

# The Chinese Massacre of 1871:--A Perverse Emergent Order Perspective

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Using emergent order theory to analyze the Chinese Massacre of 1871, this paper explains the causes of the incident which enabled social violence to “progress from a local feud to an angry mobbing...to what one southern Californian judge later recalled as the deadly shift that changed a riot into a massacre” (Jew 2010, 110). While the topic has been addressed briefly in passing by historical literature, mostly in surveys of Chinese immigration, the causes have never been fully analyzed, and when historical analysis does occur, much of the incident’s blame is placed on racism, how these feelings were “blatantly pandered to by political leaders,” and nineteenth century labor relations (Chang 2003, 121). By focusing on the Los Angeles Massacre of 1871, this paper contributes to the understanding of perverse emergent orders—by looking at the rules and feedback mechanisms that made the incident so violent—arguing that formal and informal institutions are the key factors explaining the events that transformed Los Angeles, championed the “City of the Queen of Angels,” into a “hotbed of crime and depravity” (New York Times 11/10/1871).

*“The crusade against the Chinese will have to go on till it reaches a climax of mischief and unreason that must be followed by reaction, and then we shall wonder about our folly...”*

---Sacramento Daily Union July 1, 1870

## **1. Introduction**

The study of spontaneous orders has a long-standing tradition in social sciences dating back to the Scottish Enlightenment, yet for much of the twentieth century the success of the physical sciences “with their familiar methods of control, exact prediction, and experimentation” created an “irresistible appeal to that *hubris* in man which associates the benefits of civilization not with spontaneous orderings but with conscious direction towards preconceived ends” (Norman 1982, 1). Recognizing flaws in the idea that humans can control and manipulate the social world with methods of natural sciences, Nobel Laureate Friedrich A. Hayek focused most of his research on answering what he saw as the fundamental question of social science, a question that was first posited by Adam Smith during the eighteenth century and later in the nineteenth century by Carl Menger:<sup>1</sup>

“How the spontaneous interaction of a number of people, each possessing only bits of knowledge, brings about a state of affairs in which prices correspond to costs, etc. and which could be brought about by deliberate direction only by somebody who possessed the combined knowledge of all those individuals” (Hayek 1937, 51-52)?

Emergent orders allow “humans to create complex patterns and systems without having to be made to do so by some higher authority, central planner, or intelligent designer” (Martin and Storr 2008, 73). Following from Smith’s (1776, 146) view that an invisible hand leads man “to promote an end which was no part of his intention,” spontaneous orders “rely on individuals making adjustments that are in their own particular interests in reaction to their particular

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<sup>1</sup> See Boettke et al (2008) for an extensive study on Hayek’s establishment of the “central problems of economics as one of coordination.”

circumstances...[which] result in an order that none were trying to make” (Martin and Storr 2008, 73). Thus, spontaneous orders are the aggregate outcomes of actions by self-regarding individuals. Common examples of spontaneous orders that emerge from coordination among individuals include the market, language, and common law. However, coordination at the individual level does not warrant classification as a spontaneous order—“to identify phenomena as a spontaneous order” five criteria must be met (Martin and Storr 2008, 75-77).

1. They are “identifiable phenomenon made up of interrelated parts” and have “boundaries” that can be “identified.”
2. They are “the result of purposeful human action” and cannot be separated from “the self-interested albeit coordinated actions of individuals which bring them about.”
3. They “are not the result of deliberate design.” A spontaneous order, “is a side effect, not the goal of individual human action.” This distinction is made to separate emergent orders from made or artificial orders that “tend to be structured by hierarchy and command” and are top-down rather than bottom-up orders (Horowitz 2008, 165).
4. They are composed of elements that “follow particular rules of conduct” (Martin and Storr 2008, 76). The rules, “the informal and formal institutions ... have a profound impact on the kind of spontaneous order that emerges,” even if individuals do “not know all the rules that guide his actions” (Martin and Storr 2008, 77).
5. They are guided by “positive and negative feedback mechanisms” which dictate an “individual’s decisions and actions” (Martin and Storr 2008, 77).

Emergent orders are “typically seen as a testament to the wisdom of crowds” and the “amazing capacity of humans” to coordinate without central planning for socially beneficial results. Spontaneous order theorists, “beyond acknowledging that emergent orders are not

always beneficial,” have written little “which outlines the nature of perverse emergent orders, the feedback mechanisms which sustain them, and the conditions under which they emerge” (Martin and Storr 2008, 74).<sup>2</sup> Martin and Storr (2008, 78) examine “concrete examples of perverse emergent orders (i.e. socially harmful spontaneous orders).” Their groundbreaking work on perverse spontaneous orders argues, using negative belief systems and mob behavior as examples, “the rules which led to the creation and survival of the order and the nature of the feedback mechanisms that are at work within the order” dictate whether the resulting order will be beneficial or harmful (Martin and Storr 2008, 78). The authors conclude suggesting “spontaneous order theorizing” provides a “fresh perspective on perverse emergent orders like social violence” forcing scholars to “pay attention to the rules that govern their emergence and the feedback mechanisms at work” (Martin and Storr 2008, 87).

