THE “CHINAMAN” QUESTION: A CONUNDRUM IN US IMPERIAL POLICY IN THE PACIFIC

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Abstract
When the US took over the Philippines from Spain in 1898, it faced the dilemma of how to deal with the “Chinaman” question. While it applied the same Chinese exclusion law in the Philippines as it did in the mainland, the situation in the colony differed in a significant way—the Chinese had long been part of the Philippine economy and society. Faced with the task of constructing a “Filipino” nation in its own image, the US therefore had to find ways to separate the Chinese from the rest of the population. One of the ways by which it accomplished this was to curtail the long-standing and intimate unions between them and the local women of the Philippines, thereby helping create the “Chinese”-“Filipino” binary found in Philippine society today.

Keywords
Chinese diaspora, Chinese Filipinos, US Policy in the Philippines

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INTRODUCTION
After it took possession of the Philippine Islands from Spain with the signing of the Treaty of Paris in December 1898, the United States suddenly found itself at a loss as to how to deal with the heterogeneous population found in the Islands. Thus, two months later, President William McKinley appointed the Schurman Commission to gather information regarding the different “races” in the newly acquired colony, including the “Negritos,” the “Moros,” the “Chinese,” and “Chinese and European mestizos.” The task the Commission faced was a daunting one, especially in a place where, quoting the Commission, “all the races are represented in these islands” (Report Vol. III 331). Its concern for being able to identify, describe, classify, or categorize the various indigenous groups of people in the Philippines stemmed from the aim of the new imperial masters to subjugate
and control them. To that end, Major-General Elwell S. Otis, commander of the US Army in the Philippines, was a step ahead of Washington D.C. Two months before the Treaty of Paris was even signed, he ordered the application of the Chinese Exclusion Act in the Philippines. This act had been in effect in the United States since 1882, and was designed to restrict the entry of both skilled and unskilled Chinese laborers. The application of the Chinese exclusion law in the Philippines became official in 1902, and in 1904, Chinese laborers from the Philippines were also barred from coming to the United States.

This paper is an examination of that hitherto largely unexplored topic of the historical relationship between the way the United States dealt with the “Chinese” question in the mainland and the way it dealt with it in the Philippines. Specifically, it will compare how the Chinese in the United States and in the Philippines were depicted and described in order to justify the discriminatory laws against the Chinese. Some of the questions that this essay seeks to pose and answer are: Did the experience of the US with regard to the Chinese in the metropole influence their policies on the Chinese in the colony? What were the similarities and differences in the ways the Americans treated the Chinese in these two places, and if there were differences or variegations, how can we explain these?

The period of this study roughly covers the period from the late 1800s to the early 1900s, and spans two geographical sites, the United States and the Philippines.

OVERVIEW ON THE EXPERIENCE OF THE CHINESE IN THE UNITED STATES

Images of the Chinese in the US

The first significant wave of Chinese immigrants to arrive in the United States started around 1850, when large numbers of Chinese joined the gold rush in California. When the mines dried up, many shifted to work on the railroads and in agricultural farmlands. Toward the end of the nineteenth century, the Chinese could also be found in manufacturing, washing, domestic service, and other low-skilled occupations. Heavily concentrated in Hawaii and on the West Coast, their numbers expanded from a few thousands in the 1850s to as many as 107,000 in 1890. Women also came, but they only constituted a fraction of the total Chinese population. As for their native origins in China, most of them came from the area surrounding the Pearl River Delta in the southern Chinese province of Guangdong.

The anti-Chinese racist thought at the time was reflected in some newspaper articles.
A young printer and journalist, Henry George, who later became a politician, wrote that the Chinese, like Africans, were “an infusible element,” and were “utter heathens, treacherous, sensual, cowardly and cruel” (qtd. in Saxton 102). An article that appeared in 1856 in a gazetteer in San Francisco stated that their appearances “made people wonder that nature and custom should so combine to manufacture so much individual ugliness” (18). The article further described their women as the “most degraded and beastly of all human creatures.”

