

“Junks, Sampans and Stinkpots:  
The British experience with maritime piracy in 19th century China.”

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**Abstract**

This paper is part of a larger research project that asks *why and under what conditions do Great Powers intervene militarily to suppress maritime piracy?* In the nineteenth century Great Britain carried out numerous naval actions in an effort to suppress maritime piracy in southern China. While several factors played important roles in Britain’s decision-making process, this paper demonstrates that lobbying pressure from business elites exerted significant influence over the government’s decision to use military force against piracy. Based on original archival research this paper provides a detailed account of British counter-piracy efforts in China from 1834 to 1860 — a subject that has largely been ignored by the piracy studies sub-field. Along with this contribution to the historical study of piracy, this paper also provides insight into the relationship between Great Powers and private business interests more broadly. These findings challenge more rationalist conceptions of how states form their interests regarding violent non-state actors, such as pirate organizations.

## Introduction

In the autumn of 1849, a small fleet of British warships, together with eight junks from China's Imperial Navy, pursued the "notorious pirate" Shap Ng-tsai along the southern Chinese coast. Shap Ng-tsai was suspected of attacking several British flagged opium ships, including two owned by Jardine, Matheson & Company (hereafter referred to as Jardine Matheson). One of his subordinates was also thought responsible for killing two British army officers.

Between October 18 and 22, 1849, the combined British and Chinese force, destroyed the pirate fleet, killing or capturing 1,845 of Shap Ng-tsai's men and sinking or capturing fifty-eight pirate vessels.<sup>1</sup>

While the destruction of Shap Ng-tsai's fleets demonstrates that on some occasions British authorities devoted a great deal of attention to the problem of piracy in China during this period, not all incidents led to direct military intervention. At times London chose to largely ignore piratical attacks against shipping in the region. In this paper, I examine the inconsistent response to piracy by asking why the British intervened militarily to suppress piracy following some piratical attacks but not others. Although no single factor can fully explain the decision-making process, my research points to pressure from business elites as playing a prominent role in influencing the British government's response to piracy. This finding challenges the more conventional view that Great Powers, such as Britain in the nineteenth century, intervene to suppress piracy in order to provide the public goods of secure sea-lanes and international maritime trade.<sup>2</sup>

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<sup>1</sup> John C. D. Hay, *The Suppression of Piracy in the China Sea 1849* (Stanford, 1889), 32–40; Grace Estelle Fox, *British Admirals and Chinese Pirates, 1832-1869* (Hyperion Press, 1973), 110–111.

<sup>2</sup> Paul Kennedy, *The Rise and Fall of British Naval Mastery* (New York: Scribner, 1976), 164–165; Robert Gilpin, *War and Change in World Politics* (Cambridge: Cambridge University Press, 1981), 104; Robert O Keohane, *After Hegemony* (Princeton, NJ: Princeton University Press, 2005), 36–37; Joseph S Nye, *The Paradox of American Power* (Oxford: Oxford University Press, 2003), 141–147.

## Historical Chinese Piracy Scholarship

Grace Fox's *British Admirals and Chinese Pirates, 1832-1869* provides a politically focused account of British counter-piracy operations in East Asia during the mid-nineteenth century.<sup>3</sup> Fox acknowledges that private business interests likely influenced British efforts to suppress piracy. Her broader conclusions about Britain's leading role in suppressing Chinese piracy are supported by the historian L.A. Mills, who states that "Great Britain was the power mainly responsible for the suppression of Chinese piracy [in the nineteenth century]."<sup>4</sup> Gerard Graham's comprehensive history of the Royal Navy's China Station also provides an account of British counter-piracy operations against Chinese pirates from 1830 to 1860.<sup>5</sup> For Graham, the key to the Royal Navy's success was "Chinese co-operation in any policy of suppression."<sup>6</sup>

Unlike pirates in the Atlantic and the Mediterranean, who operated in small bands generally numbering no more than a few hundred, the Chinese pirate organizations in the seventeenth, eighteenth and early nineteenth centuries could number in the tens of thousands.<sup>7</sup> Two of the most prominent scholars of historical Chinese piracy — at least among those writing in English — are Robert J. Antony and Dian Murray. Antony provides a "bottom-up" examination of piracy in China between 1522 and 1810.<sup>8</sup> Antony divides Chinese piracy in the late imperial age into three epochs: the *wokou* (1522-74), the *haikou* (1620-84), and the *yangdao* (1780-1810). The heyday of Chinese piracy was between 1795 and 1810, when a confederation of seven pirate fleets, numbering a total of 2,000 junks and between 50,000 and 70,000 pirates,

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<sup>3</sup> Fox, *British Admirals and Chinese Pirates, 1832-1869*.

<sup>4</sup> Lennox Algernon Mills, *British Malaya, 1824-67*, Royal Asiatic Society of Great Britain and Ireland. Malaysian Branch, Singapore. Journal, v. 313, Pt. 3 (Kuala Lumpur: Oxford University Press, 1966), 23.

<sup>5</sup> Gerald Sandford Graham, *The China Station: War and Diplomacy 1830-1860* (New York: Clarendon Press, 1978).

<sup>6</sup> *Ibid.*, 274.

<sup>7</sup> Dian H. Murray, "Living and Working Conditions in Chinese Pirate Communities, 1750-1850," ed. David J. Starkey, E.S. van Eyck van Heslinga, and J.A. de Moor (Exeter, UK: University of Exeter Press, 1997), 47–68.

<sup>8</sup> Robert J. Antony, *Like Froth Floating on the Sea: The World of Pirates and Seafarers in Late Imperial South China*, vol. 56 (Berkeley, CA: Institute of East Asian Studies, 2003).

challenged the Qing dynasty's monopoly of the legitimate use of violence in South China.<sup>9</sup>

Murray provides a more detailed account of piracy in the *yangdao* epoch. Like Antony, Murray's interest is in the social aspects of piracy in south China. Murray attributes the resurgence of piracy in the late eighteenth century to a number of environmental and economic factors, including rice and land shortages caused by over-population.<sup>10</sup>

### **International Relations Theory and Counter-Piracy**

The accepted view that Great Powers, such as Britain, intervene to suppress piracy primarily to provide the public goods of secure international shipping routes and global maritime trade is referenced in several important works of international relations theory.<sup>11</sup> Similarly, Paul Kennedy views Britain's nineteenth century counter-piracy interventions and its willingness to make nautical charts freely available to mariners of all nations as sharing the same motivation — to facilitate and protect international maritime trade.<sup>12</sup> The foundation of these ideas lies in hegemonic stability theory as articulated by Charles Kindleberger.<sup>13</sup> Kindleberger proposes that a hegemon, which dominates the international system through a combination of military and economic power, has an interest in maintaining global stability because this allows it to increase its access to overseas markets. By providing the public good of global stability a hegemon facilitates “free-riding;” however, this stability is still in the hegemon's best economic interests as it stands to accrue more market gains relative to other states.<sup>14</sup>

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<sup>9</sup> Murray, “Living and Working Conditions in Chinese Pirate Communities, 1750-1850”; Max Weber, *The Vocation Lectures*, ed. Tracy B Strong and David S Owen, trans. Rodney Livingstone (Indianapolis & Cambridge: Hackett, 2004).

<sup>10</sup> *Pirates of the South China Coast, 1790-1810* (Stanford, CA: Stanford University Press, 1987).

<sup>11</sup> Robert Gilpin, *War and Change in World Politics* (Cambridge: Cambridge University Press, 1981), 104; Robert O Keohane, *After Hegemony* (Princeton, NJ: Princeton University Press, 2005), 36–7; Joseph S Nye, *The Paradox of American Power* (Oxford: Oxford University Press, 2003), 141–7.

<sup>12</sup> *The Rise and Fall of British Naval Mastery* (New York: Scribner, 1976), 164–5.

<sup>13</sup> *The World in Depression, 1929-1939, History of the World Economy in the Twentieth Century* (Los Angeles: University of California Press, 1973).

<sup>14</sup> *Ibid.*; Keohane, *After Hegemony*, 32–3.

A different explanation for great power intervention against piracy comes from Oded Löwenheim.<sup>15</sup> Löwenheim argues that a great power intervenes against pirates and other “persistent agents of transnational harm” (PATHs) in order to “punish” PATHs when it perceives them as challenging its authority. This “punishment serves not only to deter or incapacitate but also to reassert the great power’s authority by secluding a challenger from the rest of society and thus demonstrating the authority’s commitment to the norms and institutions from which the challenger deviated” Ibid., 218.. Although PATHs include international terrorist organizations as well as pirates, Löwenheim focuses much of his analysis on Britain’s intervention against the Barbary pirates in 1816 Ibid., 134–74.. Löwenheim expands the meaning of “great power” beyond material factors to include considerations of “role identity” and norms.<sup>16</sup> Following this approach, a state that assumes the role of a maritime great power also assumes the responsibility to uphold the norms that are associated with this identity. Although some realist scholars also examine the role of prestige and reputation, Löwenheim’s focus on great power identity and norm enforcement locates his work within the constructivist approach to international relations.<sup>17</sup>

Although scholars do provide some explanations for Britain’s motivations for intervening to suppress piracy, what is missing is a more generalizable explanation of this phenomenon that incorporates a more comprehensive array of core international relations theories. My paper fills this gap in the scholarship by examining the question of why Britain intervened to suppress piracy in some instances but not in others. More broadly, my research contributes to the development of a theoretical framework to better understand how great powers form and

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<sup>15</sup> *Predators and Parasites: Persistent Agents of Transnational Harm and Great Power Authority* (Ann Arbor: University of Michigan Press, 2007).

