



For our purposes, Hernández Montiel's story helps focus a discussion about patterns of violence against transgender individuals in Mexico, as well as how the discussions of these practices have been exported to the US, and in turn, how US scholars and US sex tourists, as well as US discussions of gay rights, have informed some practices and discussions in Mexico.

Asylum

transvestite

This back-and-forth of mutual influence and partial incomprehension involves, for example, the necessary legal inscription of cultural stereotypes as irrefutable findings of fact, as well as a fair amount of projection and fulfillment of wishes from numerous sites, in both directions.

Asylum and Identity: *the transvestite case*

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Para nuestro propósito, la historia de Geovanni Hernández Montiel ayuda a dar un enfoque a la discusión sobre los modelos de violencia en contra de los individuos transgénero en México; asimismo cómo ha sido llevada esta práctica a Estados Unidos. Y a su vez, cómo los turistas y estudiantes norteamericanos —al igual que el tema de los derechos de los homosexuales— han informado acerca de esta práctica en México. Este ir y venir de influencia mutua e incompreensión parcial involucra, por ejemplo, la inscripción legal necesaria de estereotipos culturales como resultados irrefutables de los hechos, así como una cantidad justa de proyección y cumplimiento del deseo de numerosos sitios, en ambas direcciones.

Asilo y identidad travestismo

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Introduction

It is an unhappy and indisputable fact of US-Mexico border life that la Migra—the United States Citizenship and Immigration Services (USCIS – formerly INS, Immigration and Naturalization Service)—not only plays a major role in defining fashion in the region, but also regulates social and ethical positions with respect to the identities of people from el otro lado. Thus, when in August 2000 California's Ninth Circuit Court of Appeals found in favor of a Mexican transvestite in the case of *Hernández Montiel v Immigration and Naturalization Service*, it was a much scrutinized landmark case that has since been cited frequently in literature pertaining to petitions for political asylum in the US. Whereas la Migra has traditionally been an extremely conservative body, focusing on the narrowest and most reactionary definitions of the law, enforcing social morality and maintaining a hard line about conformance to gender normativity, Judge Tashima of the Ninth Circuit Court found that the asylum seeker belonged to a well-defined "particular social group" (one of the five categories of eligibility for petitioners under US law), and was not merely possessed of an unfortunate fashion sense.

Geovanni Hernández Montiel was born in 1978. In his testimony to the INS in 1995 he argued that he had realized at about age eight that he was attracted to members of his same sex, and that at age 12 he began to openly dress and act "like a woman." It was at this point that serious persecution began: family reprimands and punishments, death threats from a schoolmate's father, pleas from his parents to school authorities to assist them in solving this "problem." This pre-adolescent repression culminated in expulsion from school, a refusal by school authorities to transfer paperwork, effectively preventing him from enrolling in any other school, and expulsion from his family home the day after he was thrown out of school. Hernández Montiel was subsequently continually harassed and arrested by police, who told him it was "illegal for homosexuals to walk down the street and for men to dress like women" (this is, of course, not true; the Mexican constitution guarantees freedom of expression. See "Abuso," 1999: 3).

By the time he was fourteen years old, he had been arrested numerous times, sexually assaulted and raped by police officers more than once, and attacked at knife point by a youth gang. He tried to flee to the US when he was fifteen, but was captured and returned to Mexico within a few days. He looked to his sister for refuge, but she forcibly institutionalized him, and institution staff cut his hair and nails, forced him to stop taking female hormones, and subjected him to counseling. When their efforts were ineffective, he was returned to his sister, who promptly threw him out of her house. After several other failed attempts to enter the US, Hernández Montiel entered once again without documentation in late 1994, and filed for asylum in 1995.

The Immigration judge who first heard his case found his testimony credible, but denied asylum, as did the Board of Immigration Appeals (BIA). They argued that the key issue in Hernández Montiel's case was not his sexual orientation but his transvestism—that is, according to the BIA, the Mexican pattern of persecution was not due to his homosexuality, but rather because of his insistence on wearing women's clothing, and, in their view, all he had to do was change his style of dress to solve his problem. Judge Tashima, however, found differently. He made the point that Hernández Montiel's form of dress was not just a fashion preference, but rather was integral to his sense of self, legally defining "a particular social group of gay men with female sexual identities in Mexico" as a valid group deserving of asylum. Tashima argues rather snidely:

Geovanni should not be required to change his sexual orientation or identity... The BIA erroneously concluded that "the tenor of [Geovanni's] claim is that he was mistreated because of the way he was dressed (as a male prostitute) and not because he was homosexual." This statement is not supported by substantial evidence; in fact it is wholly unsupported by any evidence in the record. There is no evidence that Geovanni was a male prostitute, and we do not venture to guess the non-record basis of the BIA's assumption of how a male prostitute dresses.

Tashima rightly draws attention to an interesting slippage in the BIA's findings between categories related to women's clothing styles

when worn by biological females, and implicit moral assumptions about the same clothing when worn by males; *i.e.*, that not only does such clothing unambiguously signify that the wearer is a male prostitute, but that, implicitly, the manner of dress defines an undesirable category of persons, a member of a group (along with felons and members of the Communist party) that has traditionally not been eligible for immigration to the US.

