THE INTIMACIES OF FOUR CONTINENTS

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CHAPTER 4
THE RUSES OF LIBERTY

In the aftermath of the First Opium War (1839–42) as the British were establishing the new Crown Colony of Hong Kong, Lord Aberdeen, the British Foreign Secretary, wrote to Sir Henry Pottinger, the First Governor of Hong Kong, on January 6, 1843: "Although as I have stated in my dispatch of the 4th that it is the intention of Her Majesty's Government that Hong Kong should be a free Port, I think it advisable that you should not allow any exaggerated expectations to be founded on that term, which might inconveniently fetter Her Majesty's Government in making any arrangements either for purposes of police or of revenue which on mature consideration might appear expedient."[1] In light of the 1830s–40s conversion of the East India Company from a commercial monopoly to a colonial government in the service of an expanded "free trade" in China, Aberdeen's precise parsing of the meanings of "freedom" aptly illustrates the divergent objectives the concept of "freedom" managed to reconcile, and the different enterprises it could facilitate. Like Jeremy Bentham, John Stuart Mill, and other liberal advocates of "free trade," Aberdeen defined one kind of "freedom" as the British expansion of an international trade in manufactured goods and migrant labor, while taking pains to distinguish and separate these British prerogatives from the classic sense of "liberty" as political sovereignty. Aberdeen's parsing of the meaning of "freedom," designed to grant the British Crown unrestricted authority in the treaty ports, precisely demonstrated the variety

of purposes to which liberal ideas were being applied as the British expanded their imperial reach into China.

Aberdeen's qualification—that the British "free trade" be conceptually delinked from notions of either a subject's liberty or a nation's sovereignty—was a manifestation of the requirements for the new government of liberty, not only in nineteenth-century colonial Hong Kong, but moreover, in the expanding British empire. Liberal political reason became, in this historical conjunction, Britain's normative framework that facilitated the move from mercantile colonialism in the Americas to expanded imperialism in Asia and Africa, according to which liberal governance of colonized populations would facilitate access to resources and markets. While colonial power had employed "negative" powers to seize, enslave, occupy, and destroy, a new mode of imperial sovereignty also expanded the "productive" power to administer the life, health, labor, and mobility of colonized bodies.[2] The productive powers of liberty were realized in the command of bodies that moved themselves, exemplified by the millions of Chinese emigrant laborers exported around the world.

In the earlier discussion of the management of the China trade during the investigations of the renewal of the East India Company Charters in 1793, 1813, and 1830, I observed that the question of "China" emerged as *the* crucial site for British parliamentarians, colonial administrators, and military personnel to deliberate over the scope, means, and conception of the future global social order. England had been engaged with China since the "Governor and Merchants of London Trading into the East Indies" was founded in 1600. Factories were established in Formosa (Taiwan), in Tonkin (Vietnam), and at Amoy, Canton (Guangzhou), and Chusan, by the mid-seventeenth century; the first English notice of tea appears in 1664.[3] Trade with China began in earnest in 1762 with the establishment of a factory in Canton, which became the major Chinese entrepôt for European trade in the nineteenth century. Eighteenth-century British representations of "China" expressed not only the fascination with Chinese difference, but "China" was often imagined as the resolution to desires, conflicts, and contradictions within English society itself.[4] Some eighteenth-century representations idealized China's antiquity as an aristocratic antithesis of England's rising commercial society, yet by the

end of the century, a standard orientalist rhetoric figured China as fixed, despotic, isolated in a distant past, devoid of rational "rule of law," and in need of Western modernization and development.[5] Lord Macartney, for example, the British envoy who famously led the First Embassy to China in 1792, described China as a "semibarbarous people in comparison with the present nations of Europe."[6] Colonial and Foreign Office administrators cast their mission as the noble rescue and liberation of China from "backward" Manchu rulers and declared it was the English duty to "open" China to commercial enterprise and progress.[7]

By the late 1790s, East India Company administrators were preoccupied with increasing debt to China and sought to change the imbalance of trade from the British tea imports, with reports showing the export in bullion exceeding many times that of the export in produce and manufactures.[8] To balance exchange and prevent the "drain of silver" required in payment for Chinese imports, the Company improvised an elaborate, layered opium trade, despite the Qing government's explicit prohibition of the drug's import. The Company managed the cultivation, production, and packaging of opium in Benares, India, and private merchants like Jardine, Matheson, and Company, and others, imported the opium for sale along the Chinese coast. By the 1820s and 1830s, opium was the largest single traded commodity that Britain imported to China.[9] Silver received from drug runners at Lintin was paid into the Company's factory at Canton, and by 1825, the illegal trade rapidly raised most of the funds needed to buy Chinese tea. Yet opium was more than simply an economic commodity.[10] The distribution of the highly addicting drug that induced docility and dependence targeted the biology of the Chinese population, constituting a very different form of governance than earlier modes of political dominance or territorial conquest.[11] North American merchants played a significant role in the opium trade, as well, initially by carrying Turkish opium for sale in China in the 1810s, and then after 1821, stationing U.S. ships as opium depots in the waters outside of Canton to avoid Chinese government prohibitions, in exchange for protection and privileges from the British East India Company.[12] Vastly different notions of British and Qing sovereignty clashed in a series of disputes over the location, volume, and personnel involved in the trade in opium, erupting in the Anglo-Chinese War of 1839–42.[13] The

postwar 1842 Treaty of Nanjing established British trading privileges in the ports of Canton, Amoy, Foozhou, Ningbo, and Shanghai and established the Crown Colony in Hong Kong. The United States representative Caleb Cushing negotiated a comparable diplomatic agreement, the 1844 Treaty of Wanghia (Wangxia), which granted the United States most-favored-nation status, and extraterritorial rights for its citizens in China, as well. Teemu Ruskola argues that through the "unequal treaties" of Nanjing and Wangxia, British and American extraterritorial jurisdiction appeared to recognize China as a state within the international legal system, while at the same time compromising its sovereignty at both national and international levels.[14]

Contrary to the accepted understanding of political liberalism as the principle of formal equality and respect for the sovereignty of nation-states, I observe the ways that liberalism furnished the economic, as well as political and humanitarian, rationales for British imperial governance in Asia. Building on Adam Smith's critique of mercantilism and David Ricardo's law of comparative advantage, liberals at the *Westminster Review*, founded by liberal utilitarian Jeremy Bentham in 1823, combined political economic interests in efficient expansion of production with humanitarian beliefs in social reform.[15] The first issue included essays by both James Mill and his son, John Stuart Mill. An 1831 editorial, responding to the 1830 *Reports from the House of Commons Select Committee on the Affairs of the East India Company China Trade*, charged that the Company monopoly maintained profits for the British government and aristocracy, through exploiting the working classes' consumption of tea and other products from China and India.[16]

In 1829–30, John Stuart Mill wrote "Of the Laws of Interchange between Nations," an essay on free trade that would make one of the most significant additions to Ricardo's law of comparative advantage.[17] Ricardo had argued that in the trade between two countries, if each country produced the commodity in the production of which it enjoyed a comparative advantage, the total production would be increased, stressing that the costs of production determined comparative advantage.[18] Mill modified Ricardo's theory, adding that it was not only the costs of production, but the demand for the good, and the cost of acquiring it, that determined comparative advantage. In other words, the value of an

import, for example, tea, was not decided exclusively by what it cost the Chinese to produce. Rather, Mill held that the import's value on the market was affected by British demand, and by the British cost to produce the thing that was exported to pay for the tea, in other words, the cost of producing opium in India for export to China.[19] These insights may have been informed by Mill's observations working in the Examiner's office at the East India Company for thirty-five years from 1823 to 1858, where he had ample opportunity to analyze the movements of international trade, as he worked out the doctrine of reciprocal demands.[20] Mill's embellishments of Ricardo's laws of international trade may well have been describing the East India Company's strategy that had successfully balanced the China tea trade by increasing the import of British India–manufactured opium to China.

Indeed, John Stuart Mill's identification with company rule in India appears to have been unwavering. With the end of the East India Company's exclusive commercial privileges in 1833, the Company ceased being concerned with the business of trade, and its responsibilities focused on the civil and military governance of India. The Charter Act of 1833 had divested the Company of all commercial functions, and centralized the administration in the Governor-General-in-Council with full power to control the Bombay, Madras, and Bengal Presidencies in all civil and military matters.[21] Over time, the Company had acquired many features of a colonial state: the ability to wage war and peace, assess taxes and collect revenues, and administer civil and criminal justice. Accordingly, after 1833, the Company offices established to administer education, taxes and land revenues, law and jurisdiction over provinces and areas, and police and military forces took on more central importance.[22] In 1856, Mill was appointed the Chief Examiner of Indian Correspondence, heading the office in which he had worked for thirty years as First Assistant. In this position, Mill had the task of authoring several of the most important defenses of Company rule as Parliament was preparing to dissolve the Company's responsibility for governing India, including the 1858 *Company Petition to the Parliament*, which disputed the implication that failures of Company rule had led to the 1857 Indian Rebellion.[23] Most significantly, Mill wrote an extensive defense of the Company's record, *Memorandum of the Improvements in the Administration of India*

during the Last Thirty Years, which details the Company's accomplishments in revenues, education, and public works, and in building police and military forces to maintain social order.[24] The *Memorandum* is a virtual manual on the constitution of effective colonial government, before the final Government of India Act of 1858 dissolved the East India Company entirely, and its Indian possessions, including the armed forces, were taken over by the Crown. I discuss this *Memorandum* as well as the concluding chapter of Mill's famous *Considerations on Representative Government* (1861), which includes an elegy to the East India Company.

While it was the case that Mill's daily work life in the Examiner's Office consisted in drafting letters that reported on financial and administrative decisions in the administration of India, I am not making a biographical or causal argument about Mill's imbrication in British colonialism. That is, I am *not* suggesting that Mill originated the trade practices employed in China, or that working in the East India Company was the reason that he argued for free trade. Rather, as Uday Singh Mehta, Lynn Zastoupil, and others observe, I hold that the British liberal tradition, best exemplified by Mill, in fact provided the political economic philosophy that permitted imperial expansion.[25] In this sense, Mill—as both liberal philosopher and East India Company administrator—mediated his social and historical context, as an *organic intellectual* of British imperialism.[26] Contrary to the common claim of the civilizing mission—that empire was the means for the British to extend liberal freedom and civilization to its colonies—Mill's *On Liberty* and *Considerations on Representative Government* make evident that liberal notions of education, trade, and government grew out of the conditions of colonial encounter, and were themselves precisely philosophical attempts to grapple with and manage *colonial difference* within an expanding empire.[27]

While liberty would appear to eradicate or vanquish despotism, Mill discussed despotism, not as counter to liberty, but as the very condition out of which liberty arises and the condition to which it was integral and bound. He elaborated liberty as a principal of justice, which required the extent of power that state and society may exercise over members of society, and wrote of representative government and despotism as joined, as two parts of the same project of liberal political reason. In Mill's work, we see clearly that the governing of those with liberty was not inconsistent

with what he deemed the necessary constraints involved in governing those without it. He famously defined "the best government" as the one that may discern those who were "unfit for liberty" or not capable of self-determination; his ideas on liberal government combined the state's necessary use of force to maintain "order and progress" with the civil education of people for self-government. This conjunction rested on Mill's ideas of moral and social progress through which he understood both the education of individual subjects and the preparation of collective societies for democratic representation. In Mill's thought, the achievement of liberty was fulfilled within a progressive temporality exemplified by education, civilization, and government, and his work has become the normative political theory that rationalized the governing of liberty as representative government for some and despotism for others.

