 1900 to June 1903. A map was drawn for each demarcation district, showing physical boundaries for each plot of land. Each unit of land, be it agricultural, residential or other, was numbered and registered in the name of a person or group that had a claim to the land and could furnish the proper deeds. Upon submission of the deeds, the colonial government issued in return a Crown Lease, literally 'license' (*chih-chau*). The demarcation maps and the particulars of landownership provided the basis for the Block Crown Lease, a land register numerically ordered by lot for each demarcation district, and the Crown Rent Roll, which became the instrument for tax collection. It took another two years to get these land registers in order. All unclaimed land, that is, all land not registered in the above manner was then declared property of the Crown. Finally, Ordinance 18 of 1900 established a Land Court to hear disputed cases pertaining to landownership.

In his 1899 Report on the New Territories, published in 1900, J. H. Stewart Lockhart summarized the task of setting up a system of land registration when he said, 'a perusal of this memorandum (on Chinese land tenure) will, I think,

show that, though the Chinese system may be excellent in theory, it has not been well carried out in practise, with the result that the land question has proved one of great difficulty' (RNT, 1900: 253). This remark is important if not suggestive. For the British, the complexity of the Chinese land system in theory represented less of a obstacle than the laxity and failure of the Chinese government to properly 'operationalize' the principles, which led to widespread abuse and confusion in the system. The British were initially frustrated by the state of affairs in the Hsin-an County Land Registry, which registered only deeds and not titles to land. The deeds themselves never delineated exact land boundaries, peasants were often not able to document rights to land, and sometimes two parties would claim ownership rights simultaneously to the same piece of land (RNT, 1900: 278). Meanwhile, large clans and wealthy landowners made it a practise to bribe corrupt land officials so as to under-report actual landholdings. Chinese also lacked the custom of making out wills, probates or other documents to verify succession to property, and it was rare for one to officially register transactions with the Land Registry for the sake of documenting customary arrangements between two parties. It was in reference to such haphazard practices and the bureaucratic problems implicit therein that the colonial government focused their efforts when they set out to 'operationalize' the land system on the basis of local custom, in accordance with 'the lease'.

However, after land surveys got underway, other problems slowed up the progress of work. Reporting on the results of the Land Court from 1900–05, J. R. Wood cited several major problems (RLC, 1905: 146). Excluding the more trivial problems like the language barrier between Indian surveyors and Chinese staff, general uncooperativeness of the peasants, especially during ritual and harvest seasons, and the problem of land belonging to landlords residing outside the leased territory, the British discovered first of all that large clans often claimed tracts of land for which they either had no documented proof or paid a small percentage of taxes (RNT, 1901: 10). Secondly, peasant cultivators were often found exploiting plots of land on the less productive periphery of the village for which they had no titles and generally refused to register with the new government (RNT, 1902: 559). Finally and most importantly, cases of dual ownership of land were found to be a common occurrence throughout the New Territories and became a point of dispute between actual peasant cultivators and taxlords, both of whom claimed to be the legitimate, registered owners. Gradually, it became apparent to the government that these disputed instances did not represent conflicting rights to the same piece of land but rights to distinct parts of the soil, namely the 'surface' and 'subsoil', and that much of the dispute arose out of the fact that the new government could only recognize a sole legitimate owner. The actual situation became complicated when one or the other side was unable to produce the proper red deeds (to the subsoil) or white deeds (to the surface) and where the colonial government was put in a situation of having to subjectively decide upon whom should be the real, legitimate tax-paying owner.

The problem of dual ownership, taxlordism or perpetual lease ultimately frustrated the British for a long time and became the subject of intense discussion by later scholars (Hayes, 1976, 1977; Kamm, 1977, 1974; Nelson 1969).

In sum, the government was confronted with three kinds of problems: (1) the dilemma of perpetual lease or taxlordism; (2) problems arising out of the creation of land registration procedures for routine transactions such as inheritance, sale and succession; and (3) rules pertaining to the adoption of Chinese categories of land tenure and taxation. The government's handling of the dual landlord system (*i-t'ien liang-chu*) was a complex affair that resulted ironically in the abolition of the entire system, contrary to the government's principle of administering on the basis of Chinese custom (Chun, 1990: 401–22). Nonetheless, what was interesting about their resolution of the problem was the reasons that contributed ultimately to its abolition. Their inclination for bureaucratic expediency no doubt made the administrative problem of having to recognize the existence of two 'owners', one holding title to the 'topsoil' and the other to the 'subsoil', an unnecessary burden. Moreover, their subjective assessment of the situation led them to believe that the institution in many instances exploited tenant cultivators according to terms that were set (as if by ascription) in perpetuity.[11] This view was reinforced by reports that in almost all cases the actual cultivators had been more knowledgeable about the details of land-ownership than the subsoil owners and that in many cases much more land had been attributed to the latter, usually absentee clan landlords, than they were paying tax on. Thus in the final analysis, recognition of the institution was tantamount to perpetuating a corrupt system that effectively coerced tenant cultivators into accepting what was *in practise* spurious claims to land-ownership. As Orme later noted in his Report on the New Territories for 1912:

> Before the New Territory was taken over, many Punti villages were living on their capital, on 'squeezes' from their neighbours, and on pay received from the government for collecting taxes. Under British rule, these sources of revenue soon failed, and the older families became impoverished: but their frugal neighbors, and especially the Hakkas, released from their former exactions, thenceforward increased rapidly in numbers and riches at their expense.
>
> (RNT, 1912: 1)

Regarding land administration, the colonial administration felt it urgent to set up rigid procedures to register inheritance, succession and conveyances of sale in order to keep track of all changes in land-ownership. The initial work of land demarcation and registration in the New Territories was then an important first step in maintaining an orderly system of land records. On the whole, the British were especially sensitive to Chinese customary laws pertaining to the devolution of property in land. However given the high proportion of land owned by

ancestral estates (*tsu*) in rural areas, the government had to concede to Chinese custom one important aspect of English law, namely the 'Rule Against Perpetuities'. In order to accommodate this practice, certain stipulations had to be added to administrative procedures relating to land registration, which were subsequently written into the New Territories Ordinance of 1910. They included the following:

(1) (by-statute 15) Whenever land is held in the name of a corporate group, a trustee must be appointed to represent it. The trustee would be legally responsible for the land, as if he were the sole owner.
(2) (by-statute 17) The Land Officer is to ascertain the name of the person entitled to succeed before registering any succession.
(3) (by-statute 18) Whenever land devolves upon a minor below the age of 21, a trustee must be appointed who will be responsible for any transactions undertaken on behalf of the minor.

