

# The COVID-19 Hate Crime Act: Anti-Chinese Sentiment and Xenophobia in Times of Austerity

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## ABSTRACT

On March 16, 2021, the fatal shootings that took place at three massage parlors in Atlanta, Georgia, targeting women of Asian descent took away 8 innocent lives. However, this is only one of the tragic incidents that caused racial animus occurred during the pandemic. An upsurge of anti-Asian sentiment was detected in the early days of the pandemic, leading to a bipartisan effort to fight bias-driven incidents against Asian Americans led to Congress's passage of the Covid-19 Hate Crimes Act. This paper conducts a descriptive study to examine the efficacy of the COVID-19 Hate Crimes Act through literature review, mainly focusing on three themes: historical, political, and social. The paper first evaluates the design of the bill, then analyzes and explains factors that hinder its effectiveness, and lastly, proposes alternative solutions. The paper finds that the COVID-19 Hate Crimes Act serves more of a symbolic purpose, a needed wake-up call, but inadequate to bring the progress Asian communities need and to temper the deeply rooted xenophobia.

**Keywords:** COVID-19 Hate Crimes Act, racism, xenophobia, Sinophobia, hate crimes, anti-Chinese sentiment

## 1. INTRODUCTION

As the coronavirus pandemic unfolds, various conspiracy theories about its origins run rampant. Consequently, the pandemic gave rise to an apparent public animosity toward China and ethnic Chinese in the United States, leading to a staggering surge in racial attacks. However, this is not a novel phenomenon as anti-Chinese sentiment has waxed and waned in American society for decades [3]. With the rising tension between China and the United States competing for global dominance, racial anxiety worsens, and Sino-American relations. On May 20, 2021, in the wake of the Atlanta massacre, the COVID-19 Hate Crimes Act was passed through congress with overwhelming support, designated to strengthen law enforcement's response to target hate crimes directed at Asian communities in the States [1]. The number of incidents continued to stack at an alarming rate after the introduction of the Act. This paper will analyze the Act beyond the frame of the virus outbreak, evaluating it from historical, political, and social perspectives. It is hypothesized that although the Act is a step in the right direction, it mainly serves a symbolic purpose, a necessary public reminder, rather than addressing the root cause – the structural racism within the United States that breeds prejudice and violent

behaviors. This paper focuses on assessing the design of the bill itself, investigating the main factors discounting its efficacy, and offering suggestions for future interventions. The significance of this study is to provide a holistic background that caused the deep-seated anti-Chinese sentiment for educational purposes, expose the shortcomings of the COVID-19 Hate Crime Act for future improvement, and urge the Biden administration to take further measures to protect the Chinese community.

## 2. THE COVID-19 HATE CRIMES ACT: FAILURE OF REDUCTION

According to a recently published national report by Stop AAPI Hate – the official coalition tracks and responds to the escalation of discrimination against Asian Americans and Pacific Islanders in the United States – "from March 19, 2020, to September 30, 2021, a total of 10,370 hate incidents against Asian American and Pacific Islander (AAPI) persons were reported." The incidents consist mainly in forms of verbal harassment (62.9%), shunning (16.3%), and physical assault (16.1%), with 42.7% of cases being Chinese [26]. Among all hate incidents reported, 4,599 cases occurred in 2020 (44.4%) and 5,771 cases occurred in 2021 (55.7%), of which 3767

incidents occurred between April and September 2021, accounting for 67.6% of the total number of incidents reported in 2021 [26]. These data clearly reveal that the Asian community of the country continues to be attacked, and there is no sign of reduction. This is because most hate crime laws emphasize victimization rather than protective factor enhancement, the efficacy of eradicating racist acts is often compromised [4]. The COVID-19 Hate Crimes Act is no exception. The federal response to the uptick in hate crimes directed at Asian communities was expediting the review of incidents while providing financial incentives to facilitate current investigation and reporting agencies [1]. But interventions such as improving punitive responses and increasing hate crime reporting efforts cannot deter individuals from committing them [4]. With much of the emphasis placed on handling prejudice incidents after they have occurred, Congress's current response shows to overlook prevention, ignoring the root cause. In other words, enhanced law enforcement cannot dismantle structural conditions that subject Asian communities to discrimination and violence. Therefore, the COVID-19 Hate Crimes Act is not an adequate answer to the racism embedded in American society.

