

scope, in the interests of the parties. They do, however, include instances of the establishment of centralised schemes for the purchase of materials, joint sales, and even joint production—a form of organisation which has often originated in the inadequate financial resources of the individual.

It may be said, too, that such arrangements in some respects resemble co-operative societies; this is true if the forms they take are disregarded, and it is remembered only that they represent the attempts of groups of persons with common interests to improve their economic situation by mutual help.

It is a highly characteristic feature of these schemes that they aim at collaboration between rivals on bad terms, belonging to social strata that are opposed to any limitation of their economic independence, and resenting any outside interference in the workroom or the shop. Still more characteristically, these attempts have been prompted neither by propaganda, nor by any conscious action on the part of economic or co-operative bodies. The idea of such collaboration is born of the needs of the moment, and its achievement is spontaneous. Though many of the arrangements have occurred in small towns or villages so backward that there is no question of any attempt to copy existing institutions, both their form and their substance have pronounced common features all over the country.

This spontaneous movement cannot be expected to create organs which will outlast the conditions that called them into being; but it nevertheless prepares the ground for deliberate attempts to adapt such organs to the requirements of legislation and to transform them into stable and permanent institutions, and it is calculated to surmount the obstacles to collaboration on a co-operative basis which are due to the exaggerated individualism of the small trader or producer. And it is in any case clear that every concerted effort in this direction must take account of the existing spontaneous achievements.

The Mui Tsai System in China, Hong Kong, and Malaya

In 1934 Sir George Maxwell, the British member of the League of Nations Advisory Committee of Experts on Slavery, communicated to the British Secretary of State for the Colonies a memorandum on the operation of the *mui tsai* system in China, Hong Kong, and Malaya, in which he suggested, *inter alia*, that the Hong Kong Government should appoint a local committee to consider and report upon a number of questions contained in the memorandum with regard to the *mui tsai* problem in Hong Kong. Following this suggestion the Governor of Hong Kong appointed a committee of two European.

and two Chinese members, which submitted a report in September 1935. The report was published in the Colony as a Government paper and republished afterwards by the home Government as a White Paper in order to make it readily accessible to the public. A summary of it is given below, together with information from other sources referring particularly to the *mui tsai* question in China and Malaya.¹

NATURE AND CAUSES OF THE MUI TSAI SYSTEM

The institution known to European as the *mui tsai* system is a form of female child labour which is found all over China under different names. The term *mui tsai*, which in the Cantonese dialect is equivalent to the words "little sister", is applied to the system in the provinces of Kwantung and Kwangsi and in the British Colony of Hong Kong. Elsewhere, in the provinces of Fukien, Chekiang, Anhwei, and Kiangsu, the term *pei-nu* is used, while in the provinces of Yunnan, Shantung, and Fengtien, the term is *ya-t'ou*. In some places the system is also known colloquially by words which can be translated as "wear clothes, eat rice".

The custom of employing *mui tsai* has grown up in the course of long years of adjustment to social and economic conditions. It owes its existence to the fact that, during periods of famine, floods, and other disasters to which China's rural population is accustomed, parents living in the direst poverty often see no possibility of preserving their children from starvation but by handing them over to other families. A family in better circumstances is often glad to take over a child from poor parents, partly from motives of humanity and partly in order to have the use of her services in the domestic work of the household. The transaction by which the girl is transferred may take various forms, such as a deed of sale, a deed of adoption, or a deed of presentation, but, whatever the form may be, it almost always implies the payment of an indemnity in money by the family taking over the girl to the family handing her over. In the past there was nothing in this sale of children to offend the Chinese mind, since all transfers from one family to another, by marriage or otherwise, took the form of a sale. The present generation of Chinese, however, has so far been won to modern ideas that it finds the selling of children

¹ *Mui Tsai in Hong Kong*. Report of the Committee appointed by His Excellency the Governor Sir Wm. Peel, K.C.M.G., K.B.E. Hong Kong, 1935.

Report submitted to the Council of the League of Nations by the Commission of Enquiry into Traffic in Women and Children in the East, 1933.

Report submitted to the Council of the League of Nations by the Advisory Committee of Experts on Slavery, 1935. (This report contains, *inter alia*, a memorandum dated 2 April 1935 prepared by Sir George MAXWELL with particular reference to the *mui tsai* system in the international settlements of Shanghai and Kulangsu.) Doc. No. C.159, 1935, VI.

