

A Foreign Exchange: The Hidden Costs of Advocating
Legislative Protections for Mail-Order Brides

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Introduction:

Feminists suggest that gender inequality is often hegemonic, such that we do not recognize its manifestations in society. That is to say, gender inequality has become so embedded in our culture it is possible that we are unable find where it begins or ends. As MacKinnon explains, “male dominance is perhaps the most pervasive and tenacious system of power in history.”¹ When inequality infiltrates so many facets of our lives it achieves a seemingly natural state. The contenders of this state have then, not only the challenge of articulating where the inequity lies, but further, where the remedy should take us. The latter is particularly constraining, as most are hesitant to vindicate that which will challenge the very framework of their society. Thus, perhaps the first step towards exacting change is to begin by articulating the problem in a foreign context. For example, when seeking to protect women against the consequences of objectification and domestic violence, it may be best to first frame the problem in a limited context, one that appears different than traditional marriages between husband and wife. Framing this universal concern in foreign terms fosters solutions that are less violently objected to than those which threaten our own values and way of life.

Most recently, after the homicides of three mail-order brides, activists succeeded in passing the International Marriage Broker Regulation Act (the Act), legislation that closely regulates men’s communications with mail-order brides. Supporters of the Act have justified this legislation in a “foreign” discourse—one that minimizes the relationship between power imbalances in the foreign and domestic context. The attention given to mail-order brides provides an opportunity to view a familiar problem in a different light. Yet, the IMBRA and the

¹ Catherine A. MacKinnon *Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence*, Signs, Vol. 8, No. 4, Summer 1983, at 638 available at <http://links.jstor.org/sici?sici=00979740%28198322%298%3A4%3C635%3AFMMATS%3E2.0.CO%3B2-8> (last visited April 10, 2008).

accompanying arguments advocating protection against internationally brokered marriages present the social risk that the domestic/foreign distinction will minimize the similar problems faced by all women in America and further normalize their circumstances.

The International Marriage Broker Regulation Act

Anastasia Solovieva, the Russian daughter of two music teachers, seemed to thrive in her poor yet loving home.² From a young age she appreciated poems, stories, and piano.³ She later showed potential as a classical pianist and her beauty rivaled that of many models.⁴ It was Solovieva's potential, rather than naiveté, that caused her to seek opportunities outside her "destitute city in the former Soviet bloc."⁵ She began searching through matchmaking catalogs and was soon enamored with a seemingly well educated professional man in America.⁶ After a few meetings in Kyrgyzstan the young woman accompanied the man to Seattle where they wed in 1998.⁷ They bought their first house together and Solovieva enrolled in college.⁸ Like many young brides, Solovieva began to fall out of love.⁹ She sought the companionship and affection of a Russian man, a relationship which Solovieva's husband became aware of.¹⁰ Solovieva soon confided in a good friend that her husband knew everything.¹¹ That was the last the friend heard of Solovieva.¹² Her husband was convicted of her murder.¹³ In an all too familiar twist, the

² Lewis Kamb & Robert L. Jamieson, Jr., Seattle Post-Intelligencer, *Mail-Order Bride's Dream of a Better Life Ends in Death* (Feb. 2, 2001) available at <http://seattlepi.nwsourc.com/local/brid02.shtml> (last visited April 28, 2008).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ David Fisher, Seattle Post-Intelligencer, *King Gets 28-year Prison Sentence for Killing Mail-Order Bride* (March 29, 2002) available at http://seattlepi.nwsourc.com/local/64445_king29.shtml (last visited April 28, 2008).

tragedy was followed by revelations that Solovieva's husband had a history of domestic abuse.¹⁴ It was also revealed that her husband "withheld her school money, restricted her time with friends, and threatened her with deportation or death if she tried to leave."¹⁵ Though Solovieva was a foreign bride and her husband had formerly abused another foreign bride, the story bears a sad resemblance to the domestic abuse patterns experienced by American women throughout this country.

Yet, it was this death, not to be confused with the similar and far more common homicides that have resulted from domestic violence against American women, which prompted Washington state law makers to sponsor a federal bill protecting mail-order brides.¹⁶ From the beginning, the Act was conceptualized to empower foreign women by regulating the communications between the women and their potential American husbands.¹⁷ While the current version of the Act was "passed on a 'voice vote' without testimony, witnesses or information about relevant empirical or statistical data,"¹⁸ Senator Cantwell's 2003 testimony and to congress shed light on the motivation behind the Act.¹⁹ The 2003 version was never passed in its entirety;²⁰ however, the Act was later proposed in the 108th 2005 and was passed by the 109th Congress.²¹ Cantwell testified that the Act's goal "is to better inform women entering this country as fiancées and prospective spouses about the past history of their prospective spouse."²²

Though the statements of Senator Brownback regarding the Act do suggest a concern that

¹⁴ Kamb, *supra*.

¹⁵ Fisher, *supra*.

¹⁶ Senate Record, S9960-9961 (July 25, 2003) available at <http://www.usimmigrationattorney.com/InternationalMarriageBrokers2003.html> (last visited May 1, 2008).

¹⁷ Kerry Abrams, *Immigration Law and the Regulation of Marriage*, 91 Minn. L.Rev. 1625, 1656 (June, 2007).

¹⁸ Erin K. Pleasant, *The International Marriage Broker Regulation Act: Protection Foreign Women or Punishing American Men?*, 29 Campbell L. Rev. 311, 315 (Winter 2007).

¹⁹ *Id.*

²⁰ Karen M. Morgan, *Here Comes the Mail-Order Bride: Three Methods of Regulation in the United States, the Philippines, and Russia*, 39 Geo. Wash. Int'l L. Rev. 423, 430 (2007).

²¹ Pleasant, *supra*.

²² Senate Record, *supra*.

immigration law will be exploited and used to prey on women, they also emphasize a more general imperative to prevent the “perverting” of “the institution of marriage.”²³ Additionally, Senator Brownback honed in on “choice” by recognizing that “information can help a woman help herself, help her save herself or her child from becoming the next victim of a predatory abuser.”²⁴ While these goals seem to encompass needs of all potential wives, the Act was passed to protect a specific class of potential victims against a very narrowly defined threat.

