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**ESSAY:** FALLING FROM GRACE: A MEDITATION ON LATCRIT II

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**BIO:**

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**SUMMARY:** ... In the context of a society which justifies de jure discrimination against gay men and lesbians on Judeo-Christian religious grounds, I felt it was appropriate to point out the irony of our conversation taking place in a Catholic institution surrounded by religious images. ... Religion, reflecting diverse spiritual paths, plays a prominent role in our communities, but what impact does it have on sexual minorities in our communities? To start with the obvious, no religious organization fully accepts gay men, lesbians, bisexuals, or transgender people as members of their community. ... What is different for the Asian-American gay men and lesbians who "come out" in their communities is that homophobia complicates their sense of community. ... For example, although our languages may have words that describe male homosexuality or gay men, it is difficult to find words to identify lesbians in Asian cultures. ... Furthermore, gay men, lesbians, bisexuals, and transgender people, including people of color, have built spiritual homes based on mainstream western religion. ... Perry started the church to serve the spiritual needs of gay men and lesbians. ... Other denominations have adopted policies supporting equality for gay men, lesbians, and bisexuals. ...

[\*437]

On Saturday morning at LatCrit II, the conference took an unexpected turn during the panel titled: LatCrit Theory and Asian-American Legal Scholarship: A Comparative Discussion of Non-White/Non-Black Positionalities. The panel started out as a breakfast conversation between Berta Esperanza Hernandez-Truyol, Sumi Cho, and me, and finished with Jerome Culp and Rachel Moran providing commentary. The panelists raised questions and concerns about the past essentialization of race in Critical Race Theory; the parallels among issues of race, culture, and ethnicity raised by LatCrit and Asian-American legal scholars; and the problem of the essentialization of a Latina/o and Asian-American identity that this comparison necessarily entails. They also raised concerns about the political complications that gender, class, race, and sexual orientation raise and the varied ways that our identities play out their differences vis-a-vis the material lives of all people in the United States. n1 We intended our breakfast conversation to be both a catalyst for discussion and a change of pace from the series of intense panel presentations that had taken place over the course of the preceding two days. In that regard, we were successful, but the surprise turned out to be the substance of the discussion. Rather than focusing on LatCrit and Asian-American legal scholarship, participants spent the next four hours in sometimes-heated debate over the role of religion. n2

[\*438] In the course of our breakfast conversation, I remarked that gay n3 Asians have relatively low visibility because, culturally, we do not talk about sexuality. At the same time, the gay rights movement has enabled a "queer" voice in our respective communities despite a history of white male dominance within

the gay, lesbian, bisexual, and transgender movement and the corresponding white male supremacy, n4 and has contributed to the development of queer communities of color. I said, "[the movement] allows us to claim [a] space that recognizes our existence." n5 Having noted that many gay, lesbian, bisexual and transgender Latina/o and Asian-Americans are beginning to feel comfortable in their own (queer) skin, I went on to make an observation. I commented about the space in which we had convened the plenary session and about the way that religion, that is, Roman Catholicism, had percolated throughout the prior sessions. n6 In the context of a society which justifies de jure discrimination against gay men and lesbians on Judeo-Christian religious grounds, n7 I felt it was appropriate to point out the irony of our conversation taking place in a Catholic institution surrounded by religious images. n8

[\*439] I thought it odd that at a critical conference we were uncritically invoking religion through blessings and prayer and images. I expressed this thought from a position of discomfort as a sansei who in my youth attended a Buddhist church (Shin or Pure Land) and as someone who now partially identifies as a non-Christian (atheist) lesbian critical race feminist. n9 The comment was meant to be critical of two things: the most obvious being that Christian orthodoxy does not embrace gay, lesbian, bisexual and transgender people and, almost as obvious, that Latina/o identity is not easily defined by a culture focused on a common language and common religion. In the big picture of all the panelists' remarks, this comment was a very tiny part of the presentation. Yet, it struck a chord that led to a wide-ranging and emotionally charged discussion illustrative of the complications of the politics of identity. n10

Because there is no transcript of the ensuing discussion and I have no reason to trust my memory of it, I cannot report or recreate the conversation in this essay. Rather, I want to reflect further on religion and on Latina and Asian lesbians and on space. These reflections aim to begin an exploration of the "Borderlands" of LatCrit, Asian-American, and Queer legal scholarship. n11