Apart from journalists, members of the government, churches, military, business community, and medical profession contributed to the perpetuation of negative perceptions of the Chinese. They constructed and spread an image of the Chinese as a “yellow peril” that would contaminate and destroy the social, moral, and economic fabric of American society. For instance, some American doctors argued for the expulsion of the Chinese due to their habit of opium smoking. But it was not what opium smoking did to the Chinese per se that they were concerned about, but what this practice did to the sexual and moral behavior of American men and women. These doctors regarded sexual activity, whether with oneself or with others, as depleting men’s energies, and therefore should be limited. However, opium smoking was considered an aphrodisiac that led to “abnormal sensibility to stimulation, as well as delayed completion of the sexual act for men” (Ahmad 58). American women who smoked opium supposedly lost their modesty, with their sexual appetite approaching a frenzied state, instead of being “pure, pious, domestic, and submissive” (58).

Another component of the opposition to opium smoking was racism, related to fears of miscegenation. Chinese opium smokers were having children with Anglo-American prostitutes, who themselves used opium. The creation of “degenerate hybrids” thus posed dangers to the purity of the Caucasian race. Issues of masculinity and femininity also filled some of these doctors’ writings, in that opium smokers would develop “Chinese” and feminine characteristics of “introspection, indifference, defeatism, and silence” (55). Thus, if the habit of opium smoking were to spread widely among the Americans, it would threaten the very moral fiber and existence of the nation, just as China had become weak and dominated by Western powers due to its inability to control the widespread use of opium among its people.

Church and government leaders also pointed to their “heathen” ways as reasons to discriminate against or exclude the Chinese. For instance, in 1877 a committee formed by the California Senate to ascertain the extent to which Chinese immigrants threatened the welfare of the state issued a report describing them as “(a)n indigestible mass in the...
community, distinct in language, pagan in religion, [and] inferior in mental and moral qualities” (44th Congress). Missionaries, whether in China or in the United States, worked zealously to convert the Chinese from their “pagan” ways.

Consequently, several discriminatory laws were passed aimed at the Chinese. For instance, there was the Laundry Ordinance of 1873 that targeted Chinese laundry business owners by levying the most taxes on those that did not own a horse for delivering laundries (mostly the Chinese). Then there was the Page Law of 1875 that prohibited the importation of Chinese women working as prostitutes, which subsequently contributed to a negative image of Chinese women.

Discriminatory acts and economic hardships notwithstanding, the Chinese continued to migrate to the United States in substantial numbers. However, the economic depression that hit the United States in the late 1870s added fuel to the fire of anti-Chinese sentiments. White labor unions accused the Chinese, who were paid lower wages and did not unionize, of taking away jobs from white laborers. They also were the most vocal supporters of anti-Chinese legislation, pressuring government officials to interfere. Thus, in 1880, the United States government signed the Treaty of Burlingame with China. The agreement provided the United States the unilateral right to regulate the entry of the Chinese. In 1882, the US Congress enacted the Chinese Exclusion Act that prohibited Chinese laborers from entering the United States for a period of ten years. In 1892, the Chinese Exclusion Act was renewed, and again in 1902. In 1904, it was extended indefinitely.5

The United States and the Chinese in the Philippines

At the turn of the 20th century, the United States found itself having to deal with the “Chinaman” problem not only in the mainland, but also thousands of miles away—in its first major colony in the Pacific, the Philippines. After the Americans defeated Spain in the Spanish-American War, Major-General Otis ordered the application of the Chinese Exclusion Law to the Philippines in September 1898.

The Otis order had the following provisions:

- Chinese persons who left the islands between December 31, 1895 and the date of the promulgation of the order of exclusion (September 26, 1898) were permitted to return on the production of satisfactory evidence of former residence.
- Chinese subjects who left the islands subsequent to the promulgation of the order were enjoined to procure from the collector of customs certificates of
residence, and only upon the presentation of such a certificate were they allowed to land when they came back.

However, confusion arose about the validity of the ordinance, since the US State Department was apparently unaware that Otis had ordered the application of the exclusion laws in the Philippines (Fonacier 9).

In order to resolve this issue, the US government mandated the Schurman Commission to look into the “Chinese” question. The Commission was tasked to find out more about the Chinese in the Philippines, and whether their immigration should be restricted or not. Arriving in early 1899, members of the Commission spent a year gathering information regarding the Chinese. They interviewed various prominent people in Manila, ranging from foreign merchants, local residents, and Chinese merchants. Based on the interviews, the Commission noted that the “Chinese take out of the country everything they can … spend little in the country, because they live on little” (Report Vol. I 154).

