

The “American Family” As Seen from the Ethnic Frontier: Controversy over Divorce Suits in the Los Angeles Japanese Community During the 1920s

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This article examines the role of the U.S. immigration and naturalization policy in controlling and regulating family formation and the implications for ethnic families, focusing on the controversy over divorce suits in the Los Angeles Japanese community during the 1920s.

Beginning in the mid-1920s, the increasing number of divorces filed for by Japanese immigrants became a major concern in the Los Angeles Japanese community. *Rafu Shimpo*, the Japanese immigrant newspaper in Los Angeles, reported on the details and backgrounds of these divorce cases. While previous studies have shown that the Japanese ethnic media frequently reported on the “elopement” of many Japanese “picture brides” in the 1910s,¹ *Rafu Shimpo’s* coverage on divorce demonstrates that marital strife continued to be a social problem in the Japanese community well into the 1920s.

The controversy over divorce suits in the Japanese immigrant community is significant because the rising divorce rate among Japanese immigrants was perceived as a social problem produced by the U.S. immigration and naturalization policy. *Rafu Shimpo* attributed the rising divorce rate to the “shortage of women” in the Japanese immigrant community caused by immigration legislation enacted in 1924.² Despite the small proportion of the Asian population in the United States, U.S. immigration and naturalization policy prohibited Chinese and Japanese male laborers from sending for their wives and other family members, and immigration legislation in 1924 completely halted the influx of Asians to the United States. On the other hand, while hostility to “New Immigrants” led to the introduction of national origin quotas in 1921, European immigrants, once naturalized, were allowed to send for their family members just as they did before the quotas were enacted. Thus, federal immigration and naturalization policy played a significant role in regulating family formation of immigrants in the United States, by setting the terms of who was allowed to immigrate and who was entitled to bring whom as family members.

The heated controversy over divorce among Japanese immigrants during the 1920s also reveals how ethnic groups interpreted the notion of “American family values” and deployed this notion in gender politics within their own communities. During the age of mass immigration in the

late nineteenth and early twentieth centuries, the contours of “American family values,” or the “American standard of living,” were clarified by the presence of people and cultures that were considered to be un-American. Anti-immigrant protagonists in the West called for a ban on Asian immigration, claiming that the Asian style of living—their style of marriage, number of children, housekeeping and childrearing practices, gender roles, and hygiene—was “un-American.” The anti-Japanese propaganda made Japanese immigrants realize that family life was an important criterion for inclusion and exclusion of immigrants in the United States. Japanese immigrants therefore selectively adopted the ideas of “American family values,” and re-appropriated them in the gender politics within their community.

Based on divorce cases filed by Japanese immigrants in Los Angeles during the 1920s, this paper will examine the implications of immigration policy on gender relations in ethnic communities after immigration legislation in 1924. The first section of this paper provides an overview of the ways in which federal immigration and naturalization policy and state anti-miscegenation laws restricted Asian family formation in the continental United States. The second section identifies characteristics of Japanese divorce cases in the 1920s, and the third section examines the role the Japanese ethnic media played in maintaining the institution of marriage through their highly gendered coverage on divorce cases. The fourth section explores how female Japanese writers re-appropriated the discourses of the anti-Japanese movement and contested the representations of divorcing women produced by the ethnic Japanese media and male leadership. Previous studies on “picture brides” have reconstructed their experience through oral history, and have examined their images and the various reform movements targeted at them, focusing on the period of their immigration between 1908 and 1920.³ This paper examines the ways in which Japanese immigrant women legally challenged gender hierarchy in the Japanese community after 1924, by interpreting and re-appropriating ideas about American family norms embedded in U.S. family law and immigration and naturalization policy.

1. American Family Policy from the Perspective of Asians

U.S. immigration and naturalization policy in the late nineteenth and early twentieth centuries exploited male Asian immigrants as disposable cheap labor by restricting their family formation and reproduction in the United States. While state governments assumed jurisdiction over matters in the private sphere, such as marriage, reproduction, and sexuality, the federal government also took part in the regulation of families by specifying who had the right to immigrate, and who was allowed to send for whom.

U.S. immigration and naturalization policy restricted the family formation of Asian immi-

grants in the following ways. First, federal immigration policy temporarily welcomed the influx of single men from various parts of Asia, as disposable cheap labor. In the face of a series of anti-Asian movements in the West, however, the federal government gradually terminated the immigration of Asian male laborers. The federal government passed the Chinese Exclusion Law of 1882, which suspended the immigration of Chinese laborers for ten years, despite their contribution to railroad construction and agriculture in the West. Then, pressured by the growing hostility toward the Japanese, who served as an alternative to Chinese labor, the United States and Japan came to an agreement in 1908 ensuring that the Japanese government would voluntarily stop issuing passports to Japanese laborers. Later, immigration legislation in 1917 restricted the immigration of Asian Indians by establishing the “Asiatic Barred Zone,” but still exploited single Filipino men until 1934. The immigration service evaluated male immigrants based on their physical fitness, since their value lied in their usability as a labor force.⁴

Second, U.S. immigration authorities restricted the entry of Asian women by associating them with the practice of prostitution. The 1875 Page Law prohibited the immigration of women from China, Japan, or any “oriental” country for “lewd and immoral purposes.” The aggressive enforcement of the Page Law by United States consuls in Hong Kong discouraged many Chinese women from immigrating to the United States.⁵

Third, U.S. immigration and naturalization policy restricted Asian laborers from sending for their family members. The Chinese Exclusion Act of 1882 terminated the entry of Chinese laborers, and prevented Chinese male laborers from sending for their wives based on the doctrine that the status of a wife followed that of her husband.⁶ While the “Gentlemen’s Agreement” between the United States and Japan allowed Japanese male residents in the U.S. to summon their family members, it prohibited male laborers from doing so until 1915. After July 1, 1915, any Japanese man in the U.S. who had saved at least eight hundred dollars was allowed to bring over his wife, parents, and children. In other words, the Chinese Exclusion Act and the Gentlemen’s Agreement between the U.S. and Japan restricted family unification of Asians through economic standards, interfering in the family formation of Asian laborers in the United States.

