Almost Liberal: The British Government of Hong Kong in the Mid-Nineteenth Century

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Introduction

Forty-nine years after Lord Macartney received a polite but condescending audience with the Celestial Emperor of China, the British found themselves on the threshold of a new epoch. They had decisively intervened in the Continent to defeat Napoleonic France and restore European stability, then safely withdrawn to their rapidly industrializing island under cover of the impenetrable Royal Navy. While Europe was alternatively radical and authoritarian, the British saw themselves as a people whose success and power flowed naturally from their ideals of pragmatism, liberty, and economic freedom. The idea of universal liberalism was at a zenith. With no natural enemies, with perhaps a little too much power for their own good, and with an amalgam of idealism and business interest, they set out to spread their political and economic creed to an as yet benighted world—and to prove to themselves the greatness of their own ideals.

They had their chance when Sir Henry Pottinger went against his instructions and acquired Hong Kong from China in the Treaty of Nanjing. Hong Kong was an unimpressive piece of land: it had no pre-existing commercial value, nor any natural resources or agricultural productivity to speak of (Endacott, 3). It was also small, allowing the British to exert direct authority over every acre of territory to an extent impossible in larger possessions such as India. Accordingly, Hong Kong could arguably serve as a test case for the universalistic aspirations of British liberalism—a fact not lost on many liberals in 1840’s Britain—and in fact the success of Hong Kong has been well documented to the chagrin of nationalists and Anglophobes. Still, without ignoring the successes of the British government of Hong Kong, this paper will seek to examine some of its failings—particularly according to the rubric of universal liberalism. After discussing the historical and ideological context surrounding the establishment of Hong Kong as a Crown Colony, we will investigate the early administrations’ approaches to those three basic pillars of British government—criminal justice, economic policy, and political representation—with particular emphasis on the limits to the British government’s realization of its own espoused ideology.

Historical and Ideological Context

By 1842 the Opium War had ended in complete British victory. Tens of thousands of Chinese soldiers lay dead, the Celestial Empire’s coastal cities smoldered in the wake of the Royal Navy’s depredations, and—thanks to the invention of the steamship—the British penetrated into the Grand Canal and menaced Beijing itself. Many in Britain found such a slaughter repugnant; even the war’s apologists found it rather embarrassing. Captain Charles Elliot, the British Superintendent of Trade before the Opium War and the first occupier Hong Kong after it, justified the war as one directed against the Chinese government for the liberation of the Chinese people—to Whitehall he bombastically reported a “general confidence amongst a teeming, rich, and most suspicious population, that we are understood to be the authors of their returning prosperity, and their surest protectors against the infatuation and oppression of their own Government” (Munn, 29). Sir John Francis Davis likewise declared that, in the aftermath of the
Opium War, the British could now “surprise the Chinese by shewing them the Miracles of peace as well as of War,” allowing them to witness “commerce flourishing in the absence of restrictions, property and person secure under the protection of equal laws, and in a word, all the best fruits of science and civilization transplanted direct from the European headquarters” (Munn, 22).

Such rhetoric was admittedly more than an empty apology for the depredations of the Opium War. Adam Smith’s ideas had long since penetrated mainstream British political opinion, appealing to both the radically as well as the more pragmatically and conservatively minded. In an example of the pragmatic case, Lord Aberdeen—the Colonial Secretary—wrote to Sir Henry Pottinger—the Colony’s first official governor—in 1843, that Hong Kong could easily become a credit to the Crown if by “the introduction of those liberal arrangements by which foreigners would be encouraged to come, a great commercial entrepôt were created” (Endacott, 21). Pottinger obeyed, establishing Hong Kong as a free port opened to all comers, regardless of race, class, or nationality—though with a hint of the vacillation to come, it took a supplementary treaty in 1843 to open up the colony to Chinese merchants (Endacott, 15).

