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## Chapter 7. Mail Order Feminism

Marriage in the 1950s was treated as the be-all and end-all of a woman's life.<sup>1</sup> However, as feminist historians have persuasively demonstrated, this idealization of marriage created incredible stressors and deep unhappiness for many women. When the popular women's magazine *McCall's*, ran an article in 1956, titled "The Mother Who Ran Away," it was the most widely read article in the magazine history. "It was our moment of truth," said a former editor, "we suddenly realized that all those women at home with their three and a half children were miserably unhappy."<sup>2</sup> Similarly when *Redbook* ran an article asking readers to explain "Why Young Mothers Feel Trapped," they got 24,000 replies.<sup>3</sup>

By the 1960s, it had become clear that the marriage model of the male breadwinner and female homemaker was not working and that marriage was not providing the promised path to personal happiness.<sup>4</sup> Women, in particular, began to rethink their desire and expectations for marriage. They started postponing marriage to complete college or to establish careers; they used the pill to control their child bearing and commit more of their lives to work; and they fought for and won greater legal and

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1. Coontz, *Marriage, a History*, 227

2. Betty Friedan, *The Feminine Mystique* (New York: W. W. Norton, 1963).

3. Coontz, *Marriage, a History*, 242.

4. *Ibid.*, 250.

civil rights.<sup>5</sup> During this same period, women also began to reform marriage and the traditional roles of husband and wife. The ideal marriage was slowly transformed from the traditional male-headed household into the modern association of two, equal individuals.

Initially, the idea of marriage as an equal partnership was radical. In 1972, feminist Alix Kates Shulman's marriage and the contract she created with her husband, guaranteeing that "each had equal right to his/her own time, work, values, and choices" was considered so astounding, that it became the subject of a cover story in *Life* magazine. Then, barely six years later, the idea of marital equality had become so widely accepted that mainstream periodicals, like *Glamour Magazine*, began running articles on how to write your own marriage contract.<sup>6</sup> Within a generation, the American marital landscape had changed drastically.<sup>7</sup> The age of marriage rose, birthrates fell, and the divorce rate more than doubled.<sup>8</sup> Women gained greater access to legal rights, education, birth control, and decent jobs,<sup>9</sup> and they rejected the 1950s model of marriage as exploitative and oppressive.

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5. For example, in 1972, Title IX of the Education Act was passed, prohibiting sex discrimination in any program receiving federal aid; in 1973, *Roe v. Wade* was decided, recognizing women's right to abortion; and in 1975, it was no longer legal to require a married woman to have her husband's written permission in order to get a loan or credit card.

6. Coontz, *Marriage, a History*, 255.

7. *Ibid.*, 254.

8. *Ibid.*

9. *Ibid.*, 265.

As a result of these changes, most Americans now take for granted that marriage should be based on both love and equality, and they assume marriages deviating from this structure and formed for any other reasons, particularly monetary considerations, are problematic. Consequently, the reemergence of mail order marriage, the very name of which implies the commodification of women, is viewed with rising alarm.

### ***Modern Mail Order Brides***

In the summer of 2009, *Glamour Magazine* ran an article about Lera Loeb, a Ukrainian mail order bride married to American music producer Steve Loeb.<sup>10</sup> Lera was 21 and Steve was 44 when they met. According to Lera, the two had an instant connection. “I didn’t expect to find love when I signed up with the agency, but I did,” said Lera. “I feel very, very lucky.” However, not everyone was so enamored with their relationship. Lera noted that she was shocked by the criticism and hostility directed at her marriage. She explained that in Russia, there is no stigma attached to mail order marriages. “In my part of the world, in Russia, that’s considered cool if you marry a foreigner. That’s every girl’s dream.”<sup>11</sup> In America however, the reaction was quite different. According to Lera,

[m]ost people never think of a 27-year-old career woman like me when they hear the words *mail-order bride*. They imagine someone who doesn’t speak English, who’s been shipped in, like property, to be subservient to her husband. “Are you allowed to go out on your own?” an acquaintance

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<sup>10</sup>Lera Loeb, “Yes, This Woman Is a ‘Mail Order Bride,’” *Glamour Magazine*, June 1, 2006 (describing her marriage).

<sup>11</sup> New York’s Most Famous Mail Order Bride May Conquer All Media, Gawker.com, Dec., 10, 2009.

once asked me. Another person wanted to know whether I had a curfew— seriously. If someone associates me with those kinds of stereotypes, Steve and I both get upset, because it’s degrading. But I try not to take it too personally.”<sup>12</sup>

These types of reactions have made Lera defensive about her marriage and she has tried to deflect the criticisms by embracing the label “mail order bride.” In fact, if you Google “Lera Loeb,” mail order bride is the top hit. “I say it as a joke,” says Lera. “It’s sort of super ironic. That’s the attitude I’ve developed to it.”

The negative reactions described by Lera are not unusual. Americans are extremely hostile toward the idea of mail order relationships and the comments posted in response to the article on Lera clearly demonstrate the widespread discomfort many Americans feel about these marriages. Although Lera stated that she was extremely happy in her relationship and felt very lucky to have married Steve, many readers were still unable to view her as anything other than an abused and exploited woman. For example, one reader wrote, “This guy [her husband] just bought himself a \$20,000 pet. She’s probably extremely docile, submissive and attentive. She probably has no say on any facet of their lives. Just stand there and be pretty.” Similarly, another reader wrote “Aren’t the men who use this ‘service’ really just looking for a woman that they can isolate and control and who better than a young foreign woman with no friends or family

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<sup>12</sup> Lera Loeb, “Yes, This Woman Is a ‘Mail Order Bride,’” *Glamour Magazine*, June 1, 2006 (describing her marriage).

here? The women who sign up for this bother me too but the men positively disgust me.”<sup>13</sup>

The hostility and unease revealed in these comments is pervasive and not confined to internet postings. For example, in her book *Wedded Strangers*, Dr. Lynn Visson recounts the typical responses she received when she asked women’s groups for their views on American men seeking mail order marriages. The women responded with comments such as “it’s the dream of being the all-provider” and “it’s not normal love interest that’s driving them, it’s fantasy.”<sup>14</sup> Newspaper and magazine articles also routinely disparage these marriages, calling the women “desperate” and the men “losers” or, as the *St. Petersburg Times* put it, “stiffs, weirdos, and those who drink too much”<sup>15</sup> Fictional portrayals of men and women in these relationships are similarly unflattering. In the open call ad for the “husband” in the indie feature *Mail Order Bride*, the desired candidate was described as “35–45, white male, imperfections a plus, overweight, bald, etc.”<sup>16</sup> However, the most damning critique of these relationships is not that the men are “losers” but that they are actually using mail order marriage to find women to abuse or traffick.

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<sup>13</sup>Adrian Chen, “New York’s Most Famous Mail-Order Bride May Conquer All Media,” *Gawker*, December 10, 2009, 10:27 pm, <http://gawker.com/5423895/new-yorks-most-famous-mail+order-bride-may-conquer-all-media>.

<sup>14</sup>Lynn Visson, *Wedded Strangers: The Challenges of Russian-American Marriages* (New York: Hippocrene Books, 1998), 209.

<sup>15</sup>Ibid., 209.

<sup>16</sup>*BackStage*, vol. 4, issue 7, February 18, 2000. <http://business.highbeam.com/articles/3907/back-stage/february-2000/page-10>

### ***Mail Order Abuse***

One of the most widely cited sources for the proposition that mail order marriage encourages abuse is the book, *Mail Order Brides: Women for Sale*, written by Mila Glodava and Richard Onizuka. In this book, Glodava recounts her experiences working with mail order brides who were victims of domestic violence. Based on these experiences, Glodava and Onizuka concluded that, “those who have used the mail-order bride route to find a mate have control in mind more than a loving and enduring relationship.”<sup>17</sup> However, as anthropology professor Nicole Constable noted in her book *Romance on a Global Stage*<sup>18</sup>, there are many problems with *Women for Sale*. One problem is definitional. Glodava and Onizuka include within the term “mail order bride,” women who were introduced through friends or relatives and, thus, fall outside the traditional definition of a mail order bride. A second and much larger problem, however, is the fact that they include little support for their accusations beyond their blanket

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17. Mila Glodava and Richard Onizuka, *Mail Order Brides: Women for Sale* (Fort Collins, CO: Alaken, 1994), 26. Glodava wrote the book based on her experiences with 30 mail order brides. After concluding that the majority of mail order brides were in exploitative and abusive relationships, she created the Mail Order Bride Legal Aid Fund, with support from the Asian Pacific Development Fund, to help free mail order brides from abusive relationships. This book is part of her advocacy work on behalf of mail order brides. She teamed up with Richard Onizuka, the former clinical director of the Asian/Pacific Center for Human Development to write the book. She hoped that together, they would fill in the “sketchy and incomplete” information people have regarding mail order marriages. Ibid., xiii.

<sup>18</sup> Nicole Constable, *Romance on a Global Stage: Pen Pals, Virtual Ethnography, and “Mail Order” Marriages* (Oakland, CA: University of California Press, 2003).

assumption that men who want to be “head of the household,” something many men seeking mail order brides claim to want, will enforce this desire “with fists.”<sup>19</sup>

Other mail order marriage critics also fail to provide evidence for their abuse claims.<sup>20</sup> For example, the Tahirih Justice Center which advocates on behalf of immigrant women and is extremely opposed to mail order marriage, describes men seeking mail order brides as “predators” and strongly warns women to avoid these marriages and reverse the “growing number of matches [] made between foreign women and abusive U.S. men.”<sup>21</sup> However, like Glodava and Onizuka, the Center provides little support for its abuse claims. In fact, despite its statements that many mail order brides are abused, it acknowledges on its website, under the inflammatory heading “How Widespread Is this Abuse?,” that there are “no national statistics reflecting what the prevalence of abuse is in brokered marriages.”<sup>22</sup> More accurately, there are no statistics indicating that this form of introduction, marriage brokers, pen pal clubs, etc., increases the risk of abuse at all.<sup>23</sup> As doctoral student, Lisa Simmons discovered during her

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19.Ibid, 79.

20.See, e.g., Vanessa B. M.Vergara, “Abusive Mail-Order Bride Marriage and the Thirteenth Amendment,” *Northwestern University Law Review* 94, no. 4 (2000): 1547.

21.*Frequently Asked Questions: International Marriage Broker Regulation Act of 2005*, Tahirih Justice Center, <http://www.tahirih.org/site/wp-content/uploads/2009/03/FAQs-IMBRA-11.08.10.pdf>.

22.Ibid., 2.

23.In fact, the studies that have been conducted reveal that mail order marriages result in the same or slightly higher levels of marital satisfaction as traditional marriages. See Lisa Anne Simons. “Marriage, Migration, and Markets: International Matchmaking and International Feminism.” PhD diss., University of Denver, 2001, 6, 16, <http://usaimmigrationattorney.com/images/MarriageMigrationMarkets.pdf> (citing a study of 163 Asian mail order brides that revealed moderately high levels of marital satisfaction). See also

research on mail order brides, most of the citations for this abuse claim actually stem from one of two newspaper articles from the 1980s, containing no statistical research,<sup>24</sup> or they are based on studies regarding domestic violence in general.<sup>25</sup>

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Sims, “A Comparison of Laws,” 23–24, 59 (noting studies of Filipino-Australian marriages show that these marriages are “no more prone to marital discord than any other marriage” and actually have a divorce rate at or lower than the national Australian average; also citing a nine-month study by the Swedish ombudsman, concluding that the mail order bride business was neither unethical nor unlawful.). See also Kerry Abrams, “Immigration Law and the Regulation of Marriage,” *Minnesota Law Review* 91 (2007): 1654 (noting that the “scant” data on the types of men who use these matchmaking services).

24.Simons“Marriage, Migration, and Markets,” 20, 77 (noting that most scholarly articles claiming high levels of abuse cite to journalists). I myself, contributed to this trend. In May 2012, I wrote an article for the *New Republic* magazine in which I supported my assertion that these relationships have higher levels of abuse by citing the U.S. Governmental Report on matchmaking, which in turn cited a newspaper article, “The Blossoming Business of Imported Love” (John Krich, “The Blossoming Business of Imported Love: Here Come the Brides,” *Mother Jones* (February–March 1986); 37. See also Marcia Zug, *The Latest Victim of GOP Intransigence?* *The New Republic*, May 17, 2012,

<http://www.newrepublic.com/article/politics/103338/vawa-brides-violence-women-adams>

25.In her dissertation, Simons summarizes a government study on mail order brides stating that the “Findings of the report indicate that these concerns—fraud and abuse—are *not significantly tied to matchmaking* as a form of immigration. The report contains anecdotal evidence of problems but no firm data are supplied to substantiate these generalizations. The report cites figures of unspecified origin and unrepresentative sample data and then bases estimates (and thus policy) on them. The study gives statistics on domestic violence in the U.S. in general, and then makes an assumption that foreign-born women who met men through an IMO [International Matchmaking Organization] are more likely to be abused. The further assumption is that U.S. men searching for foreign wives are more likely to be abusive or controlling. This is unsupported . . . .” *Ibid.*, 39–40,

<http://usaimmigrationattorney.com/images/MarriageMigrationMarkets.pdf>



### ***Immigrant Women and Abuse***

Mail order marriage is not without risk. In 1995, and then again in 2002, two mail order brides were murdered in Washington state.<sup>26</sup> Their murders appeared to highlight the particular vulnerability of mail order brides and served as the catalyst for subsequent legal reforms. However, despite the widespread perception of abuse that led to these reforms, it is not at all clear that mail order marriage increases a foreign woman's risk of abuse. In fact, because mail order brides immigrate legally, they are probably less likely to face abuse than many other foreign wives.

Studies show that immigrant women are more likely to be victims of abuse than non-immigrant women, and that the risk of abuse is even greater for married immigrant women.<sup>27</sup> At the same time, this fact has little bearing on whether mail order marriage in

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<sup>26</sup> There were, however, two highly publicized murders of mail order brides in Washington State. See Roxanne Sims, "A Comparison of the Laws in the Philippines, the U.S.A., and Belarus to Regulate the Mail-Order Bride Industry," *Akron Law Review* 42 (2009): 607 (describing the 1995 murder of Susana Blackwell, a Filipina mail order bride, and the 2002 murder of Anastasia King, a mail order bride from Kyrgyzstan).

<sup>27</sup> For example, a study of intimate partner homicide in New York found 51 percent of intimate partner homicide victims were foreign born, while 45 percent were born in the United States. New York City Department of Health and Mental Hygiene, *Femicide in New York City: 1995-2002* (2004), [http://www.nyc.gov/html/doh/downloads/pdf/ip/femicide1995-2002\\_report.pdf](http://www.nyc.gov/html/doh/downloads/pdf/ip/femicide1995-2002_report.pdf). See also, National Coalition Against Domestic Violence, *Immigrant Victims of Domestic Violence*, [http://www.learningtoendabuse.ca/sites/default/files/dv\\_immigrantvictims.pdf](http://www.learningtoendabuse.ca/sites/default/files/dv_immigrantvictims.pdf), [https://www.futureswithoutviolence.org/userfiles/file/Children\\_and\\_Families/Immigrant.pdf](https://www.futureswithoutviolence.org/userfiles/file/Children_and_Families/Immigrant.pdf). In addition, this abuse also appears to be worse for married immigrant women. According to studies, 59.5 percent of married immigrant women experience abuse compared to 49.8 percent of unmarried immigrant women.

particular makes a foreign woman likely to experience abuse. Documented and undocumented wives maintain a vastly different position relative to each other. 28 Mail order brides, by definition, enter the country legally.29 Most mail order brides immigrate

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See Mary Dutton et al., "Characteristics of Help-Seeking Behaviors, Resources, and Services Needs of Battered Immigrant Latinas: Legal and Policy Implications," *Georgetown Journal on Poverty Law and Policy* 7 (2000): 245, [http://niwaplibrary.wcl.american.edu/cultural-competency/research-publications/CULTCOMP\\_Georgetown-Imm-Victim-Helpseeking2000.pdf](http://niwaplibrary.wcl.american.edu/cultural-competency/research-publications/CULTCOMP_Georgetown-Imm-Victim-Helpseeking2000.pdf)

28. Giselle Aguilar Hass, Nawal Ammar, and Leslye Orloff, "Battered Immigrants and U.S. Citizen Spouses," *Legal Momentum* (April, 24, 2006) (discussing the role of dependency on likelihood of abuse). Tahirih Justice Center used this study to support its claim regarding higher rates of abuse for mail order brides stating that "because only US citizens are entitled to sponsor foreign fiancé(e)s/spouses for K1/K3 visas, the two typical routes for women who meet men through IMBs to come to the United States, it is reasonable to expect that abuse rates in marriages between US citizens and immigrant women generally would be indicative of abuse rates in marriages between US citizen/IMB's US male clients and immigrant women/IMB's foreign female clients specifically." See <http://www.tahirih.org/site/wp-content/uploads/2009/03/FAQs-IMBRA-11.08.10.pdf>

29. My argument that American immigration law protects mail order brides from abuse is bolstered by the fact that higher levels of mail order bride abuse is seen in countries that do not afford these women similar immigration/citizenship protections. For example, a report compiled by Norwegian women's shelters indicated that compared to their number in the overall population, mail order brides "were overrepresented as shelter residents." Maria Eriksson et al., eds., *Tackling Men's Violence in Families, Nordic Issues and Dilemmas* (Bristol: Policy Press, University of Bristol, 2005), 94. However, a mail order bride's status under Norwegian law is quite different than that of an American mail order bride.

Under Norwegian law, foreign spouses lose their residency permits if they divorce. Moreover, the foreign spouse must physically live with her husband for three years, and during these three years the couple must annually fill out a form attesting to the fact they are living together. In addition, it is very difficult for foreign wives to get work permits, which makes them financially dependent on their husbands. Critics of

to the United States on Fiancée or K-1 visas,<sup>30</sup> which permit them to enter the United States and then stay for ninety days while determining whether to marry or return home.. This ninety-day period provides potential brides with a chance to spend time with their fiancé and learn about his life and community before deciding whether to marry. Then, after the woman is married, she becomes a two year conditional resident with all the rights and privileges of residency.<sup>31</sup> Conditional residents can work, drive, and attend school. As a result, as soon as a mail order bride marries, she can earn her own money, have her own friends, learn English, get a job and travel, all without worrying about deportation. Then, after two years, she is eligible to have her conditional residency status changed to permanent residency. Then, once she is a permanent resident, her immigration status is no longer conditional on her marriage and she cannot be deported even if her marriage ends.<sup>32</sup>

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Norwegian immigration law note that “Norwegian immigration policies make[] the marriage contract such an unequal structure for . . . immigrants. The rules surrounding the marriage contract construct [foreign] women as dependent, and as dependents they cannot be equal citizens.” Bjørn Hvinden, and Håkan Johansson, eds., *Citizenship in Nordic Welfare States: Dynamics of Choice, Duties and Participation in a Changing Europe* (2007), 115–17.

<sup>30</sup>Immigration and Nationality Act of 1952, § 101(a)(15)(K)(i), 8 U.S.C. § 1101(a)(15)(K)(i) (2000), <http://www.uscis.gov/iframe/ilink/docView/SLB/HTML/SLB/act.html>.

<sup>31</sup>A conditional resident has the right to work, to travel abroad, and to reenter the country. See 8 Code of Federal Regulations § 216.1 (2008) (“The rights, privileges, responsibilities and duties which apply to all other lawful permanent residents, apply equally to conditional permanent residents . . .”).

<sup>32</sup>Specifically, she cannot be deported for ending her marriage. Until she has full citizenship she can still be deported for certain crimes etc.

In contrast, undocumented foreign wives face a very different situation and, consequently, a much greater likelihood of abuse. Undocumented women who enter the country illegally remain subject to deportation regardless of subsequent marriage to an American citizen.<sup>33</sup> Under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, all undocumented immigrants are eligible for deportation. In addition, those who have been in the United States for more than one year may be subject to a ten-year ban on re-entry.<sup>34</sup> Thus, despite marriage to an American citizen, undocumented wives

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<sup>33</sup>Pub. L. No. 104-208 § 301, 110 Stat. 3009-546 (1996), which was codified at 8 U.S.C.A.

§ 1182(a)(9)(B) (Westlaw 2008). See also Daniel González, “U.S. Immigration Law Drives Husband, Wife Apart: U.S. Man’s Mexican Wife Forced to Leave Country,” *Arizona Republic*, February 17, 2008, <http://www.azcentral.com/news/articles/0217illegalbride0217.html>; see also Wendy Koch, “‘Mixed Status’ Tears Apart Families,” *USA Today*, April 25, 2006, A3, [http://www.usatoday.com/news/nation/2006-04-25-mixed-status\\_x.htm](http://www.usatoday.com/news/nation/2006-04-25-mixed-status_x.htm); Cindy Gonzalez, “A Family Broken at the Border,” *Omaha World Herald*, December 17, 2007, <http://www.detentionwatchnetwork.org/node/502>.

<sup>34</sup>Individuals who entered the country without a valid visa will not be able to apply for a green card without returning to their home country first, regardless of their marriage to a U.S. citizen. Once such individuals have left the country, those who were in the United States for more than 180 days will face a multi-year bar on re-entry. There has, however, been a slight improvement. On March 4, 2013 USCIS began allowing immigrants, whose only ground of inadmissibility is unlawful presence, to apply for a waiver of this ground while still in the United States. Previously, applicants had to leave the United States and face the bar on re-entry without knowing if the bar on re-entry would be waived.

The recent change is a clear improvement, yet, the number of people eligible is still quite limited. First, unlawful presence must be the only inadmissibility ground. Second, and more problematic, the applicant must be able to demonstrate that the U.S. citizen spouse would experience “extreme hardship” if the waiver is not granted. This is a difficult standard. It is not enough to simply show that the citizen spouse will miss the alien. The strongest arguments are those based on a serious medical condition that they are the

are still forced to live with the constant fear of deportation and the potential separation from their children. Furthermore, because any attempts to seek employment, education or a social network could reveal their immigration status and threaten their ability to stay in the United States, undocumented wives are also likely to be isolated and wary of seeking out government benefits or assistance. Lastly, because such women's undocumented condition has not time limit, deportation remains an ever-present threat. Undocumented wives are thus left isolated, dependent on their husbands and particularly vulnerable to abuse.

### **Violence Against Women Act (VAWA)**

Congress attempted to address the above concerns by passing the 2001 Amendments to the Violence Against Women Act.<sup>35</sup> These amendments permit battered, immigrant wives to self-petition for adjustment of immigration status and also avoid an otherwise applicable ten-year inadmissibility bar. VAWA also provides this right of self-petition to mail order brides. However, although the two groups are given the same protection from abuse, it is undocumented wives who appear to have a much greater need of this protection and this was unexpected.

