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Maritime Piracy through a Barbarian Lens: Punishment and Representation (the *S.S. Namoa* Hijack Case [1890–91])

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Narratives can make us understand. Photographs do something else: they haunt us”

— Susan Sontag 2002, p. 94

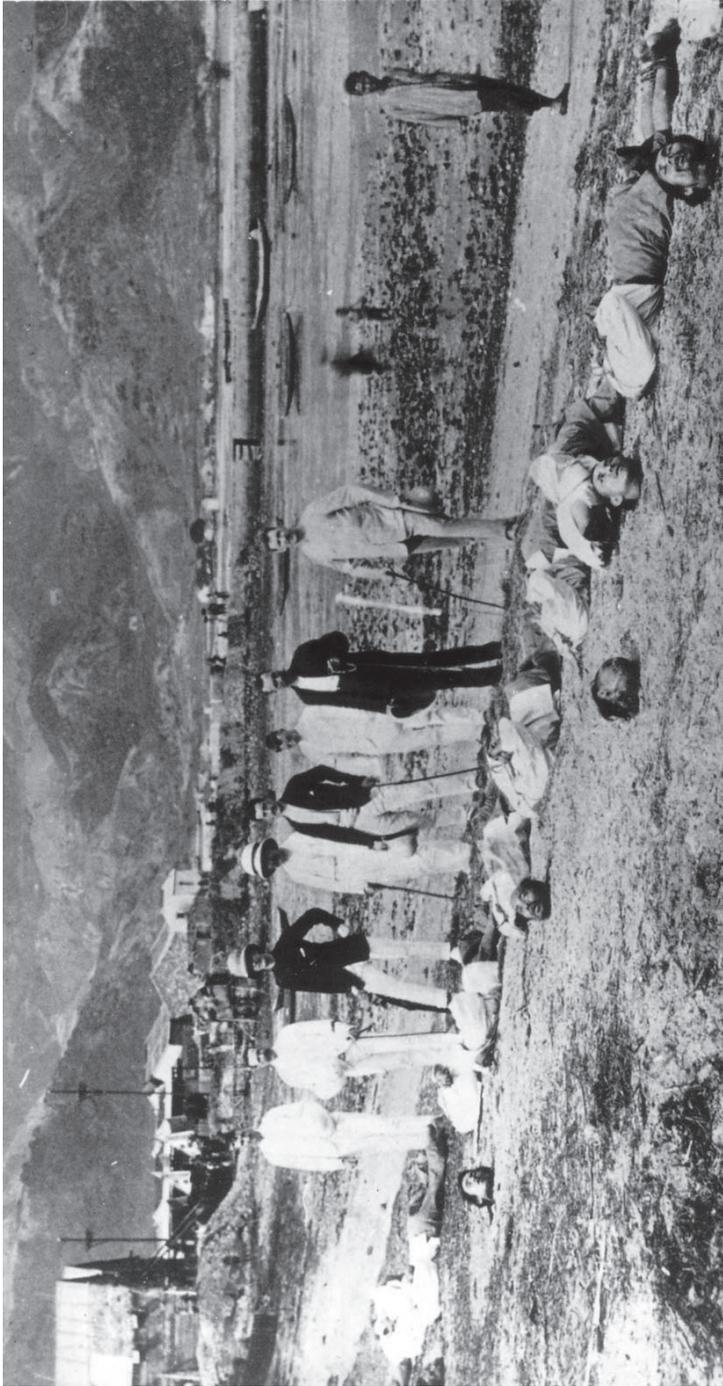
Introduction

A ghastly photograph haunts the scientific literature about China and Vietnam in the pre-modern period: the execution of Asians somewhere on a beach in the Far East. Triumphant Westerners, this is the impression given, pose relaxed behind a number of decapitated corpses with their severed heads beside them. Readers of Eric Hobsbawm’s *Bandits* are familiar with the black-and-white photograph of ten headless corpses triumphed over by eight Caucasians in tropical attire. The caption Hobsbawm accorded to this scene was “(T)he execution of Namoa Pirates, Kowloon 1891, with British sahibs. Namoa, an island off Swatoff, (...) [was] a great centre for piracy and, at this time, the scene of a rebellion. We do not know whether the corpses had been pirates, rebels or both” (1969, pp. 96–97 and 1981, plate 39 between pages 162 and 163).

First published in 1969, *Bandits* belongs to the classical canon of radical British historians chronicling the English transition to modernity, infused with a strong dose on social anthropology.¹ In a journalistic account, *Pirates of the Far East*, published a year after *Bandits*, author Harry Miller, a London editor of *The Straits Times*, identified the photograph as “(P)irates captured by the Chinese government”, showing a scene of “a mass execution in one

of the South China ports” (1970, illustration 16). Leaving pirates aside, the American historian Richard O’Connor used the same photograph in a pioneering treatise on the Boxer Rebellion. Here the caption indicates the victims as “executed Spirit Soldiers”, or Boxer insurgents as they are better known (1973, p. 148).² The political dimensions of this image have also not escaped other authors either. In at least two accounts of the Vietnam War, the same photograph is used as evidence of French cruelty to Vietnamese insurgents. “As the peasant’s existence worsened”, argue two American historians, Edward Doyle and Samuel Lipsman, “many took to banditry or political activity. The French made no distinction — they called them all bandits. Beheading was often their fate” (1981, p. 160). In a similar publication, another historian of the Vietnam War, T.D. Boettcher (1985), underlines this sentiment with a caption which does not beat about the bush: “Frenchmen beheaded Vietnamese who oppressed their rule or who were guilty of crime” (1985, p. 15).³ Such a catholic interpretation is the outcome of the fact that since no place and year have been given, the origins of the photograph have remained obscure and hence a matter of conjecture. If neither the Boxer Rebellion nor the Vietnamese resistance against the French were the accurate background to the images, what then was the probable answer which Hobsbawm left in the middle? In a major reference book on China dating from 1980, the picture bears the caption “Chinese pirates beheaded in Hong Kong, 1897. The men standing are British government officials” (Buchanan et al. 1980, p. 424). The Hong Kong Museum of History keeps three photographs (sized 20.2 × 24.5 cm) showing the moments before and just after the beheadings. They have two different captions “S.S. Namoa Pirates beheaded on the beach at Kowloon Walled City, 17.4.1891” and “1891 ‘Namoa’ Pirates beheaded at Kowloon City on the Boundary between British and Chinese Kowloon”.⁴ In one photograph five of the condemned can be seen kneeling on the beach with Chinese soldiers and executioners hovering in the background, waiting for the moment to deliver the death blow. Within a slightly different time frame the two other pictures show eight foreigners standing behind the decapitated corpses. The second person from the right is looking at his watch: Is he really checking the time of the day or is he the photographer who has to ensure that his assistant behind the camera is using the right exposure time? This kind of detail is what Roland Barthes called the *punctum*, the thorn in a picture which snags the viewer, in this picture the attitude of the man who is checking his watch. Figure 6.1 is the first of the three images I mentioned here and the most famous.

FIGURE 5.1
Please provide Figure title.



Source: Please provide data.

