

“Formosa is Ours”: Robert Hart’s Role in the 1874 Taiwan Crisis

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ABSTRACT

This article delves into the multifaceted career of Robert Hart, a pivotal figure in 19th-century cross-cultural diplomacy and international relations, renowned for his role as the Inspector General of China’s Imperial Maritime Customs Service. Amidst the intricate negotiations and power dynamics of Qing China’s engagement with the Western world, Hart’s pragmatic approaches emerge as a central theme. This study sheds light on his involvement in resolving the 1874 crisis surrounding Taiwan’s territorial sovereignty, drawing from previously unexplored diaries that uniquely unveil his daily discussions with Qing and Japanese officials during the crisis. While scholarly discourse has focused on the differing notions of sovereignty held by Qing and Japanese officials, this research offers fresh insight into Hart’s integral role in navigating this diplomatic challenge. Moreover, Hart’s pragmatic influence extends beyond diplomacy to Qing military affairs, wherein he championed naval reforms to counter foreign powers’ expansion, as well as his engagement with Qing colonisation efforts in Taiwan.

Keywords: Robert Hart, Hart’s Diaries, International Law, Taiwan, Qing Dynasty, Meiji Japan

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In the annals of cross-cultural diplomacy and international relations, few figures stand as prominently as Robert Hart, the astute Anglo-Irish Inspector General (IG) of China's Imperial Maritime Customs Service (CIMC) during the late 19th century. Hart's legacy is often intertwined with his contributions to the modernisation of Qing China, a period marked by complex negotiations, shifting power dynamics, and the melding of Eastern and Western concepts.

This article delves into a lesser-explored facet of Hart's multifaceted career, shedding light on his pragmatic approaches in navigating intricate diplomatic situations, particularly when Western legal frameworks failed to align with the objectives of Qing foreign policy. Amid the backdrop of the late 19th century, a time of great upheaval and transformation in East Asia, Hart's actions carried significant consequences for both the Qing Dynasty and regional geopolitics.

A pivotal episode that exemplifies Hart's pragmatism and diplomatic finesse is his engagement with Japanese government officials during the 1874 crisis surrounding Taiwan's territorial sovereignty. As Japan's expansionist aspirations led to the seizure of parts of Taiwan that the Qing Dynasty asserted sovereignty over, Hart played a significant role in the negotiations between the two nations. While scholarly discourse has previously focused on the divergent perceptions of sovereignty held by Qing and Japanese officials, this article offers fresh insight into Hart's role in overcoming this diplomatic impasse.¹ In particular, it demonstrates that as the situation evolved, Hart's pragmatic inclinations led him to prioritise practical solutions over legal intricacies to maintain Qing control over the island.

¹ Paul D. Barclay, *Outcasts of Empire: Japan's Rule on Taiwan's "Savage Border," 1874-1945* (Oakland, California: University of California Press, 2017); Edwin Pak-Wah Leung, "The Quasi-War in East Asia: Japan's Expedition to Taiwan and the Ryūkyū Controversy," *Modern Asian Studies* (London) 17: 2 (April 1983), pp. 257-281; Ruiping Ye, *The Colonisation and Settlement of Taiwan, 1684-1945: Land Tenure, Law and Qing and Japanese Policies* (Milton Park, Abingdon, Oxon; New York, NY: Routledge, 2019).

Furthermore, this article delves into Hart’s role in balancing Qing and British interests during the crisis. Hart’s complex position has long intrigued scholars, sparking debates over whether he should be viewed as a mere agent of British imperialism in China or as a nuanced figure striving to find common ground between a weak Qing government and overstretched European empires in China.² This article sheds new light on his contributions, revealing the delicate equilibrium he maintained. On one hand, the potential loss of Taiwan posed a significant risk to the stability of the Qing dynasty and could have had adverse effects on British trade in China. While Hart aimed to safeguard British interests by advocating for Taiwan to remain under Qing control, he found himself at odds with British officials in China who endorsed arbitration, a process where Western nations would determine whether Taiwan should belong to Japan or China. This article shows that Hart’s opposition was rooted in his commitment to respecting China’s autonomy, rather than relinquishing this decision-making process to foreign powers. Consequently, this article underscores the intricate interplay of interests and principles that Hart grappled with, illuminating the complexities of his role on the ground.

Hart’s pragmatism extended beyond the diplomatic realm, manifesting in his involvement with Qing military matters. The Japanese expedition to Taiwan underscored the urgent need for Qing naval reforms to deter foreign powers from emulating Japan’s actions. This article delves into Hart’s aspirations to lead these reforms, as evidenced by his comprehensive plan to fortify Qing coastal defences. Scholars such as Hans van de Ven, Chi-hui Tsai, and Kuang Zhaojiang have studied Hart’s efforts to lead Qing naval reforms, focusing on his involvement in the 1880s.³ However, according to this article, Hart’s naval ambitions had already

² Shiqi Chen, *Zhongguo Jindai Haiguan Shi* [History of China’s Modern Maritime Customs Service] (Beijing: Renmin Chubanshe, 2002); Hans J. Van de Ven, *Breaking with the Past: The Maritime Customs Service and the Global Origins of Modernity in China* (New York: Columbia University Press, 2014); Conghua Xu and Zhuohe Sheng, “Shi Xi Hede de ‘Qima’ Lilun: Yi Gengzi Peikuan Tanpan Weili [An Analysis of Hart’s ‘Horseback Riding’ Theory: A Case Study of the Boxer Indemnity Negotiations],” in Zhongguo haiguan xuehui, ed., *Hede Yu Jiu Zhongguo Haiguan Lunwen Xuan* [Selected Essays on Hart and the Old Chinese Customs] (Beijing: Zhongguo Haiguan Chubanshe, 2004), pp. 101-110.

³ Hans J. Van de Ven, *Breaking with the Past: The Maritime Customs Service and the Global Origins of Modernity in China*, pp. 107-112; Chih-hui Tsai, “Robert Hart’s Relationship with the Late Qing Bureaucracy” (Ph.D. Dissertation, Queen’s University Belfast, 2016); Zhaojiang Kuang, “Juwai Pangguan De Kunhuo: Hede ‘Pangguan San Lun’ Duhou [Perplexities of an Outsider: Reflections on Hart’s Three Observations from a Bystander’s Perspective],” in Xiamen daxue zhongguo haiguan shi yanjiu zhongxin, ed., *Zhongguo Haiguan Yu Zhongguo Jindai Shehui: Chen Shiqi Jiaoshou Jiu Zhi Hua Dan Zhushou Wenji* [China Customs and

been communicated to his superiors in the Qing administration during the 1870s, particularly in the midst of the Taiwan crisis. This article highlights these efforts, revealing the convergence of military strategy and diplomatic manoeuvring in his pragmatic approach to international affairs.

The final section of this article delves into Hart's engagement with Qing colonisation efforts in Taiwan after the 1874 crisis. As historian Robert Bickers has highlighted, the Qing state sought to assert its control over the island by financing CIMC development projects.⁴ Yet, Hart's involvement transcended mere territorial assertions. This article sheds light on how Hart introduced Western colonial practices to Qing officials, effectively asserting a paternalistic role in Qing state-building in Taiwan. This duality – Hart's pragmatic problem-solving on one hand, and his role as an instructive colonial advisor on the other – underscores his multifaceted approach to Qing engagement with Western ideas and practices.

The sources through which Hart's contributions are elucidated bear significance. Traditional references to Hart's correspondence, such as his interactions with his agent in London, James Duncan Campbell, have provided limited understanding of his role in the negotiations.⁵ However, a remarkable resource lies within Hart's diaries, which have previously been employed to scrutinise his participation in various Sino-foreign affairs, yet they have not been utilised to explore his role in the Taiwan crisis of 1874.⁶ One significant reason for the limited use of Hart's diaries in this context is the well-known challenge of deciphering them, primarily due to Hart's nearly illegible handwriting. Furthermore, to date, only the first four volumes of his diaries have been edited by Katherine F. Bruner, John K. Fairbank,

Modern Chinese Society: A Festschrift in Honor of Professor Chen Shiqi on His Ninetieth Birthday] (Xiamen: Xiamen Daxue Chubanshe, 2005).

⁴ Robert Bickers, *The Scramble for China: Foreign Devils in the Qing Empire, 1832-1914* (London: Allen Lane, 2011), pp. 264-299.

⁵ John K. Fairbank, Katherine F. Bruner, and Elizabeth M. Matheson, eds., *The I.G. in Peking: Letters of Robert Hart, Chinese Maritime Customs, 1868-1907, Vol. I* (Cambridge, Mass.: Harvard University Press, 1975) [hereinafter cited as *The I.G. in Peking*]; Xiafei Chen and Rongfang Han, eds., *Archives of China's Imperial Maritime Customs: Confidential, Correspondence between Robert Hart and James Duncan Campbell, 1874-1907, Vols. 1-4* (Beijing: Foreign Languages Press, 1990-1993).

⁶ Zhiyong Zhang, *Hede Yu Wanqing Zhong-Ying Waijiao* [Hart and Late Qing Sino-British Diplomacy] (Shanghai: Shanghai Shudian Chubanshe, 2012); Emma Reisz, "An Issue of Authority Robert Hart, Gustav Detring and the Large Dragon Stamp," *Jiyou Bolan* [Philatelic Panorama] (Beijing) 2018: 8 = 371 (August 2018), pp. 187-205.

and Richard J. Smith, covering his life in China up to 1866.⁷ This article, however, sheds light on his entries during the Taiwan crisis, revealing his initial efforts to bridge the gap between the two nations’ legal perspectives regarding Taiwan’s status.