After enacting the VAWA amendments, Congress specifically asked the Immigration and Naturalization Service to examine the self-petitions made by abused immigrant women in order to determine, “the extent of domestic abuse in mail order

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citizen's main caregiver or the alien would be returning to a country in a state of active war or political upheaval. Common results of separation, such as family separation and financial hardship, are typically insufficient.

35.8 U.S.C. § 1154(b)(ii) (2001).

marriages.”<sup>36</sup> Mail order brides comprise at least 2 to 4 percent of all foreign marriages,<sup>37</sup> but the INS found that fewer than one percent of the abuse cases brought to their attention involved women who had met their husbands through mail order bride companies.<sup>38</sup> The results of the INS study contradicted widely held assumptions about mail order marriages, but in other ways, it should not have been a surprise. Although the VAWA self-petition provision protects the two groups in similar ways, undocumented wives and

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36.INS “Mail Order Bride” Report, available at [http://niwaplibrary.wcl.american.edu/reference/additional-materials/immigration/imbra/research-reports-and-data/Mobrept\\_full.pdf/at\\_download/file](http://niwaplibrary.wcl.american.edu/reference/additional-materials/immigration/imbra/research-reports-and-data/Mobrept_full.pdf/at_download/file)

37.In 1996, the Immigration and Nationality Service estimated that there were between 4,000 and 6,000 mail order marriages per year and that these marriages represented 2.7 to 4.1 percent of all immigration involving female spouses. Robert Scholes, *The Mail Order Bride Industry and its Impact on U.S. Immigration* app. A (1998). Moreover, due to the explosive rise of the internet, these numbers are likely much higher today. For example, the 1998 study conducted by Scholes was an update of a similar study he had conducted two years earlier. In the earlier study Scholes had estimated the number of mail order marriages was around 4,000. Two years later, he revised that number to between 4,000 and 6,000. According to Scholes, this increase was due to the fact that in the two years since he had last conducted his study, the number of foreign women listed with matchmaking organizations had increased from 100,000 in 1996 to 150,000 in 1998. See INS “Mail Order Bride” Report. See also Suzanne Jackson, “To Honor and Obey, Trafficking in ‘Mail-Order Brides,’” *George Washington Law Review* 70 (2002): 475, 493 (noting “the most dramatic growth in the industry occurred with the advent of the internet”).

38.Moreover, the lack of evidence indicating higher rates of abuse for mail order brides is particularly telling given the fact that mail order brides are specifically informed of their right to self-petition in cases of abuse. Interviews with the women demonstrate that even before they immigrate, many mail order brides understand that that domestic violence is illegal in the United States and that there are ways for abuse victims to receive help. Simons “Marriage, Migration, and Markets,” 130 (quoting one mail order bride’s understanding “that in the U.S. if a man hurts a woman there are ways to get help”).

mail order brides hold widely disparate immigration statuses and studies on immigration status and abuse confirm that immigration status can have a substantial effect on the likelihood of a woman seeking help for abuse.

In her work regarding the willingness of battered immigrant women to seek police assistance, American University Professor Leslye Orloff found that the reporting rate for women with stable permanent immigration status was 43.1 percent, that it dropped to 20.8 percent for women who were in the United States legally but on temporary non-immigrant visas and that it dropped to 18.8 percent if the woman was undocumented.<sup>39</sup> Orloff's study did not include K-1 visa holders like mail order brides. However, based on her research, mail order brides (who hold a temporary but legal immigration status) should be more likely to report abuse than undocumented women.<sup>40</sup> Thus, the fact that the Congressional study found such a low rate of self-petitioning by mail order brides suggests that their rates of abuse are substantially lower than that of undocumented immigrant women.<sup>41</sup>

At a minimum, Orloff's study strongly suggests that the rates of abuse experienced by undocumented wives cannot be used to demonstrate the frequency of

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39.Leslye E. Orloff, Mary Ann Dutton, Giselle Aguilar Hass and Nawal Amar, "Battered Immigrant Women's Willingness to Call for Help and Police Response," *University of California Los Angeles Women's Law Journal* 13 (2003): 59 (all of these rates were still substantially lower than the reporting rates for U.S. citizen women).

40.Because those who come over as fiancées have conditional status for two years their immigration is less secure than a Legal Permanent Resident.

<sup>41</sup> Orloff's research suggests that legal and relatively stable immigration should make abused mail order brides more likely to report abuse than undocumented women.

abuse in mail order marriages. Moreover, the possible reasons for the different reporting rates observed by Orloff further counsel against conflating the experiences of undocumented wives with those of mail order brides. Specifically, many scholars have suggested that undocumented women are reluctant to report abuse because they live in perpetual fear of deportation and as a result, have a significant distrust of the legal system. These women find it difficult to accept that the same legal system that can force them out of the country, away from their friends and family, is also interested in protecting them from domestic abuse.<sup>42</sup> In contrast, mail order brides enter legally and may therefore be less likely to view the US government with a similar level of suspicion. In fact, mail order brides may even be inclined to trust the government, at least with regard to protection from domestic abuse, given that by the time a mail order bride arrives in the United States, the government will have already demonstrated its commitment to her safety by providing her with information regarding her rights in the case of domestic abuse and a detailed criminal history of her intended spouse.

### ***International Marriage Broker Regulation Act (IMBRA)***

VAWA protects both undocumented wives and mail order brides, but mail order brides are given additional protections under the 2008 International Marriage Broker Regulation

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42. See Immigrant & Refugee (I/R) Report and Action Plan: 2007-2009, City of Seattle, 7, June 2007, [https://www.seattle.gov/rsji/immigrants/docs/I&R\\_Report.pdf](https://www.seattle.gov/rsji/immigrants/docs/I&R_Report.pdf) (making this point with regard to the claims of undocumented workers). See also Leigh Goodmark, *A Troubled Marriage: Domestic Violence and the Legal System* (New York: NYU Press, 2011), 72–73 (noting the particular challenges faced by immigrant women, and describing a woman who called the police on her abusive husband and wound up in deportation proceedings).



Act (IMBRA). IMBRA protects foreign brides by requiring that all fiancée visa holders be informed of their right to be free of domestic and sexual abuse, and of their right to self-petition in case of abuse. 43 Specifically, the Act obliges U.S. Immigration and Customs Enforcement to give mail order brides an informational booklet outlining the legal rights and resources available to immigrant victims of domestic violence, providing them with information about domestic abuse and sexual assault hotlines, and informing them of the illegality of domestic abuse, child abuse and sexual assault.

In addition, IMBRA also attempts to reduce the likelihood of abuse against mail order brides in particular by requiring matchmaking organizations to provide information on the U.S. citizen client to both the foreign woman and the Department of Homeland Security, before allowing any contact. More precisely, the Act requires international matchmaking organizations to conduct a search of the sex offender public registries<sup>44</sup> and to provide documentation regarding the client's criminal history, including any arrests for alcohol or substance abuse. It also requires the U.S. client to provide a personal history, indicating how many previous marriages were terminated, the dates of the termination, whether the client had previously sponsored any foreign fiancées, the ages of any minor children, and all states and countries he has resided in since he was

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<sup>43</sup>8 U.S.C.A. § 1375a(a). A copy of the informational pamphlet, "Rights and Protections for Foreign-Citizen Fiancé(e)s and Spouses of U.S. Citizens and Spouses of Lawful Permanent Residents: Important Pamphlet : For K-1, K-3, IR-1/CR-1, and F2A Immigrant Visa Applicants (International Marriage Broker Regulation Act)" is available at [http://travel.state.gov/visa/temp/pamphlet/pamphlet\\_5725.html](http://travel.state.gov/visa/temp/pamphlet/pamphlet_5725.html). The pamphlet was released in October 2010.

<sup>44</sup>8 U.S.C.A. § 1375a(d)(2)(A)(i) (West Supp. 2006).

eighteen years old.<sup>45</sup> Lastly, the Act places a limit on the frequency and number of fiancée visas that can be applied for.<sup>46</sup>

Both IMBRA and VAWA are good laws that seek to prevent the abuse of foreign spouses. However, the fact that these laws specifically single out mail order brides as the foreign wives most in need of protection does not prove these marriages have higher rates of abuse. Instead, these laws simply reveal how widespread the perception of abuse in mail order marriage has become. Unfortunately, this is not the only misconception about mail order marriages. The belief that mail order brides are trafficked women is also pervasive and similarly based on little evidence.

### **Trafficking**

Many of mail order marriage's harshest critics argue that there is no such thing as a consenting mail order bride. According to these objectors, mail order marriage is simply another name for human trafficking. Natalia Khodyreva, a well-known feminist researcher and activist in Russia, espoused this view when she unapologetically described

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45.8 U.S.C.A. § 1375a(d)(2)(B). It must be noted, however, that years after enactment, many of these requirements still have not been implemented and the most notable problem is the lack of an enforcement mechanism. The Department of State, the Department of Justice, and the Department of Homeland Security have not yet coordinated which will be the responsible agency for investigating and prosecuting agencies that do not comply. See U.S. Government Accountability Office, International Marriage Broker Regulation Act of 2005: "Agencies Have Implemented Some, But Not All of the Act's Requirements" *GAO-08-862* (August 8, 2008): 23–24, <http://www.gao.gov/assets/280/279505.pdf>.

46. The purpose of this is to reduce the likelihood that mail order marriages can provide men with an easy way to use and abuse multiple women. Violence Against Women Act of 2005, Pub. L. No. 109-162, § 832(a)(1), 119 Stat. 2960, 3066-67 (2006) (codified at 8 U.S.C. § 1184).

all mail order brides as victims and insisted, “all marriage agencies are trafficking women.”<sup>47</sup> When asked for documentation of this “fact,” Khodyreva admitted she had no proof but insisted no proof was needed because it is a well-known fact.<sup>48</sup>

The Cambodian government used similar reasoning to defend its various mail order bride bans. Over the past ten years, thousands of Cambodian women have left the country to become mail order brides for Korean men. In response, Cambodia instituted a number of bans including a prohibition on marriages between Cambodian women and foreign men over fifty; a ban on marriage between Cambodian women and Korean men; and, in 2008, a ban on all foreign marriages.<sup>49</sup> After issuing these bans, the government sent a formal statement to the Korean Embassy explaining that the ban on marriage with Korean men was justified because it would “prevent the trafficking of Cambodian women.”<sup>50</sup> Like Khodyreva, the Cambodian government was unable to distinguish between mail order brides and “traffick[ing] victims”<sup>51</sup> Dr. Shin Hei-soo, a prominent women’s rights activist and representative of the National Movement for the Eradication of Sex Trafficking, noted this problem when she recounted a conversation with a

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47.Simons, “Marriage, Migration, and Markets,” 70.

48.Ibid.

49.This ban was lifted after six months. See Lee Kyung-sook, “To Prevent Human Trafficking, Cambodia Bans International Marriages to Koreans,” March 31, 2010, <http://asiafoundation.org/in-asia/2010/03/31/to-prevent-human-trafficking-cambodia-bans-international-marriages-to-koreans/>. “Cambodia Bans Marriage to Korean Men,” *The Chosunilbo*, March 22, 2010, [http://english.chosun.com/site/data/html\\_dir/2010/03/22/2010032200462.html](http://english.chosun.com/site/data/html_dir/2010/03/22/2010032200462.html).

50.Lee Kyung-sook, “To Prevent Human Trafficking.”

51.Ibid.

Cambodian official in which she was shocked to discover the Cambodian official “viewed [all] marriages to Korean men as trafficking.” Hei-Soo then had to explain to him, that “a marriage through a broker doesn’t mean trafficking.”<sup>52</sup>

In other instances, opponents of mail order marriage conflate the two terms by employing expansive definitions of either trafficking or mail order bride. For example, the Philippine Women Centre of British Columbia is able to include mail order brides within their definition of trafficking by “oppos[ing] any ‘narrow definition’ of trafficking that attempts to isolate ‘abuse and coercion.’”<sup>53</sup> Thus, for the Centre, a woman who is neither abused nor coerced, but who willingly chooses to marry a foreign husband, is still considered trafficked. Similarly, George Washington law professor Suzanne Jackson’s critique of mail order marriages also has this definitional problem. In her work on trafficking victims, Jackson includes foreign prostitutes whom American men are paid “marry” and bring to the United States as “mail order brides.” While these women are certainly trafficking victims, they do not meet any common definition of mail order bride.

In contrast, when the traditional definition of mail order bride is used, specifically the decision of two strangers to marry and form a life together, virtually all research indicates that that mail order brides are not trafficked.<sup>54</sup> For example, studies on Russian

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52.Ibid.

53.Constable, *Romance on a Global Stage*, 64.

54.Some of the disagreement regarding the existence of trafficked mail order brides may stem from different definitions of mail order brides and international matchmaking organizations. As stated in the introduction, I define a mail order bride as a woman who corresponds with a man she does not know in order to arrange a potential marriage. Thus, I would consider a mail order bride trafficked if she believed she was arranging a marriage, but was then tricked into prostitution or forced labor in a foreign country. In

trafficking victims show that the trafficking of these women is done through job agencies and tourist firms, not marriage brokers. As Kateryna Levchenko, the director of the anti-trafficking organization La Strada (based in Kiev) notes, “we do not have any evidence that marriage agencies are a major part of trafficking networks.”<sup>55</sup> Similarly, an examination conducted by the Ukrainian government also found no evidence that mail order marriage companies are used to traffick women.<sup>56</sup>

The perception of mail order brides as trafficked is based on opinion rather than proof. Nevertheless, even if most Americans were convinced that mail order brides are neither trafficked nor abused, most would still consider these relationships objectionable. This is unfortunate. As this book has repeatedly shown, mail order marriage has always carried risks and uncertainty, but it has also resulted in the empowerment of women, increased marital equality and population stability. Modern mail order marriages offer similar benefits for those willing to embrace them.

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addition, I would not consider a prostitution ring that simply called itself an IMO (International Marriage Organization) and created a fake marriage website to be “trafficking” mail order brides. Again, I agree that such an organization would be guilty of immigration fraud and human trafficking, but I do not believe it constitutes mail order bride trafficking because no one in that scenario believed they were entering into a legitimate marriage. See Jackson, “To Honor and Obey,” 480 (describing both scenarios as examples of mail order bride trafficking).

55.Simons, “Marriage, Migration, and Markets,” 70. *See also* Jackson, “To Honor and Obey,” 481 (citing a study conducted by the CIA which criticized IMOs for failure to screen clients and allowing underage women to advertise, but conceding that such companies were not traffickers).

56.Simons, “Marriage, Migration, and Markets,” 70.

## **Modern Mail Order Marriage**

Historically, mail order marriages were the result of significant gender disparities that created the desire for increased female immigration and the willingness to provide the legal, political, and financial incentives necessary to convince foreign women to immigrate. The factors leading to modern American mail order marriages are similar. The male and female population in the United States is roughly equal. However, the increasing marginalization of many blue-collar and lower middle-class American men is decimating their marriage prospects and encouraging them to consider mail order marriage. At the same time, favorable immigration laws, attractive financial prospects, and a culture of gender equality are encouraging many foreign women to become mail order brides.

## ***The Current Marriage Crisis***

Initially, the idea that American men are seeking mail order brides because there is a shortage of marriageable American women may seem unlikely, since there is no dearth of women in America. In fact, women slightly outnumber men.<sup>57</sup> Nevertheless, gender parity does not mean a wife for every man. For a growing segment of American men, the number of marriageable women, i.e., women willing to marry them, is shrinking drastically. For these men, marriage is becoming more and more elusive. At the same time, the importance of marriage remains significant. For lower middle-class and

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<sup>57</sup>.See U.S. Census Bureau, *2010 Census Briefs: Age and Sex Composition* (2010),

<http://www.census.gov/prod/cen2010/briefs/c2010br-03.pdf>.

working-class families, and men in particular, marriage is often the difference between success and failure.

As Berkeley law professor Melissa Murray has noted, in America, marriage “is the social safety net—or at the very least, the means by which we patch what is left of the disintegrating social safety net.”<sup>58</sup> For many lower-income families, marriage provides access to healthcare, childcare, and a second income. It also means the loss of a job is difficult, not devastating. Moreover, because men are the ones increasingly facing job instability and unemployment, marriage is particularly important for their financial wellbeing.<sup>59</sup> In addition, although the economic benefits of marriage are significant, the social benefits of marriage may be even more important.<sup>60</sup> In America, marriage is a

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58.Melissa Murray, “Black Marriage, White People, Red Herrings,” *Michigan Law Review* 111 (2013): 997. See also Pamela Haag, *Unmarriages*, 29 (2011) (noting that “as equality grows within marriages, because we are marrying our equals, inequality grows across marriages—rich marriages get richer and poor marriages get poorer. This subverts the ...narrative as marriage as a route to upward mobility.”)

59. For example, 75 percent of children raised in single-parent homes experience poverty before they turn eleven as compared with only 20 percent of children from two-parent households. See Ralph Richard Banks, *Is Marriage for White People?: How the African American Marriage Decline Affects Everyone* (London: Plume, 2012), 24. In addition, having an involved father produces children who, “tend to be smarter, have better psychological health, do better in school and get better jobs.” Dan Kindlon and Michael Thompson, *Raising Cain: Protecting the Emotional Life of Boys* (New York: Random House, 1999), 98. See also June Carbone and Naomi Cahn, “Is Marriage for Rich Men?,” *Nevada Law Journal* 13 (2012–2013): 401 (noting that “[a]lmost every study indicates that poor couples are better off pooling their resources than fending for themselves, and that, for all but the most violent couples, the children tend to do better if their parents stay together.”).

60. See *United States v. Windsor*, 133 S. Ct. 2884 (2013) (involving the right of the surviving partner in a same sex marriage recognized by the State of New York to avoid substantial estate taxes).

choice. If you are married, it means someone considers you worthy of marrying. Failure to marry, however, signals the opposite and, increasingly, American women are looking at American men and finding them unworthy. For these men, mail order marriage provides a possible solution.

For years, journalists, commentators, politicians, and pundits have been discussing America's "marriage crisis." Marriage rates are plummeting. In 1960, 72 percent of Americans were married, now it is less than 50 percent.<sup>61</sup> At the same time, cohabitation rates are sky-rocketing. Modern couples are fifteen times more likely to live together outside of marriage than they were back in 1960 and almost half of these cohabitating couples include children. Nevertheless, the decline in marriage is not the same as a decline in the desire to marry. A study by the Pew Research Center found that although forty percent of unmarried adults believe marriage is obsolete, half of these participants still stated they wished to marry.<sup>62</sup> These men and women understand that,

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61. D'Vera Cohn et al., *Barely Half of U.S. Adults Are Married—A Record Low* (Washington, DC: Pew Research Social and Demographic Trends, December 14, 2011),

<http://www.pewsocialtrends.org/2011/12/14/barely-half-of-u-s-adults-are-married-a-record-low/>.

62 Aja Gabel, "The Marriage Crisis: How Marriage Has Changed in the Last Fifty Years and Why It Continues to Decline," *The University of Virginia Magazine* (Summer 2012). Similarly, Kathryn Edin's and Maria J. Kefalas' well-noted study of marriage and poor women also demonstrated that many people who fail to marry do so because they overvalue marriage, not because they do not value it enough. Specifically, Edin and Kefalas's work showed that many poor women postpone marriage until they can achieve the "white picket fence," i.e., the financially stable marriage, with a house, a car, and bills paid on time every month, and that this goal often makes marriage unattainable. Kathryn Edin and Maria J. Kefalas, *Promises I Can Keep: Why Poor Women Put Motherhood before Marriage* (Berkeley: University of California Press, 2005).



at least in America,<sup>63</sup> marriage represents the highest form of commitment.<sup>64</sup> In fact, it is this belief in the superiority of marriage that is at the core of the biggest marriage issue of our time: whether same sex couples have the right to marry.

In *Perry v. Schwarzenegger*,<sup>65</sup> the case concerning the constitutionality of California's Proposition 8, which defined marriage as a heterosexual relationship, the only issue before the court concerned the expressive function of marriage.<sup>66</sup> In

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63. This is not true for all countries. In many parts of Europe, it is common for couples to maintain long-term stable family relationships regardless of marriage. See, e.g., Banks, "Is Marriage for White People?," 129. See also, "Marriage in America: The Fraying Knot," *The Economist*, January 12, 2013 (noting "similar declines and delays are occurring in much of the rich world, but . . . you don't see the same pattern of long unmarried relationships you see in Scandinavia, France or Britain. . . . [I]n the United States marriage is how we do stable families.") (internal quotations omitted).

64. Marriages continue to be the most stable relationships and marriage is, therefore, good for families and, particularly, for children. Marriage between a child's parents means a greater likelihood the child will be raised by both parents. This is important, because children raised by both parents do better. According to Professor Banks, "males who are raised without the presence and involvement of their fathers are more likely to commit crimes and engage in drug abuse, more likely to have problems in school or drop out, and are more likely to succumb to low self-esteem, depression and suicide." This is particularly concerning given the fact that suicide rates are already overwhelmingly high for teenage boys. The National Centers for Disease Control and Prevention estimates that boys commit 86 percent of all teen suicides. Banks, "Is Marriage for White People?" 128–29.

65. *Perry v. Schwarzenegger*, 704 F. Supp. 2d 921, 970 (N.D. Cal. 2010), *aff'd sub nom. Perry v. Brown*, 671 F.3d 1052 (9th Cir. 2012).

66. *Perry*, 704 F. Supp. 2d at 994 (noting that "domestic partnerships exist solely to differentiate same-sex unions from marriage . . . while domestic partnerships offer same-sex couples almost all of the rights and

California, same sex couples were already entitled to the same rights and privileges as heterosexual couples with the sole exception that they could not legally call their relationships “marriage.”<sup>67</sup> Nevertheless, the California district court found this semantic difference significant. As the court explained, “marriage is widely regarded as the definitive expression of love and commitment in the United States.”<sup>68</sup> The *Perry* Court understood that in America, whether you are married or unmarried makes all the difference.<sup>69</sup>

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responsibilities associated with marriage, the evidence shows that the withholding of the designation ‘marriage’ significantly disadvantages plaintiffs.”).

67.Ibid.

68.Ibid., 970. One of the ironic results of this high regard for marriage is that it lowers marriage rates. Richer couples use marriage as a stepping-stone for the more “difficult and expensive task of raising a family.” However, lower-class couples often have their families in reverse order; they have children before marriage, because they view marriage as the ultimate commitment and want to wait until they are both financially and emotionally stable. In addition, having children before marriage can put extra pressure on relationships and make them more likely to fail, thus further decreasing marriage rates among lower-income families. Guy Garcia, *The Decline of Men: How the American Male Is Tuning out, Giving up, and Flipping off His Future* (New York: HarperCollins, 2008), 69.