<sup>16</sup> Alexander Wendt, “Anarchy Is What States Make of It: The Social Construction of Power Politics,” *International Organization* 46, no. 2 (1992): 398.

<sup>17</sup> “Do Ourselves Credit and Render a Lasting Service to Mankind’: British Moral Prestige, Humanitarian Intervention, and the Barbary Pirates,” *International Studies Quarterly* 47, no. 1 (2003): 23–48; *Predators and Parasites: Persistent Agents of Transnational Harm and Great Power Authority*; Daniel Markey, “Prestige and the Origins of War: Returning to Realism’s Roots,” *Security Studies* 8, no. 4 (1999): 126–72.

comprehend their interests regarding violent non-state actors, such as pirates. Along with these contributions to the historical study of piracy, my paper makes a significant contribution to the theory-scarce maritime piracy literature, as well as to the development of core international relations theories.

### **Causal Explanations**

I examine five explanations, each of which examines a separate causal mechanism to explain why great powers, such as Britain, intervene to suppress piracy. These causal explanations are not mutually exclusive, as a more complete understanding of this puzzle will likely need to combine several, if not all of them.

***Explanation 1:*** Britain intervened militarily to suppress piracy in order to protect its citizens or merchant vessels from attack. The causal mechanism in this explanation is pirate attacks on British merchant vessels or citizens. To provide support for this explanation, a causal chain directly linking attacks on a Britain's ships or citizens with a military intervention to suppress piracy must be shown to exist.

***Explanation 2:*** Britain intervened militarily to suppress piracy as part of its larger geopolitical or strategic goals. This explanation comes from a realist understanding of state interests, as articulated in some of the seminal texts of international relations theory.<sup>18</sup> While realism is primarily concerned with challenges to state power and security from rival states, these challenges can also come from non-state actors, such as pirates. The causal mechanism in this explanation is British geopolitical or strategic interests in a particular region that are not directly

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<sup>18</sup> Edward Hallett Carr, *The Twenty Years' Crisis, 1919-1939* (New York: Perennial, 2001); H. J. Morgenthau, *Politics Among Nations*, ed. K. W. Thompson and W. D. Clinton (New York: McGraw-Hill, 1985); Kenneth N. Waltz, *Man, the State, and War* (New York: Columbia University Press, 2001); *Theory of International Politics* (New York: Random House, 1979).

related to counter-piracy. To support this explanation, a cause-effect link must be shown that ties counter-piracy operations to these other geopolitical or strategic goals, such as expanding colonial networks or great power rivalry.<sup>19</sup>

**Explanation 3:** Britain intervened militarily to suppress piracy in order to secure critical sea lines of communication and international maritime trade, and to defend access to the “global maritime commons.”<sup>20</sup> This explanation is derived from hegemonic stability theory.<sup>21</sup> The causal mechanism is pirate attacks on large merchant ships engaged in intercontinental trade regardless of their flag-state. If this explanation is correct, I expect British intervention to be directly linked with pirate attacks carried out in major shipping routes or against large ocean-going merchantmen, regardless of flag-state. Evidence to support this explanation would come from demonstrating the existence of a causal chain linking counter-piracy operations to the defense of international commerce.

**Explanation 4:** Britain intervened militarily to suppress piracy in response to significant pressure from domestic actors, such as British business elites. This explanation draws from what Andrew Moravcsik has defined as a “liberal theory of international relations.”<sup>22</sup> According to this theory, domestic actors who possess sufficient influence within the state are able to use the apparatuses of power to achieve their own foreign policy goals.<sup>23</sup> The causal mechanism is pressure from domestic actors exerted on the British government to suppress piracy. Evidence of lobbying efforts by domestic actors can be found in archival documents — particularly the

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<sup>19</sup> Stephen Van Evera, *Guide to Methods for Students of Political Science* (Ithaca, NY: Cornell University Press, 1997), 64.

<sup>20</sup> Alfred T. Mahan, *The Influence of Sea Power upon History, 1660-1783* (Gretna, LA.: Pelican, 2003), 22.

<sup>21</sup> Kindleberger, *The World in Depression, 1929-1939*; Keohane, *After Hegemony*, 36–7; Nye, *The Paradox of American Power*, 141–7; Gilpin, *War and Change in World Politics*, 104.

<sup>22</sup> “Taking Preferences Seriously: A Liberal Theory of International Politics,” *International Organization* 51, no. 4 (1997): 513–53.

<sup>23</sup> *Ibid.*, 513; Jack L Snyder, *Myths of Empire*, *Cornell Studies in Security Affairs* (Ithaca, NY: Cornell University Press, 1991), 14–7.

private business archives of industry stakeholders. A second requirement is to demonstrate that pressure from domestic actors had a causal effect on the state's decision to intervene against pirates. Although it is impossible to fully ascertain the effects of lobbying on government policy, process tracing based on in-depth case studies provides one of the best tools for examining this phenomenon.<sup>24</sup>

***Explanation 5:*** Borrowing from Löwenheim's constructivist approach, the British intervene militarily to suppress piracy when these acts are viewed as challenging the "normative structure that enables great power authority in world politics."<sup>25</sup> The causal mechanism is the perception that acts of piracy represent a challenge to Britain's authority as a great power. If this explanation is correct, I expect to find statements in the public record that reference suppressing piracy in terms of great power reputation, identity, or moral responsibility. Using Löwenheim's criteria for demonstrating causality, I would need to show that the British were willing to intervene to suppress piracy if the pirates are viewed as a challenge to its reputation or moral authority, even when doing so is harmful to other national interests.<sup>26</sup>

## **Historical Background**

Although trade between China and Europe dates back to antiquity, direct maritime trade routes were first established in the sixteenth and seventeenth centuries. The first English traders arrived at Macau in southern China in 1635, and promptly became involved in hostilities with Ming officials. Although this initial foray was a failure, by the end of the seventeenth century the British East India Company was trading successfully with the China's newly established Qing

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<sup>24</sup> Ibid., 14; Jeremy Richardson, "Government, Interest Groups and Policy Change," *Political Studies* 48, no. 5 (2000): 1006–25.

<sup>25</sup> *Predators and Parasites: Persistent Agents of Transnational Harm and Great Power Authority*, 58.

<sup>26</sup> Ibid., 137.



Dynasty.<sup>27</sup> While China produced a number of luxury goods and commodities desired by Westerners, British trade with China was driven primarily by the former's unquenchable thirst for tea. By the late 1820s England alone was consuming nearly thirty million pounds of tea per year.<sup>28</sup> In return, the British sold large quantities of opium to Chinese merchants in Guangzhou. When Qing officials sought to suppress the opium trade in Guangzhou in the late 1830s, Britain used military force to compel the Chinese to reopen their markets to the drug — an action strongly encouraged by influential members of Britain's mercantile community.<sup>29</sup> The British victory in the First Sino-British War (1839-42)<sup>30</sup> forced China to cede Hong Kong Island to Britain, and to open a number of treaty ports to foreign traders.<sup>31</sup> A decade and a half later, Britain, together with France and the United States, again defeated the Qing Empire in the Second Sino-British War (1856-1860),<sup>32</sup> which increased the territory of the Hong Kong colony and gave foreign merchants access to a greater number of treaty ports. The second Opium War ostensibly began because of a perceived insult to the flag of Great Britain, onboard a British registered but Chinese-owned and operated merchant vessel that Qing officials accused of engaging in acts of piracy.<sup>33</sup>

The middle part of the nineteenth century was a period of great upheaval in China. The Qing Empire faced a series of existential threats far more serious than those posed by opium trading British merchants with the backing of the Royal Navy. The most dramatic challenge to

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<sup>27</sup> William Conrad Costin, *Great Britain and China, 1833-1860* (Oxford: Clarendon Press, 1937), 1–2.

<sup>28</sup> Peter Ward Fay, *The Opium War, 1840-1842* (Chapel Hill, NC: The University of North Carolina Press, 1997), 17.

<sup>29</sup> For an analysis of and documentary evidence for Jardine Matheson's lobbying activities during the lead up to the outbreak of hostilities between Britain and China, see Alain Le Pichon, ed., *China Trade and Empire: Jardine, Matheson & Co. and the Origins of British Rule in Hong Kong, 1827-1843* (New York: Oxford University Press, 2006), 42–46. For an alternative view of Jardine Matheson's role in the Britain's decision to go to war with China in 1839, see Glenn Melancon, *Britain's China Policy and the Opium Crisis: Balancing Drugs, Violence and National Honour, 1833-1840* (Burlington, VT: Ashgate, 2003), 1–2.

