

Left Out of Labor: an analysis of immigration legislation in a comparative perspective

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INTRODUCTION

While the United States is generally considered a “melting pot,” all too often the question of who gets included in the pot is subject to limiting legislation. When the US provides labor opportunities for immigrants, it results in a significant influx of people. Ultimately, this can lead to demographic change that becomes a political and economic issue. Today, the nature of immigration in Arizona is one situation that has become politically charged in this way. In order to examine the case of contemporary Arizona legislation thoroughly, it is helpful to observe an analogous historical event. By analyzing the nineteenth century’s legislation excluding Chinese immigrants, we can ideally achieve a deeper understanding of the present situation—however, how similar are the situations? To what extent is it appropriate to liken the two?

A CONTEMPORARY CONCERN

As Arizona has begun to adopt particularly restrictive immigration laws, there has been little agreement on whether it has made a positive impact on the economic climate of the state. Recent laws like the Legal Arizona Workers Act (LAWA) and SB 1070 have led to more aggressive enforcement of immigration, expecting immigrants to have papers proving their legal status on hand at all times. While many have hailed the laws as a necessary crackdown on the illegal Hispanic immigrants taking jobs from US citizens, others regard the new restrictions as a discriminatory overreaction to a population that forms an important part of the Arizona economy. *Forbes*’ immigration and economics contributor Alex Nowrasteh is a member of the latter group, arguing that Arizona’s recent policies have an indubitably

negative effect on the economy. He says that, as a result of the new legislation, “employment in construction collapsed faster and further [in Arizona] than in neighboring states.”¹ In the area surrounding Phoenix (where these policies have had the biggest effect), the home price index declined by 51.29 percent in the six years since LAWA—Nowrasteh says that the combined force of the anti-immigration legislation has displaced 200,000 from Arizona. They lose jobs particularly in the farming industry, where American workers do not fill the gaps.² Nowrasteh argues that this phenomenon illustrates that the laws have been completely counter-productive—rather than promote the tide of economic growth, they have quelled it.

This article relies on several key assumptions about the situation in Arizona’s immigrant-based labor force. Most importantly, in declaring the measures unsuccessful and advising that other states do not follow Arizona’s lead, it assumes that the average Arizona voter took economic growth into account, rather than simply basing their votes on the social impacts of immigration.³ While this could indeed be the case, the reality is that the average voter does not have the knowledge or incentive to prioritize economic measures. A more in depth analysis of the situation would also account for the social health of the state in the face of new legislation. However, this leads us to question in a more general sense why apparently exclusionary immigration policies emerge—is their origin more prejudiced than practical? In order to avoid getting stuck in the weeds of contemporary political debate, it is fruitful to examine a similar historical concern. As mentioned above, this paper will examine the Chinese Exclusion Act of 1882 in comparative perspective, and ultimately conclude whether or not it provides a good analogy for Arizona’s present situation.

¹ Alex Nowrasteh, “Arizona-Style Immigration Laws Hurt the Economy,” *Forbes* (Oct. 12, 2012): 2.

² *Ibid.* 1-2.

³ *Ibid.* 2.

A HISTORICAL CONCERN

The Chinese Exclusion Act of 1882 was the first piece of legislation restricting immigration that targeted a particular ethnicity, restricting the flood of Chinese immigrants arriving in California for the Gold Rush of the nineteenth century. While the rationale for the legislation has been attributed to many things, it is generally agreed that it emerged in response to a competition for jobs (particularly in mining) and a general prejudice against the newcomers. The legislation not only discouraged more immigrants from arriving, but it also attempted to encourage those that were already in the country to leave. The legislation was successful in restricting much of the influx of immigration, and by the 1920's the Chinese population was nearly back to pre-exclusion levels.

At first blush, the Chinese Exclusion Act is a relevant analogy for several reasons. While the Arizona immigration laws do not explicitly target members of one particular ethnicity, they did come about as a result of the enormous influx of Hispanic immigrants to that region, just like the 1882 Act. Furthermore, the perception that immigrants influence the dynamic of the labor force was a big contributing factor in the creation of both pieces of legislation, and both have been critiqued as being racist. However, to what extent do the consequences of the Chinese Exclusion Act represent a realistic picture of the potential consequences of Arizona immigration law? An examination of the historical analysis that has been done around the economics of the former is the only way to know if the comparison is really a fruitful one.

