

8 Piracy, Empire, and Sovereignty in Late Imperial China¹

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Abstract

A reminder of the hazards of a Eurocentric approach to the phenomenon of piracy, this chapter studies interactions between the Qing regime and pirates. Late imperial China saw the development of three overlapping maritime “regimes” along its coasts, namely, the imperial dynastic power, the European overseas enterprise, and the “pirates” themselves. Notably, the latter two regimes challenged the first in various ways. A reassessment of the Qing imperial claims of sovereignty in the face of activities labelled as piracy provides crucial understanding of the way empire was constructed. One may point at both parallels and dissimilarities between East Asian and Western forms of piracy, revealing how the various players off China’s coasts contended with each other over maritime space.

Keywords: China, Qing Dynasty, maritime regimes, sovereignty, maritime space

Introduction

Piracy played an important role in the making of the Qing Empire (1636/44–1911). Such a premise at first may appear far-fetched. Not so long ago, China scholars paid little attention to the maritime, dismissing it as peripheral and unimportant. Although today maritime history is one of the hottest

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topics in Chinese history, few if any scholars would place piracy at centre stage. Indeed, no China scholar has examined the relationship that piracy had with empire building and the legal regime upon which the state rested. Important studies by Janice Thomson, Anne Pérotin-Dumon, Eliga Gould, Lauren Benton, Michael Kempe, and others, although adding greatly to our understandings about the role that piracy has played in the operations of empire and law, nevertheless are Eurocentric in that they focus on Western imperialism and say little about how non-Western imperiums and legal regimes developed or functioned. In this chapter, I shift attention to the construction and internal dynamics of the Qing Empire, sovereignty, and piracy between the seventeenth and early twentieth centuries. Put simply, this chapter takes a China-centred perspective.

This chapter builds on Benton's and other recent studies on European empires, legal regimes, and piracy by exploring how Qing rulers, scholar-officials, agents of foreign states, and pirates interacted with one another in the construction of empire and sovereignty. While my research has been inspired by Benton in particular, I nonetheless take her studies as my point of departure because there is so much that was different in China. She has persuasively argued that the expansion of law closely followed the expansion of European empires across the globe. Rather than viewing the oceans simply as empty, lawless space, she has shown how European explorers, government agents, merchants, and even pirates helped in the process of extending Europe's imperial and legal regimes across the seas. The extension of European law (and the concurrent creation of international law), however, took centuries and was never as complete as imperial states would have us believe. Because empires and sovereignty extended along narrow corridors and clusters of enclaves, they remained fragmented and uneven, or as Benton puts it, "lumpy." Nonetheless, as her studies clearly show, it was the intention of European imperial governments to impose European/international law across the oceans and to the far corners of the globe. China in the Qing period, however, followed a different trajectory, which both reacted and adjusted to Western encounters and to piracy.

What I see developing in China's late imperial age (roughly seventeenth to twentieth century) were three overlapping and competing legal regimes: first, that of the Qing imperium whose laws and jurisdictions stretched little beyond the shoreline; second, that of the European empires (particularly Portugal, the Netherlands, and Britain), which sought to impose their own universalistic laws and jurisdictions over all oceans; and third, that of the pirates themselves, who, as outlaws, were left to devise their own codes of

behaviour and self-regulation in the dark spaces of the outer ocean. The question of China's undisputable sovereignty was crucial to the construction and maintenance of its empire, as were its inalienable rights to enact and enforce laws. At crucial junctures in its long history both pirates and foreign imperialists challenged Qing sovereignty and thereby the legitimacy of empire. The key question, of course, was political – who exercised power and claimed sovereignty?

Sovereignty, however, is a slippery term. It was also one that changed over time and varied from place to place. Although scholars differ on definitions of sovereignty, for our purposes we can define it simply as the absolute right and power of a state to rule over its territory and population without interference from outside polities. Nonetheless, there were important philosophical differences between China and the West when it came to issues of international relations and sovereignty. At the time that the Manchus were consolidating their rule over China, in Europe the Peace of Westphalia in 1648 laid the groundwork for the modern international system that has come to dominate foreign relations across the globe today. Under what has become known as the Westphalian system, European powers gradually regularized and institutionalized new definitions of sovereignty, diplomacy, and commercial exchange. In contrast to what was happening in Europe from the seventeenth century onward, in China the emperor derived his sovereignty – and that of his state – from the cosmology of Heaven rather than from law. While the Qing state continued to adhere to the traditional Confucian worldview grounded on inequality and hierarchy, European states were aggressively promoting a new world order based on equality and balance-of-power among the various polities inside and outside Europe. What concerned China's imperial governments was not overseas colonialization but rather recognition from polities outside of China of the superiority of the Son of Heaven, thereby acknowledging China's politico-cultural pre-eminence. Unlike the European explorers in the Age of Discovery, the maritime expeditions undertaken in the early Ming dynasty under Zheng He between 1405 and 1433 neither aimed to discover new lands, nor seek territorial aggrandizement, but rather to reassert the Middle Kingdom's central, supreme position in what China referred to as “All Under Heaven” (*tianxia*). As long as the neighbouring states maintained stability and were not troublesome China was content to leave them alone. Throughout East Asia, before the late nineteenth century, China was recognized as the great hegemon, a status derived as much from its cultural achievements as from its raw size and military prowess. During the Qing dynasty, under duress from Western imperialist expansion after the first Opium War in 1839, the

state had to gradually adjust and come to terms with Western concepts of sovereignty.²

I divide this study into two main sections. In the first section I discuss one of traditional China's fundamental geopolitical conventions: the binary concept of inner and outer oceans. Traditionally, China conceptualized the water world as two vague spheres of inner and outer oceans, which had important implications on how imperial China ordered its laws and wars against pirates. In the second section, which is divided into three periods of piratical upsurges – early Qing (1630s–1680s), mid-Qing (1770s–1810s), and late Qing (1840s–1910s), I focus more specifically on episodes of piracy and the problems of sovereignty in the late imperial period.