Report of the Advisory Committee of Experts on Slavery to the Council of the League of Nations, 1936. Document No. C.189(1).M.145, 1936, VI.

(In subsequent footnotes these are referred to as *Hong Kong Committee Report*, *Report of the Commission of Enquiry*, and *Slavery Committee Report*, 1935 and 1936, respectively.)

abhorrent and rigidly excludes all reference to sale or money on the occasion of marriage or adoption.¹

The nature of the *mui tsai* custom has changed in the course of time. There is no doubt that, under the system as practised in earlier days, the transaction by which a *mui tsai* passed to another home contained an element of "quasi-adoption". The transfer as a rule took place directly between two neighbouring families which were able to maintain intercourse with each other. The *mui tsai* was in a position different from that of an ordinary domestic servant and was supposed to be better treated. Sometimes she was the child-attendant of one of the elder women of the household, and on the whole she was regarded as a member, although a humble member, of the family into which she had been taken. Her parents had a right to visit the house where she lived and see her at any time. She was also under the surveillance of her relatives who would complain if she were not properly treated. The head of the family to which she was transferred was expected to see that she made a suitable marriage. If the girl's parents were in the neighbourhood, they would take part in the wedding ceremonies. After the wedding, the girl would cease to be a *mui tsai*; she would go away and live with her husband, who would be son-in-law to her parents. If, however, her parents were dead or not living in the neighbourhood, she would still go away and live with her husband, but, for family purposes, she would be regarded as a "quasi daughter" of the family in which she had lived and her husband would be regarded as a "quasi son-in-law". During all the years of her service she would have been fed and clothed, but would have received no wages. When regard is had to the different circumstances of the family in which she was born and the family into which she had been taken, it is reasonable to suppose that, in the majority of cases, she would receive better food and better clothing than could be possible in her parents' home.

However, as was already indicated, there has been a change in the nature of the institution, and although the above account of its working in an earlier form still holds good for a number of cases even at the present day, it can no longer be said to be an adequate description of actual practice. In fact, whereas in an earlier social organisation the child in her new family lived not far from her parents, she is now taken to places at a great distance. For this, the growth of towns and cities and the ever-increasing facilities of transport are responsible. As a result of this development the proper treatment of the girl is no longer safeguarded by the propinquity and surveillance of her parents and relatives, so that the door is open to all kinds of abuses. This is made all the worse by the growing up on a very large scale of a class of regular "traffickers" in *mui tsai*. These people obtain children in one place and, travelling great distances by river, road, or railway, transport them to other places. The "adoption" side of the system has lost much of its significance and, whatever the

¹ *Hong Kong Committee Report*, pp. 9 and 32; *Slavery Committee Report*, 1935, p. 108.

past may have been in this respect, at present the transfer of a *mui tsai* is essentially an economic business for the family which acquires the child, for her services are far cheaper than those of a paid domestic servant. The girls are often terribly overworked and sometimes cruelly beaten and maltreated. Moreover, it should be borne in mind that the *mui tsai*, when handed over by her parents, is always of a tender age. Her consent is not required, and even if it were, she would not be able to give it.¹

MALE CHILD LABOUR

The *mui tsai* system—as is apparent from its name—applies only to girls. The question has been asked several times, however, whether it has no equivalent for boys. Referring more particularly to China, Sir George Maxwell states that there is reason to believe that an analogous system under a different name is also in force (but perhaps only to a small extent) in respect of small boys. These boys perform menial services in the household, and are sometimes employed in gangs to perform really heavy work such as carrying firewood, earth, or stones, their masters hiring out their services and receiving the payment for them. However, very little information is available on the subject and the matter requires investigation.²

According to the Committee which investigated the *mui tsai* system in Hong Kong, no corresponding form of male child labour is met with in the Colony. This is attributed to the fact that sons, being indispensable to the Chinese family for purposes of ancestor worship, are sold or given away only in the last resort, whereas girls are parted with more easily since they are bound—or were at any rate bound in the past—to be sold sooner or later in marriage. Moreover, there is no tie by which boys could be held by the purchaser in an inferior position; if they were old enough they would certainly run away. Girls, on the other hand, are prevented from doing so by impediments of a social as well as of a practical nature. Thus, when male children are bought or sold in Hong Kong, it is never as servants, but always in view of their adoption as sons by the head of the family to which they pass. The Committee accordingly holds that the only problem arising out of the sale of boys is the well-known risk of kidnapping for sale as adopted sons.³