The idea of free trade at this point in British history was not merely one “liberal arrangement” amongst many: it was the ideological cornerstone of both British foreign policy and British claims to superior and progressive government. As succinctly observed by Sir John Bowring, a future governor of Hong Kong, “Singapoe owes its great success to Free Trade” (Bowring, 214). Another British politician, Richard Cobden, was far more idealistic than Aberdeen and more rhapsodic than Bowring. He saw in the principle of Free Trade a force of liberation and progress:

“I see in the Free-trade principle that which shall act on the moral world as the principle of gravitation in the universe, ... drawing men together, thrusting aside the antagonism of race, and creed, and language, and uniting us in the bonds of eternal peace.” (Porter, 14)

Cobden exemplifies the strong contemporary British ideology that passionately sought to advance the lot of all mankind through a policy of economic liberty, particularly with respect to commercial activity across political borders. His vision was not exceptional, but it was one that was very much influenced by the very age that it helped to create. The free trade principle justified wars and conquests—if not those with the goal of profit, then at least those by which influential Britons might incidentally benefit. As such it made for a type of idealism advantageous enough to make a tenable political platform.

Besides this milieu of ideological justification and altruism, there were some more concrete political motives surrounding Pottinger’s acquisition of Hong Kong. As he wrote to Aberdeen in justifying his disobedience, Hong Kong would become both “an emporium for our trade and a place from which Her Majesty’s subjects in China may be alike protected and controlled” (Pottinger, 106), and accordingly the positions of Governor and Superintendent of Trade were given to the same man for the first decade of British rule (Endacott, 20). Finally, given its proximity to southern China, there was the rather obvious utility of Hong Kong as a military base in the event of any future conflict with the Celestial Empire (Darwin, 20-21).

Despite their manifold motives for acquiring Hong Kong, the British were—excepting the missionaries—generally quite uninterested in interfering with the day to day affairs or lives of the Chinese. Indeed, they were often quite conscious of their own tendency towards arrogance: one Member of Parliament, J.A. Roebuck, observed with rather paradoxical empathy that the typical Briton “has too great a tendency to self-esteem—too little disposition to regard the feelings, the habits, and the ideas of others” (Thornton, 3). This hands-off inclination, coupled with the fact that except for the missionaries practically no European residents of Hong Kong spoke any Chinese dialect, resulted in an almost complete social segregation between the Europeans and the Chinese of the colony. As Sir Bowring observed in 1858, “the separation of the native population from the European is nearly absolute...there is...an absolute abyss between the governors and the governed. We rule them in ignorance, and they submit in blindness” (Munn, 1). However strange, such a relationship was perfectly suited to the original purpose of British government in Hong Kong. The military had its base; the government its secure Far Eastern headquarters; the merchants their emporium; and the ideological Free Traders their chance to prove that economic liberty truly is a universal ideal. The two communities, European and Chinese, lived side-by-side in fact but were oceans away in sentiment. They viewed each other as not just foreign but almost preposterous and incomprehensible (Munn, 19). Their two communities were economically intertwined but socially divorced (Munn, 13).

**Approaches to Economic Policy**

Given such conditions, we should hardly be surprised if the economic element of British policy in Hong Kong was the most successful. Although the colony failed to live up to the initially wild speculations (both fiscal and rhetorical) of many Britons, it has since become both a nineteenth- and twentieth-century East Asian economic success story, with a current GDP per capita greater than that of Britain and more than seven times greater than mainland China’s.

Still, rhetoric about free trade aside, the British administration brought with it a handful of often bizarre and somewhat medieval economic encumbrances. As the historian Christopher Munn (a critic of the British Empire but not from either the communist or the nationalist schools) summarizes, “despite Hong Kong’s status as a free port, its internal trade was encumbered with monopolies, licences, indirect taxes, and fees and charges, legal and illegal, of various descriptions” (Munn, 3). As mentioned above, it took the Supplementary Treaty of the Bogue in 1843 to allow the Chinese to trade freely in Hong Kong. Even after that, however, the insular nature of the European business community and their political influence often allowed them to drive out competition through politics rather than free competition. For example, Yung Wing, a rather famous Chinese subject who became an American citizen and the first person of Chinese extraction to attend an American college (Yale), attempted to practice law in Hong Kong. Within little over a month he was driven out of business through a combination of political and social pressure exerted by a nervous European legal community that knew it could not hope to compete with a juris doctor in common law who spoke Cantonese and English fluently (Munn, 215-216).

