Queer Migrations
Sexuality, U.S. Citizenship, and Border Crossings

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CHAPTER THREE

Well-Founded Fear

Political Asylum and the Boundaries of Sexual Identity in the U.S.–Mexico Borderlands

Lionel Cantú Jr. with Eithne Luibhéid and Alexandra Minna Stern

Between 1999 and 2002, Cantú served as an expert witness in five cases involving Mexican men who petitioned for asylum in the United States on the basis of persecution for sexual orientation. The cases were processed in California, and all five men were eventually granted asylum. Cantú’s participation as an expert witness reflected his commitment to using his sociological training and university faculty status to challenge inequalities and to assist those with less privilege. Having researched the lives of men who have sex with men in Mexico, and in migrant Mexican communities in the United States, Cantú appreciated the struggles and courage that underlay each application for asylum based on sexual orientation. Yet, he also began to observe a similarity to the process through which these asylum claims were adjudicated. While standardization remains the cornerstone to ensuring equal application of the law, it also meant that individual asylum applicants’ experiences were elicited and given meaning within larger institutional structures that Cantú began to question.

Two issues particularly drew Cantú’s attention. One issue was that to gain asylum on the basis of being persecuted for one’s sexual orientation, the applicant has to prove that being gay is an “immutable” aspect of his selfhood. This tricky undertaking runs the risk of reinscribing essentialist notions of gay identity that scholars have spent decades painstakingly challenging. The second issue was that, as Saeed Rahman has described, receiving asylum requires painting one’s country in racialist, colonialist terms, while at the same time disavowing the United States’
role in contributing to the oppressive conditions that one fled. These two issues converged because narratives about immutable homosexual or gay identities in Third World countries often provide the means to reinforce and remake racist and colonialist scripts of U.S. “progressiveness”/Third World “backwardness.”

Immutably Gay

Legally and historically in the United States, asylum for gay petitioners is complexly positioned between, on the one hand, a long-held pattern of pathologizing and othering gays and lesbians, and on the other, discourses of providing a safe haven for persecuted people. As described in this volume’s introduction, lesbian and gay immigrants historically were excluded from entry into the United States based on multiple concerns including morality, public health, and political affiliation, and even though exclusion was stricken from immigration law in 1990, lesbian and gay immigrants still face structural discrimination. Throughout the period of explicit exclusion, the Immigration and Naturalization Service (INS) and the courts relied on constructions of gay identity as immutable, inherent, and undesirable when policing the national boundaries. For instance, in *Boutilier v. INS*, the Supreme Court argued, “the petitioner is not being deported for conduct engaged in after his entry into the United States, but rather, for characteristics he possessed at the time of his entry.”

Ironically, while these formal and informal terms for excluding gay immigrants were being articulated, a counterdiscourse of asylum rights was emerging and, by 1994, applied to lesbians and gay men. Since 1980, asylum has technically been available in the United States to those fleeing persecution on account of one of five criteria: race, religion, nationality, political opinion, or membership in a particular social group. The question was, where did gays fit in? While many could credibly demonstrate persecution, this was not enough; to gain asylum, persecution had to have occurred on account of one of the five criteria. Yet the INS and courts remained reluctant to consider gays and lesbians as “a particular social group.”

Randazzo’s essay in this volume describes how the move toward recognizing gays and lesbians as a particular social group began in 1980, when a Houston immigration judge barred the INS from deporting a Cuban-gay man, Fidel Armando Toboso-Alfonso, based on concerns that he might face persecution for his sexual orientation. When the INS appealed the case in 1990, the Board of Immigration Appeals (BIA) affirmed the prior decision that had argued that gays were a particular social group. In 1993, another immigration judge in San Francisco granted asylum to a Brazilian man, Marcelo Tenorio, based on the same assumption. In 1994, for the first time, the INS granted asylum directly to a gay Mexican man, “Jose Garcia” (pseudonym). Two months later, Attorney General Janet Reno elevated the Toboso-Alfonso case as precedent and affirmed that lesbians and gay men constituted a particular social group for purposes of asylum.

