

Woman Warrior[†] Meets Mail-Order Bride:

Finding an Asian American Voice in the Women's Movement

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You know, I've never found acceptance anywhere. Not from my family, not from other kids in the playground, not from high school, and certainly not from other comediennes. I had never found acceptance until that moment. I felt real, I felt alive. I felt that for the first time in my life, I was not invisible.¹

I. INTRODUCTION

Many Asian Americans echo a feeling of invisibility in mainstream America. For years, Asian Americans have struggled to find a collective identity in a nation that regards us as perpetual foreigners.² The search for identity is com-

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- †. Phrase borrowed from MAXINE HONG KINGSTON, *THE WOMAN WARRIOR: MEMOIRS OF A GIRLHOOD AMONG GHOSTS* (Vintage International 1989) (1975).
- ‡. J.D. Candidate, 2003, Washington College of Law—American University. I dedicate this article to my family for their unwavering love and support. Special thanks to Professor Mary Clark for her invaluable insight and assistance, and many thanks to Alisa Nave and Liz Voigt for their valuable comments and assistance in editing this article.
- 1. Margaret Cho, a Korean-American, recalling her exhilaration when NBC granted her the contract for “All-American Girl,” the first sitcom to feature Asian Americans on primetime television. The controversial and short-lived show aroused criticism from Asian Americans for reinforcing negative stereotypes about Asians. Cho had struggled to see her own ideas come into fruition on the screen, but she ultimately surrendered to NBC’s demands and succumbed to playing the stereotypical over-achieving Asian American teenager with extremely strict parents. *I’M THE ONE THAT I WANT* (WinStar Home Entertainment 2000).
- 2. See Karin Aguilar-San Juan, *Foreword: Breathing Fire, Confronting Power, and Other Nec-*

pounded by a disconnect with Asian cultures that we all too often experience vicariously through our immigrant parents.³ We find ourselves in a state of virtual limbo: Asians accuse us of being too "American," while Americans see us as Asians who just happen to be in their country.⁴ So, who are we and how do we fit in?⁵

Asian American women, subordinated because of both their gender and ethnicity, especially have been overlooked. The contributions of early Asian women pioneers have largely been forgotten while memories of their male counterparts have forever been etched in history books and documentaries.⁶ Even in the advent of Asian American politicization and activism, women's issues are seen as secondary.⁷ Issues such as domestic violence and trafficking of women take a back seat to "more pressing" matters, determined, of course, by male community leaders.⁸

The American women's movement is no better at acknowledging the invisible Asian American woman.⁹ In its blindness to the concerns of Asian American women, the agenda of the American women's movement, shaped largely by white middle-class women, subscribes to the "model minority" idea: Asians are hardworking, have been proven to succeed because of their hard work and, therefore, do not need the help of white America.¹⁰ In response to the subordination of women of color, as well as other subgroups,¹¹ feminist theories ad-

essary Acts of Resistance, in DRAGON LADIES: ASIAN AMERICAN FEMINISTS BREATHE FIRE, ix-xi (Sonia Shah ed., 1997).

3. See, e.g., Shamita Das Dasgupta & Sayantani Dasgupta, *Bringing Up Baby: Raising a "Third World" Daughter in the "First World,"* in DRAGON LADIES: ASIAN AMERICAN FEMINISTS BREATHE FIRE, *supra* note 2, at 182.
4. See Aguilar San Juan, *supra* note 2, at xi.
5. This article is written from the perspective of a Pinay, a Filipina-American.
6. See, e.g., Yuri Kochiyama, *Preface: Trailblazing in a White World: A Brief History of Asian/Pacific American Women*, in DRAGON LADIES: ASIAN AMERICAN FEMINISTS BREATHE FIRE, *supra* note 2, at v-vii.
7. See Aguilar-San Juan, *supra* note 2, at x; Sonia Shah, *Introduction: Slaying the Dragon Lady: Toward an Asian American Feminism*, in DRAGON LADIES: ASIAN AMERICAN FEMINISTS BREATHE FIRE, *supra* note 2, at xv-xvi.
8. See Helena Grice, *Asian American Feminisms: Developments, Dialogues, Departures*, 6 HITTING CRITICAL MASS No. 2, Spring 2000, at 2-3.
9. See Aguilar San Juan, *supra* note 2, at x. For a detailed critique of the women's movement by Asian American feminists, see Pamela Chiang et al., *On Asian America, Feminism, and Agenda-Making: A Roundtable Discussion*, in DRAGON LADIES: ASIAN AMERICAN FEMINISTS BREATHE FIRE, *supra* note 2, at 57.
10. See Shah, *supra* note 7, at xvii. For further discussion of the "model minority" myth, see Robert G. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space*, 81 CAL. L. REV. 1241, 1258-65 (1993).
11. See Barbara Cassidy et al., *Silenced and Forgotten Women: Race, Poverty, and Disability*, in FEMINIST ISSUES: RACE, CLASS, AND SEXUALITY 32, 33 (Nancy Mandell ed., 1995) (identifying immigrant women, poor women and disabled women as groups that generally are underrepresented in the women's movement); see also Kathleen Martindale, *What Makes Lesbianism Thinkable? Theorizing Lesbianism from Adrienne Rich to Queer Theory*, in FEMINIST ISSUES: RACE, CLASS, AND SEXUALITY 67, 68 (Nancy Mandell ed., 1995) (stating that "[t]o the general population, lesbians are an invisible but despised sexual minority.").

dressing multicultural feminism,¹² intersectionality,¹³ and anti-essentialism¹⁴ have emerged, attempting to give voice to marginalized women in the feminist community. Although these attempts have led to the modest successes of African-American and Latina women, Asian American women continue to be largely unseen and unheard.¹⁵

The invisibility of the Asian woman is exemplified by the plight of the mail-order bride, whose entrance into the United States is ensured only after signing a marriage contract with a man she hardly knows.¹⁶ In an effort to escape extreme poverty, these women seek husbands from foreign countries hoping to find someone who will rescue them from their dire economic situations at home.¹⁷ Mail-order brides are often in such desperate economic conditions that they are willing to brave anything to escape their poverty-stricken lives.¹⁸ Because of such desperation and vulnerability, they easily fall prey to “international correspondence service[s]” or “introduction services”¹⁹ that lure them with romanticized images of the dashing First World knight rescuing them from their miserable Third World existence.²⁰ After a whirlwind courtship, the blushing young bride is whisked away by her newfound Western prince as her sisters and girlfriends look on, dreaming of the day when they too will be rescued.²¹

Many of these mail-order brides leave their homes and families only to find

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12. The term denotes the “growing literature and practice of feminism that . . . advocates [for the] empowerment [of women] within the specific contexts of their cultures and societies.” M.C. Lâm, *Multicultural Feminism: Cultural Concerns*, in 15 INT’L ENCYCLOPEDIA SOC. & BEHAV. SCI. 10163, 10163-10164 (Neil J. Smelser & Paul B. Bates eds., 2001).
 13. See, e.g., Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139; Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241 (1991).
 14. See, e.g., Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990).
 15. See Chiang et al., *supra* note 9, at 58-63.
 16. Since the collapse of the former Soviet Union, increasing numbers of Eastern European women have also resorted to the mail-order bride industry to escape the severe economic downturn in their countries. An estimated 2000 Eastern European women, composed mainly of Russians, come to the United States annually as mail-order brides. See Liz Doup, *Wives By Wire: A Florida Couple Found Long-Distance Love*, SUN-SENTINEL (Fort Lauderdale, Fla.) (Apr. 11, 2001), at 1E. For purposes of this paper, I will focus mainly on mail-order brides who come from the Asia-Pacific region.
 17. See Vanessa B.M. Vergara, Comment, *Abusive Mail-Order Bride Marriage and the Thirtieth Amendment*, 94 NW. U. L. REV. 1547, 1556-57 (2000).
 18. See *id.*
 19. Mail-order bride companies euphemistically refer to themselves as “international correspondence services,” “introduction services,” and “pen pal services,” but “not mail-order bride services.” ROBERT J. SCHOLES, THE “MAIL-ORDER BRIDE” INDUSTRY AND ITS IMPACT ON U.S. IMMIGRATION, at <http://www.ins.usdoj.gov/graphics/aboutins/repstudies/Mobappa.htm> (last visited Feb. 4, 2003); see WELCOME TO FILIPINA FOREVER, at <http://filipinaforever.com/intro/intro.html> (last visited Feb. 4, 2003).
 20. See WORLD CLASS SERVICE, at <http://www.filipina.com> (last visited Feb. 4, 2003) (touting the motto “If it saves just one life . . .” to encourage American men to marry and thereby rescue a Filipina).
 21. See Vergara, *supra* note 17, at 1557.

themselves in a country that is generally unwelcoming.²² All too often, the fairytale sours as the euphoria of the love affair wears off and the bride sees her husband as he really is: a balding, middle-aged, blue-collar worker with a penchant for beer.²³ Likewise, the groom realizes that his bride is not the subservient Asian sex goddess he expected her to be.²⁴ Caught in an unhappy, if not abusive, marriage, the bride finds herself unable to escape because of an unexpected trap set by the Immigration and Naturalization Service.²⁵ Immigration laws, designed to deter illegal immigration, effectively force the bride to remain married to her husband because a divorce would surely mean deportation.²⁶ Some women escape from these marriages, taking with them harrowing tales of extreme physical and emotional abuse.²⁷

This article will examine the mail-order bride industry operating between the United States and Asia and the need for an Asian American feminist response. Section II will trace the history of Asian women in the United States. Section III will discuss how racial and gender stereotypes have operated to subjugate Asian American women, effectively keeping us behind a veil of invisibility. Sections IV and V will provide an overview of the mail-order bride industry and describe the destructive outcomes of many of the marriages. Section VI will describe the responses to the mail-order bride industry and their inadequacies. Finally, the call to arms of section VIII will argue that, in championing the cause of mail-order brides, Asian American women will strengthen their own voices and will contribute to a more powerful multicultural feminist movement.

