

Beiträge

Moved to Marry: Connecting Marriage and Cross-border Migration in the History of the United States

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How do migration and marriage relate? How are they regulated? How do regulations of one affect the other? Marriage in the United States developed primarily as a state prerogative. Authorities associated marital bonds with social stability and promoted specific versions of the kinds of families they wanted. While a basic tenet stated that marriages valid in one location should be valid in others, migration brought that into question.¹ Think polygyny. In the United States more broadly immigration policy developed in the course of the nineteenth century primarily as a federal policy. The national government, not the states, would determine who could come and how to register and police the movement of people into (not so much out of) U.S. borders. Despite attempts by states to intervene, immigration remains under national jurisdiction. To this political balancing act, let us add a third dimension based on gender. The model of marriage U.S. authorities supported from the early republic onward assumed that wives took subordinate roles to husbands. Over time wives (mainly white wives at first) gained rights – slowly peeling away coverture. But gender and racial inequality formed central tenets of both migration and marriage policy. As such they promoted the globalization of gendered and racialized hierarchies along with U.S. power. Authorities in the U.S. envisioned a gender power gradient in evaluating the acceptance of potential migrant spouses. Foreign matches could face scrutiny for ‘too much’ power granted to women – or to men. The interplay of federal immigration policy, state law

¹ Some basics about marriage as a public institution appear in Nancy F. Cott, *Public Vows: A History of Marriage and the Nation*, Cambridge, MA 2000.

about marriage, and cultural currents of racial and gender hierarchies blended to support particular constellations of international marriage across time.

This article chronicles some key developments in the United States in terms of marriage and immigration policy. How did they relate? There were people who migrated in order to marry, but also women (fewer men) who had to migrate because of a spouse.² Some chose marriage as a way to migrate, others chose migration as a way to escape and thus end a marriage. A few could not migrate because of marriage, and some lost their marital status through migration. The list goes on. These, however, cover some of the most prevalent ways in which marriage and migration across borders interact. Throughout U.S. history these patterns crossed, conflicted, interwove, and diverged. Sometimes one pattern predominated, though at times they all existed simultaneously, at least in different regions. Whichever element we consider, from divorce to separation to formalization of a union, we uncover the interplay of the national with the familial. The government sought to determine both which individuals and which marriages it would embrace into its bonds.

The sections that follow demonstrate key patterns within different eras from the origins of the U.S. until the twenty-first century. This chronological journey covers political and social developments for both marriage and migration. By choosing examples from different racial categories, it foregrounds the interplay of race with gender in perceptions of potential spouses or immigrants by individuals as well as the nation. Policies and practices coalesced to support a particular set of gender relations – a gender order – in each era. This not only reinforced heterosexual relationships as the norm, it also helped reinforce the institution of marriage and particular versions of migration.

Within U.S. history the willingness of authorities to incorporate people into society, both through migration and through marriage, related to what roles they took. Would someone become part of the U.S. family? Could someone become a citizen with full rights? Various scholars described a division between three major categories of incorporation.³ First come individuals and families the nation desires both to increase the population and to enrich it socially. Think settlers. A second category constitutes workers, people the nation needs for labor, but does not particularly want to embrace fully within the population. Think slaves. A final category includes those who already live within the lands yet the nation seeks to be rid of them. Think American Indians.

Two definitional caveats demand discussion. The term “migrant” in the research here refers specifically to people who cross national borders.⁴ At times the U.S. government

2 This replicates some of the material in Suzanne M. Sinke, *Marriage*, in: Akira Iriye and Pierre-Yves Saunier eds., *Dictionary of Transnational History*, New York 2009, 692–694. A useful general study of the history of marriage appears in Stephanie Coontz, *Marriage, a History: From Obedience to Intimacy or How Love Conquered Marriage*, New York 2005.

3 Cf. Susan F. Martin, *A Nation of Immigrants*, Leiden 2010, which is one of the most recent.

4 Cf. Dirk Hoerder, *Cultures in Contact: World Migrations in the Second Millennium*, Durham 2002; Marc S. Rodriguez, *Repositioning North American Migration History: New Directions in Modern Continental Migration, Citizenship, and Community*, Rochester, NY 2005; Grace Delgado, *Making*

labelled them immigrants, but they might also fall into other categories such as aliens or stateless people. Others who moved within borders often shared similarities, but crossing a national border entailed a different level of policy and policing, especially over time. “Marriage” is more problematic.⁵ Many societies recognize long-term relationships between individual men and women, but not all societies place the same emphasis on those relationships. What many in the United States or Austria of the late twentieth century would consider a typical marriage – husband and wife – had much less salience for other groups. In many cases even using the term “marriage” may not make sense. However, as far as U.S. authorities had control, relationships had to squeeze into that standard model or face a challenge from the state. The situation of same sex couples, legally married in some venues, but denied recognition from immigration authorities until 2013, constitutes a recent example of conflicting definitions with significant consequences.⁶ As immigration restrictions excluded some, others sought to evade those restrictions through fraudulent marriages. The increase in bureaucratic hurdles to migration sparked a comparable increase in strategies to circumvent them. This included marriage.

Across U.S. history the relationship of marriage and migration changed. The following section outlines some of the main patterns and how they changed in roughly chronological order. It traces the creation of immigration policy along with marriage regulation, it demonstrates how they interacted and provides examples of how people negotiated both.

1. The Early Republic

Let us begin with three key patterns in the relationship of marriage and migration that existed in the early republic. One encouraged the migration and marriage of people from Europe and those of European descent. A second supported the importation of enslaved people from Africa with no rights to marriage. A third allowed the marriages or marriage-like relationships of U.S. men with indigenous women. Together the three underscored a commitment to a developing racial hierarchy that also underscored male supremacy for the white population.

