I Appeal to Caesar

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Missionary relationships with the government of their host country are rarely simple, but in China they were unusually complicated. Missionaries were normally either foreign nationals residing abroad and working with the tacit or expressed approval of the government, or they were nationals of the imperial power. In China they were both. The purpose of this paper is to examine the thinking of Protestant missionaries in China between 1880 and 1900 on the question of "appeals for redress" as revealed in the pages of the *Chinese Recorder*.

The *Chinese Recorder* was published monthly in English in Shanghai: it tried to be a forum for missionary opinion across the Protestant spectrum. Occasionally the editor would publicly disagree with a contribution, but the magazine's stated policy was to record rather than pronounce. Its columns therefore provide a window into missionary thinking on a variety of issues, one of which was the relation of the church to the civil power. Because missionary activity in China was dependent on the treaty system, with that system I will begin.

Missionary activity began with the arrival of a missionary. But the right of residence was not granted by the Chinese until the Treaty of Nanjing between Britain and China in 1842, and then it was confined to the treaty ports, Guandong, Xiamen, Ningbo, Fuzhou and Shanghai. At the same time the European governments were granted extra territorial powers over their citizens. By means of the "most favoured nation" clauses, whatever was granted to one European country, was extended to the others. The second round of treaty making during 1858-1860 added two new features.

Historical Papers 1996: Canadian Society of Church History

One was the toleration clause:

The Christian religion as professed by Protestants or Roman Catholics inculcates the practice of virtue, and teaches man to do as he would be done by. Persons teaching it, or professing it, therefore, shall alike be entitled to the protection of the Chinese authorities; nor shall any such, peaceably pursuing their calling, and not offending against the laws, be persecuted or interfered with.¹

The second, but equally important provision came in through the back door. The Chinese text of the Sino French convention of 1860 contained the provision that Catholic missionaries would be permitted to rent and purchase land in all the provinces and to erect buildings thereon at will. By means of the "most favoured nation" provisions this privilege was extended to all Europeans. Thus, even though this provision did not appear in the French text of the Convention it came to be part of the treaty system. The right of residence and holding of property, was, of course, the precondition for missionary penetration beyond the fifteen or so treaty ports.

The very existence of Christian missions in China thus rested on the treaties, which had been wrung from the Chinese at the point of a gun. For the most part, the missionary community regarded these events as unfortunate but providential. A few, like W.A.P. Martin had taken an active part in the process, but most simply accepted what was given them as an act of God. They could, on occasion be very imperialist. William Ashmore's series in the *Chinese Recorder* during 1897-1898 is typical. For Ashmore the Chinese mandarinate was obtuse and obscurantist. Their mauling at the hands of the Europeans, and then the Japanese, was just what was needed to knock sense into their heads.² But too much can be made of missionary jingoism. Most of the time the routine of life had nothing to do with consuls and gunboats.

The treaty system seems to have worked very unevenly. Timothy Richard, in a speech in 1885, spoke highly of the cooperation missionaries received in Chili, Jiangsu, Jejiang and Sichuan provinces, and went on to list a series of difficulties in other parts of the country.³ Things went wrong often enough to generate considerable discussion among missionaries as to the proper course of action. This is a study of that discussion. The results are indicative rather than conclusive and suggest a rather different

picture from that provided by the received tradition. Paul Cohen, for example argues,

as a result of the fears and passions aroused by the missionary and his following, anti-Christian conflict was extremely widespread in the late Ch'ing period. During the four decades from 1860 to 1900, there were several hundred incidents or disturbances important enough to need top-level diplomatic handling, while the number of cases that were settled locally easily ran into the thousands.⁴

Cohen is no doubt right, but his examples are usually Catholic cases. The *Chinese Recorder* was a Protestant journal, and it reveals a community for which "appeals for redress" was a serious question, but one that had to take its place alongside more mundane questions of school management, the development of a Chinese staff, and, perhaps the most popular subject of all, studies of the Chinese classics.