Moreover, the formation of hatred and bias can be traced back to multifaceted reasons, which makes it hard to grapple with policies [4]. Not to mention hate crime is sometimes a crime of opportunity - impulsive, unplanned bias acts carried out by strangers unknown to the victim - which further increases the difficulty of proposing effective and practical preventive measures [12]. Moreover, the long-standing xenophobia against ethnic minorities makes resolving, or even mitigating, anti-Asian racism an arduous task. The mere passage of one Hate Crime law stands pale when facing the entrenched racial bias and oppression of Asian communities.

### **3. HISTORY OF "YELLOW PERIL."**

The deeply entrenched history of violence against the Chinese in the United States has far-reaching effects on the present. For instance, the history of the treatment of Chinese in the 19th century highlights how they were distinguished as un-American and barbarian, diverging from the West's conception of its ideal characteristics: civilized, standard, and morally righteous [8]. These uncongenial and irrational views gave birth to racist color metaphors such as "Yellow Peril" and "Chinese coolie slaves" and led to discriminatory measures that deprived Chinese immigrants of their naturalization, distorted their existence, and exacerbated racial differences [8].

The beginning of the anti-Chinese movement is marked by the passage of the Page Act of 1875, the first restrictive federal immigration law claimed to prevent "undesirables" but was enforced primarily against Chinese women immigrants [8]. The passage of the bill

gives is an indirect confirmation of the widespread stigmatization that most Chinese women were sexually immoral - fetishized and contracted for prostitution. Then the Chinese Exclusion Act was introduced in 1882, a bipartisan effort that forbade the further entry of Chinese laborers, purported to eliminate foreign labor competition [5]. The Act not only virtually halted Chinese immigration but also wrongfully claimed the Chinese labor force as the culprit of the suffering economy in the late 19th century, intensifying the existing hostility and resentment towards the community. According to historian Andrew Gyory, "...politicians found restrictive, racist legislation a simpler and easier way to handle the nation's race problems. With antiblack bigotry temporarily in eclipse in the late 1860s and 1870s, anti-Chinese racism filled the vacuum and provided a convenient alternative in the hunt for scapegoats amid a sputtering economy." [8] These Acts were called upon to protect the so-called rights of domestic workingmen; however, they only served to preserve white dominance by reiterating all negative stereotypes of the Chinese while emphasizing ethnic antagonism. They directly contributed to the maturing of the anti-Chinese sentiment and the spread of racist imagery of the Chinese community in the United States.

The late 19th century also witnessed the unleashing of anti-Chinese violence as the exclusion regime fostered witch-hunting and smear campaigns against the Chinese community. This includes various inappropriate public behaviors, from violent riots to public harassment to property destruction [5]. For example, major massacres, such as the Rock Springs Massacre and the Hells Canyon Massacre, occurred after the establishment of the Chinese Exclusion Act, where Chinese laborers were brutally murdered and mutilated by white Americans [14]. These disheartening events reveal the severe public anxiety and rage at the Chinese communities at the time, demonstrating how the early days of US society are already immersed in xenophobia.

Moreover, discrimination was apparent when looking at the history of accusing Chinese immigrants of transmitting contagious diseases. They were repeatedly used as "medical scapegoats" because the ethnic Chinese in the United States were attached with racist labels such as inferior, unsanitary, and illness-ridden, inseparable from widespread xenophobia. For example, public policy researcher Joan B. Traauner reveals that Chinatown in San Francisco was condemned to be the origin of the smallpox outbreak in 1875 without rigorous investigation [21]. The Chinese community was reprimanded by officials for violating hygiene and sanitation laws, thereby jeopardizing the well-being of the country, in an attempt to divert public attention from their mismanagement of the health crisis and their failure of the sanitary reformation [21]. Similarly, the city suffered a Bubonic Plague Outbreak. Despite the carrier of the disease being determined to be rats, the vitriol

towards Chinese immigrants continued because of the explicit racism, treating Chinatown as a pustule of contagion [21]. But racializing diseases have ill effects. It incited hysteria towards Chinese people nationwide, aggravating anti-Chinese sentiment that persisted in modern society.

