

# **Intersections of Discrimination in Immigration Law: Narrating Chinese Women's Experiences during the Chinese Exclusion Era**

**Alexander Lu**

Indiana University  
Department of Sociology

## **ABSTRACT**

Addressing the tendency of legal analyses to conceptualize discrimination along a single-axis framework, I propose the implementation of narrative to illustrate and convey intersectionality. Using an analytic narrative, I examine the intersections of race, class, and gender discrimination experienced by Chinese women during the Chinese Exclusion Era in American history. By conceptually linking intersectionality with the constitutive theory of law, my narrative explicates how immigration laws shaped Chinese women's experiences by defining them as potential prostitutes and as legal appendages of men. My analysis demonstrates the efficacy of narrative as a way to examine the intersectionality that constitutes discriminatory experiences of law.

## Intersections of Discrimination in Immigration Law: Narrating Chinese Women's Experiences during the Chinese Exclusion Era

How did early American immigration laws shape Chinese women's multidimensional experiences of discrimination? How can scholars effectively convey the unique forms of legal oppression experienced by individuals occupying multiple positions of marginalization such as Chinese women immigrants? Scholars such as Kimberlé Crenshaw (1998) criticize the judicial treatment of intersectionality in legal discrimination cases and emphasize the necessity of centralizing intersectionality as a key concept in methods of legal analysis. As a meaning-making institution, law shapes norms of understanding and ideologies about race, class, and gender. In particular, immigration law can influence sex ratios, labor market composition, class hierarchies, and family structure (Espiritu 1997). During the Chinese Exclusion Era (1882-1943) of American history, the US government passed numerous laws prohibiting the entry of Chinese immigrants. In addition to explicitly barring a race of individuals, the exclusion laws also established stereotypes and enforcement procedures that further alienated Chinese and penalized women specifically. To fully understand the discrimination underlying early immigration law, one must analyze the intersections among race, class, and gender. Thus, I employ analytic narrative to examine the experiences of Chinese women during the Chinese Exclusion Era. My objectives are (1) to analyze how the proscription of restrictive immigration laws shaped Chinese women's multidimensional experiences of discrimination, and (2) to demonstrate the utility of narrative analysis for explaining and conveying the constitutive experiences of intersectionality.

### DISMISSING INTERSECTIONALITY IN LAW

Black Feminist Theory (e.g., Collins 2000, 2004) criticizes the single-axis framework that treats race, class, and, gender (in addition to other oppressed social statuses) as mutually exclusive categories of experience and analysis. Individuals marginalized along an array of characteristics experience domination in more complex and burdensome ways than their singularly disadvantaged counterparts. To illustrate how these experiences differ from those of white men, several legal scholars have conducted feminist analyses of law from a nonwhite perspective (e.g., Austin 1989; Banks 1990-1; Caldwell 1991; Crenshaw 1991; Harris 1990; Scales-Trent 1989).

Demonstrating how mutual exclusivity is problematically applied in antidiscrimination law, Crenshaw (1998) contrasts the intersectionality of Black women's discrimination with the single-axis analyses that distort their experiences. To illuminate the difficulties inherent in the judicial treatment of intersectionality, she considers three employment discrimination cases: *DeGraffenreid v. General Motors*, *Moore v. Hughes Helicopter*, and *Payne v. Travenol*. For varying reasons, the courts involved in these cases proved incapable of understanding intersectionality. In *DeGraffenreid*, the court refused to acknowledge the notion of compound discrimination against Black women and assessed the plaintiffs' claim using the employment of white women as the historical basis. Consequently, the employment of white women obscured the distinct discrimination experienced by Black women. Conversely, the court in *Moore* determined that a Black woman could not use statistics reflecting the overall sex disparity in supervisory and upper-level labor jobs because her

