

The Gender Bend: Culture, Sex, and Sexuality— A LatCritical Human Rights Map of Latina/o Border Crossings

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[C]ultures provide specific plots for lives.¹

“Away, she went away
but each place she went
pushed her to the other side, *al otro lado*.”²

Mejor puta que pata.³ Mejor ladrón que maricón.⁴

INTRODUCTION

In the course of studying and theorizing about Latinas/os and their location in law and culture, critical theory has been simultaneously liberating and restraining,

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1. OLIVA M. ESPÍN, WOMEN CROSSING BOUNDARIES: A PSYCHOLOGY OF IMMIGRATION AND TRANSFORMATIONS OF SEXUALITY 39 (1999) [hereinafter WOMEN CROSSING] (citing D. E. POLKINGHORNE, NARRATIVE KNOWING AND THE HUMAN SCIENCES 153 (1988)).

2. Gloria Evangelina Anzaldúa, *Del Otro Lado* [hereinafter Anzaldúa, *Otro Lado*], in COMPAÑERAS 2, 3 (Juanita Ramos ed., 1994); see also Carla Trujillo, *Introduction* to CHICANA LESBIANS: THE GIRLS OUR MOTHERS WARNED US ABOUT ix, ix (Carla Trujillo ed., 1991) [hereinafter CHICANA LESBIANS] (“[T]he Chicana lesbian is similar to any other Chicana, or any other lesbian, yet her own experience is usually that of attempting to fit into two worlds, neither of which is readily accepting.”).

3. Common adage (author’s translation: “Better a whore than a lesbian.”). See Lorenza, *Homofobia: el miedo de unas Sociedad*, in COMPAÑERAS, *supra* note 2, at 232, 232 (“Cuantas de nosotras hemos escuchado de nuestras madres aquel dicho: ‘Mejor puta que pata?’” (author’s translation: “How many of us have heard the old adage from our mothers ‘Better a whore than a dyke?’”). This is a strong message in the context of a society that operates on the dichotomy of *mujer buena/mala mujer* (good woman/bad woman) with the *mujer buena* being in the image of the Virgin Mother and the *mala mujer* being the *puta*. Indeed, calling a woman a *puta* is a shortcut to marginalizing, stigmatizing, censoring, and condemning her. Erlinda Gonzales-Berry, *Unveiling Athena: Women in the Chicano Novel*, in CHICANA CRITICAL ISSUES 33 (Norma Alarcón, Rafaela Castro, Emma Pérez, Beatriz Pesquera, Adaljiza Sosa Riddell, & Patricia Zavella eds., 1993).

4. Common adage (author’s translation: “Better a thief than gay.”). Another highly disturbing version is *mejor muerto que maricón* (better dead than gay). IAN LUMSDEN, MACHOS, MARICONES, AND GAYS: CUBA AND HOMOSEXUALITY 135–36 (1996) (noting still other versions of the adage such as “*prefiero mi hijo muerto que maricón o ladrón*” (better my son dead than queer or a thief”).

confining, and coercive. Critical theorists have made substantial inroads in recognizing the intersectionality,⁵ multidimensionality,⁶ multiplicity,⁷ and interconnectivities⁸ of the intersections of race and sex. These paradigms are central to an analysis of the Latina/o condition within the *Estados Unidos* (United States).⁹ However, much work remains to be done in other areas—such as culture, language, sexuality, and class—that are key to Latinas'/os' self-determination¹⁰ and full citizenship.¹¹

Some work, although conducted almost exclusively by anthropologists and only relatively recently in the legal realm, has considered the role of culture. The existing analyses of culture, however, often are epistemologically questionable, if not flawed, because the underlying assumptions impose the majority culture—its realities and geographies which usually are external to and different from the culture being studied—as cultural normativity. These studies, far from being neutral and objective, presume the universal applicability of the majority's norms and methodologies.¹²

Some work has explored the subtleties of culture, and revealed and critiqued how cultural chronicles are affected and colored by the confines of their narration.¹³ For example, language provides cultural experiences and linguistic concepts a particular context; it defines and creates the stage for the plot of any story.¹⁴ Describing experiences lived in one language in a foreign tongue creates the potential of

5. See Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139 (seeing discrimination along a single axis is ineffectual for some populations, such as black women).

6. See Berta Esperanza Hernández-Truyol, *Building Bridges—Latinas and Latinos at the Crossroads: Realities, Rhetoric & Replacement*, 25 COLUM. HUM. RTS. L. REV. 369 (1994) [hereinafter Hernández-Truyol, *Building Bridges*] (expressly discussing Latina/o diversity as a reason for rejecting a monocular analytical methodology).

7. See Elvia R. Arriola, *Forward: March*, 19 CHICANO-LATINO L. REV. 1 (1998); Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990) (focusing on multiplicity of identity to critique race or gender essentialism).

8. See Francisco Valdés, *Sex and Race in Queer Legal Culture: Ruminations on Identities & Inter-Connectivities*, 5 S. CAL. REV. L. & WOMEN'S STUD. 25, 49 (1995) (positing, in the sexual minority context, the concept of interconnectivity as “a personal awakening to the tight interweaving of systems and structures of subordination”).

9. See generally THE LATINO/A CONDITION: A CRITICAL READER (Richard Delgado & Jean Stefancic eds., 1998) (providing an overview of the Latino community and its issues at the end of the century).

10. International Covenant of Civil and Political Rights, art. 1, Dec. 16, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR]; International Covenant on Economic, Social and Cultural Rights, art. 1, Dec. 16, 1966, 993 U.N.T.S. 3 [hereinafter ICESCR].

11. The concept of citizenship is not used here to denote nationality but rather a person's ability to participate in her or his various societies and communities.

12. Sarah Williams, a feminist anthropologist, offered an example in recounting an academic presentation concerning the Trobriand Islanders—a supposedly “lost tribe” in Australia “discovered” in the 1980s. Sarah Williams, *Abjection and Anthropological Praxis*, 66 ANTHROPOLOGICAL Q. 67, 71 (1993); see also Pat Caplan, *Introduction to THE CULTURAL CONSTRUCTION OF SEXUALITY* 1, 10–13 (Pat Caplan ed., 1987) (noting universalizing of cultural norms, such as marriage, in anthropological studies).

13. See Caplan, *supra* note 12; Williams, *supra* note 12.

14. See ESPÍN, *WOMEN CROSSING*, *supra* note 1, at 134.

re/presenting and distorting the plot. “[Living] in a new language is not merely an instrumental process; it is not a neutral act . . . [; rather, it internalizes] the power relations of the specific culture that speaks the specific language.”¹⁵

One researcher has established that, due to the cultural variants concerning sentiments, emotions, and their expression, “feelings one reports in different languages through equivalent words often differ in content because of the different context.”¹⁶ Indeed, in different languages people are different selves.¹⁷ Certainly I interact with people differently in different languages. For example, in Spanish I speak more quickly and loudly, and gesticulate more. These differences are identifiable not only to me, but also to others. I have been told by long-time friends and colleagues with whom I have a relationship in English that they see me as a new and different person when I am around family and friends around whom *yo hablo español*.

Moreover, the use or choice of a particular language can impose meanings in or hide meanings to a cultural reality; multilinguals have different signposts in the various languages for similar emotions, opinions, and experiences.¹⁸ Thus, at the outset I must confess one stumbling block, a schism that I need to bridge, in writing about Latinas. In my critical work, including this essay, I use an alien tongue—English—to construct and communicate knowledge learned from the personal, real-life journeys that I regularly travel in Spanish. This endeavor requires the translation of untranslatable cultural plots, their meanings, and their borderlands.

In the course of my work I have come to realize that *mis sentimientos* (my feelings) are in *español*—I feel in Spanish.¹⁹ Only Spanish tones and resonances with their comfortable, exciting, mellifluous, familiar, caressing sounds *me derriten* (melt me), allow me to *vivir y revivir* (live and relive/become alive)—rather than think and rethink, relate and re-relate or analyze and re-analyze—experiences. On the other hand, my English expressions are intellectual and analytical rather than emotional or experiential; they are somehow distanced from *mis sentimientos*. For example, I have seldom cried in English; tears simply do not come to me in Anglophone contexts or environments—even ones that are by their nature exceedingly sad, such as a good friend’s funeral. The one salient exception was the recent loss of my partner of almost twenty-one years. That experience opened the floodgates for a long time. But as time has passed, the English tears have again dried. It is inevitable, then, that my relationships to the different languages affect the meanings and knowledges I convey even when my word choices might be linguistic equivalents, even when they might appear as synonyms in reference books simply because they have different realities.

Given these linguistic tropes, inescapably the meanings of translated communications diverge from and likely distort the original voice which for me, with

15. *Id.*

16. *Id.* at 136 (citing Polish-Australian linguist Anna Wierzbicka, *Emotion, Language, and Cultural Scripts*, in *EMOTION AND CULTURES* 133 (S. Kitayama & H. R. Markus eds., 1994)).

17. *See id.* at 135 (noting that “learning a new language provides the immigrant with the opportunity to ‘create a new self’”).

18. *See id.* at 136 (noting the warning of a linguist “that using English words for analyzing and describing emotions can impose an Anglocentric perspective on our understanding of peoples’ reality”).

19. I am moved by Spanish; I fall in love in and with Spanish; I savor music in Spanish; I am simply enthralled by the voices, sounds, and rhythms of Spanish.

respect to *mis sentimientos*, is *español*; they are incomplete and sometimes incoherent and inaccurate representations, at best silhouettes, of my truths. This necessary exportation of my knowledges to English bridles them; it distorts their authenticity, location, time, and space. Lived experiences lose meaning and become mere fables or myths in the name of translated personal narrative. These forced interpretations result in a form of emotional imperialism, a colonization of feelings and experiences, of the geography of heart and spirit. Consequently, I will take the liberty throughout this piece to use *español* when appropriate or necessary to convey untranslatables and will parenthetically provide the best *traducción* (translation) possible.

Very personal responses to, and experiences with, sound and language are an apt metaphor for the challenges posed in writing this essay on Latinas within critical movements—movements that have created for me the semblance of *un hogar* (a home) within these foreign *fronteras*²⁰ (borderlands). How do we accommodate, study, and learn about culture without forcing *traducciones* that are at best interpellations²¹—linguistic acts that constitute the story rather than the other way around? These translated narratives are incomplete approximations, inaccurate versions of a story—conveying only figments, mere shadows, of Latinas’ divergent social constructions, perceptions, and experiences of culture, gender, and sex. Any inability to convey reality itself impedes an understanding of the foundations of and schisms embedded in Latinas’ truths and their cultural and historical subject positions.

Cognizant of, and notwithstanding such limitations, this essay will explore the condition of Latinas within the *fronteras estado unidenses* (United States borderlands), particularly concentrating on issues of culture, gender, sex, and sexuality—grounds upon which Latinas are subordinated, oppressed, and marginalized by racialized and gendered normative majority mandates as well as by gendered cultural strictures. As the piece will develop, and as it already has intimated with respect to language, Latinas embark on daily border crossings. Their journeys are defined and imposed on them by the myriad territories they inhabit. Latinas may be multiple aliens: in majority communities by virtue of many degrees of separation—sex, ethnicity, culture, language, and sexuality;²² within their own culture, Latinas are “others” simply because of their sex or, even more distancing, their sexuality; and within the sexual

20. Particularly significant among the recent critical movements is the LatCrit movement, started only in the fall of 1995. The allure of this particular strand of critical work lies in its inclusiveness of issues of race, sex, sexuality, class, nationality, culture, language, and religion. For more detailed information about the LatCrit movement, see the published Annual LatCrit Symposia, <http://www.latcrit.org> (follow “Publications” hyperlink; then follow “Published Symposia” hyperlink); see also Berta Esperanza Hernández-Truyol, *Borders (En)Gendered: Normativities, Latinas, and a LatCrit Paradigm*, 72 N.Y.U. L. REV. 882 (1997) [hereinafter Hernández-Truyol, *Borders (En)Gendered*].

21. See JUDITH BUTLER, *EXCITABLE SPEECH: A POLITICS OF THE PERFORMATIVE* 24 (1997) (explaining Althusser’s notion of interpellation as an event in which “the speech act that brings the subject into linguistic existence precedes the subject in question”); Judith Butler, *Constitutions and “Survivor Stories”: Burning Acts: Injurious Speech*, 3 U. CHI. L. SCH. ROUNDTABLE 199 (1996).

22. See Hernández-Truyol, *Borders (En)Gendered*, *supra* note 20; Hernández-Truyol, *Building Bridges*, *supra* note 6; Berta Esperanza Hernández-Truyol, *Las Olvidadas—Gendered in Justice/Gendered Injustice: Latinas, Fronteras and the Law*, 1 J. GENDER, RACE & JUST. 353 (1998) [hereinafter Hernández-Truyol, *Las Olvidadas*].

minority community because of their sex, race, and ethnicity. These multiple barriers within and outside group *fronteras* are definitional in the formation of, access to, and expression of Latinas' identity(ies).²³

Gender identities are rigorously and authoritatively defined, delineated, and enforced within *la cultura Latina*²⁴ (Latina/o culture). These narrowly drawn parameters are heteropatriarchal mandates used as a tool to retain conformity to traditional strictures as well as to control those *mujeres* (women)—and *hombres* (men)—who cannot, or refuse to, agree or harmonize with or adjust, obey, and conform to culturally designated roles and norms.

Part I is a prelude that stages the plot by presenting the reality of Latinas' lives in society, in the family, at home, and at work—revealing the expectations and the embeddedness of norms based on sex. It reveals the importance of *la familia* (family) in the creation, construction, and constitution of *la identidad de la Latina* (a Latina's identity). This brief narrative exposes the internalization of normative traditional cultural dictates—learned perspectives that can result in great cognitive dissonance and stress for Latinas within both majority culture and *la cultura Latina*.

Part II, Culture and Gender, maps Latinas' locations—their complicated amalgam of social and cultural dimensions and intersections resulting from their existences both outside and inside the majority culture and *la cultura Latina*. Specifically, this part unearths the gendered cultural biases and expectations through which Latinas navigate their daily existence. In addition, the role of religion and of *la familia* in the cultural context—both of which reinforce the liberal individualistic and secular constraints placed on Latinas' backs—are considered.

Next, Part III, Sexuality—*La Última Frontera* (the last frontier/border), explores sex as a location in which Latinas experience multiple oppressions from both inside and outside *la cultura Latina*. The first subsection, The Culture of Sex, reviews the “normative” cultural views on Latinas' (hetero)sexual expression. As is detailed, the double standard that results in gendered expectations also governs any expression of sexuality with women, in this shame-based culture, having to be the guardians of purity, the gatekeepers of the home, and the preservers of the culture. Hence, the condemnation of the *puta*—the whore, the public woman. However, the *Latinas Lesbianas*—Cultural Outlaws subsection reveals that there is a worse cultural outlaw than the whore, and that is the lesbian whose very existence challenges the heteropatriarchal norms so deeply embedded in the script of *la cultura Latina*. Finally, the Bending Gender subsection exposes and reviews the feminization of gay men in *la cultura Latina* as a means to explore the translations of gender into power, autonomy, legitimacy, and full citizenship.

In Part IV, the atomization of identities is rejected and a paradigmatic shift to a LatCritical²⁵ Human Rights construct is proposed as a powerful foundation for an

23. See Oliva M. Espín, *Issues of Identity in the Psychology of Latina Lesbians* [hereinafter Espín, *Latina Psychology*], in *LESBIAN PSYCHOLOGIES: EXPLORATIONS & CHALLENGES* 35 (Boston Lesbian Psychologies Collective ed., 1987).

24. See Hernández-Truyol, *Borders (En)Gendered*, *supra* note 20, at 911–20 (discussing gendered cultural conceptions within *la cultura Latina*).

25. LatCrit theory is part of the recent scholarship known and identified as “outsider jurisprudence” which also includes critical legal studies, critical race theory, feminist legal theory, critical race feminism, queer theory, and Asian American legal scholarship. LatCrit

emancipatory project that centers on multiply “othered” persons, such as Latinas.²⁶ This critical vision is informed and transformed by incorporating the human rights concepts of indivisibility and interdependence of rights into identity discourse, particularly when focusing on matters of cultural expression—a status protected as a human right but not generally considered in our legal system.²⁷ Such an approach, which poses the culture question along with the woman/women’s question and the race question, is of great utility in and to an anti-subordination movement; it maps a route that enables full personhood for those who are multiply “othered.” This construct develops, expands, and transforms the articulation and language of critical theory to include and embrace the cultural multidimensionality, intersectionality, multiplicity, and interconnectivities of Latinas’ (and other multiply-othered persons’) lives.

I. PERSONAL MIGRATIONS—*UN PRELUDIO* (A PRELUDE)

I was seventeen when I left home, an amazing feat because as a good Latina I was supposed to live at home with mami y papi until my wedding day when I would be transferred from papi to esposo. Well, actually, it would be much more accurate to say that I was seventeen when I last lived with my parents which still qualifies for an amazing feat for the same reason. And although I did leave home, so did they.

My departure was for college. Interestingly, notwithstanding my familia’s cultural context, there was never any question that I would go away to school. In fact, I distinctly remember that in Cuba (and we left when I was 7) my parents always spoke about sending me abroad to a college in Canada—a college run by the same nuns who ran St. Angela Merici Academy, the elementary school I attended in Cuba from pre-kindergarten through second grade. In any event, unbeknownst to anyone in the family when we decided that I would attend Cornell in the fall, my parents and younger brother would be leaving home in Puerto Rico

emerged in 1995 following a colloquium in Puerto Rico during which scholars focused on the paucity of Latina/o voices in the legal academy, including in the contemporary critical legal movements. Since then, LatCrit has aimed to engage in a national and international trans- and cross-disciplinary discourse on “law and policy towards Latinas/os” and has been centrally committed to anti-subordination coalitional study and praxis. See LatCrit.org, Saludos! Bienvenidas/os!, <http://www.latcrit.org> (follow “Home” hyperlink).

26. Cognizant of the “internal” critique of LatCrit scholarship published in this symposium, I close this introduction by situating this Article firmly in that literature. In this Article, I apply the non-traditional methods and approaches associated with LatCrit theory and other lines of outsider discourse as a conscious oppositional practice to the narrow traditions of knowledge production of the U.S. legal academy. Because I reaffirm the value of non-traditional approaches, as well as those of traditional approaches, I hope the LatCrit community will continue with its critical experimentation in the coming decade with the same commitment to oppositional practice that has become a hallmark of this latest experiment in contemporary legal discourses.

27. See ICCPR, *supra* note 10, art. 1 (“All peoples have the right to freely pursue their cultural development”); *id.* art. 27 (mandating that persons belonging to minorities “shall not be denied the right . . . to enjoy their own culture”). But see Holly Maguigan, *Cultural Evidence and Male Violence: Are Feminist and Multiculturalist Reformers on a Collision Course in Criminal Courts?*, 70 N.Y.U. L. REV. 36 (1995) (debating the acceptance of a separate cultural defense in criminal prosecutions).

at that time too. (Parenthetically, I should add that this “family decision” for me to attend Cornell was informed only by my headmaster’s choice of the then-only co-ed Ivy League school. Suffice it to say that nobody in my family had the remotest clue of what an Ivy League school was.) Papi was transferred to Paris, France, in the spring of my senior year in high school—too late to influence the process of considering colleges. Had the transfer been a reality at an earlier juncture, my locations and languages may have traversed dramatically different geographies.

The day that I left the refuge of *mi isla* so did my mom and Ernesto, my younger brother who was then known as “Flaco” because he was tall and skinny. We flew together to New York City where we landed at JFK airport. I recall that my first assignment was to scout and negotiate our way to the international terminal so I could see mami and my little brother off to Paris—a charge and responsibility not very consonant with the cultural paradigm of female dependence and helplessness. After their departure, I navigated my own way to the then-Mohawk Airlines terminal to board a little prop plane to Ithaca, New York.