In earlier chapters, I emphasized the ways in which the abstract promises of abolition, emancipation, free wage labor, and free trade did not contradict colonial rule and slavery but rather accommodated colonialism and forms of neoslavery and inaugurated an expansion of international trade that depended on maritime power and access to ports around the world, what Gallagher and Robinson have termed the "imperialism of free trade."[28] In this chapter, I turn to the question of *liberal government*, both in the paradigmatic work of John Stuart Mill, and in the writings of colonial administrators during and after the First Opium War (1839–42) and during the settling of the new Crown Colony of Hong Kong. Liberal government, accompanied by free trade, became the normative political rubric under which a colonial division of humanity was extrapolated across four continents, at once the medium for political liberty in Europe and North America, and the vehicle for new forms of imperial sovereignty exercised through "rule of law," "order and progress," and "keeping the peace" in the colonial world.

Considering Mill's writings on liberal government and the East India Company's administration of the subcontinent, and then the India Office, Colonial Office, and Foreign Office papers on the Opium War and early years of the Hong Kong colony, I specify the ways that the liberal doctrine of political and economic freedom was accomplished through forms of governing people, processes, and key ports in Asia. I observe that the rise of an Anglo-American-led world capitalism system was

made possible through "shifts" in British imperial strategy that moved, over the course of the nineteenth century, from mercantile colonialism to empire across four continents. Innovations in scope, method, and targets of governance gradually changed British imperial strategy, over the course of the nineteenth century, from an exclusive system of colonial seizure, occupation, and slavery to an imperial governmentality executed through global trades in goods and people, manufacture on the Indian subcontinent and trade through treaty ports, classification and criminalization of populations, the racialization and policing of sexuality, and a military state of exception to command the seas. In other words, the new forms of imperial governance that ushered in what Lord Aberdeen qualified as "freedom" did not simply replace an older-style colonialism; rather there was an accommodation of both residual practices and new innovations. That is, the forms of imperial government practiced in the post–Opium War treaty ports and in Hong Kong consisted in the power to adapt and combine the projects of earlier colonial conquest with forms of transportable migrant labor, monopoly with laissez-faire, and historic territorial rule with new powers over circulation and mobility of goods and people.[29] Liberal ideas did not contravene these practices; rather they accommodated existing forms of plantation slavery and colonial occupation, while providing rationales for the innovation of new forms of imperial sovereignty for managing ports, seas, and population.

In reading the British colonial archive pertaining to the slave trade and its abolition, the end of the East India Company monopoly, criminal justice in Hong Kong, and the Royal Navy in the China Sea, I observe the subsumption of these transformations of power into a narrative of modern progress in the ways that the archive frames "free" labor, "free" trade, and "liberal" government as the significant triumphs of British rule. Before the eighteenth century, the seas had been thought to be crossroads that were common and open to all, implying that every state had the right to cross them for trade and war. Under the eighteenth-century mercantile system, Britain, Spain, France, and the Netherlands accumulated gold and silver bullion through controlling production and trade in their colonized territories, monopolizing industries, and seeking a positive balance of trade.[30] The mercantile powers had been accustomed to regulating trade according to a calculation of finite wealth tied to bul-

lion, that is, a zero-sum fiction in which one party's accumulation is lost by the other. As increasing competition for trade in the Americas, India, and China gradually gave rise to a new nineteenth-century economic rationality that suggested that trade was not finite, not zero-sum, Britain took steps to expand its dominion first by abolishing slavery and ending the British East India Company's exclusive privileges, and then by selectively lifting trade restrictions to expand "free trade" in Asia and across the world.

In 1807, the liberal concepts of abolition and free labor were employed in the British termination of the slave trade and the plan to introduce Chinese indentured labor to the West Indian colonies. By 1834, the abolition of slavery and the import of larger numbers of Chinese and South Asian workers was cast as a transition from "slavery to free labor," while the end of the British East India Company monopoly, in India in 1813 and in China in 1833, was discussed as the commencement of "free trade," which expanded private British and American commerce in Asia, particularly in opium. With a significant buildup of naval forces, Britain gained maritime access to and from the ports of India, Malaysia, Hong Kong, and coastal China.[31] England became the prime agent of what Carl Schmitt has termed as "the spatial turn to a new *nomos* of the earth, and potentially, even the operational base for the later leap into the total rootlessness of modern technology."[32] The separation of firm land and free sea had been the basic principle of *jus publicum Europaeum*, yet Britain took dominance of the sea as it outpaced the other colonial mercantile powers with an expanded international trade in industrially manufactured products that extended across four continents by the end of the nineteenth century.

These early nineteenth-century decisions to end colonial slavery and expand trade beyond the Company monopoly can be situated in terms of this new nineteenth-century economic rationality, which prioritized the command of the worldwide movement of goods, capital, and people, and which increasingly treated territorial occupation as a means to this end rather than as an end in itself. Yet I emphasize that the "new" economic rationality did not supplant the "older" logic; rather former modes of colonial conquest and territorial administration endured and coexisted simultaneously with new strategies of imperial governance and trade.

The East India Company's establishment of imperial legitimacy in India had already accomplished the work of upholding British commerce in India, China, and beyond. Once the political conditions for the control of international market forces were established, the Company outlived its necessity as a commercial entity, and it became more or less a private colonial government on behalf of the British state. Thus, the end of the British East India Company as a commercial trading corporation in 1833 signaled an economic move away from mercantilist monopoly toward securing the British-led worldwide trade in manufactured goods, and a political decision to combine military territorial rule in India with new forms of governance linked to the conduct of treaty ports, the creation of value through overseas transport, and the command of the circulation of goods and people. While the principle of "free trade" aimed to lift mercantilist trade barriers and to break up the East India Company monopoly, it also became the means for the expansion of the opium and "coolie" trades in India and coastal China. British and American firms shipped both opium and Chinese workers, and Chinese opium merchants were likewise involved in transporting laborers.[33] The two traffics in "poison" and "pigs," as they were termed, were "perversely integrated," and each flourished as the administration of the opium trade reiterated and permitted the expansion of the circuits of the "coolie" trade.[34]

After the Treaty of Nanjing concluding the First Opium War, Anglo-American "free trade" practices in China and in the new colony of Hong Kong required new measures in liberal government that included improvised emergency powers, compulsory registration of non-Europeans, and military and police regulations to suppress social unrest and riots. The liberal rule of law provided for the state's "legitimate" violence against the threat of "illegitimate" violence from others it deemed criminals, dissenters, and disturbers of the "peace." These military, naval, and police regulations employed in the name of "liberty" became regular parts of the governance of both Hong Kong and the Chinese treaty ports, until the century's end. By the latter half of the nineteenth century, a large migrant Chinese population, displaced by famine, poverty, and the war with England, was criminalized in Hong Kong by English law, producing a significant part of the population of "coolies" exported from the treaty ports to North and South America, the Caribbean, Australia,

Hawaii, and other parts of Asia. Needless to say, these connections are not represented as such in the colonial archive. Rather, through unlikely, contiguous methods of reading correspondence, treaties, and legal ordinances, we may find a genealogy of liberal governance that discloses its role in imperial innovation.[35]

Correspondence between Governors and the Foreign Office suggests that the British aimed both to accommodate residual practices and to experiment with new logics. British rule in the new Crown Colony of Hong Kong in the early nineteenth century included colonial conquest and martial law to claim land and organize the conduct of the colonized population, yet it profited from promoting nominally "free" yet coerced migrant labor. It refined methods for profit that drew from practices resembling *both* monopoly and "free trade," and it employed an older-style colonial occupation *with* new forms of security to govern "free" movement outside and beyond directly occupied territories. In other words, the history of liberalism in the context of the British trades with India and China after the First Opium War included *both* the promotion of ideas of freedom, free labor, and free trade, *and* the elaboration of specific modes for governing liberty in the colonies and beyond.

There is arguably no better authority than John Stuart Mill for our specification of the principles of liberal government in the nineteenth century. Mill's corpus exemplifies a system of liberal thought unique in both range and specificity; it presents a synthetic worldview, whose elements—education, moral philosophy, laws, political economy, government, and logic—mediate and manage the problem of government in Britain and in the larger empire. His ideas on education were at the center of his system of moral and social progress and exemplified his teleology of improvement, the end of which was the common good. In his essays on education, as well as in the *Autobiography*, *On Liberty*, and *Representative Government*, he emphasized education, as the crucial means to moral and social progress. Liberal education was not merely training in languages and literature, mathematics and scientific method, logic, history, political economy, and law, but more allegorically, it is what gives "a comprehensive and connected view of the things . . . already learnt separately, a philosophic study of the Methods of the sciences; the modest in which the human intellect proceeds from the known to the unknown."[36]

Mental and moral development depended on reflection, speculation, and improvement, and the cooperation with others to promote the common good.[37] Education was necessary for character formation, socialization, and the proper development of the moral and civic subjectivity of the "competent agent" within deliberative participatory democracy.