Geopolitical Considerations

Although late imperial China's rule of law and sovereignty were, like Europe's, lumpy and uneven, even so the Qing Empire developed quite differently. Unlike European states which expanded their empires across the entire globe, Chinese states never attempted to extend their empires across the oceans; empire-building was always internal and territorial across contiguous areas of the continent (with the exceptions of Taiwan and Hainan islands, but they too were contiguous areas). Formally, both the Ming and Qing governments wanted to control and confine all outside contacts with rigid restrictions on maritime trade and communication, and at times they even completely banned their subjects from going out to sea or leaving China. Informally, however, private individuals and families – largely merchants, smugglers, pirates, and dissidents – extended the scope of China's activities far beyond its shores to fully participate in the nascent world system.³

Whereas European empires extended their legal regimes and chased after pirates across the globe, China's imperial governments treated pirates

2 See, for example, David Kang, *East Asia before the West: Five Centuries of Trade and Tribute* (New York: Columbia University Press, 2010); Yonghong Yang, *Sovereignty in China's Perspective* (Frankfurt am Main: Peter Lang, 2017); and Maria Adele Carrai, *Sovereignty in China: A Genealogy of a Concept since 1840* (Cambridge: Cambridge University Press, 2019).

3 See, for example, Wang Gungwu, "Merchants Without Empires: The Hokkien Sojourning Communities," in his *China and the Chinese Overseas* (Singapore: Times Academic Press, 1991), 79–102; Angela Schottenhammer, "The 'China Seas' in World History: A General Outline of the Role of Chinese and East Asian Maritime Space from Its Origins to c. 1800," *Journal of Marine and Island Cultures* 1 (2012): 63–86; Zhao Gang, *The Qing Opening to the Ocean: Chinese Maritime Policies, 1684–1757* (Honolulu: University of Hawaii Press, 2013); and Zheng Yangwen, *China on the Sea: How the Maritime World Shaped Modern China* (Leiden: Brill, 2012).

as a domestic problem. In Europe, legal authority became associated with the extension of sovereignty on the high seas. In fact, after 1673, at least in Britain, all cases of piracy had to be tried in admiralty courts, whose jurisdictions were restricted to the high seas, rather than to home or coastal waters. Sovereignty, in other words, followed the ship, so that mariners fell under royal jurisdiction even when far away from home.⁴ Notions of law and sovereignty in imperial China, however, did not extend much beyond the littoral, at least not until the late nineteenth century. Piracy, especially large-scale piracy, posed threats to the imperium's internal security, domestic sovereignty, and ability to maintain law and order inside the realm, not on the high seas.

Seen fundamentally as an internal problem, what Europeans called piracy was considered a form of banditry in China. In the Qing, the primary anti-pirate law came under the statute on "mounted bandits" (*mazei*) of Manchuria. Qing law made clear, strict distinctions between leaders and followers in meting out punishments. Convicted pirate leaders received the harshest penalties afforded by the law: normally decapitation and exposure of the head or, in the most serious cases, death-by-slicing. Furthermore, since these criminals were considered guilty of committing such grievous offenses they were routinely executed right after trial in accordance with a special procedure known as "summary execution by royal mandate" (*wangming xianxing zhengfa*). This was an extraordinary legal procedure in that it allowed high-ranking provincial and military officials to side-step regular judicial procedures so as to expedite executions, without awaiting the required approval of the emperor. Convicted followers, however, were generally sentenced to exile as military slaves.⁵ As China had no overseas colonies, unlike European governments that transported convicted pirates to penal colonies in remote areas of the globe, Chinese governments sentenced

4 Lauren Benton, "Toward a New Legal History of Piracy: Maritime Legalities and the Myth of Universal Jurisdiction," *International Journal of Maritime History* 23 (2011): 229, 238; and Lauren Benton, "Legal Spaces of Empire: Piracy and the Origins of Ocean Regionalism," *Comparative Studies in Society and History* 47, no. 4 (2005): 716–718. See also Anne Pérotin-Dumon, "The Pirate and the Emperor: Power and the Law on the Seas, 1450–1850," in *Bandits at Sea: A Pirates Reader*, C.R. Pennell (New York: New York University Press, 2001), 25–54; and Michael Kempe, "Even in the Remotest Corners of the World": Globalized Piracy and International Law, 1500–1900," *Journal of Global History* 5 (2010): 370–371.

5 *Qinding da Qing huidian shili*, [Imperially endorsed supplement to the collected institutes of the Qing dynasty] (1899 ed. Fu Sinian Library, Academia Sinica, Nangang, Taiwan), vol. 783, 21b; in English, see George Thomas Staunton, trans., *Ta Tsing Leu Lee: Being the Fundamental Laws, and a Selection from the Supplementary Statutes, of the Penal Code of China* (London: T. Cadell and W. Davies, 1810), 555.

thousands of convicted pirates to internal exile to the fringes of the empire in Manchuria and Xinjiang (Turkestan), where they played important roles in opening up new lands and thereby extending the boundaries of empire. Imperial regimes in both China and Europe viewed banishing pirates as a practical and inexpensive means of satisfying the labour demands that empire-building necessitated. Convict labourers worked the land, excavated mines, built roads, and expanded trade.⁶ At the same time, reliance on convicts in extending the empire posed serious difficulties concerning security and allegiance, which only further exacerbated the Qing imperium's already patchy, uneven sovereignty.