Since that time I have lived in Albany, NY; Washington, DC; New York, NY; Chicago, IL; Albuquerque, NM; Madison, WI; and Gainesville, FL. My parents have moved from Paris, France, to The Hague, the Netherlands, to Coral Gables, FL. Ernesto, challenging all of our journeys, moved with mami y papi from Paris to The Hague and then returned to the States where he went from Coral Gables to Tallahassee, FL, to Phoenix, AZ, to Milwaukee, WI, to Miami, FL, to Sao Paolo, Brazil, to New York, NY, to now splitting his time between Sao Paolo and Miami. His move to New York created the scenario that weaves the relevance of my leaving home at seventeen into this chronicle. Ernesto was transferred to New York at about the same time I was going to take my first sabbatical in twelve years of teaching, the journey that first brought me to Madison, WI. Ernesto needed a place to live and my apartment in New York was going to be empty so I moved out and he moved in.

When my sabbatical ended it was time for me to return “home” to an apartment now devoid of any of my stuff. New York was not agreeing with Ernesto (still called Flaco though he no longer is) who craved a return to the warm life and sounds of Brazil as soon as he could arrange it. Therefore, he did not wish to move again to another New York location. So we lived together in my (his? our?) apartment with his furniture, music, and wonderful cooking. This constituted the first time since I had left home that I lived with a member of the family into which I was born—a tie of critical importance in *la cultura Latina*—and it led me to travel some intriguing, discomfiting, and informative roads.

One day we went for a drink at an establishment in the heart of the city frequented and favored by Brazilian folks. We drank *caipiroskas*—a delicious libation of lime, vodka, and tons of sugar—which got us talking about what we did and wondering why each of us chose the paths we did. Ernesto is in banking and loves the art of the deal. I, on the other hand, teach and write—happy to be performing on the educational side of the legal system which permits harmony—away from the nerve-wracking adversarial system in which I litigated for years. I now cherish and fear both the very public and very private aspects of my academic work.

It was interesting and disconcerting to hear Ernesto’s perception of the motivation behind my choice of career. He still sees me as a contrarian—I guess

to him I am still the charged advocate that in my mind I have left behind. He believes it is for the external consequences—the attempt and (perceived?) ability to change the world through my words. He views the whole of my drive as the external, the public—an exhibitionistic streak to be visible and audible to various audiences ranging from students to colleagues to the people who read my works. Why else, if not for the public exposure itself and its consequent staging, performative possibilities for transforming the world in my image would I do these things? My dedication to women's rights means, he says, that I want a public forum—a bully pulpit the way he puts it—to present (inflict?) my ideas (ideology?) to *todo el mundo* (all the world).²⁸ I sensed an embarrassment all along because some voice lurking in my un-/subconscious was reminding me that my place as a Latina is not in the public sphere.

How could his perceptions be so far from my own conception of who I am and what I do? He proceeded to explain that I should not be surprised that I view myself differently from the way I really am (meaning the way he saw me) as more often than not, persons see themselves differently than others perceive them. Proust's observation that "we hear ourselves with our throat while others hear us with their ears" was echoing in my mind.²⁹ Just then, Ernesto raised an eyebrow, smirked, nodded his head, and took a swig of his drink. Somehow I understood these acts just as clearly as if he had articulated his obvious conclusion: "So there! I am right about your motivations and you, big sister, just don't know what you are talking about."³⁰ I felt like such a silly girl.

That was really simply the beginning of the real conversation. "You are much more like dad in that aspect, you know," he says to me. Confused, I had to laugh out loud because just a couple of days earlier in a telephone conversation with both *mami y papi*, dad had used the identical imagery in asking me to help Ernesto with some aspect of a negotiation in which he needed some legal counsel. "You and I are alike that way, strong; your brother is more like your mother." My response at the time, which had less to do with the gender-bending of the observation than with what constitutes my reality, was to tell *papi* that Ernesto was more like *papi* than anyone was giving him credit for. I also quietly thought, but did not dare speak lest I show lack of *respeto* to *papi*, that *mami* is one of the strongest human beings I know.

Ernesto and I, after a wonderful chuckle, looked back on our childhood and the environment in which we were raised. At the bar bathed in Brazilian rhythms, our chat, which unhaltingly flowed between English and *español*, continued.

We connected how, having left Cuba in 1960, our parents' memory of the way things "should be" are, as with any migrant's typical experience, frozen in time,³¹

28. Author's translation: "everybody." However, a literal translation, consonant with the meaning in Spanish, and the meaning intended here is "all the world."

29. Marcel Proust is responsible for this quote. See <http://www.brainyquote.com/quotes/quotes/m/marcelproul37794.html>.

30. I should note here that while his undergraduate work was in business, mine was in psychology; but this element goes way beyond the scope of the issues this essay seeks to explore. Nonetheless, it does comport with gendered attitudes about knowledge.

31. See ESPÍN, *WOMEN CROSSING*, *supra* note 1, at 23 (noting that with migration home culture becomes idealized).

making our upbringing extremely strict and traditional. Of course, a traditional upbringing in la cultura Latina meant dramatically different things for boys and girls. Mami y papi's sets of values and parameters for defining appropriate (meaning gendered) conduct was, generously described, not ample, expansive, or flexible. Not only did mami y papi present us with a structure wholly lacking any capacity or latitude for changing environments, perspectives, times, or mores, they were intimately involved in its imprinting. In fact, as Ernesto effectively relates it—they micro-managed our social development and engagements à la some mythical, idealized plot from a 1950s Cuba script. All the women were virgins, all the men were macho; hopefully, a few who did not fit the story line were brave. We laughed.

We thought, then, that at minimum mami y papi would have delivered clear, unscrambled messages as to what Ernesto's and my proper gender/sex roles were. That simply was not the case; our messages were replete with cultural contradictions. I was expected to excel in school "like dad," which translated to being the best, hardest-working, most aggressive student. Funny, of course, that this likened me to dad. Before our migration, mami was a lawyer and diplomat in Cuba. That, without doubt, makes her pretty strong in her own right, having entered and succeeded in male-dominated professions way ahead of her time. Yet the messages sent to me were imbued with inconsistencies, replete with gendered conflicts. I was supposed to be the first and the best in education³² and a leader in any enterprise (as would be expected of every boy). However, at the same time, because I was a girl I was supposed to be sweet, submissive, and deferential within the family, the church, and society at large.

Of course, I was also supposed to be pure. I was not supposed to like or trust boys because they have only one thing in mind. Never mind that whatever it was boys had in mind was never articulated except by a raised brow. But we always figure those things out.

And, in that vein, I remember another strong message. Once a girlfriend from the neighborhood and I were watching television at home with my parents. I remember I was lying on the couch and she was sitting on the floor. At one point she leaned her head back on my outstretched arm. Next thing I remember is my mom calling me into the kitchen and telling me not to do that—not to let her lean on me. "Eso es feo (that is ugly)," my mom said. I was clueless then; I understand now; the words still resonate.

To protect me from boy evils through high school I was not allowed to date and could go out once in a while only if a chaperone came along. The folks were happy with me going to school and playing sports. I wonder if today they regret that approach, regret the messages not even thinly veiled by those positions.

Ernesto and I had shared those aspects of my story before because, even as the little brother, he would confront dad and signal the incoherence, the incongruity, and the inconsistencies in the contradictory sets of expectations. Interestingly, however, all the time at school and neighborhood dances he would play his given

32. For a moving narrative of the impact of education on the traditional perception of womanhood and on the confusion and conflicts that result, see Claudia Colindres, *A Letter to My Mother*, in *THE SEXUALITY OF LATINAS* 73 (Norma Alarcón, Ana Castillo & Cherríe Moraga eds., 1993).

role as my protector. I recall how he would cross his puny little boy arms across his chest and oversee with whom I danced, actually “cutting in” if he did not like the rogue who dared come close to me.

But the caipiroska day was to be full of surprises. As we enjoyed our drinks, Ernesto revealed to me that he, too, was given garbled messages. “How was I supposed to figure any of this stuff out as a kid,” he asked me. “They tell me I’m supposed to be macho—strong and aggressive—but then they don’t let me surf because I could get hurt and they would not let me play football because it was too violent.” This was from papi who all our growing years would regale us with stories about his boxing and judo days. Ernesto continued his puzzlement, “How was I supposed to be a man, if I could not do the man things?”

As we mellowed with our drinks and listened to *Musica Popular Brasileira*, Ernesto chuckled and observed, “You know, the contradictory messages they gave both of us are quite unsettling and agitating. We were held to the same expectations, the same chaotic and jumbled standards. You had to achieve all this scholastic excellence while straitjacketing your personal expression and I had to be disciplined to be a man without having any limits or guidance—I had to do whatever I had to do to attain the unattainable ideal of manhood.” We laughed and ordered another caipiroska. Maybe the tastes and sounds of Spanish and Portuguese would diagram some answers.

This brief narrative summons myriad journeys traversed through sex, gender, sexuality, language, and culture spaces by Latinas/os. To be sure, the consequences of the paradoxical expectations are the intriguing lesson in these stories. Growing up, to my parents’ pleasure at school and displeasure at home, I was always a little audacious—always self-assured, never self-doubting or retiring.

The conversation with Ernesto explained as much to me about myself, my family, my cultural plot, as my realization that I feel in Spanish has elucidated. It makes me wonder if years of trying to find myself in English were wasted—the roads I needed assistance traveling are some I journeyed exclusively *en español*. Yet, reliving the conversations slowly unearths and reveals the multiple layers of the gendered conflicts, cultural dissonance, and human confusions embedded in and plaited through them.

Cultural expectations, language, and family are constants throughout all life travels. These invariables unconsciously, subconsciously, and instinctively define navigations and destinations. There are no detectable changes; the transitions and translations through vastly different geographies have an uncanny appearance of fluidity. Yet, if Spanish-speakers must travel in English, every intersection, every route traveled, re/presents the majority’s epistemological stance. Such “master narrative”³³ both delimits and is constitutive of normativity³⁴—the social construction of what is normal,

33. See Lisa C. Ikemoto, *Traces of the Master Narrative in the Story of African American/Korean American Conflict: How We Constructed “Los Angeles,”* in *CRITICAL RACE THEORY: THE CUTTING EDGE* 305, 305 (Richard Delgado ed., 1995); Audre Lorde, *The Master’s Tools Will Never Dismantle the Master’s House*, in *THIS BRIDGE CALLED MY BACK: WRITINGS BY RADICAL WOMEN OF COLOR* 98 (Cherrie Moraga & Gloria Anzaldúa eds., 1983).

34. See Richard Delgado, *Moves*, 139 U. PA. L. REV. 1071, 1071–75 (1991) (coining and explaining the term “normative”).

appropriate, acceptable behavior.³⁵ In effect, traveling life in English imposes Anglocentric perspectives on human existence,³⁶ including the inferiority of Latinas/os based on their race/ethnicity, language, accent, and even sex.³⁷ This linguistic paradigm is reality regardless of whether one is exploring the majority *outside* the culture, which may define a certain culture's otherness, or the dominant majority *within* the culture, which in turn defines otherness within the particularized space.³⁸ For Latinas, this translates into English colonizing race, sex, culture, and language as well as *español* colonizing their gender, sex, and sexuality.

This clear and rigid delineation of the *fronteras* of proper conduct, which for Latinas embeds a male vision of culture, sex, and gender identity, privileges the master narrative and designates the content of and context for Latinas' journeys. Family, society at large—both Angla/o culture and *la cultura Latina*—church, and state collude to limit and frustrate the daily journeys that identify, define, and design the extent and parameters of the *viajera*'s (traveler's) journey. This constitutive power of accepted narratives, of truth and reality makes my brother question his manhood because he is not allowed to do the man things at the same time the world—family, society, school—demands that he do them. The same narratives make me question why womanhood requires that I be submissive when I'm supposed to be revered (in the image of the Virgin Mary), why I should love boys and see all men as superior if they are not trustworthy, and why I should be deferential, servile, and subservient to men at home when I am supposed to be their equal or better at work.

Certainly these questions as well as the issues raised by the brief profile of my experiences are part of larger and continuing voyages. The travels implicate at individual and group levels the roles of culture, gender, and sex in navigating through life.

II. CULTURE AND GENDER

At the outset, it is very important to articulate and recognize that *la cultura Latina* is not a monolithic, homogeneous one but comprised of a diverse panethnic group.³⁹ Differences range from language ability⁴⁰ to migration histories,⁴¹ from education

35. See ESPÍN, *WOMEN CROSSING*, *supra* note 1, at 134 (noting that using a particular language “is not merely an instrumental process; it is not a neutral act. It implies becoming immersed in the power relations of the specific culture that speaks the specific language.”).

36. See *id.* at 136.

37. See, e.g., *id.* at 140 (“Learning the language of the host society implies learning one’s place in the structures of social inequality.”); Gloria Sanchino-Glasser, *Los Confundidos: De-Conflating Latinos/as’ Race and Ethnicity*, 19 CHICANO-LATINO L. REV. 69 (1998) (discussing discrimination against Latinos/as based on race, national origin and language); Hernández-Truyol, *Borders (En)gendered*, *supra* note 20, at 902–14.

38. See, e.g., Beverly A. Green, *Homophobia/Heterosexism in African Americans: Internalized Racism and African American Lesbians and Bisexual Women*, in MORAL IMPERIALISM: A CRITICAL ANTHOLOGY 78 (Berta E. Hernández-Truyol ed., 2002); Robert Westly, *LatCrit Theory and the Problematics of Internal/External Oppression: A Comparison of Forms of Oppression and InterGroup/IntraGroup Solidarity*, 53 U. MIAMI L. REV. 761 (1999).

39. See Hernández-Truyol, *Building Bridges*, *supra* note 6, at 386–87 (examining the heterogeneity and panethnicity of the Latina/o community).

40. *Id.* at 378–79 (recounting the varying languages spoken in the Latina/o community,

levels⁴² to economic attainments.⁴³ Latinas themselves, like all peoples, though sharing much of history and culture, are far from having an unitary perspective on sex/gender roles or on sexuality and sexual behavior.⁴⁴ Nonetheless, there are myriad cultural commonalities, many of which converge around the importance of family and rigid, deeply imprinted, and closely guarded notions and delineations of appropriate sex and gender roles.⁴⁵

One characteristic that cuts across *la cultura Latina* is the sacrosanct status of *la familia*.⁴⁶ Significantly, *la familia* is the location that provides the blueprints for the creation, construction, and constitution of identities. It is the place where Latinas/os first experience the presentation of the narratives that define and convey our original notions of what comprises normal, proper, and acceptable identity performance. *La familia* is the site where we first learn about (are indoctrinated in?) our permitted and approved places, the range of legitimate and seemly conduct, and the scope of *cosas feas* (ugly things).

including English, Spanish, and both or multiple languages).

41. See *id.* at 387–93 (examining various Latina/o migration patterns, originating in Cuba, Mexico, and Puerto Rico); Berta Esperanza Hernández-Truyol, *Building Bridges III—Personal Narratives, Incoherent Paradigms, and Plural Citizens*, 19 CHICANO–LATINO L. REV. 303, 327 (1998) [hereinafter Hernández-Truyol, *Building Bridges III*] (noting that “Latinas/os are a diverse peoples of many races . . . and national origins including Mexican, Cuban, Puerto Rican, Columbian, Ecuadorian, and more.”); Roger Simon & Paul de la Garza, *Clinton: U.S. Made ‘Mistake’ Backing Old Guatemala Regime*, CHI. TRIB., Mar. 11, 1999, at 15 (citing Immigration and Naturalization Service statistics counting “600,000 illegal immigrants from El Salvador, Guatemala, Honduras and Nicaragua in the United States” as well as 40,000 legal immigrants arriving from the same countries in 1998).

42. Hernández-Truyol, *Building Bridges*, *supra* note 6, at 394; see also Hernández-Truyol, *Las Olvidadas*, *supra* note 22, at 362–66 (addressing *fronteras* faced by Latinas/os in the classroom).

43. Hernández-Truyol, *Building Bridges*, *supra* note 6, at 395; see also Hernández-Truyol, *Las Olvidadas*, *supra* note 22, at 366–68 (evaluating and exploring economic *fronteras* faced by Latinas).

44. E.g., Oliva M. Espín, *Cultural and Historical Influences on Sexuality in Hispanic/Latin Women: Implications for Psychotherapy* [hereinafter Espín, *Sexuality*], in PLEASURE AND DANGER: EXPLORING FEMALE SEXUALITY 149, 149 (Carole S. Vance ed., 1984) (“Despite shared features of history and culture, attitudes toward sex-roles are extremely diverse among Hispanic women. . . . Consequently, it is very difficult to discuss the sexuality or sexual behavior of Latin women without the danger of making some sweeping generalizations. . . . [However, h]istorical influences have left their mark in cultural processes.”).

45. For a discussion of what this author has called “Borders (En)Gendered,” see Hernández-Truyol, *Borders (En)Gendered*, *supra* note 20. See also LUMSDEN, *supra* note 4, at 55 (“Gender roles were clearly identified and sharply differentiated.”).

46. See, e.g., LUMSDEN, *supra* note 4, at 55 (“The family was typically the most important institution in pre-revolutionary Cuba. It was an extraordinarily strong one.”); Beverly Greene, *Ethnic Minority Lesbians and Gay Men: Mental Health and Treatment Issues*, in ETHNIC AND CULTURAL DIVERSITY AMONG LESBIANS AND GAY MEN 216, 219–21 (Beverly Greene ed., 1997) [hereinafter ETHNIC AND CULTURAL DIVERSITY]; Kevin R. Johnson, “Melting Pot” or “Ring of Fire”? *Assimilation and the Mexican-American Experience*, 85 CAL. L. REV. 1259, 1297 (identifying family as an “important component[] of Latino identity”).

Globally and across ethnic, as well as local and national, communities women are the “carriers of culture.”⁴⁷ Largely, cultures remain alive by the preservation of traditions, and traditions are preserved “almost exclusively through the gender roles of women. Women’s roles become the ‘bastion’ of tradition, and women’s bodies become the site for struggles concerning disorienting cultural differences.”⁴⁸ Not surprisingly then, it is mothers—worldwide and across cultures—who are the transmitters of knowledge of sexual values to their daughters.⁴⁹ However, there appears to be no organized, explicit structural format for the knowledge transmission. Rather,

[i]n most cultures, messages about womanhood and sexuality are conveyed through half-muttered comments, behavior, example, and—powerfully—through silence. Women of older generations pass along values and beliefs about appropriate gender and sexual behavior by what they say about men and other women, and by teaching by example what is allowed or forbidden in the culture of origin. These include ideas about what “good” women should and should not do according to the norms of the particular culture.⁵⁰

Thus, it is plain that women’s conduct is the signpost for cultural propriety. Conformance with traditional mandates renders one an accepted and acceptable member of the collective; failure to conform to, or rejection of, the mandates makes one an outsider to or an outcast of the community. Consequently, women are instrumental in enforcing patriarchal cultural values even when the values are personally stressful or even harmful to them, their personhood, or their dignity. Women themselves enforce, transmit, and perpetuate the traditions that limit and constrain their opportunities and restrict their liberty and self-determination.

