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From Immigrant to Refugee: An Evaluation and Case Study of the Historiography Surrounding Chinese Immigration to the Americas and Caribbean, 1840s-2000s

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FROM IMMIGRANT TO REFUGEE: AN EVALUATION AND CASE STUDY OF THE
HISTORIOGRAPHY SURROUNDING CHINESE IMMIGRATION TO THE AMERICAS
AND CARIBBEAN, 1840s-2000s

by

Joshua Cannon

B.A., Southern Illinois University, 2020

A Research Paper
Submitted in Partial Fulfillment of the Requirements for the
Master of Arts

School of History
In the Graduate School
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RESEARCH PAPER APPROVAL

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Approved by:
Dr. José Najjar, Chair

Graduate School
Southern Illinois University Carbondale
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AN ABSTRACT OF THE RESEARCH PAPER OF

Joshua Cannon, for the Master of Arts degree in History, presented on October 27, 2022, at Southern Illinois University Carbondale.

TITLE: FROM IMMIGRANT TO REFUGEE: AN EVALUATION AND CASE STUDY OF THE HISTORIOGRAPHY SURROUNDING CHINESE IMMIGRATION TO THE AMERICAS AND CARIBBEAN, 1840s-2000s

MAJOR PROFESSOR: Dr. José Najar

From the middle of the nineteenth century to the early and mid-twentieth century, Chinese immigrants came to the Americas and the Caribbean in droves. Often these immigrants came to places like the American Mid-West, Peru, or Jamaica as indentured laborers. Ushered into nations hoping to obtain great riches to bring back to China, most of these immigrants fell into unfair and arduous labor contracts. This paper asks: what are the trends in this research, and where is it lacking? The work presented in this paper is in two parts. The first part explores the methodologies within prominent positions on Chinese immigration to the Americas and the Caribbean. Within this study, the methodological trends used by historians are engaged, displaying the missing research on Chinese Canadians and the future uses of transimperialism when understanding Chinese immigration to white settler nations. The second part of the research is a case study that builds upon the observations of the historiography of the first section. It focuses on the intersection of reproductive rights, gender politics, immigration movements, and the central role of two nation-states as both ‘push’ and ‘pull’ forces that compelled Chinese citizens to seek asylum in the U.S. after the implementation of the One Child Policy in 1979. Both sections of the paper call for new directions in methodologies and areas of focus.

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DEDICATION

This research is dedicated to the brave immigrants, refugees, and asylum seekers who sought out new lives in search of a life free from suffering.

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CHAPTER 1

INTRODUCTION

Issues of violence against Asian Americans rose in 2020 in the United States (U.S.) as the COVID-19 pandemic engulfed the nation in fear and turmoil. In 2020 alone, there were 3,800 reports of anti-Asian hate incidents in the U.S., and those numbers do not reflect minor incidents of hate or racism (the numbers for the prior year were 2,600). Worldwide, the number of hate crimes against Asians is on the rise. Police in the U.K. reported a 300% rise in hate crimes against Asians in the first quarter of 2020. In his op-ed, “The Dangers of Dismissing Anti-Asian Racism in Latin America as ‘Así Es La Cultura,’” Aiko Hilking pointed out the subtle but continued Asian xenophobia in Latinx and Latin American culture. How do we come to terms with the recent rise in violence? Especially when observing nations that once happily employed Asian laborers. Considering the centuries-long presence of Asians in the Americas, it is stunning in a presumed “post-racial” society to observe violence and hate against these racial and ethnic groups. While Asians have been present in the Americas since the initial period of European colonialism in the Hemisphere, historians have begun unearthing their histories within the last 70 years.

The historiography of Chinese immigration to the Americas has noted the apex wave of their immigration from the mid to late-nineteenth-century into the early/mid-twentieth century. In the United States context, familiar tropes of railroad workers and launderers fill the mind of any person learning about the gold rushes of the nineteenth century. Chinese immigrants figured significantly in the story of railway construction connecting the Western and Eastern halves of the U.S. In this history, Chinese laborers earned a living in the self-proclaimed land of opportunity. Similar to the United States case, the Western Hemisphere received these

immigrants as laborers for over a hundred years (in some cases, several hundred). More broadly, Asian immigrants and their descendants in the Americas date back to the sixteenth century. The first Asians arrived, as captured enslaved people, in the Americas on the Spanish Manilla Galleon in the Seventeenth Century. For ethnic groups, such as the Chinese, their diaspora movement occurred throughout the nineteenth century as hundreds of thousands of Chinese willingly left China's Qing Dynasty lands seeking ways to care for themselves and their families.

Asian immigrants found their way across Southeast Asia, North America, South America, the Caribbean, Africa, and Europe. European colonial powers in Asia readily sought to lure the Chinese willing to travel west. In the British/European-influenced region of Macau, the British encouraged or entrapped Chinese men into joining their indentured labor force in South America and the Caribbean. Under British colonial rule, India shipped hundreds of thousands of Indians to the Caribbean.¹ The significant number of people moving west produced, for the first time in human history, a multitude of encounters between Asians and Europeans. One result of these encounters is evident in the number of Asian immigrants in the nineteenth century who engaged in various jobs, from railroad construction to working sugar plantations.

The objective of this research paper is twofold. The first section of this research paper seeks to survey the historiographical body of the Chinese diaspora in the Americas and the Caribbean. Rather than evaluate all available literature, this work aims to highlight the most representative studies that changed methodological approaches to our understanding of the history of Chinese presence in the Americas. While there are historiographical essays on the history of Chinese immigration to the United States, the first section of this paper provides a

¹ The British gained control of Hong Kong after the First Opium War that lasted from 1839-1842, and India had been influenced or controlled by the British in one form or another since 1612. The Portuguese had trade centers in Macau since 1557.

continental review of the literature to advance the historiography of Chinese immigration in the Americas. The second part of this research paper is presented as a case study, building on the evaluation of the historiography on Chinese immigration in the late twentieth century. This section focuses on the intersection of reproductive rights, gender politics, immigration movements, and the central role of two nation-states as both ‘push’ and ‘pull’ forces that compelled Chinese citizens to seek asylum in the U.S. After the implementation of the One Child Policy (OCP) in 1979; the Chinese government forced their entire population to respect and forgo their reproductive rights to the state in the name of population management. The Chinese government created a fear of overpopulation² to design its OCP. A decades-long system that used coercive and abusive control to force men and women into complying with the government’s demands. Each family was to have one child. If couples desired more than one child, they were subjected to a forced abortion, faced the loss of their job, their eviction, the destruction of their house, physical beatings, forced sterilization, or mandatory IUD insertions. The history surrounding the OCP has been left untouched. The historiographical survey and the case study presented in this paper will hopefully promote further research on the history of Chinese immigration to the Americas.

² For more on the science behind One Child Policy, see Susan Greenhalgh’s *Just One Child: Science and Policy in Deng’s China* (Berkeley: The University of California Press, 2008).

CHAPTER 2

A HISTORIOGRAPHICAL SURVEY OF CHINESE IMMIGRATION TO THE AMERICAS AND THE CARIBBEAN

The first substantial academic writings on Asian immigration to the Americas and the Caribbean began in earnest in the early 1950s. Some articles on Chinese immigration were published before the 1950s; however, those articles sought to sway public opinion on Chinese immigration to the U.S. when the 1882 Exclusion Act was still a prominent piece of legislation. The study of Chinese immigration has changed from the early monographs relying on simple narratives of facts and findings, opening the field for later studies in which questions of belonging, movement, and transnationalism have become part of most recent inquiries. The 1980s saw a new surge of writing on Chinese immigration, especially after Evelyn Hu-DeHart published her article “Immigrants to a Developing Society: The Chinese in Northern Mexico, 1875-1932.” Hu-DeHart argued that violence against the Chinese in Sonora helped forge Mexican nationalism after the Mexican Revolution. Hu-DeHart’s groundbreaking article sparked scholarly interest in studying Chinese in Mexico and the rest of the Americas. From the 1980s until the 2000s, several articles and books were published that applied modern historical research methods to their studies. In the 2000s, the study of Asian immigration had a surge in authorship and theories, laying the groundwork for transnational studies of Asian immigration. This portion of the research paper aims to trace the methodologies and interpretations of Chinese immigration to North America, South America, and the Caribbean. Through the examination of monographs and articles, this section will note trends in the study of Chinese immigration and raise questions for potential future research, especially regarding what directions future studies on Chinese immigration should focus on relating to transimperialism and the lack of recent research on

Canadian Chinese.

This historiographical portion seeks to survey the available historiographical body of the Chinese diaspora in the Americas and the Caribbean. Rather than evaluate all available literature, this work aims to highlight the most representative studies that changed methodological approaches to our understanding of the history of Chinese presence in the Americas. At times there will be mentions of South Africa and Australia in terms of imperial and colonial history. A connection and history can and should be written to cover all the mass migrations of many peoples of Asia, but that is beyond the scope of this historiographical review. The central focus of this review is to chart the changes and trends in the methodology of historians who studied Chinese immigration to the Americas and Caribbean between the mid-nineteenth century and mid-twentieth century.

The 1950s-1970s: The Formation of Asian Immigration Historiography

In *Chinese Bondage in Peru: A History of the Chinese Coolie in Peru, 1849-1874*, Watt Stewart surveyed why the Peruvian government imported coolies³ to work as indentured laborers in Peru. This study, published in 1951, was one of the first scholarly works on Chinese immigration to the Americas. Stewart's work noted that importing Chinese laborers to Peru partially supplemented the country's minute labor force at the beginning of its modernization. The national guano trade brought much wealth to the national coffers.⁴ Peruvian economists and capitalists used the prosperous economic moment to promote modernization by calling for the construction of canals, telegraph lines, harbors, and railroads.⁵ Chinese coolies complemented

³ Coolie was a term used to denote unskilled Asian laborers.

⁴ John Charles Chasteen, *Born in Blood and Fire: A Concise History of Latin America*, 3rd ed. (New York: W.W. Norton & Company, 2011), 145-146.

⁵ Watt Stewart, *Chinese Bondage in Peru: A History of the Chinese Coolie in Peru, 1849-1874* (Durham, NC: Duke University Press), 4.

the limited labor force in the face of modernization. As Chinese coolies made their way to Peru, many problems riddled with racial bigotry often beset the indentured Chinese laborer who entered Peru. Stewart noted, “it must be admitted that the coolie trade did, in many respects, resemble the African slave trade.”⁶ The comparison stemmed from the coercive practices of the British or Portuguese to force Chinese laborers to travel west. These included kidnappings, promises of wealth and riches, disregard for their wellbeing, the price paid for coolie labor contracts, and the violence that Chinese laborers accrued on the haciendas where they worked.

In some instances, the poor treatment of these laborers resulted in insurrections on board ships transporting Chinese laborers. The Portuguese colony of Macau served as the point of departure for ships bringing these laborers to the Americas. Usually, an ethnic Chinese agent convinced, kidnapped, or lied to men wishing to immigrate. Often a *barracoon* (hut) was the gathering point for those embarking on the journey across the Pacific, by choice or force. Coolie immigration into Peru ended in 1874 as the governments of Peru and China agreed to end the coolie trade under the Tientsin Treaty. Following evidence of abuse against the Chinese in Peru, the treaty formally ended the coolie trade to Peru while simultaneously allowing for the free movement of the Chinese to Peru. The treaty’s political optics represented a political victory for Peru as they started moving past notions and claims of using the coolie trade as a substitute for slavery.⁷

Stewart’s book illustrates how the coolie labor system of Peru was a cruel racially-charged system that mirrored some aspects of African slavery at a time when African slavery had been almost entirely eradicated from the Americas by the mid-nineteenth century. The jarring

⁶ Ibid, 76.

⁷ Ibid, 204. The trade of coolies ended when the Portuguese closed Macau to coolie traffic, but the Treaty of Tientsin formally ended the trade.

revelation in Stewart's work revealed a comparison narrative between the coolie trade system and the Atlantic African Slave trade. The connotation of Chinese slavery that Stewart researched influenced future studies in Asian immigration, especially regarding the coolie trade and Asian slavery in the Americas. Stewart's methodology was vital to studies on the Chinese in the Americas. Stewart crafted a detailed study so that people "of the world will better understand one another if the antecedents of present conditions are thoroughly and widely known."⁸ The quest for knowledge of the human condition was Stewart's goal. Stewart combined traditional quantitative social history methods with labor and political history methodologies. The empirical work produced by Stewart relied primarily on Western sources from across the Americas, citing only two Chinese documents. As a result, his narrative adhered closely to the documentation's biases; that is, Stewart made no effort to critically analyze the information presented in his documents and took it as absolute truth. Perhaps to allow the reader to compare the similarities between coolie trade and the African slave trade. Nevertheless, Stewart hoped that his research would play a significant role in the larger narrative of Asian immigration.⁹

The book delivered a narrative of harsh Chinese labor in Peru during the nineteenth century, and Stewart's lack of analysis on three main points weakened the effect he desired from his work. First, Stewart's lack of primary Chinese sources silenced the voices of Chinese laborers: a standard practice at the time but a regrettable one. As a result, his work reads like a summary of mostly governmental sources. Additionally, Stewart used newspaper excerpts that documented the arrival of Chinese laborers, reports on the conditions of coolies harvesting guano, and a poem from a Peruvian poet whose work touched on Chinese labor—there are no

⁸ Ibid, vii.

⁹ Ibid, vii-viii.

firsthand accounts from the Chinese themselves.¹⁰

Second, the lack of systematic analysis, even in the terms used by Stewart, provided little insight into the terms applied to the Chinese in Peru. For example, the terms ‘coolie’, ‘Chinamen’, ‘John Chinaman’, and ‘colonist’ were used throughout sources or by the author himself. The seeming interchangeability of the terms rendered its racial meaning unimportant or natural. The only term defined for the reader was ‘colonist.’ Stewart noted that the misapplied term appeared to make the treatment and importation of Chinese to Peru more palatable for Peruvians.¹¹ The term ‘John Chinaman’ caricatured Chinese laborers. During the nineteenth century, it circulated with great popularity in nations importing Chinese laborers.¹² These drawn depictions often portrayed Chinese laborers wearing ‘coolie’ hats¹³, a long braid (or queue), a sign of loyalty among the Qing Dynasty male subjects, and grotesque faces. The language and representations used to negatively othering the Chinese during this period marked them as different from the local population. Stewart could have interpreted racist language to identify and categorize the Chinese along with their portrayal in newspapers of the nineteenth century.

Last, in passing, Stewart mentioned homosexuality and the unclean trope associated with the Chinese in his work but never expanded on either. In reports surveyed by Stewart, there were notes on the supposed Chinese sexual perversions and a reference to homosexuality. These reports were accepted as accurate because there were no Chinese women in Peru. Stewart reasoned that these “perversions” were natural consequences due to the refrain of sexuality that the Chinese in Peru suffered. There was no further pursuit of the topic, nor did he relay Chinese views on homosexual relations. It was a brief note and lacked the analysis separating practices

¹⁰ Ibid, 90-92, 97-98.

¹¹ Ibid, 14.

¹² Ibid, 51.

¹³ A typical conical sun hat worn by people from East, South, and Southeast Asia.

and stereotypes of Chinese supposed uncleanliness. Stewart's only notation against the uncleanliness of the Chinese was that if they had better living conditions, then they would have been as clean as native Peruvians, dismissing the racist narrative based on caricatured-Chinese images circulating in Western nations.¹⁴ The idea that uncleanliness was inherently Chinese was codified across the Americas. Stewart's work was a product of his time, and his research added to the empirical knowledge of Chinese immigration to Peru. However, it failed to teach others about "the antecedents of present conditions" due to a lack of further research on the condition of the Chinese in the Americas.¹⁵ Although problematic, Stewart's work opened the path to documenting the immigration of Chinese laborers rigorously. His work stands as the first step of a journey unearthing the history of Chinese laborers and immigrants into spaces of a colonial presence¹⁶ and capitalist transactions.

Trends in writing empirical history continued well after Stewart's book was published. There were no significant innovations in the methodologies used in studying Asian immigration until the 1980s. In this period under review, many subsequent studies served as informative works rather than works offering substantial analysis. Studies on Asian immigration owe much to these methodological works; they opened the opportunity for investigation and enabled future reconfiguration of methodologies into the nature of identity and identity formation, among other important themes. While most studies in these original works came from sources in the Americas, deeper delves into the nature of belonging became possible with methods such as social history and cultural history in the 1960 and 1980s.

The 1980s-2000s: Formations of Globalization and Transnationalism

¹⁴ Ibid, 230-231.

¹⁵ Ibid, vii.

¹⁶ Peru obtained independence from Spain in 1821.

The period following the original queries into the study of Asian immigration coincided with trends in the broad spectrum of historical studies. The rise of the new social history certainly impacted historical methodology. Historians began exploring topics outside of traditional top-down politics, diplomacy, and military history. The introduction of postmodern literary theories led to questioning the presumed structures established through history, and cultural history arose despite Marxist and social historical challenges.¹⁷ As these trends progressed, so too did studies into Chinese immigration. Between 1980 and the early 2000s, methodological trends in globalization¹⁸ and transnationalism began appearing in monographs and articles studying Asian immigration. These studies were rooted in new social history methodology, postcolonial theory, and diaspora studies frameworks.

Some of the most influential works in these fields included Gayatri Spivak's "Can the Subaltern Speak" and Edward Said's *Orientalism*. Both works challenged how Western scholars studied the agency of Asian people illustrating the power dynamics between East and West. Said critiqued Western thought as having power over the Orient, showing that Western thought carried connotations of scientific truth while Oriental thought was untrustworthy.¹⁹ Spivak showed how Western scholars' approach to studying other cultures silenced the cultures they sought to study while simultaneously denying the people being studied the ability to write their history outside of Western influence.²⁰ With such bold assertions against Western eurocentrism concerning 'Oriental' histories, it is unsurprising how these scholars influenced the historiography of Asian immigration to the Americas. Nevertheless, post-colonial texts on

¹⁷ Ernst Breisach, *Historiography: Ancient, Medieval, & Modern*, 3rd ed. (Chicago: The University of Chicago Press, 2007), 417-430.

¹⁸ Globalization is the interaction of people, cultures, governments, and economies worldwide.

¹⁹ Edward W. Said, *Orientalism* (London: Routledge & Kegan Paul, 1978), 53-54.

²⁰ Gayatri Chakravorty Spivak, "Can the Subaltern Speak," in *Marxism and the Interpretation of Culture*, eds. Cary Nelson and Lawrence Grossberg (Urbana: University of Illinois Press, 1988), 267-310.

Chinese immigration to the Americas remain scarce.

Evelyn Hu-Dehart's article "Immigrants to a Developing Society: The Chinese in Northern Mexico, 1875-1932" focused on the history of Chinese immigrants to Mexico. Her study paved the way for innovative works on Chinese immigration to the Americas. "Immigrants to a Developing Society" studied the presence of Chinese immigrants from the *Porfiriato* era to the post-Mexican Revolution. Unlike earlier studies, this study analyzed racial conflict between Mexicans and Chinese living in the Mexican state of Sonora during that tumultuous period of Mexican history. The conflict involving Chinese immigrants lasted from around 1906 to 1932, concluding with the forcible removal of the Chinese from Mexico. Hu-DeHart's study on this migration period was fraught with conflict and success. The study centered on race and class conflicts in Sonora.

