

Gladys Nipp and Stephen Mah Family Award 2021 Recipient

By Mary Anne Vallianatos, Faculty of Law

Award-winning Research Proposal

My doctoral research advances Canadian scholarship on the historic relationship between law and race with a focus on past anti-Asian laws. I connect the histories of Asian migration in the Pacific Northwest to the construction of race across the former British empire. Utilizing original archival research, I trace the evolution of the Crown's 'acts of grace' to highlight ways in which past laws, that appeared to be inclusive of Asian subjects, also created racial exclusions. My multidisciplinary research nuances existing legal histories of race, gender and citizenship. This project is a foundation for my long-term ambition of becoming a scholar of law, race, and Asian Canadian history.

A significant part of my dissertation examines the legislative architecture of racist exclusions that targeted Chinese migrants between 1885 and 1923, relying on court records and materials preserved by federal, provincial, university, and civic archives. The Chinese Consolidated Benevolent Association (CCBA) records at the University of Victoria are indispensable to my research. The now infamous "head tax" inaugurated state-sponsored forms of racial violence directed against Chinese migrants and the diaspora, for it was only the Chinese who were subjected to a "tax on human flesh," just like a tariff on "tea or bars of iron" (Senate Debates, 1887). A neglected aspect of this history is the story of the exempt classes. This was a status available to eligible Chinese merchants, their wives, and Chinese women married to non-Chinese men, among others. Obtaining this status would mean that an exempted Chinese immigrant would not have to pay the head tax. Over the years, it was the Chinese merchants who lobbied for the changes to the law so that they could bring their families to Canada and help 'paper sons' and 'paper daughters' immigrate also. The CCBA records offer crucial insights into the Chinese merchant community in Victoria who brought about these legal changes. The records provide information about the merchants' strategies to use Canadian law to oppose racial discrimination. Consequently, these archived materials present a partial story about the agency of Chinese Canadians in the face of unfair laws. Their agency stands as a corrective to existing scholarly literature that fails to reflect on how racialized peoples navigated discriminatory laws (Mar, 2010). At the same time, the records made by the Chinese merchants shine a light on the challenges and oppressions experienced by Chinese women in nineteenth-century British Columbia—a grossly understudied topic (Lai, 1972; Stanley, 1996).

With the re-opening of more archives and the lifting of travel restrictions, I will undertake several research trips in the near term and in the 2021-2022 academic year to the following institutions: Library and Archives Canada (Ottawa), City of Vancouver Archives, University of British Columbia Archives and Special Collections (Vancouver), and Cumberland Museum and Archives. The Gladys Nipp and Stephen Mah library scholarship would provide invaluable support to enable me to conduct my research on the important topics of Asian Canadian history and the legal history of racism.