discrimination claim was not as a woman, but “only” as a *Black* woman. The court refused to entertain the idea that discrimination experienced by Black women is indeed sex discrimination—evidenced by disparate impact statistics on women. In *Travenol*, the court held that Black women cannot represent an entire class of Blacks because of presumed class conflicts in cases where sex additionally disadvantaged Black women. Thus, in the few cases where courts allowed Black women to use overall statistics indicating racially disparate treatment, Black men were unable to receive remediation. Although Crenshaw (1998:361) offers seemingly contradictory examples of how antidiscrimination law treats Black women (i.e., Black women are the same and harmed when treated differently *or* Black women are different and harmed when treated the same), she explains this contradiction of having to choose between them as another manifestation of the conceptual limitation of the single-issue analyses that intersectionality challenges. Crenshaw’s portrayal of court systems’ problematic framing and misinterpretation of the circumstances of Black women plaintiffs demonstrates how dominant conceptions of discrimination condition people to conceptualize and assume subordination singularly (i.e., Black or woman). She further argues that this single-axis framework erases Black women in the conceptualization, identification, and remediation of racial and sexual discrimination by limiting inquiry to the experiences of otherwise-privileged members of the group.

Because the intersectional experience is greater than the sum of racism and sexism, any analysis that does not incorporate intersectionality cannot sufficiently address the subordination of Black women. Crenshaw’s (1998) work highlights the necessity of conveying intersectional discriminatory experiences of not only Black women, but any person occupying multiple positions of social disadvantage. Thus, legal analyses of discrimination must apply theoretical and methodological heuristics that focus on the multiplicative intersections that constitute everyday life for the socially disadvantaged.

## INTERSECTIONAL EXPERIENCES AND THE CONSTITUTIVE THEORY OF LAW

Constitutive theory explains how law forms identity and experience while conversely being constituted by the everyday interactions that give law meaning (Seron and Munger 1996). Legal symbols and categories operate as cognitive lenses through which individuals and groups construct the relationships, practices, and knowledge that make up, or “constitute” social life (Pedriana 2006). Instead of treating law solely as an instrument of social control, constitutive theorists examine how law affects society from the “inside out, by providing the principal categories that make social life seem natural, normal, cohesive, and coherent” (Sarat and Kearns 1993:22). Individuals often comprehend and construct social relationships—even ones that are not explicitly legal—through conceptual prisms of contract, due process, obligations, and property. Each of these concepts is embedded in a symbolic framework organized around *legal* concepts and categories (Pedriana 2006). Constitutive theory looks broadly at people’s use of law to frame “everyday” perceptions, actions, and experiences (see, e.g., Ewick and Silbey 1998; Marshall 2003; Merry 1990; Nielsen 2000; Sarat and Kearns 1993).

## NARRATING CONSTITUTIVE LAW

In sociology of law, Seron and Munger (1996:195) point to an emerging trend of employing narrative to understand legal ideology, legal consciousness, and law in everyday life. Ewick and Silbey (1995) explain that as temporally organized language that reports a story, narratives (1) link daily social interaction to macro social structures and (2) reflect and sustain institutional and cultural arrangements while simultaneously accomplishing social action (Reissman 1993; Todd and Fisher 1986, 1988). Epistemologically, narratives can uncover truths about the social world that more traditional methods of social science and legal scholarship suppress or silence. Attempting to examine lives, experiences, consciousness, or actions outside of the narratives that constitute them, distorts subjects through abstraction and decontextualization, thus depriving events and persons of meaning (Mishler 1986; Bruner 1986; Polkinghorne 1988; White 1987). Because social identities and social action—indeed all aspects of the social world—are storied, narrative is not just a form imposed on social life (Somers 1992); rather, it is constitutive of that which it represents.

Synthesizing various definitions, Ewick and Silbey (1995:200) list three elements a particular communication must possess to qualify as a narrative. First, narratives depend on some form of selective appropriation of actors and past events. Second, events in a narrative must be chronologically ordered. Third, actors and events must be related to one another and to some overarching structure, usually in the context of an opposition or struggle. They refer to the relational aspect of narrativity as the "relationality of parts" or "emplotment." Both the temporal and structural ordering ensures "narrative closure" and "narrative causality" by establishing *how* and *why* the recounted events occurred.