PERSPECTIVES: MARK KANAZAWA

Mark Kanazawa's text on the exclusionary legislation explores the complex ways in which the country's economy was tied to perspectives on Chinese immigrants—entitled “Immigration, Exclusion,

and Taxation: Anti-Chinese Legislation in Gold Rush California,” it examines the implications of nineteenth century taxation on the situation. However, while it does focus upon the financial side of the Chinese Exclusion Act, it does not skirt around the racial implications of the legislation, explaining the ways in which the Chinese role within the mining industry led to incredible competition and antagonism from all miners, particularly because was easiest to rationalize this breed of resentment toward the foreigners.⁴ However, he cautions us not to forget the fact that these immigrants provided impressive tax revenue, which complicated the public sentiment toward the newcomers. In fact, he cites on 1855 *Alta California* article wondering about the effect of the Chinese immigrants on the state: “ ‘Were it not for the taxes paid by the Chinese, the credit of every mining county would now be verging on bankruptcy!’ ”⁵ In this way, he explores the nuances of the build-up to the Exclusion Act, concluding that the perceived threat eventually outweighed the financial contributions made by these immigrants.⁶ As California’s fiscal situation improved, he argues that support for exclusion heightened as well, illustrating that the Chinese community was seen as an interloper with financial value, rather than as a true part of an increasingly diverse California.

One particularly important assumption Kanazawa relies upon is the existence of a successful system of information transfer. He explores the changing public sentiment surrounding taxation, but this situation rests almost entirely on a well-informed public. I find it surprising that a state as large and sparsely populated as California could quickly and easily transfer information in order to create a sense of statewide consensus. *Alta California* (as mentioned above) may be one of the only ways in which much of the country knew about the immigration and taxation situation. While his argument would benefit from an explanation of the mechanisms of information transfer, it overall does an effective job of describing the

⁴ Ibid. 782.

⁵ Ibid. 788.

⁶ Ibid. 802.

build-up to exclusion, examining how and why public opinion in the young state of California evolved, and setting the stage for more in-depth analyses of the Act's impact on areas like the job supply.

PERSPECTIVES: SUSAN B. CARTER

Susan B. Carter's article entitled "Embracing Isolation: Chinese American Geographic Redistribution during the Exclusion Era, 1882-1943" analyzes the circumstances around the Chinese Exclusion Act in a manner that focuses instead on the consequences of exclusion. She argues against the assumption that the era of Chinese immigration led primarily to niche Chinese communities across California and throughout the rest of the country. She explains that the community motive (which was prevalent pre-Exclusion, and contributed to the initial foundation of Chinatowns) was "outweighed by the employment motive"; immigrants dispersed as they had to look further for work.⁷ Because Exclusion prevented Chinese access to many industries, a pattern of Chinese-owned laundries and small restaurants began to emerge. The post-Exclusion circumstances led to the movement of many immigrants to places outside the epicenter of Chinese community in the Bay Area, creating numerous urban immigrant communities in cities across California. In fact, by the mid-1920s, more of the country's Chinese population was urban dwelling than that of any other minority.⁸ Carter describes how they survived the Era of Exclusion, but "at the cost of an unparalleled degree of social isolation."⁹ The dynamic of Chinese employment changed, and so too did the geographic dispersion of Chinese immigrants themselves.

⁷ Susan B. Carter, "Embracing Isolation: Chinese American Geographic Redistribution during the Exclusion Era, 1882-1943," *UC Berkeley database*: 1.

⁸ *Ibid.* 2.

⁹ *Ibid.* 32.

This article rests upon the assumption that immigrants were most invested in the employment opportunities of a new environment, rather than other realities of transporting ones life to a new country. This is important when we think about geographic isolation in particular—were there other factors, perhaps specific to the areas to which Chinese immigrants were moving, that could have driven this physical reaction to the Exclusion Act? However, because she does account for county fixed effects in her analysis, this seems like a reasonable assumption. Additionally, despite the fact that personal concerns may have driven some immigrants, the movement was in line with the geographical change in the nature of employment, indicating that this correlation was particularly strong. Overall, her analysis illustrates the dominance of economic concerns in the way immigrants reacted to Exclusion, highlighting their place in the labor force as a crucial part of their identity.