For Mill, "liberty" expressed the capacity for improvement in individual man and in collective mankind and exemplified the "permanent interests of man as a progressive being."[38] While manifest in freedom of thought, speech, individual autonomy, and the right to education and self-development, Mill was more concerned to define liberty as "Civil or Social liberty," or the principle that determines "the nature and limits of power which can be legitimately exercised by society over the individual."[39] By "liberty," Mill did not mean the narrower ideas of individual right or free will, but rather "liberty" was the overarching principle that both defined political sovereignty in liberal society, and which authorized the differentiated power of government over "backward" peoples. Mill stated that "this doctrine is meant to apply only to human beings in the maturity of their faculties. We are not speaking of children. . . . We may leave out of consideration those backward states of society in which the race itself may be considered as its nonage."[40] As the sovereign power over a population to prepare them for self-government, "liberty" promised the amelioration of human culture, society, and civilization, unfolding in time. Mill characterized this formative process of socialization into liberty as "the fitting adjustment between individual independence and social control" that leads to "the regulation of human conduct."[41] Like utilitarian thinkers Jeremy Bentham and Mill's father, James Mill, who were concerned with the "governmental character" of liberalism, John Stuart Mill also emphasized that liberal freedom included discipline.[42] In utilitarianism, additional freedoms necessarily required additional control and regulation; in this sense, control was not a counterprinciple to freedom; it was the condition from which it arises. Liberty depended on education and "good government" to cultivate subjects to judge and discern beyond the "yoke of opinion."[43] In this sense, "education," broadly understood, was the synthetic link between individual subjectivity and the state. Through the educative function of civil and social institutions, law, culture, the workplace, and the state, citizen-subjects are formed not

only for representative government, but also for participation in liberal society itself.[44]

Mill did not limit his definition of "good government" to representative government alone. Rather, "good government" was that which maintained "Order and Progress," and could discern the form of administration that would "preserve the peace," not only in Britain, but also throughout the English-speaking Commonwealth, and in the Asian and African colonies.[45] Maintaining order and progress meant precisely calibrating what form of government was appropriate "for England and France," on the one hand, or "for Bedouins and Malays," on the other, for discerning "the state of different communities, in point of culture and development, [ranging] downwards to a condition very little above the highest of the beasts."[46] Thus, the concept of "government" coincides with nineteenth-century narratives of civilization that enforced a hierarchy of nations, races, and cultures, and a linear development from non-Western "primitive" to "civilized" Europe. It justified, in Mill's writings, the despotism of colonial rule for those "unfit" for representative government, as a means of bringing the backward, violent, and undeveloped peoples of the non-European world into the universal civilization of Europe. Yet it is not simply that Mill's thought merely accommodated colonial domination; rather his ideas provided the terms, logics, and powers through which older colonial domination was rationalized and new forms of imperial domination were innovated and executed. If we examine Mill's *Considerations of Representative Government* (1861), in relationship to his writings on the East India Company, we appreciate that he explained "liberty" consistently through the division of those "incapable of self-government" from those with the capacity for liberty. *Representative Government* begins and ends with explicit discussions of the need for authoritarian government in colonial India as a means of progress toward liberty and civilization.

Mill introduced his arguments for representative government by detailing the conditions in which authoritarian despotic government was necessary and ended the work with a final chapter that reads as a melancholic elegy to the East India Company, whose destiny was to be sacrificed as the best example of "good government." Chapter 1 famously presents the colonial context of India as justifying the imposition of

despotic government on those "unfit" for self-government, that is, the "Hindoos" in need of government that is "despotic . . . one over which they do not themselves exercise control, and which imposes a great amount of forcible restrain upon their actions."[47] Mill characterized Indians as alienated from laws and political structures following from a former "bad" government that had not educated them in the qualities of reason, restraint, and tolerance required for self-government. Although the "rude" people had yet to be adequately instructed to eradicate the ills of "violent passion," "personal pride," and "deplorable states of feeling," so that they might "sympathize" properly with the law, Mill argued that through the education by "good" government, their "mental habits" could be "conquered" to the extent that they would be eventually fit to govern themselves. In situations with an as-yet uneducated populace, he argued, elected government could be easily made an instrument of tyranny. For Mill, India furnished the paradigm of "those unready for liberty," for whom despotism was the only suitable form of government. As he wrote in *On Liberty*, "Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end."[48] It is with reference to Mill that Dipesh Chakrabarty develops his notion that European historicism was a rhetorical formation that epitomized the injunction "not yet," which had placed Indians in the "waiting room of history."[49]

Defining "good government," in chapter 2, Mill offered a precise hierarchy of states—for example, the "savage" is above the "slave," the European above the "savage"—to characterize a good government as that which deduces what is necessary to progress and improvement for a particular people, as that force and capacity to discern the means to advance a given people to their next stage of development. Addressing the question of adaptation of forms of government to states of societies, he discussed Chinese, Egyptians, and Jews as examples of civilizations whose advances depended on their "good" despotisms. In chapter 3, he wrote of necessary "good" despotism, in which "there is no positive oppression by officers of the state, but in which all the collective interests of the people are managed for them, all the thinking that has relation to the collective interests done for them, and in which their minds are formed by, and consenting to, this abdication of their own energies."[50] This description

resonates in nearly identical terms with that of the East India Company presented in the final chapter of *Representative*, as well as in the series of pieces Mill wrote in defense of Company rule addressed to Parliament in 1858. The "best government" is one that educates the people, which is "the best apology for despotism." Mill's work demonstrates that ideas of liberal government emerged out of the colonial conditions of rule, within in which the Company maintained "order and progress" by compelling submission of the colonized people through the use of military force. Mill rationalized the use of law to preserve colonial state power by deferring revolt or rebellion and defined "good government" as the possession of enough force to either defeat or co-opt any violence that might confront it. He wrote that the state must be able to subdue opposition and require their submission "to the primary conditions of civilized society . . . through the necessities of warfare, and the despotic authority indispensable to military command. A military leader is the only superior to whom they will submit."[51]

The East India Company's rule was the implicit and explicit referent of Mill's treatise on "good government."[52] Not only did Mill view Company rule in India as an enlightened despotism of the best kind, but in the final chapter (18), he discussed the Company as the avatar of liberty, whose sacrifice is redeemed by the lessons in "the best mode of government" it left behind. Mill opened *On Liberty* with the definition of "liberty" as "not the so-called Liberty of the Will, so unfortunately opposed to the misnamed doctrine of Philosophical Necessity; but Civil or Social Liberty: the nature and limits of the power which can be legitimately exercised by society over the individual."[53] "Liberty," then, is the principle that defines the power of the state with respect to the people. In this sense, "liberty" in Mill is akin to twentieth-century discussions of "sovereignty," which includes not merely the province of the state to exercise jurisdiction over its citizens, maintain internal order and progress, and defend its territory, but also the state's use of force to establish its own legitimacy and support its own ends.[54] In his discussion of the East India Company, Mill focused particularly on its use of the colonial state's prerogatives and commended especially the Company's judgments of when and where to exercise or regularize this state of exception. Mill argued that the durable accomplishment of the East India Company was

the fulfillment of the most important imperative of government, which was to know "how to organize the rule of the advanced nation over the more backward."[55] The crucial difference between "good and bad despotisms," or between "good government" and "bad government," he wrote, was to be found in this knowledge and discrimination. He defended the Company as an independent body disinterested in profit, experienced and knowledgeable about Indian affairs, dedicated to civil administration, and far less corrupt than British officials. The chapter, and the book itself, concludes with a melancholic ode to the Company:

> It has been the destiny of the government of the East India Company to suggest the true theory of the government of a semi-barbarous dependency by a civilized country, and after having done this, to perish. It would be a singular fortune if, at the end of two or three more generations, this speculative result should be the only remaining fruit of our ascendancy in India; if posterity should say of us that, having stumbled accidentally upon better arrangements than our wisdom would ever have devised, the first use we made of our awakened reason was to destroy them, and allow the good which had been in course of being realized to fall through and be lost from ignorance of the principles on which it depended. *Dî meliora.* (577)

In his final words on the considerations of "representative government," Mill waxed elegiac about the East India Company's demise. His comment that the Company's "destiny" was "to perish" evokes the religious and poetic topos of the death of the righteous before their time, whose fate as sacrifice is redeemed by the good they leave behind to enlighten those in the present. Mill's moralizing lament that the righteous perish was punctuated by the Latin phrase "*Dî meliora*," which not only pleaded for better times ahead, but implied condemnation of the erring ignorance of his contemporary moment.[56] Rhetorically, Mill figured the East India Company as an innocent prophet, whose sacrifice might be worthy if it yielded the "fruit" of a "true theory of government." With this last chapter, Mill's *Representative Government* became an elegy for the East India Company, whose passing was a lesson for the future of liberty, a contribution to the greater improvement of human civilization.[57]

In the wake of the 1857 military and civilian uprisings that threatened Company rule in the upper Ganges plain and central India, Mill as Chief Examiner had the principal responsibility for writing the petitions and position papers addressed to Parliament in its defense. In the 1858 *Petition of the East-India Company*, Mill argued that the Company had been successful in building up a great empire, administered "without the smallest cost to the British Exchequer," and that the Company's government of India had been "one of the purest in intention."[58] In the 1858 *Memorandum of the Improvements in the Administration of India during the Last Thirty Years*, he detailed the Company's accomplishments as a colonial government: from the reform of land tax and revenue administration, the "ryotwar" (peasant-proprietary) system in the Bombay and Madras Presidencies, the settling of land rights for village communities in the Punjab and Northwestern provinces, and the creation of local municipal governments, to the building of roads, canals, and railways. He emphasized the improvement of education through the establishment of schools, colleges, and universities, and provisions for the training of teachers. Moreover, he explained that under the East India Company, institutionalization of British penal law, civil law, and law of procedure had become more coherent, rational, and streamlined. Mill praised especially the work of the "Thuggee Suppression Department," a separate police force for suppressing criminal gangs. "Thuggees," in Mill's description, "infested all the roads in India" and "murdered all they robbed." Not only had this department's operations eradicated these criminal gangs, he claimed, but they had rehabilitated the criminals into a productive laboring community "taught several useful branches of manufacture," making "valuable carpets and linen cloths, and a great proportion of all the tents used in India."[59] Affirming both eradication and rehabilitation, Mill measured the efficacy of a colonial state by its suppression of crime and maintenance of social order. He went on to state that owing to the successful suppression of criminal gangs, these policing operations had been extended to address criminal organizations, "piracy," "infanticide," "*suttee*, or the burning of widows," "witchcraft," and "tragga" or revenge killings. In other words, in the 1858 *Memorandum of Improvements*, Mill's treatise on the thirty-year transformation of the East India Company

from a trading corporation to a colonial government, Mill defines the duties of the colonial state precisely: rationalizing the efficient collection of revenue, providing for the education and improvement of the subject population, and securing sovereignty through the use of effective military and police force to eradicate crime and prohibit rebellion.