Chinese immigrants to Mexico seeking economic opportunities often built communities in different towns, such as in Cananea, Sonora. In 1903, the town's population was 4,000; 800 residents were Chinese.²¹ Unlike in the U.S., where the Chinese mainly worked as railway workers or miners, Chinese immigrants to Mexico held a wide variety of jobs, such as shoemakers, tailors, ironers, day workers, cooks, bakers, and merchants.²² The employment diversity of these Chinese immigrants in poor cities often placed those involved in economic activities at odds with the communities where they resided. As the Mexican Revolution began in 1910, anti-foreigner sentiments began to rise, too. The waves of xenophobia affected towns, such as Cananea, where Mexicans lived along with large concentrations of foreigners who were either wealthy Americans or thriving 'orientals.' In the years leading up to the Revolution, Chinese

²¹ Evelyn Hu-DeHart, "Immigrants to a Developing Society: The Chinese in Northern Mexico," *The Journal of Arizona History* 21, no. 3 (1980), 279.

²² *Ibid*, 278.

immigrants had worked hard to build their businesses and develop social networks.²³ However, their efforts were soon shattered. The combination of poverty and sentiments against foreigners led to acts of aggression, violence, and unfair policies against Chinese businesses. Attacks against the Chinese played out for twenty years until 1932. That year, Chinese citizens living in Sonora fled Mexico due to increased violence and threats.

Hu-DeHart demonstrated the devastating and permanent uprooting of Chinese lives and businesses from Mexico. Ironically, the anti-Chinese sentiment was, in part, instrumental in aiding the formation of Mexican nationalism by bringing Mexicans of all classes together against a supposed common enemy. Hu-DeHart's work exposed how the Revolution brought about race and class conflicts among the Chinese and Mexicans based on the social location of the Chinese. The Chinese in Mexico occupied the petit bourgeoisie class, that of small capitalists and businessmen. Hu De-Hart noted that the level of wealth that the Chinese obtained was accessible to most Mexicans by the 1930s. The Chinese were denied any contribution to the already multi-racial Mexican identity; their adopted nation sacrificed them and their livelihoods to fuel the fires of nationalism in Mexico.²⁴ Hu-DeHart's work in social history set a quality standard for future historical studies. Not only did she trace Chinese immigrants' dispersion, but she relayed that dispersion to ideas of identity formation, class, and race.

Walton Look Lai's *Indentured Labor, Caribbean Sugar*, published in 1993, was an extensive comparative study of immigration and indentured labor in the British West Indies. The book primarily centered on the experiences of Chinese and Indian immigrants to British Guiana, Trinidad, and Jamaica from 1838 to 1918. Lai explored how the indenture system used Chinese and Indian labor in plantations across the Caribbean and how those communities of immigrants

²³ Ibid, 285.

²⁴ Ibid, 307.

changed over time.²⁵ Lai aimed to write a “comparative examination of these differences within the British Caribbean system of contract” and to offer insight into “the response of immigrants from Asia (Chinese and Indian) to the indenture system.”²⁶

Lai, a renowned historian of Chinese labor in the Caribbean, used this book to address what he saw as the perceived gap in the scholarly literature on Asian immigration to the West Indies.²⁷ The finished work was a comparative Marxist analysis of the history of Chinese and Indian immigrants in the British indenture system of the nineteenth century. Lai’s social history focused on economics and politics but did not fully elaborate on the social aspects of these immigrants’ lives. When writing on social change among the Chinese, Lai stated that the “process by which the immigrants came to terms with their new societies after the end of their five-year terms of indenture was complex and multifaceted.”²⁸ Unfortunately, his attempt to elaborate on these “complex” and “multifaceted features” felt short. Lai went on to list occupations the Chinese held, the numbers of immigrants working in different plantations, and trends in assimilation. However, he never thoroughly explained why or how assimilation occurred. Lai offered a cursory examination of the social changes that affected the Asian immigrants to the West Indies without inferring from his research or the sources he used.

Lai primarily used government documents from the United Kingdom, India, and various governments of the West Indies with no personal accounts from Chinese or Indian immigrants (if those accounts exist is another question). Lai’s book presented exciting information on Asian immigration to the West Indies, but it offered little analysis of the relationship between Chinese

²⁵ Walton Look Lai, *Indentured Labor, Caribbean Sugar: Chinese and Indian Migrants to the British West Indies, 1838-1918* (Baltimore: The John Hopkins University Press, 1993), xi.

²⁶ *Ibid*, xii.

²⁷ *Ibid*, xviii.

²⁸ *Ibid*, 188.

and Indians in the West Indies, nor did it offer any substantive material on Asians' understandings of the locales in which they inhabited. One example of a shortcoming was in Lai's analysis of re-indenture contracts. Lai did not explain why Caribbean governments offered Chinese immigrants \$50 to return home at the end of their five-year contracts while their Indian counterparts received no monetary compensation to return home to India.²⁹ Lai could have inferred why the Chinese were offered money to return to China. Especially at a time when stereotypes of Chinese laborers circulating in the Americas portrayed them as dirty, perverted, or cunning cheats. These undesirable traits could have been reasons for government officials opposing Chinese permanent stay in their communities after their contracts were up. Lai missed an opportunity to analyze the identity of Chinese workers compared to Indian workers.

At the close of the 20th century, Evelyn Hu-DeHart again called attention to new ways to study the Chinese diaspora when she edited an eight-chapter collection of studies on Asian Americans. *Across the Pacific: Asian Americans and Globalization* discussed the state of Asian American studies in a globalized world. The volume, published in 1999, centered on the state of Asian Americans at the end of the century. The anthology gathered a diverse group from various academic studies, such as history, sociology, journalism, law, and economics. Topics ranged from Asian American activism to notions of "home" in Asian American literature. The topics were developed extensively and thoroughly examined Asian American studies while developing globalization and transnationalism methodological frameworks. Introducing a transnational framework into Asian immigration studies in the Americas and Caribbean was critical because it laid the groundwork for future work focused solely on individuals and immigrant groups, bottom-up frameworks, rather than the nations that housed them.

²⁹ Ibid, 61.

The introduction of *Across the Pacific*, written by Hu-DeHart, contextualized the aims of the book project. Hu-DeHart stated that the essays “explore[d] the relationships and interactions of Asian Americans in the international context of the Pacific Time” by examining new meanings and practices that Asian Americans used in ‘postality.’ Postality, according to Hu-DeHart, was the era of “post events” such as post-Civil Rights, post-Cold War, postmodernism, and postcolonialism. The post-era that Hu-DeHart noted is one she saw as the new era of globalization. Hu-DeHart argued that the essays following her own would answer questions related to Asian American studies and its trend toward transnationalism.³⁰ Hu-DeHart defined transnationalism as the following:

‘process by which immigrants forge and sustain multi-stranded social relations that link together their societies of origin and settlement... [and] whose social fields... cross geographic, cultural and political borders.’ Furthermore, these particular immigrants make decisions, develop identities, and experience life in a ‘network of relationships that connect them simultaneously to two or more nation-states.’³¹

Hu-DeHart’s concept of transnationalism meant that to be transnational was still connected to nation-states, which countered the idea of transnationalism as a study cutting across nations. This challenging description did little to clarify the meaning of transnationalism to the reader. In a way, her concept of transnationalism could be construed as a form of comparative study. Nevertheless, early discussions of transnationalism proved essential for broader future studies.

³⁰ Evelyn Hu-DeHart et al., *Across the Pacific: Asian Americans and Globalization*, ed. Evelyn Hu-DeHart (Philadelphia: Temple University Press, 1999), 11.

³¹ *Ibid.*, 9.

Historian Arif Dirlik's contribution to the anthology questioned the conceptualizations of Asian Americans. According to Dirlik, Asian Americans were a problem in global postmodernity. Asian Americans were linked to the rise of global economic power in the Pacific, which had brought the Pacific to the forefront of global consciousness in a way that Dirlik saw as a challenge to Eurocentric modernity. This challenge came in the form of economics. As the Pacific and South Asia rose in economic power, it challenged the structure of Euro-American capitalism. The emergence of Pacific Asian economies has had a positive effect on the uplift of the image of Asian Americans. However, this rise in the image has not put an end to earlier notions of Asian Americans. Dirlik noted an increasing ambiguity in conceptualizing Asian Americans as members of grounded communities or as diasporic 'Rimpeople'.³² A consequence, according to Dirlik, is that the integration of the Pacific and its people included the generation of diasporic people and their transformation into transnational ethnicities.³³ Dirlik later took a stand against transnationalism when he identified "place-based politics" as the future for Asian American studies, rejecting transnationalism as a developmental ideology of "transnational capitalism."³⁴ The notion of being a transnational person drew Dirlik's ire. For Dirlik, to become transnational is to let the global consume the local and override the connections made in local communities for those made on the global scale. Dirlik called for ignoring ties back to a home country and instead assumed a postmodern Marxist approach to studying Asian Americans by calling for studying Asian Americans in the place they inhabited.

Sociologist Lucie Cheng's contribution argued that Asian Americans had a formidable role in U.S.-China relations as they participated in the global commodity chain as investors,

³² Ibid, 31

³³ Ibid, 40.

³⁴ Ibid, 48, 52.

professionals, traders, and consumers.³⁵ One example she gave was the tendency for Taiwanese venture capitalists to invest in Chinese American-owned firms, using social connections to bind these groups together.³⁶ Cheng's final remarks focused on transnationalism and the global economy, especially on how global capitalism had made transnationalism necessary for Chinese Americans, further supporting Dirlik's argument.³⁷ Unfortunately, Cheng's conclusion offered no insight into how the study of Asian Americans should change or grow.

The consequent chapters focused on Vietnamese Americans, Asian American activism, colonial racial categories and their application to Asian Americans, and the relationship between newspapers and their portrayal of Asian Americans. In the book's last chapter, the author focuses on the idea of home and how Asian Americans defined their understanding of home. Journalist Luis H. Francia examined many literary works by Asian American authors. He noted that the notion of home was wrapped up in rich metaphors of the longing for an imagined community where hybridity was the norm, where there was no displacement or feelings of exile.³⁸ Throughout *Across the Pacific*, there was an abundance of theories and methodologies used by the authors. Hu-DeHart, Dirlik, and Cheng used transnationalism and globalization frameworks to explain Asian American studies. The book dealt with ideas of globalization, but transnationalism remained elusive outside the first three chapters. *Across the Pacific* showed innovation in the historiography of Asian immigration to the Americas and Caribbean with a wide range of theories and methods that diversify the study of this diaspora. Evelyn Hu-DeHart was central to the transformation of Asian immigration historiography from simply quantitative history to applying new methodologies to study the lives of Asian immigrants. Even if Hu-

³⁵ Ibid, 62.

³⁶ Ibid, 71.

³⁷ Ibid, 74.

³⁸ Ibid, 215, 193.

DeHart had a complex and often challenging grasp on transnationalism, the beginning of transnational and globalization studies of Asian immigration influenced new directions in the field.

The 2000s to Present: Transnationalism of Chinese Immigrants

In the new century, the methodology of transnationalism saw extensive and increased attention. To better understand Asian immigrants and further problematize existing works, historians needed a method that reversed the focus on immigrants from the national framework or country of immigration back to immigrant experiences across national boundaries studies. This method allowed historians to craft histories decentering the state's role and provided a space to understand identity construction across multiple borders. Transnational studies of immigration also further developed the ideas of diaspora studies. What factors created a community? Why do we still see interracial conflict against these groups? Transnational history answered these questions by allowing historians to circumvent their work from studies of nations toward the study of people and the formation of their identity.

One of the most important works on Asian immigration was *Melancholy Order* by Adam McKeown. McKeown's work intelligently engages transnationalism, globalization, borders, borderlands, and national sovereignty, an indispensable study for the Chinese diaspora. *Melancholy Order* showed the correlation between Asian migration and the creation of national borders globally during the late nineteenth and early twentieth century. The ordering of *Melancholy Order* gave the broad history of border control by tracing global migration patterns. The book's first two chapters contain huge pools of secondary sources used to relay information on global migration patterns. The rest of the book contains McKeown's original research, mainly focusing on personal letters, political statements, and legal documentation from the nineteenth

and early twentieth century. McKeown's main argument asserts that the formation of national borders as a site of control was due to the need for white settler nations³⁹ to control Asian migration during the late nineteenth and early twentieth centuries.⁴⁰ These ideas appear throughout the other books under review below, especially the works of Mae Ngai on Anglo-American modes of control over Chinese laborers.

McKeown's argument and work borrowed much from twentieth-century philosopher Michel Foucault's microphysics of power,⁴¹ in which Foucault explained how institutions actively produce knowledge and identities. According to Foucault, the creation of knowledge and identities is done through "examination, enclosure, and standardization," all of which occurred during the nineteenth-century push by white settler nations to halt Asian immigration.⁴² Instead of focusing on traditional ideas on the formation of race and sexuality, McKeown observed how the creation of national borders, the passport, identity, and exclusion went beyond the work done by others attempting to capture global migration patterns. *Melancholy Order* presented a deep look at methods of control that white settler nations imposed on Asians and how this control led to current standards of limiting migration.

McKeown focused primarily on the relationship between the individual, the nation, and forces outside the nation. McKeown presented this relationship as a dynamic outside of race, health, or politics because, unlike the ideas of nationality and individuals, these cannot be debated. The core idea of what constitutes a nation or individual is set.⁴³ Individual rights and

³⁹ When McKeown uses the term "white settler nation," he is referring to the U.S., Canada, South Africa, or Australia.

⁴⁰ Adam M. McKeown, *Melancholy Order: Asian Migration and the Globalization of Borders* (New York: Columbia University Press, 2008), 13.

⁴¹ The micro-physics of power is power that is exercised but not possessed; it is exerted on the oppressed and transmitted through them. Power is not owned; it is a strategy that exists in groups of people. See Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage Books, 1977), 26-27.

⁴² McKeown, *Melancholy Order*, 14.

⁴³ *Ibid*, 21.

national interests are flaunted as the “sources and the objects of better regulation.” These notions of individuals and nations are never challenged. They are the basis of arguments that favor border regulation.⁴⁴ Nations take away rights, while individuals use rights that the nation grants. McKeown traced the intricacies of nation and individual as they were used to justify regulating mobility. National borders and regulating immigration also reinforced the very idea of the sovereignty of a nation. McKeown contended that nations take away rights by their usage of sovereignty, the core of his discussion on it being that sovereignty was propagated and understood through control over immigration, therefore stating that the legitimacy of a self-governing state was reinforced by how that state limits the movement of people.⁴⁵

McKeown offered no conclusion with a positive outlook for future changes in national migration policies. Instead, the entirety of his conclusion pointed to how institutions that created borders and identities were still creating borders and identities through their mechanisms of migration control. McKeown wrote that rather “than a history of breaks and unfolding, we can read the past two centuries as a story of dynamic and unresolved tensions, in which assertions of newness are political tactics.”⁴⁶ Immigration was and is used as a means of regulating individuals as objects which reinforce the sovereignty of nations via their limiting of human mobility. The legitimacy of nations and borders is propagated through immigration control. For Asian immigrants, this meant that when an individual crossed a national border, their identity was created by the state. If the state did not want the immigrant or wanted to oppress the immigrant, it was within its power as a sovereign entity to do so. In a way, when one crossed a national border as an immigrant, one forfeited their identity to become identified as the nation entered

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid, 367.

saw fit. For immigration studies, McKeown placed importance on finding and creating an identity with how the nation found and created an identity for immigrants.

Transnationally, McKeown's work centered on the movement of Asians throughout the sphere of white settler nations and their homelands. McKeown's study concentrated on the effect identity formation had on those who immigrated and told the story of how nations perceived and used their power over the movement of people to legitimize themselves. McKeown's theory and methodology have been used countless times in works published after his own. Means of control and power answered the construction of Asian identities throughout the Americas and the Caribbean. Nations that assert control over immigrants define the future of the immigrant based on the identity placed on the immigrant. Any historian writing on Asian immigration after 2008 ought to give credence to McKeown's work to understand broader means of identity creation through the multitude of mechanisms of the sovereign state.

Returning to Mexico, *Making the Chinese Mexican* by Grace Peña Delgado traced the history of migration and exclusions of Chinese immigrants in the U.S. *Mexico Borderlands* by expanding in innovative ways, making use of the prior works of Evelyn Hu-DeHart. *Making the Chinese Mexican* focused on Chinese migration between the middle of the nineteenth century and the middle of the twentieth century. Delgado was adamant about writing about history outside of nation-centered history. Methodologically she used phrasing and theory created by Prasenjit Duara.⁴⁷ In Duara's book, *Rescuing History from the Nation*, he called for scholars to rescue history from the nation. According to Duara, nationalism is not the nationalism of the nation but rather the site where different representations contest and deal with each other. For Delgado, the interest is in how Chinese, Spanish, and British influences shaped Chinese Mexican

⁴⁷ Grace Peña Delgado, *Making the Chinese Mexican: Global Migration, Localism, and Exclusion in the U.S. - Mexico Borderlands* (Stanford CA: Stanford University Press, 2012), 5.

identities. Second, Delgado further supports Michel-Rolph Trouillot's premise in his book *Silencing the Past*, in which Trouillot argued that those with power produce historical knowledge, which silences all other voices.⁴⁸ This insight allows Delgado to elaborate on a method to explain how nations produce repressive narratives and identities about those foreigners entering their nation. Not only did Delgado study how nation-states produce repressive narratives, but she also argued that borders and borderlands are fluid places that transcend nation-states.⁴⁹ Delgado borrowed McKeown's methodology to produce a historical work centered on borders and identities.

Delgado's book applied a transnational history approach, comparing the history of identity formation in the U.S.-Mexico borderlands. Through her book, Delgado showed two similar experiences the Chinese faced in the Americas. Delgado used examples of those Chinese who settled in Tucson, Arizona, and contrasted them with those who settled in Sonora, Mexico. The Chinese in Tucson were able to forge lives for themselves and their families despite the Chinese Exclusion Act of 1882 and other federal limits to the migration of Chinese.⁵⁰ The Chinese who settled in Sonora also forged close relationships with each other. The core difference between Tucson and Sonora communities emerged after the 1930s. Tucson had a small yet thriving population of Chinese, while those in Sonora had succumbed to the Mexican government's policies which had expelled the Chinese immigrant population. Fervent nationalist xenophobia aimed at the Chinese from Mexico's pre-and post-revolutionary era accounted for the exodus of Chinese from Sonora. The Chinese of Sonora experienced violence against their members, while the Chinese in Tucson never faced the type of violence experienced across the

⁴⁸ Ibid, 4.

⁴⁹ Ibid, 7.

⁵⁰ Ibid, 44.

border.

Throughout her study on the history of Chinese migration to America and Mexico, Delgado touched on the fluidity of borders/borderlands. Her study systematically used passports, immigration officers, and official paperwork from China, America, and Mexico to construct a clear picture of how borders between America and Mexico were not physical boundaries but were zones of exclusion and inclusion.⁵¹ These ideas drew much from McKeown's work in *Melancholy Order* and offered little new material on the subject. However, the importance of Delgado's work relied on comparing the U.S. and Mexico regarding their treatment of Chinese immigrants. Because her work focused heavily on comparison between the nations, it recast the transnational history method paradigm. One danger when working through the rubric of transnationalism is that the term is not fixed, and often debates about what is and is not transnational ensue. Delgado's idea of transnationalism fits into Hu-DeHart's concept from *Across the Pacific*. However, Hu-DeHart focused too much on connecting people to nation-states rather than seeing people as caught in between. Transnationalism does not rely upon nation-states; the state is one of many actors, along with movements and forces cutting national boundaries.⁵²

In contrast to Delgado's book, *Asian Slaves in Colonial Mexico: From Chinos to Indians* by Tatiana Seijas offered a transpacific/transnational history of chinos. These 'Chinos' (Chinese) were Southeastern Asians forcefully taken to colonial Mexico as enslaved people. These people originated primarily from the Spanish-colonized Philippines but were not limited to those of Filipino origin. Seijas' work traced the social and political transformation of Asians from chino to indigenous vassals, as enslaved chinos eventually obtained freedom and equality in the eyes of

⁵¹ Ibid, 7, 198.