In sum, this article delves into the intricate interplay of pragmatism and paternalism within Robert Hart’s engagement with Qing China’s foreign relations, military reforms, and colonial pursuits. As a pivotal figure in the crossroads of East and West during a transformative era, Hart’s actions offer a nuanced perspective on the complex negotiations, alliances, and strategies that shaped East Asian geopolitics in the late 19th century.

1. Origins of the Dispute

The events that led to the Japanese invasion of aboriginal Taiwan have been more or less extensively analysed by scholars of Qing, Japanese, and Taiwanese history studies.⁸ In November 1871, the Japanese invasion of aboriginal Taiwan was triggered by the “Mudanshe incident,” where Taiwanese aboriginal tribesmen from the mountain indigenous township of Mudan killed 55 shipwrecked sailors from the Ryukyu islands. Japan sought compensation and punishment for the assailants from the Qing government, as they considered the victims to be subjects of the Japanese empire. In April 1873, Japanese Foreign Minister Soejima Taneomi and diplomat Yanagihara Sakimitsu arrived in China to discuss the matter with the Qing government.⁹

⁷ Katherine F. Bruner, John K. Fairbank, and Richard J. Smith, eds., *Entering China’s Service: Robert Hart’s Journals, 1854-1863* (Cambridge, Mass.; London: Harvard University Press, 1986); Richard J. Smith, John K. Fairbank, and Katherine F. Bruner, eds., *Robert Hart and China’s Early Modernization: His Journals, 1863-1866* (Cambridge, Mass.; London: Harvard University Press, 1991).

⁸ Eskildsen Robert, “An Army as Good and Efficient as Any in the World: James Wasson and Japan’s 1874 Expedition to Taiwan,” *Ajia bunka kenkyu* [Asian Cultural Studies] (Tokyo) 36 (March 2010), pp. 45-62; Lung-chih Chang, “From Quarantine to Colonization: Qing Debates on Territorialization of Aboriginal Taiwan in the Nineteenth Century,” *Taiwan Shi Yanjiu* [Taiwan Historical Research] (Taipei) 15: 4 (December 2008), p. 19; Chih-hui Tsai, “Robert Hart’s Relationship with the Late Qing Bureaucracy,” pp. 1-30.

⁹ Edwin Pak-Wah Leung, “The Quasi-War in East Asia: Japan’s Expedition to Taiwan and the Ryūkyū Controversy,” p. 268; Wayne C. McWilliams, “East Meets East: The Soejima Mission to China, 1873,” *Monumenta Nipponica* (Tokyo) 30: 3 (Autumn 1975), pp. 237-275; Danny Orbach, “‘By Not Stopping’: The First Taiwan Expedition (1874) and the Roots of Japanese Military Disobedience,” *The Journal of Japanese Studies* (Seattle) 42: 1 (Winter 2016), pp. 29-55.

The Qing government rejected the compensation request, arguing that Ryukyu had tributary relations with them, despite Ryukyu maintaining delicate tribute relations with both Japan and China.¹⁰ As a result, both Meiji and Qing authorities considered Ryukyuan subjects as subjects of their respective empires. This dispute was further complicated by the Qing's perception of Taiwan's indigenous tribes as "savages," leading to quarantine measures that separated them from Qing settlers in the island.¹¹ The above distinction was emphasised to Yanagihara in Beijing by Zongli Yamen ministers Mao Changxi and Dong Xun when Yanagihara repeated his government's request for compensation. According to Japanese official records, the remarks of the Zongli Yamen ministers were then followed by an admission that the lands beyond the "savage border" were not within Qing jurisdiction; therefore, the Qing government had not authority to punish the aborigines responsible for the murders.¹² A year later, the head of the Zongli Yamen, Prince Gong, would deny that such an admission had ever been made by his ministers.¹³ Regardless, in June 1873 Soejima and Yanagihara left Beijing with the impression that aboriginal Taiwan was beyond Qing control.

The above led the Meiji government to despatch a punitive expedition to southern Taiwan in April 1874. After all, if the Qing could not punish the aborigines for the murders, the Japanese could do it themselves. But the news of Japan's expedition caused strong diplomatic reaction in Beijing. Prince Gong, in a letter he addressed to the Japanese Foreign Office, maintained that Japan's invasion of

¹⁰ Shogo Suzuki, "Japan's Quest for a Place in the New World Order," in Timothy Brook, Michael van Walt van Praag, and Miek Boltjes, eds., *Sacred Mandates: Asian International Relations since Chinggis Khan* (Chicago; London: The University of Chicago Press, 2018), p. 162.

¹¹ Natives could nevertheless elevate their status if they were eager to submit to Qing rule, pay taxes and be registered imperial subjects: Qing authorities referred to them as "cooked barbarians" (*shufan*), whereas those who remained unassimilated and non-taxable were the "raw barbarians" (*shengfan*). See: Paul D. Barclay, *Outcasts of Empire: Japan's Rule on Taiwan's "Savage Border," 1874-1945*; Emma Jinhua Teng, *Taiwan's Imagined Geography: Chinese Colonial Travel Writing and Pictures, 1683-1895* (Cambridge, Mass.: Harvard University Asia Center, 2004), pp. 122-148; Ruiping Ye, *The Colonisation and Settlement of Taiwan, 1684-1945: Land Tenure, Law and Qing and Japanese Policies*; Lung-chih Chang, "From Quarantine to Colonization: Qing Debates on Territorialization of Aboriginal Taiwan in the Nineteenth Century"; Magnus Fiskesjö, "On the 'Raw' and the 'Cooked' Barbarians of Imperial China," *Inner Asia* (Cambridge) 1: 2 (January 1999), pp. 139-168.

¹² Norihito Mizuno, "Japan and Its East Asian Neighbors: Japan's Perception of China and Korea and the Making of Foreign Policy from the Seventeenth to the Nineteenth Century" (Ph.D. Dissertation, The Ohio State University, 2004), pp. 309-318.

¹³ Prince Gong to Sir Thomas Wade, August 24, 1874, FO-17-675, The National Archives of the UK (TNA): Foreign Office and Foreign and Commonwealth Office records.

Taiwan was an encroachment upon Qing territory.¹⁴ This sudden development raised the spectre of a potential outbreak of war between the two nations. On May 10, 1874, Prince Gong’s letter was handed to Robert Hart, the Anglo-Irish Inspector General of the CIMC, by the Zongli Yamen ministers, Mao Changxi and Chonghou.¹⁵ Since becoming the IG of the CIMC in 1863, Hart was frequently called upon by the Zongli Yamen to assist in handling Sino-foreign diplomatic matters and provide insights on various aspects of Qing engagement with foreign powers. Likewise, on May 10, 1874, the ministers invited him to the Zongli Yamen and asked him to make sure that the letter would arrive in Japan “safely.”¹⁶ According to his diary entry for that day, he replied: “I said I can send someone with [the letter] either to hand it to the Japanese consul at [Shanghai], or to send it on from [Shanghai], or to go with it the whole way and find out, taking advantage of the opportunity, all that’s going on.”¹⁷ The ministers thanked him for making this offer but asked him to stay in Beijing and collect more information about Japan’s objectives in Taiwan.¹⁸ It was within this context that Hart was firstly involved into this dispute.

2. On the Question of Protectorship

Japan’s navy in 1874 was superior to the Qing’s in terms of military training and technology.¹⁹ Despite their naval superiority though, the Meiji rulers of Japan still lacked the confidence for waging a war against a neighbouring power. Japan history scholars largely attribute this to domestic political pressures and financial difficulties.²⁰ Another factor was that Western powers, particularly Britain, had

¹⁴ Prince Gong to Sir Thomas Wade, August 24, 1874, FO-17-675.

¹⁵ May 10, 1874 in Robert Hart, “Diary Vol. 19,” p. 74, Special Collections & Archives, Queen’s University Belfast (QUBSC), MS 15/1/19.

¹⁶ May 10, 1874 in Hart, “Diary Vol. 19,” p. 74, QUBSC, MS 15/1/19.

¹⁷ May 10, 1874 in Hart, “Diary Vol. 19,” p. 74, QUBSC, MS 15/1/19.

¹⁸ May 10, 1874 in Hart, “Diary Vol. 19,” p. 74, QUBSC, MS 15/1/19.

¹⁹ Chih-hui Tsai, “Robert Hart’s Relationship with the Late Qing Bureaucracy,” p. 176.

²⁰ Norihito Mizuno, “Japan and Its East Asian Neighbors: Japan’s Perception of China and Korea and the Making of Foreign Policy from the Seventeenth to the Nineteenth Century,” pp. 342-343; Edwin Pak-Wah Leung, “The Quasi-War in East Asia: Japan’s Expedition to Taiwan and the Ryūkyū Controversy,” p. 275; Robert Eskildsen, “Of Civilization and Savages: The Mimetic Imperialism of Japan’s 1874 Expedition to Taiwan,” *The American Historical Review* (Washington) 107: 2 (April 2002), p. 396.

expressed their opposition to Japan's aggression in Taiwan.²¹ In July 1874, Japan's home minister Okubo Toshimichi appealed to the Council of State to appoint him as a negotiator in Beijing. Okubo had previously been supportive of the military action but after seeing the reaction of Western powers decided that war with the Qing was too risky for Japan. Okubo reached Beijing in August 1874 and immediately sought to start negotiations with the Qing government. Yanagihara, who had already been in China, was also involved into the negotiations.