I am mindful of the contributions that the Catholic Church makes to various liberatory movements, to individual spirituality, and to building community. But, blithe incorporation of Catholic tradition in a LatCrit conference raises a few questions that I will briefly and partially address. First, even given Roman Catholicism's significance in the lives of many Latinas/os, should we not also at least note that these Catholic roots stem from a violent and long history of colonialization? Second, what does "religion" have to do with Latina/o and Asian American identity? This inquiry raises the third question: what do we mean by "religion"? And finally, in what ways does "religion" bridge or divide us along race, class, gender, and sexual orientation lines? By raising these questions, I do not mean to detract from the values that religion imparts [\*440] on a community and on individuals. Rather, a critical project dedicated to a reconstructive jurisprudence n12 must recognize and understand historical domination and subordination in order to avoid preserving or duplicating hierarchical power relationships. Critical theorizing is difficult because it makes both external and internalized structures of oppression evident and reveals our own complicity. These conversations may cause discomfort and twinges of guilt, but without the fuller appreciation for the way structures of oppression operate that comes with these conversations, how can we expect to challenge unjustifiable subordination?

To that end, in the same way that Luz Guerra urged us to consider the colonialist history embedded in the term "Latino," it seems appropriate to suggest that we take note of the Catholic Church's relationship to colonialist conquest and patriarchy. Spanish missionaries and soldiers participated in the subjugation of millions of indigenous people in the Americas. Catholic clergy participated in violence and rape in the Southwest. In order to compel submission to their view of sexual morality, friars punished Pueblo Indians who practiced polygamy and curbed cross-dressing berdaches. n13 The Catholic Church continues to discriminate against women by limiting their role in the Church. n14 Acknowledging this history and continuing subordination illuminates the intragroup power differentials masked by an essentialized identity and engenders bridge building across the divides.

Catholicism is problematic not only from a historical perspective. Although influential, Catholicism is not ubiquitous in every Latina/o life. However, religion is important in community formation, even in Latinas/os' lives. Communities have gathered together weekly at Mass and have received educational and social services designed to assure survival in an often inhospitable society. But, numerous spiritual and religious influences shape the lives and communities of Latinas/os including other Christian denominations, Judaism, Islam, Buddhism, Santeria, Palo Mayombe and other African-Caribe traditions, Toltec and other indigenous traditions. n15 And [\*441] certainly, atheists and agnostics can count Latinas/os among them. While LatCrit theory must deal with Catholicism's prevalence, the general presumption of a Latina/o religious homogeneity around Catholic tradition is faulty.

The diversity in religious tradition in Asian-American communities is more obvious than in Latina/o communities. n16 The variety of religious traditions playing a role in Asian-American lives include Hinduism, Buddhism, Shinto, Taoism, Sikhism, Cao Daiism, Islam, indigenous Pacific Island traditions, and Christianity (including Catholicism) among many others. These institutions influence and shape Asian-American lives and communities in many of the same ways that the Catholic Church influences Latina/o lives such that religion's role in community formation, support, and maintenance seems familiar. For many immigrant-based communities, the Church represents a safe harbor or base camp for a dispersed community. Family and social ties often revolve around spiritual or religious customs through holiday celebrations, observation of religious tenets, and church/temple activities. In my own experience, the Buddhist church bound my family by inculcating values and rituals which my grandparents practiced, but which we otherwise would have ignored. n17 More significantly, the Church was a site for social activity including youth activities, community picnics, and basketball. Even though it has been over 20 years since I went to church for a service other than a funeral, many of the relationships I began through the Church remain important to me. Thus, my religious affiliation serves as a tie to an anchored community.

The importance of religious institutions in forming and maintaining Asian-American communities has a negative aspect. That is, religious affiliations identify uncivilized non-citizens. The prevalence or the perception of non-western religious traditions, such as Buddhism, in Asian-American communities helps to place Asians further outside of the boundaries of the Judeo-Christian culture in America because their religious practices are foreign. n18 With respect [\*442] to religion, a problem with identity formation of Asian-America is that Asian-American identity is represented religiously around a conglomeration of filial, atheistic, and mystical belief. This representation is both racialized and racist in the way it relies on and supports stereotypical notions about Asians. The characterization of religion among Asians as a strange, unnatural belief system can be deployed to stir up anti-immigration sentiment. n19 Finally, this characterization works to divide the community by creating a sense of moral superiority and civilization among those who claim Christianity.