Lastly, the Chinese Exclusion Act of 1882, along with a series of naturalization cases in the 1920s, classified Asians as “aliens ineligible to citizenship,” deterring Asian men from marrying American women. The Chinese Exclusion Act of 1882, *Takao Ozawa v. the United States* in 1923, and *United States v. Bhagat Singh Thind* in 1923, categorized the Chinese, the Japanese, and Asian Indians all as “aliens ineligible to citizenship,” excluding them from the category of the “free white person” who was eligible for U.S. citizenship through naturalization.⁷ As “aliens ineligible to citizenship,” the first generation of male Asian immigrants encountered difficulty in marrying

American women. Between the years 1907 and 1922, an American woman automatically lost her U.S. citizenship by marrying a foreigner, based on the principle that the status of a wife followed that of her husband. Passed in 1922, The Cable Act, or Married Women’s Independent Nationality Act, allowed an American woman who married a foreigner to retain her U.S. citizenship as long as she continued to reside in the U.S. However, the law still stipulated that she would lose U.S. citizenship if she stayed in her husband’s country for two years or married a man “ineligible for citizenship,” that is, an Asian man.⁸

In addition to federal immigration policy, state governments in the western U.S., where the vast majority of Asian immigrants settled, regulated the family formation of Asian immigrants through anti-miscegenation laws. Anti-miscegenation laws in the West prohibited marriages between whites and non-whites, including Asians as well as African Americans and Native Americans.⁹ Since there were not many female immigrants in the early Asian communities, anti-miscegenation laws further deterred Asians laborers from marrying white women and starting families in the United States.

While the influx of Asians into the United States was far smaller than that of the “New Immigrants” from Southern and Eastern Europe, the presence of Asians had a considerable impact on U.S. family policy in the late nineteenth and early twentieth centuries. First, anti-immigration protagonists used the presence of the Asian population to stir up the threat of “(white) race suicide” in the West. In a report entitled *California and the Oriental* published in 1920, the State Board of Control of California claimed that the fecundity of the Japanese was nearly three times higher than that of whites.¹⁰ The fear of Japanese colonization of the American West served to underpin a maternalist welfare policy that aimed to promote white women’s reproduction by protecting their motherhood. In the early twentieth century, most U.S. states introduced “mothers’ pensions,” which provided financial assistance to widows with dependent children, regulation of women’s working hours and minimum wage, and prenatal and infant care. These welfare policies institutionalized gender roles by assigning reproduction and childrearing duties to women, and the duty of family support exclusively to men. The development of a maternalist welfare policy inevitably involved the criminalization of able-bodied male breadwinners who failed to support their families.¹¹

Asian immigrants, constantly associated with deviant family life and the absence of families, served to delineate the contours of the American family norm. In the late nineteenth century, anti-Chinese protagonists characterized the Chinese immigrant community as an immoral society devoid of families, which were considered a condition of civilization, and consisting only of “bachelors” and “prostitutes.”¹² In the early twentieth century, anti-Japanese crusaders regarded Japa-

nese picture brides as “prostitutes” or “unpaid labor,” and refused to recognize the validity of Japanese marriage, claiming that their marriage was a “commercial” contract, not a civil contract based on mutual love and consent. Furthermore, they argued that Japanese farmers made their wives and children work in the fields even on holidays, and that it would thus be impossible for American farmers, maintaining the American standard of living, to compete with the Japanese. By denouncing Asian family life as “un-American,” anti-Asian movements delineated the principles of the American family, that is, “clean and wholesome living quarters, reasonable working hours, the usual Sunday rest and holiday recreation and, above all, refraining from working the women and children in the fields.”¹³

2. Seeking a Life Away from Family

While U.S. immigration and naturalization policy restricted the family formation of Asians on American soil, one treaty did allow the immigration of Japanese women as wives of Japanese men residing in the United States for a limited time period. Under the Gentlemen’s Agreement negotiated between the United States and Japan between 1907 and 1908, the Japanese government agreed to voluntarily stop issuing passports to laborers. In exchange, Japanese men in the U.S. with solid financial standing were permitted to send for their family members. As well, Japanese students, merchants, and tourists were allowed to immigrate as before. Japanese men thus differed from their Chinese and Asian Indian counterparts until 1924, in that they had the “privilege” of bringing over their parents, wives, and children. However, seen from the perspective of gender, the Gentlemen’s Agreement left Japanese women limited avenues to enter the United States. Most Japanese women who aspired to immigrate to the United States had few alternatives but to migrate as “wives” of Japanese male residents in the United States.¹⁴

The influx of Japanese women into the United States skyrocketed after 1908. While married Japanese men summoned the parents, wives, and children that they had left in Japan, many single Japanese men depended on a practice of arranged marriage called “picture marriage” to save on travel expenses and avoid military service. Under the “picture marriage” system, a Japanese man in the U.S. and a Japanese woman in Japan exchanged their pictures and letters through a matchmaker. After the couple and their guardians agreed on marriage, a wedding ceremony was performed in Japan without the groom, and the bride crossed the ocean to join her prospective husband upon registering their marriage and obtaining a visa. With the scarcity of single Japanese women in the United States and the ban on interracial marriage, single Japanese men who wanted a family in the United States had few alternatives but to bring over “picture brides.” It is estimated that about 10,000 “picture brides” migrated to the United States during the years be-

tween 1908 and 1920, accounting for roughly 20% of Japanese female immigrants¹⁵. While most picture brides were from farm families, some had middle-class backgrounds, including the daughters of teachers, ministers, merchants, and entrepreneurs. These young women finished eight years of compulsory education, and chose to become “picture brides” while dreaming of an affluent life in the United States.¹⁶