In imperial China, scholar-officials have traditionally viewed the seas as divided into two spheres: inner ocean (*neiyang*, which appears similar to current notions of territorial waters) and outer ocean (*waiyang*, which appears similar to current notions of the high seas). This inner-outer binary concept was for the most part hierarchical. It was also quite inconsistent and clumsy. Qing maritime maps had no exact boundaries, but normally only implicit references to ambiguous zones labelled inner and outer oceans. Ocean spaces necessarily had to be vague because there were no clear physiographical markers, such as rivers, mountain ranges, and dense forests that could help demarcate one zone from another. There was no fixed distance of how far from the coast the inner ocean stretched, rather it was constantly in flux according to contingent circumstances and needs. Thus, in some coastal areas the inner ocean could be twenty miles offshore, while in others it seemed to hug the coastline. Inner and outer ocean spaces often overlapped. Map 1, which illustrates the coastal area of Lufeng county, in Guangdong province in the early 1820s, demonstrates how inner and outer ocean spaces closely intermingled along the littoral. The inner ocean marked the farthest extent of Qing maritime authority and sovereignty (at least before the late nineteenth century), while the outer ocean was considered an erratic void beyond the reach of the government and its laws. According to Ronald Po, "[t]he separation into inner and outer ocean functioned primarily

6 For Chinese convicts, see Joanna Waley-Cohen, *Exile in Mid-Qing China: Banishment to Xinjiang, 1758–1820* (New Haven, CT: Yale University Press, 1991). For European convicts, see Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900* (Cambridge: Cambridge University Press, 2010), ch. 4; Clare Anderson, *Convicts in the Indian Ocean: Transportation from South Asia to Mauritius, 1815–53* (London: Palgrave, 2000); C.M. Turnbull, "Convicts in the Straits Settlements, 1826–1867," *Journal of the Malayan Branch of the Royal Asiatic Society* 43 (1970): 97–103; and Christopher Munn, "The Transportation of Chinese Convicts from Hong Kong, 1844–1858," *Journal of the Canadian Historical Association* 8 (1997): 113–145.



Map 2. Inner and Outer Oceans on the Lufeng Coast, Guangdong Province, c. 1820

Source: *Guangdong tongzhi*. [Gazetteer of Guangdong province], comp by Ruan Yuan. (Canton, 1822).

to set limits on the reach and responsibilities of the state and to regulate government operations across the sea space." As the Qianlong and Jiaqing emperors repeatedly mentioned, officials in coastal areas dared not to

venture out into the outer oceans, often writing-off piratical incidents in those waters as beyond their jurisdiction and therefore inconsequential.⁷

The outer ocean, in a cosmographic sense, was the realm of pirates.⁸ It was a boundless, nebulous, and unregulated space where pirates gathered and sought to maximize their autonomy and power.⁹ As the author of the late eighteenth century edition of the maritime atlas *Qisheng yanhai tu* (*A coastal map of the seven provinces*) duly noted: “The sea off the [Chaoyang, Guangdong] coast at Qianyu, Jinghai, Che’ao, and elsewhere has the reputation of being a pirate stronghold. In the morning, pirates assembled their ships in the outer ocean, watching for the opportunity to plunder the coast [inner ocean] in the evening.”¹⁰ In the nearby coastal area of Lufeng in Map 1, it is also significant to note that the area marked “pirate bay” (*zei’ao*) was situated in the vicinity of a fort between inner and outer ocean spaces. Such pirate bays were normally regular anchorages for pirate and fishing junks, which were not only indistinguishable from one another but also often the same. China’s outer ocean appears quite similar to Eliga Gould’s description of the Atlantic’s peripheral areas – referred to as a region “beyond the line” – as a violent, contested space with conflicting laws and sovereignties. It was a place where people were unhindered to engage in all sorts of despicable activities otherwise unacceptable back home on land.¹¹

Islands were particularly troublesome as there was a constant give and take between the state and pirates. Pirate islands once subdued were incorporated into the legal realm of the inner ocean only to be later reoccupied by new gangs of pirates, thereby relegating them once again to the ambiguous realm of the outer ocean. Between Zhejiang and Guangdong there were several thousands of offshore islands, most of which remained uncharted and unnamed. Outside the gaze of the state, for centuries pirates established

7 Ronald Po, “Mapping Maritime Power and Control: A Study of the Late Eighteenth Century *Qisheng Yanhai Tu* (A Coastal Map of the Seven Provinces),” *Late Imperial China*, 37, no. 2 (2016): 112; and for an extended and insightful discussion about inner and outer ocean spaces in China’s maritime history, see Ronald Po, *The Blue Frontier: Maritime Vision and Power in the Qing Empire* (Cambridge: Cambridge University Press, 2018), esp. ch. 2.

8 This of course was the view of the state. In reality, as discussed below, pirates could be found along the coast, in delta estuaries, as well as in inland river systems.

9 Wensheng Wang, *White Lotus Rebels and South China Pirates: Crisis and Reform in the Qing Empire* (Cambridge, MA: Harvard University Press, 2014), 103.

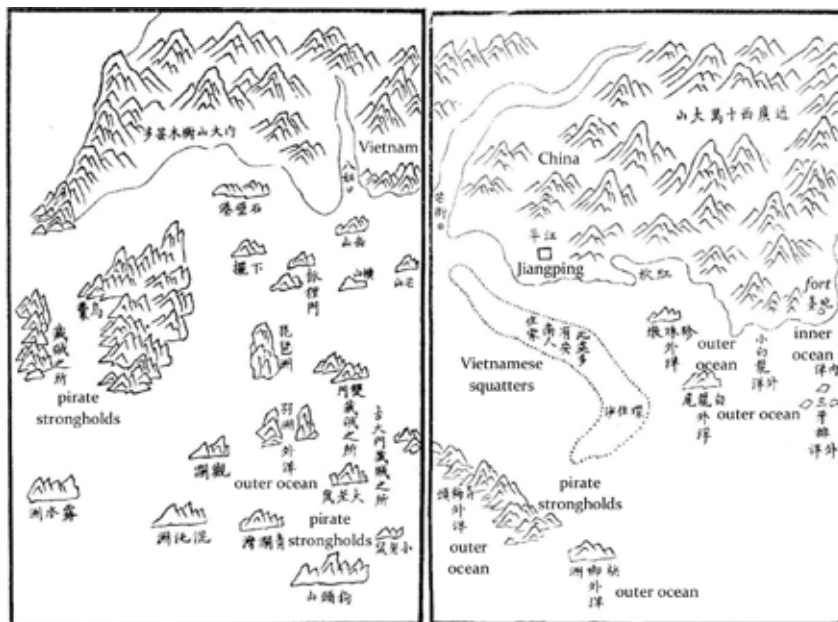
10 Po, “Mapping Maritime Power and Control,” 113, Map 8.

