

■ 杂谈

为什么华人在全世界都受到歧视？

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1885年，美国怀俄明州爆发了一场针对华人的屠杀，死了几十人，唐人街火光冲天，浓烟久久不散。

受颛顽无能的清政府拖累，19世纪的海外华人饱受歧视，忍辱负重。但细究史料不难发现，此次屠杀是由白人策动的，不过并非普通的美国白人，而是刚刚移民至此的西班牙人。

Why? 15年后，德莱赛的名著《嘉莉妹妹》出版，里面有段情节描述的是芝加哥工人大罢工。

作为一个失业已久的流浪汉，主人公听说电车工人罢工，电车司机不上班了，心想“我能不能去挣点钱呢”，于是跑去开车，结果被工人痛扁，头破血流，工钱也不敢领，逃回了家。

当时的华人，很多时候便扮演着类似的角色，即工人阶级眼中的“工贼”。

以加利福尼亚州的劳工骑士团为例，这是美国历史上的排华急先锋，叫得最响，喊得最凶。但说到底，它又不是3K党这样的邪恶团体，不过是当时遍及世界各个工业化国家角落里的工人运动的分支。并且，翻检其主张，不分种族、没有歧视、同工同酬、不用童工等伟大光明正确的字眼也目不暇接。

何也？盖因华人不参加工人运动。

工人阶级是弱势群体，想跟资本家斗，除了抱团，别无他途。如果大家都罢工，你去上班，势必使整个运动溃于蚁穴，分崩离析。而当时的华人不仅不参加罢工，还破坏行情——拿着极其微薄的工资也

能埋头苦干。这是其他少数族裔绝对无法容忍的。

1882年，美国出台了历史上唯一一部针对特定种族的法案——排华法案。

这件事的吊诡之处在于，彼时美国的远东政策是扶持中国牵制日本，关系好到其驻华公使蒲安臣卸任后居然当了清政府的首任外交使节。并且，天朝第一批公派留学生，去的正是美国。

事实上，排华也不符合美国当时的主流精英意识形态。

法案是在阿瑟总统手上通过的。此人是林肯的好友，废奴运动中成长起来的政治家，一贯反对种族歧视，曾经说过：“种族平等，尤其是移民自由，针对世界上任何苦难的人张开怀抱，这是美国的立国精神。”

阿瑟一再否决排华法案，最后在实在顶不住才勉强通过。而支持者的理由，他无从反驳：华人破坏民主制度，从来不参加选举，即使给了他们选票，也被工头的小恩小惠买走。

两千年的君主专制，耗尽了国人的爱国精神。没有一个国家像古代中国一样，如此高调地宣传忠君思想。但也没有一个国家如它一般，随时准备推翻君主。

“彼可取而代之”、“王侯将相宁有种乎”——以乡土为存在单位的中国人，一旦离开其土生土长的县域，就会感觉很陌生。事实上，秦汉以降，中央政权是靠政治强力而非情感认同把臣民归并到一起的，基层仍呈现出一种碎片化的存在，用孙中山的话讲就是“一盘

散沙”。

这样的人民，可能有私德，而鲜少有公德。要么做稳了奴才得过且过，要么忍无可忍揭竿而起，在契约和法治的框架内伸张权利的公民意识则几不可见。

最近有本书叫《不死的中国人》，是两个意大利记者通过采访当地华人写成的。

书中展示了意大利社会对华人的态度转变，从早年的热情好客到现在的警惕厌恶。

在他们眼中，华人除了具有小强般的生命力和忍耐力，最突出的特点就是封闭和神秘。即从不参加

公共生活，毫无参政意识，对融入当地没有任何兴趣，只是不停地干活、赚钱、储蓄，夜以继日，不知疲倦。

为什么叫“不死的中国人”？因为意大利人几乎见不到华人的葬礼，有好奇者随口说了句“中国人永远不死”，便以讹传讹了。

答案其实很简单：华人到了60多岁时，基本都回家养老了——带着半辈子攒下的血汗钱。

没有一个国家的国民不想拥有权利，也没有一个国家的国民不想度假、旅行、衣食无忧。

除非肉食者不愿让他们有。



资料图：19世纪的美国铁路华工

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读者提问：

我们是在印第安纳州某大学就读的中国学生，在课余想做一些生意，一方面挣些钱贴补学费，另一方面也想早些积累就业的经验，为将来打好基础。具体的生意还没有确定。我们想事先了解一下拿学生签证的外国学生在美国可以经营企业并获得工资吗？如果只是以投资者的身份参与一个企业，可以做一些无偿的工作吗？可以合法地分得投资的利润吗？