The influx of Japanese women in the early twentieth century dramatically changed the composition of the Japanese population in the United States. The number of married Japanese women in the United States increased from 410 to 22,193 in the years between 1900 and 1920. In 1920, married women accounted for 91.5% of the total number of Japanese women fifteen years or older in the United States. The influx of Japanese women ameliorated the imbalanced sex ratio among the Japanese in the United States; the proportion of women rose from 12.6% in 1910 to 36.9% in 1920.¹⁷

Japanese wives in the United States contributed to the family economy in other ways in addition to housekeeping and childrearing as well. A large percentage of Japanese wives settled into rural areas, working in the field along with their husbands or helping at work camps owned by their husbands. In the urban areas, some wives supported family-owned enterprises such as laundries, bathhouses, saloons, restaurants, boarding houses, or pool houses. Others worked as midwives, domestic servants, or factory workers.¹⁸

For Japanese women who migrated to the United States in the early twentieth century, their experience of migration was inseparable from the institution of the “family.” Most Japanese women were allowed to enter the United States as wives, daughters, or mothers, as part of a “family” headed by Japanese male residents. Therefore, Japanese women who attempted to escape from the institution of family encountered severe regulation by the U.S. immigration administration as well as the Japanese immigrant community. The Japanese ethnic media in the United States issued a series of articles criticizing Japanese women who abandoned their husbands and children, and published elopement notices offering rewards for information leading to the whereabouts of those missing women. The ethnic media and male immigrant leadership tended to attribute recurrent elopement to picture brides. These picture brides were blamed for their ignorance, lewdness, vanity, and aspiration for freedom, and stigmatized as “runaways” who abandoned their families for their own selfish desires.¹⁹ Female immigrants had few resources to challenge the negative portrayals produced by the Japanese ethnic media and male leadership.

The situation changed in the middle of the 1920s when further immigration of Japanese women became impossible. Pressured by the anti-Japanese movement, the practice of picture marriage was abolished in 1920, and the immigration law of 1924 banned the further influx of Jap-

anese into the United States. This meant that Japanese bachelor immigrants would have limited opportunities to start a family in the United States, since the number of single Japanese women available for marriage in the United States was extremely limited. In 1920, there were 24,423 single Japanese men fifteen years or older in the United States, but their female counterparts in the same age group numbered only 1,604.²⁰

The scarcity of single women of marriageable age encouraged married Japanese women to challenge gender and family conventions imposed by Japanese men. One of the strategies Japanese women in Los Angeles employed was to bring domestic issues into court by filing for divorce. Although further research is needed to identify the actual number of divorce suits brought by them, by the mid-1920s *Rafu Shimpo* reported that more and more Japanese women were filing for divorce—a mild warning for the community.²¹

These Japanese women articulated the difficulties they encountered in their married lives by borrowing from the six grounds for dissolving a marriage. In California, divorce was granted on the grounds of desertion, extreme cruelty, willful neglect to provide, adultery, intemperance, and felony conviction. This paper analyzes 51 divorce cases filed by Japanese immigrants in Los Angeles from 1923-1930 that have been collected at the Archives and Research Center at the Los Angeles Superior Court.²² The majority of Japanese women who filed for divorce did so on the grounds of extreme cruelty, failure to provide, and desertion, providing various examples of these charges in their complaints. Although attorneys played a significant role in preparing written complaints, vivid examples of these charges reveal how Japanese women interpreted the legal notions of extreme cruelty, failure to provide, or desertion in order to express their own plight in the domestic sphere.

The most frequently mentioned example of “extreme cruelty” was physical violence. Kaneju Okamoto was married in Japan in 1916 and filed for divorce in 1925, claiming that her husband frequently hit her face and body, threw things at her, tore her clothes, and threatened to kill her. According to her complaint, one time she could not work for ten days because she was heavily injured as a result of the domestic violence. Okamoto claimed that she was forced to leave home because her husband constantly threatened her with violent behavior. The court granted her a divorce in 1926.²³

Verbal abuse was often mentioned as an example of cruelty as well. Ito married Inosuke Tanaka in Yamaguchi, in 1921, and filed for divorce four years later, claiming that her husband applied “vile and opprobrious epithets” to her such as “bakatare” or “chikusho.”²⁴ Women of other ethnic and racial backgrounds also sued for divorce and testified to verbal abuse, but these cases differ from Tanaka’s case in that their husbands tended to use sexually derogatory terms, most

typically "whore" or "prostitute."²⁵

Another example of extreme cruelty that Japanese women often testified to was poor working conditions at their family business. Sata married Yamatsu Arioka in Hakodate, in February 1924, and filed for divorce on the grounds of extreme cruelty in September 1926, claiming that she was forced to work at a restaurant owned by her husband from 11:30 in the morning until 2:00 a.m., without a rest break. In addition, her husband took all the profits she made and abused her verbally, calling her a "slave," "servant," and "vassal." She pleaded to the court for the payment of attorney's fees and a monthly allowance of 150 dollars from her husband and the division of community property.²⁶ Other examples of cruelty included a husband forcing his wife to perform household duties even when she was ill, denigrating her in front of her friends by suggesting that he did not love her any longer, and making accusations at her for going out with her friends.²⁷

"Willful neglect to provide" and "desertion" were two other major reasons why Japanese women filed for divorce. Japanese women claimed that they were forced to work or became dependent on their relatives, friends, or welfare agencies because their husbands failed to support their family, even though they were physically capable of working.²⁸ Japanese wives who had not heard from their husbands for a significant period of time often sued for divorce on the grounds of desertion.