The second of the above by-statutes did not exist in Chinese customary law and was stipulated simply to insure that persons actually registered transactions with the government. As for the other two stipulations relating to trusteeship, they enabled the government to accept the material existence of perpetuities such as ancestral estates in accordance with local custom. Yet more importantly, the institution of trusteeship in administrative terms transformed the perpetuity into the status of a legal person by making the trustee legally responsible for actions of the entire group. For all intents and purposes, these three amendments to land administration practice did not really modify colonial policy on the basis of local custom but instead had the converse effect, that of accommodating local custom into a system which recognized only the legal status of individuals. In other words, the fact that the trustee in his capacity as a legal person properly represented the group meant that by the same token the perpetuity had no legal existence per se. Nowhere in the New Territories Ordinance does one find any legal definition of a perpetuity, which is, after all, a matter of custom. The trustee may be constrained by custom insofar as the decision making process is concerned, but this is distinct analytically from the requirements of the legal transaction itself, which held the person of the trustee solely responsible. Nelson clearly characterized this difference between legal procedure and its customary referent when he stated:

> The New Territories Ordinance, which lays down that a manager(s) shall be appointed for all property registered in the name of an ancestral trust, does not lay down the responsibilities of the manager to the other members of the *tso* (ancestral group). In fact, the ordinance stipulates that he shall be treated as sole owner of the property, subject only to the requirement that he give notice of any transactions relating to the property and the permission of the Land Officer for those transactions. . . . Any instrument relating

> to the *tso* shall, when signed by the manager, be 'as effectual for all purposes as if it had been executed and signed by all members' of the *tso*.
> (Nelson, 1969: 23)

The process of accommodating custom into a system of law points to a central feature underlying the theory and practise of 'indirect rule' in a colonial context. Far from being seamless and transparent, it was by definition an act of cultural translation that assumed moreover the *value-free* nature of legal codes and the objective status of law in the practise of custom. Even in theory, such translation was rarely perfect, but more importantly the very process of legalization dictated that the practice of custom conform to a set of procedures which was by nature modern. When backed by state power, the legal machinery thus institutionalized, with a vengeance, the absorption of custom into law and tradition into modernity.

The colonial government's attempt to adopt Chinese categories of land as the basis of taxation showed how translation, even at a superficial level, produced incompatibilities at a basic conceptual level. In an appendix to Report on the New Territories for 1899, Lockhart attached a *précis* on Chinese customary law entitled 'Memorandum on Land'. This as well as excerpts from other Western scholarly sources provided the basis upon which the British appropriated Chinese notions of land taxation for their own use. First class land (*shang-t'ien*) included land near villages in fertile valleys with a good depth of soil and good water supply, producing two crops of rice annually. Second class land (*chung-t'ien*) was rated less fertile, was generally situated higher up the slopes of hills, did not have as good a water supply as first class and usually produced one crop of rice annually. Third class land (*hsia-t'ien*) was situated on still higher slopes and tended to be far removed from good water supply. It was thus more suitable for the cultivation of peanuts, sweet potatoes, millet and crops which did not require much water. In addition to these three classes, fishponds paid a tax slightly higher than first class agricultural land, burial grounds paid a one time registration and stamp fee, while house land was exempt from tax altogether. Land officers also noted that hills and wasteland that were not necessarily put to productive use were sometimes claimed by nearby villages or powerful clans in the area. Land along the seashore under water on the other hand was registered and taxed whenever it was put to productive use (such as salt making). Finally, the notion of 'crown land' among the Chinese was vaguely defined, and waste land surrounding villages, including large tracts of virgin territory granted to families by imperial or provincial decree, did not appear to be subject to land tax at all. In view of the above, the colonial government modified the Chinese three-tiered land tax system as follows. First class land was to include choice padi land as well as first class house land. Second class land tended to include less fertile padi, dry cultivation and lesser quality house land, while third class land included wasteland and residual categories of non-agricultural, minimally productive or

non-productive land. Land not claimed by any party was duly declared 'crown land'. These hard and fast categories were enforced by a tightly regulated registration system and became 'law'.

In the process of 'translation', the colonial authorities in effect rigidified the categories and imputed rules of usage that did not exist within the system. Two notable revisions of the Chinese three-class tax assessment scheme was taxation of house land and the interpretation of crown land as that residual category of all non-claimed land. Using absolute fertility as the taxable or rentable value of land mirrored the Chinese emphasis on productivity or actual use, but the differences in practice became points of conflict in later years. In fact, sometimes the most expensive land was usually the middle grade and not the most fertile land (Rawski, 1972: 21, citing Yang, 1925: 48–50). Ch'en Han-seng explained this as follows:

> The share rent does not . . . depend on the fertility of the soil alone but largely on the respective amount of labor power and fertilizer which the tenant puts into the land. In this particular district, the tenant of good land often supplies more means of production per mow than other tenants because such an investment is certain to pay. Improving the soil, he is actually in a better position to bargain with the landlord who cannot afford to lease his good land to tenants who cannot or will not keep up the fertility of the soil. It is for this reason that the landlord gets less rent from the tenant of the best land, paradoxical as this may seem, than he gets from the tenant of medium grade land.
>
> (*ibid.*: 50)