⁵² Akira Iriye, "Transnational History," *Contemporary European History* 13, no. 2 (2004): 213.

Colonial Spanish laws equal to those indigenous people of New Spain (Today's Mexico). The Seijas' work skillfully crafts a dialog with global and transpacific studies, postcolonial studies, comparative studies in the Pacific, and African slavery. Seija used these multiple methodologies and sources to narrate the lives of individual chinos who ascended from slavery to freedom.

Seijas' work in *Asian Slaves in Colonial Mexico* called on historians to reevaluate the chronology of racialized slavery.⁵³ The Spanish in New Spain used enslaved chinos between the 1500s and the late 1600s. The practice occurred despite the Philippines' political status as a Spanish colony, falling under numerous laws and mandates limiting or dissolving the slavery of indigenous people from Spanish colonies. Seijas stated that the timeframe of Spanish racialized slavery⁵⁴ mirrored English racialized slavery from the same period. As the Spanish ended slavery for chinos in New Spain, they maintained African slavery and displayed the use of a system of color.⁵⁵ Color meant that color determined the legal status of people rather than their backgrounds. If a person looked indigenous, they were likely to live free, while if they looked black, they were destined to live under slavery.

The transpacific focus in Seijas's work centered on the movement of enslaved Asians from Manilla to colonial Mexico. These enslaved Asians came from East Africa, Portuguese India, Muslim sultanates of Southeast Asia, and the Spanish Philippines.⁵⁶ The slave trade from the Pacific eventually stalled out as chinos were deemed ineligible to be sold. The stalling was due to the crown's opposition to the enslavement of indigenous peoples of the Spanish Empire. The global nuances and transpacific reaches of Seijas' work spoke to the timeline of racialized

⁵³ Tatiana Seijas, *Asian Slaves in Colonial Mexico: From Chinos to Indians* (New York: Cambridge University Press, 2014), 250.

⁵⁴ Racialized slavery evolved from slavery based on religious differences, debt, or war capture and was replaced with a slavery system based solely on skin color.

⁵⁵ *Ibid*, 248-249.

⁵⁶ *Ibid*, 74.

slavery and the perceptions of race in the global slave trade, meaning the Spanish, like the English, racialized slavery.

Sejias explicitly explained the disparities between enslaved Africans and enslaved chinos. Chinos were funneled into domestic or textile work, similar to the work placement of indigenous people of Mexico. Africans did work in these sectors, but they also worked as agricultural laborers. Sejias stated that this trend of chinos getting domestic and textile work continued, allowing them to be more readily identified with Indians. It also allowed chinos to engage the economy and opened more opportunities to purchase manumission.⁵⁷ The Spaniards believed that chinos were physically weaker than Africans. This trope meant that when plantation owners bought chinos, they often gave them roles of artisans or participated in other auxiliary work.⁵⁸ Enslaved chinos who worked in textile mills were able to voice complaints and seek legal action against mills that treated them poorly, they complained as if they had the same rights as Indians, and the courts listened to them. While at the same time, enslaved Africans were dismissed and never offered the same legal protections.⁵⁹

Sejias used the comparative history of chino and enslaved Africans to evaluate the vast difference in treatment and status between the two groups. The comparison gave insight into the difference in Spanish perceptions of race. It eventually led to her conclusion on the development of racialized slavery in Spanish America and how the chronology of racial slavery needed to be reevaluated.⁶⁰ Sejias's work focused on giving a voice to people without power. The postcolonial work that Sejias put into her monograph redefined when and where racialized slavery occurred. By giving voice to Filipino chinos, and other Asians lost in time and explaining their plight,

⁵⁷ Ibid, 113.

⁵⁸ Ibid, 114.

⁵⁹ Ibid, 134-139.

⁶⁰ Ibid, 250.

Seijas questioned the presumed timeline of racialized slavery by stating that racialized slavery was occurring in the Spanish colonies at the same time as in English colonies. It was not created by happenstance; instead, it came about from the careful racialization of non-whites.

Race, Racial Construction, and Unexplored Connections: A Case for Transimperial Understandings

Imperial views on Chinese immigrants and imperial treatment of these immigrants are missing from much of the historiography on the Chinese diaspora in the Americas. Seijas explored the earliest moments of imperial use of Asian bodies in the building of the New World, encapsulating the earliest moments of this movement, but it does lead to asking the question: why did all imperial powers treat and categorize and categorize Chinese immigrants the same way? Was there a specific racial understanding or document explaining how imperial powers should classify them? What about regions of Spanish America like Peru or Mexico that broke away from imperial control? Why did they tend to classify and categorize the Chinese in very similar ways? What motivation did non-imperial nation-states have to treat the Chinese immigrants who helped fuel their economy like other imperial powers? The answer to these questions is beyond the scope of this historiographical evaluation. However, the transimperial turn might provide insights into Chinese immigration to explain how imperial peoples saw the Chinese through similar vantage points and how the commonalities of treatment occurred.

Beth Lew-Williams and Mae Ngai advance our understanding of identity formation based on racial discourses. Lew-Williams's *The Chinese Must Go: Violence, Exclusion, and the Making of the Alien in America* analyzed the creation of racialized borders or boundaries in the United States' racial landscape. She called on scholars to rethink racialized violence through

nineteenth-century U.S.⁶¹ Lew-Williams posited that anti-Chinese sentiments in the U.S. should be understood as ‘violent racial politics,’ specifically underscoring the treatment of Chinese in the U.S. Violence. Lew-Williams explained that it is not the type of violence based strictly on physical harm (though this did occur) but on the assertion of a national political agenda to rid the U.S. of Chinese immigrants. Lew-Williams describes her methodology as one that investigates ‘transcultural’ history, meaning history that scales in all directions. Lew-Williams observed that transcultural history scales through historical actors, historians, and the nineteenth-century definitions of local, national, and global through loose and shifting networks of nested human activity. The goal of *The Chinese Must Go* aimed to expose the effects of this scaling.⁶² The book accomplishes this goal and provides a much-needed relocation of events in the Pacific Northwest into a central narrative of anti-Chinese sentiments as it locates anti-Chinese violence within local, national, and global narratives. This exploration then opened the conversation of race and racial violence to broader scales of global racial politics concerning Chinese immigrants.

The Chinese Must Go excelled in displaying the distinct nature of politics, racial construction, and ideas of citizenship. Thus, it remains one of many histories within the global narrative of Chinese exclusion, immigration, and empire. Mae Ngai’s *The Chinese Question: The Gold Rushes and Global Politics* transimperial work centers on Chinese immigration to white settlers’ nations. Ngai argued that the Chinese exclusion was an integral part of the emergent capitalist economy, not an extraneous side effect. She demonstrates the Chinese’s integral role in establishing the nineteenth-century capitalist colonial world in the gold rush era. These contact

⁶¹ Beth Lew-Williams, *The Chinese Must Go: Violence, Exclusion, and the Making of the Alien in America* (Cambridge: Harvard University Press, 2018), 3.

⁶² *Ibid*, 6-13.

points and employment constituted the first mass contact between Euro-Americans and the Chinese. To Ngai, the nineteenth century was packed with questions: the Woman Question, the Negro Question, and the Jewish Question; thus, the Chinese Question is constitutive of a racial question for who belonged, liberal questions of equality, and an exception in a world defined by free trade and migration.⁶³

Ngai connected Chinese immigration movements to Australia, South Africa, and America as the leading gold exporters of the mid-nineteenth century and twentieth century (the U.S. and Great Britain controlled eighty-eight percent of the world's gold yield).⁶⁴ According to Ngai, the immigration of Chinese workers to these Anglo-American countries played a central role in creating white settler identity and modern nation-states, similar to what McKeown argued in his work. In connecting these three nations and their gold mining, treatment of the Chinese, and exclusion acts, Ngai forms a cohesive story that draws upon the rise of capitalism, colonialism, and the similarities between nations in their response to Chinese immigrants. For Ngai, this history informs us of the nationalist competition of our own time through a sense of irony between how China was treated in these interactions between capitalist/colonial settings and the formation of Communist China. For example, when Mao took power in the late 1940s-early 1950s, he defined China's role as an alternative to colonialism and capitalism. The leaders after Mao, from Deng Xiaoping to Xi Jinping, have redefined 'greatness' in terms of Western Capitalism.⁶⁵ Ngai placed the treatment of the Chinese in Anglo-American settings within the frameworks of capitalism and colonialism.

The Chinese Question did not investigate notions of xenophobia or identity formation in

⁶³ Mae Ngai, *The Chinese Question: The Gold Rushes and Global Politics* (New York: W.W. Norton & Company, 2021), 4-7.

⁶⁴ *Ibid*, 111, 212-213, 20, 8.

⁶⁵ *Ibid*, 317, 309.

the multiple south American nations, despite similarities in how the British treated and thought of the Chinese in South Africa in nations like Peru. Similarly, as Watt Stewart described in the Peruvian coolie trade, the Chinese in South Africa dealt with suicide and depression, along with accusations of same-sex relations, which furthered their image as unclean migrants.⁶⁶ Former imperial or colonial regions (Peru, Mexico, Brazil) had Chinese immigrant workers, often part of the indentured system. Similarly, both nation-states and colonial powers banned Chinese immigration and passed acts of Chinese exclusion igniting notions of national identity around the period of racial exclusion. The labor, immigration, and exclusion structures were similar within these states, and so was the representation of Chinese immigrants within books, comics, theater, movies, and music. Underscoring what Ngai argued in her work and beyond, capitalism and colonialism reached South American countries and influenced the formation of Chinese identity and exclusion. These states were part of the rise of colonialism and capitalism. While not all these states were part of the colonial landscape, they reciprocated the meaning of what it was to be Chinese through the colonial meanings of larger imperial states. Ngai directly connected Californian thoughts on the Chinese among Australians as Australian newspapers carefully covered Californian politics on exclusion and the orations of anti-Chinese politicians.⁶⁷

Ngai's assertion on the similarities between the Gold Rush nation's views on the Chinese is well documented, especially considering the rise of capitalism and colonialism during the period. However, what appears missing from her analysis is a general narrative that links the views of non-imperial nations to the larger conversation about the Chinese race and belonging. In terms of needing a revisiting of this work within a transimperial framework, there is much to be written about how South American nation-states that earned their freedom from the Spanish

⁶⁶ Ibid, 227, 224.

⁶⁷ Ibid, 163.

empire took in the information presented and lauded by the Americans, British, Australians, South Africans, and Canadians response to the flood of Chinese immigrants/indentured labor to their nations. Through the analysis of these crisscrossing narratives of race and belonging from a transimperial framework, there is a possible emergence of how the formation of the Chinese race played out on a transimperial scale, an analysis which will show ever more the process of the racialization of Chinese people. Like Seijas' work, the process of racialization and the timeframe of the practice can be expanded and extended to understand the need of human groups to categorize those who do not look like themselves for the benefit of the creation of a nation-state along the lines of one race retaining superiority.

The 2000s to Present Continued: Broader Studies, Transnationalism, and the Need for More History on the Chinese of Canada

Recent scholarly literature on Chinese immigration seeks to undertake transnational historical methods to examine different aspects of Chinese diaspora history. Because of the multiple approaches to the transnational method, historians have produced studies on the Chinese diaspora in the Americas with mixed results. Released the same year *Making the Chinese Mexican* was published, Julia María Schiavone Camacho's book *Chinese Mexicans* was an extensive examination of identity formation among Chinese migrants to Mexico in the early to mid-twentieth century. On a methodological level, Schiavone Camacho used an array of postcolonial and transnational methodologies and theories to write a unique history of Chinese Mexicans. The term 'Chinese Mexicans' coined by Schiavone Camacho invoked the new cultural formations emphasizing the sense of Mexicanness of the Chinese expelled from Mexico.⁶⁸ The book shows that the complexity of the Chinese Mexican identity formation

⁶⁸ Julia María Schiavone Camacho, *Chinese Mexicans: Transpacific Migration and the Search for a Homeland, 1910-1960* (Chapel Hill: The University of North Carolina Press, 2012), ix.

stemmed from the transnational and diasporic idea that people developed stronger national identities outside of their homeland. In this case, the desire for a Mexican national identity occurred after Chinese Mexicans had been mistreated and expelled from Mexico.⁶⁹ The contributions from this book were multifaceted. In one respect, it identified the personal and familial nature of diasporic identity formation; in another respect, it told a transnational story of racialization, borderlands, and statelessness.⁷⁰

Camacho's work contributed to diasporic studies by incorporating family history and other interpersonal relations into the study of the Chinese of Sonora by centering her study on identity formation. The first half of the work focused on the men who immigrated to Mexico in the late nineteenth and early twentieth century. Building on the work of Hu-DeHart and Delgado, Camacho did not mainly focus on the Chinese of Sonora. The latter half of the monograph analyzed the plight of Mexican women married to Chinese men. When the government expelled Chinese men from Sonora, they also expelled their wives and children. When the U.S. refused to take in these half-Chinese half-Mexican families, sending them to China was the only option for these mixed families. Because Chinese law only recognized first wives and many Chinese men already had wives before they immigrated to Mexico, many Mexican women and their children became politically stateless.⁷¹ Some stateless women left their husbands and headed to Macau, where they formed enclaves among other Chinese Mexican families awaiting assistance from the Mexican government for repatriation.⁷² Even though the Mexican government had banished these women and their families, they still longed to return home. The women remained faithful to Mexico; they taught their children that Mexico was more than the anti-Chinese movement that

⁶⁹ Ibid, 2-3.

⁷⁰ Ibid, 3.

⁷¹ Ibid, 106.

⁷² Ibid, 114.

revoked their right to live in the country.⁷³ In other words, despite their forceable removal from Mexico, these women, children, and families wished to return. Their identity construction of being Mexican outweighed the grievous actions taken against them. Camacho showed that despite all the pain, the formation of Chinese Mexican identities was contingent upon the close personal and familial relations these women had once they were in China.

Camacho's framework relied on McKeown's work to highlight the importance of border control and national sovereignty. In describing the repatriation of families to Mexico, McKeown's influence was present as Camacho insisted that the history of Chinese Mexicans shed light on the formation of the Mexican nation, in agreement with Hu-DeHart's work. Through the sovereign control of its border and exclusion of 'others,' Mexico chose who and how the nation allowed individuals through its borders.⁷⁴ Overall, Camacho's book added to concepts of Asian immigrant identity formation as the narrative journey that started in China and ended in Mexico in a transnational story focused upon the people who were most affected by the exclusionary power of borders. Chinese Mexicans were victims of national sovereignty.

Kathleen López's *Chinese Cubans: A Transnational History* presented a thorough history of Chinese immigration to Cuba from the 1850s to the 1950s. Much like other diasporic studies on Chinese immigration to the Americas and the Caribbean, the book took a transnational approach to explain the emergence of a Cuban identity among Chinese immigrants. The study examined many factors inside Cuba, such as the Chinese as coolie laborers and the Chinese as freedom fighters against the Spanish Empire. It also surveyed the formation of a Chinese Cubans identity through an international lens. López's goal in writing this extensive work was to explore diasporic and hemispheric approaches to understand the connective nature of migrant Chinese

⁷³ Ibid, 138.

⁷⁴ Ibid, 7.

communities.⁷⁵ This task was accomplished through an arduous examination of primary sources, including archival documents from China, Cuba, and the U.S., oral history of returned migrants and their descendants, plantation correspondences, notarial, judicial, merchant, association, civil records, remittance data, newspapers, and memories.⁷⁶

Through the monograph, López illustrated her transnational approach. One of Lopez's goals was to expand diasporic scholarship on Chinese immigration by following Chinese immigrants into the mid-twentieth century to give the reader an understanding of their identity formation process. To this end, López explored identity formation through a set of historical moments and religious practices, though these were some of her work's multiple examples. For example, in the case of Julián Güisen, an indentured Chinese man, Julián used his baptism and status as Catholic to get his marriage listed in the registry for whites. This maneuver allowed Julián to be considered white, giving him more legal freedom.⁷⁷ In a different example, López connected the long Cuban struggle for independence to illustrate how Chinese soldiers who participated in the war gained a new sense of national identity; they became *mambises* (freedom fighters) as any other Cuban fighting the war. By helping win Cuban independence, they were made into citizens of that new republic.⁷⁸ Beyond those examples, López also used the notion of 'translocalism' to explore the ties that Chinese Cubans kept with their home nation. She described Chinese villages and Cuban towns as translocal sites because the Chinese retained their ties with both places simultaneously. López used Luis Eduardo Guarnizo and Dorothy Smith's "translocal relations" to describe the connection between historical and geographical

⁷⁵ Kathleen López, *Chinese Cubans: A Transnational History* (Chapel Hill: The University of North Carolina Press, 2013), 10.

⁷⁶ *Ibid*, 11.

⁷⁷ *Ibid*, 91-92.

⁷⁸ *Ibid*, 134.

specific points of origin and migration.⁷⁹ The points of origin historically and geographically were in China, while Cuba served as the point of migration. Additionally, López argued that transnational activities involving Chinese immigrants were carried out at the family, village, and national levels. The Chinese Cubans maintained transnational networks through relationships with their home village by sending remittances to their relatives, helping fund local and regional improvements, and supporting the then-emerging Chinese republic.⁸⁰ These multilevel networks and their newfound connections to Cuba cemented the formation of the Chinese in Cuba as Chinese Cubans.

López used transnational methodology to bridge comparative-historical methods that often centered on a one-sided narrative beginning at the time of immigration. By carefully tracing the factors inside Cuba and abroad, the book escaped the usual narrow focus issue plaguing transnational and comparative studies. For example, at the end of the Cuban war for independence, the U.S. had considerable influence and power inside Cuba. The U.S. used this power to enforce its Exclusion Act policies in Cuba to curtail Chinese immigrants to Cuba. This anti-Chinese policy persisted until labor shortages called for a policy change.⁸¹ The U.S. was allowed to circumvent Cuban law to enforce its Exclusion Act to prevent Chinese laborers from entering Cuba, but it did not stop them from entering Cuba with falsified documents. In this example from López's work, by focusing on the transnational migration of Chinese to Cuba, López told how a foreign nation-state asserted its policy in Cuba affected Chinese laborers who sought new lives for themselves.

In *Mandarin Brazil: Race, Representation, and Memory*, Ana Paulina Lee sought to

⁷⁹ Ibid, 166.

⁸⁰ Ibid, 167-168.