On the other hand, Japanese men sued for divorce on the grounds of "desertion" or "adultery." They pointed out their wives' sexual immorality or the lack of domestic values manifested in the act of deserting their own children. Divorce cases filed by Japanese men on the grounds of adultery often described, in detail, when, where, and with whom their wives committed adultery. According to these complaints, Japanese wives had affairs with boarders or employees at the family business, not someone they would randomly encounter outside the home.²⁹ Furthermore, Japanese men, when sued for divorce, often testified to the sexual delinquency of Japanese wives as part of their rebuttal evidence.³⁰

Japanese men called on various public institutions, such as the police, the immigration service, welfare agencies, Japanese Associations, and private detectives, to locate their adulterous wives before filing for divorce. O. R. Akanishi, a retailer in Los Angeles, married Chiye in Japan, in 1915, with the assistance of a matchmaker. He sued for divorce on the grounds of adultery in 1923, pleading for the custody of three children and the ownership of the community property. Akanishi claimed that his wife committed adultery at a hotel in San Pedro in May 1923 and left her husband and children. His case file includes a detective's investigative report, translations of letters from a matchmaker, and the testimony of J. Kasai, the General Secretary of the Japanese

Association in Los Angeles, suggesting a tenacious search for his deserting wife. Upon Akanishi's request, Kasai used the extensive network of Japanese Associations to search for the missing wife, claiming that "the desertion of her husband and children by a Japanese wife is a matter of such serious import that all Japanese of good standing are interested in locating such deserting wife." Kasai published a request for information as to her whereabouts in major Japanese newspapers that circulated throughout the American West, and asked many of the couple's acquaintances for further information. He also worked with authorities outside the Japanese immigrant community to attempt to locate the missing wife, circulating her photograph in the City Mother Bureau of Los Angeles.³¹ Even with all of these efforts, they were unable to obtain any information as to her whereabouts. The court granted Akanishi a divorce in 1925, giving him child custody and the community property.³² Akanishi's divorce case suggests that a wife's desertion was not merely a domestic issue but a social problem in the eyes of Japanese immigrant leaders.

As described above, Japanese immigrant women in Los Angeles filed for divorce on the grounds of cruelty, failure to provide, or desertion, and male counterparts sued on the grounds of adultery or desertion. The similar trend applies to divorce cases filed by other ethnic and racial groups. In California, the three major causes of divorces granted to wives in 1926 were cruelty (51.7%), desertion (29.7%), and failure to provide (13.3%), and husbands were granted divorces mainly for desertion (61.8%), cruelty (34.6%), and adultery (2.7%).³³

Japanese immigrants, however, interpreted the legal terms of divorce uniquely, even when they sued for divorce on the same grounds. First, Japanese women did not problematize female labor altogether. They assumed that it was appropriate for women to work and contribute to the family economy. Some of the Japanese women seeking divorce worked as midwives or waitresses, or helped run their family businesses. Their working experiences provided them with both a sense of entitlement and the financial resources to file for divorce. Japanese women complained about the working conditions in their family business, not about female labor itself. On the other hand, women in other social groups claimed that being forced to work to support the family was proof of the husband's "failure to provide."³⁴ Another difference lies in the ways in which the notion of desertion was gendered. Japanese men tended to associate their wives' desertion with adultery and criminalized female deserters in cooperation with authorities such as the police, the immigration service, and Japanese immigrant associations. On the other hand, the notion of desertion was gendered with a focus on males outside of the Japanese immigrant community. In divorce cases filed by other groups, desertion was more strongly associated with family support and applied to men who abandoned their wives and children or failed to provide for their family.³⁵

Unlike "divorce by consent" prevalent in contemporary Japan, the divorce suit served as an

avenue for Japanese immigrant women to achieve independence from their husbands in several ways. Upon filing for divorce, Japanese women requested the payment of alimony and legal costs from their husbands, child custody, and the division of community property. Since the bond between a mother and her children came to be deemed sacred in the early twentieth century, there was a strong tendency for custody of the children to be granted to the wife when the court accepted her claims. The payment of alimony or divorce costs depended on the disposition of judges and the economic standings of husband and wife.³⁶

3. Representation of Japanese Women Seeking for Divorce

During the 1920s, *Rafu Shimpo*, the Japanese immigrant newspaper in Los Angeles, began to report on the details of divorce cases filed by Japanese immigrants and the reasons behind the sudden surge of divorces in the community. In an article entitled “Surprising Rush of Divorces,” published on May 14, 1926, *Rafu Shimpo* reported that three divorce cases were filed by Japanese women on May 12, warning Japanese men to closely monitor the conduct of their wives.³⁷

Rafu Shimpo interpreted divorce cases filed by the Japanese in Los Angeles in highly gendered ways. The paper claimed that Japanese wives, especially “adulterous women,” filed almost all the divorce cases involving Japanese immigrants. The paper rarely reported on the details of Japanese wives’ complaints against their husbands, such as physical violence, verbal abuse, gambling, intoxication, or extravagance. Instead, the paper denied the credibility of their claims by emphasizing their sexual immorality or lack of domesticity. Hamae Kiriyama married Ichishi in Japan in September 1920, had one daughter with him, and worked in Los Angles as a midwife. Hamae filed for divorce on the grounds of cruelty, claiming that her husband abused her physically without reason, humiliated her by accompanying her during her midwife practice, failed to take care of her during her sickness, and extorted her earnings at knifepoint. Hamae requested custody of her child and the payment of a monthly allowance of fifty dollars, in addition to the legal costs of the divorce.³⁸ *Rafu Shimpo*, however, completely ignored the details of her complaints of cruelty. Instead, the paper reported Hamae’s divorce suit in an article titled “Divorce Suit by a Runaway Woman,” focusing on the fact that she was arrested on the charge of adultery afterwards.³⁹