The most sorely disputed point of difference between the government and rural inhabitants revolved around what the British called 'crown land' and what the Chinese called 'people's land' (*min-t'ien*). The next most contested point of conflict centered upon the government's decision to tax house land. Its handling of matters in relation to land classification produced a potentially volatile situation that continued to reverberate for decades. Moreover when disputes in this regard took place, the government refused to yield. As early as 1905, inhabitants of the territory protested against increases in Crown Rent, twice in the space of six years, as well as against the imposition of a tax on houses and buildings. As for increases in Crown Rent, the Colonial Secretary noted in his correspondence with the Governor that the 30 petitions submitted by 296 villagers to the government appeared to reflect agitation by a few rather than general dissatisfaction among the populace. Despite recommendations by the Registrar General to lower taxes, he defended the overall increases, adding that 'these people who are obliged to be overtaxed can afford to offer a substantial fee' (CSO, 3120/06). On the subject of house and building tax, petitioners claimed that this tax had never been imposed before and was thus unreasonable (CO, 129/338). The

Governor, Matthew Nathan, countered by arguing that the novelty of a tax did not affect the validity of its imposition (CO, 129/335). This position was explicitly articulated by the Colonial Secretary in official correspondence with the Governor:

> There is a house duty in England on inhabited houses occupied as farm house, public house, copper shop, shop warehouse, lodging house, and I think on house let in tenements or flats over certain amount. This is in addition to local rates. Unless we are to go on the principle that no taxes are to be levied in the New Territory other than such as were levied by the Chinese government, a house tax is a usual tax. All the other taxes mentioned are fair taxes.
>
> (CSO, 3120/06)

The objection was circumvented and the complainants mollified in part by a proclamation issued on 11 July 1906 which promised not to raise Crown Rents during the term of the lease. Such a promise not only deprived the government of large sums in revenue; it was also contrary to specific instructions given in 1899 by Chamberlain, the former Secretary of State, stating in effect that land tax must be subject to periodic revision. Even when Crown Leases were renewed in 1973 after the initial 75 year lease had expired, the Crown Rent remained unaltered with respect to most lots in the New Territories despite enormous increases in the value of the land. In short, in order to compensate for what appeared to be a legal contradiction of the Convention, the government made a financial concession. But in order to compensate for the obvious loss of revenue to be suffered in the course of succeeding years, they would have to make further revisions and restrictions in land policy and administration. All of this produced a vicious cycle, the end result being the increasing rigidification of those categories of land use which they first modified on the basis of custom then reimposed upon an indigenous way of life.

Conflicts over land and housing policy became most acute during periods of rural industrialization, population expansion and rapid modernization that were characteristic especially of the 1920s and 1970s. But it is important to note that these crises were in part prompted by the very nature of the *discourse*. Far from being givens of coloniality, as might be suggested by notions of colonial governmentality predicated on the inherent dualism between racial others, I argue on the other hand that the dualism pitting colonizer and colonized that epitomized the essence of indirect rule was generated in *practise* by the systemic differences between custom and law and ultimately between tradition and modernity.

These systemic differences should not simply be reduced to inaccuracies of cultural translation, although factual differences at this level no doubt served to exascerbate deeper conceptual and institutional conflicts. Value judgements on the part of colonial authorities that led to the abolition of the dual landlord

system and the introduction of new land taxes were, strictly speaking, contraventions of the New Territories Lease that were neatly covered up or defended as actions that in retrospect contributed to the necessary rationalization of the system, both in terms of bureaucratic accounting and maintaining order. On the other hand, the process of legal codification and administrative routinization unconsciously transposed new categories of use onto the practise of custom that in the long run transformed the institution itself. In the final analysis, control over land was not simply a tool of economic extraction but equally importantly part of an overall project of policing which entailed the structuration of communities tied to the land. It transformed not only the relationship between land and its people but ironically also facilitated the overhaul of those communities by disciplining the fabric of society as a whole. In this regard, the state mediated not only in its role as colonizing agent but more importantly by invoking at the same time a peculiar culturalizing ethos.

Land as constitutive: the ambiguities of territoriality in the changing globalism of British colonial rule

By very definition, colonialism is the product of the imposition of a global order. The rise of imperial conquest, the modern world system and most recently transnationalism represent different phases in the evolution of the global order in historical terms. At the same time, there have been just as importantly variations on the theme of colonial domination that reflect different globalizing visions. On the whole, one might say that the British experience has tended to move gradually away from the ongoing repressive regimes of Dutch and French rule (in Indonesia and Indochina, for example), based mostly on brute force and cultural assimilation, while on the other hand approaching, albeit reluctantly, the independence minded liberalism indicative of American colonial policy (in the Philippines, for example). The expansion of the empire was to be sure a function of its ability to overcome the physical challenges of achieving global domination, invoking Cell (1970: 220–53) to emphasize the seminal role of communications. Nonetheless, the enforcement of colonial hegemony, given the mantle of indirect rule and collusion of global-*cum*-local interests, eventually became in the long run a practise that relied on a varied mixture of force, legitimation and assuagement, as Low (1991: 4) phrased it.

This intrinsic ambivalence of indirect rule, which on the one hand relied on the spectacle of brute force, buffered by a regime of knowledge, surveillance and contiguity at all levels of administration, yet on the other hand actively promoted indigenous interests as a means of galvanizing local recognition of its own political legitimacy in the broader view of things was probably uniformly coherent in theory but actually mutated in practice to accommodate changing global conditions. In this regard, I argue that the paradox of indirect rule in a Hong

Kong context becomes most evident in light of both the changing meaning of the New Territories 'lease' and the changing status of Hong Kong in a contracting 'empire'.