Cultural tensions are heightened when a cultural minority lives within the geography of a majority culture that has different traditions and expectations. Conflicts are most noticeable when the minority culture is an old world traditional culture and the majority culture is more modern and overtly offers women more opportunities or creates stresses that require women to work outside the home. The latter is an event that presents a challenge to men’s exclusive claim over the public sphere and to their patriarchal authority.⁵¹

On the other hand, when the operating paradigm is the existence of a minority culture within a majority culture with different traditions, in light of women’s role as transmitters of culture, the gendered roles take on a particular importance for the minority groups’ cultural survival. For example, as is the case with many Latina/o migrants to the United States who are coming from a country where they constitute the racial/ethnic norm, crossing the *frontera estado unidenses* constitutes a racial

47. ESPÍN, WOMEN CROSSING, *supra* note 1, at 149 (noting that this phenomenon becomes especially marked with migration experiences).

48. *Id.* at 7.

49. *See id.* at 146; *id.* at 125 (noting women are “cultural carriers”).

50. *Id.* at 146.

51. *See id.* at 24; Berta E. Hernández-Truyol, *Sex and Globalization*, 11 HARV. LATINO L. REV. (forthcoming 2008) (citing remark from a Mexican male acquaintance to a sociologist, “[s]ince women started working at the *maquiladoras* they have lost all sense of decorum” (citing Maria P. Fernández-Kelly, *Maquiladoras: The View from the Inside*, in THE WOMEN, GENDER & DEVELOPMENT READER 203, 214 (Nalini Visvanathan et al. eds., 1997))).

migration as well. This movement places Latina/o migrants in a rigid, racial, hierarchically ordered society and often results in a gender backlash because

[g]ender becomes the site to claim the power denied to immigrants by racism. The control of women becomes the means of asserting moral superiority in a racist society. . . . While men are allowed and encouraged to develop new identities in the new country, girls and women are expected to continue living as if they were still in the old country (e.g., with regard to gender-role norms and behavior, clothing, rituals, and so on). They are often forced to embody cultural continuity amid cultural dislocation.⁵²

It is beyond peradventure that these geographies, and particularly the learning and knowledge with respect to sex, sexuality, and appropriate sex/gender roles that persist in and are transmitted within *la cultura Latina*, are gendered. Quite uniformly *la cultura Latina*'s image of man is one of strength, power, and sexual conquest,⁵³ the image of woman is one of weakness, submissiveness, and sexual purity.⁵⁴ There is a close nexus between sex/gender roles, power relations, and the sexuality that is within the scope of the culture's acceptance. As an author recently observed, "[t]he celebration of women's chastity fueled machismo since the pursuit and conquest of women demonstrated men's sexual virility, while the 'protection' of chaste women gave them the excuse to assert control, a central prerogative of machismo."⁵⁵ These cultural factors, influenced by the conservative Catholic values with which *la cultura Latina* is imbued, serve to repress women's sexuality as well as other sexual

52. ESPÍN, WOMEN CROSSING, *supra* note 1, at 7 (citation omitted); *see also id.* at 23 (noting "immigrants may become entrenched in traditional social and sex-role norms to defend against strong pressures to acculturate"). It is noteworthy that men, because both majority and minority cultures are patriarchal, in effect "fit in" the new country. This could render their transition easier and may result in strengthening their embracing of patriarchal norms.

53. *See* LUMSDEN, *supra* note 4, at 22 (commenting that *machismo* requires that male virility be demonstrated early and frequently); *id.* at 55 ("Men were expected to be strong, dominant, and sexually compulsive."); Hernández-Truyol, *Borders (En)Gendered*, *supra* note 20, at 917 (finding that Latinos are the family providers who are encouraged to engage in sexual conquests and who are judged based on the extent of their sexual triumphs).

54. *See* LUMSDEN, *supra* note 4, at 37 ("The ideal woman [was] a subservient figure, not only chaste, but preferably sexually innocent." (quoting Wyatt MacGaffey & Clifford R. Barnett, CUBA: ITS PEOPLE, ITS SOCIETY, ITS CULTURE 52 (1962))); *id.* at 55 ("Women were expected to be vulnerable and chaste."); Hernández-Truyol, *Borders (En)Gendered*, *supra* note 20, at 915 (noting that Latinas "are taught to be *pulcra* passive[,] . . . deferential to our elders and all the men in our lives. . . ."); Hernández-Truyol, *Las Olvidadas*, *supra* note 22, at 382 (finding that Latinas are more likely to believe that "there are times when it might be legitimate for a husband to hit his wife" (quoting Sara Torres, A Comparative Analysis of Wife Abuse Among Anglo-American and Mexican-American Battered Women: Attitudes, Nature and Severity, Frequency and Response to the Abuse 52 (1986) (unpublished Ph.D. dissertation, University of Texas) (on file with author))); Note, *Into the Mouths of Babes: La Familia Latina and Federally Funded Child Welfare*, 105 HARV. L. REV. 1319, 1324 (1992) (noting that Latino culture emphasizes "traditional sex roles" and requires Latinas to be submissive to their husbands).

55. LUMSDEN, *supra* note 4, at 37.

expressions, such as homosexuality, that do not conform to the authoritarian cultural and religious mandates.⁵⁶

Octavio Paz's work, *El Laberinto de la Soledad*, captures the results of these subtle intersections of power, gender roles, and sexuality—*la cultura Latina's* troubling image of womanhood as

an instrument, sometimes of masculine desires, sometimes of the ends assigned to her by morality, society and the law. . . . In a world made in man's image, woman is only a reflection of masculine will and desire. When passive she becomes goddess, a beloved one, a being who embodies the ancient stable elements of the universe: the earth, motherhood, virginity. When active, she is always function and means, a receptacle/a vessel, a channel. Womanhood, unlike manhood, is never an end in itself.⁵⁷

It is significant that the cultural interpretations and expectations of Latinas, simply because of their sex, by *la cultura Latina* essentially parallels the dominant society's construction of the proper location of majority women. Majority society defines the majority woman through the majority male's very gendered lens, which relies upon his position as normative.⁵⁸ Similarly, the Latino defines the Latina through his dominant position in family, church, and state.⁵⁹ The Latina's voice and viewpoint take no part in the articulation or design of who she is, who she must be. Rather, the Latino's

56. *Id.* at 45; see also ESPÍN, WOMEN CROSSING, *supra* note 1, at 125 ("It is no secret that religious leaders are rather preoccupied with women's sexuality. . . . Indeed, the great religions of the world uphold similar principles insofar as the submission of women to men is expected and decreed as 'natural' or as divine law." (citation omitted)). It must be noted that sexual purity of women as a mandate that conflates cultural, moral, and religious values is not singular to *la cultura Latina* of the Catholic religion. Cf., e.g., Douglas Jehl, *FOR SHAME: A Special Report; Arab Honor's Price: A Woman's Blood*, N.Y. TIMES, June 20, 1999 (noting Muslim requirement for chastity in women).

57. Author's translation of OCTAVIO PAZ, *EL LABERINTO DE LA SOLEDAD* 37–38 (1981). The original passage reads as follows:

Como casi todos los pueblos, los mexicanos consideran a la mujer como un instrumento, ya que los deseos del hombre, ya de los fines que le asignan la ley, la sociedad o la moral. . . . En un mundo hecho a la imagen de los hombres, la mujer es sólo un reflejo de la voluntad y querer masculinos. Pasiva, se convierte en diosa, amada, ser que encarna los elementos estables y antiguos del universo: la tierra, madre y virgen[.] . . . La feminidad nunca es un fin en sí mismo, como lo es la hombría.

Id.

58. See CATHARINE A. MACKINNON, FEMINISM UNMODIFIED: DISCOURSES ON LIFE AND LAW 33 (1987) (addressing the sameness/difference approach in feminism, which starts by accepting maleness as the normative); Berta Esperanza Hernández-Truyol, *Indivisible Identities: Culture Clashes, Confused Constructs and Reality Checks*, 2 HARV. LATINO L. REV. 199, 218 (1998).

59. See, e.g., Hernández-Truyol, *Borders (En)Gendered*, *supra* note 20, at 912 ("The Latina did not participate in, or consent to, the definition that determines who she is. She is fabricated and sculpted in the image, desire, and fantasy of the Latino."). Cf. RUTH BURGOS-SASSCER & FRANCISCA HERNÁNDEZ GILES, *LA MUJER MARGINADA POR LA HISTORIA: GUIA DE ESTUDIOS* 83 (1978) (the title translates to: Women Marginalized by History: Study Guide).

image, desires, and fantasies design her fabric and sculpted form—the Latina is or becomes who the Latino wants her to be.

In *la cultura Latina*—as in other cultures, little girls are socialized to be feminine and prepared to be mothers and wives. Their most important aspiration is to get married, have children, and serve their families.⁶⁰ Still today the idea reigns that motherhood is *the* proper role for women. Even in societies that have undergone great transmogrifications from their Catholic/Western origins, Latinas still cling to this aspect of life as a focal point, as their *raison d'être*.⁶¹ For example, even in Cuba where there have been major changes in the perceptions of what constitutes appropriate gender behavior because of the gender-equality rhetoric of Castro's revolution,⁶² young persons still cling to traditional *machista*, patriarchal notions of gender relations.⁶³ Cuban women still have responsibility for the household chores—cooking, cleaning, and shopping—for fathers, brothers, and boyfriends⁶⁴ notwithstanding their socialist duty to participate in the work force⁶⁵ and the constitutional and codified legal obligation for husbands and wives to share household obligations equally.⁶⁶ Significantly, even in Cuba's work force, sexist prejudices persist. Women more

60. See Hernández-Truyol, *Borders (En)Gendered*, *supra* note 20, at 917–18.

61. See LUMSDEN, *supra* note 4, at 21 (discussing the case of Cuba where the nearly 40 years of socialist rule have diluted the Catholic/Western standards of morality and noting that “[a] surprising number of young women still regard motherhood as their preferred vocation”). This retention of the motherhood ideal is in clear juxtaposition to the liberalized attitude towards sex in general that Cubans have experienced since the revolution. See *id.* at 22 (“Few women still believe that they should be virgins upon marriage, and they reject moral judgments about women who have ‘lost’ their virginity before marriage.” (citation omitted)); *id.* at 23 (“Women have benefited from the relaxation of sexual mores because double standards are much weaker than before. . . . Family restrictions on adolescent sexuality have been considerably weakened because the traditional household has been weakened. There has been a major increase in divorce and family breakdowns.”).

62. Cf., e.g., Berta Esperanza Hernández-Truyol, *Out in Left Field: Cuba's Post-Cold War Strikeout*, 18 *FORDHAM INT'L L.J.* 15, 98–99 (1994) [hereinafter Hernández-Truyol, *Out in Left Field*] (discussing the rhetorical egalitarianism invoked during the early days of the Castro regime).

63. Cf. *id.* at 103 (noting that government policies serve to reinforce traditional gender roles).

64. Significantly, notwithstanding the rhetoric, the government reinforces traditional gender roles by giving women, but not men, time off work to do grocery shopping, to care for children, and to take care of ill family members. *Id.* at 102–04; see also Diana M. Rivera, *Women's Legal Advancements in Cuba* (1989) (unpublished M.S. thesis, University of Miami) (finding that working women had on average only two hours and fifty-nine minutes of free time, because they spend, on average, six hours and twenty-nine minutes at their jobs and another four hours and four minutes performing domestic chores each day).

65. Even in the work force, government policies serve to entrench traditional gender roles. While the Castro government holds that all citizens have a duty to work, women with small children are expressly exempted from this obligation. Of course, men with small children remain duty-bound. Hernández-Truyol, *Out in Left Field*, *supra* note 62, at 102.

66. See Family Code, Law No. 1289, arts. 26–27, translated in CENTER FOR CUBAN STUDIES, *CUBAN FAMILY CODE* (1975) (requiring that both spouses share in household duties and child care responsibilities). Cf. Constitución de la República de Cuba, art. 35 (“The state protects the family, motherhood and matrimony.”).

readily involve themselves in traditionally male work such as medicine than men do in traditionally female work such as day-care work.⁶⁷

Beyond the secular, *la cultura Latina* claims religion, and in particular its predominantly Catholic religious following,⁶⁸ as an “integral aspect of Latina/o family and national life.”⁶⁹ The very notion of a Latina identity is grounded in religious imagery and codes. The “ideal woman” is cast in the mold of the Virgin Mary.⁷⁰ This paradigm of Latina womanhood, *marianismo*, based on the faith-based notion of a virgin mother, “glorifie[s] [Latinas] as strong, long-suffering women who ha[ve] endured and kept Latino culture and the family intact.”⁷¹ With this vision we are taught to be *pulcra* (chaste) and passive; we are discouraged from activity and aggressiveness. We also are taught early, and severely, the meaning of *respeto* (respect), a cultural construct that demands our deference to our elders and all the men in our lives—*padre, hermano(s), esposo, hijos, primos, tios* (father, brothers, husband, boyfriend, sons, male cousins, uncles). This model forbids our independent thinking by requiring that we ask permission for everything from those to whom we owe *respeto*.⁷² This model requires that women dispense care and pleasure, but not receive it; that they live in the shadows of and be deferential to the men in their lives. Perfection for a Latina is submission.

In sum, cultural, including embedded religious, norms subordinate Latinas by demanding the impossible: that she be a self-sacrificing, virgin mother; a saint; a super-human who is willingly subservient.⁷³ Such powerful religious/cultural

67. LUMSDEN, *supra* note 4, at 24–25.

68. See Elizabeth M. Iglesias & Francisco Valdes, *Religion, Gender, Sexuality, Race and Class in Coalitional Theory: A Critical and Self-Critical Analysis of LatCrit Social Justice Agendas*, 19 CHICANO–LATINO L. REV. 503, 513 n.17 (1998) (citing a myriad of sources in support of Latina/o religiosity).

69. *Id.* at 513.

70. Significantly, eighty-five percent of Latinas consider themselves Catholic, and many hold political and social views that are influenced by religious doctrine. See GLORIA BONILLA-SANTIAGO, *BREAKING GROUND AND BARRIERS: HISPANIC WOMEN DEVELOPING EFFECTIVE LEADERSHIP* 15 (1992). The imagery of the Virgin Mary as the female ideal is firmly rooted in and praised by culture. As one author stated: “[s]ome Chicanas are praised as they emulate the sanctified example set by {the Virgin} Mary. The woman par excellence is mother and wife. She is to love and support her husband and to nurture and teach her children. Thus, may she gain fulfillment as a woman.” *Id.* at 11 (quoting Consuelo Nieto (citation omitted)).

71. *Id.* at 11 (emphasis added); see also PIERRETTE HONDAGNEU-SOTELO, *GENDERED TRANSITIONS: MEXICAN EXPERIENCES OF IMMIGRATION* 9 (1994) (“The ideological corollary [to machismo] for women, . . . *marianismo* (marianism), is modeled on the Catholic Virgin Madonna, and prescribes dependence, subordination, responsibility for all domestic chores, and selfless devotion to family and children.” (citation omitted)).

72. See BURGOS-SASSCER & GILES, *supra* note 59, at 85 (observing that woman’s most important function is to marry and serve her family).

73. See Max J. Castro, *The Missing Center? Cuba’s Catholic Church with a Preface and a Postscript/Reflections*, 19 CHICANO–LATINO L. REV. 493 (1998) (discussing mixed record of religion, particularly Roman Catholicism, in anti-subordination efforts having, throughout history, both supported hierarchies based on class, race, and culture—such as its role in colonization—and resisted oppression through its liberation theology movement); Iglesias & Valdés, *supra* note 68, at 517–18 nn.28–31, 525–26 nn.54–56 (discussing possible tensions between religious doctrine and secular civil/human rights interests of individuals and groups).

narratives create great “symbolic power” for the Virgin that is then “deployed by religiously or socially dominant forces simultaneously to rationalize and mystify the suppression, repression and persecution of female agency and sexuality.”⁷⁴

The Latina herself collaborates with the perpetuation of the cultural images and expectations by complying with the dictated mandates. Sometimes Latinas’ cultural performatives might appear, to persons outside the culture, contradictory to the rigidly defined cultural gender roles. For example, a mother may push a daughter to wear makeup to date but will not let the daughter go out without a chaperone.⁷⁵ An even more ironic extension of the mating game is that, in order to attain the revered status of married woman, wife, and mother, a Latina must act and dress provocatively to attract the man she is to marry. Yet while she must act vixen-like, coquettish, and flirtatious to get the attention of men, she simultaneously must remain *pulcra* and virginal and refuse to submit to the men’s sexual advances and desires. These apparent contradictions—the vixen and the virgin—are evidenced “in the extravagant dress of many women and in the way they courted and then rebuffed *piropos* (that is, compliments).”⁷⁶

such as the Catholic Church’s opposition to “individual availment of reproductive rights . . . [and its] international campaign against formal, much less actual, equality for sexual minorities.”); Laura M. Padilla, *Latinas and Religion: Subordination or State of Grace?*, 33 U.C. DAVIS L. REV. 973 (2000).

74. Iglesias & Valdés, *supra* note 68, at 519; *id.* at 520 (“[T]he control of women’s agency, sexuality and virginity by men, even God’s men, therefore is not simply an ecclesiastical matter; control of female agency, sexuality and virginity has been claimed and exploited by men to control and exploit women physically, politically and economically in both Latina/o and other cultures.”); *see also id.* at 534 (“LatCrit scholars must continue our critical search for an anti-subordination comprehension of religion that does not ignore or dismiss the particular realities of the context—the here and now—as structured by historical and contemporary realities of politics and power through which organized Christianity has actively fomented and passively tolerated the imposition of hierarchy and subordination both in this country and in Latin America.”); *id.* at 553 (suggesting “critical analysis of the way that Virginal scripts—such as sexual abstinence and maternal self-sacrifice—tend to structure relations between the women who perform them and the men who police their performance”); Francisco Valdés, *Poised at the Cusp: LatCrit Theory, Outsider Jurisprudence and Latina/o Self-Empowerment*, 2 HARV. LATINO L. REV. 1, 21 (1997) [hereinafter Valdés, *Poised at the Cusp*] (LatCrit interests “include the relationship of Latina/o religious identities and practices to the politics of subordination and self-empowerment in the United States.”).

75. *See* ESPÍN, *WOMEN CROSSING*, *supra* note 1, at 68; *id.* (noting that mothers let sons do as they please and threaten to kick daughters out if they get pregnant but never explain to daughters how that could happen); *id.* at 108 (presenting as another example of a cultural contradiction in *la cultura Latina* the schism between the Latina’s mandate to be pure, demure, and virginal and the expectation that she be sexually charged when she is in bed). Significantly, these gendered cultural contradictions are not unique to Latinas. *See id.* at 70–72 (providing examples of contradictions in Korean and Indian cultures); *id.* at 59 (telling of Austrian women lamenting, “My mother wants me to be a virgin until I marry but on the other hand there are all these suggestions and these ‘fiestas’ and this flirting that she encourages.”).

76. LUMSDEN, *supra* note 4, at 38, 219 n.22 (defining *piropos* as “compliments, typically accompanied by insistent staring and on occasion physical molestation of women out in public. Although ideally witty, they are invariably sexist and sometimes vulgar. Males will frequently persist with their *piropos* until they have evoked a response from the female, even if it is merely a gesture of discomfort.”). I would describe *piropos* differently—verbal comments made by

This *marianista* model of the ideal Latina sharply contrasts with its better known counterpart: the *machista* image of the male as strong, independent, and authoritarian.⁷⁷ The *marianismo* versus *machismo* models present a clear (and plainly understood by all) gender role dichotomization. These binary roles signify that the male belongs in the public sphere and the female—at least the *mujer buena* (good woman)—in the private sphere. She exists primarily (only) in the home and is to retain her virtue forever and remain a virgin until she gets married. The public women—epitomized by whores—are cultural outlaws who have defied the boundaries of their appropriate place. They are *las mujeres malas* who do not deserve or get *respeto*.