On very rare occasions, *Rafu Shimpo* reported the details of Japanese women’s written complaints. In these cases, the ethnic media and the courts served as arenas in which Japanese women could articulate their domestic plight in their own terms. Citing women’s written complaints, *Rafu Shimpo* criticized Japanese immigrant men for their problematic behavior, such as forcing their wives to work without working themselves, spending their wives’ earnings on gambling, or

inflicting physical violence on their wives. In October 1924, *Rafu Shimpo* reported on the divorce case filed by Chiyoko Sakurai, who was a midwife. *Rafu Shimpo* quoted her written compliant in detail and blamed her husband for his laziness, gambling, and failure to provide for his family. *Rafu Shimpo*, however, was not always sympathetic to the plight of Japanese women. Since gambling among Japanese men was a major social concern in the Japanese community, the paper might have quoted her divorce case to send a message to Japanese men that gambling could damage their family lives.⁴⁰

In contrast, *Rafu Shimpo* argued that Japanese immigrant men would rarely file for divorce unless they were deeply troubled by their wives' sexual immorality or lack of domesticity. Jiro Onishi married Haruyo in Japan, in January 1913. He filed for divorce in October 1924 and asked for custody of their children, claiming that Haruyo abandoned her husband and eight-year-old child in August 1922.⁴¹ Referring to Onishi's divorce case, *Rafu Shimpo* argued that women filed almost all the divorce cases in the Japanese immigrant community, and that men would bring suit against their wives only when they had clear and compelling reasons. The paper emphasized Haruyo's lack of domesticity, by claiming that she failed to perform housekeeping and childcare and deserted her family, leaving the rearing of her child solely in the hands of her husband.⁴²

Rafu Shimpo interpreted the sudden surge in divorce suits among the Japanese immigrants as a manifestation of "Americanization." On October 13, 1926, *Rafu Shimpo* argued that an increasing number of Japanese couples, being Americanized, began to turn to the courts to solve marital problems. This claim does not mean that Japanese immigrants in the United States were unfamiliar with the practice of divorce. Up until 1915, Japan had had the highest divorce rate among countries that recorded divorce rates. Japanese immigrants, however, were unfamiliar with the procedure of a divorce suit in the United States. Although the divorce rate in Japan was as high as that of the United States, the divorce procedure was quite different in Japan. The most common form of divorce was "divorce by consent." They did not need to go to court to obtain a divorce in Japan. In 1912, adjudicated divorces accounted for only 0.17% of the total number of divorces in Japan.⁴³ By the same token, a request for alimony was considered to be a stark departure from Japanese traditions. On April 5, 1919, *Rafu Shimpo* reported that a Japanese "barmaid," who had abandoned her husband and three children, filed for divorce with a request for alimony. Her action was described as "record breaking" in the Japanese immigrant community.⁴⁴

As these examples demonstrate, the Japanese-language newspaper treated divorce cases filed by the Japanese in highly gendered ways. According to these media accounts, it was Americanized "adulterous" Japanese women and their seductive lovers who would file for divorce and destroy the peaceful family life. Japanese husbands were "victims" of Americanization and moral

disorders in the Japanese immigrant community. The ethnic media denied the credibility of the claims of Japanese women seeking divorce, by publishing observations that took the side of their husbands. Kiyo married Yoshizo Takaki in Yamguchi, in January 1915, and filed for divorce on the grounds of cruelty and desertion in December 1926. She claimed that her husband forced her to work at their restaurant from fourteen to sixteen hours a day, threatened to kill her, and went back to Japan with seven thousand dollars they had made by selling their restaurant. After the trial, some friends of Yoshizo visited the *Rafu Shimpo* office and requested that the paper publish an article to restore his honor, claiming that his wife’s complaint was full of lies. The paper published their observation that Yoshizo left for Japan because his wife deserted him, and that he spent their earnings on an investment.⁴⁵

Japanese immigrant leaders utilized the Japanese ethnic press to regulate sexuality in the community throughout the 1920s. Covering various attempts by male Japanese leaders to punish adultery in cooperation with the police or the immigration office, *Rafu Shimpo* served to send a warning message to the Japanese immigrant community that adultery was not just a domestic problem; it was a crime against society. When a married man and a married woman, both with children, were arrested on the charge of adultery in February 1924, *Rafu Shimpo* explicated the arrest and possible punishment of the couple, warning that adultery was a felony in California and a deportable offense under U.S. immigration policy.⁴⁶ Between 1927 and 1928, the LAPD arrested two Japanese men and one Japanese woman on the charge of adultery.⁴⁷

Rafu Shimpo reported that some Japanese women were arrested on charges of adultery or “contributing to the delinquency of a minor” after they filed for divorce. In so doing, *Rafu Shimpo* strengthened the perception that Japanese women seeking divorce had adulterous affairs, and warned Japanese women that requesting a divorce might induce retaliation from their husbands. Kaoru married Tasaku Ono in October 1921, and filed for divorce in June 1924 on the ground of cruelty, claiming that her husband abused her verbally, and that he was cruel to her child from a previous marriage. Two months later, *Rafu Shimpo* reported that Kaoru was arrested on the charge of adultery and placed in jail, possibly in retaliation from her husband for her requesting a divorce.⁴⁸

Furthermore, by reporting on the deportation of Japanese immigrants on the charge of sexual immorality, *Rafu Shimpo* served to regulate the sexuality of Japanese immigrants in concert with the authority of the immigration service. Since the late nineteenth century, the regulation of sexuality had been embedded in U.S. immigration laws. U.S. immigration policy denied entry to and deported those who committed sexual immorality, which in the eyes of the U.S. government included prostitution, adultery, bigamy, polygamy, and homosexuality. For example, the immigra-

tion act of 1907 not only banned the entry of prostitutes into the United States, but also introduced a new policy for deporting any woman who began to practice prostitution within three years after entry into the United States.⁴⁹ The U.S. immigration administration, however, was not alone in controlling the sexuality of immigrants through these laws. Newspaper accounts from the Japanese language newspaper demonstrate that immigrants themselves utilized the authority of the immigration office in order to regulate the sexuality of members of their community.