11 Eliga Gould, “Lines of Plunder or Crucible of Modernity? The Legal Geography of the English-Speaking Atlantic, 1660–1825,” in *Seascapes: Maritime Histories, Littoral Cultures, and Transoceanic Exchanges*, ed. by Jerry Bentley, Renate Bridenthal, and Kären Wigen (Honolulu: University of Hawaii Press, 2007), 474.

autonomous communities on remote islands, where they erected cottages, settled their families, and conducted business. The waters around the black market of Jiangping (Map 2), situated on the ill-defined Sino-Vietnamese border, had served for centuries as an important rendezvous for pirates, smugglers, and traders from China, Southeast Asia, and Europe. Jiangping was on the major trading route between northern Vietnam and southern China. The area's many craggy islands, sandy shoals, and hidden bays offered perfect hideaways for pirates and smugglers, yet were in easy reach of the black market in Jiangping. In the Ming dynasty, at the entrance to the harbour a large Vietnamese squatter population of fisherfolk had settled on the sandy shoals, and on the many islands dotting the outer ocean pirates established strongholds. Many of Jiangping's residents and fisherfolks actually specialized in handling stolen goods and provisioning pirates. Mindful of the issue of territorial sovereignty with its tributary neighbour, seldom did China's naval forces venture into these waters; as late as the 1820s, the nearest government fortification was several hundred kilometres to the east.¹² This was a troublesome area that the Qing government preferred to leave alone.

As far as the oceans were concerned, late imperial China's naval strategy (since the late fifteenth century, at least) aimed at coastal defence and protecting coastlines and hinterlands, rather than offensive campaigns beyond the inner ocean. The problem of fighting pirates, however, was systemic. Even in the best of times, the Qing military establishment was hard pressed to combat piracy. Imperial naval forces were neither structurally nor technologically equipped to handle pirates, particularly the large-scale pirate leagues that appeared several times during the period under discussion here. Military strategy was decisively land-centred, defensive, and highly localized. It consisted mainly of constructing and manning guard posts, batteries, watch towers, and signal posts at intervals along the coastline, as well as maintaining small flotillas of war junks for coastal patrols. In effect, the forts and coastal patrols marked the limits of Qing sovereignty on the seas. The Qianlong Emperor made it clear that his navy was only responsible for policing the areas of the inner ocean and that anything beyond that was

12 *Guangdong haifang huilan* [A conspectus of Guangdong's coastal defense] (Canton, nineteenth century ed.), vol. 26, 1b–2a; and Robert Antony, "Giang Binh: Pirate Haven and Black Market on the Sino-Vietnamese Frontier, 1780–1802," in *Pirates, Ports, and Coasts in Asia: Historical and Contemporary Perspectives*, ed. by John Kleinen and Manon Osseweijer (Leiden: International Institute for Asian Studies, 2010), 31–50. Based on the author's fieldwork in Jiangping in January 2010 and August 2011, the area is still a major smuggling zone and Jiangping remains an important black market.



Map 3. The Black Market of Jiangping and Surrounding Islands, c. 1800

Source: *Guangdong tongzhi*.

not its concern. The defensive land-centred strategy precluded building a blue-water navy capable of operating effectively on the high seas or outer ocean.¹³ This, of course, was very different from European states, which at roughly the same time were earnestly building blue-water navies to protect their merchant fleets from pirates and rival countries in waters far away from home.¹⁴ Thus from imperial China's perspective, oceans – especially the outer ocean – were a lawless, dangerous, and uncivilized space, a “dark realm” of pirates, rebels, and other lawbreakers.

13 Robert Antony, “State, Community, and Pirate Suppression in Guangdong Province, 1809–1810,” *Late Imperial China* 27, no.1 (2006): 7–10; Bruce Swanson, *Eighth Voyage of the Dragon: A History of China's Quest for Sea Power* (Annapolis, MD: Naval Institute Press, 1982), 55–58; and Po, “Mapping Maritime Power and Control,” 98, 115. Even today, political and military analysts regard China's navy as being fundamentally defensive, but moving towards blue-water capabilities; see Eric McVadon, “China's Navy Today: Looking toward Blue Water,” in *China Goes to Sea: Maritime Transformation in Comparative Historical Perspective*, ed. by Andrew S. Erickson, Lyle J. Goldstein, and Carnes Lord (Annapolis, MD: Naval Institute Press, 2009), 373–400; and Bart Dessein, *Interpreting China as a Regional and Global Power: Nationalism and Historical Consciousness in World Politics* (London: Palgrave, 2014), 175.

14 Peter Earle, *The Pirate Wars* (New York: St. Martin's Press, 2003), 183–208.

Piracy and Problems of Sovereignty in the Qing Dynasty

At key stages throughout the Qing dynasty's long history, well-organized and heavily armed pirates rose up to threaten the security and sovereignty of the state and well-being of society. For analytical purposes, I divide this section into three periods: (1) early Qing (1630s–1680s); (2) mid-Qing (1770s–1810s); and (3) late Qing (1840s–1910s). While each period had its own distinct characteristics, nonetheless there were certain recurring themes across each period. It should be emphasized, however, that the Qing Empire's maritime policies were never static or unresponsive, but rather continuously evolved to meet contingent circumstances and conditions. Over the course of three centuries of rule, the Qing state gradually extended law and made claims of sovereignty beyond the inner ocean.¹⁵

The early Qing (1630s–1680s) was a time of transition, political anarchy, and social unrest marked by the Ming-Qing dynastic wars. The Manchu conquerors not only had to contend with Ming pretenders and loyalist forces, but also other formidable groups of insurgents, bandits, and pirates. This pirate upsurge was symptomatic of the general crisis in China that accompanied the change in dynasties. Given the political and economic anarchy of the times, clear distinctions between piracy, rebellion, and commerce were impossible. It took the Manchus nearly fifty years to establish their control and sovereignty over all of China, which nonetheless remained patchy at best. In its struggle to create and consolidate a new Qing Empire, tenacious bands of pirates off the southern coasts of China (in the outer oceans) posed one of the most daunting challenges to the new regime, and in fact pirates were the last organized armed resistance to capitulate.¹⁶

From the perspective of the new Qing government, pirates were rebels and traitors; laws and official documents referred to them as “sea rebels/traitors” (*haini*). But from the perspective of the pirates and their supporters, they were righteous freedom fighters in opposition to the alien Manchu invaders. Many pirate leaders assumed roles as Ming loyalists (*Ming xiang*), which gave them a sense of legitimacy to cloak their otherwise nefarious business.