Furthermore, the Commission report described the Chinese as being “notorious gamblers” and “criminals” (154). At the conclusion of the report, the Commission recommended the application of the exclusion laws in the Philippines. President McKinley was in favor of giving the Philippine Commission or the legislative body of the islands power and authority to settle the Chinese labor question (Fonacier 21). However, the United States Congress thought otherwise. Instead, it deliberated upon a bill that would extend the exclusion law to the Philippines. The bill was passed on April 7, 1902, thus making the application of the exclusion law of the Chinese in the Philippines official.

Articles from newspapers in Manila that were published after the Commission gave its report either confirmed or validated the negative image of the Chinese presented by the Commission. In my own research, I examined the headlines and front-page articles found in a pro-American newspaper called The Manila American from February to December 1901. I counted forty-five (45) articles pertaining to the Chinese in the Philippines, and based on their content, classified them according to the following themes/topics:

- Crimes (often violent) committed against or by a Chinese – 18
- Illegal business activities and regulation of such (smuggling of goods, operation of opium and gambling dens; etc.) – 12
- Chinese labor question (smuggling of Chinese laborers) – 12
- Other matters – 3
Examples of the headlines pertaining to the Chinese include: “Loco Chino Runs Amuck: Tried to Run Uli Uli District with a Knife” (February 1, 1901); “Crazy Chino Heartbroken Cuts His Throat” (March 19, 1901); “Dishonest Binondo Chinese” (May 8, 1901); “Chinese Gamblers Convicted and Fined: Taisee Club San Fernando Pulled: Strong Battle Made to Legalize Fake Chinese Gambling Clubs” (June 12, 1901); and “A Chino Accused of Stealing Old Junk” (November 18, 1901).

From these examples of images used by different groups of people to describe the Chinese in the United States and the Philippines, we can say that there was a similarity in the way the Chinese were depicted: as undesirables. As mentioned above, one reason for this discriminatory view was the economic competition the Chinese provided: in the United States, the “Chinaman” threatened the jobs of white American laborers; in the Philippines, of its “natives,” and thus needed to be excluded. However, the difference in the case of the Philippines was that the exclusion of the Chinese would also adversely affect the Philippine economy. Those interviewed by the Philippine Commission and who were against the exclusion law argued that the Chinese had been contributing significantly to the development of the Philippine economy for centuries. Thus, to prohibit their immigration would “slow down development” (Fonacier 22; cf. Jensen 49-51).

However, the United States felt that it was their “duty” to “preserve the islands for the natives.” The new colonizers wanted to make good their “promise” of creating a sovereign and independent Philippines to be ruled by “Filipinos.” Governor Taft, for example, declared that “the American Government should do nothing [to] arouse the enmity of the people [i.e., the Filipinos] and induce them to a belief that the American Government would exploit the islands by admitting generally Chinese labor” (qtd. in Fonacier 21). Thus, American colonial policies on the Chinese in the Philippines were influenced or shaped by a need to prove to the “Filipinos” and to the world that the United States intended to rule by “benevolent assimilation.” However, it was to be an “assimilation” that excluded the Chinese.

Another related issue to the Chinese was the opium problem. In 1843, the Spanish colonial government started to regulate the importation, sale, and distribution of opium in the Philippines by establishing a government monopoly that awarded tax-farming contracts to the highest bidders (Wickberg The Chinese Mestizo 114-116). Thus, when the Americans took over the Philippines, they faced a conundrum in the Islands: how to control, regulate, prohibit, and eventually abolish a long-standing practice of opium smoking that had been state-sanctioned. In the United States, the Treaty of Burlingame of 1880 banned the importation of opium, although what it succeeded in doing was not to
prevent opium from entering the country but to exclude the Chinese as importers and place the import business in the hands of white American companies (Sinn 31). Nevertheless, it was easier to regulate opium smoking back in the metropole than it was in the colony. Furthermore, the income that was collected from opium tax-farming was not insignificant. But when the new government in the Philippines recommended the continuation of this farming system, it met widespread opposition from American missionaries (Baumler). Thus, in 1903, the Philippine Commission formed a committee to come up with alternative proposals. Members of the committee traveled to different places in Asia, including Japan, Taiwan, and Java, to examine the different ways other imperial masters regulated opium smoking in their colonies. In 1905, the committee presented its report, “Opium in the Orient,” that outlined various alternatives for opium control, including the continuation of the former system; the adoption of the Formosan model in which the Japanese were totally forbidden to smoke while the Formosans were not; or for its total prohibition. In the end, it chose to favor the “Java” solution, which provided for the continuation of the monopoly system, but with modifications. It is interesting to note that while prohibition, which was partly the solution in Formosa, might have seemed the more logical choice where the end goal of the whole opium issue was for its total abolition, the committee cited this option as impractical in the Philippines. Its report stated that in Formosa,