This paper applies emergent order theory to the anti-Chinese Massacre of October 24, 1871, Los Angeles’s “first large-scale racially motivated and racially targeted outburst,” which was a precursor for the twentieth century race riots like the anti-Mexican American beatings of 1943, the Watts Uprising of 1965, and the multi-ethnic disorder of 1992 that followed the Rodney King verdict (Jew 2010, 116).<sup>3</sup> Using emergent order theory to analyze the Chinese Massacre, this paper explains the incident which enabled social violence to “progress from a local feud to an angry mobbing...to what one southern Californian judge later recalled as the deadly shift that changed a riot into a massacre” (Jew 2010, 110). While the topic has been addressed briefly by the historical literature, mostly in surveys of Chinese immigration history, the causes have never been fully analyzed. When historical analysis does occur, racism and xenophobia, how these feelings were “blatantly pandered to by political leaders,” and nineteenth

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<sup>2</sup> An important exception is the fascinating work by Thomas Schelling *Micromotives and Macrobehavior* (1978).

<sup>3</sup> This paper will use Anti-Chinese Massacre, Chinese Massacre, and Los Angeles Riots of 1871 interchangeably.

century labor relations receive most of the blame (Chang 2003, 121) . By focusing on the Los Angeles Massacre of 1871, this paper contributes to the understanding of perverse emergent orders—by looking at the rules and feedback mechanisms that made the incident so violent—arguing that formal and informal institutions and feedback mechanisms are the key factors explaining the events that transformed Los Angeles, championed the “City of the Queen of Angels,” into a “hotbed of crime and depravity” (New York Times 11/10/1871). Central to this paper is the question: How could the shooting of one citizen in a cross-fire between Chinese gangs lead to the murder of twenty-one people and the destruction of Los Angeles’s Chinese community?<sup>4</sup>

The paper is arranged as follows. Section 2 reviews the existing historical literature and posits two hypotheses to explain the Chinese Massacre. Section 3 provides historical context based off of secondary sources and archival documents highlighting key events and trends leading up to the Los Angeles Riot of 1871. Section 4 utilizes emergent order theory to explain the massacre. Section 5 concludes.

## **2. Literature Review and Hypotheses**

Historians have written extensively about Chinese immigration to America during the mid-nineteenth century, but their emphasis largely avoids the Los Angeles Riots of 1871. These studies focus primarily on the experience of assimilation in the United States. Viewed mostly through broader themes of American immigration—the demographic and economic impact of immigrants in the nineteenth century, nativism and xenophobic anxieties that preoccupied whites following Reconstruction, the national debate over Chinese immigration policy, and the rise of the labor movement—historians have failed to adequately address the Chinese Massacre (Barth

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<sup>4</sup> The reported number of deaths varies, depending on the account, ranging from fifteen to as many as twenty-one.

1964; Daniels 1988; Gyory 1998; Chang 2003; Aarim-Heriot 2003). When the anti-Chinese movement receives attention, studies stress the role of “California and its working people as the key agents” of anti-Chinese sentiments, and a “national racist consensus” thesis which is linked with politics and the working-class (Gyory 1998, 6; Coolidge 1909; Sandmeyer 1939; Miller 1969; Saxton 1971; Mink 1986; Saxton 1990; Roediger 1991). These works, all valuable for understanding anti-Chinese sentiments during the nineteenth century, either overlook the Chinese Massacre of 1871 or mention it only briefly in passing.

The historiography of the anti-Chinese Massacre of 1871 has given the event “relic status that reduces it either to a footnote or an oft-told romance of California’s lawless frontier” (Jew 2010, 113). Past research involves an “unimaginative repetition of typified elements” which are “handed down from historian to historian” ultimately making the assumption “that everything is known”(Jew 2010, 113). Recounting the events through “narrative form which cast the [same] elements since the mid-nineteenth century” along with an “unwillingness to see past it” creates a “shuttered historical imagination that constantly restates certain aspects, but leaves unexplored so many more interesting and possible reexaminations” (Jew 2010, 114). Accounts fix the cause of the riot to “a feud between two Chinese companies” that when “the police intervened, two officers were wounded and a civilian was killed” culminating in a large mob rushing Los Angeles’s Chinatown (Sandmeyer 1939, 48; Chang 2003, 121; Jew 2010, 114). Others have recently began new assessments of the massacre placing the event within the “social and psychological paradigm of what was happening in California” caused by the growth of the labor movement, or recast it as the “inaugural punctuation point in the urbanization of Los Angeles” stemming from an “undercurrent of racism and xenophobia” (Starr 2005, 120; Scott and Soja 1996, 4). While they have “broken the mold” of the narrative form, racism and the labor

movement are still viewed as central elements of the massacre (Jew 2010, 114). Others have overlooked the causes and instead emphasize, “the role the criminal justice system played in the sad affair” (Spitzerri 2008, 186). This paper builds on the work by these past studies of the Chinese Massacre of 1871 using emergent order theory. This framework allows for a better understanding of the mechanisms that triggered the revolt while simultaneously contributing to the scholarship on perverse emergent orders.