69.The same sex marriage debate has focused national attention on the concept of marriage as important and desirable. Proponents of same-sex marriage cite the hundreds of legal benefits that attach to marriage, but they also note that the social and emotional benefits that attach to marriage are at least as important. *Perry v. Schwarzenegger* is solely about the intangible benefits of marriage and how permitting same sex marriage confirms the value of these relationships. Similarly, same sex marriage’s critics also confirm the continuing importance of marriage when they express fears that this important institution will be devalued or discarded by permitting same sex marriage.

### *Marriage Exclusion*

The same-sex marriage debate brought attention to the issue of marriage exclusion, but because the discussion of same sex marriage focuses on a legal impediment to marriage, it tends to obscure the fact that there are other marriage barriers. For example, in his recent book, *Is Marriage for White People?*, Professor Ralph Richard Banks looks at the exclusion of African-American women from the institution of marriage. Banks' book focuses on the financial and educational success of African-American women, and shows how the achievements of these women have outpaced those of African-American men. According to Banks, this disparity has created a situation in which many women choose to forgo marriage altogether rather than marry a man with inferior financial and educational prospects.

Banks' book focuses on the African-American community, but he notes that the trends he discusses are increasingly mirrored in the general population.<sup>70</sup> The educational and financial prospects of women across all racial and ethnic groups have been rising for decades, while the possibilities for men have stagnated or declined. For the first time in American history, women earn more than men. On average, studies show

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For example, James Dobson of "Focus on the Family" has argued that same sex marriage devalues marriage and thus makes marriage less attractive. *Larry King Live: Interview with Dr. James Dobson* (CNN television broadcast November 22, 2006) (transcript), [http://](http://transcripts.cnn.com/transcripts/0611/22/lkl.01.html)

[transcripts.cnn.com/transcripts/0611/22/lkl.01.html](http://transcripts.cnn.com/transcripts/0611/22/lkl.01.html). See also North Carolina State Rep. Paul Stam who stated that when marriage is not limited to different-sex couples, "those who are considering whether to get married or not, and who don't have strong opinions one way or another, just don't . . ."

<http://www.cardozolawreview.com/Joomla1.5/content/denovo/Lau.DOMA.2012.FINAL.pdf>

<sup>70</sup>Banks, "Is Marriage for White People?," 24 (noting that "white follows black").

that women between the ages of twenty-one and thirty now earn 117 percent of wages of men of the same age group.<sup>71</sup> Women are also more educated. For example, a 2005 study from New York revealed that 53 percent of working women in New York had college degrees while only 38 percent of the men had graduated from college.<sup>72</sup> This change has not gone unnoticed. Journalist Hannah Rosin recently wrote a bestselling book entitled, *The End of Men and the Rise of Women*, in which she shows the extent to which men are faltering.<sup>73</sup> In her book, Rosin refers to the current generation of American men as “Cardboard Man,” by which she means a man unable to adapt to changing times who insists on keeping his lifestyle and ambitions the same despite the fact that traditional male jobs and roles have changed.<sup>74</sup>

Books like Rosin’s describe women’s increasing success as a result of their ability to change while also noting that men have been less successful at adapting to the new “knowledge economy.” In the past, manufacturing jobs offered stable, well-paid employment to unskilled male workers, but these jobs are being eliminated or outsourced and as a result, men without college degrees no longer have a clear path to upward mobility.<sup>75</sup> At the same time, these less educated men are also failing to get the skills and training they need to take advantage of the employment opportunities that are

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71.Garcia, *The Decline of Men*, xii.

72.Ibid.

73.Hanna Rosin, *The End of Men and the Rise of Women* (New York: Riverhead Books, 2012), 149–60 (noting that women now outnumber men on college campuses, and they also earn 60 percent of all business bachelor degrees).

74.Ibid., 8.

75.Garcia, *The Decline of Men*, 19.

available, and they are now facing a significant decline in wages and lifestyle. Moreover, it is not only men's economic prospects that have been decimated by the changing economy.<sup>76</sup> When men's job prospects falter, so do their marriage prospects.

### **What American Women Want**

Books like *Is Marriage for White People?* and *The End of Men* demonstrate that American women continue to want marriage, but as their financial opportunities expand, these women are increasingly unwilling to marry lower status men.<sup>77</sup> Rosin notes that most of the upwardly mobile women she interviewed stated they would like to marry, but only if they could find men of comparable achievements and motivations or men who, at the very least, would not be a drain on the family's resources.<sup>78</sup> In a telling example, Rosin describes a grocery store encounter with a single mother named Bethenny, who explained her unwillingness to consider her child's father as a marriage prospect by

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<sup>76</sup>Rosin, *The End of Men*, 4 (noting that in "the Great Recession , three-quarters of the 7.5 million jobs lost were lost by men" and "[t]he worst-hit industries were overwhelmingly male, and deeply identified with macho; construction, manufacturing, high finance.").

<sup>77</sup>See also Garcia, *The Decline of Men*, xv (noting that as women rise and men continue their downward slide, "more and more women are simply unable to find men that they think are worth marrying.").

<sup>78</sup>Rosin, *The End of Men*, 2 (noting that Bethenny stated she would like to marry but clearly viewed most of the available men as drains on her resources rather than adding value to her life. "By keeping Calvin [her daughter's father] at arm's length, Bethenny could remain queen of her castle, and with one less mouth to feed, they might both be better off.").

gesturing to a package of granola bars in her shopping cart and stating, “Calvin would just mean one less granola bar for the two of us.”<sup>79</sup>

Economic and cultural changes have allowed women like Bethenny to decide they are better off single, but for men, these shifting dynamics have been devastating.<sup>80</sup> Married men do better. For men, the health benefits of marriage alone are shocking. Studies show married men are less likely to develop heart disease, cancer, high blood pressure, diabetes, or serious depression. One interesting study even showed that married male heart attack victims arrive at the hospital half an hour before single men.<sup>81</sup> In fact, the health benefits of marriage are so great, they led Bernard Cohen and I-Sing Lee, researchers studying this phenomenon, to conclude that “being unmarried is one of the greatest [health] risks that people voluntarily subject themselves to.”<sup>82</sup> Nevertheless, for many men, their single status is not voluntary and their inability to marry and provide for a family is upending not only their health, but their very sense of themselves.<sup>83</sup>

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79.Ibid. In an interview with one poor mother who kicked out her children’s father, the woman explained her decision stating, “He’s not around no more. I got rid of him. . . . He was only here to sleep—didn’t want to pay no bills, didn’t want to do nothing.” Edin and Kefalas, *Promises I Can Keep*, 77 (internal quotation marks omitted). According to Edin and Kefalas, “few mothers are willing to endanger the resources they and their children desperately need just to keep the baby’s father around.” Ibid., 81.

80.Rosin, *The End of Men*, 91 (noting that “for all the hand-wringing over the lonely spinster, the real loser in society—the only one to have made hardly any financial gains since the 1970s—is the single man.”).

81.Ibid., 68.

82.Ibid.

83.Ibid., 8–9 (“They lost the old architecture of manliness, but they have not replaced it with any obvious new one”).

Geoffrey Canada, the founder, president and CEO of the Harlem Children's Zone, aptly captures this loss in his observation that "It used to be where it was clear [that being a man] was about having a job and providing for your family. I think men struggled—we maybe weren't the most enlightened folk, but at least we knew who we should be."<sup>84</sup> As Canada recognizes, modern men are losing not only their ability to earn a living, but also the very definition of what it means to be a man and when men cannot achieve the positive characteristics of "being a man," they often turn to roles that are self-defeating and self-destructive.<sup>85</sup> As Guy Garcia writes in his book, *The Decline of Men*, "The symptoms of the male malaise are already showing as men of all ages become increasingly angry, suspicious, reactionary and isolated. Men are opting out, coming apart, and falling behind. They are losing their sense of place in society and their direction as individuals."<sup>86</sup>

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<sup>84</sup>Garcia, *The Decline of Men*, 139.

<sup>85</sup>Ibid., xv (noting that these changing dynamics have created "a vast pool of undereducated, lower-income bachelors for whom the economic, social, and emotional benefits of a stable family environment are permanently out of reach."). See also Rosin, *supra* note 780, at 68 (noting "[c]opious studies prove that marriage benefits the man more than the woman . . . married men are happier, healthier and live longer than their single counterparts. (Also contrary to the bachelor myth, they report more sexual satisfaction)").

<sup>86</sup>Ibid., xiii. Moreover as Garcia warns, this situation is not just bad for men; it is bad for women. He notes that marginalized men are more likely to "seek solace in the hypermasculine rituals of violence and aggression with an ugly undercurrent of homophobia, misogyny, and masochism." Ibid., xiii–xiv.

Professors June Carbone and Naomi Kahn also note this trend, arguing that the primary reason poor women are in unstable relationships is due to the destructive behaviors practiced by male partners frustrated by their inability to provide for their families. According to Carbone and Kahn, "money is seldom the primary reason mothers give to explain why they and their children's father are no longer together. . . . It is the drug

## **The Mail Order Solution**

In *Is Marriage for White People*, Banks advises African American women to increase their dating pool by looking outside of their racial group. American men considering mail order marriage seem to be making a similar calculation. As these men are increasingly rejected by American women, they are turning to foreign women in the belief these women will consider them desirable marriage partners and they appear to be correct.<sup>87</sup>

### ***Feminism's Rejects***

Studies demonstrate that many of the men seeking mail order brides are precisely those who have been left behind by the rise of women. A 1998 study of the men using mail order services found that only 50 percent had two or more years of college.<sup>88</sup> That means that half of the men seeking mail order brides are those most hurt by the changing job market and those most likely to be excluded from marriage. Letters from these men to potential mail order brides confirm their experience with rejection by American

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and alcohol abuse, the criminal behavior and consequent incarceration, the repeated infidelity, and the patterns of intimate violence that are the villains looming largest in poor mothers' accounts of relationship failure." See Edin and Kefalas, *Promises I Can Keep*, 81.

87. Visson, *Wedded Strangers*, 46 (1998) (noting that "people who choose a spouse from a different culture often do so because they are unable to find a place in their own society . . . and would prefer a mate unaware of their alienation.").

88. Kate O'Rourke, "To Have and to Hold: A Postmodern Feminist Response to the Mail-Order Bride Industry," *Denver Journal International Law and Policy* 30 (2002): 479 (noting that nearly all had high school diplomas, but that only 50 percent had two or more years of college).



women.<sup>89</sup> For example, in a letter written to a Russian woman named Olga, the suitor stated that he was looking for a woman who was not a “feminist” and lamented the fact that American women are “only interested in their own careers.”<sup>90</sup> The man explained he was looking for a “wife who’ll take care of our home and children.”<sup>91</sup> The man worked as an installer of garage doors.<sup>92</sup>

Critics of mail order marriage seize upon the anti-feminist aspects of such letters as proof that these men are seeking women to dominate and oppress, yet the anti-feminist rhetoric in their letters is misleading. As feminist author Susan Faludi has noted, “feminism” is often simply a “scapegoat for wider feelings of social and economic displacement and powerlessness, including a diminished sense of male power in relation to assumptions of women’s real or imagined social gains.”<sup>93</sup> Although men’s letters to potential mail order brides express a rejection of feminism and feminists, their actions tell a different story. In many instances, the same men who write that they are looking for

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89.This is the conclusion reached by Ericka Johnson, a researcher at Linkoping University in Sweden, who conducted hundreds of interviews with men and women contemplating mail order marriage, and who stated that she initially “found the vehemence with which the men discredited American women in their letters a little surprising, but it came up so frequently that . . . I could only assume they were responding to what must be a very frustrating dating scene for them. Obviously they were not finding the type of woman they wanted to marry in America, and maybe they were not even finding women who want to get married to them at all.” Ericka Johnson, *Dreaming of a Mail-Order Husband: Russian-American Internet Romance* (Durham, NC: Duke University Press, 2007), 27.

90.Ibid., 26.

91.Ibid.

92.Ibid.

93.Constable, *Romance on a Global Stage*, 67.

women who are not “feminists,” are specifically choosing to court smart, well-educated, and accomplished women. For example, when asked about the type of women entering mail order marriages, the Vice Consul for Immigrant Visas at the U.S. Embassy in Moscow stated that, “For the most part these women are far better educated than the men. I see women doctors, scientists etc. being petitioned for by truck drivers, gas station attendants, farmers with very little money. Some of them can barely afford to do this because they need to earn an income that is 125 percent above poverty level.”<sup>94</sup>

Jen, the manager of a pen pal agency in Beijing, made similar observations about the men seeking Chinese brides. She noted that in her experience, American men, unlike their Chinese counterparts, were happy to marry women significantly more successful than themselves. According to Jen, many “educated, professional women especially those who are divorced or in their thirties” become mail order brides because “local men want younger women and often are not comfortable with a woman who is successful or who earns more money than they do.”<sup>95</sup> Filipina women also express similar sentiments regarding the appeal of mail order marriage. As one Filipino women’s advocate explained, “Powerful educated Filipinas intimidate [Filipino men]. Accomplished women might as well be attracted to foreigners because a Filipino man wouldn’t want them anyway.”<sup>96</sup>

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94.Simons, “Marriage, Migration, and Markets,” 199–20.

95.Constable, *Romance on a Global Scale*, 19.

96.Simons, “Marriage, Migration, and Markets,” 98.

### *Domestic Dating*

The fact that American men frequently seek highly educated and professionally successful brides suggests that despite the anti-feminist rhetoric in many of their letters, American men considering mail order marriages are not actually opposed to female success. Instead, their objection seems to be to the fact, as they perceive it, that this success has led American women to reject marriage and family and these men in particular.<sup>97</sup> The irony, therefore, is that American men considering mail order marriage often seem to be searching for a foreign version of the same type of woman who is rejecting them at home. Interviews with these men confirm their frustration with the domestic dating scene. In one poignant example, a man on one of the Russian bride tours made the following observation, he stated:

The foreign women say in their personal ads they want to love and be loved. In contrast, American women have numerous demands like exact height and weight of a guy, a salary over \$100,000, fit body, must like specific sports, films, etc. I find all this makes me ineligible with such women. I don't have enough money and I am not fit enough. I consider myself average looking, but it is not good enough for most American women I would be interested in meeting. I like the fact that Ukrainian women are impressed that I have a job at all, they don't seem to care what

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97. Johnson, *Dreaming of a Mail-Order Husband*, 21 (speculating that this anger at the feminist movement may be because "marriage has come under criticism from parts of the feminist movement").

I do, but simply that I have been at it for as long as I have [he has been a UPS driver for 20 years] shows them I am reliable.<sup>98</sup>

In her book *Marriage Confidential*, author Pamela Haag confirms what men like the above UPS driver are noting. In 2008 Haag compiled a sample of 120 wedding announcements from *The New York Times* and *Baltimore Sun* and found only one example of a non-college educated man marrying a college-educated woman. In that case, the man, Mr Wright (his true name) met his future wife while providing a CPR refresher course to the crew of a sailboat designed by his wife's company. In every other example the couples had the same level of education and most attended schools of comparable prestige levels.<sup>99</sup>

The accusation that men seeking mail order marriages are looking for women to dominate is also called into question by the fact that the women are often quite assertive in these relationships. For example, in reference to the stereotype of the submissive mail order bride, an American doctor named Timothy described his Filipina wife, Mary, as “the classic case of false advertising! In our house, she's the boss!”<sup>100</sup> Similarly, many of the women acknowledge taking charge of the family finances or actively steering their husband's career prospects. In an interview about her relationship, a Russian mail order bride, named Masha, described her husband Paul, a 40-year-old math teacher from Indiana named Paul, as patient and attentive, but terrible with money. She recalled how,

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98. Simons, “Marriage, Migration, and Markets,” 112.

<sup>99</sup> Haag at 329-30.

<sup>100</sup> Constable, *Romance on a Global Stage*, 67.

early in the marriage, she had asked Paul about their numerous bills and received a dreadful shock when he informed her of his significant debt. “How can you owe that much?” she remembered asking in disbelief. When Masha recovered from the initial shock, she vowed to fix Paul’s financial problem and immediately took charge of the money. Within a few years, Masha and Paul were out of debt and saving to buy a house.<sup>101</sup>

In her book, *Confessions of a Mail Order Bride*, the author, a Thai mail order bride named Wanwadee Larsen, also recounts the despair she felt when she discovered her husband’s desperate financial situation and that her “professor” husband would soon be out of a job “for having made no progress [on his] Ph.D.”<sup>102</sup> She writes, “What kind of twisted perversion is this that I have come so far to live? To have a husband with no job—in America?”<sup>103</sup> Larsen did not leave her husband, but she also did not accept his aimless lifestyle. Instead, she engaged in what she called a “campaign of attrition” against her husband’s lack of ambition and high marijuana use, until he changed his life around.<sup>104</sup> Her persistence worked and, by the end of the book, her husband had a permanent academic position and Larsen was also on her way to attaining an art degree and her own academic career.

The above descriptions of men relying on their mail order wives stand in stark contrast to the usual portrayal of men seeking mail order marriages. They also show how

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101. Visson, *Wedded Strangers*, 220.

102. Wanwadee Larsen, *Confessions of a Mail Order Bride* (Far Hills, NJ: New Horizon Press, 1989), 113.

103. *Ibid.*

104. *Ibid.*, 178 (describing the result as “renewed fitness—he is jogging again . . . and his reinvigorated ambition as a doctoral candidate has grown”).

American men benefit from these marriages. Nevertheless, the most common criticism of mail order marriages is that they are bad for women. It is widely assumed that only the poorest, most vulnerable, and most desperate women would agree to such marriages but, contrary to this pervasive view, mail order marriages have the potential to help women in much the same way as they did in the past.<sup>105</sup>

### ***Mail Order Equality***

The idea of mail order marriage makes many Americans, particularly American women, uncomfortable because these marriages often conform to the traditional gender roles that they have spent the last fifty years trying to banish.<sup>106</sup> Men seeking mail order brides

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<sup>105</sup>.Thus, rather than disparaging these marriages, women's advocates should consider supporting them. See, e.g., Bonnie Erbe, "Let's Ban Imports of Brides," *Deseret News*, October 23, 2006 ("Let's not just make it tougher for American men to hook up with 'mail order brides' over the Internet and import them, let's ban the practice altogether."), <http://www.deseretnews.com/article/650200348/Lets-ban-imports-of-brides.html?pg=all>. See also "China Takes Fight to the Internet! Begins Banning Mail-Order Bride Websites," *Catholic Online*, September 17, 2014 ("Rather than shutting down websites, a better, more effective approach is to bolster regulatory oversight of these brokers in both Cambodia and China, and set up effective Khmer-language hotlines in China so that women who are trafficked can seek assistance," said Phil Robertson, a deputy director with Human Rights Watch."), <http://www.catholic.org/news/international/asia/story.php?id=56930>.

<sup>106</sup>.This is the idea of the male breadwinner and female homemaker. See, e.g., Jody Lyneé Madeira, "The Family Capital of Capital Families: Investigating Empathetic Connections Between Jurors and Defendants' Families in Death Penalty Cases," *Michigan State Law Review* (2011): 879 (describing the "antebellum model of 'separate spheres,' which held that the home was the site of 'moral, ethical and religious education' provided by the wife-mother, while the husband-father worked to provide for the family outside the home.").

frequently claim they are looking for “traditional” wives who will be happy to take care of the home and family, and this gendered language makes most American feminists shudder. Nevertheless, although American women have largely rejected the separate spheres ideology, there is no evidence that foreign women find abandoning this traditional family structure emancipatory.<sup>107</sup> In fact, mail order marriage participants routinely indicate frustration with forced gender equality. The correspondence between Polina, a young Russian woman from Smolensk, and her American suitor demonstrate such concerns. In this letter, Polina disparages gender equality because, at least in Russia, it has been a raw deal for women. She writes:

I’ve got a gentle character. I never was able to be active in a relationship. But over the last 70 years Russian men have stopped feeling they are the head of the family and a pillar of support for women. From childhood on we were told that men and women are equal in everything. Many of our men are infantile and women have to decide everything for them. A new type of woman has been formed in the Soviet Union. Deep down a woman has become more of a man than a woman. Our poet Evtushenko was right in saying that the “best men are women.” In my character there are no such male traits, although, like all women in our country. I have to hustle—rush to work, study, stand on line, do housework. Gradually, all of

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<sup>107</sup>Simons, “Marriage, Migration, and Markets,” 84. Some have suggested it may also be confining for American women as well. See Haag, *Marriage Confidential* 71 (noting that the laziest husbands “are all acutely, self-consciously feminist, seeing themselves as fully liberated—thoughtful, smart, open to new ideas about gender, willing to subvert the norms. It is paradoxical, that a feminist sensibility in marriage.”).

this leads to a loss of one's feminine core, to a roughness of which I am very frightened."108

As Polina's letter makes clear, equality in Russia has meant women are now doing everything and, for women like Polina, this is far from liberating.<sup>109</sup>

Professor Nicole Constable also remarks on this fact, noting that what is often lacking in the "critique of marriage and gender relations [is] an appreciation of the variety of ways in which women in different sociocultural contexts might define liberation. To work for a wage might be liberating to a middle-class American woman, but not to a woman who has worked in fields or factories for subsistence since childhood."<sup>110</sup> Moira, a 45-year-old Chinese mail order bride exemplifies this idea. Moira was well educated with a good job, but she felt burdened by the stigma of having been divorced. She hoped that marriage to an American and a fresh start in the United States would help remove this stigma. For Moira, career success was less important than excelling as a wife. She stated she would happily give up her career to commit herself entirely to her husband, if

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108. Visson, *Wedded Strangers*, 49–50.

<sup>109</sup> In fact, in certain areas of Russia, Siberia in particular, women are deciding that doing it all by themselves is simply impossible and they are pushing for the legalization of polygamy reasoning that "half a good man is better than none at all." Mira Katbamna, Half A Good Man is Better Than None At All, *The Guardian*, October 26, 2009.

<sup>110</sup> Constable, *Romance on a Global Stage*, 65. Many critics of mail order marriage appear to have fully embraced Betty Friedan's critique of marriage. In the *Feminine Mystique* she wrote that "Surely there are many women in America who are happy at the moment as housewives...But happiness is not the same thing as the aliveness of being fully used. 223-24 (1965)



that was what he preferred. Moira simply want the opportunity to live with “more open minded people” who would allow her to “escape her past and begin anew.”<sup>111</sup>

Consequently, whether she achieved this goal as a working wife or as a “traditional” wife was nearly irrelevant. These types of sentiments are common among mail order brides, yet it is interesting to note that most mail order brides do in fact work. In fact, one Russian bride site even specifically states that men should expect their wives to work, and advises that within a few months after arriving in America, their wife will likely become bored and want a job.<sup>112</sup> Interestingly, few men seem to object.