Ewick and Silbey (1995) further specify their conceptualization of narrative by referencing psychologist Jerome Bruner (1986) who clarifies the meaning of narrative by comparing it to non-narrative forms of discourse. Bruner (1986:11) describes two "modes of cognitive functioning, two modes of thought, each providing distinctive ways of ordering experience, by constructing reality." Called logico-scientific or paradigmatic, the first mode includes truth-claiming arguments that are falsifiable through formal logic or empirical evidence. The second mode refers to stories or narratives, which seek verisimilitude rather than truth. Although logico-deductive arguments and narratives rely on different standards of verification, one can use them to inform or convince each other (see Polkinghorne 1988).

Ewick and Silbey (1995) identify and explain three ways in which narrative enters scholarly research. Narrative can be the *object of inquiry*, *method of inquiry*, or *product of inquiry* (i.e., the researchers' representation). First, as an *object of inquiry* and explanation, scholars study narrative as a fundamental sociological concept—the *sociology of narrative*. Second, researchers can employ narrative as a *method of inquiry* to study social life—*sociology through narrative*. Third, narrative occurs as a *product of inquiry* when sociologists operate as storytellers in producing accounts of social life (Van Maanen 1988; Maines 1993; Somers 1992; Cohen & Rogers 1994). In this incarnation, narrative operates in the scholarly production itself as much as in the object of study or the mode for observing social phenomena. Addressing his concern with historians' claim to accurately represent reality and the appropriate means for

doing so, Hayden White explains that the social world does not "present itself to perception in the form of well-made stories, with central subjects, proper beginnings, middles, and ends, and a coherence that permits us to see 'the end' in every beginning" (White 1987:24); rather scholars construct narrative representation of that world. Narrative representations are persuasive and compelling because they offer "coherence, integrity, fullness and closure" that supply order and interpretation (Van Maanen 1988). Hence, the representational analysis of social action can serve as an act of narration—this is *sociology as narrative*.

## METHODOLOGY AND DATA

To emphatically examine and portray how immigration laws structured Chinese women's experiences, I perform sociology as narrative by using an analytic narrative (see, e.g. Abbott 1992; Bates et al. 1998; Goldstone 1998; Pedriana 2005; Sewell 1996; Stryker 1996; Trachtenberg 2006). As theoretically informed stories, analytic narratives focus on actors, the choices they construct, the actions they perform, and the consequences of their decisions (Pedriana 2004, 2006). Incorporating chronology and ordering as methodological tools, I "present and analyze historical data as temporally linked sequences of action [organized] into a meaningful analytic whole" (Pedriana 2005:351). Analytic narratives are molded to theoretical questions and analytic themes that underlie the significance of event sequences. With analytic narrative, I can focus on the language and practice of the Chinese Exclusion laws (Lu 2010), crucial to understanding constitutive intersectionality. The analytic narrative is well-suited to examine intersectionality because I can analyze the strategic actions and responses between Chinese women and immigration officials and the meanings and experiences they negotiated during the Chinese Exclusion Era.

Because narratives rely on a variety of historical sources, I drew from both primary and secondary sources. Primary sources consist of documents produced by actors and institutions involved in the Chinese exclusion process, including briefs, constitutional provisions, court decisions, letters, and statutes. Applying the distinction between "hard" and "soft news" as a guideline (Tuchman 1973:113), I used primary sources to obtain "hard" or factual aspects of an event. I extrapolated from secondary literature to supplement historical details and assist with identifying and locating additional primary documents (Trachtenberg 2006). Secondary sources also helped to establish the general contours of this historical sequence and served to verify my interpretations and conclusions of the historical record.

## DISCRIMINATION AGAINST CHINESE WOMEN DURING THE CHINESE EXCLUSION ERA

My analytic narrative examines how immigration laws structured the multidimensional discriminatory experiences of Chinese women during the Chinese exclusion period of American history. The first section of my narrative analyzes how the Chinese exclusion laws supported the assumption that all Chinese women were prostitutes. The second part explains how the immigration laws defined Chinese women as derivatives and dependants of men.