Spontaneous order theory motivates two related hypotheses and suggests why the shooting of one Californian escalated into the malicious murder of twenty-one Chinese. First, rules that govern human action in a specific context, informal and formal institutions, impact whether the spontaneous order is beneficial or perverse. Although beneficial orders occur when individuals obey conventional rules, the “existence or nonexistence of normative rules which curb desires and shape perceptions” does not necessarily determine the nature of the order (Martin and Storr 2008, 78).

***Hypothesis 1:** Informal and formal institutions dictate the rioters’ response, influencing the nature of the Chinese Massacre as a perverse emergent order.*

Second, emergent orders are either self-reinforcing or self-generating. There must be both positive and negative feedback mechanisms, which direct the choices and actions of self-regarding individuals. The nature of feedback mechanisms that are at work within the order dictate whether the order is harmful or beneficial (Martin and Storr 2008, 78). Thus, there will be positive feedback mechanisms that encourage rioters to utilize violence against the Chinese.

***Hypothesis 2:** Positive feedback mechanisms guide individual’s decision to participate in the Chinese Massacre.*

This paper examines these hypotheses with qualitative evidence. The qualitative sources come primarily from original research that utilizes archival materials and public records from the mid-nineteenth century—newspapers, census data, legislative documents, court records, speeches, and even first-hand accounts by witnesses of the massacre. This original research provides compelling details of Chinese immigration in general and specifically the events leading up to the Massacre of 1871.

### **3. Historical Overview: Chinese Immigration and Potential Causes for the Massacre**

Chinese immigration during the nineteenth century was “motivated by the same goals that brought the overwhelming majority of Europeans to the United States,” increased economic opportunity and political freedom (Arim-Herlot 2003, 1-14).<sup>5</sup> When gold was first discovered in California in 1848, “perhaps fewer than fifty” Chinese lived in America (Chang 2003, 26).

However, as news of its discovery spread across the globe by the early-1850’s “more than twenty thousand” Chinese had arrived on the shores of California (Chang 2003, 47; Bureau of Census 1860).<sup>6</sup> In May of 1851, the *Daily Alta California* predicted that the “China Boys will yet vote at the same polls, study at the same schools, and bow at the same Altar as our own countrymen” (5/12/1851). This prediction could not have been further from the truth. As the Chinese population’s growth continued, with nearly fifty thousand living in California by 1870, so too did “consternation among whites” (Bureau of Census 1870; Chang 2003, 51). To understand the

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<sup>5</sup> The U.S. was not the only choice for Chinese immigrants, during the nineteenth century “millions of Chinese” emigrated to “southeast Asia, the West Indies, the Philippines, New Zealand, Australia, Africa, and the Americas” (Chang 2003, 17).

<sup>6</sup> As is typical of immigration to the Americas, there were also push factors that that encouraged the Chinese citizenry to emigrate from their home country. Political upheaval where millions died and a credit crisis in the province of Guangdong where over one hundred thousand laborers lost their job are often cited as reasons for their departure.



anti-Chinese Massacre of 1871, it is imperative to highlight these general feelings of angst toward the Chinese, the political and legal environment surrounding Chinese immigration, and the economic and criminal climate that allowed the killing of one citizen to decay into a perverse spontaneous order.

China is a “disgustful...booby nation,” its civilization a “besotted perversity” its people distinguished by “their cheerless...stupidity.” So wrote American literary Ralph Waldo Emerson in 1824 (in Gyory 2003, 17). Prejudice toward the Chinese existed well before their entry into America. As their presence increased with the crossing of the Pacific, the Chinese reached levels in mainstream society that the “character of immigration daily pouring on to our [Californian] shores is a subject in which every good citizen feels a deep and intense interest” (Daily Alta California 3/5/1852). The common citizenry believed the “heathen” Chinese were “getting to be too plentiful in the country” and if “not molested...would soon overrun the country” (Jackson 1852 in Canfield ed. 1920, 222). The Chinese, asserted a number of editorials:

“[Are] morally a far worse class to have among us than the negro. They are idolatrous in their religion—in their disposition cunning and deceived, and in their habits libidinous and offensive. They have certain redeeming features of craft, industry, and economy, and like other men in the fallen estate, they have wrought out many inventions. But they are not of that kin that Americans can ever associate or sympathize with. They are not of our people and never will be, though they remain here forever...they do not mix with our people, and its undesirable that they should, for nothing but degradation can result to us from the contact...it is no advantage to us to have them here. They can never become like us” (Daily Alta California 5/21/1853, cited in Chang 2003, 51-52).

Additional, racist examples abound.

The Chinese immigrant faced racism from nearly all members of society. Racism, while consistently present for the Chinese in America and frequently cited as a principle cause of the massacre, fails to explain how the shooting of one citizen could precipitate into brutal violence. Racism was a constant experience for the Chinese in America during the nineteenth century (and

arguably for all immigrants). However, racist thought does not necessarily produce racist action. If racism were a principle cause of the massacre, it is likely that significant violence would have erupted prior to 1871.<sup>7</sup> Rioters were clearly prompted by more than prejudice and racism by choosing to participate in the massacre. Perhaps then, examining the political and legal culture will highlight larger issues, such as formal and informal institutions, that could have led to the Chinese Massacre.