When the New Territories were leased to Britain by China in 1898 for 99 years, it should have been in theory treated differently from Hong Kong Island and Kowloon, which were acquired in 1841 and 1860 as cessions in perpetuity. The leased status of the territory, which was predominantly rural and occupied by well-settled clan communities, should have made it even more imperative to rule in respect of local custom. Yet from the very beginning, it was obvious that both British and Chinese understandings of the lease differed greatly with regard to the status of the land and its people. These perceptual differences created unexpected conflicts that eventually altered the essential nature of the lease, but even more importantly overarching changes occurring at the global level in following decades, characterized most notably by the contraction of the 'empire' and shifting power relationships between colonizing and colonized states in addition to the emergence of a capitalist world system and Cold War divisions, transformed the fate of Hong Kong and the New Territories to such an extent that existing distinctions between 'colony' and 'lease' inevitably became for all effective purposes blurred.

The events surrounding the physical occupation of the territory exposed all the different interpretations of the lease held by each side. After initial jubilation among the British in Hong Kong subsided over the signing of the New Territories lease on 9 June 1898, referred to as the Convention of Peking, many details of its basic conditions were still pending resolution, including, for example, the precise demarcation of the northern frontier, the operation of Chinese customs stations and military garrison at Kowloon City as well as the scope and nature of colonial administration. The northern boundaries were accepted somewhat reluctantly by the British only in March of the following year and ended up dividing the Shum Chun Valley and the nearby market town of Shataukok in half. There was still considerable debate on both sides over the presence of the Chinese military and customs stations in Kowloon City, which the Chinese government insisted on, and military skirmishes took place throughout the territory over the construction of police mastheads prior to the formal hoisting of the flag on 17 April 1899, resulting in many deaths. Apparently, the Chinese provincial government failed to inform inhabitants that the territory had already been handed over the British a year ago. Even after signing the treaty, the Viceroy at Canton continued to administer the territory for months as though nothing really happened (Endacott, 1958: 25). But such miscommunication aside, the very meaning of the lease was debatable.

As Wesley-Smith (1980: 90) rightly cited, international leaseholds of the type imposed on China by the foreign powers in 1898 were inventions, instant creatures adapted to the environment created by imperialist rivalry in the Far East. Their status and effect in international law had not been carefully worked

out, and it was vital to colonial interests in Hong Kong that subsequent practice affirm that the leased territory be transferred to Britain in the same manner as Kowloon and Hong Kong Island. The New Territories was not to be just another part of China administered by a western power, but an extension of Hong Kong; the convention was to be seen as a treaty for the extension of established colonial boundaries, not just for the lease of territory. Thus, the Colonial Office declared from the outset that both countries would be administered in the same capacity and with the full powers of legal jurisdiction. This 'new' interpretation of the 'lease' was thus a post-hoc imposition upon the original convention, yet while it did much to clear up whatever confusion the British initially had at the outset about the status of the New Territory, it probably did nothing but widen the gap on both sides over most of the other unresolved questions. After all, the Chinese still talked about the leased territory as a lease, and this explained their insistence on maintaining a military garrison, customs station, continued payment of land tax by residents to the provincial government and sovereignty over the land and its people. By this token, the Convention of Peking really did little to change their 'business as usual' attitude toward the territory. The British subsequently evicted the Chinese military and customs station at Kowloon Walled City as being inconsistent with the defense of the colony, even though they continued to respect Chinese territorial sovereignty over the Walled City in other regards well into the following century, contradictory as it may seem. This intrinsic ambivalence of political and legal reality mirrored the way in which the colonial government set out to administer the leased territory on the basis of local custom and through cultural translation.

However, as with the case of the colonial government's legal codification of Chinese custom, the nature of British administrative presence in the territory was considered by native inhabitants as being anything but a system of 'indirect' rule. In this regard, the Chinese essentially viewed the terms of the lease as a kind of landlord-tenant relationship, not unlike a dual landlord system where the Chinese retained rights to the subsoil and jurisdiction over its inhabitants but leased to the British rights to the topsoil.[12] Moreover, the British made repeated assurances in official proclamations not to interfere with local customs and lifestyles.[13] More often than not, the British were perceived instead as doing precisely the opposite, e.g. by disrupting the local feng-shui and imposing customs which most Chinese perceived to be alien, namely levying poll taxes, house taxes, numbering houses, registering births and deaths and erecting police stations (CREBC, 1990: 261).[14] At the surface level, from a British point of view, the 'lease' was a conceptual ambiguity, that is to say, a provisional cession of territory, and this peculiar understanding of the 'lease' was attributable to a deeper ambiguity or confusion of categories within British colonial policy as theoretically constituted. After all, the need to acquire and control territory as a means of promoting trade interests was by the late nineteenth century a vestige of a dying mercantile capitalism. If the acquisition of Hong Kong and the New

Territories was necessary to protect trade interests in China, it was so only in the minds of the Europeans. The Chinese were willing to yield territory to the British in order to enhance the latter's sense of physical security, but it was highly unlikely that the Chinese understood how territoriality was logically related to the amelioration of trade relationships that were already well-defined and generating immense profits for both sides.

Whether the territory was administered as a lease or provisional cession depended largely on circumstance. In matters pertaining to lifestyle, the colonial policy of non-interference was predicated on the presumed objectivity of land usage categories, legal codes, statistical archivalization and everyday regulation of a body social. The conflicts that took place between government agents and indigenous inhabitants underscored apparent differences of perception that transcended overt policy directives and cultural conventions. More than just a clash of colonizer and colonized or of East and West, the kind of colonial intervention that resulted was one that at a deeper level threatened unwittingly to disrupt the underlying fabric of local society. The institutionalization of these differences into the social fabric created a system of hidden injuries that made things increasingly convoluted in the long run. The administration of the New Territories as an extension of the colony as a whole took precedence over the strict legal stipulations of the lease under those situations where jurisdiction of the colony in politico-territorial terms was at issue. The forcible eviction of the Chinese customs and military garrison from Kowloon City was one such case in point. Rural industrialization and urban population overflow from Kowloon over the boundary into the New Territories also made the need for seamless administration of the colony as a holistic entity in certain respects a higher priority, to which respect for tradition was accommodated whenever possible rather than vice versa. Changes in the international political environment that witnessed the decline of colonial empires, a rise in nationalism and Cold War division as well as the advent of a free market global economy in the postwar era were in this sense events that generally influenced both Hong Kong and New Territories without regard to their literal existence as colony or lease, thus making their very definitions anachronistic as well as time went on.