The occasions which prompted extended discussion of "treaty rights" were events like the Tientsin massacre of 1870, and the Chengte riots of 1895. In the first case it was alleged that the Catholics were kidnapping children for ritual sacrifice. In June the Tientsin city officials wanted to start an investigation, but the French consul regarded such action as a national insult, and behaved so badly in public that he killed a policeman and started a riot. By the time it was over, the French consulate and the Catholic orphanage had been destroyed. Nineteen foreigners died, ten nuns, two priests and seven French residents.⁵

The reason for the Chengte riot is less obvious. On 28 May 1895 placards appeared in the city alleging that the foreign barbarians had been "hiring evil characters to steal small children (that they) may extract oil from them for their use." Endicott goes on to exhort the citizenry not to let their children outside. Within hours the Canadian Methodist mission was under siege, and within a day or so virtually all mission property in the city, Protestant and Catholic alike, had been destroyed, and the missionaries were rowing down the Yangtze in the direction of Chongqing. No foreign lives were lost, but the Protestants eventually received 40,000 taels (\$36,000) in compensation for their buildings, and the Catholics 800,000.7

Most of us probably have the impression that China missionaries were sending for the gunboats every second Tuesday. The *Chinese*

Recorder gives quite a different picture. It shows the missionaries as men, exclusively men in this case, of sharply different opinions, trying to act in a responsible Christian way. Nobody was in favour of indiscriminate use of treaty privileges. If anything, opinion tended against any use at all.

The case against use of their privileges was put by Hudson Taylor, founder of the China Inland Mission, in December 1895. Taylor divided the question into two parts. Were appeals to the secular power, ultimately the Europeans, good policy, and were they in accordance with scripture? His answer in both cases was an unequivocal no.

Often the result of the appeal is not gained, or is so imperfectly gained, that one comes to the conclusion that one would have been better off had the appeal not been made. But where the object is fully gained what... is the effect of it? Is it not that the missionary, if more dreaded, is also more disliked and less likely to succeed in winning souls, and that his converts also are more hated?⁸

The idea that people would go to the trouble and expense of living in a foreign country simply for the good of the Chinese, Taylor argued, was utterly foreign to Chinese thought. The missionaries must have some ulterior motive, and the obvious candidate was political. The literati "... would insist upon associating the Gospel with the sword, and see in the devoted persons who stood on the highways and preached CHRIST, the men who had battered down the Ta-ku forts and forced opium on China." This would be especially so if the gunboats actually arrived. In that case Taylor's second objection came into play. "... numbers of poor heathen Chinese, both innocent of, and unconnected with, the outrage complained of, may be hurried into an awful eternity; and this to avenge the inconvenience and loss of property of servants of the Prince of Peace!"

Further, since no sensible official would want to bring such a calamity upon his district, appeals for redress would seriously increase the difficulties in opening new stations. And finally, appeals suggested to converts that they should rely on human means rather than on God, and even worse, attract people to the mission, not for reasons of faith but simply to secure the powerful assistance of foreigners.¹⁰

The use of appeals therefore was bad policy; it was also, more seriously, bad exegesis.

The life, and suffering and death of our LORD, are very fully recorded; and He tells us that as His FATHER sent Him so did He send us. Lest we think that His sufferings were excepted, we have the express teaching of the Apostle Peter that "CHRIST also suffered for us, leaving us an example that ye should follow His steps," who "when he was reviled, reviled not again."

Taylor then went on to quote the Sermon on the Mount, "But I say to you, That ye resist not evil; but whosoever shall smite thee on the right cheek, turn to him the other also," and numerous other sayings in the same vein. The dictum "Be ye wise as serpents and innocent as doves," Taylor argued, "Distinctly forbids the carrying, or use of firearms or other deadly weapons for self-protection." The tendency of the epistles is the same, especially First Peter. Finally, he referred to Paul's conduct as recorded in Acts, texts which crop up again and again in the discussion.