⁸¹ Ibid, 146.

demonstrate how Chinese and Japanese immigration to Brazil displayed the construction of a racialized attitude. According to Lee, Brazil deeply ingrained these racialized attitudes towards Asians into Brazilian culture, and these attitudes played out in the popular culture of the time. The consequences of this racialization bore effects on the Chinese and Japanese migrants who arrived in Brazil during the nineteenth and twentieth centuries. During the revamping of Brazil's national identity, Lee's work showed that these racial identifiers arose in an overlap in synchronous states of modernity/coloniality, which cannot be separated from the colonial order of the modern world.⁸² This meant that Brazil created this racialized system around the time other plantation nations created their systems of racialization for Asians. By the late nineteenth century, the U.S., Portugal, and other western imperialist nations had incorporated into their racial system the racialization of Asians. Lee's work aimed to instigate a conversation around Latin American cultural studies regarding "Chinese racialization as a circumoceanic discourse that is critical for understanding hemispheric American histories of racial difference."⁸³ Her analysis deployed notions and methodologies in a transnationalism framework and post-colonial theories of circumoceanic memory.

In Lee's study, transnationalism sought to illustrate the racialization process in Brazilian society. In the first chapter, Lee detailed the history of the Chinese porcelain trade, which allowed Chinese visual and material objects to be "circulated among colonial images and motifs of Asia and Europe to Asian and European consumers alike."⁸⁴ The presence of oriental objects in the west meant that before the arrival of Asian arrived in the Americas, notions about Asia and its people were already in circulation, ideas based on material goods. Lee used this premise as a

⁸² Ana Paulina Lee, *Mandarin Brazil: Race, Representation, and Memory* (Stanford CA: Stanford University Press, 2018), 11.

⁸³ *Ibid*, 16.

⁸⁴ *Ibid*, 20.

starting point to elaborate on the transnational occurrence of racialized notions and perceptions of the Chinese in Brazil. Lee tracked the growth of racialized notions and perceptions and drew upon ideas of nationalism and miscegenation to explain shared concepts about the Chinese in the Americas and Caribbean nations. Racialization grew while Brazil was attempting to define whiteness and nationalism itself. Lee used these historical moments to define how the quest for whiteness showed the emergence of global racialized consciousness.⁸⁵

Circumoeceanic memories, a term coined by Lee, branched out of post-colonial studies. The term is the reformulation of Joseph Roach's concept of circum-Atlantic memory based on Paul Gilroy's work on the Atlantic slave trade.⁸⁶ According to Lee, circumoeceanic memory went beyond Roach's framework. The circum-Atlantic memory refers to the collective and institutional memories that connected the oceanic networks of the slave trade that constituted cultures of modernity.⁸⁷ Circumoeceanic memory extends Roach's framework to include transpacific passage and to connect the histories of distant places through shared experiences of racialized labor and networked cultural processes that produce racial groups of subaltern subjects.⁸⁸ Lee's use of circumoeceanic memory does not warrant the creation of a new term, as prior frameworks by Gilroy and Roach seem different in minor capacities. Lee's work presented a transnational history of Chinese in Brazil, but her conclusions and studies are scant in total observation of sources. Lee's work can easily be called into question regarding its efficacy by focusing primarily on art and lacking compared to other South American nations. While some of the statements in the book overreach where they should go, it remained an fascinating look at transnational identity formation among the Chinese and Brazilians.

⁸⁵ Ibid, 36.

⁸⁶ Ibid, 9-10.

⁸⁷ Ibid, 10.

⁸⁸ Ibid.

In her formation of the Brazilian racialized consciousness, Lee did limit her work by not including more instances of racialized images of the Chinese. One famous instance of music was the 1944 song by Argentine musician Roberto Ratti titled “En Un Bosque De La China” (In a Chinese Forest). The song is about a young Chinese girl lost in a wood. She comes across a companion with nefarious intentions relating to prostitution and the girl. The song became a popular children’s song in the 1970s when Mexican clown and TV personality Cepillín performed the song on his 1978 album *En Bosque De La China*. Cepillín’s audience was primarily children, and his earlier albums also contained children’s songs. Cepillín’s version of the song removed the allusion to prostitution⁸⁹. However, it included a racialized bit as the Chinese girl talks about eating rice, including Cepillín⁹⁰ squinting his eyes and using a stylized Chinese voice. The popularity of this song and the transnational nature of the performances amongst Latin American countries would have benefitted Lee and her appraisal of global racialized consciousness. A similar connection to the globalized nature of Chinese immigration needs further research, especially in Canada.

Scholar and activist William Ging Wee Dere’s book *Being Chinese in Canada: The Struggle for Identity, Redress and Belonging* combined historical scholarship with years of experience with the movement for the redress of the Chinese Head Tax and Exclusion Act, in which 81,000 Chinese immigrants to Canada from 1885 to 1947 paid a total of 23 million dollars to the Canadian government for entry into the nation.⁹¹ *Being Chinese in Canada* details Dere’s and his family’s struggle for survival and journey to lobbying for redress, along with detailing

⁸⁹ Cepillín, 1978, “En Un Bosque De La China,” Track 1 on *En Un Bosque De La China*. Orfeón, vinyl.

⁹⁰ Cepillín, “BOSQUE DE LA CHINA CEPILLIN,” YouTube video, 2:31, July 8, 2011.
<https://www.youtube.com/watch?v=4TyMz0a2Wig>

⁹¹ William Ging Wee Dere, *Being Chinese in Canada: The Struggle for Identity, Redress and Belonging* (Vancouver: Douglas & McIntyre, 2019), 9.

the plight of Chinese immigrants to Canada. In 2006, the redress lobby in which Dere participated successfully negotiated with the Canadian government to return the Head Tax to surviving payers; however, the redress only applied to surviving Head Tax payers and/or their spouses who were alive when the Prime Minister, Stephen Harper, took office on February 6, 2006. Of the 785 applicants for reimbursement, each person received \$20,000, amounting to 15.7 million.⁹² The descendants of those who died before February 6 did not receive any repayment.

Beyond the book's personal experience approach and family history, Dere's work cataloged the often complicated and harsh nature of Chinese immigrants' lives in Canada. Dere's grandfather lived in Canada, leaving a wife and children behind to earn a living running a laundromat. After spending 30 years apart, Dere's grandfather was finally able to plan his return home to be reunited with his wife. Unfortunately, before his scheduled flight, his wife passed away.⁹³ On the other hand, his father reunited with his wife at fifty-three.⁹⁴ The difficult living situation in Canada, as described by Dere, was a similar story to other Chinese immigrants of the period, social ostracization by the dominant national communities, poor conditions, and unfair treatment. Dere's book speaks to the lack of historical research on Chinese Canadians.

Dere's study relied on the works of Denise Helley's *Les chinois à Montréal 1877-1951*, published in 1987; Peter S. Li's *The Chinese in Canada*, published in 1982; and Paul C. P. Siu's *The Chinese Laundrymen: A Study in Social Isolation* published in 1987. The most recent historical work on the topic is Lisa Rose Mar's *Brokering Belonging: Chinese in Canada's Exclusion Era, 1885-1945*, published in 2010.⁹⁵ As noted, most monographs on Chinese immigrants to Canada lagged behind U.S. and Latin American regional historiography. The fact

⁹² Ibid, 300-304.

⁹³ Ibid, 31-32.

⁹⁴ Ibid, 46.

⁹⁵ Ibid, 359-361.

that both Canada and the U.S. took stands against Chinese immigration is not uncommon knowledge, but what about the exclusion of Chinese from Australian colonies that occurred in the late nineteenth century? Many Latin American countries also passed very similar acts during the same period. With so many similar exclusionary acts coinciding, it leaves little to the imagination of whether this was a coincidence or a calculated risk spurred on by transimperial networks of knowledge and belonging.

The lack of research between the different exclusion acts and their connection to concepts of a transimperial network of nations is not surprising. There is yet a magnum opus published on transimperial history. One direction in the field of Chinese immigration to the Americas and the Caribbean needs to reconsider these histories as interrelated parts of a more extensive imperial network of control and identity formation. As McKeown argued that nations granted identity, the same can be said for the transimperial network of knowledge creators/disseminators as various nations conceived of Asian immigrants very similarly during the nineteenth and twentieth centuries. There is a great need to address this body of knowledge and identity formation to construct further what it means to be Chinese and outside of China.

CHAPTER 3

THE RETURN OF THE YELLOW PERIL TROUPE: A HISTORICAL CASE STUDY ON COUPLES FLEEING ONE-CHILD POLICY IN CHINA

One evening in the 1980s, a young girl was brought to Beijing No. 4 Hospital by two police officers. The girl was shivering and filthy from the alleyway where she had been hiding. Chi An, the nurse on duty, remembers how large this girl's stomach was. The baby inside was soon to enter the world. The young woman had no residence card, ration card, or legal documentation allowing her to have a child. The attending staff forced the young girl onto an examining table, where she gave birth to a boy. The duty doctor promptly emptied a formaldehyde syringe into the child's brain. The baby died half an hour later.⁹⁶ Chi An, the nurse, eventually obtained residence in the U.S. and had a second child, forever regretting the horrors she witnessed and partook in the Chinese Hospital system. In 1995, Cai Luan Chen and his girlfriend Chen Gui discovered that Chen Gui was pregnant. Because the couple was not allowed to marry or apply for legal documentation to have a child, Chen and his girlfriend were harassed by local officials, eventually breaking into a violent altercation between Chen and the officials. Chen was threatened with arrest if Chen Gui did not turn herself in for an abortion within three days. Chen left China shortly after, and Chen Gui went into hiding. Chen entered the U.S. in April 1996, and when he called his parents, he discovered Chen Gui had been found, and their child had been forcibly aborted. Chen was denied his petition for asylum in the U.S. He feared further persecution upon his return to China.⁹⁷

These stories of abuse and asylum are familiar within the context of China's One Child

⁹⁶ Steven Mosher, *A Mother's Ordeal: One Woman's Fight Against China's One Child Policy* (Waite Park, MN: Park Press, 1993) 256-259.

⁹⁷ *Chen v. Ashcroft*, 381 F.3d 221 (3rd Cir. 2004).

Policy (OCP), officially implemented in 1980. On January 21, 2016, thirty-five years after the official implementation of the One Child Policy, couples were allowed to have two children in China.⁹⁸ In the summer of 2021, China passed the Three-Child Policy to boost a faltering birth rate.⁹⁹ China's limiting of population growth has had disastrous effects that will unfold as their aging population creeps towards massive numbers of elderly without a younger generation to take care of them. The problem of who can take care of the aging population also coincides with the skewed sex ratio of males to females in China. The sex ratio in 2000 for new-born males (from birth to age one) was 116.5 male births to 100 female births, and in 2020 the ratio was 112.3 males, a drop of 4.2. These numbers likely reflect the lessening of restrictions on the number of children couples can have and the lessening of actions taken against couples that do not adhere to OCP policies. The U.N. recorded these numbers, and they testify that despite the inclusion of two and three-children policies, China is still dealing with large ratios of men to women in the millions.¹⁰⁰ These issues of sex ratios and the rapidly aging population introduced by the One Child Policy likely will have effects that unfold throughout this century.

This case study does not aim to analyze the implementation of OCP in China; its purpose is multifaceted. The focus of this work is to track the movements of couples affected by the harsh implementation of OCP as they fled to the U.S. to seek refuge. This movement to the U.S. is unique, unlike the movement to other Asian nations: Chinese immigration to the U.S. carried the inherent turbulent history of Chinese immigration to the U.S. Chinese immigration helped to establish modern ideas of immigration, borders, and passports. This dense history of Chinese

⁹⁸ Fang Wang, Baochang Gu, Yong Cai, "The end of China's one-child policy," *Brookings*, March 30, 2016. Accessed October 17, 2022. <https://www.brookings.edu/articles/the-end-of-chinas-one-child-policy/>.

⁹⁹ "China NPC: Three-child policy formally passed into law," *BBC News*, 20 August, 2021. Accessed October 17, 2022. <https://www.bbc.com/news/world-asia-china-58277473>.

¹⁰⁰ United Nations Population Division, *Sex ratio by region, subregion and country, 1950-2100 (males per 100 females)*, distributed by UN Department of Economic and Social Affairs Population Dynamics, Accessed October 17, 2022. <https://population.un.org/wpp/Download/Standard/Population/>.

immigration intersects with U.S.-China relations, which inevitably broke down during the Cold War as China took up the mantle of communism. As China and the U.S. began normalizing diplomatic relations in the 1970s, China began implementing the OCP. The intersection of immigration, international relations, and the rise of the OCP informs this case study. It seeks to highlight the damages wrought by the OCP and the lack of refugee assistance by the U.S. government to Chinese couples, men, and women. It seeks to show how the OCP adhered to traditional forms of patriarchy to control women's reproductive rights, which profoundly transformed many Chinese women's lives and their partners.

The rise of OCP amplified patriarchal control over Chinese women. While in places like the U.S., where the Dobbs decision by the Supreme Court has led many to speculate about the future of reproductive rights, among others for U.S. women, the OCP legislature affected not only the lives of women but also the lives of their partners and their extended families. This case study will examine biographies, newspapers, and court cases involving Chinese citizens fleeing the effects of OCP. Immigration to the U.S. caused by the OCP in China casts a darker vision of white-settler nation refugee programs. The ignorance of women's rights and strict adherence to a spirit of paternalism shows that couples fleeing China's OCP were arriving at a nation that cared little for human rights as much as it cared for its image concerning China. Assisted by Adam McKeown's vision of immigration and the asylum regime and Laura Madokoro's observation that global humanitarianism was the disguise of ongoing reservations of certain migrants as citizens, this case study explores the history of the OCP in China in terms of the fleeing couples who sought refugee status in a nation historically anti-Chinese.

Gender Roles and Chinese Values

Mark Elvin's "Female Virtue and the State in China," published in 1984, detailed the

ideals of being a woman between the Ming and Qing dynasty (1368-1644-1912 C.E.). Elvin charted how virtues morphed and shifted between the different dynasties, starting with the views of the Song dynasty (960 C.E.) into the Ming dynasty. Elvin divided the core Confucian virtues of women into filial obedience towards parents and grandparents; harmonious cohabitation of many generations within a kin-group without division of property; fidelity of widows towards their deceased husbands; the guarding of the sexual purity of women, maintained through suicide and self-mutilation; and lastly, virtue.¹⁰¹ Elvin's findings are that late imperial China used the political system to give honors and rewards for virtuous behavior acted upon in the private life of its female citizens. The honor was open to all women, and this system of honoring and rewarding women was used as a structure to implement a system of normalized behavior for women in China.¹⁰² One example Elvin used was the suicide of a wife or fiancée in the case of their husband or betrothed's passing. The purpose was to "follow him beneath the ground" to continue servicing their loved ones in the afterlife. In one instance Elvin cited, a young girl prayed that she could take her sick mother's place. She made known her desire to follow her mother to the grave to serve her. Upon her mother's death, the young girl hanged herself, and the girl's suicide set a precedent for the kinds of selfless action an ideal woman should seek to follow.¹⁰³

As a result of these selfless acts, a place of honor awaited women who acted in regard for their families and not themselves. The physical reward of such honorable actions in the Song dynasty would come from an honorific tablet given to the family, a boost in social status, or a material reward such as grains. In later dynasties, the local gazetteer would mention money for memorials or ceremonial arches. These gifts and awards were meant to show respect for

¹⁰¹ Mark Elvin, "Female Virtue and the State in China", *Past and Present* no. 104 (August 1984), 111-112.

¹⁰² *Ibid*, 151.

¹⁰³ *Ibid*, 18.

mortality and encourage honest relationships amongst the people in the community a virtuous woman lived.¹⁰⁴ This system of virtues reinforced the idea that women were vessels for virtue gathering for a family. China created its moral groundwork at the cost of women's lives. Elvin's portrayal of women as producers and gatherers of honor specified their role within Chinese society leading to the twentieth century when the Chinese Communist Party (C.C.P.) took over China. Elvin even proposed that the system of honor in China relating to women gave symbolic exaltation to women who were subordinates when alive.¹⁰⁵ While not explored by Elvin, it can be inferred that this treatment of women relegated the concept of a higher position in life as unobtainable except through sacrifice, which inferred the subordination of women as objects of value only through struggle and virtue as defined by Confucius.

Xiongya Gao's "Women Existing for Men: Confucianism and Social Injustice against Women in China" further detailed the traditional values that formed women's gender roles and worth in ancient and modern China. Citing the ninth-century classical work, the *Book of Changes*, Gao introduced how Yin and Yang, the old notion of complementary forces that make up the world, are gendered terms. Yin is associated with feminine or negative principles of nature. Yang is related to masculine and positive parts of nature. Yin often means darkness, while Yang means light. The world of the dead for the ancient Chinese was Yin Jian, while the word for the land of the living was Yang Jie.¹⁰⁶ For Gao, women's use as objects of virtue and victims of a patriarchal order started with Confucian teachings. Chinese society valued women as the base condition of humanity. Rites were developed that affirmed the evaluation of women as the lowest form of society. These rites allowed women to learn the traits of being a good woman,

¹⁰⁴ Ibid, 104, 142, 127, 135.

¹⁰⁵ Ibid, 151-152.

¹⁰⁶ Xiongya Gao, "Women Existing for Men: Confucianism and Social Injustice against Women in China," *Race, Gender, and Class* 10, no. 3 (2003): 115.

such as obedience, quietness, good manners, neatness, cooking ability, and respectability, like the virtues that Elvin listed.¹⁰⁷ Rites included ceremonial death after the passing of one's husband, obedience from the wife to her husband's parents, bearing male heirs to the family's name, and devotion to chastity.

During the Han Dynasty (206 B.C.E-219 C.E.), feminine virtues of obedience and loyalty were codified into feminine ethics.¹⁰⁸ Confucian scholars in the Song Dynasty (420-478 C.E.) deemed it a crime to marry a widow. It became a honourous practice for a wife to end her life after her husband passed. During the Ming Dynasty (1368-1643 C.E.), chaste womanhood became an official institution. Along with chastity, women who kept their widowhood were treated with the highest esteem, even when marriages were never consummated (for example, if a fiancé died before the wedding). If a woman were young and her spouse passed away, her long life of purity and chastity would earn her great praise. Women were managed as objects of honor in ancient China. Usually, this honor was shared not only with the family but also with the village. Ritual suicide was a customary practice to keep this honor intact.¹⁰⁹ The Chinese system originated in a matriarchal form, so Confucianism left room for women to retain some power. Since the rules of Confucianism bid one respect their parents, a mother figure demands respect, even after a father dies. Nevertheless, a mother was worthy of disrespect if she did not produce a male heir. The legacy of Confucianism left three roles for women— objects of sexual desire, child bearers, and servants to the whole family.¹¹⁰

Even at birth, males and females were separated in the celebratory style of welcoming the child to the world. A male child's birth was called "big happiness," while a daughter's birth was

¹⁰⁷ Ibid.

¹⁰⁸ Ibid, 116.

¹⁰⁹ Ibid, 117.

¹¹⁰ Ibid, 117-118.

a “small happiness.” The classic work, *Book of Poems*, noted that a son born was placed into a bed with jade to play with as a toy. When a daughter was born, she was placed on the floor and given a tile to play with, signifying one who must toil for her life.¹¹¹ A firstborn girl was a disappointment, even more so if the subsequent few children were female. As a result, some girls were smothered to death or sold to avoid financial difficulties.¹¹² As capitalism penetrated China during the nineteenth century, so came socialism, liberalism, and democratic values. With the introduction of these values, a moderate level of equality was granted to women.¹¹³ When the Chinese Communist Party (C.C.P.) took over China from the Kuomintang nationalists in the 1950s, more forms of equality were granted to women, such as equal pay and the ability to divorce and choose a husband. However, Gao wisely noted that there was no way to rapidly remove two thousand years of a traditional and dominant thought.¹¹⁴

Gao’s study into the value of women throughout China’s history established a clever look into Chinese history but only offered a veiled attack against the patriarchy that rules China. Her article ended by listing the positives of the C.C.P.’s rule over China, including how women receive maternity leave with pay. However, she never fully committed to critiquing modern China’s stance toward women’s rights. Elvin and Gao agreed in their studies on the construction of female virtue and gender values. There is benefit in noting the change in morality and the worth of women in society through the changing of the Qing dynasty to the Kuomintang and later the C.C.P. Both Elvin and Gao’s work gave credence to how women in China were treated in the past, however, Gao’s offered a more obscured critique. Daughters had less intrinsic value than sons within the family dynamic. As noted by both Elvin and Gao, the devaluing of women

¹¹¹ Ibid, 118-119, 115.