<sup>30</sup> This war is often referred to as the First Opium War.

<sup>31</sup> Fay, *Opium War, 1840-1842*.

<sup>32</sup> This war is often referred to as either the Second Opium War or the Arrow War.

<sup>33</sup> David Brown, *Palmerston: A Biography* (New Haven, CT: Yale University Press, 2012), 397–405.

Qing rule came during the Taiping Rebellion (1851-1864). The conflict killed an estimated twenty to thirty million people in what was likely the deadliest civil war in human history.<sup>34</sup> Under the leadership of Hong Xiuquan — the self-proclaimed divine younger brother of Jesus Christ — the Taiping were able to gain control over much of central and southern China.<sup>35</sup> Establishing the capital of their “Heavenly Kingdom of Great Peace” in Nanjing in 1853, the Taiping imposed strict controls over the personal lives of their followers, at one point prohibiting all sexual relations, including between married couples.<sup>36</sup> The civil war led to widespread famine throughout the region. Without any reliable sources of protein, people began turning to cannibalism, and human flesh was sold openly in markets throughout war-affected areas. Demand for even this most alternative of food sources proved high, leading to price increases of up to 300% in a single year.<sup>37</sup>

Many Westerners had initially welcomed the Taiping, who they viewed as having the potential to Christianize China. Much of this support eventually dissipated, however, once Westerners realized how much the Taiping version of Christianity (such as the interpreting of the Holy Trinity to include Hong Xiuquan) differed from their own. For most of this period Britain and other foreign powers maintained an official policy of neutrality in the civil war. After rebel advances began to directly threaten foreign settlements in Shanghai, however, the Western powers began military actions against the Taiping.<sup>38</sup> This ad-hoc military cooperation with the

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<sup>34</sup> Tobie Meyer-Fong, *What Remains: Coming to Terms with Civil War in 19th Century China* (Stanford, CA: Stanford University Press, 2013), 1.

<sup>35</sup> Thomas H. Reilly, *The Taiping Heavenly Kingdom: Rebellion and the Blasphemy of Empire* (Seattle, WA: University of Washington Press, 2004); Jonathan D. Spence, *God's Chinese Son: The Taiping Heavenly Kingdom of Hong Xiuquan* (New York: Norton, 1996).

<sup>36</sup> This prohibition on sexual activity apparently did not apply to Hong Xiuquan, who maintained a large harem of concubines throughout his reign.

<sup>37</sup> Stephen R. Platt, *Autumn in the Heavenly Kingdom: China, the West, and the Epic Story of the Taiping Civil War* (New York: Alfred A. Knopf, 2012), 338–339.

<sup>38</sup> Platt, *Autumn in the Heavenly Kingdom*.

Qing against the Taiping did not prevent the British and French from also fighting against the Qing during the Second Opium War, which took place during the same period.

The instability in China during the nineteenth century resulted in widespread lawlessness and banditry throughout much of the country. In littoral areas this banditry was often manifested as piracy. Pirates had been present in Chinese waters for millennia. In the late eighteenth and early nineteenth centuries piratical organizations, some as large as between 40,000 and 60,000 members, controlled much southern Chinese coast.<sup>39</sup> Although these pirate fleets had diminished in size by the mid-nineteenth century, they still carried out numerous attacks on merchantmen and fishing boats. Piracies were conducted using the same tactics that had persisted for millennia: using a separate vessel or vessels to attacks, board, and seize a target ship and its cargo.<sup>40</sup> While pirates were interested in stealing merchant ships' cargoes, which could include opium and specie, the larger piratical organizations profited by extorting "protection" payments from local merchants and fishermen.<sup>41</sup> Maritime banditry was not restricted to Chinese pirates, as American and Europeans — including British — took advantage of the Qing Empire's inability to exercise control over its coastal regions.

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<sup>39</sup> Dian H Murray, *Pirates of the South China Coast, 1790-1810* (Stanford, CA: Stanford University Press, 1987), 259; Robert J Antony, *Like Froth Floating on the Sea: The World of Pirates and Seafarers in Late Imperial South China*, China Research Monograph (Berkeley, CA: Institute of East Asian Studies, 2003), 20; Wensheng Wang, *White Lotus Rebels and South China Pirates* (Harvard University Press, 2014), 81–109.

<sup>40</sup> This "external piracy", differs from "internal piracy," which was common in China in the early twentieth century. Internal piracy involves hijacking ships by pirates who had gained access to the ship disguised as passengers or crew.

<sup>41</sup> Robert J Antony, "Piracy on the South China Coast through Modern Times," in *Piracy and Maritime Crime*, ed. Bruce A. Elleman, Andrew Forbes, and David Rosenberg (Newport, RI: Naval War College Press, 2010), 42.

## Two Phases of Counter-Piracy: 1834-46 & 1847-60

### *Phase 1:*

In 1833, under pressure from London merchants, the pro free trade Whig government in London revised the charter of the East India Company, eliminating the Honourable Company's monopoly on trade with China.<sup>42</sup> This change in policy now allowed many British companies to openly engage in trade with China, including the newly founded Jardine Matheson.<sup>43</sup> This policy change significantly altered London's interaction with piracy in China. Although East India Company ships had been encountering pirates around the globe for over two centuries, the Company possessed a powerful para-naval force that allowed it to conduct its own counter-piracy operations.<sup>44</sup> Private British merchants, however, had little choice but to rely on the state when maritime force was needed. As a result, British authorities now found themselves increasingly pressured by merchants to act to protect private commercial interests.

The first recorded attack on a British vessel during this period occurred in July 1835, when a group of more than 200 pirates armed with knives and bamboo spears plundered the British merchant ship "Troughton" southwest of Macau. The vessel was in a particularly vulnerable position having been severely damaged in a storm several days earlier.<sup>45</sup> On learning of the attack, the ship's English owner, John C. Whiteman, dispatched a letter to Britain's Superintendents of Trade in China requesting that they press the matter with Qing officials.<sup>46</sup> Whiteman was informed that Britain had already sent a protest to Chinese authorities, informing

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<sup>42</sup> Peter J. Cain and Antony G. Hopkins, *British Imperialism, 1688-2000* (Longman, 2002), 282.

<sup>43</sup> Although Jardine Matheson was officially founded in 1832, the Agency House itself had been in existence since the late eighteenth century; see Le Pichon, *China Trade and Empire*, 20–36.

<sup>44</sup> For example, in 1696 Company ships successfully defended a Mughal treasure fleet from William Kidd (also known as Captain Kidd) off the coast of present-day Somalia. See Robert Ritchie, *Captain Kidd and the War Against the Pirates* (Cambridge, MA: Harvard University Press, 1989).

<sup>45</sup> Deposition of George Bell, Chief Mate of the "Troughton," July 8, 1835. FO 17/11; "Journal of Occurrences. Misfortune of the English Bark Troughton," *The Chinese Repository* 4, no. 3 (July 1835): 151–52.

<sup>46</sup> J.C. Whiteman. to E. Elmslie, July 9, 1835. FO 17/11

them of the attack. The following year a Jardine Matheson ship carrying opium and gold specie was attacked by Chinese pirates. The ship's captain, who was a cousin of James Matheson, was killed in the attack.<sup>47</sup>

Although British merchants could rely on their government to dispatch letters of protest to Chinese authorities in Guangzhou, there was little expectation that any support from the Royal Navy would be forthcoming, as British warships were rarely present in the region at this time.<sup>48</sup> One challenge faced by the Royal Navy when operating off China was the absence of a British-controlled port in the region. The lack of a safe haven for British ships also hampered the ability of British merchants to trade with China. While the Portuguese colony of Macau provided some refuge, it could not ensure the security of British citizens in the event of a political crisis in China. British merchants and officials were also restricted by Portuguese and Chinese regulations. In 1835, the perceived constraints imposed on the British in Macau led the Chief Superintendent of Trade, George Robinson, to move his headquarters offshore to an anchored ship, where he remained for the next two years. The dissatisfaction with Macau also led British merchants to lobby London to establish its own colony along the southern Chinese coast.<sup>49</sup> Throughout the 1830s merchants also sent numerous petitions to the British government, imploring London to force the Chinese to open more ports to the opium trade.<sup>50</sup>

Britain's victory over the Qing Empire in the first Opium War gave British merchants what they had been looking for: a colony on Hong Kong Island, forty miles east of Macau. Although Hong Kong was occupied by British forces during the war, the Secretary of State for Foreign Affairs, the Earl of Aberdeen, did not intend to establish a permanent colony on the

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<sup>47</sup> W. Jardine to J. Shillaber, January 31, 1837. Le Pichon, *China Trade and Empire*, 296–297.

<sup>48</sup> Fox, *British Admirals and Chinese Pirates, 1832-1869*, 87.

<sup>49</sup> Graham, *The China Station*, 66–68.