In another rather notorious episode the Chinese fairied a bit better, though with no particular credit to Hong Kong’s economic administration. Being a free port, the Hong Kong government could charge neither tariffs nor income tax. As a result, one revenue-raising scheme it employed was the granting of legal
monopolies on certain goods, though generally luxuries rather than necessities. One such monopoly was opium, and in 1845 Fung-attai and Lo-iqui bought the opium monopoly from two Europeans and made a fortune off it. This wise business decision was most likely due to some rather adroit if unscrupulous maneuvering on the part of Fung and Lo. A few months earlier, Chief Magistrate William Caine had dismissed a case brought against an unauthorized opium-seller by the European holders of the monopoly on the grounds that the legal monopoly covered only opium intended for use in Hong Kong, and that the plaintiffs could not prove conclusively that the opium in question was not going to be sold across the border in China. This ruling made the monopoly effectively untenable—hence the fire sale price offered to Fung and Lo. Barely a month later, however, the Hong Kong Legislative Council amended the ordinance to cover any opium sold in Hong Kong, regardless of its eventual destination (Munn, 101). Whether or not Caine had been bribed by Fung and Lo—he was a man plagued by corruption allegations—such a incident reveals all to clearly the possibilities for the same sort of corrupt racketeering that, just across the border, was bleeding the Qing dynasty dry. At the very least such government-granted monopolies were hardly reconcilable with the economic liberalism dreamt of by Cobden.

Nevertheless, under British rule, the unexceptional barren rock that had been pre-1842 Hong Kong flourished into a thriving and economically vibrant commercial center, albeit somewhat more slowly than some of the more sanguine British speculators would have liked. In 1859, Hong Kong’s sea-going volume of tonnage was 1,164,640; in 1878, it was 5,209,437. In 1859, Hong Kong’s population had grown from a few thousand original inhabitants to an estimated 86,941—85,280 of whom were Chinese. By 1878, that number had again multiplied to 139,144—130,168 of whom were Chinese (Endacott, 80). As Hong Kong governor Sir John Hennessy reported in 1877, the Chinese in Hong Kong had come to own over 90% of the property and held over 90% of the currency in circulation (Endacott, 91).

Thus the Chinese residents of Hong Kong benefited directly and substantially from the liberal economic policy of the colony, for the most part free from discrimination thanks to a generally liberal British economic policy. Chinese nationals who held Crown land, for example, were able to register their ships with the Hong Kong Port Authority to secure the protection of the Royal Navy on the high seas (Endacott, 91), and they often did. This policy led most famously to the Second Opium War, whose immediate cause was the Chinese government’s seizure of a Chinese-owned ship registered in Hong Kong, although admittedly the British were already rather looking to renegotiate the Treaty of Nanjing.

In terms of implementing its liberal economic policy, then, the British administration in Hong Kong was remarkably successful, despite the occasional corrupt or interventionist pitfall. Yet we must remember that the ideology of British economic liberalism was never entirely divorced from a more evangelical desire to spread all aspects of “just government” and also remember that the British government in Hong Kong required far more than just a laissez-faire economic policy, as its officers soon discovered. Despite all the emphasis on Free Trade, the prevailing British liberalism also stressed the universality of the British style of government (Munn, 166); in fact, the two were often spoken about as though they were one and the same. Acting Governor Mercer rather arrogantly exemplified this view in a report to the Foreign Secretary in 1863:

“Year by year the colony continues to improve its political and its commercial status... the natives of the mainland flocked to Hongkong in crowds after some few years’ experience of it. Doubtless they did so from seeing means of trade, but plainly also because they saw here a difference in Government and consequently a superiority in British over Chinese forms. They could not but note a marked contrast as to the integrity of the Officials, the administration of justice, particularly the more humane system of criminal justice and the greater protection of life and property... setting a praiseworthy example before the people and the Government of China.” (Munn, 41-42)

As we have seen, the British were very much justified in looking to their economic policy with pride—a generally hands-off policy that was a perfect match for a colony comprising two different social worlds who could scarcely communicate with each other. Such a racial and cultural divide, however, became far more troublesome when the British found themselves actually required to create “the administration of justice” and establish a government representative of the interests of the whole population of Hong Kong.