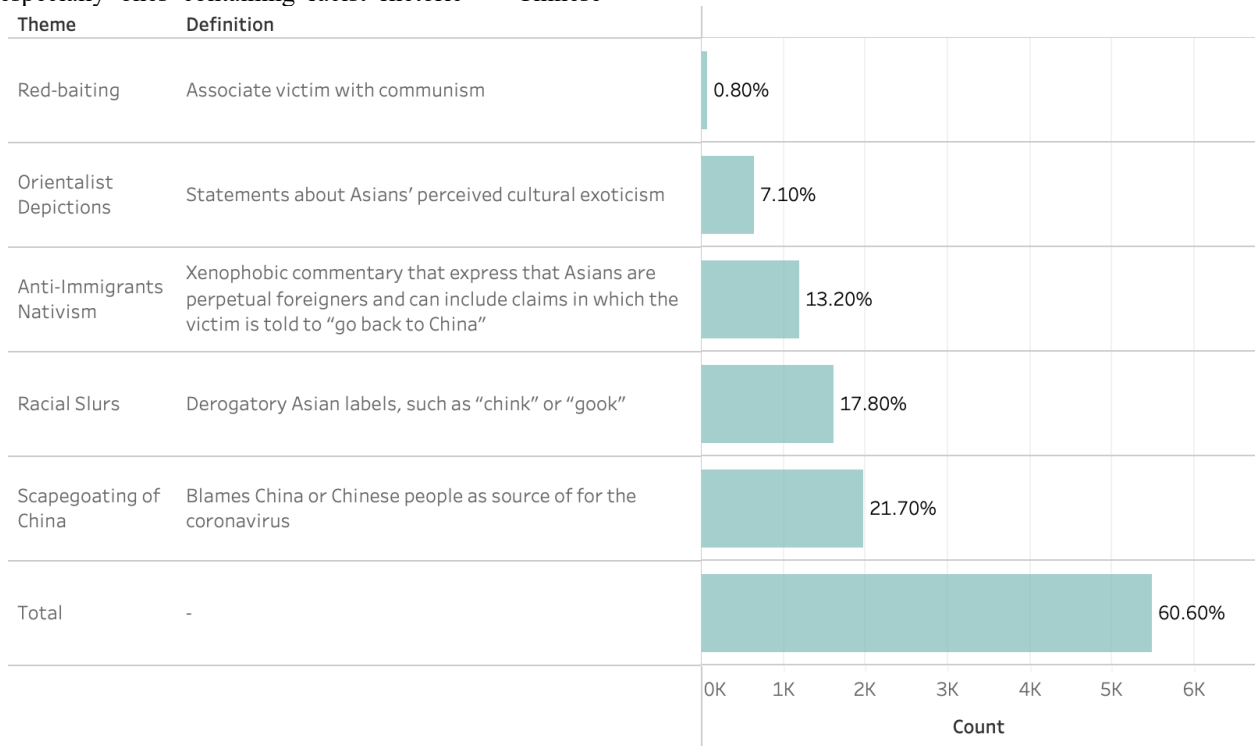
The rise of targeted racist incidents and racial tensions during the pandemic can be viewed as a recapitulation of history, exposing the deeply rooted anti-Chinese sentiment in the United States. Thus, one simple legislation, in this case, the COVID-19 Hate Crimes Act, will hardly curtail the deep-seated racism the Chinese community has faced for past decades.

**4. MODERN DAY “YELLOW PERIL.”**

History shows that racial stereotypes reappear over time, which leads to further entrenchment of xenophobia. Under the fear and uncertainty of the deadly virus, the presumptive origin of COVID-19 coupled with the increasing use of racially derogatory language online and in public statements, has largely contributed to the reemergence of the Yellow Peril myth during the pandemic, magnifying the internal differences between the Chinese and the majority of the American population while demonizing their existence. As of June 2021 (fig 1), of the 9081 hate incidents reported to Stop AAPI Hate, 48.1% involved at least one anti-China and anti-immigrant speech, with 27.1% of them blaming China for the outbreak [25].