<sup>50</sup> For the text of these petitions see: Le Pichon, *China Trade and Empire*, 553–569.

island. Sir Henry Pottinger, Britain's envoy to China, thought differently, however, and he forced the Chinese to cede Hong Kong to Britain in perpetuity in the 1842 Treaty of Nanking.<sup>51</sup>

Pottinger also became the colony's first governor in 1843, together with serving as the Chief Superintendent of Trade.<sup>52</sup> Pottinger's position on the ultimate fate of Hong Kong was backed by leading British merchants.<sup>53</sup> The Treaty of Nanking, signed at the conclusion of the hostilities, allowed British merchants "to reside, for the purpose of carrying out their mercantile pursuits, without molestation or restraint, at the cities and towns of Canton [Guangzhou], Amoy [Xiamen], Fuchau [Fuzhou], Ningpo [Ningbo], and Shanghai...."<sup>54</sup> The new colony of Hong Kong developed quickly, fuelled largely by the lucrative opium trade. Jardine Matheson was one of the first trading houses to establish some of its operations in the colony, having been using the island as a refuge as far back as 1838.<sup>55</sup>

China's defeat in the Opium War had left the Imperial Navy severely weakened, diminishing its capacity to suppress piracy. As a result, pirate attacks on merchant shipping increased throughout the region.<sup>56</sup> The increase in attacks was noted in one of the colony's first newspapers, *The Friend of China and Hong Kong Gazette* in a letter addressed to the colonial administrators:

A question that urgently calls for the most serious and immediate consideration is the effect to which piracy has lately increased in the Canton [Pearl] River and Islands situated on its Estuary and which, if not speedily checked, well may shortly put a stop to all intercourse....<sup>57</sup>

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<sup>51</sup> Graham, *The China Station*, 233.

<sup>52</sup> The Governor of Hong Kong continued to hold both titles until the position of Superintendent of Trade was abolished. See George Pottinger, *Sir Henry Pottinger: The First Governor of Hong Kong* (New York: Palgrave Macmillan, 1997).

<sup>53</sup> Le Pichon, *China Trade and Empire*, 51.

<sup>54</sup> "Treaty between Her Majesty the Queen of Great Britain and the Emperor of China," 1842 Article II; Le Pichon, *China Trade and Empire*, 572–575.

<sup>55</sup> Fay, *Opium War, 1840-1842*, 322; Le Pichon, *China Trade and Empire*, 49.

<sup>56</sup> Fox, *British Admirals and Chinese Pirates, 1832-1869*, 98.

<sup>57</sup> *The Friend of China and Hong Kong Gazette*, July 2, 1843, reproduced in ADM 125/145 [18].

Owned and edited by British merchants, the *Friend of China and Hong Kong Gazette* promoted free trade and robust action to open Chinese ports to British trade.<sup>58</sup>

While most pirate attacks were carried out against Chinese vessels, British subjects, including colonial elites, were also sometimes directly affected. On the night of July 18, 1844, two British officers — including the son of Hong Kong’s Lieutenant Governor — were attacked by two pirate boats while making their way back to Hong Kong from Macau.<sup>59</sup> The pirates made off with the officers’ weapons and goods. The following day, in response to the attack, the new Governor of Hong Kong, Sir John Davis, dispatched five armed boats to search for those responsible. The British troops successfully captured “two large suspicious looking boats.” Based on the fact that the suspected pirates were in “possession of a large gun and a much greater quantity of arms than could be required by a fishing vessel,” they were turned over to Chinese authorities. In a subsequent letter to the Foreign Secretary in London, Davis also described the Qing authorities’ inability to quell piracy and of the difficulties in distinguishing fishermen from pirates.<sup>60</sup> As the Chinese government licensed all merchant and fishing vessels to carry arms — a policy adopted during the First Opium War — simply possessing weapons onboard was not necessarily an indication of piratical intentions.

By early 1845, lawlessness at sea was becoming a serious menace to Hong Kong’s trade. Writing to the China Station’s Commander-in-Chief,<sup>61</sup> Rear Admiral Thomas Cochrane, Davis commented that “it appears that the trade which ought to resort to this Colony in Native junks and boats, is comparatively paralyzed by the armed vessels....” If the Chinese government were

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<sup>58</sup> Prescott Clarke, *A Research Guide to China-Coast Newspapers, 1822-1911*, ed. Frank H. H. King (East Asian Research Center, Harvard University, 1965), 50.

<sup>59</sup> Captain Charles Lawrence D’Aguilar (later Lieutenant-General) was the son of Major-General Sir George Charles D’Aguilar, Hong Kong’s first Lieutenant Governor from 1843 to 1848. See Charles Edward Buckland, *Dictionary of Indian Biography* (Swan Sonnenschein & Co., 1906), 105.

<sup>60</sup> J.C. Davis to the Earl of Aberdeen, July 20, 1844. FO 17/88 [106].

<sup>61</sup> Established in the 1831, this Royal Navy Station was responsible for a vast expanse of water stretching from the Red Sea to the Hawaiian Islands and from the Southern Ocean to the Bering Strait. See Graham, *The China Station*.

not able to reduce the level of piracy, Davis concluded that “it may be found ultimately necessary to seize and destroy all Vessels whose armaments ... prove their criminal pursuits.”<sup>62</sup> Davis also wrote to Keying, the Qing Empire’s High Imperial Commissioner in Guangzhou, to pressure the Chinese government to disarm merchant and fishing vessels. In Britain’s view, this regulation allowed to pirates to more easily pass themselves off as merchants or fishermen. Davis also suggested using Chinese rigged vessels manned with British soldiers as decoys to combat piracy if other measures proved unsuccessful.<sup>63</sup> Cochrane largely agreed with Davis’s plan, adding that the colony should build four or six lorchas to conduct counter-piracy operations.<sup>64</sup> In the admiral’s view, however, any British efforts to combat piracy were futile until the Chinese government rescinded the merchant vessel’s licenses to carry arms.<sup>65</sup>

Although colonial officials were concerned piracy in the immediate vicinity of Hong Kong, this did not entail any sustained British attempt to quell piracy in the wider region. In Cochrane’s directive to the captains of the Royal Navy vessels under his command in March 1845, he ordered that they shall “not interfere directly or indirectly with any Ship, Vessel or Boat they may fall in with belonging to Chinese Subjects under the supposition that she may be a Pirate or have been engaged in any unlawful act, unless that she shall have within view attacked some British Vessel of Subject....”<sup>66</sup> This policy proved very unpopular with the British merchant community in China, who blamed Cochrane for the increased levels of piracy witnessed throughout the second half of the 1840s.<sup>67</sup>

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<sup>62</sup> Davis to Cochrane, January 25, 1845. ADM 125/145 [24-25].

<sup>63</sup> Davis to Keying, January 20, 1845. ADM 125/145 [26-27].

<sup>64</sup> A lorcha is a type of sailing vessel with a European-shaped hull and Chinese rigging.

<sup>65</sup> Cochrane to Davis, January 27, 1845. ADM 125/145 [28-31].

<sup>66</sup> Cochrane, March 8, 1845, as cited in Hay, *The Suppression of Piracy in the China Sea 1849*, 6.

<sup>67</sup> Graham, *The China Station*, 269; Fox, *British Admirals and Chinese Pirates, 1832-1869*, 100.



In July 1846, the Tory government of Sir Robert Peel was replaced by Lord John Russell and the pro-free trade Whig party returned to power after a nearly five years of Tory rule. The Whigs' return to power also entailed Lord Palmerston's resumption of duties as Foreign Secretary.<sup>68</sup> Palmerston's return to the Foreign Office coincided with the adoption of a more robust policy aimed at suppressing piracy in China. The clearest expression of Palmerston's views on piracy came in October 1847, in response to a report of a successful counter-piracy in China. The Admiralty was informed that: "Lord Palmerston considers the that the entire suppression of the system of piracy [...] prevailing on the Coast of Fukien [Fujian], as far as it may be practicable to accomplish it, is an object of great importance both to our commercial interests and to the improvement of our relations with China."<sup>69</sup> The following day, the Admiralty relayed this message — nearly verbatim — to the Commander-in-Chief in China, Rear-Admiral Inglefield. The significant only change was to replace the words "Lord Palmerston" with "The Government"<sup>70</sup>

*Phase II:*

The Royal Navy's efforts in the 1840s focused on destroying the bands of Chinese pirates that operated along the coast of southern and central China. In the late 1840s, British naval policy towards pirates changed considerably, as the Royal Navy took more robust actions against Chinese pirates. While explaining the government's motivations for this policy shift requires substantial analysis, the eagerness of the officers and men of the Royal Navy to pursue pirates

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<sup>68</sup> Henry John Temple, Lord Palmerston had served as Secretary of State for Foreign Affairs on two previous occasions: from 1830 to 1834 and from 1835 to 1841.