Thus, Mill's integration of free trade, representative liberty, and colonial government became the normative political ideology that facilitated the ascendance of British capitalism, while providing for the sovereignty of the British state to govern both the free and the unfree. Mill's "Of the Laws of Interchange between Nations" innovated David Ricardo's formulation of the law of comparative advantage by contributing insights on the comparative costs of production, which may have drawn lessons from the East India Company trades. His *Considerations on Representative Government* was not simply a discourse about British liberty, but it was an apology for the East India Company's "good despotism," with the final chapter offering an elegy after the Company's recent demise. His 1858 *Memorandum of Improvements* detailed the priorities of colonial governance, from rationalizing revenue collection, public works, and civil society, to the essential use of police and military force to maintain social order. Although Mill rarely discussed the British relationship to China, in what follows, I suggest that not only was Mill's advocacy of free trade commensurate with the vast expansion of British interests in China, but his argument for the necessary use of force in governing liberty provided for the innovations in governance employed in the post–Opium War treaty ports of coastal China, and in the new colony of Hong Kong. Mill explicitly argued that the best colonial government was the corporate colonial state, for which he believed early nineteenth-century British East India Company rule in India to be the ideal. Yet the liberal political reason exemplified by Mill, which combined economic free trade with political liberty, actually furnished the principles and rationale for the apotheosis of British imperialism in the second half of the nineteenth century.

Sir Henry Pottinger, who drafted and negotiated the Treaty of Nanjing in 1842, and became First Governor of Hong Kong, 1843–44, wrote when he forwarded the treaty, regarding "the retention of Hong Kong . . . every single hour I have passed in this superb country has convinced me of

of Empire: Capital, Slavery, and Indian Indentured Labor Migration in the British Caribbean (Philadelphia: University of Pennsylvania Press, 1998), 5.

80 Miller, *Way of Death.*

81 Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge, MA: Harvard University Press, 2013); Sven Beckert, "Emancipation and Empire: Reconstructing the Worldwide Web of Cotton Production in the American Civil War," *American Historical Review* 109, no. 5 (December 2004): 1405–28.

82 Farnie, *English Cotton*; Royal, *Culture and Commerce*; Parthasarati, *Transition to a Colonial Economy*.

83 In China studies, the First Opium War is often seen as the beginning of "modern" Chinese history, with all of the Eurocentric presumptions that the Western intrusion was the stimulus for modernization of China, displacing Sinocentric isolationism that defined itself against Western "barbarians," and drawing China into the global economic and legal order. I am arguing, quite differently, that China's relationship with Europe and the participation of Chinese migrant labor were the conditions for "free trade" and a new order of international trade in manufactured goods, the development of which we see in contemporary globalization.

84 Stelle, "American Trade in Opium"; Downs, "American Merchants"; Morse, *Chronicles of the East India Company*.

85 Lisa Yun, *The Coolie Speaks: Chinese Indentured Laborers and African Slaves in Cuba* (Philadelphia: Temple University Press, 2008).

86 Robert Irick, *Ch'ing Policy toward the Coolie Trade, 1847–1878* (Taipei: Chinese Materials Center, 1982), 153.

87 Curtis Marez, *Drug Wars: The Political Economy of Narcotics* (Minneapolis: University of Minnesota Press, 2004), 49; Christopher Munn, "The Hong Kong Opium Revenue, 1845–1885," in *Opium Regimes: China, Britain, and Japan, 1839–1952*, ed. Timothy Brook and Bob Tadashi Wakabayashi (Berkeley: University of California Press, 2000), 105–26, quotation 110.

Chapter 4: The Ruses of Liberty

1 CO 129/3, "War and Colonial Department and Colonial Office: Hong Kong, Original Correspondence, 1841–1951," 69–70.

2 Michel Foucault elaborated "biopolitics" as new technologies and instruments of power that permitted social, institutional, and political control over subjects through biological life itself, beginning with his lectures from 1975–76, collected as Michel Foucault, *"Society Must Be Defended": Lectures from the Collège de France, 1975–1976,* ed. Mauro Bertani and Alessandro Fontana, trans. David Macey (New York: Picador, 2003). Foucault distinguished "biopolitics"

as another form of governance that differed from earlier understandings of politics tied exclusively to state power; biopolitics can be understood as the governing of life through public health, medicine, psychoanalysis, nutrition, etc., which regulate and produce the ratio of births to deaths, reproduction, fertility, and population. See also Foucault, *The Birth of Biopolitics: Lectures from the Collège de France, 1978–1979*, ed. Michel Senellart, trans. Graham Burchell (London: Palgrave Macmillan, 2008). On "vile" bodies, Grégoire Chamayou, *Le corps vils: Expérimenter sur les êtres humains aux XVIIIe et XIXe siècles* (Paris: La Découverte, 2008).

3 Hosea Ballou Morse, *The Chronicles of the East India Company Trading to China, 1635–1834*, 5 vols. (Oxford: Clarendon, 1926).

4 Recent economic historians argue that in the eighteenth century, trade and markets were more developed in East Asia than in Europe, and that the period of British and U.S. hegemony constituted a temporary eclipse of China's long-standing distinctive labor-intensive domestic-focused economy. See Kenneth Pomeranz, *The Great Divergence: China, Europe, and the Making of the Modern World Economy* (Princeton, NJ: Princeton University Press, 2000); Andre Gunder Frank, *ReOrient: Global Economy in the Asian Age* (Berkeley: University of California Press, 1998); Giovanni Arrighi, *Adam Smith in Beijing: Lineages of the Twenty-First Century* (London: Verso, 2007); Giovanni Arrighi, T. Hamashita, and M. Selden, eds., *The Resurgence of East Asia: 500, 150, and 50 Year Perspectives* (New York: Routledge, 2003). Referencing these debates, Chi-ming Yang argues that in England of the eighteenth century, the excesses of credit, speculation, and self-interested entrepreneurship created a modern British crisis in conceptualizing virtue; British representations of China captured this paradoxical figuration, both as a rival in commercial wealth and an expression of traditional virtue, the coincidence of China's antiquity and modernity. Chi-ming Yang, *Performing China: Virtue, Commerce, and Orientalism in Eighteenth-Century England, 1660–1760* (Baltimore: Johns Hopkins University Press, 2011). On the eighteenth-century British perceptions of diplomacy and trade, and the understanding of China, see James Hevia, *Cherishing Men from Afar: Qing Guest Ritual and the Macartney Embassy of 1793* (Durham, NC: Duke University Press, 2005). On orientalism, see Edward Said, *Orientalism* (New York: Pantheon, 1978); Lisa Lowe, *Critical Terrains: On French and British Orientalism* (Ithaca, NY: Cornell University Press, 1991).

5 See Lydia Liu, *The Clash of Empires: The Invention of China in World Making* (Cambridge, MA: Harvard University Press, 2004), and Liu, ed., *Tokens of Exchange: The Problem of Translation in Global Circulations* (Durham, NC: Duke University Press, 1999); Teemu Ruskola, *Legal Orientalism: China, the United States and Modern Law* (Cambridge, MA: Harvard University Press, 2013).

6 Helen Henrietta Macartney Robbins, ed., *Our First Ambassador to China: An Account of the Life of George, Early of Macartney, with Extracts from His Letters,*

and the Narrative of His Experiences in China, as Told by Himself (London: John Murray, 1908), 394. In *Cherishing Men from Afar*, James Hevia examines Qing and British accounts of the embassy, emphasizing the different modes, practices, and conceptual frameworks that Qing and British actors brought to the symbolic encounter; he observes that both Qing and British imperial discourses were "absolutist"; that is, both strove to contain what were recognized as threats to the methods through which they produced power. Neither was, in other words, egalitarian or democratic; rather they operated to consolidate an imperial formation that placed the users of the discourse at the pinnacle of sets of complex hierarchical relationships (26).

7 The representation of China as stagnant and unchanging continues into the mid-twentieth century, characterized by the "China's Response to the West" approach in U.S.-China studies; see, for example, John K. Fairbank, *Trade and Diplomacy on the China Coast: The Opening of the Treaty Ports, 1842–1854* (Cambridge, MA: Harvard University Press, 1953); John K. Fairbank and Edwin Reischauer, *China: Tradition and Transformation* (1989). In the latter volume, e.g., Fairbank described the defeat of China in the Opium War: "given the irresistible vigor of Western expansion and immovable inertia of Chinese institutions" (277). For a critique of the epistemology and politics exemplified by Fairbank's approach, see Tani Barlow, "~~Colonialism~~'s Career in Postwar China Studies," *Positions* 1, no. 1 (spring 1993): 224–67.

8 *First, Second and Third Reports of the Select Committee, Appointed by the Court of Directors of East India Company*, HCCP (1793); *Papers Respecting the Negociation for a Renewal of the East India Company's Exclusive Trade* (1793).

9 On the opium trade, see Alain le Pichon, *China Trade and Empire: Jardine, Matheson & Co and the Origins of British Rule in Hong Kong* (Oxford: Oxford University Press, 2006); Timothy Brook and Bob Tadashi Wakabayashi, eds., *Opium Regimes: China, Britain, and Japan, 1839–1952* (Berkeley: University of California Press, 2000): Michael Greenberg, *British Trade and the Opening of China, 1800–1842* (Cambridge: Cambridge University Press, 1951); Peter Ward Fay, *The Opium War*, 1840–1842 (Chapel Hill: University of North Carolina Press, 1997).

10 The addicting effects of opium were notably represented in British literature by De Quincey, Coleridge, Conan Doyle, and others. See Curtis Marez, *Drug Wars: The Political Economy of Narcotics* (Minneapolis: University of Minnesota Press, 2004).

11 In this way, the opium trade was a form of "biopower," targeting the biology of the Chinese population independent of formal territorial or state conquest; see Foucault, *Security, Territory, Population: Lectures at the College de France, 1977–1978*, ed. Michel Senellart, trans. Graham Burchell (New York: Picador, 2007).

12 Charles Stelle, "American Trade in Opium to China, 1821–39," *Pacific Historical Review* 10, no. 1 (March 1941): 57–74; Jacques M. Downs, "American Merchants and the China Opium Trade, 1800–1840," *Business History Review* 62, no. 4 (winter 1968); Hosea Ballou Morse, *The Chronicles of the East India Company Trading to China, 1635–1834*, vols. 3, 4 (Oxford: Clarendon, 1926); *Report of Select Committee House of Commons* (1830). See also James Fichter, *So Great a Profit: How the East Indies Trade Transformed Anglo-American Capitalism* (Cambridge, MA: Harvard University Press, 2010).

The British were not only concerned about the imbalance of trade with China; they were also vexed by American competition in the trades. Britain had a much longer history of trading in India and China than the Americans, by virtue of the East India Company monopoly, but reports suggest perceptions that the Americans had become innovators of new, unorthodox forms of free enterprise about which the British were curious and from which they sought to borrow. After 1821, the British merchants brought the Americans into what had previously been their exclusive import of Indian opium to China, with British merchants transferring opium to American ships stationed at islands off the Canton harbor, and Americans gaining protection from the Company's relations with the Chinese government. In September 1821, a seaman on the American opium ship the *Emily* threw a jar at a Chinese woman aboard a peddler boat, and she fell overboard and drowned; later in January 1822, there was another incident, the affair of the HMS *Topaze*, at Lintin, when fire from a musket wounded a woman, and villagers retaliated. The conflict regularized Anglo-American cooperation in the illegal trade. See Hosea Ballou Morse, LLD, *The Chronicles of the East India Company Trading to China, 1635–1834*, 5 vols. (Oxford: Clarendon, 1926).