Qing officials were aware that Okubo was under domestic pressure to settle the affair, but he was also not willing to risk Japan coming out of this dispute empty-handed.²² For this reason, the Sino-Japanese discussions in Beijing lasted until November 1874. Throughout this drawn-out diplomatic dispute, the main point of contention was whether Taiwan was part of the Qing dominion or not.

Okubo's negotiations with the Qing showed that the two sides held two conflicting conceptualisations of sovereignty. On the one hand, the Qing understood their jurisdictional authority in Taiwan through Confucian legal norms, while on the other, the Japanese used principles of Western international law to justify their actions. One of the key differences between those two legal approaches was their evaluation of the concept of protectorship. This, in fact, has attracted much interest in recent legal history scholarship. Anna Irene Baka and Qi Fei hold that "from Western perspective, [...] the concept of protectorship explicitly involved the administration of the domestic affairs of the protectorate."²³ Conversely, as shown earlier, the Qing did not interfere with the affairs of natives beyond the "savage border." This is why, once the Qing accused Japan of encroaching upon Qing territory, the Meiji responded that the lack of Qing administration rendered the "savage territories" *terra nullius*.

Hart privately agreed that the absence of Qing administrators in aboriginal

²¹ Edwin Pak-Wah Leung, "The Quasi-War in East Asia: Japan's Expedition to Taiwan and the Ryūkyū Controversy," p. 275.

²² For this reason, Shen Baozhen advised the Zongli Yamen to not rush entering upon negotiations Edwin Pak-Wah Leung, "The Quasi-War in East Asia: Japan's Expedition to Taiwan and the Ryūkyū Controversy," p. 275; David Pong, *Shen Pao-chen and China's Modernization in the Nineteenth Century* (New York: Cambridge University Press, 1994), p. 305.

²³ Anna Irene Baka and Qi Fei, "Lost in Translation in the Sino-French War in Vietnam -- From Western International Law to Confucian Semantics: A Comparative-Critical Analysis of the Chinese, French, and American Archives," in Anthony Carty and Janne Nijman, eds., *Morality and Responsibility of Rulers: European and Chinese Origins of a Rule of Law as Justice for World Order* (Oxford: Oxford University Press, 2018), p. 408.

Taiwan showed absence of Qing sovereignty: “the Chinese had no official on the east side of [the] island,” he wrote on July 12, 1874 in his diary.²⁴ “They had taken [Taiwan] for granted,” he added, and even though “they” did not “like to say this,” “history and Chinese records” showed that “half of the island [was] *not* Chinese.”²⁵ Qing perceptions of international protectorship were different, however, in that the concept did not necessarily require a jurisdictional regime in place. This was explicitly mentioned in the first letter the Zongli Yamen addressed to the Japanese F.O. through Hart:

[Taiwan] is an island lying far off amidst the sea, and we have never yet restrained the savages living there by any legislation, nor have we established any government over them, [...] But the territories inhabited by these savages are truly within the jurisdiction of China; and this is also the case with several savage tribes inhabiting other remote provinces within the jurisdiction of China [...].²⁶

Prince Gong, who wrote this letter, justified Qing policy on the Book of Rites, a core text of the Confucian canon that a number of dynasties in China had previously drawn from in need of guidance in administrative affairs. “Do not change the usages of a people, but allow them to keep their good ones” was the “maxim” Prince Gong cited to show the Japanese the principle that guided Qing policy in aboriginal Taiwan up to that point.²⁷ It could be argued that this was an attempt of Prince Gong to emphasise the common legal tradition that united the two empires vis-à-vis the divisive effects of modern Western diplomacy. What is certain though is that his interpretation of Taiwan’s status greatly differed to that of Japanese diplomats, and this should be attributed primarily to the divergent perceptions the two administrations had over the concept of protectorship.

Prince Gong, nevertheless, tried to locate some common ground in the same letter: besides his references to Confucian norms, he also added that the Governor of Fuzhou had “quoted the precedent of international law” in his discussions with

²⁴ July 12, 1874, in Hart, “Diary Vol. 19,” p. 126, QUBSC, MS 15/1/19.

²⁵ October 13, 1874, in Hart, “Diary Vol. 19,” p. 250, QUBSC, MS 15/1/19; July 12, 1874, in Hart, “Diary Vol. 19,” p. 126, QUBSC, MS 15/1/19.

²⁶ *Chouban Yiwu Shimo* [The Origin and Development of the Self-Strengthening Movement], Tongzhi Chao [Tongzhi era], Vol. 95, p. 30. This English translation can be found both in the *Japan Mail* of the June 26th, 1874, and the *North China Daily News* of the July 4th, 1874, and was later used verbatim by Prince Gong in his letter to Wade. Prince Gong to Sir Thomas Wade, August 24, 1874, FO-17-675.

²⁷ Prince Gong to Sir Thomas Wade, August 24, 1874, FO-17-675.

Japanese generals in Taiwan.²⁸ The duality here corroborates what scholars have periodically stressed regarding Qing foreign policy, and that is that the Qing would often apply both Western international law and their Confucian worldview in international affairs.²⁹

For Hart, however, this was a problematic approach that would not get the Qing far in their discussions with Japan's diplomats. When Okubo arrived in Beijing in September 1874, he started "firing" quotes of famous Western jurists like Vattel and Meertens.³⁰ Hart's advice to the Zongli Yamen ministers was simply "not to discuss points of international law [...], but to adhere to the broad assertion 'Formosa is ours: that's beyond all question.'" ³¹ He would instead try himself to settle the legal side of this dispute with Okubo's principal advisor, Charles LeGendre. LeGendre, a French-born naturalised American, was known to Hart from his previous appointment as a US Consul at Xiamen (then known as Amoy) in the neighbouring to Taiwan province of Fujian. In his diaries, he described him as "a dangerous man and by no means [his] friend."³² Likewise, LeGendre was not fond of Hart. A few years earlier, LeGendre had described Hart to the US government as someone who had been "productive of the most disastrous consequences to the relations of foreign countries with China."³³

LeGendre is largely considered by scholars as the mastermind behind Japan's expedition to Taiwan.³⁴ A few years back, during his time in Amoy, a group of

²⁸ Prince Gong to Sir Thomas Wade, August 24, 1874, FO-17-675.

²⁹ Shin Kawashima, "China's Re-Interpretation of the Chinese 'World Order', 1900-40s," in Anthony Reid and Zheng Yangwen, eds., *Negotiating Asymmetry: China's Place in Asia* (Singapore: NUS Press, 2009), pp. 139-158; Maria Adele Carrai, "Secularizing a Sacred Empire: Early Translations and Uses of International Law," in Maria Adele Carrai, *Sovereignty in China: A Genealogy of a Concept since 1840* (New York: Cambridge University Press, 2019), p. 59; Anna Irene Baka and Qi Fei, "Lost in Translation in the Sino-French War in Vietnam: -- From Western International Law to Confucian Semantics: A Comparative-Critical Analysis of the Chinese, French, and American Archives," pp. 386-412.

³⁰ Hart to Campbell, September 30, 1874, no. 114, in *The I.G. in Peking, Vol. I*, pp. 180-181; September 27, 1874, in Hart, "Diary Vol. 19," p. 234, QUBSC, MS 15/1/19.

³¹ Hart to Campbell, September 30, 1874, no. 114, in *The I.G. in Peking, Vol. I*, pp. 180-181; 27 September 27, 1874, in Hart, "Diary Vol. 19," p. 234, QUBSC, MS 15/1/19.

³² May 14, 1873, in Hart, "Diary Vol. 17," p. 230, QUBSC, MS 15/1/17.

³³ "Annual Report on the Commercial Relations between the United States and Foreign Nations, Made by the Secretary of State, for the Year Ending September 30, 1871" (Washington: Government Printing Office, 1872), p. 169.

³⁴ For studies on LeGendre and his influence on Japan's Taiwan policy see: Sandra Caruthers Thomson, "Filibustering to Formosa: General Charles LeGendre and the Japanese," *Pacific Historical Review* (Berkeley) 40: 4 (November 1971), pp. 442-456; Sandra Caruthers Thompson, "Anodyne for Expansion:

American castaways had been murdered by Taiwan’s natives in the same fashion the Ryukyuan sailors would a few years later. LeGendre subsequently sought redress from the Qing authorities as the incident had taken place within his jurisdiction.³⁵ Qing authorities, however, denied responsibility, and it was then, according to historian Robert Eskildsen, that LeGendre first became familiar with Qing administrative absence in aboriginal Taiwan.³⁶

In 1874, Taiwan’s ambivalent status was important for LeGendre as Meiji officials feared another empire of making a move, again under the pretext that half of the island was up for grabs. If that proved to be the case, Taiwan could potentially be a threat to Japan’s national security, especially during a time that the empire had only started to emerge as a force to be reckoned with in East Asia. Therefore, there is a notable intersection between jurisdictional politics and military objectives that needs to be emphasised in this case. Maïa Pal historically traces the roots of this overlap back to the early modern period in Europe when “a variety of actors used jurisdictional devices and arguments [to shape] imperial expansion.”³⁷ These practices were later to be adopted by non-Europeans eager to adapt to European legal norms. In this case, the Japanese, under the guidance of LeGendre, aimed to establish in Taiwan what aligns perfectly with what Pal describes in her study as a “jurisdictional regime”: an authority with “jurisdictional rights, titles, and functions (institutions and subjectivities) as a means of imperial ownership and rule over indigenous groups and against competing empires.”³⁸

Despite their prior dislike, LeGendre in 1874 seemed to have developed a better understanding of Hart’s role within the Qing government, particularly after having a similar position in the Meiji administration. According to LeGendre’s correspondence with Okuma Shigenobu, the Japanese Minister of Finance, who was also referred to by LeGendre as the Minister of Colonisation, LeGendre had

Meiji Japan, the Mormons, and Charles LeGendre,” *Pacific Historical Review* 38: 2 (May 1969), pp. 129-139.