The implications of this case —along with the related case of gay Cuban asylum recipient Toboso-Alfonso and transgender Argentine recipient Correa— have been significant. Michael Scaperlanda argues that “at the heart of this debate are very significant and profoundly public questions about the nature of the human person, the nature of human sexuality, and the nature of the family unit and its place in larger society” (513). Let us pause here for a moment to understand this comment: “The nature of the family unit”!? According to Scaperlanda, asylum law, though often disregarded in the mainstream of US jurisprudence, has a very large potential for disruptive effects: it “provides, in my opinion, the greatest long-term potential for using the immigration laws to further undermine traditional notions of marriage, family, and sexuality... [with] consequences to the social, political, and moral fabric of the country” (483-484). In a particularly incendiary example, Scaperlanda asks us to imagine arguing a case for pedophiles as a “particular social group” for asylum purposes (510-511). In turning from an allusion to pedophilia back to the asylum case under discussion, it becomes almost too obvious how this argument, while explicitly saying the opposite, implies that Geovanni Hernández Montiel’s transvestism can engineer a breakdown in the presumed moral fabric of American society. Thus, the young Mexican’s absolute need for a consistent expression of his identity in the face of violence and risk of death becomes, in interpretations like Scaperlanda’s, a mutable expression of the external virus, the brown peril that is tearing away at the US family and bringing prostitution, pedophilia, and gay marriage in its wake.

It is a little too easy, particularly in contexts like this one, to make fun of Scaperlanda’s reactionary position; nevertheless, it is important

to recall two things: (1) this is the position apparently held by over 50% of the US population, including the majority of voters inhabiting the states along the US-Mexico border; and (2) the reactionary position, reframed, is not in fact so far from the optimistic ideological perspective of individuals like Mexican transgender activist Tania Gá-nem of TV-Mex, who sees transvestites as the “punto de lanza, la parte alegórica de la cultura gay” (*En Portada* “Editorial”). Strikingly, then, from both sides of the border and from diametrically opposed political positions we see transvestite defined as a kind of cultural allegory for what society fears/hopes is in the process of transformation. What seems to prick most deeply about this spearhead is only superficially that the transvestite is easily identifiable as a male prostitute (an easy accusation, and frequently an accurate one), but more importantly that s/he allegorizes the role of the straight female, disrupting, as Scaperlanda would have it, our moral certainties about the nature of the family.

The Hernández Montiel case involved not only an implicit commentary about US moral values, but also rested upon certain assumptions/“facts” about transvestism in Mexico and the place of men who dress like women in the social and sexual repertoires of both nations. In his hearing, Geovanni Hernández Montiel presented expert testimony on the much-commented machismo of Mexican society. In summary, the argument concludes that it is accepted in Mexico for men to engage in homosexual acts as long as they play the active/insertor role, that men who play the passive/penetrated role are ostracized and persecuted. They become, in effect, the frequent objects of violence and rape by men who both desire sex with other men and are violently repelled by that desire, who are especially conflicted about their sexual interest in these most repulsively desirable of all prohibited/permitted sexual partners —men who willingly give up the benefits of the social status accruing to the macho in favor of a inferior, feminized role. In US society, by contrast, the lines between gay and straight are presumably more narrowly drawn, and both violence and gender discrimination are assumed to be much less virulent. Thus, the court structure itself requires uncomfortable polarizations.

As Matthew Gutmann comments:

The contradictoriness of ideas about homophobia in Latin America is given expression when experts on men and masculinity in the region are asked to testify for men seeking political asylum on the basis of discrimination and intolerance against homosexuals in other Spanish-speaking countries of the hemisphere. This has happened repeatedly to several authors in this collection. To deny homophobia in these countries would be absurd; yet to exploit racist stereotypes about Latino machismo is for many scholars equally indefensible. ("Discarding", 2003: 16)

One of the main problems with this value-laden, necessary polarization is that it prevents either side from presenting serious issues with any degree of subtlety or attention to the shifts within the local cultures. We will come back to this general point later in this discussion.

First, what documented evidence is there of violence against transvestites in Mexico? In his World Policy Institute study, Andrew Reding notes: "transvestite sex workers bear the brunt of societal hostility and face a very elevated risk of violence and murder across most of Latin America" ("Sexual Orientation", 3). Yet, today there seems to be surprisingly little reported major violence against transvestites given the arguments about its pervasiveness. In fact, the index of reported violence dropped dramatically at about the same time as Hernández Montiel made his circuit court asylum appeal. Since 2000, according to Reding, "repression by federal, state, and municipal authorities is now the exception rather than the rule," although he is quick to add that "the social environment in most of Mexico remains repressive and often dangerous" ("Mexico", 1). Surveys of homophobic violence point to the high-profile 1995 assassination of Liborio Cruz in Mexico City, vociferously deplored by public figures including Lourdes Almeides, Hugo Argüelles, Carlos Monsiváis, Carlos Olmos, Cristina Pacheco, and Elena Poniatowska. There is also the relatively recent 2004 action alert from the Comisión Internacional de los Derechos Humanos para Gays y Lesbianas (the Mexican affiliate of IGLHRC) to raise concern about the arrests and illegal harassment of seven gay men

in the Zona Rosa in July. Archival reports from the early to mid-90s detail antigay violence in Chiapas (more than a dozen gay men killed with high caliber weapons, and showing signs of professional marksmanship), Guadalajara (two men bound and shot to death), Oaxaca (a young transvestite beaten to death), Sinaloa (twelve unsolved murders), DF (five murders), Chihuahua (patterns of intense harassment), and Tijuana (harassment and unsolved homicides).