Men, on the other hand, dominate public discourse. Men go to work and are the family providers. They also have no (hetero)sexual boundaries. From an early age, men are encouraged to pursue (hetero)sexual encounters and generally are expected to engage in pre- (and extra-) marital conquests.⁷⁸ Indeed, they are judged on the *machismo* scale in direct proportion to the extent of their sexual triumphs.

Family, social, and religious structures that design and enforce cultural gender/sex role constraints erect the boundaries throughout and within which Latinas travel. These *fronteras* map Latinas' journeys, their transitions and translations. These clear and rigid delineations of the borderlands of proper conduct embrace a male vision of culture, sex, and gender identity; privilege the master narrative; and predefine and preordain the content of and context for Latinas' everyday travels. Thus family, society at large, church, and state collude to limit and frustrate the daily travels that identify, define, and design the extent and parameters of the *viajera*'s tours.

The traditional cultural perspective, influenced by religious orthodoxy and informed by its rigid sex/gender roles, also foments homophobia/heterosexism.⁷⁹ The models concerning the propriety of sex roles—what is viewed as sex/gender-appropriate behavior of masculine and feminine⁸⁰—define, and thus to a degree are inseparable

men to women to get their attention, which are intended to be complimentary but they are always sexual, sometimes subtly so—like a comment on the woman's personal beauty (meaning desirability) or on their attire—and sometimes overtly so, in nature. The purpose of a *piropo* is to start the possibility of some sort of mating or courtship ritual.

77. See BONILLA-SANTIAGO, *supra* note 70, at 11; *id.* at 12 (“[M]any Latin males are expected to show their manhood by behaving in a strong fashion, by demonstrating sexual powers, and by asserting their authority over women.”); *id.* at 11 (noting that both gender role descriptives are socio-cultural phenomena).

78. See BURGOS-SASSCER & GILES, *supra* note 59, at 85 (observing that the dichotomy between Hispanic mothers and wives and Hispanic prostitutes allows men to maintain the moral system while sustaining covert polygamy of which they are proud).

79. See LUMSDEN, *supra* note 4, at 6 (referring to Cuba); *id.* at 28 (noting that “there is a correlation between the oppression of women and the oppression of homosexuals”); Susan M. Okin, *Sexual Orientation and Gender: Dichotomizing Differences*, in *SEX, PREFERENCE, AND FAMILY: ESSAYS ON LAW AND NATURE* 44, 44 (David M. Estlund & Martha C. Nussbaum eds., 1997) (positing that “the dichotomizing of masculine and feminine attributes, and the privileging of the former, are closely related to the stigmatization of homosexuality”).

80. See LUMSDEN, *supra* note 4, at 7 (“[H]omophobia is as much a product of folk prejudices about appropriate masculinity as it is of a conscious need to repress homosexual behavior.”). It is interesting that the author, in writing about homosexuality in Cuba, “deliberately [did not] address[] the situation of lesbians.” *Id.* at xxvi. He claims that, without the close contacts that he developed with gay men, neither he nor anyone without such contacts could do justice to the issue. *Id.*

from, what constitutes appropriate sexual behavior⁸¹—a matter addressed in the section that follows.

III. SEX AND SEXUALITY—*LA ÚLTIMA FRONTERA*

This part focuses on the narrowly constructed, culturally defined and imposed views and performatives of sexuality. The first section focuses on the cultural view of Latina sexuality. The overarching principle, as the discussion below makes clear, is that sex is a good thing only for men. For Latinas, on the other hand, even heterosexuality is taboo outside the very narrowly drawn parameters of marriage. However, even within marriage, sex for women is something to be endured, their cross to bear, the price they pay for a husband and children.

The next section turns to *Latinas lesbianas* and locates their struggles within *la cultura Latina*. Finally, the last section in this part scrutinizes the feminization of gay Latinos and explores how their site within the culture provides insights into the community's heteropatriarchal assumptions.

A. The Culture of Sex

Beyond sex, sexuality is another location where Latinas experience multiple oppressions from outside as well as from within *la cultura Latina*. To be sure, with respect to sexuality as well as with all other identity components, Latinas are a diverse and varied group. Hence, blanket generalizations and stereotyping on the basis of *sexualidad* are inappropriate, unrealistic, and unsound endeavors.⁸² However, it is significant that “[s]exuality and sex-roles within a culture tend to remain the last bastion of tradition”⁸³ thus making “[s]exual behavior (perhaps more than religion) . . . the most highly symbolic activity of any society.”⁸⁴ Such mores, rules, and mandates, which fall upon women's lives, are

used by enemies and friend alike as “proof” of the moral fiber or decay of social groups or nations. In most societies, women's sexual behavior and their

81. Just like sex/gender roles were clearly defined, so were roles in sexuality. *See id.* at 31 (“Cubans had strong convictions about the sexual behavior that was appropriate to males and females.”).

82. *See Espín, Sexuality, supra* note 44, at 149.

83. *Id.* at 160.

84. Oliva M. Espín, *Crossing Borders and Boundaries: The Life Narratives of Immigrant Lesbians* [hereinafter Espín, *Boundaries*], in *ETHNIC AND CULTURAL DIVERSITY, supra* note 46, at 191, 194 (citation omitted). To be sure, while this is certainly true in *la cultura Latina*, it is not unique or limited to that culture. It is fairly universal that family honor, more likely than not as measured by women's chastity and fidelity, is on women's shoulders. *See Jehl, supra* note 56 (reporting the following tale: “What is honor? Abeer Allam, a young Egyptian journalist, remembered how it was explained by a high school biology teacher as he sketched the female reproductive system and pointed out the entrance to the vagina. ‘This is where the family honor lies!’ the teacher declared as Allam remembers it. More than pride, more than honesty, more than anything a man might do, female chastity is seen in the Arab world as an indelible line, the boundary between respect and shame. An unchaste woman, it is sometimes said, is worse than a murderer, affecting not just one victim, but her family and her tribe.”).

conformity to traditional gender roles signifies the family's value system. Thus, in many societies, a lesbian daughter, like a heterosexual daughter who does not conform to traditional morality, can be seen as "proof" of the lax morals of a family.⁸⁵

Traditional historical influences have crafted and continue to refine cultural, family, and religious expectations. These factors constitute common threads that provide insights into and focus the lens through which to understand Latinas' views about, beliefs in, and attitudes towards sexuality and sexual expression.

Sexual and sex/gender roles assigned to, imposed on, and demanded from women serve a larger purpose in society than merely to define parameters of tradition. This ordering also operates to control women's personal conduct. Some psychologists have observed that men have regulated and shaped sexuality to serve their needs.⁸⁶ To preserve their dominant social position, men tell women "that they don't have a sexuality, and the only thing that they have, which is their sex, is bad and therefore they shouldn't explore it at all."⁸⁷

The imposition of male dominance through the deification of heteropatriarchal⁸⁸ norms is evidenced in the sexual dynamics of immigrant communities in which "[p]olicing women's bodies and sexual behavior becomes . . . the main means of asserting moral superiority over the host culture. Women's choices are limited and curtailed to ensure women's virtue. By elevating immigrant women's chastity, masculinist and patriarchal power is reinforced in the name of the greater ideals of honor and national pride."⁸⁹ The routine sexual objectification—the "othering"—of women with respect to sexual expression has no analogous concept for heterosexual men,⁹⁰ although an analogous othering does occur to gay men who are feminized, made women—the other.⁹¹ Significantly, the societal view of women as less than men is reflected in the feminization of gay men; it is there that the objectification, othering, and consequent derision of their sexual expression lies.

For Latinas, the expectations of and demands for performing appropriate women's sexual roles and conduct, sourced in church, state, and family, are constant and consistent, repressive and oppressive regardless of whether any one Latina herself has

85. Oliva M. Espín, *Leaving the Nation and Joining the Tribe: Lesbian Immigrants Crossing Geographical and Identity Borders*, 19 *WOMEN & THERAPY* 99, 103 (1996) [hereinafter Espín, *Borders*] (noting that girls and women are forced to embody cultural continuity); see also ESPÍN, *WOMEN CROSSING*, *supra* note 1, at 6, 125.

86. See Ana Castillo, *La Macha: Toward a Beautiful Whole Self*, in *CHICANA LESBIANS*, *supra* note 2, at 24, 30. The author continues: "[Sexuality] is only validated with regard to woman's reproductive abilities and the development of surplus oriented systems. To this day, our sexuality has not been 'liberated' from these constraints. That is, our bodies do not belong to us." *Id.*

87. Marta A. Navarro, *Interview with Ana Castillo*, in *CHICANA LESBIANS*, *supra* note 2, at 113, 124 (quoting Ana Castillo).

88. See Francisco Valdés, *Unpacking Hetero-Patriarchy: Tracing the Conflation of Sex, Gender & Sexual Orientation to Its Origins*, 8 *YALE J.L. & HUMAN.* 161 (1996).

89. Navarro, *supra* note 87, at 113, 124.

90. See Castillo, *supra* note 86, at 31.

91. See *infra* notes 151–69 and accompanying text (considering the feminization of gay Latinos).

internalized, accepted, or rejected the traditional sexual norms. With respect to sexuality, as in the gendered social norms discussed in the preceding part of this essay, Catholic traditions are a significant factor in the design of the cultural norms. The teachings of the Catholic Church, the predominant faith of Latinas, emphasize the importance of virginity for all women, insisting that all women remain virgins until marriage, “and that all men [be] responsible to women whose honor they had ‘stained.’”⁹² This church-inspired norm has become part of the culture narrative that still today serves to dictate and ascertain the location of women in the fabric of society. The honor of *la familia Latina* is inextricably intertwined with the sexual purity of “its” women.⁹³

One incontrovertible tenet of Latina sexuality development is that sex is taboo.⁹⁴ Virginity translates to and symbolizes purity, cleanliness, honor, desirability, and propriety.⁹⁵ It is an iteration of the psycho-social *marianista* standard of *la mujer buena* to which women must adhere lest they lose status in the community. The cultural script for *la mujer buena* dictates that she must reject all sexual advances, which incidentally are mandatory for the men to make if only to confirm the nature and character of the women in their company. A contemporary author has characterized the position of Latina sexuality as follows: “Our sexuality has been hidden, subverted, distorted within the ‘sacred’ walls of the ‘familia’—be it myth or reality—and within the even more privatized walls of our bedrooms.”⁹⁶

The worst—in reality *almost* the worst—thing that could happen to a woman is to receive the label of *puta* (whore), a *mujer mala* (bad woman, meaning a loose, promiscuous, and lascivious woman). For such inappropriate behavior she will be shunned and ostracized. Should a woman consent to sex, everyone, including the man

92. Espín, *Sexuality*, *supra* note 44, at 151; *see also* Castillo, *supra* note 86, at 32–33 (discussing one author’s view of the impact of religion on women’s sexuality).

93. *See* Espín, *Sexuality*, *supra* note 44, at 154.

94. *See* Norma Alarcón, Ana Castillo & Cherríe Moraga, *Introduction* to *THE SEXUALITY OF LATINAS*, *supra* note 32, at 8, 9 (“[S]exuality as an explicit theme was limited to the realm of theory or covert metaphor.”); Elvia Alvarado, *Don’t Be Afraid, Gringo*, in *THE SEXUALITY OF LATINAS*, *supra* note 32, at 47, 47 (discussing how “no one ever taught us the facts of life” and that “adults said that children weren’t supposed to learn about such things”); Peggy Job, *La Sexualidad en la narrativa femenina mexicana 1970–1987: Una aproximación*, in *THE SEXUALITY OF LATINAS*, *supra* note 32, at 120, 120 (noting absence of the theme of sexuality from women’s experience in the literature—both heterosexual and lesbian—resulting in representing women as asexual beings); LUMSDEN, *supra* note 4, at 102 (“Sexuality has been a taboo subject in educational institutions as much as in society as a whole.”); Carla Trujillo, *Chicana Lesbians: Fear and Loathing in the Chicano Community* [hereinafter Trujillo, *Fear and Loathing*], in *CHICANA CRITICAL ISSUES*, *supra* note 3, at 117, 117 (“As lesbians, our sexuality becomes the focal issue of dissent. The majority of Chicanas, both lesbian and heterosexual, are taught that our sexuality must conform to certain modes of behavior. Our culture voices shame upon us if we go beyond the criteria of passivity and repression, or doubts in our virtue if we refuse. We, as women, are taught to suppress our sexual desires and needs by conceding all pleasure to the male.” (citation omitted)).

95. *See* LUMSDEN, *supra* note 4, at 37 (“Women were bound to the home . . . by men’s fear that their women might be seduced or corrupted outside it. ‘The ideal woman [was] a subservient figure, not only chaste, but preferably sexually innocent.’” (citation omitted)).

96. Alarcón et al., *supra* note 94, at 9.

with whom she engaged in consensual sexual activity, will say she is a *puta*, that she lacks virtue.⁹⁷

To be sure, the language used to describe loss of virginity for women, but not for men, reflects the deep and enduring cultural double standard. Women's loss of virginity is a "deflowering" that is viewed as a "stain"—something dirty, bad, unworthy. There is no similar language regarding a male's loss of virginity. To the contrary, *machismo* dictates that men's manliness, and consequently their manly worth, depends on how many (hetero)sexual conquests they can make, starting at a young age and continuing throughout life, pre- and extra-maritally.⁹⁸ Thus cultural mandates about "sexuality [become] a very key component in the repression of Latinas."⁹⁹

As Octavio Paz's passage¹⁰⁰ plainly reveals, Latinas are mere vessels, vehicles, repositories of culture and gatekeepers of traditions and rituals of *Latinidad*. Any departure from the mythologized and idealized sexual cultural imperative of purity interferes with these sacrosanct roles and duties. Mind you, oxymoronically, these stringent limits on the free expression of sexuality by Latinas and their willing subordination co-exist with the popular eroticization of Latinas and their stereotyping as sexy by the majority culture.¹⁰¹

Even during the presumably emancipatory political activism of the late seventies, "for a woman to speak about sexuality was to betray the collective cause, which was about economics and racism and so forth, and which was defined by men. If you talked about sex as a woman we knew that was to trivialize yourself, to make yourself out to be a wanton woman."¹⁰² During this supposed period of liberation not only was it taboo to discuss sexuality, but men followed the gendered patterns of male supremacy and female subordination and objectification¹⁰³ as well as embracing their first

97. See Espín, *Sexuality*, *supra* note 44, at 157.

98. For a discussion on the double standard, see Colindres, *supra* note 32; Erlinda González-Berry, *Conversaciones con Sergio (Excerpts from Paletitas de guayaba)*, in *THE SEXUALITY OF LATINAS*, *supra* note 32, at 80, 80 (noting the notion of "*cornudo*" (having horns put on one) exists only with respect to unfaithful wives and that no male form of *cornudo* exists, but rather, to the contrary, men who have affairs are deemed manly).

99. Navarro, *supra* note 87, at 115; see also Emma Pérez, *Sexuality and Discourse: Notes From a Chicana Survivor*, in *CHICANA LESBIANS*, *supra* note 2, at 159, 163 (positing that "pervasive homophobia constructs sociosexual power relations in society and pervasive homophobia in our Chicana/o community limits the potential for liberation").

100. PAZ, *supra* note 57.

101. See ESPÍN, *WOMEN CROSSING*, *supra* note 1, at 8, 164; Espín, *Sexuality*, *supra* note 44, at 154.

102. Navarro, *supra* note 87, at 116 (quoting Ana Castillo).

103. See Castillo, *supra* note 86, at 25.

Even activists refuse to discuss sexuality—mine, theirs and the possibilities of new horizons—with all the inhibitions set upon society centuries ago. They would do as men had been doing to women throughout the ages whenever we embarked on the subject of our sexual desire, and not take my endeavor as serious intellectual discourse. They would not separate my work from the body that I am, the woman who I am, nor see me as speaking from the universal experience of woman, just as they might write of their desire as "man." . . . My lot, according to them, was to remain true to the collective goals of the *pueblo*, which of course, were male defined.

culture's homophobia.¹⁰⁴ To preserve these cultural myths, "loose" heterosexuality (as well as lesbianism) was, and is, perceived as an American disease.¹⁰⁵

Throughout history, and at present, Latinas' sexual behavior is scrutinized and judged, compelled and delineated, dedicated and enforced so as to perpetuate the male vision of *la cultura Latina*. Julia Álvarez captures the importance and fetishism of sexual purity in her short story *The Summer of the Future* when a mother tells her daughters, who are going to camp, "and if any of those American girls try to talk you into Tampax, you say no. N.O. You won't be virgins, and no nice man's going to believe it was just a little tissue rod."¹⁰⁶ She also weaves in the religious dimension by having the younger sister confess to her "curio[sity] to learn as much as I could about the human body [which] the nuns in convent school had only alluded to as the Temple of the Holy Ghost"¹⁰⁷ which the daughter fulfilled by joining the "girls who wanted to try the Tampax [who would go] into the stalls and shut the doors modestly."¹⁰⁸

Contemporary studies capture and confirm the traditional sense that sex, for women, is something to be endured. In her article *Cultural and Historical Influences on Sexuality in Hispanic/Latin Women*, Oliva Espín, a leading (and one of a very few) writer on Latinas noted as follows: "To shun sexual pleasure and to regard sexual behavior exclusively as an unwelcome obligation toward her husband and a necessary evil in order to have children may be seen as a manifestation of virtue. In fact, some women even express pride at their own lack of sexual pleasure or desire."¹⁰⁹

Modern fiction confirms the fabled master narrative concerning the undesirability of sex for women. In one story a grandmother endeavors to convince her granddaughter to become a nun so that she can avoid sex and have time to enjoy books and reading. The grandmother character tells the granddaughter, "I want to spare you this, m'ija, listen to me. . . . Men can't be trained. They're wild bulls or changos, monkeys, I don't know which."¹¹⁰

Id. at 25. Interestingly this rejection of homosexuality/lesbianism is evidenced by the continued taboo nature of homosexuality/lesbianism in Castro's Cuba where even prostitutes are "redeemed" by medical treatment and incorporation into a productive society." DAVID W. FOSTER, *GAY AND LESBIAN THEMES IN LATIN AMERICAN WRITING* 68 (1991); *see also* Espín, *Latina Psychology*, *supra* note 23, at 35, 40 ("Socialist attitudes with respect to homosexuality are extremely traditional, as the attitudes of the Cuban and other revolutions clearly manifest. Thus, Latinos who consider themselves radical and committed to civil rights may remain extremely traditional when it comes to gay rights."); Greene, *supra* note 46, at 269–70 (discussing purges of Cuban gays and lesbians).

104. *See* ESPÍN, *WOMEN CROSSING*, *supra* note 1, at 157.

105. *See id.* at 6, 125, 144 (discussing heterosexuality); Espín, *Sexuality*, *supra* note 44, at 152–54 (discussing heterosexuality and describing homosexuality as an ill of modernity and of host society); Espín, *Latina Psychology*, *supra* note 23, at 40 (discussing lesbianism).

106. Julia Álvarez, *The Summer of the Future*, in *THE SEXUALITY OF LATINAS*, *supra* note 32, at 53.

107. *Id.* at 59; *see also* Alvarado, *supra* note 94, at 50 (discussing influence of the church on birth control by noting "the church tells us that it's natural to have children and that going against nature is going against God").

108. Álvarez, *supra* note 106, at 59.

109. Espín, *Sexuality*, *supra* note 44, at 156; *see also* ESPÍN, *WOMEN CROSSING*, *supra* note 1, at 103 (describing sex as a duty, something women do for men).