³⁵ In fact, up to the Sino-Japanese crisis of 1874, these incidents had become a constant cause of friction between Qing and Western authorities. For example, three years prior to LeGendre’s protest, the Prussian Minister, Guido von Rehfues, had written to the Zongli Yamen “calling for the punishment [...] of wreckers on Formosa.” June 22, 1864, in Hart, “Diary Vol. 5,” p. 147, QUBSC, MS 15/1/5.

³⁶ This incident is largely known as the Rover incident based on the name of the ship the victims were on board prior to it being wrecked off the coast of Taiwan. Robert Eskildsen, “Of Civilization and Savages: The Mimetic Imperialism of Japan’s 1874 Expedition to Taiwan,” p. 395.

³⁷ Maïa Pal, *Jurisdictional Accumulation: An Early Modern History of Law, Empires and Capital* (New York: Cambridge University Press, 2021), p. 301.

³⁸ Maïa Pal, *Jurisdictional Accumulation: An Early Modern History of Law, Empires and Capital*, p. 301.

the intention to “use [Hart] as [his] unofficial medium of communication with the Chinese.”³⁹ Once the two met, LeGendre immediately pointed out that had Hart travelled to Japan at the beginning of this crisis, they could have easily “settled all this business [...] right off!”⁴⁰ As the conversation continued, it became apparent to both that they, in fact, had more things in common: they both held the same paternalistic view that as Westerners they had more power to shape the outcome of this dispute than their nominal masters. LeGendre accordingly told Hart that if the latter “could bring matters round” with the Qing “so as to make an understanding and arrangement feasible,” LeGendre could convince Okubo to withdraw Japan’s troops from Taiwan.⁴¹ After all, “he was for peace,” LeGendre insisted, and the Meiji only wanted to occupy aboriginal Taiwan to prevent any other rival power from doing so.⁴²

Hart was glad with the suggestion of like-minded LeGendre and confirmed that he “could get the Chinese to say” that Japan was on the right to punish the aborigines.⁴³ Yet, he continued, the legal “question of ownership” would be a more difficult subject to find common ground.⁴⁴ Again, LeGendre replied that if the question was dropped by the Qing, Okubo would also not bring it up. He then suggested that a potential solution to break the deadlock would involve the two parties agreeing on a war indemnity that the Qing would pay Japan. This indemnity would first cover compensation for the families of the victims and then address the infrastructure that Japan’s troops had already established in Taiwan. LeGendre sympathised with Hart’s proposal and replied that if China offered Japan “such compensation for her evacuation of [Taiwan] as she could accept without incurring the risk of losing prestige,” Japan would indeed “give up the place.”⁴⁵ Another reason behind LeGendre’s decision not to advocate for war but to seek a resolution with China is suggested by historian Robert Eskildsen, who provides indications that the Qing government, potentially through Hart, proposed to employ LeGendre as the head of the CIMC for South China, possibly as a means

³⁹ Charles W. LeGendre to Okuma Shigenobu, October 17, 1874, LeGendre Papers, Library of Congress.

⁴⁰ September 16, 1874, in Hart, “Diary Vol. 19,” p. 221, QUBSC, MS 15/1/19.

⁴¹ October 13, 1874, in Hart, “Diary Vol. 19,” p. 252, QUBSC, MS 15/1/19.

⁴² October 13, 1874, in Hart, “Diary Vol. 19,” p. 250, QUBSC, MS 15/1/19.

⁴³ October 13, 1874, in Hart, “Diary Vol. 19,” p. 250, QUBSC, MS 15/1/19.

⁴⁴ Hart used interchangeably the terms imperial ownership and protectorship in his discussions with LeGendre. October 13, 1874, in Hart, “Diary Vol. 19,” p. 252, QUBSC, MS 15/1/19.

⁴⁵ LeGendre to Shigenobu, October 17, 1874.

to undermine the Japanese government.⁴⁶

At the end of this discussion, Hart was full of excitement and later wrote in his journal: “I have now got the key to the situation.”⁴⁷ This key essentially involved discarding Western international law, the sole obstacle hindering a peace agreement, and concentrating on persuading Qing officials to resolve the dispute by making a war indemnity payment to Japan. “What I wanted to do,” he wrote on October 16, 1874, “was bring both parties to this point without *their* saying anything *directly* about [the question of ownership], so that, on meeting, there should be no quarrel or discussion.”⁴⁸ Hart’s decision to ditch Western international law is indeed intriguing, considering that in the 1860s, he was the one who initially introduced Qing officials to Western international law and had previously strongly advocated for its adoption in Sino-foreign affairs. However, in the 1870s, Hart adopted a more pragmatic approach, giving priority to striking a delicate balance between Qing and Western perspectives. In 1876, to Guo Songtao, the first Qing minister stationed abroad, Hart likened his role in mediating between Qing and Western perspectives to riding a horse: “When riding a horse, you cannot sit still if you turn east or west, I just mediate between the two sides.”⁴⁹ Over the following decades, the dilemma for Hart between adopting a pragmatic approach and a dogmatic one, rooted solely in Western international law terms, would resurface in regions where the Qing empire asserted sovereignty, including Vietnam and Burma.⁵⁰ The Taiwan crisis, thus, marks one of the first instances where this contradiction between Hart’s advocacy for Western-style diplomacy by the Qing state and the dangers of jeopardising Qing territorial integrity not rooted in Western international law principles comes to the surface.

That is not to diminish, however, other reasons why Hart was unwilling to risk the Qing empire losing Taiwan. Hart was concerned that a conflict with Japan

⁴⁶ Robert Eskildsen, *Transforming Empire in Japan and East Asia: The Taiwan Expedition and the Birth of Japanese Imperialism* (Singapore: Palgrave Macmillan, 2019), p. 253.

⁴⁷ October 13, 1874, in Hart, “Diary Vol. 19,” p. 252, QUBSC, MS 15/1/19.

⁴⁸ October 16, 1874, in Hart, “Diary Vol. 20,” p. 8, QUBSC, MS 15/1/20.

⁴⁹ Conghua Xu and Zhuohe Sheng, “Shi Xi Hede de ‘Qima’ Lilun: Yi Gengzi Peikuan Tanpan Weili [An Analysis of Hart’s ‘Horseback Riding’ Theory: A Case Study of the Boxer Indemnity Negotiations],” pp. 101-110.

⁵⁰ For Hart’s role during the Sino-French War in Vietnam see: Zhiyong Zhang, *Hede Yu Wanqing Zhong-Ying Waijiao* [Hart and Late Qing China in British Diplomacy], pp. 135-167; Lloyd E. Eastman, *Throne and Mandarins: China’s Search for a Policy during the Sino-French Controversy, 1880-1885* (Cambridge, Mass.; London: Harvard University Press, 1967).

could have significant consequences for both himself and the British interests he also prioritised in China. His career depended on the maintenance of Qing rule in China, and in case of a humiliating defeat by Japan, the ensuing fate of his masters looked grim. The British authorities were more or less worried for the same reasons about the repercussions of a Sino-Japanese clash. As British minister to China, Sir Thomas Wade once noted to British Consul to Shanghai, Walter H. Medhurst, the real threat for British interests was an “insurrection” that could spread “all over the country” if Japan crushed the Qing: “this consideration makes it as much our interest as theirs that [the Qing] should maintain a calmer front.”⁵¹ Victorious China could also be a problem for Wade. A boost to the morale of the Qing was expected to raise anti-foreign feelings within the administration: “We [should] protect ourselves,” he wrote on September 16, 1874 to Lord Tenterden in London, “whether our interests are jeopardised by a foreign enemy, by Chinese brigade, or by treaty-breaking officials.”⁵² For the above reasons, Wade thought useful to alarm both Prince Gong and Yanagihara that “for the greater security” of British interests, he had already “telegraphed home to recommend that [the British] squadron in these seas should be reinforced.”⁵³

For those familiar with Hart’s role in China, it is not surprising that Hart’s fears overlapped with those of the British. The essence of Britain’s China policy during the late 19th century was to support the Qing dynasty to stay in power and maintain British trade in a leading position in China.⁵⁴ Between 1874 and 1875, there are long passages in Hart’s diaries that illustrate his endeavours to bolster Sino-British relations. For example, on June 1, 1875, he recorded a meeting he had with several Qing officials at the Zongli Yamen, during which he stated the following:

I don’t say England loves you, or you England, but past events could have proved to you England does not – want to take any of your territory and events have shown you England wished to help your Govt. to keep up; but, over and above this, your interests are the same – it is for your interest that England and not Russia should have India, and it is England’s interest that Russia should not get a footing in China. Well: why not make a friend of England?⁵⁵

⁵¹ Sir Thomas Wade to Walter Henry Medhurst, September 6, 1874, FO-17-675.