II. HISTORICAL OVERVIEW: THE LEGACY OF EXPLOITATION OF ASIAN WOMEN IN AMERICA

In the nineteenth century, Chinese immigrants left a nation ravaged by colonialism to seek better fortunes in the West, thus initiating the Asian exodus to America.²⁸ Japanese immigrants soon followed to work in sugarcane plantations

22. See Kathryn A. Lloyd, Comment, *Wives for Sale: The Modern International Mail-Order Bride Industry*, 20 NW. INT'L L. & BUS. 341, 353-54 (2000).

23. See Vergara, *supra* note 17, at 1557.

24. See *id.* at 1558.

25. See *id.* at 1552.

26. See *id.*

27. See Christine S. Y. Chun, Comment, *The Mail-Order Bride Industry: The Perpetuation of Transnational Economic Inequities and Stereotypes*, 17 U. PA. J. INT'L ECON. L. 1155, 1187 (1996).

28. Chinese laborers were in demand because they worked cheaply and their massive numbers fueled Western imperialism. Early Chinese pioneers came to America as virtual slaves and indentured servants to colonial masters. These men worked a gamut of occupations ranging from gold mining, laying railroad tracks, and operating laundries. In the process, they faced extreme bigotry and resentment. Anti-Chinese sentiments were later manifested in the law and gave rise to the Chinese Exclusion Law of 1882, which limited Chinese immigration. See HYUNG-CHAN KIM, A LEGAL HISTORY OF ASIAN AMERICANS, 1790-1990, at 41-65 (1994); Hyung-chan Kim, *An Overview*, in ASIAN AMERICANS AND THE SUPREME COURT:

and farmlands in Hawaii and on the West Coast.²⁹ Filipino immigrants also followed suit, taking advantage of the American colonization of the Philippines by coming to America with bright hopes of getting an education and earning much-valued dollars to send to their families back home.³⁰

As the discriminatory anti-miscegenation policies of the United States outlawed romantic or sexual relationships between Asian men and white women,³¹ the rising number of Asian men created a demand for increased immigration of Asian women to the United States:³² “[b]y 1860, over 80 percent of the Chinese women in San Francisco were prostitutes.”³³ Although the first wave of Asian women who came to the United States were prostitutes catering to the predominantly white male population,³⁴ many of the Asian women who followed “in the mid-1800s were disadvantaged Chinese women, who were tricked, kidnapped, or smuggled into the country to serve the predominantly male Chinese community as prostitutes.”³⁵

The legacy of exploitation and subjugation of Asian women that began with prostitution was compounded and reinforced by the discriminatory practices of the United States against Asian male immigrants. For instance, U.S. immigration laws and anti-miscegenation laws, which prevented Asian men from marrying white women, resulted in the development of the “picture bride” system in the Japanese and Korean male community in the early 1900s.³⁶

A DOCUMENTARY HISTORY 1, 1-76 (Hyung-chan Kim ed., 1992).

29. *A Short Chronology of Japanese American History*, adapted from THE ENCYCLOPEDIA OF JAPANESE AMERICAN HISTORY: AN A-TO-Z REFERENCE FROM 1868 TO THE PRESENT (Brian Niiya ed., 1993), at http://www.janet.org/janet_history/niiya_chron.html (last visited Feb. 4, 2003).
30. Early Filipino immigrants were affluent elites who came to the United States to attend American universities. While these first immigrants were accepted by Americans, anti-Filipino sentiments grew and discriminatory practices expanded. See H. Brett Melendy, *Filipinos in the United States*, in ASIAN INDIANS, FILIPINOS, OTHER ASIAN COMMUNITIES AND THE LAW 20, 20-41 (4 ASIAN AMERICANS AND THE LAW: HISTORICAL AND CONTEMPORARY PERSPECTIVES (Charles McClain ed., 1994)).
31. Leti Volpp explains that miscegenation was viewed as a public health concern and anti-miscegenation laws grew out of fears of hybridity, the production of children of mixed race, who were seen as inferior to their racially “pure” counterparts. Volpp quotes a state delegate who stated that “the ‘lowest, most vile and degraded’ of the white race were most likely to amalgamate with the Chinese, resulting in a ‘hybrid of the most despicable, a mongrel of the most detestable that has ever afflicted the earth.’” Californian legislators responded to these fears by prohibiting marriage between “whites” and “Mongolians” in 1880. Due to fears of the growing intermarriages between whites and Filipinos, the miscegenation law was amended in 1933 to prohibit marriages between “whites” and “Malays.” Interracial marriages between Asian men and white women were further discouraged by the Expatriation Act of 1907, “which provided that any American woman who married a foreigner was automatically denaturalized.” Leti Volpp, *American Mestizo: Filipinos and Antimiscegenation Laws in California*, 33 U.C. DAVIS L. REV. 795, 801-02, 822, 829 (2000).
32. See Shah, *supra* note 7, at xiv-xv; Vergara, *supra* note 17, at 1550-51.
33. See Shah, *supra* note 7, at xx n. 4.
34. Donna Lee, *Mail Fantasy: Global Sexual Exploitation in the Mail-Order Bride Industry and Proposed Legal Solutions*, 5 ASIAN L.J. 139, 156 (1998).
35. Shah, *supra* note 7, at xiv.
36. Vergara, *supra* note 17, at 1551 (positing that “[w]ithout the ability to marry white women in

The "picture bride" system refers to the practice of exchanging photographs between prospective spouses prior to their customary meeting. Picture bride marriages in Japan were traditionally arranged through village matchmakers upon approval by the groom's family. At the turn of the twentieth century, Korean and Japanese picture brides arrived in the United States to join their husbands. The picture bride system helped these immigrant communities to grow. For example, in 1910, there were only approximately 4500 American-born children of Japanese ancestry; by 1920, the number had jumped to 30,000 and, by 1930, the number stood at 68,000.³⁷

These early Asian women immigrants often worked alongside their husbands in the fields and fishing communities.³⁸ They gave birth to and raised the first generation of Asian Americans and played a crucial role in laying the foundation of the Asian presence in the United States, yet their historical contributions largely have been forgotten.

The American military presence in foreign countries also contributed to the growing population of Asian women in America:³⁹

[m]en stationed overseas in the armed forces may marry women born in foreign countries, sometimes referred to as 'war brides.' As a result of the deployment of U.S. troops in Asian countries . . . over 200,000 Japanese, Vietnamese, Thai, Korean, and Filipino women have married U.S. servicemen and immigrated to the United States since World War II.⁴⁰

Another wave of immigration by Asian women came in the 1970s when the demand for health care workers gave way to the relaxation of U.S. immigration policies.⁴¹ The importation of Filipina women to work as nurses was institutionalized by the H-I nursing visa, which allows hospitals to bring a nurse with a professional license from abroad to work in the United States for two years.⁴² The continued demand for healthcare professionals, due to a national shortage of medical professionals, resulted in the steady immigration of Filipinas to the United States.⁴³ This influx of Asian professionals gave way to the steady migration of Asians who still come to the United States to escape poverty in their respective homelands.⁴⁴ A significant number of these immigrants, composed

America, Korean and Japanese men had no alternative but to seek marriage through the picture bride system.").

37. *Id.* at 1550.

38. *See* Kochiyama, *supra* note 6, at v.

39. *See* Michelle J. Anderson, *A License to Abuse: The Impact of Conditional Status on Female Immigrants*, 102 YALE L.J. 1401, 1406-07 (1993).

40. *Id.* at 1406.

41. Grace Chang, *The Global Trade in Filipina Workers*, in DRAGON LADIES: ASIAN AMERICAN FEMINISTS BREATHE FIRE, *supra* note 2, at 137.

42. *Id.*

43. *Id.*

44. *See* U.S. CENSUS BUREAU, A PROFILE OF THE NATION'S FOREIGN-BORN POPULATION FROM ASIA (2000 UPDATE), at <http://www.census.gov/prod/2002pubs/cenbr01-3.pdf> (Feb. 2002).

largely of women, toil in sweatshops that cater to haute couture⁴⁵ or settle for low-paying positions such as homecare and domestic workers and nannies.⁴⁶

The oppressive poverty that continues to drive Asian healthcare workers to leave their homelands has similarly driven mail-order brides to seek brighter futures elsewhere.⁴⁷ The great majority of Asian mail-order brides come from the Philippines, while significantly smaller numbers arrive from Thailand, China, Indonesia, Malaysia, Korea, and Japan.⁴⁸ An industry as expansive as the mail-order bride industry necessarily affects Asian women worldwide. Asian and Asian American women alike have found themselves trapped in a seemingly infinite cycle. The Western fetish for Asian women is fueled by age-old myths of their subservience and sexual prowess, while ongoing practices of exploitation and dominance by the West perpetuate these archaic stereotypes.