## *Presuming All Chinese Women to be Prostitutes*

In 1875, Congress passed the very first restrictive federal immigration law—the Page Law (18 *Stat.* 477). Targeting a particular group of women, this law forbade the entry of Chinese and other “Mongolian” prostitutes, felons, and contract laborers (Chan 1991b). Compared to the more than 100,000 Chinese men who entered between 1876 and 1882, the US only admitted 1,340 Chinese women between 1875 and 1882 (Chan 1991b). The proportion of women among Chinese immigrants declined from 7.2% in 1870 to merely 3.6% in 1890 (Okimoto 1994:64). The dramatic disparities between Chinese women and men entering the US demonstrate the efficacy of the Page Law to exclude women generally.

In 1895, John H. Wise, the collector of customs and chief of the Chinese Bureau in San Francisco, represented many immigration officials when he warned to “do as much as I can to discourage Chinese from sending for their alleged wives and children. I am satisfied that...many women and young girls [would be] brought for immoral purposes. It is well known that the cunning of Chinese often circumvents the vigilance of the officers.”

In response to letters from Chinese and their lawyers, Wise repeated his warning and explicitly discouraged the immigration of Chinese women. When pushed to clarify what documents Chinese women would need to land, Wise made it obvious that immigration officials would consider *all* Chinese women prostitutes until applicants could prove otherwise (Lee 2003:93-4). Because immigration officials assumed all Chinese women were prostitutes, “No Chinese woman, regardless of her social standing, was safe from harassment” (Chan 1991b:132).

American officials stationed in China rigorously interrogated Chinese women attempting to immigrate. Enforced broadly and strictly to assuage all suspicions, the Page Law not only served to exclude Chinese prostitutes but also deterred the immigration of Chinese wives who wished to join their husbands in the US (Peffer 1986; Takaki 1998). Although marriage should decrease suspicion of prostitution, immigration officials used Chinese marriage customs and gender relations as justifications to exclude Chinese women. Immigration officials believed Victorian ideals of attraction, affection, and companionship between spouses were the basis of American marriages, but they associated traditional Chinese customs of arranged marriages and multiple wives with subservience, concubinage, and prostitution. Officials argued that these unions barely qualified as marriages. Thus, as Collector Wise made evident to one correspondent, “The Chinaman would have to demonstrate to me that woman is his wife according to *our* ideas of marriage.” To another Wise warned, “I shall demand, upon arrival of the alleged wives the most convincing proof that they are the wives of the Chinese residents.” However, exclusion policies stated that the unsupported testimonies from the Chinese themselves did not qualify as “convincing proof.” Only testimonies from white witnesses<sup>1</sup> or documentation of the marriage were acceptable (Lee 2003). Both were difficult to produce.

Although the melodramatic uproar over Chinese prostitution peaked at the turn of the 20<sup>th</sup> century, it continued to influence how immigration officials screened Chinese women applicants. Inspectors automatically suspected Chinese women of prostitution if they did not exhibit overt class markers and exude Victorian gender ideals of “respectability” and “decency” (Pascoe 1990:4). Using the same rationale in cases with

merchants (Lu 2010), immigration officials expected women claiming to be wives of merchants to possess fine clothing, a respectable manner, and especially bound feet, considered a mark of wealth and status in China. For example, when Jow Ah Yeong and Chun Ah Ngon, wife and daughter of a merchant, arrived in San Francisco in 1885, their applications emphasized that they both had “compressed feet,” which the affidavit explained, “is a mark of respectability.” The immigrant inspector made a special note of “small feet,” on their ticket jacket and admitted the two women (Lee 2003). Thereafter, immigration officials generally viewed bound feet not only as overwhelming evidence of a woman’s exempt-class status, but as symbols of Chinese female virtue, a quality a prostitute would allegedly never possess. In 1899, Collector of Customs John P. Jackson’s exemplified this sentiment when he wrote that a “decent Chinese woman” was “known to be such by the proofs she presents, and having the badge of respectability of bandaged and small feet.” Ironically, as the American government relied on bound feet as a determinant of a woman’s class membership, reformers in China initiated campaigns to prohibit foot binding as part of a larger movement for reform, modernization, and women’s equality (Ping 2000).