Chinese immigrants faced discrimination, not only from common citizens, but also from California and United States governments from the early 1850's until well beyond the 1870's. The Committee on Mines and Mining of the California legislature declared in 1852, for instance, that the Chinese were “a great moral and social evil—a disgusting scab upon the fair face of society—a putrefying sore upon the body politic” (Mark and Chih 1993, 42). Discrimination was not reserved to rhetoric; however, the Californian government did everything in its power to stop the “tide of Asiatic immigration” (Gov. Bigler 4/23/1852 cited in Daniels 1988, 35).

The first measure passed by California legislatures in 1852, dubbed *The Foreign Miners Tax* by contemporaries, required non-citizen miners to pay twenty dollars per month while mining in the state. However, when mines were depopulated of Chinese who elected to pursue other professions because of the fees, the California legislature swiftly lowered the levy to three dollars per month (Black 1963, 62). By adjusting the policy in response to the Chinese, it seems clear that the tax was aimed at these immigrants. Yet another policy enacted in 1852 demonstrates discrimination by the California government toward the Chinese. The *Commutation Tax* required “vessel owners arriving at California to report all foreign passengers

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<sup>7</sup> Violence had existed prior to the Chinese Massacre between Californians and Chinese, such as Joaquin Murieta, a young Sonoran who was known for torturing Chinese into disclosing the location of gold before slitting the person's throat. However, it is prudent to differentiate between random murders and violence and the Chinese massacre which involved over 600 participants.

on board and allowed the mayor of San Francisco to obtain a bond of five hundred dollars” for every alien landed in California (Aarim-Heriot 2003, 37). Since the Chinese were the only major foreign group traveling to California by sea during this time, it is evident that this policy was also directed against the Chinese.

While these two taxes placed financial hardship on Chinese immigrants, arguably the most damaging California government action was adopted in the California Supreme Court decision *People v. Hall* in 1854. Citing the California criminal statute that provided that “no black...shall be allowed to give evidence in favor or against, a white man,” Chief Justice Hugh C. Murray construed that “black” meant the opposite of all non-Caucasians, and thus ruled that the testimony of Chinese immigrants was inadmissible in court (Aarim-Heriot 2003, 43). This decision established case law that legally denied Chinese access to the witness stand. Until beyond the Los Angeles Massacre of 1871, the Chinese were left completely vulnerable to crimes committed against them, since they lacked the right to testify in state and municipal courts.

Discriminatory anti-Chinese policies were not limited to California’s government. The United States continued its disenfranchisement of all Chinese immigrants by Congress’s Naturalization Act of 1870. Written to accompany the Fifteenth Amendment of the Constitution ratified following the American Civil War which guarantees the right of citizens to vote regardless of race, color, or previous condition of servitude, the Naturalization Act made the Chinese ineligible for citizenship (a requirement for voting). The Naturalization Act, leading statesman and abolitionist Senator Charles Sumner argued, was enacted because China “embraces...one-third of the whole population of the globe, to admit Chinese to citizenship would be to deliberately expose ourselves to the danger of Mongolian inundation by which time,

every vestige of Caucasian or Aryan civilizations might be swept away” (Daily Alta California 6/29/1870). The denial of citizenship locked the “Chinese out of the entire political process” (Chang 2003, 121). Their inability to express political preferences by voting meant that politicians had no need to address issues central to the Chinese.

Chinese living in the United States faced incredible challenges by both the California and United States governments. Though some distinguishable line existed between Democratic and Republican Party platforms prior to the Naturalization Act, by 1871 the “feeling of hatred toward another race was inflamed and fostered by politicians” of both parties (Sacramento Daily Union 10/28/1871). These feelings had arisen to such a degree that no Californian politician “could hope to be elected to office, unless he shared, or pretend to share anti-Chinese sentiments” (Chang 2003, 121). While many of these discriminatory policies are central to the understanding of the Chinese Massacre, the economic and criminal climate in the 1870’s offer key insights to understanding the outbreak of the massacre as a perverse emergent order.

As the transcontinental railroad was completed in Utah during 1869, the first signs of over-speculation appeared on the New York Gold Exchange in what was later coined the Black Friday Panic. During Reconstruction, the government issued large amounts of money on credit. Since many investors believed that the United States would buy this money back with gold, James Fisk and Jay Gould attempted to corner the gold market to make enormous profits. Buying large amounts of gold, these speculators caused significant price increases while simultaneously causing the value of stocks to fall. The federal government eventually sold over four million dollars in gold in response, causing the premium to plummet. By 1871, the “buoyancy in the early months caused by easy money and the prospect of inflation,” left the economy in poor terms, which was exacerbated by the Great Chicago Fire creating a “severe depression” (Persons

1990, 14). The business sector began “debates on funding and tariffs” causing uneasiness further intensified by “extensive strikes against the reduction of wages” (Persons 1990, 14).

The economy would not decay completely for another two years with the Great Panic of 1873. However, the Black Friday panic left many people impoverished as “the prices of real estate declined, the demand decreased, [and] merchandise will not command as much money as it did two years ago” (Daily Alta California 8/28/1870). This economic downturn forced “many manufactories to reduce their force or close” leaving “a considerable amount of the poor men to seek employment in vain” (Daily Alta California 8/28/1870). In California especially the “depression, which has overtaken business” left few employment opportunities (Daily Alta California 5/24/1870).