Approaches to Criminal Justice

While the utter gulf between the European and Chinese populations might have actually helped prevent the British from becoming overly interventionist in Hong Kong’s economy, it was not nearly so beneficial when it came to maintaining law and order. The initial British plan was to remain at arm’s length from the Chinese community, despite some ideological predilections towards spreading British law along with British economics. Even such a liberal as Bowring—whom one historian described as a “radical free trader, opium warmonger, and protégé of Jeremy Bentham: the personification of the imperialism of free trade” (Darwin)—could opine that “it is not fair or just to suppose that a course of action, which may be practicable or prudent at home, will always succeed abroad” (Bowring, 217). Accordingly, Aberdeen instructed Pottinger to establish regulations that, “while they satisfied the claims of the British,” might “best conciliate the respect and fall in with the manner of the Chinese subjects of Her Majesty” (Endacott, 21). The initial British proclamation upon taking Hong Kong demonstrates both the intent behind and the inherent contradiction in the early British attitude towards criminal justice:

“the inhabitants are hereby promised protection, in Her Majesty’s gracious name, against all enemies whatever; and they are further secured in the free exercise of their religious rites, ceremonies, and social customs, and in the employment of their lawful private property and interests. They will be governed, pending Her Majesty’s pleasure, according to the laws, customs and usages of the Chinese (every description of torture exempted) by the elders of the village, subject to the control of a British magistrate.” (Endacott, 28)

The elimination of torture was a significant departure from the Qing penal code, which actually required the use of torture to elicit the confessions used in convictions (Endacott, 9). Moreover, since across the border in China people did not have adequate protection, religious freedom, or secure property rights, Elliot’s proclamation reveals some rather confused thinking, and sets the scene for the Hong Kong government’s long and arduous struggle with the maintenance of
The extremely transient nature of Hong Kong’s population did not help. The vast majority of both the Europeans and the Chinese were not permanent residents, and the overwhelming percentage of the early colonial population was male (Endacott, 4). Moreover, the Chinese authorities were widely suspected of purposefully sending the dregs of their own populations to Hong Kong (Munn, 45)—not a particular startling accusation since, as we shall see below, the British found themselves doing exactly the same thing to China. In all, the prevalence of lower-class social elements in the colony was a frequent British complaint—as the traveling botanist Robert Fortune noted in the 1840’s, “the town swarms with thieves and robbers, who are kept under by the strong armed police lately established” (Faure, 106).

It rapidly became clear to the British that, Elliot’s proclamation aside, someone other than the “elders of the village” would be necessary to govern such a rapidly growing urban center. Although there was much discussion in favor of simply allowing Chinese imperial magistrates to exercise extraterritorial authority over the Chinese nationals in Hong Kong, it was eventually shelved due to a combination of British contempt for Chinese law, mistrust of the Chinese government, and the need to clearly establish sovereignty over such a tiny and—from the British point of view—dangerously Chinese enclave (Munn, 104). As the British legal office advised, the people of Hong Kong “should at once be considered and treated as subjects to the English government and to the laws which the crown of this country may think right declare” (Munn, 31).

Although the Chinese nationals in Hong Kong did not become British subjects automatically, many were by local ordinance allowed to do so, and anyone born in Hong Kong after 1842 became a subject by birth. The British did, however, decide to govern the entire population directly. Although the initial plan was still to employ a Chinese model, British scruples regarding criminal law began to interfere with its realization. In his instructions to Pottinger, Lord Stanley demonstrates this conflict between respect for local manners and the universalism of British justice, first admitting that “there will of course be in the island a large body of Chinese persons to whom the law of England would be a rule of action and measure of right equally unintelligible and vexatious” while in the next breath qualifying that no law should operate in the Queen’s dominions that was “repugnant to those immutable principles of morality which Christians must regard as binding on themselves at all times and in all places” (Munn, 32). Sir John Davis, Pottinger’s successor, noted the same paradox: he observed that English punishments were ridiculed by the Chinese due to their laxity in comparison to Qing punishments. He remarked that the Qing punishments would probably be far more effective, “yet there is no possibility of enforcing their laws by British courts and officers without a compromise of principles which we are bound to maintain inviolate... no sagacity can discover a path to which plausible and well-founded objections may not be raised” (Munn, 36). Davis was quite right: there was no easy solution. Over time, however, and in the wake of continuing international conflicts with the Celestial Empire and the domestic outcry over a gruesome incident in 1845—in which a Canton mixed-court, staffed by British officials but following Qing law, ordered 30 people publicly starved to death (Munn, 217)—the Hong Kong and British governments began to view direct jurisdiction over the Chinese in Hong Kong as a better alternative than either yielding sovereignty or carrying out the rather illiberal Qing code.