Although indicators of wealth and status warded inspectors’ doubt of prostitution among elite Chinese women, they continued to routinely suspect many women—particularly those who were not members of the merchant class—of prostitution and unfairly detained and/or denied them entry (Chan 1991b). One example involved the case of Lau Dai Moy, a wife of an American citizen, who applied for admission on June 13, 1917. Although her documentation was appropriate, officials subjected Lau to extensive questioning as part of the regular process at the immigration station. Because Lau was much younger than her husband, immigrant inspectors assumed the two were not legally married, thus raising their concern that Lau might be a prostitute. Demanding precise details, officials interrogated the couple about their wedding ceremony, home, and family, with expectations that Lau and her husband, Fong, provide corresponding answers. Inspectors asked Lau some of the following questions:

“What presents or ornaments has your husband given you? When did your husband give you the hair ornament? Did he buy that hair ornament in his home village? Did you really wear the gay head-dress and the beaded veil at your wedding? Just when did you wear the head-dress? How long did you wear the head-dress? Did you wear it while you served tea? Who were the guests that you poured tea for?”

These types of questions reflect not only the gendered procedure of exclusion, but also illustrate the problematic approach by which the government sought to validate relationships. Immigration officials assumed that discrepancies between a couple’s testimonies verified fraudulence and thus inadmissibility. However, discrepancies do not necessarily indicate a fraudulent case. In Lau and Fong’s case, the interrogation revolved around very minute details of their arranged marriage and wedding ceremony that took place the previous year. Having only lived a few months together before living apart for a year with little to no contact, questions involving their village, home, and shared life were even more difficult to answer. Despite these circumstances, inspectors expected consistent answers, so they detained Lau at the station for six additional weeks.

Unfortunately, Lau’s case was not an anomaly. Local Chinese leaders complained that inspectors constantly asked reputable Chinese women “improper” questions that

implied prostitution, but they rarely included these questions in the official records. Editor Ng Poon Chew consistently charged that immigration officials would never make the same insinuations “in the hearing of American ladies.” As late as 1940, sociologist Wen-hsien Chen found that “over-suspicion on the part of immigration officers [continued to cause] great embarrassment to respectable young Chinese women.” Several women in San Francisco’s Chinese community told Chen that immigration officials suspected all Chinese women of prostitution except those who could travel in first class and assumed any Chinese woman under age sixty who rode in third-class passage was a “bad woman” (Chen 2000:201). The belief that most Chinese women in America were prostitutes fueled much of the anti-Chinese sentiment in the 1870’s and continued to have a detrimental effect on Chinese women’s admission and their broader image during the Exclusion era.

As Chinese people, immigration officials assumed them excludable, rather than admissible. As Chinese women, officials subjected them to additional scrutiny based on fears that most female applicants were either practicing or potential prostitutes. The Page Law’s focus on defining the morality of Asian women as a basis for entry into the US illustrates the sexism and racism underlying American immigration laws (Mohanty 1991:25). Inspectors’ reliance on misattributed indicators of class status such as bound feet, conspicuous opulence, and Victorian ideals perpetuated a classist enforcement of the immigration laws that romanticized the oppressive practice of foot binding and sexually penalized Chinese women’s youth, poverty, and independence. Given the prevalence of prostitution in general, the ostensible singling out of Chinese prostitution on moral grounds reveals the racist fear that, as a function of their race, Chinese women would cause “especially virulent strains of venereal diseases, introduce opium addiction, and entice young white boys to a life of sin” (Chan 1991b:138). Chinese women represented a sexualized danger that threatened the existing relations between white heterosexual men and women with moral and racial pollution. Viewed as symbols of social decay, exploitation, and even slavery, Americans considered Chinese prostitutes—and by extension all Chinese women—one of the most dangerous threats of Chinese immigration (Lee 2003).

