

# “An Armed Negotiator”: Thomas De Quincey and the British Empire in China<sup>1</sup>

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**Abstract** In the instance of Thomas De Quincey, an opium-eater and a stern critic of China, the essay examines how the two Opium Wars shaped the Victorian idea of China, and how the discourses of free trade and sovereign equality contributed to the pedagogy of British imperialism in China. Unlike the Jesuits' admiration for China since the sixteenth century, De Quincey's criticism of China marked a decisive turn in the European idea of China since the early nineteenth century. Situating De Quincey's criticism in relation to writings on China by William Gladstone, Edward negotiated with China's resistance through discursive and institutional practices in the fields of diplomacy, political economy, and international law. Finally, the essay investigates how British “armed negotiation” exemplified the moral limits of Victorian liberalism as the rhetoric of empire.

**Key words** De Quincey; empire; China

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In his letter to “a friend in Bengal,” published in *Tait's Magazine* in December 1835, Thomas De Quincey warned that England was on the threshold of a “vast, rapid, and decisive” crisis, by which he referred to the ongoing social campaigns for parliamentary reform (Vol.9, 382).<sup>2</sup> Here, De Quincey's target audience is particularly noteworthy. He acted as a reporter of what was going on “at home” to the British pioneers on the colonial frontier. The “friend in Bengal” he wrote to was most probably his uncle Thomas Penson, a colonel in the military service of the British East India Company, which held monopoly over opium production

in India and exported opium to China since the late eighteenth century. Penson, as De Quincey told us, was eager to know whether “the people of England” were “aware of this [the crisis]” (Vol.9, 382). No crisis or great social changes in Britain, it seems, could be considered as purely “national”; the formation of the British Empire created a history shared by England and its overseas colonies: “[S]o much is evident to you in India, as to us on the spot” (Vol.9, 382). When the First Opium War had broken out five years later, De Quincey wrote a series of reflections over the presence of the British Empire in China. As a lifelong opium-eater, whose son Horace joined the British expedition and died at Hong Kong in 1842, De Quincey remained an eyewitness of the empire’s profits and costs. In the instance of De Quincey, this essay examines how free trade and international law contributed to the pedagogy of the British Empire in China.

### “The China Question”

In De Quincey’s responses to the Opium wars, China emerged in a constellation of images. China was an enemy, a fraud, a trouble-maker, and fundamentally, a problem unfolding and unsolved. For previous travelers and observers such as Marco Polo, Voltaire, and the Jesuits, they held a list of questions *about* China, and the problem lay in the inadequacy of knowledge of China in a new manner. But for De Quincey and many of his Victorian contemporaries, who considered China the next stop of British imperial expansion, instead of asking “What is China like” and “What can we learn from it,” they raised questions: “How can we make China listen to us?” Now as an enemy and a trouble-maker, China had to be trained as a subject or at least a co-operator of British empire, and the whole question was not how to know, understand and thus learn from China as the eighteenth century European intellectuals did, but how Orientalism might help “us” (Europe) enlighten and dominate “them” (China).

In his essay “The Opium and the China Question,” De Quincey considered the disputes over the opium trade in relation to the Anglo-Chinese relations as a whole. He believed that between Britain and China, a whole set of fundamental values were in conflict, ranging from diplomatic policies and political regimes to legal institutions and moral doctrines. Thus, he rejected reducing the Anglo-Chinese relations to a “mercantile” connection alone, and laid the “ground of war” on the British “social standing” in China. In order to prevent the “wrongs and indignities” done “in the social (not the commercial) treatment of our countrymen”(549), Britain was supposed to alter “our system” for protecting “English interests in China,” namely, as De Quincey later made it clear, to search for “a secure settlement planted

in law, and self-respect for our establishments in China” (550, 561). Complaining about the inadequacy of “care for remote colonial questions” at home, De Quincey also advocated a “moral control” and “an improved surveillance” by English public opinion over “our Oriental settlements” (548-549). Here, the “system” of “control” and “surveillance” defined the empire as a form of institutional governance that moved beyond war and invasion.