THE MUI TSAI SYSTEM AND PROSTITUTION

Considerable difference of opinion seems to exist as to whether the *mui tsai* system is to be regarded as a source of supply for prostitution. In an address given to the British Commonwealth League at its annual conference in 1934, it was said to be common knowledge that *mui tsai* pass several times from hand to hand and in frequent cases, when

¹ *Slavery Committee Report*, 1935, pp. 108-109. It would seem that there are certain resemblances between the *mui tsai* system and the so-called "child adoption" in Ceylon. Cf. *International Labour Review*, Vol. XXXII, No. 6, Dec. 1935, pp. 808-816.

² *Slavery Committee Report*, 1935, p. 109.

³ *Hong Kong Committee Report*, pp. 17-19.

they are old enough, are sold into brothels.¹ On the other hand, official reports, although admitting the existence of traffic for immoral purposes in female children sold by poor families in times of distress, are positive in stating that cases of *mui tsai* who become prostitutes are exceedingly rare. Thus, for instance, the report of the League of Nations Commission of Enquiry into Traffic in Women and Children in the East (1933).² The Hong Kong Committee even observes that the *mui tsai* system appears to protect the girls from prostitution rather than to drive them into it, since a Chinese family, forced by financial difficulties to sacrifice its daughter, will first contemplate her sale as a *mui tsai* or adopted daughter, and only in the last resort sell her for prostitution. In fact, most *mui tsai* contracts require that the child should be properly married and should not be sold as a prostitute.³ Similar conclusions may be drawn from a statement made by Sir George Maxwell with particular reference to Malaya. By the nature of the system, he says, the *mui tsai* is, at the best, a member of the household, and, at the worst, a domestic drudge. As the first she is protected by the family, and as the second she is not sexually attractive.⁴

APPRECIATIONS OF THE MUI TSAI SYSTEM

As was stated above, the *mui tsai* custom is rooted in social and economic conditions and, in its original form, undoubtedly had a really humane side. At the same time, however, it is capable of the most objectionable distortions. Owing to the variety of angles from which it may be regarded, it has always met with widely divergent appreciations, particularly as it has proved extremely difficult to know exactly to what extent it is practised and how far abuses go. At present the *mui tsai* system is felt to be an anachronism and legislation aiming at its gradual suppression is in force in Hong Kong and Malaya as well as in China. It will be convenient to consider first the legislation in Hong Kong together with the amendments proposed to it by the Committee which investigated the problem in that Colony.

MUI TSAI LEGISLATION IN HONG KONG

In Hong Kong the *mui tsai* system has existed from the earliest days and for many years was practised with the full knowledge of the Government and without interference. The Chinese Protectorate officers had the power, which they could freely exercise, to remove any *mui tsai* from her employment if they considered that this was desirable. In 1922 a policy of gradual suppression of the system was decided upon, and as a result the Female Domestic Servants Ordinance, 1923, was enacted.

This law, which is still in force, provided that thenceforth no person might take any *mui tsai* into his employment nor employ any female

¹ *Idem*, p. 35.

² *Report of the Commission of Enquiry*, p. 40.

³ *Hong Kong Committee Report*, pp. 21-22.

⁴ *Idem*, p. 31.

domestic servant under the age of ten years. The latter clause was intended to prevent evasion, since in the case of children under ten it would be very difficult to prove that they were or were not *mui tsai*. Ill-treatment of any *mui tsai* was made punishable by severe penalties of imprisonment and fine, and gross cruelty by imprisonment without the option of a fine. Any *mui tsai* who wished to be restored to the custody of her parents was to be restored to them, without any repayment of money, unless the Chinese Protectorate officials considered that for any reason restoration would not be in the real interest of the child herself. As in the past, the Chinese Protectorate officials could make any order which might appear to them to be desirable for the removal of any *mui tsai* from her place of employment and for future custody, control, and employment. All these provisions of the Ordinance came into operation in 1923. There was also provision in Part III of the law that at some later date, which was to be fixed by proclamation when the time was considered to be ripe for it, all *mui tsai* were to be registered by the Government, to receive wages in accordance with a scale to be fixed by the Government, and to be subject to the inspection and control of Government officials.