In addition to arrest or deportation on the charge of adultery, *Rafu Shimpo* also suggested that Japanese immigrants who eloped beyond the state borders could be punished under the 1910 White Slave Traffic Act, which was commonly called the Mann Act. The Mann Act was a federal law that mandated penalties for the transportation of girls or women across state borders for immoral purposes. While James R. Mann introduced the law in an attempt to eradicate forced prostitution, called “white slavery,” the Mann Act came to be applied to noncommercial sexual immorality in the years between 1917 and 1928. The emergence of a dating culture among working-class youth, the prevention of venereal diseases during World War I, and the impact of the automobile on sexual morals, all contributed to the application of the Mann Act to sexual immorality in general. In 1924, noncommercial cases accounted for 70% of the Mann Act cases.⁵⁰

Reporting on arrests of the Japanese who eloped across state borders, *Rafu Shimpo* issued a warning to the Japanese community that the Mann Act could be applicable to noncommercial sexual misconduct.⁵¹ While it is not certain whether the Mann Act was actually applied to any of the cases reported in *Rafu Shimpo*, criminal dockets of the United States District Court for the Southern and Central Districts of California in the 1910s and 1920s list two cases involving Japanese immigrants who violated the Mann Act. In the case from 1922, the court ordered F. Ueda to be imprisoned in the U.S. Penitentiary at Leavenworth, Kansas, for two years, for transporting a woman named O. Watanabe from Costa Mesa, California, to the city of Delta, Colorado, for immoral purposes.⁵²

Hagino Shigeoka's divorce case demonstrates that the Japanese immigrant community was well aware of the fact that sexual immorality could deprive Japanese women of their rights to enter and stay in the United States. Hagino married Keiichi Shigeoka in Hiroshima, in May 1914, had three children, and filed for divorce on the grounds of inhuman treatment. According to her complaint, while Hagino had been back to Japan with her children in November 1923 to visit her relatives, her husband contacted the Japanese authorities and requested that they refuse to issue a return passport to her, claiming that she was “an undesirable alien, of bad reputation and indecent character.” Hagino managed to obtain a return passport by persuading the authorities that her husband had made a false claim. Her husband, however, continued to denigrate her by telling

his friends that he would have her deported to Japan as “an undesirable alien as she was unchaste and immoral.” In July 1925, the court granted her a divorce, granted her custody of her children, and ordered her husband to pay sixty dollars to her for the support of their children. *Rafu Shimpo* criticized Keiichi’s attempt to prevent his wife from reentering the United States by fabricating her sexual immorality.⁵³

4. Divorce through the Eyes of Japanese Women

While *Rafu Shimpo* primarily reflected the vision of the Japanese male leadership, the situation changed in the middle of 1920s, when the “Women’s Page” was introduced. The Women’s Page published weekly opinions written mostly by women, and provided female readers with information about marital life, child rearing, women’s health, and female celebrities in the Japanese immigrant community. Since the introduction of the Women’s Page coincided with the surge of divorces in the Japanese community, the Women’s Page published articles on divorce suits filed by Japanese immigrants from the perspective of the women.

While *Rafu Shimpo* tended to portray Japanese women who requested divorces as “adulterous women,” contributors to the Women’s Page urged readers to pay attention to the background factors behind women’s requests for divorce, and criticized the response of male leadership to divorcing women. Sumiko Hirata pointed out the absurdity of picture marriage, and welcomed the surge of divorces in the Japanese immigrant community as the transition to American “love-marriage.”⁵⁴

One female writer, Tsumori Shirae, wrote a series of articles entitled “Problems Faced by Japanese Women in the United States,” between February and May of 1926. She severely criticized *Rafu Shimpo*’s portrayal of divorcing women and the attitudes of Japanese male immigrants toward women, re-appropriating the anti-Japanese propaganda. Tsumori identified three factors behind the reported increase in divorce suits among the Japanese in the United States. Tsumori argued that the practice of picture marriage caused Japanese men in the United States to treat their wives as commodities that they had purchased. According to her analysis, this trend was manifested in the newspaper ads that asked for information on the whereabouts of deserting wives by offering rewards. While the criminalization of deserting husbands was prevalent everywhere, since it inevitably involved a matter of family support, the preoccupation with deserting wives was unique to the Japanese immigrant community. Tsumori argued that the problematization of deserting wives arose from the feeling Japanese men had in common that they had spent a large sum of money in sending for their wives.⁵⁵

Second, Tsumori blamed Japanese men for treating their wives as unpaid workers. For her,

female labor itself was not a problem. She criticized Japanese husbands for taking control of the earnings made by their wives and spending the money on their own leisure activities, such as gambling, drinking, and prostitution.