In the beginning the United States did not have a clearly articulated national or state immigration policy. People at the ports might examine newcomers for disabilities that would prevent them from earning a living and hence becoming a public charge. Other-

the Chinese Mexican: Global Migration, Localism, and Exclusion in the U.S. Mexico Borderlands, Stanford, CA 2012.

⁵ Cf. Ann Marie Plane, *Colonial Intimacies: Indian Marriage in Early New England*, Ithaca, NY 2000.

⁶ Policy on same sex couples shifted when the Supreme Court struck down Section 3 of the Defense of Marriage Act in July 2013. Cf. U.S. Citizenship and Immigration Services, Official Website of the Department of Homeland Security, at <http://www.uscis.gov/family/same-sex-marriages>, access: February 2, 2014.

wise both state and national bodies sought to expand the white population through immigration. This meant couples, sometimes with children, faced few restrictions if they could afford to come. Single men who came from Europe could naturalize. Single women, less numerous as migrants, could find work and spouses. A major feature of the legal regime in the new United States regarding marriage was coverture.

The U.S. inherited and embraced coverture from British common law. Under coverture a husband stood for – covered – the family. Men gained status in the community through marriage. A wife was covered by her husband, including rights of citizenship. If he changed citizenship so did she as well as any minor children. He had the right to money or goods anyone in the family earned, but also had responsibility for them from debts to some criminal acts. In terms of migration, coverture enshrined that husbands exercised the right of domicile – deciding where the family would live. If a husband decided to migrate, by law the family had to follow. Versions of this existed in many other ways, from religious practice to other national jurisprudence.

The rights of European migrants, the people that the United States sought to attract as settlers, would follow this version of coverture. Coverture supported the migration of married couples from Europe. It also created a system by which a foreign female gained U.S. status by marrying a male U.S. citizen. Coverture enhanced a patrilineal system in which children followed a father's status. Coverture also ensured parents (especially fathers) controlled the marital wishes of their minor children, and that extended in many cases to some input if not outright veto power on marriage for children.

This regime of coverture did not apply to migrants who came as slaves. Enslaved people lived at the mercy of those who controlled their labor. Eliminating the slave trade in 1808 constituted the first major immigration policy shift. Up to then, enslaved persons from Africa arrived in substantial numbers.⁷ Slave capture meant putting asunder people's original families, spouses left behind with no further contact. This constituted another key pattern – marriages broken by migration. Once in slavery in the U.S., family ties that developed remained more stable than one might expect given their tenuous legal status and the ongoing threat of sale for both partners.⁸ Still, sale of individuals meant people had to develop new relationships in different locations. United States law did not recognize slave marriages, so legitimacy came from other enslaved people and sometimes from owners. Owners might ask a couple to jump a broom as part of a wedding ceremony.⁹ As enslaved people vowed allegiance "‘til death or distance do us part," they could hope that slavery did not impose an impossible

7 For an overview of the slave trade in the U.S. see David Eltis, *The U.S. Transatlantic Slave Trade, 1644–1867: An Assessment*, in: *Civil War History*, 54, 4 (2008), 347–378.

8 Cf. James H. Sweet, *Defying Social Death: The Multiple Configurations of African Slave Family in the Atlantic World*, in: *William & Mary Quarterly*, 70, 2 (2013), 251–272.

9 Cf. Patrick W. O’Neil, *Bosses and Broomsticks: Ritual and Authority in Antebellum Slave Weddings*, in: *Journal of Southern History*, 75, 1 (2009), 29–48.

distance on the relationship.¹⁰ Even if no ceremony took place, slaves could form unions just as some free people did.

Few first-hand accounts of slaves who crossed the Atlantic exist. One comes from the pen and reports about Abd-ar Rahman, a man known as Prince in the United States. The son of a king in Futa Jallon, slavers captured him and shipped him across the Atlantic, which meant he lost contact with his family for years.¹¹ Though a Muslim, in the U.S. he married a Christian. Trying to find a spouse of similar faith failed in most cases for Muslim Africans in the U.S. Moreover, for Abd-ar Rahman, as for other slaves, his children followed their mother's status. Slavery limited life options in many ways. Searching for spouses was one. Owners set the parameters and imposed sexual relations on their 'property' at times. Putting labor needs first sometimes led to serious sex ratio imbalances among the local slave population, which exacerbated difficulties of finding potential partners. When Abd-ar Rahman finally managed to gain his freedom, he faced the task of trying to buy freedom for the rest of his family. People newly freed rarely had substantial funds, and freeing a spouse and children typically ranked high among their priorities. Yet remaining in the area where one was once a slave to stay in contact with family also could pose dangers. For Abd-ar Rahman, freedom was linked to a requirement to leave the country. When he returned to Africa he managed to bring his U.S. spouse, but not all of his children and grandchildren.