The narrative of the S.S. *Namoa* piracy case itself is widely known since the registrar of the Supreme Court of Hong Kong, James William Norton-Kyshe, described the events in great detail in his “*The History of Laws and Courts of Hong Kong*” (1898).⁵ In more popular accounts of pirates in the Southern China Sea, the *Namoa* case has often been referred to, even at the time at which Hobsbawm published *Bandits* (see for example, A.G. Course in 1966, pp. 194–97). What seems to have been forgotten by contemporary viewers of these photographs are two major aspects: the role and function of maritime piracy in the nineteenth and early twentieth century, and the representation of public punishment and public consumption of it. Whereas Hobsbawm apparently witnessed a maritime variation of social banditry, such other scholars as Antony (2003, p. 171) deny these “‘social bandits’ robbing the rich to give to the poor or displaying some sort of primitive class-consciousness”. The main motivation driving Chinese pirates was not social consciousness, they argue: neither in the high tide of the eighteenth and early nineteenth century, nor in the late nineteenth and early twentieth century.

MARITIME PIRACY AND SOCIAL BANDITRY

In his attack on the “social banditry” thesis, Anton Blok makes a strong case against a model which leans too heavily on folkloric and literary sources. Hobsbawm stressed the tie between peasant and bandit to such an extent that the Robin Hood-dimension, or the social aspects of banditry, overshadowed all other aspects, including the use of indiscriminate violence, and virtually cancelled out any other less flattering interpretations of bandit attributions. Later Blok (2001) repeated in his critique of Hobsbawm: “What animated banditry was the quest for honour and respect. What often motivated it was revenge...” (p. 22). This statement is extremely apt in the case of many pirates, and is equally true of Zhang Yi, the infamous pirate of the 1810s, and in that of Bai Lang, a brigand leader in northern China who sometimes acted as a Robin Hood (Perry 1983). Although Hobsbawm later acknowledged his critics’ points, he never surrendered his view that the myths and folkloric sources referred at least to an imagined past.⁶ While the general link between banditry and peasantry is contested, that with piracy is never questioned. Fernand Braudel had already underlined the point that pirates and brigands should be understood as products of pre-industrial peasant societies. In a chapter of his magnum opus *La Méditerranée*, entitled

“*Misère et Banditisme*”, Braudel adduced the concept that banditry on land which is the counterpart of piracy at sea is “a long established pattern of behaviour (...). From the time when the sea first harboured coherent societies, banditry appeared, never to be eliminated” (1966 (1972), p. 743). The complexity of the roles of brigands and buccaneers from the perspective of state formation is vividly described in the context of the emergence of Venice in the early sixteenth century. Bandits and pirates were deeply implicated in a process of state centralization: they helped make states, and states made bandits and pirates. These pirates attacked and robbed people outside their own community not only for personal benefit and that of their families, but as it turned out, unconsciously and unintentionally, also for their community at large.

In his treatise on maritime piracy in late imperial South China, Robert J. Antony found that

Chinese pirates were not Hobsbawmian “social bandits” robbing the rich to give to the poor or displaying some sort of primitive class-consciousness. In this sense they were significantly different from Western pirates. Instead they robbed, kidnapped, and murdered anyone who got in their way. They indiscriminately victimized not only sea captains and rich merchants, but also poor fishermen and sailors (2003, p. 171).

Elisabeth Perry’s study (1983) of one of the most famous bandits in Chinese history, the brigand Bai Lang (1873–1914), shows that social banditry is linked by social class and ideology and might come closer to Hobsbawm than to Blok for whom the link with local power holders is more crucial. Chinese pirates often worked hand in glove with local authorities and the shift from what was illegal to what was legal was, as we know from certain careers of pirates, easily made. In incidents in which peasants resorted to banditry, in James Scott’s phrase, one of the “weapons of the weak”, they did not do so spontaneously, but as instruments of elites and warlords fighting their own wars against other state makers to subdue or overthrow them. Moreover, the history of the South China coast, including that of Macau and Hong Kong, shows that peasants and townspeople actively assisted authorities in arresting pirates. This is a lesson that can be drawn on in finding solutions to the new piracy problems in Southeast Asia.

Moving on from these arguments, there is another angle from which we can observe maritime piracy along the South China coast and that is that the activities of pirates facilitated capitalist penetration. Pirates plundered

villages which were hubs of riverside and coastal traffic. It is suggested by Heyman (1999) among others that pirates behaved as military entrepreneurs who connected agriculturists with brigands through a (forced) market mechanism, which consequently led to an increased monetization of the rural economy. In a far more remote past, pirates had already performed the role of merchants, compared with the Uskoks of Segna and Fiume who acted as “*diavoli uniti per rubare*” and against whom “Venice sought to maintain her privileges with compromises and surprises” (Braudel 1966 (1972), pp. 130–31). This is equally apposite when applied to late eighteenth and early nineteenth century piracy in China. And, as I have already suggested, it seems axiomatic that maritime piracy flourished where the state was weak or virtually absent. Gradually it provided the pretext for the state’s forcible and ultimately successful intrusion into the countryside of southern China (Heyman 1999, p. 39). In the first half of the twentieth century, pirate gangs once again prowled the waters off the South China coast, but this time they profited from the civil strife which plagued the mainland. It is hard to feel convinced that these pirates acted as social or political bandits. The incidents became collectively known as the “Bias Bay piracies” between 1914 and 1931, and echoed the *S.S. Namoa* piracy case of 1890–91. The Hong Kong authorities complained that not many lessons had been learned from the previous century.⁷ Obviously the case still remained fresh in official memory.

PIRATES AND PORTS IN THE LATE NINETEENTH AND EARLY TWENTIETH CENTURY

Historically, maritime piracy was synonymous with such criminal acts as armed theft and robbery, but throughout history it has differed in its nature and occurrence. As Antony (2001) has convincingly shown, the nature of piracy in Asia changed as it did in the West: Goethe’s Mephistoteles’ dictum that war, trade, and piracy are a trinity is an equally apposite definition of the practices current during the Ming and early Qing dynasties. Driven from the lawful pursuit of their livelihood, merchants and seafarers turned to illicit activities, which in a strictly legal definition, transformed them into pirates. Such famous buccaneers as Francis Drake and Henry Morgan had spitting images in Chinese merchant-pirates such as Wang Zhi and Hong Dizhen (see Mote 2004). The period of transition from the Ming to the Qing was likewise a period of great social and economic upheaval, which never really settled in the South. The mid-Qing period towards the end of the eighteenth

century and the beginning of the nineteenth century was equally plagued by social upheaval and to add to people's misery, overwhelmed by natural disasters leading to severe food shortages. Between 1790 and 1810, the number of pirates expanded to a formidable force of between 50,000 and 70,000 men and women organized in a Guangdong Pirate Federation. The Federation was divided into six squadrons, each flying separate colours, with Zheng Yi Sao in charge as an admiral or chief over them all (Murray 1987). In a situation in which a coastal zone formed a frontier society, a natural bond rapidly developed between the omnipresent secret societies and pirates (Antony 2003, pp. 135–36). The pirates recruited their members from dispossessed families along the frontier who had connections to such triads as the Tiandihui and the White Lotus. The Vietnamese border town of Giang Binh (Chiang-ping in Chinese) and the island of Hainan off the Chinese and Vietnamese coasts evolved into operational bases which attracted involvement in such political movements as the Tay Son rebellion in Vietnam (1786–1802). The nature of piracy changed from being a forced seaborne trade to an illicit activity where “sharp distinctions were made between legitimate commerce” and robbery at sea (Antony 2003, pp. 52–53).