In doing so, however, the British found themselves with a far more difficult task than merely allowing the economy to grow. As Munn puts it, “the heavy caseload, the high value placed by colonial rhetoric on justice, and the fact that, in most cases, Europeans were sitting in judgment over Chinese, made the administration of the law an important test of the claims of British rule.” The test was a difficult one: to the untrained European eye the Chinese were very difficult to tell apart, due not only to the racial and linguistic divide but to the fact that the working-class Chinese tended to wear similar clothes, have few and similar surnames, and only remain in Hong Kong for a short time. The linguistic divide, moreover, was substantial: Chinese dialects are tonal and difficult for most people, Chinese or otherwise, to learn. Also, up until the Opium War it was a capital crime in the Qing code to teach any Chinese dialect to a foreigner. As a result, in the early days of Hong Kong almost no Europeans could communicate with Chinese except in English or pidgin English (though with some exceptions—missionaries tended to be more linguistically adept, and Charles Hiliier, a British magistrate, was supposedly able to hear cases in Cantonese). To make matters worse, the police were generally Indian or Malay, and so at times could neither communicate effectively with Europeans or Chinese. Under such circumstances the observation of Lt. Col. Malcolm, the man who had carried the ratified Treaty of Nanjing back from London to Hong Kong, seems particularly apt: “when you consider that the people administering justice and the police do not actually understand the language of the people they are coercing and keeping in order, it becomes the greatest consequence that there should be as little interference as possible” (Munn, 111, 82, 66, 256, 150).

Unfortunately the British were not able to take this advice. For one thing, the crime rate in the colony was extraordinary. As discussed, the colony’s inhabitants tended to be lower-class and transient, in addition to being inured to less-than-grotesque punishments by the excesses of the Qing penal system. In 1844 the periodical Friend of China remarked on the roving gangs of “idlers” that seemed to plague the colony. Four years later, in 1848, the Hongkong Almanack reported an “amount of crime, originating in the Colony, as would be sufficient to frighten respectable people from even coming, to use a maritime term, ‘within hail of the place’.” Even J.W. Norton-Kyshe, Hong Kong’s first civil servant-cum-historian, claims that by 1847 Hong Kong had become the Triad headquarters for southern China and that three-fourths of the Chinese population in Hong Kong were members (Munn, 54).

The leniency of the British judicial system was only compounded by the intentional inefficiency of a common law which, after all, is designed to make it as difficult as reasonably possible to convict defendants. Out of a sampled 154 defendants in a ten-year period, the conviction rate for those with counsel was 41%; for those without it was 65%; and for Chinese who employed counsel it was only 37%. By 1848 the conviction rate had reached its historic nadir of 25% (Munn, 238). Such abysmal conviction rates were due to a number of causes, not the least of which was the substantial lack of legal training on the part of most law enforcement officials besides the Chief Justice, who heard most major felony cases and took appeals from his often incompetent inferior magistrates. The most substantial difficulty, however, was the previously mentioned mutual incomprehensibility of the Europeans and Chinese. In 1857 Bowring refused to give the death penalty, as required by statute, to 73 convicted pirates, arguing to the Colonial Office that:

“They were tried by a Judge and a Jury and prosecuted by an Attorney...
General who understood no Chinese dialect whatsoever and who had the facts conveyed to them by other Chinese who could not make them themselves understood to all the prisoners but required still further interpretations for the own information, and with these facts before me I could not but hesitate before sending these men to be tried for their lives in this Colony.” (Munn, 249)

At this point, although admittedly the system of justice was rather incompetent, the British certainly were abiding by the well-established liberal principle that no punishment is still better than unjust punishment. In responding to the difficulty of maintaining law and order, however, the British administration began to find itself slipping into a new bind. After standing on principle and refusing to replace the liberal British legal system with Qing code, the British found themselves gradually adopting more and more of the tendencies of the latter in response to this chronically high crime-rate.