A third key pattern of relationship between marriage and migration in the early Republic linked indigenous women with European men. This pattern predated the United States by many years, yet it continued as the country expanded. Some European-descended women also joined American Indian populations and married, but the other gender pattern prevailed for understandable reasons. First, in terms of demographics, there tended to be more men than women arriving from Europe. Second, European descended men interested in trade usually came into Indian territories without families. As single men they would at times create partnerships, sometimes marriages, with native women which helped foster both economic and diplomatic relations. Third, in addition to the formal benefits there were more practical advantages and some long-term implications. In cases such as the Cherokee, where matrilineal kinship and matrilocal residence prevailed, a man could move into an existing household. A child from this gendered marriage combination could gain both the clan status and acceptance that came with a Cherokee mother, as well as the patrilineal heritage of

10 Cf. Frances Smith Foster, *'Til Death or Distance Do Us Part: Love and Marriage in African America*, Oxford 2010.

11 Cf. Allan D. Austin, *African Muslims in Antebellum America: Transatlantic Stories and Spiritual Struggles*, New York 1997. Other information about him and about slavery, abolitionism, and enslaved Muslims in particular appears at the website princeamongslaves.org, which connects to a Public Broadcasting Service documentary on this topic, access: February 2, 2014.

a European-descended father.¹² If we stay with the Cherokee example, however, we see the imposition of racial hierarchy. Despite considerable intermixing and linkage of legal and social systems, a mix that gained the Cherokee the designation as one of the “five civilised tribes,” in the long run the Cherokee lost almost all their land and faced forced removal to Indian territory. Their principal chief who fought removal, John Ross, himself embodied the linkages of European men and Cherokee women over three generations.

2. New Economy, ‘New’ Land

Moving chronologically towards the middle of the nineteenth century, the pattern of Europeans migrating and fitting into marriages based on coverture continued, though with some variation. Opportunities in the developing industrial sector, initially centered in the northeast, attracted young single women as well as family migrants from Europe in addition to those coming across the northern border or from internal rural hinterlands. Wage earning often remained within a family economy, but it also allowed some to live on their own and to make other decisions, such as marriage, without (as much) parental intervention. A similar pattern appeared in developing urban centers which attracted laborers, particularly women for domestic service. Rural labor in transportation and resource extraction tasks tended to target men for itinerant work, meaning few would marry or bring spouses under these conditions. Likewise, domestic service targeted unmarried women and work conditions typically precluded marriage. These kinds of wage-earning jobs, often taken by migrants, conversely provided the funds that might be the basis for a marriage, while simultaneously making getting married difficult for a time.

At the same time as urbanization and industrialization attracted individuals for wage-earning, the United States also witnessed a boom in rural settlement. ‘New’ land, gained through war, diplomacy, and confiscation from its previous residents (both American Indians and Mexicans), more than doubled the size of the nation and spurred many international migrants along with others living east of the Mississippi to head into this territory. Land formed a key incentive to many migrants, especially in the middle years of the nineteenth century. Under the Homestead Act of 1862 the government offered free land to individuals (including immigrants) in territories newly gained from American Indian hands. Free or inexpensive land in the plains meant opportunities to farm for many coming from Europe. Letters of German and Dutch men made it clear that to farm you needed both a husband and wife, and preferably thereafter a

¹² Cf. Theda Perdue, *Cherokee Women: Gender and Culture Change, 1700–1835*, Lincoln 1998, 24; Susan Sleeper Smith, *Indian Women and French Men: Rethinking Cultural Encounter in the Western Great Lakes*, Amherst 2001.

number of children who would become farm workers for a time.¹³ Farm labor, so ubiquitous in parts of Europe, was expensive or unavailable in North America, meaning family labor sometimes filled that role.¹⁴ Available land promoted the migration of European couples. Law and religious practice reinforced a husband's right to determine where he and his wife (and children) would live. In this, the gendered hierarchy of coverture still remained in place. Migration of family units continued to be a major pattern in this era.

Single or widowed men who wanted to make their livelihood on the land sought wives in order to farm successfully. Unmarried women with experience on farms could expect marriage proposals. Gendered expectations still meant women could not ask, but they might be able to make choices among potential suitors. The other major pattern associated with this migration to the land involved couples. People migrated because their spouses migrated. Many times the couple agreed on the decision. Sometimes only one partner wanted to go. Whether the couple migrated together or in sequence depended on the circumstances. Many made the move together. In other cases economic conditions or logistics might make it more feasible to have one person go first and then send for the other.

In the south, coverture applied to the European descended population, but not further. The more affluent still relied on slavery for part of their labor force. The demand for cotton tied to westward geographic expansion, spreading plantations and the marriage regimes they enforced. After slave importation officially ended in 1808, limitations on marriage for enslaved people continued and applied in similar fashion to those caught in the internal slave trade through mid-century. Local communities sometimes ignored intimate relationships between white men and African-descended women. Less often would they tolerate white women crossing the racial line they envisioned, though there were exceptions.¹⁵ Historian Martha Hodes evocatively told the story of Eunice Connolly, a New England widow who married an African Caribbean sea captain and moved to the West Indies. The story underscored how local conditions could complicate racial and gender hierarchies. Connolly enjoyed greater status as the spouse of an elite man in the islands than she had in New England as an impoverished white laboring woman.¹⁶

13 Cf. Jon Gjerde, *The Minds of the West: Ethnocultural Evolution in the Rural Middle West, 1830–1917*, Chapel Hill 1997, 172ff.

14 For an example, see the Probstfeld correspondence (chap. 7) in Walter D. Kamphoefner, Wolfgang Helbich and Ulrike Sommer eds., *News from the Land of Freedom: German Immigrants Write Home*, Ithaca 1991 (German Orig. München 1988).

15 Cf. Charles F. Robinson II., *Dangerous Liaisons: Sex and Love in the Segregated South*, Fayetteville 2003.

16 Cf. Martha E. Hodes, *The Mercurial Nature and Abiding Power of Race: A Transnational Family Story*, in: *American Historical Review*, 108, 1 (2003), 84–118. A longer version appears in eadem, *The Sea Captain's Wife: A True Story of Love, Race, and War in the Nineteenth Century*, New York 2006.