Most of the pirates were local outcasts, semi-nomadic “water people”, referred to as *tanka* or “egg families”. Whether they strayed from the straight and narrow coast because they lacked firm roots in communities or simply espoused the role of semi-pirates in the off-fisheries season is still a matter of debate. Antony speaks of an “eclectic demography” of people belonging to such subethnic Han groups as the Hokkien and the Dan (Tanka). At that time the majority of the mariners were Hokkien fishermen, merchants, shipowners, and sailors (2003, p. 9ff). The endemic poverty which afflicted the main coastal populations, the Hokkien and the Dan boat people, provided a natural hotbed for the widespread occurrence of piracy. The weak link between legitimate professions and the piracy of these “water people” was an important factor in the normal state of affairs during the early nineteenth century (Antony 2003, p. 83ff; Lung 2001).

At the end of the nineteenth century piracy still posed a serious threat. Although the tens of thousands of pirates and their suppliers from the hinterlands and even from neighbouring Vietnam had disappeared from the scene, Sino-British relations were still shaped by piracy (Blue 1965).⁸ The main reason was political: the first Opium War (1839–42) was concluded with the signing of the Treaty of Nanjing (1842), the first of a number of “unequal treaties” with Western trading nations. The treaty abolished the prevailing licensed monopoly system of trade, opened five ports to British

residence and foreign trade and granted British nationals extraterritoriality (exemption from Chinese laws). The subjection to this “national humiliation” as the Chinese referred to it was aggravated by the payment of a large indemnity for the alleged damage suffered by British interests. It was also stipulated that Britain receive “most-favoured-nation” treatment in the trading concessions the Chinese granted the other powers then or later. Other incursions, wars, and treaties brought new, more humiliating concessions in their wake and added new privileges to those foreigners had already garnered after “Nanjing” (Spence 1991, pp. 178–93). The opening of the ports led to an increase in the number of foreign and Chinese vessels, a circumstance which automatically attracted pirates of various sorts. After 1842 the British attempted to suppress them. The Second Opium War broke out in 1858, and using a tactic it had successfully practised in Vietnam by whipping up the killing of Roman Catholic missionaries, France joined Britain in a march on Beijing. For many years, the opening of ten more ports and the legalized treaties served to humiliate China in the eyes of the world. The opium trade and the opening up of China to travellers, traders, and missionaries assumed the shape of a forced modernization. The soft underbelly of the Chinese empire, a frontier in many aspects, heaved and groaned, indelibly linked to crime, vice, and violence.

The Chinese Navy was no match for the numerous pirates who often actually acted semi-legally as privateers. Hong Kong, at the mouth of the Pearl River, once described as the “Ladrone of Piratical islands”, served China as a major trading hub, including for illegal opium trafficking, and also became a foster child of the British Navy (Fox 1940, p. 38; quote from Lung 2001, p. 59). The right to capture pirates outside the three-mile limit of the Treaty ports was not included as an article in the Nanjing Treaty and this led to various misunderstandings between the Chinese and British Navies. After several decades, the roughshod gunboat diplomacy of the British and the French eventually led to the Treaty of Tientsin in 1860, which put piracy more clearly on the agenda. In the years immediately after this was signed, between 1861 and 1869, China was forced to negotiate with other Western nations as well (Fox 1940, pp. 106–87). After the last wave of large-scale piracy in the first decade of the nineteenth century, piracy had gradually diminished, but its numbers and strength now recouped once again in response to the growth of foreign trade and the vagaries and social upsets caused by the civil war, articulated by the Taiping Rebellion (1850–64). Piratical raids on the islands off Hong Kong and in the vicinity of Macau gave the British and the Portuguese no option but to

mount large-scale patrols along the coasts. Eventually, since such punitive expeditions against pirates hideouts on the coast yielded little satisfactory result, the governor of Hong Kong, Richard Macdonnell, looked for legal measures to drive pirates away from the colony. Between 1868 and 1870, the suppression of piracy was helped by the building of a new Chinese steam fleet which supported the British warships on the China station to police the sea (Fox 1940, pp. 143–87; Lung 2001, p. 293ff). Boxer (1980) has claimed that the ambivalent role of Hong Kong police officials and corruption at all levels led to hand-in-glove activities with leading Cantonese pirates who dominated the waters beyond the perimeters of Hong Kong and the Pearl River. Cantonese pirates preying on shipping in Hong Kong waters posed a constant problem, and not all of these predators were Chinese.

Collusion between Cantonese pirates and Europeans was unequivocally revealed during the trial of the English renegade William Fenton in 1851 and later that of an American pirate Eli Boggs who was tried for murder and piracy in 1857 and deported. In 1863 the Hong Kong magistrate even offered a reward of 1000 dollars for the apprehension of “English and American hands on board” pirate junks (Norton-Kyshe 1898 [II], p. 63). In 1865 four Portuguese and one Spaniard were sentenced to death for murder and piracy (Norton-Kyshe 1898, p. 84).

One favourite tactic deployed by the Cantonese pirates was the hijacking of vessels sailing between Hong Kong and Macau. In 1862, twenty-eight years before the *Namoa* attack, pirates disguised as steerage passengers had already seized the *S.S. Iron Prince*. The attempt failed, but led to a fierce fight between the hijackers and the passengers. Other ships were less lucky. In another case, the killing of three Americans from the clipper the *Lubra* in 1866 provided irrefutable evidence that piracy on high seas posed still a great danger.⁹

The big fleets did finally disappear, but not the pirates themselves. Several villages along the Pearl River, and sheltered coves such as Bias Bay near Hong Kong, and the island of Coloane near Macau, continued to be favourite pirate lairs. Bias Bay (currently known as Daya Wan or Daya Bay) north of Mirs Bay (Tai Pang Wan) and fifty kilometres northeast of Hong Kong Island was a notorious base for operations of Chinese pirates.¹⁰ Around the last quarter of the nineteenth century, Hong Kong achieved the status of a British Crown Colony. The 1880s and 1890s were the heyday of colonialism in Asia and colonial society in Hong Kong perfectly reflected the temper of the times.

Several authors suggest that the seizure of the *S.S. Namoa* was an exception in a period when piracy had virtually died out at the end of the nineteenth century (Miller 1970; Fox 1940). Recent research shows that this was not the case. The putting down of the Taiping Rebellion in 1864 accounted for an increase of cases from thirty-five to fifty-two. Certainly after that year the number declined to twenty-five, even dropping to only fifteen cases of piracy and robbery. The number of cases within a radius of 100 miles of Hong Kong fell from forty-eight in 1865 to eighteen in 1867, and by another three to fifteen in 1869. The 1870s showed a further decline, and this trend did continue into the 1880s (Lung 2001, pp. 293–96). Lung argues that the fact Macau replaced Hong Kong as the main piratical haunt can be attributed to the success of the Chinese Navy. My findings in the Hong Kong archives corroborate this argument. A long series of police reports shows piracy to have been an almost monthly occurrence, with fatal results (see Table 6.1). Two incidents of piracy are reported in 1890 and these resulted in an unknown number of persons being convicted. In the original document, fourteen people are reported arrested and the same

TABLE 6.1
Reports of piracy cases between 1883 and 1893 in
or near Hong Kong

Year	Cases	Convictions
1883	13	4
1884	9	16
1885	17	13
1886	10	1
1887	8	18
1888	12	4
1889	4	1
1890	2	n.a.
1891	4	3
1892	3	5
total	82	65

Source: Reports of superior and subordinate courts for 1886 to 1900; Report of the captain superintendent of police for 1892, no. 4/93 <<http://www.grs.gov.hk/ws/english>> (accessed October 2005).

number discharged. There is reason to believe that in this case the Portuguese and Chinese authorities made the arrests, but the statistics do not mention them. It is also possible that the fourteen suspects were handed over to the magistrate of Canton. More importantly the *Namoa* hijacking did not mark the closure of the period of the “high tide” of maritime piracy, but in the last two decades before the turn of the century the frequency of incidents of piracy did drop slightly.