Throughout the pandemic, hateful statements, especially ones containing racist rhetoric – “Chinese

virus,” “Wuhan virus,” and “Kung-flu”- gained significant traction on social media, re-invoking the Yellow Peril. Several political officials and public figures adopted these problematic languages, reinforcing the idea of enduring Orientalism - the idea that the Chinese community in the United States is exotic and at times dangerous. Notably, Former US President Donald Trump repeatedly and deliberately referred to COVID-19 with racist labels, legitimized conspiracy theories about China’s involvement, and scapegoated China for financial losses [6]. However, though it catalyzed an escalation of hatred, his blatant words were widely tolerated, popularized on social media platforms. A new survey was conducted by the Pew Research Center sampling 352 Asian adults, April 5 to 11, found that “20% directly cited former President Donald Trump and his rhetoric about China as the source of the pandemic.” [16] These racial terms associated with a disease can perpetuate further stigmatization of racial groups, having direct implications for the treatment of Asians in the United States. However, the COVID-19 Hate Crimes Act does not directly regulate content used to incite fear or spread fearful stereotypes about Asian communities on mainstream media. The failure of the Act to tackle the uncontrolled racist remarks, which stroked anti-Chinese bigotry and violence, undermines its effectiveness. It is crucial to acknowledge that the erroneous associations between the Chinese and virus, created and reinforced by racist language, feed inimical narratives that ultimately justify the prejudices in the hearts of the perpetrators of hate crime [19].



**Figure 1.** Summary of Hateful Language Involved in Reported Incidents from March 19, 2020, to June 30, 2021 (Source: Stop AAPI Hate, 2021)

The prevalent racially biased language against Asian Americans reveals the profoundness of anti-Chinese sentiment in the 21st century. Over the past years, as China rises as an emerging economic and technological superpower, competing for global dominance, the unfavorable views of China in the United States have soared. Consequently, the virus outbreak originated from China, leading to serious economic damages further aggravated the already strained Sino-US relation [6]. The intensifying stance against China has penetrated the public perception. A Pew Research poll surveyed surveys of 14,276 adults shows that negative evaluations of China have steadily increased, reaching a historical high in 2020 [17]. The deteriorating international relation between the United States and China provoked the once ingrained "Yellow Peril" stereotype - Chinese impose dangerous threats to the U.S. and are "forever foreigners." [6] However, global conflicts and international relations are beyond the scope of a bill, such as the COVID-19 Hate Crimes Act, as it requires strenuous efforts and dedication of both countries to alleviate the existing friction. Yet, the reality is that the policymakers of both nations continue to promote antagonism through political manipulation as a necessary part of their grand strategy to winning the chess game between the great powers and vying for dominance on the global stage. As a result, institutionalized processes and government policies also sustained the Yellow Peril stereotype in American society.

### 5. THE DOWNWARD SPIRAL OF SINO-US RELATION

Facing the increasingly fierce rivalry, instrumentalizing nativist sentiment and engaging in incendiary scapegoating have become increasingly popular tactics in political culture in both China and the United States. The global health crisis intertwined with foreign affairs has "accelerated a negative trajectory in

the relationship between Washington and Beijing," aggravating existing fears and hatreds in both societies [22].

Looking specifically at the United States, pre-pandemic, Sino-US relations have sharply deteriorated under Trump's control. It all began with the Trump administration imposing tariffs and nontariff restrictions on Chinese imports to appeal to the nationalist frustration with trade deficits [22]. The participation of both nations has fueled severe bilateral tensions. During the pandemic, the global economic slowdown caused by containment measures manacled both countries, which has moderated their trade conflict [24]. However, with spiking cases of COVID-19 in the United States, the Trump administration started to build a narrative that Covid-19 is a Chinese-produced bioweapon and China is the culprit for disruptions of the global supply chain [9]. They intentionally directed the public's rage at China to divert public attention away from their inability to revive the sluggish economy in a timely and effective manner while propitiating the nationalist voters for the 2020 presidential election [24]. The scapegoating strategy exacerbated mistrust between the two nations and the growing anti-China sentiment is a direct consequence of Trump's decision of vilifying China as the centerpiece of domestic politics during the pandemic, leading to maltreatment of Asians and normalization of racist rhetoric in the United States.