III. FUELING THE FIRE: THE POWER OF STEREOTYPES

Stereotypical notions about Asian women were planted in American minds soon after the nineteenth century Asian diaspora to the United States.⁴⁹ The early history of Chinese prostitutes on the West Coast would cast an invidious shadow on Asian women who followed them.⁵⁰ The first wave of Chinese women immigrants came to the United States as prostitutes during the Gold Rush era.⁵¹ These women mainly catered to white men who viewed them as “mysterious and exotic.”⁵² The growing population of Chinese men added to the high demand for Chinese prostitutes and, as a result, more and more women were forced into the sex trade.⁵³ The increasing number of Chinese prostitutes on the West Coast became alarming to white Americans who viewed them as “lewd and immoral harlots who would jeopardize the nation’s morals.”⁵⁴ Congress, responding to pub-

45. The severe conditions and extremely low wages at garment factories where many Asian women immigrants work as seamstresses have given rise to the establishment of such organizations as the Asian Immigrant Women Advocates (AIWA). See Shah, *supra* note 7, at xviii.

46. See Grace Chang, *supra* note 41, at 139-43.

47. “Poverty is a major factor contributing to the boom of the mail-order bride industry and helps to account for the massive, female exodus from Third World nations. Many women leave hoping to escape the ‘poverty-stricken nature or the political unrest in their homelands.’ Looking for ‘a ticket out of a life of poverty and oppression’ often means ‘finding a foreign national for a husband.’” Vergara, *supra* note 17, at 1556 (quoting Mila Glodava & Richard Onizuka, *MAIL-ORDER BRIDES: WOMEN FOR SALE* (Alaken, Inc. 1994)).

48. A study sponsored by the INS shows that, of 1400 Asian women listed in five mail-order bride catalogs, seventy percent were Filipino, sixteen percent Indonesian, eight percent Thai, two percent Malaysian and Japanese, and one percent Chinese and Korean. SCHOLLES, *supra* note 19.

49. Lee, *supra* note 34, at 155.

50. *Id.* at 155-57.

51. *Id.*

52. *Id.* at 155.

53. *Id.* at 156.

54. *Id.*

lic concern, passed the Page Law in 1875 to curb the immigration of Chinese prostitutes to the United States.⁵⁵

The almost cultish fascination for the Orient, seen by many Americans as a mysterious land of barbarism and eroticism, added to the formula that created the paradoxical Asian woman: "meek, shy, passive, childlike, innocent and naïve,"⁵⁶ yet surprising in her sexual prowess and desire to please her male master. In his discussion of Asian women as the objects of a Western sexual fetish, Peter Kwan begins by quoting Edward Said's *Orientalism*: "women are usually the creatures of a male power-fantasy. They express unlimited sensuality, they are more or less stupid, and above all they are willing."⁵⁷ Kwan further explains:

[t]his racial-sexual fetish is often cast and recast in colonialist terms that reinforce the subjugation of the Oriental Woman and posit her as an object for western consumption and the satisfaction of western desires. The Oriental Woman is therefore available to satisfy desires that would normally otherwise be socially and morally unacceptable if acted upon the bodies of white women. The Oriental Woman, for example, normatively permits acting out such desires such as pedophilia and sexual aggression and sexual violence upon the bodies of Asian women.⁵⁸

These stereotypes have remained strong, outliving even the colonial era. They have led to the flourishing sex trade in Asia and often work to validate the lewd tendencies that drive Westerners to travel to Asia to satisfy a fetish.⁵⁹

Racialized stereotypes that undermine Asian culture, and Asian women in particular, have become a multi-million dollar industry. The commodification of offensive stereotypes targeting Asian women is particularly visible in the American film and theater industries.⁶⁰ The list of Hollywood films that reinforce negative stereotypes about Asians is extensive. David Henry Hwang has used

55. *Id.*

56. Peter Kwan, *Invention, Inversion and Intervention: The Oriental Woman in the World of Suzie Wong, M. Butterfly, and the Adventures of Priscilla, Queen of the Desert*, 5 *ASIAN L.J.* 99, 100 (1998).

57. *Id.* at 100 (quoting EDWARD SAID, *ORIENTALISM* 188 (1979)).

58. *Id.* at 100-01.

59. See SARAH NEVEL, *THE EXPLOITATION OF WOMEN AND CHILDREN: THE SEX TRADE*, 1999 NAMUN Secretariat, at <http://namun.sa.utoronto.ca/1999/3sextrade.html> (last visited Feb. 4, 2003).

60. Movies such as *The World of Suzie Wong* and a series of films about the Vietnam War portray the meek Asian woman caught in the throes of war and heroically rescued by her white savior. Likewise, theatrical productions such as the Broadway hit, *Miss Saigon*, and the classic opera, *Madama Butterfly*, have portrayed the virginal Asian woman being romanced and spoiled by a western soldier, only to be abandoned and forced to live a life of sin. Other films such as *The Adventures of Priscilla, Queen of the Desert*, have depicted Asian women who use their sexuality as a source of power over white men. See *THE WORLD OF SUZIE WONG* (Paramount 1961); ALAIN BOUBLIL AND CLAUDE-MICHEL SCHÖNBERG, *MISS SAIGON* (1989) (stage musical); GIACOMO PUCCINI, *MADAM BUTTERFLY* (1904) (opera); *THE ADVENTURES OF PRISCILLA, QUEEN OF THE DESERT* (Polygram, 1994). For an in-depth discussion of the stereotypes reinforced by these films and productions and their damaging effects on Asian Americans, see Kwan, *supra* note 56.

the theater to expose the power of these stereotypes.⁶¹ Hwang's play, *M. Butterfly*,⁶² is based on the true story of a French diplomat who haplessly falls in love and enters a twenty-year affair with a male Chinese spy who pretends to be a woman. Because of intricate twists in the plot, the diplomat is imprisoned, where he is the subject of ridicule and derision. Ironically, he is the victim of his own unshakable romanticized notions of the "Oriental Woman." In the final scene of the film, for which Hwang wrote the screenplay, the diplomat states:

[t]here is a vision of the Orient that I have. Of slender women in cheongsams and kimonos who die for the love of unworthy foreign devils. Who are born and raised to be the perfect women. Who take whatever punishment we give them, and spring back, strengthened by love, unconditionally. It is a vision that has become my life . . . I have a vision. Of the Orient. That, deep within its almond eyes, there are still women. Women willing to sacrifice themselves for the love of a man. Even when a man is completely without worth.⁶³

Sadly enough, this image of the Asian woman martyr lives on to the detriment of Asian women the world over.⁶⁴ These grossly skewed visions of the Asian woman have breathed new life into their historic exploitation. The mail-order bride industry is merely a modern incarnation of a specter that has long haunted Asian and Asian American women alike.

IV. MODERN-DAY MATCHMAKING: THE MAIL-ORDER BRIDE INDUSTRY

If Hwang's sexist diplomat were real, he would undoubtedly shake off his blues and enlist the services of one of the thousands of mail-order bride companies currently operating in the world today to aid him in his search for his very own "Oriental woman." What is different about these companies, however, is that Asian women no longer "sacrifice themselves for the love of a man."⁶⁵ Some of these women, instead, have more pragmatic reasons for marrying Western men: clinging to the caricature of the wealthy and ideal Western man, they see their prospective husbands as their one-way ticket out of hell.

Annually, an estimated 100,000 to 150,000 women worldwide advertise themselves as available for marriage.⁶⁶ The largest exporter of Asian mail-order

61. See Kwan, *supra* note 56, at 105-06.

62. David Henry Hwang, *M. BUTTERFLY* (New American Library 1989).

63. Kwan, *supra* note 56, at 106 (quoting *M. BUTTERFLY* (Warner Brothers 1993) [hereinafter *M. BUTTERFLY* (Film)]).

64. For a discussion on how these stereotypes could lead to violence against Asian women, see Kwan, *supra* note 56, at 127-133.

65. *Id.* at 106 (quoting *M. BUTTERFLY* (Film)).