Such scattered newspaper reports give substance to Monsiváis' claim that anti-gay crimes were up in the 1990s, with 164 reported assassinations between 1995-1998 and a strong suspicion on his part and that of his collaborators that the actual numbers are at least three times higher ("Legal Survey"). Among the points on the plus side of the ledger: the growth of human rights and AIDS activist groups, the increased numbers at Pride events, the visibility of Patria Jiménez, Mexico's first openly gay congresswoman, and the December 1998 repeal of discriminatory wording in the Mexico City Penal Code, also adopted in B.C., among other states. There is considerable ambiguity in Mexican Legal Code about "moral" issues; the backbone of Mexican code is Napoleonic, which gives greater latitude for private sexual relations between consenting adults than US code, by-and-large seeing them as outside the purview of the law. Various websites and publications informing Mexican transvestites of their rights remind them, for instance, that police cannot legally arrest them for prostitution; a judge, upon complaint by neighbors, may issue an injunction against specific individuals for the equivalent of disturbing the peace (a civil rather than criminal violation), but the complaint cannot be brought by the police directly. Of course, there is an enormous distance between the law and the practice on the streets, and little recourse for transvestites who wish to claim their legal rights when accosted by police (Oropeza).

At the same time, Andrew Reding's analysis of this same report alluded to by Monsiváis reminds his readers of the project's severe methodological shortcomings —its sole source was a single newspaper, *La Prensa*; there was no corroboration of allegations, no verification of accounts, no proof that the crimes were hate crimes or the victims

were all homosexuals. Reding further cites criminologist Rafael Ruiz, who argued, to the contrary, that there was no difference between the homicide rate of homosexuals and that of the general population during this period ("Sexual Orientation", 4-5). Similarly, while Víctor Clark Alfaro, director of Tijuana's Binational Center for Human Rights, notes that transvestites in the city have complained about frequent extortion and harassment by police, Tijuana is a cosmopolitan center that enjoys the benefits of the thriving gay culture in neighboring San Diego, ameliorating the more virulent anti-gay manifestations. There are, he says, no complaints of violence against transvestites among the population he serves (Reding "Mexico", 23). Yet, Reding cautions: "though reported killings of gay men by, or with the tacit approval of, local authorities, have declined sharply since the early 1990s, most of Mexico remains a hostile and potentially dangerous place for those who are public about their sexual orientation, especially effeminate men and transvestite prostitutes. The fact that reported killings of gay men (mostly transvestite prostitutes) by state and municipal police have dropped dramatically since 1995 does not mean that basic societal attitudes have changed" ("Mexico", 5). This final point is an important one. Studies from Mexico typically point to violence by law enforcement authorities; in the US, violence is more often attributed to homophobic individuals, suggesting that the pattern of violence in the former is institutional and the latter is random.

More pervasive, of course, is the daily harassment deriving from a generalized social phobia, in this case, as described in the words of transvestite activist Liliana Oropeza: "es muy común ver como se discrimina sobre todo a los homosexuales y los travestis (hombres y mujeres) y los ámbitos en los que se da la discriminación son muy variados, desde la familia, la educación, el empleo, el acceso a la salud, el acceso a la justicia, etc., pero sobre todo la forma en que son agredidos en la calle los miembros de estos grupos por gente sin criterio, gente que aborrece dichas formas de expresión; desafortunadamente nos resulta muy común enterarnos de que fue golpeado un chico por el simple hecho de ser gay o un travesti que no puede caminar libremente por la calle sin ser objeto de burla o insultos en el peor de

los casos sufrir golpes por parte de gente intolerante." Oropeza's point brings up another issue, only obliquely addressed in most activism around transvestism in Mexico; the BIA's presumption about Hernández Montiel's employment history, while biased, is not baseless. Given that the majority of transvestites in Mexico are of the working class, and given that their educational and employment opportunities are sharply curtailed by discrimination, prostitution is one of the few legal means that many of these men have to survive. Tellingly, like the BIA, although with a far more sympathetic lens, Andrew Reding makes the same association, typically using "transvestite" as an adjective to describe a male prostitute (assumed to be gay), and neglecting male prostitution oriented toward an active/insertive role with either male or female clients while at the same time differentiating the transvestite from the presumably more morally blameless "effeminate man" who does not cross-dress.

Unlike women, who are also subordinated by a machista social structure, the transvestite does not enjoy even the minimal structure of social protection extended to "decent" women. Oropeza notes: "estamos más expuestas y expuestos por nuestra condición sexual o por la forma de expresar nuestro travestismo." While there have been substantial gains in urban areas, the general situation for the transvestite is still highly unstable. If it is perhaps no longer systematic, or systemic, harassment deriving from state and municipal officials is still the rule, often intensifying at end of the sexenio or the beginning of a new one as political players jockey for maximum spoils (Lumsden, 1991: 57-58). Physical abuse by authorities remains a problem, and transvestite activists note that it is hard to complain when the justice system as a whole is so pervasively homophobic. Authorities have acknowledged that the legal system gives a lower priority to the investigation and prosecution of the homicides of homosexuals, and particularly of transvestites (Ruiz Harrell, Research Directorate, 8). Other continuing concerns mentioned by Mexican activists are the abuse, especially of boys perceived as effeminate, by their fathers (Jiménez, Research Directorate, 8). And the transvestite remains unusually vulnerable to police abuse and extortion, typically in the forms of demands for mo-

ney and oral sex (Research Directorate, 9-10). Anecdotal reports of violence, beatings, rape by police, and abuse by fellow prisoners in jail are likewise common (Prieur, 87). Because of this continuing concern about abuse by representatives of the justice system in particular, in 1998 Patria Jiménez issued a brochure for sexual minorities to inform them of their rights under the law to help educate her fellow gay constituency (Research Directorate, 6). Of course, when a transvestite individual is confronted by armed police officers demanding bribes and sexual favors, it is less than useless to make an argument about her constitutional rights.