Finally, Tsumori questioned the representation of divorcing women as “lewd women.” She argued that this type of representation deflected attention from the possibly problematic behaviors of their husbands. Instead of regarding desertion as a sign of sexual immorality, she prompted readers to imagine “with sympathy and understanding” why these women had decided to leave their families. Some picture brides had had progressive higher education in Japan before migration to the United States. Tsumori argued that it was completely imaginable that these “Women of the New Age” would leave their families if they were being treated as “commodities” by their old-fashioned husbands.⁵⁶ Tsumori suggested that Japanese women should take advantage of the gender imbalance to improve women’s position in the Japanese community.⁵⁷

Conclusion

This paper has examined the ideas about American family norms embedded in U.S. immigration and naturalization policy from the perspective of Asian immigrants. Beginning in the late nineteenth century, U.S. immigration and naturalization policy began to delineate the membership of the nation, by defining who was allowed to immigrate and who was entitled to bring over which family members. During the late nineteenth and early twentieth centuries, U.S. immigration and naturalization policy and state anti-miscegenation laws gradually deprived Asians of their opportunities to form families in the United States. Until the 1960s, the right to summon family members was a privilege, given to people of certain racial or economic backgrounds.

By prioritizing the immigration of wives, children, and parents, U.S. immigration and naturalization policy also facilitated particular family and gender arrangements, specifically heterosexual marriage and reproduction, and women’s dependency on their husbands. Immigration laws monitored and excluded various forms of sexual immorality within the interior as well as on the border that supposedly threatened the sacred institution of the American family.

Japanese immigrant men enjoyed the privilege of bringing over their family members until 1924. Many Japanese women migrated to the United States as wives of Japanese male residents during this period. For these migrants, the experience of migration was inseparable from marriage. Japanese women had limited avenues for legally entering the U.S. besides marriage. Since their legal status in the United States was based on marriage, if they ever tried to escape from the institution of the family, they were severely disciplined by their fellow Japanese immigrants.

In the mid-1920s, Japanese immigrant women began to legally challenge gender hierarchy in

the Japanese immigrant community, taking advantage of the persistent gender imbalance caused by racially restrictive U.S. immigration policies. Japanese women articulated their domestic plight by re-appropriating discourses of the anti-Japanese movement, and by interpreting legal grounds for divorce in their own terms. Japanese immigrant men challenged these legal actions by regulating sexual immorality in cooperation with the police and the immigration authorities. While written complaints and newspaper articles written by Japanese women were targeted at Japanese immigrant men, their claims could be read as a critique of a principle of female dependency that was deeply rooted in the U.S. immigration system. Through an analysis of the controversy over divorce suits in the Japanese immigrant community in the 1920s, this paper demonstrates the ways in which Japanese immigrants interpreted and re-appropriated the American family norms inherent in U.S. immigration and naturalization policy and family law.

Note

¹ For example, Yuji Ichioka, *The Issei: The World of the First Generation Japanese Immigrants, 1885-1924* (New York: Free Press, 1988), Chapter 4.

² “Odorokuhodo Ooi Rikonzata,” *Rafu Shimpō*, May 14, 1926.

³ For example, Eileen Sunada Sarasohn, *Issei Women: Echoes from Another Frontier* (Palo Alto: Pacific Books, 1998); Ikumi Yanagisawa, “Shashin Hanayome’ wa Otto no Dorei Dattanoka,” in Noriko Shimada, ed., *Shashin Hanayome, Senso Hanayome no Tadotta Michi: Josei Iminshi no Hakkutsu* (Tokyo: Akashi Shoten, 2009); Rumi Yasutake, “Kitakariforumia no Nihonjin Imin Shakai no Nichibei Kyokai Fujintachi: Nikkei Issei Josei no Imehji wo Saikosuru,” *Kirisutokyō Shakai Mondai Kenkyū* 49 (2000); Kei Tanaka, “20 seiki Shotō no Nihon, Kariforumia ‘Shashin Hanayome’ Shugyo: Nihonjin Imin Josei no Jenda to Kurasu no Keisei,” *Shakai Kagaku* 68 (January 2002); Kei Tanaka “Japanese Picture Marriage and the Image of Immigrant Women in Early Twentieth-Century California,” *The Japanese Journal of American Studies* 15 (2004); Kei Tanaka, “Josei no Shiminteki Yakuwari to ‘Shashin Kekkon’ Mondai,” *Shakai Kagaku* 72 (2004).

⁴ Natalia Molina, “Medicalizing the Mexican: Immigration, Race, and Disability in the Early-Twentieth-Century United States,” *Radical History Review* 94 (Winter 2006): 22-37.

⁵ George Anthony Peffer, *If They Don’t Bring Their Women Here: Chinese Female Immigration before Exclusion* (Urbana: University of Illinois Press, 1999), Chapter 4.

⁶ Sucheng Chan, “The Exclusion of Chinese Women, 1870-1943,” in *Entry Denied: Exclusion and the Chinese Community in America, 1882-1943*, ed. Sucheng Chan (Philadelphia: Temple University Press, 1991), 110-114.

⁷ On legal debates over membership in the category of “free white person,” see Ian Haney López, *White by Law: The Legal Construction of Race* (New York: New York University Press, 1996).

⁸ Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, Mass: Harvard University Press, 2000), 164.

⁹ Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (Oxford: Oxford University Press, 2010), 77-108.

¹⁰ California State Board of Control, *California and the Oriental: Japanese, Chinese and Hindus* (Sacramento: California State Printing Office, 1920), 33-41.