### ***Mail Order Marriage and Feminism***

The above examples demonstrate that the relationship between mail order marriage and feminism is complicated. Men and women in these relationships frequently conform to outdated and often disparaged gendered roles yet, at the same time, the women commonly describe their marriages as liberating and empowering. Moreover, although anti-feminist rhetoric is widespread in letters to and from mail order brides, with the men

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<sup>111</sup> Constable, *Romance on a Global Scale*, 20.

<sup>112</sup> Johnson, *Dreaming of a Mail-Order Husband*, 31. For example, when Olga, a Russian music teacher was asked if she saw herself working after marriage, she replied: “Yes. I’m going to be a teacher . . . I wouldn’t want to be entirely dependent on my husband and I don’t want to just sit around at home.” Olga then further clarified, “I don’t want a career. I’m not a feminist. My family will be my first priority, but I do want to have a job and make some money.” Ibid., 32. Interestingly, although Russian women are quick to disparage the concept of feminism, this may simply be semantics. According mail order bride researcher, Erika Johnson, “as negatively as feminism is viewed in Russia, its counterpart, the concept of women’s solidarity is very strong, both politically and in daily practice. The term ‘feminist’ is an insult but many women are comfortable professing solidarity with other women.” Ibid., 36

typically saying they are looking for women who are not feminists, and the women claiming they have no feminist intentions, both parties actually use these marriages for the very feminist goal of increasing choice and combating disempowerment.

Interviews with potential mail order brides reveal that these women view foreign marriages as a means of reasserting control over their lives. Similarly, interviews with the potential husbands demonstrate that they also turn to these marriages as a way of combating their own disempowerment, typically in relation to American women.<sup>113</sup> Thus, as researcher Lisa Simons, who conducted numerous interviews with mail order marriage participants has noted, both groups use mail order marriages to resist the “sense of disempowerment and rejection from the state of gender relations in their own country and community” and she suggests that “their coming together across unequally stratified national boundaries [is] one possible way of bridging those differences” and reasserting control.<sup>114</sup>

### **Male Disempowerment**

Men seeking mail order brides often see themselves as victims of the changing role of men and women, but rather than viewing these men as opposing female empowerment, in many cases it is much more accurate to describe them as objecting to male decline. Many of these men support female equality, but also believe it has been bad for men. Edward,

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<sup>113</sup>Simons, “Marriage, Migration, and Markets,” 92, (noting that the women expressed the common themes of “the disenfranchised the world over” such as the inability to use their own “power and creative potential to effect change in their lives and/or improvements in their community or nation.”).

<sup>114</sup>Ibid., 92.

an American man married to a Russian woman, typifies these complicated feelings.

When asked about his views on gender equality, he made the following statement:

During the seventies I supported the equality and equal opportunity for women that they worked for. And I still do. It's the way I was raised. [But] Somewhere in the seventies the women's movement was hijacked. 'Women of the world unite against bourgeois-proletarian male domination!' The net result was that women were taught to view all male-female relationships as power struggles where somebody wins and somebody loses. Every American woman I met at some point turned our relationship into a struggle for power."<sup>115</sup>

Edward's statement reveals a man who is not opposed to increased power and opportunities for women, but one who does object to the idea that female equality must mean male decline.

Edward is far from alone in conflating these two ideas. The title of Hannah Rosin's book, *The End of Men and the Rise of Women*, links these two ideas explicitly. However, Rosin also notes that objecting to or fearing male decline should not be considered anti-feminist. Instead, she describes such concerns as an understandable reaction to the "specter of a coming gender apocalypse."<sup>116</sup> At one point in *The End of Men*, Rosin interviews a man named David, whose girlfriend makes significantly more

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<sup>115</sup>.Visson, *Wedded Strangers*, 207.

<sup>116</sup>.Rosin, *The End of Men*, 61.

money than he does, and she asks him why he has such uneasiness with the changing roles of marriage. After thinking about the question he responds, “It’s because our team is losing. All the things we need to be good at to thrive in the world we imagine existing in ten or twenty or even fifty years from now are things that my female friends and competitors are better at than me. Than us.”<sup>117</sup>

As Rosin recognizes, it is not unreasonable for men to feel discomfort regarding their growing sense of disempowerment in relation to women, but mail order marriage can actually help combat these feelings. According to a 2000 UN report on masculinity:

[M]ost men remain disempowered in relation to elites (composed of both men and women) that wield political and economic power. . . . It is this experience of disempowerment that potentially connects some men and women across the patriarchal divide, and offers the possibility of linking a gender politics that challenges patriarchy with wider politics of social transformation.<sup>118</sup>

Consequently, the appeal of a mail order marriage may not be that it introduces men to women they can dominate, but that it connects them with sympathetic partners who have experienced similar disempowerment.

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<sup>117</sup>.Ibid., 61.

<sup>118</sup>.Simons, “Marriage, Migration, and Markets,” 91.

## **American Husbands Do Housework**

The idea that mail order marriage increases marriage equality may seem counterintuitive, but it is an idea repeatedly expressed by those who work with mail order brides. Despite the widespread perception that mail order marriages are “antifeminist,” many mail order brides seek foreign husbands precisely because they see them as less patriarchal and more egalitarian than their male countrymen. As Harvey Balzer, director of Georgetown University’s Russian Area Program noted, Russian women are tired of “domestic dictators.” According to Balzer, “Even [the Russian] men I know who write about women’s rights wouldn’t get up from the dinner table to help clear the dishes.” As a result, Balzer notes that the American man who claims to be seeking an “unliberated woman,” looks to the Russian woman like a “liberated man.”<sup>119</sup> Vera, the owner of a mail order bride service in Russia, echoed these sentiments. According to Vera, “Russian men can’t provide for the family and they don’t pay attention to their families. . . . That really doesn’t agree with us women. . . . Plus, they don’t value what we do for them. And men in our country are prone to alcoholism.”<sup>120</sup>

Interviews with mail order brides also support the view that mail order marriages offer the possibility of a more egalitarian relationship and Russian mail order brides in particular, frequently express this view. According to these women, Russian men have failed to uphold their part of the marriage bargain. They state that Russian men have lost their sense of responsibility for their wives and children, that they cannot hold down a

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<sup>119</sup>Visson, *Wedded Strangers*, 53.

<sup>120</sup>Johnson, *Dreaming of a Mail-Order Husband*, 53 (noting that Russian men tend to drink a lot more than American men and many have a very hard time providing for families).

job, and that they drink to excess.<sup>121</sup> Russian women complain that they have been forced to assume the role of family breadwinner, but they resent having to shoulder this burden. As a result, many say they are attracted to American men precisely because of these men's desire to undertake the traditional male marriage responsibilities.

For example, a Russian mail order bride named Zina explained that many Russian women see division between the sexes as beneficial. Zina stated that what specifically attracted her to her now husband Robert, was his request for a traditional wife "who would build a home life for him," and his desire to accept the traditional male role of protector and provider. As Zina noted, "In Russia, all the men know what women's obligations are—to sew, to cook, they know all that by heart. But they have no idea whatsoever what their obligations might be. Here it's just the opposite. The men know what is wanted of them and what their obligations are."<sup>122</sup>

Tamara, a beautiful blonde-haired, blue-eyed 32-year-old secretary from Irkutsk, expressed similar appreciation for her bald, 47-year-old, TV repairman husband. Although outsiders might be skeptical of this pairing, it is clear that Tamara believes she is the lucky one in the relationship. Tamara explained that at first her friends were dubious of her decision to become a mail order bride, but now, Tamara says her friends back in Russia are "tearing their hair out from jealousy."<sup>123</sup>

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<sup>121</sup>.Visson, *Wedded Strangers*, 210.

<sup>122</sup>.Ibid. The men also appreciate that the women want them to assume this role. According to Peter, the fact that his foreign bride actually appreciated his willingness to assume the male protector/provider role was one of the biggest advantages of a foreign bride. He noted, "She's so much more feminine and appreciative than American women." Ibid., 218.

<sup>123</sup>.Ibid., 217.

A Chinese mail order bride named Meili also expressed her desire for a traditional marriage. She explained that she was looking for a foreign husband because “They say what is on their mind” and they are more likely to want an “equal” relationship with women. When pressed to explain what she meant by “equal,” she clarified that she was looking for “balanced” division of labor, the kind that could be satisfied by the traditional male bread-winner, female homemaker structure.<sup>124</sup>

In addition, studies of mail order brides also indicate that women seek mail order marriages because they believe foreign men are more respectful toward women.<sup>125</sup> Mail order brides consistently express the belief that Western men are held to a higher standard of ethics in relationships with women and, consequently, treat them better.<sup>126</sup> Tanya, a 24-year-old Russian woman with a three-year-old child expressed this view when she explained that what attracted her to Peter, a 29-year-old engineer from Wisconsin, was that he was kind and would listen to her. She noted, “He calls me every day from work to see if I need anything. Very few Russians would do that.”<sup>127</sup> Similarly, in describing why she listed with a mail order bride company, Olga, a 29-year-old music teacher from Russia stated:

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<sup>124</sup>.Constable, *Romance on a Global Stage*, 163–64.

<sup>125</sup>.Simons, “Marriage, Migration, and Markets,” 82. See also Johnson, *Dreaming of a Mail-Order Husband*, 21 (noting that “as different as the women are they do have one thing in common: the longing for a better future and the belief that having a husband and family is an important component of that future.”).

<sup>126</sup>.Simons, “Marriage, Migration, and Markets,” 130.

<sup>127</sup>.Visson, *Wedded Strangers*, 218.

Everyone knows that life in America is much better than here in Russia. Even poor people there have cars, houses and color TVs. And there is always plenty of food to eat. But the most wonderful thing about America is the men. They're much more handsome than Russian men. They don't have gold fillings or rotten teeth like all my old boyfriends. And they don't boss you around and treat you like you're their slave. I dream every night of going to the United States, marrying a handsome man and having children. I can't wait to go. As soon as I find the right man I am going to apply for an exit visa.<sup>128</sup>

Both Tanya and Olga's statements make clear that part of their reason for seeking an American husband is the belief that American men treat their wives with greater respect than Russian men. Moreover, this belief is not limited to Russian women; other foreign women also express these sentiments. For example, Filipina mail order brides often describe American men as knowing how to "take care of" their wives and describing them as less likely to have an affair and more likely to allow their wives social freedom than Filipino men.<sup>129</sup> Similarly, Chinese mail order brides describe Western men as "more open-minded and less controlling" than Chinese husbands.<sup>130</sup>

While some of the above descriptions may be overly rosy, they undeniably demonstrate that foreign women view mail order marriage as a way to achieve respect

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<sup>128</sup> Ibid at 51-52.

<sup>129</sup> Constable, *Romance on a Global Stage*, 134.

<sup>130</sup> Ibid., 134.



and equality in their marriages and not as a desperate and reckless choice. In fact many brides bristle at the suggestion they are seeking such marriages out of desperation. A Filipino woman, named Mary Beth, provided the following explanation of her motivations for seeking a mail order marriage and her frustration with the victim stereotypes. She said:

I was aware of pen pal clubs, but had not thought to use one myself until I met an American man in Manila who had come to meet his girlfriend. We became friends and he encouraged me to try this way of meeting someone. I was suspicious at first. I had heard reports and comments of people who assumed you had to be desperate to do this. I didn't consider myself desperate. I had a good job. I didn't need to get married or seek better opportunities elsewhere.<sup>131</sup>

Professor Constable book *Romance on a Global Stage* similarly refutes this stereotype of the “desperate” mail order bride. In the book, Constable describes a fabulous dinner she had in 1999 with two potential Chinese mail order brides noting that “after a feast of jiaozi (dumplings), the conversation moved smoothly from Beethoven and Bach to Elizabeth Taylor’s latest marriage, Prince William, the trade accord, the pros and cons of hormone therapy for menopause, and the election of Taiwan’s new president.”<sup>132</sup> This anecdote was just one of many that Constable used to show how

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131.Ibid., 83.

132.Ibid., 163.

modern mail order bride are often a far cry from the commonly depicted sad and desperate woman.

### *Marriage for Sale*

One final objection to mail order marriage is the belief that it commodifies something that should not be commodified, and that in doing so it exploits women. As marriage historian Nancy Cott has written, “American rhetoric and popular culture. . . . Put love and money on opposite sides of the street. Mercenary or cold-blooded motives for marrying [are] labeled crass, unethical, and destined for disastrous fate.”<sup>133</sup> According to Cott, Americans view the love aspect of marriage as not only essential, but almost divine, and she notes that modern beliefs about marriage hold that “only through some ‘mysterious attraction’ that ‘just happens’ [are] young people supposed to find each other.” She further adds, that Americans view “romance and marriage [as] something which, like the religion, must be believed in to hold society together.”<sup>134</sup>

In contrast, to this idealized “love match,” mail order marriages do not “just happen.” Most mail order brides see these relationships as a bargained for exchange and are quite open about that fact that financial considerations played a role in their

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<sup>133</sup>Cott, *Public Vows*, 150. The irony is that it was only women’s, and to some extent men’s increased financial independence that made it possible to remove the monetary consideration from marital choice. The rise of factory work allowed working class men and women more control over their lives and their wages gave them freedom from parental control. Abbott, *The History of Marriage* at 103.

<sup>134</sup>*Ibid.*, 150.

decision.<sup>135</sup> This aspect of mail order marriages, however, is unsettling to many Americans and undercuts the American belief in the superiority of romantic marriage.<sup>136</sup> This was not always the case. Well into the 19<sup>th</sup> century, the romanticization of marriage continued to be treated with concern. Novels, which provided fictionalized accounts of marriage, were seen as harming young women by encouraging unrealistic expectations of marriage. For example, in the 1857 marriage manual, *The Young Lady's Counselor*, the Reverend Daniel Wise, expressed dismay regarding the "multitude of [young women] who form their notion of love and marriage from sickly novels, from theatrical performance and from flippant conversations."<sup>137</sup> The English Domestic Advisor Sarah Ellis reached a similar conclusion. According to Ellis women need to check their expectations regarding marriage and a wife should "place herself, instead of running the risk of being placed, in a secondary position."<sup>138</sup>

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<sup>135</sup> Jane Austen wrote some of the most enduring romantic novel and is famous for saying "[a]nything is to preferred or endured rather than marrying without affection." At the same time, she also noted that "single women have a dreadful propensity for being poor—which is one very strong argument in favour of matrimony.) Abbott at 83-84

<sup>136</sup> according to Stephanie Coontz, love was often seen as the increasing marital equality. For example Nathaniel Hawthorne declared to his wife that although he expected his wife Sophia to follow his guidance and do his bidding, "I possess this power only so far as I love you." Coontz at 181

<sup>137</sup> Rev. Daniel Wise, *The Young Lady's Counselor, or, The Sphere of Duties and the Dangers of Young Women* (1857), p. 232.

<sup>138</sup> Coontz at 187

Despite such objections, these romantic ideals took hold.<sup>139</sup> Americans continue to idealize romantic marriage. However, with a divorce rate hovering around 50 percent, there is reason to question the preference for romantic marriage. Robert Epstein, former editor of *Psychology Today* published a controversial editorial in 2002 arguing that it is the idealization of the love marriage that prevents happy marriages. According to Epstein, the American “love marriage” based on physical attraction and romance is “really, really horrible.”<sup>140</sup>

, particularly given the fact that the commodification of care-giving relationships does not hurt either the quality or the sincerity of the care and it tends to greatly benefit female caregivers.<sup>141</sup> As Dartmouth professor Deborah Stone has argued, the exchange of money does not stop the growth of love. Stone notes that study after study of nursing home aides, home health aides, childcare workers, nannies, and au pairs demonstrates that despite the fact they were paid to care for strangers, women in these professions commonly formed a bond with their clients and quickly came to consider them family.<sup>142</sup>

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<sup>139</sup> At the same time, it should be noted that it is really only very recently that love became the number one consideration. See Coontz, *Marriage A History*, 186 (noting that “Not until the late twentieth century did a majority of women tell pollsters that love outweighed all other considerations in choosing a partner.”)

<sup>140</sup> *Marriage Confidential* at 12 (instead he proposed as love contact and the idea of learning to love each other through counseling and demonstrated strong approval for arranged marriages)

141. Deborah Stone, “For Love nor Money: The Commodification of Care,” in *Rethinking Commodification: Cases and Readings in Law and Culture*, ed. Martha M. Ertman and Joan C. Williams (New York: New York University Press, 2005), 273.

142. *Ibid.*, 275 For example, it is quite common for nannies and other childcare workers to describe themselves as being like a second mom to the kids they care for. According to one such provider, “these

Conversations with mail order brides also demonstrate that financial considerations do not preclude the formation of true, loving bonds. As Masha, the Russian woman who married Paul explained, her first consideration in becoming a mail order bride was to secure a decent life for her child and she was willing to give “love” to whoever could provide this for her and her son. Masha stated, “The way I fe[lt] about Paul is this: you’re giving me a decent life for myself and my child, and so I’m giving you love. After all, what I was thinking about back in Kharkov wasn’t where can I find love but will I have money today to buy bread for my child?”<sup>143</sup> At the same time, however, after living with Paul in America, it is clear this bargain also facilitated genuine affection. Asked whether she loved Paul, Masha replied, “How can I not love a man who’s being so kind to me and my child?”<sup>144</sup>

The fact that Masha is a single mother is significant. A large proportion of mail order brides are divorced women with children. Like Masha, many of these women are specifically looking to better the lives of their children but in Russia, single mothers are stigmatized. Russia (as compared with other eastern European countries) has the largest proportion of single-mother households yet, having children from a previous marriage significantly lowers a Russian woman’s chance for remarriage. In her book, *Dreaming of a Mail Order Husband*, gender researcher Ericka Johnson, interviewed dozens of potential Russian mail order brides noted that she “was a little surprised how categorical

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children, they are so close to you. You’re like a second mom to them. And you being there when they come home after school—you listen to the different little things they want to talk with you about. It becomes a personal thing, where, you know, they can’t get to mom right away. But they can get to you.” Ibid.

143.Ibid., 231.

144.Visson, *Wedded Strangers*, 231.

the women were in their characterizations of Russian men as uninterested in older women with children (and by older I mean mid-twenties).”<sup>145</sup> In contrast, Johnson found that the American men seeking mail order brides were also often divorced and looking for a “loving mother to [their] children” and quite happy to marry a woman who had already proven her interest in motherhood.<sup>146</sup>

As the marriage between Masha and Paul shows, the exchange of care and affection in return for money, security, and a decent lifestyle is often explicit in mail order marriages, but this arrangement does not preclude the development of love. In addition, despite American aversion to these arrangements, the commodification of marriage can actually create more egalitarian marriages. In fact, a number of feminist scholars have even argued that it is the failure to commodify marriage that actually creates the greatest harm to women.<sup>147</sup> According to these scholars, it is our modern concept of marriage, which encourages women to provide their services for free, that devalues women and the work they do in marriage.<sup>148</sup> As Professor Robin West has

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<sup>145</sup> Johnson, *Dreaming of a Mail-Order Husband*, 52.

<sup>146</sup> *Ibid.*, 61.

<sup>147</sup> It can also help men, as many of these examples have shown, the men often benefited from their wives wages and financial management. In part, it was the romanticization of marriage and the rise of the cult of domesticity which devalue men and marriages in which the husband could not conform to the middle class idea of the male provider. As Stephanie Coontz notes, “In earlier generations, a man’s wife who worked for pay could call on positive images of marriage as a union of yoke mates, or proudly see himself as the head of the family workforce.” It was only after the Victorian idealization of the romantic marriage that such a husband was seen as having “lost his manhood.” *Marriage, a History* at 188.

<sup>148</sup> See Margaret Jane Radin, “Contested Commodities,” in *Rethinking Commodification: Cases and Readings in Law and Culture*, ed. Martha M. Ertman and Joan C. Williams (New York: New York

written, by encouraging wives to work for free, we are encouraging a woman to think of herself “as the conduit for the pleasures of *others*, rather than [] acting toward the maximization of her own.”<sup>149</sup> West notes that “a woman who routinely performs harmful altruistic acts” (acts where they consistently put the needs of others before their own), “loses the sense of *integrity* necessary to maintain their own . . . individualism.”<sup>150</sup> According to West, there is no reason why the family *should* be any more altruistic than the marketplace, particularly when this altruism harms women.<sup>151</sup> Mail order marriages avoid these harms. Unlike conventional marriages, mail order relationships are often explicit exchanges. Therefore, according to West’s analysis, they may actually be more beneficial to women than the idealized, romantic marriage. A mail order bride who makes her sacrifices and performs caregiving for her husband and family as part of a contractual understanding is empowered by her actions in a way the “loving” altruistic wife is not.<sup>152</sup> As Svetlana, a potential Russian bride from Moscow noted,

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University Press, 2005), 89 (likening marriage to prostitution, but noting that wives, unlike prostitutes, don’t realize they’re selling their sexual services. Women in such relationships, try to “understand what they are doing is giving, as equal sharing, while their sexuality is actually being taken from them.”).

149.Robin West, *Caring for Justice* (New York: New York University Press, 1999), 120.

150.Ibid.

151.Ibid., 122 (explaining that families are more altruistic in the marketplace in large part because “women behave more altruistically than men within families”).

152.For example, feminist scholar Martha Nussbaum has argued that the real question is how to expand the options and opportunities for women workers. She is also focused on how to “increase the humanity inherent in their work and how to guarantee that workers of all sorts are treated with dignity.”

Consequently, Nussbaum has argued that if prostitution increases options for women and provides them with more dignified opportunities than other types of work, it should be favored. A similar argument can be

“Love has become a luxury. . . . I’ll be old and gray before we (Russian women) can afford love.”<sup>153</sup> Encouraging women like Svetlana to wait for “love” may be the least helpful thing we can do.

## Mail Order Feminism

Marriage in the 1950s was treated as the be-all and end-all of a woman’s life.<sup>154</sup> However, as feminist historians have persuasively demonstrated, this idealization of marriage created incredible stressors and deep unhappiness for many women. When the popular women’s magazine *McCall’s*, ran an article in 1956, titled “The Mother Who Ran Away,” it was the most widely read article in the magazine history. “It was our moment of truth,” said a former editor, “we suddenly realized that all those women at home with their three and a half children were miserably unhappy.”<sup>155</sup> Similarly when *Redbook* ran an article asking readers to explain “Why Young Mothers Feel Trapped,” they got 24,000 replies.<sup>156</sup>

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made with mail order marriage. Such marriages have the potential to increase opportunities for women by providing them with the means of financial remuneration for their work as a housewife. The problem as Nussbaum would see it, is not in the sale of their marriage or wifely services, but guaranteeing their dignity and protection. Martha Nussbaum, “Taking Money for Bodily Service,” in *Rethinking Commodification: Cases and Readings in Law and Culture*, eds. Martha M. Ertman & Joan C. Williams (New York: New York University Press, 2005), 24447.

