

## ARTICLE

# Freeing Chinese Men on the *María Luz*: Gender and the Latin American Coolie Trade

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## Abstract

This essay analyzes a Japanese court's criminal conviction of a Peruvian shipmaster for abusing Chinese contract workers and the subsequent release of all Chinese passengers except a lone girl. Using the case as a lens onto gender dynamics within the coolie trade to Latin America, I argue that overlapping patriarchal practices made Chinese contract labor overwhelming male and prioritized men in debates over freedom. The *María Luz* trials upheld women's domestic sexual bondage while condemning men's enslavement.

**Keywords:** Latin America; Asia; Coolie Trade; Gender; *María Luz*; Chinese Contract Workers

On 13 July 1872, Mo-hing swam for his life. The Chinese man jumped off the Peruvian ship, the *María Luz*, into the cold waters of Yedo Bay in the Japanese port of Yokohama and paddled with difficulty to a British warship, the *Iron Duke*, where he was pulled aboard half-conscious. Mo-hing beseeched his rescuers for protection and not to be sent back to his Peruvian captors. The *María Luz* cargo included 218 Chinese men, twelve Chinese boys, and a lone eight-year-old Chinese girl called 'María'. All were bound by eight-year indenture contracts to labour in Peru. Mo-hing insisted that he had been kidnapped and forced to sign a contract in the Portuguese colony of Macao near his home in southern China. He had not learned that the *María Luz* was destined for a foreign land until he was locked beneath its hatches. When he protested, he was flogged and placed in iron shackles. Mo-hing had managed to escape only because the 370-ton barque was damaged in a storm and forced to make an emergency stop in Japan for repairs. Some twenty other Chinese men also jumped into Yedo Bay alongside Mo-hing, but they were not so lucky; several drowned and others were dragged back to the ship by crew and beaten. Mo-hing's own luck wavered when the British handed him over to Japanese authorities, who returned him to the *María Luz*. Peruvian shipmaster Ricardo Herrera ordered Mo-hing whipped, put back in irons, and his queue (hair-braid) cut off.

But Mo-hing eventually made it back to China. His leap into the ocean led to a pair of sensational trials before a Japanese court in Yokohama during August and September 1872 about the legitimacy of Chinese indenture contracts and the systemic violence of the so-called 'coolie trade'.<sup>1</sup> In the first trial, the presiding magistrate and acting-governor of Kanagawa prefecture, Oe Taku, found the *María Luz* shipmaster Ricardo Herrera criminally liable for abuse of Chinese

<sup>1</sup>The term 'coolie trade' was used widely in the nineteenth century to refer to the coerced international commerce of indentured contract workers from China and India. Scholars recognize that the word 'coolie' was highly elastic and elaborated colonial racial hierarchies. I use the term 'coolie trade' as debated at the time of the *María Luz* trials. I use the terms 'contract worker' and 'indentured labourer' for the Chinese persons impacted by this commerce. Elsewhere, the term 'coolie' appears only as used by historical actors.

passengers and depriving men of their liberty while in Japanese waters. The verdict carried a sentence of 100 lashes or 100 days imprisonment. Although Herrera was ultimately spared punishment by judicial pardon, his real penalty was the loss of his Chinese cargo. The court ordered the Chinese passengers brought ashore and placed under Japanese protection. When the Peruvian shipmaster sued to get them back, Ōe Taku ruled in a second trial that Japan had no legal obligation to force Chinese subjects to re-board the *María Luz* and continue the voyage to Peru. He dismissed Herrera's argument that the Chinese contracts were valid under Japanese law because they were similar to Japanese contracts for prostitutes. The court held that Chinese contract labour originating in Macao was effectively slavery and therefore 'contrary to Japanese law and the laws of humanity'. In late September 1872, a Qing official arrived from Shanghai to escort the men and boys from the *María Luz* back to China. But the little girl María was left with Herrera. Described as 'contracted for the captain's personal use', she alone accompanied the shipmaster when he departed for Peru.

Throughout the early 1870s, news about the *María Luz* trials circulated across the globe and highlighted the centrality of Latin America to a brutal traffic that carried over a quarter million Chinese contract labourers across the Pacific ocean to replace enslaved Africans. The *María Luz* trials brought Peruvian citizens and Chinese subjects into a Japanese court under the newly established Meiji government that embraced capitalist modernization and strategic engagement with Europe. Japanese authorities used liberal frameworks to challenge Western imperialism and to justify their own imperial projects.<sup>2</sup> During the *María Luz* trials, Japan asserted leadership within the comity of nations by emancipating Chinese 'slaves' from Latin American men and defending universal rights. The case involved multiple world powers. In particular, the British consulate in Yokohama closely advised the Japanese court, and British lawyers represented both Ricardo Herrera and the Chinese workers. Imperial Russia later upheld the Japanese rulings in an arbitration of complaints brought by the Republic of Peru. Formally, Ōe Taku judged only the narrow issues of Peruvian conduct in Japanese waters and Japan's obligation to enforce foreign contracts. But everyone understood that what was on trial was the coolie trade itself.

Scholars have recognized the *María Luz* affair as a touchstone for nineteenth-century liberal debates about freedom and sovereignty. Liberalism constituted a global terrain of struggle about the rights of individuals, national polities, and commercial enterprise to operate without coercion. Slavery and its abolition were central to these arguments. Champions of free commerce insisted on the free movement of labour within consensual contracts. European powers and the United States cast themselves as uniquely endowed to impose liberty on others. But Latin American republics were also founded on Enlightenment principles and fiercely defended liberal tenets on their own terms. Japan and China engaged liberal frameworks to contest imperialism and reconfigure politics at home. As Daniel Botsman has argued, the *María Luz* trials showcased Japan's contributions to the 'global emancipation moment'. Japanese arguments that Chinese contract labour was slavery became the basis for the Meiji government's subsequent abolition of indentured prostitution and emancipation of outcastes.<sup>3</sup> Historians of China emphasize how the *María Luz* affair emboldened Qing opposition to the coolie trade and defence of Chinese subjects abroad. As Robert Irick and others have established, Qing authorities redeployed liberal concepts of rights and sovereignty to insist on Chinese oversight of Chinese workers. Immediately following the

<sup>2</sup>An especially fine discussion of Japan's interest in Western paradigms for empire-building is Sidney Xu Lu, *The Making of Japanese Settler Colonialism: Malthusianism and Trans-Pacific Migration, 1868-1961* (Cambridge: Cambridge University Press, 2019).

<sup>3</sup>Daniel V. Botsman, 'Freedom without Slavery? "Coolies", Prostitutes, and Outcastes in Meiji Japan's "Emancipation Moment"', *American Historical Review* 116, no. 5 (December 2011): 1323-47. Also see Douglas Howland, 'The María Luz Incident: Personal Rights and International Justice for Chinese Coolies and Japanese Prostitutes', in *Gender and the Law in the Japanese Imperium*, ed. Susan L. Burns and Barbara Brooks (Honolulu: University of Hawaii Press, 2014), 21-47, and Igor R. Saveliev, 'Rescuing the Prisoners of the *María Luz*: The Meiji Government and the Coolie Trade, 1868-1875', in *Turning Points in Japanese History*, ed. Bert Edstrom (London: Routledge, 2002), 81-93.

*María Luz* trials, China sent special envoys to inspect Chinese labour conditions in Peru and Cuba and opened its first consulates in Latin America.<sup>4</sup> Scholars of Latin America stress that the *María Luz* affair galvanized international pressure on Portugal to close Chinese contract labour operations in Macao in 1874. This strengthened support within Latin America for free wage labour but also expanded forms of debt peonage.<sup>5</sup>

This essay revisits the *María Luz* case to centre Latin American participation in the coolie trade and to illuminate the gendered logics that made Chinese contract labour overwhelmingly male. Most studies of the *María Luz* affair say little about Latin Americans as historical agents and do not use Peruvian sources. Nor have most scholars acknowledged that Latin Americans debated Chinese contract labour in liberal terms, alternately defending it as ‘free and voluntary’ or condemning it as ‘a threat to liberty’.<sup>6</sup> More often, scholars invoke ‘Latin America’ as a grim destination lying vaguely outside Western norms. Scholarship on the *María Luz* affair also has said surprisingly little about the Chinese workers aboard ship. Despite extensive testimonies given by Chinese men during the trials, the focus on Japanese history and international relations unwittingly has obscured the people whose lives were most at stake.

More fundamentally for my purposes, scholarship on the *María Luz* affair has not explained why the ship’s human cargo was almost entirely men and boys, or why the lone girl, María, was never rescued. This omission mirrors the relative silence about gender in scholarship on Chinese contract labour as whole. Historians routinely note that men constituted over 98% of Chinese indentured labourers in Latin America and the Caribbean. But few explain why, or how that mattered, in any depth.<sup>7</sup> Scholars of the coolie trade mostly skim the insights of feminist historians. There is an abundant literature on gender in late imperial China, and historians of Chinese migration to the United States have noted how the importance of women’s labour to local economies kept women in China.<sup>8</sup> Nonetheless, gender has not been a primary category of analysis for Chinese contract labour in Latin America and its far more coercive regimes. Feminist scholarship is more robust in studies of the Indian coolie trade.<sup>9</sup> But most work on Chinese contract labour assumes that we already know why the workers were men.

I ask how overlapping patriarchal practices and gender ideals shaped the international traffic in Chinese contract workers and prioritized men in debates over freedom. Lisa Lowe has recently observed that the ‘absent Chinese woman’ produced the racialized meaning of the ‘coolie’ because Chinese men’s presumed lack of appropriate ties to women signified degradation.<sup>10</sup> This invites us to see gender as foundational to global histories of Chinese contract labour. Debates about

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<sup>4</sup>Robert L. Irick, *Ch’ing Policy Toward the Coolie Trade, 1847-1878* (Taipei: Chinese Materials Center, 1982); also Ching-Hwang Yen, *Coolies and Mandarins* (Singapore: Singapore University Press, 1985). For a broader discussion of Chinese strategic uses of liberalism, see James Hevia, *English Lessons: The Pedagogy of Imperialism in Nineteenth-Century China* (Durham: Duke University Press, 2003).