66. See SCHOLES, *supra* note 19 (noting that this estimate includes women from industrialized countries such as the United States, Canada, Australia and various European states as well as women from developing nations and economies in transition such as the Philippines and Russia).

brides is the Philippines.⁶⁷ Decades of a corrupt dictator's virtual pillage of the national treasury,⁶⁸ an established system of cronyism, a gargantuan foreign debt,⁶⁹ and the colonial legacy⁷⁰ all combine to create the current desperate economic state in the Philippines. Calling them "new heroes," the country has relied upon its citizens to salve the stagnant economy by sending them to work abroad as domestic workers.⁷¹ Many of these domestic workers are women who seek sources of higher income in order to send money to their families in the Philippines.⁷² In this context, the mail-order bride industry thrives, preying on hapless women who dream of better lives. Christine Chun posits that:

[t]he women's identity as domestic workers creates a stereotype of Filipinas as servants who can be cheaply bought. This stereotype, the Philippine government's acceptance of the export of women, and the women's desire to leave for wealthier countries, have made it easy for contract workers to "slide into the sex industry" or become mail-order brides A large portion of the agencies' business takes place in the Philippines "because most Filipino women speak English, are familiar with the United States, live in poverty and are aware that marriage is the fastest way to enter the United States legally."⁷³

The mail-order bride industry, like the institution of slavery,⁷⁴ reprehensively profits from the trade in human bodies.⁷⁵ The American desire to move away from a past marred by the legacy of slavery may lead to the refusal of many Americans to acknowledge that the trade in human capital, this time in the form of domestic workers and mail-order brides, is not a thing of the past after

67. The Philippines reportedly exports an estimated 20,000 women to foreign husbands each year: "[i]n the last thirty years, over 131,000 Filipinos have left their country to follow their partners, with nearly half of that number going to the United States." Kathryn Lloyd, *Wives for Sale: The Modern International Mail-Order Bride Industry*, 20 NW. J. INT'L L. & BUS. 341, 345 (2000).

68. Deposed Philippine dictator Ferdinand Marcos and his cronies allegedly stole billions of dollars from the Philippine treasury during his twenty-year despotic regime. See CRIMES OF FERDINAND EDRALIN MARCOS, at <http://www.marcosbillions.com/marcos/begin.htm> (last visited Mar. 31, 2003).

69. For an in-depth discussion on the impact of current International Monetary Fund policies on developing nations, see Grace Chang, *supra* note 41, at 132-35 (positing that structural adjustment policies (SAPs) imposed on indebted developing nations as pre-conditions for loans disproportionately impact women in these nations).

70. For a discussion of the link between Filipino sexism and colonialism, see FRANK L. SAMSON, III, *COMRADES IN THE FILIPINO/A AMERICAN FEMINISM MOVEMENT*, at <http://www.stanford.edu/~flsamson> (last visited Oct. 2, 2001).

71. See Grace Chang, *supra* note 41, at 136.

72. *Id.* at 136-37.

73. Chun, *supra* note 27, at 1172 (quoting Lisa Belkin, *The Mail-Order Marriage Business*, N.Y. TIMES, May 11, 1986, B6 (Magazine), at 73).

74. For a detailed discussion on the parallels between slavery and the mail-order bride industry, see Vergara, *supra* note 17, at 1587-93.

75. See Andrea Marie Bertone, *Sexual Trafficking in Women: International Political Economy and the Politics of Sex*, 18 FEMINIST ISSUES 4 (2000).

all.⁷⁶

The mail-order bride industry gained popularity in the United States in the 1970s when conservative white men became discontented with the women's movement and its perceived negative effect of liberating white women.⁷⁷ Believing American women to be too liberal and career-oriented,⁷⁸ many American men seek the aid of mail-order bride companies to look for Filipina wives with "good old fashioned values."⁷⁹ "The men attracted to mail-order bride agencies tend to believe the illusion of the subservient Asian woman. Mail-order bride businesses promote the stereotype of the accommodating Asian woman when advertising Filipinas as potential brides."⁸⁰

Prospective mail-order brides are similarly influenced by mistaken beliefs and stereotypes of their potential husbands. In addition to the misconception that all American men are wealthy, many of the women who ultimately become mail-order brides believe that American men will make better husbands than Filipino men.⁸¹ American men are perceived as being "faithful to their wives, while the [Filipinos] are [seen as] cruel [men who] run around with other women."⁸² Furthermore, many Filipina mail-order brides indicate an attraction to white American men, likening them to movie stars.⁸³

Cashing in on stereotypical notions held by both Filipina women and the white men who marry them, the business of facilitating these mail-order marriages has become a multi-million dollar industry.⁸⁴ Established in 1974, Hawaii-based Cherry Blossoms has become the oldest and one of the largest mail-order bride agencies currently operating in the United States.⁸⁵ Cherry Blossoms lists over 6000 women on its website at any given time and reportedly serves 1000 men per month, each paying up to \$200.⁸⁶ Filipina.com, another well-known mail-order bride agency, compares Filipina women to American women by portraying the women posted on their site as subservient and docile:

[m]ost [Filipinas] are [dedicated to marriage]. There are notable excep-

76. See Irene Marushko, *Routes of Global Sex Trade Spread into U.S. and Canada*, HOUS. CHRON., Oct. 7, 2001, at A30.

77. See Chun, *supra* note 27, at 1167-68. For a detailed discussion on the typical characteristics of male consumers of the mail-order bride industry, see SCHOLE, *supra* note 19.

78. See FREQUENTLY ASKED QUESTIONS, at <http://www.filipina.com/FAQ/html> (last visited Feb. 4, 2003) ("Western women do not appreciate men. They do not value traditional family life The goals of modern women are not sufficiently met by marriage.").

79. *Id.*

80. Chun, *supra* note 27, at 1181.

81. See SCHOLE, *supra* note 19.

82. *Id.*

83. See *id.*; see generally Chun, *supra* note 27, at 1176.

84. SCHOLE, *supra* note 19; see also MARY ANN SZYSKOWSKI, MAIL-ORDER BRIDES: A RESEARCH PAPER, at <http://www.newfilipina.com/members/pngayon/99.01/SNM-MOBresearch.html> (last visited Feb. 4, 2003) (stating that "Cherry Blossoms . . . gross[ed] over half a million dollars in 1994.").

85. Szyskowski, *supra* note 84.

86. *Id.*

tions, but not many. The point is, there are a lot who are dedicated to marriage, and you can easily find one of those who wants to marry YOU. The question is not, are Filipinas better than American women; the important thing is that the ones who are available to YOU are far better than the American women who are available to you.⁸⁷

By exploiting powerful stereotypes, mail-order bride agencies lure prospective grooms to enlist their services.

Mail-order bride agencies operate in one of three ways. First, agencies commonly issue printed catalogs that display photographs along with statistics of the likely bridal candidates.⁸⁸ Much like items found in any store catalog, women are assigned numbers that interested men later use as references to obtain their contact information.⁸⁹ Although women have their ads published for free, men obtain the women's addresses only after they have paid the designated fee.⁹⁰ After buying the women's addresses, the men correspond with them, usually sending stamps to ensure a reply.⁹¹

Second, internet sites have, in recent years, replaced catalogs to become the medium preferred by most of the mail-order bride companies.⁹² One such site is Filipina.com, a growing mail-order bride business operated by a husband-wife team.⁹³ The couple who operates the site present themselves as a real life testament to the efficacy of the industry in securing happily-ever-after marriages for those who dare resort to it.⁹⁴ The webmaster is a white American man who met his Filipina wife through a mail-order bride catalog. She, with the aid of her relatives in the Philippines, now assists him in finding Filipinas to display as mail-order bride candidates on their website.⁹⁵ The online catalog of prospective brides features a search engine that male customers can use to perform customized searches for their ultimate Filipina dream.⁹⁶ By plugging in a desired age, weight and height, men can sort through thousands of listings in seconds.⁹⁷ Men typically pay five dollars per address, but the site also sells older listings for two dollars each.⁹⁸ Other companies feature alternate pricing mechanisms. Filipinal-

87. FREQUENTLY ASKED QUESTIONS, *supra* note 78.

88. *See* Chun, *supra* note 27, at 1163.

89. *See* THE RECENT BRIDE CATALOGS, at <http://www.filipina.com/orderin.html> (last visited Feb. 6, 2003).

90. *Id.*

91. *See* BOB LINGERFELT, STAMPS, at <http://www.filipinawives.com/PhilippineStamps.htm> (last visited Feb. 6, 2003) (suggesting that stamps rather than money be sent because money could otherwise be used to purchase subsistence items).

92. FREQUENTLY ASKED QUESTIONS, *supra* note 78 (stating that the internet is a better venue for correspondence services because it is less expensive and can provide customers with high resolution photos of women).

93. *Id.*

94. *Id.*

95. *Id.*

96. *Id.*

97. The site offers a sizeable listing of 1300 Filipinas to its 500-plus customers. *See id.*

98. THE RECENT BRIDE CATALOGS, *supra* note 89; *see* Delaney Davis, JOIN THE ADVENTURE,

ady.com, for example, offers men the option of buying a VIP membership for \$75, which gives them access to all addresses featured on the company's website. Other membership options include a One-Year Membership for \$50, a Three-Month Membership for \$35 and a one-time Guest Membership for \$25.⁹⁹ As an added attraction, the site even features a "Free Addresses" page, which can serve as a trial run for the skeptical male customer. The free addresses are older listings, some of which have been featured on the site for several years. The webmaster speaks of his take on the women whose addresses are offered for free: "[S]he is probably interested in an older mate by now – and more desperate, if she is still available at all."¹⁰⁰

The online ads of potential brides are largely similar to those found in the paper catalogs.¹⁰¹ They typically contain head and full-body shots, statistics, and a brief comment about the women's positive qualities.¹⁰² The advent of the information age has one obvious advantage over the paper catalogs however; high technology has made the transaction's turnover rate almost instantaneous.¹⁰³ Instead of mailing address requests to mail-order bride agencies and waiting several days for a reply, men can now choose as many women as they want, charge the appropriate fee on their credit cards and receive the requested addresses via e-mail.¹⁰⁴ Furthermore, some women who have access to computers even have e-mail addresses, which the men, of course, can obtain only after paying the appropriate fee.¹⁰⁵

Finally, mail-order bride companies organize tours of the Philippines as part of their standard services.¹⁰⁶ These tours attract men who go to the Philippines to meet women they have come to know through a series of correspondences, as well as men who go on the tour solely for the purpose of finding a bride.¹⁰⁷ Filipino Girls Tours, for instance, offers two-week tours for approximately \$2000.¹⁰⁸ As with the paper and online catalogs, bridal tours typically feature women who are much younger than the American men who go on these tours.¹⁰⁹

While most of the women featured on these websites and tours are advertised as being in their twenties, there have been indications that minors are also

at <http://www.filipinalady.com/members/join.htm> (last updated Feb. 3, 2003).