The complexities of indirect rule, which involved in theory the collaboration and assuagement of local authority, produced in practise consequences that did not particularly protect the status quo, despite repeated claims of official policy, nor satisfy indigenous interests, which proved to be more heterogenous than presumed by notions of the immutability of tradition and an undifferentiated Other. Matters pertaining to land and social organization generally rigidified the literal meaning of the lease by dualizing the conflicting role played both by British rationalization-*cum*-institutionalization of Chinese customary practise and inhabitants' claims to indigenous rights as protectors of the same 'local tradition' (Chun, 1991: 309–29). In this regard, it is interesting to note that colonial District Officers consciously and intentionally appropriated the symbols of the

Chinese local magistrate by serving as *fu-mu kuan* (literally 'father-mother officials'). The role of the British as fictive kin guardians of 'the system' became increasingly anachronistic during a postwar era characterized by radically changing global values in a way that also called into question the intentions of indigenous claims to tradition too.

The anachronism of the lease in this regard contrasted with the kinds of global forces that viewed Hong Kong and the New Teritories as a single colonial entity. Indeed, the very nature of Hong Kong as a 'colony' as well as its specific role in a declining 'empire' were undergoing fundamental change in ways that must be carefully articulated, especially in light of concurrent processes such as nationalism, Cold War geopolitics, free market commoditization and transnational capitalism. From these changes emerged new practices and narratives.

Hong Kong thrived and continued to flourish in an era when the British empire was already in permanent decline. Without doubt, overt factors such as the rise of nationalism everywhere combined with the impossibility of maintaining an overextended dominion contributed to the latter's demise. The peculiar ongoing status of Hong Kong in this evolving environment had much to do also, however, with the relationship of Hong Kong and its inhabitants to China, British interests *vis-a-vis* China given the changing balance of power leading up to World War II and into the Cold War era, as well as Hong Kong's role as a free trade port in an emerging global capitalist economy. The ideological imperatives of indirect rule that prioritized the relevance of collaboration and assuagement in the context of the lease were much less important here than the hegemonic functions of colonial control that served ultimately to legitimize existing institutions of rule and their underlying value systems. Control over the colony became as time passed less a matter of Britain's military ability to defend the territory than a result of other factors, the most important of which was China's intentions toward the territory (or Britain's ability to deflect China's territorial concerns away from Hong Kong).

The two most significant events that shaped Hong Kong's peculiar existence as a colony and its developing nature as a society were the nationalist movements of the Cold War era and the process of economic modernization during the postwar period. But unlike Britain's other independence-prone colonies, the predominantly Chinese population of Hong Kong had no independent national identity to speak of. Consistent with the colonial status of Hong Kong, the British administered it in accordance with their own judicial conventions, like any other colony. Yet in spite of its colonial status, there was no question as to the cultural identity of its ethnically Chinese inhabitants. Before 1950, most people just called themselves Chinese; there was no notion of being Hong Kongers. The border between Hong Kong and China was open, and there was little to differentiate Hong Kong from foreign enclaves in other treaty ports. The dualistic nature of Hong Kong's colonial society was then a function of the way in which the British demarcated the public and private spheres. There was a strict separation between

official culture, which was carried out in the medium of English, and indigenous culture, which was rooted in Chinese tradition. Social intercourse was segregated along ethnic lines and the government did little to cultivate among the populace any sense of national affinity to Britain. The ongoing connection with Chinese culture and Cantonese regional tradition also made independence inconceivable as well as unrealistic. The political rift between Nationalist (ROC) and Communist China (PRC) in 1949 transformed Hong Kong in this regard instead into a battleground for competing national identities. The polarization of sentiment along ideological lines peaked during the Cultural Revolution of 1966–1967 and erupted in fierce riots.

These Cold War tensions eventually catalyzed Hong Kong's transformation into a free market port, which was a deliberate policy initiative by the colonial government. A major consequence of this change in social terms was the evolution of a utilitarian society that diverted much energy away from competing nationalist sentiments and led to the emergence of a mass media culture in following decades, that was deliberately apolitical, which made it largely immune to direct control by the state.[15] The colonial government in effect took an active role in promoting economic growth in Hong Kong during the early postwar era, not just for the sake of modernization itself but more importantly as a means of steering Hong Kong away from ongoing nationalist conflicts that had threatened at times to destabilize the colonial regime.[16] From 1967–1984, influenced by the turn of events during the Cultural Revolution and distracted by material progress at home, nationalist sentiment began to wane to the point of not being anchored to any fixed political homeland (either to PRC, ROC or UK). This contributed to the rise of a peculiar kind of Hong Kong culture that was basically syncretic in nature. The promotion of consumer utilitarianism as a way of life also broke down ideological distinctions between Chinese and Western culture. Thus, Hong Kong's hybrid culture, which effortlessly fused East and West, was brought about by unrestrained capitalism's wholesale demystification of those cultural barriers that had been fostered by an earlier 'colonialism'. Indeed during this period of political alienation from the two Chinas, British colonialism softened considerably. The government facilitated the adoption of British nationality, and the enticement of British nationality increased as sentiment toward a remote Chinese homeland eroded and was combined with the benefits of emigration. This liminal public sphere that gave birth to a Hong Kong 'identity' ironically gave rise also to the discursive disappearance of the 'colony'.