(wh)ere tribal relations exist so as to put different sections of a community in direct antagonism one to another, where peoples under one government are separated from one another by the conformation of the country, or where permanent social barriers between various nationalities exist, a law discriminating between people and people might work. But where, as in the Philippines, Chinese and natives live in many parts of the archipelago side by side, where there is constant social intercourse, and where intermarriage is not uncommon, there is no reason to suppose that prohibition would be effective among the Filipinos, if permission should be the rule among the Chinese. The process of contamination might be slow, but it would be unerring. No further guide is needed to reach this conclusion than that of common sense. (italics mine; “Opium in the Orient” 20)

From the statement of the committee we see another conundrum faced by American policy makers in the Philippines. How do you exclude a group of people who had been part of the social and economic fabric of Philippine society for centuries? Unlike the Chinese in the United States, the Chinese in the Philippines (predominantly from the
The southeastern region of Fujian) had for centuries established close commercial and personal ties with the inhabitants of the Philippines. The Chinese minister in Washington D.C. Wu Ting-fang, for example, in arguing against the application of the Chinese Exclusion Act in the Philippines, pointed out that

many of [the Chinese] were native born (in the Philippines) and intermingled by marriage with the Philippine races, yet maintaining extensive social and commercial relations and intercourse with the southern provinces and ports of China. (qtd. in Fonacier 9)

Proponents of the law interviewed by the Commission, however, used the same argument to emphasize the danger posed by the Chinese. One of them said

[the Chinese] intermarry with the Filipino women, and … they produce a race which does not furnish good citizens … [and] many of the great troubles of the islands are caused by Chinese and their descendants. (Report Vol. I 154)

These descendants were—to use the word of the Commission—the “half-breeds,” or known more commonly as the “Chinese mestizos.” Three decades before, these mestizos were mainly responsible for organizing the Reform Movement that clamored for socio-political and economic changes under Spanish colonial rule. Later on, mestizos like Mariano Limjap, Apolinario Mabini, and Emilio Aguinaldo would lead the resistance movement against American colonization. Interestingly, the Commission attributed the “dangerous” element in the mestizos to their “Chinese-ness.” It reported that “the crossing of the Chinese with the Indians the Chinese blood is so potent that a small proportion suffices to produce a wide variation from the primitive type of native” (Report Vol. III 360). It also argued that if such mixing continued, the Chinese blood “might eventually … take the place of the Malayan blood” (360). Thus, the mixing of the Chinese race with the different ethnic groups of the Philippines might produce a race predominantly “Chinese,” a development that would not augur well for the long-term imperial plans of the United States in Asia-Pacific, and for the safety and security of its own nation against an invasion of the “yellow race.”

As more and more Asians migrated into the United States, starting with the Chinese, then later on the Japanese, Indians, Koreans, and Filipinos, measures were taken to discourage, if not outright prohibit, the unions between these people and their white
women. At first, only “Mongol” race people were not allowed to intermarry; later on “Malays” were included. This racist attitude that resulted in various anti-miscegenation laws was based on the ideology of “Anglo-Saxonism,” an ideology used by British colonialists to justify their colonization of various territories such as India, Burma, and Malaysia. Simply stated, “Anglo-Saxonism” regards the “white” race as superior and therefore should not be diluted by the mixing with other races. Members of the “white” race also were expected to rule over other people of different colors.