After the *Namoa* incident, the colonial authorities took suitable precautions aboard ships: coastal steamers were allowed to carry light armaments onboard, though the discussion adopted a similar stance to that taken today where anti-piracy measures are proposed for ocean going ships and for planes. Iron grilles were also inserted between the bridge, the officers’ quarters, and the first-class deck, as a shield against a possible attack mounted from the quarterdeck. Armed sailors were also stationed to guard doors. As the heavy hand of authority made itself felt, the pirates’ ruses in response grew more ingenious and in later accounts we learn of Chinese pirates who posed as rich, first-class passengers, making any such grille an ineffective oddity.

The end of the Qing dynasty in 1911 and the beginning of Sun Yet Sen’s Republic inevitably soon led to civil strife. Local warlords built up private armies the rank and file of which had little or no compunction about embracing robbery and piracy. Even after the transition, piracy continued to infest the waters around the Portuguese and British establishments and along the South China Coast. In 1913, a river passenger steamer, the *S.S. Tai On*, was hijacked in exactly the same circumstances as the *S.S. Namoa*, painfully revealing that the safety measures on board had already become obsolete. Accounts of similar incidents in the 1920s and 1930s demonstrate explicitly that the days of maritime piracy were far from over. In terms of numbers, and possibly heavily under-reported, about eighteen steamers were subjected to similar assaults and in a number of cases led to the killing or wounding of officers and passengers. Constant patrolling by the Royal Navy and the search-and-destroy actions of the Chinese authorities against villages known to be harbouring pirates did nothing to curb maritime piracy along the South China coast. The economic decline after the Japanese Occupation of Hong Kong again resulted in a resurgence of piracy.¹¹

Let us now return to the *S.S. Namoa* piracy case, which was not just one case among many for various important reasons. It can be seen not only as a “model” case to which other cases after the turn of the century

were referred, but it also stood out because of the amount of attention it received in the contemporary press, its treatment as a judicial case by Hong Kong lawyers and, last but not least, its representation of punishment in Western eyes.

THE S.S. NAMOA PIRACY CASE¹²

On 10 December 1890 a band of Chinese pirates launched a violent attack on the *S.S. Namoa*, a coastal steamer of about one thousand tons which ferried goods and passengers between Hong Kong and Swatoff (Shantou) twice a month.¹³ The ship, named after the small island of Namoa (or Nan'ao Dao) between Taiwan and mainland, was in the service of the Douglas Steamship Company. It had about 250 returning migrants from San Francisco and coolies from Malacca on board who were going home with their savings in cash from work on plantations and in mines.¹⁴ Five European passengers had taken first-class cabins. At lunch time, a number of Chinese men disguised as soldiers carrying swords and rifles left the position in the waist to which they had been assigned. On the upper deck they fired several shots and threw stinkpots into the salon where the European passengers and the ship's officers were taking their midday meal (*tiffin*).¹⁵ In the ensuing brawl, Captain Thomas Guy Pocock (45) and a Danish lighthouse keeper employed by the Imperial Chinese Maritime Customs Service, a man by the name of Petersen, were mortally wounded.¹⁶ Three Malay quartermasters were fired at and seriously injured. One of them was thrown overboard. Two Chinese cooks also suffered injuries. Another Malay quartermaster later died in hospital, making four deaths in all.¹⁷ After the victims in the salon were robbed of their jewellery, watches, and other valuables, the attackers went on to ransack the cabins and rob the remaining passengers. Another Malay quartermaster was forced to steer the ship to the island of Ping Hoi and a large village at the south-eastern corner of Bias Bay, the notorious pirate lair. At 7.30 a.m. six junks accosted the boat. The pirates, whose number was estimated at between twenty and fifty, handed over the booty which, as it turned out later, was valued at about 55,000 silver dollars. Before leaving at about 9 p.m., the pirates had organized an orgy of drinking and eating on deck and, before quitting the ship, they threw a bag containing about HK\$200 into the engine room as a gratuity (in pidgin Chinese called *cum-shaw*) for the stoker who had drawn the engine fires. The officers, engineers, and passengers liberated themselves and managed to return to Hong Kong at 8 o'clock the next morning.

The incident sent shock waves through Hong Kong, which at that time had an estimated population of about 300,000 inhabitants, mostly Chinese. The local English press, represented by *The China Mail*, *The Hong Kong Telegraph*, and the *Hong Kong Daily Press* carried reports about the incident on a daily basis.¹⁸ From his headquarters in Canton, the Chinese Admiral Fong Yao (or Fong Yu) was given the main responsibility for apprehending the suspects. He and the Portuguese authorities in Macau managed to track down twenty-three of them.

Since the principal men accused did not originate from the territory of Hong Kong, the British court was not entitled to try the case, and the trial was placed in the hands of the Qing magistrate of the twin-city of Kowloon. Apparently acts of piracy were seen to fall mainly under the responsibility of the Chinese government. The handing over of the case by the Special Court in Hong Kong was in accordance with stipulations set out in the Treaty of Nanjing and the Treaty of the Bogue (1842). Whereas these treaties stated that any British citizen convicted of crime on Chinese soil would be dealt with in England, a special Ordinance (No. 2) enabled officials on both sides to cooperate closely in the handing over of Chinese fugitives in Hong Kong to Kowloon officials and vice-versa.¹⁹

In the aftermath of the piracy case, Susan Pocock, the widow of the slain captain, received HK\$16,300,000, estimated to be the value of his will (Supreme Court, Hong Kong, 1891, no. 22/92). His son Thomas Guy Pocock was only one year old at that time. His name reappeared on one of the Flanders's fields near Ieper where he died on 3 April 1915 at the age of twenty-five years.²⁰ Captain Pocock's tomb is now a memorial in the Happy Valley Cemetery in Hong Kong; one which he shares with other pre-World War II Caucasian victims of piracy.²¹ The fate of the body of lighthouse keeper Petersen (or Pedersen) remains a mystery, as indeed is the fate of that of Malay quartermaster. But the apparently doomed ship again made headlines in 1897. On the 2 October of that year, she struck a rock and was stranded during a typhoon in the Hai Tan Straits, near Amoy, from where she was outward bound. Out of a total of seventy-seven persons who abandoned ship before she foundered on the beach, eleven lost their lives, all because of an error in judgement by the captain. The rescue boats battled through a huge surf in which seven passengers, the carpenter, and three of the crew drowned. No further details about the rescue of the steamer were given (*The Hong Kong Government Gazette*, 23 October, 1897).