The connection of religion to Latina/o communities warrants further examination through the same lens used to examine this Asian-American experience. Like Asian Americans, Latinas/os suffer discrimination on the basis of "foreignness," which stems at least partially from language. n20 A perception that Latinas/os are Catholic or Christian helps create the perception that Latinas/os fit more easily into mainstream culture because their basic moral values share common ground with the white Protestant roots of this country's "forefathers." n21 In this instance, religion acts as a proxy for a [\*443] civilized middle-class whiteness. Uncritically accepting Catholicism as a part of Latina/o identity thereby helps perpetuate the dominance and moral superiority of Christian values in American society. Christian supremacy bolsters racist attitudes towards those affiliated with outsider religious practices, such as Santeria, because it perpetuates notions of outsiders, foreigners, or others by conjuring up images of "uncivilized," "pagan," "tribal" rituals. These terms code non-Judeo-Christian practices as non-white, uneducated, and primitive. Moreover, this coding alienates segments of a pan-ethnic Latina/o community on race and class lines by exploiting an internalized colonial/racist Euro-Christian superiority.

This portrayal facilitates a distinction between Asian-Americans and Latinas/os that can act as a wedge between our communities. Although religion may be portrayed as a characteristic that distinguishes Latinas/os from Asian-Americans and from "Americans," the communities share similar spiritual affiliations. As mentioned earlier, both Latinas/os and Asian-Americans have a rich and varied religious tradition and in some cases these traditions overlap. A legacy of missionary work in Asia and the Americas has firmly established Protestant Christian congregations in both communities. Indeed, the colonial history of the Philippines parallels that of many Latina/o communities with a history of colonialization dating back to the 16th century. The predominant religious affiliation among Filipinos is Roman Catholicism. In this regard, Filipinas/os culturally share more with Latinas/os than with other Asian-American subgroups. n22 Asian-Americans and Latinas/os have spiritual links in a variety of traditions. Recognizing and understanding both the commonalities and religious diversity in all of our communities can begin to diminish the grip of Christian moral supremacy in American society.

Religion, reflecting diverse spiritual paths, plays a prominent role in our communities, but what impact does it have on sexual minorities in our communities? To start with the obvious, no religious organization fully accepts gay men, lesbians, bisexuals, or transgender people as members of their community. Interpretations of religious texts go so far as to advocate the death penalty for homo [\*444] sexuals. n23 Others, while adopting more tolerant policies for ministering to and accepting sexual minorities, continue to cling to the belief that divine or natural law insists that sexual relationships be confined to heterosexual marriage. The end result is a limited acceptance of the "sinner," but not the "sin." In particular, the Catholic Church, while preaching tolerance for gay people, advocates against gay rights. The Church has stated that gay people can be discriminated against in housing and should not be allowed to teach. n24 An uncritical incorporation of Catholicism into a Latina/o identity supports a heterosexual hegemony built into the rhetorical, institutional, and economic structures of oppression. n25 The LatCrit, Critical Race Theory, and critical Asian-American legal scholarship projects seeking to build community and to develop a reconstructive jurisprudence must make the "hard acknowledgment" n26 of heterosexism and homophobia. By so doing, we begin to formulate a contextualized and historicized understanding of these structures, which changes the way we think about the spaces in which we gather and opens up spaces in our theoretical work.