13 The Colonial Office, Foreign Office, and India Office representations of the events leading up to the outbreak of the First Opium War are fascinating. The account is collected in "Secret Department China Correspondence," in the India Office Records, IOR/1/PS/9/193, which includes British confidential reports and correspondence, and Chinese royal edicts and public notices, pertaining to the conflict.

In March 1839, the Chinese High Commissioner Lin and Provincial Authorities took measures to end the opium trade, which had grown rapidly since the 1820s and 1930s, demanding that the British discontinue the opium trade and surrender the twenty thousand chests of opium aboard ships in the Canton River estuary. Under orders from Commissioner Lin, the foreign community in Canton—including representatives from the largest British opium firms, as well as Charles Elliott, were detained in the foreign factory district for six weeks until the demands had been met. Elliot (1802–75), who served as Chief Superintendent of British Trade in China during this time, wrote to Foreign Secretary Lord Palmerston on April 3, 1839:

> The movement of a few hours has placed the lives, liberty and property of the foreign community in China, with all the vast interests, commercial and financial, contingent upon our security, at the mercy of this Government. . . . It appears to me . . . the response to all these unjust violences should be made in the form of a swift and heavy blow, unprefaced by one word of written communication. The Chinese Government has committed an act of sudden and cruel war upon the persons of Her Majesty's Officer and subjects. And the forced surrender of British property under the late circumstances is an aggression so dangerous in principle, and so intolerable in practice, as to render the full indemnity of every loss sustained a high duty to the cause of civilization. ("Secret Department China Correspondence," India Office Records, IOR/1/PS/9/193)

The collected correspondence includes two series of letters, one series exchanged between Elliot and Commissioner Lin, and another series exchanged between Elliot and British Foreign Secretary Lord Palmerston. The letters from Elliot to Lin are extremely respectful, and they promise to arrange the delivery of the British-owned opium so that matters may be peacefully resolved; Elliot politely requests the return of native servants to the foreign community, a supply of provisions, and the removal of barriers to and from the factories. In the other set of letters, Elliot to Palmerston, Elliot provides a narrative of what occurs each day, in rhetoric that begins with mild alarm in March, but by April, expresses great vexation and outrage at their "imprisonment," "intimidatory proceedings" and "menaced privation." These letters build to the recommendation that the British should respond with a military attack. In his April letters, Eliot proposes "swift and heavy blow," the forcible occupation of the Chusan Islands, and the blockading of the ports of Canton and Ningbo and the "Jung-tse-Kiang" River until China agrees to an apology for the indignities of their detention, an indemnity of five million sterling, the ceding of the Chusan Islands to the British Crown, and an edict permitting trade with islands and in all of the ports along the China coast.

In a sense, we might interpret Elliot's two series of letters as symbolizing two different approaches, not only to foreign trade and diplomacy, but to the representation of history, as well. Each treats the event that, in British imperial history, is cited as the crucial conflict inaugurating the First Opium War. It is frequently accepted that the British fought the First Opium War to redress these grievances of the British opium merchants in Canton, and to place the trade between the two empires on a more equal footing. Yet long before these events, British firms Jardine, Matheson and Dent and Company had for several decades sold opium produced in India to balance imports from China to Britain; they had long complained that the Chinese restrictions and "mistreat-

ment" of foreign merchants were hindering their trade, and the companies had urged a display of British naval or military strength to redress "intolerable indignities and impositions," and moreover, to force the Chinese government to allow a "reasonable and mutually beneficial" trade. See HCPP *Report of the Select Committee to inquire into the Grievances complained of in the Petition of Merchants interested in the Trade with China (presented 24th March), by reason of the Surrender of Opium to Her Majesty's Superintendent there, in the month of March 1839* (June 5, 1840), in which the Select Committee interviewed most of the merchants confined in their factories during the March–April 1839 events. When the High Commissioner ordered the merchants to surrender their opium and blockaded them in their factories in March 1839, the conflict provided the "opportunity" for the measures that the bellicose merchants had been advocating. Elliot's letters to Lin acknowledge this longer history that was the context for the Chinese embargo, while his letters to Palmerston, on which subsequent British imperial historiography has been based, represent the detention as "a sudden and cruel war upon the persons of Her Majesty's Officer and subjects," justifying the naval attacks and seizures of territory that followed. Eliot's two series of letters allegorize not only two different concepts of history, but two vastly different understandings of sovereignty: one conforms to the official imperial history that casts the Chinese as "inscrutable," "backward," and outside human history; the other diverges from this orientalist developmental temporality, and acknowledges the parity of conflicting, incommensurable perspectives of the British and the Chinese. It alludes to a broader context within which that history is not exclusive or hegemonic, nor its success inevitable. Elliot does not presume to represent a "Chinese" perspective, but his address seems to create the space for Lin: he apologizes for the opium trade, promises to remove the British ships, and pledges the "full and rapid fulfillment" of the Chinese demand for the chests of opium (Letter from Elliot to Commissioner Lin, March 25, 1839).

See also Lydia Liu, *Clash of Empires.* Liu examines the Anglo-Chinese contests over sovereignty in terms of different systems of meaning—legal, diplomatic, religious, linguistic, and visual—in which the matters of who is civilized and barbarian, legitimate sovereign and illegitimate intruder, were disputed.

14 Teemu Ruskola observes that the U.S. treaty negotiated by Cushing invented a U.S. tradition of extraterritoriality in Asia, designed to protect American commercial interests there, laying the foundation for "an imperial American sovereignty in the Pacific" in the second half of the nineteenth century and after, becoming a model for other European states that later entered into their own extraterritoriality treaties. Ruskola, "Canton Is Not Boston: The Invention of American Imperial Sovereignty," *American Quarterly* 57, no. 3 (September 2005): 859–84. See also Teemu Ruskola, *Legal Orientalism.*

15 See "On Free Trade," *Westminster Review* 23 (January 1830): 66–80; Henry Booth, "Free Trade, as It Affects the People: Addressed to a Reformed Parliament," *Westminster Review*, no. 23 (January 1830). Rpt. (London: Wells and Banes, 1833).

16 "East-India and the China Trade," *WR* 27 (January 1831): 2–11. "It is part and parcel of the general plot, by which the aristocracy of England are to be supported by the commonalty. They dare not take it from them directly; they dare not take it without the trouble of going to China or India to fetch it. But they *do* take it; and trust to the hocus-pocus of the circuit, for the concealment of the fact" (10).

17 Mill wrote "Of the Laws of Interchange between Nations" in 1829–30 but published it later as the first essay in *Essays on Some Unsettled Questions of Political Economy* (1844); see *Collected Works of John Stuart Mill*, vol. 4, *Essays on Economics and Society* (Toronto: University of Toronto, 1967), 232–61.

18 David Ricardo, *Principles of Political Economy and Taxation* (London: John Murray, 1819).

19 Mill had a long thirty-five-year career working in the Examiner's office of the East India Company, from 1823 to 1858. See John Stuart Mill, *Collected Works of John Stuart Mill*, vol. 1, *Autobiography*, ed. J. Robson (Toronto: University of Toronto Press, 1963); and vol. 30, *Writings on India*, ed. J. Robson, M. Moir, and Z. Moir (Toronto: University of Toronto Press, 1990).

20 Mill ends the essay by distinguishing between the effects of the "Law of Equation of International Demands" in relation to European countries and in relation to British colonies with exports for which there exists "extensive demand here": "On the whole, England probably, of all the countries of Europe, draws to herself the largest share of the gains of international commerce: because her exportable articles are in universal demand. . . . But our own colonies, and the countries which supply us with the materials of our manufactures, maintain a hard struggle with us for an equal share of the advantages of their trade; for *their* exports are also of a kind for which there exists a most extensive demand here, and a demand capable of almost indefinite extension by a fall of price" (Mill, *CW* 4:261).

21 Prior to 1773, the three presidencies of Fort William in Bengal, Fort St. George in Madras, and Bombay were independent of one another; in 1773, Governor-General and Council were appointed. By 1786, the Company had transformed "from a loose form of commercial administration to a more centralized, hierarchical system, equipped to expand the Company's military and political power and to develop its own peculiar style of autocratic-bureaucratic government." See Martin Moir, *General Guide to the India Office Records* (London: British Library, 1988), 20. These developments were carried a stage further by the Charter Acts of 1833 and 1853; the first expanded executive powers of Governor-General and Council over subordinate governments in India and

gave them sole legislative authority throughout British India; the second enlarged the Executive Council into a "Legislative Council."

The principle stages of British expansion under East India Company rule in the eighteenth and nineteenth centuries included the extension of the Madras presidency's control over districts formerly belonging to the rulers of Mysore, Tanjore, Hyderabad, and the Carnatic from 1792 to 1801; large parts of Oudh, Agra, and the districts around Delhi were taken from Oudh and the Marathas by the Bengal presidency, 1800–1803, which also assumed direct responsibility for the administration of Orissa; in 1816–20, Kumaon (1816), Saugur and Nerbudda territories (1817) and Ajmer and Merwara were added to Bengal, and a number of districts in western India, previously subject to the Marathas, were annexed to the Bombay presidency (1817–18); Arakan, Tenasserim and parts of Assam were ceded to Bengal by Burmese in 1826. Thereafter, main annexations during the company period included Coorg (1834); Sind (1834); Punjab (1849); Lower Burma (1852); Nagpur (1853); and Oudh (1856).

22 In the Examiner's Department, the Chief Examiner was in charge of four main branches—Political, Revenue, Public, and Judicial, each managed by an Assistant, or clerk; for the thirty years before he became the Chief Examiner, Mill was one of these Assistants, and over the course of his career, he was responsible for writing Company letters concerning the political and financial administration of Indian districts and territories, e.g., general discussion of matters pertaining to the administration of education, taxes, and revenues, the authorization of military and police operations, etc. See Martin Moir, "The Examiner's Office—The Emergence of an Administrative Elite in East India House (1804–58)," and "The Examiner's Office and the Drafting of Despatches," in *India Office Library and Records Reports for the Year 1977* (London: British Library, 1979), 2 vols. In the *Autobiography*, Mill wrote of his job drafting the company's official correspondence as "sufficiently intellectual not to be distasteful drudgery, without being such as to cause any strain upon the mental powers of a person used to abstract thought, or to the labour of careful literary composition" (*CW* 1:85). The India Office Records in the British Library include literally thousands of such drafted dispatches and corrected and revised drafts, as well as the final letters that Mill wrote while working in the Examiner's office; the two main series are E/4/612–1112, the Despatches to Bengal, India, Madras, and Bombay, and 1/P&S/6/233–399, the Political and Foreign Previous Communications and Drafts. Mill himself maintained a list of the drafts he prepared; some entries are confirmed by his penciled signature or initials on copies. For this list, see Mill, *CW* 30, *Writings on India*, ed. J. Robson, M. Moir, and Z. Moir (Toronto: University of Toronto Press, 1990).