Monsiváis, describing an ever-more-violent Mexico City where nightlife of any sort is a risky activity, points to transvestites as the most victimized of street denizens, and he hints as well at a psychological profile in which risk taking and low self-esteem are tightly linked together: "they are certainly the ones who suffered the most and still do, who in order to gain the slightest degree of acceptance have had to shed all personal identity... The transvestite takes risk to extremes; legions of them have been beaten up, tortured or murdered. Such a torrent of jeers and derision is directed their way, that survival implies the wholesale acceptance of the debasement that is imputed to them" ("Popular Night", 13). The world Monsiváis describes for his titillated middle class readers is a nightmare of violence, extortion, and the risk of AIDS, a paradoxically unhealthy and exuberant space, in which "a city of such proportions requires extremes of partying as the great vernacular of survival" (19). Jaime Montejó of Red Mexicana de Trabajo Sexual agrees with the general assessment, though in far more sobering tones: "para las autoridades, ser hombre, vestirse de mujer y además trabajar el sexo es sinónimo de rateras, drogadictas; así que las vestidas tienen que luchar contra la homofobia institucionalizada" (Ripoll).

If, as Monsiváis suggests, the middle class finds it increasingly threatening to walk the urban streets at night, the transvestite, precisely to the degree that s/he is associated by definition with violence and the exotic, becomes the sign of the covertly admired: the individual who against all odds appears in public, asserting his abjected selfho-

od. Blanco, just before telling his reader that we need to tone down the upper class's habitual melodramatization of gay life, describes just such a poetic flight into the exotic desirability of the oppressed:

Esos homosexuales de barrio, jodidos por el desempleo, el subsalario, la desnutrición, la insalubridad, la brutal expoliación en que viven todos los que no pueden comprar garantía civil alguna; y que además son el blanco del rencor de su propia clase, que en ellos desfoga las agresiones que no puede dirigir contra los verdaderos culpables de la miseria: esas locas preciosísimas, que contra todo y sobre todo, resistiendo un infierno totalizante que ni siquiera imaginemos, son como son valientemente, con una dignidad y unas ganas de vivir, de las que yo y acaso el lector carecemos. Refulgentes ojos que da pánico soñar, porque junto a ellos los nuestros parecen ciegos. (185)

It is an odd and unexpected trip from US family values to Mexican aesthetics, a suspicious and slippery academic proposition. For US theorist Marjorie Garber (1992), "the presence of the transvestite, in a text, in a culture, signals a category crisis elsewhere. The transvestite is a sign of overdetermination — a mechanism of displacement. There can be no culture without the transvestite..." Garber's point, with its psychoanalytic underpinnings, resonates well with the Marxist-poetic appreciation in Blanco's words, and reminds us of how high culture appropriates the space and voice of the lower classes. In this analysis, the transvestite stands iconically for the space of thirdness that allows meaning to evolve (Garber, 1992: 125) — in many respects a highly compelling concept for provocative analytic thought. Inevitably, when the transvestite enters this abstract framework, questions with respect to gender, sexuality, sex, race and class are brought into focus and elaborated. At the same time, however, uneasiness sets in. As we get farther from the actual lives and words of the transvestites and into the elegant appreciation of gay scholars like Monsiváis and Blanco, we also move from lived violence to violence as an exotic, attractive, aesthetic effect — perversely, one more attraction on the international itinerary of gay sex tourism in the megamacho torrid zones.

Constructing el macho

Researchers invariably trace back claims about Mexico's exceptionality in the Latin American catalog of homophobia to arguments about machismo. Stephen Murray, Joseph Carrier (1995), Matthew Gutmann (2003) and other North American scholars with long research careers in Mexico consistently point to the highly differentiated sex roles in Mexican society, and the way that expectations about manliness shape power structures between men. This power dynamic is grounded on an unshakeable Mexican contempt for effeminacy of any sort deriving from a fear of looking weak. Sometimes this machista history is traced back to precolumbian roots; e.g. "the confluence of two cultures — Spanish and indigenous— that idealized the hyper-masculinity of the warrior has produced a popular culture that is particularly hostile to any sign of the feminine in a man" (Reding, "Sexual Orientation", 55). Other scholars cite Octavio Paz's mid-twentieth century *Laberinto de la soledad* as an authority to ground their conceptions. It is probably not useful to rehearse these arguments except to note their amazing persistence in secondary social science literature, and to summarize them by saying that to be muy macho is, in this reading, necessarily linked to hardness and violence; any sign of feminine softening is rejected out of hand. At the same time, Carrier (1995), among others, has frequently commented that young Mexican men learn very early that it is perfectly acceptable to have sexual relations with men and women indiscriminately, as long as they maintain an active/penetrative role in anal/vaginal relations (oral sex is discouraged) and do not publicly acknowledge that they enjoy sex with men (16, 46, 188).