Not all faiths, including Buddhism, have taken an explicit position on sexual minorities. Nevertheless, some people have interpreted Buddhist teachings as neutral towards homosexuality. In defining "right conduct," Buddhist teachings require abstention from sexual misconduct, but do not explain sexual misconduct further. Considering this rule in the context of a central tenet in Buddhism to abolish all suffering would suggest that sexual misconduct involves oppressive, non-consensual sex. Sexual misconduct would not involve consensual sex, especially consensual sex in a loving relationship. Moreover, Buddhism's anti-oppression goal requires living a life of compassion and one committed to understanding the conditions required for happiness and welfare for all living creatures. Buddhism, thus, urges a contextualized and particularized understanding of structures of oppression and represents an alternate religious/moral foundation to which we can connect the equality and [\*445] liberty ideals of American law. However, even though we can ascribe this anti-subordination spin to the religious teachings, we must also consider the possibility that there are not specific edicts about sexuality because it is so culturally repressed in Asian communities where Buddhism and other religions, which do not take a position on homosexuality, are prevalent. n27

As Dorothy Fujita Rony notes, "topics of sexuality are regularly shrouded in particular forms of silence in the Asian-American community. It is understood that you do not bring up the topic of sex in polite conversations without risking the disapprobation of community elders." n28 The existence of gay, lesbian, bisexual, and transgender Asian-Americans challenges this silence because merely acknowledging our existence means breaking the taboo over discussions about sexuality. My own "coming out" to my family is illustrative of this silence. I have never uttered the "L" word to my parents. In fact, I cannot recall a

conversation lasting more than two minutes about sex or sexuality. We have managed to deal with my lesbian identity by not talking about it. n29 Given these circumstances, discovering that a basic cultural institution such as a church could look favorably upon gay and lesbian members within the community does not mean that the community itself looks favorably upon people like me who choose to live their (queer) lives openly. Rather, the silence may have more to do with homophobia and denial.

While a perception may exist that homophobia is greater in communities of color, including Asian-American and Latina/o communities, the reality is that families of queer people of color and non-Asian families react similarly. These reactions span the spectrum from acceptance to disowning and violence. n30 Oftentimes, the [\*446] less acceptable responses stem from a sense of shame, while others simply believe homosexuality is unacceptable or wrong. n31 What is different for the Asian-American gay men and lesbians who "come out" in their communities is that homophobia complicates their sense of community. Having to distance or disconnect yourself from your community because of homophobia means having to disconnect from cultural ties which enable survival in the face of racism. Combining the general reluctance to talk about sexuality with the possibility of disconnection from the community compounds the silencing effect of either circumstance.

The silence extends further. Asian cultures' strict attitudes governing narrowly defined sexual and gender roles offer little room to express gay identity. n32 Asian-American communities are built around traditional Asian notions of family with fiercely heterosexual and male-centered norms. The result is a practical erasure of lesbian existence. For example, although our languages may have words that describe male homosexuality or gay men, it is difficult to find words to identify lesbians in Asian cultures. n33 The denial of lesbian existence is made easy when the words to talk about us do not exist. One consequence of this omission is that it upholds the notion that lesbians or bisexuals are only found in Western societies. When family or community members deny the possibility of homosexuality by asserting the claim that homosexuality is a result of assimilation and acculturation in America, they alienate sexual minorities as "foreigners" to their communities. n34

[\*447] In order to counter this alienation, those asserting a queer identity in Asian communities have begun the project of uncovering and reclaiming a gay and lesbian past. Researchers have begun attempting to recover a history of expressions of same-sex sexuality in the early Chinese "bachelor societies," n35 in the internment camps during World War II, n36 in late imperial China, n37 among Chinese feminists in Japan in the early 20th century, n38 in the Kama Sutra, n39 and in female kingdoms [sic] in ancient India. n40 Interestingly, much of this uncovering of history of gay and lesbian roots leads us back to religion.

People of color searching for the hidden history of gay and lesbian lives have begun to discover this history in the religious and spiritual traditions lost through migration and acculturation or colonialist suppression. These rediscoveries include the ceremonial position of lesbian and transgender people in indigenous berdache tradition, n41 homoerotic traditions and practices in Sufi Islam, n42 transgendered spirits in Yoruban tradition, n43 and the images on South Asian temples depicting intimate same-sex contact. n44 The discovery of these ancient and historical roots defends against the claim that homosexuality is foreign to communities of color and revitalizes cultural traditions nearly lost in the face of a dominant Euro-Christian culture.