⁵² Sir Thomas Wade to Lord Tenterden, September 16, 1874, FO-17-675.

⁵³ Sir Thomas Wade to Lord Derby, September 16, 1874, FO-17-675.

⁵⁴ Gregory A. Barton, *Informal Empire and the Rise of One World Culture* (Basingstoke: Palgrave Macmillan, 2014), pp. 119-143.

⁵⁵ June 1, 1876, in Hart, “Diary Vol. 21,” p. 83, QUBSC, MS 15/1/21.

Hart had been alarmed by the geopolitical developments close to China’s frontiers this period: in 1874, the French established their protectorate in Vietnam while Russia showed territorial ambitions in Xinjiang.⁵⁶ Hart thus suspected that rival to Britain powers wanted a Sino-Japanese war that would keep the Qing distracted. For this reason, he often kept Wade aware of the discussions between Qing statesmen and representatives of other powers about the Taiwan crisis: for example, in August 1874, he shared with Wade that Russia, Britain’s main rival in central Asia, was trying to rile up the Zongli Yamen to go to war with Japan.⁵⁷ With the Qing distracted eastwards, he figured that the Russians would attempt to extend their influence to the west of the empire, where Britain had also set its sights on around that period.⁵⁸

Despite sharing the same geopolitical concerns with Hart, Wade had a much different approach to the legal question over Taiwan’s status: in his discussions with the Zongli Yamen ministers, Wade once suggested that Taiwan’s status had to be decided among Western powers on the grounds of Western international law.⁵⁹ Wade generally dismissed the notion that non-Westerners could use an exclusively Western legal instrument such as Western international law. Only a few years later, Wade would assert in the presence Guo Songtao that Qing officials had no right to quote “the laws of Foreign countries,” including Western international law.⁶⁰ Wade’s logic shows the utility that Western international law had for Westerners at the time: it could be used as an instrument to legitimise the Western-

⁵⁶ For the establishment of the French protectorate in Vietnam see: Lloyd E. Eastman, *Throne and Mandarins: China’s Search for a Policy during the Sino-French Controversy, 1880-1885*, pp. 31-34; For Russo-British politics in Western China see: V. G. Kiernan, “Kashghar and the Politics of Central Asia, 1868-1878,” *The Cambridge Historical Journal* (London) 11: 3 (1955), pp. 317-342. About Russia’s interest in Xinjiang, see also: Michael Share, “The Russian Civil War in Chinese Turkestan (Xinjiang), 1918-1921: A Little Known and Explored Front,” *Europe-Asia Studies* (Abingdon) 62: 3 (May 2010), pp. 389-420.

⁵⁷ August 16, 1874, in Hart, “Diary Vol. 19,” p. 176, QUBSC, MS 15/1/19. Similar discussion found in Hart’s diaries on August 18 and August 27, 1874 (p. 177 and p. 192 accordingly) in the same volume.

⁵⁸ In the following years, the Ili crisis would bring to the surface more clearly the interplay among Russian, Qing and British interests in that region. See Immanuel C. Y. Hsü, *The Ili Crisis: A Study of Sino-Russian Diplomacy, 1871-1881* (Oxford: Oxford University Press, 1965); Jin Noda, “Reconsidering the Ili Crisis: The Ili Region under Russian Rule (1871-1881),” in Mitsuko Watanabe and Junpei Kubota, eds., *Reconceptualizing Cultural and Environmental Change in Central Asia: An Historical Perspective on the Future* (Kyoto: Research Institute for Humanity and Nature, 2010), pp. 163-195.

⁵⁹ October 7, 1874, in Hart, “Diary Vol. 19,” p. 245, QUBSC, MS 15/1/19. Also see: “Mr Wade. Volume 5,” November 1874, FO-17-676.

⁶⁰ Guo Songtao to Earl of Derby, November 27, 1877, FO-17-801.

centric framework that non-Western governments had been forced to operate in, and by doing so to legitimise the Western oppression of non-Western states.⁶¹

Hart was certainly not against the participation of the Qing government in Western institutions, even on Western terms. But in this case, such a development would only undermine Qing interests and after all the Japanese seemed to be willing to drop the question of imperial ownership. Accordingly, on October 14, 1874, Hart stressed to the Zongli Yamen that “China cannot submit the question ‘Is [Taiwan] Chinese?’ to arbitration.”⁶² “From explanation I had got hold of,” he told Yamen minister Chenglin, “[the Japanese] would willingly retire if they would be helped down without loss of face.”⁶³ In this regard, he argued, instead of focusing on the question of “who is [Taiwan]?,” the Qing should ask the Japanese “on what terms” would they withdraw from the island.⁶⁴ This would manifest, according to Hart, that the Qing had at least done “their utmost to prevent war,” and even if foreign arbitration was ultimately sought, “foreign countries” would also recognise that it was only Japan, which persisted “in forcing a quarrel with China.”⁶⁵

Hart’s approach, in contrast to Wade’s, demonstrates that despite his commitment to assisting Britain in maintaining its leading position in China, his stance differed from that of British authorities. He was more cautious about the potentially detrimental consequences of granting foreign powers the authority to make decisions regarding Qing policy. As he once stated to Wade during a dinner they shared a year later, it was his belief that it was preferable for Britain to leave China “alone” so that the “fruit... would be stronger and better than the forced results of” dictating Qing policies.⁶⁶ This aspect of Hart’s approach emphasises his

⁶¹ For similar discussions on China and Western international law see Phil C. W. Chan, “China’s Approaches to International Law since the Opium War,” *Leiden Journal of International Law* (Leiden) 27: 4 (December 2014), p. 860; Xiaoshi Zhang, “Rethinking International Legal Narrative Concerning Nineteenth Century China: Seeking China’s Intellectual Connection to International Law,” *The Chinese Journal of Global Governance* (Leiden) 4: 1 (April 2018), pp. 1-21. For a broader discussion on legal imperialism in the non-Western world, see Turan Kayaoğlu, *Legal Imperialism: Sovereignty and Extraterritoriality in Japan, the Ottoman Empire, and China* (New York: Cambridge University Press, 2014, Reprint edition); Richard S. Horowitz, “International Law and State Transformation in China, Siam, and the Ottoman Empire during the Nineteenth Century,” *Journal of World History* (Honolulu) 15: 4 (December 2004), pp. 445-486.

⁶² October 7, 1874, in Hart, “Diary Vol. 19,” p. 245, QUBSC, MS 15/1/19.

⁶³ October 14, 1874, in Hart, “Diary Vol. 19,” pp. 257-259, QUBSC, MS 15/1/19.

⁶⁴ October 14, 1874, in Hart, “Diary Vol. 19,” pp. 257-259, QUBSC, MS 15/1/19.

⁶⁵ October 14, 1874, in Hart, “Diary Vol. 19,” pp. 257-259, QUBSC, MS 15/1/19.

⁶⁶ November 21, 1874, in Hart, “Diary Vol. 20,” p. 65, QUBSC, MS 15/1/20.

deviation from Britain’s China policy, which is a dimension not sufficiently stressed in studies of Hart’s role in Sino-British relations in this period.

Wade’s proposal for arbitration ultimately fell through, as both Qing and Japanese authorities rejected it.⁶⁷ Consequently, the settlement of the war indemnity broke the deadlock, with the two sides reaching an agreement in the following weeks. Hart thought that his successful arrangement with LeGendre would have highlighted to his masters his utility and strengthened his status within the Qing administration. On October 17, 1874, Hart cheerfully noted in his journal that “they are liking to take my advice and make more use of me in the future.”⁶⁸

The Qing rulers, however, chose to keep Hart at an arm’s length. A notable example of this occurred during the negotiations about the indemnity the Qing would pay Japan. After a few weeks of negotiations, Hart asked Chonghou to review the terms the two sides were about to agree on. To Hart’s surprise though, Chonghou declined to show him the document. That day, he wrote in his diary:

I must say I felt awfully savage at this: for I have been doing so much to help them in this affair and they have been so ready to ask my aid and opinion when in difficulty that to be then thrown over when they are “getting out of the wood” [...] is disgusting. [...] I must confess as I came home I [...] thought of the good a whipping would do China.⁶⁹

Hart’s treatment by Chonghou unveils a great deal about Qing engagement with Western international law at the time. Emily Cheung and Maranatha Fung have previously argued that the Qing never intended to internalise Western international law, but only to use it as “a sword to fight against the Westerners in times of coercion.”⁷⁰ In that respect, Hart came in handy to the Qing, for he was eager to deal with Western international law questions that the Qing rulers had neither interest nor familiarity in dealing with themselves. At the same time, while the Qing were for the most part happy enough to remain unfamiliar with Western international law principles, their indifference made Hart’s influence in Sino-foreign relations stronger.

⁶⁷ “Mr Wade. Volume 5,” November 1874, FO-17-676.

⁶⁸ October 17, 1874, in Hart, “Diary Vol.20,” p. 13, QUBSC, MS 15/1/20.

⁶⁹ October 28, 1874, in Hart, “Diary Vol. 20,” pp. 35-36, QUBSC, MS 15/1/20.

