

The Asian American Closet

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I. INTRODUCTION

This article is an examination of the Asian American closet, as an analogy drawn from the gay closet.¹ The gay closet, of course, is a term used to describe the process by which some gays may hide their sexuality from public view, in order to avoid social disapproval or legal sanctions. At first glance, it may seem that application of the “closet” concept to Asian Americans does not quite hold up in a literal sense, since unlike gays, Asian Americans cannot closet their minority identities completely.

Nevertheless, this article argues that Asian Americans may employ the closet concept in at least two senses. The first sense—the weaker one—comes into play when Asian Americans “cover” or downplay their ethnic behaviors, in order to make them less visible or salient.² In this sense, the Asian American closet is generally a weak form, since Asian Americans cannot convincingly pretend to be white and can only attempt to suppress ethnic behaviors. However, in a second sense, the unique and contradictory stereotypes that Asian Americans face may allow them to

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1. A clarification of the use of the terms “Asian” and “Asian American” may be in order here. The term “Asian,” when used in this article to refer to a person or people, generally refers to first-generation immigrants. “Asian American” is used, usually, to refer to 1.5 generation immigrants and to non-immigrants. The terms “Asian” and “Asian American” are used in this article without intent to exclude Pacific Islander Americans; however, I found that much of the relevant and accessible scholarship on the subject deals with the case of Asians and Asian Americans, and this article, likewise, focuses primarily on Asians and Asian Americans.

2. “Covering” is an assimilationist strategy, described by Kenji Yoshino, in which minority individuals who cannot or choose not to convert or “pass,” may simply minimize their minority traits. Kenji Yoshino, *Covering*, 111 YALE L.J. 769, 772 (2002). As a strategy of keeping one’s identity in the closet, covering is less complete than passing or conversion. But it is the strategy that is most applicable to Asian Americans, since Asian Americans cannot transform themselves into whites, or, usually, cannot pass as whites.

apply the closet in a stronger form.³ Historically, Asian Americans have been viewed simultaneously as both inassimilably foreign *and* extremely assimilable—the model minority. By covering ethnic or “foreign” behaviors, Asian Americans can closet their status as “foreigners,” while projecting their arguably more desirable status as model minorities.

William Eskridge has argued that the closet—and the act of concealing one’s minority status from public view—can possess both protective and threatening elements.⁴ As a protective device, the closet may help a minority group member survive in a society in which her status is disapproved. Thus, a gay woman in an anti-homosexual society might hide her homosexuality in the closet and attempt to pass as straight, in order to avoid social censure for her sexual nonconformity. Alternatively, from the perspective of outsiders or non-members, the closet can be viewed as a threatening device that conceals the undesirables of a minority group and thus does not allow the outsiders to detect and to single out the members of the minority group. The closet may be a threatening device also because it might be oppressive to minority group members. A closeted gay man who is obliged to conceal his sexuality might be obliged to police his own social behavior and repress his romantic or sexual interactions, in a way that heterosexuals would not feel the need to do. The balance between the protective and threatening elements of the closet is not a constant. For example, Eskridge has suggested that the recharacterization of the gay closet as primarily oppressive, rather than primarily protective, empowered the gay community.⁵ As the gay community grew more confident, gays began to demand equal treatment as a right, rather than as a privilege granted in exchange for superficial conformity. Thus, as a minority group (such as the gay community) gains in strength and self-confidence, the closet begins to look less like freedom and more like confinement.

This Article suggests that this may also be true for Asian Americans. As Asian Americans have grown more confident of their place in American society and in the American polis, they may also have grown less apologetic and more insistent on their right to exercise their ethnicity in public. For example, some Asian Americans now refuse to take for granted the proposition that they should not speak Asian languages in public, and are beginning to fight English-only regulations.

Finally, this Article would like to suggest that the narrative of empowerment does not necessarily end at the opening of the closet door, nor with the minority group’s integration and assimilation into an expansive, all-accepting majority culture. Instead, some members of minority groups may begin to reject the emphasis on integration that is central to discourse regarding the open/closed closet door. For some groups, there is a new emphasis on cultural integrity, explicitly rejecting

3. See, e.g., FRANK WU, *YELLOW* (2002); ERIC LIU, *THE ACCIDENTAL ASIAN* (1998).

4. BILL ESKRIDGE, *GAYLAW* 7-9 (1999).

5. See *id.* at 13-15.

integration into the mainstream. Some individuals in these groups may advocate for a new kind of “closet door” to be erected between their cultures and the mainstream.

II. TWO STEREOTYPES: THE MODEL MINORITY AND THE PERPETUAL FOREIGNER

A. *The Model Minority*

Asian Americans have historically been perceived in dichotomous and seemingly contradictory terms. On one hand, they are viewed as non-ethnic and excessively assimilable, and on the other hand, completely unassimilable.

The perception of the excessive assimilability of Asian Americans is epitomized by the “model minority” stereotype. Frank Wu describes the “model minority” stereotype as a belief that Asian Americans are Horatio Alger heroes for the new millennium—unusually motivated and capable of pulling themselves up by their own bootstraps, in order to achieve the American Dream.⁶ The model minority stereotype posits Asian Americans as uniquely successful among minority groups. They work hard, save money, and achieve material success, while their children study equally hard and earn high marks in school.