<sup>5</sup>The most extensive discussion of the *María Luz* affair by a Latin America scholar remains Watt Stewart, *Chinese Bondage in Peru: A History of the Chinese Coolie in Peru, 1849-1874* (Durham: Duke University Press, 1951). On labour arrangements after 1874, see Michael J. González, *Plantation Agriculture and Social Control in Northern Peru, 1875-1933* (Austin: University of Texas Press, 1985).

<sup>6</sup>On Peruvian legal debates over Chinese contract labour, see Felix Cipriano C. Zegarra, *La condición jurídica de los extranjeros en el Perú* (Santiago de Chile: Imprensa de la Libertad, 1872), 103-40.

<sup>7</sup>Arnold J. Meagher, *The Coolie Trade: The Traffic in Chinese Laborers to Latin America 1847-1874* (Philadelphia: Xlibris Corporation, 2008), 91.

<sup>8</sup>Judy Yung, *Unbound Feet: A Social History of Chinese Women in San Francisco* (Berkeley: University of California Press, 1995); Sucheta. Mazumdar, ‘What Happened to the Women? Chinese and Indian Male Migration to the United States in Global Perspective’, *Asian/Pacific Islander American Women: A Historical Anthology*, ed. Shirley Hune and Gail M. Nomura (New York: New York University Press, 2003), 58-76; Elizabeth Sinn, *Pacific Crossing: California Gold, Chinese Migration and the Making of Hong Kong* (Hong Kong: Hong Kong University Press, 2013).

<sup>9</sup>On nested forms of patriarchy within India and the British Caribbean, see Gaiutra Bahadur, *Coolie Woman: The Odyssey of Indenture* (Chicago: University of Chicago Press, 2014).

<sup>10</sup>Lisa Lowe, *The Intimacies of Four Continents* (Durham: Duke University Press, 2015), 34.

coercion and freedom in the Age of Emancipation made very different assumptions about men and women's bodies. These ideas, in turn, built upon and produced gendered and racialized hierarchies of labour.<sup>11</sup> Feminist historians insist that gender analysis is as important for explaining all-male workforces as it is histories of women.<sup>12</sup> The reason that men predominate in any particular kind of work, and the very definition of what constitutes 'work', springs from how gender structures power and inequality. As Ulrike Strasser notes, 'the absence of women is an effect of gender'.<sup>13</sup>

The coolie trade's overwhelmingly male character stemmed from gender divisions of labour in China and the Americas that flowed from male control of female sexuality. Arguments *against* the coolie trade also assumed the appropriateness of women's subordination to men. I argue that the *María Luz* trials upheld women's domestic sexual bondage while condemning men's enslavement. As an abolitionist case, the *María Luz* affair reveals the transimperial liberal logics that centred men in debates about freedom and naturalized women's subordination.<sup>14</sup> During the trials, assumptions about gender and sex played critical roles. Japanese men asserted standing alongside British men by condemning Peruvian men's treatment of Chinese men. Arguments against Chinese contract labour were framed as illegitimate assaults on men's bodies and free will. Ricardo Herrera's cutting of Chinese men's queues symbolized his larger crimes against Chinese men and the empires that claimed to protect them. When Herrera argued that the Chinese contracts were similar to Japanese prostitution contracts, the court ruled that women's coercion within Japan was irrelevant to international slavery. Chinese men and boys could not be forced to continue the voyage to Peru. But this logic was not applied to the girl María.

This essay contributes to global histories that connect Latin America and Asia. Pioneering social historians have long recognized the importance of Chinese labour to Latin American capitalism.<sup>15</sup> More recently, a multitude of fine studies on Chinese and Japanese communities in Mexico, Cuba, and Brazil have illuminated the importance of Asians to debates over race and nation, and challenged area studies paradigms that long considered Asians insignificant to Latin America.<sup>16</sup> Transnational histories of Chinese labour migration underscore continuities across world regions and refute stark dichotomies between a 'free' North America and 'despotic' Latin American South.<sup>17</sup> Framings of Latin America as part of a 'Pacific world' stress Latin American

<sup>11</sup>Pamela Scully and Diana Paton, eds. *Gender and Slave Emancipation in the Atlantic World* (Durham: Duke University Press, 2005).

<sup>12</sup>Alice Kessler-Harris, *Gendering Labor History* (Urbana: University of Illinois Press, 2007).

<sup>13</sup>Ulrike Strasser, *Missionary Men in the Early Modern World: German Jesuits and Pacific Journeys* (Amsterdam: Amsterdam University Press, 2020), 25-6.

<sup>14</sup>Kristin L. Hoganson and Jay Sexton, eds., *Crossing Empires: Taking US History into Transimperial Terrain* (Durham: Duke University Press, 2020).

<sup>15</sup>See especially Evelyn Hu-DeHart, 'Coolies, Shopkeepers, Pioneers: The Chinese of Mexico and Peru (1849-1930)', *Amerasia* 15, no. 2 (1989): 91-116, and 'Chinese Contract Labor in the Wake of the Abolition of Slavery in the Americas: A New Form of Slavery or Transition to Free Labor in the Case of Cuba?', *Amerasia* 45, no. 1 (2019): 6-26; also Stewart, *Chinese Bondage in Peru*; Humberto Rodríguez Pastor, *Hijos del Celeste Imperio en Perú* (Lima: SUR Casa de Estudios del Socialismo, 1989); Juan Pérez de la Riva, *Los culies chinos en Cuba (1847-1880): Contribución al estudio de la inmigración contratada en el Caribe* (Havana: Editorial de Ciencias Sociales, 2000); Walton Look Lai, *Indentured Labor, Caribbean Sugar: Chinese and Indian Migrants to the British West Indies, 1838-1918* (Baltimore: Johns Hopkins University Press, 1993).

<sup>16</sup>Examples include Lisa Yun, *The Coolie Speaks: Chinese Indentured Laborers and African Slaves in Cuba* (Philadelphia: Temple University Press, 2008); Kathleen López, *Chinese Cubans: A Transnational History* (Chapel Hill: University of North Carolina, 2013); Jason Oliver Chang, *Chino: Anti-Chinese Racism in Mexico, 1880-1940* (Urbana: University of Illinois Press, 2017); Fredy Gonzalez, *Paisanos Chinos: Transpacific Politics among Chinese Immigrants in Mexico* (Berkeley: University of California Press, 2017).

<sup>17</sup>Elliott Young, *Alien Nation: Chinese Migration in the Americas from the Coolie Era Through World War II* (Chapel Hill: University of North Carolina Press, 2014); Adam McKeown, *Chinese Migrant Networks and Cultural Change* (Chicago: University of Chicago Press, 2001); Benjamin Narváez, 'Abolition, Chinese Indentured Labor, and the State: Cuba, Peru, and the United States during the Mid Nineteenth Century', *Americas* 76, no. 1 (2019): 5-40; Mae Ngai, *The Chinese Question: The Gold Rushes and Global Politics* (New York: Norton, 2021).

impacts on Asia.<sup>18</sup> Scholarship on Japanese empire highlights how imperial strategy entwined with Latin American nation-building and land colonization. Sidney Xu Lu's discussion of Japanese women as agents of empire underscores the centrality of patriarchal families to such projects.<sup>19</sup>

This essay spotlights Japanese adjudication of Peruvian uses of Chinese labour beyond the borders of China and the dramatically different outcomes for male and female bodies. I draw on the extensive Peruvian records of the *María Luz* trials collected by Peru's special Legation to Japan and China in the 1870s.<sup>20</sup> I also draw on British diplomatic records<sup>21</sup> and use the Japanese court proceedings of the *María Luz* trials, as originally published in English in 1874 by the Kanagawa prefecture and Japanese Foreign Minister, Soejima Taneomi.<sup>22</sup> A majority of testimony and legal arguments for the *María Luz* trials were conducted in English, reflecting the fact that all sides were represented by British barristers. As a scholar of Latin America, I lack Japanese language skills and could not use additional Japanese documentation. While this is a limitation, thankfully I could rely on comparative assessments of sources in Japanese and English made by scholars of Japan.<sup>23</sup> I consulted Chinese sources with help from research assistants.<sup>24</sup> My primary interest in the *María Luz* affair is not its meanings in Japan, which have been discussed by others. Instead, I use the case as a lens onto the gendered logics of the coolie trade to Latin America. To this, I bring a close consultation of Peruvian sources and other Spanish-language materials, a priority on gender analysis, and a broad reading of the interface between social histories of Asia and Latin America.

### Trafficking Chinese labour to Latin America

Peruvian shipmaster Ricardo Herrera was indignant that Japanese authorities would suddenly equate Chinese contract labour with slavery. During the *María Luz* trials, the captain pointed out that ships from Peru as well as many other nations had been transporting Chinese contract workers to Latin America for decades and making stops in Japan without incident. Indeed, between 1849 and 1870, the Peruvian port of Callao recorded some 52,000 Chinese disembarking from ships registered to nineteen different countries. By 1874, a total of 127,000 Chinese had left China for Peru and another 141,000 had gone to Cuba. Small numbers of Chinese contract workers ended up in other Latin American countries. French ships dominated the trade, but Peruvian ships were the second most numerous and participated in the trade the longest.<sup>25</sup>

<sup>18</sup>Gregory T. Cushman, *Guano and the Opening of the Pacific World: A Global Ecological History* (Cambridge: Cambridge University Press, 2013); Pedro Jacobelli and Sidney Xu Lu, *The Japanese Empire and Latin America* (Honolulu: University of Hawai'i Press, 2023).

<sup>19</sup>Sidney Xu Lu, 'Good Women for Empire: Educating Overseas Female Emigrants in Imperial Japan, 1900–45', *Journal of Global History* 8, no. 3 (2013): 436–60.