- ¹¹ Michael Willrich, "Home Slackers: Men, the State, and Welfare in Modern America," *The Journal of American History* 87:2 (2000): 460-89.
- ¹² On "queer domesticity" in Chinatown, see Nayan Shah, *Contagious Divide: Epidemics and Race in San Francisco's Chinatown* (Berkeley: University of California Press, 2001), Chapter 3.
- ¹³ California State Board of Control, *California and the Oriental*, 103.
- ¹⁴ Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Boarder* (Minneapolis: University of Minnesota Press, 2002), 70-73.
- ¹⁵ Tanaka, "Josei no Shiminteki Yakuwari to 'Shashin Kekkon' Mondai," 150.
- ¹⁶ Tanaka, "20 seiki Shoto no Nihon, Kariforunia 'Shashin Hanayome' Shugyo," 322-326.
- ¹⁷ Bureau of U.S. Census, *Abstract of the Fourteenth Census of the United States 1920* (Washington: Government Printing Office, 1923), 216-217.
- ¹⁸ Ichioka, *The Issei*, Chapter 4.
- ¹⁹ On the representation of picture brides as "vain women," see Tanaka, "Japanese Picture Marriage and the Image of Immigrant Women in Early Twentieth-Century California."
- ²⁰ Bureau of U.S. Census, *Abstract of the Fourteenth Census*, 216-217.
- ²¹ The 1920s witnessed a rising divorce rate nationwide. In the years between 1922 and 1930, the number of divorces per 1,000 individuals in California rose from 2.46 to 2.72. The number of divorce cases granted in Los Angeles also increased from 2,826 per year to 7,284. Bureau of U.S. Census, *Marriage and Divorce 1922* (Washington D.C.: Government Printing Office, 1925), 74; *Marriage and Divorce 1926* (Washington D.C.: Government Printing Office, 1928), 22; *Marriage and Divorce 1930* (Washington D.C.: Government Printing Office, 1932), 18, 66.
- ²² Twenty-three of these 51 divorce cases were reported in *Rafu Shimpo*. Forty-one cases were filed by wives, and the remaining 11 were filed by husbands. Two cases involved interracial couples. Further research is needed to identify the numerical trend and characteristics of divorce cases filed by Japanese immigrants in the 1920s. In the continental United States, the number of divorces granted in 1922 to couples who were married in Japan was twenty-five. Bureau of U.S. Census, *Marriage and Divorce 1922*, 24.
- ²³ Los Angeles Superior Court Case File (LASC), D65963, the Archives and Records Center, Los Angeles Superior Court. This paper uses fictitious names for those who appear in the divorce cases and newspaper articles.
- ²⁴ LASC, D38653.
- ²⁵ Sharon R. Ullman, *Sex Seen: The Emergence of Modern Sexuality in America* (Berkeley: University of California Press, 1997), 91-101.
- ²⁶ LASC, D 51198.
- ²⁷ LASC, D34107, D45446, D65963.
- ²⁸ LASC, D36821, D44786.
- ²⁹ LASC, D23694, D 52180.
- ³⁰ LASC, D34107.
- ³¹ The City Mother Bureau dealt with juvenile delinquency and family problems. Los Angeles Police Department, *Annual Report of the Police Department, City of Los Angeles, 1927-1928* (Los Angeles, 1928), 31.
- ³² LASC, D25106.
- ³³ Bureau of U.S. Census, *Marriage and Divorce 1926*, 30.
- ³⁴ Elaine Tyler May, *Great Expectations: Marriage and Divorce in Post-Victorian America* (Chicago: University of Chicago Press, 1980), 137-155.

³⁵ On male desertion in the early twentieth century, see Willrich, "Home Slackers"; Anna R. Igra, *Wives without Husbands: Marriage, Desertion and Welfare in New York, 1900-1935* (Chapel Hill: University of North Carolina Press, 2007).

³⁶ May, *Great Expectations*, 88-90, 150-155, 173.

³⁷ "Odorokuhodo Ooi Rikonzata," *Rafu Shimpo*, May 14, 1926.

³⁸ LASC, D45446.

³⁹ "Iedeonna kara Rikonsho," *Rafu Shimpo*, April 8, 1926; *Rafu Shimpo*, November 6-11, 1926.

⁴⁰ LASC, D29292; "Chiyo no Rikon," *Rafu Shimpo*, October 4, 1924.

⁴¹ LASC, D32508.

⁴² "Mezurashii Otoko kara Onna eno Rikonsoshō," *Rafu Shimpo*, October 5, 1924.

⁴³ Yasuhiko Yuzawa, *Taishoki no Kazoku Mondai* (Kyoto: Minerva, 2010), 156-160.

⁴⁴ "Shakufu no Kumogakure," *Rafu Shimpo*, April 4, 1919.

⁴⁵ LASC, D51198; "Iedeonna no Iibun ni Nagahamayushi no Gekiko," *Rafu Shimpo*, November 27, 1926.

⁴⁶ "Kantsuzai de Kankin," *Rafu Shimpo*, February 2, 1924; *Rafu Shimpo*, February 5, 1924

⁴⁷ LAPD, *Annual Report of the Police Department*, 1927-1928.

⁴⁸ LASC, D30545; "Rikonsoshochu no Onna ga Kantsuzai de Taiho," *Rafu Shimpo*, August 5, 1924.

⁴⁹ Luibheid, *Entry Denied*, 1-29.

⁵⁰ David J. Langum, *Crossing over the Line: Legislating Morality and the Mann Act* (Chicago: University of Chicago Press, 1994), Chapters 6 and 7.

⁵¹ For example, "Otto wo Togokushita Kakeochi Danjo Taiho," *Rafu Shimpo*, March 28, 1924.

⁵² #1108, Box 63, Criminal Case File, RG 21, National Archives at Riverside.

⁵³ LASC, D25146; "Saishi wo Nokoshite Rikon Shiyotoshita Otto wo Teiso," *Rafu Shimpo*, May 23, 1924.

⁵⁴ Sumiko Hirata, "Mushino Tsukiyasui Kekkon," *Rafu Shimpo*, October 18, 1924.

⁵⁵ Shirae Tsumori, "Zaibeifujin no Mondai(2)," *Rafu Shimpo*, February 16, 1926.

⁵⁶ Tsumori, "Zaibeifujin no Mondai(5)," *Rafu Shimpo*, April 27, 1926.

⁵⁷ Tsumori, "Zaibeifujin no Mondai(4)," *Rafu Shimpo*, March 23, 1926.