¹¹² Ibid, 119.

¹¹³ Ibid, 123-124.

¹¹⁴ Ibid, 125.

often led to the death of women death did not necessarily happen as an adult. Frequently young girls bore the aggression and frustration of not being born male.

In 1981, Bernice J. Lee published “Female Infanticide in China,” which detailed the practice of infanticide in ancient China and documented rumors of infanticide into the era of the C.C.P. Lee quoted Chinese philosopher Han Feizi (200 C.E.) writing on rituals among parents and childbirth. The philosopher wrote that “they (parents) congratulate each other when it [was] a boy and kill it if it [was] a girl because they [were] considering their later convenience and calculating their long-term interests.”¹¹⁵ A third-century poet Fu Xuan posed the birth of a daughter in this way,

“How sad it is to be a woman,
Nothing on Earth is held so cheap.
No one is glad when a girl is born,
By her the family sets no store.”¹¹⁶

The problem of infanticide and the devaluing of daughters became so prevalent within China that during the wars of the Southern Song between 1127 and 1279, the phrase ‘bathing the infant’ was known by the general population as the custom of drowning babies. Specifically young female babies in a dish of freezing water when the family felt it had enough children. During the Yuan Dynasty, a law was instituted to punish families practicing female infanticide, but the practice continued through the centuries.¹¹⁷ Lee described how in the 1920s through the 1940s, researchers visiting China heard of cases of infanticide and noticed differences in the sex ratios of males to females. People reported to Lee that it was only in the remote rural areas where these practices still existed.¹¹⁸ The Marriage Law of 1950 prohibited the act of infanticide, but there

¹¹⁵ Bernice J. Lee, “Female Infanticide in China,” *Historical Reflections* 8, no. 3, (Fall, 1981), 164.

¹¹⁶ *Ibid*, 165.

¹¹⁷ *Ibid*, 166-167.

¹¹⁸ *Ibid*, 171-173.

was little to do with the abandoning of infants. Lee's article ended cynically, questioning the ending of infanticide as she questioned the official statements from China, indicating that villagers and the C.C.P.'s official statements do not often correspond.

Lee offered a stark criticism of China's official stances compared to the actual situation unfolding in China or Gao's assessment. Through the U.S.'s interactions with the People's Republic of China (P.R.C.), there was a clear divide in the information given by researchers who spoke with the official government and those who spoke with rural citizens. In 1988, Public Health educator Lawrence Green published "Promoting the One-Child Policy." The United Nations Family Planning Association (UNFPA) hired Green to review China's implementation of the OCP by interviewing Chinese officials and UNFPA¹¹⁹ staff throughout China. Alongside these reviews, Green visited cities and villages to conduct reviews of the systems and interview villagers and urban dwellers. Green bought into the idea that China needed to lower its population growth or face certain doom. He casually denied coercion through his work without ever delving into the allegations against implementing the OCP. The only leeway Green gave to the idea of coercion was blaming local cadres for being too ambitious in their implementation of the OCP, stating that official declarations from the government helped stymie these overzealous cadres.

A significant contribution made by Green is that he outlined how no money from the UNFPA was being used for abortions or coercive practices; this was stated to relieve contention from more conservative U.S citizens who were aghast by the idea of abortions being funded by U.S. money. Green's logic does not entirely hold up. If the UNFPA aid was not used for medical

¹¹⁹ The UNFPA has a sorted past relating to the OCP. John Aird's work *Slaughter of the Innocents: Coercive Birth Control in China* (Washington D.C.: The AEI Press, 1990) has contentions against the UNFPA, particularly against how the UNFPA started to support the OCP in 1980. In 1985, the UNFPA even stated that the OCP is not mandatory but advocated.

procedures, it still allowed medical and coercive practices to occur, with no action taken to hamper the coercive nature of the OCP.¹²⁰ Green came to China under an invitation from the UNFPA, and his work was closely associated with the UNFPA. Without the desire for the free reign to interview whomever he wanted, the C.C.P might have fed Green interviews. At the very least, Green offered one of the few voices during the early days of the OCP who did not give credence to the allegations of coercion; Green was in favor of China's policies. During the opening of the P.R.C to the West in the 1970s, there was a tense unpredictability about the future of U.S.-China relations. It sometimes served in the interest of some U.S. academics to keep the status quo. For the sake of Green's work, in 1988, there were fewer sources on cadres' abhorrent treatment of pregnant women.

Much of the OCP and the conversation surrounding the legislature is rooted in the types of studies it has produced; this is where empirical studies prove helpful. Avraham Ebenstein's article "The 'Missing' Girls of China and the Unintended Consequences of the One Child Policy" links census data on lower rates of female births to China's OCP. Low rates of female birth are unintended, but it has led to a disparity between the birth rates. Total fertility exceeded six births per mother, and the rapid population growth caused concern for the C.C.P. The government had been advocating for birth control practices, but this ramped up through the 1960s and 1970s with propaganda campaigns for birth control and the official implementation of the OCP in 1979.¹²¹ In observing census data from 1990 and 2000, Ebenstein approximates a deficit of 9.3 million girls (about half the population of New York) in China, an increase from

¹²⁰ Lawrence Green, "Promoting the One-Child Policy in China," *Journal of Public Health Policy* 9, no.2, (Summer, 1988), 273-283.

¹²¹ Avraham Ebenstein, "The 'Missing' Girls of China and the Unintended Consequences of the One Child Policy," *The Journal of Human Resources* 45, no. 1 (2010), 89.

the deficit of 3.4 million in 1990.¹²² The reason for careful sex selection among parents would be the implementation of the OCP if one were to break the rules. Punishments included fines, labor withholding punishments, property seizure, and government employment dismissal.¹²³ Woefully, Ebenstein did not mention the contention of coercive practices or the official outlines for the OCP in the toll of physical violence against women. Ebenstein's numbers proved quite staggering, with the gap between males and females in China increasing. However, the lack of conversation or research around coercive practices still left a hole in the study of the OCP.

Ebenstein's research included the qualifiers and guidelines for eligibility to have a child. Those living in an urban work zone were allowed a single child. Those in rural work zones were allowed a second child if the first child was a daughter, calling for a 1.5 ratio, demeaning a female firstborn as 0.5 of a child. Residents in autonomous zones are allowed two children, and ethnic minorities are subject to weaker restrictions in all provinces.¹²⁴ Some couples had freedom in choosing the number of children they could have, while others were forced to limit themselves to a single child. The disparity shown by Ebenstein's work did not account for the ability of parents to pay fines. A widespread practice for the elite in China was to pay the fines associated with having more than one child, a luxury that the lower classes could not afford. Despite some missing information, Ebenstein's work displayed the practical numbers and dangers that OCP created, including notes on the practice of Chinese gangs in trafficking women from Vietnam and North Korea to fulfill a market of would-be husbands who cannot find wives.¹²⁵ The disproportionate number of men to women carried a social effect beyond many missing girls. Swaths of women must be brought into the country to fulfill the next generation's work of

¹²² Ibid, 91-97.

¹²³ Ibid, 97.

¹²⁴ Ibid.

¹²⁵ Ibid, 105.

raising children.

In 2004, Valerie M. Hudson and Andrea M. der Boer published their study *Bare Branches: Security Implications of Asia's Surplus Male Population*. In this monograph, Hudson and der Boer noted that the hallmark of exaggerated gender inequality was violence against females due to their gender. Exaggerated gender inequality, to the authors, manifested when one infant was allowed to live while another was killed due to their gender. The Chinese even coined the term “bare branches” to denote this inequality. The term means that Chinese men (aged 15-34) will exist as bare branches with no spouses to form a family and thus continue the family lineage.¹²⁶ In detailing their studies, the authors provided valuable information on the sex ratios of China's population. They also provided helpful notations on the authoritarian practice of state-controlled family planning. To Hudson and der Boer, the practice of the OCP meant that family planning had become a fundamental part of Chinese life. The constitution of the C.C.P. had stipulations and rules regarding OCP, in which parents are called to the duty of practicing good family planning. Couples' rights may not infringe on the interests of the state, society, or the collective.¹²⁷

The C.C.P. in the early 2000s knew there was an issue with female infanticide, which is why it passed the 2001 Marriage Law and 2002 Population and Family Planning Law, both containing prohibitions against infanticide. To Hudson and der Boer, China's enforcement of the OCP has reinforced the traditions listed above in the birth preference of a son. The cultural view of Chinese families towards children is the continuity of the family, prosperity, and a source of care for the elderly. Sons were positioned at the core of these tenants. The biological value of

¹²⁶ Valerie M. Hudson and Andrea M. der Boer, *Bare Branches: Security Implications of Asia's Surplus Male Population* (Cambridge MA: The MIT Press, 2004), 3-4, 188.

¹²⁷ *Ibid*, 152.

sons is appreciated more than daughters. For rural populations, reliance on sons is purely economic; with no pensions, living sons are expected to care for their parents in their old age.¹²⁸ Hudson and der Boer point to an apparent concern that despite China's efforts to halt gender selection, the gender norms of the value of sons still clung tightly across the population. The effect on China in the late 1990s was vast numbers of unemployed rural people (150-170 million) and rising urban crime rates.¹²⁹ The effect of vast numbers of unemployed men coinciding with the fear of who will care for the elderly meant there are genuine population concerns for China due to its excess of males. Hudson, der Boer, and Ebenstein's work are extraordinarily beneficial for researchers into the OCP and modern China. The gap between the sex ratios of men and women and the use of infanticide to cull women from the population helped formulate the frame in which Chinese women inhabit.

Considering the number of missing daughters in China, it is relevant to ask how women in China viewed the OCP. In 2001, Susan Greenhalgh authored her article "Fresh Winds in Beijing: Chinese Feminists Speak Out on the One-Child Policy." In her article, Greenhalgh laid out some crucial information surrounding the position of feminists in OCP China. There existed a divide between what feminists in China thought about gendered violence from the support of the OCP. The ideological discourse surrounding the OCP and its implementation complicated and discouraged feminist critique and engagement with the topic. This complication occurred for Chinese and Western feminists as Western feminists in the early 2000s lacked any sustained research on OCP, though they did criticize it.¹³⁰ Greenhalgh examined five feminist voices and the discourses circulating at a unique moment in Chinese feminist history. During the 1990s,

¹²⁸ Ibid, 154-155.

¹²⁹ Ibid, 233-235.

¹³⁰ Susan Greenhalgh, "Fresh Winds in Beijing: Chinese Feminists Speak Out on the One-Child Policy and Women's Lives," *Signs* 26, no. 3 (Spring, 2001), 847.

research began in the public women's sphere. This research offered a critique of gender discourses of state feminism during the Maoist era between 1949 and 1976. Through studying this Maoist period, the central narrative of women's liberation appeared as a narrative of socialism as the primary emancipatory function leading toward women's liberation. The casting of women's liberation alongside national emancipation is typical in third-world countries that seek to show that the feminist liberation movement sprang up in conjunction with nationalist movements against imperialism and colonialism, only to become subordinate again after power consolidation within the hands of nationalists.¹³¹

Greenhalgh stated that women were often homogenized in a discourse of women/nation/population, as that nationalist discourse was recast as population policy, where women were subject to pressure from the biopolitics of population control and the institutions of the state that survey and regulate women's reproduction. For Greenhalgh, the study of the narratives of national crisis and salvation and the narrative of women's liberation gave legitimacy to the C.C.P. The study showed how the hegemonic power of the nation-state silencing women shed light on the problem of women's rights, gendered sex ratios, and social problems.¹³² Before Greenhalgh explored feminist voices, she addressed birth planning. From 1993-1994, the State Birth Planning Commission took steps to soften its approach toward birth planning. In 1995, the agenda of the State Birth Planning Commission was to improve the quality of care under the guise of choice and health while still retaining control of women's bodies.¹³³ The state controlled women's choices if the state was the one regulating the choices.

The five feminist figures that Greenhalgh interviewed portrayed widely different views

¹³¹ Ibid, 848-850.

¹³² Ibid, 851-852.

¹³³ Ibid, 856.

on the functionality and portrayal of OCP throughout China. Greenhalgh interviewed Zhu Chuzhu, a professor and director of the Population Research Institute at Xi'an Jiaotong University. Zhu published her research in *The Dual Effects of the Family Planning Program*, which was reported to have opened the space for people to discuss the positives and negatives of the OCP. Liu Bohong was the assistant director of the Women's Studies Institute in the Women's Federation. At the point of her interview, Liu had yet to write on birth planning and public health, only on feminism. The only man Greenhalgh interviewed was Qiu Renzong, a philosopher and ethicist in the Institute of Philosophy at the Chinese Academy of Social Sciences. Qiu was known for pushing the limits of what was open to public debate, and his work directly affected state policy. Li Xiaojiang held a Western literature professorship and was the Women's Studies Center director at Zhengzhou University in Henan. However, at the time of her interview, she was working independently. Li was the only of Greenhalgh's interviewees that stuck with the official government line towards the OCP, that it worked and liberated women. Lastly, Xie Lihua was a magazine editor for the magazine *Nongjianü Baishitong (Rural Women Knowing All)*. Xie was a huge proponent of supporting and understanding rural women and their struggles with OCP.¹³⁴

The variations in the narrative of Chinese feminists varied from actively supporting the official narrative of the Chinese state on OCP to supporting the narrative while questioning parts of it and assertion of the official narrative while moving on to discuss other matters around it. An interesting note that Greenhalgh made was that all the feminists she spoke with agreed that the OCP multiplied women's options, but none of them suggested that these same freedoms could have been won outside of the implementation of the OCP. The limits of the view that the OCP

¹³⁴ Ibid, 859-862.

brought freedom to women was that no counter-narrative questioned whether the OCP was necessary to allow women's freedom.¹³⁵ Greenhalgh's assessment of China's political system and feminism in 1999 was that the way forward rested on reworking narratives and state practices. This progress came with the knowledge that the Marxist ideology held by the C.C.P. would heed no allowance for challenging the dominant system. This denial of critique for the feminists of China leaves the state of China's feminist movement in a perpetual slow motion, working within the confines of the state.

Addressing the plausible feminist shift in China, a July 2022 edition of *The Diplomat* published an article detailing the treatment of Chinese feminists. The threat that feminism posed against the C.C.P. was threefold, according to the article "Chinese Feminists Caught Between a Rock and the Party." First was the threat that feminism emerged from a popular, widespread social movement, much like Marxism. Second, Chinese women's rights activists have organized themselves into a transnational community through social media, encrypted messaging platforms, and legal groups. Third, Chinese feminists linked many gender issues to social problems within China, calling upon human rights groups.¹³⁶ These three threats to the government of China have made feminists targets of the state. Feminists in China deal with constant threats of cyberbullying. In an attempt to combat this purposeful targeting, Chinese feminist shifted their discussion away from government-sponsored gender conflict. According to the article's authors, feminists have to deal with government organizations demonizing them as Western tools and subversives, dealing with a plethora of cyberbullying and threats of violence

¹³⁵ Ibid, 870.

¹³⁶ Zhuoran Li, Jennifer Lee, "Chinese Feminists Caught Between a Rock and the Party", *The Diplomat*, July 15, 2022. Accessed October 17, 2022. <https://thediplomat.com/2022/07/chinese-feminists-caught-between-a-rock-and-the-party/>.

from the internet audience of China.¹³⁷ The lack of change between 1999 and 2022 raises questions about how far feminism has been allowed to flourish in China, especially concerning China's patriarchal system, preferring the birth of boys over girls.

It is important to note that the OCP implementation differed drastically for urban and rural women. In her article "China's One Child Policy and the Empowerment of Urban Daughters," Vanessa Fong argued that for daughters of urban families, the OCP had been a tool of empowerment. Fong made an important distinction; her study only focused on women from the city of Dailan in Southern China, and she acknowledged that many employment and education opportunities lay outside the reach of rural women. The separation between the rural countryside and the urban environment was poised as a competition for resources and opportunities, alongside the ability of urban women to offer financial support for their elderly parents and remove the filial identity of sons as the only providers.¹³⁸ Additionally, Fong acknowledged the suffering caused by the OCP, but a balanced view of the effects of the policy needed to be considered when observing the opportunities provided to urban daughters.¹³⁹

Fong observed that women in Dailan received education and work opportunities not traditionally considered open to girls. Brotherless girls were often encouraged to go through the educational system entirely as they were objects of investment, able to work and provide for their parents when they were elderly. While in the job market, women had been counseled to hold to gender norms because gender norms still sway in the Chinese job market. Feminine traits were idealized for "light" industry and the service sector, while masculine traits were preferred for "heavy" industry and high-status jobs. Certain gendered understandings related to job

¹³⁷ Ibid.

¹³⁸ Vanessa L. Fong, "China's One-Child Policy and the Empowerment of Urban Daughters," *American Anthropologist* 104, no. 4, (December, 2002), 1099, 1102.

¹³⁹ Ibid.

opportunities did not mean women could not work these jobs, but they were much more challenging to obtain. The girls Fong interviewed in the early 2000s seemed to acknowledge that the gender gap in the job market was shrinking, meaning that the disadvantage between jobs and gender was falling away.¹⁴⁰ Regarding interpersonal relations, men and women alike were more likely and expected to share household responsibilities. Household duties expected for women and men shifted from prior generations. As Fong interviewed young people in Dailan, they indicated that their parents shared more house duties than their grandparents and were willing to share more responsibilities than their parents.¹⁴¹

Fong offered a critical viewpoint that often gets missed in the OCP conversation outside of China. Urban daughters indeed received a boon from implementing the OCP through the shifting of demographic patterns. It is important to underscore one of Fong's findings. The lowering fertility rates have lessened the competition for resources between sons and daughters, with parents in urban environments only having one child and no longer desiring only sons. In rural settings, though, this mindset had not taken hold due to the practicality of having sons to care for the elderly and carry on the family name. Fong accounted for the recent success of women in the cities of China but failed to acknowledge that while urban daughters succeeded, rural daughters suffered. The dichotomy of the rural and city-dwellers social experience was lacking in Fong's work on the progression of women in China. Success for one group of women still meant that other women were left out, allowing the systems of control that mitigate the power of women to remain in effect.

China to U.S. Immigration History and the Conundrum of Refugees

The relationship between the U.S. and China after the communist revolution and the rise

¹⁴⁰ Ibid, 1104-1105.