### *Defining Chinese Women as Derivatives and Dependents of Men*

Anti-Chinese immigration laws also promoted intersectional discrimination because they generally did not accord women their own legal status, rather they considered women “legal appendages of men” (Mohanty 1991:26). Immigration officials based a Chinese woman’s eligibility for admission on her relationship to a male sponsor and his ability to support her (Chan 1991b).

Although the Chinese Exclusion Act of 1882 prohibited the entry of “Chinese laborers,” it was vague regarding the entry of Chinese women. Two years later, *In Re Ah Moy* tested this question in the Circuit Court of California. In this case, a Chinese laborer and resident of the US named Too Cheong had visited China in 1883 and married Ah Moy. Returning to the US a year later, the court denied Ah Moy admission, declaring that the wife of a Chinese laborer was also a “Chinese laborer,” and thus could not lawfully enter the US. Moreover, the court argued that a Chinese woman who was not previously a “Chinese laborer” took the “status” of her husband upon marriage, hence becoming a member of a prohibited “class” (Takaki 1998:40-1). Regardless of



social class, even merchant's wives held a derivative status as immigration officials only admitted them because their husbands were among the "exempted classes" (Chan 1991b).

Because most Chinese women derived their admission rights from their male sponsors, they even depended on their male relatives before arriving in the US. With male sponsors making decisions, some Chinese women never had the option to migrate. For example, Moy Sau Bik was eligible to enter as a merchant's daughter, but her father expropriated her immigration slot to a male cousin, listing a son instead of a daughter on the sponsorship papers he filed with the immigration service. Acting on the prevailing patriarchal Chinese attitudes that privileged sons over daughters, Moy's father granted his nephew eligibility over his daughter. Ineligible to apply as an independent immigrant and lacking her father's sponsorship, America effectively excluded Moy Sau Bik until she finally entered as a merchant's wife in 1931. Gendered implementations of the exclusion laws by both immigration officials and male relatives served as barriers for Chinese women's migration (Lee 2003).

Even if the exempt-class sponsor was a longtime US resident, investigations were arduous and time-consuming because dependent women had to not only prove their sponsor relationship but also reconfirm their sponsor's legitimacy. For example, immigration officials detained Yong Shee for two months in 1915 while they investigated the status of her husband, Lee Kan, a merchant in San Francisco and partner in Chong, Kee, and Company. The scrutiny over the company's legitimacy placed both Yong Shee's right to enter the US and her husband's exempt status, vis-à-vis the business, in jeopardy. In another case, immigration officials almost denied Jung Shee entry because a recent injury prevented her husband from working and supporting her. Fearing her lack of male provision would make Jung Shee a public charge, immigration officials released her only with assurances from relatives and social workers that Jung could support herself (Lee 2003). While independent immigrants only had to satisfy one requirement, women applying as dependents were responsible for meeting two. Dependents not only had to reconfirm the exempt-class standing of their sponsor, but they also had to prove the validity of their sponsor relationship. Applicants eventually established these requirements in most cases, but they often encountered difficulties and harassment during the process (Lee 2003).

Although Chinese women could, and increasingly did, apply for admission independently as teachers or students, all of the exempt categories listed in the exclusion laws—merchant, student, teacher, diplomat, and traveler—were not typically available to women during 19<sup>th</sup> and early 20<sup>th</sup> century China, making most women ineligible to enter independently. From 1910 to 1924, the number of independent immigrant women totaled 2,107 (27%) while 5,702 women (73%) entered as dependents. Most Chinese immigrant women remained dependent on men—and their continuing relationships with them—to gain entry and remain in America. Regardless of background, immigration officials not only subjected independent women to the "likely to become a public charge" clause of the Chinese Exclusion act of 1882, but also considered them morally suspect (Gabaccia 1994), further reflecting and reinforcing America's gendered and classed ideological roles through immigration law.