In the Philippines, however, this concept of “Anglo-Saxonism” was transformed from “racial-exceptionalism” to “nationalist-exceptionalism.” Paul Kramer explains this transformation as arising from the different agenda that the United States had in the Philippines, that is, to create a state that would suit Filipino nationalist aspirations and counter American anti-imperialist oppositions (45). British colonial rhetoric did not apply anymore, because the US was trying “something entirely new to human history—not empire but ‘expansive republicanism’; not colonial rule but ‘tutelage in self-government’; not oppression but ‘benevolent assimilation’” (75). The United States wanted to teach the “world how to govern ‘dependencies’ on the basis of unprecedented selflessness, uplift, benevolence, assimilation, and the promise of eventual self-government” (76). Thus, it was important to the Americans to “bring law and order to the archipelago, a mission that they considered central to the colonial enterprise” (Wilson 191).

**THE RACE FOR RACIAL PURITY: CONSTRUCTING THE FILIPINO**

*Chinese and Local Women Unions During the Spanish Colonial Period*

To this end, the Americans had to first construct, in the words of Benedict Anderson (1983), an “imagined community,” and, in this case, a “Filipino” nation. One of the ways by which it set about doing this was to define who a “Filipino” was. Or was not. During the Spanish colonial period, a three-way ethno-legal classificatory system of “sangley-mestizo-indio” was found in many urban centers. However, upon colonizing the Philippines, the American colonial regime nationalized citizenship, creating a two-way classificatory system of “Filipinos” and “aliens.” Mestizos and indios were subsumed under the category “Filipino,” while the Chinese became “aliens.” First-generation mestizos born to “alien” Chinese fathers and mestizo or indio mothers were also considered “aliens” but could later on opt for “Filipino” citizenship at the age of maturity. In order to create a homogeneous “Filipino” population that would fulfill the construction of this imagined community, the
Americans also had to find ways to prevent the further mixing of the Chinese race with the indigenous races of the Philippines. This could be achieved not by officially prohibiting intermarriages between races as was the case in the United States, but by discouraging such unions. For instance, by denying Chinese men Filipino citizenship and making it difficult for them to acquire it, the US colonial regime discouraged local women from marrying Chinese men, for this would produce children who would also be regarded as “aliens.” Consequently, such policies helped to gradually create a homogeneous and divided “Chinese” and “Filipino” population. Church marriage records from the Archdiocese of Manila show that in the early twentieth-century, the number of intermarriages between the Chinese and local women decreased. In the 1870s and 1880s, the number of intermarriages in Manila as recorded registered double-digits. But the first two decades of American colonial rule saw a decline to less than ten per year (Informaciones).

**Changing Family Laws to Create further “Chinese-Filipino” Divide**

Another way in which American colonial policy succeeded in further dividing the Chinese and the Filipinos was by controlling and changing the family laws of the Philippines. Intent on creating a “Filipino” society that reflected American ideals of what constituted a marriage and a family, the American colonial regime legislated a family code that prohibited bigamy (or polygamy). To be sure, the family code used by the American colonial regime was basically based on the Spanish one. However, the difference lay on the manner of implementation, and on the objectives of each colonial regime.

For centuries before the coming of the Americans, many Chinese in the Philippines practiced bigamy or polygamy, that is, the practice of having a wife in China and another one in the Philippines. For the Chinese, such an arrangement was convenient for the kind of itinerant lifestyle that they led. Records from the Sung and Ming dynasties show that Fujianese families used to adopt sons even when they had children of their own. The adopted sons would be sent abroad on commercial enterprises after they grew up [while the true sons were generally kept at home] (Ng 29).

But as many Chinese started to settle in the Philippines during the Spanish colonial period, the practice of marrying local women and producing male children replaced or complemented this system of adoption. The mestizo offspring from such unions were often considered part of the family (as in the case of Mariano Limjap), and were expected to help out in the family commercial enterprise. Thus, for many Chinese-mestizo families in Manila and in other parts of the Philippines, this arrangement of sharing the family wealth and patrimony with their counterpart in China became acceptable, as it was for the families...
in China. Testaments left behind by wealthy Chinese merchants in the Philippines often recognized both families and divided the inheritance equally between the two (Chu).

Early 16th century Spanish missionary accounts already recorded such bigamous or polygamous arrangements being practiced in the Philippines, much to the chagrin of the writers. However, as time went on, this practice seemed to have been condoned, even if Spanish colonial government policy and Church teachings officially forbade it. Prominent Chinese merchants were allowed to convert to Catholicism and marry local women even though they had wives and families in China. One of the reasons why the Spanish Catholic Church condoned such practice was that it did not recognize marriages contracted in China, and thus permitted Chinese converts to marry local Catholic women. Another reason was that it wanted to increase the number of Catholic conversion among the Chinese, who, and whose children, could later on be relied upon to help convert China.