Furthermore, gay men, lesbians, bisexuals, and transgender people, including people of color, have built spiritual homes based [\*448] on mainstream western religion. Efforts to organize gay-centered or gay-friendly churches have had a transformative effect on traditional religious institutions. One example is the Universal Fellowship of Metropolitan Community Churches (MCC) founded in 1968 by the Reverend Troy Perry, a minister defrocked by the Pentecostal church because he is gay. Perry started the church to serve the spiritual needs of gay men and lesbians. Over the years, MCC has made an effort to accommodate the variety of religious faiths held by the diversity of people who began attending services at MCC as an

alternative to often hostile houses of worship. MCC has expanded internationally and has begun to create a place of worship that includes heterosexual and queer people of all colors. Other denominations have adopted policies supporting equality for gay men, lesbians, and bisexuals. n45

The presence of gay, lesbian, bisexual, and transgender people of color in various spaces has had and continues to have a transformative impact. Our existence challenges beliefs and practices of religious institutions, and our participation in discovering hidden histories connected to spiritual practices contributes to a tremendous diversity of beliefs and values to guide our communities. Attention to this diversity requires consideration of the connections that spirituality has to our internal conceptions of identity. Moreover, we need to be cognizant of notions externally imposed on us even if we do not adopt spiritual beliefs. Reflecting on these connections reveals loci needing change and healing and reveals the possibilities for coalition and transformation. Among these possibilities is the potential for rethinking our conception of "religion" and the ways this reformulation can inform law.

#### FOOTNOTE-1:

n1. See LatCrit Theory and Asian-American Legal Scholarship: A Comparative Discussion of Non-White/Non-Black Positionalities (May 3, 1997) (transcript of panel discussion on file with author) (hereinafter, Transcript).

n2. Of course, this discussion covered several other topics, but from my perspective, the discussion felt like an implosion around sexuality and religion. Also, my reference to the discussion is not to say that religion should not be a factor when making comparisons and differentiating LatCrit and Asian-American legal scholarship. Finally, I do not mean to imply that the turn of events was negative. On the contrary, the discussion was an illuminating and necessary part of the project of developing a progressive jurisprudence.

n3. Throughout this essay I use a variety of terms ("sexual minorities," "gay," "lesbian," "queer," and "homosexual") to refer to sexual minorities such as gay men, lesbians, bisexual and transgender people. When I use "gay" or "queer," I do so to avoid having to go through the list, but not to purposely exclude. I also intend my use of the term "queer" to correspond to Francisco Valdes' use of "Queer" with a capital "Q." Francisco Valdes, *Queers, Sissies, Dykes, and Tomboys: Deconstructing the Conflation of "Sex," "Gender," and "Sexual Orientation" in Euro-American Law and Society*, [83 Cal. L. Rev. 1, 346-50 \(1995\)](#). Also, as Darren Rosenblum writes, "'The term 'queer' in its openness... suggests the truly polymorphous nature of our difference, of difference within the lesbian and gay community... Queer includes within it a necessarily expansive impulse that allows us to think about potential differences within that rubric.' Thus 'queer' is a political category permitting both the recognition of differences and intersectionalities and expansion to a continuum of subversive people." Darren Rosenblum, *Queer Intersectionality and the Failure of Recent Lesbian and Gay "Victories"*, 4 *Law & Sex.* 83, 87-88 (1994) (quoting Philip Brian Harper, *Multi/Queer/Culture*, in 24 *Radical America* 30 (1990)).

n4. See generally Darren Lenard Hutchinson, *Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Political Discourse*, [29 Conn. L. Rev. 561 \(1997\)](#).

n5. Transcript, *supra* note 1, at 2.

n6. Actually, on the transcript, my remark is incoherent. I mention "invoking Christianity... explicitly... invoking the passages from the Bible." *Id.* The scripted notes for my part of the presentation indicate that I intended to say, "we have experienced numerous invocations of Christianity which is not predominant among Asians." I made this comment while pointing out the religious artwork on three walls of the room inside of the building that formerly housed

Catholic Marianist sisters and now houses the St. Mary's legal clinic. As I recall, the walls had a depiction of the Last Supper, the Madonna and Child, and the Crucifixion.

n7. See, e.g., [Bowers v. Hardwick, 478 U.S. 186 \(1986\)](#).

n8. St. Mary's University School of Law graciously hosted the conference. The plenary sessions on Saturday took place at St. Mary's University School of Law Center for Legal and Social Justice.