¹⁴¹ Ibid, 1106.

of C.C.P. is complex. Even before the communist takeover of China, the U.S. and China have been at odds over various issues since the nineteenth century. Chinese immigration to the U.S. helped set the U.S.'s policies on immigration and the tone for most modern nations' standards for immigration and travel. Chinese immigration to the U.S. began in 1848. Between 1848 and 1868, over 100,000 Chinese immigrants entered the U.S., though at least 45,000 returned to China due to the hostilities they faced in California. Dong Wang's *The United States and China: A History from the Eighteenth Century to the Present* offered a political and economic history of relations between the U.S. and China. Between 1869 and 1882, when the Chinese Exclusion Act was signed, 200,000 Chinese entered the U.S., 70 percent settling in California.¹⁴² This mass migration was due to better work prospects in the arrival nations than the available jobs in China. Rapid industrialization in the U.S. meant the need for laborers to construct railroads across the nation, opening jobs for unskilled workers. Railroads and gold rushes led to the mass immigration of Chinese into the U.S. during the nineteenth century. Along with this movement of Chinese came anxieties from U.S. citizens about the influx of Chinese migrants. Discriminatory bills were passed in California to make it harder for the Chinese to migrate and permanently reside in the U.S.

In 1882, the U.S. passed the Chinese Exclusion Act; this was the first act passed that limited the migration of people due to their race. In 1894, the U.S. and China negotiated a new treaty that barred Chinese laborers from entering the U.S. due to "depreciated serious disorders to which the presence of Chinese laborers has given the rise in certain parts of the United States." This disorder birthed a series of violence and anti-Chinese protests that swept the U.S. in the 1880s, specifically in the Pacific Northwest. Dong Wang noted that these bodies of legislation

¹⁴² Dong Wang, *The United States and China: A History from the Eighteenth Century to the Present* (Lanham, MD: Rowman & Littlefield, 2021), 53.

established two significant conclusions. First, in line with racial exclusion policies of the U.S., the executive branch of the U.S. kept pressure on the Chinese government to sign new bilateral treaties that intended to keep pace with American domestic laws. Second, the federal government gained substantial power over controlling immigration because Congress refused to surrender control over the bilateral treaties.¹⁴³ Wang's work offered a simple yet profound explanation of the relations between the U.S. and China, often loaded with information and statistics. While it offered little analysis, Wang's monograph provided a steady amount of information to placate the constant struggles these two nations endured in their relations. Looking back to how Wang described the power granted to the federal government over the power to control immigration, one cannot overlook Adam McKeown's contribution to the historiography. The immense power and sovereignty afforded to the U.S. to control Chinese exclusion are still in place within the current structure of U.S. immigration policy.

Adam McKeown's *Melancholy Order: Asian Migration and the Globalization of Borders* has shown the creation of borders, national sovereignty, and the creation of identities of Chinese migrants. One of McKeown's main arguments through his work highlights that the Asian migration of the nineteenth century has created our modern system of immigration due in part to the systems put into place by white settler nations to track and control Asian immigration.¹⁴⁴ His second argument noted that the border regulations levied against the Chinese allowed nation-states to become the sole authority on who enters their borders. McKeown used Foucault's theory on the microphysics of power to focus his work away from traditional ideas of immigration based upon race and sexuality and instead keyed into how the creation of national

¹⁴³ Dong Wang, *The United States and China*, 58-59.

¹⁴⁴ A white settler nation are places such as the U.S., Canada, Australia, and South Africa. Lands not originally inhabited by Europeans, and then placed under direct European domination through the taking and settling of land.

borders, passports, state-created identity, and exclusion recast the global migration pattern amongst the most powerful nation-states of the world. Finally, McKeown's work provides insight into assessing the modern system of refugees and asylum seekers.

McKeown asserted that the divide in the category of nation and individual is openly apparent within what he denoted as the asylum regime. The management of both individual rights and national security replaced the older traditions of hospitality towards fleeing peoples. For McKeown, the failures of the asylum regime highlight the contradictions of individual rights over the rights of national sovereignty. Quoting Hanna Arendt, he noted that "It turned out that the moment human beings lacked their own government and had to fall back upon their minimum human rights, no authority was left to protect them..."¹⁴⁵ McKeown argued that the asylum system resembles Chinese exclusion as it often gets mired in complex bureaucratic webs of lawyers, judges, journalists, politicians, and migrants. For the protection of the nation, millions have been backlogged in camps and prisons. Asylum seekers fleeing their nation of origin were protected in the courts by nothing more than the veneer of human rights and must recount their traumatic upheaval of life. In this process, according to McKeown, the courts have never looked for truth. Instead, the court has sought to find a public account of humiliation and the plea for acceptance into the gentler regime of the asylum seeker's new state. The pressure for uniformity of judges varied wildly, the quantitative numbers showing that those who could afford lawyers from large immigration firms had a 96 percent chance of entry. In comparison, those who could not afford a large firm had a 16 percent chance.¹⁴⁶ The ability to seek refuge required monetary funds; it was transactional.

McKeown's work on the social construction of ethnic or political identities linked his

¹⁴⁵ Adam McKeown, *Melancholy Order*, 355.

¹⁴⁶ *Ibid*, 355-357.

work to other processes of the nation-state, such as the building of borders, allowing immigration to flow, and the making of passports. Even his brief mention of refugees provided insight into the modern construction of immigration and the asylum regime. Nation-states hold immense power over those who enter their border as immigrants or refugees, in agreement with Wang's statement on the power base held by the federal U.S. government regarding immigration. Again, McKeown's work complements Elliot Young's *Alien Nation: Chinese Migration in the Americas from the Coolie Era Through World War II*, which argued that the Chinese were categorized differently in different countries, but in white settler societies of the U.S., Canada, Australia, South Africa, and New Zealand, the Chinese emerged as nonwhite and unfit for citizenship.¹⁴⁷ Like McKeown's work, Young noted that the basis of immigration legislation centered around Chinese exclusion, noting that even the term 'alien' was created based on Chinese migration and exclusion. These connections between Chinese exclusion and modern systems of immigration and refugee movements set the basis for understanding the refugee system presented in this work. As refugees from China enter the U.S. seeking help and fleeing past abuses, the variation of judgments and orders they receive mirror the system of the asylum regime described by McKeown, and they portray the effects of the immigration system constructed on Chinese exclusion.

Laura Madokoro's *Elusive Refuge: Chinese Migrants in the Cold War* explicitly centered around the question of Chinese refugees after the C.C.P. took over in China. Madokoro took on one of the most controversial considerations of the refugee in modern times—the consideration by many Western nations of the refugee as one who was merely fleeing for material benefit rather than actual persecution or danger. Within the first few pages of her work, Madokoro called

¹⁴⁷ Elliot Young, *Alien Nation: Chinese Migration in the Americas from the Coolie Era Through World War II* (Chapel Hill: The University of North Carolina Press, 2014), 13.

attention to the 1961 U.S. House Subcommittee, which referred to refugees fleeing China into Hong Kong as “rice refugees,” a term that denoted a deflection of responsibility for assisting people in Hong Kong who sought resettlement. This deflection had initially been used to characterize “rice Christians,” Chinese who converted to Christianity hoping to obtain material rewards over spiritual ones.¹⁴⁸ Madokoro’s assertion of the subcommittee’s denouncement of Hong Kong refugees pointed to how the perception of refugees has changed over time. The origin of the term refugee came from the French, a reference to the Jewish experience of losing land and the flight to safety. As World War II ended, people fled war-torn countries. Soon, the term became linked to Western aid, constructing the idea of refugees as people fleeing communist countries.¹⁴⁹

Madokoro made an essential distinction between the mindset of refugees and their perception of reality. For many Chinese fleeing to Hong Kong, the expectation was to return home; this gave the term refugee¹⁵⁰ a certain degree of ambivalence for Chinese migrants in Hong Kong. The Western world acted upon categorizing a refugee as a given identity to force expectations on migrants, expecting these migrants to fulfill quotas or expectations for the nation-state upon their entry. Madokoro’s argument through her work was that the term refugee belonged to the migrant. The term refugee flattened experiences and made ingenuine the complexities the migrant had to reach the new nation-state.¹⁵¹ Like McKeown, Madokoro’s

¹⁴⁸ Laura Madokoro, *Elusive Refuge: Chinese Migrants in the Cold War*, (Cambridge: Harvard University Press, 2016) 1-2.

¹⁴⁹ Ibid, 3.

¹⁵⁰ An important note on the terms migrant, refugee, and asylum seeker. Amnesty International state there is no internationally accepted definition of a migrant, but the general understanding is someone who leaves their country to work, study, or join a family member abroad. A refugee is someone who has no choice but to leave their country or face serious human rights violations. An asylum seeker is someone who is seeking protection from persecution and human rights violations but isn’t officially recognized as a refugee. For more see <https://www.amnesty.org/en/what-we-do/refugees-asylum-seekers-and-migrants/>.

¹⁵¹ Ibid, 7-8.

interest lay in understanding how the nation-state imposed an identity rather than a process developed at its borders. The focus was on the terminology attached to immigrants when they stepped across the border as refugees. For Madokoro, white settler societies were unwilling to acknowledge racial biases in contesting the authenticity of refugee experiences. Humanitarians, in turn, portrayed refugees from China as destitute, creating a psychological barrier between the people in need of help and the white settler nation adopting them. Immigrants to white settler nations were viewed as hard-working and entrepreneurial, whereas refugees were scrounging for scraps to survive.¹⁵²

In the final chapter of her work, Madokoro introduced Jim Chu, the first Chinese Canadian to be appointed as the chief of police in a major Canadian city. Jim and his sister Joanne had no sense they were ever refugees when they came to Canada in 1962.¹⁵³ Jim and Joanne's story appeared in chapter five of Madokoro's work, but Madokoro withheld who Jim was in Canada to make a point. Jim's father, Ton-Son, had escaped to Hong Kong after making a deal with a local communist leader by trading him a special lathe for his freedom to go to Hong Kong. Ton-Son applied to move to the U.S. and was confident he would be welcome because, during World War II, he had worked as a translator for the U.S. in China. The U.S. refused his application, and on a whim, Ton-Son applied to the Chinese refugee program in Canada. Ton-Son and his family's application as refugees was granted. Canada's refugee program was not interested in relieving human suffering. Instead, they screened for people who could swiftly integrate into society by asking them questions about their language skills, economical experience, and ability to pay for their passage to Canada. Upon arriving in Canada, government officials assisted Ton-Son Chu, his family, and other refugee families. Journalists portrayed these

¹⁵² Ibid, 7-15.

¹⁵³ Ibid, 214-216.

new refugees as skilled high-quality refugees that would benefit Canada, all while stroking the egos of Canadian citizens to allow such people inside their country.¹⁵⁴

Jim and Joanne's surprise at being a part of the Canadian refugee system brought Madokoro's main argument back into focus. The main point Madokoro has made centers on the ability and power of the immigrant to define their political status, in this case as a refugee and not by the nation-state accepting the migrant. For Jim, his status as a refugee carried with it a potential career-damaging blowback due to the nature of the perception of refugees in white settler nations. Those classified as refugees knew that being called a refugee could carry negative connotations. Madokoro cited a moment in the 1970s when Jewish migrants to Canada refused to participate in a Self-Exile program because to be deemed a refugee was pejorative, and they were not seeking to play the political game. To be a refugee carried with it the connotations that the people group fleeing their nation would serve to be a problem to the white settler nation they were migrating to; therefore, refugees felt the need to demonstrate gratitude, conformity to social norms of their new nation-state, and the need to be exemplary citizens.¹⁵⁵ Madokoro laid out the need for the labels of migrant and refugee, as they disguised the nature of humanity hidden beyond such labels. Immigration terminology such as refugee has removed power from the refugee/migrant to narrate their own story and instead surrendered the agency of the immigrant to a contest of who has suffered the most and would be willing to join an unfamiliar society.

Madeline Hsu's article "Befriending the 'Yellow Peril': Chinese Students and Intellectuals and the Liberalization of U.S. Immigration Laws, 1950-1965" outlined Chinese migrants as model migrants after the exclusionary period. Her work explored the transformation of Asians from the 'Yellow Peril' of the nineteenth and early twentieth century into the image of

¹⁵⁴ Ibid, 146-148.

¹⁵⁵ Ibid 214-220.

a model migrant. Hsu argued that coming upon the heels of the 1943 repeal of exclusion laws, Chinese students and intellectuals played essential roles in reshaping the relationship between white Americans and racial differences towards ideas of economic and foreign policy contemplations. Within the context of the Cold War and the ideological war against communism, the influx of Chinese from Taiwan carried with them the perceived mentality as allies and friends against communism, along with taking advantage of the improving legal conditions in the U.S. that secured rights for minorities. These immigrants were known as the ‘uptown Chinese,’ and their success within America gave visibility to Asian immigrants.¹⁵⁶ While the 1965 Immigration Act helped create a multicultural nation regarding demographics, culture, and politics, Hsu linked foreign policy objectives and selected immigration flows toward the Chinese alongside Cold War sentiments as a huge turning point in the reversal of the Yellow Peril identity of the Chinese. The reason this reversal worked so well was the proof that Chinese immigrants could be friends, contributors, and neighbors in America’s vision of the early-mid twentieth century.¹⁵⁷

Examples of these exemplary immigrants include Chinese students brought to the U.S. under the Boxer Indemnity scholarship program. Between 1909 and 1929, nearly 1,300 Chinese students came to the U.S. and earned undergraduate and graduate degrees. Estimates stated that over 20,000 Chinese students studied in the U.S. from 1854 to 1953, most coming after 1905.¹⁵⁸ During the Cold War and P.R.C. era, the Refugee Relief Act of 1953 allowed in over 2,000 refugees from the P.R.C., while between 1962 and 1965, 15,000 Chinese who fled Hong Kong were allowed in the U.S. under special provisions that stemmed from the 1953 act. Granted, educated Chinese were still given preferential treatment, including special aid from the U.S. to

¹⁵⁶ Madeline Hsu, “Befriending the ‘Yellow Peril’: Chinese Students and Intellectuals and the Liberalization of U.S. Immigration,” *Journal of American-East Asian Relations* 16, no. 3, (Fall, 2009), 140-141.

¹⁵⁷ *Ibid*, 145.

¹⁵⁸ *Ibid*, 146.

fund college graduates in Hong Kong as they lived their lives outside of the P.R.C. or in Taiwan. The reason was to keep these valuable human resources out of C.C.P. hands.¹⁵⁹ However, these numbers were low in comparison to the millions killed during the purges and famines of the early days of the P.R.C.; it makes sense that while the Chinese were sought after as immigrants in lower numbers, the U.S. exclusively desired the educated and business-minded Chinese over the day laborer.

Hsu rightly noted how Chinese intellectuals and even Madame Chiang Kai-shek changed American perceptions of the Chinese, turning them from undesirable workers and thieves to intelligent, hardworking friends of capitalism. The small number of refugees accepted placated McKeown's theory of the limitations produced by the asylum regime. While the perception of the Chinese in the U.S. has undoubtedly changed over time, the damage wrought by the systems of Chinese exclusion still holds strong with the federal government's power, having the final say in who enters the country and why. The P.R.C. clung to communist ideology, while the U.S. upheld the West as the great bastion of capitalism. This divide illustrates the product of Cold War mentalities. The relations between the U.S. and the P.R.C. were often fraught with issues publicly, but back-door meetings led the way toward diplomatic stability.

The Cold War influenced U.S.-China relations in the 1950s and 1960s; both countries were publicly aggressive toward each other yet quietly improved relations through back channels. The Chinese began to shift their rivalry with the U.S. toward the Soviet Union (U.S.S.R.). Beginning in the 1960s, the Chinese saw the improvement of U.S.-Soviet relations as a threat to their sovereignty. The Chinese concluded that while both nations wanted to dominate the world, the U.S.S.R. was a more significant threat. U.S.-China relations finally normalized in

¹⁵⁹ Ibid, 153-154.

1979 as U.S. and U.S.S.R. relations soured with the Soviet invasion of Afghanistan and the deployment of Soviet troops in Cuba. Fearing the loss of parity, the U.S. grew closer to China and worked to curb Soviet influence. In December of 1978, Jimmy Carter officially recognized the P.R.C. as China, ending the issue of the two China distinctions between China and Taiwan; however, the U.S. Congress challenged the president's move, and it passed the Taiwan Relations Act in 1979, promising aid to safeguard the independence of Taiwan.¹⁶⁰

This thaw benefitted both nations as the U.S. gained a new market, and the P.R.C. could focus on its economic plans. China and the U.S. also found a common enemy within the U.S.S.R. A vital consideration in the relations between the U.S. and China came from Silvia Federici's "China: Breaking the Iron-Rice Bowl." Centering the essay on the Tiananmen Square protest and massacre that occurred in 1989.¹⁶¹ Federici argued that both the U.S. and China benefitted from the generalized account of the students fighting for freedom, democracy, and a liberalized economy. For the U.S., the political liberalization that the students demanded hid the economic dimension, thus portraying the fight between capitalism and totalitarianism. The ramping up of Cold War ideology benefitted maintaining a nuclear arsenal while also allowing for profiting labor communist workers in Eastern Europe and holding on to hegemony. China's interest was to present the protest as a foreign 'counter-revolutionary' plot, appealing to anti-imperialist sentiments. This moment allowed China to crack down on resistance to their process of liberalization, which had been wildly unpopular, and subdue resistance to the economic free market.¹⁶²

¹⁶⁰ Dong Wang, *The United States and China*, 189-205.

¹⁶¹ The Tiananmen Square protest and massacre is an event that occurred from April to June of 1989. Student protesters were demanding accountability, democracy, and freedom of speech, though it was a disorganized and varied group. The massacre occurred on June 4, 1989 when the government sent troops to the square and fired on the protesters, killing hundreds to thousands of protesters and soldiers.

¹⁶² Silvia Federici, *Re-Enchanting the World: Feminism and the Politics of the Commons* (Oakland: PM Press, 2019) 51-52.

Federici found through an examination of articles published by the New York Times (NYT) that China and the U.S. collaborated in using the narrative for their own goal. In the months preceding the protests in Tiananmen Square, the NYT published several articles detailing the issues China was having moving to a free market system. One crucial change was the introduction of bankruptcy laws. Essentially, before the bankruptcy laws, businesses, profitable or not, were bailed out by the government. However, the new laws meant businesses could go under, leaving workers without jobs.¹⁶³ In early April of 1989, the NYT published an article describing how the Chinese government saw people as an obstacle to the market economy. It mentioned attacks on factories and factory owners who had obtained wealth, while the poor wanted a cut of the profits. Due to their entry into a market economy, inflation was rampant, meaning those with fixed incomes were hurt financially by the 27 percent inflation rate.¹⁶⁴ The words ‘iron rice bowl’ in the essay’s title refers to China’s promise to always provide work for workers, even if they are lazy. The rice bowl “pact” was unraveling as the economy of China shifted towards a new economic model, thus giving managers and industries the ability to lay off workers.¹⁶⁵

Federici noted that one group of those executed for crimes committed during the Tiananmen Square protests, while student dominated, were, in fact, young workers and unemployed men.¹⁶⁶ The new union movement within China in this period was given little coverage; therefore, Federici claimed that it was beneficial to the governments of both countries to ignore these issues and focus on the claims that would net the most loyalty to national goals. One NYT article detailed how the student leaders of the protest were not Westernized students at

¹⁶³ Ibid, 53.

¹⁶⁴ Ibid, 54.

¹⁶⁵ Ibid, 54-55.

¹⁶⁶ Ibid, 55.

the University of Beijing. However, more proletarian-positioned students at People's University led the protests. In addition, there was inflation and the fear of subsidy cuts, which meant that more laissez-faire students at the Westernized University of Beijing would have suffered less than the students at the People's University. Students during the protest even began wearing Mao buttons and pins, harkening to the image of a more egalitarian regime.¹⁶⁷ However, in the end, the U.S. and China benefitted from posing one side against another. The U.S. retained its stance against communism, while China was able to crush those who opposed its entry into the free market system.