<sup>153</sup>Visson, *Wedded Strangers*, 57.

<sup>154</sup>Coontz, *Marriage, a History*, 227

<sup>155</sup>Betty Friedan, *The Feminine Mystique* (New York: W. W. Norton, 1963).

<sup>156</sup>Coontz, *Marriage, a History*, 242.



By the 1960s, it had become clear that the marriage model of the male breadwinner and female homemaker was not working and that marriage was not providing the promised path to personal happiness.<sup>157</sup> Women, in particular, began to rethink their desire and expectations for marriage. They started postponing marriage to complete college or to establish careers; they used the pill to control their child bearing and commit more of their lives to work; and they fought for and won greater legal and civil rights.<sup>158</sup> During this same period, women also began to reform marriage and the traditional roles of husband and wife. The ideal marriage was slowly transformed from the traditional male-headed household into the modern association of two, equal individuals.

Initially, the idea of marriage as an equal partnership was radical. In 1972, feminist Alix Kates Shulman's marriage and the contract she created with her husband, guaranteeing that "each had equal right to his/her own time, work, values, and choices" was considered so astounding, that it became the subject of a cover story in *Life* magazine. Then, barely six years later, the idea of marital equality had become so widely accepted that mainstream periodicals, like *Glamour Magazine*, began running articles on how to write your own marriage contract.<sup>159</sup> Within a generation, the American marital

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<sup>157</sup>.Ibid., 250.

<sup>158</sup>.For example, in 1972, Title IX of the Education Act was passed, prohibiting sex discrimination in any program receiving federal aid; in 1973, *Roe v. Wade* was decided, recognizing women's right to abortion; and in 1975, it was no longer legal to require a married woman to have her husband's written permission in order to get a loan or credit card.

<sup>159</sup>.Coontz, *Marriage, a History*, 255.

landscape had changed drastically.<sup>160</sup> The age of marriage rose, birthrates fell, and the divorce rate more than doubled.<sup>161</sup> Women gained greater access to legal rights, education, birth control, and decent jobs,<sup>162</sup> and they rejected the 1950s model of marriage as exploitative and oppressive.

As a result of these changes, most Americans now take for granted that marriage should be based on both love and equality, and they assume marriages deviating from this structure and formed for any other reasons, particularly monetary considerations, are problematic. Consequently, the reemergence of mail order marriage, the very name of which implies the commodification of women, is viewed with rising alarm.

### ***Modern Mail Order Brides***

In the summer of 2009, *Glamour Magazine* ran an article about Lera Loeb, a Ukrainian mail order bride married to American music producer Steve Loeb.<sup>163</sup> Lera was 21 and Steve was 44 when they met. According to Lera, the two had an instant connection. “I didn’t expect to find love when I signed up with the agency, but I did,” said Lera. “I feel very, very lucky.” However, not everyone was so enamored with their relationship. Lera noted that she was shocked by the criticism and hostility directed at her marriage. She explained that in Russia, there is no stigma attached to mail order marriages. “In my part of the world, in Russia, that’s considered cool if you marry a foreigner. That’s every

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<sup>160</sup>.Ibid., 254.

<sup>161</sup>.Ibid.

<sup>162</sup>.Ibid., 265.

<sup>163</sup>.Lera Loeb, “Yes, This Woman Is a ‘Mail Order Bride,’” *Glamour Magazine*, June 1, 2006 (describing her marriage).

girl's dream."<sup>164</sup> In America however, the reaction was quite different. According to Lera,

[m]ost people never think of a 27-year-old career woman like me when they hear the words *mail-order bride*. They imagine someone who doesn't speak English, who's been shipped in, like property, to be subservient to her husband. "Are you allowed to go out on your own?" an acquaintance once asked me. Another person wanted to know whether I had a curfew—seriously. If someone associates me with those kinds of stereotypes, Steve and I both get upset, because it's degrading. But I try not to take it too personally."<sup>165</sup>

These types of reactions have made Lera defensive about her marriage and she has tried to deflect the criticisms by embracing the label "mail order bride." In fact, if you Google "Lera Loeb," mail order bride is the top hit. "I say it as a joke," says Lera. "It's sort of super ironic. That's the attitude I've developed to it."

The negative reactions described by Lera are not unusual. Americans are extremely hostile toward the idea of of mail order relationships and the comments posted in response to the article on Lera clearly demonstrate the widespread discomfort many Americans feel about these marriages. Although Lera stated that she was extremely

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<sup>164</sup> New York's Most Famous Mail Order Bride May Conquer All Media, Gawker.com, Dec., 10, 2009.

<sup>165</sup> Lera Loeb, "Yes, This Woman Is a 'Mail Order Bride,'" *Glamour Magazine*, June 1, 2006 (describing her marriage).

happy in her relationship and felt very lucky to have married Steve, many readers were still unable to view her as anything other than an abused and exploited woman. For example, one reader wrote, “This guy [her husband] just bought himself a \$20,000 pet. She’s probably extremely docile, submissive and attentive. She probably has no say on any facet of their lives. Just stand there and be pretty.” Similarly, another reader wrote “Aren’t the men who use this ‘service’ really just looking for a woman that they can isolate and control and who better than a young foreign woman with no friends or family here? The women who sign up for this bother me too but the men positively disgust me.”<sup>166</sup>

The hostility and unease revealed in these comments is pervasive and not confined to internet postings. For example, in her book *Wedded Strangers*, Dr. Lynn Visson recounts the typical responses she received when she asked women’s groups for their views on American men seeking mail order marriages. The women responded with comments such as “it’s the dream of being the all-provider” and “it’s not normal love interest that’s driving them, it’s fantasy.”<sup>167</sup> Newspaper and magazine articles also routinely disparage these marriages, calling the women “desperate” and the men “losers” or, as the *St. Petersburg Times* put it, “stiffs, weirdos, and those who drink too much”<sup>168</sup> Fictional portrayals of men and women in these relationships are similarly unflattering. In

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<sup>166</sup>Adrian Chen, “New York’s Most Famous Mail-Order Bride May Conquer All Media,” *Gawker*, December 10, 2009, 10:27 pm, <http://gawker.com/5423895/new-yorks-most-famous-mail+order-bride-may-conquer-all-media>.

<sup>167</sup>Lynn Visson, *Wedded Strangers: The Challenges of Russian-American Marriages* (New York: Hippocrene Books, 1998), 209.

<sup>168</sup>*Ibid.*, 209.

the open call ad for the “husband” in the indie feature *Mail Order Bride*, the desired candidate was described as “35–45, white male, imperfections a plus, overweight, bald, etc.”<sup>169</sup> However, the most damning critique of these relationships is not that the men are “losers” but that they are actually using mail order marriage to find women to abuse or traffick.

### ***Mail Order Abuse***

One of the most widely cited sources for the proposition that mail order marriage encourages abuse is the book, *Mail Order Brides: Women for Sale*, written by Mila Glodava and Richard Onizuka. In this book, Glodava recounts her experiences working with mail order brides who were victims of domestic violence. Based on these experiences, Glodava and Onizuka concluded that, “those who have used the mail-order bride route to find a mate have control in mind more than a loving and enduring relationship.”<sup>170</sup> However, as anthropology professor Nicole Constable noted in her

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169.*BackStage*, vol. 4, issue 7, February 18, 2000. <http://business.highbeam.com/articles/3907/back-stage/february-2000/page-10>

170.Mila Glodava and Richard Onizuka, *Mail Order Brides: Women for Sale* (Fort Collins, CO: Alaken, 1994), 26. Glodava wrote the book based on her experiences with 30 mail order brides. After concluding that the majority of mail order brides were in exploitative and abusive relationships, she created the Mail Order Bride Legal Aid Fund, with support from the Asian Pacific Development Fund, to help free mail order brides from abusive relationships. This book is part of her advocacy work on behalf of mail order brides. She teamed up with Richard Onizuka, the former clinical director of the Asian/Pacific Center for Human Development to write the book. She hoped that together, they would fill in the “sketchy and incomplete” information people have regarding mail order marriages. *Ibid.*, xiii.

book *Romance on a Global Stage*<sup>171</sup>, there are many problems with *Women for Sale*. One problem is definitional. Glodova and Onikuza include within the term “mail order bride,” women who were introduced through friends or relatives and, thus, fall outside the traditional definition of a mail order bride. A second and much larger problem, however, is the fact that they include little support for their accusations beyond their blanket assumption that men who want to be “head of the household,” something many men seeking mail order brides claim to want, will enforce this desire “with fists.”<sup>172</sup>

Other mail order marriage critics also fail to provide evidence for their abuse claims.<sup>173</sup> For example, the Tahirih Justice Center which advocates on behalf of immigrant women and is extremely opposed to mail order marriage, describes men seeking mail order brides as “predators” and strongly warns women to avoid these marriages and reverse the “growing number of matches [] made between foreign women and abusive U.S. men.”<sup>174</sup> However, like Glodava and Onizuka, the Center provides little support for its abuse claims. In fact, despite its statements that many mail order brides are abused, it acknowledges on its website, under the inflammatory heading “How Widespread Is this Abuse?,” that there are “no national statistics reflecting what the

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<sup>171</sup> Nicole Constable, *Romance on a Global Stage: Pen Pals, Virtual Ethnography, and “Mail Order” Marriages* (Oakland, CA: University of California Press, 2003),

172. *Ibid.*, 79.

173. See, e.g., Vanessa B. M. Vergara, “Abusive Mail-Order Bride Marriage and the Thirteenth Amendment,” *Northwestern University Law Review* 94, no. 4 (2000): 1547.

174. *Frequently Asked Questions: International Marriage Broker Regulation Act of 2005*, Tahirih Justice Center, <http://www.tahirih.org/site/wp-content/uploads/2009/03/FAQs-IMBRA-11.08.10.pdf>.

prevalence of abuse is in brokered marriages.”<sup>175</sup> More accurately, there are no statistics indicating that this form of introduction, marriage brokers, pen pal clubs, etc., increases the risk of abuse at all.<sup>176</sup> As doctoral student, Lisa Simmons discovered during her research on mail order brides, most of the citations for this abuse claim actually stem

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<sup>175</sup>.Ibid., 2.

<sup>176</sup>.In fact, the studies that have been conducted reveal that mail order marriages result in the same or slightly higher levels of marital satisfaction as traditional marriages. See Lisa Anne Simons. “Marriage, Migration, and Markets: International Matchmaking and International Feminism.” PhD diss., University of Denver, 2001, 6, 16, <http://usaimmigrationattorney.com/images/MarriageMigrationMarkets.pdf> (citing a study of 163 Asian mail order brides that revealed moderately high levels of marital satisfaction). See also Sims, “A Comparison of Laws,” 23–24, 59 (noting studies of Filipino-Australian marriages show that these marriages are “no more prone to marital discord than any other marriage” and actually have a divorce rate at or lower than the national Australian average; also citing a nine-month study by the Swedish ombudsman, concluding that the mail order bride business was neither unethical nor unlawful.). See also Kerry Abrams, “Immigration Law and the Regulation of Marriage,” *Minnesota Law Review* 91 (2007): 1654 (noting that the “scant” data on the types of men who use these matchmaking services).

from one of two newspaper articles from the 1980s, containing no statistical research,<sup>177</sup> or they are based on studies regarding domestic violence in general.<sup>178</sup>

**Comment [A1]:** I think it's fine, there are numerous citations to it in books, see eg **Kant and Applied Ethics: The Uses and Limits of Kant's Practical Philosophy**  
By Matthew C. Altman

### ***Immigrant Women and Abuse***

Mail order marriage is not without risk. In 1995, and then again in 2002, two mail order brides were murdered in Washington state.<sup>179</sup> Their murders appeared to highlight the

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177.Simons“Marriage, Migration, and Markets,” 20, 77 (noting that most scholarly articles claiming high levels of abuse cite to journalists). I myself, contributed to this trend. In May 2012, I wrote an article for the *New Republic* magazine in which I supported my assertion that these relationships have higher levels of abuse by citing the U.S. Governmental Report on matchmaking, which in turn cited a newspaper article, “The Blossoming Business of Imported Love” (John Krich, “The Blossoming Business of Imported Love: Here Come the Brides,” *Mother Jones* (February–March 1986); 37. See also Marcia Zug, *The Latest Victim of GOP Intransigence?* *The New Republic*, May 17, 2012,

<http://www.newrepublic.com/article/politics/103338/vawa-brides-violence-women-adams>

178.In her dissertation, Simons summarizes a government study on mail order brides stating that the “Findings of the report indicate that these concerns—fraud and abuse—are *not significantly tied to matchmaking* as a form of immigration. The report contains anecdotal evidence of problems but no firm data are supplied to substantiate these generalizations. The report cites figures of unspecified origin and unrepresentative sample data and then bases estimates (and thus policy) on them. The study gives statistics on domestic violence in the U.S. in general, and then makes an assumption that foreign-born women who met men through an IMO [International Matchmaking Organization] are more likely to be abused. The further assumption is that U.S. men searching for foreign wives are more likely to be abusive or controlling. This is unsupported . . . .” *Ibid.*, 39–40,

<http://usaimmigrationattorney.com/images/MarriageMigrationMarkets.pdf>

<sup>179</sup> There were, however, two highly publicized murders of mail order brides in Washington State. See Roxanne Sims, “A Comparison of the Laws in the Philippines, the U.S.A., and Belarus to Regulate the Mail-Order Bride Industry,” *Akron Law Review* 42 (2009): 607 (describing the 1995 murder of Susana



particular vulnerability of mail order brides and served as the catalyst for subsequent legal reforms. However, despite the widespread perception of abuse that led to these reforms, it is not at all clear that mail order marriage increases a foreign woman's risk of abuse. In fact, because mail order brides immigrate legally, they are probably less likely to face abuse than many other foreign wives.

Studies show that immigrant women are more likely to be victims of abuse than non-immigrant women, and that the risk of abuse is even greater for married immigrant women.<sup>180</sup> At the same time, this fact has little bearing on whether mail order marriage in particular makes a foreign woman likely to experience abuse. Documented and

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Blackwell, a Filipina mail order bride, and the 2002 murder of Anastasia King, a mail order bride from Kyrgyzstan).

180. For example, a study of intimate partner homicide in New York found 51 percent of intimate partner homicide victims were foreign born, while 45 percent were born in the United States. New York City Department of Health and Mental Hygiene, *Femicide in New York City: 1995-2002* (2004), [http://www.nyc.gov/html/doh/downloads/pdf/ip/femicide1995-2002\\_report.pdf](http://www.nyc.gov/html/doh/downloads/pdf/ip/femicide1995-2002_report.pdf). See also, National Coalition Against Domestic Violence, *Immigrant Victims of Domestic Violence*,

[http://www.learningtoendabuse.ca/sites/default/files/dv\\_immigrantvictims.pdf](http://www.learningtoendabuse.ca/sites/default/files/dv_immigrantvictims.pdf),

[https://www.futureswithoutviolence.org/userfiles/file/Children\\_and\\_Families/Immigrant.pdf](https://www.futureswithoutviolence.org/userfiles/file/Children_and_Families/Immigrant.pdf). In addition, this abuse also appears to be worse for married immigrant women. According to studies, 59.5 percent of married immigrant women experience abuse compared to 49.8 percent of unmarried immigrant women. See Mary Dutton et al., "Characteristics of Help-Seeking Behaviors, Resources, and Services Needs of Battered Immigrant Latinas: Legal and Policy Implications," *Georgetown Journal on Poverty Law and Policy* 7 (2000): 245, [http://niwaplibrary.wcl.american.edu/cultural-competency/research-publications/CULTCOMP\\_Georgetown-Imm-Victim-Helpseeking2000.pdf](http://niwaplibrary.wcl.american.edu/cultural-competency/research-publications/CULTCOMP_Georgetown-Imm-Victim-Helpseeking2000.pdf)

undocumented wives maintain a vastly different position relative to each other. <sup>181</sup> Mail order brides, by definition, enter the country legally. <sup>182</sup> Most mail order brides

**Comment [A2]:** Here's the link <http://www.tahirih.org/site/wp-content/uploads/2009/03/FAQs-IMBRA-11.08.10.pdf>

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181. Giselle Aguilar Hass, Nawal Ammar, and Leslye Orloff, "Battered Immigrants and U.S. Citizen Spouses," *Legal Momentum* (April, 24, 2006) (discussing the role of dependency on likelihood of abuse). Tahirih Justice Center used this study to support its claim regarding higher rates of abuse for mail order brides stating that "because only US citizens are entitled to sponsor foreign fiancé(e)s/spouses for K1/K3 visas, the two typical routes for women who meet men through IMBs to come to the United States, it is reasonable to expect that abuse rates in marriages between US citizens and immigrant women generally would be indicative of abuse rates in marriages between US citizen/IMB's US male clients and immigrant women/IMB's foreign female clients specifically." See <http://www.tahirih.org/site/wp-content/uploads/2009/03/FAQs-IMBRA-11.08.10.pdf>

182. My argument that American immigration law protects mail order brides from abuse is bolstered by the fact that higher levels of mail order bride abuse is seen in countries that do not afford these women similar immigration/citizenship protections. For example, a report compiled by Norwegian women's shelters indicated that compared to their number in the overall population, mail order brides "were overrepresented as shelter residents." Maria Eriksson et al., eds., *Tackling Men's Violence in Families, Nordic Issues and Dilemmas* (Bristol: Policy Press, University of Bristol, 2005), 94. However, a mail order bride's status under Norwegian law is quite different than that of an American mail order bride.

Under Norwegian law, foreign spouses lose their residency permits if they divorce. Moreover, the foreign spouse must physically live with her husband for three years, and during these three years the couple must annually fill out a form attesting to the fact they are living together. In addition, it is very difficult for foreign wives to get work permits, which makes them financially dependent on their husbands. Critics of Norwegian immigration law note that "Norwegian immigration policies make[] the marriage contract such an unequal structure for . . . immigrants. The rules surrounding the marriage contract construct [foreign] women as dependent, and as dependents they cannot be equal citizens." Bjørn Hvinden, and Håkan Johansson, eds., *Citizenship in Nordic Welfare States: Dynamics of Choice, Duties and Participation in a Changing Europe* (2007), 115–17.

immigrate to the United States on Fiancée or K-1 visas,<sup>183</sup> which permit them to enter the United States and then stay for ninety days while determining whether to marry or return home.. This ninety-day period provides potential brides with a chance to spend time with their fiancé and learn about his life and community before deciding whether to marry. Then, after the woman is married, she becomes a two year conditional resident with all the rights and privileges of residency.<sup>184</sup> Conditional residents can work, drive, and attend school. As a result, as soon as a mail order bride marries, she can earn her own money, have her own friends, learn English, get a job and travel, all without worrying about deportation. Then, after two years, she is eligible to have her conditional residency status changed to permanent residency. Then, once she is a permanent resident, her immigration status is no longer conditional on her marriage and she cannot be deported even if her marriage ends.<sup>185</sup>

In contrast, undocumented foreign wives face a very different situation and, consequently, a much greater likelihood of abuse. Undocumented women who enter the country illegally remain subject to deportation regardless of subsequent marriage to an

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<sup>183</sup>Immigration and Nationality Act of 1952, § 101(a)(15)(K)(i), 8 U.S.C. § 1101(a)(15)(K)(i) (2000), <http://www.uscis.gov/iframe/ilink/docView/SLB/HTML/SLB/act.html>.

<sup>184</sup>A conditional resident has the right to work, to travel abroad, and to reenter the country. See 8 Code of Federal Regulations § 216.1 (2008) (“The rights, privileges, responsibilities and duties which apply to all other lawful permanent residents, apply equally to conditional permanent residents . . .”).

<sup>185</sup>Specifically, she cannot be deported for ending her marriage. Until she has full citizenship she can still be deported for certain crimes etc.

American citizen.<sup>186</sup> Under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, all undocumented immigrants are eligible for deportation. In addition, those who have been in the United States for more than one year may be subject to a ten-year ban on re-entry.<sup>187</sup> Thus, despite marriage to an American citizen, undocumented wives are still forced to live with the constant fear of deportation and the

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<sup>186</sup>Pub. L. No. 104-208 § 301, 110 Stat. 3009-546 (1996), which was codified at 8 U.S.C.A.

§ 1182(a)(9)(B) (Westlaw 2008). See also See Daniel González, “U.S. Immigration Law Drives Husband, Wife Apart: U.S. Man’s Mexican Wife Forced to Leave Country,” *Arizona Republic*, February 17, 2008, <http://www.azcentral.com/news/articles/0217illegalbride0217.html>; see also Wendy Koch, “‘Mixed Status’ Tears Apart Families,” *USA Today*, April 25, 2006, A3, [http://www.usatoday.com/news/nation/2006-04-25-mixed-status\\_x.htm](http://www.usatoday.com/news/nation/2006-04-25-mixed-status_x.htm); Cindy Gonzalez, “A Family Broken at the Border,” *Omaha World Herald*, December 17, 2007, <http://www.detentionwatchnetwork.org/node/502>.

<sup>187</sup>Individuals who entered the country without a valid visa will not be able to apply for a green card without returning to their home country first, regardless of their marriage to a U.S. citizen. Once such individuals have left the country, those who were in the United States for more than 180 days will face a multi-year bar on re-entry. There has, however, been a slight improvement. On March 4, 2013 USCIS began allowing immigrants, whose only ground of inadmissibility is unlawful presence, to apply for a waiver of this ground while still in the United States. Previously, applicants had to leave the United States and face the bar on re-entry without knowing if the bar on re-entry would be waived.

The recent change is a clear improvement, yet, the number of people eligible is still quite limited. First, unlawful presence must be the only inadmissibility ground. Second, and more problematic, the applicant must be able to demonstrate that the U.S. citizen spouse would experience “extreme hardship” if the waiver is not granted. This is a difficult standard. It is not enough to simply show that the citizen spouse will miss the alien. The strongest arguments are those based on a serious medical condition that they are the citizen’s main caregiver or the alien would be returning to a country in a state of active war or political upheaval. Common results of separation, such as family separation and financial hardship, are typically insufficient.

potential separation from their children. Furthermore, because any attempts to seek employment, education or a social network could reveal their immigration status and threaten their ability to stay in the United States, undocumented wives are also likely to be isolated and wary of seeking out government benefits or assistance. Lastly, because such women's undocumented condition has no time limit, deportation remains an ever-present threat. Undocumented wives are thus left isolated, dependent on their husbands and particularly vulnerable to abuse.