This openness to flexibility in their sexual expression is what particularly attracts border transvestite Muñeca about men from the Mexican side of the border. She comments that she prefers Mexican to Anglo partners: "Anglos require a lot of help to get excited... But Mexicans, if they feel like doing it, they will go for it right away" (Martínez, 1994: 300). This perception tallies with the social norm, as Gutmann describes it; i.e. that young men have no control over their

bodies, and for this reason are excused for having to have sex wherever they can find it; furthermore, "among some working class youth, sexual experimentation among youth of the same gender is considered positive and a rite of passage" (129).

If indiscriminate experimentation is normalized, what subsequently changes in the social understanding when the partner is not female but effeminate? What makes the transvestite so attractive and at the same time such a target for overt disgust? One of the easier psychological explanations is that young men, while permitted to experiment sexually as long as they maintain a properly macho role, are likely to be an object of family and peer group abuse if they themselves show any signs of effeminacy. Given that the macho persona is so socially applauded and rewarded, what could possibly —goes the reasoning— make any sane male human being give up that prestige? Fathers particularly see it as their parental obligation to beat the effeminacy out of their sons. This youthful violence, both the violence they commit, and the violence to which they have been subjected, can provoke both attraction and aggression later on. In Ganem's words, "el travestismo en México, está inmerso, por un lado, dentro de una cultura machista... donde, como en casi todo el mundo, el común de la gente no se explica, porque tenemos personas que abandonamos nuestra condición de hombres con todas las ventajas sociales que esto conlleva, para transformarnos en unas 'lindas mujercitas,' según nosotras y una bola de maricones y afeminados, según ellos" ("Editorial").

The mayate (used for the hypermasculine gay or straight male) is the transvestite's typical client; yet, as one report concludes, mayates show a marked "desprecio hacia los homosexuales, sobre todo a los más afeminados." Often they demonstrate their desire/contempt by ostentatiously maintaining relationships with women as "una manera de refrendar su virilidad," even though their actual practices and preferences can be quite different from the pose for public consumption (Córdova, 2002). Stephen Murray comments that in many cases it is better not to press too hard: "I have discussed my own experience of being told by young men whom I have fucked that they never get fucked," and he later adds: "I have been told by young Latinos with se-

men inside their rectums that they are never penetrated... One of the problems with self-reported data about sexual behavior is that some people apparently do not cognize some of what they do. Others consciously dissemble" (409, 412). Prieur agrees: "in conversations with men who did not know that I knew they had sexual contacts with the jotás, they denied such contacts" (190). Behavior may vary, but one of the most provoking problems is that the rhetoric and the denial persist, especially with respect to sexual relations with transvestites. And the rhetoric has real consequences. Various scholars argue that the mayates are frequently violent to their transvestite partners, and that they may be principally responsible for the high degree of violence and homicide in this population. As Prieur and Murray suggest, it may well come down to the mayate despising in others what he most fears and despises in himself, and aggressively acting out his repression.

The prejudice is not just among straight males and mayates. "Sal del clóset" has sponsored a number of dialogues about "autofobia" in the gay community, especially towards their transvestite members. Transgender individuals in general often experience great difficulty in fitting into gay space; their gender logic is at odds to the gay norm. As transvestite Hazel Davenport notes, there is incomprehension and lack of acceptance in the community whether a transvestite defines him/herself as straight or gay or refuses the binary ("Transfobia"). Partly this confusion comes from incomplete information. Scholars and activists agree that despite sensationalist press coverage of transvestite murders there is little intellectual engagement, and "until quite recently, homosexuality within Mexico was a taboo subject even among intellectual and academic circles. Concepts of homosexuality were almost entirely based on outdated foreign publication and stereotypes" (Lumsden, 1991: 69).

Thus, the perception of a meeting of minds between Mexican and metropolitan intellectuals is no mere coincidence; Carrier (1995) or Lumsden (1991) or Murray (to take obvious examples) study the same theoretical and methodological sources as, say, Blanco and Monsiváis, and these theories are frequently applied to Mexico through evocation of insufficiently-explored stereotypes such as the popular

conception of the peculiarly Mexican macho. This theoretical insufficiency gives rise to the kinds of incoherence that would undergird, for example, a more detailed exploration of the social structures in the Hernández Montiel asylum case. In one version of this scenario, the Mexican macho is so secure in his masculinity that he can have sex indiscriminately with men or women, whereas by way of contrast US men are more likely to polarize their sexuality to the degree that they react ferociously when confronted with their own desires and murder their partners to prevent anyone from knowing their shame. At the same time, for legal purposes, the asylum seeker needs to establish the opposite pattern in order to make a successful appeal; s/he has to show that Mexico suffers from a pervasive and institutionalized pattern of homophobia (or phobia of biological men who dress as women) that would be ameliorated for the asylum candidate in the presumably more civilized and tolerant environment of the US.

To add to this complexity, transvestites (who mostly come from lower class backgrounds) have little in common with middle class gays who dominate the burgeoning number of organizations dedicated to LGBT concerns, and it is often hard to tell if the prejudice against them derives from class or gender issues. Víctor Alverdi, from the Foro de Hombres Gay, for example, comments that his assumption of his homosexuality, and the attraction he felt towards other men, made him very reluctant to fully accept those whose identities include feminine images, a perception confirmed by transvestite activist Augusto Molina, who notes that in his work with young gay men and women, few transvestites come to them for assistance, and that unfortunately those who do tend to be rejected by their gay colleagues "a considerarlos indignos de participar incluso en la comunidad homosexual" ("Transfobia"). This lack of solidarity between gays and transvestites is a matter of growing concern, as it reflects awareness of a critical fragmentation in the gay movement.