99. *Id.*

100. See FREE ADDRESSES, at <http://www.filipina.com/freewife.html> (last visited Feb. 6, 2003).

101. See SCHOLES, *supra* note 19.

102. See BRIDE CATALOG, at <http://www.filipina.com/bridecat.cgi?2u> (last visited Feb. 8, 2003).

103. *Id.*

104. THE RECENT BRIDE CATALOGS, *supra* note 89.

105. *Id.*

106. See WELCOME TO FILIPINO GIRLS TOURS HOME PAGE, at <http://www.filipinogirlstours.com> (last visited Feb. 6, 2003).

107. *Id.*

108. *Id.*

109. SCHOLES, *supra* note 19.

being sought as child brides.¹¹⁰ For instance, a prospective groom asks a mail-order bride operator: "I am interested in finding a girl under twenty years old for marriage, [sixteen] would be nice, is there any extra difficulty in getting a [sixteen]-year old bride into the USA?"¹¹¹ The operator, presumably eager to obtain his customer's business, answers: "No, a bride [sixteen] or over is just fine with the U.S. Government . . . Under [sixteen] will not be possible; if you marry someone younger than [sixteen] outside the U.S., you will have to wait until she is [sixteen] before you may petition to bring her in as a spouse."¹¹² The operator encourages his customer's pedophilic tendencies even further by adding: "[I]f you run into someone very young there, the best thing is [not] to marry her until you can get her a student or tourist or other kind of visa, and [then] marry her, in the U.S. There are lots of states that allow very young marriages."¹¹³

Some mail-order bride operators who conduct clandestine operations in the Philippines are meeting this demand for young brides. On February 9, 2000, an American man was arrested and charged with violating child abuse laws and R.A. 6955 (also known as the "Mail-Order Bride Law")¹¹⁴ after a sting operation uncovered his mail-order bride business, which was illegally operating in the country.¹¹⁵ The suspect was found in his hotel room with four female minors as well as lewd pictures of young Filipinas accompanied by their bio-datas, which were ready for internet publication.¹¹⁶

Men may spend \$3000 to \$10,000 to find a wife procured by a mail-order agency.¹¹⁷ With the growing number of men using mail-order bride agencies, the profit-making opportunity for these companies is staggering.¹¹⁸ An estimated 4000 to 6000 marriages between American men and foreign brides occur annually,¹¹⁹ and "[i]t is estimated that mail-order bride companies make as much as \$6,000 to \$10,000 per client, with some agencies claiming to serve as many as 15,000 clients per year."¹²⁰ The profit margin for these bridal procurement businesses is maximized. They are able to make huge profits at minimal cost to them because most women approach mail-order bride companies voluntarily.¹²¹ The internet has also eliminated costs related to the publication of mail-order bride

110. FREQUENTLY ASKED QUESTIONS, *supra* note 78.

111. *Id.*

112. *Id.*

113. *Id.*

114. See Republic Act of the Philippines, No. 6955 (1990), at <http://www.preda.org/resolution/repact.htm> (last visited Jan. 30, 2003).

115. See Froilan Gallardo, *Cebuanas For Sale*, PHILIPPINE DAILY INQUIRER (Mar. 9, 2000), available at <http://www.asiansexguide.com/repmar28/reportone.htm> (last visited Feb. 18, 2003).

116. *Id.*

117. See Chun, *supra* note 27, at 1167.

118. See SCHOLES, *supra* note 19.

119. *Id.*

120. Lloyd, *supra* note 22, at 345.

121. Chun, *supra* note 27, at 1190.

catalogs.¹²² The balance of benefits is clearly tipped in favor of these profit-driven ventures. Mail-order bride businesses, which present themselves as altruistic matchmakers,¹²³ play on the ignorant stereotypes held by both prospective brides and grooms and profit from the misconceptions.¹²⁴ Many of these agencies portray themselves as do-gooders who seek only the happiness of their customers. The Filipina.com main page, for instance, states, "If it saves just one life . . .," insinuating that marrying a poor Filipina would amount to saving her life.¹²⁵ In defending the mail-order bride industry, the site's operator states: "The only alternative is to leave the Filipinas with no opportunity to improve their situation, which I honestly judge to be a greater disservice . . . I do not believe that being offered an [opportunity] is harmful to anyone. On the contrary, it is lack of opportunity and of options that is most detrimental to human fulfillment. Even though some choices may turn out to be risky ones . . ." ¹²⁶ This exploitative industry victimizes both men and women; many mail-order brides, as well as their American husbands, have found themselves in hopeless marriages founded on misconceptions and lies.¹²⁷

V. FROM HEAVEN TO HELL: THE MAIL-ORDER MARRIAGE

Heaven to a mail-order bride is that moment when her American savior proposes marriage and she breathlessly accepts. In that fleeting moment between "yes" and "no," her life flashes before her; she sees dirty slums built on cesspools of waste, shacks on the brink of collapse, and starving children running barefoot along dusty streets panhandling to buy their next meal.¹²⁸ Yet, here it is—her chance for a better life dangling before her, waiting to be seized. She envisions a future in the wealthiest nation on earth married to a man that will love her and provide for her until the day she dies.¹²⁹ There seems to be no contest; of course, her answer is "yes."

Conversely, the American husband is overjoyed when her "yes" triggers visions of a lifetime marriage to an enigmatic figure in whom the ethereal Asian virgin and the exotic sex goddess converge.¹³⁰ In other words, a wife that would answer to his every beck and call, waiting anxiously for him to come home from

122. *See id.* at 1165.

123. FREQUENTLY ASKED QUESTIONS, *supra* note 78.

124. *See* Chun, *supra* note 27, at 1181-83.

125. FREQUENTLY ASKED QUESTIONS, *supra* note 78.

126. *Id.*

127. *Id.*

128. *See* Chun, *supra* note 27, at 1171-72 (discussing economic conditions in the Philippines and Filipinas' incentives to leave to go to a richer country).

129. *See id.* at 1175-76 (discussing Filipinas' attraction to Western men); *see* Szyskowski, *supra* note 84 (stating Filipinas face such severe poverty that they have no choice but to find a husband from the West).

130. *See* Chun, *supra* note 27, at 1188 (explaining stereotypical expectations of American husbands-to-be).

work with a hot meal, wearing an alluring negligee to spice up dessert.¹³¹ In this sense, the mail-order marriage is the very height of delusion: both parties entering into a union based on the myths of the erotic Oriental Butterfly and Prince Charming.

Built on such a precarious foundation, it is no surprise that many of these mail-order marriages meet tragic ends.¹³² Take, for example, the case of Susana Blackwell, a Filipina mail-order bride, who made news headlines in 1995 when her husband, afraid that she was filing for a divorce, shot and killed her in a Seattle courthouse.¹³³ The controversy surrounding the Susana Blackwell murder triggered scrutiny of the immigration policies in place at the time and ultimately led to Congressional amendments as well as to the implementation of laws that purported to afford additional protections to mail-order brides.¹³⁴

Another horror story involves a young Southeast Asian woman who came to the United States as a mail-order bride:

[w]hen she came here, she found out that the man had married her for low-cost domestic help. She was kept in the basement. When it got too warm, she was moved to the garage. A neighbor saw her living in the garage and contacted [the authorities] . . . She left him[,] [b]ut he tracked her down. Now she's back with him. She was going to file for divorce. He doesn't allow her to pick up the phone . . . It appears that [she] is trapped again. Even if she does succeed in divorcing him . . . her legal status may still be very insecure. He had promised her a whole lot of things, including legal residency.¹³⁵

Although this mail-order bride's situation seems to be the height of indignity and

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131. When asked by the *Wall Street Journal* about his reasons for seeking a wife through a mail-order bride agency, an American husband-to-be stated: "I wanted a wife who isn't career oriented, who participates very little in the world outside, who does not have high aspirations, who is useful, and whose life revolves around me." See Szyskowski, *supra* note 84 (quoting Roni Tamiko Halualani, *The Intersecting Hegemonic Discourses of an Asian Mail-Order Bride Catalog: Pilipina "Oriental Butterfly" Dolls for Sale*, 18 WOMEN'S STUD. COMM., 45, 49 (1995)).
 132. See 8 U.S.C. § 1375(a)(3) (2001) (stating that "[a]lthough many of these mail-order marriages work out, in many other cases, anecdotal evidence suggests that mail-order brides find themselves in abusive relationships.").
 133. Robert L. Jamieson, Jr., *Mail-Order Brides Worry Lawmakers: State Legislators Want to Examine Legal Weapons to Fight the Exploitation of Foreign Women*, SEATTLE POST-INTELLIGENCER, Jan. 20, 2001, at B1.
 134. Velma Veloria, a Filipina-American congresswoman in Washington, has become a leading figure in exposing the plight of mail-order brides to the public. She has been significant in spearheading campaigns to amend the Immigration Marriage Fraud Amendments ("IMFA") and continues her work in advocating for the rights of mail-order brides. See Robert Jamieson, Jr., *New Law Would Stop Tragedy of People Trafficking*, SEATTLE POST-INTELLIGENCER, Nov. 8, 2001, available at http://seattlepi.nwsource.com/jamieson/45834_robert08.shtml; see also Jennifer Langston, *An Eye on Modern Slavery*, THE DAILY HERALD, Nov. 4, 2001, available at <http://www.heraldnet.com/Stories/01/11/4/14655882.cfm>.
 135. Emma Dorothy Reinhardt, *Modern-Day Slavery in America*, WORLD & I, Feb. 1, 2001, at 52, available at 2001 WL 12759935.

abuse, abusive mail-order marriages such as this one are not isolated occurrences.