Though the language of the Act is gender neutral, it is uncontroverted that the Act is intended to protect foreign women. In her testimony before the Foreign Relations Committee, Senator Cantwell explains that she introduced the Act in response to the deaths of several mail-order brides.²⁵ In fact, she even recounted to congress how the accomplice to Anastasia King’s husband “strangled Anastasia with a necktie while King lay on her chest to keep her from moving.”²⁶ She further stated that “this legislation is modeled on a serious of groundbreaking Washington state laws related to trafficking of persons and ‘mail order brides.’”²⁷ Senator Cantwell, a known liberal, was accompanied in sponsoring the Act by conservative Republican Senator Brownback, Republican Representative Wolf, and Democratic Representative Larsen.²⁸ Gaining support from both parties, the Act’s “political star was rising,” and it was eventually signed into law in January of 2006²⁹ after being “piggy-backed onto the final pages of the

²³ Abrams, *supra* at footnote 131.

²⁴ *Id.* at footnote 131 quoting 151 Cong. Rec. S13,752 (daily ed. Dec. 16, 2005) (statement of Sen. Brownback)

²⁵ Press Release (July 13, 2004) *available at* <http://cantwell.senate.gov/news/record.cfm?id=242451&> (last visited May 4, 2008).

²⁶ Senate Record, *supra*.

²⁷ Press Release, *supra*.

²⁸ Holli B. Newsome, *Mail Dominance: A Critical Look at the International Marriage Broker Regulation Act and its Sufficiency in Curtailing Mail-Order Bride Abuse*, 29 Campbell L. Rev. 291, 292 (Winter 2007).

²⁹ Carey Roberts, News with Views, *IMBRA: Anatomy of a Feminist Hoax* (Sept. 29, 2007) *available at* <http://www.newswithviews.com/Roberts/carey193.htm> (last visited April 10, 2008).

Violence Against Women Act,”³⁰ though it is termed the International Marriage Broker Regulation Act of 2005.

The first part of the Act mandates that “an information pamphlet” be given to immigrants (including mail-order brides) who are applying for fiancé visas which explains “legal rights and resources for immigrant victims of domestic violence.”³¹ This pamphlet must be translated by the Secretary of State into “at least 14 specific languages” which are determined “based on the languages spoken by the greatest concentrations” of fiancé visa applicants.³² The Act also requires the applicant for the fiancé visa be interviewed and asked “whether an international marriage broker has facilitated the relationship between the applicant and the United States petitioner.”³³ If the interviewer discovers that the applicant and US sponsor met through an international marriage broker the interviewer must “confirm that the international marriage broker provided the applicant [with] the information and materials required” under the Act.³⁴

The second to last part of the Act regulates the activities of international marriage brokers.³⁵ The Act defines an international marriage broker as an entity “that charges fees for providing dating, matrimonial, matchmaking services, or social referrals between United States citizens or nationals” and foreign nationals “by facilitating communication between individuals.”³⁶ The definition is followed by two exceptions. The first exempts nonprofit “matchmaking organization[s] of a cultural or religious nature.”³⁷ The second exempts entities where its “principal business is not to provide international dating services between United States citizens or United States residents and foreign nationals” as demonstrated by charging

³⁰ Pleasant, *supra* at 315.

³¹ 8 USCA §1375a(a)(1).

³² 8 USCA §1375a(a)(4)(B).

³³ 8 USCA §1375a(b)(1)(C).

³⁴ *Id.*

³⁵ 8 USCA §1375a(d).

³⁶ 8 USCA §1375a(e)(4)(A).

³⁷ 8 USCA §1375a(e)(4)(B).

“comparable rates and offer[ing] comparable services to all individuals it serves regardless of the individual’s gender or country of citizenship.”³⁸ Thus, if men from countries other than the United States use a particular dating service as much as men from the United States, the broker is not regulated by the Act.

Once an entity is determined to be as an international marriage broker it incurs several obligations. The most controversial of these obligations is the “mandatory collection of background information” from prospective “United States clients.”³⁹ As part of this requirement, the clients must certify whether they have ever had any restraining orders issued against them and whether they have been convicted of specified crimes including domestic violence and crimes related to procuring prostitutes.⁴⁰ The Act also requires disclosure of “offenses related to controlled substances or alcohol.”⁴¹ Additionally, the client must disclose past and present marital history including “whether the client has previously sponsored an alien to whom the client was engaged or married,” the number of prior marriages, “how previous marriages of the client were terminated[,] and the date of termination.”⁴² Lastly, the Act requires the client to disclose the ages of all children belonging to the client who are under the age of 18 as well as all states and countries the “client has resided in since the client was 18 years of age.”⁴³ It is important to realize that all of these disclosure requirements are specific to the United States client and are not reciprocal obligations imposed on foreign brides. Independent of obtaining certification of these disclosures, the Act requires international marriage brokers to conduct a search of the National Sex Offender Public Registry and any other applicable sex offender

³⁸ *Id.*

³⁹ 8 USCA §1375a(d).

⁴⁰ 8 USCA §1375a(d)(2)(B).

⁴¹ 8 USCA §1375a(d)(2)(B)(iv).

⁴² 8 USCA §1375a(d)(2)(B)(v).

⁴³ 8 USCA §1375a(d)(2)(B)(vi-vii).

registries that exist in states where the United States client has resided within the past 20 years.⁴⁴

The Act further states the marriage broker cannot provide the United States client contact information pertaining to any foreign national client until this query has been completed.⁴⁵ In fact, this contact information is not disclosed until the foreign client receives the United States client's disclosures and the results of the sex offender query, and even then only if the foreign client grants written consent for the disclosure.⁴⁶ International marriage brokers (legal entities that use the internet or other means to facilitate dating services between US and foreign parties) face potential federal civil and criminal penalties if they fail to comply with the Act.⁴⁷

In spite of the Act's international, rather than purely domestic application, the Act is controversial as it still challenges American notions of privacy and tradition. Since the creation of the Act, literature, websites, and commentary have painted the Act in various hues. In general, those in favor of the Act cite its ability to protect a class of women who are objectified as products or commodities and are susceptible to domestic violence. Those against the Act tend to emphasize the normalcy of internationally brokered marriages, citing the fact that, "contacting a woman for romantic purposes—internationally or domestically—is not a crime."⁴⁸ Thus, the debate has become whether foreign women are a "special" population. Neither side has attempted to draw parallels or close the gap between the articulated threats faced by foreign brides and the less obvious but no less existent threats faced by non-immigrant women. In order to achieve protections for some women, advocates for the Act have been put in the position of defining foreign women as a distinct class—deserving of special protections. Yet, the arguments

⁴⁴ 8 USCA §1375a(d)(3)(A)(i).