<sup>20</sup>Peruvian Foreign Ministry records include: *María Luz-Legación del Perú en Japón y China* (hereafter, LPJC), boxes 208–09 (1872); 216 (1873); 232–33 (1875), Archivo del Ministerio de Relaciones Exteriores del Perú, Lima (hereafter MREP).

<sup>21</sup>British records include the substantial Foreign Office (FO) folder 'María Luz', FO 84/1442, National Archives Public Record Office, United Kingdom.

<sup>22</sup>Soyeshima Taneomi, *The Peruvian Barque Maria Luz: A Short Account of the Cases Tried in the Kanagawa Kencho, by Special Instructions of H.E. Soyeshima Taneomi, Before Oe Taku, Ken Gon No Kami, Assisted by G.W. Hill, between the Captain of the Maria Luz and the Chinese Passengers Brought by Her from Macao, China* (Yokohama: Kanagawa Kencho, 1874). Translations of Japanese rulings and Chinese testimonies were arranged by G.W. Hill, an American lawyer and advisor to the Japanese court. Spellings for names vary across documents. For continuity, I use the Romanized Japanese and Chinese spellings provided by the Kanagawa and Spanish spellings from the Peruvian Foreign Ministry.

<sup>23</sup>Botsman relies on the English language summary of the trials published by Soyeshima Taneomi as well as the Japanese-language government account, Gaimusho chōsabu, *Dai Nijon gaikō bunsho*, 5: 412–540; see Botsman, 'Freedom without Slavery', 1330.

<sup>24</sup>Chinese sources are far fewer, since the Qing government did not have a legation in Japan and was not involved in the trials. The papers of Viceroy Li Hongzhang include several letters on the aftermath of *María Luz* affair; see Gu Tinglong and Dai Yi eds., *Li hong zhang quan ji* (Complete Works of Li Hongzhang) (Taipei: Anhui Education Press, 2008), 1568–90. I thank scholars Wu Yuxiu, Deng Hongqin, and Ma Weiquiang for research assistance and Chinese language translations.

<sup>25</sup>Meagher, *The Coolie Trade*, 148, 222, 243, 372–405.

During the *María Luz* affair, Peruvians bristled at the hypocrisy of British support for Japanese rulings that Chinese contract labour was illegal. Great Britain had started the coolie trade, first in colonial India, and then Hong Kong and Chinese treaty ports following the British-led Opium Wars (1839-41 and 1856-60). British advocates of Asian contract labour defended it as voluntary labour and a liberal alternative to slavery. They argued that written contracts allowed Asians to freely enter into labour agreements for finite periods and to receive wages; therefore, 'coolies' were not 'slaves'. But if the British justified their own use of Asian workers, they condemned contract labour from Portuguese-controlled Macao. The Macao trade surged in the 1860s after British authorities in Hong Kong were forced to implement tighter controls over Chinese emigration in response to pressure from Qing authorities and British and American abolitionists. By the time the *María Luz* set sail, nearly all Chinese workers bound for Latin America originated in Macao. Portugal had no treaty with China and placed few limits on labour recruitment.

The Macao coolie trade was not more brutal than the original British trade so much as it allowed brutal practices to continue longer, elsewhere. In Macao, labour-recruitment companies were run by Latin Americans, Spaniards, and Portuguese who contracted Chinese labourers on behalf of private labour agents in Peru and Cuba. Labour agents, in turn, sold the contracts, and the Chinese bodies pertaining to those contracts, to plantation owners and other employers.<sup>26</sup> In Macao, Chinese labour recruits were locked in warehouses called 'barracoons' (a term originating in the African slave trade) until they signed their contracts and boarded ships. Official Portuguese regulations required recruits to be examined by colonial authorities to ensure their voluntary consent; written contracts were issued in duplicate copies of Chinese and Spanish or English and purportedly read aloud in each language. The reality was different. During the *María Luz* trials, Edmund Hornby, a British advisor to the Japanese court, submitted a grim eyewitness account of contract signings in Macao. He described Chinese recruits as completely inebriated by opium and alcohol, many with their arms bound behind their backs. Guards 'kicked and punched' the men into a theatre, where 'batches of five to six men at a time' stood before a 'police court'. A uniformed officer read questions in rapid Portuguese, which were not translated into Chinese. Given no chance to respond, the men were driven back to the barracoon and forced to sign papers they could not read.<sup>27</sup>

In China, the coolie trade and its gendered dimensions were fueled by the devastating consequences of foreign intervention and war. The British-led Opium Wars killed tens of thousands of people and abetted disease and famine. Most destructive of all, Western militarism contributed to the massive Chinese civil war known as the Taiping Rebellion that killed a staggering twenty million people or more between 1850 and 1864.<sup>28</sup> Millions of Chinese men were impressed into armies and paramilitary gangs on all sides. Mass death and destruction produced colossal suffering and upended communities in ways that intensified migration and human trafficking.<sup>29</sup> War uprooted both men and women, but gender divisions of labour among refugees and in destitute villages favoured men's recruitment as overseas contract workers. Shipping out to foreign lands allowed men to evade impressment into Qing and Taiping armies and, after the war, to skirt the violence of rival bandit gangs. Crimps working for Peruvian and Spanish companies in

<sup>26</sup>Correspondence respecting the emigration of Chinese coolies to Macao, 1871-72', Nineteenth-Century House of Commons Session Papers, C. 403, XLVII: 667.

<sup>27</sup>Memorandum by Sir Edmund Hornby, Chief Judge of the Supreme Court for China and Japan, 31 August 1872, 'Maria Luz', FO 84/1442, 69-82.

<sup>28</sup>Historians of the coolie trade often mention the Taiping Rebellion as a 'push factor' but seem unaware of the immensity of the destruction. According to Platt and other China historians, mortality estimates range from twenty to fifty million dead; see Stephen R. Platt, *Autumn in the Heavenly Kingdom: China, the West, and the Epic Story of the Taiping Civil War* (New York: Alfred A. Knopf, 2012), 358.

<sup>29</sup>In his classic study of the Taiping Rebellion, Jonathan D. Spence provides a devastating portrait of impacts on treaty ports: Spence, *God's Chinese Son: Taiping Heavenly Kingdom of Hong Xiuquan* (New York: Norton, 1996), 303-7; also Platt, *Autumn in the Heavenly Kingdom*, 358-61.

Macao found easy targets among Chinese men who gambled to survive or already owed debts they could not pay. The coolie trade also built on a longer tradition of gendered migration. Despite Qing prohibitions on emigration, Chinese men had long circulated within Southeast Asia as labourers and merchants. As Susan Mann has discussed, the patrilineal organization of Chinese extended families encouraged the mobility of male kin to optimize community survival. Men who held secondary family positions (younger brothers and sons) migrated to find work and sent earnings home.<sup>30</sup>

The forces within China that limited recruitment of women into the coolie trade stemmed from women's subjugation within family systems and the internal demand and traffic in women's sexual labour. As scholars Dorothy Ko and Martin Huang argue, the Qing state promoted ideals of female virtue and masculine honor that emphasized a wife's chastity, ability to reproduce male children, and devotion to husband and in-laws.<sup>31</sup> These ideals were valued across social class and bolstered by local religious traditions. Within peasant communities, women's farming and handicraft labour was tied to a husband's village and kin-group. Even the poorest women were responsible for children, aging relatives, and the maintenance of ancestral shrines. If many men were encouraged or forced to travel to find work, women's labour was more bound to patriarchal households. Additionally, war and massive economic destruction exacerbated an existing marriage crisis. Longstanding practices of female infanticide among the poor and polygamy among the rich created an acute shortage of women eligible for marriage. This made brides expensive and encouraged widespread sales of women and girls. As Matthew Sommer and Joanna Ransmeier have documented, poor families sold female children to richer families for strategic and material survival. Some men sold their own wives or shared them with other men in return for compensation.<sup>32</sup>

A major reason that few Chinese women ended up in the coolie trade to the Americas is that their sexual labour was *already* obligated, bound, or sold within China. Conversely, the men most likely to end up in Peru and Cuba were those too poor to marry. By the 1860s, up to 30% of all men in southern China were unable to afford a wife to form a legitimate family.<sup>33</sup> Inability to marry weakened men's standing within village economies and had cosmic consequences. Failure to beget a legitimate heir, ideally a son, meant failure to meet Confucian filial obligations to care for parents and worship ancestors. Men without wives and legitimate heirs were called 'bare sticks' (*guānggùn*), a signifier of social impotence. They most often migrated outside their communities and survived through banditry and debt-related schemes that made them vulnerable to the coolie trade.<sup>34</sup>

Latin American demand for Chinese contract labour was driven by the expansion of Latin American export industries within global capitalist markets and the simultaneous demise of African slavery. In the mid-nineteenth century, Peru led world exports of fertilizer in the form of guano and nitrate. The Spanish colony of Cuba dominated world exports of sugar. Peru was also a

<sup>30</sup>Susan Mann, 'The Male Bond in Chinese History and Culture', *American Historical Review* 105, no. 5 (December 2000): 1600-14; David Faure, *Emperor and Ancestor: State and Lineage in South China* (Stanford: Stanford University Press, 2007); Qitao Guo, *Huizhou: Local Identity and Mercantile Lineage Culture in Ming China* (Oakland: University of California Press, 2022).

<sup>31</sup>Dorothy Ko, *Cinderella's Sisters: A Revisionist History of Footbinding* (Berkeley: University of California Press, 2005); Martin W. Huang, *Negotiating Masculinities in Late Imperial China* (Honolulu: University of Hawai'i Press, 2006); also Susan Mann, *Precious Records: Women in China's Long Eighteenth Century* (Stanford: Stanford University Press, 1997).

<sup>32</sup>Matthew H. Sommer, *Polyandry and Wife-Selling in Qing Dynasty China: Survival Strategies and Judicial Interventions* (Oakland: University of California Press, 2015); Johanna Ransmeier, *Sold People: Traffickers and Family Life in North China* (Cambridge, MA: Harvard University Press, 2017).