The transvestite at home

Because so many transvestites are low income, working class individuals, very close to the margin for survival, surprisingly often they continue to live with their families. In the crowded living quarters of the lower classes, if the transvestite isn't thrown out of the house early in life, it is necessary to arrive at an accommodation where "todo hecho, nada dicho" is likely to be the rule of thumb. In addition, a transvestite who works as a prostitute may bring in enough money to support the entire family. Carrier (1995) comments: "la conspiración de silencio, donde un hijo puede ser totalmente afeminado y todo mundo sabe que es homosexual, pero finge no darse cuenta, va continuar, pues tiene que ver con el hecho de que muchos homosexuales siguen viviendo con sus familias" (Zozaya). At the same time, as Carrier adds in his book, they need to be discreet: "none of my respondents has looked upon his homosexual encounters as behavior generally acceptable to his family... Even the most effeminate of my respondents presented the most masculine image possible during family gatherings" such as birthday parties (14). Blanco (1981), however, suggests that there is an even more desperate level below the accommodations of the working class poor: "en las villas miseria más miserables no rigen frecuentemente las normas y sentimientos de la sagrada familia, sino una enorme presión social que hace que los jodidos lo sean también en su intimidad y en sus relaciones de unos con otros: no sólo es altísimo el nivel de desnutrición, insalubridad y analfabetismo, sino también el de promiscuidad desesperada, incestos trágicos, violaciones, prostitución, hijos naturales, avanzadas enfermedades venéreas" (186-187). Among these poorest of the poor, there are no family values to be preserved or represented, only a tense and violent cohabitation and the enforcement of minimal power differentials.

Scholars and activists alike have emphasized that the major difference between Mexico and the US in the pattern of cohabitation means that, unlike the US, there are no gay ghettos even in large cities. Because gays do not normally live apart from their communities, paradoxically, gay life in Mexico highlights the importance of the streets, of

quick and transient encounters rather than ongoing relationships. The most visible of these street exchanges involve the transvestites, who because of their way of dress cannot hide their gender identities. This immediate identifiability reinforces other stereotypes, and is frequently confirmed by the media. Transgender journalist Hazel Davenport finds that "la idea del travesti como un homosexual dispuesto para sexo inmediato, como un homosexual promiscuo, indigno de respeto, es reforzada constantemente por conductores de programas de radio y televisión poco serios que con la difusión del tema buscan aumentar el rating, contribuyendo a fortalecer una idea distorsionada sobre este forma de ser, afectando no sólo el bagaje cultural del público 'estándar', sino sobre todo del travestista carente de la información necesaria para entender qué es lo que sucede en su interior" ("Transfobia").

There is much less to say about middle and upper class individuals with transvestite tendencies, who run none of the obvious risks that plague their lower class counterparts. They are more likely to live apart from their families, consider selves "gay" and "internacional", although they may be worried about being "quemado" by looking too gay. As one scholar notes, their "underlying insecurity is a reflection of their socio-economic position" (Lumsden, 1991: 39), and Blanco adds that this insecurity is a measure of the level of comfort and protection they enjoy "son privilegios asequibles sólo a partir de determinado nivel de ingreso" (Blanco, 1981: 187). A 2003 article describes a visit to an upscale Mexico City club for deeply closeted transvestites. This club, one of only two in Mexico, says Tania Gánem, guarantees its exclusivity with its steep membership costs and complicated internet background checks. "Luxury cars and armour-plated Cherokees are a common sight outside the unremarkable building." Inside, businessmen enjoy access to special lockers for their clothes, can schedule manicures and make-up lessons, take advantage of private wine cellars and special events planned for them, and relax to the pop beats of transvestite mime band "Queen Ass" ("Reversed Lifestyles").

There are some indices of an opening to change, however slow and still marginal. Transvestite activism, which reaches an increasing number of individuals through its community-building work, is much

more visible than it was only a few years ago. The first LGBT Pride conference was held in 2001, in Tijuana (Reding, "Sexual Orientation", 60). Currently, the Comité de Orgullo site includes links to numerous transvestite-friendly organizations, including: Carla Antonielli Web: Portal de información transexual; Entendiendo el transexualismo; LLEGÓ: National Latina/o Lesbian Gay Bisexual & Transgender Organization; Letra S; Los 41; Mitos y malentendidos sobre los travestis; Nuestros/as hijos/as trans; Red mexicana; Sal del clóset; and TV-Mex. The *Letra S* directory of gay organizations lists, among the transvestite-supportive organizations for Tijuana: Frente Internacional para las Garantías Humanas de Tijuana, A.C. (also the publisher of *Frontera Gay*); Organización SIDA Tijuana; Grupo Gay de Conversación "Triángulo Monarca"; Iglesia de la Comunidad Metropolitana; and the Red de Cultura Civil.

One of the more prominent organizations with a national agenda is the group TV-Mex, which now boasts over 1000 members. Tania Gánem, in her review of the history of her group, says it first came about in imitation of organizations in the US in 70s and 80s, and was able to develop more fully thanks to the internet boom of the 90s. TV-Mex currently has a goal of developing programs to assist other transvestites in accepting and constructing themselves, both playfully and in a more serious and committed form, as well as reaching out to the community at large with educational programs ("Editorial").