One response, for instance, was an increasing reliance on the magistracy. The magistracy comprised a Chief Magistrate who oversaw upwards of a hundred Justices of the Peace, who in the British tradition held both administrative and judicial functions. In general, magistrates were local Europeans (though with an increasing Chinese minority as the century went on) of high social repute who lacked any formal legal training (Munn, 117). They were authorized to dole out summary punishment for minor infractions (Endacott, 74), though the definition of minor infractions became rather flexible. Thus one principle reaction to rampant crime was to rescue the Supreme Court from its deluge of cases and expand the sentencing powers of the magistracy to include such Qing punishments as public caning (Munn, 111).

Another response was to copy the Qing dynasty’s own vexatious legal practices: particularly sending “undesirables” across the border and outlawing as many common behaviors as possible so as to better control the population. In the late 1840’s, the Hong Kong government started allowing the deportation of beggars for violating a variety of public nuisance ordinances. Even in 1895 Governor Robinson wrote, in response to the questionable legality of the British adoption of sedition against the Chinese Emperor as an extra-ditale crime, that he considered it a bargain to get rid of “a few of the scoundrelly leaders of secret societies who harbour in Hong Kong” (Chen, 35).

The adoption of a slew of invasive governmental regulations was even more popular with the British government. Due to the previously discussed inability of many colonial officials to tell members of the Chinese population apart, the government passed statutes forcing locals to report crimes, and making failure to do so a punishable offense. The early Hong Kong government even imposed a nighttime curfew for all Chinese residents. When it was suspended in 1847 over doubts about its legality, Governor Davis defended it on the grounds “that Sir Henry Pottinger merely adopted… a rule which is notoriously universal in all their great towns, and it is difficult to imagine how a practice so familiar to them should influence them differently at Hongkong and on the mainland.” The British administration, after justifying its rather illiberal and at times explicitly racist criminal justice policies by appealing to the idea of cultural laisser-faire, then turned around and outlawed a whole host of traditional and harmless activities in regulations specifically targeted towards and enforced against the Chinese. In one proposed ordinance Governor Davis outlawed herb gathering, tree cutting, nighttime assembling, profligacy, “indecent language,” begging, public bathing, fortune telling, and practicing magic. In a particularly low blow to the poorer members of Hong Kong’s Chinese population—many of whom had skin diseases—Davis even made it a crime to “expose any sore or infirmity to view with the object of exciting compassion or obtaining alms” (Munn, 119, 131, 147-48).

In attempting to govern the Chinese population of Hong Kong, the British administration—torn between a hands-off policy and a desire to introduce the liberal machinery of the English legal system—found itself implementing a somewhat incestuous mix of both: a legal system at once inept and oppressive. Behind this practice lay a somewhat confused jumble of rhetoric in which the British government appealed to universal human values to justify its sovereignty, but then used the alien nature of the Chinese to justify its departures from traditional British liberalism.

**Approaches to Political Representation**

The British approach to political representation was much the same—here, too, the British found themselves continually compromising their universalistic rhetoric when the time came to actually implement it.

The colony began, not surprisingly, under the complete dominance of the executive—i.e. the Governor’s Office. Lord Aberdeen and other officials in the British Colonial Office drew up a fairly typical executive-dominated Crown Colony constitution, which among other things established a established Legislative Council comprising officials in the colonial government and granted the governor emergency legislative powers if and when the Legislative Council was unable to meet—powers that Pottinger exercised for two years, since the council lacked a quorum until 1844. All actions of the governor and colonial government were subject to review from the Colonial Office, which in turn was bound by the laws of Parliament (Endacott, 1964, 27). Although in an early reform the Legislative Council was opened up to a few “unofficial” members—i.e. people who were not officers in the colonial government—the unofficials were never a majority, and initially were all appointed by the governor. Nonetheless, they were allowed to have their statements recorded in the minutes and sent back to Britain as an attachment to whatever ordinance they might have dissented to. In general, though, as Bowring put it in 1855, the Legislative Council was “an absolute nullity” (Endacott, 1964, 47). The degree of executive dominance was only increased by a subsequent decision by Lord Cardwell, the British Secretary of State from 1864-66, who established the doctrine that, as members of a purportedly parliamentary government, the official members of the Legislative Council were not allowed to dissent from the policy dictated by Whitehall or the governor without resigning (Endacott, 1964, 86).