⁷⁰ Emily Cheung and Maranatha Fung, “The Hazards of Translating Wheaton’s Elements of International Law into Chinese,” in Anthony Carty and Janne Nijman, eds., *Morality and Responsibility of Rulers: European and Chinese Origins of a Rule of Law as Justice for World Order*, p. 331.

By the end of 1874, Japan had withdrawn its troops from Taiwan for an indemnity of half a million Kuping taels. According to LeGendre's letters to Okuma Shigenobu, Hart claimed that it was thanks to his persistent appeals that the Qing officials agreed to "include money considerations among those which [formed] the basis of a settlement."⁷¹ It would ultimately take two more decades for Taiwan to become a part of the Japanese empire. And in comparison to the detrimental effects that the 1895 Sino-Japanese War had on the Qing rulers, the Taiwan crisis of 1874 resulted in relatively minor losses for them.

Hart certainly deserves credit for the outcome of this dispute. As demonstrated, his proposal to set aside the issue of ownership facilitated discussions between the two sides and paved the way for a peace agreement. Nevertheless, Qing officials were cautious about granting Hart excessive influence over diplomatic matters. The following section demonstrates that amid this crisis, Hart also sought to influence developments within the Qing military. However, his influence was similarly curtailed, reflecting concerns about his growing status within the Qing administration.

3. A Strong Military to Protect Qing Interests

During the Taiwan crisis, Japan's aggression stirred up debates within the Qing administration about the empire's naval defences, with influential government officials Li Hongzhang and Shen Baozhen pushing for major reforms.⁷² As a result of their pressure, in May 1874, the throne placed Shen Baozhen in charge of diplomatic and military affairs in Taiwan and was additionally granted permission to purchase ironclads, torpedoes, ammunitions and negotiate loans with foreign banks to finance these investments.⁷³ Hart saw the announced reforms as an opportunity to promote his own ideas about the restructuring of the Qing navy. This section focuses on Hart's attempt to assert a leading role in Qing naval

⁷¹ Charles W. LeGendre to Okuma Shigenobu, October 23, 1874, LeGendre Papers, Library of Congress.

⁷² David Pong, *Shen Pao-chen and China's Modernization in the Nineteenth Century*, pp. 299-314. See also: Immanuel C. Y. Hsü, "The Great Policy Debate in China, 1874: Maritime Defense vs. Frontier Defense," *Harvard Journal of Asiatic Studies* (Cambridge) 25 (1964-1965), pp. 212-228; Kwang-ching Liu, "Li Hung-chang in Chihli: The Emergence of a Policy, 1870-1875," *Chinese Studies in History* (New York) 24: 1/2 (October 1990), pp. 70-109.

⁷³ Chih-hui Tsai, "Robert Hart's Relationship with the Late Qing Bureaucracy," p. 175.

reforms and the antagonistic relationship he developed with Shen Baozhen as a result of his meddling with the restructure of the Qing navy.

Chi-hui Tsai’s study of Hart’s failed attempts to take control of the Qing navy highlights the mistrust of Qing reformers towards Hart.⁷⁴ More characteristically, when the throne nominated Hart in 1879 to be the Inspector General of the Qing Navy, reformers affiliated with Li Hongzhang strongly opposed his candidacy. They argued that Hart, a foreigner within the administration, would then become too powerful. The controversy ultimately ended Hart’s naval ambitions. In the 1880s, Hart himself noted in his diaries that besides running the CIMC he did not “expect other things to be sent into [his] hands.”⁷⁵ Tsai’s study lays the groundwork upon which this article builds its argument on Hart and his relationship with Qing reformers. Tsai, however, tells this story primarily from Qing point of view; this section brings to the surface Hart’s perspective on this antagonistic relationship.

Hart believed that Japan’s rapid emergence as a naval power in East Asia necessitated the likewise rapid upgrading of Qing naval defences. When the 1874 naval reforms were announced, Hart initially applauded them as “the first fruit of the Jap[anese] doings.”⁷⁶ However, he had strong reservations regarding the ability of those entrusted by the throne to carry out these reforms. Especially regarding the loans the Qing would get to acquire Western military technology, Hart held that Qing administrators were not in a position to use the borrowed money “wisely, economically and productively.”⁷⁷ The target of his criticism was primarily Shen Baozhen, who was responsible for negotiating the loans, but also Li Hongzhang, the mastermind behind these reforms. Once, during a meeting with minister Chonghou at the Zongli Yamen, Hart decided not to hold back and openly criticised the “ruinous terms” Shen Baozhen was going in for loans and Li Hongzhang for purchasing weapons.⁷⁸ It was then that Chonghou asked Hart whether the latter could instead use Customs revenue to pay off these loans.

The proposal enthused Hart, who saw bigger opportunities opening up for him: if he could secure the financing of naval reforms, why not have a say on how

⁷⁴ See specifically chapter 5 on Tsai. Kuang Zhaojiang makes a similar to Tsai’s argument in Zhaojiang Kuang, “Juwai Pangguan De Kunhuo: Hede ‘Pangguan San Lun’ Duhou [Perplexities of an Outsider: Reflections on Hart’s Three Observations from a Bystander’s Perspective],” pp. 1-22.

⁷⁵ June 13, 1884, in Hart, “Diary Vol. 29,” p. 155, QUBSC, MS 15/1/29.

⁷⁶ July 2, 1874, in Hart, “Diary Vol. 19,” p. 116, QUBSC, MS 15/1/19.

⁷⁷ Hart to Campbell, November 21, 1874, no. 117, in *The I.G. in Peking, Vol. I*, p. 184.

⁷⁸ July 27, 1874, in Hart, “Diary Vol. 19,” p. 153, QUBSC, MS 15/1/19.

these funds should be directed? For this reason, on August 13, 1874, Hart began working on a memo proposing the “establishment of a special [ministry] called the Hai-Fang Yamen for coast defences.”⁷⁹ The primary objective of the proposed ministry was to coordinate the authorities of all Qing “maritime and riverine provinces” for the defence of the empire’s coastline.⁸⁰ Each province was expected to have “a special force” of five to ten thousand armed men in naval stations, with “an ironclad, 4 corvettes, 1 dispatch boat, and 4 gunboats on each, and a flying squadron of the same strength: each province to have a transport capable of putting 2,000 men on board.”⁸¹

Hart perhaps knew that these numbers were overly ambitious – “50 ships and 40,000 men” in total – but his long-term objective was to make the Qing “the ‘strong man around’ ” and rival empires “careful not to go to war for little things.”⁸² Hart understood that without the backing of a strong military, empires could not get far in the realpolitik arena of the nineteenth century. His determination to make the military strong enough so that the Qing could not be easily bullied around by rival powers shows that Hart had a genuine interest in protecting Qing sovereignty. This contradicts studies of Hart, which somewhat simplistically portray him as a mere agent of British imperialism in China.⁸³

Hart finally presented his project on August 19, 1874 before Zongli Yamen ministers Mao Changxi, Dong Xun, and Shen Baozhen, who was also present. The latter, according to Hart’s recollection in his diary, manifested his dissatisfaction as soon as he was handed a copy: he “twined over the pages quickly (as if he had read it before)” and maintained to Hart that he had, in fact, already thought out a similar plan himself, but could not get a hearing for it at the Qing court.⁸⁴ The main obstacle, Shen Baozhen continued, was that the overall lack of coordination across the Qing administration made difficult getting all heads of maritime and riverine provinces behind a unified coastal defence system.⁸⁵ This was, indeed, a legitimate argument and one that often has been highlighted in late Qing history

⁷⁹ Hai-Fang Yamen in Chinese literally translates as “Ministry for Coastal Defence.” August 13, 1874, in Hart, “Diary Vol. 19,” pp. 172-173, QUBSC, MS 15/1/19.

⁸⁰ August 13, 1874, in Hart, “Diary Vol. 19,” pp. 172-173, QUBSC, MS 15/1/19.

⁸¹ August 13, 1874, in Hart, “Diary Vol. 19,” pp. 172-173, QUBSC, MS 15/1/19.

⁸² September 11, 1874, in Hart, “Diary Vol. 19,” p. 214, QUBSC, MS 15/1/19; August 13, 1874, in Hart, “Diary Vol. 19,” pp. 172-173, QUBSC, MS 15/1/19.

⁸³ Shiqi Chen, *Zhongguo Jindai Haiguan Shi* [History of China’s Modern Maritime Customs Service].

⁸⁴ August 19, 1874, in Hart, “Diary Vol. 19,” p. 178, QUBSC, MS 15/1/19.