We have the example of St. Paul in making known to the local governor a threatened danger; and, therefore, have warrant for obtaining the friendly help of local officials, in so far as we can secure it. We have the further example of the apostle in pleading his Roman citizenship on three occasions: 1. To prove that he had been punished wrongfully at Philippi. 2. To prevent his being wrongfully beaten at Jerusalem; and 3. For the protection of his life by appealing to Caesar at Caeserea; but in none of these cases did he demand the punishment of the wrongdoers. ¹³

The most Taylor would allow then, was appeal for the friendly assistance of the local officials in self defence, but not to inflict punishment on anyone. Beyond that, the Christian's case was in God's hands alone, who would see to it that all things worked together for good.¹⁴

Not everyone who wrote on the subject accepted Taylor's exegesis. In March 1896 a contributor simply called "A" replied at considerable length. Central to his argument was the question of biblical interpretation. Taylor had argued for a strict interpretation of a saying like "turn the other cheek." In that case "A" replied, we must be consistent, Jesus also said, "Carry neither purse, nor scrip, nor shoes" (Luke 10:4). No missionary, including Hudson Taylor, travelled about China as a barefoot mendicant. In fact, Jesus had other words on the subject. According to Luke, Jesus told his disciples, just as they were leaving for Gethsemane, that his new

instructions were to equip themselves with a purse, a bag, and if anyone didn't have a sword, he should sell his coat and buy one. Self-defence, "A" argued, is perfectly legitimate, as legitimate as carrying cash and a change of clothes. The injunctions of First Peter, he went on, do not always apply. Peter was careful to stress that hardship for the faith should be endured. Further, one of the passages to which Taylor referred (1 Peter 2:19-23) was addressed to slaves "persons who had no recognised rights and no tribunals to which they could appeal."

"A" then went on to assert rather more than his exegesis would allow.

We hold that while there are cases in which for conscience sake and the good of the cause it is better for Christians to suffer wrong patiently than to insist on their rights, so also there are others where conscience and the good of the cause emphatically demand that Christians vindicate their rights at whatever cost, God showing His servants what His will is as each case arises.¹⁵

Finally, "A" introduced an argument which was commonly used in one form or another by the advocates of appeals.

Thus since the Powers that be are ordained of God for our protection and redress, we conclude if we refuse to apply to that quarter we must expect to go without; but no, we have now to learn that if we will only have nothing to do with them "God may deliver in providential ways beyond our thought" . . . We used to think that it was right for evil doers to be afflicted in order that good men might enjoy peace; but now we find that it is better for good men to put up with affliction in order that the wicked may remain undisturbed in their wickedness.¹⁶

Most advocates of appeals used arguments from "natural" law or from the treaties, with or without references to the powers that be in Romans 13. Governments, they argued, exist to provide public order. Appeals for redress were a form of calling government to account. Some contributors did not distinguish between consuls and mandarins; they were both part of the government. Some people also argued that missionaries did not lose their citizenship when they became missionaries. They had the same right to protection from their home governments as anyone else. Appeals were a means of exercising these rights.¹⁷

But virtually everybody was agreed on one point. Appeals were a last resort. Griffith John, for example, in a speech to a missionary conference, described at length the procedure he had developed during his long tenure in China. Most court work did not involve missionaries personally. They were cases in which a Christian was subject to persecution. The first step was to be sure the Christian had a good case. Once that was established John concentrated on reconciliation outside the legal system, only using the possibility of going to court as a device when all else had failed. The mere suggestion usually brought recalcitrant litigants to his office and opened the way to reconciliation.¹⁸

John Ross, the Presbyterian in Mukden, was equally concerned to avoid getting involved in court. The essential problem for Ross was the association of Christianity with foreignness. "As far as religion is concerned, the Chinese are not only 'reasonable' but extremely tolerant, till the professed religion assume, or is believed to assume, a political aspect." This was the heart of the problem, but there were secondary reasons for avoiding offence. One did not need, for example to insist that "Confucius is in hell." Ouite the contrary; Ross himself had used the Confucian classics in his own schools and found them "of incomparable value both in convicting of sin, in the inculcation of duty, in upsetting idolatry, and in establishing our Christian ideas regarding the Omnipresence, the Almighty Power and the universal care of the one living God." In the same way, one could avoid offence by using ordinary sensitivity rather than insisting on rights in the purchasing of property and the design of churches. The same was true of Chinese etiquette, which should be followed unless there was some violation of truth involved. This point was particularly important for unmarried women whose conduct, while probably acceptable in the west, was decidedly indecent in China. But above all these irritants was interference in the courts:

... interference with the Chinese magistrate in the discharge of his duties, and especially dictation to him in his official capacity, is a perennial source of hatred, overshadowing every other source and lending them whatever influence they have. . . . In the voluminous correspondence resulting from the unhappy and preventible (sic) Tientsin massacre this is the one point to which Chinese officials attached any importance and their removal was their chief aim.²⁰