The Black Friday Panic influenced the decline of the California economy, which was aggravated further by unemployment numbers following completion of the Central Pacific Railroad. The joining of the railroad in Utah meant that thousands of Chinese railroad workers were expelled; creating direct competition for already unemployed laborers. Chinese immigrants, like most immigrant groups during the nineteenth century, would typically work for lower wages than Americans, with many businessmen believing the Chinese were “extraordinary people, against who was arrayed no class but labor” (Black 1963, 60). Perhaps more importantly to commercial classes, the Chinese were willing to work twice the amount of hours for half the pay of typical American laborers. In addition to causing greater competition for jobs, the transcontinental railroad’s completion “allowed the shipment of inexpensive eastern products into California, which hurt local industries” (Chang 2003, 117). The factories in California, which were only recently developing, struggled competing with manufacturers long established on the East Coast. Workers who traveled to California “to escape eastern sweatshops and mill

towns, to seize new opportunities and build new lives, found instead mass unemployment and ruthless competition for jobs” (Chang 2003, 117).

Adding to the sense of competition and distrust for the Chinese, immigrants were frequently employed as strikebreakers in the early 1870’s. On June 13 1870, Calvin T. Sampson of North Adams, Massachusetts, employed “seventy-five Chinese” who worked with “rapidity and intelligence” as replacements for striking workers (Sacramento Daily Union 10/1/1870). Laborers throughout America mobilized in response, arguing as vice president of the National Labor Union Alexander Troup stated “capitalists have started the ball rolling and will keep it rolling over the continent if measures are not at once taken by the workingmen” (in Gyory 2003, 41). The North Adams incident created a chain reaction among business owners for importing Chinese workers—two hundred Chinese arrived in New Orleans, three hundred in San Francisco, and one thousand in Alabama. Fears of laborers were certainly real; however, this may be an exaggerated cause for the Chinese Massacre—since in Los Angeles the “Chinese were concentrated in a few occupations, especially domestic service and laundry business, and did not compete for jobs with American laborers” (Aarim-Heriot 2003, 163). Regardless of direct competition for jobs, the declining economy of the 1870’s must have impacted an individual’s choice to participate in the massacre.

Like the American West portrayed in Hollywood films, Los Angeles during the nineteenth century was a town of vice, rampant with criminals who shared a propensity for violence. Bachelors, who enjoyed bar hopping—the heavy intoxication that goes with it—and the masculine lifestyle that accompanied living in a frontier town, made up most of Los

Angeles's population.<sup>8</sup> In 1870, just one year before the massacre, “statistics show a greater number of murders in California than in all the United States besides, and a greater number in Los Angeles than in all the rest of California” (Monkkonen 2005, 608). Los Angeles, per capita, was more prone to murder and violence than any other American city in 1870.

The violence of 1870 was nothing new to Los Angeles. From 1830-1870, “no matter how one counts the murders, in raw numbers or per capita, Los Angeles was unusually violent.” The city had incredibly high number of murders during this era; with “lulls [of peace] followed by explosive violence” (Monkkonen 2005, 608). The love for bar-hopping and drinking was “the number one fuel to violence...with men at night boasting and challenging each other’s manliness, fighting, and then stabbing, kicking, or shooting each other.” Surprisingly disputes usually stayed within class and racial groups (Monkkonen 2005, 612). Violence; however, did erupt at times across the racial barrier. For instance when two young men “struck the Chinaman over the head with a board,” beating the him to death (Daily Alta California 6/13/1871). Though there were several witnesses “who saw the boys,” both denied the murder and were acquitted (Daily Alta California 6/13/1871). Racial violence existed in Los Angeles at times throughout the nineteenth century; however, “there was no wholesale resentment against the Chinese” until the massacre (Aarim-Heriot 2003, 163).

Violence was arguably a way of life on the American frontier—regardless of nationality and class—and citizens of Los Angeles cultivated a casual attitude toward it. Nearly twenty-one years before the Chinese Massacre, for instance, Boyle Workman “recounted the story of a grand party...where Dr. James Winston...shot and killed two party crashers who had been amusing

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<sup>8</sup> This is an important distinction to make, while today we see Los Angeles as a booming metropolitan area, with many of the characteristics of Eastern cities like New York, in 1870 the city was seen as a backwash, without real culture or flair.

themselves by shooting at the heels of the dancers” (Workman 1935 cited in Monkkonen 2005, 606). Workman was not alone in noting such tolerance for violence. Horace Bell commented “the year 1853 showed an average mortality from fights and the assassinations of over one per day in Los Angeles” (Bell 1881). By the 1870’s, violence was an established norm in the Los Angeles. Given these levels of crime, it is unlikely that the Los Angeles police force were effectively prepared for the events in October 1871.