There was no further action until 1929, when the Colonial Office instructed the Hong Kong Government to issue the proclamation which would bring Part III of the Ordinance into operation. The Hong Kong Government strongly protested against this instruction, mainly on the following grounds. In the first place it was contended that in view of the incessant daily movement of people in large numbers between Hong Kong and the mainland of China only a few miles away, it was impossible to enforce registration in the Colony until the same was done in China itself. The second argument was that it would be practically impossible to prove that any girl was a *mui tsai*. In the third place it was argued that registration could only be enforced by house-to-house inspection, which would require an army of inspectors with the widest powers of entry and search in private houses; that the drastic powers of these officers would create widespread resentment amongst respectable householders, and that it would be difficult to find officers upon whom such powers could suitably be conferred. The fourth argument was that if any measures taken by the Hong Kong Government with respect to registration led to a large number of *mui tsai* leaving their homes, it would be necessary to incur great expense in building and maintaining "homes", "refuges", and "employment bureaux" for these girls.

In spite of all these objections, however, the Secretary of State for the Colonies insisted upon the proclamation being issued, and Part III of the Female Domestic Servants Ordinance, 1923, was accordingly brought into force as from 1 November 1929. At the same time the Ordinance was amended by the insertion of a provision prohibiting the bringing into the Colony of unregistered *mui tsai* from abroad. Minimum wages were fixed for the *mui tsai* of ten or more years of age and a European inspector and two Chinese lady assistants were appointed to control the observance of the law.¹

¹ *Slavery Committee Report*, 1935, pp. 110, 111.

ENFORCEMENT OF REGISTRATION IN HONG KONG

Since the enforcement of registration, the Governor of Hong Kong submits every six months a report to the Colonial Office showing the progress made in the emancipation of *mui tsai*. According to the statistics in these reports the number of the servants in question decreased from 4,368 on 1 June 1930 to 2,291 on 30 November 1934. Some difference of opinion exists, however, as to how far these figures correspond with the real number of *mui tsai* employed in the Colony. In the memorandum dated 2 April 1935 which he prepared for the second session of the League of Nations Advisory Committee of Experts on Slavery, Sir George Maxwell declares that the experience of Hong Kong has shown beyond doubt that it is possible to maintain an efficient registration system in that city, although on the adjoining mainland of China *mui tsai* continue to be unregistered.¹ In the report of the Hong Kong Committee, on the other hand, it is stated that no accurate figures are available and that for two reasons it is impossible to get them: first, because the law itself is uncertain, and secondly, because the Chinese custom of transferring girls from one family to another leaves no doubt that nothing less than a regular house-to-house inspection would give reliable figures.²

RECOMMENDATIONS OF THE HONG KONG COMMITTEE

The recommendations of the Hong Kong Committee may be summarised as follows:

(1) In the first place the Committee is of opinion that the most urgent need in respect of the *mui tsai* problem is for a full enquiry into the legal, moral, and social problems involved, and into the best method of avoiding the dangers likely to follow a hastening by official action of the changes of thought and custom now taking place. It suggests in this connection that an officer of the Hong Kong Government should be entrusted with the making of a preliminary and complete report of the whole subject from the material available.

(2) In order to eliminate as far as possible the danger of evasion of the law arising from the difficulty of distinguishing between *mui tsai* and adopted daughters³ the Committee, following a suggestion made as early as 1882 and repeated many times since, recommends compulsory registration of all girls, whether sold, given away, or adopted, whose parents have parted with them. Moreover, it suggests that parents should not be allowed to make transfers in Hong Kong without first consulting the Secretary for Chinese Affairs or other official guardian. It is of the opinion that, as a result of the extension of registration, genuine adoption would be encouraged, because adoptive

¹ *Idem*, p. 111.

² *Hong Kong Committee Report*, p. 15.

³ In the report of the League of Nations Commission of Enquiry into Traffic in Women and Children in the East (1933) it is stated that, in view of the absence of civil registration for Chinese in general, employers of *mui tsai* may, without much risk of detection, evade registration by passing not only as adoptive parents but also as natural parents of the girls in question.

parents would then no longer fear prosecution for having unregistered girls under their care.