Determining a racial hierarchy by policing a racial divide was not limited to the south. Fear of ‘amalgamation’ between the free black population and Irish newcomers in New York City led to inflammatory political rhetoric that in turn provided grist for the mill of violent confrontation.¹⁷ As the U.S. incorporated regions outside its initial boundaries other categories gained prominence in the racial hierarchy. 21 of 34 states had enacted laws against interracial mixing by 1860. The marriage of African-descended people to those of European origin constituted one element in all, but in western parts of the country the laws targeted other groups such as American Indians and Asians. Antipathy to people crossing racial lines, whether enshrined in law or not, limited that likelihood. So one key pattern from this era consisted of people who due to migration could not marry.

Racial and ethnic prejudices targeted those of African and Asian background in particular. Beyond that, persons who sought spouses of similar background sometimes found the demographic situation so skewed that they had no opportunities in their local area to find spouses. The two combined for male Chinese migrants of the mid-nineteenth century, who faced significant legal as well as demographic barriers on the west coast if they sought spouses locally. But most did not. Many arrived already married and others arranged marriages to women (sometimes plural) in their home region. A long tradition of husbands going overseas to pursue wealth and of spouses living in separation for extended periods of time, meaning years or decades, existed in the Guangdong, the region from which most migrants came. The expectation to return eventually, reinforced by racial discrimination, which also precluded naturalization, supported this resolve. Family fortunes developed and expanded in the Chinese hometowns of these overseas Chinese.¹⁸ Within the United States, this demonstrated the key pattern of extended marital separation.

Demographic imbalances of men and women led to other consequences. Providing the services people associated with women in largely male settings often proved lucrative. Moreover, the fluidity of gender roles and lack of enforcement for many rules appealed to some. For the minority of women, both work and marital opportunities existed. Lalu Nathoy/Polly Bemis illustrated both. Her impoverished family in China

17 Cf. Leslie M. Harris, *From Abolitionist Amalgamators to ‘Rulers of the Five Points’*. *The Discourse of Interracial Sex and Reform in Antebellum New York City*, in: Martha E. Hodes ed., *Sex, Love, Race: Crossing Boundaries in North American History*, New York 1999, 191–212; for further discussion see eadem, *In the Shadow of Slavery. African Americans in New York City, 1626–1863*, Chicago 2003.

18 Cf. Yong Chen, *Chinese San Francisco, 1850–1943: A Trans-Pacific Community*, Stanford, CA 2000; Madeline Hsu, *Dreaming of Gold, Dreaming of Home: Transnationalism and Migration between the United States and South China, 1882–1942*, Stanford, CA 2000. The UNESCO site Kaiping Diaolou and Villages preserves some of the interesting mix of architectural styles that overseas Chinese developed both to demonstrate conspicuous consumption and to protect their families in the Guangdong.

sold her, and she arrived in the United States illegally, bound for brothel work. She came to the mining town of Warrens, Idaho in about 1872 where she gained the name Polly and started working in a saloon owned by a Chinese man. There she began a relationship with Charlie Bemis, a white man who operated another saloon in town. At some point they started living together and the two later married officially despite an Idaho statute forbidding it.¹⁹ While patterns existed, it remains important to understand that exceptions also existed and at times migrants fought successfully to challenge these conventions. Bemis went against the ban on prostitution, against the anti-miscegenation law, and against the demographic pattern that would have predicted she marry a male Chinese migrant.

3. Mass Migration and the Making of Federal Policy

In the boom and bust economy of industrializing America late in the century, migrants played a crucial role. More men than women came in these years, increasing the labor supply. Quite a number of the migrants were already married, but came alone, assuming they might return or send for their spouses later. As years passed this could become a permanent separation. In fact, people sometimes called permanent separation a poor person's divorce. Letters of migrants and newspaper notices attest to the existence of desertion. The gallery of missing men from the Yiddish periodical "The Jewish Daily Forward" featured photos of men the National Desertion Bureau investigated.²⁰ For husbands who associated manhood with wage-work, particularly earning a living that would support a family, unemployment, illness, or poor wages might prompt them to keep silent or abandon ties. Countries varied on the time one had to wait to assume the person died or to grant a divorce based on years of no support after departure. Under the old assumptions of coverture, husbands had to support wives and children. The theory, however, did not assure employment.

Through the late nineteenth century free married women migrants qualified as both wives and workers in terms of the developing immigration regulations. But in most cases authorities gave priority to the category of wife. As long as women accompanied their spouses or demonstrated they would join them, married women from Europe faced few challenges from immigration authorities. In ethnic neighborhoods married or widowed women frequently provided services for boarders. One of the key reasons men cited for getting married was the cost of room and board. To provide those services meant not only savings, but a second income. In an era when male workers often

19 Cf. Ruthmanne Lum McCunn, Reclaiming Polly Bemis, in: *Frontiers: A Journal Of Women Studies*, 24, 1 (2003), 76–100.

20 Cf. Anna R. Igra, *Wives Without Husbands: Marriage, Desertion and Welfare in New York, 1900–1935*, Chapel Hill 2007, 25.

earned less than a family wage and experienced periods of unemployment on a regular basis, the second income could prove crucial.