Particularly noteworthy is the fact that these precedent-setting gay asylum cases involved migrants from Latin America. Not only are numbers of Latin American migrants proportionately large when compared to other national origin groups, but also, during the late 1980s and the 1990s, Latin Americans filed the majority of asylum petitions. However, like all political stories, the issue is more complex than sheer numbers. The Toboso-Alfonso case, for instance, was clearly complicated by U.S.-Cuban politics—from a U.S. policy perspective, deporting a Cuban refugee, whatever his sexual orientation, was not expedient during the Cold War. Moreover, elevating the Toboso-Alfonso decision to precedent in 1994 provided President Clinton with an opportunity not only to show support for gay rights, but also to champion human rights in Latin American countries that had been supported by previous U.S. Republican administrations. The exigencies of U.S.-relations with Latin America clearly shaped the politics of gay asylum—in ways that demand further research.

While the INS has officially recognized sexual orientation as evidence of membership in a particular social group for purposes of granting asylum, asylum remains difficult to attain. Illustrating these difficulties are statistics estimating that between 1994 and 1997, approximately sixty petitioners were granted asylum on these grounds, but reportedly over one thousand such petitions were filed in the same time frame.

To gain asylum, gays and lesbians must convincingly establish both that they are members of a particular social group and that they experienced or may experience persecution as a result. The legal standards for defining a particular social group are somewhat inconsistent, but Matter of Acosta (1985) established a basic framework that guides the courts. Acosta defined a particular social group as being comprised by those
who share a "common, immutable characteristic" that is either "innate" or arises from "shared past experience." In addition, this characteristic "must be one members of the group can not change or is so fundamental to their individual identities or consciences that they should not be required to change it." Paradoxically, then, the same logic of inherent, immutable identity that used to be deployed to exclude gay immigrants is now required to establish that one is eligible for asylum.\textsuperscript{11} Officials require such evidence in part because of exaggerated fears that migrants may falsely claim gay identity in order to become eligible for asylum.\textsuperscript{12} While this may happen on rare occasions, the converse—where asylum applicants remain afraid to detail persecution based on sexual orientation—is much more likely.

**Racialist and Colonialist Scripts**

For an asylum petitioner from Mexico to prove that he is immutably gay, and has been persecuted as a result, is an undertaking fraught with contradictions. Much anthropological and sociological research, especially from the 1970s and 1980s, argued that gay identity as understood in the mainstream U.S. sense did not exist in Mexico. This literature, which continues to be referred to in asylum hearings today, certainly creates difficulties for petitioners who must establish that they are essentially gay. According to scholars, the Mexican sex/gender system is such that only men who assume the "feminized" position during sex with other men are stigmatized as homosexual. Men who assume the "active" position can retain their masculinity and heterosexual status. According to this schema, the quintessential Mexican gay asylum applicant is therefore an effeminate man.

There can be no doubt that effeminate men face discrimination and persecution that may reach life-threatening levels, and their asylum applications should receive the most serious consideration.\textsuperscript{12} But the difficulties with the use of these accounts of the Mexican sex/gender system in asylum hearings are that they often reinforce racist and colonialist imagery and relations. Moreover, they may restrict asylum possibilities for those who do not conform to the image of the effeminate gay man.

To understand how the reinscription of racism and colonialism occurs, one must realize that asylum hearings are, as Sherene Razack says, "encounter[s] between the powerful and the powerless, and the powerful are always from the First World and mostly white, while the powerless are from the Third World and nearly always racialized or ethnicized." The asylum process constructs Third World asylum-seekers "as either unworthy claimants or as supplicants begging to be saved from the tyranny of their own cultures, communities, and men." To gain asylum, Third World supplicants must paint their countries in racialist, colonialist terms, while disavowing the United States' role in contributing to the conditions that they fled. If the U.S. government decides to "save" the supplicant by granting asylum, this easily reafirms the notion of the United States as a land of liberty and a bastion of progress.

Cantú particularly noted that when persecution suffered by applicants is attributed to "culture," understood in a reified manner that divorces it from other variables such as race, gender, class, globalization, neocolonial relationships, and unequal U.S.–Mexico ties, these colonialist effects become realized. "Mexican culture" becomes the prism through which the individual is understood and the sole source of problems and repression in Mexico. Neocolonialism, economic exploitation, and other issues become irrelevant.