⁴⁵ *Id.*

⁴⁶ 8 USCA §1375a(e)(4)(A); 8 USCA §1375a(d)(3)(A)(i-iv).

⁴⁷ 8 USCA §1375a(d)(5).

⁴⁸ Wendy McElroy, Fox News, '*Mail-Order Bride*' Law Brands All American Men as Abusers (Jan. 10, 2006) available at <http://www.foxnews.com/story/0,2933,180487,00.html> (last visited April 12, 2008).

that are offered in support of these special protections are often not particular to foreign women at all. In fact, some say the arguments relating to objectification and domestic violence apply equally to domestic women. While providing protections for one sub-class of women may be a start, framing the issues as specific to that class of women may have the unintended effect of silencing the other victims of these threats. Consequently, it is critical to, without trivializing the importance of the Act, question the ways in which arguments in support of the Act relate to foreign women as opposed to all women in America.

International Marriage Brokers and the Objectification of Women

Violence against mail-order brides is often attributed to the way in which they are commodified. Many view violence against mail-order brides as the “byproduct of sexist and racist marketing.”⁴⁹ This phenomenon is evident in many aspects of the relationship between the husband and the foreign bride. For instance, the very term “mail-order bride” portrays the woman as a commodity that is shopped for and ordered. Then of course the actual process of using an international marriage broker resembles much of the same. Regardless of one’s moral objections to the commodification of fiancés in internationally brokered marriages, it is nearly uncontroverted that these women are in fact portrayed as commodities. While the commodification of women within domestic marriages is more subtle, or at least so familiar that it presents itself more subtly, it can similarly be attributed to violence against women. Thus, although arguments in support of the Act approach the commodification of foreign brides as a unique phenomenon, it is critical that we question whether it is in fact just one example of how American men view women as commodities or objects.

⁴⁹ Suzanne H. Jackson, *Marriages of Convenience: International Marriage Brokers, “Mail-Order Brides,” and Domestic Servitude*, 38 U. Tol. L. Rev. 895, 895 (Spring 2007).

Mail-order brides are often viewed as products that cater to “consumer husbands.”⁵⁰ The “typical consumer husband” seeks a woman who is subservient and not career oriented.⁵¹ In essence, the consumer husband often seeks a woman who is more akin to a possession than a partner. Women are often advertised like products on an internet shopping site according to what part of the world they come from, much like a brand.⁵² The women are generalized according to that “brand.”⁵³ A survey of mail-order bride sites provides further detail. www.goodwife.com provides a guide to many popular mail-order bride sites.⁵⁴ The homepage shows several pictures of women that are reminiscent of the 1950’s.⁵⁵ Some of the women are donning high heels and tights while tasking household chores.⁵⁶ Others are scantily clad and posing with adoring expressions on their face.⁵⁷ The site prompts readers to ask themselves what constitutes a good wife.⁵⁸ The site explains the challenges of finding a “good wife” in the west “with many women taking on the ‘me first’ feminist agenda and the man continuing to take the back seat to her desire for power and control.”⁵⁹

The site offers links to various mail-order bride sites, each site separated according to desired country of origin.⁶⁰ The Asian site names include “Exotic Asian Women” and “Sexiest Filipinas.”⁶¹ The Asian women are pictured on beaches with sound clips of waves and birds playing in the background, and have user names such as “waiting4u.”⁶² The Latin site names

⁵⁰ Newsome, *supra* at 295.

⁵¹ *Id.*

⁵² Marriages of Convenience, *supra* at 898.

⁵³ *Id.* at 898-899.

⁵⁴ Good Wife, available at <http://www.goodwife.com/> (last visited April 6, 2008).

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ Asian Directory for Good Wife, available at <http://www.goodwife.com/links/directory/14.html> (last visited April 6, 2008).

⁶² Sexiest Filipinas, available at <http://www.sexiestfilipinas.com/> (last visited April 6, 2008).

include “My Latin Flame.”⁶³ Another site, Mexican-Brides.com explains that “Mexico is the common sense destination for North American men seeking mail order brides with traditional family values.”⁶⁴ The site further asks, why men would look for mail-order brides in “Colombia where you need to be looking over your shoulder constantly because of rampant street crime and communist guerrillas when you can find beautiful women who are motivated to marry North Americans in a safe comfortable city that is just two hours and fifteen minutes from Houston by air or three hours from Los Angeles.”⁶⁵ The Russian site names include “Marriage Agency Girl for Marriage,” “Russian Sexy Women,” and “Blonde Russian Women.”⁶⁶ One of the sites even offers “romance tours” where men can pay to travel and meet eagerly awaiting brides.⁶⁷ The site features photos of previous tours where seemingly average looking middle-aged men are surrounded by young blonds.⁶⁸ The site boasts that its romance tour service offers the “largest ratio of women to men in the industry.”⁶⁹

Supporters of the Act have good reason to suspect that foreign women may be used by consumer husbands as sexual objects that are expected to provide domestic service;⁷⁰ yet, the arguments supporting the Act fail to acknowledge that American women are vulnerable to these same expectations. Although in her testimony in favor of the Act, Senator Cantwell expresses concern that many international marriage broker sites “tout young women looking for love and

⁶³ Latin Directory for Good Wife, *available at* <http://www.goodwife.com/links/directory/16.html> (last visited April 6, 2008).

⁶⁴ Mexican Brides, *available at* <http://www.mexican-brides.com/> (last visited April 6, 2008).

⁶⁵ *Id.*

⁶⁶ Russian Directory for Good Wife, *available at* <http://www.goodwife.com/links/directory/18.html> (last visited April 6, 2008).

⁶⁷ Anastasia Tours, *available at* <http://www.anastasia-web-tours.com/Home/Tours/tabid/55/Default.aspx> (last visited April 6, 2008).