More recently, another mail-order bride made headlines when her decomposed body was found in a shallow grave in Marysville, Washington.¹³⁶ Anastasia Solovieva King, a twenty-year old Russian mail-order bride, came to the United States by marrying an American nineteen years her senior.¹³⁷ Her husband was arrested and is being prosecuted for allegedly strangling her to death.¹³⁸

Cases like Blackwell's and King's, which end in death, are clearly at the extreme end of the spectrum of unhappy mail-order marriages. However, many other mail-order brides suffer in environments that are similarly physically and emotionally abusive.¹³⁹

No present legislation protects immigrant women from deportation if their husbands do not file the initial petition for their wives. Under the IMFA, the consumer-husband has the power to grant his spouse permanent residence or to deport his bride. This feature allows a husband to pressure his wife to submit to his will.¹⁴⁰

As a result, some women who bear children in these marriages find themselves at the virtual mercy of their husbands because of the fear that a divorce would mean losing contact with their children.¹⁴¹ Others maintain custody of their offspring, but are unable to obtain child support because of laws that unduly favor their American husbands.¹⁴²

The American judiciary is skeptical of mail-order brides; the perception of them as mercenaries becomes an easy justification for imposing undesirable judgments designed to teach them a lesson. A case in point is *Cantrell v. Estate of Jerry Cantrell*.¹⁴³ In *Cantrell*, a mail-order bride sued for a share of her intestate husband's estate after his adult children blocked her right to access to his assets.¹⁴⁴ Though she needed funds to raise her infant son, who was the child of her deceased husband, the court held that she was not entitled to a share of her de-

136. Scott North, *King's Lawyers Say He's Innocent, But Prosecutors Say He Murdered Mail-Order Bride*, THE DAILY HERALD, Jan. 4, 2001, available at <http://www.heraldnet.com/Stories/01/1/4/13322889.cfm> (stating that "before burying his wife's remains[, King allegedly] . . . removed all her jewelry and clothing and cut off her long, blond ponytail in an attempt to conceal her identity. King had filed for divorce from Anastasia King in August. Police found documents to indicate that in July he'd begun looking for another mail-order bride.").

137. *Id.*

138. *Id.*

139. See Vergara, *supra* note 17, at 1551.

140. Chun, *supra* note 27, at 1199.

141. See Leila Rothwell, *VAWA 2000's Retention of the "Extreme Hardship" Standard for Battered Women in Cancellation of Removal Cases: Not Your Typical Deportation Case*, 23 UHILR 555, 567 (2001).

142. See *id.* at 609 (discussing the rights of foreign mothers whose children have been illegally retained by their abusive American husbands).

143. 19 S.W.3d 842 (Tenn. 1999).

144. *Id.*

ceased husband's assets.¹⁴⁵ In justifying its decision, the court cited a prenuptial agreement that she had signed and found that it was valid because she had entered into it "voluntarily."¹⁴⁶ The court dismissed her claim that "Mr. Cantrell threatened to send her back to the Philippines without her baby if she did not sign the agreement"¹⁴⁷ and ruled in favor of her husband's adult children.¹⁴⁸

Furthermore, law enforcement mechanisms have proven ineffective in protecting mail-order brides who are victims of abuse. The failure to monitor the exact number of abused foreign brides currently in the United States may be attributed to the inability of these women to report such abuse.¹⁴⁹ In addition to language barriers, many of these women are largely ignorant of their rights in the American legal system and, thus, are not aware that they can seek professional help.¹⁵⁰

This silence may also be due to the fact that mail-order brides are treated as virtual pariahs in American society and in their own ethnic communities. In the Filipino community, for instance, it is not uncommon for mail-order brides to become objects of gossip and disdain.¹⁵¹ The hands-off attitude by some members of different Asian communities may discourage brides from seeking help from the one group that may be able to best assist them. This concept of shame also translates into the reluctance of some of these brides to divorce abusive husbands for fear of being further stigmatized.¹⁵² Most importantly, however, the silence may be attributed to the fear of mail-order brides that seeking help from authorities would elicit anger and more abuse from their American husbands.¹⁵³

The unequal legal, social, and economic positions of mail-order brides in comparison to their American husbands leave these women open to abuse and exploitation.¹⁵⁴ Language barriers, a general lack of knowledge about American culture, and ignorance of their legal rights contributes to the mail-order bride's vulnerability.¹⁵⁵ All too often, mail-order brides trapped in abusive marriages fail to seek the help of authorities because they are afraid that doing so would anger

145. *Id.* at 843.

146. *Id.* at 845.

147. *Id.*

148. *Id.*

149. See Vergara, *supra* note 17, at 1559 (discussing mail-order brides' reluctance to report domestic violence).

150. *Id.*; see also Karin Wang, *Battered Asian American Women: Community Responses From the Battered Women's Movement and the Asian American Community*, 3 *ASIAN L. J.* 151, 163 (1996).

151. A personal observation of the author, a Filipina raised in a Filipino community.

152. See Chun, *supra* note 27, at 1198.

153. *Id.* at 1199 (stating that mail-order brides who are abused by their husbands may be reluctant to report such abuse to authorities because of the "fear that their abuse will increase if their abusers discover they have spoken about it Additionally, the fear of deportation weighs heavily on immigrants and prevents many women from revealing their mistreatment").

154. *Id.* at 1187.

155. See Vergara, *supra* note 17, at 1558.

their husbands, on whom they often become extremely dependent.¹⁵⁶

VI. A LEGAL RESPONSE: THE PHILIPPINE AND U.S. STANCE ON THE MAIL-ORDER BRIDE ISSUE

In 1986, the U.S. Congress passed the Immigration Marriage Fraud Amendments ("IMFA")¹⁵⁷ to prevent aliens from marrying only for the purpose of obtaining legal immigration status.¹⁵⁸ The IMFA imposes a two-year conditional status on alien spouses and accompanying children and provides that, in order to eliminate the alien spouse and children's conditional status, the alien spouse must file a joint application with his or her citizen spouse once the required two-year period has elapsed.¹⁵⁹ In addition to filing the joint petition, the alien spouse and the petitioning spouse must appear for a personal interview with an Immigration and Naturalization Service ("INS") agent.¹⁶⁰ Failure to file a timely joint application or to appear for a personal interview may result in the termination of permanent status, which may lead to deportation of the alien spouse.¹⁶¹

The IMFA is problematic for various reasons. First, the two-year conditional residence status puts the alien spouse at the mercy of her American partner; she must remain in the marriage for at least two years or risk deportation.¹⁶² Second, the joint petition requirement provides the American spouse leverage over the alien spouse because the former's cooperation is essential to the latter's ability to obtain permanent residency.¹⁶³ Lastly, the conditional status automatically places the alien spouse in a subordinate position in child custody cases because the American spouse could simply have the alien spouse deported as long as the divorce occurs within the two-year conditional period.¹⁶⁴

As a superficial bid to prevent spousal abuse, Congress tacked on a good faith waiver to the IMFA, which provides that:

[t]he Attorney General, in the Attorney General's discretion, may remove the conditional basis of the permanent resident status for an alien who fails to [file for a joint petition or to appear for a personal interview] if the alien demonstrates that: (A) extreme hardship would result if such alien is deported, or (B) the qualifying marriage was entered into in good faith by the alien spouse, but the qualifying marriage has been terminated

156. See Chun, *supra* note 27, at 1199.

157. Immigration Marriage Fraud Amendments of 1986, Pub. L. No. 99-639, 100 Stat. 3537 (1986).

158. Anderson, *supra* note 39, at 1411.

159. Immigration Marriage Fraud Amendments of 1986 § 216(c)(1)(A).

160. Immigration Marriage Fraud Amendments of 1986 § 215(c)(1)(B).

161. Immigration Marriage Fraud Amendments of 1986 § 216(c)(2)(A).

162. See Immigration Marriage Fraud Amendments of 1986 § 216(b)(1)(A)(ii).

163. See Immigration Marriage Fraud Amendments of 1986 § 216(c)(1)(A).

164. See Immigration Marriage Fraud Amendments of 1986 § 216(c)(2)(A).

(other than through the death of the spouse) by the alien spouse for good cause and the alien was not at fault in failing to meet the requirements¹⁶⁵