However, even with the proposed amendment, the Committee remains sceptical as to the possibility of effectually enforcing the law. As has already been indicated, in its opinion no complete registration is possible without a house-to-house enquiry, but such an enquiry, which moreover would have to be repeated at regular intervals, would be neither practicable nor politic. Existing conditions make it doubtful whether any attempt to stop the practice of selling girls could for the present be initiated by the Hong Kong Government with any hope of success. A social revolution of this magnitude is best achieved by indirect methods such as propaganda, improvement of social conditions, child welfare work, etc. In this connection the Committee suggests that the Hong Kong Government should aid the movement towards the equality of Chinese women by every legitimate means; the university, the schools, and the hospitals should be asked to co-operate. In a general way the Committee holds the view that of the two policies pursued by the Government, namely, that of suppressing the *mui tsai* system and that of protecting the children from the undesirable features of the system, the former should be minimised as far as possible since it may result in harm to individual children.

(3) In Sir George Maxwell's memorandum for the British Secretary of State for the Colonies, attention was drawn to the fact that the Female Domestic Servants Ordinance, 1923, contains no provision for the release of children whose parents are dead, unknown, or resident in some place so remote that restoration is an impossibility, and that it also fails to provide for relatives and friends making application on behalf of an orphan. The author of the memorandum suggested that the law should be amended so as to provide that any relative or friend might apply on behalf of a *mui tsai* for an enquiry into the circumstances of her employment and for such relief as might seem to be suitable.

With regard to this the Committee expresses the opinion that the safest and least dangerous way of dealing with the present situation would be to vest the guardianship of *all* children (not excluding boys) sold, given away, or adopted, in an official guardian. This officer should have a wide knowledge of the Chinese language, law, and custom, and in addition the moral qualities of patience and kindness. Since he would stand to the children *in loco parentis*, he should not be entrusted at the same time, as at present, with the execution of a policy of suppression of the *mui tsai* custom by means of criminal proceedings that may adversely affect the children. For the rest, any limitations on his powers and duties, whether legal or political, should be removed. He should, however, be associated with a committee including, if possible, one European and one Chinese lady. He should be able to enforce his rights as guardian in a summary way, either in the Supreme Court or before a magistrate. He would be expected to listen to any reasonable request, information, or suggestion made to him, but no legal obligation to do so should be laid upon him. He should make full and well-classified returns.

(4) Sir George Maxwell also pointed out in his memorandum that the Female Domestic Servants Ordinance, 1923, does not declare the age at which a woman ceases to be a *mui tsai*. In practice this happens when she marries, but if she does not marry, she may apparently continue to be a *mui tsai* for an indefinite period, although under section 11 of the Ordinance she can apply to the Secretary for Chinese Affairs who can make an order on her behalf. Unlike the Hong Kong law, the regulations in force in Malaya contain a provision on the subject: in Malaya, a woman ceases to be a *mui tsai* on attaining the age of eighteen years or on marriage, whichever shall first happen. Sir George Maxwell's suggestion was that the Hong Kong Government might consider the advisability of amending the law of the Colony by inserting a similar provision.

To this the Hong Kong Committee replies that it is altogether wrong to think, as Sir George Maxwell apparently did, that a *mui tsai* in Hong Kong has a special status and is working under a contract enforceable by law. On the contrary, she is as free to leave her employer as any maid-servant employed by the hour. The only provision which the Female Domestic Servants Ordinance, 1923, makes with regard to her "status" is that she is put under the official guardianship of the Secretary for Chinese Affairs; so far as the Ordinance concerns the mutual rights and duties of *mui tsai* and employer, it deals merely with matters of minor importance. The real question, therefore, is not whether a girl at the age of eighteen should cease to be a *mui tsai*, but whether at that age the official protection under which she lives can be removed.

To this question the Committee replies in the negative. In its view a *mui tsai*, or indeed any Chinese girl, is in greater need of a personal guardian between the ages of eighteen and twenty-one than in her more tender years, and it accordingly holds that the official guardianship should be preserved until the child reaches the latter age.

(5) Referring to a remark in Sir George Maxwell's memorandum which betrays doubt as to the adequacy of the statutory minimum wages of *mui tsai* in Hong Kong, the Committee observes that wages are a vital factor in the question. The suppression of the *mui tsai* system as a form of cheap domestic labour would no doubt be hastened if the statutory wages were increased until they exceeded the current wages for the same class of service. The Committee therefore recommends that girls bought and used as domestic servants should be secured economic wages or higher. The official guardian in charge of the children should, however, be clothed with full powers to reduce the wages in suitable cases.