The Trial

On 18 February 1891, a special Criminal Sessions opened but was soon adjourned because of the paucity of the evidence and the limited number (2) of the accused charged with piracy on board of the *S.S. Namoa*. In the course of the same month, a number of further arrests were made in Macao, including a man variously named as Mau Lau Yune, or Mau Ayune or Paul Lau Yune, who was seen as the instigator of the attack. He was never brought to trial because, according to *The Herald*, he swallowed poison in his cell. In a related event, the brother of the alleged organizer and financier, Ho Fat To, or Ho Fat Cheong, was intercepted on his junk in the inner harbour of Macau. The Portuguese Water Police discovered that his extended family was on-board. Valuables and money said to have come from the *S.S. Namoa* were found hidden in the stern of the boat. An attempt to arrest Ho Fat To on an island beyond the jurisdiction of the Portuguese authorities failed. The fate of the suspects arrested is unknown, because their names do not figure on the final list of the nineteen death sentences, pronounced by a Chinese court in Canton and later printed in one of the newspapers. It is possible that they were taken to court in Macau and sentenced accordingly. As were the British in 1842, the Portuguese were granted “perpetual occupation and government” in 1887 (see Fei 1996; Gunn 1996). Seventeen accused, among them a man who had spoken pidgin English during the attack and was regarded as the ringleader, the main organizer, and recruiter, heard the death sentence pronounced on them in April 1891. Eight, including a man named Chun Fuk Yin who was identified to have shot the captain, had participated directly in the attack. Eight were onboard the junks which joined the steamer to take on the booty. A certain Low A Wai was found guilty of being one of the financiers behind the operation and he was also found guilty of a similar attack on the *S.S. Greyhound* in 1889.

The Executions

The final sentencing and execution were the responsibility of the Qing magistrates in Canton. With two other condemned criminals arrested on Chinese soil, seventeen “*Namoa* pirates” ended up in Canton where they were kept in custody, awaiting trial under Chinese law. Thirteen of them would be sentenced to decapitation. In the company of six others who had been tried for various offences on Chinese territory, on the afternoon of Friday 17 April 1891, the pirates were transported to the “Walled City of Kowloon”

on three gunboats. After disembarking from the boats, the nineteen men who wore their names and their crime — alleged “piracy” — on cangues around their necks were led to the beach. A squad of Chinese soldiers commanded by Colonel Leung Tuow, accompanied by a local magistrate who had descended from his *yamen* (office) in Kowloon, and an executioner with two assistants surrounded them. In a press report the executioner, described as an “excited individual, whose turban proclaimed him a native of Fukhien”, aided by two assistants and wielding three heavy iron swords, put an end to the lives of the accused. Reporters from the *Hong Kong Telegraph*, the *China Mail*, and the *Daily Press*, reported the executions of the nineteen men the next day in lurid detail.

Why exactly the British officials were summoned to witness the execution is difficult to assess, but such expeditions were not uncommon in those days. *The Hong Kong Telegraph* described the officials as “brokers and members of the Imperial Maritime Customs”. The main reason requiring the attendance of the Customs officials at the execution would undoubtedly have been the murder of Petersen on-board the *S.S. Namoa*. He was a lighthouse keeper, whose duties fell under the jurisdiction of the Chinese Maritime Customs Service. This organization, founded in 1854, was an international, although predominantly British-staffed, bureaucracy under the control of successive Chinese central governments.²² The Customs Service was labelled “maritime” [*haiguan*] to distinguish it from the inland service and was run principally by Westerners to facilitate international trade. “Contrary to other taxes, the Customs income was paid to the central treasury, hence its importance to the government. Over the years, it came to guarantee loans raised abroad, as well as payment of the successive war indemnities inflicted on China” (Régine Thierrez 1998, p. 69), French author. According to Thierrez (1998) the members of the Service demonstrated a keen intellectual involvement in the study of their host country. Not a few expressed a deep interest in photography, the “modern art of nineteenth century technology”, as shown by the impressive images they took of the buildings of the Old Summer Palace. These “Gardens of Perfect Brightness” (Yuanmingyuan) as the palace was called were in 1860 destroyed by British and French troops during the Second Opium War. Drawings and photographs before the destruction show the dimension of the loss. This acknowledged reputation of the Customs Service makes it even more plausible to argue that the anonymous photographer was a member of the group. He checked his watch to control the shutter operated by his assistant since self-timers had not yet been invented in the late 1880s. There is no reason to suppose that he accompanied the reporters

of the three Hong Kong newspapers, of whom one dubbed himself “a special horrors monger”, since no newspaper published any illustrations at the time (*Hong Kong Telegraph* of 18 April 1891). It is remarkable that a second execution, held on 11 May of that year, of another fifteen prisoners, including six pirates of the *Namoa*, with among them, another leader of the gang named Lai A Tsat, attracted less attention from the non-Chinese residents of Hong Kong. Tsat was identified as the head of the gang which had seized the Europeans on-board, while the rest were occupied with plundering the ship. As far as we know, no photograph of this particular execution exists. Photographs of the 17 April execution found their way into albums and the obvious postcards for a wider mass consumption. Publisher M. Sternberg, a Hong Kong “wholesale and retail postcard dealer at no. 51, Queens Road”, was highly instrumental in producing postcards depicting the pirates on the execution ground. His colleague, Graca, produced the picture with the British sahibs, and captioned it “‘Namoa’ pirates after the execution”. A situation in which foreigners posed behind or next to dead bodies of condemned criminals was not unusual in those days, and pictures of severed heads were produced elsewhere in colonial Indochina, Japan, and British India. Such facetious texts as “a couple of heads looking for their bodies somewhere in China” accompanied the lyrics of a popular song “2 [the two heads] *aint got nobody and nobody cares for me*” were sent to loved ones in Europe and elsewhere. They are, of course, related to what Edwards (1997) has argued is a representation of exoticism, influenced by the tourist gaze, but unquestionably they were also meant to expose the cruelty of a civilization which ignored the rule of law. The fragmented illusions of the executions were created to achieve the idea that these photos were authentic and reproduced the experience of the beholder.

BARBARIAN LENS OR BARBARIAN PRACTICES?