Even Chinese American citizens by virtue of American birth were vulnerable to their dependency on men. The 1922 Cable Act revoked the citizenship of women who married "aliens ineligible to citizenship," a code phrase applying only to Asians<sup>2</sup> that

made marriage to immigrant men a liability for American-born women of Asian ancestry. Without citizenship, women lost their rights to own property, vote, and travel freely. Although the clause in the Cable Act voided the citizenship of any woman who married “aliens ineligible to citizenship,” women of European or African ancestry were eligible for naturalization upon divorce or death of their husbands. Unlike their counterparts, women of Asian ancestry were racially ineligible for naturalization (Chan 1991b; Lee 2003). For example, when Lon Thom, one of the first American-born Chinese in New York City’s Chinatown, married Chinese student Wing Ark Chin in 1922, the US revoked her citizenship. For eighteen years, she remained in the country of her birth as a noncitizen. Lon Thom was only able to regain her American citizenship when Congress amended the Cable Law in 1940 (Chan 1991b). Although American-born, the US government forced her to undergo a naturalization hearing and swear allegiance just like an immigrant alien (Lee 2003). Conveying the poignancy of the Cable Act, Haney Lopez concluded,

“...marriage to a non-White alien by an American woman was akin to treason against this country: either of these acts justified the stripping of citizenship from someone American by birth. Indeed, a woman’s marriage to a non-White foreigner was perhaps a worse crime, for while a traitor lost his citizenship only after trial, the woman lost hers automatically” (1996:34).

For 10 years, the invidious clause in the Cable Act remained in effect until an amendment passed in 1931 declared that “any woman who was a citizen of the US at birth shall not be denied naturalization...on account of her race.” The federal government finally repealed the entire Cable Act in 1936 (Chan 1991b).

In short, the language and practice of anti-Chinese legislation, particularly the Chinese Exclusion Act of 1882 and the Cable Act of 1922, relegated Chinese women to mere derivatives of their male sponsors. Regardless of their own status, immigration laws imposed the husband’s class standing on Chinese women, making women completely dependent on their husbands financially and legally. Lacking autonomy, Chinese women’s entry to the US depended on their male sponsors’ eligibility, financial ability, and discretion, resulting in a cumbersome and time-consuming admissions process at best. Dependent women faced the difficulty of proving both the exempt status of their male sponsor and the validity of that relationship. Not faring much better, immigration officials subjected independent women to the “likely to become a public charge” clause of the Chinese Exclusion Act of 1882 and assumed them to be morally suspect. Perhaps the quintessential manifestation of discrimination, the Cable Act revoked the citizenship of American-born Asian women who married ineligible Asian men, making Chinese women’s derivative status definitively obvious.

## DISCUSSION

In summary, my narrative conveys the uniqueness and multiplicity of discrimination experienced by Chinese women as a result of the anti-Chinese immigration laws. Although the Page Law intended to exclude prostitutes specifically, not women generally, the latent effect was the presumption that all Chinese women were prostitutes and thereby excludable. The prostitute stereotype further penalized women who lacked problematic class indicators such as bound feet, Victorian gender ideals, and conspicuous wealth. The focus on sexuality forced all single women to

somehow disprove prostitution and married women to validate their marriages according to white American standards. Moreover, their legal dependency on male sponsors multiplied the hardships faced by Chinese women in several ways. Even if women were eligible for admission, their husband's class status superseded their own eligibility. Prior to applying to the US, a Chinese woman's dependency status facilitated and maintained the patriarchy male relatives exercised. Women experienced the double bind of having to legitimate their own exempt status and validate their relationship with exempted men. Even as American citizens, Asian American women jeopardized their citizenship and naturalization if they married immigrant Asian men. The anti-Chinese immigration laws were not only racist, but their enforcement multiplicatively penalized women by ascribing immorality and derivative status to their gender and class.