(6) According to Sir George Maxwell, many *mui tsai*, out of a primitive sense of justice and respect for a custom of immemorial age with which they have been acquainted from childhood, would not feel justified in leaving their employer in order to escape the consequences of a contract made between their parents and him; they would feel that whatever the law may decree, nothing can alter the fact that they have been purchased for a sum of money, and only by the repayment of that money would they feel justified in retaking their freedom.

Sir George Maxwell raises the question whether it would not be advisable, therefore, to provide in the law that in addition to the statutory wages every employer shall pay a specific sum monthly into a savings-bank account to the credit of his *mui tsai* in order to enable her to terminate her employment in an honorable manner as soon as she has enough money in the bank. In any event, a savings-bank account would make a pleasant wedding dowry. However, section 10 of the Female Domestic Servants Ordinance, 1923, under which any *mui tsai* may apply to the Secretary for Chinese Affairs to be restored to her parents *without any repayment*, should remain in force, and the Hong Kong Government should not allow the introduction of the proposed measure to be understood as primarily designed to encourage *mui tsai* to make repayments.

In the opinion of the Committee, the repayment of loans or purchase price by the suggested method of making the employer repay himself would lead only to fraud. In cases where the official guardian, entrusted with the care of the *mui tsai*, might find it desirable to restore a child to her parents and, at the same time, to repay the employer, the funds of some charitable organisation should be used for the purpose. It would nevertheless be very desirable to give a *mui tsai* a savings-bank account, for if she were encouraged to go to the bank herself, she would have a place where she was known and where she could go in time of need, and she would have a link with the world outside her employer's house. Since the Chinese girl is thrifty by nature, the account would in many cases go on increasing year after year, which would give the owner a feeling of financial independence. Moreover, an account with a European bank would possibly create a feeling of superiority in the girl. If possible, the manager of the bank department in question should have the qualities necessary to establish personal and friendly relations with the children.

(7) The Committee is also of opinion that the official guardian appointed to watch over the children whose parents have parted with them ought to be given adequate funds and adequate staff. It thinks, however, that if it would be necessary to increase the present inspectorate, the moneys needed for this purpose would be employed to better effect on welfare work among the poorer children (for instance, on trained nurses for work among the sick and starving children and on the provision of medical and hospital relief) than on *mui tsai*, who at least are assured sufficient food and clothing and whose needs are watched by the Secretary for Chinese Affairs and his inspectors. Finally, the Committee suggests that in order to promote welfare work, moneys spent thereon should be exempted from the tax for military contributions.

MUI TSAI LEGISLATION IN MALAYA

In the Malayan Dependencies of Great Britain *mui tsai* legislation was inaugurated in 1925 by the enactment of laws concerning the employment of female domestic servants in the Straits Settlements and in the Federated Malay States. These laws aimed at the suppres-

sion of the abuses to which the *mui tsai* system may lead, rather than at the abolition of the system itself. They prescribed the proper treatment of the *mui tsai* and the payment of minimum wages, but they prohibited neither the acquisition of new *mui tsai* nor the importation of *mui tsai* from abroad. In 1932, however, it was officially stated that the law failed to attain even this limited object, owing particularly to the narrowness of the definition which it gave of a *mui tsai* and to the incidence of the onus of proof. In the same year a new *mui tsai* Ordinance was enacted in the Straits Settlements, which was followed soon afterwards by similar legislation in the Federated and Unfederated Malay States.

This new legislation is mainly based on the Hong Kong Female Domestic Servants Ordinance, 1923, as amended in 1929, and aims at the abolition of the *mui tsai* custom as well as at the protection of the girls for the time being employed as *mui tsai*. In certain respects it is more stringent than the Hong Kong law. In particular, the definition which it gives of a *mui tsai* is designed to cover a greater variety of forms of acquisition of female children than the one contained in the Hong Kong ordinance. When the Bill was discussed in the Straits Settlements Legislative Council, this difference was explained by referring to the fact that the Chinese population of Hong Kong is homogeneous, whereas Malaya is inhabited by many different tribes of Chinese with widely different customs. On the same occasion it was pointed out that the definition had also been drafted so as to overcome the fiction that a girl is an "adopted daughter".¹

Another difference between the Malayan and the Hong Kong legislations, namely, that in Malaya a woman ceases to be a *mui tsai* on attaining the age of eighteen years, whereas in Hong Kong no such age limit exists, has already been mentioned above.