PERSPECTIVES: MARTIN BROWN AND PETER PHILIPS

However, different sections of the labor force had different levels of investment in the matter of exclusion, and Martin Brown and Peter Philips argue that examining the specific labor concerns in different industries is crucial for analyzing the gendered implications of the Chinese Exclusion Act. Their text, “Competition, Racism, and Hiring Practices among California Manufacturers, 1860-1882,” assesses the way the Act and the racist pressures associated with the Act “forced the substitution of white women for in place male Chinese workers in four California manufacturing industries in the 1870’s as the proportion of white women in the state rose.”¹⁰ These four industries were canneries, woolen mills, boots/shoes, and cigars, and the differences between the industries give a fuller picture of why certain industries rejected Chinese workers and why others did not. Despite the fact that, as discussed by

¹⁰ Martin Brown and Peter Philips, “Competition, Racism , and Hiring Practices among California Manufacturers,” *Industrial and Labor Relations Review*, Vol. 40, No. 1 (Oct., 1986): 61.

Kanazawa and Carter, there was the perception that the Chinese immigrants were taking jobs from Americans, Brown and Philips point out that the situation was, in fact, much more complicated. Because women began entering the workforce in a prominent way in the 1870's, there existed a significant degree of competition between them and economy's other newcomers, that is, the Chinese immigrants. Many employers ended up torn between indulging in the cheap labor provided by the immigrants and maintaining the prejudicial values that played such an important role in their society. The cigar industry was one in which employers clung to their Chinese workers, even when popular opinion led other industries to adopt white women workers instead: "Apparently, competitive pressure outweighed public pressure in the contest to determine employer action in low capital-cost industries."¹¹ Ultimately, they conclude that the Chinese Exclusion Act was simultaneously the product of and the cause of further racism in the area, and this fact is due largely to the dynamics of industrial competition.¹²

Brown and Philips' text assumes a certain uncomplicated view of competition that relies on the perception of human capital as interchangeable. They assume that women and (Chinese) men have the same value to an employer, and the decision to hire one over the other is purely social. However, particularly in a society with a pronounced gender divide, like that of nineteenth century California, perceptions of physical strength or capacity to work may have factored in as well, producing a sort of tug-of-war between sexism and racism. While he does examine which industries were considered "women's work," he fails to examine the social circumstances that defined them as such.¹³ This assumption is reasonable for examining the apparent dynamics of competition, but a thorough analysis of the situation would take into account these social pressures in a more explicit way.

¹¹ Ibid 73-4.

¹² Ibid. 74

¹³ Ibid 64.

THE QUESTION OF RELEVANCE

The three assumptions examined above—a system of information transfer, an economic investment by the immigrants, and the perceived interchangeability of labor—could just as easily be applied to the today's situation of immigration in Arizona. The system of information transfer is near instant, allowing perceptions of an immigrant community to spread like wildfire. And, while many immigrants come to the US in order to escape bad circumstances in their home country, the vast majority appears to come in order to work in low-skilled manual labor positions, contributing hugely to the nation's economy. Additionally, as negative perceptions about women's labor capacity continue to diminish, the interchangeability of labor is truer today than it likely was in the nineteenth century. Ostensibly, very little has changed for immigrants to the US, the legislation is simply less blatant in its exclusion. These comparisons illustrate the fact that, at least economically, the two events are relatively analogous.

Overall, the structure of the historical economy also strongly impacted the way exclusionary immigration policy impacted society. As evidenced by the above analyses, a pretty thorough understanding of the labor force had a significant influence on the nineteenth century support or lack thereof for the issue of exclusion. People (and particularly white women) were invested in the industries in which immigrants worked and racism seems to be largely the result of a sort of racial competition. American citizens felt a sense of ownership over their economy, and the Chinese immigrants posed a threat to this ownership. However, as evidenced by Nowrasteh's article, Arizona's citizens do not seem to have a complete understanding of the dynamic of the agriculture work force—the expulsion of immigrants did not leave jobs for the white population, and instead had a negative effect on the overall economy. So, if the Arizona legislation is not necessarily politically motivated, what did motivate it? Was it political

sentiment, social prejudice, cultural difference? Narrative evidence on the contemporary perspective of employers and general members of society would make for a cleaner and potentially more analogous perspective.

CONCLUSION

In many ways, Arizona's legislation appears to be the same breed of exclusionary immigration legislation as the Chinese Exclusion Act, but an in-depth analysis of the economic assumptions of the time reveals subtle differences. However, most of these are necessary products of the respective time periods, and despite the less-than-perfect analogy, it is important to see the ways in which the two situations are similar, if only to avoid some of the pitfalls experienced by earlier immigrants. For example, will exclusionary policies today result in the continued social isolation of immigrants, as Carter explains happened to the Chinese in the nineteenth century? Will more states adopt these policies? Examining the long-term social, economic, and political consequences of the Chinese Exclusion Act should be a priority if the US hopes to avoid, via Arizona's legislation, alienating a minority group that plays such a crucial role in the labor force.

Work Cited

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