Susan Sontag observes that “photographs taken on the very moment of death (or just minutes before) are highly admired and reproduced many times. (...) More upsetting is the opportunity to look at people who know they have been condemned to die” (2003, p. 60). She argues that such photographs are no longer “a crude statement of fact addressed to the eye”. Photographs of executions and slain victims became popular in the second half of the nineteenth century especially as, in contrast to Japan, Qing China was not yet seen as the symbol of a new, modern, and enlightened state (Worswick 1978; Thieriez 1997 and 1998). The rub is that the *Namoa*

pictures were not produced for a Chinese public. Here we see a voyeuristic crowd, represented by British *sahibs*, who are observers of cruel Chinese traditions. The picture ambiguously represents modernity mediated by (colonial) capitalism and globalization. The communization of executions by the production of postcards betrays the same trend. They became part of a larger Orientalist discourse which (in the words of Ian Buruma) generated images which had to show that “(B)y the mid-nineteenth century (...) East and West had hardened: the West was virile, dynamic, expansive, disciplined, and the East was indolent, decadent, pleasure-loving, passive” (1996, p. xxi). These images were produced at a time when photo-lithographic printing had been introduced into China, not for mass consumption, but as a means to attract readers and to develop a vehicle for China’s visual modernity. The popularity of this process was due to, among various other reasons, the realistic style and new-ness, augmented by the visual displays of Western technology. “Instead of showing a simple direct gaze from China and the West and vice versa”, Chinese readers were as curious as Westerners about Chinese traditions (Laikwan Pang 2005, pp. 30–32). The lithographs also reveal the foreigner’s fascination with ancient Chinese techniques of punishment, including instruments of torture and executions, ostensibly to help people learn more about the world. By allowing a foreign gaze to light on the cruelty of the traditional world, these lithographs, according to Pang, were used as a “realist desire” combined with an idealistic urge to understand the (modern) world.

The Dutch anthropologist Anton Blok (1989), following Foucault (1975), regards public executions of (in this case) Dutch brigands as a cross-cultural part of a gradual, long-term transition from corporal (deliberate infliction of power) punishment to confinement. The meaning of a public execution in the European context rested in the deterrent effect executions were supposed to exert on anyone thinking of perpetrating crimes for which capital punishment was deemed the proper sentence. The theatre of the execution played an important role in defining and controlling the social order (R. McGowen 1987). Foucault states that during this time the right to punish was directly linked to the authority of the king. Crimes of the nature of murder were not crimes against the public good, but a personal affront to the king himself. From this he concluded that public displays of torture and execution were public affirmations of the king’s authority to rule and punish. Torture and execution belonged to a theatre of punishments in which the body of the condemned criminal participated in the ceremonial of public executions (Foucault 1977, p. 43). The execution of Charles I in 1649 was a perfect

combination of politics and theatre in which a reverse role was accorded the king who had betrayed his people. The execution allowed both royalists and parliamentarians to construct their own theatrical and partisan versions of the event with interpretations of every detail of the execution (see for example, Robertson 2005).

French author on traditional Chinese law, Jérôme Bourgon (2005), has discussed the photographs of Chinese executions and states that Western executions differ from their Chinese counterparts in terms of religiosity, in the sense that in the former case, the theatre of executions was chosen to have a redemptive effect on the criminals and the audience, while in the latter case, “punishment fitted the crime as provided in the penal code” (Bourgon 2005, p. 153). While this statement sounds rather tautological, in his treatment of the Chinese (or Oriental) version of public execution, he points out the absence of such spectacular features as a carefully planned stage or show and the aroused activity of the crowds, which made it different from the “*supplice*” (tortured to death) which was carried out in the West until executions became secluded and shielded from the public eye (in 1868 in England, but not in the Commonwealth or the colonies, and in 1938 in France).²³

The history of corporal and capital punishment in China goes back to the Qin dynasty (259–06 BC), when a number of forms of execution became known. Some were as cruel as those employed under Western *Ancien Regimes*, including drawing and quartering (*chelle*), decapitation (*xiaoshou*), being torn asunder by oxen pulling two carts in opposite directions (*zhe*), and public exhibition of the body (*qishi*). At least one acquired notoriety as the very refinement of cruelty: slicing (*yaozhan* or *lingshi chusi*). In Western eyes, this measure, better known as the “lingering death” or “death by a thousand cuts”, was regarded as the most extreme method devised to punish people.²⁴ Traditionally the victims were the vanquished, traitors, thieves, bandits, highwaymen, raiders of villages, (armed) robbers, and forgers (Dutton 1992, p. 111). Practices differed in the subsequent periods (Dutton 1992, p. 136). Under the Qing, or Manchus (1644–1911), the prison system and disciplinary measures were changed. The emergence of the modern prison in the closing days of the Qing dynasty left local practices untouched (1992, p. 154ff.). At the end of the nineteenth century, legal practices in Canton to which the condemned *S.S. Namoa* pirates were subject, still applied sanctions which had been inherited from earlier periods. Death, disfigurement, and banishment were still exercised to punish families. The description of the executions and the way the heads were transported

to the *yamen* in Kowloon by the executioner offer enough evidence to conclude that traditional Chinese law was still in use.

The destruction of the body was in violation of the Confucian norm which forbade the mutilation of the (dead) body. Executions were excluded from that norm, because the body was no longer part of a larger whole, that is, the community. Bourgon et al. (2005; 2008) fail to mention that personhood and individuality paled into insignificance compared with severing links with the family and clan.²⁵ Chinese and Vietnamese believe that the separation of the head from the body prohibits the soul (at least the one out of four, which is thought vital for establishing the link between the living and the dead) to return and condemns the soul to eternal wandering. When such a sentence was passed, the family or lineage was also being punished for the deeds of the accused (Kleinen 1999, pp. 179–83). Dutton argues that “physical punishments (...) were explained not purely as technologies for the maximization of pain but as being materially symbolic because of the relation they established between bodily form, ancestral recognition and lineage continuation” (1992, p. 145). In other words, patriarchal values determined the link between the body and the lineage. Dutton’s chronicle of the Chinese prison system deals with the change in corporal punishments. He shows that in a Chinese context, the family and its extension into the community were the pivotal elements of social life. Consequently the public policing of the body extended beyond the individual coercion by the state. Both families and local communities reluctantly accepted the services of the state in administering corporal or capital punishment. Those who are outsiders in every aspect were dealt with by the state and not by the community or the clan. Banishment from the local community was seen as the most serious and dangerous form of punishment for those who had broken off their alliance with family, clan, and community. Execution was the ultimate punishment, and both were seen as “breaking the family tree” and the end of the bond with the ancestors (see Dutton 1992, p. 131ff.). This also explains why onlookers and executioners often fail to show any emotion. Bourgon (2005, p. 167ff.) wrongly asserts that the apparent apathy of executioners, guards, commoners, even of the victims themselves, is an element of the appositeness of the punishment which eschews theatre and excitement. “The onlookers (...) have not been invited by the protagonists of the execution to display emotion. Chinese executioners never displayed the cruel attitude that their European counterparts were required to show (...)” (Bourgon 2005, p. 162). He argues that this state of affairs reveals the difference between the

Western *supplice* and the East Asian execution.^{26s} Without denying that differences existed, for example, the role of the victim to display theatrical effects and show repentance, I will argue that the downplaying of feelings and culture complicates the comparison between eastern and western practices.