The number of homicides “make it clear that law enforcement was inadequate for the task, and law enforcers were gravely at risk” in Los Angeles (Monkkonen 2005, 614). The city always had “law enforcement of a sort...there was a county sheriff, a city marshal, and after 1869, a formal police force” (Monkkonen 2005, 614). This police force; however, was elected by local citizens and contained fewer than six officers and was grossly unprepared to face the demands of frontier brutality, let alone a riot of over five hundred people. In spite of attempts to prevent and end the Massacre, the civil authorities were unable to gain control of the situation. The riot was so uncontrollable that Sheriff Burns, “could not reach the scene” until after quite some time, and upon “arriving called for a *posse comitatus* to assist him in handling the situation; but no one responded...he also demanded...that they disperse; but with the same negative result” (Newark 1916, 433). The Los Angeles police force, even before the Chinese Massacre of 1871, demonstrated gross incompetence handling crime and murder. Recognizing the ineffectiveness of the criminal justice system, the “best and most respected citizens of the city” used a vigilance committee as tool for social discipline to punish acts of crime by administering “lynch law thirty-two times” in the years preceding the Chinese Massacre (Jew 2010 119; Blew 1972, 13).

#### **4. The Chinese Massacre as a Perverse Spontaneous Order**



On October 24, 1871, over five hundred men and women gathered around Los Angeles's Chinatown in response to the shooting of rancher Robert Thompson who was murdered "trying to assist in the arrest of a Chinaman for shooting another" (Daily Alta California 8/25/1871). Thompson, earlier that day, responded to the call for a posse to bring justice to two Chinese gangs that had been warring "over claims to a woman named Yit Ho" (Spitzerri 2008, 186). Encroachments and intrusions into Chinatown, growing in size and scope over a four hour period, followed bringing violence to Los Angeles's Chinese. By 5:30 PM, the first Chinese immigrant, Wong Tuck, was "pummeled by a crowd and his life snapped at the end of a rope, thrown over a makeshift hangman's scaffold" (Jew 2010, 116-117). One would expect the violence to end there, since retribution had been dealt for the killing of Thompson. However, Tuck's hanging was not satisfactory for the crowd, and by 8:00 PM the riots were in full effect with the hanging of a second Chinese.

The remaining Chinese, about one hundred in total, refused to leave their homes and "were well armed" (Sacramento Daily Union 10/25/1871). Though often "characterized as a pell-mell rush to mob violence," there were moments of pause during the four hours of the Massacre (Jew 2010, 117). At 9:00 PM rioters, tired of the standoff, began climbing "upon the flat roofs of the adobe houses" chopping holes and firing shots through them (Daily Alta California 10/25/1871). Using this strategy, non-Chinese "flushed out the Chinese, the latter escaping the throes of what suddenly became a shooting gallery" (Jew 2010, 117). By 9:15 PM six more joined the three that had already perished, with eight more waiting for the same grisly end as rioters searched for ropes to complete the lynching. They were procured, "cut from a clothesline furnished to the crowd by a woman who ran a boarding house" (Jew 2010, 124; De

Falla 1960, 185). By 9:30 PM at least fifteen Chinese men had hung—dragged from their homes to meet death.

Meanwhile, Chinatown was “despoiled of all portable valuables” (Daily Alta California 10/26/1871). Rioters stole between 6,000 and 15,000 dollars in gold, as well as about 7,000 dollars in property, even to the extent of pilfering “a diamond ring from the finger of a Chinese doctor” as he hung from the makeshift gallows (New York Times 10/29/1871). Shortly after 9:30 PM authorities restored order to what was described as the “most terrible night Los Angeles has ever know,” with fifteen “stark, staring corpses hung ghastly in the moonlight, while six, seven, or eight others mutilated, torn and crushed lay in the streets (Daily Alta California 10/26/1871).

The October 24, 1871 Massacre was not a top-down affair. Local leaders like Cameron Thom, Los Angeles’s district attorney, and Robert Widney, the leader of the town’s “vigilance committee,” walked the “streets and upbraided the crowds and called for order” (Jew 2010, 119). The vigilance committee, which was used in the past as an “instrument of social discipline that the business and commercial classes had unleashed for twenty years prior to 1871,” showed itself “capable of being ridden by new masters”—the common citizens of Los Angeles (Jew 2010, 119). In fact the committee’s leader suggested that “none of the Old Vigilance Committee were engaged [in the massacre], except in rescuing the Chinese from the mob” (Workman 1935, 145 in Spitzerri 2008, 189). The participants in the massacre were both “masterless and dangerous” (Jew 2010, 119). No leader among the crowd of rioters was identified during or after the massacre, and “probably no one in October 1871 could have predicted the events” (Jew 2010, 119; Spitzerri 2008, 188).<sup>9</sup> No one saw, or could see, that the common citizenry of Los Angeles were

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<sup>9</sup> Over one hundred people were “identified as participants” by the grand jury in the subsequent indictment, but even with the “testimony of dozens of witnesses” little or no identification of the perpetrators was made (Spitzerri 2008, 108).

prepared to join in a collective riot against the Chinese. Clearly, the Chinese Massacre of 1871 erupted spontaneously, without central planning, and was the result of human action. That the massacre was a self-reinforcing order, with positive and negative feedback mechanisms, and it was governed by rules is perhaps less clear.