<sup>69</sup> Foreign Office to Admiralty, October 28, 1847. FO 17/137

<sup>70</sup> Admiralty to Inglefield, October 29, 1847. Cited in Fox, *British Admirals and Chinese Pirates, 1832-1869*, 102. Fox attributes this policy decision to the Admiralty; however, as the letter from the Foreign Office demonstrates, the decision to pursue a more robust policy of piracy suppression came directly from Palmerston.

can be — at least partially — explained simply: bounties. The “Act for encouraging the Capture or Destruction of Piratical Ships and Vessels,” passed by Parliament in 1825, paid a bounty for all pirates killed or captured.<sup>71</sup>

The records show that from the establishment of the East Indies and China Station in 1831, until 1846, there were only two recorded cases of bounties being paid to Royal Navy ships for actions against pirates in China. Combined, these actions captured five junks and killed or captured ninety-three suspected pirates — services for which the crews were paid a total of £2,095. Over a four year period between March 1847 and March 1850, Royal Navy ships’ officers and crew were paid £90,910 for capturing or destroying 139 pirate vessels and killing or capturing 3,617 suspected pirates. A further 3,708 pirates were listed as having escaped.<sup>72</sup> These robust counter-piracy actions were taken primarily in response to attacks on British merchant vessels; however, individual officials sometimes took it upon themselves to act against pirates for other reasons. For example, in 1848 British officials in Ningbo agreed to dispatch a warship in response to a poor Chinese women’s request for assistance in rescuing her son from local pirates — an action intended to bolster Britain’s prestige among the local inhabitants of the region.<sup>73</sup>

Despite the robust counter-piracy actions carried out in the late-1840s, pirates remained a significant threat to merchant shipping. Many Chinese merchants were forced to resort to using convoy systems, with armed European vessels serving as escorts.<sup>74</sup> This was far from ideal solution for the merchants, however, as the escorting ships charged hefty sums for their services.

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<sup>71</sup> Under the law, the Crown paid £20 for each pirate killed or captured and £15 for each pirate who escaped.

<sup>72</sup> Fox, *British Admirals and Chinese Pirates, 1832-1869*, 110–111; This is not a comprehensive measure of all counter-piracy actions undertaken by British vessels, as in some cases claims for bounties were not paid by the government.

<sup>73</sup> John King Fairbank, *Trade and Diplomacy on the China Coast: The Opening of the Treaty Ports, 1842-1854* (Cambridge, MA: Harvard University Press, 1964), 335–336.

<sup>74</sup> Bonham to Palmerston, October 17, 1848. FO 17/145 [166]

Merchants who refused to pay could be subjected attack from these same Europeans, in what amounted to an extortion racket.<sup>75</sup> Innocent merchant and fishing vessels were also susceptible to attack from over-zealous or incautious Europeans who had mistaken them for pirates. This is likely what transpired in the case of the British schooner “Spec,” in 1848.<sup>76</sup> On the morning of June 21, 1848, the “Spec” sighted a Chinese junk near Ningbo. After approaching the junk for the closer inspection, the “Spec’s” Chinese pilot assured the captain that the junk was a pirate vessel. When the junk refused to comply with the “Spec’s” hails, the British ship opened fire with muskets and canon, killing and injuring several of the junk’s crew. After boarding the stricken fishing vessel, the English sailors tied up the surviving crew and threw the dead and some not-quite-dead Chinese sailors into the sea. The “Spec’s” crew then towed the junk to a nearby island where they proceeded to plunder the junk’s cargo of fish. When the Royal Navy sloop “Childers” happened to come across the two vessels, the “Childers’s” captain diverted the “Spec” and its crew to Shanghai on suspicion of being pirates.<sup>77</sup> The crew members were transported to Hong Kong on charges of murder and piracy, but were cleared by a grand jury — a finding that Hong Kong’s Governor, George Bonham attributed largely to the fact that the grand jury was made up of British merchants.<sup>78</sup> The Hong Kong weekly newspaper, *China Mail*,

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<sup>75</sup> Fox, *British Admirals and Chinese Pirates, 1832-1869*, 106; Antony, “Piracy on the South China Coast through Modern Times,” 42.

<sup>76</sup> A schooner is a type of sailing vessel that, like the “Spec,” typically had two masts.

<sup>77</sup> Fairbank, *Trade and Diplomacy on the China Coast*, 339–340.

<sup>78</sup> A second reason that the governor gave for the outcome was that “at least half of [the member of the jury were] Scottish gentlemen, and in Scotland grand juries are unknown....” See Bonham to Palmerston, October 17, 1848. FO 17/145

which received some financial backing from the merchant firm Dent & Company,<sup>79</sup> lamented the fact that charges were brought against the crew at all.<sup>80</sup>

The “Spec” case was unusual only because the English pirates were caught, not because the attack had occurred in the first place. This fact is acknowledged by the British consul in Shanghai, Rutherford Alcock, in a letter to Governor Bonham: “I am sorry to say as to the frequent occurrence of similar acts of Piracy and violations of the Laws of nations by vessels sailing the under the British and other foreign flags.” An officer in the Qing Imperial Navy went so far as to claim that local maritime trade suffered more as a result of foreign piracies than Chinese ones.<sup>81</sup> Although neither the London nor Hong Kong governments condoned piratical attacks carried out by British or other foreign ships, their attentions were focused primarily on combatting Chinese piracy. As a result the historical record contains few mentions of British efforts to combat non-Chinese pirates. Britain’s complacency towards non-Chinese piracy is further evidenced by the fact that many of the Westerners involved in piratical extortion rackets lived openly in Hong Kong. One of the most notorious pirates of the period was the American Eli Boggs. His most infamous (although perhaps apocryphal) deed was to kill and dismember the corpse of a Chinese merchant who had somehow run afoul of Boggs. The remains of the unfortunate merchant were then taken ashore in several buckets as a warning to others.

Britain’s *laissez-faire* attitude towards non-Chinese piracy contrasted greatly with its response to Chinese attacks on British merchants. In the summer of 1849 the British flagged clipper “Sylph” disappeared while transiting between Hong Kong and Singapore. Owned by

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<sup>79</sup> Clarke, *A Research Guide to China-Coast Newspapers, 1822-1911*, 58.; Dent & Co. was one of most prominent merchant houses operating in Hong Kong from 1841 until the economic depression of 1867, when the firm folded. See Solomon Bard, *Traders of Hong Kong: Some Foreign Merchant Houses, 1841-1899* (Hong Kong: Urban Council, 1993), 56–57.

<sup>80</sup> Fairbank, *Trade and Diplomacy on the China Coast*, 340.

<sup>81</sup> Alcock to Bonham, July 3, 1848. FO 17/145 [176]

Jardine Matheson, the “Sylph” was carrying a valuable cargo of specie, having just successfully delivered a shipment of opium to China. The Hong Kong merchant community suspected that the “Sylph” had been attacked and either sunk or captured by pirates under the direction of Shap Ng-tsai off Hainan Island.<sup>82</sup> These same pirates were also accused of attacking two other British ships and an American flagged ship — Jardine Matheson’s “Lady Hayes,” as well as the “Bombay” and the “Ruparell” — earlier in the year. Concerned for the fate of the “Sylph” and its valuable cargo, the managers of Jardine Matheson chartered the Peninsula & Orient steamship “Canton” to aid in the search for the missing vessel. The Royal Navy also provided twenty-seven officers and men for the operation. During the expedition, which concluded in mid-September, the “Canton” sank six junks and killed fifty-nine suspected pirates. The “Sylph,” however, was not found.

The “Sylph’s” disappearance spurred Governor Bonham to dispatch a number of Royal Navy warships and the East India Company’s steamship “Phlegethon” to combat the pirates.<sup>83</sup>

Bonham explained this decision in a letter to the Qing’s Imperial Commissioner in Guangzhou:

I have already upon several occasions addressed Your Excellency regarding pirates; but as long as they remained at a distance and did not interfere with British Vessels, I not [*sic*] consider myself bound to interpose. Lately however acts of piracy have been more than ordinarily frequent in the vicinity of this Colony: one junk the property of a British subject has been seized of Hainan, and there have been rumors that a British vessel, long missing, had been captured by the pirates in that neighborhood. A vessel-of-war was in consequence dispatched to make search; and on the 5th September ... fell in with a fleet of pirate junks of which she destroyed five.<sup>84</sup>

As Bonham was writing his letter to the Chinese commissioner, Royal Navy ships, working with Qing naval vessels, were engaged in a multi-day battle with Shap Ng-tsai’s forces

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<sup>82</sup> Beresford Scott, *Account of the Destruction of the Fleets of the Celebrated Pirate Chieftains Chui-Apoo and Shap-Ng-Tsai, on the Coast of China, in September and October, 1849* (London: Savill and Edwards, 1851), 11.