<sup>33</sup>David Ownby, 'Approximations of Chinese Bandits: Perverse Rebels, Romantic Heroes, or Frustrated Bachelors?', in *Chinese Femininities, Chinese Masculinities: A Reader*, ed. Susan Brownell and Jeff N. Wasserstrom (Berkeley: University of California Press, 2002), 241-3.

<sup>34</sup>Thomas Buoye, 'Bare Sticks and Naked Pity: Rhetoric and Representation in Qing Dynasty (1644-1911)', *Crime, History and Societies* 18, no. 2 (2015): 27-47.

major producer of sugar and filled world demand for cotton during the US Civil War. The vast majority of Chinese contract labourers in both Peru and Cuba worked on plantations (80-90%). Small numbers laboured in domestic service and petty manufacturing; in Peru, as many as 10,000 Chinese worked in guano mines.<sup>35</sup> But by far the most important destination for Chinese contract labour was plantation agriculture in regions long reliant on enslaved Africans.

Demand for Chinese contract labour in Peru and Cuba was overwhelmingly for adult male plantation workers. All 218 Chinese men aboard the *María Luz* were contracted to a single labour agent who supplied workers to sugar plantations on Peru's northern coast. By contrast, eight-year-old María and the twelve Chinese boys (ages nine to eleven) were contracted for domestic service to Ricardo Herrera. This paralleled gender and generational proportions across the coolie trade. It was not that Peruvians or Spanish Cubans saw women as inappropriate for plantation labour. Enslaved African women and Indigenous women had long worked on plantations. Peru's immigration law specifically supported recruitment of Chinese of 'either sex'. Spanish colonial authorities in Cuba tried unsuccessfully to mandate minimum numbers of Chinese women for each coolie ship. In both places, authorities worried that all-male Chinese workforces encouraged violence and homosexuality, which the presence of Chinese women would mitigate. However, the temporary nature of Chinese contract labour pressured against any serious effort to recruit Chinese women on par with men. Unlike European immigrants, Chinese contract labourers were not meant to be permanent settlers with families. Unlike enslaved Africans, Chinese contract labourers were not intended to reproduce a permanent coerced workforce. As feminist historians emphasize, black women's enslavement was driven by their sexual reproductive labour for plantation systems.<sup>36</sup> This was mostly absent in Chinese plantation labour. Chinese men were envisioned as temporary, expendable labour that could be intensively exploited for a finite period and then returned to China when no longer useful.

Chinese contract labour gave Latin American employers near total control over Chinese persons. Despite language about free will, written contracts issued in Macao specified that the Chinese labourer was at the disposal of the contract-holder and could not break the agreement under any condition. Moreover, the labour agent or employer who held the contract was entitled to sell or otherwise transfer the contract, and therefore the Chinese person bound by it, to a third party without consent by the worker. During the *María Luz trials*, the contract for an adult man identified as 'Li Chiong, a native of Hoc Sang district, China, 22 years of age, and by calling a coolie', was submitted into evidence. It opened with the boilerplate language:

I, Li Chiong solemnly declare to have by this contract of my own free will and accord agreed with Sor. N. Tanco Armero [in Macao] to betake myself on board the vessel 'Maria Luz', to be conveyed to Peru, and bind myself immediately on my arrival to place myself at the disposal of the said Sor: [Emilio Althaus in Lima] and to serve either in the capacity of husbandman, gardener, shepherd, servant or general laborer during a term of eight years to commence from the day I begin such service; and during which term I am to work in the fields, clear lands, work in gardens, tend flocks, or in short to perform any other kind of work which I may be required to do...<sup>37</sup>

The contract prohibited Li Chiong from working for himself or leaving his employer's property without written permission. The contract's final language reiterated that Li Chiong was bound by these terms to any person who later purchased, inherited, or legally claimed the contract: 'I bind myself no matter what may happen to adhere to each and every one of the above laid down

<sup>35</sup>Stewart, *Chinese Bondage in Peru*, 87-9; Meagher, *The Coolie Trade*, 217-25.

<sup>36</sup>Jennifer L. Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia: University of Pennsylvania Press, 2004).

<sup>37</sup>Contract of Li Chiong; see Taneomi, *The Peruvian Barque Maria Luz*, 45-8.



clauses, not only as regards Don Emilio Althaus, his heirs, assigns attorneys or agents, but also with all persons to whom this contract may be transferred.'

The situation of the girl María and the twelve boys was different. The children's contracts bound them exclusively to Ricardo Herrera for domestic service and prohibited their transfer to third parties. María's contract was never submitted to the Japanese court but was likely similar to that of a boy named Sio-iam, which was entered into evidence. The contract specified that the child was bound for eight years, during which 'the minor shall only be employed as a house servant to Sr. Herrera and this contract shall not be transferred to anybody else'.<sup>38</sup> Herrera would pay a \$4 monthly wage, provide basic living needs, and ensure that the child 'received a moral and religious education'. The mandate for (Christian) religious instruction was unique to the children's contracts. It underscored Herrera's role as legal guardian for the minors as well as the intimate familial nature of their service. The children's contracts specified that the children would live in Herrera's house and were bound *only* to him. The contracts left the nature of personal service unspecified. The language was brief and, unlike that for adult men, did not list tasks the children might be expected to perform. Nor was any domestic labour expressly prohibited.

The scant documentation on Chinese female and child contract workers indicates that sexual labour, if not commercial prostitution, was integral to their exploitation as servants. The traffic in Chinese girls was a regular feature of the coolie trade.<sup>39</sup> One of the first mentions of Chinese women in nineteenth-century Latin America was a 1847 Havana newspaper advertisement that replicated conventions advertising enslaved black women: 'For sale: A Chinese girl with two daughters, one of 12-13 years and the other of 5-6, useful for whatever you may desire. Also one mule.'<sup>40</sup> In 1855, the British ship *Inglewood* was accused of carrying forty-four Chinese boys and girls contracted in Macau for 'illicit purposes' in Cuba. A Chilean ship carrying 300 Chinese girls en route to Cuba was lost at sea, pointing to a more sizeable trade in women.<sup>41</sup> In 1866, contracts for two Chinese girls in Peru sold for \$800 each, over twice the price of contracts for adult Chinese men; this strongly suggests the girls' long-term commercial value as prostitutes.<sup>42</sup> Sexual exploitation extended to Chinese males as well as females and bolstered ideas about Chinese racial inferiority. Latin American notions of male honour emphasized men's responsibility for guarding women's sexuality within patriarchal families. In Peru, Chinese contract workers' presumed lack of family was a constant theme in portraits of Chinese racial degeneracy.<sup>43</sup>

The traffic in children from China to Latin America built on existing gender practices in both places. In Peru and Cuba, commodified child labour and sexual exploitation were integral to African slavery and the use of Indigenous labour. The Catholic Church had long facilitated domestic placements of abandoned and illegitimate children as fictive step-children (*criados*) who worked as servants for the receiving family and were frequently coerced into sex.<sup>44</sup> In Qing China, sales of male and female children for domestic service, adoption, and concubinage were common strategies of family survival and calculated benefit for offspring. These transactions often involved written contracts that bound children to other families until adulthood.<sup>45</sup> Sold girls often ended up

<sup>38</sup>Contract of Sio-iam; see Taneomi, *The Peruvian Barque Maria Luz*, 48-9.

<sup>39</sup>Mónica Ginés-Blasi, 'The International Trafficking of Chinese Children and its Conflicting Legalities in Mid-Nineteenth Century Treaty-Port China', *Slavery and Abolition* 44, no. 1 (2023): 157-80; also Julia Martínez, 'A Female Slaving Zone? Historical Constructions of the Traffic in Asian Women', in *Slaving Zones: Cultural Identities, Ideologies, and Institutions in the Evolution of Global Slavery*, ed. J. Fynn-Paul and D. A. Pargas (Leiden: Brill, 2018), 309-345.

<sup>40</sup>*Diario de la Habana*, 12 June 1847, 1.

<sup>41</sup>*Hobart Courier*, 27 May 1859, 2.

<sup>42</sup>*The Hong Kong Mercury and Shipping Gazette*, 24 July 1866.

<sup>43</sup>Juan de Arona, *La Inmigración en el Perú* (Lima: Imprenta del Universo, 1881), 40-54; Zegarra, *La condición jurídica de los extranjeros en el Perú*, 131-40.

<sup>44</sup>Nara B. Milanich, *Children of Fate: Childhood, Class, and the State in Chile, 1850-1930* (Durham: Duke University Press, 2009).

<sup>45</sup>Ransmeier, *Sold People*. On the widespread use of written contracts in Qing China, see Madeleine Zelin, J.K. Ocko, and R. Gardella, eds., *Contract and Property in Early Modern China* (Stanford: Stanford University Press, 2004).

in long-term sexual labour. In southern China, the Cantonese term for indentured servant girl, *mui tsai* (little sister) also designated brothel workers.<sup>46</sup>

Herrera ran a regular business selling Chinese children. During the *María Luz* trials, he told the court that he had paid \$40 to \$70 to each of the thirteen minors' mothers or guardians. In his defence, Herrera emphasized that he had brought similar batches of children to Peru on prior voyages. The captain surely intended to sell some or all of boys as servants to third parties, notwithstanding contractual clauses against it. He may have had sexual uses for the boys as well. But his intentions for the girl *María* were most evident. When asked by the Japanese court why he needed so many child servants, Herrera noted vaguely that his family had 'many houses' where the boys could work. *María*, by contrast, would live with him and his brothers, his 'only family', none of whom had wives or children. In short, *María* was bound for a household of adult men.<sup>47</sup> The unique sexual and domestic intimacy of *María*'s relationship to Herrera was underscored by the fact that she traveled in his private cabin and apparently was the only Chinese child given a Spanish name. That *María* shared a name with the captain's ship further emphasized her master's possession. Herrera cryptically reassured the court that 'no services would be demanded' of the eight-year-old girl 'for a few more years' and that in the meantime she would be taught to sew.<sup>48</sup>

### Queue-Cutting and control of Chinese men

The *María Luz* case called attention to the abuse of Chinese contract labourers *as men* and obscured the exploitation of Chinese women. Graphic descriptions of assaults on Chinese men's bodies and violations of men's freedom were central to both trials in 1872. Details about Chinese men's coercion also dominated the subsequent Russian arbitration of Peru's objections to the Japanese verdicts. Brutal portraits of Macao labour-recruitment operations and violence at sea came under scrutiny. While presiding magistrate Ōe Taku ruled only on actions within Japanese territory, he allowed a much wider body of evidence and gave special weight to Chinese men's testimonies.