15 On Qing adaptability to change see, for example, Robert J. Antony and Jane Kate Leonard, “Dragons, Tigers, and Dogs: An Introduction,” in *Dragons, Tigers, and Dogs: Qing Crisis Management and the Boundaries of State Power in Late Imperial China*, ed. by Robert Antony and Jane Kate Leonard (Ithaca, NY: Cornell University Press, 2002), 1–26.

16 For a useful collection of studies on the Ming-Qing transition from a global-maritime perspective see Tonio Andrade and Xing Hang, eds., *Sea Rovers, Silver, and Samurai: Maritime East Asia in Global History, 1500–1700* (Honolulu: University of Hawaii Press, 2016).

Southern Ming emperors bestowed on pirate leaders prestigious titles and ranks of office. The most prominent example is that of Zheng Chenggong, better known in the West as Koxinga (*Guoxingye*), which translates as “Lord of the Imperial Surname,” a title granted to him by the Southern Ming Longwu Emperor for his allegiance. With the collapse of Ming resistance after the 1670s, several pirate-loyalist groups refused to capitulate and instead relocated themselves and their families to several locations in Vietnam, Cambodia, and elsewhere in Southeast Asia, where for generations they continued to adhere to Ming customs and dress.¹⁷

The most serious challenge to the Qing came from the Zheng clan – under the consecutive leadership of Zheng Zhilong, Zheng Chenggong, and Zheng Jing – which created a maritime empire and alternative state based first in coastal Fujian and later on the island of Taiwan. Seeing opportunity in the political instability of the period, the Zhengs constructed their new polity based on a combination of trade, piracy, and political manipulation. Indicative of the strength of their piratical/insurgent forces both the Ming and Qing governments had to come to terms with these powerful leaders by offering them pardons and attempting to incorporate them into the imperial navy. Unable to militarily defeat Zheng Zhilong, the Ming emperor in 1628 made him a naval commander. After the Ming collapsed he surrendered to the new Qing rulers, who quickly placed him under house arrest in Beijing, finally executing him 1661. Many of his clansmen, including his son Zheng Chenggong and grandson Zheng Jing, however, continued to resist the Manchus under the banner of Ming loyalism. Between 1651 and 1683 the Zheng clique oversaw a huge maritime empire whose core supporters came largely from the ranks of pirates. After Zheng Chenggong and Zheng Jing had refused to surrender, the Qing government made overtures to their subordinate Shi Lang, who accepted a pardon and helped the dynasty turn the tide against the Zheng regime on Taiwan, which fell in 1683. One year later, Taiwan was annexed into the Qing Empire.¹⁸

In the far southwest, in the Gulf of Tonkin, other pirates under Deng Yao, Chen Shangchuan, and Yang Yandi established fortified strongholds

17 See, for example, Charles Wheeler, “Identity and Function in Sino-Vietnamese Piracy: Where Are the Minh Hương?,” *Journal of Early Modern History* 16 (2012): 503–521.

18 On the Zheng clique, see Patrizia Carloti, “The Zheng’s Maritime Power in the International Context of the Seventeenth Century Far Eastern Seas: The Rise of a ‘Centralized Piratical Organization’ and Its Gradual Development into an Informal State,” *Ming Qing yanjiu* (Napoli) 5 (1996): 29–67; Wei-Chung Cheng, *War, Trade and Piracy in the China Seas* (Leiden: Brill, 2013); and Xing Hang, *Conflict and Commerce in Maritime East Asia* (Cambridge: Cambridge University Press, 2016).

on Longmen Island that resisted Qing rule into the early 1680s. Under these charismatic strongmen, the once small-scale, dispersed piratical operations were transformed into a cohesive military force. Like the Zhengs, the ideal of Ming loyalism and resistance against Manchu invaders was an effective means of consolidation, especially in the face of harsh Qing restrictions on maritime trade and draconian policies against the coastal population. At the same time, pirate groups utilized their newly acquired power to expand both their commercial interests and political sphere of influence. The main thrust of these efforts centred upon the Gulf of Tonkin and Mekong delta, where pirate commanders became immersed in the complex web of political alliances and competition between Vietnam, Siam, and Cambodia. Once the pirates were soundly defeated in 1683, the Qing imperium quickly incorporated Longmen Island into the realm of inner ocean, thereby not only extending the empire's sovereignty but also integrating this bothersome area into its regular legal regime.¹⁹

The existence of such large groups of organized maritime raiders over such an extended period of time posed a serious threat to the Qing imperium's claim to sovereignty. But they were not the only ones to do so. Foreign threats also came from Dutch and Vietnamese agents, who in separate actions tried to co-opt Chinese pirates in resisting the Manchu takeover of China. Throughout this period, the Dutch vacillated back and forth between the Ming, Qing, and Zheng forces, always seeking their own best advantage. At the same time that the Ming and Qing were trying to co-opt pirates with rewards and titles, the Dutch on Taiwan also tried to convert pirates to serving their cause in forcefully winning trade rights with China. Clearly, all sides were interested in winning over pirates because they were formidable forces and serious threats to the political and economic stability of the whole region.²⁰ The Sino-Vietnamese maritime frontier was also a contested contact zone; for Qing officials the Gulf of Tonkin was a "turbulent