The Chinese surely had a point, Ross went on, "What European people would for a day tolerate such interference?"²¹

Given the repeated injunctions to caution in recourse to the courts. it comes as no surprise to find that appeals were relatively rare. In 1899 the Chinese Recorder conducted a survey concerning the question, which gave a sample of 73 missionaries, all men, but representing the main mission societies in central and coastal China.²² Most of the replies came from regions where significant evangelistic work was in progress, Fokien (Fujien), Shantung and Hupeh. In reply to the question about recourse to Chinese courts, the survey yielded a total of 175 cases, including 20-30 from one man. Only two said they had applied many times, but some of these cases involved securing chapels rather than persecutions. There were 52 cases of appeal to the consuls, most of which, the author thinks probably occurred in treaty ports. Outside the ports, away from consuls, it was easier to deal with the mandarins. In short, with a few exceptions, the survey indicated that litigation was a very minor part of missionary life. While explosions like Tientsin and Chengte were enough to keep the subject on the agenda, they were not enough to give the issue much urgency.

These leisurely discussions were rudely interrupted by the events of 1900. In that year an anti-foreign organization known as the Righteous Harmony Fists or the Boxers started a series of riots across northern China. After some hesitation the empress Dowager gave her support to the movement and ordered the civil service to kill foreigners wherever they could be found. In south China, the senior mandarins simply refused to obey, but in the north, where conditions were rather more conducive to a conservative revolt, the civil service tended to do what it was told. About 180 foreigners died, along with thousands of Chinese Christians, and the loss of property was immense. The movement was eventually crushed by the intervention of the "powers," who fought their way to Beijing, relieved the besieged legations, and drove the government into temporary exile at Xian. The terms of settlement called for compensation for destroyed property, including mission property, the so-called "indemnities." The connection between the missions and the powers suddenly became a hot issue.

The *Chinese Recorder* published two articles by way of theological reflection on the cataclysm, one in July 1900 when the revolt was still in progress, and the other in September 1990 when it had just finished. Then, in November, it got down to cases, publishing a series of contributions

specifically dealing with the indemnity question.

The first line of argument for accepting indemnities was legal, based on the treaties. F.H. Chalfant, for example, argued that malicious destruction of property in China could occur in four ways: mob violence arising from some local cause; burglary; officially instigated mob violence; or looting on the part of soldiers assigned to protect property. In his view, the Chinese government would be liable on any of the four, but in the case of the Boxer uprising damage came from officially instigated violence, or from the soldiery assigned to protect mission property. He was not concerned whether payment came from the imperial or local treasuries, but payment was certainly due. China had entered into international agreements which gave certain rights to foreigners. Those rights had been abused in the rebellion, and China must pay for her failure to uphold her end of the treaties.²³

Chalfant went on to argue more generally. Indemnity would deter a recurrence of similar events. Justice to the sufferer, whether missionary or capitalist, and justice to the investors, whether in missions or railways alike demanded recompense. The movement was anti-foreign, rather than anti-Christian, and therefore all foreigners should be treated alike. One could not recompense the railways but not the missions, and finally, the uprising had the encouragement, at least of the government in Beijing.²⁴

D.Z. Sheffield, carried the argument a step further. In his view, the Boxer affair was essentially a conservative revolt. "... the protest of the spirit of blind devotion to the institutions of the past against the spirit of progress that is already widely felt among the people." In the treaties of 1858, China agreed to give protection to her Christian subjects. Neither side, Sheffield argued, really knew what they were getting in to. Ancestor worship, for example, was built into the very fabric of Chinese official life. Yet a Christian could not join in such ceremonies. By signing the treaties, China committed herself to a profoundly revolutionary course, the real nature of which only began to become evident as Christianity spread. Naturally "the rulers of China have made promises which they have no disposition to fulfil, and will not fulfil except under resolute and steady compulsion." The rulers of the west were equally reluctant to pursue the logical consequences of the treaties. Hence, when the "powers" did not respond to attacks on Chinese Christians the Boxers felt able to attack missionaries as well. But why should Christians of either nationality be protected? Because Christian doctrine is a good thing. It is "accepted in Christian nations as helpful to society and worthy to be propagated." Missionaries "are not the representatives of a narrow propagandism, but rather are they the apostles of human rights concerning man's relations to his Divine Father and his human brother, thoughts that have won recognition among Western nations through long and painful struggle and which need protection and encouragement to secure for them recognition in lower and alien civilizations."²⁵