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ Kirsten M. Lindee, *Love, Honor, or Control: Domestic Violence, Trafficking, and the Question of How to Regulate the Mail-Order Bride Industry*, 16 *Colum. J. Gender & L.* 551, 567 (2007).

marriage”⁷¹ and that “these sites promise a wife with ‘traditional values,’ who will honor her husband”⁷² it is important to understand whether men are looking for domestic or international partners, the internet is becoming an increasingly popular venue for mate selection.⁷³ Similarly, while Senator Cantwell states that “more than half” of the male clients using international marriage brokers have been married before and are now looking “to find a bride with more ‘traditional values,’”⁷⁴ there is no evidence that men using domestic matchmaking services do not have similar backgrounds and perspectives. Like international marriage broker sites, domestic matchmaking sites offer young women who are seeking to conform to traditional standards of the American male. For example, the homepage of match.com displays a picture of a young looking female with a username of “twobits12” accompanied by the caption “I make a mean casserole.”⁷⁵ Other sites list local girls looking for long-term relationships with usernames such as such as “sexybabygirl08” and “babyblueeyes9362”⁷⁶ that, similar to international marriage broker sites, appeal to prurient, if not pedophilic interests; yet, these women are understood to have complete agency.

Further, men often seek more traditional traits in wives, regardless of whether they are foreign or domestic. Women in America have long been expected to provide household services to their husbands. This element of marital relationships has become so ingrained in American culture that economists argue it is “central to a capitalist economy.”⁷⁷ In fact, many argue unpaid household work should be included in calculating the Gross National Product by accounting for

⁷¹ Press Release, *supra*.

⁷² Senate Record, *supra*.

⁷³ Davor Jedlicka, *Automated Go-Betweens: Mate Selection of Tomorrow?*, Family Relations, Vol. 30, No. 3 (May 1996) 373-376, 373.

⁷⁴ Senate Record, *supra*.

⁷⁵ Match.com available at <http://www.match.com/matchus/> (last visited April 12, 2008).

⁷⁶ American Singles available at <http://www.americansingles.com/Applications/Search/SearchResults.aspx> (last visited April 12, 2008).

⁷⁷ Joyce E. McConnell, *Beyond Metaphor: Battered Women, Involuntary Servitude and the Thirteenth Amendment*, 4 Yale J.L. & Feminism 207, 244 (Spring 1992).

the “loss in value for services provided” that results when women who were staying at home enter the workforce.⁷⁸ Thus, it is fair to say that even for domestic women, there is reason to fear that the economics of marriage will result in expectations that reflect her perceived value as a woman, rather than her character as a human being.

Lastly, Senator Cantwell uses the forum in which internationally brokered marriages are facilitated to justify much of the protections afforded to the foreign bride. In regards to meeting foreign spouses via the internet, Senator Cantwell replies that “Unfortunately, women meeting their husbands in this manner frequently have little opportunity to get to know their prospective spouses or assess their potential for violence.”⁷⁹ Yet, it is difficult to see how this rationale lends itself to disclosure requirements for men seeking foreign brides, while disclosure requirements for all men using internet dating sites is not even considered. Many of the logical distinctions between protections needed for foreign and domestic fiancés is covered by the information pamphlet required by the Act, which discloses the immigrants’ legal rights in American. As for disclosures such as prior marriages and number of children, it is difficult to see how domestic relationships, especially in the context of on-line dating, would not warrant similar protections for non-foreign women.

Domestic violence in international and domestic relationships

Internationally brokered marriages usually have an element of male entitlement and class privilege inherent in the relationship because the man is usually a US sponsor for the foreign wife.⁸⁰ The foreign wives often fear the immigration consequences that they could face if their husbands are dissatisfied with them.⁸¹ For example, if the husband withdraws his petition for the

⁷⁸ *Id.*

⁷⁹ Senate Record, *supra*.

⁸⁰ Marriages of Convenience, *supra* at 900.

⁸¹ *Id.* at 901.

wife's legal residence she can no longer work and the husband can report the wife as undocumented.⁸² Further, immigrant women often depend on their husbands as a matter of daily life because they are in an unfamiliar environment.⁸³ In general, many argue that the mail-order bride relationships foster power imbalances that are rooted in more than mere sponsorship.⁸⁴ One reason for this imbalance is the economic and cultural backgrounds of the spouses.⁸⁵ The potential brides often come from countries which socialize them to be "submissive and deferential."⁸⁶ Senator Cantwell further explains "Most of the foreign brides advertised by the IMBs come from countries where women are oppressed, have a [*sic*] few educational or professional opportunities, and where violence against women is condoned, if not encouraged."⁸⁷ The women are also often quiet young.⁸⁸ One study found that only 11% of Asian brides advertised were between the ages of 31 and 35, and less than 4% were over 35 years old.⁸⁹ Further, immigrant women often have linguistic barriers and are seen as having few social networks.⁹⁰ In contrast, the potential husbands tend to have more social power.⁹¹ Senator Cantwell's testimony states, "Researchers describe the typical American client as Caucasian, educated, professional, and financially secure."⁹² Additionally, the men have an estimated median age of 37.⁹³

As cited in a House of Representatives report, the power imbalance is also seen as extending to mail-order brides' unfamiliarity with how to navigate the legal system, should they

⁸² *Id.*

⁸³ *Id.* at 900.

⁸⁴ Lindee, *supra* at 559.

⁸⁵ *Id.*

⁸⁶ *Id.* at 560.

⁸⁷ Senate Record, *supra*.

⁸⁸ Lindee, *supra* at 559.

⁸⁹ *Id.*

⁹⁰ *Id.* at 560.

⁹¹ *Id.*

⁹² Senate Record, *supra*.