In Malaya inspections of *mui tsai* are made by the Protectors and Assistant Protectors of Chinese, who in the Straits Settlements, the Federated Malay States, and some of the Unfederated Malay States are assisted for this purpose by lady inspectors.²

RECENT ACTION OF THE BRITISH GOVERNMENT IN RESPECT OF THE MUI TSAI PROBLEM IN HONG KONG AND MALAYA

As stated above, the Hong Kong Committee expressed, *inter alia*, the opinion that there was an urgent need, in respect of the *mui tsai* problem, for a full enquiry into all its aspects and implications. This suggestion has been accepted. After consultation with the Governments concerned, Mr. Thomas, Secretary of State for the Colonies, in March 1936 appointed a Commission to visit Hong Kong and Malaya with the following terms of reference :

"To investigate the whole question of *mui tsai* in Hong Kong and Malaya and any surviving practices in those territories of transferring women and children for valuable consideration, whether on marriage

¹ *Straits Settlements Government Gazette*, 26 Jan. 1932.

² *Slavery Committee Report*, 1936, pp. 71 and 74.

or adoption, or in any other circumstances, and to report to the Secretary of State on any legislative or other action which they may consider practicable and desirable in relation to these matters."

In reply to a question in the House of Commons, Mr. Thomas declared these terms to have been drawn so wide as to include everything, and in particular also trading in male children and the importation of *mui tsai* from China into the Colonies.

The Commission consists of three persons, one of whom is a woman, while another was appointed on the recommendation of the Anti-Slavery Society.¹

THE MUI TSAI SYSTEM IN BRITISH NORTH BORNEO AND SARAWAK

More or less stringent provisions relating to *mui tsai* have been in force in British North Borneo and Sarawak since 1930 and 1931. In the first-named territory, where registration is compulsory, the number of *mui tsai* on the registers at the end of 1935 was only 7. These resided in the towns of Sandakan, Jesselton, and Beaufort, in communities which are by no means large and where potential employers of *mui tsai* are few. The remaining urban areas of the State of North Borneo are small, and in the rural areas the Chinese population is mainly composed of Hakkas of the peasant class among whom the practice of employing *mui tsai* does not obtain. In Sarawak the *mui tsai* system is stated to be almost unknown.²

MUI TSAI LEGISLATION IN CHINA

In China the *mui tsai* system has repeatedly been legislated against. In 1910, under the Tsing dynasty, it was strictly prohibited. Seventeen years later the Provisional Government at Canton issued an edict to the same effect, which was subsequently applied by the National Government to the whole of China.³ Again, in November 1929 regulations for the emancipation of *mui tsai* were passed by the Municipal Council of Canton⁴, while in September 1932 the Ministry of the Interior issued rules prohibiting the keeping of *mui tsai* on a basis of sale, gift, or charitable considerations unless the relationship between the master and the servant was one of free employment.⁵ The latest action taken by the Chinese Government with regard to the *mui tsai* custom was the promulgation by the Ministry of the Interior, on 22 January 1936, of new regulations concerning its abolition.

These regulations, which came into operation on the date of promulgation, and repeal all previous legislation on the subject, bear a great likeness to those of 1932. They prohibit the keeping of *mui tsai* out of charity or in the name of adopted daughters, and further provide that, during a so-called period of investigation which will last four

¹ *Hansard*, Vol. 310, No. 42, col. 416.

² *Slavery Committee Report*, 1936, p. 62.

³ *Report of the Commission of Enquiry*, p. 132.

⁴ League of Nations Document No. A.29, 1931, VI, p. 17.

