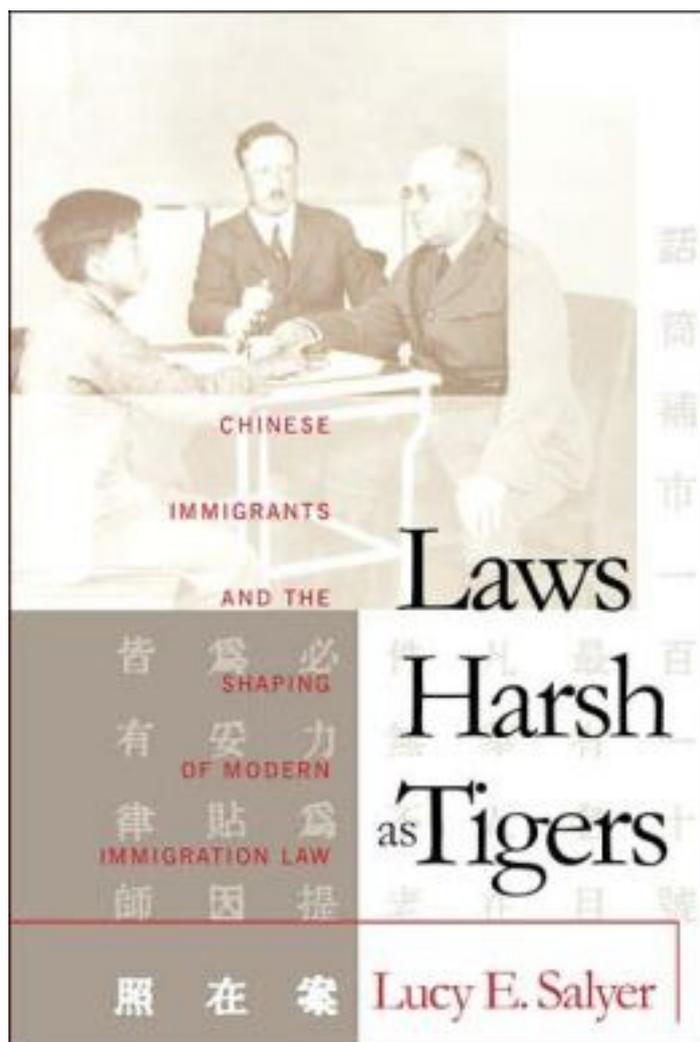


# Laws Harsh As Tigers



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Focusing primarily on the exclusion of the Chinese, Lucy Salyer analyzes the popular and legal debates surrounding immigration law and its enforcement during the height of nativist sentiment in the early twentieth century. She argues that the struggles between Chinese immigrants, U.S. government officials, and the lower federal courts that took place around the turn of the century established fundamental principles that continue to dominate immigration law today and make it unique among branches of American law. By establishing the centrality of the Chinese to immigration policy, Salyer also integrates the history of Asian immigrants on the West Coast with that of European immigrants in the East.

Salyer demonstrates that Chinese immigrants and Chinese Americans mounted sophisticated and often-successful legal challenges to the enforcement of exclusionary immigration policies. Ironically, their persistent litigation contributed to the development of legal doctrines that gave the Bureau of Immigration increasing power to counteract resistance. Indeed, by 1924, immigration law had begun to diverge from constitutional norms, and the Bureau of Immigration had emerged as an exceptionally powerful organization, free from many of the constraints imposed upon other government agencies.

作者介绍:

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## 标签

Foreign\_Service

DISS

## 评论

粗读 作为历史背景很好的补充

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粗略翻过。核心观点是，1882年《排华法案》通过后，华人移民群体并非束手就擒，而是通过在低级别的联邦法院大量提起诉讼予以还击。但这所导致的一个悖谬结果是，

排华主义者们由此进一步将移民事项的裁量权转移给更不受due process约束的移民局（行政分支），由此奠定了移民局在美国法中outlaw一般的存在。真所谓法苛如虎（Law harsh as tigers），然尚有猛于虎者。视角颇为新颖——在美国法的域外影响研究已经如山之时，域外群体如何影响了美国法律体系的塑造倒还颇多空白。

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