黄亦川律师回答：

在美国就读的外国学生一般是不能工作并获得工资的。例外就是学生在就读满一学年后可以申请在校内工作。开课期间一周可工作20个小时。寒暑假期间可以工作40个小时。

在校外的工作就需要留意了。在以前的法律信箱中曾经答复学生有关实习工作许可(Curricular or Optional Practical Training)的问题。实习工作是临时性的，为期一年或两年视学生的专业而定。大多数学生在完成学业后会利用此途径合法留在美国工作，并设法利用这段时间寻找能够长期留在美国的工作机会。

许多学生可能都不清楚实习工作不是只允许学生毕业后才可以开始。只要学习期满一学年，学生就可以向学校及移民当局申请实习工作许可。当然实习工作许可的先决条件是实习工作的性质必须与学生所学专业挂钩。挂钩的定义自然是有弹性的。

学生要注意移民局对于学生未经允许就在校外打工是很重视的。学生在未经学校当局及移民局的许可擅自开始工作并收取酬劳，被查到后对于学生本人的合法签证、甚至于日后申请移民绿卡都会有很坏的影响。学生如果决定以投资的方式来参与一个企业，只要不介入日常工作并收取工资，如果企业经营获得利润，学生可以以投资股东的身份分得利润。不要忘记在美国所得的收益都必须合法申报所得税。学生如果想在就学期间参与企业的经营，一定要详细咨询自己的律师。另外投资所得的税务问题也请务必咨询自己的会计师。

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精彩时评

A Broken Promise: Social Stratification and Social Mobility in this Land of Opportunity



凌渝郎 (Franklin Indiana)

Scholars suggest that in order to determine whether a society is more equal than another, it is essential to determine whether people from different family backgrounds have the same opportunity to achieve success. The United States has been described as the land of opportunity, the most advanced democracy in the world. These two popular slogans signify that we should have low social stratification and high social mobility. Sky is the limit for everyone.

Social stratification consists of hierarchical relationships among different groups, as though they were arranged in levels. Stratified groups may be unequal on variety of measures including material resources, power, and education. Simply put, in a highly

stratified society, a person's standing position in society is based on qualities that the person gained through birth. On the other hand, there is the issue of social mobility which means an individual's ability to move through a system of social stratification. If social mobility is low and social stratification is high, the opportunity for the stratified groups to advance will be low.

Recently, in order to promote his policy for increasing minimum wage, President Obama stressed the idea of equal opportunity for every American. From these actions, it appears that American society has failed to fulfill this promise.

The Daily Journal recently published an article titled "Falling Behind" concerning the racial gap among U.S. children. Based on a study sponsored by the Annie E. Casey Foundation, a new index based on 12 indicators that measure a child's success from birth to adulthood finds that white and Asian children fare much better than black, Latino and American Indian children. Because of this study, particularly the challenges facing African-American children, we have "a national crisis."

This important report only presented us the facts, but did not provide us with any explanations. The big question is why the world's most advanced democracy has such high social stratification.

I am a Chinese American. Because of this I can provide some insight as to why Asian Americans have achieved high social mobility in this country. To illustrate my view, let me share a story of an owner of a local Chinese restaurant. This family worked very hard to make ends meet and made many sacrifices for the benefit of their children. Due to their hard work and cultural background, they managed to send their daughter to Harvard to study medicine and their son to Princeton University to study law. As you can imagine, this family broke through the social ceiling big time. This is not an isolated case. Many Asian families have accomplished the same thing. Based on an IRS report, the median Asian American household income is higher than white households (in 2012, the Asian American household median income was \$ 68,636, the white American household income was \$57,009, and the black American household income was 39,005). As you can see, Asian Americans have earned the stereotype as the model minority. Despite this success, the label of model minority is not a blessing. The real question we should ask is how these families become successful.

I believe this success is based on two important factors. The first is the value of family. This is universal everyone values their family. However, many societies value individualism. In America, we put our individual

interests first. For the majority of Asian American families, the family is considered the basic unit. Each family member has a role and works together to strive for the family's success. This group orientation makes them more successful and provides a better support system. The individual's success is the family's success.

The second factor is education. Education is the key that will open doors. Based on statistics, Asian Americans have the highest enrollment rate for Ivy League schools. Parents will sacrifice their own happiness for the success of their children. They also believe that each succeeding generation should be more successful than the previous one. Unfortunately, not every family can achieve this goal, but these families always try to encourage their children to work hard to be good students with the hopes of a better career future. There is a lot of intensity and pressure so this comes with a price, but the end results seem to be worth it.

Even though the report by the Annie E. Casey Foundation used race as the basis of its study, the real issue is not of race but of culture. Culture is way of life. It is how a group of individuals set their priorities in life. It seems that family values and education are the two main ingredients for succeeding in our society.

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