In the cases for which Cantú served as an expert witness, narratives of the Mexican sex/gender system, reduced to a manifestation of "culture" conceived in ahistorical terms, were consistently produced. In those cases, the courts heavily relied on reports written by Andrew Reding, director of the Americas Project of the World Policy Institute and associate editor of Pacific News Service. Reding has published a series of reports about gays in Mexico: *Democracy and Human Rights in Mexico* (1995); *Mexico: Treatment of Homosexuals* (1997); and *Mexico: Update on the Treatment of Homosexuals* (1999). Significantly, this last report is part of a Question and Answer Series distributed to asylum officials to assist them in adjudicating asylum claims.\textsuperscript{14} The report offers an analysis of the legal, political, cultural, and historical factors shaping the lives of gays in Mexico. Reding's reports may be strategic, in the sense of providing clear-cut explanations of cultural difference and oppression that resonate effectively within the logic of the legal system, but some of their implications are troubling.

Relying on prior scholarship, Reding restates the argument that it is not all men who have sex with men, but instead men who assume the feminized role who are stigmatized and persecuted for being gay. He attributes their persecution to a "dominant cultural ideal of hypermasculinity," which he does not situate in material context, but rather treats
as a timeless and hermetically sealed mainstream Mexican cultural characteristic. According to Reding, “the potential for violence against homosexuals, especially effeminate men and transvestites, is inherent in the culture of machismo” (emphasis added). In the report, culture is explicitly separated from the political and legal realms, areas where significant gains have been made for gays. Reding claims. This eviscerated model of Mexican culture is depicted as existing in a temporal sequence that is anterior to mainstream U.S. culture. For instance, he describes “the strong attachments most Mexicans feel to their families” as “comparable to those that prevailed in the United States a century ago.” Reding also suggests that “exposure” to U.S. culture can help to ameliorate “negative” tendencies in Mexican culture. For example, “with Mexican culture highly resistant to change from within, the primary force for change is coming from the international community—primarily the influence of U.S. culture.”

In these ways, the United States is discursively constructed as enlightened, progressive, separate from Mexico, and positioned to save Mexican gay men from “the tyranny of their [timeless] cultures, communities, and men.” Mexico, by contrast, emerges as backward and oppressive, as evidenced by its sex/gender system and treatment of effeminate men. In fairness, Reding does acknowledge that in terms of certain political and legal issues, Mexico is in advance of the United States in providing for gays and lesbians. But since “culture” remains cordonned off from law and politics, these facts do not alter his fundamental narrative of the United States as the savior of feminized brown men who are persecuted by macho men, specifically, and Mexican sex/gender systems, generally, all of which are conceived as manifestations of some sort of essentialized Mexican culture. The role of the United States in materially contributing to conditions in Mexico—including sex/gender conditions as these interact with class and race—is not discussed. Neither is the fact that lesbians and gays in the United States face significant discrimination and repression—and that Mexican gay immigrants in the United States must deal with homophobia, racism, and often severe economic exploitation and language barriers. As Cantú’s research showed, “in their attempts to escape from one form of bigotry [homophobia], most of the [immigrant] Mexican men I interviewed discovered that not only had they not entirely escaped it but they now faced another [racism].”

Thus, narratives about Mexican culture generally, and about the treatment of gay men specifically, which are produced in the course of asylum hearings, variously draw on and reiterate racist, colonialist imagery, particularly through the role that is attributed to “culture.” This approach stands in marked contrast to the ways that white middle-class gay sexuality tends to be understood. As Cantú writes,

Among U.S. gay and lesbian scholars in the late twentieth century, “gay” identities were understood as the socially constructed results of modernization. This view of homosexuality stood in stark contrast to that of less developed countries. Traditional anthropological explanations of homosexuality point[] to “culture” to explain differences in how homosexuality was defined in “other” that is, non-Western, societies. Culture becomes the mechanism that reified difference and reproduced the imagined distance of the others.” In academic discourse itself, why should our understanding of sexual identities in the developing world give primacy to culture and divorce it from political economy? The grounding of Mexican homosexuality in a model of “culture” that is divorced from social, economic, and political variables has multiple material consequences, including ignoring or naturalizing inequality in relations with Latin America and discrimination toward Latinos in the United States. Moreover, this exclusive focus on “culture” vis-à-vis sexuality both exoticizes and erotizes Mexicans, an aspect of U.S.-Mexican relations that Cantú had explored in his research on queer tourism in Mexico and its representation in the United States.