Such was the case for Rosa Cassettari, an Italian woman who migrated to Missouri and eventually ended up in Chicago. Cassettari wrote of her dismay at having to leave her homeland to join a spouse whom she did not particularly like, leave behind a child in Italy, and do the cooking and cleaning for a group of boarders in her new home in the U.S.²¹ She fit a particularly common pattern of the late nineteenth century era. Her husband arrived in the United States first, worked for a time, and then sent for her. In terms of reasons to migrate, the chain migration of family ranks high. While some shared Cassettari's reluctance to migrant, others came willingly or sought to come. Despite growing concerns about racial categories late in the century, European migrants like Cassettari faced few challenges to their entry into the United States. Ellis Island, the primary gateway for newcomers from Europe when it opened in 1892, demonstrated that openness. The vast majority of migrants made it through the immigration station within a few hours. All adults had to answer questions about their marital status as part of the interrogation process. Other immigration stations, from Angel Island in San Francisco to El Paso, might look more carefully at all who were not of European background. Their marriages came under greater scrutiny.

Immigration restrictions targeted Chinese migrants, first in the form of Page Law outlawing the immigration of prostitutes and contract labor, and then a few years later with the first of several Chinese Exclusion Acts. Though the laws did not necessarily function as effectively at keeping out people from China, they set the precedent for further exclusionary measures by overcoming the judicial hurdle of targeting a specific national group. Additional categories of race in anti-miscegenation laws added to the official limitations on marriage options for migrants at the state level.²²

The entrance of the United States onto the world stage as a colonial power with the Spanish American War complicated both migration and marriage patterns. The increase in U.S. standing made it a more attractive destination for some. Laws targeting intermarriage across racial lines expanded to include those from the Philippines, who could migrate as nationals, though they did not have citizen status. Migration channels opened for them even if they faced a lukewarm reception. To a greater degree than many groups, those from the Philippines sought heterosexual contact and sometimes spouses from other ethnic backgrounds.²³ This became part of the debate about independence. Trying to limit both migration and marriage constituted key intertwined patterns.

21 Cf. Marie Hall Ets, *Rosa: The Life of an Italian Immigrant*, Madison 1999².

22 Cf. Erika Lee, *At America's Gates Chinese Immigration During the Exclusion Era, 1882–1943*, Chapel Hill 2003; Mac M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America*, Princeton, NJ 2004.

23 Cf. Linda España-Maram, *Creating Masculinity in Los Angeles's Little Manila: Working-Class Filipinos and Popular Culture, 1920s–1950s*, New York 2006.

What about those who did not want to marry? Those who came alone constituted an important part of the migration streams of the turn of the century. Most economic opportunities applied to individuals. Whether people faced welcome or opposition as singles depended on the circumstances. Race and gender mattered. Authorities for the most part accepted single Irish domestic servants in the late nineteenth century. They turned away many Chinese women as potential prostitutes.²⁴ The United States at times formed a land of marriage and at other times a land of single life for migrants. This related in part to gendered marriage trends generally. Consider the case of a Dutch migrant woman in the U.S. in 1910. Only one percent of older adult women from the Netherlands fit in the never married category – so to be an unmarried woman stood out within the ethnic group.²⁵ Apart from occupational and religious vocations that required people to remain single, others chose single life for a variety of reasons. This could facilitate migration in many cases, but it could also raise suspicion.

Women could arrive with offers of marriage, but not with job offers under a contract labor ban. By the late century questions about morality increasingly targeted women and became more probing if suspicion piqued the inspectors. Was she married before? Did she have a relationship with a man on the boat? These questions led to the deportation of BG, a woman from Hungary who sought entry as well as a chance to marry her intended. Immigration authorities did not believe she had actually gotten a divorce from her first spouse. Neither did they believe the couples' explanations for why they had not married sooner. He said he could not gain parental consent. She said he was still a minor. Both admitted to having a sexual relationship and to their intent to marry. This might not have raised concern for an engaged couple in some locations, but it led to a charge of moral turpitude and deportation in this case.²⁶

Fears of white slavery, meaning traffic in women for prostitution, made it more difficult for single women to travel alone.²⁷ In cases of women coming to marry, officials required either dockside ceremonies or affidavits showing others would enforce marriage at an inland location. Men rarely had difficulties as immigrants along these lines, though getting to Ellis Island on short notice to meet and marry a fiancée could be a challenge.

24 On ideas of proper femininity, cf. Eithne Luibhéid, *Entry Denied: Policing Sexuality at the Border*, Minneapolis 2002.

25 Cf. Suzanne M. Sinke, *Dutch Immigrant Women in the United States, 1880–1920*, Urbana 2002, 18.

26 Cf. National Archives and Records Administration, Immigration and Naturalization Service, Record Group 85, Entry 9, 51497/90.

27 Cf. Deirdre M. Moloney, *Women, Sexual Morality, and Economic Dependency in Early U.S. Deportation Policy*, in: *Journal of Women's History*, 18, 2 (2006), 95–122.

4. Matching across Borders

The period from the late nineteenth century to the early twentieth century, a time when work opportunities in industry burgeoned, attracted many migrants to North America. Men outnumbered women in most national origins groups by a large margin. This imbalance contributed to a pattern of women finding spouses relatively quickly after migration if they came as single individuals. Men might return to a homeland to marry after amassing the needed funds for a family. Geography and demography made opportunities to meet potential marriage partners challenging at times, but significant numbers of those who remained for several years did eventually find spouses, either from their own background or another. Certain populations sought spouses from other backgrounds at higher rates than others.²⁸ Still for most, endogamy, marriage with a person of similar background, remained the ideal. Some returned to the homeland to find spouses and then migrated together. This demonstrates another pattern of linkage between marriage and migration. If men held to the ideal of being able to earn enough to provide most of the support for a family, migration might be the means to do that. A man might return to marry after amassing a sufficient amount, marry, and remain in the homeland. For other men just the prospect of impending migration could make marriage possible.