One form of bodily harm that received particular attention was the cutting of Chinese men's hair-queues on Herrera's orders. A week after Mo-hing swam to the *Iron Duke* and was returned to the *María Luz*, British *chargé d'affaires* Robert Watson boarded the Peruvian vessel and demanded to see him. When Mo-hing entered the cabin, he was so badly flogged he could barely stand and his queue was gone. The first thing Watson's Chinese interpreter said was, 'They have cut off his tail!'<sup>49</sup> The British consul immediately reported 'this most disgraceful punishment' to Japan's Foreign Minister, Soejima Taneomi, and urged him to investigate. On 7 August, the Kanagawa prefecture sent Hayashi Dōsaburō (Gontenji) to board the *María Luz*, where he found all Chinese passengers locked below the deck and several without queues. The Japanese official reported that many men appeared to have been kidnapped and that when he descended into the hold, 'large numbers of Chinese men surrounded me . . . and with great cries and in the most earnest manner, begged for assistance'.<sup>50</sup> In response, the court ordered all 230 Chinese men and boys under contract brought ashore and placed in Japanese protective custody. Upon examination, a total of twelve men were discovered to be missing their queues.<sup>51</sup>

The Chinese girl *María* was left aboard the ship. At the time, the court offered no explanation for the anomaly. The *Japanese Weekly Mail* noted in its daily coverage of proceedings that *María* lived with Herrera and was contracted for his 'personal use'.<sup>52</sup>

<sup>46</sup>Yung, *Unbound Feet*, 37-8.

<sup>47</sup>Hornby to Granville, 22 September 1872, FO 84/1442, 155-93.

<sup>48</sup>*Japan Weekly Mail*, 17 September 1872, FO 84/1442, 149-52.

<sup>49</sup>Watson to Granville, 3-4 August 1872, FO 84/1442, 18.

<sup>50</sup>Hayashi Gontenji to Sanji Ōe Taku, 8 August 1872, *María Luz-LPCJ*, box 208, file 1.

<sup>51</sup>Watson to Granville, 10 September 1872, FO 84/1442, 91-6.

<sup>52</sup>*Japan Weekly Mail*, 17 September 1872.

Oe Taku later clarified that María was left with Herrera because he was her legal guardian, and when the ship was inspected, she had appeared well-fed and clothed, with no apparent abuse.<sup>53</sup> But the Peruvian was also the legal guardian for the twelve boys, who, like María, were all contracted exclusively to Herrera for ‘personal service’. Nonetheless, Japanese authorities took the boys off the ship. Only the girl servant remained to attend a man accused of abusing Chinese passengers. If the court worried that Herrera might abuse María in the future or confine her against her will, it did not act on those concerns. The omission is significant, especially given British involvement in the trials. Elsewhere, British statesmen criticized the trafficking of Chinese children and the sexual exploitation of girls in particular. British imperial power was often justified in terms of moral obligations to rescue Asian women from despotic Asian men.<sup>54</sup> The exploitation of women had also been a theme within abolitionist campaigns against African slavery.<sup>55</sup> But British lawyers in the *María Luz* trials said little about María. The focus was on Chinese men’s bodies as objects of rescue. The Chinese girl was left to fend for herself.

Chinese queues were complex symbols of Chinese male bodies. The queue hairstyle worn by most men in nineteenth-century China featured a long braid, originating at the crown, with the rest of the head shaved. The queue was mandated for men by Qing law and had been imposed on penalty of death following the Manchu invasion and toppling of the Ming dynasty in the mid-1600s. Although queues had been worn in northern China since ancient times, during the Qing dynasty the queue was a symbol of male subjugation to Manchu rule and subjecthood within the empire. As policy, the mandate to wear queues applied to men across social rank, ethnicity, and region. Scholars Michael Godley and Bret Hinsch have emphasized that by 1800, the queue was standard male custom in China, a badge of masculine respectability and Chinese imperial belonging. To be without a queue was to be publicly marked as a convicted criminal or bandit: a dishonorable man, dangerous and outside Qing law.<sup>56</sup> But queues were always contested. Some Chinese men rejected them precisely because they represented Manchu rule. Taiping rebels were famously called ‘long hairs’ for requiring men to grow out their hair and outlawing the queue as a sign of liberation from foreign (Manchu) domination. Other anti-Qing revolts also involved unorthodox hairstyles. Men in secret societies covertly altered queues as signs of fraternal belonging.<sup>57</sup>

The queue was a flashpoint in debates about the coolie trade from the start. As a signifier of control over Chinese male bodies, the queue operated as a form of gendered biopower akin to that discussed by Jason Oliver Chang.<sup>58</sup> The queue *produced* Chinese men as coerced labourers racialized subjects, and constituted a terrain of struggle between empires and different groups of men. It mediated contests over national sovereignty and competing jurisdictions on land and at sea. The Qing state denounced the cutting of men’s queues on ships bound for the Americas as emblematic of slavery and a grave insult to the Chinese Empire. In 1852, the captain of the *Robert Bowne*, a US ship sailing from Amoy (Xiamen), cut the queues of some 400 contract labourers who later mutinied and killed the captain and several crew. The Qing commissioner in Canton (Guangzhou) ultimately exonerated the accused perpetrators of the uprising on the grounds that

<sup>53</sup>Botsman, ‘Freedom Without Slavery’, 1330n24.

<sup>54</sup>Feminist scholars of British Empire have long noted that campaigns to save Asian women and children were modes of imperial governance; see Philippa Levine, *Prostitution, Race and Politics: Policing Venereal Disease in the British Empire* (London: Routledge, 2003), and David M. Pomfret, “Child Slavery” in British and French Far-Eastern Colonies 1880–1945’, *Past and Present* 201, no. 1 (2008): 175–213.

<sup>55</sup>Kristin Hoganson, ‘Garrisonian Abolitionists and the Rhetoric of Gender, 1850–1860’, *American Quarterly* 45, no. 4 (1993): 558–95.

<sup>56</sup>Michael R. Godley, ‘The End of the Queue: Hair as Symbol in Chinese History’, *East Asian History* 8 (December 1994): 53–72; Bret Hinsch, *Masculinities in Chinese History* (Lanham: Rowman and Littlefield, 2013). Also see Faure, *Emperor and Ancestor*, 167–8.

<sup>57</sup>On rebellion and heterodox hairstyles, see Spence, *God’s Chinese Son*, 201; Platt, *Autumn in the Heavenly Kingdom*, 70.

<sup>58</sup>Jason Oliver Chang, ‘Finding Biopower at Sea’, *American Quarterly* 71, no. 3 (2019): 857–62.

the captain had intended to 'sell Chinese men as pigs' and the cutting of men's queues was a violation of Chinese law.<sup>59</sup> During the *María Luz* trials, there was no Qing consulate in Japan to champion the Chinese men's cause. However, Chinese interpreters for British and Japanese authorities emphasized that the evidence for Herrera's abuse of Chinese passengers was the fact that he had amputated men's queues. A group of Chinese merchants in Yokohama denounced Herrera's treatment of Mo-hing as slander against China and paid for the British lawyer who represented the Chinese men and boys in court.<sup>60</sup>

The queue also mattered to non-Chinese men. In Macao, a shaving tool was one of the few items issued by labour-recruitment companies for Chinese men to carry on ships bound for the Americas. This indicated Western recognition that the queue was central to Chinese men's personhood and therefore needed to be respected within protocols that professed to foster voluntary emigration. In a letter from Yokohama to the British Foreign Minister in London, Robert Watson reminded his superior of the queue's importance: 'The cutting off a Chinaman's pigtail, as Your Lordship is aware, [is] an utter humiliation to a man of that race, being more or less equivalent to degrading a Brahmin from his caste.'<sup>61</sup> The comparison between queues and spiritual purity in India said more about British colonial categories than Chinese meanings. Watson's confidence that queue-cutting meant masculine humiliation drew on Great Britain's recent history with China. During the Opium Wars, British warships hung the queues of Chinese prisoners and dead soldiers from their masts as tokens of British victory over Chinese men.<sup>62</sup> Depictions of Chinese men in the British press and other Western media emphasized queues as signs of Chinese men's effeminacy and backwardness, in contrast to the masculine prowess and rationalism of European and white American men. However, in the context of Western advocacy *against* the coolie trade, critics like Watson underscored the queue as the quintessential essence of Chinese manhood. This confused Qing prescriptions of the queue as a sign of imperial power and men's political loyalty with Western understandings of men's hair as a sign of individual integrity and virility. British and American abolitionists circulated sensational stories about queue-cutting well into the 1870s as examples of the coolie trade's barbarity and the bizarre exoticism of Chinese men who required protection from more able-bodied Western men.<sup>63</sup>

Herrera shared British assumptions that cutting a Chinese man's queue created insult and humiliation in relationship to other Chinese men. This was *why* he had used queue-cutting as a form of punishment and control aboard the *María Luz*. As he told the court, it was his responsibility as shipmaster to maintain order; he had authority to forcibly discipline men who endangered the vessel. He testified that Mo-hing was a particular threat because he twice had attempted to set fire to the *María Luz*: once at sea, after ship first left Macao, and a second time in Yedo Bay, after Japanese authorities returned Mo-hing to Herrera following his escape. Herrera similarly defended his policy of keeping Chinese men locked below deck while in Yedo Bay. As master of a ship transporting workers already contracted to Peruvian employers, it was his job to ensure the Chinese did not violate those contracts by escaping. Moreover, he was only paid for those Chinese who arrived in Peru. He later explained: 'Seeing myself forced to reprimand [Chinese] to avoid imminent catastrophe . . . I had their braids cut off, since it seemed to me that in this way they would calm down and stay aboard the ship and stop trying to flee, because a Chinaman dispossessed of his braid is viewed very badly by his countrymen.'<sup>64</sup>

Japanese authorities disputed Herrera's claim that his authority over Chinese bodies at sea also applied in Japanese waters. Ōe Taku insisted that Chinese passengers in Yedo Bay were under

<sup>59</sup>Irick, *Ch'ing Policy Toward the Coolie Trade*, 32-43.