<sup>83</sup> Bonham to Palmerston, September 12, 1849. FO 17/157 [201-208]

<sup>84</sup> Bonham to Sū, Imperial Commissioner, September 1849, reproduced in *The China Repository*, vol. 18 (1849), 558.

in the Gulf of Tonkin. Shap Ng-tsai possessed a formidable fleet, comprised of sixty-four ships, including his flagship, a junk mounted with at least forty-two guns. The pirates, however, were unable to compete with the firepower of the combined British-Chinese fleet, which included the steam-powered “Phlegethon.” The Qing and British forces captured or destroyed fifty-eight vessels and killed at least 1,700 of Shap Ng-tsai’s men.<sup>85</sup> The British suffered no casualties.<sup>86</sup> Less than two weeks later the Royal Navy destroyed a second pirate fleet under the command of Shap Ng-tsai’s lieutenant, Chui-apoo, in Bias Bay (*Daya Wan*), seventy-five east of Hong Kong.<sup>87</sup> In a joint letter to Rear Admiral Sir Francis Collier, the Commander-in-Chief of the China Station, Hong Kong’s most prominent merchants (including Jardine Matheson and Dent & Company) thanked the Royal Navy for its efforts in protecting British commerce. The merchants also pointed out “the necessity of peace and safety in the successful prosecution of trade generally and particularly to a colony like Hong Kong, which is still in its infancy.”<sup>88</sup> Collier subsequently relayed this letter to Palmerston in London.<sup>89</sup> Palmerston also received dispatches that noted British personnel whose actions in countering piracy were worthy of particular praise. Among those singled out was Hong Kong’s sub-superintendent of police, Daniel Richard Caldwell, who had served as the navy’s guide and interpreter.<sup>90</sup> Caldwell, one of the few Englishmen fluent in several Chinese languages, was able to make valuable connections to the

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<sup>85</sup> Shap Ng-tsai escaped the fighting in the Tonkin Gulf and subsequently entered the Qing Imperial Navy.

<sup>86</sup> Graham, *The China Station*, 274.; British records contain no discussion of Qing casualties.

<sup>87</sup> Collier to Palmerston, October 20, 1849. FO 17/172 [11-14]; Scott, *Account of the Destruction of the Fleets of the Celebrated Pirate Chieftains Chui-Apoo and Shap-Ng-Tsai, on the Coast of China, in September and October, 1849.*

<sup>88</sup> Jardine Matheson et al. to Collier, October 18, 1849. FO 17/172 [30-32]

<sup>89</sup> Collier to Palmerston, October 20, 1849. FO 17/172 [11-14]

<sup>90</sup> Cdr. J.C.D. Hay to Bonham, November 1, 1849. CO 129/30 [301]

Chinese community in Hong Kong. These connections allowed him to gather intelligence on the whereabouts of alleged pirate fleets.<sup>91</sup>

Despite the Royal Navy's decisive victory over Shap Ng-tsai's piratical fleets, these actions had little effect on the overall level of piracy in southern China.<sup>92</sup> British successes also did little to quell calls from the merchant community for continued action against piracy. The colony's oldest newspaper, the *Hong Kong Register* (owned by Jardine Matheson) editorialized that "[t]he 'Sylph' and other vessels have, doubtlessly, fallen victims to these depredators, the fate of whose crews in the hands of these celestial murderers is far too painful to be dwelt upon...." The editorial also stated that the attack on the "Sylph" will:

settle at once the imperative necessity of [His] [Excellency] the naval commander-in-chief, who is now once again happily in our waters, taking active measures for [the pirates] immediate and total annihilation; should he not determine on so doing, our trade will become, ere many months, so hazardous, that but few will be able to venture capital so certain of destruction.<sup>93</sup>

No matter how stringent the editorial's call for action, however, His Excellency, the naval Commander-in-Chief, paid no attention, as Collier had died suddenly on the previous day.<sup>94</sup> Undeterred, the *Hong Kong Register* used the admiral's obituary as a platform to criticize the navy's counter-piracy policies — and in particular Cochrane's directive of March 1845, which forbade Royal Navy ships from engaging in counter-piracy, unless they had directly witnessed an attack on a British vessel or subject.<sup>95</sup>

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<sup>91</sup> Christopher Munn, "Colonialism 'in a Chinese Atmosphere': The Caldwell Affair and the Perils of Collaboration in Early Colonial Hong Kong," in *New Frontiers*, ed. Robert Bickers and Christian Henriot (Manchester: Manchester University Press, 2000), 12–37.

<sup>92</sup> Graham, *The China Station*, 274.

<sup>93</sup> Hong Kong Register, October 29, 1849, reproduced in Scott, *Account of the Destruction of the Fleets of the Celebrated Pirate Chieftains Chui-Apoo and Shap-Ng-Tsai, on the Coast of China, in September and October, 1849*, 85–86.

<sup>94</sup> Graham, *The China Station*, 275.

<sup>95</sup> Hay, *The Suppression of Piracy in the China Sea 1849*, 6.

One of the last acts of this lamented officer ... was to repeal the ... mischievous memorandum of Sir Thomas Cochrane, on the subject of Piracy in these seas. A memorandum which, in tying up the hands of the commanders of Her Majesty's ships, has cost thousands of innocent lives, and brought the murderer, who knows no mercy, into the very harbour of Hong Kong.<sup>96</sup>

Prior to the construction of the Suez Canal and the laying intercontinental undersea telegraph cable in the latter half of the nineteenth century, communication between Europe and East Asia took several months. Although the Hong Kong authorities kept their superiors informed of their counter-piracy actions, the speed of communications did not allow London to make decisions pertaining to specific operations. Despite this, London — and Palmerston in particular — were directly involved in determining Britain's broader counter-piracy policies in the region. In an 1848 letter to Collier, which had first been approved by Palmerston, the Lords Commissioners of the Admiralty explained what they viewed as the benefits of countering piracy in China. Aside from protecting British trade, and therefore British interests, cooperation with Chinese authorities on counter-piracy operations would be "highly beneficial" to Sino-British political relations. The Lords Commissioners also stated that countering piracy would "tend to increase and confirm the influence of our National Power and Character."<sup>97</sup> Another way that London influenced counter-piracy operations was to reform the bounty system. In 1848, the Admiralty had recommended altering the 1825 piracy suppression law.<sup>98</sup> Concerned that the present policy was over-burdening the Treasury and susceptible to abuse, the flat rate paid for

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<sup>96</sup> As cited in Graham, *The China Station*, 269–270, fn. 42.

<sup>97</sup> Admiralty to Collier, November 16, 1848. FO 17/151 [159-162]

<sup>98</sup> Fox, *British Admirals and Chinese Pirates, 1832-1869*, 112.



each pirate killed or captured was replaced.<sup>99</sup> Instead, the Admiralty now had the discretion to determine the reward levels on a case-by-case basis.<sup>100</sup>

Despite the change to how head-money was paid, the Royal Navy pursued robust counter-piracy policies throughout the 1850s. In one case, in March 1850, the steam-driven sloop HMS “Medea” came across a fleet of seventeen pirate junks at anchor in Mirs Bay, thirty miles east of Hong Kong. On seeing the warship, many of the pirates jumped overboard in an effort to escape. Volleys from the “Medea’s” guns and musket fire reportedly killed 150 of the fleeing pirates as they swam towards shore.<sup>101</sup> These actions were looked on favorably by the Qing officials, who offered the crew of the “Medea” gifts of tea, dried oranges, sugar candy, and sixteen oxen and sheep.<sup>102</sup> Although the British declined the gifts, as the “Medea” had already sailed for England by the time the offer arrived, the crew were eventually awarded £1,900 in head money by the Admiralty.<sup>103</sup>

By the early 1850s, the Royal Navy — equipped with steam-powered, screw-driven vessels — had demonstrated itself was quite capable of destroying large pirate fleets if they could be located. This naval response, however, was unable to eradicate piracy overall in Chinese waters. Smaller groups of opportunistic pirates carried out frequent attacks in the region, often targeting opium smugglers and others engaged in illicit activities. The more organized pirates sometimes employed spies within merchant firms in Hong Kong to better target their attacks. In one case, reported by Collier’s replacement, Rear Admiral Charles Austen,<sup>104</sup> a man accused of being the second in command of pirate group was discovered working at Jardine

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<sup>99</sup> “Metropolis,” *Economist*, January 19, 1850, sec. Metropolis.

<sup>100</sup> *Piracy Act 1850*, 1850 Chapter 26 13 & 14 Victoria, full text available at: <http://www.legislation.gov.uk/ukpga/Vict/13-14/26/contents>

<sup>101</sup> Cdr. W.N.L. Lockyer, Captain of HMS “Medea” to Capt. J.W. Morgan, Senior Naval Officer, China, March 5, 1850. FO 17/166 [110]

<sup>102</sup> Sū to Bonham, March 14, 1850. FO 17/166

<sup>103</sup> Bonham to Sū, March 15, 1850. FO 17/166; Fox, *British Admirals and Chinese Pirates, 1832-1869*, 110–111.

<sup>104</sup> Charles John Austen was the younger brother of the celebrated English novelist Jane Austen.