For De Quincey, the building of British empire was never simply a matter of military conquest, for “a war-like invasion is too openly an expression of coercion to found a settlement that will last” and thus “a solemn diplomatic congress between the two nations” was required so as to “have full explanations exchanged” and “basis of any treaty laid”; yet on the other hand, “the purely diplomatic [form] would terminate in smoke,” for it was hard for China as a nation “incapable of a true civilization” and “incurably savage in the moral sense” to fully understand “our European rank” (558, 554, 556). What De Quincey proposed was “a full explanation of our meaning under an adequate demonstration of our power,” which exactly hit the way in which the British Empire worked during the nineteenth century (554). As James Hevia has argued, the pioneers of the empire, including diplomats, colonial officials, missionaries and merchants tended to consider the empire a “pedagogical project,” which worked not only to coerce but also to persuade (Hevia 3).

Drawing upon the Sino-British exchanges and clashes around the two Opium Wars, this essay discusses how free trade and the rule of law, as discursive and institutional practices, shaped De Quincey’s idea of taming Qing China. Given China’s semi-colonial situation (China was not colonized by the Western powers except Hong Kong and the treaty-port concessions), the pedagogical project played a significant role in the western control of China, that is, to “persuade” China into accepted ideology and systems of the West. In this sense, De Quincey’s proposal echoed the “pedagogy of imperialism”: “What if, instead of a negotiating army, we were to send an armed negotiator?” (556)

### **Empire as Solution: Opium, Free Trade, and Political Economy**

As a regular contributor to *Tait’s* and *Blackwood’s* during the 1830s and 1840s, De Quincey remained active in public debates on the First Opium War, calling for “the salutary control of English [public] opinion” over the “the China question”(548). In his attacks upon those apologists for China, De Quincey attempted to bring under light two mistaken assumptions: one, held by William Gladstone, that treated the coming war as an “opium” war alone, which was cut off from issues of trade, law

and empire and thus rendered merely as a moral issue; the other, adopted by many others, who considered Anglo-Chinese relations as “purely commercial relations” (547) and thus, for the purpose of maintaining the trade in the long run, highlighted “the duty of conforming to the laws and usages of the Chinese empire”(Hansard’s, Vol.54 2).

William Ewart Gladstone, who later became Prime Minister in 1868, delivered during the parliamentary debates a speech so shocking for his contemporaries that it marked the turning point in his political career. As an apologist for China over the opium disputes, Gladstone argued against Lord Macaulay, who was then the Secretary of State for War and had called Gladstone “the rising hope of the stern unbending Tories” (Beeching 109), that till then there had been no war “more unjust in its origin” and “more calculated in its progress to cover this country with permanent disgrace” than the coming one (Hansard’s, Vol.53 818). His first book, entitled *The State in its Relations with the Church* published in 1838, revealed Gladstone as a religious enthusiast and an advocate of the Church of England, while in the same August, he took to Ems in Italy for cure his 24-year-old sister Helen, at that moment “a hopeless and scandalous addict” (Beeching 110). Ironically, the opium issue that had occurred to him as a private crisis again emerged in the form of a public crisis for him as a MP of Great Britain. It was partly out of his religious ideal and felt agony for his sister that Gladstone tended to moralize this Anglo-Chinese dispute over the opium trade by accusing that “that [British] flag is hoisted to protect an infamous contraband traffic” (Hansard’s, Vol.53 818). However, De Quincey defined the anti-opium campaign led by Lin Tzu-tsu as the Chinese version of the Corn Laws, i.e. a form of Protectionism and rejected seeing opium trade as Britain’s original sin and subsequently the Chinese government as morally innocent (535). As a disciple of Ricardian theory of comparative advantage, De Quincey, however, didn’t blame Chinese authorities for what he regarded as Protectionism, most probably because free trade, as an emerging idea, wouldn’t have been turned into an institution until the repeal of the Corn Laws in 1846 due to great efforts of, ironically, William Gladstone. Gladstone was on the one hand a firm advocate for free trade when he was holding offices successively as President of the Board of Trade, Secretary of State for War and Colonies, and Chancellor of the Exchequer between 1843 and 1855, and yet on the other, equally an High-Anglican opponent against opium trade, calling for putting an end to British government’s protection for the opium traffic in Hong Kong. For Gladstone, opium trade seemed an insignificant exception to the promising institution of free trade, the foundation of a “liberal” empire. The discourse of free trade, which justified the Opium War and

found its expression in opening treaty ports and low tariff settlement in the Treaty of Nanjing, arose from the joint effort of David Ricardo's economic theories and Gladstone's political practices.