With xenophobia tolerated in political calculation and derogatory language frequently used in mainstream political discourses, the majority of Americans hold an antagonistic stance towards China. According to another survey released by the Pew Research Center, shown in fig 2., sampled 2596 members of the Center's American Trends Panel, 55% considered China as a competitor and 34% regarded as an enemy, exhibiting an American public with intensely negative sentiments toward China [18].

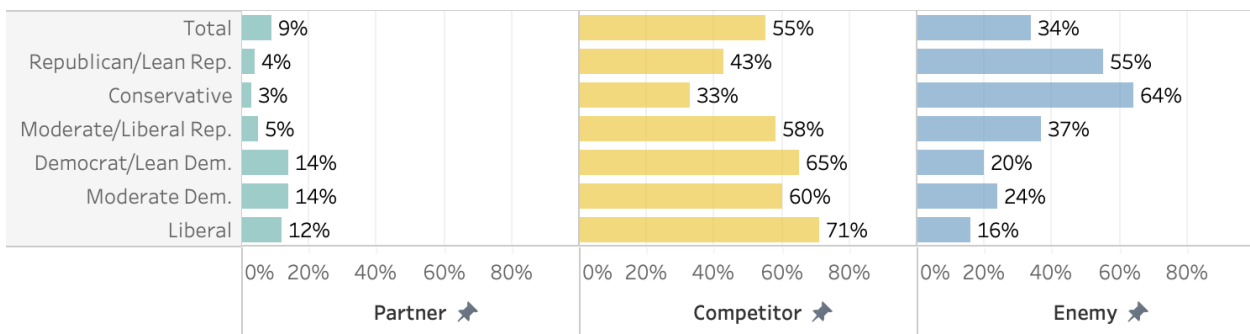


Figure 2. U.S. Public Perception of China

(Source: Pew Research Center, 2021)

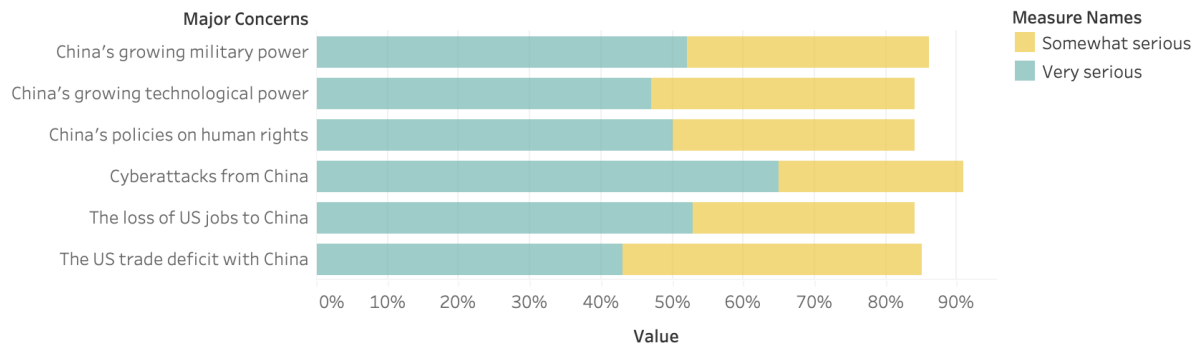


Figure 3. Major Concerns of U.S. Adults about China

(Source: Pew Research Center, 2021)