23 Mill's 1858 *Company Petition to the Parliament* in *CW* 30, *Writings on India,* 75–90; Mill wrote several other brief pieces, including *Report to the General*

Court of Proprietors, Drawing Attention to the Two Bills Now before Parliament Relating to the Government of India, CW 30:161–71. On Mill's relationship to the East India Company, see Martin Moir, Douglas M. Peers, Lynn Zastoupil, eds., *J. S. Mill's Encounter with India* (Toronto: University of Toronto Press, 1999); Lynn Zastoupil, *John Stuart Mill and India* (Stanford, CA: Stanford University Press, 1994).

24 *Memorandum of the Improvements in the Administration of India during the Last Thirty Years*, in Mill, CW 30: 91–160.

25 Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* ; Lynn Zastoupil, *John Stuart Mill and India.*

26 Gramsci discussed the social function of the organic intellectual emerging from the material social relations in which he or she is situated. Organic intellectuals mediate, influence, and produce hegemony by means of their interventions in institutions and media of the public sphere: "Every social group, coming into existence on the original terrain of an essential function in the world of economic production, creates together with itself, organically, one or more strata of intellectuals which give it homogeneity and an awareness of its own function not only in the economic but also in the social and political fields." Antonio Gramsci, *Selections from the Prison Notebooks,* ed. Quintin Hoare and Geoffrey Nowell Smith (New York: International Publishers, 1971), 5.

27 As legal scholar Antony Anghie observes about the colonial origins of international law: "Sovereignty [was] formulated in such a way as to exclude the non-European; following which, sovereignty [could] then be deployed to identify, locate, sanction and transform the uncivilized. . . . It is seriously misleading to think of sovereignty as emerging in Europe and then extending—stable, imperial in its reach and control, unaltered, sovereign—into the colonial world." Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2005), 311–12.

28 John Gallagher and Ronald Robinson, "The Imperialism of Free Trade," *Economic History Review*, Second Series, 6, no. 1 (1953): 1–15.

The British empire was constituted both through direct conquest and occupation, and by means of the command of the circulation of goods and people. The United States played a role, as competitor and junior collaborator, in these early nineteenth-century innovations, and then took the lead of an Anglo-American world system in the twentieth century. Giovanni Arrighi argues, in *The Long Twentieth Century*, that the United States' succession of Britain as global hegemon is characterized both by adoption and transformation of the British empire's logics of territorialism and capitalism. Yet as Michael Hardt and Antonio Negri suggest, by the late twentieth century, "empire," which often goes under the name of "globalization," can no longer be

conceptualized as the traditional imperial possession of territories by a single national power but is better understood as a new spatial, political, juridical order, a global governmentality and postindustrial political economy mobilized and operated in multiple ways, without boundaries or limits. See Arrighi, *The Long Twentieth Century*; Michael Hardt and Antonio Negri, *Empire* (Cambridge, MA: Harvard University Press, 2000). See also Carl Schmitt, *The* Nomos *of the Earth in the International Law of* Jus Publicum Europaeum, trans. G. L. Ulmen [1950] (New York: Telos, 2006); Foucault, *Security, Territory, Population.*

29 In a sense, we see in this early nineteenth-century moment a dialectic between territorialism and capitalism that portends the processes that analysts like Arrighi and Harvey have identified as more characteristic of late twentieth- or early twenty-first-century neoliberal globalization, or what has been identified as the "new imperialism," unfolding today. See Giovanni Arrighi, *Adam Smith in Beijing: Lineages of the Twenty-First Century* (London: Verso, 2007); David Harvey, *The New Imperialism* (Oxford: Oxford University Press, 2003); Christopher Chase-Dunn and Thomas Hall, *Rise and Demise: Comparing World-Systems* (Boulder, CO: Westview Press, 1997).

30 Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* [1776] (Chicago: University of Chicago Press, 1976), developed the critique of mercantilism adversely affecting economic growth.

31 David Killingray, Margarette Lincoln, and Nigel Rigby, eds., *Maritime Empires: British Imperial Maritime Trade in the Nineteenth Century* (Suffolk, UK: Boydell, 2004); Alan Frost, *The Global Reach of Empire: Britain's Maritime Expansion in the Indian and Pacific Oceans, 1764–1815* (Victoria, Australia: Miegunyah, 2003).

32 Carl Schmitt, *The* Nomos *of the Earth,* 178.

33 See Persia Crawford Campbell, *Chinese Coolie Emigration to Countries within the British Empire* (London: P. S. King and Sons, 1923); Robert Irick, *Ch'ing Policy toward the Coolie Trade, 1847–1878* (Taipei: Chinese Materials Center, 1982); Curtis Marez, *Drug Wars*; Lisa Yun, *Coolie Speaks: Chinese Indentured Laborers and African Slaves in Cuba* (Philadelphia: Temple University Press, 2008).

34 See Marez, *Drug Wars*, 49; Christopher Munn, "The Hong Kong Opium Revenue, 1845–1885," in *Opium Regimes: China, Britain, and Japan, 1839–1952*, ed. Timothy Brook and Bob Tadashi Wakabayashi (Berkeley: University of California Press, 2000), 105–26.

35 See Chandan Reddy, *Freedom with Violence: Race, Sexuality, and the U.S. State* (Durham, NC: Duke University Press, 2011).

36 Mill, *CW* 21:219. In his "Inaugural Address Delivered to the University of St. Andrews," Mill described education as "whatever helps to shape the human being, to make the individual what he is or hinder him from being what he is not." *CW* 21:217.

37 Mill's moral theory is based on utilitarian good: "actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness." Mill, *Utilitarianism*, *CW* 10:210. Bentham's utilitarianism was a "consequentialist" moral theory, measuring good in terms of actions' consequences. Mill refined Bentham's emphasis on quantity with a more complex elaboration of quality; i.e., he valued highly the discrimination by "competent agents," educated subjects who have enjoyed the liberty of self-development, and possess the liberal virtues of cultivated reason, reflection, and individual autonomy.

38 Mill, *On Liberty*, *CW* 18:224.

39 Mill, *CW* 18:224.

40 Mill, *CW* 18:230.

41 Mill, *CW* 18:233.

42 Bentham's "Panopticon," or the "inspection-house," was a plan for a model prison, which reformed, preserved, and socialized the subjects, enabling supervision of their conduct, while increasing the efficiency and productivity of their activities. Jeremy Bentham, *The Panopticon Writings*, ed. Miran Bozovic (London: Verso, 1995).

43 Mill, *Considerations of Representative Government*, *CW* 19:393.

44 In this sense, utilitarian notions of "liberty" anticipated what Michel Foucault would later term "governmentality." Foucault, "Governmentality," in *The Foucault Effect: Studies in Governmentality*, ed. Graham Burchell, Colin Gordon, and Peter Miller, trans. David Macey (Chicago: University of Chicago Press, 1991), 87–104; see also Foucault, *Security, Territory, Population.* On the relationship of liberal freedom and domination, see Barry Hindess, "The Liberal Government of Unfreedom," *Alternatives: Global, Local, Political* 26, no. 2 (April–June 2001): 93–111.

It is important to observe, however, that although Foucault's concept of "governmentality" emerges as a description of western European liberal societies, it is too often universalized to other societies. To consider Foucault's insights in relation to non-European locations, we must insist on acknowledging that European colonialism formed the conditions for the emergence of Foucault's ideas of modern power in Europe. To make use of Foucault's concepts in the analysis of colonial relations, we can presume neither that a social practice in the metropole correlates with those bearing the same name or temporality in the colonies, nor that the colonized site follows a linear development from colonized unfreedom to liberal freedom. Rather, Foucault's concepts are most valuable if we take care to rework them in terms of the asymmetries that characterize the differential relationship between liberal metropolitan Europe and colonial sites. Foucault's observations that modernity was characterized by the shift from sovereignty invested in the king's power to make die (*faire mourir*), to governmentality organized by the productive power to make live

(*laisser vivre*), has given rise to developmentalist assumptions that while older authoritarian states governed through negative constraints of slavery, confinement, or torture, modern liberal societies govern through subjects' desires, and pursuit of life and well-being. These accounts elide "coloniality" as the material and epistemological conditions for the rise of European modernity and naturalize the Eurocentric philosophy of being, which Sylvia Wynter describes as a particular "ethno-cultural" philosophy in which Western man has come to "overrepresent" itself as if it were the "human" itself. See Sylvia Wynter, "Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, after Man; Its Overrepresentation—An Argument," *New Centennial Review* 3, no. 3 (fall 2003): 257–337.

It should be evident that contrary to the understanding that governing through "liberty" overcame older forms of unfreedom, we must nuance the ways that "liberty," when introduced to govern colonial situations, did not end colonial domination, but in its *productive* power, precisely accounted for, and provided the terms, rationale, and practices through which older colonial domination continued and new forms of imperial government took hold.

45 Mill discusses the "colonies of European race," like America and Australia, as closest to self-government. British rule in these colonies is "a step towards universal peace, and general friendly cooperation among nations," "renders war impossible among a large number of otherwise independent communities," "hinders any of them from being absorbed into a foreign state," and it empowers British and "adds moral influence and weight in the councils world of the Power which, of all in existence, best understands liberty." *CW* 19:565.

46 Mill, *CW* 19:394.

47 Mill, *CW* 19:377–78.

48 Mill, *CW* 18:224.

49 Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton, NJ: Princeton University Press, 2000), 8–9.

50 Mill, *CW* 19:401.

51 Mill, *CW* 19, 415.

52 Of the East India Company's rule, Mill wrote: "This mode of conducting the highest class of administrative business is one of the most successful instances of the adaptation of means to ends, which political history, not hitherto very prolific in the works of skill and contrivance, has yet to show." Writing about the proper role of the executive office in representative government in chapter 14, he praised the relationship of the Governor-General to his Council in different presidencies in India. Mill, *CW* 19:523.