Though a bit detached from the Opium War, William Gladstone remained a major contributor to the imperial project during the 1830s and 1840s, along with Palmerstone as politician, Edward Gibbon Wakefield as theorist, not to mention Jeremy Bentham and J. S. Mill as both. Britain, then already under Industrial Revolution for about half a century, was facing, as De Quincey put it, a "vast, rapid and decisive" crisis with a growing polarization of incomes and a continual reduction in industrial profits that had troubled Malthus, David Ricardo and Karl Marx. Sharing Malthus and Ricardo's theoretical vision, Edward Gibbon Wakefield attributed the crisis to a surplus of capital, goods, and labor force at home. As a political economist and leading "colonial reformer," he strove to develop the colonial system into an outlet of industrial capital and oversea market for British manufactures, and that the principle of Free Trade should rule the wide trading system between Britain, colonies and the rest nations. Instead of an "absent-minded imperialist," Wakefield considered empire a protector of free trade, creator of oversea markets and thus the best solution to the social crisis of industrial capitalism. Wakefield's justification of colonization revealed the moral limits of classical political economy. With an air of theoretical impartiality, the discourse was motivated, constructed and employed by political agendas such as maintaining British industrial supremacy as the "workshop of the world." Wakefield, with his utilitarian followers Jeremy Bentham and J. S. Mill, believed that free trade required markets and labor force that "systematic colonization" might supply (Semmel 76). Though free trade did not come to the surface of the parliamentary debates, it remained a hidden cause of the war. As Sir J. C. Hobhouse claimed, instead of pursuing selfish commercial profits, Britain was "fighting for the opening of trade for all nations" (Semmel 153). The colonial reform continued until the late 1840s, including the suppression of rebellions in Canada, the colonization of New Zealand, and the cession of Hong Kong from Qing China.

Early in 1834, China had become a target in Wakefield's great scheme of Free Trade Empire: "If there be any foreign restriction on the foreign demand for English manufactured goods, restrictions which it is in the power of the English government to remove, interference for that purpose is a proper office, a bounden duty, of government" (Wakefield 224-231). Thomas De Quincey, fascinated with Ricardo's works on political economy, once planned to develop a more ambitious theory entitled as "Prolegomena to All Future Systems of Political Economy"

(Lindop 234). He complained during the opium war: “It is shameful that men preaching the doctrines of Ricardo should have overlooked their application to China” (547). In his essay, taking Ricardo’s supply-demand theory as a weapon, he proposed to reduce China to economic regression and social crisis by cutting the British import of Chinese tea.

### **Negotiating the International Law in Semi-Colonial China**

As if following De Quincey’s vision of “a secure settlement planted in law,” the British politicians such as Sir J. Graham’s proposed establishing extraterritorial courts in China on the basis of “our British notions of justice” (542, 561). Chinese law, for De Quincey, was “accursed” and “unnatural” (551, 553), running against the European notion of “natural rights” and “natural law.”

In the eighteenth century, with the help of Newton’s scientific discoveries earlier, nature was understood as the ubiquitous expression of God’s will in human world in the same way that “human nature” spoke through Reason, a contemporary invention in that century. Furthermore, through the efforts of political philosophers such as John Locke and Jean Jacques Rousseau, natural law became a universal moral standard. In the very beginning of the Declaration of Independence, Jefferson claimed “the separate and equal station” of the thirteen States with Britain to be natural rights endowed by “the Laws of Nature and Nature’s God.” This was an age that “deified Nature and denatured God” (Becker 51).

The modern invention of natural law and universal reason arose from the Enlightenment’s call for a new universal standard as rule of law to criticize and undermine the absolute authority of Church and tyranny of King. However, once the very set of European Enlightenment values like “natural law” and “natural rights” had been established and institutionalized, it demanded to be applied “at all times, to all men” (Becker 1932). Britain, in De Quincey’s words, should present the “great leading points in our social polity,” showing:

the value which we also set upon human life ... but showing also that we value other things still higher, such as equity, human rights and duties as measured by intention ... and stating the nature of a representative government; how far it limits the powers of the sovereign, but in what a high degree it provides for the honour, and dignity, and usefulness of the sovereign. (545)

Like a passionate salesman, De Quincey continued his propaganda about Britain’s “constitutional energy” “enlightened liberty,” “a reverence for laws” and “pure

religion” throughout the rest of the essay (545, 552). With the claimed universality of natural law, which human law shall take as the perfect model, those unfamiliar systems of conventions, laws and values such as the Chinese law were perceived as an enemy against universal values and thus rejected as “strange,” “unnatural,” “Pagan” and “barbarian.” During the shift from a representative of the universal reason in Voltaire’s eyes, to a nation of “improressive state” where “laws do not change,” the idea of China demonstrated how Europe created its self-consciousness through the invention of an Other (551).

