

BOOK REVIEW

## Alex Thompson, **British Law and Governance in Treaty Port China 1842–1927: Consuls, Courts and Colonial Subjects**

**Amsterdam: Amsterdam University Press, 2024. Pp. 180.  
€104.00 hardcover (ISBN 9789463720397). doi: [10.1515/  
9789048557097-004](https://doi.org/10.1515/9789048557097-004)**

Ivan Lee

National University of Singapore  
Email: [ivanlee@nus.edu.sg](mailto:ivanlee@nus.edu.sg)

Drawing on the influential work of John Gallagher and Ronald Robinson, many historians apply the concept of “informal empire” to describe how Britain and other imperial powers controlled large parts of Qing and Republican China. In this thought-provoking book, Alex Thompson challenges this approach by showing that British laws and legal institutions in Shanghai and other Chinese ports were “comparable in many ways to those created in parts of the world governed directly from the Colonial Office and famously coloured pink on world maps” (73). Specifically, colonial attitudes to race and class—ideas that typified British rule in India and other “formal” colonies—were replicated in China through Orders in Council, consular regulations, and judicial decisions. As Thompson explains, Britain wanted to control two groups of British subjects that officials regarded as problematic: “rowdy” Britons of low social class and Indians from the Sikh community and other “martial” races. In pursuing this goal, “the British state created structures and institutions, deployed personnel, and created or enabled practices in ways that combined to have profound consequences for the development of the treaty ports, especially Shanghai, as key sites of colonialism in China” (26). So, these outcomes strain the concept of informal empire. The concept seems to imply that nominally unconquered territories experienced “a diminished or secondary variety of empire” (21). But Thompson argues that, even without claiming sovereignty over territory, “the British state engaged in a substantial project of governance in China”, which “strongly influenced treaty port life” (19, 20).

In developing his argument, Thompson surveys (in Chapter 2) the legal instruments, institutions, and personnel that comprised the machinery of British government in treaty port China. This machinery expanded over

time, evolving, from Crown-appointed superintendents vested with limited powers to control British subjects in the 1830s, to ministers and consuls wielding enormous powers to enact and enforce legislation after the mid-1840s. Consuls were gradually authorized to deport British subjects, to register titles to land, and to issue passports allowing people to visit the Chinese interior. From the mid-1860s, British consuls also sat in Mixed Courts in Xiamen, Hankou, and the Shanghai International Settlement. These courts heard disputes between Chinese and non-Chinese litigants, and even between only Chinese litigants in Shanghai. Also in Shanghai, consuls and judges of the British Supreme Court for China and Japan strategically resisted, manipulated, and supported the Shanghai Municipal Council, a legislature composed not only of British subjects but also the nationals of other Western powers. In this way, “British state agents” (73) played a systematic role in governing Shanghai, a nominally Chinese and international city.

Thompson proceeds to explore how many of these official practices originated in an impulse to control “rowdy Britons” (Chapter 3) and “martial Indians” (Chapter 4), mainly in Shanghai. Primarily seafarers by trade, “rowdy Britons” were lower-class men who drew official suspicion in the mid-nineteenth century, prompting the introduction of various legal measures, including the establishment of the British Supreme Court at Shanghai. Among other violent pursuits, British “rowdies” engaged in “creek piracy”—robbing Chinese ships along small rivers—and “convoying”—escorting Chinese ships for money, while seizing opportunities to fight other convoyers for market share. These sources of disorder elicited a firm official response, though, like in India, European jurors often trivialized violent crimes committed by European people against non-European victims.

Similar tensions of race and class emerged in the 1900s as hundreds of Indian British subjects from officially designated “martial” races—notably Sikhs and Punjabi Muslims—found employment with the Shanghai Municipal Police (SMP), the police force of the Shanghai Municipal Council. The British government did not control the SMP directly, but it was able and eager to control many of its employees as British subjects, especially to deter them from going on strike or engaging in sedition. World War I and Ghadar Mutiny of the mid-1910s made officials anxious about the loyalty of Indians in China, and the result was a racialized regime of surveillance, punishment, and deportation. British judges also co-opted the leaders of gurdwaras (Sikh temples) to keep the peace in Shanghai, turning cases over to them when the evidence was shaky, or when witnesses were suspected of perjury. This fascinating practice was not expressly permitted by law, but the consular authorities tolerated it. Thompson hypothesizes that it emerged from judges applying “vague notions” of Anglo-Indian justice and British indirect rule in Burma (145).

Thompson concludes (in Chapter 5) by reflecting on how the British “state project of governance” impacted the lives of many people in treaty port China—British, Chinese, and other nationals alike (154). This was especially true in the Shanghai International Settlement, which Thompson argues was effectively governed by a “hybrid colonial state” composed of “British state agents” and Shanghai Municipal Council personnel (156). These conclusions

are well supported by the evidence presented in the book, though readers may wonder how Thompson's idea of hybrid colonialism sits with his critique of the concept of informal empire. If Thompson is right that Britain's practices in Shanghai mirrored its practices in its sovereign territories, then it is not exactly clear why the situation in Shanghai cannot simply be described, without qualification, as "colonial." The idea of hybrid colonialism seems to concede that there were still important differences, stemming not least from the fact that the Shanghai Municipal Council was not a British legislature.

To be sure, Thompson's point is that we should measure colonialism in degrees, recognizing its many nuances, and not in "binary" terms defined only by the presence or absence of sovereignty claims (24, 154). I agree; this is a valuable insight. Nevertheless, Thompson gives the concept of informal empire such a wide berth that he comes close to completely dismissing the relevance of territorial sovereignty. This seems unhelpful because the book discusses interesting situations in which it clearly mattered that Britain was not sovereign in mainland China. For example, the Foreign Office modeled the consular system in China after the system in the Ottoman Empire, even going so far as to snub people from Hong Kong when staffing the treaty ports (65). It is difficult to believe that the Colonial Office would have done the same thing if the treaty ports were Crown colonies—the Colonial Office's practice of rotating its personnel was famously fluid and global. So, this suggests that the two ministries ran different networks of expertise and patronage, causing potentially different legal ideas to spread to different places. Whether this happened in China and Hong Kong seems to be an open question, which Thompson obscures by essentially equating the Foreign Office with "the British state."

Despite this issue, Thompson succeeds in demonstrating that "extraterritoriality was about more than the loss of Chinese sovereignty" (160). By exploring the legal mechanics of Britain's effort to govern its own subjects, this book adds a much-needed imperial dimension to the legal history of treaty port China, a field that is otherwise dominated by studies on questions of international law.