Under American colonial rule, however, such arrangements became increasingly uncommon. There were several reasons that contributed to this decrease in intermarriages between the Chinese and the local women. Among them were the rising nationalisms in China and the Philippines, as well as the anti-Chinese citizenship law mentioned previously. But one major factor that had a profound and long-lasting impact on unions between Chinese men and Filipino women was the way the United States used its judicial and legal apparatuses to make sure that its new colonial subjects started living the “American” way. This meant teaching them, directly and indirectly, practices that were considered socially, morally, and legally acceptable to the Americans. However, how did the Americans manage to change the familial and domestic practices of their new colonial subjects, so that the long tradition of intermarriages between the Chinese and the Filipinos, as well as their practice of polygamy, could be controlled, sanctioned, or abolished? What follows below is a description of a landmark case involving the heirs of Sy Quia, a.k.a. Vicente Romero Sy Quia. In bringing this case to the readers’ attention, I am proposing a way by which the Americans succeeded in their objective.

On 9 January 1894, Sy Quia died intestate, leaving behind personal and real property worth one million pesos. Two weeks later, the Court of First Instance of the district of Quiapo ruled that his local wife Petronila Encarnacion and their four children were the “heirs abinstestate” (Sy Joc Lieng, as found in Felix 120). However, a complaint was filed in 1905 contesting the inheritance. This complaint came from the descendants of a Chinese woman named Yap Puan Niu. The plaintiffs claimed that Sy Quia married Puan Niu in China in 1847, six years before he married Petronila Encarnacion in the Philippines. On the other hand, the defendants insisted that Sy Quia’s Philippine marriage was the legal
one and that he never contracted any other marriage. Thus, both parties argued that they were the sole legitimate heirs. Upon receiving the complaints, rebuttals, and testimonies and counter-testimonials of witnesses from both parties, the court on 26 February 1908 rendered a judgment declaring that both the descendants of Yap Puan Niu and Petronila Encarnacion (who had died in 1906) were the legal heirs of the property of the estate of Sy Quia. However, both parties appealed and brought their case to the Philippine Supreme Court. As before, each one tried to question the paternity and status of the other party, and continued to claim to be the sole legal heirs of Sy Quia. The principal question that the court tried to establish was whether there was enough proof to sufficiently establish the Chinese marriage.

On 19 March 1910, the five justices of the Philippine Supreme Court ruled, with one justice dissenting, that the Chinese marriage was not adequately proved, on the grounds that the Chinese family failed to produce documentary evidence that Sy Quia was legally married to Yap. The justices pointed out that the testimonies given by the witnesses on the Chinese side with regard to the actual occurrence of the wedding were often contradictory. Moreover, they found the testimonies as not reliable, since they were made in Chinese, as well as in a place far away, that is, in Xiamen. Given this distance, one concurring justice, an American, opined that the Chinese party’s witnesses could have easily “invent(ed) as they pleased and color(ed) (their testimonies) as they would … [and] fabricate(d) and falsif(ied) with utter impunity” (159). Also, the justices dismissed the books that the Chinese side brought to the court. The books were supposed to have contained specific laws and provisions on citizenship, marriage, and inheritance in China. The information contained therein would have strengthened the argument of the Chinese party that Sy Quia was “a subject of the Chinese Empire and that his estate [therefore] should be distributed in accordance with the laws of China” (147). However, the books were in Chinese and had no Spanish translation. Thus, their authenticity was questioned, and they were judged by the justices to be “useless and of no value” (154). Furthermore, they ruled that Sy Quia, having lived in the Philippines for more than fifty years, should be considered a Spanish subject, even though there was no documentary evidence to show that he had actually applied for Spanish naturalization. Lastly, they stated that even if the Chinese marriage was valid, the inheritance rightly belonged to the Petronila and her descendants, for they argued that Petronila had brought 5,000 pesos into the marriage, and from this amount, Sy Quia made his fortune. Following Spanish law which provided that a spouse had a right to conjugal property, particularly if that particular spouse had brought money into the marriage, the justices decided that only Petronila Encarnacion and, subsequently, her children were the
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rightful heirs to Sy Quia’s estate.