⁹³ Lindee, *supra* at 559-560.

need help.⁹⁴ The unfamiliarity with the legal system exacerbates the immigrant women's fears of police and deportation.⁹⁵ Thus, it is suspected that much of the mail-order bride abuse goes unreported.⁹⁶ Supporters of the Act cite congressional findings that "Many immigrant women live trapped and isolated in violent homes, afraid to turn to anyone for help."⁹⁷

Advocates of the Act argue that the publicized homicides of a few mail-order brides are the "visible tip of what is reasonably assumed to be a sizable iceberg of non-fatal abuse" of mail-order brides;⁹⁸ however, it may be more appropriate to say the abuse faced by mail-order brides is the proverbial tip of the domestic abuse iceberg affecting all women in America. Some find the epidemic-like depictions of mail-order bride abuse made by Act sponsors to be disingenuous.⁹⁹ Even advocates of the Act concede that "no reliable data currently exists proving whether physical abuse is more common in marriages resulting from IMB efforts than in other marriages."¹⁰⁰ Additionally, a 1996 U.S. Citizen and Immigration Services report to congress "revealed that 'less than 1 percent of the cases [...] being brought to the attention of the INS can be attributed to the mail-order bride industry.'"¹⁰¹ While Senator Cantwell attributes this to the fact that "abuse in these relationships is likely under-reported since the women are likely to be more afraid of deportation than the abuse they suffer at home," she also claims that aside from Anastasia King "there are similar examples across the country of women who have met their American spouses through an Internet IMB only to be seriously injured or killed by an American

⁹⁴ Newsome, *supra* at 299 citing H.R. Rep. No. 103-395 (1993).

⁹⁵ *Id.* at 299-300 quoting H.R. Rep. No. 103-395 (1993) at 34, 42.

⁹⁶ *Id.* at 299-300.

⁹⁷ *Id.* at 300 quoting H.R. Rep. No. 103-395 (1993) at 34, 42.

⁹⁸ Marriages of Convenience, *supra* at 900.

⁹⁹ Roberts, *supra*.

¹⁰⁰ Marriages of Convenience, *supra* at 900 citing Keli Dailey, I Wish They All Could Be Mail-Order Girls, San Antonio Current, July 26, 2006, at 8 (quoting Layli Miller-Muro, executive director of the Tahirih Justice Center, saying that the "FBI doesn't track [abused or murdered] women by how they met their husbands").

¹⁰¹ Roberts, *supra* quoting International Matchmaking Organizations: A Report to Congress (Feb. 1999) part 4.

spouse.”¹⁰² Conversely, others calculate that “over a span of twelve years there were exactly three foreign women killed out of 10,000 women that immigrated in marriage agency arrangements,” compared to the estimate of “1400 American women residents [that] were killed by their intimate partner each year.”¹⁰³

Yet, the real point is not that American women are abused more or less than mail-order brides, but rather that American women face many of the same domestic violence concerns which have been inaccurately portrayed as being unique to immigrants. For example, the power imbalances that exist in internationally brokered marriages resemble those of many domestic marriages. In general women who are dependent on their spouse are more likely to experience physical abuse than women who are not as dependent.¹⁰⁴ Dependence is not unique to the immigrant wife’s experience. Like the mail-order brides who often come from poor counties, battered women from America are more likely than non-battered women to be unemployed for periods of time and/or have low incomes.¹⁰⁵ Poverty can foster dangerous dependencies on men, especially for women with children.¹⁰⁶ One study found that mandated work requirements under welfare reform influenced women to rely on formerly abusive partners for child care and other needs.¹⁰⁷ Financial dependence is not limited to women on welfare. For example, women may

¹⁰² Senate Record, *supra*.

¹⁰³ Online Dating Rights Forum available at <http://www.online-dating-rights.com/forum/index.php?topic=544.0> (last visited April 12, 2008).

¹⁰⁴ Debra S. Kalmuss & Murray A. Straus, *Wife’s Marital Dependency and Wife Abuse*, *Journal of Marriage and the Family*, Vol. 44, No. 2 (May, 1982) 277-286, 284 available at <http://links.jstor.org/sici?sici=00222445%28198205%2944%3A2%3C277%3AWMDAWA%3E2.0.CO%3B2-J> (last visited April 10, 2008).

¹⁰⁵ Ellen K. Scott, Andrew S. London, & Nancy A. Myers, *Dangerous Dependencies: The Intersection of Welfare Reform and Domestic Violence*, *Gender and Society*, Vol. 16, No. 6 (Dec. 2002) 878-897 available at <http://links.jstor.org/sici?sici=0891-2432%28200212%2916%3A6%3C878%3ADDTIOW%3E2.0.CO%3B2-K> (last visited April 10, 2008).

¹⁰⁶ *Id.*

¹⁰⁷ *Id.* at 882.

have been in financially stable relationships where the man prohibited the woman from working for the purpose of having economic control over her.¹⁰⁸

Aside from financial dependence, battered women in America face the similar challenge of resisting legal assistance for the abuse. While mail-order brides may not be familiar with the criminal justice system or fear deportation, many American women avoid and fear legal assistance for different reasons. Some argue that mandatory arrest and/or prosecution policies cause women to fear state intervention.¹⁰⁹ Mandatory interventions may invoke psychological responses that worsen, rather than ameliorate the harm caused by the abuser.¹¹⁰ When police intervention does not take a “person-by-person approach,” but rather indiscriminately treats all battered women the same, women may be prone to further feelings of dependency and low self-esteem.¹¹¹ These fears are accompanied by the more obvious problems associated with mandatory intervention—the woman’s fear of retaliation and distrust of police, especially in African American communities.

In addition to fears of state intervention programs, women may be reluctant to seek help because they do not believe in the efficacy of legal assistance. Not all municipalities take an aggressive approach towards domestic violence, and the reluctance to interfere with domestic disputes is well rooted in American culture. First, domestic abuse is hallmarked by violence that occurs behind closed doors. Traditional legal notions of property assert that “a man’s home is his

¹⁰⁸Nancy J. Hirschmann, *Domestic Violence and the Theoretical Discourse of Freedom*, Vol. 16, No. 1. (1996) 126-151, 132 available at <http://links.jstor.org/sici?sici=01609009%281996%2916%3A1%3C126%3ADVATTD%3E2.0.CO%3B2-5> (last visited April 8, 2008).

¹⁰⁹ Linda G. Mills, *Killing her Softly: Intimate Abuse and the Violence of State Intervention*, 113 Harv. L. Rev. 550 (1999).

¹¹⁰ *Id.* at 595.