<sup>60</sup>Hayashi Gontenji to Sanji Ōe Taku, 8 August 1872.

<sup>61</sup>Watson to Granville, 3-4 August 1872, 22-4.

<sup>62</sup>Godley, 'The End of the Queue', 64-7.

<sup>63</sup>Edgar Holden, 'A Chapter in the Coolie Trade', *Harper's New Monthly Magazine* (June 1864): 1-10.

<sup>64</sup>Memoria de Ricardo Herrera, 1873, *María Luz-LPC*, box 216, file 8.

Japanese jurisdiction, whether or not they were on a foreign ship or in transit to a third country. Moreover, Japan recognized Chinese passengers as imperial subjects of China, ‘an empire friendly to Japan’, who were entitled to protection for Chinese customs such as the queue. During later arbitration of the case, Japan’s acting Foreign Minister, Ueno Kagenori, went to lengths to explain the queue’s importance to Peru’s special envoy, Auerelio García y García. Ueno emphasized that queues marked Chinese men’s collective belonging and public standing as imperial subjects of China living in foreign lands. The cutting of queues was therefore a grave insult to both the individual Chinese subject and the Chinese international community. García retorted that Japan’s conviction of Herrera was a grave insult to the Republic of Peru. The Peruvian diplomat argued that entire *María Luz* investigation was illegal since it had ‘begun with the braid cutting’ and ‘braid-cutting’ was not illegal in Japan or Peru, nor, by extension, on Peru’s sovereign ships. García opined that queue-cutting was relatively harmless since most Chinese in Peru, Cuba, and California ‘mimic local custom’ and ‘cut off their own braids’ to wear short hair; the Japanese were unaware of this fact because they never traveled.<sup>65</sup> Ueno Kagenori, who spoke fluent English thanks to studies in London, tartly countered that he well-understood the international landscape. It was García who showed ignorance of Chinese meanings, and Herrera had certainly known what he was doing.

Your Excellency very much underestimates the injury to a Chinaman from the loss of his cue . . . Captain Herrera had made six voyages with Chinese passengers, and he knew that the cutting off the cue is an ignominious punishment in their country and that the want of it is the mark of crime and degradation. Your remark that the amputation of the cue ‘is not an affront’, as very few Chinamen use their tails [outside of China], has probably been what your excellency has seen in Peru. Practices like that of Captain Herrera may explain that fact. But you may easily observe that you meet no Chinaman in Japan destitute of his cue . . . nor, as I am informed, will you find one among the nearly 100,000 Chinamen in the United States, unless he has been outraged by mob violence.<sup>66</sup>

The Japanese minister invoked parallels between Herrera’s actions and vigilante violence against Chinese in the United States. Ueno emphasized that racist attacks, not Chinese proclivity to ‘mimic’, better explained the absence of queues among Chinese men in Peru. He reiterated Ō Taku’s original ruling that Chinese subjects aboard a ship in Japanese territory were protected by Japanese law which recognized the legitimacy of Chinese customs. The issue was not whether queue-cutting was a crime in Japan, but that it was illegal for Herrera to violate the customs of protected foreign subjects in Japanese waters. Moreover, queue-cutting was integral to the Peruvian shipmaster’s illegal confinement of Chinese men against their will. As Herrera admitted, he had cut Mo-hing’s queue to keep him aboard ship.

The link between queue-cutting and forced detention was made most persuasively by Chinese men themselves. During the trials, the court interviewed at least forty Chinese male passengers from the *María Luz*. Their testimonies wove incidents of queue-cutting into broader narratives about the brutality of recruitment in Macao and suffering aboard ship. They did not single it out as a uniquely heinous act. The queue mattered to most Chinese men trafficked as contract labourers, but not always in the same ways it did to the men who advocated their cause. Testimonies by Chinese men made no mention of insults to the Qing Empire or personal humiliation. Instead, they tied queue-cutting to deception, violent beatings, forced labour, and inability to fulfill family commitments. They refused to limit their testimony to experiences ‘in Japanese waters’ and insisted that the entire story of their captivity was relevant. When the court asked Mo-hing why he

<sup>65</sup>Memorandum de la Conferencia en el Gaimsho entre Capitán de Navio Aurelio García y García y Wooyena Kagenori, 19 June 1873, *María Luz-LPCJ*, box 216, file 9.

<sup>66</sup>Wooyena Kagenori to Aurelio García y García, 14 June 1873, *María Luz-LPCJ*, box 216, file 9.

had jumped off the *Maria Luz*, he answered by narrating how he got on the ship in the first place. In Macao, he had been lured to the house of a foreigner on promises of work as a sailor and then held captive until he signed a piece of paper that he did not understand. Only after the *Maria Luz* had set sail did Mo-hing learn that he had been 'sold to Peru'. When he insisted on returning to China, he 'was locked up and very badly treated by the Captain', who ordered him beaten and his queue cut-off. Mo-hing concluded his testimony, 'As I did not wish to die aboard the ship, I jumped into the water.'<sup>67</sup> He emphasized, 'I would rather die than continue to Peru.'<sup>68</sup>

Mo-hing explained the cutting of his queue not as a specific punishment for jumping ship, but as a part of the continuum of being kidnapped, sold, and forced to leave China. Other Chinese men likewise emphasized coercion in Macao. Ah Tuk and Ah Pow, two men who also had their queues cut-off after jumping into Yedo Bay, detailed how they had been tricked in Macao and 'forced' aboard ship, where they were beaten until they signed contracts.<sup>69</sup> Still other testimonies stressed violence and deprivation at sea. Nineteen-year-old Ah Fat, who had been tricked into boarding the *Maria Luz* by two Europeans who promised him a job, was whipped and had his queue cut-off after he stole some rice several weeks into the voyage. He described men locked below deck, moaning from extreme thirst and hunger. Daily rations included just two small servings of rice, a potato or beancake, and a single tin of water. Men who begged for more water were flogged or put in 'handcuffs, with chains attached' and fastened to 'a long bar four or five feet long'.<sup>70</sup> A contract labourer named Ah Kai, who Herrera paid to supervise other Chinese men, broke into sobs as he described his responsibility for tying disgruntled men to the mast and beating them with a rattan. He was himself flogged when he did not hit the men hard enough.<sup>71</sup> Other men testified to how their entrapment threatened filial obligations. Why-e-ya begged the court to send him back to China because he 'had old parents at home who were entirely dependent on him'.<sup>72</sup> A man named Ah Chow told authorities that he cut-off his *own* queue because he 'did not have sufficient to eat, the Captain beat him', and he had never agreed to go to Peru.<sup>73</sup> Ah Chow's symbolic attack on his own body expressed protest as well as despair: it denounced how contract labour forcibly severed him, as a Chinese man, from his community.

Chinese testimonies shared a common narrative about coercion. Many details were so similar that Robert Watson confided to superiors in London that he feared some were invented.<sup>74</sup> Chinese testimonies were shaped by the questions of Japanese authorities and British advisors, who were themselves keen to establish abuse. But the testimonies also reflected Chinese men's agenda to stay off the *Maria Luz*. Only 20 of the 230 men and boys told the court they wished to continue the trip to Peru.<sup>75</sup> Chinese men were quick students of the evolving political dynamic in Yokohama and knew that the courtroom provided opportunity. At least some men would have been aware of the international controversies surrounding the coolie trade and the fact that British authorities occasionally intervened against it. Just the previous year, a British magistrate in Hong Kong had exonerated the Chinese ring-leader of a mutiny that killed the captain and eight crew aboard the *Nouvelle Penelope*, a French ship carrying Chinese to Peru, on grounds that men had the right to oppose enslavement with deadly force. Although other participants in the mutiny were executed in Canton under French pressure, most Chinese aboard the *Nouvelle Penelope* had been freed.<sup>76</sup>

<sup>67</sup>Taneomi, *The Peruvian Barque Maria Luz*, 10.

<sup>68</sup>Wooyena to García y García, 14 June 1873.

<sup>69</sup>*The Japan Herald*, 8-9 August 1872, FO 84/1442, 50.

<sup>70</sup>*The Japan Gazette*, 22 August 1872.

<sup>71</sup>*The Japan Herald*, 8-9 August 1872.

<sup>72</sup>*The Japan Gazette*, 22 August 1872.

<sup>73</sup>*The Japan Herald*, 8-9 August 1872.

<sup>74</sup>Watson to Granville, 10 September 1872.

<sup>75</sup>*The Japan Gazette*, 22 August 1872.

<sup>76</sup>Trick, *Ch'ing Policy Toward the Coolie Trade*, 215-16.

In the *María Luz* case, Chinese men's testimonies had a major impact on Ōe Taku's conviction of Herrera for criminal abuse in the first trial. On 26 August 1872, the acting magistrate ruled that the cutting of Chinese men's queues was central to how the Peruvian shipmaster had deprived Chinese men of their right to leave the *María Luz*:

The charge preferred against the Captain, that he had abused the passengers and restrained them by force from leaving the vessel, is fully sustained: the Master himself admitting many of the acts charged—such as cutting off the tails from three of the Chinese, putting them in confinement, etc. The charge preferred by the great mass of the passengers that they have been forcibly detained on board the ship is sustained by the testimony of each.