⁸⁵ August 19, 1874, in Hart, “Diary Vol. 19,” p. 178, QUBSC, MS 15/1/19.

scholarship.⁸⁶

Shen Baozhen, however, reacted this way for he just wanted to shut down Hart’s naval ambitions. A decade later, Hart would explicitly admit this in his diary: “Some years ago, when I moved for the Hai Fang, Shen [Baozhen] [...] reported against it: said I was the most powerful official in China sought not be made more powerful etc etc.”⁸⁷ Again, this corroborates what Tsai has argued and that is that Hart never managed to secure “the unqualified support of leading Chinese reformers.”⁸⁸ “I feel ‘down in the mouth’ and suppose I have again cast ‘pearls before swine,’ ” Hart wrote in his diary after the meeting.⁸⁹

Indeed, Hart would not manage to capitalise on the restructuring of the Qing navy to the extent he initially thought he could. That is not to say, however, that his Hai-Fang memo was dismissed altogether by the Qing. On February 8, 1875, Hart recognised a watered-down version of it in newspaper articles about a general restructuring of the Qing coastal defences that was reportedly under way. According to the reports, the plan was for each maritime province to have two steamers of the state-owned China Merchants Steam Navigation Company, that could be used for trade in times of peace, and in times of war for military purposes.⁹⁰ This, in addition to information he collected that the Qing were also planning to use “the very places” he had “advised the Yamen to secure” for naval harbour and for ironclads made him, once again, upset about the administrative barriers the Qing placed around him.⁹¹ “The Yamen is *taking* my advice *largely* – but it is passing it on *piecemeal* to others to give effect to: they are incurable!” he wrote to his agent in London, James Duncan Campbell, two days after he read the newspaper

⁸⁶ Richard S. Horowitz, “Beyond the Marble Boat: The Transformation of the Chinese Military, 1850-1911,” in David A. Graff and Robin Higham, eds., *A Military History of China* (Lexington, KY: University Press of Kentucky, 2012); Edward Allen McCord, *The Power of the Gun: The Emergence of Modern Chinese Warlordism* (Berkeley, Calif.: University of California Press, 1993), pp. 18-46; Benjamin A. Elman, “Naval Warfare and the Refraction of China’s Self-Strengthening Reforms into Scientific and Technological Failure, 1865-1895,” *Modern Asian Studies* 38: 2 (May 2004), pp. 283-326; Thomas L. Kennedy, *The Arms of Kiangnan: Modernization in the Chinese Ordnance Industry, 1860-1895* (Boulder, Colo.: Westview Press, 1978). Hart’s letters to Campbell around the Sino-French War (1883-1885) also manifest his frustration about the lack of coordination among Qing administrators. See Hart to Campbell, June 27, 1883, no. 423, in *The I.G. in Peking, Vol. 1*, p. 473.

⁸⁷ June 13, 1884, in Hart, “Diary Vol. 29,” p. 155, QUBSC, MS 15/1/29.

⁸⁸ Chih-hui Tsai, “Robert Hart’s Relationship with the Late Qing Bureaucracy,” p. 193.

⁸⁹ August 19, 1874, in Hart, “Diary Vol. 19,” p. 178, QUBSC, MS 15/1/19.

⁹⁰ February 8, 1875, in Hart, “Diary Vol. 20,” pp. 188-189, QUBSC, MS 15/1/20.

⁹¹ February 8, 1875, in Hart, “Diary Vol. 20,” pp. 188-189, QUBSC, MS 15/1/20.

reports.⁹²

Hart never managed to break down those barriers in naval affairs, albeit he continued creating other avenues to expand his influence. In the case of Taiwan, Hart, through the CIMC, played a significant role in the colonisation project initiated by the Qing government once the Japanese troops withdrew from the island. The following section illustrates Hart's involvement in the Qing campaign in Taiwan and how the CIMC's infrastructure projects contributed to the consolidation of Qing authority on the island.

4. Colonisation and Development

On March 4, 1875, the official mouthpiece of the Qing regime, *The Peking Gazette*, reported that Shen Baozhen memorialised the throne about “the removal of the restriction on colonization” in Taiwan.⁹³ The campaign, titled “Opening the Mountains and Pacifying the Savages,” reflected the intention of the Qing government to extend its jurisdictional authority beyond the “savage border.”⁹⁴ To that end, Qing military forces were sent to subjugate all previously unassimilated groups of indigenous people, restrictions to travel beyond the “savage border” were lifted and Chinese farmers from the mainland were encouraged to settle in Taiwan.⁹⁵ This marked the beginning of a period when, in Robert Bickers' words, “all the resources” of the Qing state “were brought to bear on the island” so as to

⁹² Hart to Campbell, February 10, 1875, no. 119, in *The I.G. in Peking, Vol. I*, p. 187.

⁹³ *Translation of the Peking Gazette for 1875* (Shanghai: Reprinted from “The North-China Herald, and Supreme Court and Consular Gazette,” 1876), pp. 29-30. American English spelling for “colonization” as employed by Hart in the original text.

⁹⁴ Emma Jinhua Teng, *Taiwan's Imagined Geography: Chinese Colonial Travel Writing and Pictures, 1683-1895*, pp. 209-236; Paul D. Barclay, *Outcasts of Empire: Japan's Rule on Taiwan's "Savage Border," 1874-1945*, p. 122.

⁹⁵ For old and new studies of Taiwan's natural resources, see: James Wheeler Davidson, *The Island of Formosa, Past and Present. History, People, Resources, and Commercial Prospects. Tea, Camphor, Sugar, Gold, Coal, Sulphur, Economical Plants, and Other Productions* (London and New York: Macmillan & Co.; Yokohama Etc. Kelly & Walsh, Ltd., 1903, Reprint edition); Ronald C. Po, “The Camphor War of 1868: Anglo-Chinese Relations and Imperial Realignments within East Asia,” *The English Historical Review* (Harlow) 135: 577 (December 2020), pp. 1461-1487; Toulouse Antonin Roy, “War in the Camphor Zone: Indigenous Resistance to Colonial Capitalism in Upland Taiwan, 1895-1915,” *Japan Forum* (Oxford) 34: 3 (May 2022), pp. 333-354.

leave no doubt to foreign powers that Taiwan was part of the Qing empire.⁹⁶

Hart was involved in this campaign from early on. A few days after Okubo’s arrival in Beijing, Hart described in his diary a meeting he had at the Zongli Yamen during which he advised Qing officials how to deal with the aborigines in Taiwan if war with Japan was avoided. The meeting looked more like a lecture: Hart analysed British colonial practices with “the Maories in New Zealand” and “the natives of Australia;” meanwhile, Qing officials “took notes” with their “pen and ink.”⁹⁷ Hart’s suggestion to the Qing was to “bring the aborigines [of Taiwan] to terms” and “then push on the work begun by the Japs,” meaning to complete the colonisation of Taiwan’s aboriginal lands.⁹⁸ According to the personal records of Hart’s assistant Edward McKean, Hart additionally stressed to his audience that “the Chinese troops [should] occupy the Japanese positions precisely as the Japanese had done.”⁹⁹

Hart’s “lecture” at the Zongli Yamen offers a prime example of his paternalistic approach to Qing engagement with the West. It is largely known that Hart throughout his career sought to reform the Qing state upon Western standards. What is less known though is that this also included “teaching” the Qing how to colonise like Western states or even non-Western states, like Japan, with favourable attitudes towards the West. Hart’s paternalism worked in tandem with his pragmatism. His paternalistic attitude stemmed from his perception of his role in China being, inter alia, to teach the Qing how to use Western methods to achieve equal status to Western governments. On the other hand, his pragmatism was supposed to keep the Qing out of trouble while they familiarised themselves with Western methods. As shown in this article, Hart was pragmatic in his negotiations with Japan’s officials, but he also used Japan’s colonisation of Taiwan as teaching material for his lectures at the Zongli Yamen.

Hart’s role to the colonisation of aboriginal Taiwan was not limited to giving lectures at the Zongli Yamen. He also offered concrete support to Shen Baozhen’s campaign. Already since the 1860s, Hart was in discussions with Shen Baozhen about developing a modern mining plant in Keelung.¹⁰⁰ The land around

⁹⁶ Robert Bickers, *The Scramble for China: Foreign Devils in the Qing Empire, 1832-1914*, p. 265.

⁹⁷ September 13, 1874, in Hart, “Diary Vol. 19,” p. 216, QUBSC, MS 15/1/19.

⁹⁸ November 1, 1874, in Hart, “Diary Vol. 20,” p. 45, QUBSC, MS 15/1/20.

⁹⁹ Edward McKean, November 29, 1874, in Edward McKean, “Private Memo Book,” D1164/8, Public Record Office of Northern Ireland (PRONI).

¹⁰⁰ Chih-hui Tsai, “Robert Hart’s Relationship with the Late Qing Bureaucracy,” p. 171.

the Keelung River was rich in coal and Shen Baozhen wanted to establish a mining plant there in order to obtain cheap coal for his navy yard in neighbouring Fuzhou. For various reasons though, the project had been put on hold until the Sino-Japanese crisis brought Taiwan back to the attention of the Qing government.¹⁰¹ In the thick of his negotiations with the Japanese officials, Shen Baozhen received instructions from Beijing to set in motion his plan for a mining plant in Keelung.¹⁰² Shortly thereafter, Shen Baozhen contacted Hart and asked him to find an experienced European engineer and bring him in Keelung to work the mines.¹⁰³ Hart in turn contacted Campbell and asked him to find an English engineer as quickly as he could before “the Chinese ... change[d] their minds.”¹⁰⁴ “Strike quickly, while the iron is hot,” he characteristically wrote to Campbell.¹⁰⁵

The opening of the Keelung mines was one out of the many projects that Hart supervised during this period. The same year, Hart launched the Customs meteorological service, an ambitious project of his which aimed at bringing together the authorities “of Eastern Siberia, Hong Kong, Manila, Saigon, Singapore and Java – the Japanese authorities at Nagasaki and Yokohama, and the Siamese authorities at Bangkok [sic]” for the purpose of exchanging information about weather conditions in South and East Asia.¹⁰⁶ At the same time, the Marine Department of the CIMC was also developing a network of lighthouses along the coast of China, another crucial project for the improvement of maritime safety in China.