110. Denise Chávez, *from "The Face of an Angel" (a novel in progress)*, in *THE SEXUALITY OF LATINAS*, *supra* note 32, at 69, 69. The same woman, speaking of her son, notes that he could

For Latinas the cultural significance of virginity as well as the mandated undesirability of sex for women, results in a third rule concerning sexual conduct: modesty or *pudor* (a combination of modesty, shame, shyness, privacy, and propriety).¹¹¹ It is significant to note that the modesty mandate does not end with marriage. Interestingly conforming with the modesty norm, but apparently eschewing the mandate of sexuality as taboo or as a duty to be endured by women, one fiction writer describes women's attitude towards sex as follows: "We like to have sex, but we don't let the men see us nude. . . . Take me and Alberto. We lived together for 18 years and never once did he see me naked."¹¹² Another story, one that reveals volumes about sexual expectations in *la comunidad Latina*, focuses on a woman whose husband questions her fidelity and worth as a wife because she enjoyed sex with him. The husband tells her it is not appropriate for her to initiate sex because she is supposed to show him *respeto*—summing up the double standard and strict expectations about gendered sex roles even within the context of marriage.¹¹³

B. Latinas Lesbianas—Cultural Outlaws

Earlier I suggested that being a *puta* was almost the worst thing that could happen to a Latina. As the adage *mejor puta que pata* (better whore than dyke) reveals, there is a worse sexual outlaw status than whore: lesbian. For Latinas, lesbianism exacerbates the dilemma, confusion, and consequence of the requirements to conform to cultural norms of sexuality. The cultural, social, and religious factors and influences that render sex taboo for Latinas are intensified and sensationalized with lesbians' perceived/presumed rejection of and failure to conform to cultural sexuality norms.¹¹⁴

not go into the priesthood because he "was oversexed from the day he was born" and comments about "all the trouble it caused [his] Mama, not to mention all the others" and falls into prayer. *Id.* at 70.

111. See LUMSDEN, *supra* note 4, at 218 n.5 (defining *pudor* as an uniquely Spanish notion which is a combination of shame and modesty). In my experience, as the text sets forth, the term connotes even more.

112. Alvarado, *supra* note 94, at 50.

113. Carmen Tafolla, *Federico y Elfiria*, in *THE SEXUALITY OF LATINAS*, *supra* note 32, at 105, 107–11; see also Castillo, *supra* note 86, at 33 (describing and interpreting Tafolla's story); Espín, *Sexuality*, *supra* note 44, at 155 ("Married women or those living in common-law marriages are supposed to accept a double standard for sexual behavior, by which their husbands may have affairs with other women, while they themselves are expected to remain faithful to one man all of their lives.").

114. It is important to note that, as with other themes concerning Latinas, there is a dearth of information concerning *Latinas lesbianas*. See Hernández-Truyol, *Las Olvidadas*, *supra* note 22 (discussing the dearth of information). As Oliva M. Espín has stated, "the literature on Latina lesbians is scarce." Espín, *Latina Psychology*, *supra* note 23, at 39 nn.8–11 (citing only studies which to the author's knowledge "focus[es] particularly on Latina lesbians or on the specific aspect of their identity development."). To be sure, the Catholic Church condemns homosexuality. See POPE BENEDICT XLI, LETTER TO THE BISHOPS OF THE CATHOLIC CHURCH ON THE PASTORAL CARE OF HOMOSEXUAL PERSONS (1986), available at <http://www.vatican.va> (search "Pastoral Care of Homosexual Persons"). That document states, in part:

Although the particular inclination of the homosexual person is not a sin, it is a more or less strong tendency ordered toward an intrinsic moral evil; thus the inclination itself must be seen as an objective disorder. Therefore special concern and pastoral attention should be directed to those who have this condition, lest

After all, what could a culture, that views sex as taboo, intercourse as a duty, modesty as mandatory, and women as objects and not subjects of pleasure, do with two women enjoying sex with each other.¹¹⁵

Interestingly, while in *la cultura Latina* “overt acknowledgment of lesbianism is even more restricted than in mainstream American society,”¹¹⁶ it nonetheless encourages emotional and physical closeness among girls, conduct that is not viewed as lesbian.¹¹⁷ Rather, these *amistades* (friendships) are strongly encouraged as they are deemed to keep the girls away from the boys and thus protect another cultural value—virginity.¹¹⁸ But as my experience of being told that “*eso es feo*” reveals, there is a fine line between acceptable *amistades* and *cosas feas*.¹¹⁹

Beyond the need to integrate one’s cultural, racial, and religious outsider “Latina” identity within the culture at large, *Latinas lesbianas* must grapple with and negotiate the consequences of their ethnicity, sex, and their lesbianism. The intersection of these three characteristics magnifies the marginalization and outsider status of *Latinas lesbianas* in the majority culture. For *Latinas lesbianas* their womanhood and their lesbianism effect marginalizations, rejections, and isolation within what otherwise could be the refuge of their *cultura Latina*. Thus, *Latinas lesbianas*, as Latinas, are ethnic outsiders who “must be bicultural in American society” and as lesbians are cultural outsiders who must “be polycultural among her own people.”¹²⁰

Latinas lesbianas’ standpoint epistemology is based on the multiple levels at which they experience their outsidership or lack of privileged status—sex, ethnicity/race, and sexuality.¹²¹ This locates *Latinas lesbianas* in a vastly different, and possibly much more complex, geography from the dominant group in society, from their ethnic community, and from the lesbians from the majority culture who have only experienced subordination or ostracism based on their sex and sexual orientation.¹²²

they be led to believe that the living out of this orientation in homosexual activity is a morally acceptable option. It is not.

Id.

115. This is not to suggest that Anglo/a culture is embracing of lesbianism. *See, e.g.*, Castillo, *supra* note 86, at 37 (describing lesbianism as “a state of being for which there is no social validation nor legal protection in the United States (nor in Mexico)”). Moreover, it is important not to essentialize *Latinas lesbianas*. *Latinas lesbianas*, indeed all lesbians, are diverse, multidimensional beings with differences in race, class, ethnicity, culture, religion, education, and gender identity to name a few. *See, e.g.*, Migdalia Reyes, *Nosotras que Nos Queremos Tanto*, in *COMPANERAS*, *supra* note 2, at 248, 248 (noting diversity within the lesbian community, including the Latina lesbian community).

116. *See* Espín, *Latina Psychology*, *supra* note 23, at 40.

117. *See id.*

118. *See* Greene, *supra* note 46, at 220.

119. *See supra* Part II.

120. Espín, *Latina Psychology*, *supra* note 23, at 35.

121. *See* Gloria Anzaldúa, *La historia de una marimacho* [hereinafter Anzaldúa, *Marimacho*], in *THE SEXUALITY OF LATINAS*, *supra* note 32, at 64; Chuck Colbert, *Same-Sex: Debating the Ethics, Science and Culture of Homosexuality*, NAT’L CATH. REP., Feb. 27, 1998, at 14, available at 1998 WL 10326441 (addressing the Catholic Church’s view of homosexuality as immoral); Job, *supra* note 94, at 123 (noting absence of treatment of lesbianism in literature).

122. *See* Hilda Hidalgo, *Introduction to LESBIANS OF COLOR: SOCIAL AND HUMAN SERVICES 1, 3* (Hilda Hidalgo ed., 1995) [hereinafter Hidalgo, *Introduction*] (“The fact that we lesbians of color see reality with a multi-faceted perspective, filtered through the prisms of multiple

The identity development process for outsiders such as *Latinas lesbianas* is exceedingly complex and replete with internal tensions. This wrenching dissonant process requires that *Latinas lesbianas* not only accept their status as “others,” but also that they reconcile, accept, and embrace as positive and valuable personal and group traits these societally-derided, stigmatized, and negative characteristics that make them different.¹²³ To be sure, lesbians are invisible, nonexistent across cultures.¹²⁴ This invisibility is a double whammy for *Latinas lesbianas* as all Latinas are *olvidadas* (forgotten ones) in everyday life.¹²⁵

Latinas’ lesbianism triggers all ranges of cultural fears both in the cultural “traditionalists” and in the lesbians who, as discussed, can be viewed as the worst of cultural outlaws. Traditionalists fear the erosion of the culture and religious beliefs and mandates—the sin of lesbianism—and the consequence of rejection of patriarchal values and male superiority. As the fictional father of a lesbian daughter says to her about her sexual conduct in one of Anzaldúa’s works: “Well what can two women do. For that you need balls, ha, ha, ha.”¹²⁶ This attitude is widespread and perfectly consonant with the view that women are subordinate and inferior to and dependent upon men. Thus the majority within *la cultura Latina* fears *Latinas lesbianas* for the possible eroding effect they may have on patriarchal cultural norms and the consequent decay of the culture.

Latinas lesbianas also have grave apprehensions about their location within *la cultura Latina* because of their sexuality. One salient concern of *Latinas lesbianas* is the fear of loss of the all-important family¹²⁷—“the primary social unit and source of support” within the culture.¹²⁸ To talk about *la familia Latina* is to talk about a

realities, is not intended to deny or make glamorous the consequences of oppression.”); Mary E. Swigonski, *For the White Social Worker Who Wants to Know How to Work with Lesbians of Color* [hereinafter Swigonski, *How to Work*], in *LESBIANS OF COLOR*, *supra*, at 7, 8 (“Lesbians of color live their lives at the intersection of three cultures: the culture of their ethnic group, the culture of lesbians, and the culture of white society.”); Hernández-Truyol, *Building Bridges*, *supra* note 6 (generally discussing multidimensionality of Latinas/os).

123. “By definition in the context of a heterosexist, racist, and sexist society, the process of identity development for Latina lesbian women [sic] entails the embracing of ‘stigmatized’ or ‘negative’ identities.” Espin, *Latina Psychology*, *supra* note 23, at 35.

124. See Swigonski, *How to Work*, *supra* note 122, at 9 (“Lesbians simply do not exist in society.”).

125. See generally Hernández-Truyol, *Las Olvidadas*, *supra* note 22.

126. Anzaldúa, *Marimacho*, *supra* note 121, at 65 (“Pos que pueden hacer dos mujeres. Pa’ eso se necesitan huevos, ja, ja, ja.”) (author’s translation).

127. See Castillo, *supra* note 86, at 37–38 (noting, regarding *Latinas lesbianas*, that “[a]bove all, I believe, they do not want to lose the love and sense of place they feel within their families and immediate communities.”). The fiction writing also reflects this fear. For example, the lesbian daughter in *Marimacho* whose father questions what two women can do, when her lover asks her to run away with her responds: “Tú sabes muy bien que te quiero, ésa no es la cuestión. ¿Qué vamos hacer dos mujeres, sin dinero, sin amigos, sin tierra? Nadie nos va a recoger, somos una cochinada.” Anzaldúa, *Marimacho*, *supra* note 121, at 65–66 (Author’s translation: “You know that I love you, that is not the issue. What are we going to do as two women, without money, without friends, without land? Nobody will take us in, we are filthy/swine.”). *Cochinada* does not translate easily. The word *cochino*, as an adjective, means very dirty; it also means, as a noun, a hog, a pig. Thus *cochinada* blends, exacerbates, and transcends both meanings.

128. Greene, *supra* note 46, at 219.

“tightly knit, over-protective, smothering, sexually oppressive” family¹²⁹ that is not likely to be hospitable to or embracing of a daughter, sister or other family member who deviates from the culturally and religiously sanctioned *marianista* virginal model. Anzaldúa’s work again brilliantly depicts this cultural plot. The daughter’s acceptance of her father’s story shows women’s acceptance of the environment that “toleration of unjust behavior from men, the church, the established order, is considered an attribute”¹³⁰ and that women “are not complete human beings unless we are attached to a male. . . .”¹³¹

Reactions to a family member’s lesbianism can vary and range from total ostracism, to silent acceptance, to open approval.¹³² One common occurrence is for the family to offer to pay for the necessary therapy to “cure” the lesbian.¹³³ Another is for the family to hide the person’s lesbianism because of the shame-based nature of *la cultura Latina*.¹³⁴ Such embarrassment at the cultural deviance of a family member also may

129. Zulma Durán, *My Coming Out Story*, in *COMPAÑERAS*, *supra* note 2, at 69, 69.

130. Trujillo, *Fear and Loathing*, *supra* note 94, at 119.

131. *Id.* at 121.

132. See ESPIN, *WOMEN CROSSING*, *supra* note 1, at 149 (noting “continuum of reactions [by mothers] to their daughters’ lesbianism”); Espin, *Latina Psychology*, *supra* note 23, at 40 (“Latin families tend to treat their lesbian daughters or sisters with silent tolerance. Their lesbianism will not be openly acknowledged and accepted, but they are not denied a place in the family, either. Very seldom is there overt rejection of their lesbian members on the part of Hispanic families. The family may explain away the daughter’s lesbianism by saying that ‘she is too intelligent to marry any man’ or ‘too dedicated to her work to bother with dating, marriage or motherhood.’”). This silent approach is also used with gay men. See Tiana Arruda, *Oral History, How Can I Live a Life of Lies?*, in *COMPAÑERAS*, *supra* note 2, at 181, 183 (“Even though everybody in my family knows my cousin is gay, they try to pretend he is not.”).

133. See Arruda, *supra* note 132, at 183 (“My mother’s reaction was to tell me that she was willing to pay for me to go to therapy and straighten myself out. That was the same thing my aunt and uncle in Brazil told my cousin when they found out he was gay.”).

134. See Trujillo, *Fear and Loathing*, *supra* note 94, at 117 (“As Chicanas, we are commonly led to believe that even talking about our participation and satisfaction in sex is taboo.”); Anzaldúa, *Otro Lado*, *supra* note 2, at 3. That same poem laments:

‘I am so ashamed, I will never
be able to raise my head in this pueblo’
The mother’s words are barbs digging into her flesh.
De las otras. Cast out. Untouchable.

‘But I am me’, she cries, ‘I’ve always been me’
Don’t bring your queer friends into my house,
‘My land, the planet. Get away.
Don’t contaminate US, get away’.

Away, she went away.
But every place she went
they pushed her to the other side
and that other side pushed her to the other side
of the other side of the other side
Kept in the shadows of other.
No right to sing, to rage, to explode.

result in the family's attempt alternately to deny and conceal her lesbian identity.¹³⁵ Consequences of the approach that denies or conceals the lesbian's existence may include the banishing of gay/lesbian friends from the family home, causing stresses to the individual who is torn between her family and *la otra familia*—her friends and sexual minority community.¹³⁶ Such loss of family presents *Latinas lesbianas* with “the most difficult dilemma: losing the support of the one group in which they were not ‘en el otro lado’ (on the other side).”¹³⁷

Another grave concern for *Latinas lesbianas* is the rejection by *la comunidad Latina* because the *lesbianas*' so-called lifestyle implicitly, if not explicitly, rejects and affronts its patriarchal values. Thus, beyond the loss of *la familia*, *Latinas lesbianas* are in danger of losing support of the cultural/ethnic community. Because of the *Latinas lesbianas*' minority status within the majority community, *la comunidad Latina* is deeply important to them despite its homophobia which is much more intense than in its Angla/o counterpart.¹³⁸ In fact, *Latinas lesbianas* claim that “ethnic identity and community [are] primary concerns” that render the fear of banishment especially problematic.¹³⁹

Writers have explained the complex aspects of the challenges *Latinas lesbianas* pose to *la cultura Latina*. The cultural conflict is patent as *Latinas lesbianas*, in accepting and embracing their own sexuality, effectively reclaim “what we're told is bad, wrong, or taboo. . . .”¹⁴⁰ As they do of “loose women,” some members of *la comunidad Latina* label a lesbian “as an agent of the Anglos” and “as an aberration, someone who has unfortunately caught *his* disease.”¹⁴¹ This rejection emanates from

Id.

135. See Greene, *supra* note 46, at 221. A gay or lesbian family member may maintain a place in the family and be quietly tolerated, but this does not constitute acceptance of a gay or lesbian sexual orientation. Rather, it frequently constitutes a form of denial. See *id.*

136. See Althea Smith, *Cultural Diversity and the Coming-Out Process: Implications for Clinical Practice*, in *ETHNIC AND CULTURAL DIVERSITY*, *supra* note 46, at 279, 294 (noting that “[m]embers of the gay, lesbian, and bisexual community are often referred to, colloquially, as members of the family”).

137. Anzaldúa, *Otro Lado*, *supra* note 2.

138. See FOSTER, *supra* note 103 (recognizing the added marginalization and silencing of lesbians for their lack of male privilege, while reinforcing this treatment by giving very limited treatment to lesbian (as opposed to gay) literature); Espín, *Latina Psychology*, *supra* note 23, at 40 (“[O]vert acknowledgement of lesbianism is even more restricted [in the Latin culture] than in mainstream American society. . . . [R]ejection of homosexuals appears to be the dominant attitude in the Puerto Rican community.”) (citation omitted); Espín, *Sexuality*, *supra* note 44, at 159 (noting that *Latinas lesbianas* experience oppression as lesbians “most powerfully from inside their own culture”); Greene, *supra* note 46, at 221; Emma Pérez, *Sexuality and Discourse: Notes From a Chicana Survivor*, in *CHICANA CRITICAL ISSUES*, *supra* note 3, at 45, 49 (discussing pervasive homophobia in Chicana/o community); Carla M. Trujillo, *Sexual Identity and the Discontents of Difference*, in *ETHNIC AND CULTURAL DIVERSITY*, *supra* note 46, at 266, 269–70 (noting the severe punishment in various Latin American states for homosexuality/lesbianism and the invisibility of lesbians).

139. Greene, *supra* note 46, at 221.

140. Trujillo, *supra* note 2, at x; see also Castillo, *supra* note 86, at 26 (“We [Latinas] had been taught not to give those [sexual] feelings and fantasies names, much less to affirm their meanings.”).

141. Trujillo, *supra* note 2, at ix (emphasis in original) (quoting Nancy Saporta Sternbach, *A Deep Memory of Love: The Chicana Feminism of Cherríe Moraga*, in *BREAKING BOUNDARIES*

Latinas and Latinos alike. A participant at a meeting of Latinas simply stated that: “lesbianism is a sickness we get from American women and American Culture.”¹⁴² Lesbianism thus alienates Latinas from the heterosexual majority in *la comunidad Latina* which has difficulty with homosexuality and “others” lesbians from the culture and community and the goals defined by these groups by placing the group “in a context of Anglo construction, a supposed *vendida* [sell-out] to the race.”¹⁴³

In the context of the political existence of the predominantly homophobic *comunidad Latina*, lesbianism (and homosexuality) is viewed as a betrayal much as it is in the family context.¹⁴⁴ In a *machista* society, Latinos view *Latinas lesbianas* “as a threat to the established order of male dominance . . . as their existence has the potential of raising the consciousness of [all Latinas], causing them to question their situation or to see possibilities for their independence.”¹⁴⁵ Significantly, that very sexuality, together with ethnicity, may effect *Latinas lesbianas*’ alienation from mainstream feminist groups which tend to be mostly white, just as ethnicity and sex effect an alienation from mainstream gay groups which tend to be mostly male and mostly white.¹⁴⁶

48 (Asunción Horno-Delgado et al. eds., 1989)); see also ESPÍN, *WOMEN CROSSING*, *supra* note 1, at 153–54.

142. Espín, *Latina Psychology*, *supra* note 23, at 40 (quoting a participant at a meeting of Hispanic women in a major city in the United States in the early 1980s); see also Espín, *Sexuality*, *supra* note 44, at 158–59 (telling of Latinas with this view).

143. Trujillo, *supra* note 2, at ix. Trujillo posits that the cultural rejection:

[m]ore realistically, . . . is probably due to the fact that we do not align ourselves with the controlling forces of compulsory heterosexuality. Further, as Chicanas we grow up defined, and subsequently confined, in a male context: daddy’s girl, some guy’s sister, girlfriend, wife, or mother. By being lesbians, we refuse to *need* a man to form our won identities as women. This constitutes a ‘rebellion’ many Chicanas/os cannot handle.