¹¹¹ *Id.*

castle.”¹¹² There is no reason to believe that this male deference would apply more so to immigrant women than American women. Battered wives also have to overcome coveted American notions of privacy that forbid government interference with family and/or personal affairs.¹¹³

Thus, immigrant women are not alone in lacking the proper legal resources needed to confront domestic violence. The lack of information or understanding about the criminal justice system becomes insignificant if the presence of information still results in a reluctance to utilize those resources. By framing the issue as one where a specific group of women are not provided with information sidesteps the more important issue of whether that information will be useful in a practical sense. For example, Senator Cantwell testified that “dependency can make it difficult for a wife to report abuse without worrying that doing so is a surefire ticket to deportation.”¹¹⁴ The discourse surrounding the Act misperceives the threats battered women face by focusing on tangible threats to women, such as loss of immigration status, while ignoring the more common psychological weapons wielded by abusers. For example, the fear of deportation may be subsidiary to a battered woman’s psychological dependence on her abuser and her low self-esteem. Regardless of whether an abusive husband can make material threats such as deportation, he is likely creating an environment that limits choice and freedom.¹¹⁵ Even non-immigrant battered women are likely to feel trapped and helpless. This often overlooked distinction between external controls (such as financial dependence and lack of social networks) and “intrapsychic” controls (such as the normalization of abuse) accounts for much of the

¹¹² Matthew Litsky, *Explaining the Legal System’s Inadequate Response to the Abuse of Women: A Lack of Coordination*, 8 N.Y.L. Sch. J. Hum. Rts. 149, 162 (1990).

¹¹³ *Id.*

¹¹⁴ Senate Record, *supra*.

¹¹⁵ Hirschmann, *supra* at 128.

misunderstandings about battered women.¹¹⁶ While the discourse surrounding the Act emphasizes external controls and barriers, battered women’s motivations are often the result of “internal barriers.”¹¹⁷ Trivializing or ignoring “internal barriers” is dangerous because it silences insightful discourse surrounding battered women’s behavior. For example, the “battered women’s syndrome” results from the creation of internal barriers that obscure a woman’s perceptions of external controls.¹¹⁸ In other words, even in the absence of physical constraints, a woman may believe she is unable to leave an abusive relationship to the point where that belief takes on the force of reality.¹¹⁹ Thus, while discourse emphasizing external controls cannot make sense of why a battered woman would continually return to her abusive home, a discourse emphasizing internal barriers is able to articulate the “false consciousness” that “perverts her ability for self-development and self-realization.”¹²⁰

Minimizing the similarities between domestic violence in domestic and internationally brokered marriages further perpetuates misunderstandings about domestic violence. Social messages about domestic violence are critical because they often influence laws. Thus, social misrepresentations can translate into misguided legislation. Emphasizing abuse among mail-order brides can be seen as undermining efforts to make domestic violence laws reflect the reality of the violence.¹²¹ Currently, the law narrowly defines domestic violence and refuses to encompass the “vast range of suffering—amidst and beyond the physical abuse.”¹²² The limitations surrounding legal interpretations of domestic abuse evidence a “normalization” of

¹¹⁶ *Id.* at 132.

¹¹⁷ *Id.* at 133.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ Deborah Tuerkheimer, *Recognizing and Remediating the Harm of Battering: A Call to Criminalize Domestic Violence*, *The Journal of Criminal Law and Criminology*, Vol. 94, No. 4 (Summer 2004) 959-1032, 960-961.

¹²² *Id.* at 966.

many forms of domestic abuse. This normalization is rooted in American history.¹²³ Early attempts to criminalize domestic violence had to be balanced against the husband's right to inflict corporal punishment against his wife for her failure to obey.¹²⁴ This right persisted through much of the 19th Century.¹²⁵ While increased protections exist today, "non-physical manifestations of power and control that characterize the abusive relationship are simply not recognized by the criminal law."¹²⁶ While it is important to protect all victims of domestic violence, giving special recognition to mail-order bride violence may further trivialize the power dynamic that is central to the marital abuse of immigrant and non-immigrant women alike.

Discourse surrounding the Act also associates foreign brides with sex work without acknowledging the problems associated with that industry face domestic and international women alike. Cantwell warns that "When we talk about human trafficking [...] we need to also be aware of the advent of for-profit international marriage brokers."¹²⁷ These concerns are best exemplified by traffickers who use promises of marriage and a better life to lure foreign women into the US for prostitution.¹²⁸ Supporters of the Act argue that foreign women posted on International Marriage Broker websites are prey for pimps, and may one day end up as prostitutes.¹²⁹ Some supporters of the Act have gone so far as to equate the marital arrangements between the foreign brides and American grooms as modern day slavery.¹³⁰ International marriage brokers have in some cases been found to provide a means through which women could

¹²³ *Id.* at 969.

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.* at 972.

¹²⁷ Press Release, *supra*.

¹²⁸ Marriages of Convenience, *supra* at 897.

¹²⁹ *Id.* at 898.

¹³⁰ *Id.* at 897.

be trafficked.¹³¹ In any event, Internationally Brokered Marriages can result in situations where it becomes impractical for the woman to leave the US.¹³²

While there are no statistics relating to the number of women who are trafficked into the United States for sex work under the guise of mail-order brides¹³³, several factors lend support to the potential risk. For example, instances of mail-order bride prostitution have occurred in other countries.¹³⁴ German husbands have been found to act as informal pimps, offering their friends sexual favors from their mail-order brides.¹³⁵ In the United Kingdom, international marriage brokers have been found to also be involved in sex tourism and other sexually exploiting criminal enterprises such as prostitution.¹³⁶ In these cases, the same website that advertised a woman as a mail-order bride also advertised her as a prostitute.¹³⁷ Some suspect similar activities occur through American mail-order bride corporations.¹³⁸ These suspicions are furthered by mail-order bride sites in the US that provide links to pornographic websites and services.¹³⁹ Similarly, international marriage brokers sometimes advertise through adult websites and magazines.¹⁴⁰ Additionally there is often a blurred line between pornography and mail-order bride sites. A survey of these sites reveals site names such as “Black Girls Agency”¹⁴¹ [emphasis added] and “Angels to Love”¹⁴² that market sex, innocence and youth in way that even resembles

¹³¹ *Id.*

¹³² *Id.* at 898 quoting from The Special Rapporteur, Report of the Special Rapporteur on the Human Rights Aspects of the Victims of Trafficking in Persons, Especially Women and Children, ¶ 56, U.N. Doc. A/HRC/4/23 (Jan. 24, 2007).

¹³³ Lindee, *supra* at 562.

¹³⁴ *Id.* at 564.

¹³⁵ *Id.* quoting Eddy Meng, Note, *Mail-Order Brides: Gilded Prostitution and the Legal Response*, 28 U. Mich. J.L. Reform 197, 223 (1994).