My narrative demonstrates the need to consider intersectionality in legal decision making and enforcement. Legal scholars have emphasized the necessity of including non-white women's perspectives to adequately examine law (Austin 1989; Banks 1990-1; Caldwell 1991; Crenshaw 1991; Harris 1990; Scales-Trent 1989). In particular, Crenshaw (1998) shows how courts problematically frame and interpret antidiscrimination cases by filtering the intersectionality of Black women's discrimination through single-axis analyses that unidimensionally distort their experiences. The implementation of a single-axis framework in legal analyses erase multiply oppressed individuals in the conceptualization, identification, and remediation of discrimination by limiting inquiry to the experiences of otherwise-privileged members of the group. My narrative conveys how immigration laws reified, but failed to accommodate, the intersections of gender, race, class, marital status, and sexuality of Chinese women. Their intersectionality created additionally complex barriers to immigration and citizenship compared to their male and non-Chinese counterparts. Intersectionality is a pivotal concept for understanding the inherent sexism and classism embedded in anti-Chinese immigration laws during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries.

Narratives are a valuable and more effective mode of analysis at capturing intersectionality than techniques Crenshaw (1998) problematized such as legislative history (*DeGraffenreid*) and disparate impact statistics (*Moore and Travenol*). With narrative analysis, I examined the details and practices of the Chinese exclusion laws (Lu 2010), thereby (1) linking the constitutive experiences of Chinese women to the structure and practice of the immigration laws, and (2) reflecting the definitions and images created by their enforcement. Epistemologically, my narrative uncovered how the exclusionary immigration laws not only discriminated against individuals as members of the Chinese racial group, but also manifested as marginalization in terms of gender, class, marital status, and sexuality. Constitutive of Chinese women's experiences, I used narrative to examine their lives, experiences, and actions and to accurately represent Chinese women through concretion and contextualization, thus imbuing events and persons with meaning. My narrative served as a product of inquiry in which I operated as a storyteller in producing the accounts of Chinese women's social lives. In this capacity, my narrative operated in the scholarly production itself as much as in the object of study and the mode for observing social phenomena. By constructing narrative representations of the Chinese Exclusion Era, I offer order and interpretation of the actors and events. Thus, my scholarly representation and analysis of the anti-

Chinese immigration laws and experiences of Chinese women served as an act of narration—*sociology as narrative*.

Through *sociology as narrative*, I conceptually linked intersectionality to the constitutive theory of law. I use analytic narrative to not only examine the structure, but also the specific language and practice of Chinese exclusion laws to illustrate the theoretical complexity of law's relationship with the everyday intersectional experiences of Chinese women. These actors faced discrimination not singularly as Chinese or women, but as Chinese women. Providing a heuristic for understanding the conceptualizations of Chinese women as prostitutes and legal appendages of men, intersectionality explains how immigration law formed the identities and experiences of Chinese women while the interactions among various actors (i.e., Chinese women, Chinese men, immigration officials) constituted and imparted meaning to these laws. The language and practice of the immigration laws produced the legal concept and category of *Chinese woman* imbuing it with symbolic meanings that reified the salience of intersectionality. Consequently, immigration officials conceptualized Chinese women as uniquely problematic compared to their male and non-Chinese counterparts, thus enforcing the Chinese exclusion laws became not only racist but inherently sexist and classist.

In conclusion, legal analysts and practitioners must implement narrative as a representational analysis of social action when confronted with issues of intersectionality. As a product of inquiry, the use of narratives to examine intersectionality can hopefully assist policy makers with the proper conceptualization, identification, and remediation of racial and sexual discrimination.

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<sup>1</sup> Most Chinese immigrants lived in segregated communities and had little to no contact with white people. Given the difficulties of producing white witnesses willing to testify and the emphasized legitimacy immigration officials placed on their testimonies, some Chinese forged documents with signatures of prominent white citizens such as the postmaster or mayor of their towns. One example involved an attorney from Seattle who helped 100 Chinese claim student status by forging letters from prestigious private high schools in Seattle and San Francisco (Lu 2010).

<sup>2</sup> The Immigration Act of 1924 also explicitly excluded “aliens ineligible to citizenship,” in barring alien wives of citizens.