If we pursue our comparison with the punishment of the family and the lineage yet further, we gain an understanding of the great fear which was inseparable from such an unnatural demise as putting somebody to death. Chinese and Vietnamese funerals are generally characterized by extreme displays of grief, and the absence of this emotion points to a great uncertainty about the fate of the afterlife of the victim, and his lineage. Special ceremonies of “begging the souls to return home” are very sober and introverted. In a revealing essay, Virgil Kit-yiu Ho (2000) has shown that public executions contain all the ingredients of drama, theatre, and use of “a graceful act of justice and of moral triumph” (p. 145), which superficially resemble similar acts in the West. The public execution of the nineteen *Namoa* pirates and others adhered to a scenario which was common in the Canton region: the convicts emerged from the *yamen* prison already as dehumanized bodies, probably underfed, dirty (“thick dirt which coated their faces” wrote an eyewitness), and drugged with opium (which deadened their emotions). One was brought ashore squatting in a big basket normally used for the transport of pigs. The pirates were surprisingly well clad for the occasion: (mourning) white shirts and (auspicious) red and (mandarin) blue trousers of the same style. The presence of the magistrate, in red robes with a scarlet shawl, the soldiers, the executioner with his assistants, all point to a well orchestrated theatre replete with ideological justification and symbolic meaning (*Hongkong Telegraph*, 18 April 1891; see also Ho 2000, pp. 145–53). The presence of the crowd, which surprisingly was not at all silent, the way the heads were disposed of, and even the trading of the executioner’s sword (as reported by local newspapers) followed a pattern which was apparently well known and accepted (see for example, Worswick 1978; and Spence 1991).

CONCLUSION

Western and eastern traditions surely overlap in terms of the place of execution as a clearly demarcated location (Blok 1989, p. 46). Located at the outer edge of the jurisdiction of a city or town, execution places required the escorting of the condemned from the place of detention to this liminal

location.²⁷ This reinforced the drama which was an integral part of the theatre of punishments. The condemned had to be watched by everybody to reinforce his humiliation and infamy. The public execution at such a place is not just an act of the restoration of justice and the reinforcement of the law, but also served to restore power relations. This execution took place on the border between British and Chinese Kowloon, at a site nicknamed the Dirty Hollow, used as a garbage dump and brimming over with symbolic meaning. From 1845, public executions in the British part of Hong Kong were carried out on a piece of ground near the old Naval Stores, and were then removed to the north-east corner of the Central Magistracy compound. After 1856, this spot became the Tyburn of Hong Kong.²⁸ The author of Hong Kong's judicial system, Judge Norton-Kyshe refers to a protest by citizens who complained "on behalf of the ladies and children" that a screen should hide the sight of the "gallows tree" at Caine Road in the Western District (Norton-Kyshe 1898, pp. 385–86 I).²⁹ Onlookers also attended executions inside the Victoria Goal, before the prison space became so overcrowded that prisoners had to be moved to an island in the harbour and also to a prison hulk. The last recorded public execution took place on 5 April 1894, when a Muslim private in the Hong Kong Regiment, convicted of the murder of a soldier in his regiment, was executed in the presence of twenty privates and four non-commissioned officers (Norton-Kyshe, pp. 451–52).

Chinese and other Asians were not the only people to have been publicly executed; this punishment was also meted out to Caucasians. Death sentences passed on British members of the Royal Marines, who had killed their mates, and executions of Europeans and Americans found guilty of piracy along the Chinese coast, were also carried out during the nineteenth century. Judges wore the prescribed Black Cap when the death sentence was pronounced. Stories of the faulty working of the gallows as a result of poorly tied slipknots or ill-maintained bolts, and deviations from the rule such as conveying European victims to the gaol in a closed sedan chair, suggest that the British authorities wanted public approval of the sentence at any price.³⁰ In one incident, a large European crowd, instead of what seems to have been the usual group of Chinese onlookers, is mentioned. This happened when an East Indian artillery trooper, by the name of Tik Aram, was hanged on the morning of 5 July of 1882 "in the presence of four of five hundred persons, among whom were a number of Europeans" (Norton-Kyshe 1898, p. 352). The suspect was found guilty of the murder of a young Indian girl called Lachmee.

The way these public executions were carried out in Hong Kong did not differ much from similar practices in the motherland. The “carnival-like processions” with the condemned being taken on a cart still took place during the lifetime of Charles Dickens. The efforts he and other people undertook to ban these practices were ultimately successful in 1868 when these spectacles were finally brought to an end.³¹ After that, until the abolition of capital punishment, hangings took place inside the prison. With the formal signing on 27 January 1999 of the 6th Protocol of the European Convention of Human Rights in Strasbourg, Britain abolished the death penalty in the United Kingdom. Although nobody has been hanged on British soil for civil crimes since 1964, high treason and piracy on the high seas still remained capital offences under military law until 1998, but it was extremely unlikely that even if anyone had been convicted of these crimes over the preceding thirty years, they would actually have been executed.

Foucault’s argument that torture and public executions disappeared with the *Ancien Regime* and their place was taken by the (modern) prison system is questionable when it is compared with political systems other than that of the *Ancien Regime*, which have allowed and still continue to allow torture and public execution within the prison system. The recent war on terrorism even allows such self-proclaimed democratic governments as that of the United States to employ a system of illicit corporal punishment in the context of an elaborate set of penal sanctions, or to do so with the active support of associated countries where other rules apply. In China the transition from a feudal *Ancien Regime* to a revolutionary State has not altered the regulation and punishment of individuals who are accused of criminal activities. Asia today still tops the list of regions where by far the greatest majority of executions are carried out. The number of executions in China was apparently as high as at least 5,000 in 2005. In 2004 there seems to have been a minimum of 5,403 executions.³² As Ho says, “(E)xecutions are today no longer, strictly speaking, conducted publicly. However, dramaturgical elements and political symbolisms are still heavily employed in pre-execution trials and parades as well as in the still prevalent practice of letting the victim’s family pay for the bullet (2000, p. 158). The execution of the *S.S. Namoa* pirates more than a century ago followed a pattern which did not deviate from what was also being done in the West, nor can it be stigmatized as a pre-modern practice *per se*. Where it did deviate was the way Chinese and Westerners regard so very differently the pain of others.

Notes

1. See also Hobsbawm 1959, 1960, and 1980 for the evolution of the social bandit concept.
2. A German TV documentary about the Boxer Rebellion shown in 1997 used the same picture from a museum in Lausanne. The voice-over commented “Also later attempts to resist economic dictatorship were nipped in the bud by military intervention from European powers.”
3. In my 1988 dissertation, I also erroneously used the photograph with the caption “Execution of rebels during pacification, end of 19th century”, based on the handwritten caption on the back that read *Indochinois? Decapités et coloniaux vers 1900*” (Kleinen 1988; for a correction in print see 1998). A recent misinterpretation of the photograph is shown in <http://turandot.ish-lyon.cnrs.fr/Photographs.php?ID=366> with a clear reference to banditry (re-accessed in March 2009).
4. Depository numbers P.64.58; P.64.60 and P.64.68. The *Rijksprenten Kabinet* of the University of Leiden, an authoritative archive of photographs, keeps a coloured original with a more illuminating caption which reads, “S.S. *Namoa* Pirates beheaded on the beach, between British and Chinese Kowloon, 11 May, 1891, albumine-colored 20,2 x 26,8 cm, anonymous”. M.M.1505.183. Inventory I, Rijksprenten Kabinet Leiden. The date is important, because it refers to a second execution of at least six “*Namoa*” pirates, but the picture reveals that 17 April 1891 is meant (see Norton-Kyshe (1898) 1971, p. 428).
5. I was not able to consult the original edition, but the pictures are published in the 1971 reprint.
6. See Anton Blok, 1972, and Pat O’Malley, 1979. Since then a large “revisionist” literature has sprung up dealing with Africa, Republican China, nineteenth-century Corsica, Greece, and Malaysia. For a summary, see Richard W. Slatta, 1987.
7. See HK GRO no. 7/1927. Similar cases, on the same route and the same places occurred in 1921 with the *S.S. Sunning*, and in 1928 with the *S.S. Anking*.
8. See one of the earliest accounts of John C. Dalrymple Hay (1849; published in 1889).
9. Details in HK Public Records Office (PRO). Rf. 06-011 and *The Hongkong Mercury and Shipping Gazette* (25 September 1866).
10. Works of fiction such as Sheridan’s *The Shanghai Lily* and such films as the 1935 MGM *China Seas*, caused Bias Bay to be evoked in the imagination of the general public. A more realistic story, but Orientalist in essence, is *Lilius*, 1930. Nowadays Daya Wan (Ta-Ya Wan) (22°37’N., 114°40’E.) is a large islet-cluttered, deep-water bay and the site of a French-built nuclear power plant, the biggest so far in China, east of Shenzhen, and two to three hours from Hong Kong.