19 See Li Qingxin, *Binhai zhi di. Nanhai maoyi yu Zhongwai guangxi shi yanjiu* [The seaside world: Studies on the history of trade in the South China Sea and Sino-foreign relations] (Beijing: Zhonghua shuju, 2010), 267–279; Robert Antony, "Trade, Piracy, and Resistance in the Gulf of Tonkin in the 17th Century," in *Sea Rovers, Silk, and Silver: Maritime East Asia in Global History, 1550–1700*, ed. by Tonio Andrade and Hang Xing (Honolulu: University of Hawaii Press, 2016), 312–334; and Xing Hang, "Leizhou Pirates and the Making of the Mekong Delta," in *Beyond the Silk Roads: New Discourses on China's Role in East Asian Maritime History*, ed. by Robert Antony and Angela Schottenhammer (Wiesbaden: Harrassowitz Verlag, 2017), 115–132.

20 Tonio Andrade, "The Company's Chinese Pirates: How the Dutch East India Company Tried to Lead a Coalition of Pirates to War against China, 1621–1662," *Journal of World History*, 15, no. 4 (2004): 414–444; and John Wills, *Pepper, Guns, and Parleys: The Dutch East India Company and China, 1662–1681* (Cambridge, MA: Harvard University Press, 1974).

sea frontier” at the edge of its vast new empire. Not only were the Chinese and Vietnamese governments unable to curb illegal activities, but often, too, regional authorities and local strongmen actually cooperated with pirates in their struggle against the Qing. For example, in the 1660s, Gulf of Tonkin pirates under Yang Yandi and Xian Biao received protection and support from a Vietnamese hegemon named Phan Phú Quốc at his base in Hải Nha, likely in Hải Dương province. When the Qing demanded their extradition, Phan not only refused, but fired cannons from his fortress against the troops sent by the court to arrest them.²¹

In the mid-Qing (1770s–1810s), once again formidable groups of pirates confronted the Qing Empire. Initially under the protection and support of the Tay Son rebel regime in Vietnam, a new, even larger wave of piracy arose along the south China coast in the 1770s. The Tay Son Rebellion, which began in 1771 in the remote hill country of southern Vietnam, escalated into one of the largest and bloodiest upheavals in Vietnam’s history. As the rebellion dragged on for over thirty years, the rebel leaders, in need of money and soldiers, turned to Chinese pirates, offering them safe harbours, weapons, ships, and a fair share of booty. Each spring and early summer, availing themselves of the southwest monsoons, Chinese pirates set off from their bases in northern Vietnam to plunder shipping and settlements on the south China coast, and returned to their bases in the late autumn, where they were protected from Qing military retaliation. Cognizant of the issue of sovereignty, in 1796 the Jiaqing Emperor ordered his navy to pursue pirates only as far as the border with Vietnam. Later, both sides agreed to mutually extradite captured pirates back to their respective countries for trial. Most of the Chinese pirates faithfully supported the rebel cause right up to the Tay Son defeat in 1802.²²

By this time, the Qing state had made an important shift in its own perceptions of piracy: pirates were no longer simply treated as rebels and traitors but now they became more importantly predacious ‘sea bandits’

21 Pan Dingqui, *Annan jiyou* [An account of travels in Annam], first published in 1689; reprinted in *Annan zhuan: qita erzhang* [Records of Annam: Two collections of other sources] (Beijing: Zhonghua shuju, 1985), 9; *Qing shilu Guangdong shiliao* [Sources on Guangdong from the Qing veritable records] (Guangzhou: Guangdong sheng ditu chubanshe, 1995), vol. 1, 96–97; and Li Qingxin, *Binhai zhi di*, 274–276.

22 Robert Antony, “Maritime Violence and State Formation in Vietnam: Piracy and the Tay Son Rebellion, 1771–1802,” in *Persistent Piracy: Maritime Violence and State-Formation in Global Historical Perspective*, ed. by Stefan Amirell and Leos Muller (London: Palgrave, 2014), 87–114; on the Tay Son rebellion, in general, see George Dutton, *The Tay Son Uprising: Society and Rebellion in Eighteenth-Century Vietnam* (Honolulu: University of Hawaii Press, 2006).



Map 4. Pirate Anchorages in the Pearl River Estuary, c. 1809

Source: *Guangdong tongzhi*.

(*haidao*). At the start of the eighteenth century, both in Europe and in China, respective central governments began transforming their judicial systems to protect private property in general and maritime trade in particular.²³

23 For Europe, see Janice Thomson, *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe* (Princeton, NJ: Princeton University Press,

In China, these changes in perception were also reflected in several new anti-piracy laws appearing between 1789 and 1813, which condemned pirates as robbers, kidnappers, extortionists, and murders. In other words, the emphasis in law had shifted from piracy as political crimes of rebellion and treason to economic crimes against property.²⁴

Despite the setback in Vietnam, the pirates quickly recuperated and became even stronger. Numbering as many as 70,000 by 1805, several huge pirate leagues under Cai Qian, Zhu Fen, Zheng Yi, Wushi Er, and others dominated the littoral from Zhejiang province to northern Vietnam until 1810. The most formidable pirate group was what Qing officials described as a “pirate confederation” (*gegu feichuan lianbang*), which operated in Guangdong under six powerful fleets. They established numerous strongholds on offshore islands not only in peripheral areas, such as around the border town of Jiangping mentioned earlier, but also in core areas, such as in the Pearl River estuary and along a string of islands at its mouth that Europeans named Ladrones or Pirate Islands. Even deep within the Pearl River estuary, as depicted in Map 3, Qing officials made distinctions between inner and outer ocean spaces: the former tending to be closer to military installations while the latter were only slightly removed from them. The pirate base on Longxue (Dragon Cave) Island, for example, which was located in an ambiguous space between the inner and outer oceans, was along the major passage that Western trading ships plied when travelling between Macao and Canton. Thus, even in an area less than thirty kilometres from the provincial capital of Canton Qing rule was quite tenuous and erratic. Secluded in their island strongholds pirates set up trading posts, operated extensive protection rackets, and settled their families, thereby creating mini-states of their own.²⁵

From those scattered island bases, the Guangdong pirate confederation created a state within the Qing state, or as one Western observer put it, a “piratical republic,” which for a decade threatened the security and

1994), 46.