Sex work

There is no systematic understanding of either the numbers or motivations of male sex workers, either transvestite or not. Contributing to this problem is a lack of in-depth research, as well as ambiguous results from existing studies, partly due to inadequate samples, partly due to equivocal responses on the part of interviewees. When asked why they go into sex work, men generally tend to give the same response as women—that they need the money. Thus, the perceived rise in recent years in the number of sex workers in Mexico, both male and female, can be directly tied to the lagging economy and the lack of op-

portunities for other modest employment. The employment situation is particularly difficult for men perceived as effeminate: "Employers in most trades, conscious of the impression their business makes with the public, seek to avoid the embarrassment of having obviously effeminate or homosexual men on their payrolls. That tends to constrain such individuals to trades that have traditionally been considered fit for women and (by association) homosexuals, such as cooking, the arts, hairdressing, and, unfortunately, prostitution" (Reding, "Update", 14). At the same time, a study from Xalapa finds that "todos los hombres manifestaron razones económicas para dedicarse a la prostitución. Sin embargo, algunos aseguran haberse iniciado en ella por 'conocer el ambiente' o por 'diversión.' Otros lo toman como forma de 'ganar dinero fácil', que les permite mantener su consumo de alcohol y de drogas" (Córdova, 2002). Tijuana transvestite "Gabriela" agrees that while she first entered prostitution "por despecho, por dolor", her attitude changed with time: "le digo, no. Voy a ser la prostituta que siempre he podido ser... Desde un principio lo hice de coraje y después me gustó y seguí." These very preliminary accounts points to a complex and mixed rationale, that includes both economic and psychic factors. Prostitution is a job and it is fun. The client provides income and makes his partner feel attractive. The money assures survival and buys drugs.

Similarly, Gutmann (2003) cites unpublished research by Patricio Villalva involving three hundred male sex workers in Mexico City as to their motivations (money) and practices (active/penetrator or occasionally permitting clients to practice oral sex on them). Characteristically, these are indigenous-featured adolescents from the provinces who drop in and out of prostitution when they need money, who frequently marry, and who told the interviewer that their clients generally want them to play the active role. Nevertheless, the overwhelming insistence that their clients want to be penetrated is somewhat suspicious when read against other studies that suggest the opposite. Gutmann does not try to adjudicate among these differences, merely commenting: "for the prostitutes and their clients, definitions of homosexuality are determined primarily by why one has sex with other

men, and only secondarily how one has sex" (127-128). Here too, there is an inconsistency between what these young men told Villalva about their sexual roles (active) and the prevailing racial prejudice: indigenous men are associated with passivity and small penises, suggesting that irregardless of their gender identity and stated restrictions about sexual practices, many of these young men are likely to be cast in subordinate roles (Lumsden, 1991: 40). In summary, other comments from men working in prostitution emphasize their high degree of flexibility, and also tend to show that a significant number of clients want to play an active role (or internacional) with men they perceive as hypermacho, and a similarly significant number of clients want to be penetrated by a transvestite. Likewise, already in 1991 a study of men who frequented gay bars in eighteen cities found that flexibility in roles was the rule: 95% of self-defined homosexual men and 77% of bisexual men played the passive role in anal intercourse; 88% and 95% respectively played the active role (García, 1991: 53-54).

Lumsden (1991) clarifies, regarding the group of male sex workers who more fully assume a transvestite persona in order to attract clients, "vestidas' are typically young homosexuals who have accepted the popular equation of homosexuality with passivity and femininity. Though their dress and mannerisms are consciously feminine, their behavior owes more to social pressures than to psychic needs" (35); that is, in their limited repertoires, they see no other way to express their queerness. Prieur, of course, reaches the opposite conclusion in her study of Mexico City jotas, whose goal is passing as women in the face of social and family pressures. It is their failed attempts to pass as women that lead to most of the violence, in her analysis (84).

Ivonne (Rafael Villegas), of la Red Mexicana de Trabajo Sexual and coordinator of the 120 transvestites working in San Antonio Abad, argues that their clients by-and-large want a superficial illusion of femininity, but femininity with a penis, someone who can penetrate as well as be penetrated. Ivonne speaks from seven years of experience as a prostitute as well as from her work as coordinator of an organization serving other transvestites. In her analysis, the transvestite offers a unique service: "somos una empresa que crea fantasías...

porque muchos hombres durante el acto nos dicen, 'siento que me está cogiendo una mujer!' y eso es lo que les da placer." For this reason, Ivonne concludes, the transvestites who have had sex change operations "se han arrepentido porque el hombre busca el pene." For the same reason, many transvestites do not take the hormones that would give them a more feminine appearance, since hormones affect their ability to sustain an erection. Furthermore, in general, transvestite sex workers are extremely flexible in their practices: "sex oral, anal, activo y pasivo, somos más directas y accesibles que las mujeres, por eso nos ven como una competencia." The transvestite, in this formulation, offers everything a woman can, and more.

Because the transvestite offers the illusion of a woman with a penis, the client feels licensed to engage in rougher sex, with a greater risk of violence to both participants. To some degree, Ivonne argues, the transvestite suffers from more violence because she accepts less: "la mujer es más sumisa, las vestidas nos criamos como hombres y somos más fuertes, y nadie nos puede obligar a hacer lo que no queremos" (Ripoll). Thus, Ivonne suggests, if it is indeed true that transvestites suffer the brunt of physical assaults and violence, they are by no means always passive victims.