The Chinese party appealed to the United States Supreme Court. However, on 14 April 1913 the US Supreme Court upheld the decision of the Philippine Supreme Court. It is interesting to note that one of the reasons given by the Supreme Court for its decision was that it questioned the long lapse of time (11 years) that it took the Chinese party from the time of Sy Quia’s death to bring the matter to the court.

But upon close reading of the reasons given by the Philippine and US Supreme Court justices, one can sense a discriminatory attitude against the Chinese party. For example, one of the justices, as I pointed out in the preceding paragraph, expressed suspicion over the testimonies of the witnesses produced by the Chinese party, on the basis that these testimonies were made in Chinese and with an interpreter before the US consul in Xiamen. Furthermore, they considered the absence of documentary evidence of the Chinese marriage as a strong case against the Chinese party, thus putting into question the validity of its claims. However, the judge of the Court of the First Instance in Quiapo and one dissenting justice of the Philippine Supreme Court accepted the testimonies of its witnesses. The dissenting justice argued that among people aged 50 and above there was probably no one who could actually “prove by documentary evidence, in the absence of public record, the marriage of their parents” (167). Furthermore, he stated that there was no proof “that the Chinese Government had a system of public records of marriage at the time of the marriage of Sy Quia with his first wife Yap Pua Nui, or that they have any such system now” (167). Lastly, he said that he believed that it was not the intention of the wise legislators of the Spanish Government, where a man having a legal wife and children marries another woman and has children by such other woman, that the effect of the second marriage was to turn over to the second wife and children all of the property belonging to him, to the prejudice of the first wife and legitimate children. (195)

Thus, we can infer from this case that during the American colonial period, the judicial system introduced by the Americans, carrying with it the American notion of “family,” “kinship,” and “marriage,” worked against the continuation of the kind of diasporic and border-crossing family arrangement that existed before. By insisting on proper documentation to prove a marriage, the justices who ruled in favor of Petronila and her family undermined a long-standing acceptance of the local inhabitants of the Philippines of Chinese men maintaining two wives and families, one in China and another
locally. In fact, the descendants of Sy Quia’s Chinese and local wives knew each other. It was shown in court that Petronila even gave Sy Joc Lieng and Sy Yoc Chay, two grandsons of Sy Quia from the Chinese line, an amount of 4,000 pesos. Joc Lieng and Yoc Chay claimed that this amount was given as part of their inheritance. This amount was even entered in the accounting books of Sy Quia’s brother. However, the justices dismissed this piece of evidence since the accounting entry did not explicitly specify that this money was given as part of the inheritance (137).

On the other hand, other inheritance cases that I have collected and analyzed in past research show that declarations made by the testators of having another family in China went unquestioned by the Philippine kin (Chu). I suspect that one reason why it took the Chinese party 11 years to bring their case to the court was that they thought that Petronila and her children recognized them also as rightful heirs and would apportion their share accordingly. Unfortunately for the Chinese party, Sy Quia died intestate, that is, without leaving a will as the other testators in this study had done. With the introduction of an American judicial system that was prejudiced against the familial practices of the Chinese in the Philippines and in China, the intermingling and interaction that these two sets of families might have initially enjoyed diminished, and over time, might have become hostile. Later on in the 1930s, when Chinese men were allowed to bring in their Chinese wives and children to the Philippines as political and socio-economic conditions in China worsened, the stage was set for the creation of more distinct “Chinese” and “Filipino” communities.  

CONCLUSION

When the Americans colonized the Philippines, the historical realities and existence of various groups of people in the Philippines, from the “lowly, gentle, and noble savage” to the “cunning and dangerous ‘Chinaman’” provided them with a dilemma: How to create a sympathetic and pliant national “Filipino” leadership that was easily identifiable and controllable. Who was a “Filipino,” who could be trusted to form a national government that would, in turn, usher their colony toward the path of American-style “democracy” and American way of life? If one were to observe contemporary Philippine society in all of its aspects—political, economic, socio-cultural—one can see the great extent to which the Americans managed to transplant many of their institutions and values. However, as Wilson points out,
This experiment in the self-replication of American society … was more often than not an exercise in self-deception and was occasionally counterproductive. (191)