### **Violence Against Women Act (VAWA)**

Congress attempted to address the above concerns by passing the 2001 Amendments to the Violence Against Women Act.<sup>188</sup> These amendments permit battered, immigrant wives to self-petition for adjustment of immigration status and also avoid an otherwise applicable ten-year inadmissibility bar. VAWA also provides this right of self-petition to mail order brides. However, although the two groups are given the same protection from abuse, it is undocumented wives who appear to have a much greater need of this protection and this was unexpected.

After enacting the VAWA amendments, Congress specifically asked the Immigration and Naturalization Service to examine the self-petitions made by abused immigrant women in order to determine, “the extent of domestic abuse in mail order marriages.”<sup>189</sup> Mail order brides comprise at least 2 to 4 percent of all foreign

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188.8 U.S.C. § 1154(b)(ii) (2001).

189.INS “Mail Order Bride” Report, *available at*

[http://niwaplibrary.wcl.american.edu/reference/additional-materials/immigration/imbra/research-reports-and data/Mobrept\\_full.pdf/at\\_download/file](http://niwaplibrary.wcl.american.edu/reference/additional-materials/immigration/imbra/research-reports-and data/Mobrept_full.pdf/at_download/file)

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marriages,<sup>190</sup> but the INS found that fewer than one percent of the abuse cases brought to their attention involved women who had met their husbands through mail order bride companies.<sup>191</sup> The results of the INS study contradicted widely held assumptions about mail order marriages, but in other ways, it should not have been a surprise. Although the VAWA self-petition provision protects the two groups in similar ways, undocumented wives and mail order brides hold widely disparate immigration statuses and studies on immigration status and abuse confirm that immigration status can have a substantial effect on the likelihood of a woman seeking help for abuse.

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190. In 1996, the Immigration and Nationality Service estimated that there were between 4,000 and 6,000 mail order marriages per year and that these marriages represented 2.7 to 4.1 percent of all immigration involving female spouses. Robert Scholes, *The Mail Order Bride Industry and its Impact on U.S. Immigration* app. A (1998). Moreover, due to the explosive rise of the internet, these numbers are likely much higher today. For example, the 1998 study conducted by Scholes was an update of a similar study he had conducted two years earlier. In the earlier study Scholes had estimated the number of mail order marriages was around 4,000. Two years later, he revised that number to between 4,000 and 6,000. According to Scholes, this increase was due to the fact that in the two years since he had last conducted his study, the number of foreign women listed with matchmaking organizations had increased from 100,000 in 1996 to 150,000 in 1998. See INS “Mail Order Bride” Report. See also Suzanne Jackson, “To Honor and Obey, Trafficking in ‘Mail-Order Brides,’” *George Washington Law Review* 70 (2002): 475, 493 (noting “the most dramatic growth in the industry occurred with the advent of the internet”).

191. Moreover, the lack of evidence indicating higher rates of abuse for mail order brides is particularly telling given the fact that mail order brides are specifically informed of their right to self-petition in cases of abuse. Interviews with the women demonstrate that even before they immigrate, many mail order brides understand that that domestic violence is illegal in the United States and that there are ways for abuse victims to receive help. Simons “Marriage, Migration, and Markets,” 130 (quoting one mail order bride’s understanding “that in the U.S. if a man hurts a woman there are ways to get help”).

In her work regarding the willingness of battered immigrant women to seek police assistance, American University Professor Leslye Orloff found that the reporting rate for women with stable permanent immigration status was 43.1 percent, that it dropped to 20.8 percent for women who were in the United States legally but on temporary non-immigrant visas and that it dropped to 18.8 percent if the woman was undocumented.<sup>192</sup> Orloff's study did not include K-1 visa holders like mail order brides. However, based on her research, mail order brides (who hold a temporary but legal immigration status) should be more likely to report abuse than undocumented women.<sup>193</sup> Thus, the fact that the Congressional study found such a low rate of self-petitioning by mail order brides suggests that their rates of reporting abuse are substantially lower than that of undocumented immigrant women.<sup>194</sup>

At a minimum, Orloff's study strongly suggests that the rates of abuse experienced by undocumented wives cannot be used to demonstrate the frequency of abuse in mail order marriages. Moreover, the possible reasons for the different reporting rates observed by Orloff further counsel against conflating the experiences of undocumented wives with those of mail order brides. Specifically, many scholars have

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192.Leslye E. Orloff, Mary Ann Dutton, Giselle Aguilar Hass and Nawal Amar, "Battered Immigrant Women's Willingness to Call for Help and Police Response," *University of California Los Angeles Women's Law Journal* 13 (2003): 59 (all of these rates were still substantially lower than the reporting rates for U.S. citizen women).

193.Because those who come over as fiancées have conditional status for two years their immigration is less secure than a Legal Permanent Resident.

194 Orloff's research suggests that legal and relatively stable immigration should make abused mail order brides more likely to report abuse than undocumented women.

suggested that undocumented women are reluctant to report abuse because they live in perpetual fear of deportation and as a result, have a significant distrust of the legal system. These women find it difficult to accept that the same legal system that can force them out of the country, away from their friends and family, is also interested in protecting them from domestic abuse.<sup>195</sup> In contrast, mail order brides enter legally and may therefore be less likely to view the US government with a similar level of suspicion. In fact, mail order brides may even be inclined to trust the government, at least with regard to protection from domestic abuse, given that by the time a mail order bride arrives in the United States, the government will have already demonstrated its commitment to her safety by providing her with information regarding her rights in the case of domestic abuse and a detailed criminal history of her intended spouse.

#### ***International Marriage Broker Regulation Act (IMBRA)***

VAWA protects both undocumented wives and mail order brides, but mail order brides are given additional protections under the 2008 International Marriage Broker Regulation Act (IMBRA). IMBRA protects foreign brides by requiring that all fiancée visa holders be informed of their right to be free of domestic and sexual abuse, and of their right to

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195. See Immigrant & Refugee (I/R) Report and Action Plan: 2007-2009, City of Seattle, 7, June 2007, [https://www.seattle.gov/rsji/immigrants/docs/I&R\\_Report.pdf](https://www.seattle.gov/rsji/immigrants/docs/I&R_Report.pdf) (making this point with regard to the claims of undocumented workers). See also Leigh Goodmark, *A Troubled Marriage: Domestic Violence and the Legal System* (New York: NYU Press, 2011), 72–73 (noting the particular challenges faced by immigrant women, and describing a woman who called the police on her abusive husband and wound up in deportation proceedings).



self-petition in case of abuse. 196 Specifically, the Act obliges U.S. Immigration and Customs Enforcement to give mail order brides an informational booklet outlining the legal rights and resources available to immigrant victims of domestic violence, providing them with information about domestic abuse and sexual assault hotlines, and informing them of the illegality of domestic abuse, child abuse and sexual assault.

In addition, IMBRA also attempts to reduce the likelihood of abuse against mail order brides in particular by requiring matchmaking organizations to provide information on the U.S. citizen client to both the foreign woman and the Department of Homeland Security, before allowing any contact. More precisely, the Act requires international matchmaking organizations to conduct a search of the sex offender public registries<sup>197</sup> and to provide documentation regarding the client's criminal history, including any arrests for alcohol or substance abuse. It also requires the U.S. client to provide a personal history, indicating how many previous marriages were terminated, the dates of the termination, whether the client had previously sponsored any foreign fiancées, the ages of any minor children, and all states and countries he has resided in since he was

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**196.** 8 U.S.C.A. § 1375a(a). A copy of the informational pamphlet, "Rights and Protections for Foreign-Citizen Fiancé(e)s and Spouses of U.S. Citizens and Spouses of Lawful Permanent Residents: Important Pamphlet : For K-1, K-3, IR-1/CR-1, and F2A Immigrant Visa Applicants (International Marriage Broker Regulation Act)" is available at [http://travel.state.gov/visa/temp/pamphlet/pamphlet\\_5725.html](http://travel.state.gov/visa/temp/pamphlet/pamphlet_5725.html). The pamphlet was released in October 2010.

**197.** 8 U.S.C.A. § 1375a(d)(2)(A)(i) (West Supp. 2006).

eighteen years old.<sup>198</sup> Lastly, the Act places a limit on the frequency and number of fiancée visas that can be applied for.<sup>199</sup>

Both IMBRA and VAWA are good laws that seek to prevent the abuse of foreign spouses. However, the fact that these laws specifically single out mail order brides as the foreign wives most in need of protection does not prove these marriages have higher rates of abuse. Instead, these laws simply reveal how widespread the perception of abuse in mail order marriage has become. Unfortunately, this is not the only misconception about mail order marriages. The belief that mail order brides are trafficked women is also pervasive and similarly based on little evidence.

### **Trafficking**

Many of mail order marriage's harshest critics argue that there is no such thing as a consenting mail order bride. According to these objectors, mail order marriage is simply another name for human trafficking. Natalia Khodyreva, a well-known feminist researcher and activist in Russia, espoused this view when she unapologetically described

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<sup>198</sup>8 U.S.C.A. § 1375a(d)(2)(B). It must be noted, however, that years after enactment, many of these requirements still have not been implemented and the most notable problem is the lack of an enforcement mechanism. The Department of State, the Department of Justice, and the Department of Homeland Security have not yet coordinated which will be the responsible agency for investigating and prosecuting agencies that do not comply. See U.S. Government Accountability Office, International Marriage Broker Regulation Act of 2005: "Agencies Have Implemented Some, But Not All of the Act's Requirements" *GAO-08-862* (August 8, 2008): 23–24, <http://www.gao.gov/assets/280/279505.pdf>.

<sup>199</sup>The purpose of this is to reduce the likelihood that mail order marriages can provide men with an easy way to use and abuse multiple women. Violence Against Women Act of 2005, Pub. L. No. 109-162, § 832(a)(1), 119 Stat. 2960, 3066-67 (2006) (codified at 8 U.S.C. § 1184).

all mail order brides as victims and insisted, “all marriage agencies are trafficking women.”<sup>200</sup> When asked for documentation of this “fact,” Khodyreva admitted she had no proof but insisted no proof was needed because it is a well-known fact.<sup>201</sup>

The Cambodian government used similar reasoning to defend its various mail order bride bans. Over the past ten years, thousands of Cambodian women have left the country to become mail order brides for Korean men. In response, Cambodia instituted a number of bans including a prohibition on marriages between Cambodian women and foreign men over fifty; a ban on marriage between Cambodian women and Korean men; and, in 2008, a ban on all foreign marriages.<sup>202</sup> After issuing these bans, the government sent a formal statement to the Korean Embassy explaining that the ban on marriage with Korean men was justified because it would “prevent the trafficking of Cambodian women.”<sup>203</sup> Like Khodyreva, the Cambodian government was unable to distinguish between mail order brides and “traffick[ing] victims”<sup>204</sup> Dr. Shin Hei-soo, a prominent women’s rights activist and representative of the National Movement for the Eradication of Sex Trafficking, noted this problem when she recounted a conversation with a

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200.Simons, “Marriage, Migration, and Markets,” 70.

201.Ibid.

202.This ban was lifted after six months. See Lee Kyung-sook, “To Prevent Human Trafficking, Cambodia Bans International Marriages to Koreans,” March 31, 2010, <http://asiafoundation.org/in-asia/2010/03/31/to-prevent-human-trafficking-cambodia-bans-international-marriages-to-koreans/>. “Cambodia Bans Marriage to Korean Men,” *The Chosunilbo*, March 22, 2010, [http://english.chosun.com/site/data/html\\_dir/2010/03/22/2010032200462.html](http://english.chosun.com/site/data/html_dir/2010/03/22/2010032200462.html).

203.Lee Kyung-sook, “To Prevent Human Trafficking.”

204.Ibid.

Cambodian official in which she was shocked to discover the Cambodian official “viewed [all] marriages to Korean men as trafficking.” Hei-Soo then had to explain to him, that “a marriage through a broker doesn’t mean trafficking.”<sup>205</sup>

In other instances, opponents of mail order marriage conflate the two terms by employing expansive definitions of either trafficking or mail order bride. For example, the Philippine Women Centre of British Columbia is able to include mail order brides within their definition of trafficking by “oppos[ing] any ‘narrow definition’ of trafficking that attempts to isolate ‘abuse and coercion.’”<sup>206</sup> Thus, for the Centre, a woman who is neither abused nor coerced, but who willingly chooses to marry a foreign husband, is still considered trafficked. Similarly, George Washington law professor Suzanne Jackson’s critique of mail order marriages also has this definitional problem. In her work on trafficking victims, Jackson includes foreign prostitutes whom American men are paid “marry” and bring to the United States as “mail order brides.” While these women are certainly trafficking victims, they do not meet any common definition of mail order bride.

In contrast, when the traditional definition of mail order bride is used, specifically the decision of two strangers to marry and form a life together, virtually all research indicates that that mail order brides are not trafficked.<sup>207</sup> For example, studies on

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205.Ibid.

206.Constable, *Romance on a Global Stage*, 64.

207.Some of the disagreement regarding the existence of trafficked mail order brides may stem from different definitions of mail order brides and international matchmaking organizations. As stated in the introduction, I define a mail order bride as a woman who corresponds with a man she does not know in order to arrange a potential marriage Thus, I would consider a mail order bride trafficked if she believed she was arranging a marriage, but was then tricked into prostitution or forced labor in a foreign country. In

Russian trafficking victims show that the trafficking of these women is done through job agencies and tourist firms, not marriage brokers. As Kateryna Levchenko, the director of the anti-trafficking organization La Strada (based in Kiev) notes, “we do not have any evidence that marriage agencies are a major part of trafficking networks.”<sup>208</sup> Similarly, an examination conducted by the Ukrainian government also found no evidence that mail order marriage companies are used to traffick women.<sup>209</sup>

The perception of mail order brides as trafficked is based on opinion rather than proof. Nevertheless, even if most Americans were convinced that mail order brides are neither trafficked nor abused, most would still consider these relationships objectionable. This is unfortunate. As this book has repeatedly shown, mail order marriage has always carried risks and uncertainty, but it has also resulted in the empowerment of women, increased marital equality and population stability. Modern mail order marriages offer similar benefits for those willing to embrace them.

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addition, I would not consider a prostitution ring that simply called itself an IMO (International Marriage Organization) and created a fake marriage website to be “trafficking” mail order brides. Again, I agree that such an organization would be guilty of immigration fraud and human trafficking, but I do not believe it constitutes mail order bride trafficking because no one in that scenario believed they were entering into a legitimate marriage. See Jackson, “To Honor and Obey,” 480 (describing both scenarios as examples of mail order bride trafficking).

<sup>208</sup>Simons, “Marriage, Migration, and Markets,” 70. *See also* Jackson, “To Honor and Obey,” 481 (citing a study conducted by the CIA which criticized IMOs for failure to screen clients and allowing underage women to advertise, but conceding that such companies were not traffickers).

<sup>209</sup>Simons, “Marriage, Migration, and Markets,” 70.

## **Modern Mail Order Marriage**

Historically, mail order marriages were the result of significant gender disparities that created the desire for increased female immigration and the willingness to provide the legal, political, and financial incentives necessary to convince foreign women to immigrate. The factors leading to modern American mail order marriages are similar. The male and female population in the United States is roughly equal. However, the increasing marginalization of many blue-collar and lower middle-class American men is decimating their marriage prospects and encouraging them to consider mail order marriage. At the same time, favorable immigration laws, attractive financial prospects, and a culture of gender equality are encouraging many foreign women to become mail order brides.

## ***The Current Marriage Crisis***

Initially, the idea that American men are seeking mail order brides because there is a shortage of marriageable American women may seem unlikely, since there is no dearth of women in America. In fact, women slightly outnumber men.<sup>210</sup> Nevertheless, gender parity does not mean a wife for every man. For a growing segment of American men, the number of marriageable women, i.e., women willing to marry them, is shrinking drastically. For these men, marriage is becoming more and more elusive. At the same time, the importance of marriage remains significant. For lower middle-class and

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<sup>210</sup>.See U.S. Census Bureau, *2010 Census Briefs: Age and Sex Composition* (2010),

<http://www.census.gov/prod/cen2010/briefs/c2010br-03.pdf>.

working-class families, and men in particular, marriage is often the difference between success and failure.

As Berkeley law professor Melissa Murray has noted, in America, marriage “is the social safety net—or at the very least, the means by which we patch what is left of the disintegrating social safety net.”<sup>211</sup> For many lower-income families, marriage provides access to healthcare, childcare, and a second income. It also means the loss of a job is difficult, not devastating. Moreover, because men are the ones increasingly facing job instability and unemployment, marriage is particularly important for their financial wellbeing.<sup>212</sup> In addition, although the economic benefits of marriage are significant, the social benefits of marriage may be even more important.<sup>213</sup> In America, marriage is

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211. Melissa Murray, “Black Marriage, White People, Red Herrings,” *Michigan Law Review* 111 (2013): 997. See also Pamela Haag, *Unmarriages*, 29 (2011) (noting that “as equality grows within marriages, because we are marrying our equals, inequality grows across marriages—rich marriages get richer and poor marriages get poorer. This subverts the ... narrative as marriage as a route to upward mobility.”)

212. For example, 75 percent of children raised in single-parent homes experience poverty before they turn eleven as compared with only 20 percent of children from two-parent households. See Ralph Richard Banks, *Is Marriage for White People?: How the African American Marriage Decline Affects Everyone* (London: Plume, 2012), 24. In addition, having an involved father produces children who, “tend to be smarter, have better psychological health, do better in school and get better jobs.” Dan Kindlon and Michael Thompson, *Raising Cain: Protecting the Emotional Life of Boys* (New York: Random House, 1999), 98. See also June Carbone and Naomi Cahn, “Is Marriage for Rich Men?,” *Nevada Law Journal* 13 (2012–2013): 401 (noting that “[a]lmost every study indicates that poor couples are better off pooling their resources than fending for themselves, and that, for all but the most violent couples, the children tend to do better if their parents stay together.”).

213. See *United States v. Windsor*, 133 S. Ct. 2884 (2013) (involving the right of the surviving partner in a same sex marriage recognized by the State of New York to avoid substantial estate taxes).

a choice. If you are married, it means someone considers you worthy of marrying. Failure to marry, however, signals the opposite and, increasingly, American women are looking at American men and finding them unworthy. For these men, mail order marriage provides a possible solution.

For years, journalists, commentators, politicians, and pundits have been discussing America's "marriage crisis." Marriage rates are plummeting. In 1960, 72 percent of Americans were married, now it is less than 50 percent.<sup>214</sup> At the same time, cohabitation rates are sky-rocketing. Modern couples are fifteen times more likely to live together outside of marriage than they were back in 1960 and almost half of these cohabitating couples include children. Nevertheless, the decline in marriage is not the same as a decline in the desire to marry. A study by the Pew Research Center found that although forty percent of unmarried adults believe marriage is obsolete, half of these participants still stated they wished to marry.<sup>215</sup> These men and women understand that,

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214. D'Vera Cohn et al., *Barely Half of U.S. Adults Are Married—A Record Low* (Washington, DC: Pew Research Social and Demographic Trends, December 14, 2011),

<http://www.pewsocialtrends.org/2011/12/14/barely-half-of-u-s-adults-are-married-a-record-low/>.

215. Aja Gabel, "The Marriage Crisis: How Marriage Has Changed in the Last Fifty Years and Why It Continues to Decline," *The University of Virginia Magazine* (Summer 2012). Similarly, Kathryn Edin's and Maria J. Kefalas' well-noted study of marriage and poor women also demonstrated that many people who fail to marry do so because they overvalue marriage, not because they do not value it enough. Specifically, Edin and Kefalas's work showed that many poor women postpone marriage until they can achieve the "white picket fence," i.e., the financially stable marriage, with a house, a car, and bills paid on time every month, and that this goal often makes marriage unattainable. Kathryn Edin and Maria J. Kefalas, *Promises I Can Keep: Why Poor Women Put Motherhood before Marriage* (Berkeley: University of California Press, 2005).



at least in America,<sup>216</sup> marriage represents the highest form of commitment.<sup>217</sup> In fact, it is this belief in the superiority of marriage that is at the core of the biggest marriage issue of our time: whether same sex couples have the right to marry.

In *Perry v. Schwarzenegger*,<sup>218</sup> the case concerning the constitutionality of California's Proposition 8, which defined marriage as a heterosexual relationship, the only issue before the court concerned the expressive function of marriage.<sup>219</sup> In

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<sup>216</sup>This is not true for all countries. In many parts of Europe, it is common for couples to maintain long-term stable family relationships regardless of marriage. See, e.g., Banks, "Is Marriage for White People?," 129. See also, "Marriage in America: The Fraying Knot," *The Economist*, January 12, 2013 (noting "similar declines and delays are occurring in much of the rich world, but . . . you don't see the same pattern of long unmarried relationships you see in Scandinavia, France or Britain. . . . [I]n the United States marriage is how we do stable families.") (internal quotations omitted).

<sup>217</sup>Marriages continue to be the most stable relationships and marriage is, therefore, good for families and, particularly, for children. Marriage between a child's parents means a greater likelihood the child will be raised by both parents. This is important, because children raised by both parents do better. According to Professor Banks, "males who are raised without the presence and involvement of their fathers are more likely to commit crimes and engage in drug abuse, more likely to have problems in school or drop out, and are more likely to succumb to low self-esteem, depression and suicide." This is particularly concerning given the fact that suicide rates are already overwhelmingly high for teenage boys. The National Centers for Disease Control and Prevention estimates that boys commit 86 percent of all teen suicides. Banks, "Is Marriage for White People?" 128–29.

<sup>218</sup>*Perry v. Schwarzenegger*, 704 F. Supp. 2d 921, 970 (N.D. Cal. 2010), *aff'd sub nom.* *Perry v. Brown*, 671 F.3d 1052 (9th Cir. 2012).

<sup>219</sup>*Perry*, 704 F. Supp. 2d at 994 (noting that "domestic partnerships exist solely to differentiate same-sex unions from marriage . . . while domestic partnerships offer same-sex couples almost all of the rights and

California, same sex couples were already entitled to the same rights and privileges as heterosexual couples with the sole exception that they could not legally call their relationships “marriage.”<sup>220</sup> Nevertheless, the California district court found this semantic difference significant. As the court explained, “marriage is widely regarded as the definitive expression of love and commitment in the United States.”<sup>221</sup> The *Perry* Court understood that in America, whether you are married or unmarried makes all the difference.<sup>222</sup>

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responsibilities associated with marriage, the evidence shows that the withholding of the designation ‘marriage’ significantly disadvantages plaintiffs.”).

220.Ibid.

221.Ibid., 970. One of the ironic results of this high regard for marriage is that it lowers marriage rates. Richer couples use marriage as a stepping-stone for the more “difficult and expensive task of raising a family.” However, lower-class couples often have their families in reverse order; they have children before marriage, because they view marriage as the ultimate commitment and want to wait until they are both financially and emotionally stable. In addition, having children before marriage can put extra pressure on relationships and make them more likely to fail, thus further decreasing marriage rates among lower-income families. Guy Garcia, *The Decline of Men: How the American Male Is Tuning out, Giving up, and Flipping off His Future* (New York: HarperCollins, 2008), 69.