¹³⁶ *Id.* at 564.

¹³⁷ *Id.*

¹³⁸ *Id.* at 565.

¹³⁹ *Id.* quoting Vanessa Brocato, *Profitable Proposals: Explaining and Addressing the Mail-Order Bride Industry Through International Human Rights Law*, 5 San Diego Int'l L.J. 225, 250 (2004).

¹⁴⁰ *Id.* at 565.

¹⁴¹ Latin Directory for Good Wife, *supra*.

¹⁴² Russian Directory for Good Wife, *supra*.

child pornography. A survey of these sites further reveals that while women are not “advertised” as being under 18 they are often as young as 18 and, regardless of age, usually featured in provocative poses (such as sucking on a cherry) and in provocative clothing.¹⁴³

While international marriage broker systems may resemble trafficking, it can be distinguished from traditional trafficking because the clients voluntarily participate in the industry; yet, advocates of the Act propose a broader definition of consent that contemplates the supposed unique circumstances of the foreign women. Typically, the definition of trafficking includes a lack of the victim’s consent.¹⁴⁴ Recently, however, some have suggested that an exception should be made for mail-order brides.¹⁴⁵ The justification for this exception is the claim that after women make the choice to be mail-order brides, they lack any real choice to escape the situation they later find themselves in.¹⁴⁶ In other words, the meaning of choice is obscured by the power imbalances inherent in the relationship between the consumer husband and the foreign bride.¹⁴⁷ Similarly, the “rape paradigm” illustrates how some advocates of the Act have attempted to recognize lack of choice as unique to immigrant women entering sex work.¹⁴⁸ Under the rape paradigm, offenders of sex trafficking are seen as being culpable for rape and should face the respective punishments because the victim was transported across internationally boundaries through “fraud or force.”¹⁴⁹ Additionally, the paradigm emphasizes that the international woman pursues sex work without any meaningful choice once in the US.¹⁵⁰ Yet, the paradigm assumes that *domestic* sex workers have “chosen” their profession. In fact, the

¹⁴³ Good Wife, *supra*.

¹⁴⁴ Lindee, *supra* at 566.

¹⁴⁵ *Id.*

¹⁴⁶ *Id.* quoting Kathleen Barry, *Female Sexual Slavery*, 40 (1979).

¹⁴⁷ *Id.* at 566.

¹⁴⁸ Suzanne H. Jackson, *To Honor and Obey: Trafficking in Mail-Order Brides*, 70 *Geo. Wash. L. Rev.* 475, 532 (2002).

¹⁴⁹ *Id.* at 531 quoting H.R. 1356 § 2 (b)(13), 106th Cong., (1999) (enacted) at 56, 57.

¹⁵⁰ *Id.* at 532.

paradigm explicitly excludes extra protections for those who violated prostitution laws on their own volition.¹⁵¹

These paradigms exemplify the way in which male dominance within our own country obscures the meaning of choice. While it is easy to see how women are fraudulently coerced overseas by the lures of a more promising life, it is more difficult to see how women within this country are similarly forced into sex work or marriage. This is because the obstacles preventing American women from exercising true “choice” are often so institutionalized and socialized that they are nearly invisible to most. Male dominance is often not seen as such—“its force is exercised as consent, its authority as participation, its supremacy as the paradigm of order, its control as the definition of legitimacy.”¹⁵² Under these conditions, choice becomes complicated. One of the objectives of the feminist movement has been to create a dialog that articulates male dominance and dares us to ponder the magnitude of its reach. Specifically, feminism challenges traditional notions of choice. Yet, under the proposed “rape paradigm,” domestic women are excluded from its rational and traditional notions of choice within that context are not questioned or disturbed, but rather are validated.

It is critical to acknowledge that foreign brides are not the only silent victims who are forced into sex work by their significant others. At least one study suggests that nearly thirty percent of native born prostitutes were pimped out by their husbands or boyfriends.¹⁵³ International and domestic women alike often feel forced into prostitution.¹⁵⁴ Control over prostitutes is not limited to threats of deportation, but also includes a financial dependence and

¹⁵¹ *Id.* at 532 quoting H.R. 1356 § 2(b)(7).

¹⁵² *Id.* at 639.

¹⁵³ *Marriages of Convenience, supra* at 897.

¹⁵⁴ Coalition Against Trafficking in Women, *Sex Trafficking of Women in the United States* (2001) at 59 available at http://www.uri.edu/artsci/wms/hughes/sex_traff_us.pdf (last visited April 18, 2008).

general lack of freedom, both of which face international and domestic prostitutes.¹⁵⁵ Prostitutes are often physically confined to physical locations and may even be locked in hotel rooms or closets regardless of their legal status.¹⁵⁶ Pimps also control the movement of prostitutes by charging other women with the responsibility of monitoring the prostitutes' whereabouts.¹⁵⁷ Further, it is not just mail-order brides who find themselves financially dependent on their sponsors. Pimps often use financial means to control prostitutes.¹⁵⁸ Prostitutes often have to give much of their earnings to pimps.¹⁵⁹ Pimps also impose physical and financial penalties on prostitutes who fail to obey certain rules.¹⁶⁰

Just as prostitutes in the US can be seen as victims of forced sex work, immigrant and non-immigrant women in abusive marriages can be likened to victims of forced labor. While some would go so far as to say that some modern day marriages are reminiscent of slavery, one must be careful not to trivialize or overlook the history of slavery.¹⁶¹ Historically, women did become the property of men upon marriage.¹⁶² Consequently, wives had "no legal identity, little or no control over property held in her name, and no capacity to contract."¹⁶³ Yet even in those cases, white women's suffering is not comparable to that of slaves.¹⁶⁴ In fact, the same white women who were seen as the chattel of their husbands benefited from the slaves their husbands owned.¹⁶⁵ Thus, the slavery analogy is not controversial and inaccurate. Nevertheless, scholars

¹⁵⁵ *Id.* at 59-60.

¹⁵⁶ *Id.* at 59.

¹⁵⁷ *Id.*

¹⁵⁸ *Id.* at 61.

¹⁵⁹ *Id.* at 60.

¹⁶⁰ *Id.*

¹⁶¹ McConnell, *supra* at 207-208.

¹⁶² Marriages of Convenience, *supra* at 916.