I argue that one example of this counterproductive effort was how they dealt with the “Chinaman” question. Instead of recognizing and adopting laws that would respect the long-standing historical relationship between the Chinese and the Filipinos, the American imperialists, carrying their anti-Chinese prejudice to the Philippines, decided to create laws similar to those in the metropole that placed the Chinese outside of mainstream society. In so doing, they contributed to the segregation of the Chinese from the Filipino, and the Filipino from the Chinese. This process took several decades, and involved the continued “demonization” of the Chinese, as can be seen from these various political cartoons that appeared in newspapers and magazines from 1910 to the 1930s. In time, and with the aid of Filipino and Chinese nationalisms, a reified “Chinese-Filipino” binary was created in Philippine society. It is a binary that continues to be a source of ethnic tension and division in Philippine society today.
NOTES

1 Wilson alludes to this connection when he writes, “The chinos’ [i.e., of the Chinese in the Philippines] visibility and vigor caused many Americans to compare Manila to the major centers of Chinese residence in the United States and to assume that the same dangers to social order lurked in the streets of Tondo and Binondo. Insular officials were very conscious of the tong wars and the Chinese ‘highbinders’ back home and constantly made reference to them. Even the threat of Chinese criminal activity in the islands evoked explicit comparisons to San Francisco, Chicago, and New York” (191).

2 Portions of this essay have been discussed in a panel presentation during the “Performing Ethnicity” Conference held in the City College of the City University of New York, 15-17 October 2004.

3 Apart from newspaper articles, trade cards that were popular in the 1870s often carried these negative images of the Chinese. See Matsukawa.

4 American historian Alexander Saxton and other Asian American Studies scholars have written about the discrimination with which the Chinese were met when they arrived in the United States. For more information regarding the violence suffered by the Chinese, especially from the 1870s to the 1890s, see Chan; Takaki; Barth; Sandmeyer; and Salyer.

5 Teachers, students, merchants, travelers, and diplomats were exempted, along with those who had already been living in the United States, provided they obtain special certificates known as Section 6 certificates that would allow them to come and go freely. The law was not repealed until 1943.

6 Outside observers, whether Spanish or American, often regarded the Chinese in the Philippines as more “skilled,” “industrious,” “disciplined,” and “hard-working” than the “natives” of the Philippines, who were described as “indolent,” “unskilled,” etc. For example, A. Burlingame Johnson, ex-US consul to Xiamen, made this observation in 1902, “As a race the Philippino [sic] is indolent. He is not a success as a field laborer. He cannot be induced to toil a given number of hours each day and for months at a time as do the laborers in all civilized countries.” The Chinese, on the other hand, “is a superior man. He demands double the wages of a native, dresses better, lives on more substantial food, occupies a better house, is more solicitous as to the education of his children, and in every way tends to uplift the native” (6-8). One reason therefore why the Chinese should not be immediately excluded was that he was needed to teach the Filipinos that the skills that they possessed.
“Mestizo” as an ethno-legal classification was created in the 17th century, when their numbers grew bigger as more unions between Chinese men and local women occurred. For more information regarding the history of the mestizos, see Wickberg “The Chinese Mestizo”; Tan; and Chu.

It must be pointed out that Spanish views expressed the same opinion.

See Ahmad (62) for a discussion on how “hybrids” were also viewed in a negative way in the United States.

Barring the Chinese from obtaining Filipino citizenship was also a means to prevent them from coming to the United States. Many of those who were for the restricted entry of the Chinese were afraid that the Philippines would be used as a stepping-stone by members of the “yellow horde” to enter the United States. As American colonial subjects, Filipinos were US nationals who had unrestricted entry into the United States (i.e. until the Tydings-McDuffie Act of 1935 changed their status). In effect, the Chinese had to be barred from gaining Filipino citizenship at all cost.

A caveat should be stated here. The number of intermarriages registered in the Archdiocese of Manila for the decade of the 1890s also registered low numbers. Factors or reasons for this phenomenon need to be investigated.

The Philippine Commonwealth government allowed more than 7,000 Chinese to enter the country from 1937 to 1940 as refugees from war-torn China. See Cariño (145).

See for example the political cartoons in newspapers such as The Independent as collected in McCoy and Roces.
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