¹⁰¹ James Wheeler Davidson, *The Island of Formosa, Past and Present. History, People, Resources, and Commercial Prospects. Tea, Camphor, Sugar, Gold, Coal, Sulphur, Economical Plants, and Other Productions*, p. 210.

¹⁰² David Tyzack, the mining engineer that was ultimately hired by the Qing government, has discussed in length his experiences as the supervisor of the Keelung Mines in his paper “Notes on the Coal-Fields and Coal-Mining Operations in North Formosa (China).” The paper was presented in a general meeting of the North of England Institute of Mining and Mechanical Engineers on December 13, 1884. See *North of England Institute of Mining and Mechanical Engineers*, Vol. 34: Transactions, 1884-1885.

¹⁰³ David Tyzack, “Notes on the Coal-Fields and Coal-Mining Operations in North Formosa (China),” in *North of England Institute of Mining and Mechanical Engineers*, Vol. 34: Transactions, 1884-1885.

¹⁰⁴ By “us,” Hart meant the CIMC. Hart to Campbell, October 2, 1874, no. 115, in *The I.G. in Peking, Vol. I*, p. 182.

¹⁰⁵ Hart to Campbell, October 2, 1874, no. 115.

¹⁰⁶ Inspectorate General of Customs to Sir Thomas Wade, May 31, 1873, FO-17-655. For studies on Hart’s meteorological service, see Robert Bickers, “‘Throwing Light on Natural Laws’: Meteorology on the China Coast, 1869-1912,” in Robert Bickers and Isabella Jackson, eds., *Treaty Ports in Modern China: Law, Land and Power* (Milton Park, Abingdon, Oxon; New York, NY: Routledge, 2016), pp. 180-201; CF Ladds and RA Bickers, *The Meteorological Work of the Chinese Maritime Customs Service, 1869-1947* (Exeter: Meteorological Office, Hadley Centre, ACRE team, 2008).

There was a symbolic value behind these infrastructural developments: as Hans van de Ven and Robert Bickers point out the Qing government used the lighthouses the CIMC erected as “markers to indicate the territory it claimed.”¹⁰⁷ Likewise, right after the Japanese withdrew from Taiwan, the Qing government asked Hart to send his engineers to Cape Eluanbi, Taiwan’s southernmost point, to examine possible locations for the erection of a lighthouse. This idea had been originally proposed by LeGendre in 1867 in the aftermath of the *Rover* incident.¹⁰⁸ *The China Mail*, an English-language newspaper published in Hong Kong, reported in August 1867 that “a light” was expected to “be burning there in January 1869” but same as with the Keelung mines, the works kept being postponed.¹⁰⁹

According to Hart’s diaries, once he received the orders from the Zongli Yamen, he instructed his assistant Edward McKean to travel immediately to Taiwan and “fix on a site for a *lighthouse*.”¹¹⁰ While McKean was on his way to Taiwan, Hart telegraphed Campbell to bring “two smart lighthouse mechanics” to China “speedily.”¹¹¹ The lighthouse was finally erected in Cape Eluanbi in the early 1880s.

The opening of the Keelung mines and the erection of the lighthouse in Cape Eluanbi vividly showcase how instrumental Hart and the CIMC were to the materialisation of Qing colonial policy in aboriginal Taiwan. Sundhya Pahuja in her study of the displacement of non-Hindu people by the Indian state frames development as a “series of technologies, forms and institutions, which authorise the spatial movement of a European international law.”¹¹² Ultimately, the engineers that Hart sent from Europe to Keelung and Cape Eluanbi not only diffused Western technology to Taiwan but also Western international law. In the following months, new roads were constructed, Qing administrative units were set up “so as

¹⁰⁷ Hans J. Van de Ven, *Breaking with the Past: The Maritime Customs Service and the Global Origins of Modernity in China*, p. 119; Robert Bickers, *The Scramble for China: Foreign Devils in the Qing Empire, 1832-1914*, p. 270.

¹⁰⁸ “Shen Baozhen to Zuo Zongtang,” in Baozhen Shen, *Shen Wensu gong du* [Official Documents of Shen Baozhen], ed., Haiquan Lin (Fuzhou: Fujian renmin chubanshe, 2008), Vol. II, pp. 52-53.

¹⁰⁹ “Lighthouses on the Coast of China,” unnumbered excerpt from *China Mail*, August 13, 1867, found in Hart, “Diary Vol. 9,” QUBSC, MS 15/1/9.

¹¹⁰ November 1, 1874, in Hart, “Diary Vol. 20,” p. 45, QUBSC, MS 15/1/20.

¹¹¹ Hart to Campbell, September 25, 1874, no. 50, Sir Robert Hart and James Duncan Campbell, “Telegraphs,” in Xiafei Chen and Rongfang Han, eds., *Archives of China’s Imperial Maritime Customs: Confidential, Correspondence between Robert Hart and James Duncan Campbell, 1874-1907*, Vol. 4, p. 1017.

¹¹² Sundhya Pahuja, “Laws of Encounter: A Jurisdictional Account of International Law,” *London Review of International Law* (Oxford) 1: 1 (September 2013), p. 93.

to leave no room for doubt that [Taiwan] was irrefutably part of the Qing domain.”¹¹³ This was to finalise the colonisation of the island. As Hart recorded in his diary on the day he first learned about the launch of the colonisation campaign: “I suppose this is the beginning of the end – the development of Formosa’s resources.”¹¹⁴ The Taiwan crisis, however, was only a precursor to later Sino-foreign disputes over regions claimed by the Qing state as their sovereignty, even though they were not administered by the Qing.

5. Conclusion

In tracing the contours of Robert Hart’s involvement during the Taiwan crisis of 1874, this article underscores how his approach to China’s early engagement with Western international law encapsulated a nuanced interplay between pragmatism and paternalism. Responding to Japan’s assertion that Western international law invalidated Qing sovereignty over half of Taiwan, Hart’s pragmatic stance emerged as a strategic response. Recognising the limitations of proving Qing authority through Western legal paradigms, Hart advised against engaging in legal debates with Japanese diplomats. This tactic proved efficacious as both sides negotiated a settlement, eschewing the need to formally resolve Taiwan’s status. Japan ultimately withdrew its forces from the island, preserving Taiwan within the Qing realm until 1895.

Hart’s paternalistic inclinations found expression in his role in post-1874 Qing policy towards Taiwan. Operating within the framework of colonial practice seen in non-Western regions, he endeavoured to mold the colonisation of Taiwan’s indigenous population. This article unveils his lectures to Qing authorities, shaping development initiatives as tools of colonisation. Between 1874 and 1881, the CIMC actively participated in so-called “development projects” that the Qing state employed to assert control over Taiwan’s indigenous inhabitants, thereby projecting Qing territorial claims to the international community.

¹¹³ Lung-chih Chang, “From Quarantine to Colonization: Qing Debates on Territorialization of Aboriginal Taiwan in the Nineteenth Century,” p. 19; Robert Bickers, *The Scramble for China: Foreign Devils in the Qing Empire, 1832-1914*, p. 265.

¹¹⁴ February 17, 1875, in Hart, “Diary Vol. 20,” p. 198, QUBSC, MS 15/1/20.

In the broader context of China’s modernisation during this epoch, the article also brings to light the nuanced dynamics between Hart and Qing reformers. As demonstrated, Hart’s foray into Qing naval affairs revealed a cautious resistance among reformers to concede excessive power to him, opting instead to keep him at a distance – a stance that somewhat thwarted Hart’s aspirations. This article further elucidates the complex, at times adversarial, relationship between Hart and Qing reformers.

Furthermore, this article highlights Hart’s unique role in balancing Qing and British interests. It underscores his commitment to maintaining a delicate equilibrium by safeguarding British interests while respecting China’s autonomy, which diverged from British policy at the time. Hart’s cautious approach emphasised non-interference in Qing internal affairs, a dimension often overlooked in the study of his role in China. Hart’s approach and the intricacies of his role on the ground reveal a nuanced yet multifaceted contribution to the Qing-British relationship during this era, enriching our understanding of the historical dynamics at play.

In summation, this article offers a multifaceted exploration of Hart’s contributions, highlighting the interplay of pragmatism and paternalism in his responses to the Taiwan crisis and subsequent colonial pursuits, shedding further light on a pivotal aspect of 19th-century East Asian history.

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福爾摩沙是我們的： 羅伯特·赫德在 1874 年牡丹社事件中的角色

莫亦古

摘 要

這篇文章深入探討了 19 世紀跨文化外交和國際關係中的重要人物羅伯特·赫德多方面的職業生涯，他以擔任清帝國海關總稅務司而聞名。在清帝國與西方世界的複雜談判和權力動態中，赫德的務實策略為一個核心議題。本文突顯赫德在 1874 年如何介入關乎清帝國對於臺灣領土主權的危機事件，其中利用過去未曾被探討的日記，特別揭示他在危機期間每日與清朝和日本官員的討論。儘管學界已關注清朝和日本官員所抱持領土主權觀念的差異，但本文能對此提供新的見解，並彰顯赫德在應對這一外交挑戰中的關鍵角色。此外，赫德務實的影響力不僅限於外交，還擴及清朝軍事要務。他提倡改革海軍，以對抗外國勢力的擴張，且同時參與清朝在臺灣的殖民行動。

關鍵詞：羅伯特·赫德、赫德日記、國際公法、臺灣、清朝、日本明治時期