53 Mill, *CW* 18:217.

54 In the 1921 essay "Critique of Violence," Walter Benjamin wrote that the modern state instrumentalizes the law in order to eliminate any force that may pose

a threat to its legitimacy or sovereignty, such as a general strike by the workers, in which the state represents its access to violence as the "just means" for the achievement of "just ends." Walter Benjamin, "Critique of Violence," ed. Marcus Bullock and Michael Jennings, trans. Edmund Jephcott, in *Selected Writings*, vol. 1 (Cambridge, MA: Harvard University Press, 1999).

While Benjamin wrote critically about the liberal state's use of violence in imposing the "rule of law," his contemporary Carl Schmitt asserted in a prescriptive manner that this recourse to violence was necessary and integral to sovereignty, consisting in the state's power to decide the "state of exception." Schmitt wrote, "The Sovereign is he who decides on the state of exception." *Political Theology* [1922], trans. George Schwab, intro. Tracy Strong (Chicago: University of Chicago, 2004). Schmitt argued that the "concept of the political" is founded on the ineliminable role of power in an ongoing state of war that is epitomized in the distinction between "friend" and "enemy" and charged that pluralism and liberal process "depoliticized," or hid, this fundamental condition. He argued that the state's violence is not exceptional, as opposed to some normal stability, but is itself the predominant form of modern nations. Carl Schmitt, *The Concept of the Political* [1932], trans. George Schwab, intro. Tracy Strong (Chicago: University of Chicago Press, 1996), 27.

Giorgio Agamben's discussion of sovereignty in *Homo Sacer: Sovereign Power and Bare Life,* trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998) builds on both Schmitt and Foucault. For Agamben, the political sphere of sovereignty is constituted through a "double exclusion"—the exclusion of the sovereign (who, above the law, may declare the state of exception in which to kill is not homicide) and the exclusion of the *homo sacer* (life that may be killed, that is, "sacred" because it is killed but unworthy of sacrifice, set outside the human without being brought into the divine); both constitute and yet are structurally exempt from political society. While modern liberal democracies attempt to distinguish republics from the excesses of absolute monarchy and totalitarianism, Agamben argues that this apparent distinction is belied by a continuum secured by a common biopolitical origin; liberal states extend the same notion of sovereignty, monopolizing violence to declare the state of exception in which killing of bare life is justified.

Remarkably, however, none of these theorists locate the emergence of sovereignty in relation to colonialism, as the conditions providing for the emergence of the modern liberal state. Achille Mbembe, in contrast, discusses modern state "sovereignty" in colonialism's racial administration of the life and death of the colonized, in which the "rights of man" were precisely coterminous with the *necropolitical* subjugation of enslaved life on the plantation; for Mbembe, colonialism is the state of exception par excellence. Achille Mbembe, "Necropolitics," *Public Culture* 15, no. 1 (2003): 11–40; also *On the*

Postcolony (Berkeley: University of California Press, 2001). Yet the context of the coloniality of the state of exception is evident in Asian, African, or Caribbean theorists of decolonization—from Frantz Fanon to Kwame Nkrumah to Ho Chi Minh. Fanon, for example, writes of the colonial state as regularizing the rule of the colonizer over the colonized through its monopoly on violence, and its criminalization of the anticipated uprising of the colonized against the social order and state. For this reason, Fanon wrote about the necessary violence of *decolonization* for the transformation of the unethical social relations of colonial rule. Frantz Fanon, *The Wretched of the Earth* [*Les damnés de la terre*, 1961], trans. Constance Farrington (New York: Grove Press, 1968).

55 Mill, *CW* 19:567.

56 This echoes the book of Isaiah, "The righteous perisheth, and no man layeth it to heart: and merciful men are taken away, none considering that the righteous is taken away from the evil to come." Isaiah 57:1, King James Bible.

57 Mill's belief that the East India Company had been involved in a righteous civilizing mission is evident in his testimony before the House of Commons in 1852, and following the 1857 rebellion when the Company came under even greater scrutiny. "Report from the Select Committee of the House of Lords Appointed to Inquire in the Operation of the Act 3 & 4 William IV, c. 85, for the Better Government of Her Majesty's Indian Territories: with Minutes of Evidence, Appendix and Index Thereto" (June 29, 1852), HCPP 1852–53, 30:304–36.

58 Mill, *CW* 30:79.

59 Mill, *CW* 30:121.

60 War and Colonial Department and Colonial Office: Hong Kong, Original Correspondence, 1841–51, Great Britain National Archives, Despatches, Offices and Individuals, 1842, CO 129/1. For Pottinger's correspondence discussing the terms of the Treaty of Nanjing and the establishment of the colony at Hong Kong, see War and Colonial Department and Colonial Office: Hong Kong, Original Correspondence, Great Britain National Archives, CO 129/1–3; see also Secret China Department Correspondence—Foreign Office 1842–43, in India Office Records and Private Papers, IOR/1/PS/9/195, British Library, regarding negotiation of Treaty and establishment of Colony of Hong Kong. See also George Pottinger, *Sir Henry Pottinger: First Governor of Hong Kong* (Gloucestershire, UK: Sutton, 1997).

61 War and Colonial Department and Colonial Office: Hong Kong, Original Correspondence, 1844–45, Great Britain National Archives, CO 129/6–8, 11. Sir John Francis Davis (1795–1890) was a sinologist who had been a diplomat in China since the 1810s. In 1844, Davis became British Plenipotentiary and Chief Superintendent of British Trade in China, and in 1844–48, Second Governor of

Hong Kong. During his tenure, there was great antagonism against Davis among Hong Kong residents and British merchants because of his creation of heavy taxes, abrasive treatment of his subordinates, and his establishment of far-reaching police authority.

62 HCPP *Report from the Select Committee on Commercial Relations with China Together with the Minutes of Evidence, Appendix and Index*, July 12, 1847. Interviews with witnesses included many comments about the promise of Hong Kong and the reversal of its fortunes under Governor Davis, employing the rhetoric of degeneration and decay that characterized the discourse about Hong Kong in these years.

63 "Report on the Island of Hong Kong" (1844) by R. Montgomery Martin, Her Majesty's Treasurer for the Colonial and Consular Service in China. The report described Hong Kong as "decomposed," "disintegrating," "rotten," "fetid," "pestiferous," "mortific," "deadly," etc. Martin wrote: "The Chinese are formed into secret societies for the mutual protection of villains, and no man dare inform against another. At this moment, the European inhabitants are obliged to sleep with loaded pistols under their pillows; frequently to turn out of their beds at midnight to protect their lives and property from gangs of armed robbers, who are ready to sacrifice a few of their number if they can obtain a large plunder." Enclosure 1, no. 1, House of Commons Session HCPP 1857 on Hong Kong.

64 In letters to the Colonial Office, Davis described the specter of threatening criminal activity, cited as justification for the establishment of ordinances. For example, in a letter of May 17, 1844, Davis reported to Lord Stanley an attack on a ship on its way to the military post on the south side of the island, to explain the need to establish a Police Department there: "The pirates in this neighbourhood have become so daring and formidable, and I fear that the most summary measures may become necessary for their suppression. . . . The growing Chinese population has hitherto existed so independent of control as to become exceedingly ungovernable. . . . The only means of establishing some degree of order and control on the south side of the island was the erection of a Police Court and Station." CO 129/6, 89. Ordinance No. 20 of 1845 empowered "the Governor of Hong Kong, with the advice of the Executive Council thereof, in cases of exigency, to place any districts or public or Military stations of the said Island under Martial Law." CO 129/11, 82.

65 Christopher Munn, *Anglo-China: Chinese People and British Rule in Hong Kong, 1841–1880* (Hong Kong: Hong Kong University Press, 2001). See also Munn, "The Hong Kong Opium Review, 1845–1885," in *Opium Regimes*, ed. T. Brook and B. T. Wakabayashi; and Munn, "The Chusan Episode: Britain's Occupation of a Chinese Island, 1840–46," *Journal of Imperial and Commonwealth History* 25, no. 1 (January 1997): 82–112. Munn's history contributes to the

recent studies of Hong Kong that have aimed to counter the liberal-modernist success story of Hong Kong as the model of laissez-faire economics, on the one hand, and the anti-imperialist logics in historical accounts that can tend to dismiss Chinese merchants as "running dogs" of British imperialists, on the other. Works by Carl Smith, Elizabeth Sinn, and Chan Wai-kwan study Chinese merchant elites, and Chinese community organizations such as the Tung Wah Hospital and the Po Leung Kuk; Jung-fang Tsai refutes the view of Chinese in Hong Kong as passive willing subjects of colonialism by demonstrating that Hong Kong working classes had long traditions of popular antagonism toward colonial rule; Law Wing Sang considers cultural institutions of Hong Kong Chinese in the colonial power formation, the colonial state, and changing strategies of rule. See Elizabeth Sinn, *Power and Charity: Early History of the Tung Wah Hospital, Hong Kong* (New York: Oxford University Press, 1989); Carl Smith, *Chinese Christians: Elites, Middlemen, and the Church in Hong Kong* (New York: Oxford University Press, 1985); Chan Wai-kwan, *The Making of Hong Kong Society: Three Studies of Class Formation in Early Hong Kong* (Oxford: Clarendon, 1991); Jung-fang Tsai, *Hong Kong in Chinese History: Community and Social Unrest in the British Colony, 1842–1913* (New York: Columbia University Press, 1993); Law Wing Sang, *Collaborative Colonial Power: The Making of the Hong Kong Chinese* (Hong Kong: Hong Kong University Press, 2009).

66 The population and economy in Hong Kong was closely related to the changing situation in Canton city (Guangzhou) and larger Canton province (Guangdong). The densely populated region was under pressure, and there had been great social and economic dislocations of peasants owing to commercialization of rural economy, the war with Britain, unequal treaties, and social unrest, which resulted in a large migrant population to Hong Kong in the 1840s. The Taiping uprising, which began in 1850 in neighboring Kwangsi province, had rapidly spread to Canton province. Warfare erupted among Sze Yap, Punti, and Hakkas over land disputes; peasants faced famine and starvation in the late 1840s and 1850s. After the Taiping rebellion, there was a large exodus of Cantonese to Hong Kong. Jung-fang Tsai reports the Chinese population in Hong Kong in 1848 as 22,496; by 1865, it had risen to 121,497. See Tsai, *Hong Kong,* 22.

67 England had prosecuted beggars and the homeless poor for centuries, and legislation such as the Vagrancy Act of 1824 made it illegal to "sleep rough" or beg, addressing the large influx of discharged soldiers after the Napoleonic Wars, and poor emigrants from Scotland and Ireland. *An Act for the Punishment of idle and disorderly persons, and Rogues and Vagabonds, in that Part of Great Britain called England*, June 21, 1824. Great Britain National Archives.