Matheson's headquarters. The informant was discovered when stolen bales of cloth were found hidden under his bed. Although pirate attacks during this period were often small-scale operations, instances of piracy were frequent enough that Hong Kong newspapers printed weekly lists of pirate attacks in the waters around the colony.<sup>105</sup> The attacks were also sometimes far from "petty" in terms of the human costs involved. For example, in late 1850 the schooner "Rustomjee Cowasjee" was attacked near Hong Kong and all but two of the crewmembers murdered.<sup>106</sup>

In response to these "petty piracies" Austen suggested the colony establish a maritime police force to patrol the waters around Hong Kong.<sup>107</sup> This echoed the Lords Commissioners of the Admiralty's, who had made the same suggestion in 1848.<sup>108</sup> Another proposal considered at this time was forcibly disarming all Chinese vessels plying the waters around Hong Kong. Because of the scale of this operation, disarming the merchant ships would require the cooperation of China's Imperial Navy. Although the Qing had proved willing to cooperate against piracy in the 1840s, by the early 1850s the two hundred year-old empire were facing existential threats in southern and central China in the form of the Taiping and other rebellions. Together with diverting the attention and resources of the Qing Empire away from counter-piracy operations, the upheaval created by the civil war led to increased banditry and lawlessness both on land and at sea. As Qing rule disintegrated in much of the country, piratical groups were able to operate with greater impunity. In early 1852, Governor Bonham received an urgent plea from Patrick Hague, the Vice Consul in Ningbo, urging him to send a warship to protect the city's small population of British merchant from Chinese pirates who threatened to overrun the

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<sup>105</sup> Fox, *British Admirals and Chinese Pirates, 1832-1869*, 117-118.

<sup>106</sup> "Foreign and Colonial," *Economist*, February 8, 1851.

<sup>107</sup> Austen to Admiralty, September 15, 1851. CO 129/38 [138-139]

<sup>108</sup> Admiralty to Collier, November 16, 1848. FO 17/151 [159-162]

city.<sup>109</sup> Although Bonham expressed his doubts that the pirates would actually overrun the city, he dispatched the paddle-driven sloop, HMS “Sphinx,” to Ningbo nevertheless.<sup>110</sup>

As the security situation in southern China continued to deteriorate, the authorities in Hong Kong received further request for protection from British merchants residing in the treaty ports. In June 1852, as Taiping and other rebel forces advanced towards Guangzhou,<sup>111</sup> the members of the mercantile community in Guangzhou sent a letter to the acting Superintendent of Trade at Hong Kong, John Bowring.<sup>112</sup> The letter contained the signatures of nearly fifty British firms, individuals, and households in Guangzhou. The merchants were dissatisfied that the British steam sloop HMS “Salamander” had replaced the more powerful East India Company steamer “Nemesis;” the latter having been diverted from Guangzhou to take part in the Second Anglo-Burmese War.<sup>113</sup> In a tersely worded response, Bowring promised the merchants to “do all that depended on me for their security and comfort...” and assured them that he was “probably as keenly alive to” his responsibility to protect British citizens “as any Gentleman who thinks it necessary to remind me of my duty.”<sup>114</sup> Despite Bowring’s curt response to the merchant community, he immediately relayed their concerns to the Royal Navy.<sup>115</sup>

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<sup>109</sup> In his dispatch Hague also mentioned the threat posed by the Taiping; Hague to Bonham, December 19, 1851. FO 17/187 [10-14]

<sup>110</sup> Bonham to Palmerston, January 9, 1852. FO 17/187 [6-8]

<sup>111</sup> Frederic Wakeman, *Strangers at the Gate: Social Disorder in South China, 1839-1861* (Berkeley and Los Angeles: University of California Press, 1966), 132–133.

<sup>112</sup> In March 1852 Bonham had returned to England on temporary home leave. Bowring had temporarily replaced Bonham as Superintendent of Trade. The position of Governor was temporarily filled by the Lieutenant-Governor. See Graham, *The China Station*, 282.

<sup>113</sup> The Second Anglo-Burmese War lasted from April to December, 1852. See Michael W. Charney, *A History of Modern Burma* (Cambridge, UK: Cambridge University Press, 2009), 5.; Dent & Co. et al. to Bowring, June 18, 1852. FO 17/191 [11-13]

<sup>114</sup> Bowring to Dent & Co. et al., June 22, 1852. FO 17/191 [15-16]

<sup>115</sup> Bowring to Adam W. Elmslie, Acting Consul, Guangzhou, June 23, 1852. FO 17/191 [23-24]; While Qing forces were able to defeat the advancing Taiping in early August, the victory did not end the civil war. After failing to capture Guangzhou, the Taiping turned northward towards the cities along the Yangtze River. Within a year the Taiping had conquered the former capital of the Ming Dynasty, Nanjing, which they proclaimed as the capital of their own “Heavenly Kingdom.” Wakeman, *Strangers at the Gate*, 133–134.

The Hong Kong government also had to contend with internal pressure from the mercantile community. In April 1850, acting on Bonham's recommendation, London approved the appointment of David Jardine and Joseph Frost Edger as unofficial members of the Hong Kong Legislative Council.<sup>116</sup> As council members these business elites were able to influence colonial administration. In 1852, David Jardine pressured the government to allow the council to see correspondence between the Governor of Hong Kong and the Foreign Secretary in London in matters relating to the council. Bonham relayed the request to Palmerston for guidance.<sup>117</sup>

Although government officials might disagree with merchants on the specific resources necessary to protect British citizens in particular instances, there was a commonly held assumption that the government's duty to protect its citizens out living overseas. This view was most famously articulated by Palmerston in the House of Lords in 1850, in response to criticisms of his handling of the Don Pacifico Affair.<sup>118</sup>

I therefore fearlessly challenge the verdict which this House, as representing a political, a commercial, a constitutional country, is to give on the question now brought before it; whether the principles on which the foreign policy of Her Majesty's Government has been conducted, and the sense of duty which has led us to think ourselves bound to afford protection to our fellow subjects abroad, are proper and fitting guides for those who are charged with the Government of England; and whether, as the Roman, in days of old, held himself free from indignity, when he could say *Civis Romanus sum*; so also a British subject, in

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<sup>116</sup> In his letter recommending the appointment Bonham described Jardine as "the principal resident partner of the influential and wealthy firm of Jardine Matheson & Co..." Edger represented the firm of Jamieson Edger & Co.; Bonham to Earl Grey, Secretary of State for War and the Colonies, December 15, 1849. Reprinted in A. F. Madden and D.K. Fieldhouse, eds., *The Dependent Empire and Ireland, 1840-1900: Advance and Retreat in Representative Self-Government*, vol. 5, Select Documents on the Constitutional History of the British Empire and Commonwealth (New York: Greenwood Press, 1991), 475-476.

<sup>117</sup> Bonham to Palmerston, January 29, 1852. FO 17/187 [109-110]; Although the letter is addressed to Palmerston, Earl Granville had replaced Palmerston as Foreign Secretary in late 1851. By the time Bonham's letter reached London there was yet another Foreign Secretary, the Earl of Malmesbury, who was appointed when the Conservatives returned to power following the collapse of Russell's Whig government in February 1852. Paul Scherer, *Lord John Russell: A Biography* (Selinsgrove, PA: Susquehanna University Press, 1999), 203-204.

<sup>118</sup> In 1847 the home of a Jewish British merchant living in Greece, David "Don" Pacifico, was vandalized by an anti-Semitic Athenian mob. When the Greece refused to meet Pacifico's demands for compensation, Palmerston used the Royal Navy to extract compensation from the Greeks. See: Geoffrey Hicks, "Don Pacifico, Democracy, and Danger: The Protectionist Party Critique of British Foreign Policy, 1850-1852," *The International History Review* 26, no. 3 (2004): 515-40.

whatever land he may be, shall feel confident that the watchful eye and the strong arm of England, will protect him against injustice and wrong.<sup>119</sup>

Throughout the mid-1850s, as rebellions spread throughout much of China, British merchants continued their lucrative enterprise of importing opium into China and exporting tea to England. The unrest, however, meant that piracy remained largely unchecked along the country's coast and navigable rivers. The Royal Navy intervened against piracy where possible, but the scope of the problem far outweighed the resources available. In 1855 Jardine Matheson's representative in Shanghai wrote to the company's managers in Hong Kong asking that the pressure the colonial government to do something about the precarious conditions in central China.<sup>120</sup> Conditions were no better in the waters around Hong Kong, where trade between the colony and Guangzhou was effectively halted in 1854. The Qing's Imperial Commissioner in Guangzhou proved willing to have British warships assist the Imperial Navy in patrolling the Pearl River; however, Governor Bowring declined to get involved unless British subjects were threatened, a decision linked to Britain's broader policy of non-intervention in the Taiping Rebellion.<sup>121</sup>

In 1855 Hong Kong's Legislative Council passed an ordinance allowing Chinese residents of Hong Kong register their ships as British as long.<sup>122</sup> Although British flagged ships were still required to have a British captain, this requirement could be circumvented by employing a British citizen as a figurehead captain. As officially a British vessel, these merchants were largely immune from prosecution by Qing officials. Although flying a British flag would not dissuade all pirates, it likely afforded the merchants some protection from attack

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<sup>119</sup> Palmerston, House of Commons, June 25, 1850, cited in: Brown, *Palmerston*, 320.

<sup>120</sup> Fox, *British Admirals and Chinese Pirates, 1832-1869*, 123.