The discourse of “natural law,” as a modern European invention, justified colonial practices by excluding the “unnatural” from the “natural.” Between the seventeenth and nineteenth century, it was out of “Laws of Nature” grew “the Law of Nations.” Hugo Grotius laid the natural law as the theoretical foundation of international order, while the Peace of Westphalia and Congress of Vienna gradually consolidated international law and treaty system as a European political tradition. As the laws of nature appealed to all ages and all men, the law of nations was universal for all societies and the notion of nation-states as equal sovereignty became “natural.” Rejecting the Canton System as “tyrannical” in which Hong merchants stepped between British officials and Chinese local government, De Quincey appealed to what he might take as the “natural law”: “In Europe, governments treat with governments, merchants with merchants” (546). Britain, according to him, had already stepped into an “unnatural position” in relation to China as a pagan, despotic, and morally inferior nation. The Treaty of Nanjing served as a remedy, and the Opium War a surgery, which endowed China a “natural” position within the European treaty system (548).

De Quincey, accusing China of its “accursed system of law” and “judicial atrocities,” referred to a 1784 case in which a British gunboat accidentally killed a Chinese in Canton and local authorities demanded a British sailor to be given up and then hanged him (551-552). De Quincey then criticized the Chinese as “demoralized” in treating accidental misfortune as intentional murder and failing to carry out the verdict based upon well-grounded evidences. Here, two traditions of legal institutions again came into conflicts. In fact, as to the opium dispute that De Quincey was dealing with now, Lin’s order of blockading the British factories in Canton followed the same logic of the 1785 case, i.e. the idea of “collective responsibility” (Fairbank 74).

De Quincey’s complaint echoed the consent reached by both Tories and Whigs during the parliamentary debates on the war with China in April 1840. Since the abolition of the British East India Company’s monopoly over the China trade in

1833, the Sino-British legal disputes arose rapidly due to a growing presence of private British merchants around Canton (Hansard's, Vol.53 800). Even Gladstone, a firm apologist for China, insisted that “court ought to have been established in China by her Majesty's Government having authority over the conduct of British subjects in that part of the world,” so as to protect them from the increasing “jealousy of the Chinese towards strangers.” Following the First Opium War, the Supplementary Treaty of Nanjing (1843) established British extraterritoriality in the five treaty ports and Hong Kong. Ironically, it was the most *unnatural* means — war — that established the treaty system, which was modeled on the “natural” international law.

In the third edition of his work *Elements of International Law*, which was translated into Chinese in 1864, the U.S. jurist Henry Wheaton wrote a part with particular reference to China:

The same remark may be applied to the recent diplomatic transactions between the Chinese Empire and the Christian nations of Europe and America, in which the former has been compelled to abandon its inveterate anti-commercial and anti-social principles, and to acknowledge the independence and equality of other nations in the mutual intercourse of war and peace. (Wheaton 19)

Here, speaking of the First Opium War, Wheaton attempted to confirm the universality of the international law, which, based upon “progress of civilization,” should apply to “our intercourse with all the nations of the globe, whatever may be their religious faith, and without reciprocity on their part” (19). However, the alleged universality of international law was dependent upon its expansion to China and other Oriental nations. “International” law was no more than Europe's local practice before it became accepted by China and other Asian nations.

However, this is not to say that the system of international law was a product of physical violence, because on one hand, the law justified the war and on the other, it also gained its hegemony among “pagan nations” through translation and circulation. As an authoritative classic, Henry Wheaton's *Elements of International Law* was translated by the U.S. missionary W. A. P. Martin in 1864 into classical Chinese, entitled *Wanguo gongfa*. Instead of an individual attempt, the translation was carried out as a project supported by both Prince Gong, Minister of Zongli yamen and U.S. government. So the procedure of translation could be regarded as “pedagogy of imperialism,” that is, exchanges between Chinese learners and their British master.<sup>3</sup> As James Hevia argues, such pedagogy was a combination



of military coercion (the Opium Wars), legal and diplomatic institution (the Treaty System) and cultural persuasion (the project of translating international law), aiming to achieve a hegemonic as well as direct form of domination over China.