These provisions do not significantly change the unequal power dynamics in the marriage. Instead, they pose an additional hardship on the foreign spouse because she has the burden of proving "that the termination of the marriage was not her fault."¹⁶⁶

U.S. immigration policies have had a disproportionate impact on mail-order brides because these laws, clearly implemented for the protection of Americans against marriage fraud, afford foreign brides little or no protection.¹⁶⁷ In the mail-order marriage, laws such as the IMFA give the American husbands almost complete power over their wives' permanent resident status.¹⁶⁸ This power imbalance makes immigrant wives vulnerable to abuse.¹⁶⁹

Because of a growing concern that U.S. immigration policies facilitated spousal abuse, Congress amended the IMFA through the enactment of the Immigration Act of 1990 ("Immigration Act").¹⁷⁰ The Immigration Act purported to protect battered women, providing a waiver to the joint filing requirement if "the qualifying marriage was entered into in good faith by the alien spouse and during the marriage the alien spouse or child was battered by or was the subject of extreme cruelty perpetrated by his or her spouse or citizen or permanent resident parent."¹⁷¹ It is clear, however, that the Immigration Act is just as problematic as its predecessor because the immigrant spouse retains the burden of proving that the marriage was entered into in good faith.¹⁷² Furthermore, the regulations unduly burden the foreign spouse by requiring expert testimony to prove that abuse was the primary cause for the divorce.¹⁷³ This expert testimony requirement compels battered and frightened immigrant women, who may have difficulty speaking English, to go to psychologists and professional counselors before they may leave the marriage in good faith.¹⁷⁴ This requirement is not only unnecessarily burdensome—it is unrealistic. Many of these women do not have the resources necessary to seek such professional help.¹⁷⁵

Congress again amended the IMFA by enacting certain provisions in the

165. Immigration Marriage Fraud Amendments of 1986 § 216(c)(4).

166. Anna Y. Park, *The Marriage Fraud Act Revised: The Continuing Subordination of Asian & Pacific Islander Women*, 1 ASIAN AM. PAC. IS. L.J. 29, 30 (1993).

167. See generally Jamieson, *New Law Would Stop Tragedy of People Trafficking*, *supra* note 134; see also Langston, *supra* note 134.

168. See Jamieson, *New Law Would Stop Tragedy of People Trafficking*, *supra* note 134.

169. See Langston, *supra* note 134.

170. Immigration Act of 1990, Pub. L. No. 101-649, 104 Stat. 5086.

171. Immigration Act of 1990 § 701(a)(4)(C).

172. *Id.*

173. 8 C.F.R. 216.5(e)(3)(iii) (1991).

174. Park, *supra* note 166, at 40.

175. *Id.* at 37.

Violent Crime Control and Law Enforcement Act of 1994,¹⁷⁶ which allowed conditional residents to self-petition for removal of their conditional status. Under the act, the conditional resident must be married and must prove that:

[1] the alien . . . is a person of good moral character . . . [2] the marriage between the alien and the spouse was entered into in good faith . . . [3] during the marriage the alien or a child of the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's spouse; and . . . [4] deportation would result in extreme hardship to the alien or a child of the alien.¹⁷⁷

However, even the 1994 amendment to the IMFA is problematic. The burden of proof is still heavily on the foreign spouse and "provides immigrant women with little protection, since the INS has neither promulgated rules relating to the self-petitioning process, nor has defined terms such as 'battery,' 'extreme cruelty,' 'good faith,' and 'extreme hardship.'"¹⁷⁸

In July 2001, Congress recognized the existence and problematic consequences of the mail-order bride industry in the United States.¹⁷⁹ Under 8 U.S.C. § 1375, Congress found that:

[t]here is a substantial "mail-order bride" business in the United States . . . [E]vidence suggests that mail-order brides find themselves in abusive relationships Many mail-order brides come to the United States unaware or ignorant of United States immigration law. Mail-order brides who are battered often think that if they flee an abusive marriage, they will be deported [and] [o]ften the citizen spouse threatens to have them deported if they report the abuse.¹⁸⁰

This statute is significant because it gives the mail-order issue official recognition as a problem that requires legal solutions. The statute further provides that all mail-order bride businesses operating in the United States must "disseminate to recruits, upon recruitment . . . immigration and naturalization information . . . in the recruit's native language, including information regarding conditional permanent resident status and the battered spouse waiver . . . permanent resident status, marriage fraud penalties [and] the unregulated nature of the [mail-order bride] business . . ."¹⁸¹ A civil penalty of not more than \$20,000 is imposed for each violation.¹⁸² Although this statute represents a huge step towards addressing the mail-order bride problem, it is largely ineffective in pro-

176. Pub. L. No. 103-322, § 40701-03, 108 Stat. 1796, 1993-55 (1994).

177. *Id.*

178. Chun, *supra* note 27, at 1200.

179. 8 U.S.C. § 1375.

180. 8 U.S.C. § 1375(a)(1).

181. 8 U.S.C. § 1375(b)(1).

182. 8 U.S.C. § 1375(b)(2)(A).

tecting mail-order brides from exploitation and abuse.¹⁸³

[The statute] affords the mail-order brides little if any protection. In fact, by requiring agencies to disclose the unregulated nature of the industry, Congress legitimizes the current industry structure. This scheme disregards the will and regulations of developing countries, like the Philippines, whose laws can have no force when not backed by the consumer countries. In addition, the law does not address the serious problems mail-order brides face under the current immigration system. The law does not change the conditional status of the mail-order brides or shift the power from the consumer-husbands to the brides.¹⁸⁴

The Philippines has also taken affirmative steps to combat the largely unregulated industry by making mail-order bride businesses illegal.¹⁸⁵ Republic Act of the Philippines No. 6955 ("R.A. 6955"), also known as the Mail-Order Bride Law, "declare[s] unlawful the practice of matching Filipino women for marriage to foreign nationals on a mail-order basis and other similar practices, including the advertisement, publication, printing or distribution of brochures, fliers and other propaganda materials in furtherance thereof and providing penalty therefore."¹⁸⁶ The law imposes prison terms of six to eight years or fines of 8,000 to 20,000 pesos upon violators.¹⁸⁷ Foreign violators also face deportation after serving their sentences.¹⁸⁸ R.A. 6955 was a valiant effort by the Philippine Congress to recover the lost dignity of Filipino women; sadly, this ban on the mail-order bride industry has been largely ineffective.¹⁸⁹

Laws such as R.A. 6955, which prohibit the mail-order bride industry as well as the trafficking of women and children, have been difficult to enforce.¹⁹⁰ The lack of government resources makes monitoring such illegal activities almost impossible.¹⁹¹ Additionally, the silence and complacency of communities that have knowledge of such clandestine operations have worked to promote the success of these thriving industries:¹⁹²

the illegal recruiters were known in the community but the residents turned a blind eye because sex trafficking also provided them some economic benefits. Many parents of prostituted women . . . were aware of what was happening to their children, but they chose to be silent for fear

183. Lloyd, *supra* note 22, at 352.

184. *Id.*

185. Republic Act No. 6955, *supra* note 114.

186. *Id.* at Preface.

187. *Id.* at § 4.

188. *Id.*

189. See Gallardo, *supra* note 115.

190. *Id.*

191. *Id.*

192. *Id.*

of being 'stigmatized' in the community.¹⁹³

The minimal impact of R.A. 6955 and other subsequent Filipino laws prohibiting the mail-order bride business from operating in the Philippines may be attributable to the high demand for mail-order brides in industrialized countries such as the United States.¹⁹⁴ Although a considerable obstacle, most mail-order bride companies have found ways to skirt such prohibitive laws by operating primarily from abroad.¹⁹⁵ The advent of the information age has made laws like R.A. 6955 simple bumps in the road that are easy to overcome.¹⁹⁶ Transactions may take place on the internet and neither the American grooms nor the bride procurement agents have to set foot on Philippine soil.¹⁹⁷

The nominal impact of R.A. 6955 and other such regulations, combined with general U.S. reluctance to amend its immigration laws, has led to an industry that is largely unregulated.¹⁹⁸ Because of the failure of both home and host countries to remedy the disproportionate power structure inherent in the industry, mail-order brides have become more and more vulnerable to exploitation, subordination, and abuse.¹⁹⁹

The stereotypes that fuel the demand for mail-order brides, the international mechanisms that work to facilitate their economic hardships, the laws that leave them open to abuse, and the extreme economic conditions that have allowed this industry to flourish are a collective affront to all women. The mail-order bride dilemma, therefore, necessitates responses from the Asian American and feminist communities.

VII. CALL TO ARMS: TOPPLING THE MAIL-ORDER BRIDE INDUSTRY

Asian American women are in a unique position: they carry with them the histories and traditions of their Asian cultures while simultaneously having the ability to filter these influences through their American norms and experiences.²⁰⁰

193. *Id.*

194. *See* Lloyd, *supra* note 22, at 358 (discussing the high-demand for mail-order brides in the United States).