One open question is the degree to which sex tourism, and especially the subset of sex tourists actively seeking gay and transvestite opportunities, are shaping local experiences, practices, and even identities. For Cantú (2002), the growing popularity of the label "internacional" "has transborder connotations. Clearly, then, Mexican sexualities are being transformed through transnational processes and links, including tourism" (146). For Cantú, Mexico's appeal to tourists in general is double and contradictory: it is "just like home" and it is exotic (148); for gay sex tourists, the stereotypical descriptions of macho men found in gay travel guides suggest an erotic fantasyland of "butch hombres" who are "breathtaking in their beauty" (149). The easiest place to meet these men is, of course, the gay gar. Significantly, the gay bars that Cantú describes as a feature of the international gay tourist industry tend to be located in zonas de tolerancia (144). In this context, it is surprising, however, that Cantú's survey of Mexican exo-

tic males does not include a discussion about transvestism, although transvestites are a prominent feature of gay bars —perhaps hinting at his own investments in a particular image of gay tourism rather than a more general or complete picture.

Among public health workers and activists, one of the major concerns remains inconsistent condom use by people who engage in high risk behavior. Javier Saavedra López of Censida calculates that there are more or less 107,000 sex workers in Mexico, requiring an estimated 50 million condoms annually for their work (“Trabajadoras”). The need for a regular, inexpensive source of large numbers of condoms for the sex worker community was the reason for the creation of Mexico’s first virtual safe sex and wholesale condom site, “Encanto del condón” established by Brigada Callejera in October 2002. While it would not be realistic to imagine that this site is accessible to the community at large, it does serve an important function, and can have a real trickle-down effect.

Along similar lines, September 2000 marked the founding of the Red Mexicana de Trabajo Sexual, and within two years that group became the official representative of 2,500 sex workers in ten states. The Red Mexicana maintains an active internet presence, and also has considerably expanded their work in numerous communities. Their most recent national conference, for example, was held in July 2005 in Orizaba, co-organized with the EZLN (“Habrà: congreso”, 2004).

Common stereotypes about AIDS focus on people working in prostitution; there is a certain comfort for the heterosexually-oriented dominant culture in an association of disease with transvestites. However, education programs (include comics handed out with condoms), focus on masculine-looking men:

The bearded man in the poster on the left stands at the head of his community, with figures in the background paired off in family units and mostly heterosexual-looking couples. The figure on the right plays off the nearly hundred-year-old iconic image of the virile revolutionary man, creating a new family grouping for the twenty-first century. In this case, the central figure is flanked ambiguously by his “Adelita” on one side and his slightly effeminate-looking male lover

(or is it his son?) on the other. A third image plays more openly on the attractiveness of the hirsute male in the foreground:

This seductive image reimagines the erotic space of man-on-man sexuality beyond the unruly and stigmatized image of the transvestite. It reminds the audience that a man may show no tell-tale outward signs of effeminacy and yet can be homosexual. At the same time, one cannot help but notice that in all three images, while promoting explicitly different messages, with the possible exception of the second figure, all write the effeminate man out of the social script, and do little to address the stereotypes and prejudices around these people.

Conclusion

The transvestite brings to the foreground fears and hopes about the malleability of gender and its limits. For this reason, the transvestite is particularly attractive to scholars, as s/he makes possible certain theoretical gestures, a move toward abstraction and metaphor. At the same time as we understand the transvestite as a stereotyped object of contempt, we find it intriguing that in their lifestyle they show deep respect for traditional gender hierarchies. For US scholar Eve Kosofsky Sedgwick, "a lot of the most exciting work around 'queer' spins the term outward along dimensions that can't be subsumed under gender and sexuality at all: the ways that race, ethnicity, postcolonial nationality crisscross with these and other identity-constituting, identity-fracturing discourses" (*Tendencies*, 9-10). Marjorie Garber (1992) would add more pointedly: "this is the scandal of transvestism —that transvestism tells the truth about gender" (143). Yet this truth seems unclear, at best deeply ambiguous.

Transvestite/transgender/transsexual activists and scholars are only beginning to make their voices heard in scholarly and legal discussions, as their perspectives often find themselves theoretically and politically outside of, and at odds with, mainstream queer theory. Queer theorists like Eve Sedgwick and Judith Butler (1993) have demonstrated sensibility to a trans perspective in their more recent work, and Anglo-American scholars like Judith Halberstam (1998) and Jay Prosser have begun to develop more nuanced

trans theory, in contradistinction to queer theory. Likewise, in Latin America, while groundbreaking ethnographic work has been done by Euro-American scholars like Don Kulick (1998) and Annick Prieur, it is only very recently that this work has begun to be supplemented by important insights from Latin American trans scholars and activists like Argentine Lohana Berkins (2005). At the same time, as Berkins has commented (personal conversation 7/6/06), the advances in Anglo-American queer and trans theory are only marginally relevant to the Latin American trans person, who has a very different cultural formation, and in addition, tends to assume a public trans identity far earlier in life than the typical US or European individual.

Certainly, irrespective of the findings in asylum cases, the stories that transvestism and transvestites implicitly tell about personal and national identities do not easily fit into the national narratives of either the United States or Mexico. What is most clear is the need for more studies to understand and complicate the often-simplistic and stereotypical conclusions to which even the most sympathetic researcher tends to find ourselves drawn.

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