Many women arrived in the late nineteenth and early twentieth century to marry men with whom they had organized marriage via the mail or a go-between, classic marriage markets.²⁹ Sometimes they knew the individuals in advance. This differed slightly from those who married just before departure. The whirlwind courtship that characterized a brief trip home to find a spouse meant that women (less often men) who wanted to migrate could choose to marry someone already headed for or living in the location where they wanted to move. Demographic records (such as those in Annemarie Steidl and Wladimir Fischer-Nebmaier's article in this issue) demonstrated the close association of marriage to migration in terms of timing of these key life decisions. Whether before or after, marriage and migration tended to be closely linked – especially for women.

Migration related to marriage could go in various directions. A tiny but influential group grabbed headlines at the end of the nineteenth century: young women from wealthy U.S. American families who married European nobility. While some thought of it as money for titles, matching those of elite status constituted another form of in-group marriage. In 1895 alone nine American heiresses married men with European titles. Women like Consuela Vanderbilt, who married the Duke of Marlborough, or

²⁸ Cf. Johanna Leinonen and Donna R. Gabaccia in this issue.

²⁹ Cf. Suzanne M. Sinke, *Marriage through the Mail: North American Correspondence Marriage from Early Print to the Web*, in: Bruce S. Elliott, David A. Gerber and Suzanne M. Sinke eds., *Letters Across Borders: The Epistolary Practices of International Migrants*, New York 2006, 75–94.

Jennie Jerome, who married Lord Randolph Churchill (and became the parent of Winston), filled the newspapers of their times.³⁰

In light of changing laws about women's rights, U.S. women who married persons of other nationalities faced uncertain conditions around the turn of the century. Through the nineteenth century coverture assumed wives took the citizenship of their husbands at marriage. Lawmakers codified this, meaning that U.S. women who married foreign men lost their citizenship, even if they continued to live in the U.S. Then the law changed again. As women gained the right to vote, lawmakers also took on citizenship, making the citizenship of women an individual right in 1922 with the Cable Act.³¹ Because different national governments followed different laws on women's citizenship, women often faced periods of statelessness due to marriage, divorce, or the death of a spouse.³²

5. "Picture Brides" and Arranged Marriages

In cases where the culture allowed or encouraged others to arrange matches, potential spouses used these options at times. Love matches existed at the time of the American Revolution, but for much of the population of the United States the shift away from more pragmatic and familial concerns coincided at least in part with women gaining more rights as individuals. At the outset of the twentieth century many cultures still assumed parents or third parties should match spouses. Among those who relied upon arranged marriages or third parties, Japanese couples stood out in terms of the animus they faced. Japanese men who arrived in the United States with an intention to stay would gain financial status over time. Some then wanted to marry though they would remain in the United States. Both U.S. law and Japanese racial preferences meant that the number who could find those they considered suitable locally remained small. To exacerbate this, anti-Asian prejudice, which first sought to limit Chinese migration, then led to the Gentlemen's Agreement of 1907 with Japan, meaning only children and spouses of those already in the U.S. could immigrate. The ability to marry in absentia led to a phenomenon the press labelled "picture brides".³³ People from many nationali-

30 Cf. Maureen E. Montgomery, *Gilded Prostitution: Status, Money, and Transatlantic Marriages, 1870–1914*, London 1989.

31 Cf. Candice Lewis Bredbenner, *A Nationality of Her Own: Women, Marriage, and the Law of Citizenship*, Berkeley 1998.

32 Cf. Linda K. Kerber, Presidential Address the Stateless as the Citizen's Other: A View from the United States, in: *American Historical Review*, 112, 1 (2007), 1–34.

33 Cf. Martha Mabie Gardner, *The Qualities of a Citizen: Women, Immigration, and Citizenship, 1870–1965*, Princeton, NJ 2005, chap. 2; Kei Tanaka, *Photographs of Japanese Picture Brides: Visualizing Immigrants and Practicing Immigration Policy in Early Twentieth-Century United States*, in: *American Studies* [Seoul], 31, 1 (2008), 31–55.

ties utilized pictures in arranging marriages. Some groups, particularly those in areas ruled by Hispanic law, utilized proxies to stand in for a spouse at a marriage ceremony. Women who married at a distance in either of these circumstances could arrive in the United States already officially married, a status immigration authorities and others often tried to challenge.

At times it was the family that promoted these arranged marriages across borders. A Greek folk song from the 1920s–1930s captured that sentiment:

Mama, don't send me to America,
I'll wither and die there.
I don't want dollars – how can I say it?
Only bread, onions, and the one I love.

I love someone in the village, Mama,
A handsome youth, an only son.
He's kissed me in the ravines,
And embraced me under the olive trees.

Yiorgo, my love, I'm leaving you,
And I'm going far away.
They're marrying me off into the xenitia [unknown place].
They take me like a lamb to be slaughtered,
And there, in my grief, they will bury me.³⁴

Figuring out what to do with spousal reunification became one of the major complicating factors under the restrictive quota systems that went into place in the early 1920s. Anti-Asian sentiment triumphed in setting up an Asian barred zone that blocked admittance of anyone, including spouses, from that part of the world. Many still managed to come, though their journeys sometimes required a more circuitous path, for example through Mexico or Canada.³⁵ European wives fared better with immigration authorities.³⁶ Despite quotas, family reunification remained possible. At first immigration officials counted wives against the national quotas, but later they created a non-quota category. Whereas a few years earlier marriage to a migrant made entry easier in terms of avoiding the LPC (“likely to become a public charge”) clause, after the quotas came into place marriage emerged as one of the largest legal categories for immigration.