The narratives of the Mexican sex/gender system deployed in the Reding report also materially contribute to difficulties for some asylum petitioners because they conflate gender and sexuality in problematic ways and leave little room for the specificity of lesbian experience or the diversities of gay identity that exist in Mexico. The conflation of sexuality with gender (which is conceived in binary terms) is evident throughout the report. For example, “Effeminate behavior elicits far greater levels of social disapproval than does homosexuality [i.e., homosexual acts] per se. Effeminacy and cross-dressing are serious violations of the masculine ideal. But the greatest transgression is for a man to assume the sexual role of a woman in intercourse.” What is problematic in this passage and elsewhere is that the report does not differentiate between being an effeminate man and being a biological female. Yet, Cantú’s
research makes clear that Mexican men themselves recognize and act on such a distinction:

Being a joto is not to be a man. Neither a man nor a woman, it is an abomination, a curse. . . . Thus, the relationship of homosexuality to femininity is more complex than a synonymous equation implies. Homosexuality is not only the opposite of masculinity, it is a corruption of it, an unnatural form that by virtue of its transgression of the binary male/female order poses a threat that must be contained or controlled. 27

These important distinctions, between men who are feminized and biological females, are not made in Reding’s report. Thus, the report frequently compares the treatment of effeminate men to the treatment of biological women. This strategy means that his report gives short shrift to lesbians and the specificity of their persecution. It also contributes to the courts’ difficulties in understanding how gender and sexuality variously intersect to produce specific kinds of persecution that single-axis analyses cannot capture (see Randazzo’s discussion of intersectionality). 28

Finally, this conflation of gender with sexuality, which results in the production of the feminized gay man as the quintessential asylum applicant, does not allow for the variety of Mexican gay identities that exist today. Scholars including Cantú have described the emergence in the 1980s of identity categories such as “internacional” and the growing popularity of the term “gay” in parts of Mexico. 29 These new identities connect to political and economic changes that Mexico is undergoing, including urbanization, economic restructuring, and new transnational links. Their emergence again underscores that sexuality cannot be analyzed simply by reference to a colonialist notion of “culture”; there must be reference to material, political relations. Reding’s report erases the range and complexity of these identities. Options for asylum may be reduced accordingly.

Fear, Loathing, and Other Border Tensions

Based on his experiences as an expert witness, and on his sociological research including in-depth interviews with gay Mexican immigrants in California, Cantú posited that even while globalizing forces had multiplied the range of available sexual identities and political projects, the asylum system was generating new, essentializing constructions of sexuality that functioned within strictly nationalist logics, thereby inscribing borders that globalization had blurred. These contradictions have been paralleled by the United States’ management of the U.S.–Mexico border, historically and at present.

Since the 1990s, the contradictory management of the U.S.–Mexico border has been exemplified by policies such as the North American Free Trade Agreement (NAFTA), which further integrated the economies of Mexico and the United States, even while immigration policies attempted to clearly separate the two countries. As Peter Andreas demonstrates, migrants have continued to cross the increasingly militarized U.S.–Mexico border because the logic of economic integration inevitably increased (rather than reduced) such movement and because U.S. employers continued to demand Mexican labor. 30 While militarization of the U.S.–Mexico border cannot, in Andreas’s view, stem the migration of Mexicans, it nonetheless fulfills crucial symbolic functions by providing a means to visibly stage displays of state power, sovereign national boundaries, and distinctive national identity—despite, and indeed because of, globalization. Moreover, these displays have legitimized the further extension of violent and dehumanizing practices, which are directed not only at border crossers but also at those within the United States whose belonging remains in question on racial, sexual, and other grounds. Cantú believed that the INS’s construction of the effeminate gay Mexican asylum seeker, whose sexuality and persecution were ascribed to essentialized Mexican cultural characteristics, filled an important role in the symbolic production of images of national difference, which mapped onto distinct sovereign territories—that were then defended through violent means. Cantú was particularly concerned to explore how these discursive constructions translated into material practices that affect border-crossers.

Future Research Directions

In this essay, Cantú intended to challenge mainstream accounts of asylum as simply the provision of a haven for the oppressed. To him, the asylum system was more complexly double-edged. On the one hand, it offers hope and security to a small number of individuals. On the other, through its processes for eliciting, evaluating, and recirculating individuals’ testimonies about persecution and suffering, the asylum system remains part of a governance apparatus that generates racist,
colonialist images and relations that greatly affect Latin Americans, U.S. Latinos—and Latin Americans who have been granted asylum in the United States. Moreover, these processes shape the general production of knowledge about immigration and globalization.