### **“An Armed Negotiator”**

As an ideological mask of the semi-colonial apparatus in coastal China, the idea and institution of “rule of law” pursued by Britain had never been simply a natural, universal and unchanging establishment; instead, it was adopted as an on-the-spot and ongoing project for securing and expanding British Empire’s local interests in China, and it finally led to a hybrid rule over treaty ports: a joint Sino-Western administration, for instance, Shanghai Custom House.

Above all, the British demand for judicial extraterritoriality precisely challenged national sovereignty, the cornerstone of international law. Earl Stanhope, during the last parliamentary debate before the Opium War claimed it was “a political axiom” “admitted by all” that “every foreigner was bound to pay absolute, implicit, unconditional, obedience to the laws of the empire in which he resided, and even more so than to the laws of his own country.” He quoted an instruction sent by the British government to Charles Elliot, the British Superintendent of Trade in China:

And we do require you constantly to bear in mind and to impress, as occasion may offer, upon our subjects resident in, or resorting to China, the duty of conforming to the laws and usages of the Chinese empire (Hansard’s, Vol. 54 2).

William Gladstone, as he accused the coming war of an immoral one, alluded to the Duke of Wellington’s instruction for Lord Napier, Charles Elliot’s predecessor: “It is not by force and violence that his majesty intends to establish a commercial intercourse between his subjects and China; but by the other conciliary measures so strongly indicated in all the instructions which you have received” (Hansard’s, Vol.53 801).

The Opium War marked a significant transition that developed such “cociliary measures” in obedience to Chinese laws into “gunboat diplomacy,” aiming at disciplining China with the Treaty System, a form of joint Sino-Western administration like the Imperial Maritime Customs Service. In 1844, two years after the Opium War was won, Henry Pottinger, the British plenipotentiary who negotiated the Treaty of Nanjing that forced China into the system of international law, argued in a dispatch that China was an exception to international laws that mainly applied to Western states and suggested that British government should set a limit upon its demand for rights in China “in a way that would not be tolerated

elsewhere” (Fairbank 268). Here, with the military victory at hand, instead of universalizing international law, Pottinger chose to localize it, warning that imposing international law without restraint on China “would inevitably undermine Chinese confidence in British justice and moderation” (Fairbank 268). It seems, for Pottinger, the application of international law to China was a process of negotiation; it would be imprudent to attempt to fully accomplish it through military coercion. The Treaty of Nanjing was taken by him as a point of balance, which the Empire had better to keep rather than go beyond.

However, Pottinger’s notion of balance was not inherited by his successors J. F. Davis and Bonham, both of whom, as Free Traders and proponents of “commercial imperialism,” attempted to break the limit set by Pottinger. With Gladstone as President of the Board of Trade (1843-45) advocating the free trade and the repeal of the Corn Laws in 1846, the victory of free trade at home grounded overseas British merchants’ expectations for China’s market. Soon, frustrated by the slow post-war expansion of British trade in China, British merchants and colonial officials made another attempt to promote free trade by breaking the limit set by Pottinger and Chinese “anti-commercial” laws. The worship of international law as the protector of free trade in China, found its best expression in Bonham’s dispatch to Foreign Office in 1850: “Our primary consideration in China being our commerce, we must have the means to defend it against any tendency to impede its *legitimate* development” (Fairbank 268, my italics). As the birth of the imperialism of free trade indicates, imperialism was not a coherent project consisting of a series of measures carefully calculated in advance, but a process involving debates and negotiations among the empire builders themselves.

