

The Invention of “Aliens Ineligible For Citizenship” —The Process of Making the Chinese Exclusion Act of 1882—

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In the latter half of the 19th century, more than 360,000 Chinese came from the Guangdong area to California and faced a violent anti-Chinese movement. In the late-1870's, as the debate over the Chinese increased from merely a regional issue in the American West to a national one, the U. S. Congress finally enacted the first Chinese Exclusion Act in 1882. This was only fourteen years after the U. S. and Qing governments legalized the entry of Chinese laborers in the Seward-Burlingame Treaty of 1868. The purpose of this paper is to investigate the changing process of the U. S. immigration policy on the Chinese, especially focusing on the “Chinese Question” as a diplomatic issue and analyzing it in the context of making a new “imagined community” in the Reconstruction era.

The first part of this paper tries to answer why the U. S. government had taken a pro-Chinese policy, although an organized anti-Chinese movement had already begun. In previous historical works, the political process of the 1882 Act has been seen as resulting from the pressure of California exclusionists, which is called the “California thesis.” However, this one-sided focus on the anti-Chinese group is not enough to explain the totality of the “Chinese Question.” This paper focuses on the “Open Door constituency” such as American traders and missionaries which had a vital role in concluding the Burlingame Treaty. This treaty changed the character of the Chinese Question from regional nativist issue to diplomatic problem linked with American commercial interests. Furthermore, Reconstruction politics had a crucial role in enacting the pro-Chinese policy. In the stage of forming a new “imagined community” based on “free labor ideology,” radical Republicans took pro-Chinese policies such as the 14th Amendment and the Civil Rights Act of 1870, which nullified the discriminatory state laws.

The second part treats why this pro-Chinese situation dramatically

changed. In the late-1870s, the failure of the Reconstruction politics needed to make new boundaries between "we" and "they" for defining the social order. The First Federal Report explicitly differentiated the Chinese from respectable Americans and labelled the Chinese as "social deviant." It also recommended the modification of the Treaty and legislation to restrain the great influx of Asiatics. As a result, the U. S. government stood in a difficult position between the pressure from the domestic exclusionists and the New Englanders. However, the Quing government provided the key to solving this dilemma. Under the crises of losing the tributary states, Li Hung-Chang promised concession in the Chinese Question, in exchange for America's participating the Liuchiu Problem as mediator. This concluded the Angell Treaty of 1880, which permitted the restriction of the Chinese by the U. S. government. In this way, the 1882 Act prohibited the entry of Chinese laborers for ten years. Furthermore, it fixed the strange status of the Chinese as "aliens ineligible for citizenship."