"Inspired by scholars who suggest that efforts to exclude the Chinese laid the foundation for the entire U.S. immigration apparatus," Cantú speculated that shifting U.S. strategies for managing relations with Latin America in the 1980s and 1990s materially shaped U.S. asylum law, policies, and procedures, and he sought to demonstrate that. In terms of chronology, his argument has strong merit because it was only in 1980 that the United States established a standard system for processing and admitting refugees and asylum seekers, through the 1980 Refugee Act.

Using the figure of the Mexican gay asylum seeker to generate a Latin American–focused genealogy of the U.S. asylum system further demonstrates the originality of Cantú's scholarship. Cantú was among a handful of scholars who contributed to the development of tools and theories for studying gay migrants, who remain invisible, insignificant, or even despicable in most scholarship. Relentlessly situating gay migrants' lives in the context of material relations of race, gender, class, sexuality, and geopolitics, Cantú's essay here illuminates with clarity and sympathy the lives, struggles, dignity, and agency of Mexican gay migrants who seek asylum.

Yet, Cantú was no sentimentalist. He had an unerring eye for irony—for example, the irony confronting a Mexican asylum seeker whose testimony garnered him legal residence, but also fuels racist and colonialist relations that negatively affect his life (and the lives of his family, friends, and lovers). Cantú also drew attention to the irony of how the U.S. immigration apparatus historically used essentialist constructions to exclude gays and lesbians, but now requires essentializing narratives from gays and lesbians if they are to receive asylum. Cantú also highlighted the incongruity of the U.S. asylum system's production of fixed models of hermetically sealed cultures, even while globalization in general, and U.S.-Mexican relations in particular, have significantly reconfigured cultural and national boundaries.

This essay's provisional and suggestive character invites other scholars to take up the politically and theoretically significant work that Cantú began, but was unable to finish.

Notes

This essay, which Cantú planned to include in the Queer Moves collection, interrogates what he called "the birth of the Mexican gay asylee" as a juridical and social category in the United States. Drawing on a draft of this unfinished essay, Ethnie Luibhdein and Alexandra Mína Stern describe the main ideas that Cantú was exploring, how they connect to his earlier work, and the research questions they open up.


5. For example, according to the INS Statistical Yearbook for 2000, "For over a decade, nationals from Central America dominated the annual number of asylum applications filed in the United States. From 1986 to 1992, about 92 percent of all asylum applications were filed by Central Americans. By 1993 and 1994, that percentage had fallen somewhat, but it still remained at about 40 percent of the total applications filed. Then, the number of applications from Central Americans surged to new heights in the next two years, well over half of all asylum applications. A sharp decline in cases filed by Nicaraguans was later offset by a sharp increase in cases filed by Guatemalans and Salvadorans. Beginning in 1997, the numbers started a sharp decline, largely due to the termination of a filing period under the terms of the American Baptist Churches (ABC) v. Thornburgh settlement. As a result, Central Americans accounted for about 4 percent of the new claims and 9 percent of the total filed and reopened in 2000." (http://www.graphics/aboutins/statistics/00yrbk_ref/RA2000). In addition to high numbers of asylum claims by Central Americans, South Americans also applied for asylum, as did increasing numbers of Mexicans. "The largest number of asylum seekers in 2001 came from Mexico, with 9,178 applying during the year, up dramatically from 3,936 in 2000." (U.S. Committee for Refugees, World Refugee Survey 2000 [Washington, DC, 2000], 275). See also Refugee Reports 22, no. 12 (December 2001): 7, for cumulative U.S. asylum statistics from FY 1989 through 2001.

6. According to Cantú, Clinton needed to show support for gay and lesbian issues after failing to deliver on his promise to end anti-gay discrimination in the military.

7. Cantú intended to develop this argument in greater detail, but did not have time. We hope that other scholars may further expand on this point.


associational relationship' requirement" that may conflict with Acosta. See Hernandez-Montiel at 10477, 10478.

10. It should be noted that the claim that sexual orientation and sexual identity are immutable, and therefore a basis for membership in a particular social group, is not necessarily intended to reiterate the same old essentialist thinking. Rather, as the Hernandez-Montiel ruling relates, that claim has been used by many gay rights advocates to critique attempts to forcibly "convert" lesbians and gays to heterosexuality, and to challenge the general denigration and ill-treatment of queers (Hernandez-Montiel at 10479). Thus, essentialism in the asylum system needs to be carefully situated in terms of who is using it and for what purpose. This is another aspect of the paper that Cantú did not have time to fully work through.