In the ruling, Ōe Taku addressed only Herrera's actions in Japanese territory: three cases of queue-cutting and passengers' forced confinement while the *María Luz* was in Yedo Bay. However, the court had allowed evidence from testimonies on conditions in Macao and at sea. The Peruvian government denounced the verdict precisely on those grounds that the court considered events beyond Japan's jurisdiction. Ōe Taku disputed that boundary. In allowing a wider body of evidence, he reiterated the logic of Chinese men's testimonies. Coercion in Macao and queue-cutting and other violence at sea were integral to how Herrera deprived abused Chinese men in Japan.

Ōe Taku emphasized Japan's commitment to defending the customs and rights of Chinese subjects in Japanese territory. The queue signified Chinese men's status as Qing subjects, and Japan guaranteed freedom of movement and Chinese customs within Japanese borders. Herrera's violation of Qing law did not have to take place in China to be a crime in Japan. As Ōe Taku reiterated: 'The Court also further expresses its strong disapprobation of the conduct of the Captain in inflicting these punishments [queue-cutting] upon his passengers and restraining them of their liberty. Those passengers are Chinese subjects, and whilst within this realm are subject to the duties and possessed of the rights and privileges of all other Chinese residents.'<sup>77</sup> The ruling recognized Qing laws governing male bodies as protected customs within Japan. It legitimated the Qing definition of queue-cutting as a crime as well as Qing condemnation of the coolie trade as 'man-stealing'. At the same time, the court positioned the Empire of Japan as guarantor of Qing interests outside China in ways that both appropriated and challenged European logics about the white man's burden to model civilization. In this case, Japanese men protected Chinese men from abusive Peruvian men and upheld universal principles.

### Slavery and prostitution

Female bodies became more of an issue in the second *María Luz* trial, begun on 18 September 1872. Herrera tried unsuccessfully to get Japanese authorities to compel the Chinese men and boys to re-board the *María Luz* and continue the trip to Peru. Hoping to create a precedent that would apply to all 230 Chinese who had disembarked, the shipmaster brought a civil suit for breach of contract against one Chinese adult, named Li Chiong, and one boy, named Sio-iam. Herrera and his legal consul argued that the Chinese had 'freely and voluntarily consented to work in Peru' and accepted advanced wages; hence, they were obliged to fulfill duties to employers. The contracts signed in Macao were legally constituted under Portuguese authority; therefore, Japan should uphold their validity by making the Chinese reembark for Peru. Herrera's British lawyer, Fredrick Dickens, emphasized that indentured labour was recognized as legitimate by all nations except the United States, and that Japan allowed it. He pointed to the example of Japanese female prostitutes and singers who were bound to brothels and tea houses on multi-year contracts. Dickens stressed

<sup>77</sup>Ōe Taku, 'Finding and Recommendation by the Kanagawa Kencho, 26 August 1872', Taneomi, *The Peruvian Barque María Luz*, 22-4.

that the Japanese contracts were ‘more revolting’ than the Chinese contracts because they involved sex and did not require consent. Japanese families could sign over young girls to brothels for eight years or more. The Japanese government recognized this as legitimate and considered the owners of those establishments ‘good citizens’. The lawyer cited a case where a Japanese court upheld a fifteen-year indenture contract for girl sold to a brothel when she was twelve. Given this precedent, how could Japan object to voluntary contracts for Chinese employment in the sovereign nation of Peru?<sup>78</sup>

The Japanese court rejected the argument. On 27 September 1872, Ōe Taku ruled unequivocally that the Empire of Japan did not recognize the validity of the contracts signed in Macao and was not obliged to force *María Luz* passengers to re-board the ship. Japan protected the free will of Chinese subjects to refuse overseas bondage. Ōe emphasized: ‘*It is settled policy of this empire that no labourers or other persons subject to this Government or enjoying its protection shall be taken beyond its jurisdiction against their free and voluntary consent . . . and that a contract entered into for such a purpose will be held wholly and completely void*’ (emphasis original).<sup>79</sup> As legal precedent, the magistrate cited cases of Japanese children and adults sent to Hawai‘i as contract workers and a recent case of a Japanese girl sent to Shanghai. In all instances, Japanese authorities intervened to bring the Japanese subjects home. As Chinese subjects in Japanese territory, the *María Luz* passengers were entitled to similar protection. The court rejected Herrera’s arguments about Japanese brothel contracts as irrelevant. Ōe ruled that the prostitution contracts were a ‘peculiar domestic institution’ that afforded Japanese women legal protection within the Empire, whereas the contracts originating in Macao forced Chinese subjects to labour in a foreign country beyond Japanese protection. The magistrate acknowledged that Japanese prostitution contracts were coercive but held that their *domestic* character made them unapplicable to the international traffic in Chinese contract labour. The Japanese contracts had unique standing; they did not send Japanese women abroad and would not be valid outside Japan. As he elaborated:

A peculiar domestic institution may exist in a state, and to an extent receive its countenance, without any intention of encouraging its establishment abroad or forcing it upon the attention of the world. Even where domestic slavery exists, the import and export of slaves is often strictly prohibited. Such was the case in the United States for a period of above 50 years. The contracts referred to by [Herrera’s] counsel are a strictly domestic institution, and it is not supposed that even were it possible they could in any manner come before a foreign tribunal that they would be regarded as having any force.<sup>80</sup>

Ōe Taku’s comparison of Japanese prostitution to US slavery as a ‘peculiar domestic institution’ was striking. He cited the legal precedent and infamous phrase for the continuance of slavery within the antebellum United States, despite concurrent US laws against the international slave trade. Ōe argued that the coercion of Japanese women was similar: forced prostitution was peculiar to Japan’s domestic affairs and had no bearing on Japan’s more universal commitment to voluntary consent. He parsed the distinction between international and domestic. Women’s sexual bondage *within* Japan was legal and protected. But the Chinese contracts were a form of slavery originating *outside* Japan (Macao) on behalf of another nation (Peru). Japan could not be obligated to participate in the slavery of foreign powers.

Ōe Taku went on to make a brilliant critique of the liberal theory underlying arguments that indenture contracts were voluntary labour. The Japanese magistrate ruled that neither the

<sup>78</sup>The *Japan Weekly Mail*, 18 September 1872, FO 84/1442, 149–52.

<sup>79</sup>Ōe Taku, Ken Gon no Kami, Finding, Kanagawa Kencho, 27 September 1872, Taneomi, *The Peruvian Barque Maria Luz*, 53–4.

<sup>80</sup>Ōe Taku, Finding, 27 September 1872.



existence of a written contract, payment of wages, provision of food and medical care, nor a contract's finite nature made the Chinese signatory anything other than a slave. He pointed out that slaves, too, could earn wages, be freed after a term of service, and were entitled to have masters provide for basic needs:

That the term of [Chinese] service is limited does not change its essential character. It will not be said that those persons are any the less slaves who may be so held under a system of jurisprudence which . . . also provides that all such persons on reaching a certain age— 90 or 50 years—shall be absolutely free. Nor can it be said that the provision for the payment of nominal wages redeems the alleged [Chinese] contract from the character above assigned to it. Wherever the relation of master and slave exists and comes under judicial cognizance and review, very similar obligations are recognized and enforced. . . . none the less certain and binding because implied rather than expressed in writing.<sup>81</sup>

A key component of Ôe Taku's argument that Chinese contract labour was slavery was the provision in the adult men's contracts that contracts were transferrable to third parties: 'I bind myself no matter what may happen . . . not only as regards [current employer], his heirs, assigns attorneys or agents, but also with all persons to whom this contract may be transferred.'<sup>82</sup> According to Ôe, 'the peculiar feature of being *assignable*' made the indenture contract a mechanism for slavery (emphasis original). He clarified:

For the term of years stipulated, the person bound is no longer a person but a chattel, subject to an instrument which may be assigned and transferred to A, B, or C; may descend to the heirs, or be seized by the creditors of him who for the time being may be the custodian.

Ôe dismissed the voluntarism enshrined in the contract's opening language about free will as contradicted by the rest of the document as well as the ample evidence from Chinese testimonies that contracts in Macao were executed through 'fraud, force, and fear'. The court pointed out that the contracts were not even constituted according to Portuguese regulations: many lacked proper signatures, and Chinese subjects clearly had no idea what they said.

Ôe also dismissed Herrera's suit against the boy Sio-iam as baseless, though he acknowledged that the situation of the Chinese children was different than that of the adult men. The minors' contracts forbade transfers to third parties, so the 'the objectional feature of assignability is absent'. The magistrate ruled on narrower grounds that Herrera only had legal standing to sue the Chinese guardian who had originally sold the child in Macao. Since the Chinese boy was now in Japan, he was protected by Japanese law from being sent abroad against his will. Sio-iam was adamant he did not want to go with Herrera to Peru.

No one knows if the girl María wanted to go with Herrera to Peru. She was never asked. She remained in his custody throughout both trials, staying in the captain's quarters and perhaps accompanying him to his Yokohama lodgings.<sup>83</sup> Neither Japanese or British authorities objected. They noted the girl's existence, and the court asked about Herrera's plans for her and the other children. But the court never demanded that Herrera turn María over or even submit her contract to authorities. British advisors to the court did not push the issue. The silence about María's fate is especially meaningful given Ôe's citation of cases involving the rescue of Japanese girls contracted to foreigners elsewhere as a precedent for his refusal to oblige Chinese men and boys to re-board the *María Luz*. The girl María's position was parallel to that of the Japanese girl contracted for

<sup>81</sup>Ôe Taku, Finding, 27 September 1872.

<sup>82</sup>Contract of Li Chiong, Taneomi, *The Peruvian Barque Maria Luz*, 45-8.

<sup>83</sup>*The Japan Gazette*, 8 August 1872.

work in Shanghai. But neither Ōe nor the British lawyer for the Chinese men and boys mentioned the similarity or offered any explanation for why María was not given Japanese protection.