222.The same sex marriage debate has focused national attention on the concept of marriage as important and desirable. Proponents of same-sex marriage cite the hundreds of legal benefits that attach to marriage, but they also note that the social and emotional benefits that attach to marriage are at least as important. *Perry v. Schwarzenegger* is solely about the intangible benefits of marriage and how permitting same sex marriage confirms the value of these relationships. Similarly, same sex marriage’s critics also confirm the continuing importance of marriage when they express fears that this important institution will be devalued or discarded by permitting same sex marriage.

### *Marriage Exclusion*

The same-sex marriage debate brought attention to the issue of marriage exclusion, but because the discussion of same sex marriage focuses on a legal impediment to marriage, it tends to obscure the fact that there are other marriage barriers. For example, in his recent book, *Is Marriage for White People?*, Professor Ralph Richard Banks looks at the exclusion of African-American women from the institution of marriage. Banks' book focuses on the financial and educational success of African-American women, and shows how the achievements of these women have outpaced those of African-American men. According to Banks, this disparity has created a situation in which many women choose to forgo marriage altogether rather than marry a man with inferior financial and educational prospects.

Banks' book focuses on the African-American community, but he notes that the trends he discusses are increasingly mirrored in the general population.<sup>223</sup> The educational and financial prospects of women across all racial and ethnic groups have been rising for decades, while the possibilities for men have stagnated or declined. For the first time in American history, women earn more than men. On average, studies show

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For example, James Dobson of "Focus on the Family" has argued that same sex marriage devalues marriage and thus makes marriage less attractive. *Larry King Live: Interview with Dr. James Dobson* (CNN television broadcast November 22, 2006) (transcript), [http://](http://transcripts.cnn.com/transcripts/0611/22/lkl.01.html)

[transcripts.cnn.com/transcripts/0611/22/lkl.01.html](http://transcripts.cnn.com/transcripts/0611/22/lkl.01.html). See also North Carolina State Rep. Paul Stam who stated that when marriage is not limited to different-sex couples, "those who are considering whether to get married or not, and who don't have strong opinions one way or another, just don't . . ."

<http://www.cardozolawreview.com/Joomla1.5/content/denovo/Lau.DOMA.2012.FINAL.pdf>

<sup>223</sup>Banks, "Is Marriage for White People?," 24 (noting that "white follows black").

that women between the ages of twenty-one and thirty now earn 117 percent of wages of men of the same age group.<sup>224</sup> Women are also more educated. For example, a 2005 study from New York revealed that 53 percent of working women in New York had college degrees while only 38 percent of the men had graduated from college.<sup>225</sup> This change has not gone unnoticed. Journalist Hannah Rosin recently wrote a bestselling book entitled, *The End of Men and the Rise of Women*, in which she shows the extent to which men are faltering.<sup>226</sup> In her book, Rosin refers to the current generation of American men as “Cardboard Man,” by which she means a man unable to adapt to changing times who insists on keeping his lifestyle and ambitions the same despite the fact that traditional male jobs and roles have changed.<sup>227</sup>

Books like Rosin’s describe women’s increasing success as a result of their ability to change while also noting that men have been less successful at adapting to the new “knowledge economy.” In the past, manufacturing jobs offered stable, well-paid employment to unskilled male workers, but these jobs are being eliminated or outsourced and as a result, men without college degrees no longer have a clear path to upward mobility.<sup>228</sup> At the same time, these less educated men are also failing to get the skills and training they need to take advantage of the employment opportunities that are

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224.Garcia, *The Decline of Men*, xii.

225.Ibid.

226.Hanna Rosin, *The End of Men and the Rise of Women* (New York: Riverhead Books, 2012), 149–60 (noting that women now outnumber men on college campuses, and they also earn 60 percent of all business bachelor degrees).

227.Ibid., 8.

228.Garcia, *The Decline of Men*, 19.

available, and they are now facing a significant decline in wages and lifestyle. Moreover, it is not only men's economic prospects that have been decimated by the changing economy.<sup>229</sup> When men's job prospects falter, so do their marriage prospects.

### **What American Women Want**

Books like *Is Marriage for White People?* and *The End of Men* demonstrate that American women continue to want marriage, but as their financial opportunities expand, these women are increasingly unwilling to marry lower status men.<sup>230</sup> Rosin notes that most of the upwardly mobile women she interviewed stated they would like to marry, but only if they could find men of comparable achievements and motivations or men who, at the very least, would not be a drain on the family's resources.<sup>231</sup> In a telling example, Rosin describes a grocery store encounter with a single mother named Bethenny, who explained her unwillingness to consider her child's father as a marriage prospect by

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<sup>229</sup>Rosin, *The End of Men*, 4 (noting that in "the Great Recession , three-quarters of the 7.5 million jobs lost were lost by men" and "[t]he worst-hit industries were overwhelmingly male, and deeply identified with macho; construction, manufacturing, high finance.").

<sup>230</sup>.See also Garcia, *The Decline of Men*, xv (noting that as women rise and men continue their downward slide, "more and more women are simply unable to find men that they think are worth marrying.").

<sup>231</sup>.Rosin, *The End of Men*, 2 (noting that Bethenny stated she would like to marry but clearly viewed most of the available men as drains on her resources rather than adding value to her life. "By keeping Calvin [her daughter's father] at arm's length, Bethenny could remain queen of her castle, and with one less mouth to feed, they might both be better off.").

gesturing to a package of granola bars in her shopping cart and stating, “Calvin would just mean one less granola bar for the two of us.”<sup>232</sup>

Economic and cultural changes have allowed women like Bethenny to decide they are better off single, but for men, these shifting dynamics have been devastating.<sup>233</sup> Married men do better. For men, the health benefits of marriage alone are shocking. Studies show married men are less likely to develop heart disease, cancer, high blood pressure, diabetes, or serious depression. One interesting study even showed that married male heart attack victims arrive at the hospital half an hour before single men.<sup>234</sup> In fact, the health benefits of marriage are so great, they led Bernard Cohen and I-Sing Lee, researchers studying this phenomenon, to conclude that “being unmarried is one of the greatest [health] risks that people voluntarily subject themselves to.”<sup>235</sup> Nevertheless, for many men, their single status is not voluntary and their inability to marry and provide for a family is upending not only their health, but their very sense of themselves.<sup>236</sup>

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232.Ibid. In an interview with one poor mother who kicked out her children’s father, the woman explained her decision stating, “He’s not around no more. I got rid of him. . . . He was only here to sleep—didn’t want to pay no bills, didn’t want to do nothing.” Edin and Kefalas, *Promises I Can Keep*, 77 (internal quotation marks omitted). According to Edin and Kefalas, “few mothers are willing to endanger the resources they and their children desperately need just to keep the baby’s father around.” Ibid., 81.

233.Rosin, *The End of Men*, 91 (noting that “for all the hand-wringing over the lonely spinster, the real loser in society—the only one to have made hardly any financial gains since the 1970s—is the single man.”).

234.Ibid., 68.

235.Ibid.

236.Ibid., 8–9 (“They lost the old architecture of manliness, but they have not replaced it with any obvious new one”).

Geoffrey Canada, the founder, president and CEO of the Harlem Children's Zone, aptly captures this loss in his observation that "It used to be where it was clear [that being a man] was about having a job and providing for your family. I think men struggled—we maybe weren't the most enlightened folk, but at least we knew who we should be."<sup>237</sup> As Canada recognizes, modern men are losing not only their ability to earn a living, but also the very definition of what it means to be a man and when men cannot achieve the positive characteristics of "being a man," they often turn to roles that are self-defeating and self-destructive.<sup>238</sup> As Guy Garcia writes in his book, *The Decline of Men*, "The symptoms of the male malaise are already showing as men of all ages become increasingly angry, suspicious, reactionary and isolated. Men are opting out, coming apart, and falling behind. They are losing their sense of place in society and their direction as individuals."<sup>239</sup>

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<sup>237</sup>Garcia, *The Decline of Men*, 139.

<sup>238</sup>Ibid., xv (noting that these changing dynamics have created "a vast pool of undereducated, lower-income bachelors for whom the economic, social, and emotional benefits of a stable family environment are permanently out of reach."). See also Rosin, *supra* note 780, at 68 (noting "[c]opious studies prove that marriage benefits the man more than the woman . . . married men are happier, healthier and live longer than their single counterparts. (Also contrary to the bachelor myth, they report more sexual satisfaction)").

<sup>239</sup>Ibid., xiii. Moreover as Garcia warns, this situation is not just bad for men; it is bad for women. He notes that marginalized men are more likely to "seek solace in the hypermasculine rituals of violence and aggression with an ugly undercurrent of homophobia, misogyny, and masochism." Ibid., xiii–xiv.

Professors June Carbone and Naomi Kahn also note this trend, arguing that the primary reason poor women are in unstable relationships is due to the destructive behaviors practiced by male partners frustrated by their inability to provide for their families. According to Carbone and Kahn, "money is seldom the primary reason mothers give to explain why they and their children's father are no longer together. . . . It is the drug

## **The Mail Order Solution**

In *Is Marriage for White People*, Banks advises African American women to increase their dating pool by looking outside of their racial group. American men considering mail order marriage seem to be making a similar calculation. As these men are increasingly rejected by American women, they are turning to foreign women in the belief these women will consider them desirable marriage partners and they appear to be correct.<sup>240</sup>

### ***Feminism's Rejects***

Studies demonstrate that many of the men seeking mail order brides are precisely those who have been left behind by the rise of women. A 1998 study of the men using mail order services found that only 50 percent had two or more years of college.<sup>241</sup> That means that half of the men seeking mail order brides are those most hurt by the changing job market and those most likely to be excluded from marriage. Letters from these men to potential mail order brides confirm their experience with rejection by American

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and alcohol abuse, the criminal behavior and consequent incarceration, the repeated infidelity, and the patterns of intimate violence that are the villains looming largest in poor mothers' accounts of relationship failure." See Edin and Kefalas, *Promises I Can Keep*, 81.

240. Visson, *Wedded Strangers*, 46 (1998) (noting that "people who choose a spouse from a different culture often do so because they are unable to find a place in their own society . . . and would prefer a mate unaware of their alienation.").

241. Kate O'Rourke, "To Have and to Hold: A Postmodern Feminist Response to the Mail-Order Bride Industry," *Denver Journal International Law and Policy* 30 (2002): 479 (noting that nearly all had high school diplomas, but that only 50 percent had two or more years of college).



women.<sup>242</sup> For example, in a letter written to a Russian woman named Olga, the suitor stated that he was looking for a woman who was not a “feminist” and lamented the fact that American women are “only interested in their own careers.”<sup>243</sup> The man explained he was looking for a “wife who’ll take care of our home and children.”<sup>244</sup> The man worked as an installer of garage doors.<sup>245</sup>

Critics of mail order marriage seize upon the anti-feminist aspects of such letters as proof that these men are seeking women to dominate and oppress, yet the anti-feminist rhetoric in their letters is misleading. As feminist author Susan Faludi has noted, “feminism” is often simply a “scapegoat for wider feelings of social and economic displacement and powerlessness, including a diminished sense of male power in relation to assumptions of women’s real or imagined social gains.”<sup>246</sup> Although men’s letters to potential mail order brides express a rejection of feminism and feminists, their actions tell a different story. In many instances, the same men who write that they are looking for

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<sup>242</sup>.This is the conclusion reached by Ericka Johnson, a researcher at Linköping University in Sweden, who conducted hundreds of interviews with men and women contemplating mail order marriage, and who stated that she initially “found the vehemence with which the men discredited American women in their letters a little surprising, but it came up so frequently that . . . I could only assume they were responding to what must be a very frustrating dating scene for them. Obviously they were not finding the type of woman they wanted to marry in America, and maybe they were not even finding women who want to get married to them at all.” Ericka Johnson, *Dreaming of a Mail-Order Husband: Russian-American Internet Romance* (Durham, NC: Duke University Press, 2007), 27.

<sup>243</sup>.Ibid., 26.

<sup>244</sup>.Ibid.

<sup>245</sup>.Ibid.

<sup>246</sup>.Constable, *Romance on a Global Stage*, 67.

women who are not “feminists,” are specifically choosing to court smart, well-educated, and accomplished women. For example, when asked about the type of women entering mail order marriages, the Vice Consul for Immigrant Visas at the U.S. Embassy in Moscow stated that, “For the most part these women are far better educated than the men. I see women doctors, scientists etc. being petitioned for by truck drivers, gas station attendants, farmers with very little money. Some of them can barely afford to do this because they need to earn an income that is 125 percent above poverty level.”<sup>247</sup>

Jen, the manager of a pen pal agency in Beijing, made similar observations about the men seeking Chinese brides. She noted that in her experience, American men, unlike their Chinese counterparts, were happy to marry women significantly more successful than themselves. According to Jen, many “educated, professional women especially those who are divorced or in their thirties” become mail order brides because “local men want younger women and often are not comfortable with a woman who is successful or who earns more money than they do.”<sup>248</sup> Filipina women also express similar sentiments regarding the appeal of mail order marriage. As one Filipino women’s advocate explained, “Powerful educated Filipinas intimidate [Filipino men]. Accomplished women might as well be attracted to foreigners because a Filipino man wouldn’t want them anyway.”<sup>249</sup>

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247.Simons, “Marriage, Migration, and Markets,” 199–20.

248.Constable, *Romance on a Global Scale*, 19.

249.Simons, “Marriage, Migration, and Markets,” 98.

### *Domestic Dating*

The fact that American men frequently seek highly educated and professionally successful brides suggests that despite the anti-feminist rhetoric in many of their letters, American men considering mail order marriages are not actually opposed to female success. Instead, their objection seems to be to the fact, as they perceive it, that this success has led American women to reject marriage and family and these men in particular.<sup>250</sup> The irony, therefore, is that American men considering mail order marriage often seem to be searching for a foreign version of the same type of woman who is rejecting them at home. Interviews with these men confirm their frustration with the domestic dating scene. In one poignant example, a man on one of the Russian bride tours made the following observation, he stated:

The foreign women say in their personal ads they want to love and be loved. In contrast, American women have numerous demands like exact height and weight of a guy, a salary over \$100,000, fit body, must like specific sports, films, etc. I find all this makes me ineligible with such women. I don't have enough money and I am not fit enough. I consider myself average looking, but it is not good enough for most American women I would be interested in meeting. I like the fact that Ukrainian women are impressed that I have a job at all, they don't seem to care what

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250. Johnson, *Dreaming of a Mail-Order Husband*, 21 (speculating that this anger at the feminist movement may be because "marriage has come under criticism from parts of the feminist movement").

I do, but simply that I have been at it for as long as I have [he has been a UPS driver for 20 years] shows them I am reliable.<sup>251</sup>

In her book *Marriage Confidential*, author Pamela Haag confirms what men like the above UPS driver are noting. In 2008 Haag compiled a sample of 120 wedding announcements from *The New York Times* and *Baltimore Sun* and found only one example of a non-college educated man marrying a college-educated woman. In that case, the man, Mr Wright (his true name) met his future wife while providing a CPR refresher course to the crew of a sailboat designed by his wife's company. In every other example the couples had the same level of education and most attended schools of comparable prestige levels.<sup>252</sup>

The accusation that men seeking mail order marriages are looking for women to dominate is also called into question by the fact that the women are often quite assertive in these relationships. For example, in reference to the stereotype of the submissive mail order bride, an American doctor named Timothy described his Filipina wife, Mary, as "the classic case of false advertising! In our house, she's the boss!"<sup>253</sup> Similarly, many of the women acknowledge taking charge of the family finances or actively steering their husband's career prospects. In an interview about her relationship, a Russian mail order bride, named Masha, described her husband Paul, a 40-year-old math teacher from Indiana named Paul, as patient and attentive, but terrible with money. She recalled how,

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251. Simons, "Marriage, Migration, and Markets," 112.

<sup>252</sup> Haag at 329-30.

253. Constable, *Romance on a Global Stage*, 67.

early in the marriage, she had asked Paul about their numerous bills and received a dreadful shock when he informed her of his significant debt. “How can you owe that much?” she remembered asking in disbelief. When Masha recovered from the initial shock, she vowed to fix Paul’s financial problem and immediately took charge of the money. Within a few years, Masha and Paul were out of debt and saving to buy a house.<sup>254</sup>

In her book, *Confessions of a Mail Order Bride*, the author, a Thai mail order bride named Wanwadee Larsen, also recounts the despair she felt when she discovered her husband’s desperate financial situation and that her “professor” husband would soon be out of a job “for having made no progress [on his] Ph.D.”<sup>255</sup> She writes, “What kind of twisted perversion is this that I have come so far to live? To have a husband with no job—in America?”<sup>256</sup> Larsen did not leave her husband, but she also did not accept his aimless lifestyle. Instead, she engaged in what she called a “campaign of attrition” against her husband’s lack of ambition and high marijuana use, until he changed his life around.<sup>257</sup> Her persistence worked and, by the end of the book, her husband had a permanent academic position and Larsen was also on her way to attaining an art degree and her own academic career.

The above descriptions of men relying on their mail order wives stand in stark contrast to the usual portrayal of men seeking mail order marriages. They also show how

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254. Visson, *Wedded Strangers*, 220.

255. Wanwadee Larsen, *Confessions of a Mail Order Bride* (Far Hills, NJ: New Horizon Press, 1989), 113.

256. *Ibid.*

257. *Ibid.*, 178 (describing the result as “renewed fitness—he is jogging again . . . and his reinvigorated ambition as a doctoral candidate has grown”).

American men benefit from these marriages. Nevertheless, the most common criticism of mail order marriages is that they are bad for women. It is widely assumed that only the poorest, most vulnerable, and most desperate women would agree to such marriages but, contrary to this pervasive view, mail order marriages have the potential to help women in much the same way as they did in the past.<sup>258</sup>

### ***Mail Order Equality***

The idea of mail order marriage makes many Americans, particularly American women, uncomfortable because these marriages often conform to the traditional gender roles that they have spent the last fifty years trying to banish.<sup>259</sup> Men seeking mail order brides

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<sup>258</sup>.Thus, rather than disparaging these marriages, women's advocates should consider supporting them. See, e.g., Bonnie Erbe, "Let's Ban Imports of Brides," *Deseret News*, October 23, 2006 ("Let's not just make it tougher for American men to hook up with 'mail order brides' over the Internet and import them, let's ban the practice altogether."), <http://www.deseretnews.com/article/650200348/Lets-ban-imports-of-brides.html?pg=all>. See also "China Takes Fight to the Internet! Begins Banning Mail-Order Bride Websites," *Catholic Online*, September 17, 2014 ("Rather than shutting down websites, a better, more effective approach is to bolster regulatory oversight of these brokers in both Cambodia and China, and set up effective Khmer-language hotlines in China so that women who are trafficked can seek assistance," said Phil Robertson, a deputy director with Human Rights Watch."), <http://www.catholic.org/news/international/asia/story.php?id=56930>.

<sup>259</sup>.This is the idea of the male breadwinner and female homemaker. See, e.g., Jody Lyneé Madeira, "The Family Capital of Capital Families: Investigating Empathetic Connections Between Jurors and Defendants' Families in Death Penalty Cases," *Michigan State Law Review* (2011): 879 (describing the "antebellum model of 'separate spheres,' which held that the home was the site of 'moral, ethical and religious education' provided by the wife-mother, while the husband-father worked to provide for the family outside the home.").

frequently claim they are looking for “traditional” wives who will be happy to take care of the home and family, and this gendered language makes most American feminists shudder. Nevertheless, although American women have largely rejected the separate spheres ideology, there is no evidence that foreign women find abandoning this traditional family structure emancipatory.<sup>260</sup> In fact, mail order marriage participants routinely indicate frustration with forced gender equality. The correspondence between Polina, a young Russian woman from Smolensk, and her American suitor demonstrate such concerns. In this letter, Polina disparages gender equality because, at least in Russia, it has been a raw deal for women. She writes:

I’ve got a gentle character. I never was able to be active in a relationship. But over the last 70 years Russian men have stopped feeling they are the head of the family and a pillar of support for women. From childhood on we were told that men and women are equal in everything. Many of our men are infantile and women have to decide everything for them. A new type of woman has been formed in the Soviet Union. Deep down a woman has become more of a man than a woman. Our poet Evtushenko was right in saying that the “best men are women.” In my character there are no such male traits, although, like all women in our country. I have to hustle—rush to work, study, stand on line, do housework. Gradually, all of

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<sup>260</sup>Simons, “Marriage, Migration, and Markets,” 84. Some have suggested it may also be confining for American women as well. See Haag, *Marriage Confidential* 71 (noting that the laziest husbands “are all acutely, self-consciously feminist, seeing themselves as fully liberated—thoughtful, smart, open to new ideas about gender, willing to subvert the norms. It is paradoxical, that a feminist sensibility in marriage.”).

this leads to a loss of one's feminine core, to a roughness of which I am very frightened."<sup>261</sup>

As Polina's letter makes clear, equality in Russia has meant women are now doing everything and, for women like Polina, this is far from liberating.<sup>262</sup>

Professor Nicole Constable also remarks on this fact, noting that what is often lacking in the "critique of marriage and gender relations [is] an appreciation of the variety of ways in which women in different sociocultural contexts might define liberation. To work for a wage might be liberating to a middle-class American woman, but not to a woman who has worked in fields or factories for subsistence since childhood."<sup>263</sup> Moira, a 45-year-old Chinese mail order bride exemplifies this idea. Moira was well educated with a good job, but she felt burdened by the stigma of having been divorced. She hoped that marriage to an American and a fresh start in the United States would help remove this stigma. For Moira, career success was less important than excelling as a wife. She stated she would happily give up her career to commit herself entirely to her husband, if

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<sup>261</sup> Visson, *Wedded Strangers*, 49–50.

<sup>262</sup> In fact, in certain areas of Russia, Siberia in particular, women are deciding that doing it all by themselves is simply impossible and they are pushing for the legalization of polygamy reasoning that "half a good man is better than none at all." Mira Katbamna, Half A Good Man is Better Than None At All, *The Guardian*, October 26, 2009.

<sup>263</sup> Constable, *Romance on a Global Stage*, 65. Many critics of mail order marriage appear to have fully embraced Betty Friedan's critique of marriage. In the *Feminine Mystique* she wrote that "Surely there are many women in America who are happy at the moment as housewives...But happiness is not the same thing as the aliveness of being fully used. 223-24 (1965)



that was what he preferred. Moira simply want the opportunity to live with “more open minded people” who would allow her to “escape her past and begin anew.”<sup>264</sup>

Consequently, whether she achieved this goal as a working wife or as a “traditional” wife was nearly irrelevant. These types of sentiments are common among mail order brides, yet it is interesting to note that most mail order brides do in fact work. In fact, one Russian bride site even specifically states that men should expect their wives to work, and advises that within a few months after arriving in America, their wife will likely become bored and want a job.<sup>265</sup> Interestingly, few men seem to object.