Furthermore, “the discourses of Chinese unfair trade competition, scientific espionage, and technological surveillance frame the reception of the pandemic.” [10] Due to the lingering fear of China's expanding power, politics that embrace the Yellow Peril stereotypes have been constantly justified as imperfect attempts to combat China’s imposing threats. With technological-scientific innovation being a key factor to a nation's growth, anxiety about China's rapid technological development gave birth to techno-orientalism - technologized forms of racial stereotyping [20]. There also exists fiscal orientalism, which refers to the American disquietude of the possibility of being "indebted" to China, signifying the occidental superiority complex and the fear of losing dominance [23]. Consequently, both have led to proposed measures that would help the United States maintain its competitive edge over China, including trade sectioning, banning major Chinese social media companies, and restricting the stream of Chinese students from entering higher education [20]. One recent example would be the enactment of the Secure Campus Act of 2020 and 2021, which aims to prohibit Chinese nationals from obtaining U.S. visas if pursuing STEM-related graduate and post-graduate studies [2]. The underlying incentive of the Act is the belief that American universities are at risk of espionage [2]. However, this suspicion of Chinese scholars is textbook racial profiling, purporting to thwart Chinese theft of American intellectual property and technology under the assumption that all Chinese students are engaged in espionage activities. It will not only hamper scientific progress in the United States as an unintended consequence, but will also alienate the Chinese community in the United States while substantiating bias acts towards Chinese students.

At the moment, the passage of the COVID-19 Hate Crime Act shows that the Biden administration recognizes the necessity to curb the tragic and horrific crimes targeting the Asian communities in the United States. Notwithstanding, his recent interviews divulge his eagerness to take action to counter China, decoupling from it while suppressing its influence through foreign policy and collective international effort [10]. Yet, the

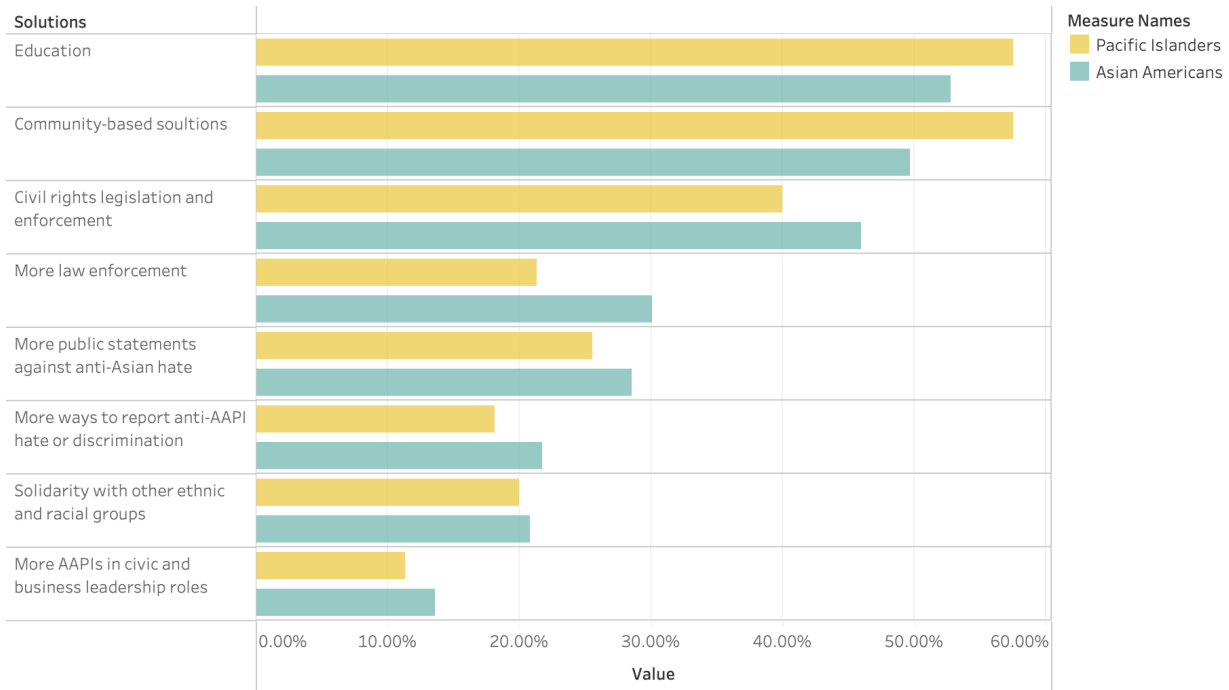
potential consequences of any measures that explicitly target China run the risk of sending a misleading message to the public, further disrupting the lives of the Chinese community in the United States. It is expected that the tumultuous relationship between the United States and China will continue to intensify, meaning future political attempts to grapple with China, an ongoing discourse of enemy narratives, and growing social unrest against the Yellow Peril are inevitable. Therefore, the Covid-19 Hate Crimes Act designated to address the upswing in racial bias, stand-alone, appear weak in the face of all other legislative and political efforts aiming the opposite.