The European merchant community, however, was by no means happy with this concentration of power in the hands of the governor and the government. After a series of disputes, most over taxation, the European merchant community in 1845 petitioned Lord Stanley for an unofficial majority of the Legislative Council. Not surprisingly, Stanley rejected it—the British gentlemanly capitalists’ in British government could hardly be expected to willingly cede substantial political power to a handful of self-interested merchants. His rationale, however, was not so blunt. Instead, Stanley responded with an appeal to the same ideals of local autonomy and liberty that the merchants appealed to in their petition: he wrote that “the English minority can hardly be trusted with the powers which it would give them over
Chinese and other alien and ignorant ratepayers.” Simultaneously, however, Stanley evinces a deep distrust of the Chinese. Combining the above statement with Stanley’s other argument—that such a government would damage the “decisiveness and energy of proceeding which are almost necessary for the very existence of a European government surrounded by millions of Asiatics” (Endacott, 75-76)—Stanley’s line of reasoning appears to be that civilian British colonists cannot be trusted to adequately protect themselves from the Chinese or to treat them justly. Such reasoning, not surprisingly, comports well with the above-mentioned desire of the British to both restrain and protect their merchants within the Celestial Empire.

However paternalistic this attitude, the British government’s concern for the welfare of the Chinese inhabitants of Hong Kong—to whatever extent it was sincere—was not entirely unfounded. Indeed, from the earlier depredations of the American colonists against the Appalachian Indians to the later virulent racial oppression perpetrated by the British settlers in Rhodesia, the British Empire has had a long history of enfranchising or at least politically superior white subjects abusing the slightly darker ones, while the British Imperial government tries with varying degrees of success to restrain them. In the mid-nineteenth century in particular, the British government had a terribly difficult time restraining the nearby white settlers in Australia. On one side of the conflict stood Sir H. Parkes, a Member of the New South Wales legislature, who once stridently and rather rebelliously declared that “neither for Her Majesty’s ships of war, nor for her majesty’s representative on the spot, nor for the Secretary of State for the Colonies, do we intend to turn aside from our purpose, which is to terminate the landing of Chinese on these shores for ever” (Huttenback, 121). On the other stood an officer in the Zongli Yamen, or the foreign relations department of the Celestial Empire, who in a letter to Lord Salisbury correctly complained with regard to Parkes’ undertaking that, “having caused a study of the statutes to be made, I am advised that, in none of them, bristling as they are with pains and penalties directed against Chinese subjects, is there a single provision empowering the Executive to prohibit the landing of immigrants who are prepared to pay the stipulated poll-tax.” History suggests, then, that the Stanley’s concern for the welfare of the Chinese or even European minority was perfectly well founded, despite the fact that his response was simply to concentrate all political power in a far tinier handful of government bureaucrats.

Sir John Bowring, previously mentioned as a radical free-trader who practically exemplified the liberal British zeitgeist, proposed a sensible way out of this dilemma: allow all British subjects to vote without regard to race. Under his plan, drafted in 1856, there would be five unofficial spots on the Legislative Council, open to all bona fide British subjects of any race. Three of them would be elected by the Justices of the Peace (whose own ethnic breakdown was 69 British, 42 Chinese, and 30 other foreigners), and the other two would be chosen by an electorate comprising all land holders who paid a minimum annual rent of 10 pounds, regardless of race. According to Endacott the breakdown of this electorate would be 1637 Chinese, 186 British, and 176 other foreigners, though he fails to make it clear in what category he is placing the few score Chinese British subjects qualified to vote (Endacott 48-51). Significantly, the Legislative Council would still retain a bare official majority.