Narratives of tradition and modernity in the domestication of the colonial mind: second and third order abstractions

In the final analysis, the free market institution gave rise to an autonomous culture industry. This autonomy was based in essence on representations born out of a postwar media culture that was both cosmopolitan and apolitical in nature. But this autonomy in a sociological sense effectively created competing 'imagined communities' insofar as they were based on mentalities and lifestyles that were divided on the basis of class and education. Those people identifying primarily with this cosmopolitan, apolitical culture simply constituted a liminal community *vis-a-vis* both an older generation tied to a national Chinese homeland and others drawn increasingly to Britain. Ironically, Hong Kongers clearly had no identity *as a people* in the sense of sharing common ideologies and values. The vacuous social space so created as a result of Hong Kong's displacement from the Chinese political mainstream and its caste-like status within the colonial system facilitated in the long run its mutating and increasingly vague existence as a colony. Its increasing isolation from the Chinese cultural sphere was without doubt a factor that accelerated the development of an autonomous cultural identity which was rooted in the popular culture of the mass media. But the fragmented nature of the resulting public sphere also accommodated continued coexistence among various competing communities precisely because of its cosmopolitan, apolitical disposition. In effect, the radical transformations of a market society not only insulated Hong Kong from the actualities of an enveloping nationalist conflict but also facilitated the illusion of colonial disappearance. During this time too, the word 'colony' was stricken from official texts and replaced by 'territory'. The intrinsic ambivalence of its local public sphere made Hong Kong constantly prone to crises of identity invoked by new geopolitical displacements and changing cultural discourses. In the culture of public spheres, new forms of identity consciousness mimicked the rise of new social mentalities and the waning of preexisting ones. The utilitarian, politically indifferent ethos of 'Hong Kong man' was a combination of Hong Kong's liminal status *vis-a-vis* the two Chinas and the colonial sublimation of politics. Colonialism not only appropriated modernity; it did so in order to transform itself.

The lack of a consistent cultural-political identity that was able to galvanize the formation of a unified, autonomous community of people *vis-a-vis* China or Britain meant that the fate of Hong Kong could continue to be determined by the pushes and pulls of diplomatic interests originating from London and Beijing. The contraction of the British Empire elsewhere did not necessarily if at all diminish its imperial aspirations. London's desire to regain British possessions in East Asia at the end of World War II was simply a matter of prestige (Tsang, 1988: 13; Chan, 1990: 293). The advent of a communist regime on the mainland made territorial control of Hong Kong even more imperative. On the other

hand, China's intention to recover Hong Kong appeared to be lukewarm, or in Chan's (1990: 314) words, subdued. Nonetheless, it was potentially threatening enough to persuade London to recognize Beijing. In other words, diplomatic recognition of China was a result of Britain's desire to protect its commercial interests in Hong Kong, and its desire to preserve Hong Kong in turn was seen less as a defense of Western interests against communism than as a defense of the empire itself. Maintenance of the colonial status quo received tacit support from the Chinese side during the postwar period well into the early 1980s largely in view of the role of Hong Kong as entrepot in China's economy. But as Tang (1994: 334–5) argued, Britain's adamant defence of Hong Kong as a colony later retreated significantly largely as a function of China's resurging nationalism and Britain's gradual recognition of the relative importance of China *vis-a-vis* Hong Kong both politically and economically, culminating in its decision in 1984 to return Hong Kong and the New Territories to China in 1997.

The changing colonial character of Hong Kong during the postwar era seen in light of the discourses of identity constitutive of the evolving world view of its constituent population on the one hand and the geopolitics of territorial control and trade domination on the other represents a significant framework that reveals a rather different dimension to the history of modernization and democratization. Contrary to the typical positivist reading of the contributions of Western progress and their influence on the history of Hong Kong culture and society advanced by most officials and scholars, the advent of the modern world system that gave rise to a free market society and its peculiarly depoliticized media based culture during the postwar period was not just the natural outcome of a self-interested desire for material improvement. Instead, it was the result of a systematically orchestrated strategy by the colonial government to carefully manoeuver through an unstable global environment. During most of the Cold War era, microeconomic laissez faire was conducted in the service of a highly regulated macroeconomic policy, just as the capitalist nature of media culture was fostered largely under the auspices of an autocratic political system that limited political rights in most other regards. The subjective effacement of a colonialism that now began to see Hong Kong as a territory in an era of progressive modernization in turn made utilitarian notions of culture so engendered once removed from the source of state hegemony.

Not unlike colonial discourses of indirect rule that claim to have reproduced and put into practise traditional principles of land and social organization in the administration of the New Territories, narratives of unilineal progress in postwar Hong Kong showcased by government policymakers and echoed by social scientists waving various banners of economic modernization theory have in effect neatly masked the hegemonic consequences of autocratic rule characteristic of Cold War politics and exploitative consequences of class inequality partly responsible for the emergence of a fractured public sphere and competing cultural identities. While these images of political stability and economic prosperity

have no doubt enhanced the successes of Hong Kong *vis-a-vis* its communist counterpart fraught by endless power struggles and the disincentives of economic socialism, the promotion of such discourses in itself in public or academic circles reflects no less than in the case of modern structuralist or functionalist theories a situation of routine colonialism. King's (1975) focus on the 'administrative absorption of politics' and Lau's (1981) emphasis on 'utilitarian familism' are typical of efforts by sociologists in Hong Kong to interpret the nature of Hong Kong culture and society. King's attempt to attribute Hong Kong's postwar political stability to the importance of co-optation as a grassroots political strategy is really a result in part of the growth of local administration during the postwar era and the government's effort to transfer the authority of official-mandarins to a routine clerical-managerial level. Similarly, Lau's characterization of Hong Kong Chinese social relationships as an extension of utilitarian familism is less an essentialization of Hong Kong Chineseness than the successful adaptation to a distinctively commercialistic, cosmopolitan lifestyle that came about only during the postwar era. More important than the accuracy of these second-order abstractions of everyday life, ephemerally constituted in the sense of being moments of a particular time and place, such intellectual discourses also serve a hegemonic role by sublimating the essential violence of colonial rule, the power of the state and modern economic survival. As post-hoc rationalization of a routine situation of stability and prosperity, which is hygienically purged of other inherent repressive and divisive elements of the 'system', the authority of local social scientific discourse can be questioned in much the same way as the legal codes and administrative practices that the British used to operationalize Chinese traditional customs on the land and maintain the status quo. By refining the colonial *mentalité*, it has domesticated its very source of institutional violence.