In a narrow sense, Japanese and British complicity in allowing Herrera to keep María stemmed from strategic concerns that the Peruvian could legitimately claim Japanese prostitution contracts as a legal precedent for Japan's obligation to enforce the Chinese contracts. Before the second trial began, Robert Watson warned Japanese Foreign Minister Soejima Taneomi of that danger and recommended the court preempt the possibility by ruling that Herrera had no right to sue because he was not a signatory to the contracts.<sup>84</sup> In the end, Ōe Taku opted for a more sweeping condemnation of Chinese contract labour as slavery. But he did so only by upholding an exception for the 'peculiar domestic institution' of indentured prostitution. The court likely saw it as too risky to press for María's release. While the foreign dimension of María's contract were the same as that of the Chinese boys, the girl's status as Herrera's personal domestic servant, and current or future bonded sex servant, threatened to collapse the very distinction upon which rested the court's argument for the Chinese men and boys. Ōe's ruling never explicitly argued that María's contract was enforceable. But the court's logic and *inaction* on her behalf effectively did.

The betrayal of María stemmed from the distinction between legitimate domestic sexual bondage for women and illegitimate foreign slavery for men. This was not just a tragic legal accident or oversight. The Japanese ruling enacted a liberal commitment to men's freedom based on patriarchal domesticity. Both Japanese and British authorities, as well as men of many other nations involved in the case, assumed the appropriateness of women's sexual and domestic labour for men within the household. The liberal ideal of male citizenship and free labour, emergent in Japan as well as the Americas and Europe, built on corresponding ideals of women's subordination to men within nuclear or extended families. Although María was contracted in a foreign land (Macao) and compelled to labour in a country beyond Japanese jurisdiction (Peru), the court effectively treated her *a priori* relationship to Herrera as a 'peculiar domestic institution' of sexual servitude. The twelve boys were also contracted exclusively to Herrera for personal service, but they were freed. The difference was female sex and its domestic qualities. Everyone in the courtroom understood that María's 'personal service' to Herrera involved sex, or would in the future. While Herrera (or his crew) may have demanded sex from the boys or intended to sell them in Peru for that purpose, the court did not treat the boys' contracts as a 'peculiar domestic institution': only María's.

The casualness with which María was left behind speaks to how natural it came to men of all backgrounds to leave Herrera a female servant. British abolitionists decried the exploitation of Asian girls and women in other arenas. But they did not make a ruckus about María. Even if the reason was a legal calculation, the sacrifice of the girl underscores how patriarchy centred men in liberal debates over freedom and coercion. In fact, patriarchal domesticity was the liberal *remedy* for enslaved and sexually exploited women. Abolitionist movements championed post-emancipation futures where black women would be free to realize true womanhood as wives and mothers.<sup>85</sup> Likewise, the British offered Victorian gender ideals as solutions to child marriage and widow immolation in India.<sup>86</sup>

It is possible that María wanted to stay with Herrera. After all, her family had sold her to the Peruvian. She may have seen little use in returning home, especially if reports of her relatively decent conditions aboard ship were true. But if María voiced that opinion, it was not recorded. In a courtroom drama that emphasized 'free and voluntary consent' of Chinese passengers, María's

<sup>84</sup>Watson to Granville, 10 September 1872, 110-12.

<sup>85</sup>Christine Leveck, *Slavery and Sentiment: The Politics of Feeling in Black Atlantic Antislavery Writing 1770-1850* (Hanover: University of New Hampshire Press, 2009); Elizabeth J. Clapp and Julie Roy Jeffrey, eds., *Women, Dissent and Anti-Slavery in Britain and America, 1790-1865* (Oxford: Oxford University Press, 2011).

<sup>86</sup>Antoinette M. Burton, *Burdens of History: British Feminists, Indian Women, and Imperial Culture, 1865-1915* (Chapel Hill: University of North Carolina Press, 1994).

consent was not considered. Significantly, the court refused to allow the twenty Chinese men who said they wished to continue to Peru to do so. Apparently, men could not consent to bondage. But María's servitude to Herrera was taken for granted.

Ōe Taku approved of patriarchal domesticity not sexual slavery. He called the selling of Japanese girls to brothels on long-term contracts 'repugnant to natural justice' and acknowledged the parallels with chattel slavery. In the immediate aftermath of the *María Luz* trials, the Meiji government abolished multi-year contracts for prostitutes, entertainers, and outcasts. As Daniel Botsman has shown, the Emancipation Edict drew on broader Japanese liberal critiques of forced labour as well as the contradictions of the *María Luz* case.<sup>87</sup> But Japanese liberals and Meiji authorities were not against all prostitution, only forced indentured; and they strongly promoted patriarchal family. Like their European and American counterparts, Japanese men assumed the appropriateness of men determining the labour and sexual uses of female family members and servants. Many men saw commercial prostitution as a complement to family life, rather than a threat. As Susan Burns and Bill Mihalopoulos have argued, Japanese prostitution expanded following the Emancipation Edict and reinforced the Meiji government's codification of marriage that more firmly subordinated wives to husbands. A regulated sex industry was touted as a means to preserve honorable Japanese women and families while meeting the needs of men.<sup>88</sup> For the same reason, prostitution remained legal across much of Europe and the Americas within republican frameworks that tied citizenship to male-headed family.<sup>89</sup>

Japan's Emancipation Edict for Japanese prostitutes came too late to help María. Help from China came too late as well. Two days after the court's final ruling in the *María Luz* case, the Qing magistrate Chen Fok Fow arrived in Yokohama from Shanghai and someone told him about the girl. When Chen wrote Ōe Taku to thank the Japanese government for its help and announced plans to take Chinese subjects home, he insisted her release.<sup>90</sup> Whether Ōe Taku welcomed this demand as an opportunity to rectify María's exclusion or was embarrassed into action, he finally sent someone to fetch the girl from the ship on 5 October. But she was already gone. Herrera had skipped town on an American steamer the day before and had taken María with him.<sup>91</sup> On 15 October 1872, all Chinese men and boys from the *María Luz* were entrusted to Chen Fok Fow and 'gladly accompanied' him on another American steamer that returned to China. According to Chen, the passengers 'all expressed the utmost gratitude for the interest displayed in their welfare'. By January 1873, Herrera was back in Lima. Although there is no record of María's arrival in Peru, she was likely with him or had died at sea.

## Conclusion

The grim fate of the girl María echoes feminist philosopher Carol Pateman's argument that liberal ideals of individual freedom are foundationally masculine and build on sexual contracts that naturalize men's control of women.<sup>92</sup> The liberty of the 230 Chinese men and boys aboard the *María Luz* directly depended on the lone girl's continued subjugation to Ricardo Herrera. Ōe Taku's powerful denunciation of the coolie trade as a form of enslaving men legitimated women's

<sup>87</sup>Botsman, 'Freedom without Slavery?'

<sup>88</sup>Susan Burns, 'Bodies and Borders: Syphilis, Prostitution and the Nation in Japan, 1869-1890', *U.S.-Japan Women's Journal, English Supplement* 15 (1988): 3-30, and Bill Mihalopoulos, *Sex in Japan's Globalization, 1870-1930: Prostitutes, Emigration and Nation-Building* (London: Pickering and Chatto, 2011).

<sup>89</sup>Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class, and the State* (Cambridge: Cambridge University Press, 1982); Paulo Drinot, *The Sexual Question: A History of Prostitution in Peru, 1850s-1950s* (Cambridge: Cambridge University Press, 2020).

<sup>90</sup>Chen Fok Fow to Ōe Taku, 29 September 1872, Taneomi, *The Peruvian Barque Maria Luz*, 63.

<sup>91</sup>Herrera departed Japan on an American mail steamer to Shanghai, and then traveled to Peru; see Taneomi, *The Peruvian Barque Maria Luz*, 65.

<sup>92</sup>Carole Pateman, *The Sexual Contract* (Oxford: Polity Press, 1988).

obligatory sexual servitude to men. Unfree contracts for female labour within domestic relationships were acceptable. Unfree contracts for Chinese men on plantations, and even for Chinese boys in domestic service, were violations of the law of humanity.

Patriarchy centrally shaped the gendered contours of the coolie trade to Latin America as well as challenges to it. This included men's domination of other men within contract. The international traffic in Chinese contract labour overwhelmingly exploited Chinese men and subordinated Chinese men to Latin American and European men. The outcome for Chinese men and boys aboard the *María Luz* was a rare exception. Most Chinese contract workers bound for Peru and Cuba never made it back to China. They suffered extraordinarily high mortality rates and laboured in conditions of extreme violence and deprivation, under the near absolute power of masters. As Ōe Taku recognized, Chinese indenture contracts effectively made men chattel, albeit for a finite period. The liberal fiction that Chinese men freely and voluntarily exchanged their labour to employers undergirded racialized masculinities and hierarchies of bodily control.

The exploitation of Chinese contract workers produced and stemmed from patriarchal logics and divisions of labours operative across Asia and the Americas. Men constituted the vast majority of Chinese contract labourers because Chinese women's social and sexual labour was readily trafficked within China or already obligated within patrilineal households that encouraged men's migration. In the Americas, demand for Chinese contract labour targeted men because Chinese workers on plantations and mines were intended as temporary and expendable alternatives to African slavery. Chinese men's presumed lack of appropriate family marked their racial inferiority and legitimated their intensive exploitation and supposed return to China. They were not meant to be immigrants. To different ends, the more sexualized exploitation of Chinese women and children as indentured servants also flowed from their apparent lack of family and their obligatory insertion into Latin American households, where sex was an integral part of personal service and domestic labour.

Challenges to the coolie trade focused on men's bodies and men's free will, not women's exploitation within domestic service or broader systems of family and household labour. In the *María Luz* trials, outrage over Herrera's cutting of Chinese men's queues telescoped condemnations of the coolie trade's assault on men's presumed right to liberty. The right to freely contract one's labour, to voluntarily consent to move to foreign lands, and to enjoy basic protections as foreign subjects and guarantees as workers, were all framed as masculine concerns. On the international stage, the Empire of Japan asserted leadership alongside Western powers by laying claim to the liberal story of men's freedom and protecting the liberties of Chinese men from coercion by Peruvian men. The story of women's freedom, denied in the case of *María's* domestic sexual servitude, would require a future struggle and a different metric of liberty.