24 *Qinding da Qing huidian shili*, [Imperially endorsed supplement to the collected institutes of the Qing dynasty] (1818 ed., Fu Sinian Library, Academia Sinica, Nangang, Taiwan), vol. 619, 28b–29a; and Wu Kun, *Da Qing lüli genyuan* [Roots of the Great Qing Code] (1871 ed., Fu Sinian Library, Academia Sinica, Nangang, Taiwan), vol. 49, 10a–12b, 18b–19b, 39b–40a. Also see Robert Antony, “Pacification of the Seas: Qing Anti-Piracy Policies in Guangdong, 1794–1810,” *Journal of Oriental Studies* 32, no. 1 (1994): 16–35.

25 Robert Antony, “Piracy and the Shadow Economy in the South China Sea, 1780–1810,” in *Elusive Pirates, Pervasive Smugglers: Violence and Clandestine Trade in the Greater China Seas*, ed. by Robert Antony (Hong Kong: Hong Kong University Press, 2010), 99–114.

sovereignty of the imperium. With tens of thousands of followers under their command, in 1801 leading pirate chiefs issued a proclamation directly challenging Qing rule: “We [pirates] should follow Heaven’s will and rise up to restore the Ming dynasty. [...] On May 1, 1801, the following order has been distributed to our brothers on the sea in Guangdong and Guangxi: we will gather together all the ships on April 15, 1802, and move to conquer the two provinces.” Pirates further infringed on the prerogatives of authority by mimicking the central government’s administrative functions by operating their own tax offices, employing a bureaucracy of specialized personnel, manufacturing gunpowder and weapons, and organizing war fleets into “banners” (*qi*) in direct imitation of the Qing state.²⁶ Outside the purview of the government and its laws, pirates devised their own autonomous laws to maintain order among themselves. As outlaws they were at liberty to adopt any form of organization they wished. They opted to bind themselves with “compacts” (*yue*) that defined gangs as cohesive, self-governing bodies, detailed the allocation of booty, and the enforcement of discipline. One written compact, composed and signed by seven confederation chieftains in 1805, consisted of eight regulations designed to control and keep harmony among the various pirate gangs. The pact was mutually binding on all seven groups of pirates, whether large or small, weak or strong. Another compact, promulgated in 1807, stipulated procedures for settling disputes, guaranteed the equitable distribution of booty through a “common chest,” and protected women from sexual abuse.²⁷ As outlaws they lived by their own rules and owed loyalty to no state.

Although in 1809 the pirates were at the height of their power and exercised hegemonic control over maritime China, within a year they had utterly collapsed.²⁸ As previously in the early Qing, the state’s inability to militarily eradicate piracy inevitably forced officials to adopt an “appeasement” (*zhaoan*) policy whereby pirates who surrendered received generous pardons and monetary rewards. Pirate leaders, such as Guo Podai and Zhang Bao, were rewarded naval commissions and dispatched to attack other pirates; large numbers of rank-and-file pirates were resettled in inland frontiers

26 Wang, *White Lotus Rebels and South China Pirates*, 87, quote on p. 82.

27 *Zhupi zouzhe* [Original palace memorials], peasant uprisings (*nongmin yundong*) category (First Historical Archives, Beijing), dated JQ10.11.22 (1805); and *Chinese Repository* (Canton and Macao, 1834), vol. 3, 73.

28 On the collapse of the Guangdong confederation, see Robert Antony, “State, Community, and Pirate Suppression in Guangdong Province,” 1–30.

where they helped open up new lands.²⁹ From the perspective of the state, the large-scale piracy of the mid-Qing period presented a formidable challenge both to the political sovereignty and economic health of the empire. It also exposed severe weaknesses in the dynasty's politico-military establishment that would lead to its near collapse during the onslaught of foreign wars and internal rebellions in the mid-nineteenth century.

The late Qing era began with the Opium War in 1839 and ended with the Revolution of 1911. Now, the Qing Empire not only had to deal with a series of internal uprisings (Taiping, Nian, Muslim, and Boxer rebellions), but also a much more aggressive foreign imperialism (both Western and Japanese) and foreign wars (with Britain, France, and Japan). Taking advantage of the chaos, new waves of piracy arose all along China's southern littoral with well-organized gangs numbering in the hundreds and sometimes in the thousands. As in the past, Chinese pirates set up strongholds on offshore islands in the lower reaches of the Pearl River estuary, Gulf of Tonkin, and elsewhere in the outer ocean and thus outside the effective reach of the state. Adding to the chaos, Western sailors and renegades also formed their own gangs or joined Chinese gangs.³⁰

Foreign powers, especially the British in Hong Kong and the Portuguese in Macao, used the issue of piracy and the apparent inability of the Qing government to suppress it to demand new concessions or territorial extensions from China. Despite repeated protests from the Qing government, for example, in 1910 Portugal sent warships to quell pirates on the island of Coloane and afterwards fully incorporated the island into its Macao enclave, thus seriously disregarding China's sovereignty.³¹ In the late Qing, the concerned parties each dealt with piracy in their own ways: Qing officials "pacified" and then commissioned a Cantonese pirate known as A'Pak to

29 *Shangyudang* [Record book of imperial edicts] (Palace Museum, Taiwan), dated JQ14.11.28 (1809), JQ15.1.12 (1810), and JQ15.2.15 (1810); and Wen Chengzhi, *Pinghai jilue* [A short record of pacifying the seas] (1842), 5a–7a.