In sum, our understanding of the history of East Asian societies depends on our ability to see how they are in part the consequence of overlapping colonialisms, nationalisms and modernities. These overlapping processes make manifest on the one hand the complexity of changing global political forces that have given birth to these phenomena as well as the complexity of cultural conflict and interaction that have taken place in specific local situations. These are things that can hardly be encompassed or imagined by a single postcolonial theory. In the case of Hong Kong, the ambiguities of colonial-*cum*-modern rule can be seen in the postwar era. At the same time, the blurred boundaries between all these overlapping processes expose the complex interrelationship between colonial discourse and practise that has been incredibly glossed over and sublimated by simple unilineal narratives of economic progress and social stability inscribed in orthodox histories and textbook theoretical accounts. This effacement at the level of writing, once removed from the level of events, has in turn obscured our understanding of the complex changes in colonial discourse and practise that have occurred over the long term (as events twice removed from our present understanding). In terms of territoriality, which is supposed to be the essence of

colonial rule, one of the ironies of Hong Kong and the advent of 1997 is that reality of colonialism has been absorbed by the fiction of the lease. The paradox of 'indirect rule', even in the 'leased' New Territories, has shown on the other hand that, in addition to all the political machinations and cultural misperceptions at the time, both society and its people had already in fact been administered for all effective purposes as a colony. Despite the obvious brute force and hierarchical stratification that buttressed this regime, I argue moreover that the effectiveness and pervasiveness of colonial rule was only beginning. It continued to evolve and mutate, both in the process of systematic codification and institutionalization as well as in response to changing global imperatives.

Far from being a simple phenomenon, the intertwined relationship between the political processes of colonial rule, their underlying cultural constructions and the embeddedness of both in specific historical and local contexts has scarcely been systematically or rigorously analysed. Without even extensively interrogating the nature of what constitutes nationalism or modernity, I think the question of what constitutes colonial rule in Hong Kong is problematic enough. It is necessary first of all to view colonialism not as an abstract force but as the interplay of concrete discourses and practises. As a specific historical imagination, it shares common features with British colonialism elsewhere. It is important to see, at each point in time, how it is a product of global political forces, while invoking a global vision, as a precondition of its imposition in a specific cultural context. Yet despite the common conceptual and institutional framework, British colonial rule everywhere differed widely in its actual deployment. Uniqueness of experience was the result less of its confrontation with different cultures in different contexts but rather the specificity of different situations of practise, within which cultural perception was one of many relevant factors. In theory, for example, the explicit nature of the lease should have made Hong Kong's New Territories no different from Weihaiwei. Comparisons with imperialist or extraterritorial situations in other parts of China likewise made the Chinese cultural factor *per se* a poor constant in explaining the nature of this colonial experience. On the other hand, the role played by various agents in their specific interpretations of the situation on the ground underscored even more the negotiable and oftentimes negotiated quality of the events that have contributed in the long run to the manifest contradictions, deep seated ambiguities and cumulative systematicity that eventually became institutionalized in everyday practice. Over history, in light of the peculiarity of the system so engendered and confronted with new global conditions, it becomes impossible to isolate colonialism from other processes, not to mention contrast it with other experiences in Asia.

The literature on colonialism is overwhelming. But more than just the fact of economic exploitation or a product of ethnic discrimination, not to mention the imagination of post-colonial theory, the concept and practice of colonialism must be viewed literally, as a historical and social manifestation of a peculiar, ongoing global order, whose mentalities and strategies are the end product of

negotiated and culturally constituted actions. Yet despite the real violence characteristic of such rule (as though backed by the appearance or threat of force), even less has been said regarding its efficacy of governance, not only as a mode of subjection but also social and moral regulation. Comaroff and Comaroff (1997) have also noted that the basic contradiction of colonialism was that it attempted to impose one set of values that maintained separation between different classes of the population yet at the same time attempted to inculcate a civilizing ethos whose ultimate goal was the assimilation of citizens into a larger, all-inclusive polity. It would appear that, at some point in the long run, these implicit contradictions of politics and culture should have sown the seeds of its own self-destruction. In addition to the dubious process of cultural translation, it is not entirely clear why colonial rule relied on the maintenance (if not invention) of tradition as a condition for its own success. To say the least, the uniqueness of the Hong Kong experience stems in part from the mutation of colonial rule and its appropriation of modernity in many senses. The evolution of the state apparatus altered the essential character of rule by replacing the spectacle of power with a system of local, routine control that was supposedly self-regulating in nature. The emergence of a market society radically transformed the intrinsic contradictions of a system built on political difference by supplanting it with class struggles based upon differential access to economic and cultural capital. The discursive effacement that followed these mutations of the colonial system both in terms of official policy and intellectual writing, epitomized by self-congratulatory imperial histories that essentially reproduced narratives of pacification or unbroken unilineal progress and sanitized ethnographies extolling the pristine structures of local society, represented the final stage of 'colonialism'.