68 For example, more than eighty thousand English, Scottish, and Irish "orphans" (or poor children) were shipped to North America to work as farmhands and

servants between 1867 and 1917. See Elaine Freedgood, "Fictional Settlements: Footnotes, Metalepsis, the Colonial Effect," *New Literary History* 41, no. 2 (spring 2010): 393–411; Roy Parker, *Uprooted: The Shipment of Poor Children to Canada, 1867–1917* (Chicago: University of Chicago Press, 2008); Lydia Murdoch, *Imagined Orphans: Poor Families, Child Welfare, and Contested Citizenship in London* (New Brunswick, NJ: Rutgers University Press, 2006).

69 Davis to Stanley, December 21, 1843: "There is nothing which commands the respect of the Chinese Government to a British Functionary so much as the evident fact that he has an efficient control over his own people. The presence of this power made them respect the mixed commercial and political character of the East India Company's President. The absence of it to neglect and despise the late officer of the Crown." CO 129/6, 45.

70 CO 129/6.

71 Ordinance No. 18 differentiated the "Census" for Europeans from "Registration" that pertained only to the Chinese, utilizing the language of employment and property in order to exempt the English and Europeans and to restrict registration to Chinese.

72 CO 129/11, 78–83, 80.

73 The Ordinances grant to the Registrar-General the duties and prerogatives of the "Superintendent of Police, a Justice of the Peace, and Protector of the Chinese Inhabitants in the said Colony," authorizing him "at any time or times to enter any house or boat within the Colony or adjacent waters wholly or partly inhabited or manned by Chinese" (CO 130/2, Hong Kong: Acts 1845–62).

74 In a letter of June 1, 1844, Davis wrote to Stanley, "On the very important subject of regulating the native Population of this Colony, consisting already of about 20,000 persons, I have been led seriously to reflect in consequence of the appalling amount of robbery and other crimes of violence." CO 129/6, 110–11.

75 In 1845, there was a series of ordinances formalizing the authority of the Chief Magistrate and Police force with respect to the Chinese, outlining in great detail the many kinds of activities that can be used to justify seizure, penalties, fining, and imprisonment. Most noteworthy is Ordinance No. 14 of 1845, an elaborate set of laws that permitted police to apprehend any Chinese without warrant, and to jail, punish, seize goods, etc.; it states, "It shall be lawful for any Constable belonging to the Police Force, to take into custody without a Warrant all loose, idle, and disorderly persons whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed or being about to commit any Felony, Misdemeanor, or breach of the peace, and all persons whom he shall find between sunset and the hour of six in the morning lying or loitering in any highway, yard, or other place, and *who cannot give a satisfactory account of themselves*" (CO 130/2: Hong Kong: Acts). This language of giving "a satisfactory account" is suggestive about the discourse

through which the colonial state separated the poor Chinese migrants from the British colonial community. The subject "who cannot give a satisfactory account" cannot be ethical because he cannot place himself in relation to a community from whose norms he is constitutively excluded, and in whose norms he would need to grammatically constitute himself. He is cast out, through this condition of not "giving a satisfactory account of himself." On this question, see Judith Butler, *Giving an Account of Oneself* (New York: Fordham University Press, 2005). Throughout 1844 to 1848, repeated laws widened police power to such an extent that not merely the police, but basically any Englishman, could seize any Chinese and bring them to a police station to have them jailed, flogged, or branded. Specific language in one law explicitly permitted the English to punish their domestic servants.

76 Munn, *Anglo-China*, 111; Carol Jones and Jon Vagg, *Criminal Justice in Hong Kong* (London: Routledge-Cavendish, 2007); Thomas W. P. Wong, *Colonial Governance and the Hong Kong Story* (Hong Kong: Hong Kong Institute of Asia-Pacific Studies, 1998).

77 Philippa Levine, *Prostitution, Race and Politics: Policing Venereal Disease* (New York: Routledge, 2003).

78 Nayan Shah examines the discourse of "oriental depravity" in relation to the state's criminalization of the sexuality of male migrant laborers in early twentieth-century North America. Nayan Shah, *Stranger Intimacy: Contesting Race, Sexuality, and Law in the North American West* (Berkeley: University of California Press, 2011).

79 Philip Howell, *Geographies of Regulation: Policing Prostitution in Nineteenth-Century Britain and the Empire* (Cambridge: Cambridge University Press, 2009).

80 *Report of Committee Appointed to Enquire into Pathology and Treatment of the Venereal Disease, with View to Diminish Its Injurious Effects on Men of the Army and Navy,* HCPP 1867–68, 37:67.

81 These measures would seem to be in step with the Contagious Disease Acts passed by Parliament in 1864–69 to regulate prostitution in English ports. See Gail Hershatter, *Dangerous Pleasures: Prostitution and Modernity in Twentieth-Century Shanghai* (Berkeley: University of California Press, 1997), 227.

82 Parliamentary Papers (C.108) 19, *Report from the Royal Commission on the administration and operation of the Contagious Diseases Acts, 1866–69*, 17.

83 Michel Foucault, *The History of Sexuality* [*La volonté de savoir*, 1960], trans. Robert Hurley (New York: Vintage, 1980), 24–25.

84 Ann Laura Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* (Durham, NC: Duke University Press, 1995), 39.

85 Bernard S. Cohn, *Colonialism and Its Forms of Knowledge* (Princeton, NJ: Princeton University Press, 1996), 11.

86 Correspondence repeatedly cited the large numbers of sick troops and the high mortality rates of European soldiers in Hong Kong; appendices record the monthly sick among the European troops: e.g., in August 1842, of 673 men, 396 were sick, mostly with diarrhea, cholera, and *febris intermittens* (intermittent fever); in September 1842, of 608 men, 482 were sick (daily average number of sick, 350). In 1844, revenues granted for the Colonial Hospital acknowledge the importance of establishing medical care; see "War and Colonial Department and Colonial Office: Hong Kong, Original Correspondence, 1841–1951," CO 129/1; CO 129/6. See also Elizabeth Sinn, *Power and Charity: The Early History of the Tung Wah Hospital, Hong Kong* (New York: Oxford University Press, 1989).

87 The *mui tsai*, female bondservants or "child slavery," figured for British colonial administrators, along with Chinese indentured labor and prostitution, as "Chinese custom" that revealed Chinese colonial difference. But the mui tsai did not become a contested object of knowledge for British colonial regulation, church and missionary reform, and the Chinese elite until later in the century. By the turn of the century, British reformers bring the mui tsai question to parliamentary attention in 1917, and the mui tsai become a central figure for British representations of Chinese colonial difference in Hong Kong. A Mui Tsai Commission was established in 1936, which recommended child protection ordinances requiring registration of all forms of adoption. See Maria Jaschok, *Concubines and Bondservants: The Social History of a Chinese Custom* (London: Zed Books, 1988); Karen Yuen, "Theorizing the Chinese: *Mui Tsai* Controversy and Transnational Chineseness in Hong Kong and British Malaya," *New Zealand Journal of Asian Studies* 6, no. 2 (December 2004): 95–110.

88 Shah, *Stranger Intimacy.*

89 Quoted in Howell, *Geographies*, 215.

90 Soldiers from the Indian subcontinent served in British armed forces during the Opium War, and in Hong Kong. The term *sepoy* came into use in the forces of the British East India Company in the eighteenth century, along with *peons*, *gentoos*, or *mestees*, to refer to native soldiers in the service of the European powers in India. India Office Records contain the "Secret China Department Correspondence," in which one finds discussion of the Indian military participation and their deprivations suffered in Hong Kong and Chusan during the "Chinese Expedition" (the Opium War); see "Letter from Melvill to Stephen," November 28, 1844, India Office Records, regarding inadequate barracks, hard duty, and insufficient food.

91 Munn, *Anglo-China*, 71; Tsai, *Hong Kong.*

92 Tsai, *Hong Kong.*

93 John M. Carroll, *Edges of Empire: Chinese Elites and British Colonials in Hong Kong* (Cambridge, MA: Harvard University Press, 2005).

94 Ordinance No. 1 of 1845, January 21, provides for the suppression of the Triad and other secret societies; Davis explains the dangerous nature of these societies and encloses his correspondence with the Chinese Authorities on this subject in CO 129/11, 72. See Munn, *Anglo-China*, 17; Tsai, *Hong Kong.*

95 Tsai, *Hong Kong*; Walton Look Lai, "Asian Contract and Free Migrations to the Americas," in *Coerced and Free Migrations: Global Perspectives*, ed. David Eltis (Stanford, CA: Stanford University Press, 2002), 227–58; Elizabeth Sinn, *Pacific Crossing: California Gold, Chinese Migration, and the Making of Hong Kong* (Hong Kong: Hong Kong University Press, 2013).

96 *China Mail*, no. 88 (October 22, 1846): 146. The correspondence between British and Chinese officials about this event are also collected in the parliamentary record: HCCP *Papers relating to the riot at Canton in July 1846, and to the proceedings taken against Mr. Compton, a British subject, for his participation in the riot* (London: T. R. Harrison, 1847). It was reported that a British merchant named Compton had been struck by a Chinese man, and returned the blow; when local military officers with troops arrived, the crowd threw stones, provoking fire on the crowd; three Chinese were reported killed, six wounded. In the correspondence, Chinese administrators "Commissioner Ke and the Governor of Kwangtung" charge that the British Compton was repeatedly the aggressor, while the British cast their actions as doing what was necessary to protect themselves against mobs: "the greater the violence of the mob, the greater will be the loss of life which will be inflicted upon them." Letter from Palmerston to Davis, October 3, 1846, HCCP *Papers*, 14. The events are arbited by an American account, cited by Davis, which casts it as necessary protection of property against mobs, to prevent "scenes of 1842—when the British factories were sacked and burnt" (HCCP *Papers*, 32).

97 In another famously reported incident, at Amoy in November 1852, Chinese anger and antagonism toward the firm of Syme and Muir erupted in riots as a party of Chinese assaulted Mr. Syme, who was in the process of exiting a Chinese court with a Chinese broker in his employment who was being tried for kidnapping. During the rioting, British marines fired into the crowd, killing four Chinese and wounding many others. Mr. Syme and his assistant were held for breach of treaty in the 1852 Amoy incident. Bowring, then Superintendent of Trade in China, commented that "Amoy has been the scene of much disturbance and disorder, accompanied with loss of life—the result of the irregularities and abuses connected with coolie emigration." "Correspondence relative to Emigration of Chinese Coolies 1852–53," CO 885 1/20.

98 Campbell, *Chinese Coolie Emigration*, 104.

99 Sir John Bowring, the liberal advocate of "free trade" and contributor to the *Westminster Review*, had a long career that included service as British Consul in Canton, as Superintendent of Trade in China, and then as Fourth Governor