34 Quoted in translation in Steve Frangos, *The Picture Bride Era*, in: *The National Herald* (March 12, 2005), 5.

35 Cf. Erika Lee, *Enforcing the Borders: Chinese Exclusion along the U.S. Borders with Canada and Mexico, 1882–1924*, in: *Journal Of American History*, 89, 1 (2002), 54–86.

36 Cf. Deirdre M. Moloney, *National Insecurities: Immigrants and U.S. Deportation Policy since 1882*, Chapel Hill 2012.

In many cases wives could join husbands and women who wanted to migrate could do so through marriage. This underscored a key pattern of the era: gaining entry to the United States through marriage.

An economic shift from heavy industry towards service sector jobs began building in the course of the twentieth century. Because service sector positions typically coded female in terms of labor market segmentation, women might find opportunities for work. This combined with the ability of women to arrive as spouses helped shift the demographics of immigration from a decidedly male majority around 1910 to a female majority around 1930.³⁷ Whether one counted as a wife or worker remained an open question. As in the past the two categories often combined, but immigration status came more easily at times to one or the other. Women could not sponsor husbands until the 1950s, and in practice this remained less common until later in the century.

6. Military Marriages and Laboring Alone

During World War I large numbers of young U.S. men in military service abroad resulted in numerous romantic relationships, some of which turned to marriages despite the discouragement of military authorities. This set the stage for much larger groups of 'war brides' during World War II. The military still refused to honor many relationships, particularly those across racial lines. African American men faced major hurdles gaining recognition of their relationships, as did white Americans who sought to marry women from Asia. For those matches the military deemed reasonable then wives of servicemen typically received transportation, assistance with paperwork, and a special status that allowed quicker naturalization. No longer did they gain automatic citizenship, which complicated things for those from countries that changed women's status automatically upon marriage. In any case, around 70,000 women from Britain, and thousands from other areas thereafter, came to the United States as new spouses of military personnel around the close of World War II.³⁸ Individual stories of Italian, French and other women who became involved with U.S. men linked love and war. The initial bans on fraternization in post-war occupied Germany and Japan did not hold up over time.

Military marriages did more than join specific couples. They helped establish the position of the United States in the world.³⁹ In a U.S. mindset that undergirded male dominance, associating other countries with femininity played into a vision of U.S. international power. As the Cold War escalated marriages of Korean women with U.S.

37 Cf. Donna Gabaccia and Elizabeth Zannoni, *Transitions in Gender Ratios among International Migrants, 1820–1930*, in: *Social Science History*, 36, 2 (2012), 197–221.

38 Cf. Jenel Virden, *Good-Bye, Piccadilly: British War Brides in America*, Urbana 1996.

39 Cf. Susan Zeiger, *Entangling Alliances: Foreign War Brides and American Soldiers in the Twentieth Century*, New York 2010; see also Maria Höhn, *GIs and Fräuleins: The German-American Encounter in 1950s West Germany*, Chapel Hill 2002.

servicemen started chain migrations that would burgeon in subsequent years.⁴⁰ Sponsorship of family members changed the demographics in later years, but these pioneers formed the base of a Korean-American migration wave. Other military wives also created channels for migration and for foreign relations on a personal as well as political level.

Though migration related to military service had created opportunities for men to meet and marry women in other countries from the outset of U.S. history, the world wars brought this to another level. Military marriages became an important pattern at this point, one that would continue thereafter. Moreover, they cemented the association of marriage with love. If many nineteenth century marriages tended towards practicality with hopes the couple would also get along, military investigations to approve marriages expected the couple to articulate love for one another.

Military spouses created a new category in migration, though one that built upon a much older version of men being able to bring in and naturalize their wives. A second category of the World War II era also built upon an older model. The *bracero* program created temporary work contracts for Mexican men who would come on their own (families were not allowed to come), work for a specified time period, and then return to their homes. The government justified the program in terms of a labor shortage. This pattern of guest workers had existed informally for years, but the legal basis was new. The workers had few rights and the Mexican government had to fight to enforce the ones in the contracts. Though *braceros* existed in a different legal status, the pattern of trying to have labor without allowing family migration had faint echoes of earlier labor schemes.

Still, many managed to keep the ties active. Some returned to Mexico. Others, like Sal Galavez, worked ‘temporarily’ more than once and then gained legal status through employer sponsorship. Galavez, once he had his green card – meaning he could legally stay and work – brought in his wife and seven children. Citizenship became an option once he got through the bureaucratic process.⁴¹ The Immigration and Naturalization service tried to limit former *braceros* and their families from staying after their contracts ended. “Operation Wetback” in 1954 sought to find and return Mexicans in the United States. Forcing workers to go back to Mexico and not allowing spouses and families to join them reinforced the racial hierarchy of the era. *Braceros* reported having to deal with Jim Crow conditions such as segregated public facilities in southwestern states.

40 Cf. Ji-Yeon Yuh, *Beyond the Shadow of Camptown: Korean Military Brides in America*, New York 2002.

41 Sal Galaviz, *The Promised Land*, in: *Bracero History Archive*, Item #3227, at <http://braceroarchive.org/items/show/3227>, access: February 2, 2014.