Hong Kong's colonial experience will likely be in the long run an ephemeral episode in its history. Nonetheless, its uniqueness should invite wider comparison with experiences elsewhere as a basis for theorizing the sociological conditions of being and becoming. Against a background of African experiences, Comaroff (1997) pointed to a need to theorize the colonial state. Citing what he termed the Minogue (1987) Paradox, which argued that the more elaborate the colonial state became or the wider it extended its disciplinary authority to cover the everyday life world, the less effective it appeared to be making natives into subjects or in stifling resistance, he noted, at least in Africa, the concurrent development of dual, conflicting polities, one based on images of liberal human rights and another based on primordial ethnic sovereignty. The ever-widening gap between the two polities has then set the scene for the enactment of contemporary postcolonial struggles. In Hong Kong's case, the ongoing misperceptions that have occurred on both sides in the context of history are not trivial, because these errors and injustices have inevitably become codified by the system, institutionalized in practice and in the long run routinized in everyday life as normal. In fact, life is anything but normal in 'modern' Hong Kong. What

you see may be what you get, but it is more often than not an inversion of rationality. In short, the most significant contribution of postcolonial theory to the social sciences generally has been its resurrection of the colonialism in us all or at least potentially so. This is not to say, of course, that one should read 'colonial' wherever one sees exploitation but to suggest that the existence of the colonial is in part a matter of definition or perception. Moreover, its complex machinations have invoked the frequent use and abuse of culture. The projection of postcolonial theory onto a situation not literally defined as colonial warrants explanation. It is in the end a matter of 'practise'. On the other hand, the absence of any attempt to properly problematize colonialism in a society such as Hong Kong, which is quite literally a colony, warrants even more explanation. Can it be that the various mystifications of culture play a role here, too? All this, if anything, should make anyone skeptical about what one takes 'for granted' as culture. It is in the end the product of an ongoing, concrete history of colonialism. Its ramifications for postcolonial struggle must be also seen in very specific light.

Notes

1 Perhaps the most prominent and systematic of these studies is the recently completed two-volume work by Comaroff and Comaroff (1991).

2 Representative works here are those of Fabian (1986) and Viswanathan (1989). Fabian is interested particularly in showing how choice of language was a means to maintain hierarchical distance between colonizers and colonized, while on the other hand Viswanathan shows that literary study of English served technocratic, utilitarian and civilizing functions in the maintenance of colonial hegemony.

3 The work of Said (1978) has spawned a minor cottage industry that does not need elaboration here. Likewise, colonialism has made the writing of history and resistance to imperial history (as in subaltern studies) important and inevitable enterprises in the process of political legimation and public reconstruction.

4 See especially the works of Pratt (1992) and Thomas (1994).

5 The work of Burrow (1966) and Stocking (1968) alone sufficiently shows that even the Victorian concept of race has roots in ideologies and institutions quite independently of colonialism, although there can be no doubt that colonialism can be used to institutionally intensify racial differences, among many other things.

6 France's (1969) brilliant study of the changing discourse of land policy in the construction of a Fijian tradition shows how such indirect rule was the cumulative result of individual interpretations of policy principles and native custom.

7 In addition to the work of France (1969), Clammer (1973) has detailed the role of colonialism in inventing Fijian tradition on the basis of their perception

of social organization and their synthesis of a unified set of customary laws. Also, Thomas (1990) has noted the contradictions of the state's non-intervention in 'preserving' Fijian custom and their intervention in the disciplinary reordering of routine life in other regards. In the context of India, Dirks (1992a) has emphasized that caste was a political construction of the colonial state, paralleling earlier arguments put forth by Cohn (1984) regarding the objectification of social structure in the census.

8 See Bennett (1988) and Stocking (1987) for different views of the evolution and function of museum archivalization and cultural classification in the Victorian era.

9 According to Corrigan, this notion has roots in Durkheim's arguments about the obligatory nature of moral rules that are really at the heart of social norms.

10 As Corrigan and Sayer (1985: 3) put it, 'the state never stops talking'.

11 The British were probably wrong in their 'assessment'. As Rawski (1972: 19) first pointed out, the longer the period of the lease and especially in the case of perpetual leases, the greater the degree of freedom exercised by the tenant over the land *vis-a-vis* the landlord. Economically, it provided the cultivator with an incentive to increase productivity given guarantees of fixed rent for the duration of the lease (Kamm, 1977: 63; Rawski, 1972: 18), and politically it provided a high degree of autonomy and self-regulation in everyday affairs. This self-assertion and independence on the part of the tenant was a result of the contractual nature of such a 'one-field, two-lord system' (*i-t'ien liang-chu*) and led Rawski (1972: 20) to remark in conclusion, 'custom was on the side of tenant and not the landlord'.

12 The Chinese government repeatedly maintained that the leased territory had the same status as the trade concessions or 'settlements' at the treaty ports. It never relinquished its right of sovereignty over the territory and its citizens. As late as the 1930s, China continued to assert its 'landlord' status, one instance of which involved the granting of mining licences in the territory and fishing licenses in the waters of the Colony. Dr Philip Tyau, special delegate for foreign affairs for Kwangtung and Kwangsi, argued that the Chinese government held authority to grant licenses in both cases on grounds that the New Territories and Kowloon City were not part of the Colony proper of Hong Kong and that, as the British consul-general at Canton paraphrased him, 'China has by no means forfeited all her rights *as ground landlord* in these territories, and the adjoining waters under the lease agreement' (Wesley-Smith, 1980: 167, CO, 129/564).

13 As Groves (1969: 48) rightly pointed out, both the tone and content of these proclamations more often than not had an effect which was contrary to intended aims. Instead of advocating non-interference with local practices on the land, for instance, proclamations appeared to advocate more stringent control over them, and instead of advocating self-government they made village elders appear like pawns within an autocratic system of administration. Or as Groves (*ibid*.) put it, 'control over both land and political institutions appeared to be at risk'.

14 The reaction by Ping Shan villagers to an announcement of the construction of the first police station was quite explicit:

> It says that land, buildings, and customs will not be interfered with but will remain the same as before. Why should they therefore, when they first come into the leased area, wish to erect a police station on the hill behind our village? When has China ever erected a police station just where people live? The proclamation says that things will be as before. Are not these words untrue?.
>
> (CREBC, 1900: 261)

15 See King's (1975) discussion of 'administrative absorption of politics', which is quite relevant to the common perception of an innately 'apathetic' political culture in Hong Kong, especially during the 1970s.

16 Law Wing-sang (1992: 5) attributes the government's policy of promoting economic growth through adminstrative efficiency and autocratic control to a strategy or rhetoric of 'managerial-corporatism'.

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