Social violence, like the Chinese Massacre of 1871, “rarely involves indiscriminate violence; it is usually aimed at the persons or properties of particular groups...social violence is rule governed” (Martin and Storr 2008, 78). Violence in the 1871 massacre was not indiscriminate. The events of October 24, 1871 were directed entirely against Los Angeles’s Chinese, with no other racial group or social class experiencing devastation at the hands of the mob.<sup>10</sup> Rioters targeted only Los Angeles’s Chinatown and the Chinese immigrants living there.

There were also conventional rules in place—apparent through the anti-Chinese legislation highlighted earlier at state and federal levels—that discouraged the feeling of compassion for fellow human beings while also encouraging the meeting of any offense by the Chinese with violence. Participants in the Massacre may have been unable to articulate the rules governing their decision to contribute, but for nearly twenty years, the California and United States governments institutionalized anti-Chinese sentiments. Institutionalization of anti-Chinese views reached new levels by the time of the massacre, with both major political parties espousing anti-Chinese rhetoric and policies in the early 1870’s. These rules undoubtedly played a role in the nature of the order that transformed into the Chinese Massacre.

Adding to these formal rules were the informal institutions that guided the actions of the rioters. Los Angeles of the mid-nineteenth century was ruled by violence. Indicative of this

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<sup>10</sup> In fact, the event pitted not only Caucasians against Chinese, but the perpetrators of violence also had representatives from the Mexican, Irish, French, and German communities (Jew 2010).

violence was the use of a citizen's vigilance committee, which prosecuted with lynch law, over thirty suspected criminals in the years leading up to the Chinese Massacre. While the committee was entirely uninvolved in the violence of the massacre, vigilante and mob violence to punish criminals was an established norm and an informal institution commonly used in Los Angeles. At least thirty-two times prior the massacre, the citizens of Los Angeles had taken the law into their own hands, hanging criminals without due process. The precedent of response to the shooting of one citizen was well established by informal institutions prior to the events on October 24, 1871.<sup>11</sup> One of the rules guiding each individual's participation was the use of a lynch mob's violence to punish crime. By following this conventional response, individuals produced a perverse spontaneous order.

There were also at least two feedback mechanisms at work that made the behavior more attractive to individual participants in the incident. First, California's economic recession and high level of unemployment made the decision to participate in the Massacre more attractive to participants. Participants had a lower opportunity cost to riot compared with more prosperous times. This thought is given more weight when considering that days before the Massacre, Sam Yuen, "a leading figure in the Chinese community," revealed, "he had enough money to post bail [for an arrested family member] to the tune of six thousand dollars" (Jew 2010, 119). In the mid-nineteenth century, this was a sizable amount of money and "must have sent calculations spinning in the minds" of would be participants in the riot (Jew 2010, 119). This claim is given further weight, when considering that rioters not only killed members of the Chinese community, but also stole between 6,000 to 15,000 dollars and another 7,000 worth in property. Had rioters

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<sup>11</sup> In fact, lynch law was utilized thirty-eight times in the history of Los Angeles without the vigilante committee's authorization

been motivated only by exacting justice on the Chinese community, it is unlikely that they would have stolen all valuable property in Chinatown.

The second positive feedback mechanism was participants' calculation that their involvement would likely go unpunished. Since criminals are less prone to participate in a criminal activity if the probability of punishment is high, potential participants in the revolt expected their crimes to go unpunished. Rioters were well aware of the consequences of the *People v. Hall* decision, and realized that the Chinese were unable to testify in court. For twenty years, they read newspaper reports and heard stories of unpunished crime because Chinese testimony was inadmissible in legal proceedings. Further compounding this positive feedback mechanism, rioters knew that there were only six *elected* police officers in Los Angeles. Since it is unlikely that six men could control over five hundred people, individuals understood that there was little chance of being arrested for participation. Even if six officers could control the large crowd gathered around Chinatown, it is unlikely that elected officials would arrest members of their constituency for crimes against members of a community that were completely disenfranchised. Even if participants in the Massacre were arrested during the riot, they would appear before an elected judge with the same conflicting interests. Rioters knew that as long as they were attacking Chinese immigrants no legal action could easily be brought against them.<sup>12</sup>

## **5. Conclusion**

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<sup>12</sup> The fact that two boys had been acquitted for beating a Chinese man to death just months earlier, in spite of a number of witnesses testifying that the boys had in fact committed the crime may have also entered the calculus of would-be participants in the revolt

The anti-Chinese Massacre of 1871 was a perverse spontaneous order. This paper offers both a fresh perspective on the Massacre while also contributing to the understudied idea of perverse spontaneous orders. The nature of an order is not decided by merely pointing to its spontaneous emergence. By focusing attention on the rules that lead to the emergence of an order, the kinds of activities that are encouraged by those rules, and the positive feedback mechanisms at work, this paper has identified how the shooting of one person could lead to the murder of twenty-one Chinese immigrants. Central to understanding the causes of the Chinese Massacre of 1871 are the formal and informal institutions that guided individuals—like the institutionalization of anti-Chinese sentiment by state and federal government and the conventional rule in Los Angeles that dictated the use of a lynch mob as a response to the murder of one citizen. Rules, along with positive feedback mechanisms, such as potential financial benefits and the knowledge contribution would likely go unpunished, illuminates the causes of the Chinese Massacre. By arguing that rules and feedback mechanisms that governed an individual's participation in the Chinese Massacre are central to the emergence of it as a perverse spontaneous order, this paper has added another example to the literature of these understudied orders, while also explaining the cause of an oft forgotten and dark piece of American history.