## 6. DISCUSSION - FUTURE ACTIONS

COVID-19 Hate Crimes Act, although the limited implications of the policy were a letdown, it is indeed necessary to provide more accessible hotlines for hate crime reports. Because it forces dialogues about anti-Asian hate while elevating visibility to organizations that are raising awareness of hate crimes. According to the co-founder of Stop AAPI Hate, Manjusha Kulkarni, “It’s important to note that most of the incidents reported to our coalition are hate incidents, not hate crimes. As we look for ways to address hate against our community, we must look for solutions that address non-criminal, but similarly painful and damaging acts of racism and discrimination.” [26] It is believed that future interventions such as education, other community-based programs, and civil-rights enforcement, aimed at reconciliation and repair are more likely to reduce the incidents of hate crimes. Education, such as ethnic studies, is a powerful tool to combat the systemic and institutionalized racism rooted in the structure of society as it will provide a well-rounded exposure to the history of minoritized communities and the spite of racism [7]. It will also bring the dialogue about longstanding anti-Chinese sentiment to the forefront, promoting more open, frank, and healthy conversations about race. Hence, a greater degree of public education on race and ethnicity will promote racial empathy and structural dialogues that will help to address the root causes of obstinate xenophobia. Whereas community-based solutions that

centers “practices and ethics for reducing and responding to harm” will encourage acts of solidarity to relieve collective suffering, promoting a compassionate and

nurturing approach to racial equity that could bring systemic changes [13].



Note: the above visualization is the find of a nationally-representative survey conducted by Stop AAPI Hate, involving over 1000 respondents.

Figure 4. Effective Solutions in Addressing Anti-Asian Hate

(Source: Stop AAPI Hate, 2021)

7. CONCLUSION

The paper evaluated the COVID-19 Hate Crimes Act from historical, political, social perspectives, demonstrating how they intertwined to form the entrenched anti-Chinese sentiment in American society today. Through research, it is found that hate crimes law in its nature emphasizes law enforcement over prevention, thus neglecting some of the root causes of bigotry and violence against the Chinese. Also, because the modern "Yellow Peril" is a recapitulation of a dark and extensive history, eliminating structural conditions that attributed to the deep-seated anti-Chinese sentiment requires greater efforts – such as increased education of race and ethnicity and community-based programs - rather than just a simple Act. Additionally, the intensifying China-US conflict offsets and limits the implications of the bill on mitigating anti-Chinese sentiment within the country. In conclusion, although the COVID-19 Hate Crimes Act is a step towards achieving a systemic change towards a more harmonious society in the United States, the failure and its inability to address the root cause of the rising hate crimes perpetrated against the Asian communities in the United States acutely impair its efficacy.

The current study acknowledges limitations in this paper as the effectiveness is only measured through descriptive approaches rather than quantification. The absence of comprehensive statistical analysis is due to a lack of data on the COVID-19 Hate Crimes Act with existing data likely underestimating prevalence, and hate-motivated intent is difficult to prove, therefore challenging to quantify the efficacy of hate crime laws. Also, the paper is mainly built on primary sources, but also integrated secondary sources as the Act is relatively new. Lastly, the paper recognizes that a basic policy is usually more politically feasible and popular than an "excellent" and “all-around” policy, so affirms that the Covid-19 Hate Crimes Act is a good starting point for future legislative efforts.

REFERENCES

[1] “117th Congress (2021-2022): COVID-19 Hate Crimes Act.” Congress.gov: Legislation (2021). Web.  
 [2] “117th Congress (2021-2022): SECURE CAMPUS Act of 2021.” Congress.gov: Legislation (2021). Web.