Federici's argument tied NYT articles from the late 1980s lacked historical context, but the concept does bear consideration. This tie between China and the U.S. underpinned how some immigration judges and bureaucrats perceived the Chinese who fled China during the OCP years. The U.S. desired a marketable relationship with China. Where possible, accepting mass groups of refugees would have torn down the idea of the nation-state holding power over immigration. The desire to not anger China and lose a market and industry overwhelmed any notions of human rights. America retained a desire to make China a global power and wealthy trade partner, but events through the 1990s kept tensions in place and stunted the U.S. attempts to craft China into a democratic trade nation. Instead, the U.S. moved towards a policy of constructive engagement where U.S. consumers and businesses would make money, and China could benefit from freedom and democracy.¹⁶⁸

The core arguments of this case study center on Madokoro and McKeown's vivid construction of the refugee system in the U.S., Both authors, paint the portrait of the refugee

¹⁶⁷ Ibid, 56-57.

¹⁶⁸ John Pomfret, *The Beautiful Country and the Middle Kingdom: America and China, 1776 to the Present* (New York: Picador, 2016), 546-550.

experience as a bleak existence in which the refugee must surrender all portents of their past to engage within their new community. With the refugee identity built in white settler nations, the definition of the refugee lies securely in the hands of nation-states willing to give an identity to whoever crosses its border, whether a refugee or migrant. In China, the OCP did little to improve women's rights and amplified the paternal role of the state by giving reproductive power to the government. In the context of the 1980s, China and the U.S. worked towards a compromise, with each trying to get the upper hand in relations. The refugees who filed motions for asylum in the U.S. had to navigate a complex political world while leaving everything they knew behind to seek a new life and the ability to have a family without government-enforced limits.

One Child Policy in Practice: A Controversy and the Politics of Documenting Forced Abortions

The story that opened this chapter about Chi An appeared in Steven Mosher's 1993 book *A Mother's Ordeal: One Woman's Fight Against China's One-Child Policy*. Mosher was one of the first academics to enter China when American relations with China were finally on decent terms. Mosher was highly critical of China, so he was expelled from Stanford University's Ph.D. program for violating ethical procedures. The university claimed that an issue arose when he published photos of seven- and eight-month-pregnant women prompted for abortion procedures. The vote to remove Mosher from the program was odd; four committee members were absent, three excused themselves, and the remaining eleven voted to expel Mosher.¹⁶⁹ In 1985 Mosher published a response to the decision in the peer-reviewed journal *Science* in which he suggested that the Anthropology department of Stanford was under pressure from the Chinese government

¹⁶⁹ Wallace Turner, "Stanford Ousts Ph.D Candidate Over His Use of Data on China," *The New York Times* (New York), Feb. 26, 1983. Accessed October 17, 2022. <https://www.nytimes.com/1983/02/26/us/stanford-ousts-phd-candidate-over-his-use-of-data-on-china.html>.

to oust Mosher.¹⁷⁰ Mosher also stated that during a 21-month-long investigation in which the president of Stanford University was involved. Mosher claimed to have proved his innocence from all the charges for which his committee voted to deny him the Ph.D. The charges included illegal travel, collecting secret documents, and bribing officials. Mosher stated that due to the pressure the president of Stanford faced from the Chinese government, his case was closed by the president of Stanford. The latter alleged that improper accounting of Mosher's purchase of a camera was grounds for dismissal of Mosher's appeal.¹⁷¹

The conflict around Mosher's research in China played out in a wild deluge of publishing and notes from either side of the conflict, much of it exhibited in the journal *Science*. A writer for the journal published an article describing Stanford University's side of the Mosher dismissal. Stanford had reason to believe that Mosher acted outside of the ethical perimeter of an anthropologist due to allegations of bribery, unethical publication practices, and smuggling. They also claimed that even the U.S. consulate found evidence of Mosher's unbecoming activities. The article noted that the Chinese government wanted Mosher to face the consequences of his actions in interviewing rural residents (something not allowed in China).¹⁷² Mosher responded in a letter to *Science* denying that Stanford found any evidence of wrongdoing, that his ex-wife was scorned and had sworn to destroy his academic career (she was one of Stanford's main sources for dismissing Mosher), and that the Chinese government was pressuring Stanford to make this decision. Alongside Mosher's letter was one from Stanford University's department chair of Anthropology, Clifford Barnett, who restated that Stanford did what it was ethically tasked to do.

¹⁷⁰ Steven W. Mosher, "Mosher on Stanford Decision", *Science* 230, no. 4729 (1985), 992.

¹⁷¹ *Ibid.*

¹⁷² Marjorie Sun, "The Mysterious Expulsion of Steven Mosher," *Science* 220, no. 4598, (May, 1993) 692-694.

Finally, a sociologist¹⁷³ at Rutgers' university published a letter condemning the actions taken by Stanford as an act against free speech.¹⁷⁴

What developed between Mosher and Stanford was a back-and-forth fight for the right to finish his degree. Stanford considered Mosher one of its best doctoral students, yet in the end, Mosher never earned his degree. The core issue from the Chinese side of the argument came from Mosher's publication of photos in a Taiwanese newspaper of the seven- and eight-month pregnant women forced into a rural abortion clinic. The conflict raised questions about Mosher's biases, accusations of Stanford bowing to P.R.C. demands, and the relationship between the U.S. and China in the late 1970s and 1980s. Marjorie Sun's article for *Science* noted that Mosher never expressed anti-abortion views until months after he left China.¹⁷⁵ According to Mosher, in a 2012 article for the *National Catholic Register*, after seeing the events that played out in abortion clinics, Mosher had a crisis of conscience that eventually led him to the Catholic Church and the pro-life movement.¹⁷⁶ As Mosher left academia and began publishing his works, his studies were met with mixed reviews in scholarly circles. Some heavily criticized the work for Mosher's biases and polemics.¹⁷⁷ In contrast, others lauded his work for the reliability of perceptions of rural life and his accuracy in covering American perceptions of China.¹⁷⁸ Mosher's character portrayal through this work showed Mosher as heavily biased in anecdotes

¹⁷³ The sociologist was Irving Louis Horowitz, a devoted critic of leftist Marxist ideology entering the field of sociology for fears of totalitarianism.

¹⁷⁴ Steven Mosher, Clifford Barnett, and Irving Louis Horowitz, "Mosher's Expulsion from Stanford," *Science* 220, no. 4604 (June, 1983) 1334-1336.

¹⁷⁵ Marjorie Sun, "The Mysterious Expulsion of Steven Mosher," 694.

¹⁷⁶ Joan Desmond, "Steven Mosher: A Vision of 'Hell' Brought Him to the Church," *National Catholic Register*, January 20, 2012, Accessed October 17, 2022. <https://www.ncregister.com/news/steve-mosher-a-vision-of-hell-brought-him-to-the-church>.

¹⁷⁷ See Susan Greenhalgh's Review for *Broken Earth: The Rural Chinese* by Steven Mosher and Lewis Bernstein's review of *China Misperceived: American Illusions and Chinese Reality* by Steven Mosher.

¹⁷⁸ See Peggy Christoff's review of *China Misperceived: American Illusions and Chinese Reality* by Steven Mosher and Lars Ragvald's review for *Broken Earth: The Rural Chinese* by Steven Mosher.

and analysis yet reliable for hands-on work and study.

This conflict highlights an issue within the study of the OCP. The issue attracts many conservative and or pro-life voices to the study of this legislation. The reason stems from the resurgence of conservatism within the U.S. during the 1980s under the Regan presidency and the passage of the Roe v. Wade U.S. Supreme Court decision in 1973. When China implemented its OCP, the images and stories of China fueled arguments to preserve unborn life in the U.S. and elsewhere. Due to this bias, one must reason to sift through the sources about OCP in China while not discrediting the subjects of these studies and their experiences. Mosher, for example, in *A Mother's Ordeal*, used interviews he conducted with an unnamed woman known to the reader as Chi An. Chi An was a mother, a nurse, and a survivor of the abuses and coercion of the birth planning committee under the OCP. The reason for secrecy in revealing the name of the subject of the biography came from the fear of retribution in China to the remaining members of the woman's family. While Mosher might have embellished Chi An's story, this experience is consistent with other stories from abused men and women who left China during the OCP and sought asylum in the U.S. Thus, due to the nature of oral and personal history being the importance of what is remembered, the stories that follow are to be understood as what happened to these individuals. Mosher and other conservative works on reproductive rights in China are important because these studies are some of the only sources on OCP. While this and other works relied on oral histories, the historian must provide other forms of corroborating evidence to support the claims of the authors who bore witness to horrific acts. This case study combine published oral histories and legal cases of asylum.

Reproductive Rights, Asylum Politics, and the Dehumanization of Chinese Immigrants in Immigration Courts.

Mosher based *A Mother's Ordeal* on oral interviews he conducted with Chi An, Chi An's mother, and Chi An's son Tacheng to corroborate the details of her story. The story was written in first person, possibly embellished with some creative liberty, but the core of the story remained.¹⁷⁹ The book opened with a letter from Chi An's place of work demanding that she carefully consider her pregnancy in the U.S. for termination. The letter mentioned how women pregnant with 'illegal' children had been forced to have abortions during their eighth and ninth months of pregnancy. Some mothers claimed to hear their children cry after the abortion, and Chi An's comrade detailed how some mothers were dragged to or pushed to the abortion clinics. The story noted that party officials supported these actions.¹⁸⁰ These instances of state support brought up by Chi An's comrade are common in accounts of OCP enforcement. Mosher's book detailed many accounts of women being dragged to clinics and forced to have an abortion or have an IUD inserted. In one story Chi An told, she recounted the head of a maternity section of a hospital having many liaisons with unmarried nurses. The doctor got one nurse pregnant and performed an abortion on her, and after the abortion, secretly placed an IUD in her to continue their relationship without fear of conception.¹⁸¹ When Chi An became pregnant with her second child, a population control worker from her place of employment harassed her continually to get an abortion. Finally, Chi An received an abortion after constant threats from her population control officer, the possible involvement of their local party secretary, and the population control officer of her husband's factory.¹⁸²

Chi An also heard horror stories from the countryside. She recounted that one family, having a five-year-old daughter and desiring a son, killed and hid their daughter's body to have a

¹⁷⁹ Moser, *A Mother's Ordeal*, xii-xiii.

¹⁸⁰ *Ibid*, 1-2.

¹⁸¹ *Ibid*, 196.

¹⁸² *Ibid*, 203-206.

chance at a son. While visiting family in a village, Chi An heard various other stories of infant girls being smothered or drowned. In one village from 1980-1981, forty young girls were forcibly drowned.¹⁸³ Of course, the horrific story from the beginning of this essay was another event that Chi An herself witnessed. Chi An and her husband eventually sought asylum in the U.S. while her husband was finishing his degree. Chi An conceived another child in the U.S., and their attorney used the 1980 Refugee Act, which stated foreigners could claim refugee status if they could prove a “well-founded fear of persecution” based on race, religion, social group, or political opinion. An unexpected problem arose in Chi An’s case when the U.S. authorities stated that forced abortion was not due to race, religion, or social group. The first hearing with an Immigration Judge (IJ) did not end well, as the attorney for the state argued that allowing Chi An and her husband refugee status would “open the floodgates” to illegal Chinese immigrants.¹⁸⁴ As a result, Chi An and her husband were denied asylum in 1988. Fear of floodgates opening to Chinese immigrants says much of how the state felt about Chinese immigration; they used language reminiscent of the “Yellow Peril” as a procedural argument against Chi An’s entry into the U.S. as a refugee.

The denial was not the end of the case, as Mosher worked with political allies to get Chi An’s story before Attorney General Edwin Meese. Meese, who was about to leave his post as the Attorney General, on August 5th, 1988, granted asylum to Chi An and her family, along with two other families seeking asylum from OCP. A *Washington Post* article from August 6th confirmed that Meese gave the order to grant asylum to three couples fleeing OCP and persecution from China.¹⁸⁵ The article then described part of the story of Chi An and her family’s struggles,

¹⁸³ Ibid, 229-233.

¹⁸⁴ Ibid, 314.

¹⁸⁵ Chi An’s husband’s actual name is within the article.

supporting Mosher's account in the book. The urgency of asylum-seeking was included in the article as it stated that Chi An and her husband were about to face deportation proceedings before Meese issued his proclamation allowing the three couples to stay.¹⁸⁶ The case of Chi An has all the hallmarks of coercion during the OCP. Coercive birth control, stories of forced abortions and IUD insertions, government threats unless action was taken against pregnancy, and a lengthy asylum case fought against Immigration and Naturalization Services (INS). While Mosher was the teller of Chi An's story, it does not seem to deviate from the story often heard from OCP asylum seekers.

In 2011, Chai Ling wrote her autobiography *A Heart for Freedom: The Remarkable Journey of a Young Dissident, Her Daring Escape, and Her Quest to Free China's Daughters*. Chai Ling was one of the leaders of the 1989 Tiananmen Square protests who, after the crackdown on the protestors, fled to Hong Kong, then France, and finally settled in the U.S., where she got an education and received a degree from Princeton University. While her story focused on her work during the 1989 protests and her humanitarian work afterward, Ling noted that she had several abortions in China. Ling's first abortion occurred during one of her winter breaks from college in the mid-1980s. Ling's mother suspected something was wrong and had Ling get a blood test revealing her pregnancy. Ling's father took her to a clinic two hours away from the family's home to hide the shame and embarrassment she had brought to their home from friends and neighbors. After describing the procedure, Ling mentioned how lax sex education was in China. She mentioned that contraceptives were unable to be purchased except by married couples. On a different occasion, Ling became pregnant. This time, her boyfriend's

¹⁸⁶ Ruth Marcus, "Three Chinese Couples Win U.S. Asylum from Meese," *The Washington Post*, August 6, 1988, Accessed October 17, 2022. <https://www.washingtonpost.com/archive/politics/1988/08/06/three-chinese-families-win-us-asylum-from-meese/a03c1040-ac0d-444b-8444-fcddd244fdb3/>.

father took her to a clinic. Ling reported that to be found pregnant out of wedlock would have led to her and her boyfriend's expulsion from the university, they would have suffered social disgrace, and be sent to work meager jobs for the rest of their lives.¹⁸⁷

In 2010, after fleeing to Hong Kong, France, and receiving education in the U.S., Chai Ling converted to Christianity and started an organization called All Girls Allowed. The organization was a Christian organization that sought to end OCP, end gendercide, and spread the Christian Gospel throughout the U.S. and China.¹⁸⁸ Much like Mosher's books accounts, after experiencing the traumas of OCP China, Ling came to Christianity and made her life's mission in helping to end the OCP in China. Many Chinese who have sought asylum in the U.S. often convert to Christianity, an important observation beyond the scope of this work. Looking back to the Meese decision in Chi An's case from 1988. *The New York Times* stated that Meese gave new guidelines to give "careful consideration to applications for asylum" from Chinese who fear persecution at home "because they refuse to abort a pregnancy or resist sterilization after the birth of a second child."¹⁸⁹ If an immigrant resisted the C.C.P. as a conscience, then according to Meese's new guideline, they could apply for refugee status. According to the article, the State Department commented upon several points of the new guidelines, clearly resisting Meese's assertions that OCP abuse could qualify couples for refugee status.

The State Department's response was threefold. First, it stated that while couples with more than one child could face economic repercussions, they softened that statement by stating that rural and minority groups were usually not as restricted as other people across China.

¹⁸⁷ Chai Ling, *A Heart for Freedom: The Remarkable Journey of a Young Dissident, Her Daring Escape, and Her Quest to Free China's Daughters* (Carol Stream, IL: Tyndale House Publishers, INC., 2011), 45-47.

¹⁸⁸ "About Us," All Girls Allowed, Accessed 10/11/2022, <https://www.allgirlsallowed.org/about-us>.

¹⁸⁹ Robert Pear, "Chinese Foes of One-Child Plan Get U.S. Asylum," *New York Times*, August 6, 1988. Accessed October 17, 2022. <https://www.nytimes.com/1988/08/06/world/chinese-foes-of-one-child-plan-get-us-asylum.html>.

Second, a State Department official told *The New York Times* that while China was sensitive to criticism of their policy, the matter of three families being allowed into the U.S. was not likely to cause a stir. Third, the State Department stated that while coercion could occur, it was exceedingly rare, and it flew in the face of official guidelines given by the C.C.P.¹⁹⁰ Through these statements, several issues illustrate the State Department's anti-refugees sentiment toward those coming from China. First, the State Department's adherence to C.C.P.'s stated guidelines mirrors the UNFPA's support of the OCP. In adhering to C.C.P.'s guidelines instead of how cadres and local officials acted upon the OCP, the State Department softened the tone of how numerous the stories of OCP coercion were. Finally, the State Department used its softening of OCP enforcement to justify its nullification of the enforcement of Meese's guidelines.

In looking back to the idea of the asylum regime described by Adam McKeown, Meese gave power to the immigrant by allowing the migrant to defer their refusal to accept the OCP as an act of political dissidence. While it still depended on the immigrant to recount their traumatic experience, Meese did empower those seeking asylum to self-identify and claim their refugee status on their terms. However, Meese's guidelines only seemed to influence the three cases mentioned in the article by *The Washington Post* in which Chi An was involved.

A year later, in 1989, *The New York Times* ran an opinion piece about another refugee couple fleeing China. Lee Yuan Pan's wife (whose name did not appear in the article) was forced to have an abortion. Because the couple had a second child, they were heavily taxed and had their electricity cut off. After a third pregnancy, the couple fled their village. Lee ended up in the U.S. while his wife hid in China, where she was found and forced to have another abortion. An immigration judge granted Lee asylum. However, the immigration service in San Francisco

¹⁹⁰ Ibid.

decided to appeal Lee's status as an asylum seeker because Chinese authorities did not single out Lee; instead, the court argued that all people in China were subject to the same rules and punishments as Lee.¹⁹¹

The article by *The New York Times* highlighted several logical discrepancies in the concern for Chinese refugees fleeing the OCP. The article's author argued, "the 1980 Refugee Act, foreigners are entitled to permanent sanctuary if they can demonstrate 'a well-founded fear of persecution' based on race, religion, nationality, membership in a particular social group or political opinion. Forced abortion may not fit these categories neatly, but it violates one of the most basic human rights. Refugee status can rightly be granted, on a case-by-case basis, to families that can prove such an abuse." Immigration officials worried that a loophole in the refugee law would open floodgates for refugees to flee to the U.S., much akin to the statement made in Chi An's case. Immigration officials argued that Lee was not singled out because the rules of OCP applied to everyone. This statement was in direct contrast to their efforts to downplay the coercive nature of China's OCP in 1988 after Meese's guidelines were issued. If coercions were rare, why would there be an "unending flow of migrants." The author even argued that a case-by-case determination was consistent with the humanitarian spirit of the refugee law.¹⁹² Why have a refugee law unless one expects to have refugees? Why have a humanitarian spirit unless one is unwilling to support those who were refused their human rights? That is because immigration policies are not based on the humanitarian spirit; they center on political representation and control issues. Refugees are immigrants, and the nation-states that receive them define them. The image of humanitarian support has served to justify the nation-

¹⁹¹ "Forced Abortion and a Chinese Refugee," *The New York Times*, April 19, 1989. Accessed October 17, 2022. <https://www.nytimes.com/1989/04/19/opinion/forced-abortion-and-a-chinese-refugee.html>.