Id. (citation omitted); see also Castillo, *supra* note 86, at 24 (“As a political activist from El Movimiento Chicano/Latino, I had come away from it with a great sense of despair as a woman. Inherent to my despair, I felt, was my physiology that was demeaned, misunderstood, objectified, and excluded by the politic of those men with whom I had aligned myself on the basis of our mutual subjugation as Latinos[as] in the United States.”); Trujillo, *Fear and Loathing*, *supra* note 94, at 118 (“Too often we internalize the homophobia and sexism of the larger society, as well as that of our own culture, which attempts to keep us from loving ourselves. . . . The effort to consciously reclaim our sexual selves forces Chicanas to either confront their own sexuality or, in refusing, castigate lesbians as *vendidas* to the race, blasphemers to the church, atrocities against nature, or some combination.”).

144. See Navarro, *supra* note 87, at 118 (noting that lesbianism is “a form of betrayal, as if I’ve gone to join the ranks of white people, or rich people, or somebody else because, for some reason, having love for another woman has, I would say, ‘freed’ me from, while they would say I’ve copped out from, the struggle with the family or the illusion of male/female love. So they lose the whole point altogether, which is obviously that our sexuality is something we all need to explore without any limitations. . . . [B]ut it’s also an addressing of the exploration of our sexuality as females.” (quoting Ana Castillo)).

145. Greene, *supra* note 46, at 220–21.

146. See Castillo, *supra* note 86, at 25 (noting her “world . . . [as] primarily Mexican, Latino, Christian, mostly Catholic” and having no idea what white feminists were doing and that non-feminist, though woman-identified, African American friends were coalescing around race); Espín, *Sexuality*, *supra* note 44, at 159 (noting that *Latinas lesbianas* “experience oppression in

The view of *Latinas lesbianas* as rejecting patriarchal ethnic and cultural norms is conflated with their perceived rejection of religion and family—both of which overtly and expressly repudiate women’s sexuality, let alone lesbianism. These very structures, that demand conformity and submission from *Latinas lesbianas* regarding their sexuality, simultaneously constitute a source of love, sustenance, and solace from the alien and isolating environment of majority culture.

Hence, *Latinas lesbianas* experience high levels of tension, stress, and contradictions effected by their multiple otherness. They seek to resolve these conflicts by engaging in a constant evaluation, re-definition, and reconstitution of *familia y espiritualismo* (family and spirituality).¹⁴⁷ One social worker has poignantly observed that “[m]any lesbians and gay men have to leave their families, communities, and churches to find home.”¹⁴⁸ This is particularly interesting in light of the parallels one noted Latina scholar has drawn between the experience of coming out and the experience of migration. Indeed, one subject in a study observed that “she is convinced that she would never have come out as a lesbian had she stayed in Cuba”¹⁴⁹—leaving

three ways: as women, as Hispanics and as lesbians”); Gina Montoya, *Baby Dykes*, in *CHICANA LESBIANS*, *supra* note 2, at 19, 19 (noting many worlds traveled by Chicana lesbians “Mestiza, Chicana, Coyota. Now also Lesbiana”); Mariana Romo-Carmona, *Introduction* to *COMPAÑERAS*, *supra* note 2, at xx, xxiii (“The issue of being able to express the meaning of our lives is an important one for Latina lesbians, because as lesbians, we are seen mainly through our sexuality. With this view, we lose our perception of ourselves as women and as Third World/People of Color, as we are explained away as a phenomenon alien to our culture.”). For narratives of the problematics of the intersection of race/ethnicity, sex, and sexuality, see Avotcja, Oral History, *What They See Is What They Get*, in *COMPAÑERAS*, *supra* note 2, at 12, 12 (“I can’t divide myself into different pieces. I’m not only a lesbian, but also a Rican who happens to be a Black woman.”); Esther, Oral History, *Tenemos Que Bregar*, in *COMPAÑERAS*, *supra* note 2, at 97, 97 (discussing competing “isms” and contradictions in traditionalism in view of family and role of women held by even leftist revolutionaries); Hilda Hidalgo, *El Ser Yo No Es un Lujo*, in *COMPAÑERAS*, *supra* note 2, at 72, 72 (discussing inability to atomize self in context of racist, homophobic environments in varied communities); Liz, Oral History, *My Name Is Liz*, in *COMPAÑERAS*, *supra* note 2, at 77, 77 (discussing racism and sexism in the gay/lesbian community); Beatriz M. Pesquera & Denise A. Segura, *There Is No Going Back: Chicanas and Feminism*, in *CHICANA CRITICAL ISSUES*, *supra* note 3, at 94, 95 (noting Latina exclusion by Chicanos and feminists); Juanita Ramos, *Bayamón, Brooklyn y Yo*, in *COMPAÑERAS*, *supra* note 2, at 89, 89 (noting male domination of Puerto Rican liberation movement, racism, classism, and homophobia of Feminist movement; sexism of gay liberation movement).

147. See Trujillo, *supra* note 2, at x (“For our own survival, Chicana lesbians must continually embark on the creation or modification of our spirituality and familia, usually implying alteration of the traditional, since these institutions, by their very nature, profess to be antithetical to the Chicana lesbian experience.”).

148. Mary E. Swigonski, *The Social Service Needs of Lesbians of Color* [hereinafter Swigonski, *Social Service*], in *LESBIANS OF COLOR*, *supra* note 122, at 67, 78 (citation omitted).

149. Espín, *Borders*, *supra* note 85, at 100; see also ESPÍN, *WOMEN CROSSING*, *supra* note 1, at 76 (relating that “Olga is convinced that she would have never come out as a lesbian had she stayed in Cuba. . . . [In the United States, s]he remains mostly closeted in the Latino community for fear of the reaction the revelation of her lesbianism would elicit. . . .”); *id.* at 104 (“Soledad believes very strongly that the separation from her parents made it possible for her to come out.”).

her country was a migration that also took her away from family and made the acceptance of her sexuality and her coming out possible.¹⁵⁰

C. Bending Gender

Finally—in studying the subordination of women in *la cultura Latina* because of their sex, sexuality, and lesbianism—it would be irresponsible if one did not consider the feminization of the gay male as part of the project of emancipation from sex-based oppression. It is beyond dispute that there is a relationship between the oppression of gay men and the subordination of women.¹⁵¹ *La cultura Latina's* embracing of *machismo* is at the expense of all women and of men who do not comport to the image of the real *macho*.¹⁵² Gay Latinos are feminized, at least in popular stereotypes, just as *Latinas lesbianas* are masculinized. *La cultura Latina's* strong and rigid views concerning the appropriate sex roles for men and women results in the creation of a presumption that a man who does not comport to the traditional *machista* image of hyper-maleness is gay.¹⁵³ The feminization of gay Latinos and the masculinization of *Latinas lesbianas* serve to show how Latina femaleness, femininity, and womanhood are socially constructed identity components that are manipulated to reduce all women and gay men to second-class citizenship status. This process is important because it reveals and confirms the societal hierarchization of sex and sexuality in a simple logic theorem: major premise: women are less than men; minor premise: men who love men are like women; conclusion: men who love men are, like women, less than men.

Largely based upon their nonconformance with the rigid, traditional (stereotypical) images of and roles attributed to the *macho* Latino, gay Latinos are derided and

150. Arruda, *supra* note 132, at 184 (“Migrating to the United States facilitated my coming out as a lesbian because I was away from my family.”); Espín, *Borders*, *supra* note 85, at 100 (story of woman who believes she would not have come out had she not migrated); Espín, *Boundaries*, *supra* note 84, at 192 (“[I]n some cases, it is sexuality—trying to escape the constraints imposed by the home society on her lesbianism—that determines a woman’s migration.”).

151. LUMSDEN, *supra* note 4, at 51 (“Discrimination against homosexuals has also been bolstered by the *machista* devaluation of women.”). Significantly, this power dynamic is sometimes replicated within some gay communities. *Id.* at 28–29 (“The right of masculine males to enjoy their sexuality as they see fit matches the power they have in society as a whole. . . . [In Cuba] before 1959 masculine ostensibly heterosexual males were able to satisfy some of their sexual needs with ‘nonmasculine’ males while simultaneously oppressing them in other ways. In this respect there was not much difference between how they treated homosexuals and how they treated women.”).

152. *Id.* at 115 (“The oppression of homosexuals in Cuba has its origins in a patriarchal culture that celebrates conventional masculinity at the expense of women and of men whose public behavior is perceived as unmasculine.”); *id.* at 146 (“Homosexual oppression exists almost by definition so long as society is *machista* and the state accords privileges to certain forms of gender and sexual relations—physical expressions of affection among heterosexuals in public, conventional definitions of what constitutes a family, and heterosexual parenting and custody of children . . . —and reinforces their superior status through the educational system and especially in the mass media.”).

153. *See id.* at 29 (“In Cuba, it was assumed that males whose comportment appeared effeminate and deviated from stereotypical masculinity would be homosexual.”).

ridiculed because of their effeminacy.¹⁵⁴ Indeed, “two essential elements in machismo” are the “domination of females and contempt for males perceived to be effeminate.”¹⁵⁵ Gay men simply are not “hombre[s] de verdad”¹⁵⁶ (real men). Interestingly, gay men themselves appear to internalize the image of a “real man,” believing “that homosexuality involves gender inversion [which] led many to think of themselves as ‘women’ who could only be attracted to their opposites, ‘real’ men.”¹⁵⁷ These beliefs are even extrapolated to the roles played in sexual encounters with the “real men” being the active ones and the gender benders being the *pasivo*¹⁵⁸ (passive one), thus replicating the culturally dictated submissive role of a woman in a sexual encounter. And the *pasivos* are unlikely to relate sexually to each other.¹⁵⁹

Literature is replete with examples of how gay Latinos are described with derision in precisely the same terms that are used to laud *la mujer buena* and the “proper” woman’s conduct: docile, submissive, and feminine.¹⁶⁰ Gay Latinos are called *maricas*¹⁶¹ (faggots), *pájaros*¹⁶² (birds), *locas*¹⁶³ (crazy females), *pájaras locas*¹⁶⁴ (crazy female birds), *afeminado*¹⁶⁵ (effeminate/woman-like). One common way to suggest that Latinos are revealing their homosexuality is to say “*se les ven las plumas* (their feathers are showing)” —thus connecting to the bird analogy used to describe women.¹⁶⁶

Moreover, gay men’s conduct is described as aberrant and perverted with the same words used to portray or depict “normal” or sex/gender-appropriately behaving women: “hysterical, ludicrous, alternately sentimental and viper-tongued, coquettish with men she knows will likely end up beating her half to death when they are no longer satisfied with shouting insults at her at the same time that they are strangely attracted to the tattered eroticism that she can still manage to project.”¹⁶⁷ Fidel Castro, who sought to separate homosexuality from the normalcy of patriarchal, Spanish *machismo*, has suggested “that Cuba’s homophobic machismo is derived from the

154. *See id.* at 30.

155. *Id.* at 37.

156. *Id.* at 30.

157. *Id.*; *see also id.* at 150 (“[M]ost Cuban homosexuals have incorporated *machista* attitudes into their sexuality. These are evident in the persistence of sexual roles—that is, that a person must be identified as *activo* or *pasivo* and that privileged status belongs to the *activo*, who is much more likely to incorporate gender attributes that evoke conventional masculinity.”).

158. *See id.* at 30.

159. *See id.*

160. FOSTER, *supra* note 103, at 28 (quoting a play, *Los Invertidos*).

161. *See id.* at 83 (referring to the *maricas* as the lowest class, the most grotesque, within homosexuality).

162. *See id.* at 51 (writing about the book by Isaac Chocón, *Pájaro de mar por tierra* (1972)).

163. *See id.* at 91; LUMSDEN, *supra* note 4, at 56 (explaining the imagery of the *loca* as “parod[y]ing stereotypical female mannerisms”).

164. *See* LUMSDEN, *supra* note 4, at 58 (translating the phrase to “outrageous queens”).

165. *See id.* at 50.

166. *See id.* at 99.

167. *Compare* FOSTER, *supra* note 103, at 91, *with supra* note 44 and accompanying text.

Moorish influence upon Spain.”¹⁶⁸ He has also argued that “no homosexual [can represent] the revolution, which is a matter for men of fists and not of feathers, of courage and not of trembling.”¹⁶⁹ This imagery plainly evokes the stereotypical image of gay men as not real men, *pájaros* losing their feathers in fight, trembling (weak, scared) women.

It is also telling that characteristics not only valued in, but demanded from, “real” *mujeres* can so quickly be transmogrified into negative traits constituting stereotypical caricatures of men who love men—men who are not *hombres de verdad*. The devaluation of the revered attributes of femininity into derision if occurring in men reveals and underscores the tensions and stresses of world traveling by Latinas/os.

Furthermore, it is noteworthy that *maricón* (faggot), the most common appellation for a homosexual male, has multiple negative meanings. The word *maricón* in common usage is employed not only to refer to a gay man; it also is used to denote a wrongdoer, a reprobate, a weakling, a spineless actor, a coward. These multiple meanings elide undesirable conduct with non-conforming gender and sexual identity.

The word for lesbian, *marimacha*, reveals similar discomfort with nontraditional and culture-affronting gender, sex, and sexual identity. The *marimacha*, a designation that plays with and preys on the *marianista* and *macho* proper roles, evokes the image of a masculine woman—a wholly discordant cultural image. This misplaced manly woman affronts and confronts the culture and loses the fight because she ostensibly lacks the desirable, indeed mandatory, traits of femininity, softness, and deference. In turn, for her, the “proper” *macho* traits—the swagger, the sex—are undesirable, inappropriate, and sinful.

D. Summary

This part of the essay has revealed how modern society has certain—largely uniform and intransigent—sets of constructed beliefs, “knowledges,” and understandings about sex, gender roles, and sexuality. Focusing on la comunidad Latina, these comments have unearthed and articulated how the cultural model operates to support, effect, and reinforce the subordination of Latinas, their invisibility, and their voicelessness. Such structure also results in the marginalization of gay Latinos through their feminization, a force that places them in the subservient location of women.

These fractures within a society may be nothing more than a reflection of the myriad fissures modern society exposes along and across the lines of sex, gender, class, ethnicity, religion, sexuality, ability, nationality, and age—to name a few. However, the schisms as faced by Latinas/os in the United States are redoubled because of their need to navigate both the first world and their third world within the United States. Latinas/os travel both cultures and ostensibly belong in or to neither. Consequently, when within a minority culture some of the members are further othered because of their sex or sexuality, that ostracization presents the potential for a troubled existence at the margin of the margins—a struggle to survive in the periphery of the internal third world.

168. LUMSDEN, *supra* note 4, at 46.

169. *Id.* at 54 (quoting Castro (citation omitted)).

IV. PARADIGMATIC SHIFTS—OUTLAW IN THE NORMATIVE CLOSET:
THE LATCRITICAL HUMAN RIGHTS CONTRIBUTION

To be sure, the gender, sex, and sexuality model within *la machista cultura Latina* is perhaps simply an exacerbation, a caricature, of what across cultures may be viewed as proper sexual roles and mores.¹⁷⁰ However, because of all Latinas' and gay Latinos' location in a marginalized social space, it is proper to focus on the structural impediments to their full citizenship in all the *mundos* (worlds) that they inhabit. This section will focus on the need for changing paradigms both in the majority and minority cultures so as to allow all members to attain full personhood. The majority's epistemology must expand to recognize, respect, and accept minority cultural models within its borders. Likewise, minority cultures must look inside themselves in order to recognize, respect, and accept members whose gender and hetero or homosexual orientation or expression does not conform to the predominant cultural model. To further this dual aspiration for inclusiveness, this piece suggests a LatCritical human rights mapping that is grounded on both LatCrit's anti-subordination and inclusion goals and the human rights construct of the interdependence and indivisibility of rights will enable attainment of the goals of full personhood and dignity for all people.

A. The LatCritical Human Rights Model

Two facets of human rights theory are central to this LatCrit project of developing anti-subordination coalitional theory and praxis.¹⁷¹ One comprises the grounds for protection mandated by international norms of non-discrimination. Beyond the limited range of the sex, race, and religion protections afforded by the *estado unidense* model, human rights instruments have expanded protections. These include color, language, political or other opinion, national or social origin, property, birth, or other status,¹⁷² as well as the right of persons to freely "pursue their . . . cultural development" and "the

170. See, e.g., Clarice B. Rabinowitz, *Proposals for Progress: Sodomy Laws and the European Convention on Human Rights*, 21 *BROOK. J. INT'L L.* 425, 447–48 (1995) (addressing the widespread homophobia prevalent throughout Europe and noting that families as defined by the European Community does not include lesbian or gay families, despite acceptance of other nontraditional family structures); Michael Thomas, Note, *Teetering on the Brink of Equality: Sexual Orientation and International Constitutional Protection*, 17 *B.C. THIRD WORLD L.J.* 365, 381, 383–84 (1997) (describing the cultural views of homosexuality in South Africa and Zimbabwe). See generally Francisco Valdés, *Queers, Sissies, Dykes, and Tomboys: Deconstructing the Conflation of "Sex," "Gender," and "Sexual Orientation" in Euro-American Law and Society*, 83 *CAL. L. REV.* 3 (1995).

171. Berta Hernández-Truyol, Angela Harris & Francisco Valdés, *LatCrit X Afterword: Beyond the First Decade: A Forward-Looking History of LatCrit Theory, Community and Praxis*, 26 *CHICANO-LATINO L. REV.* 237 (2006); see also Francisco Valdés, *Theorizing "OutCrit" Theories: Coalitional Method and Comparative Jurisprudential Experience—RaceCrits, QueerCrits and LatCrits*, 53 *U. MIAMI L. REV.* 1265 (1999).

172. See ICCPR, *supra* note 10, art. 2(1); ICESCR, *supra* note 10, art. 2(2); Universal Declaration of Human Rights, art. 2, G.A. Res. 217, U.N. GAOR, 3d Sess., U.N. Doc. A/810 (1948) [hereinafter Universal Declaration].

right of self-determination.”¹⁷³ These additional categories are all of primary importance to Latinas/os whose brownness, *habla española*, accented English, and ethnicity “other” them within the *estado unidense* Angla/o society.

The second significant contribution of human rights theory is the notion of the indivisibility and interdependence of rights.¹⁷⁴ It provides the foundation for challenging the incoherent uni-dimensional construct of law that seeks to atomize a person into her/his component parts rather than engage the person as a whole.¹⁷⁵ An individual is the conglomeration of all her multiple parts—sex, race, sexuality, religion, national origin, linguistic ability, class—not the severable, independent pieces. Hence, any person may have multiple vulnerabilities or locations of subordination within the larger socio-legal order, each of which can work independently or many/several of which can work together to marginalize the different. The interdependence and indivisibility construct, thus, gives legal context to a person’s multidimensional existence. Consequently, combined, these two facets of human rights doctrine—the expanded bases for protection of the person and the indivisibility construct—can animate the pursuit of LatCrit’s anti-subordination and inclusivity project. Indeed, it constitutes a rich theoretical premise to pursue in the implementation of the multidimensional, nonessentialist, and interconnective LatCrit vision.

The LatCrit idea works nicely with the human rights model because it too is based on an indivisibility formula. LatCrit’s anti-subordination goals operate on four interrelated and interdependent planes. One is the “production of knowledge” about Latinas/os and the law in the pertinent particularized social, legal, and historical contexts in which this panethnic group exists.¹⁷⁶ To be sure, this production of knowledge must include understanding of and enlightenment about any sub-groups within the culture that may be subordinated. Certainly this goal cries out to look at the condition of those who exist at the margins of the Latina/o community simply because of their sex or sexuality. To satisfy the production of knowledge goal, LatCrits must

173. ICCPR, *supra* note 10, art. 1; *see also* ICESCR, *supra* note 10, art. 1.

174. *See* ICCPR, *supra* note 10, pmbl. (“Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights.”); ICESCR, *supra* note 10, pmbl. (“Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights.”); Universal Declaration, *supra* note 172, pmbl. (stating that the Declaration serves “as a common standard of achievement for all peoples and all nations”); Rhonda Copelon, *The Indivisible Framework of International Human Rights: Bringing It Home*, in *THE POLITICS OF LAW: A PROGRESSIVE CRITIQUE* 216 (David Kairys ed., 1998).