195. In response to the Philippine laws prohibiting mail-order bride businesses, one operator states: "The Philippine government is . . . definitely working against the interests of [its] own people. These girls *want* and *need* to leave that country. But anyone who helps them to find a foreign husband can be imprisoned for six to eight years. So I work only in the U.S." FREQUENTLY ASKED QUESTIONS, *supra* note 78.

196. For example, a man wrote to a mail-order bride website stating, "I already told the Philippines consulate that he is seeking wife thru mail-order bride, and they told me that mail-order bride is illegal to the Philippines." The webmaster replies with: "Yes, running a business to introduce foreigners to Filipinas who wish to get married certainly is illegal there. Fortunately for Americans and many grateful Filipinas, however, it is *not* illegal *here*." *Id.*

197. *Id.*

198. *See* Lloyd, *supra* note 22, at 350-51.

199. *Id.*

200. Maivan Clech Lam, *Feeling Foreign in Feminism*, 19 SIGNS 865, 868 (1994).

It may be their position to comprehend the Asian condition within the American context that gives them the power to lead the struggle against the mail-order bride industry.

The sexist and racist mail-order bride industry, in perpetuating stereotypes that have served to subordinate Asian women for centuries, denigrates not only the recently immigrated mail-order brides, but Asian American women generally.²⁰¹ As a Filipina-American, I have faced disdainful looks from people assuming that I was the mail-order bride of a white American male friend with whom I was walking. This assumption, rooted in the century old stigmatization of Asian American women, perpetuated by the mail-order bride industry, affects many Filipina-American women.²⁰² In response, an ever-increasing number of Filipina-American women have organized to form their own brand of feminism: Pinayism.²⁰³ Allyson Tintiangco defines Pinayism as "a theory that aims to look at the complexity of the intersections where race/ethnicity, class, gender, sexuality, spirituality/religion, body image, educational status, age, place of birth, [d]iasporic migration, citizenship, and love cross to understand how our perspectives (multiple subjectivities) are born and how these same variables work together to create Pinay²⁰⁴ identities and situations where Pinays live."²⁰⁵ Filipina-Americans who subscribe to Pinayism have publicized personal statements,²⁰⁶ written poetry, organized rallies and conferences, and even started websites.²⁰⁷ All these actions have had one purpose: to restore dignity and identity to the Filipina community.

Filipina-Americans, however, cannot topple the mail-order bride industry on our own, and mail-order brides do not come from the Philippines alone.²⁰⁸ The trafficking and prostitution of women is an international problem²⁰⁹ affecting many Asian nations, including Thailand, China, Indonesia, Malaysia, Korea and Japan.²¹⁰ A collective response by Asian American women is in order. Asian American women have in the past proven that joining forces can lead to our triumph over even the most daunting enemies—unfair labor practices, chronic

201. See Grice, *supra* note 8, at 10.

202. See BAGONG PINAY, at <http://newfilipina.com> (last visited Jan. 29, 2003).

203. The term was coined by Allyson Tintiangco in her essay, *Pinayism*. SAMSON, *supra* note 70.

204. "Pinay is [a] word that has been rearticulated to connote empowerment, strength and beauty. A Pinay is a woman of [F]ilipino descent, a [F]ilipina in America, and or a [F]ilipina American. The terms Pinay and Pinoy have their roots in Filipina/o history as early as the 1920s and 1930s." ALLYSON TINTIANGCO, FAQs ABOUT PINAYISM, at <http://www.new-filipina.com/members/pngayon/00.05/PN-pinayismQAs.html> (May 2000).

205. *Id.*

206. See, e.g., P.P. DALY, HEY, WE'RE NOT ALL FILIPINA MAIL-ORDER-BRIDES!, at <http://newfilipina.com/members/magsalita/98.121SNM-MOB/forum.html> (Nov. 15, 1998) (stating, "[w]hen I get curious looks from people, especially white Americans, I sometimes wonder what they are assuming as I stand next to my Irish-Italian husband.").

207. See, e.g., BAGONG PINAY, *supra* note 202.

208. See SCHOLE, *supra* note 19.

209. *Id.*

210. *Id.*

health care shortages, and environmental destruction.²¹¹ We have rallied against the garment industry, decried sex discrimination, and fought for visibility in a society that refuses to see us.²¹² As Asian American women, we have laid the groundwork for a powerful Asian American feminist movement in the United States.²¹³ However, many Asian American women activists have generally failed to directly address the plight of mail-order brides.²¹⁴ Could this be because we do not see that their immigrant concerns pertain to our American issues?

By combating the ideology and assumptions that operate to subjugate mail-order brides, we work to topple the very institutions that have relegated us to marginalized positions in mainstream American society.²¹⁵ We should follow the trend in Asian American feminist studies that is moving away from making arbitrary delineations between Asian American and Asian issues.²¹⁶ After all, the slant to our eyes, the hint of ocher in our skin and other indications of our genetic identity as Asians do not change with our geographic location. Because of this physical connection to our cultural roots, injustices that occur in Asia impact our American lives.²¹⁷ In giving voice to mail-order brides, therefore, our own shout for recognition becomes more audible; and, in giving attention to their plight, Asian American women become more visible.

The immense giant that is the mail-order bride industry also necessitates a response from the mainstream women's movement. It would not be logical to expect Asian Americans alone to respond to an industry that oppresses Asian mail-order brides, nor would it be any more logical to expect Russian-American women to single-handedly address the alarming growth of the mail-order bride industry in Russia.²¹⁸ Despite differences in race, language, homeland, religion and history, these mail-order brides have one thing in common: they are women. The subordination of mail-order brides, the deprivation of their rights in the American legal system, and the stigmatization they endure is indicative of American patriarchy. Unfortunately, however, women of color have felt largely abandoned by the mainstream American feminist movement in its fight against

211. See Shah, *supra* note 7, at xviii.

212. *Id.* at xvii-xix.

213. Juliana Pegues, *Strategies from the Field: Organizing the Asian American Feminist Movement*, in *DRAGON LADIES: ASIAN AMERICAN FEMINISTS BREATHE FIRE*, *supra* note 2, at 13-15; see also Anannya Bhattacharjee, *A Slippery Path: Organizing Resistance to Violence Against Women*, in *DRAGON LADIES: ASIAN AMERICAN FEMINISTS BREATHE FIRE*, *supra* note 2, at 37-39.

214. For example, in a discussion about shaping the agenda of the Asian American women's movement, five Asian American women activists failed to address the sexual exploitation of Asian women generally and the mail-order bride industry in particular. See Pamela Chiang, Milyoung Cho, Elaine Kim, Meizhu Lui, and Helen Zia, *On Asian America, Feminism, and Agenda-Making: A Roundtable Discussion* (moderated by Seema Shah), in *DRAGON LADIES: ASIAN AMERICAN FEMINISTS BREATHE FIRE*, *supra* note 2, at 57-70.

215. See Grice, *supra* note 8, at 10 (discussing ways in which stereotyping of Asian women and the mail-order bride industry inflict damage upon Asian American women).

216. *Id.* at 11.

217. *Id.* at 10.

218. See generally Doup, *supra* note 16.

patriarchy.²¹⁹

"Your feminism is not mine."²²⁰ This sentence expresses in succinct terms the general frustration that women of color have had with the American women's movement. In other words, "[t]he real problem has been how feminist theory has confused the condition of one group of women with the condition of all."²²¹ Describing women in essentialist terms, as if all women share a finite set of common experiences, abandons the voice of women affected by other axes of discrimination.²²² "The notion that there is a monolithic 'women's experience' that can be described independent of other facets of experience like race, class, and sexual orientation is one I refer to . . . as 'gender essentialism.'"²²³ The discord between white feminist thought and the experiences of women of color has led to the creation of multicultural feminism.²²⁴ Multicultural feminism critiques liberal feminism's tendency to essentialize foreign cultures, thereby viewing women of color as victims of their own cultures.²²⁵

In applying a multicultural analysis to the mail-order bride situation, we see a more nuanced picture of the factors enabling the perpetuation of this dehumanizing industry. The equation then would no longer consist of "us against them" or "women versus men;" instead it would take into account the intersections of various factors that contribute to the picture as a whole. In a feminist challenge to the mail-order bride industry, we therefore need to analyze the respective roles of history, race, culture, and economics in the commodification of women.

VIII. CONCLUSION

The mail-order bride industry is founded on stereotypical ideas that have promoted the exploitation and subjugation of Asian women throughout their history in America. The unequal power dynamic between the mail-order bride and her American husband facilitates his dominance and infliction of violence towards her. The policies and institutions currently in place afford little protection to the abused mail-order bride and may even prove to be oppressive to her. These obstacles are demoralizing and, more often than not, lead her to resign to a dire situation. Her lack of power and access to helpful avenues lead to silence. Her silence silences us all, and her weakness weakens us all. We, as women, must take a stand and challenge the institutions that lead to this type of brazen exploitation of underprivileged women all over the world.

219. See generally Maivan Clech Lâm, *Feeling Foreign in Feminism*, 19 SIGNS 865 (1994).

220. *Id.* at 868.

221. ELIZABETH V. SPELMAN, *INESSENTIAL WOMAN: PROBLEMS OF EXCLUSION IN FEMINIST THOUGHT* 4 (1988).

222. *Id.* at 14-15.

223. See Harris, *supra* note 14, at 589.

224. See Lâm, *supra* note 219.

225. *Id.*