⁵ League of Nations Document No. A.16, 1933, VI, p. 3.

months with, if necessary, two months of grace, all employers of *mui tsai* shall apply to the proper authorities for registration. The *mui tsai* themselves may also apply for registration, either in person or by proxy. The administrative authorities entrusted with the enforcement of the regulations shall direct their subordinates to record the number of girls in question in a list, the form of which shall be fixed by a separate order. The *mui tsai*, once properly registered, shall be unconditionally emancipated and recover their freedom. Girls of age who, after being emancipated, are willing to be employed as maid-servants by their former masters, may remain in the service of the latter, in which case their wages shall be fixed by the administrative authorities according to local living conditions. Minors who are homeless or whose families are unable to support them shall be sent to local relief institutions or other charity organisations. They may also be retained by their former masters as free employees, but in that case the administrative authorities shall appoint the authorities of local relief institutions or other charitable organisations as their guardians. For those *mui tsai* of over sixteen years of age who are homeless, the administrative authorities may, with their consent, arrange marriages. Employers of *mui tsai* who fail to apply for registration within the period of investigation may be fined a sum not exceeding 10 dollars and ordered to register. The fine shall be assigned to the fund of local relief institutions or other charitable organisations. Employers unwilling to release their *mui tsai* after registration shall be handed over to the judiciary for punishment according to law. The competent authorities shall submit every month a list of the registered *mui tsai* to their respective Provincial Governments for transmission to the Ministry of the Interior.¹

THE MUI TSAI SYSTEM IN THE INTERNATIONAL CONCESSIONS OF SHANGHAI AND KULANGSU

In China the *mui tsai* system is not confined to the territories under the sovereignty of the Chinese Republic; it is also practised in the European concessions, particularly in the international concessions of Shanghai and Kulangsu.

The term *mui tsai* is not, however, used in the latter two settlements; in Shanghai the term is *ya-t'ou*, in Kulangsu *pei-nu*. In Shanghai *ya-t'ou* are to be found mainly in the old-fashioned households of the middle class; in Kulangsu, *pei-nu* are kept in every wealthy family and, among the middle classes, in one family in three. In both places the attitude of the municipal authorities is one of non-recognition, but in neither of them have regulations been promulgated on the subject. In theory, any girl who is forcibly detained against her will can apply to a police officer for liberation, in which case the eventual effect will be that the police magistrate makes an order for her removal to some suitable "home". In practice, however, a girl detained against her will would have great difficulty, first in obtaining access to a police officer, and secondly in persuading him to listen to her complaint

¹ *Chinese Times*, 21 Feb. 1936.

against her employer. Moreover, the girls are not aware of their legal rights and no action has ever been taken to inform them. The popular impression throughout the class of Chinese which employs *ya-t'ou* or *pei-nu* is that the system is allowed by the municipal authorities provided the girls are not cruelly treated. It is understood that thrashing, however severe, is not cruelty.

When any cases of gross cruelty come to light, the court generally inflicts a heavy punishment and orders the girl to be sent to some home. In Shanghai there have been for some years past on an average 100 criminal prosecutions every year on charges of trafficking in *ya-t'ou*, and though drastic sentences of imprisonment were inflicted by the court the number of cases showed no diminution in 1935. Nevertheless there seems to be reason to believe that the number of girls employed as *ya-t'ou* or *pei-nu* is less than it was ten years ago. On the whole, public opinion appears to be changing from one of indifference to one of a desire to have the system abolished on the ground that it is discreditable to the national reputation.

In his memorandum for the 1935 session of the League of Nations Advisory Committee of Experts on Slavery, from which the above information regarding Shanghai and Kulangsu has been taken¹, Sir George Maxwell also gives some indications as to the measures which the municipal authorities in question might possibly take in view of the gradual suppression of the child labour system. These suggestions, which refer to male child labour also, are mainly based on the Hong Kong legislation, but leave every possibility of introducing the necessary measures gradually. Having regard to the social and economic difficulties existing in China, Sir George Maxwell doubts whether it would be practicable or even advisable to prohibit from the outset, as in Hong Kong, the employment of any new *mui tsai*. Since there are still large numbers of poor parents who want to dispose of the children they cannot feed, while on the other side there are many families that would be able to employ the cheap labour of a *mui tsai*, but not to pay the wages of an ordinary domestic servant, prohibition of the employment of new *mui tsai* would create most serious difficulties. Sir George Maxwell also emphasises the necessity of obtaining the support of public opinion and the co-operation of societies interested in child welfare. Where such societies are not already in existence, the authorities should consider the advisability of supporting and encouraging them. Names of which the English equivalent would be "Mui Tsai Friendly Society" or "Mui-Tsai Aid Society" would seem suitable, but any such name as "Anti-Mui Tsai Society" should be avoided.

¹ *Slavery Committee Report*, 1935, pp. 109-112.