7. Family Ties Top Quotas?

The tide turned in terms of legislated racial prejudice in the 1960s. When the Hart-Celler Act opened up quotas to all countries it still retained preferences for family migration and more importantly continued the policy of allowing spouses to come outside of those quotas. Non-quota spouses and minor children soon became the largest category of people from many locations. Spouses, now husbands as well as wives, could gain naturalization in a shorter period than other immigrants. In this, the policy reinforced the importance of marriage as a possible door to migration. At the same time the legislation of that year eliminated the *bracero* program and instituted quotas for Mexico and Canada at the same level as all others, 20,000. Compared to typical border migration this meant problems. Those used to working in the United States for extended periods of time on a regular basis faced legal barriers. Many overstayed visas or chose not to register in the first place. For these 'illegals' spousal reunification did not apply. After many received amnesty in 1986 a wave of spousal reunification hit the courts.

Marriage figured rather minimally in the many pieces of refugee legislation that came about during the latter half of the twentieth century. Refugee policy generally followed Cold War aims. Families, particularly from Cuba or Vietnam, might find the doors open to migration and public assistance. Later, as the feminist movement gained strength, advocates tried to gain recognition of refugee or asylum status for women fleeing female genital cutting or forced marriage, such as the case of Aissata Sissoko, from Mali, who gained asylum in 2004.⁴² The case for married women fleeing domestic abuse remained a bit more clouded. These cases set precedents in terms of stipulating what marriage should be for people without U.S. citizenship and then linking that to migration options.

One key piece in relating marriage and migration in the late twentieth century and beyond was the recognition of how many married women with children came to the United States alone. The service economy thrived on women working in household service and childcare, while sociologists described the transnational motherhood that such women practiced.⁴³ The practice of fathers going away for extended periods of time and seeking to carry out their parental duties at a distance had existed for decades, yet the attention to mothers leaving their own children behind in order to care for the children of others captured more attention. On one level this replicated a practice of desiring workers without allowing or at least accommodating workers' familial ties. Domestic service long fell in this category.

42 Aissata Sissoko – Mali, in: Human Rights First, at <http://www.humanrightsfirst.org/our-work/refugee-protection/success-stories/aissata-sissoko-%25e2%2580%2593-mali>, access: July 30, 2013.

43 Cf. Rhacel Salazar Parreñas, *Children of Global Migration: Transnational Families and Gendered Woes*, Stanford, CA 2005; Barbara Ehrenreich and Arlie Russell Hochschild, *Global Woman: Nannies, Maids, and Sex Workers in the New Economy*, New York 2003.

If for the most part the immigration regime of the late twentieth and early twenty-first century recognized family ties and allowed for marriages and spousal reunification outside of quotas, it retained its bars on recognition of same sex marriage. Gay and lesbian couples, some of whom began to get the right to marry within jurisdictions in the United States, not to mention other countries, still found it impossible to gain immigration status for their spouses. That fight continued until July 2013, when the Supreme Court struck down the federal law that defined marriage as only between a man and a woman.

In cases where U.S. law did not recognize marriage or cohabitation, mixed-nationality individuals could face permanent separation. At the very least they might find bureaucratic hurdles making their relationships difficult. This applied to polygynous spouses of any period and particularly to same-sex couples in the late twentieth century. Up until 1990 migrants could be turned away by U.S. immigration authorities just for stating they were lesbian or gay. Then in 2013 the policy changed.

Practicing polygamy remains illegal in terms of immigration law and on a state level bigamy laws typically prevail. Hence newcomers from parts of the world such as Mali, where polygyny is quite common, face challenges. Men in plural unions may choose which wife to bring and can sponsor all their children. The remaining wives have no status.⁴⁴ Targeting the ‘right’ kind of marriages has continued as a pattern throughout the history of the United States, but in the case of same sex unions the government has shifted. Whether it will do the same for multiple spouses remains to be seen as of 2013.

8. Conclusion

The relationship between marriage and migration chronicles the shifts in women’s rights, in gendered economic opportunities, and the interplay of marital and martial foreign relations. Marriage markets, whether people considered them figuratively for the local, regional or international scale, played into this relationship consistently, but changed in character. The late nineteenth century included massive numbers of single individuals moving and then many of them at some point seeking spouses. By the late twentieth century both economic and legal forces promoted the migration of married individuals, whether alone or as part of a newly formed couple. The increasing importance of “spouse” as an immigration category continued to reflect the much older as-

44 Cf. Scott Long, Jessica Stern and Adam Francouer, *Family, Unvalued: Sex and Security: A Short History of Exclusions*, in: Rachel Buff ed., *Immigrant Rights in the Shadows of Citizenship*, New York 2008, 55–78, 71; Sarah L. Eichenberger, *When For Better is For Worse: Immigration Law’s Gendered Impact on Foreign Polygamous Marriage*, in: *Duke Law Journal*, 61 (2012), 1067–1110; Nina Bernstein, *In Secret, Polygamy Follows Africans to N.Y.*, in: *New York Times* (March 23, 2007), online at http://www.nytimes.com/2007/03/23/nyregion/23polygamy.html?pagewanted=all&_r=0, access: February 2, 2014.

sumption that any person (now male as well as female) whom a U.S. citizen married should have the right to come to the United States. Supporting family formation remains a part of U.S. law generally, and of U.S. immigration policy in many instances.

In contrast to the past, international migrants who arrive for marriage in the twenty-first century need to avow love. Arranged marriages be gone (or hidden). The vestiges of coverture make it more likely that a U.S. man rather than a woman will bring in a foreign spouse, though the latter now exists. Changes also allow same-sex marriage, but heterosexual couples more often get the green card. On the broader scale, state and federal laws still conflict at times. While women have much stronger individual rights in twenty-first century jurisprudence than in the early republic, the gender gradient remains in immigration policy. Marriage markets reflect that reality.