- [3] Chen, H. Alexander, et al. "Anti-Asian sentiment in the United States - COVID-19 and history." *The American Journal of Surgery* (2020): 556–557
- [4] Cramer, Robert J., et al. "Hate-Motivated Behavior: Impacts, Risk Factors, And Interventions" *Health Policy Brief: Culture of Health* (2020): 1-6
- [5] Fisher, Patrick, and Shane Patrick. "Congressional passage of the Chinese exclusion act of 1882." *Historical Studies in Ethnicity, Migration, and Diaspora*, Vol 20 (2001): 58-74
- [6] Gover, Anegla R., et al. "Anti-Asian Hate Crime During the COVID-19 Pandemic: Exploring the Reproduction of Inequality" *American Journal of Criminal Justice*, Vol 45 (2020): pages 647–667
- [7] Gurin, Patricia, and Biren A Nagda. "Getting to the What, How, and Why of Diversity on Campus". *Educational Researcher*, Vol. 35, Iss. 1, (2006): 20-24.
- [8] Gyory, Andrew. "Closing the Gate: Race, politics, and the Chinese Exclusion Act." University of North Carolina Press (1998)
- [9] Isenstadt, Alex. "GOP Memo Urges Anti-China Assault over Coronavirus". *Politico* (2020). Web.
- [10] Kurashige, Lon. "Two Faces of Exclusion: The Untold History of Anti-Asian Racism in the United States." University of North Carolina: University of North Carolina Press (2016)
- [11] Lee, Michelle YH. "Democratic super PAC launches \$15 million ad blitz slamming Trump on China and coronavirus." *Washington Post* (2020). Web.
- [12] Mason, Gail. "Hate crime and the image of the stranger." *The British Journal of Criminology*, Vol. 45, No. 6 (2005): 837–59.
- [13] McDowell, Meghan G. (2019). "Insurgent Safety: Theorizing Alternatives to State Protection." *Theoretical Criminology*, Vol 23, Issue 1 (2019): 43-59
- [14] Nokes, R. Gregory. "'A Most Daring Outrage': Murders at Chinese Massacre Cove, 1887." *Oregon Historical Quarterly*, Vol. 107, No. 3 (2006): 326-353
- [15] Phillips, Scott, and Ryken Grattet. "Judicial Rhetoric, Meaning-Making, and the Institutionalization of Hate Crime Law" *Law & Society Review*, 2000, Vol. 34, No. 3 (2000): 567-606
- [16] Ruiz, Neil G., et al. "One-third of Asian Americans fear threats, physical attacks and most say violence against them is rising." *Pew Research Center* (2021). Web.
- [17] Silvery, Laura, et al. "Unfavorable Views of China Reach Historic Highs in Many Countries." *Pew Research Center* (2020). Web.
- [18] Slivery, Laura, et al. "Most Americans Support Tough Stance Toward China on Human Rights, Economic Issues." *Pew Research Center* (2021). Web.
- [19] "Social Stigma Associated with COVID-19." *World Health Organization* (2020). Web.
- [20] Sui, Low, and Claire Chun. "Yellow Peril and Techno-orientalism in the Time of Covid-19: Racialized Contagion, Scientific Espionage, and Techno-Economic Warfare." *Journal of Asian American Studies*, Vol 23, No.3 (2020): 421-440
- [21] Trauner, Joan B. "The Chinese as Medical Scapegoats in San Francisco, 1870-1905" *California History: The Chinese in California*, Vol. 57, No. 1 (1978): 70-87
- [22] Wang, Bo, et al. "US-China Relations: Nationalism, the Trade War, and COVID-19." *Fudan Journal of the Humanities and Social Sciences*, 14(2021): 23–40
- [23] Yang, Fan. "Fiscal Orientalism: China Panic, the Indebted Citizen, and the Spectacle of National Debt." *Journal of Asian American Studies*, Vol 19, No.3 (2016): 375-396
- [24] Yang, Dali L. "The COVID-19 Pandemic and the Estrangement of US-China Relations." *Asian Perspective*, Vol. 45 No. 1 (2021): 7-31
- [25] Yellow Horse, Aggie, et al. "National Report (Through June 2021)." *Stop AAPI Hate* (2021). Web.
- [26] Yellow Horse, Aggie, et al. "National Report (Through September 2021)." *Stop AAPI Hate* (2021). Web.