11. *The China Yearbook* published in Tientsin and in Shanghai devoted several articles to security problems. For an Interdepartmental conference on piracy report, see volume 1926–27, pp. 830–36. The editor H.G Woodhead was once a victim when on-board the *S.S. Tungshaw* between Shanghai and Tientsin in 1925.
12. The details of the case are taken from the following newspapers: *The Hong Kong Telegraph*, *the China Mail*, and *the Daily Press*. For another detailed report, see, J.W. Norton-Kyshe 1898, pp. 423–29. The newspapers might have been the source of the book *The Mystic Flowery Land* that Charles J.H. Halcombe, a member of the Imperial Maritime Customs, published in 1896 (Luzac & Co, Publishers to the India Office). Chapter 18 is about Amoy and the “Namoas” pirates and two of the three photographs (before and after the execution) are reprinted (between pages 126 and 127, and between 132 and 133). The author also confirms the death of Pedersen.
13. Registration No. 65,090. Registered tonnage 862.73 tons, 130 HP, Schooner, built in Aberdeen, in 1872 (Source: Returns of Superior and subordinate courts for 1886, no. 25/87, page 370, Public Record Office, Hong Kong).
14. Namoa Island (23°26′26″ N and 117°04′07″ E) at the mouth of the Han River adjacent to Swatow was infamous for its opium depots and being an important node in the coolie trade for Latin America (see Arnold J. Meagher, 2008).
 In 1950, the island was the scene of a fierce battle between the Nationalists and Communists.
15. Stinkpots were primitive Molotov cocktails. Made of earthen jars, they contained explosives generating noxious vapours. From 1869 these pots were forbidden on trading vessels.
16. In the database of the Chinese Maritime Customs Project, there is no reference to a Danish or Norwegian Petersen or Pedersen, who died in December 1890, being on the lighthouse-keeper’s staff. However, the database is missing an entire year — July 1890–June 1891, which is now being repaired. Dr Robert Bickers from University of Bristol kindly inquired about the missing name in the database. See for example, <<http://www.bristol.ac.uk/Depts/History/Customs/>> (re-accessed in August 2008). Pedersen is mentioned in a contemporary report (quoted in note 12).
17. The crew was composed of eight European engineers and officers and forty-five Chinese and Malay seamen.
18. A lithographic reproduction was used in a Dutch publication (W. Meischke-Smith 1895, p. 84), and taken from an undated version in the Dutch newspaper *Nieuwe Rotterdamsche Courant*.
19. For background information on Ordinance No. 2 of 1850 which clashed with the doctrine of *piracy jure gentium*, which meant that any state could try and punish a pirate, regardless of whether injury had been caused to such state or its nationals. See Law Lectures for Practitioners, 1993 in <<http://sunzi1.lib.hku>.

- hk/hkjo/article.jsp?book=14&issue=140015> (re-accessed August 2008). For the place and space of Kowloon, see Sinn.
20. <<http://1914-1918.invisionzone.com/forums/index.php?showtopic=7235&mode=linear>> (accessed December 23, 2006).
 21. See <<http://www.nmm.ac.uk/memorials/>> under M274 (Pocock's tomb) (re-accessed August 2008).
 22. See <<http://www.bris.ac.uk/Depts/History/Customs/>> (re-accessed August 2008).
 23. A more elaborate version of this article is found in the book that Bourgon published in 2008 together with Timothy Brook and Gregory Blue. Though the book is well researched, I still keep my doubts about their interpretation of *lingshi* or any public execution as being completely different from Western practices. The book lacks, in my opinion, anthropological studies in which death, pain and suffering in sinocised cultures are analysed (for example, Watson and Rawski 1988; Sutton 2007; Kleinen 1999; Gustafson 2008). Timothy Brook, however, is familiar with funeral practices (1989).
 24. Bourgon discusses *lingshi* in a series of twelve photographs taken in Beijing in 1908 (and not in Canton/Guanchou), with a stereoscopic Verascope camera by a French traveller (Maignon) and reprinted by Louis Carpeaux in *Pékin qui s'en va*, (Paris: A. Maloine 1913, pp. 188–19. This last known *lingshi* execution on 10 April 1905 is used by Georges Bataille in his *The Tears of Eros*, 1961. For a discussion see <<http://turandot.ish-lyon.cnrs.fr/index.php>> (accessed December 2006).
 25. I do not discuss the punishment of the body as a fundamental method to maintain the body politic in eighteenth-century England, which differs from the Chinese view on family and clan.
 26. His website contains references to articles and books which seem to underwrite this proposition: for example, Mrs. Archibald Little (aka Alicia Bewicke Little), was witness to a *lingshi* execution. Her book title is revealing: *In China, We Are Still in the Middle Age*. First published by London: Fisher Unwin., 1905. (See *Note(s)*: pp. 243–45). Republished in *Gleanings from Fifty Years in China*, London, Sampson Low, Morston and Co., 1910.
 27. In England, the Execution Dock on the Thames was used for seamen, mutineers, or pirates, but it is unclear whether the place was chosen for its liminality or for its nearness to the crime scene. It surely belonged to the architecture of punishment (see in this regard, for example, the excellent work of Gatrell 1996).
 28. The Tyburn Gallows, also known as the Tyburn Tree near Marble Arch, was the main place of execution in England for over 600 years, from 1177 until 1783.
 29. The site was originally occupied by the first Hong Kong Magistracy, erected around 1847 and later demolished to make way for the present building. Current address is 1 Arbuthnot Road, Central (Hong Kong).

30. Highly placed Chinese convicts were also subjected to the same treat by bringing them in secluded cart to the place of execution.
31. See Charles Dickens letter to the Editor of *The Times*, Letters. Nov. 13, 1849. More letters in <http://home.earthlink.net/~bsabatini/Inimitable-Boz/etexts/dickens_on_capital_punishment.html> (re-accessed August 2008). Dickens, Tolstoy, Turgenev, and Victor Hugo wrote about public executions they had witnessed in France. Hugo's writings are collected in : "Victor Hugo contre la peine de mort" <<http://lettres.ac-rouen.fr/francais/dernier/accueil.htm>> (accessed August 2008). The use of the guillotine is eloquently analyzed in Daniel Gerould (1992).
32. Chinese use of the death penalty is a state secret. According to the well informed South China Morning Post, the number of executions carried out on the mainland is likely to be about 8000 a year (28 February 2006).

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