30 Grace Fox, *British Admirals and Chinese Pirates, 1832–1869* (London: Kegan Paul, Trench, Trubner, 1940); Bruce Elleman, "The Taiping Rebellion, Piracy, and the Arrow War," in *Piracy and Maritime Crime: Historical and Modern Case Studies*, ed. by Bruce Elleman, Andrew Forbes, and David Rosenberg (Newport, RI: Naval War College Press, 2010), 51–64; and Robert Antony, "Pirates, Dragon Ladies, and Steamships: On the Changing Forms of Modern China's Piracy," in *Beyond the Silk Roads: New Discourses on China's Role in East Asian Maritime History*, ed. by Robert Antony and Angela Schottenhammer (Wiesbaden: Harrassowitz Verlag, 2017), 165–188.

31 See Robert Antony, "We are Not Pirates: Portugal, China, and the Pirates of Coloane (Macao), 1910," *Journal of World History* 28, no. 2 (2017): 250–277. The Portuguese actually established several military posts on the island over the course of the late nineteenth century, giving the Portuguese de facto control of the island decades before 1910.

chase down pirates around Ningbo and Shanghai; the Portuguese in Macao organized convoys of privateers to protect shipping along the coast; and the British Royal Navy dispatched a squadron to chase down the notorious pirates Shap-ng-tsai and Chu-apoo from Hong Kong to the Gulf of Tonkin.³² In the late nineteenth century, piracy was at the heart of bitter controversies involving sovereignty, extraterritoriality, legal and military jurisdictions, state-sponsored maritime raiding, and imperial expansion.

Over the course of the late Qing period, the state's policies regarding the dual threats of piracy and foreign imperialism were continually evolving. In dealing with the persistent problems of piracy at each stage the Qing imperium not only employed alternating – sometimes simultaneous – military extermination campaigns and appeasement measures, but also enacted stringent administrative laws to regulate maritime trade and policies to prevent pirates from receiving aid from people on shore (e.g. the *aojia* mutual responsibility system for fishing and commercial junks). Even though state and local strategies remained decisively defensive and aimed to handle pirates in coastal waters or once they came ashore, nonetheless at the same time – especially over the late nineteenth century – the Qing government became increasingly concerned with intrusions of foreign powers in the outer ocean. For example, Dongsha (Pratas) Islands, which lay some 340 kilometres off the Guangdong coast and had for centuries been an anchorage for both Chinese fishermen and pirates, became embroiled in international controversy between China, Britain, and Japan, and was only settled in 1909 with recognition of China's sovereignty over the tiny atoll.³³

Conclusion

In this short study, I have attempted to demonstrate how piracy was a significant component in the making of the Qing Empire and its legal regime. I set out to fill a hiatus in existing studies on the interrelationships between empire-building, sovereignty, and piracy by examining the internal dynamics of China's Qing Empire between 1636 and 1911. Three overlapping and competing legal regimes developed at that time in China: first, that of the

32 George Cooke, *China: Being 'The Times' Special Correspondence from China in the Years 1857–58* (London: Routledge, 1858), 68–69, 130, 140–142; and Fox, *British Admirals and Chinese Pirates*, 128.

33 Edward Rhoads, *China's Republican Revolution: The Case of Kwangtung, 1895–1913* (Cambridge, MA: Harvard University Press, 1975), 140–141.

Qing imperium whose laws only slowly stretched beyond the coastline; second, that of the European empires, which sought to impose their own universalistic laws over all oceans; and third, that of the pirates themselves, who devised autonomous laws on island strongholds in the dark spaces that the state labeled the outer ocean.

The issue of sovereignty was crucial to the construction and maintenance of the Qing Empire. At key stages throughout the dynasty's history armed maritime organizations, what the state labelled as pirates, rose up to threaten the security and sovereignty of the state and well-being of society. Qing naval strategy steadfastly promoted coastal defence and protecting coastlines and hinterlands, at the expense of offensive campaigns beyond the inner ocean. By the late nineteenth century, however, in the face of mounting foreign aggression and the persistence of piracy, the Qing state gradually extended naval campaigns and claims of sovereignty into the outer ocean. Through battles with pirates and interaction with European maritime laws, the Qing imperium pragmatically adapted to changes and transformed its own notions of maritime sovereignty to extend its legal regime further and further into the outer ocean, especially over the course of the second half of the nineteenth century.

Chinese pirates, like their Western counterparts, formed "escape societies" to flee the coercion of the state and at the same time also engage the state in violent predatory opposition.³⁴ Though impermanent, pirate islands became autonomous outlaw communities – non-state spaces – beyond the reach of any polity. In their protected sanctuaries, pirates built shantytowns, settled their families, conducted trade, and made their own laws. As outlaws, they lived by their own rules and had no allegiance to any state. The existence of pirate communities on the coast seriously challenged Qing sovereignty along its maritime frontier. Even more threatening were the pirate groups that established strongholds inside river estuaries close to major urban centres, such as Canton, Macao, and Hong Kong. Operating from their lairs pirates held hegemonic sway over coastal communities and shipping through tax bureaus and protection rackets. Pirates constructed a novel socio-political identity for themselves, one that set them apart from and in contention with mainstream society and political institutions on shore.

Early modern piracy played a significant role in the intense economic rivalries and competing political claims over sovereignty not only between Western imperial powers, but also among indigenous Asian polities.

34 Joseph MacKay, "Pirate Nations: Maritime Pirates as Escape Societies in Late Imperial China," *Social Science History* 37, no. 4 (2013): 551–573.

European powers, Chinese imperial states, and various groups of pirates, therefore, continuously contended with each other over maritime space. Piracy was both a form of economic predation and political subversion that no sovereign could afford to ignore. Both in China and in Europe this period saw their respective governments universally condemn piracy with the enactment of increasingly harsh laws and military build-ups that aimed to eradicate the pirate menace. The careful examination of anti-piracy measures and extension of sovereignty into the outer ocean provides a useful window for viewing the authority of the Qing imperium and its limits, as well as the overlapping spheres of influence and contestations between foreign, national, and local constituents.

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