¹⁹² *Ibid.*

state's authority. The nation-state appears to protect those under its boundaries when it is just another means of furthering the control of the state over immigration.

A month after *The New York Times* opinion piece was published, IJs and the Board of Immigration Appeals handed down a decision regarding the deportation proceeding ruling questioning Meese's guidelines as void. The 1989 *Matter of Chang*'s deportation proceedings offered no oral argument to the respondent, known only to the reader as Chang; it simply outlined the denial of asylum and the voluntary procedures for Chang to leave the country. Chang's application for asylum listed that he sought asylum because he was an anti-communist and the communist domination of China limited his freedom. In his application, however, Chang did not mention that he faced more persecution than any other person in China. At Chang's deportation hearing, Chang stated he was afraid of persecution in China because he and his wife refused to stop having children, even after he and his wife lost the right to work at their commune. Chang and his wife received an order from their commune to be sterilized. Rather than obey, Chang fled the country while his wife was able to put off sterilization due to an illness. When asked why he did not list persecution from OCP on his asylum application, Chang answered that no one asked him, and his poor English skills made him not very conversant.¹⁹³

The deportation ruling stated that the court did not find the "one couple, one child" policy persecutory since the official line of the Chinese government stated that it discouraged more births through economic incentives, sanctions, peer pressure, education, birth control, and propaganda. The court even sided with the concerns that China had to enforce the OCP to ensure a fight for resources would not harm the population. The decisions also stated that the C.C.P. did not prevent couples from having children but limited the family size. On the contrary, it was

¹⁹³ *Matter of Chang*, 20 I & N Dec. 38 (1989).

customary to have to wait for official approval to have a child, meaning that any child conceived before or after the expiration of an official form allowing for a child would be subject to the termination of the birth. It stands to reason that the immigration court had only an official understanding of OCP, and the official U.S. stance on OCP was much more lenient than the reality of the implementation in China. From Chang's case, the court set up five significant decisions: 1) implementation of the one couple, one child policy was not on its face persecutive due to it not being implemented on the cause of race, religion, nationality, membership in a particular social group, or political opinion; 2) one applying for asylum from the one couple, one child act must prove that the application of the OCP toward the individual was persecutive due to its application against members of a religious group or meant to punish individuals for their political opinion; 3) a person who opposes the OCP but was subjected to it nevertheless has not demonstrated they were being punished for their opinion as a member of a social group (the group being those opposed to OCP); 4) if the applicant claimed that action occurred at the hands of local officials, he must prove that higher officials were unavailable to offer redress; and lastly, 5) the policy guidelines announced by Attorney General Meese regarding OCP couples did not apply to decisions made by IJs and the Board of Immigration Appeals.¹⁹⁴

Chang was ordered to self-deport within a month of his hearing. However, the record noted that the proceedings stated that the deportation proceedings were reopened and later terminated. While the result of Chang's case is tangible to this study, the court's ruling is very relevant. An analysis of the decision made by the immigration board reveals that operating under the Immigration and Nationality Act in which the five reasons for persecution were listed, U.S. immigration rulings were holding close to existing refugee laws rather than expanding the

¹⁹⁴ Ibid.

criteria of those who were displaced from their homeland. This analysis underscores McKeown and Madokoro's argument on the operation and purpose of immigration laws. Even when the board opened with Chang failing to mention OCP in his initial application, this presumed that refugees only constituted the five listed reasons of the Immigration and Nationality Act. Thus, refugees were confined to meeting only a particular criterion afforded by the state. In contrast, those who fled their home state only desired the ability to escape, giving no mind to how they should fit within the U.S. framework of being a refugee. This fleeing harkens to Madokoro's argument that migrants should be the ones who define the meaning of being a refugee rather than the state applying the status of refugee upon immigrants. Between immigrants and refugees, the humanity of the migrant is erased so they can fit into a specific criterion set in parameters by the state.

With the number of issues Chinese immigrants asylum-seeking faced, the U.S. Congress passed Section 601 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Section 601 allowed for the expansion of refugee status to persons who had been forced to abort a pregnancy, forced into sterilization, or to someone who has been persecuted for refusing to submit to sterilization or abortion. The pretense for this allowance was based upon the existing statute of persecution for a differing political opinion.¹⁹⁵ In 1997, the *In re C-Y-Z* case contained several opinions on the case of a Chinese man who fled China after he and his wife disobeyed OCP guidelines by having three children. After the first child was born, the wife received an IUD, but it was removed a year later. After the second child, the man was forced to pay a 2,000 yuan fine, or the local cadre would burn their house down. After their third child was born, the

¹⁹⁵ U.S. Congress, House of Representatives, *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, 104th Cong., 2d sess., 1996, S. Rep. 104-828, 161. Accessed October 17, 2022. <https://www.congress.gov/104/crpt/hrpt828/CRPT-104hrpt828.pdf>.

wife was forcibly sterilized against her will; 18 months after her sterilization, the husband left China.¹⁹⁶

The original IJ denied asylum to the applicant because the applicant had never faced persecution.¹⁹⁷ However, the board that reviewed *In re C-Y-Z* did grant the applicant asylum. This decision offered a wide range of views among members of the board. One member of the board supported the imputation of the status of persecution from the wife to the husband; another argued that the implementation of forced abortion or sterilization of one spouse adversely affected the other, and yet another board member claimed that if Congress meant for the imputation of one spouse's persecution to another, then they would have outlined that order in the immigration act.¹⁹⁸ The dissent amongst the board tells of the degree to which a refugee must endure before being allowed into the U.S. for asylum. The Board of Immigration Appeals (BIA), while upholding the 1996 Immigration Act, fell right into the same logical issue that plagued the 1989 *Matter of Chang* opinion. For someone to be a refugee and enter the U.S., they had to prove that they suffered greatly, and only then should the nation-state take sympathy with them. The decision does not appear to be rooted in a person's need to survive and flee their home country, rural village, city, or town but a set of criteria set by a nation that claims moral superiority over the nation from which a refugee fled. To assert this superiority, the nation where the immigrant relocated must force the immigrant to prove they have suffered to its standards of suffering.

The complexity that existed for OCP migrants seeking asylum in the U.S. continued to remain at a constant level. In 2003, *Wang v. Ashcroft* displayed the difficulties that often-beset couples fleeing China and refugees. The issue was of documentable and confirmable

¹⁹⁶ *In re C-Y-Z*, 21 I&N Dec. 915 (1997).

¹⁹⁷ *Ibid*, 916.

¹⁹⁸ *Ibid*, 922, 928-929, 933.

information. As if running from the nation of their birth was not hard enough, couples sometimes were challenged in corroborating the information they gave to immigration courts. Xuan Wang entered the U.S. in 1996 as a nonimmigrant visitor with her spouse. In 1997 her status was updated to the spouse of a nonimmigrant student. When Wang obtained employment without prior INS authorization, deportation proceedings began against her. Wang submitted a plea for asylum because she dealt with two forced abortions and had an IUD inserted during her time in the P.R.C.. Wang had her first child in 1994, and several months after her first child had been born, she became pregnant again. At the time, Wang worked a government job, and she had an abortion under threat. After that incident, Wang began working for a joint venture American-Chinese company, assuming that this new job could protect her from aborting another child. When her new company learned of her pregnancy, they, too, coerced Wang to have an abortion and have an IUD inserted. Officials wanted to sterilize Wang to prevent another pregnancy.¹⁹⁹

When Wang and her husband arrived in the U.S., Wang had the IUD removed and received treatment for hormonal balance issues relating to the IUD. Wang feared that if she returned to the P.R.C., she would face forced sterilization and imprisonment for removing the IUD. When Wang's husband Ming was asked to corroborate Wang's responses, he admittedly remembered little of the exact dates of the abortions but had months and years correct. The IJ who heard the case pressed Ming Wang further, claiming his story did not match the one his wife had told the IJ. Upon being pressed, Ming replied that his memory was scattered "because it was not very pleasant to me, because I don't quite remember because of this kind of situation."²⁰⁰ The IJ denied Wang's asylum request and stated that Ming gave "false testimony for the purpose of

¹⁹⁹ *Wang v. Ashcroft*, 341 F.3d 1015 (9th Cir. 2003).

²⁰⁰ *Ibid.*

gaining an immigration benefit.”²⁰¹ When Wang submitted a request to the BIA, her appeal was dismissed, and she then petitioned for review.

Interestingly, Ming was granted asylum by a different IJ who heard his case for asylum based on his wife’s abortion testimony. A circuit court heard Wang’s submission for appeal, and the BIA ruling was overruled as a result. Wang’s abuse at the hands of the P.R.C. and OCP made her eligible for asylum under existing laws, the qualifications of United States Code 8 U.S.C. § 1101, and the court ruled that the Attorney General should be the deciding force in Wang’s case.²⁰² While Wang received her appeal, this case highlights the inefficient and cruel nature of some OCP plaintiffs have to endure. Unfortunately for Wang, she was denied asylum, while her husband obtained asylum based on Wang’s abortion testimony. The difference in rulings produced by two different IJs portrayed the heavy-handed approach that the INS employed when individuals applied for asylum or refugee status. The accusations leveled at Ming by the IJ portray both Ming and Wang as leeches hoping to profit off the kindness of international support. At the same time, a separate IJ found Ming’s case reliable and never questioned his truthfulness. On top of remembering an incredibly stressful and uncomfortable situation, the IJ, in Wang’s case, expected Ming to remember precise details. Ming’s answer about the unpleasant nature of the two abortions leveled with the stress of schooling that Ming could have been dealing with (since he was a student in the U.S., and often graduate students came from China to learn at U.S. schools) might explain why Ming could not remember precise details. The very nature of questioning and making refugees relive the worst days of their lives did not present the image of white-settler nations allowing asylum as human rights champions; it instead depicted the U.S. as callous overlords stripping the migrant of all dignity.

²⁰¹ *Ibid.*

²⁰² *U.S. Code 8, § 1101.*

Looking back to the *Chen v. Ashcroft* case presented near the start of this chapter. Cai Luan Chen escaped to the U.S. to seek asylum after he was threatened with arrest if his girlfriend, Chen Gui, did not report for an abortion. Chen Gui went into hiding while Chen fled to the U.S. Chen learned from his parents that Chen Gui was eventually found in her eighth month of pregnancy and forced to have an abortion. At the time of the phone call, Chen Gui lived with Chen's family. To be clear, Chen Gui and Cai Luan Chen attempted to solve this situation before Chen left China. However, when local officials came to Chen's house and confronted him about Chen Gui's pregnancy and her whereabouts, Chen refused to give the officials information. At that point, the officials beat Chen with sticks, and Chen fought back until his parents broke up the fight. Later, upon learning of Chen Gui's pregnancy, Chen and Chen Gui applied for a marriage license, but the official denied it. The denial was due to how tightly China controls the marriage age of its citizens. Chen testified that he was told the legal age to marry was 25 for a man and 23 for a woman.²⁰³ As a result, Chen sought asylum in the U.S. under the *In re C-Y-Z* ruling that allowed asylum considerations for a married spouse.²⁰⁴

Chen's petition for a case review was rejected because, according to the decision, he faced no danger of being considered under threat of persecution. While Chen had fought with officials at his home, there were no records that he needed medical treatment after the encounter. U.S. officials also reasoned that their decision that Chen Gui's abortion or the denial of a marriage license did not constitute persecution. Since Chen was not married to Chen Gui, the *In re C-Y-Z* ruling did not apply. As for fear of persecution, the court denied that there was substantial evidence from Chen to form a well-founded fear of persecution for any of the listed

²⁰³ The minimum age for marriage in China is 22 for males and 20 for females. In some localities the ages are set higher.

²⁰⁴ *Chen v. Ashcroft*, 381 F.3d 221 (3rd Cir. 2004).

abuses that Chen suffered. Accordingly, Chen's appeal for asylum was denied.

Another denial decision came in the *Zhang v. Ashcroft* case. The unmarried applicant fled from China after his neighbors alerted birth planning officials of his live-in girlfriend's pregnancy. Zhang left China just before his girlfriend was captured and forced to abort the fetus. The court ruled that while neither formally nor informally married, the act of impregnation alone was not an act of resistance to the OCP.²⁰⁵ In a different case, *Chen v. Gonzales*, a female applicant was denied asylum after having become pregnant, applying for, and failing to obtain a marriage license due to the age of her and her boyfriend, and then being forced to have an abortion. In contrast, Chen was denied asylum because of a lack of corroborating evidence.²⁰⁶

Why so many denials? An article published by the Asian Pacific Law Journal explained that the passing of Section 601 created many unintended consequences, namely that hundreds and thousands of Chinese asylum seekers attempted to take advantage of the Section 601 provisions via U.S.-born children. The sheer number of these cases has ingrained negative views in the Immigration Board and federal courts regarding Chinese asylum seekers. The author argued that the court was unwilling to check the Immigration Board's behavior due to the number of cases and the reinstatement of the image of Chinese asylum seekers as lawbreakers.²⁰⁷ While Section 601 portrayed itself as the legislation meant to bring fairness to Chinese asylum seekers, it carried unintended consequences making it harder for applicants to secure safety in the U.S. Every move toward progress for asylum seekers led to another stall.

In 2005, *Time* magazine published an article titled "Enemies of the State?" which

²⁰⁵ *Zhang v. Ashcroft*, 395 F.3d 531 (5th Cir. 2004).

²⁰⁶ *Chen v. Gonzales*, 434 F.3d 212 (3d Cir. 2005). For more cases regarding unmarried couples see: *Shi Liang Lin v. United States Department of Justice*, 494 F.3d 296 (2d Cir. 2007)

²⁰⁷ Xiou Lou, "The Unintended Consequence of Section 601 of the Illegal Immigration Reform and the Immigrant Responsibility Act: The Rise of U.S.-Based Claims and Their Impact on The Board of Immigration Appeals, Federal Judiciary, and Mass Media," *Asian Pacific American Law Journal* 20, (2015) 31-69.

centered around the practices of OCP in the early 2000s. The article opened with the story of Li Juan, who had been nine months pregnant in the spring of 2005 when she was forcefully taken to a clinic and forced to have an abortion. The article noted that an abortion practitioner inserted a needle into Li Juan's abdomen; after that, she could no longer feel her fetus moving around. Ten hours later, Li delivered the deceased baby. To ensure the child was dead, officials dunked the child in the water for several minutes. Li Juan hired a gang of thugs to get revenge for her forced abortion.²⁰⁸ Another woman, Hu Bingmei, 33, was forcibly sterilized after she had two daughters. Seven officials took Hu to be sterilized, and after a botched surgery, Hu could barely take a few steps without doubling over in pain. The practice of OCP was kind to no one. It was developed on a false scientific premise linked to anxieties about overpopulation. While urban women could thrive, some social barriers have been changed. Life for most women in China remains encoded by the patriarchal system that allows no challenges or room for change.

²⁰⁸ Hannah Beech, "Enemies of the State?," *Time*, September 12, 2005. Accessed October 17, 2022. <https://content.time.com/time/subscriber/article/0,33009,1103579,00.html>.

CHAPTER 4

CONCLUSION

The culmination of published academic material on Asian immigration to the Americas and the Caribbean showed that studying Asian immigration is a growing field. The methodologies employed by historians approaching the topics are equally vast. Transnational and transimperial studies are the future of Asian immigration studies, but there needs to be a more thorough discussion on the limits of transimperial methodologies. It is easy to quantify the numbers and write narratives but exploring the methodologies and theories behind Chinese immigration showed the broad strokes that historiography has held regarding Asian immigration. Even if some studies are problematic in the methodology, in some sense, as in the case of Hu-DeHart's reading of transnationalism, these works are invaluable to the growth and continuation of studies relating to Asian immigration in the Americas and the Caribbean.

Going forward, historians need to ask themselves what types of methodologies will advance our knowledge of the past? Regarding topics, further research is needed on the artistic representation of Asian immigrants. Lee's work in *Mandarin Brazil* touched on the topic but needed further research and comparison among Latin American countries to make a conclusive argument. Considering that transnationalism's use is still in full swing, one might ask, what is the counter to this method? Writings like Dirlik's can argue against transnationalism on the grounds of their capitalist focus. If the study of Asian immigration to the Americas and the Caribbean is to continue, historians will need to continue to evolve their methods and find unexplored topics. Considering there have been few works published on Canadian Chinese aside from Dere's book, it stands to reason that there is more history worth investigating within the northern reaches of the New World and Caribbean. As the field continues to grow, linkages between segments of

Chinese diasporic movements can help to further cement how constructions of racialized views are formed, thus elaborating on the human condition of the creation of others. Finally, there needs to be a comprehensive look at the perception of Asians and the connection to violence in colonial and indentured societies.

However, historians must use the tools at their disposal. The case study presented in this research paper showed how in the U.S., the hopes of Chinese asylum seekers were often met with sorrow and despair. Married or unmarried couples, members of couples, and people who sought reproductive rights and freedom to form a family were subjected to the cycle of what McKeown regarded as the asylum regime. Under just as much nation-state control as the nineteenth and early twentieth-century Chinese immigrants, refugees from the OCP regime of China were under as much scrutiny. The migrants retained few rights to define themselves or their stories. Instead, they were subjected to inconsistent rulings and IJs that shifted their views on what qualified as persecution. Many of these stories were lost to the legal system, but they could serve to constitute the second big wave of Chinese immigration following the wave of the nineteenth through the twentieth century. Instead of labor, these families sought a future free from control and different forms of abuse. Instead, they received a stark reality where all their darkest moments were relieved and judged for their worthiness in entering a nation unfamiliar and alien to them. The layers of unintended consequences left in the wake of legislation concerning immigrants further develop the concept that Chinese immigrants have not escaped the imagery of previous centuries. In a way, these immigrants constituted the second wave of the Yellow Peril. As Madokoro argued, embracing global humanitarianism was a disguising of the reservations about the desirability of certain migrants.²⁰⁹

²⁰⁹ Laura Madokoro, *Elusive Refuge*, 17.

Madeline Hsu's article "Befriending the Yellow Peril" did not foresee a revival of fear for the Yellow Peril. Instead of normalization of Chinese migrants, Chinese migrants were tolerated to a point. Considering that many immigrants that Hsu wrote about were urban individuals and those who fled the OCP were both rural and urban dwellers, it is fair to postulate that the thought of mixing with the impoverished of China was beneath U.S. citizens. In the case of the white settler nations, the Canadian government specifically wanted successful Chinese refugees through Madokoro's study of Jim Chu and his sister. What needs to happen in future studies of Chinese immigration is the consideration of the effects of OCP upon the creation of refugees and how other white settler nations reacted to the arrival of these refugees. In the case of the U.S., they were allowed inside to become citizens, but only through a laborious process.

The OCP and its institution in China served as a means of control rather than a tool of liberation. While the C.C.P. portrayed the OCP and their takeover of China as a means of freedom for women, the government instead doubled down on repression by taking away women's rights to conceive and raise a family. The strict age requirements for marriage licenses, limiting children, forced sterilizations, coerced abortions, labor loss, and the destruction of homes were all used to control women and their families. Judging by the article from *The Diplomat*, little has changed since the late 1990s regarding Feminism in China. Some positives occurred for women in urban dwellings, but rural women have been left out of any advancement. Later studies need to delve further into the effect of OCP on immigrants, but only if informants are willing to tell their stories. Court cases only offer facts. The emotions and stories of leaving one's home country are lost in court documents.

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