n9. Sansei is the third generation in a family of Japanese heritage outside of Japan. Issei, or first generation, is the generation that immigrated from Japan (e.g., my grandparents) and Nissei, or second generation, is the first generation in a family born outside of Japan.

n10. Here I do not mean to take credit for the eruption that followed the panel. My own observations lead me to believe that a palpable tension existed due to a variety of factors and at some point, even without my remarks, this unexpected turn may have eventuated.

n11. "Borderlands" represent both the frontiers and limits of space and the overlapping physical, social, political, and cultural spaces that we simultaneously occupy. See, e.g., Gloria Anzaldua, *Borderlands/La Frontera: The New Mestiza* (1987) and Eric Estuar Reyes, *Asian Pacific Queer Space*, in *Privileging Positions: The Sites of Asian American Studies* (Gary Y. Okihiro et al. eds., 1995) [hereinafter, *Privileging Positions*].

n12. See generally Angela P. Harris, *Foreword: The Jurisprudence of Reconstruction*, [82 Cal. L. Rev. 741 \(1994\)](#).

n13. John D'Emilio & Estelle B. Freedman, *Intimate Matters: A History Of Sexuality In America* 91 (1988). Berdaches, or "two spirits," have been documented in many North American Indian tribes. Researchers have categorized them variously as transvestites, transsexuals, and third or fourth genders. Will Roscoe, *Gender Diversity in Native North America: Notes Toward a Unified Analysis*, in *A Queer World* 65-66 (Martin Duberman ed., 1997).

n14. For example, women cannot be ordained. See *The Vatican, Inter Insigniores* (visited Feb. 16, 1998) <<http://listserv.american.edu/catholic/church/vatican/women.priests>>.

n15. See, e.g., Francisco Valdes, *Latina/o Ethnicities, Critical Race Theory, and Post-Identity Politics in Postmodern Legal Culture: From Practices to Possibilities*, 9 *La Raza L.J.* 1 (1996); Berta Esperanza Hernandez-Truyol, *Building Bridges: Bringing International Human Rights Home*, 9 *La Raza L.J.* 69 (1996).

n16. Perhaps more readily recognizing religious diversity is related to a greater sense of diversity created by language variation among Asian-American communities than that commonly perceived among Latinas/os.

n17. A language barrier hindered my relationship with my grandparents. I did not have conversations with my grandparents even though as kids, we saw them at least once a week.

n18. People of Middle-Eastern origin or of Islamic faith also face resistance to acceptance in mainstream American society. Racial and cultural intolerance, fueled in part by seemingly one dimensional images of Muslims as terrorists, create conditions which place Muslims well outside of mainstream American culture. See Scott Shepard, *As Islam Grows in U.S., Tolerance Gradually Follows, But Mideast Crises Help Propagate Stereotypes of Muslims*, *Atl. J. & Const.*, Nov. 27, 1997, at 2D.

Islam being a religion that Americans know little about, but one whose history has been violently entwined with that of Christian Europe for a millennium and a half, it is not difficult to understand how a few violent and dramatic events can evoke emotional reactions in which half-truths, dim recollections of history, and feelings of racial and cultural antipathy take the place of an earnest quest for understanding.

Gasser Hathout, M.D., Islam and Democracy (visited Nov. 1997) <<http://www.islamforum.org/democracy.html>>.

n19. The FBI arrested and detained men who held leadership positions in Buddhist churches on the West Coast during WWII on the basis that there was a greater risk of enemy contact. For instance, "the association between Buddhism and traditional Japanese-ness was reinforced by the officially sanctioned Pnoia during WWII in which being a Buddhist made an individual Japanese-American and his or her family more suspect in terms of presumed loyalty to the United States." Stephen S. Fugita & David J. O'Brien, *Japanese American Ethnicity: The Persistence of Community* 89 (1991).

n20. See, e.g., Mark. L. Adams, *Fear of Foreigners: Nativism and Workplace Language Restrictions*, [74 Or. L. Rev. 849 \(1995\)](#); Daina C. Chiu, *The Cultural Defense: Beyond Exclusion, Assimilation, and Guilty Liberalism*, [82 Cal. L. Rev. 1053 \(1994\)](#); Mari J. Matsuda, *Voices of America: Accent Discrimination Law, and Jurisprudence For the Last Reconstruction*, [100 Yale L.J. 1329 \(1991\)](#). At an individual level, the irony is that not all Latinas/os speak a language other than English. Yet, if a woman can pass as Latina, she may be presumed to speak only Spanish! Also note that construction of race figures in too because other immigrant communities come from non-English speaking countries, but are not similarly regarded as foreign. Also, Latina/o identity becomes raced by language given that phenotypically, many Latinas/os are not a foreign race (i.e., they may look white or black).