¹⁶³ *Id.*

¹⁶⁴ McConnell, *supra* at 208.

¹⁶⁵ *Id.*

point out that even modern day abusive marriages resemble, or perhaps even amount to involuntary servitude.¹⁶⁶

Involuntary servitude is prohibited by the Thirteenth Amendment.¹⁶⁷ The Supreme Court has interpreted involuntary servitude as related to, yet, broader than slavery.¹⁶⁸ Due to this broad definition, congressmen were reluctant to pass the Amendment for fear that it would alter personal relationships, including marriage.¹⁶⁹ Cases following its passage reflect these fears by framing involuntary servitude as something that resembles slavery.¹⁷⁰ The defining feature of this set became coerced labor within the “public” realm.¹⁷¹ Marriage later became more explicitly insulated from Thirteenth Amendment challenges once legal precedent developed an exception for “traditional relationships regarded by the common law as deserving of special status, such as the rights of parents over children.”¹⁷²

Recently, scholars have begun to question the wisdom and basis of the public/private realm distinction as well as the special status of marriage with regard to the Thirteenth Amendment. Returning to the origins of the Thirteenth Amendment, it was created to illegitimate the master-slave relationship.¹⁷³ The master-slave relationship encompassed not only forced labor, but also forced “chattle breeding” and rape between master and slave.¹⁷⁴ Many argue that this aspect of the master-slave relationship was implicitly prohibited by the Thirteenth Amendment.¹⁷⁵ While these evils were not explicitly addressed during the debates surrounding

¹⁶⁶ *See Id. generally.*

¹⁶⁷ U.S. Const. amend XIII.

¹⁶⁸ McConnell, *supra* at 212-213.

¹⁶⁹ *Id.* at 215-216.

¹⁷⁰ *Id.* at 216.

¹⁷¹ *Id.* at 214.

¹⁷² *Id.* at 216

¹⁷³ *Id.* at 218.

¹⁷⁴ *Id.*

¹⁷⁵ *Id.* at 218-219.

the Thirteenth Amendment they were well understood.¹⁷⁶ At the time of the debates, slavery had been a part of American culture for nearly two hundred years.¹⁷⁷ Thus, the Thirteenth Amendment can be seen as protecting dignities of the slave that extend beyond uncompensated labor.

These dignities are similarly compromised by abusive husbands.¹⁷⁸ Many battered women report engaging in forced sexual activities.¹⁷⁹ This behavior is seen as the epitome of the power imbalance between the spouses, where the man feels entitled to services from his wife.¹⁸⁰ Adhering to traditional gender role expectations, abusive husbands often view their wives as subservient and feel entitled to invoke violence to achieve compliance.¹⁸¹ Moreover, abusive husbands often view violence, sexual violence in particular, as a means to define their power over the woman.¹⁸² Abusive husbands' need for power translates into a sense of ownership.¹⁸³ Battered women are often made to believe they cannot leave the relationship.¹⁸⁴ Even in the event that the battered woman does leave, the abuser often searches for her in violation of court orders.¹⁸⁵ The abusive husband perceives his ownership over the woman to be so strong that he refuses to allow even the law to interfere with his interests.¹⁸⁶

Exploring how non-immigrant women may be subject to involuntary servitude is important because it challenges many of the misunderstandings that have only been perpetuated by arguments supporting the Act. While the public has become more aware of domestic abuse,

¹⁷⁶ *Id.*

¹⁷⁷ *Id.* at 218.

¹⁷⁸ *Id.* at 231-233.

¹⁷⁹ *Id.* at 231.

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² *Id.* at 231-232.

¹⁸³ *Id.* at 233.

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

the focus has been on the conduct of the victim, rather than the abuser.¹⁸⁷ More specifically, the focus is on “battered woman’s syndrome,” where the reasonableness of the woman’s conduct is at issue.¹⁸⁸ The Act focuses on the potential harm to immigrant brides, yet rarely does literature look at the potential harm to non-immigrant brides.¹⁸⁹ Rather, the public becomes interested in alleged abuse of non-immigrant woman as a factor secondary to the inquiry of whether the victim was justified in harming her abuser.¹⁹⁰ Additionally, the Thirteenth Amendment analysis challenges the assumption that forced labor occurs only in the instance of prostitution. The arguments in support of the Act address the inherent power differentiation in internationally brokered marriages, but it is more difficult see how even “normal” marriages are susceptible to these power differentiations. In particular, we tend to see marriages between working upper-class men and stay at home women as traditional and non-threatening. Yet, traditional gender roles can result in expectations of male dominance even marital rape for non-immigrant wives in the same way that it can for mail-order brides.¹⁹¹

Conclusion:

In 2003, Senator Cantwell set out to prevent future homicides of mail-order brides. On its face, the effort seemed uncontroversial. Although consumer husbands often resort to international dating because they seek very traditional women, using an international marriage broker is anything but traditional. Regulation of the international marriage broker industry does little to disturb American culture or values but in reality, the homicides of mail-order brides are a symptom of a broader epidemic—domestic violence, which is very much related to American culture and values. Nevertheless, the Act’s survival most likely depended on minimizing the

¹⁸⁷ *Id.* at 211.

¹⁸⁸ *Id.* at 210-211.

¹⁸⁹ *Id.* at 211.

¹⁹⁰ *Id.*

¹⁹¹ *Id.* at 231-232.

relationship between the threats facing foreign and domestic women. The arguments in favor of the Act reflect this strategy and this strategy was a success in that it provided recognition that a vulnerable population of women is deserving of legislative protection. Yet, this article has articulated how these vulnerabilities are not unique to the international marriage context.

When it is conceded that these problems exist domestically, it is difficult to envision a solution. A critical question becomes whether the same problems warrant a different solution merely because it would disrupt our conception of gender relationships and the institution of marriage, and if so why? The avoidance of this question subtly laces the arguments in favor of the Act such that one concludes attention to it could have been fatal to the Act. Yet, through the life of the Act spawned a discourse that contravenes the Act's initial ambitions are such that one wonders whether the ends justify those means. While the answer to this question is beyond the scope of this paper, the question is not. Even if the Act is a resounding success in spite of the discourse that it perhaps (arguably) necessitated, we must nevertheless be mindful and critical of the seeds that we sow in achieving whatever progress is in our reach.