Fairbank, arguing that the Anglo-American powers in China aimed “to trade, not to govern,” rendered the traditional notion of imperialism problematic. However, as De Quincey exactly put it, Britain’s “position” in China as “our system” imposed formal and informal control over aspects far beyond trade. Free trade, as one of the major motives for establishing British version of “rule of law,” did not come as its mere profit for the empire. On the eve of the Arrow War, De Quincey turned his attention to “a ferocious outrage” that broke the “happy calm” of his empire in March, 1848, “six years after our drums and trumpets were heard no more” (De Quincey, China 16). Three British missionaries, on their excursion into Tsingpoo (part of the countryside of Shanghai) and distributing Protestant tracts, were attacked by a wandering gang of Chinese junkmen who were just thrown out of employment in the Grand Canal transportation. The British consul’s immediate request for the capture and punishment of the offenders was deterred

by Shanghai Taotai, who was reluctant to cooperate. Then Alcock ordered the British ships to stop paying duties to the Imperial Customs and launched a siege against the Chinese junks with the patrolling gunboats. With this coercion, Alcock negotiated with Chinese Viceroy at Nanking and ten offenders were handed in with two leaders hanged at last. For Alcock, rule of law was never limited to written treaties, but should be put into practice, and once met by resistance, should resort to military and diplomatic support.

Considering Consul Rutherford Alcock the “hero of this drama” who was “crowned with universal praise,” De Quincey admired Alcock’s display of both hard and soft sides of the empire to the Chinese (*China* 43-44). On the one hand, in portraying the British gunboat *Espiegle* cruising along the Yangtze River, De Quincey wrote in a sense of national pride: “It is inconceivable what a fright and what a termashaw were caused by this little *Espiegle*. For hundreds of miles on both banks of the river were seen men peering into honeycombed guns, like magpies into a marrow-bone, cleaning muskets, sharpening swords, drying damp gunpowder.” As for De Quincey, the gunboat shocked the Chinese by evoking their memory of the war sixteen years ago as the “fatal revolution” that brought “the great social swell, the restlessness, and the billowy state of insurrectionary uproars,” and in that sense taught the Chinese an “English lesson” (in Hevia’s words) on how to deal with “a power the mightiest upon earth” (De Quincey, *China* 35-37; 39). While “show[ing] her teeth,” the empire equally displayed her soft side, using bi-lingual posts of British policies to warn and discipline local residents. In praise of these “most skillfully framed” placards, De Quincey presented British Empire as “an armed negotiator”: “[S]o far from arrogantly or ostentatiously arraying before their readers the vast British resources, on the contrary, they sought to apologize for the painful necessity of employing them” (*China* 29). The rule of law, apart from treaties and established institutions, consisted of ongoing practices (military threat or literary explanation) for the purpose of distributing “our British notions of justice.”

## Conclusion

The British Empire, in its encounter with China, performed as “an armed negotiator.” On the one hand, the empire carried out negotiations at various levels: national debates on the legitimacy of war, negotiations with the Chinese literati on the settlement of treaty system through diplomacy, translation and publicity to set “rule of law” at work in local daily practices. On the other, military forces served to terrify China when the persuasion failed, the empire managed to coerce. The

British Empire, instead of imposing direct domination over China, attempted to win the consent of local population through teaching and persuasion while China, other than a passive receiver and impotent victim, learnt tactics of resistance by drawing upon Western resources available like the theories of international law as its own weapon. In this reciprocal process, British Empire kept adjusting its imperial policies in response to local resistance while China sought to localize and compromise the allegedly “universal” ideas, rules, and institutions for its own use. The idea of negotiation does not deny British hegemony over China as such, but rethinks how Britain established its hegemony in China around the Opium Wars. It was in this negotiable and pedagogical process that Britain built an “informal empire” over coastal China without full colonization. De Quincey, at the very beginning of the First Opium War, revealed the empire’s secret: “[T]he purely martial form would terminate in hostility; the purely diplomatic would terminate in smoke. But if the two could be dexterously blended, if the one could be so used as to masquerade the other, from the twofold engine we might expect a great and a permanent result” (558).

## Notes

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2. Hereafter, the quotations from De Quincey’s essay “A Tory’s Account of Torism, Whiggism, and Radicalism” collected in volume 8 of *The Works of Thomas De Quincey* are marked by the volume number and the page number; his essay “The Opium and the China Question” in volume 11 is quoted with page number alone.
3. With regard to the historical connections between international law and imperial expansion, see Lydia H. Liu, “Legislating the Universal: The Circulation of International Law in the Nineteenth Century,” in *Tokens of Exchange: The Problem of Translation in Global Circulations* (Durham, NC: Duke U P), 127-164.

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