Whatever its concern for Her Majesty’s Chinese subjects, the British government’s rejection of Bowring’s proposal appealed explicitly to race. Labouchere, then Secretary of State for the Colonies, wrote back to Bowring that the “testimony of those best acquainted with them represent [sic] the Chinese race as endowed with much intelligence but as very deficient in the elements of moraliti.” Summarizing the racially paternalistic limbo in which the British administration seemed suspended, he declared that, in Hong Kong, “the proportion of Chinese to British is conclusive against any big change” (Endacott, 51-52), right before going on to repeat the argument that no British (presumably local) minority should hold power over an overwhelming Chinese majority. Here Endacott’s view, coming from the pro-British school, is very informative. His interpretation of the dispute presents Labouchere as the progressive, and Bowring as just confused. Since Labouchere proposed in his response that perhaps one or two seats on the Legislative Council could be set aside for Chinese, Endacott concludes that “it was Labouchere, not Bowring, who made the liberal proposal that the Chinese should be considered for membership of the Council, and for administrative posts” (Endacott, 53). He makes this claim despite the fact that no one of Chinese ethnicity sat on the Legislative Council until 1884, and thereafter the Chinese were represented according to a racial quota system that required the governor of Hong Kong to appoint at least two Chinese to the Council (Endacott, 102-04).

Although in 1856 the requirement that candidates for the Legislative Council be fluent in English and bona fide British subjects might have lent disproportional influence to the non-governmental British community in Hong Kong, it would not have done so excessively and it would not have done so forever. At the very least, it would have established a genuine local autonomy in which race per se was no longer a barrier—after all, Chinese could become British subjects by birth or naturalization, and they could learn English, but they could certainly not become white. This, then, was the legacy of Labouchere’s “liberalism”: a Hong Kong administration that spoke liberally but acting with a tendency towards protective paternalism, as when in 1865 Whitehall forbade the Legislative Council from passing any ordinances without express permission from the colonial office “whereby persons of African or Asiatic birth may be subjected...to any disabilities or restrictions to which persons of European birth or descent are not also subjugated” (Endacott, 83). Fundamentally the British government of Hong Kong was much better at protecting its own Chinese subjects than it was at actually trusting them. It established a legalized racial separation and policy of patronization that lasted well into the next century, surely to the chagrin of some of the more idealistic British liberals, not the least of whom was poor Bowring himself.

**Conclusion**

The success of British rule in Hong Kong is far too great to ignore, and denying that success is certainly not the purpose of the above discussion. All the same, Hong Kong never truly came into its own as a political entity. As historian Steve Tsang puts it, “the ultimate irony of British Hong Kong is that once the British government finally met the criteria of a good government, they couldn’t allow democracy because of the demands of the PRC” (Tsang, 78). By the time the British trusted the population enough to allow real democracy, they had signed the colony over to the PRC—despite the fact that a significant to an overwhelming majority of Hong Kong’s population preferred British to Communist Chinese rule. Perhaps, then, this is the real tragedy of British imperial rule—not just in China
but across the globe. Despite the advances in living standards, material prosperity, political liberty, and personal security that the British brought to their possessions, they were never fully able to realize the dictates of their own ideology. Had the British trusted their own rhetoric and let their own white colonists live as a minority protected by a liberal British constitution whose dictates were backed up by an insuperable 19th century British military, non-white British colonies may well have remained dominions. At the very least, when they were decolonized, they could have faced independence with some fifty years of liberal democracy behind them. Thus for all their successes, the liberal British—whose often-legitimate claims to political superiority over nations rested on economic freedom, individual liberty, and representative institutions—failed in the end to fully realize the universalism of their own ideals.

Notes

4. See David Faure, “Reflections on Being Chinese in Hong Kong,” Hong Kong’s Transitions, 1842-1997, Ed. Judith M. Brown and Rosemary Foot (Oxford: St. Martin’s Press, Inc., 1997) 116; one 1988 poll, “Indicators of Social Development Survey,” carried out by the universities in Hong Kong, reports that over half of the respondents believed that transition to rule by the PRC would result in a reduction in civil rights and individual liberty, and a deterioration in the living standard. 48% said they either trusted or strongly trusted the Hong Kong government; 30% said they also trusted or strongly trusted the British government; and 21% said they trusted or strongly trusted the Chinese government.

References