<sup>121</sup> Costin, *Great Britain and China, 1833-1860*, 177.

<sup>122</sup> Graham, *The China Station*, 300.

by other Western flagged ships. Flying a British flag also allowed vessels greater freedom to conduct illicit activity, such as opium smuggling and even piracy. If Qing officials attempted to interfere with a British vessel, they risked retaliation from the Royal Navy. The clearest example of this occurred in 1856 when Qing officials in Guangzhou forcibly boarded the Chinese owned, but British flagged lorcha “Arrow” and arrested a dozen Chinese crew members on charges of smuggling and piracy.<sup>123</sup> For Bowring, who had officially replaced Bonham in 1854, the “‘Arrow’ Incident” provided an excellent opportunity to force the Qing Empire to adopt policies seen as more favorable to British interests. Chief among these interests was the desire of British merchants to gain access to more Chinese ports.

Without waiting for permission from London, Bowring ordered British warships to bombard Chinese forts along the Li River, as well as Guangzhou itself. Although Bowring had exceeded his authority as governor, now Prime Minister Palmerston decided to pursue the war against the Qing.<sup>124</sup> Although Britain’s military efforts were initially delayed by the massive 1857 uprisings in India,<sup>125</sup> British, French, Russian, and American forces were eventually able to force the Qing to accept the foreigners’ demands. Principal among these was the opening of eleven new treaty ports in China. The 1858 Treaty of Tientsin also gave Royal Navy ships the right to visit any port in China if “coming for no hostile purpose or being engaged in the pursuit of Pirates...”<sup>126</sup>

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<sup>123</sup> These charges were not without some justification, as at least two of the crew were allegedly members of a pirate gang operating near Guangzhou. For a detailed discussion of the “‘Arrow’ Incident” and of the Second Sino-British War more broadly, see J. Y. Wong, *Deadly Dreams: Opium and the Arrow War* (New York: Cambridge University Press, 1998).

<sup>124</sup> Palmerston had become Prime Minister in February 1855 following the fall of the Conservative government of the Earl of Aberdeen. See Brown, *Palmerston*, 378.

<sup>125</sup>

<sup>126</sup> “Treaty of Tientsin” (China’s External Relations: A History, 1858), sec. 52, <http://www.chinaforeignrelations.net/node/144>.

The war against the Qing Empire did not preclude the Royal Navy from continuing its efforts to suppress piracy. In 1857 the American Eli Boggs was captured brought to trial in Hong Kong.<sup>127</sup> During his two hours of testimony, Boggs made startling claim, accusing Daniel Caldwell, who was now a senior official in the Hong Kong government, of working for one of the major pirate organizations in southern China. Caldwell had allegedly used Royal Navy vessels to pursue rivals of his associate, the well-known gangster Ma-chow Wong. British warships were also allegedly used to punish merchants who refused to pay for Wong's protection. Although Caldwell was cleared of wrongdoing by a commission of inquiry in 1858, a second commission in 1860 dismissed from public service.<sup>128</sup> Although the true nature of Caldwell's relationship with Wong has never been definitively resolved, the Caldwell Affair (as it became known) demonstrates the complexities in combating piracy in China during this period.

## **Findings and Conclusion**

Britain's inconsistent response to the piratical attacks between 1834 and 1860 can be attributed to several of the causal explanations posited in this paper. I examine each causal explanation in turn:

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<sup>127</sup> Although Boggs had been pursued by the Royal Navy, he was apprehended by a fellow American, William Henry "Bully" Hayes. Hayes' motivation was undoubtedly the one thousand pound reward the Hong Kong government had offered for Boggs' capture. Hayes' other sources of income included fraud, piracy, smuggling, and kidnapping Pacific Islanders for sale as slaves and indentured servants. Although long considered a particularly unsavoury character, more recent scholarship questions whether Hayes was any worse than many of his contemporaries. See T.J. Hearn, "Hayes, William Henry," Web page, *Te Ara - the Encyclopedia of New Zealand*, (October 30, 2012), <http://www.teara.govt.nz/en/biographies/1h13/hayes-william-henry>. Accessed October 14, 2014.

<sup>128</sup> Munn, "Colonialism 'in a Chinese Atmosphere': The Caldwell Affair and the Perils of Collaboration in Early Colonial Hong Kong," 12.

***Explanation 1:*** Britain intervened militarily to suppress piracy in order to protect its citizens or merchant vessels from attack.

This case study supports the explanation that British counter-piracy operations were intended to protect British citizens and British-flagged merchant vessels. Attacks against ships flying British colors typically drew more attention from officials in London and Hong Kong than attacks against foreign vessels; however, not all attacks on British vessels received equal attention. Britain was less likely to respond militarily to an attack on a vessel if it were owned by local Hong Kong merchants, than if it were owned by large merchant firms, such as Jardine Matheson. Likewise, attacks that wounded or killed British subjects generated greater interest than those that involved only foreigners. This finding, however, applies primarily to white British subjects, as the archival record contains scant discussion concerning injuries inflicted on ethnically Chinese residents of Hong Kong. While the government certainly focused more on pirate attacks when they were carried out against British ships, this explanation is not sufficient to explain Britain's interests regarding piracy during this time.

***Explanation 2:*** Britain intervened militarily to suppress piracy as part of its larger geopolitical or strategic goals.

British efforts to combat piracy can be seen as part of a broader effort to establish a system of "informal empire" in China.<sup>129</sup> While this explanation provides some understanding of

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<sup>129</sup> Informal empire can be defined as "a willing and successful attempt by commercial and political elites to control a foreign region, resource, or people. The means of control included the enforcement of extra-territorial privileges and the threat of economic and political sanctions, often coupled with the attempt to keep other would-be imperial powers at bay." This definition comes from Gregory A. Barton and Brett M. Bennett, "Forestry as Foreign Policy: Anglo-Siamese Relations and the Origins of Britain's Informal Empire in the Teak Forests of Northern Siam, 1883–1925," *Itinerario* 34, no. 2 (2010): 65–86.



Britain's counter-piracy efforts, it does not explain the inconsistent response to piracy found throughout this period.

***Explanation 3:** Britain intervened militarily to suppress piracy in order to secure critical sea lines of communication and international maritime trade, and to defend access to the “global maritime commons.”*<sup>130</sup>

This case study does not provide support for the explanation that Britain acted to suppress piracy in order to protect global maritime trade. The British government showed little interest in defending foreign vessels from piratical attacks; military interventions were generally only conducted in response to attacks on British-flagged vessels. Discussions of attacks on Chinese ships are largely absent from the archival record, and seem to have been largely ignored by British officials. On several occasions, senior officials in the Foreign Office and Admiralty explicitly stated that actions to combat piracy need not be taken if the ships in question were not British. Furthermore, British officials

***Explanation 4:** Britain intervened militarily to suppress piracy in response to significant pressure from domestic actors.*

London proved most interested in piratical attacks carried out against vessels owned by large British shipping companies, such as Jardine Matheson. High-level discussions among policymakers in London were focused almost exclusively on attacks involving influential British firms. The archival also record also contains documents demonstrating the lobbying

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<sup>130</sup> Alfred T. Mahan, *The Influence of Sea Power upon History, 1660-1783* (Gretna, LA.: Pelican, 2003), 22.

efforts undertaken by business elites. These efforts involved both official and unofficial channels.

***Explanation 5: The British intervene militarily to suppress piracy when these acts are viewed as challenging the “normative structure that enables great power authority in world politics”<sup>131</sup>***

British government officials often made reference to British prestige when discussing the challenges posed by pirate attacks. Although this may suggest some support for this constructivist interpretation of Britain’s counter-piracy motivations, prestige-based arguments were only raised in connection with attacks on British-flagged vessels. There is no archival evidence to support the notion that British officials viewed pirate attacks on foreign vessels as challenging Britain’s authority as a great power. As discussed, one diplomat even suggested removing locally owned Hong Kong ships from the British registry as a way to avoid further damage to British prestige.

Together with the findings on the five proposed causal explanations, my research provides evidence for an alternative possible explanation: Britain’s inconsistent response to piracy was a result of a process of learning. Initially, pirate attacks were infrequent and did not generate much interest in London. As attacks became more frequent during the mid-1840s, the British government tried a new strategy, which involved direct and unilateral military actions. When this robust policy failed to suppress piracy. This alternative explanation has considerable merit, as Britain’s actions were informed by its past failures and successes in combating piracy. However, the learning process explanation is not sufficient in explaining the variation in Britain’s response to piratical attacks carried out over a short period of time.

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<sup>131</sup> Oded Lowenheim, *Predators and Parasites : Persistent Agents of Transnational Harm and Great Power Authority* (Ann Arbor, MI: University of Michigan Press, 2007), 58.

As this case demonstrates, in order to more fully understand Britain's interests in conducting counter-piracy, it is necessary to examine the role of British business elites. In the case of Chinese piracy in the nineteenth century, London proved itself more willing to act following attacks on ships owned by Jardine Matheson and other larger merchant firms than when vessels owned by smaller firms were attacked — even when these other ships flew the British flag.

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