n21. Of course, acceptance of Christian diversity is relatively recent and has its limits. But, these days, religion does not figure as much in to one's sense of self worth. See William N. Eskridge, Jr., *A Jurisprudence of "Coming Out": Religion, Homosexuality, and Collisions of Liberty and Equality in American Public Law*, [106 Yale L.J. 2411, 2412 \(1997\)](#). This view seems true only for mainstream Christian and Jewish denominations. Representations of fundamentalists and orthodox religions are rife with stereotypes and misconceptions, which often result in marginalization. See, e.g., Bruce Buursma, *A Holy War Against the Media*, *Chi. Trib.*, Apr. 20, 1986, at A12.

n22. Filipinos are ethnically diverse and include people with Spanish, Chinese, Japanese and other European heritage as well as indigenous heritage and cultural influence. In fact, Filipinos were grouped together with Mexicans and Puerto Ricans in John H. Burma's monograph first published in 1954. Burma notes, "these groups may legitimately be considered in one volume since they all share, in varying degrees, a background of Spanish culture." John H. Burma, *Spanish-Speaking Groups in the United States* viii (1974).

n23. See, e.g., [Lumpkin v. Brown](#), [109 F.3d 1498, 1499 \(1997\)](#).

n24. The National Conference of Catholic Bishops recently issued a Pastoral letter clarifying the Vatican's position on homosexuality in which the Bishops recognize that gay, lesbian, or bisexual identity is fixed and therefore parents and family of gay men and lesbians should accept their relatives. NCCB Committee on Marriage and Family, *Always Our Children: Pastoral Message to Parents of Homosexual Children and Suggestions for Pastoral Ministers*, in *27 Origins* 1 (Oct. 9, 1997). But, the Catholic Church continues to uphold discrimination in



employment, housing, and marriage. See, e.g., The Vatican, Some Considerations Concerning the Catholic Response to Legislative Proposals on the Non-Discrimination of Homosexual Persons, (June 1992) (visited Feb. 16, 1998) <<http://www.odyssee.net/prince/rights.html>>.

n25. See Eric K. Yamamoto, Rethinking Alliances: Agency, Responsibility and Interracial Justice, 3 Asian Pac. Amer. L.J. 33 (1995).

n26. Id.

n27. But see Vatsyayana, The Complete Kama Sūtra (Alain Danielou trans., 1994) (discussing both male and female homosexuality in an ancient Hindu context).

n28. Dorothy Fujita Rony, Introduction to Part Three: Sexuality and Queer Studies, in Privileging Positions, supra note 11, at 245. To be sure, this restraint around the topic of sexuality is not unique to Asian-American communities. See, e.g., Carla Trujillo, Chicana Lesbians: Fear and Loathing in the Chicano Community, in Chicana Lesbians: The Girls Our Mothers Warned Us About (Carla Trujillo ed., 1991). The silence around sexuality does not necessarily stem from prudishness. Evelyn M. Hammonds talks about a defensive strategy of silence around black women's sexuality aimed at transforming the sexually immoral image of black women. Evelyn M. Hammonds, Toward a Genealogy of Black Female Sexuality: The Problematic of Silence, in Feminist Genealogies Colonial Legacies, Democratic Futures (Jacqui Alexander & Chandra Talpade Mohanty eds., 1997).

n29. Since we do not talk about it, I cannot say how long I have been "out" to my family. I have been "out" to myself in varying degrees for roughly 12 years. In spite of this silence, my family inquires about my partner and includes her in much the same way they included my male partners.

n30. See Alice Y. Hom, Stories from the Homefront: Perspectives of Asian American Parents with Lesbian Daughters and Gay Sons, in Asian American Sexualities: Dimensions Of The Gay And Lesbian Experience 37 (Russell Leong ed., 1996) [hereinafter Asian American Sexualities].