175. *See* Hernández-Truyol, *Borders (En)gendered*, *supra* note 20, at 924–26; Crenshaw, *supra* note 5, 160–67 (urging integration of feminist theory with black liberation and antiracist political theory); Angela P. Harris, *Race and Essentialism in Feminist Legal Theory* [hereinafter *Race and Essentialism II*], in *CRITICAL RACE THEORY: THE CUTTING EDGE* 253, 256–63 (Richard Delgado ed., 1995) (arguing that feminist legal theory, despite its expressed desire to reflect experiences of all women, largely ignores nonwhite women or relegates them to footnotes).

176. Francisco Valdés, *Under Construction: LatCrit Consciousness, Community and Theory*, 85 CAL. L. REV. 1087, 1093 (1998) [hereinafter Valdés, *Under Construction*].

look at the historical and social conditions that have effected this marginalization and allow it to thrive today. Human rights inclusion of protections based on social origins and other status help to frame LatCrit's knowledge production in terms that will further that goal.

Another plane is the "advancement of transformation," which requires not only theorizing, but pragmatic involvement for the purpose of effecting social and legal change that will better the lives of Latinas/os and other subordinated peoples.¹⁷⁷ This plane invites us to consider the historical and social realities we have discerned and to actively work to dismantle the hierarchy that prevails in our communities. As the prior sections of this piece have shown, *la cultura Latina* is fraught with hierarchies that result in the second-class citizenship of some of its members. Specifically, it is beyond cavil that all women and sexual minorities occupy a subordinated position in society. *Latinas lesbianas* as women and sexual minorities are positioned so as to be doubly affected by this cultural location. LatCrit's goal of advancement of transformation would thus be invaluable to enduring the subordinated status of Latinas/os who are othered within their own communities.

Human rights' broad anti-discrimination norms also provide grounds for LatCrits to emphasize in pursuit of these necessary transformations. Moreover, human rights' foundation of indivisibility and interdependence serves to anchor this connectedness-of-struggles goal.

The third plane on which LatCrit functions, and one that sets it apart from other socio-legal movements (possibly with the exception of Critical Race Feminism¹⁷⁸—a sister movement that is uniquely synchronous with LatCrit goals and ideology but which, unlike LatCrit, lacks a particularized locus of existence), is its insistence upon the "expansion and connection of struggles."¹⁷⁹ Fundamental to LatCrit's foundation and development have been its commitment to inclusiveness¹⁸⁰ and its rejection of any level of essentialism that could/would obscure the interconnected consequences of sexism, racism, and homophobia in effecting subordination. LatCrit theory's concern is with bettering Latinas'/os' condition both within and without the *fronteras estado unidenses*, embracing a multidimensional conception of Latinas/os, and working together with other groups and joining in other struggles with an overarching anti-subordination goal. Thus, "LatCrit theory . . . constitutes itself as a struggle on behalf of diverse Latinas/os, [and] also toward a material transformation that fosters social justice for all."¹⁸¹ To be sure, in pursuing this goal, LatCrit could be of immense assistance to *Latinas lesbianas*. For one, LatCrit can be instrumental in elucidating to all of *Latinas lesbianas'* mundos how each is effecting the particular group's exclusions, and how that exclusion hurts all members of the group. For example, because of their multidimensionality, *Latinas lesbianas* can contribute to showing to *la cultura Latina* how homophobia is hurtful and to the sexual minority community how racism and sexism can weaken a movement. In this regard, the human rights

177. *Id.*

178. See generally CRITICAL RACE FEMINISM: A READER (Adrien K. Wing ed., 1997).

179. Valdés, *Under Construction*, supra note 176, at 1093.

180. See generally Symposium, *LatCrit Theory: Naming and Launching a New Discourse of Critical Legal Scholarship*, 2 HARV. LATINO L. REV. 1 (1997).

181. See Valdés, *Poised at the Cusp*, supra note 74, at 5.

indivisibility and interdependence construct is of utility to the elucidation of the interconnectedness of the myriad struggles experienced by Latinas.

Finally and deeply integrated with its anti-essentialist inclusiveness core is LatCrit's concentration on the cultivation of community and coalition. "Our envisioned community necessarily is intellectual, discursive and political, but it also is human, social; moreover, it is diverse, inclusive, egalitarian, democratic and self critical."¹⁸² This goal of inclusiveness and its definitional subparts effectively echo human rights mandates of equality, dignity, and personhood in social, political, civil, economic, cultural, and community life. These four planes, examined through a human rights prism, facilitate the design and articulation of a transformational theoretical model that can map the way to attain the inclusive, nonessentialist, and anti-subordination aspirations of LatCrit.

Before proceeding to a more detailed analysis of how this LatCritical Human Rights Model can be specifically applied to better the condition of Latinas/os, it is appropriate to explore in some depth the role of culture. Significantly, Latinas/os are persons comprising a diverse group who, regardless of birthplace and simply by virtue of their ethnic origins, are "others" within the *fronteras estado unidenses*. In addition, Latinas/os, regardless of a common ethnic origin, may be "others" within *la comunidad Latina* by virtue of their gender or sexual identity. Given these cultural mixes, how can international legal protections of culture be of any utility in furthering interconnectedness and community?

Indeed, at first glance, it may appear that the international protections of cultural expression could work *against* both liberating Latinas/os from the *estado unidense* cultural hegemony and liberating othered Latinas/os from the Latina/o gendered hegemony of its own cultural practices. For example, one can imagine someone suggesting that the success of the *estado unidense* model, democratically judged, is support for an assimilationist paradigm to which those within the *fronteras* should submit.

However, this first impression is far from accurate. First, international protections of culture liberate Latinas/os from the *estado unidense* cultural hegemony because the norms expressly provide that "persons belonging to . . . minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture . . ."¹⁸³ Second, international protections against discrimination on the basis of sex¹⁸⁴ liberate othered Latinas from *la cultura Latinas'* gendered hegemony. Therefore, tracking the interdependence and indivisibility model, the protection of minorities taken together with the protection of culture effect a protection of minority cultures within the majority culture as well as the protection of minority sub-cultures within minority cultures.

But there is more, because not all practices within either majority or minority cultures will or should receive protection under such a regime. Practices that themselves are discriminatory on proscribed grounds cannot be insulated from scrutiny, condemnation, or prohibition—regardless of who performs them—simply by

182. Valdés, *Under Construction*, *supra* note 176, at 1094.

183. ICCPR, *supra* note 10, art. 27.

184. *E.g.*, *id.*, art. 2 (prohibiting sex discrimination); *id.*, art. 26 (prohibiting discrimination and guaranteeing equality based on sex).

labeling them as cultural or traditional practices.¹⁸⁵ In this regard, the protection of cultures cannot be used as a sword to decimate minority practices by the majority nor can it be used as a shield from proscription against practices by minorities against their own members if such practices are discriminatory.¹⁸⁶ Basically, the cultural considerations entail asking the “culture questions.” What are the consequences of a particular cultural practice on a protected group? And what are the consequences of a universalized practice on a particular culture? Along with the “race question”¹⁸⁷ and the “woman question”¹⁸⁸ that critical theorists have already insisted on asking. Significantly, for a thorough analysis of the culture questions, it is imperative that the perspective of the “outsider” culture be considered in evaluating any universalized practice and that the cultural practice in question be scrutinized through the lens of human rights to evaluate its impact on a protected group.

185. This issue places us squarely in the middle of a much contested site in international law: the universality or culturally relativistic nature of rights. International human rights theory supports the concept of the universality of rights. *See, e.g.*, U.N. CHARTER art. 55(c); Universal Declaration, *supra* note 172, pmb.; ICCPR, *supra* note 10, pmb.; ICESCR, *supra* note 10, pmb.; Berta Esperanza Hernández-Truyol, *Women’s Rights as Human Rights—Rules, Realities and the Role of Culture: A Formula for Reform*, 21 BROOK. J. INT’L L. 605, 662 n.214 (1996). An in-depth treatment of the theories of relativism and universality is beyond the purview of this Article. Briefly, relativists hold that one society/group cannot condemn traditions or practices of another because outsiders’ critiques of insiders’ conduct is invalid, as there is no appropriate basis upon which to judge others’ conduct. Universalists, on the other hand, hold that all persons are entitled to the same inalienable, fundamental human rights. *See id.* at 657 n.201. However, I view the universalist versus relativist dichotomy as inappropriate and short-sighted because there are universal protections of rights, including protections of cultural expressions, which by design and necessity are relative to the culture. Yet, such cultural protections do not translate to acceptance of cultural practices that are discriminatory on proscribed human rights grounds. Again, the universalistic and relativistic perspectives ought to be considered holistically in a both/and analytical framework rather than as an either/or proposition.

186. *See, e.g.*, Convention on the Elimination of All Forms of Discrimination Against Women, art. 2(f), *opened for signature* Mar. 1, 1980, 1249 U.N.T.S. 14 (entered into force on Sept. 3, 1981), *reprinted in* 19 I.L.M. 33 (1980) (recognizing the possible misuse of culture as a pretext to discriminate and providing that state parties must “take all appropriate measures, including legislation, to modify existing laws, regulations, *customs and practices* which constitute discrimination against women”) (emphasis added); *id.*, art. 5(a) (requiring that state parties “take all appropriate measures: (a) [t]o modify the *social and cultural patterns of conduct* of men and women with a view to achieving the elimination of prejudices and *customary and all other practices* which are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women”) (emphasis added); African Charter of the Rights and Welfare of the African Child, art. 21, Jul. 11, 1990, OAU Doc. CAB/LEG/24.9/49 (expressly balancing rights and culture and requiring member states of the Organization of African Unity to “abolish customs and practices harmful to the welfare, normal growth and development of the child and in particular: . . . those customs and practices discriminatory to the child on the grounds of *sex or other status*”) (emphasis added).

187. *See, e.g.*, DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* (1992) (exploring and reassessing the worth of long standing racial assumptions).

188. *See, e.g.*, Katherine T. Bartlett, *Feminist Legal Methods*, 103 HARV. L. REV. 829 (1987) (urging the incorporation of women’s voices).

This LatCritical Human Rights Model, then, is useful for analyzing and resolving the tensions of minority populations within majority cultures, as well as the stresses experienced by cultural outlaws within their own *cultura*. Using this model, this Article now explores some disquietudes in the context of the developed theme of gender, sex, and sexuality in *la cultura Latina*. It considers both Latinas/os existing within a majority population and Latina/o sex/gender “others” within their own ethnic culture.

B. Outlaw in the Normative Closet—An Application of the Model

The primary example I will use to elucidate the utility of the proposed analytical construct is one that pits Latinas/os squarely against the majority culture, but with a twist. I will explore what has developed as a normative paradigm for sexual minorities within the United States and reveal why such an accepted construct may unravel and lose validity and utility when applied to Latinas/os.

The prescribed normative conduct for sexual minorities articulated by the North American model is of seeking overt and universal acceptance of homosexuality and lesbianism. The arguments for the construct follow—in the liberal tradition—a civil rights, individual rights, and privacy struggle paradigm.¹⁸⁹ One of the signposts of this model is the “coming out of the closet.”¹⁹⁰ The majority culture within the sexual minority community presumes the coming out process, a “White, Western, middle-class phenomenon [developed] with little [if any] input from other ethnic, religious, or social class groups”¹⁹¹ to be the proper adaptive, healthful form of reckoning for all sexual minorities. This coming out model universalizes, for the entire sexual minority population, a formulation derived from and based upon the gay white male’s experience in North America.¹⁹² Contrary to the presumptions and assumptions

189. See *Romer v. Evans*, 517 U.S. 620, 631–35 (1996) (analyzing the constitutionality of Colorado’s Amendment 2 repealing state or local laws that discrimination on the basis of sexuality based on the civil rights decisions under the Equal Protection clause); LUMSDEN, *supra* note 4, at xxiv; Odeana R. Neal, *The Limits of Legal Discourse: Learning from the Civil Rights Movement in the Quest for Gay and Lesbian Civil Rights*, 40 N.Y.L. SCH. L. REV. 679, 679–80 (1996) (comparing the struggle for sexuality equality to the civil rights movement for racial equality); see also LUMSDEN, *supra* note 4, at xxiv. For a recent review of various perspectives on the theorizing of sexualities, see Sara L. Crawley & K.L. Broad, *The Construction of Sex and Sexualities*, in HANDBOOK OF CONSTRUCTIONIST RESEARCH 545 (James A. Holstein & Jaber F. Gubrium eds., 2008).

190. See, e.g., Elvia R. Arriola, *The Penalties for Puppy Love: Institutionalized Violence Against Lesbian, Gay, Bisexual and Transgendered Youth*, 1 J. GENDER, RACE & JUST. 429, 446 (1998) (“Coming out of the closet has been essential to the strength of the gay civil rights movement.”); Darren Lenard Hutchinson, *Accommodating Outness: Hurley, Free Speech, and Gay and Lesbian Equality*, 1 U. PA. J. CONST. L. 85, 89–90 (1998) (“In addition, because the invisibility of ‘sexualized others’ hinders their collective political action for civil rights, coming out is often considered an important—indeed necessary—political goal.”).

191. Smith, *supra* note 136, at 287.

192. Cf. Darren Lenard Hutchinson, *Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Political Discourse*, 29 CONN. L. REV. 561, 603–10 (1997) (charting how the “coming out” process stressed by the majoritarian gay and lesbian community disparately impacts homosexuals of color because of their race and class); William R. Macklin, *Black Gays*

implicit in this sexual outsider master narrative, the cost of coming out differs for different groups with differing social burdens, bases, and spaces.

Moreover, similar to the adaptiveness of coming out being culturally dependent, different cultural groups have varying standards about what constitutes privacy, particularly matters of sexuality and intimacy.¹⁹³ To be sure, for all Latinas—even those comfortably within the heterosexual mold—the themes of sex and sexuality are forbidden fruit in a cultural context that expects women to be “naive and ignorant about sexual matters.”¹⁹⁴ In such an environment, the common adage *mejor puta que pata* (better whore than dyke) speaks volumes about the cultural view of lesbianism, particularly in light of the condemnation of *putas* by the community, family, and church.¹⁹⁵

This essay posits that before accepting or adopting any universalist format as the blueprint for generally appropriate social—here in particular sexual—conduct, the culture questions must be asked. The culture inquiry results in a scrutiny and deconstruction of the proposed paradigm to ascertain whether it is culturally sensitive or generally appropriate based upon complex socio-cultural differences of the minority populations within the group to which the paradigm applies.

Specifically with respect to the coming out model, as the ensuing discussion will show, there are serious problems with an instinct to apply to *la cultura Latina*, particularly to *Latinas lesbianas*, a formula based on the universalization of a particularized experience of sexuality of gay white men. It is beyond question that the location of gay white men in their societies is dramatically different from that of the *Latina lesbiana*. Thus, the adoption of such a model by Latinas, in their particularized location—*mundos en el otro lado* (worlds on the other side) of majority culture on the grounds of sex, race/ethnicity, and sexuality; of *la cultura Latina* on the basis of sex and sexuality; and of the sexual minority culture because of their race/ethnicity and sex—would be as dysfunctional and destructive an approach as feminist critics, race critics, feminist race critics, and LatCrits have shown the adoption of the “normative” concept of law has been to the non-normativas/os.¹⁹⁶

Say Race Often Outweighs Orientation, PHILADELPHIA INQUIRER, Feb. 25, 1998, at D1 (noting that homosexuals of color do not experience the same sense of freedom from the coming out process as gay, white males).

193. See, e.g., LUMSDEN, *supra* note 4, at 132 (“Men are not expected to reveal details of their personal lives or the feelings associated with them. A young gay journalist explained: ‘In Cuba, you should never tell it as it is. Everything is understood. That comes from the Spanish influence. Everything is inferred. Everything is known. But nobody says it.’ He added that even though he himself had never tried to hide his homosexuality, he could not see any point in coming out, as such. ‘The moment you put it in words, you are in a sense admitting guilt, as if you were repenting.’”).

194. Greene, *supra* note 46, at 220.

195. Mary E. Swigonski has noted that:

For the lesbian of color the ultimate rebellion she can make against her native culture is through her sexual behavior. In affirming her lesbianism, she goes against two moral prohibitions: sexuality and homosexuality. In the Chicano/[a] community, because she rejects the traditional roles ascribed to women in patriarchal Mexican culture (the roles of wife, mother virgin, or whore), she fails to participate in propagating the race or serving the macho. Because of this threat to her culture, the Chicana is marginalized within her own culture.

Swigonski, *Social Service*, *supra* note 148, at 78 (citation omitted).

196. See, e.g., Audre Lorde, *Age, Race, Class and Sex: Women Redefining Difference*

One author has plainly explained the purpose and meaning of the “coming out” process in North America: “‘Coming out’ in North America designates a process of assertive self-identification as a gay person that is undertaken in the context of a homophobic, individualistic, and fragmented capitalist society. To be sure, for many of us it is a moving and memorable part of our personal development as gay people.”¹⁹⁷ Notwithstanding the recognition of the important and liberating aspects of coming out, the author, probably due to his extensive studies in Cuba, Mexico, and Costa Rica, which have undoubtedly made him aware of the nuances and centrality of culture to proper adaptive models, also is sensitive to the cultural and political contexts of coming out. He notes that “many gay activists go beyond this in asserting that [coming out] should be the central plank in the struggle for gay liberation” and suggests that such a position is “debatable.”¹⁹⁸

Contrary to the North American view on coming out, within *la cultura Latina* “coming out [is perceived] as an unnecessary and divisive action threatening an individual’s multifarious ties to his[her] family and community as a whole.”¹⁹⁹ Certainly, this is due to *la cultura Latina*’s complex amalgam of religious and social influences, including the importance of family,²⁰⁰ the rigid sex/gender roles imprinted in the culture,²⁰¹ and the Catholic influences on sex and sexuality²⁰² in which the process necessarily takes place. To be sure, a LatCrit human rights analysis would focus on and try to eradicate the inequities attendant to such social, familial, and religious norms that persist within *la cultura Latina*. However, the instant point is that a model that is affirming, appropriate, and adaptive within a particular majority culture might be dysfunctional and destructive within a minority culture because of its particularized plots, regardless of whether work needs to be done to correct the infirmities of these plots as well. Thus the “coming out” model should not be normalized, universalized, or presumed to be either adequate for or of utility to particularized groups.

This example enlightens us to a tension that is patent between the majority culture’s and *la cultura Latina*’s perception of what is viewed and accepted as the appropriate

[hereinafter Lorde, *Age*], in *SISTER OUTSIDER: ESSAYS & SPEECHES* 114, 116 (Audre Lorde ed., 1984) (“Somewhere, on the edge of consciousness, there is what I call a *mythical norm*, which each one of us within our hearts knows ‘that is not me.’ In [A]merica, this norm is usually defined as white, thin, male, young, heterosexual, [C]hristian, and financially secure.”); Richard Delgado, *The Critique of Normativity: MOVES*, 139 U. PA. L. REV. 1071, 1071–75 (1991) (coining the term “normativo”).