12. Andrew Reding's Mexico: Update on the Treatment of Homosexuals, which we will discuss in more detail, importantly notes the significance of class in ensuring that poor effeminate men have particularly limited possibilities for avoiding persecution: "the poor are most vulnerable" (4), and "in all cases the extent to which an individual can lead a fulfilling life as a homosexual depends heavily on that individual's socio-economic status" (6) (Question and Answer Series [Resource Information Center, Immigration and Naturalization Service, U.S. Department of Justice, 1999], http://www.worldpolicy.org/globalrights/sexorient/1999-mexico-gayrights.html).


14. According to the document, "Question and Answer Series papers are one means by which information on human rights conditions and/or conditions affecting given groups or individuals deemed 'at risk' within a given country is presented to Asylum and Immigration Officials. Question and Answer Series papers are brief descriptions of conditions in countries based on information provided by the sources referred to above. They are prepared by expert consultants and/or the staff of the Resource and Information Center, Immigration and Naturalization Service, U.S. Department of Justice. Question and Answer papers cannot be, and do not purport to be either exhaustive with regard to the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum" (1). Andrew Reding, Democracy and Human Rights in Mexico (1995), http://www.worldpolicy.org/globalrights/mexico/1995-mexico.html; Reding, Mexico: Treatment of Homosexuals (1997), http://www.worldpolicy.org/globalrights/sexorient/1997-mexico-gayrights.html; Reding, Mexico: Update on the Treatment of Homosexuals.

15. Reding, Mexico: Update on the Treatment of Homosexuals, 5. The report carefully details the existence, and cultural difference from the mainstream, of indigenous groups in Mexico.


17. Reding writes despite an "unfavorable cultural environment," significant legal and political gains are being made for gays in Mexico—some instances, in ways that are more progressive than in the United States (Mexico: Update on the Treatment of Homosexuals, 14). See the section of the report titled "Political and Legal Gains," 14–16.

18. Ibid., 4. Reding also writes, "Mexican society remains highly prejudiced against homosexuals who are HIV positive. As was the case in the United States several years ago, AIDS continues to be identified as a gay disease" (18).

19. Ibid., 9. He also writes, "As the influence of foreign cultures—especially the United States—grows in Mexico, attitudes [toward sexuality and gender] are beginning to change" (2).


21. See note 17.


23. Cantú, "De Ambiente," 141–42; see also Cantú, "Enfie Hombres/Between Men," in Gay Masculinities, ed. Peter Nardi (Thousand Oaks, CA: Sage, 2000), 229. This is another way in which colonialism manifests in the construction and deployment of narratives of sexuality, including in the asylum hearings for which Cantú served as an expert witness.

24. Cantú intended to further elaborate on these consequences, but that work will have to be done by other scholars.

25. Cantú, "De Ambiente."


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**CHAPTER FOUR**

Sexual Aliens and the Racialized State

A Queer Reading of the 1952 U.S. Immigration and Nationality Act

Siobhan B. Somerville

The relationship between nationalism and sexuality has had a central place within queer studies for more than a decade, but the field has attended less frequently and consistently to the ways that the state itself (rather than the individual citizen or the nation) might be understood as sexualized. This emphasis on the nation may result, in part, from the influence of Foucault, whose formulation of power directs attention away from the state. It may also stem from the traditional ways that the distinctions between the state and nation have been theorized. While it is difficult to find agreement on the precise definitions of these terms, the "state" is usually understood to be a juridical formation or political body with some territorial component. In contrast, "nation," derived from the Latin root *nasci* (to be born), has traditionally been associated with a sense of kinship, a primordial belonging, or, in the words of one theorist, "a psychological bond that joins a people and differentiates it, in the subconscious conviction of its members, from all other people in a most vital way." Recently, Jacqueline Stevens has challenged the distinction traditionally drawn between state and nation, arguing that it obscures the ways that the state is sexualized, particularly through the deployment of state regulations on reproduction and kinship. She argues instead that "the 'state' and 'nation' are two sides of the same familial coin... The family rhetoric of the state-nation is not obscure, metaphysical, or difficult to locate. The familial nation exists through practices and often legal documents that set out the kinship rules for particular political societies." She outlines the stakes of understanding the