## References

- Aarim-Heriot, Najia. 2003. *Chinese Immigrants, African Americans, and Racial Anxiety in the United States, 1848-82*. Chicago: University of Illinois Press.
- Barth, Gunther Paul. 1964. *Bitter Strength: A History of the Chinese in the United States, 1850-1870*. Cambridge MA: Harvard University Press.
- Bell, Horace. 1881. *Reminiscences of a Ranger or Early Times in Southern California*. Los Angeles.
- Black, Isabella. 1963. "American Labour and Chinese Immigration," *Past and Present Society*. Oxford University Press.
- Blew, R.W. 1972. *Vigilantism in Los Angeles, 1835-1874*. *Southern California Quarterly* 44, 1, 11-30.
- Boetke, Peter, Christopher Coyne, and Peter Leeson. 2008. "The Continuing Relevance of F.A. Hayek's Political Economy." *Advances in Austrian Economics* 11, 79-98.
- Chang, Joyce. 2003. *The Chinese in America*. New York: Viking Company.
- Coolidge, Mary Roberts. 1909. *Chinese Immigration*. New York.
- Daniels, Roger. 1988. *Asian America; Chinese and Japanese in the United States since 1850*. Seattle: University of Washington Press.
- Daily Alta California—1860-1875
- De Falla, P. M. 1960. *Lantern in the Western Sky*. *Quarterly of the Historical Society of Southern California* 42 (1), 57-88.
- Grimshaw, Allen D. 1960. "Urban Racial Violence in the United States Changing Ecological Considerations," *The American Journal of Sociology* 66(2): 109-119.
- Gyory, Andrew. 2003. *Closing the Gate: Race, Politics, and the Chinese Exclusion Act*. Chapel Hill, NC: The University of North Carolina Press.
- Harris, Newark. 1916. *Sixty Years in Southern California, 1853-1913*. "Chapter XXIX The Chinese Massacre of 1871," New York.
- Hayek, F.A. 1937. "Economics and Knowledge," *Economica* 4, 33-54.
- 1973. *Law, Legislation and Liberty Vol. 1: Rules and Order*. Chicago: University of Chicago Press.
- Horowitz, Stephen. 2008. "Is the Family a Spontaneous Order?" *Studies in Emergent Order* 1, 163-185
- Jackson, Alfred T. "Diary of Alfred T, Jackson," in Canfield, Chauncey ed. 1920. *The Diary of a Forty-Niner*. Boston: Houghton Mifflin
- Jew, Victor. 2010. "The Anti-Chinese Massacre of 1871 and Its Strange Career," in *A Companion to Los Angeles*, Deverell, William and Greg Hise (eds.) Oxford: Blackwell Publishing.

- Mark, Diane Mei Lin and Ginger Chih. 1993. *A Place Called Chinese America*. Kendall Hunt Publishing Company.
- Martin, Nona and Virgil Storr. 2008. "On Perverse Emergent Orders," *Studies in Emergent Orders* 1, no.1 73-91.
- Mink, Gwendolyn. 1986. *Old Labor and New Immigrants in American Political Development: Union, Party, and State, 1875-1920*. Ithaca NY.
- Monkkonen, Eric. 2005. "Western Homocide: The Case of Los Angeles, 1830-1870," *The Pacific Historical Review* 74 (4), 604-617.
- New York Times—1871
- Norman, Barry. 1982. "The Tradition of Spontaneous Order," in *Literature of Liberty* vol. v, no.2, Arlington, VA: Institute for Humane Studies, 7-58.
- Persons, Warren. 1990. "Business and Financial Conditions Following the Civil War in the United States," *The Review of Economics and Statistics*.
- Roediger, David R. 1994. *Towards the Abolition of Whiteness: Essays on Race, Politics, and Working Class History*. London.
- Sacramento Daily Union—1860-1875.
- Sandmeyer, Elmer Clarence. 1939. *The Anti-Chinese Movement in California*. Urbana Illinois: University of Illinois Press.
- Saxton, Alexander. 1971. *The Indispensable Enemy: Labor and the Anti-Chinese Movement in California*. Berkeley: The University of California Press.
- 1990. *The Rise and Fall of the White Republic: Class Politics and Mass Culture in Nineteenth Century America*. London.
- Scott, A. and Soja, E. eds., 1996. *The City of Los Angeles and Urban Theory at the End of the Twentieth Century*. Berkeley: University of California Press.
- Schelling, Thomas. 1978. *Micromotives and Macrobehavior*. New York: WW and Norton.
- Starr, Kenneth. 2005. *California: A History*. New York: Modern Library.
- Smith, Adam. 1776. *An Inquiry into the Nature and Causes of the Wealth of Nations*. London: Methuen.
- Spitzerri, Paul. 2008. "Shall Law Stand for Naught: The Los Angeles Chinese Massacre of 1871 at Trial." *California Legal History*. 185-224
- United States Census Bureau. 1860. *California Census*.
- United States Census Bureau. 1870. *California Census*.