197. LUMSDEN, *supra* note 4, at 131.

198. *Id.*

199. *Id.*

200. *See id.* at 132 (“The identity of most homosexual males is linked integrally to that of their family and barrio. . . . Most of them genuinely seem to need and enjoy the company of their families and neighborhood friends. Accordingly, in comparison to North American gay males, much less of their identity is derived from their sexual orientation. Provoking a possible rupture with their immediate and extended family by coming out is therefore not a step that most Cuban homosexuals are ready to contemplate unless their lives have been made intolerable, which is rarely the case.”).

201. *See, e.g., id.* at 132 (“Males, particularly young males, have considerable license to pursue sex as they see fit, particularly if it is not publicized.”).

202. *See supra* notes 68–74 and accompanying text (discussing Catholic influences on matters of sex and sexuality in *la cultura Latina*).

adaptive response or reaction to sexual others. This rupture is evidence of the need for a paradigmatic shift toward a respectful and realistic exploration of other/outsider identities, particularly of multiple outsiders. The content, meaning, and significance of the coming out process is one site where such a translation is not only useful but also necessary.

A second matter that is elucidated by this example are the problems encountered by a minority within his/her own minority culture—specifically the location of Latinas/os who are sexual minorities within the sexual minority culture. Here, there are two significant dimensions. One, the overall sexual minority culture is gendered, using as normative the gay male. Consequently, attention is necessary to analyze how the culture's normalization of gayness as male is insensitive to or inappropriate for all women in general and Latinas in particular. Two, beyond its genderedness, the overall sexual minority culture is racialized, using as normative the white gay male. Thus, care must be taken to unearth how the culture's normalization of gayness as white is unsuitable and unfitting for gays and lesbians of color in general and Latinas in particular.

These two items underscore that even in the context of this sexual minority culture, because of its white male hegemony, *Latinas lesbianas* (as well as other lesbians of color) are doubly distanced and marginalized others because of their sex *and* because of their race/ethnicity. A LatCritical Human Rights Model emphasizes that *Latinas lesbianas* cannot cease to be women or Latina simply because they are sexual minorities. It thus serves to move us away from the essentializing of an isolated part of an identity, here gayness, and towards a holistic approach that enables all sexual minorities to attain full personhood.

A third point of elucidation that is noteworthy is *Latinas lesbianas'* second-class citizenship within every community—a series of otherings that presents a formidable challenge to coalitional politics. In the majority community—society at large—she is an other because of her Latinanness and her femaleness; in *la comunidad Latina* because of her sex and her sexuality—the latter possibly resulting in ostracism; and in the sexual minority community because of her sex and ethnicity/race.²⁰³

As a consequence of their multiple outsidership, while “[l]esbian choices, as any behavior that violates strict cultural norms, can present a high personal cost to any woman [.]”²⁰⁴ for *Latinas lesbianas* the process of becoming visible by “coming out” is doubly difficult and treacherous. For them, “[c]oming out to self and others in the context of a sexist society is compounded by coming out in the context of a heterosexist and sexist Latin culture immersed in racist society.”²⁰⁵

In *la comunidad Latina*, the “overt acknowledgment and disclosure of a gay or lesbian identity is . . . likely to meet with intense disapproval. . . .”²⁰⁶ Two reasons for the disapprobation are salient. One is “the cultural importance of saving face as a key

203. Swigonski, *Social Service*, *supra* note 148, at 76 (“Ethnic lesbians and gays live in three rigidly defined and strongly interdependent communities: the gay male and lesbian community (white), the ethnic minority community, and the society at large.”).

204. Espín, *Latina Psychology*, *supra* note 23, at 49.

205. *Id.* at 35.

206. Greene, *supra* note 46, at 220.

component of maintaining dignity and commanding respect.”²⁰⁷ The other is the embarrassment sexual “deviance” may cause the family or cultural unit.

An overt declaration of sexuality by a *Latina lesbiana* so affronts this normative cultural model that it is most likely to be viewed as an act of cultural and family treason,²⁰⁸ a rebellion,²⁰⁹ that is sure to be punished.²¹⁰ The *castigo* (punishment) can include banishment from *la familia* or *la comunidad Latina*. Because “coming out” may jeopardize both their family connections and the ties to *la comunidad Latina*,²¹¹ *Latinas lesbianas* are more likely not to “come out” to family, friends, colleagues, or society at large²¹² than lesbians of the majority culture, let alone the normative gay white male.

Latinas lesbianas fear total rejection by their communities.²¹³ The realistic fear of loss of the family—tragically a reality that can take myriad forms ranging from the loss of a child, the death of a parent who cannot deal with the news, or the killing of the lesbian family member²¹⁴—render coming out an unattractive alternative. Indeed, because of the existing cultural climate, *Latinas lesbianas*’ common reaction to their lesbian identity is to try to hide their sexuality from the family. For these multiple outsiders to lose the family, community, and culture—locations that may seem as the sole place where they have ties, where they belong—for the sake of “coming out” is an expensive and unrealistic demand. As a Chicana writer so poignantly articulated:

In a homophobic world, “coming out,” or establishing a relationship that is seen by and large by a religion and then by laws as perverted, is taking away everything, it’s suicidal. If you’re barely surviving, and then you’re going to take

207. *Id.*

208. *Id.* at 221; Romo-Carmona, *supra* note 146, at xxvi.

209. Espín, *Sexuality*, *supra* note 44, at 160 (“Rebellion against the culture of origin or loyalty to it can, in many instances, be expressed through sexual behavior.”).

210. Navarro, *supra* note 87, at 123.

211. Espín, *Sexuality*, *supra* note 44, at 159 (“Most Latin women who are lesbians have to remain ‘closeted’ among their families, their colleagues and society at large. To be ‘out of the closet’ only in an Anglo[a] context deprives them of essential supports from their communities and families, and, in turn, increases their invisibility in the Hispanic culture. . .”).

212. Espín, *Latina Psychology*, *supra* note 23, at 41. The author explains, that to avoid stigmatization by community and family alike, *Latinas lesbianas* seek other communities where their sexuality is more accepted and acceptable but notes that such an approach comes at the cost of losing contact with the ethnic community and family which translates to the possible loss of support with respect to their ethnic identity. In her study of Cuban lesbians, she found that even when the subjects “believe that it is easier to be Cuban among lesbians than it is to be lesbian among Cubans, they do not feel fully comfortable not being both.” *Id.* at 48.

213. See Arruda, *supra* note 132, at 184 (“I have not yet come out to my family and friends in Brazil. I’m afraid they are going to say I’m sick, and reject me. I fear they are not going to let me see their children anymore because they’ll think I’m a bad influence on them. Children are very important in my life and I always try to protect those relationships.”).

214. See Cristina, *Esto para mi es definitivo (Historia Oral)*, in COMPAÑERAS, *supra* note 2, at 220, 221 (relating that when her mother found out she was a lesbian her mother said not to let her father find out because he would die); María, *I’m Climbing That Mountain! (Oral History)*, in COMPAÑERAS, *supra* note 2, at 241, 242 (“I haven’t told my mother and father because my father would kill me.”); Romo-Carmona, *supra* note 146, at xxvii (describing a mother’s experience of losing her child because of her lesbianism).

the risk to lose the respect, and the love, and the sense of place that you have with your own family, you have nothing. All that risk for a love affair?²¹⁵

Often the only way *Latinas lesbianas* can assuage the fear of countrylessness, of lack of citizenship, of homelessness is to take the personally painful, debilitating, and possibly psychologically and physically damaging step of not coming out but rather of repressing, denying, and obscuring their lesbian identity. One of the reconstructions of self in which *Latinas lesbianas* engage in order to cope with the alienation effected by or resulting from their sexuality is the creation of a public persona that travels and “passes” in the heterosexual world and the separate creation of a private lesbian self.²¹⁶ The hiding is accompanied by playing out the sex roles that they first learned within the very family structure from which they fear marginalization.²¹⁷

A *Latina lesbiana*’s cultural realities include a blanket taboo against female sexuality, a shame-based culture, and a dictate of indirectness as a means of conflict resolution/avoidance. Therefore, the presuppositions of the majority group about the reasons to keep silent about one’s homosexuality—such as self-loathing, denial, or shame—may simply not be true for, apply to, or have an accurate translation for Latinas.²¹⁸ Consequently, for *Latinas lesbianas* not overtly revealing, and even concealing, their sexual identity may constitute the proper adaptive model in the present socio-cultural climate. Although, coming out may well be adaptive for the majority culture. In fact, generally, for a lesbian of color, “[e]xercising control over the

215. Navarro, *supra* note 87, at 122 (quoting Ana Castillo). Castillo proceeds to state “I firmly believe that in Mexican/Chicano/[a] culture there’s quite a bit of censored homosexuality or lesbianism, because ostracism is too high a price to pay.” *Id.* at 124; *see also* Pat Lichty-Uribe, *I Had a Choice (Oral History)*, in *COMPañERAS*, *supra* note 2, at 28, 31–32 (stating that when a brother found out she was a lesbian her family kidnapped her and spent “a weekend telling me that I was sick”); Julia Pérez, *I’m from Humacao (Oral History)*, in *COMPañERAS*, *supra* note 2, at 21 (describing how a mother discovered her young daughter with her lover and called the lover’s mother to say that “[y]our daughter is a lesbian and she has perverted my daughter . . . [who] is a very young girl and if you don’t get your daughter out of New York, she is going to die”).

216. Hilda Hidalgo, *The Norms of Conduct in Social Service Agencies: A Threat to the Mental Health of Puerto Rican Lesbians* [hereinafter Hidalgo, *Mental Health*], in *LESBIANS OF COLOR*, *supra* note 122, at 23, 25 (discussing how private/public dichotomy causes invisibility, represents a “mental health hazard,” and “prevents liberation and self actualization”); *id.* at 29 (noting the “‘public/private’ distinction in most organizations/agencies universalizes sexuality as *heterosexuality* . . . [thereby imposing] invisible and intolerable existences on lesbian staff”); *id.* at 31, 32 (observing that “[i]n and agency where heterosexuality is the norm and sexuality and sexual identity are viewed as private and personal concerns that are separate from the public act of being a staff member, there are compelling, if not coercive, reasons for Maria to remain silent about being a lesbian” and that to cope with the “simultaneous sources of oppression” in being a Puerto Rican lesbian in a male and heterosexually dominated institution she “constructs her life according to the prescribed script of assumed heterosexuality” thus “*internaliz[ing]* the private/public distinction” and feeding into the dominant culture’s imposition of invisibility); Hilda Hidalgo, *!Fuera del closet, boricua!*, in *COMPañERAS*, *supra* note 2, at 62, 63.

217. Romo-Carmona, *supra* note 146, at xxv.

218. Smith, *supra* note 136, at 292 (making observations about African Americans who are gay/lesbian).

disclosure of a stigmatized aspect of her identity that she can control [rather than coming out] may be [the appropriately] adaptive”²¹⁹ conduct.

This discussion is not to be misinterpreted as condoning the socio-historical and cultural factors—family, community, and cultural mappings and understandings—that create such stresses for *Latinas lesbianas*. Rather, a LatCritical Human Rights Model, as part of its anti-subordination project, insists that these barriers be broken down. Indeed, the project would work assiduously towards a cultural reconstruction that eschews the othering of some of the community’s members. This breaking down of barriers—effectively the eradication of discrimination by *la comunidad Latina* against its gay and lesbian constituents, and the resultant universalized eradication of discrimination by *la comunidad Latina* as well as by society at large against all gay and lesbian persons—would be an integral part of the LatCrit project.

For example, as part of the process of producing knowledge about *la comunidad Latina*, the LatCrit movement would insist on the recognition of gays and lesbians as part of *la comunidad Latina*. Similarly, the transformation aspect of the project would seek to eradicate the heteropatriarchal, sexist, and homophobic cultural tropes. However, within the limited inquiry concerning the propriety of coming out as a normative fact of life, it must be recognized that at this time, coming out might not be the best choice for a *Latina lesbiana* to make.

Nonetheless, notwithstanding the reality that “coming out” may not be the proper adaptive model at this time for *Latinas lesbianas*, the discussion must also “out” the harm that *Latinas lesbianas* sustain because of remaining closeted. In this regard, that the charade or deception of “passing” is further explicable by the shame-based nature of both a lesbian identity²²⁰ and *la cultura Latina* does not diminish the damage the charade may cause. In all cases, the safe space possibly created by leading a double life by “passing” must be juxtaposed to the stress created by the denying of one’s identity. This fragmentation of self can be oppressive psychologically²²¹ as well as confining in one’s everyday existence as it limits and circumscribes full participation in all aspects of life.²²² Denial of one’s lesbianism and attempting to “pass” may translate the possibility of “rejection and stigmatization by the Latin community . . . [to] more of a psychological burden for the Hispanic lesbian”²²³ whose need for a tight-knit family and community is rendered more crucial by the very alienation, ostracism, and stigmatization caused by their sexuality.

219. *Id.* at 288.

220. Mi Ok Bruining, *Whose Daughter Are You? Exploring Identity Issues of Lesbians Who Are Adopted*, in *LESBIANS OF COLOR*, *supra* note 122, at 43, 45.

221. Espín, *Sexuality*, *supra* note 44, at 153 (oppression of Latinas as both women and Latinas has psychological consequences, including exacerbation of subordination to men and importance of physical beauty).

222. See Hidalgo, *Introduction*, *supra* note 122, at 4–5; Hidalgo, *Mental Health*, *supra* note 216, at 24–25 (discussing invisibility and passing as “extract[ing] a heavy emotional price from those who viewed ‘passing’ as their only option for acceptance, survival and socioeconomic advancement”); relating that frequently Puerto Rican lesbians state “I try to remain invisible—as far as being a lesbian; I am afraid that being ‘out’ will jeopardize my employment—it is hard enough to be Puerto Rican and be employed/promoted; being lesbian and out at work is suicidal” (citation omitted)); Swigonski, *Social Service*, *supra* note 148.

223. Espín, *Latina Psychology*, *supra* note 23, at 40.

Examination of the “coming out” dilemma posed by *Latinas lesbianas* is of utility in elucidating the value of the interdependence and indivisibility model. This human rights construct is indispensable to a LatCrit human rights analysis because it serves to bring into central consideration persons whose multiple otherness creates the fragmentations, erects the *fronteras*, we have seen are all too ordinary in *Latinas lesbianas*’ lives.²²⁴ Thus the model would simultaneously work to eradicate all particularized oppressions—be they from the majority culture or from within a minority culture—as well as to eradicate all inappropriately universalized or normalized assumptions of normativity. The indivisibility model forces the recognition and acceptance of difference and works towards a holistic approach to and embrace of peoples’ multiple and co-existing locations. The desired goal is the attainment of full personhood and self-determination.

For example, with respect to a *Latina lesbiana*, the interdependence and indivisibility paradigm recognizes that she can no more cease being Latina than she can cease being lesbian. In this regard, it recognizes that she is part of both *la comunidad Latina* and of the sexual minority community. Thus, she should fully participate in both and be ostracized by neither. The LatCrit human rights paradigm would emphasize that the coming out model should not be universalized. It would show that because of cultural particularities of *la comunidad Latina*—a geography of great importance to *Latinas lesbianas*—coming out would not at the present be the proper adaptive model for *Latinas lesbianas*. On the other hand, and concurrently, the model would insist that the particularized cultural heteropatriarchal structure of *la cultura Latina* must be transformed. The model would emphasize that overt sexism, as well a double standard for appropriate sexual conduct, violates all Latinas’ universal right to equality based on sex. In addition, it would accentuate that any cultural norms that pry into sexual lives violate every person’s right to privacy. Finally, the model would stress that any rejection of members of *la comunidad Latina* because of their sexual minority status runs afoul of the right of minorities to participate fully in and enjoy their culture.

This last observation is powerful and significant. Most minority cultures are especially preoccupied with having their cultural traditions survive. In this regard, the LatCritical Human Rights Model would ensure that only those practices that do not run against universal protections of human dignity remain and that the culture is transformed accordingly.

As the specific example this essay has used shows, the LatCritical Human Rights Model has a liberating potential for *Latinas lesbianas*. Its analytical construct brings to the surface the tension *Latinas lesbianas*’ experience by analyzing their locations through their lens as multiple outsiders in all their *mundos*. It underscores that while for *Latinas lesbianas* an external atomization of self has emancipatory potential within *la comunidad Latina*, because it permits traveling across homophobic *fronteras*, it also has constraining consequences and deep personal costs as denial of part of the self is far from attainment of full personhood.

In general, the LatCritical Human Rights Model has emancipatory potential for all peoples who experience cultural traps. The paradigm insists on analysis of norms from all cultural positions. It, thus, will lead to a fuller understanding of self; an evaluation

224. See Hernández-Truyol, *Las Olvidadas*, *supra* note 22 and accompanying text.

of communities in a both/and context rather than an either/or context;²²⁵ and the ability to freely, comfortably, and efficiently navigate, fully participate in, and have knowledges of one's multiple worlds. These knowledges and transformations are central to the eradication of oppressive and subordinating cultural norms; in turn, such eradication will facilitate the recognition of commonalities of interests, needs, and goals across cultures and enable the building of strong communities.

CONCLUSION

Notwithstanding the powerful impact of sexuality on a *Latina lesbiana's* location in all her communities, it is a topic at best sparsely considered, at worst, unabashedly ignored in the literature. Because of (1) the multiple oppressions effected on all Latinas because the topic of sexuality is taboo and (2) the additional burdens of lesbianism on some Latinas, a confrontation of this *última frontera* has implications for Latinas' liberation. For the success of any anti-subordination project, it is imperative that such a movement adopt and welcome the proposed LatCrit human rights paradigm—a multidimensional model that embraces rather than erases *Latinas lesbianas'* multiple, co-existing, indivisible identities.

The proposed approach incorporates the dual strands of critical theory on the one hand and human rights theory on the other. Critical theory offers the concepts of multidimensionality, interconnectivity, multiplicity, intersectionality, and anti-essentialism. Human rights theory offers both an expanded rights-base and the interdependence and indivisibility ideal. These strands together offer fertile ground to refute, reject, and invalidate the monocular approach that atomizes²²⁶ our deliciously complex selves. In the project of liberation, this proposed construct reveals how Latinas' multiplicity others them within both majority and minority social spaces.

Critical in the utility of the human rights influence is its protection of cultural expression that, in turn, does not itself discriminate on proscribed grounds. For example, despite critical race and feminist theories' refutation, indeed contestation of a monolithic experience,²²⁷ issues of culture, ethnic and language differences, and sexuality have not received the necessary and deserved attention. Because culture and cultural differences and idiosyncrasies have been ignored, the design of purportedly universally applicable adaptive models of behaviors developed only with a majority culture in mind may, in reality, be dysfunctional and inappropriate for minority cultures. The proposed model urges that the culture question be asked to ascertain the utility of a suggested model—be it a law or a socio-psychological evaluation of conduct—across various cultural communities. Until all of our diverse and varied communities are fully recognized and centered in the analytical and evaluative processes of norm-making and norm evaluation, none can be liberated, as there exist multiple intersections and overlaps between and among them. In the ongoing discourses, Latinas as a group have been *olvidadas*. *Latinas lesbianas* because of their race/ethnicity, sex, and sexuality are marginalized by the majority community; invisible in the gay/lesbian community; and ostracized from *la comunidad Latina*. This

225. See Swigonski, *Social Service*, *supra* note 148.

226. Cf. Lorde, *Age*, *supra* note 196.

227. See Harris, *Race and Essentialism II*, *supra* note 175, at 263 (recognizing that there is no “monolithic ‘black experience’ or ‘Chicano experience’”).

combination of otherness has rendered *Latinas lesbianas* multiply invisible, virtually nonexistent; they exist at the margins of the margins. LatCrit human rights theorizing and praxis are material to eschew the fragmentation of identity and, in so doing, to bring *Latinas lesbianas* and all other forgotten peoples from the margins to the center of critical discourses.