Chalfant and Stuart made their case on fairly narrow grounds. They argued from treaty obligations, or from generally understood notions about the responsibility of governments to maintain public order, and therefore the protection of life and property. Sheffield pushed the argument into more disputed terrain. He argued that Christianity should be protected because it was a good thing in itself. His view is similar to that of contemporary advocates of a common code of human rights for all people. If in 1900 Chinese disrespect for the good should be punished by indemnities, in 1996 it should be punished by some form of trade sanctions.

The case against indemnity was put in the December issue by A. Goold. Goold argued that since it was virtually impossible to find out who was responsible for the riots, an indemnity would likely be paid by many who had nothing to do with the troubles. Such a situation would hardly make the missions popular. But for Goold these were secondary arguments. The heart of his argument was that seeking redress was unscriptural.

[Christ] did not resist evil, but endured it, committing his cause to Him that judgeth righteously. He had both the right and the power to resist, but He used neither. And this was in accordance with His teachings, as, for instance, the Sermon on the Mount. And did not His apostles walk in His steps? We have no instance of Paul, who was pre-eminent in his sufferings and persecutions on behalf of Christ, ever seeking for redress. And so with Peter, whose First Epistle is so full of exhortation and instruction to persecuted saints that not only should they take it patiently, but they should rejoice and count themselves happy because they were made partakers of Christ's sufferings.²⁶

Therefore taking indemnity was wrong in itself, and because it was wrong, it could do the church nothing but harm.

I ask, would not a heathen Chinese, after the reading of the New Testament with this thought that Christ taught His disciples, both by precept and example, to endure persecutions, losses and afflictions for His name's sake without any hope of present redress or reward? Missionaries in China belong to various countries, but first of all we belong to Christ, and more than that we are here in China as His ministers and His representatives. Shall we not give to the Chinese a misconception of our Master if we demand from them an indemnity for our losses at the present time? Will it not cause them to blaspheme his holy name and all who bear it?²⁷

The Boxers thus did not change the arguments much, but they did perhaps cause a shift in prevailing opinion. The contributors to the *Chinese Recorder* were much more keen on treaty rights after the plundering of mission property than before. But the circumstances of the rebellion were unusual. When the country was more or less normal again the missionaries were as reluctant to become involved with Chinese justice, and its treaty entanglements, as they had been in the 1890s. But the situation had become much more serious. C.S. Bousfield, writing at the end of 1901, felt that things had changed radically in the last five years. "Five years ago it was a rare event to be appealed to for help in the law courts and for a native preacher to go to the magistrate in his own name, was practically an unheard of occurrence."²⁸

The situation was getting more difficult, even in the 1890s. Then in 1898 the Chinese government made matters much more complicated by changing the rules. It declared Roman Catholic priests and bishops equal to governors and magistrates. People simply would not believe that the Protestants were not, and did not want to be, included in that arrangement. Bousfield continued, "Since the troubles of last years, this has gone from bad to worse, until now our native helpers can go to the magistrates in their own names, and can, as a rule, get done for them all they demand."²⁹

Bousfield was careful to insist that not all magistrates could be tarred with this particular brush. But the number who were prepared to do whatever a Christian preacher asked, apparently for fear of foreign influence was sufficient to give ample cause for alarm. His suggestion was that the Protestant missionaries combine to secure a public declaration by the European consuls to the effect that Chinese Christians had no political power or standing "in any respect different from their heathen neighbours." Such a declaration should also make clear what Christians could not do

"along the line of sacrifice to ancestors, etc," should call for strict impartiality in the administration of justice and finally, should publish the terms of the treaties, so that everyone could know what the situation of the missionaries and the Christians really was.³⁰