### ***Mail Order Marriage and Feminism***

The above examples demonstrate that the relationship between mail order marriage and feminism is complicated. Men and women in these relationships frequently conform to outdated and often disparaged gendered roles yet, at the same time, the women commonly describe their marriages as liberating and empowering. Moreover, although anti-feminist rhetoric is widespread in letters to and from mail order brides, with the men

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<sup>264</sup> Constable, *Romance on a Global Scale*, 20.

<sup>265</sup> Johnson, *Dreaming of a Mail-Order Husband*, 31. For example, when Olga, a Russian music teacher was asked if she saw herself working after marriage, she replied: “Yes. I’m going to be a teacher . . . I wouldn’t want to be entirely dependent on my husband and I don’t want to just sit around at home.” Olga then further clarified, “I don’t want a career. I’m not a feminist. My family will be my first priority, but I do want to have a job and make some money.” Ibid., 32. Interestingly, although Russian women are quick to disparage the concept of feminism, this may simply be semantics. According mail order bride researcher, Erika Johnson, “as negatively as feminism is viewed in Russia, its counterpart, the concept of women’s solidarity is very strong, both politically and in daily practice. The term ‘feminist’ is an insult but many women are comfortable professing solidarity with other women.” Ibid., 36

typically saying they are looking for women who are not feminists, and the women claiming they have no feminist intentions, both parties actually use these marriages for the very feminist goal of increasing choice and combating disempowerment.

Interviews with potential mail order brides reveal that these women view foreign marriages as a means of reasserting control over their lives. Similarly, interviews with the potential husbands demonstrate that they also turn to these marriages as a way of combating their own disempowerment, typically in relation to American women.<sup>266</sup> Thus, as researcher Lisa Simons, who conducted numerous interviews with mail order marriage participants has noted, both groups use mail order marriages to resist the “sense of disempowerment and rejection from the state of gender relations in their own country and community” and she suggests that “their coming together across unequally stratified national boundaries [is] one possible way of bridging those differences” and reasserting control.<sup>267</sup>

### **Male Disempowerment**

Men seeking mail order brides often see themselves as victims of the changing role of men and women, but rather than viewing these men as opposing female empowerment, in many cases it is much more accurate to describe them as objecting to male decline. Many of these men support female equality, but also believe it has been bad for men. Edward,

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<sup>266</sup>Simons, “Marriage, Migration, and Markets,” 92, (noting that the women expressed the common themes of “the disenfranchised the world over” such as the inability to use their own “power and creative potential to effect change in their lives and/or improvements in their community or nation.”).

<sup>267</sup>Ibid., 92.

an American man married to a Russian woman, typifies these complicated feelings.

When asked about his views on gender equality, he made the following statement:

During the seventies I supported the equality and equal opportunity for women that they worked for. And I still do. It's the way I was raised. [But] Somewhere in the seventies the women's movement was hijacked. 'Women of the world unite against bourgeois-proletarian male domination!' The net result was that women were taught to view all male-female relationships as power struggles where somebody wins and somebody loses. Every American woman I met at some point turned our relationship into a struggle for power."<sup>268</sup>

Edward's statement reveals a man who is not opposed to increased power and opportunities for women, but one who does object to the idea that female equality must mean male decline.

Edward is far from alone in conflating these two ideas. The title of Hannah Rosin's book, *The End of Men and the Rise of Women*, links these two ideas explicitly. However, Rosin also notes that objecting to or fearing male decline should not be considered anti-feminist. Instead, she describes such concerns as an understandable reaction to the "specter of a coming gender apocalypse."<sup>269</sup> At one point in *The End of Men*, Rosin interviews a man named David, whose girlfriend makes significantly more

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<sup>268</sup>.Visson, *Wedded Strangers*, 207.

<sup>269</sup>.Rosin, *The End of Men*, 61.

money than he does, and she asks him why he has such uneasiness with the changing roles of marriage. After thinking about the question he responds, “It’s because our team is losing. All the things we need to be good at to thrive in the world we imagine existing in ten or twenty or even fifty years from now are things that my female friends and competitors are better at than me. Than us.”<sup>270</sup>

As Rosin recognizes, it is not unreasonable for men to feel discomfort regarding their growing sense of disempowerment in relation to women, but mail order marriage can actually help combat these feelings. According to a 2000 UN report on masculinity:

[M]ost men remain disempowered in relation to elites (composed of both men and women) that wield political and economic power. . . . It is this experience of disempowerment that potentially connects some men and women across the patriarchal divide, and offers the possibility of linking a gender politics that challenges patriarchy with wider politics of social transformation.<sup>271</sup>

Consequently, the appeal of a mail order marriage may not be that it introduces men to women they can dominate, but that it connects them with sympathetic partners who have experienced similar disempowerment.

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<sup>270</sup>.Ibid., 61.

<sup>271</sup>.Simons, “Marriage, Migration, and Markets,” 91.

## **American Husbands Do Housework**

The idea that mail order marriage increases marriage equality may seem counterintuitive, but it is an idea repeatedly expressed by those who work with mail order brides. Despite the widespread perception that mail order marriages are “antifeminist,” many mail order brides seek foreign husbands precisely because they see them as less patriarchal and more egalitarian than their male countrymen. As Harvey Balzer, director of Georgetown University’s Russian Area Program noted, Russian women are tired of “domestic dictators.” According to Balzer, “Even [the Russian] men I know who write about women’s rights wouldn’t get up from the dinner table to help clear the dishes.” As a result, Balzer notes that the American man who claims to be seeking an “unliberated woman,” looks to the Russian woman like a “liberated man.”<sup>272</sup> Vera, the owner of a mail order bride service in Russia, echoed these sentiments. According to Vera, “Russian men can’t provide for the family and they don’t pay attention to their families. . . . That really doesn’t agree with us women. . . . Plus, they don’t value what we do for them. And men in our country are prone to alcoholism.”<sup>273</sup>

Interviews with mail order brides also support the view that mail order marriages offer the possibility of a more egalitarian relationship and Russian mail order brides in particular, frequently express this view. According to these women, Russian men have failed to uphold their part of the marriage bargain. They state that Russian men have lost their sense of responsibility for their wives and children, that they cannot hold down a

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<sup>272</sup>Visson, *Wedded Strangers*, 53.

<sup>273</sup>Johnson, *Dreaming of a Mail-Order Husband*, 53 (noting that Russian men tend to drink a lot more than American men and many have a very hard time providing for families).

job, and that they drink to excess.<sup>274</sup> Russian women complain that they have been forced to assume the role of family breadwinner, but they resent having to shoulder this burden. As a result, many say they are attracted to American men precisely because of these men's desire to undertake the traditional male marriage responsibilities.

For example, a Russian mail order bride named Zina explained that many Russian women see division between the sexes as beneficial. Zina stated that what specifically attracted her to her now husband Robert, was his request for a traditional wife "who would build a home life for him," and his desire to accept the traditional male role of protector and provider. As Zina noted, "In Russia, all the men know what women's obligations are—to sew, to cook, they know all that by heart. But they have no idea whatsoever what their obligations might be. Here it's just the opposite. The men know what is wanted of them and what their obligations are."<sup>275</sup>

Tamara, a beautiful blonde-haired, blue-eyed 32-year-old secretary from Irkutsk, expressed similar appreciation for her bald, 47-year-old, TV repairman husband. Although outsiders might be skeptical of this pairing, it is clear that Tamara believes she is the lucky one in the relationship. Tamara explained that at first her friends were dubious of her decision to become a mail order bride, but now, Tamara says her friends back in Russia are "tearing their hair out from jealousy."<sup>276</sup>

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<sup>274</sup>.Visson, *Wedded Strangers*, 210.

<sup>275</sup>.Ibid. The men also appreciate that the women want them to assume this role. According to Peter, the fact that his foreign bride actually appreciated his willingness to assume the male protector/provider role was one of the biggest advantages of a foreign bride. He noted, "She's so much more feminine and appreciative than American women." Ibid., 218.

<sup>276</sup>.Ibid., 217.

A Chinese mail order bride named Meili also expressed her desire for a traditional marriage. She explained that she was looking for a foreign husband because “They say what is on their mind” and they are more likely to want an “equal” relationship with women. When pressed to explain what she meant by “equal,” she clarified that she was looking for “balanced” division of labor, the kind that could be satisfied by the traditional male bread-winner, female homemaker structure.<sup>277</sup>

In addition, studies of mail order brides also indicate that women seek mail order marriages because they believe foreign men are more respectful toward women.<sup>278</sup> Mail order brides consistently express the belief that Western men are held to a higher standard of ethics in relationships with women and, consequently, treat them better.<sup>279</sup> Tanya, a 24-year-old Russian woman with a three-year-old child expressed this view when she explained that what attracted her to Peter, a 29-year-old engineer from Wisconsin, was that he was kind and would listen to her. She noted, “He calls me every day from work to see if I need anything. Very few Russians would do that.”<sup>280</sup> Similarly, in describing why she listed with a mail order bride company, Olga, a 29-year-old music teacher from Russia stated:

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<sup>277</sup>.Constable, *Romance on a Global Stage*, 163–64.

<sup>278</sup>.Simons, “Marriage, Migration, and Markets,” 82. See also Johnson, *Dreaming of a Mail-Order Husband*, 21 (noting that “as different as the women are they do have one thing in common: the longing for a better future and the belief that having a husband and family is an important component of that future.”).

<sup>279</sup>.Simons, “Marriage, Migration, and Markets,” 130.

<sup>280</sup>.Visson, *Wedded Strangers*, 218.

Everyone knows that life in America is much better than here in Russia. Even poor people there have cars, houses and color TVs. And there is always plenty of food to eat. But the most wonderful thing about America is the men. They're much more handsome than Russian men. They don't have gold fillings or rotten teeth like all my old boyfriends. And they don't boss you around and treat you like you're their slave. I dream every night of going to the United States, marrying a handsome man and having children. I can't wait to go. As soon as I find the right man I am going to apply for an exit visa.<sup>281</sup>

Both Tanya and Olga's statements make clear that part of their reason for seeking an American husband is the belief that American men treat their wives with greater respect than Russian men. Moreover, this belief is not limited to Russian women; other foreign women also express these sentiments. For example, Filipina mail order brides often describe American men as knowing how to "take care of" their wives and describing them as less likely to have an affair and more likely to allow their wives social freedom than Filipino men.<sup>282</sup> Similarly, Chinese mail order brides describe Western men as "more open-minded and less controlling" than Chinese husbands.<sup>283</sup>

While some of the above descriptions may be overly rosy, they undeniably demonstrate that foreign women view mail order marriage as a way to achieve respect

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<sup>281</sup> Ibid at 51-52.

<sup>282</sup> Constable, *Romance on a Global Stage*, 134.

<sup>283</sup> Ibid., 134.



and equality in their marriages and not as a desperate and reckless choice. In fact many brides bristle at the suggestion they are seeking such marriages out of desperation. A Filipino woman, named Mary Beth, provided the following explanation of her motivations for seeking a mail order marriage and her frustration with the victim stereotypes. She said:

I was aware of pen pal clubs, but had not thought to use one myself until I met an American man in Manila who had come to meet his girlfriend. We became friends and he encouraged me to try this way of meeting someone. I was suspicious at first. I had heard reports and comments of people who assumed you had to be desperate to do this. I didn't consider myself desperate. I had a good job. I didn't need to get married or seek better opportunities elsewhere.<sup>284</sup>

Professor Constable book *Romance on a Global Stage* similarly refutes this stereotype of the “desperate” mail order bride. In the book, Constable describes a fabulous dinner she had in 1999 with two potential Chinese mail order brides noting that “after a feast of jiaozi (dumplings), the conversation moved smoothly from Beethoven and Bach to Elizabeth Taylor’s latest marriage, Prince William, the trade accord, the pros and cons of hormone therapy for menopause, and the election of Taiwan’s new president.”<sup>285</sup> This anecdote was just one of many that Constable used to show how

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284.Ibid., 83.

285.Ibid., 163.

modern mail order bride are often a far cry from the commonly depicted sad and desperate woman.

### ***Marriage for Sale***

One final objection to mail order marriage is the belief that it commodifies something that should not be commodified, and that in doing so it exploits women. As marriage historian Nancy Cott has written, “American rhetoric and popular culture. . . . Put love and money on opposite sides of the street. Mercenary or cold-blooded motives for marrying [are] labeled crass, unethical, and destined for disastrous fate.”<sup>286</sup> According to Cott, Americans view the love aspect of marriage as not only essential, but almost divine, and she notes that modern beliefs about marriage hold that “only through some ‘mysterious attraction’ that ‘just happens’ [are] young people supposed to find each other.” She further adds, that Americans view “romance and marriage [as] something which, like the religion, must be believed in to hold society together.”<sup>287</sup>

In contrast, to this idealized “love match,” mail order marriages do not “just happen.” Most mail order brides see these relationships as a bargained for exchange and are quite open about that fact that financial considerations played a role in their

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<sup>286</sup>Cott, *Public Vows*, 150. The irony is that it was only women’s, and to some extent men’s increased financial independence that made it possible to remove the monetary consideration from marital choice. The rise of factory work allowed working class men and women more control over their lives and their wages gave them freedom from parental control. Abbott, *The History of Marriage* at 103.

<sup>287</sup>*Ibid.*, 150.

decision.<sup>288</sup> This aspect of mail order marriages, however, is unsettling to many Americans and undercuts the American belief in the superiority of romantic marriage.<sup>289</sup> This was not always the case. Well into the 19<sup>th</sup> century, the romanticization of marriage continued to be treated with concern. Novels, which provided fictionalized accounts of marriage, were seen as harming young women by encouraging unrealistic expectations of marriage. For example, in the 1857 marriage manual, *The Young Lady's Counselor*, the Reverent Daniel Wise, expressed dismay regarding the "multitude of [young women] who form their notion of love and marriage from sickly novels, from theatrical performance and from flippant conversations."<sup>290</sup> The English Domestic Advisor Sarah Ellis reached a similar conclusion. According to Ellis women need to check their expectations regarding marriage and a wife should "place herself, instead of running the risk of being placed, in a secondary position."<sup>291</sup>

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<sup>288</sup> Jane Austen wrote some of the most enduring romantic novel and is famous for saying "[a]nything is to preferred or endured rather than marrying without affection." At the same time, she also noted that "single women have a dreadful propensity for being poor—which is one very strong argument in favour of matrimony.) Abbott at 83-84

<sup>289</sup> according to Stephanie Coontz, love was often seen as the increasing marital equality. For example Nathaniel Hawthorne declared to his wife that although he expected his wife Sophia to follow his guidance and do his bidding, "I possess this power only so far as I love you." Coontz at 181

<sup>290</sup> Rev. Daniel Wise, *The Young Lady's Counselor, or, The Sphere of Duties and the Dangers of Young Women* (1857), p. 232.

<sup>291</sup> Coontz at 187

Despite such objections, these romantic ideals took hold.<sup>292</sup> Americans continue to idealize romantic marriage. However, with a divorce rate hovering around 50 percent, there is reason to question the preference for romantic marriage. Robert Epstein, former editor of *Psychology Today* published a controversial editorial in 2002 arguing that it is the idealization of the love marriage that prevents happy marriages. According to Epstein, the American “love marriage” based on physical attraction and romance is “really, really horrible.”<sup>293</sup>

, particularly given the fact that the commodification of care-giving relationships does not hurt either the quality or the sincerity of the care and it tends to greatly benefit female caregivers.<sup>294</sup> As Dartmouth professor Deborah Stone has argued, the exchange of money does not stop the growth of love. Stone notes that study after study of nursing home aides, home health aides, childcare workers, nannies, and au pairs demonstrates that despite the fact they were paid to care for strangers, women in these professions commonly formed a bond with their clients and quickly came to consider them family.<sup>295</sup>

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<sup>292</sup> At the same time, it should be noted that it is really only very recently that love became the number one consideration. See Coontz, *Marriage: A History*, 186 (noting that “Not until the late twentieth century did a majority of women tell pollsters that love outweighed all other considerations in choosing a partner.”)

<sup>293</sup> *Marriage Confidential* at 12 (instead he proposed as love contact and the idea of learning to love each other through counseling and demonstrated strong approval for arranged marriages)

<sup>294</sup> Deborah Stone, “For Love nor Money: The Commodification of Care,” in *Rethinking Commodification: Cases and Readings in Law and Culture*, ed. Martha M. Ertman and Joan C. Williams (New York: New York University Press, 2005), 273.

<sup>295</sup> *Ibid.*, 275 For example, it is quite common for nannies and other childcare workers to describe themselves as being like a second mom to the kids they care for. According to one such provider, “these

Conversations with mail order brides also demonstrate that financial considerations do not preclude the formation of true, loving bonds. As Masha, the Russian woman who married Paul explained, her first consideration in becoming a mail order bride was to secure a decent life for her child and she was willing to give “love” to whoever could provide this for her and her son. Masha stated, “The way I fe[lt] about Paul is this: you’re giving me a decent life for myself and my child, and so I’m giving you love. After all, what I was thinking about back in Kharkov wasn’t where can I find love but will I have money today to buy bread for my child?”<sup>296</sup> At the same time, however, after living with Paul in America, it is clear this bargain also facilitated genuine affection. Asked whether she loved Paul, Masha replied, “How can I not love a man who’s being so kind to me and my child?”<sup>297</sup>

The fact that Masha is a single mother is significant. A large proportion of mail order brides are divorced women with children. Like Masha, many of these women are specifically looking to better the lives of their children but in Russia, single mothers are stigmatized. Russia (as compared with other eastern European countries) has the largest proportion of single-mother households yet, having children from a previous marriage significantly lowers a Russian woman’s chance for remarriage. In her book, *Dreaming of a Mail Order Husband*, gender researcher Ericka Johnson, interviewed dozens of potential Russian mail order brides noted that she “was a little surprised how categorical

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children, they are so close to you. You’re like a second mom to them. And you being there when they come home after school—you listen to the different little things they want to talk with you about. It becomes a personal thing, where, you know, they can’t get to mom right away. But they can get to you.” Ibid.

<sup>296</sup>.Ibid., 231.

<sup>297</sup>.Visson, *Wedded Strangers*, 231.

the women were in their characterizations of Russian men as uninterested in older women with children (and by older I mean mid-twenties).”<sup>298</sup> In contrast, Johnson found that the American men seeking mail order brides were also often divorced and looking for a “loving mother to [their] children” and quite happy to marry a woman who had already proven her interest in motherhood.<sup>299</sup>

As the marriage between Masha and Paul shows, the exchange of care and affection in return for money, security, and a decent lifestyle is often explicit in mail order marriages, but this arrangement does not preclude the development of love. In addition, despite American aversion to these arrangements, the commodification of marriage can actually create more egalitarian marriages. In fact, a number of feminist scholars have even argued that it is the failure to commodify marriage that actually creates the greatest harm to women.<sup>300</sup> According to these scholars, it is our modern concept of marriage, which encourages women to provide their services for free, that devalues women and the work they do in marriage.<sup>301</sup> As Professor Robin West has

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<sup>298</sup> Johnson, *Dreaming of a Mail-Order Husband*, 52.

<sup>299</sup> *Ibid.*, 61.

<sup>300</sup> It can also help men, as many of these examples have shown, the men often benefited from their wives wages and financial management. In part, it was the romanticization of marriage and the rise of the cult of domesticity which devalue men and marriages in which the husband could not conform to the middle class idea of the male provider. As Stephanie Coontz notes, “In earlier generations, a man’s wife who worked for pay could call on positive images of marriage as a union of yoke mates, or proudly see himself as the head of the family workforce.” It was only after the Victorian idealization of the romantic marriage that such a husband was seen as having “lost his manhood.” *Marriage, a History* at 188.

<sup>301</sup> See Margaret Jane Radin, “Contested Commodities,” in *Rethinking Commodification: Cases and Readings in Law and Culture*, ed. Martha M. Ertman and Joan C. Williams (New York: New York

written, by encouraging wives to work for free, we are encouraging a woman to think of herself “as the conduit for the pleasures of *others*, rather than [] acting toward the maximization of her own.”<sup>302</sup> West notes that “a woman who routinely performs harmful altruistic acts” (acts where they consistently put the needs of others before their own), “loses the sense of *integrity* necessary to maintain their own . . . individualism.”<sup>303</sup> According to West, there is no reason why the family *should* be any more altruistic than the marketplace, particularly when this altruism harms women.<sup>304</sup> Mail order marriages avoid these harms. Unlike conventional marriages, mail order relationships are often explicit exchanges. Therefore, according to West’s analysis, they may actually be more beneficial to women than the idealized, romantic marriage. A mail order bride who makes her sacrifices and performs caregiving for her husband and family as part of a contractual understanding is empowered by her actions in a way the “loving” altruistic wife is not.<sup>305</sup> As Svetlana, a potential Russian bride from Moscow noted,

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University Press, 2005), 89 (likening marriage to prostitution, but noting that wives, unlike prostitutes, don’t realize they’re selling their sexual services. Women in such relationships, try to “understand what they are doing is giving, as equal sharing, while their sexuality is actually being taken from them.”).

302.Robin West, *Caring for Justice* (New York: New York University Press, 1999), 120.

303.Ibid.

304.Ibid., 122 (explaining that families are more altruistic in the marketplace in large part because “women behave more altruistically than men within families”).

305.For example, feminist scholar Martha Nussbaum has argued that the real question is how to expand the options and opportunities for women workers. She is also focused on how to “increase the humanity inherent in their work and how to guarantee that workers of all sorts are treated with dignity.”

Consequently, Nussbaum has argued that if prostitution increases options for women and provides them with more dignified opportunities than other types of work, it should be favored. A similar argument can be

“Love has become a luxury. . . . I’ll be old and gray before we (Russian women) can afford love.”<sup>306</sup> Encouraging women like Svetlana to wait for “love” may be the least helpful thing we can do.

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made with mail order marriage. Such marriages have the potential to increase opportunities for women by providing them with the means of financial remuneration for their work as a housewife. The problem as Nussbaum would see it, is not in the sale of their marriage or wifely services, but guaranteeing their dignity and protection. Martha Nussbaum, “**Taking Money for Bodily Service,**” in *Rethinking Commodification: Cases and Readings in Law and Culture*, eds. Martha M. Ertman & Joan C. Williams (New York: New York University Press, 2005), 24447.

306. Visson, *Wedded Strangers*, 57.