n31. Religion figures into the belief that homosexuality is wrong or unacceptable.

n32. See Connie S. Chan, Issues of Identity Development Among Asian-American Lesbians and Gay Men, 68 J. Counseling & Dev. 16, 19 (1989).

n33. Vivien W. Ng offers several Chinese words to describe male homosexuality in Homosexuality and the State in Late Imperial China, in Hidden From History: Reclaiming the Gay & Lesbian Past 76, 77 (Martin B. Duberman et al. eds., 1989). But Eric C. Wat, in describing his relationship with his parents notes, "to introduce dialogue will be difficult when homosexuality is not in one's verbal or conceptual lexicon." Eric C. Wat, Preserving the Paradox: Stories from a Gay-Loh, in Asian American Sexualities, supra note 30, at 71. Lesbians in Thailand recently created a word - "anjaree" - meaning "someone who follows non-conformist ways." Took Took Thongthiraj, Toward a Struggle Against Invisibility: Love between Women in Thailand, in Asian American Sexualities, supra note 30, at 163, 164. In Hindi, "Our language does not have a word for who we are or how we feel." Sita to Radha, in Fire (Trial by Fire Films, Inc., Deepa Mehta & Bobby Bedi prods., 1996).

The silence around or denial of lesbian existence based in a male-centered culture also enables a weird kind of tolerance for lesbian relationships by creating a presumption that two women living together do so because they could not find husbands. This same mentality enabled "romantic friendships." See generally Lillian Faderman, Surpassing the Love of Men: Romantic Friendship and Love Between Women from the Renaissance to the Present (1981).

n34. This notion of gay identity as Western is not universally held. Parents of Asian-American lesbians and gay men had knowledge of other lesbians and gay men while growing up and/or from their native countries. Hom, *supra* note 30, at 38. Among Latinas, Cherrie Moraga discusses the notion of a lesbian as "traitor to her race... Lesbianism can be construed by the race then as the Chicana being used by the white man, even if the man never lays a hand on her... homosexuality is his disease with which he sinisterly infects Third World people." *Loving In The War Years* 113-14 (1983).

n35. See Jennifer Ting, *Bachelor Society: Deviant Heterosexuality and Asian American Historiography*, in *Privileging Positions*, *supra* note 11, at 271.

n36. See Mona Oikawa, *Locating Myself within Histories of Dislocation*, in *Privileging Positions*, *supra* note 11, at 265.

n37. See Ng, *supra* note 33, at 29.

n38. See Vivien W. Ng, *Looking for Lesbians in Chinese History*, in *The New Lesbian Studies: Into the Twenty-First Century* 160 (Bonnie Zimmerman & Toni A. H. McNaron eds., 1996) [hereinafter *New Lesbian Studies*].

n39. See AIDS Bhedhav Virodhi Andolan (ABVA), *Homosexuality in India: Culture and Heritage*, in *A Lotus of Another Color: An Unfolding of the South Asian Gay and Lesbian Experience* 21 (Rakesh Ratti ed., 1993).

n40. *Id.* at 29. By offering these examples, I do not mean to infer the existence of a gay identity as we experience identity now. Rather, I offer them as examples of same-sex relationships that may have been acknowledged and perhaps tolerated by other members of the communities.

n41. See Susan Beaver, *Gays and Lesbians of the First Nations*, in *Piece of My Heart: A Lesbian of Colour Anthology* 197 (Makeda Silvera ed., 1991); see generally Will Roscoe, *The Zuni Man-Woman* (1991).

n42. See Lourdes Arguelles & Anne M. Rivero, *Queer Everyday Life: Some Religious and Spiritual Dynamics*, in *New Lesbian Studies*, *supra* note 38, at 177.

n43. *Id.*

n44. See ABVA, *supra* note 39, at 22; see also *id.* at 19 (photograph).

n45. See, e.g., Resolution A-71 of the 1976 Convention of the Episcopal Church, available in <[http://www.religioustolerance.org/hom\\_epis.htm](http://www.religioustolerance.org/hom_epis.htm)> (visited Mar. 27, 1998) ("This General Convention expresses its conviction that homosexual persons are entitled to equal protection of the laws with all other citizens, and calls upon our society to see that such protection is provided in actuality.").