Other contributors wanted much more. If Bousfield recommended steps to make the position of the Protestants perfectly clear, people like F.W.S. O'Neil wanted to change it. The occasion for O'Neil's contribution was the burning of a church in Mukden, an event which caused unusual rejoicing on the part of normally staid citizenry. In O'Neil's view the root of the problem was the connection between the Protestant church and the foreign presence. The cornerstone of that connection was extra territoriality. O'Neil quotes with approval the suggestion of Sir Robert Hart

that henceforth treaties should be based on the abolition of the extraterritoriality clause . . . In the face of the abounding iniquity of Celestial justice, that is a daring proposal. Yet if a brilliant administrator of unrivalled experience is not afraid to make such a paradoxical suggestion in the interests of commerce, how much more should the herald of peace and goodwill welcome it gladly in the interest of the cause he has at heart?³¹

O'Neil went on to buttress his point with the familiar scriptural arguments. Jesus did not use the power at his command to defend himself against the kingdoms of this world. Paul did, "Yet this does not constitute the irresistible attraction of the Religion of the Cross." "Kenosis for the sake of self-culture," O'Neil contended, "is a feature of Buddhism; self-emptying for God and one's fellow men is a distinctive note of the beauty of our faith." Finally, Paul's use of his Roman citizenship was for the protection of his person, "not that he might be able to petition a Gallio about a case of petty tyranny in Corinth."

O'Neil's reference to Celestial justice suggests one source of missionary hesitation; Chinese courts were not to be trusted. When the *Chinese Recorder* returned to this subject in 1908, the editor carefully separated the paper from Sheffield's restatement of his case for the treaties, and referred with approval to an article by Gilbert Reid. Reid opened his paper with a quotation from the 1902 treaty between China and Great Britain

China having expressed a strong desire to reform her judicial system and to bring it into accord with that of Western nations, Great Britain agrees to give every assistance to such reform, and she will also be prepared to relinquish her extra territorial rights when she is satisfied that the state of Chinese laws, the arrangement for their administration, and other considerations warrant her in so doing.³³

What the European treaty makers had in mind, as Reid's article makes clear, was the reform of Chinese law and judicial procedures to conform with western practice. Once those objectives had been achieved, extra-territoriality could be relinquished because it would have outlived its usefulness. Granted, the reference to "other considerations" indicated that the negotiators had not altogether burned their bridges. The "other considerations" were not specified, but could well be brought off the shelf, described, and used as an excuse for not doing anything. They were, as Reid put it, an "x but not exactly a zero."

Nevertheless Reid felt that the new treaties, with Britain, with the USA and with Japan, opened the way to the recognition of Chinese sovereignty as the term was understood in the west. Reid welcomed this development, and was at pains to point out to his missionary readers, that once sovereignty was achieved, the Europeans would have to play by Chinese rules. But the Chinese rules would have been modified sufficiently to be acceptable to Europeans. At that point, treaty protection, whether for Chinese Christians or for missionaries would no longer be necessary.

It is probably safe to say that most missionaries thought about treaty protection simply in terms of their own work. D.E. Hoste, for example, argued that while missionaries had the same legal rights as other Europeans, it would not be expedient to use them. Missionaries were, above all, representatives of Christ rather than their country and should behave as such. For representatives of Christ, intervention in the courts was bad policy. Quite apart from the ever present danger of becoming an unwitting advocate for the wrong party, the very process was inconsistent with the spirit of the New Testament.³⁴ Others went further, and tried to think of the problem in terms of Chinese society and its relationship with the west. This second group can be divided into the hawks and the doves. Sheffield was a hawk, a straightforward, high-minded imperialist. Christianity was a good thing and deserved the protection of Christian nations. Reid was a dove. He was for the abolition of treaty protection once justice in the

Chinese courts was assured. But Reid assumed a western understanding of justice. In that sense he was a soft imperialist.

Reid's position is similar to the advocates of a connection between foreign policy and human rights. As long as China, for example, conducts its affairs in a manner acceptable to western notions of public propriety, we can trade at will. But if the Chinese choose to establish a political system which does not suit western tastes, they should be sent to Coventry. In the same way Reid approved of the abolition of treaty protection, as long as the Chinese made serious progress in the abolition of what we would today call gross violations of human rights. Like Gilbert Reid, the modern humanitarian left can be described as soft imperialists, Imperial Lite.

Endnotes

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