The stereotype implicitly, and sometimes explicitly, carries a notion that Asian Americans are less “racial” or “ethnic” than are other minority groups. By becoming successful in a majority-white America, the rationale goes, the Asian American high-achiever has demonstrated that she is easily integrable into the white polis, or even, is somehow essentially “white” herself. Thus, sociologist Andrew Hacker compares Asian Americans to whites in his discussion of their success narrative, while simultaneously contrasting them with African Americans: pointing out that Asian Americans tend to be highly successful in the academic and the professional realms, Hacker wonders whether Asians who immigrate to the United States “might somehow ‘become white.’”⁷ Hacker is not alone in perceiving Asian American success as indicia of their inner whiteness. In *Yellow*, Frank Wu cites a number of articles from *Newsweek*, *People*, and *The New York Times* that describe Asians in terms that not only posit them as a model minority, but also imply that their model minority status makes them more like white Americans, by saying, among other things, that Asians are “going to the head of the class”⁸ and “outwhiting the whites.”⁹

The “model minority” stereotype—and the attendant supposition that Asian Americans are easily assimilable into the white American polis—has

6. Wu, *supra* note 3, at 41 (2002).

7. ANDREW HACKER, TWO NATIONS 9-10 (1992).

8. *Id.* (quoting Fox Butterfield, *Why Asians Are Going to the Head of the Class*, N.Y. TIMES, Aug. 3, 1986, at Educational Supplement 18).

9. *Id.* (quoting NEWSWEEK, June 21, 1971, at 24).

its physical analogue in the erasability of Asian ethnicity in the biracial or multiracial body. It appears that individuals with mixed white and Asian blood are generally regarded as white in popular media. To take one popularly cited example, movie star Keanu Reeves, who is half Asian/Pacific Islander and half white, is almost never recognized as being Asian American. The roles he plays do not simply fail to call attention to his biraciality, but almost explicitly erase it. His characters—Thomas Anderson in *The Matrix*, for example, or the quintessential California surfer dude in *Bill and Ted's Excellent Adventure*—are flagged, by name or by stereotype, as Anglo. Reeves has become, in the eyes of mainstream American movie audiences, “effectively white.”¹⁰

The same is true of actor Dean Cain. Born Dean Tanaka, Cain is of mixed Japanese and white European ancestry. He became most famous for his portrayal of Superman on television's *Lois and Clark: The New Adventures of Superman*, which ran during the mid-1990s. That a multiracial Asian American could play the part of the quintessential All-American superhero might have been considered a hallmark of the acceptance and assimilation of Asian Americans into the American fold, if it were not for the fact that Cain's Asian heritage has rarely been mentioned or acknowledged. In fact, the whitening of Cain suggests that forgetting or erasing his Asian heritage may have been necessary to enable the public to accept Cain as Superman.

The ability for biracial Asian Americans to be accepted as “white” has been perceived as a sign of ethnic success, a sign that Asians have been accepted into the white mainstream of America. Andrew Hacker, for instance, views the erasure of Asian blood in biracials or multiracials as part of a narrative in which Asians have been assimilated at all levels of American society, even to the level of being accepted and absorbed into the white family structure. Hacker sees the “increasing incidence of intermarriage” between Asian Americans and whites as evidence that Asians are being “allowed to move upward on social and occupational ladders.”¹¹ Hacker believes that in these bi- or multi-racial generations, the

10. *Id.* at 296.

11. *Id.* Hacker notes, without saying more, that there is “the caveat that the first pairings will most usually involve an Asian woman and a white man.” *Id.* It is an odd statement: Hacker seems to recognize the skewed sexual dynamics of white/Asian intermarriage, while completely (perhaps deliberately) failing to see the relevance of that skewed dynamic. Hacker reads the high incidence of intermarriage as evidence of assimilation. But the fact that the intermarriage occurs disproportionately between Asian women and white men could be read in exactly the opposite direction. Far from building a case for assimilation, the intersection of race and sex may imply a special kind of racist subordination. Darren Leonard Hutchinson has noted how Asian and Asian American women have been popularly imagined as “docile, servile, and heterosexually submissive.” Darren Leonard Hutchinson, *Ignoring the Sexualization of Race: Heteronormativity, Critical Race Theory and Anti-Racist Politics*, 47 BUFFALO L. REV. 1, 93-94 (1999). This imagination has helped fuel an appetite for the “mail order bride” industry, through which Asian women are imported to marry white men. *Id.* at 95. If this image of Asian women has contributed to the imbalance of interracial marriages between Asians and whites, and if the mail-order bride industry has helped to facilitate it, it is hard to see how the high incidence of interracial marriage between Asians and whites is truly, as Hacker interprets it,

Asian race will disappear altogether, becoming no more than “a new variant of white.”¹² Thus the incorporation of the Asian into the white bloodstream reinforces the assimilation of the Asian into the white mainstream.

Hacker’s assumption—that erasure in the biracial body is evidence that Asians are perceived as especially assimilable—lies in stark contrast to the way that biracial or multiracial African Americans are governed by the “one drop” rule. Neil Gotanda has summarized the historical rule governing black biraciality or multiraciality as follows: any person whose black ancestry is visible is considered black, and any person with a known black ancestor (i.e., just “one drop” of black blood), is also considered black.¹³ According to Gotanda, the law of black hypodescent has been enforced in order to preserve the purity of the white race, and the subordination of blacks vis-à-vis whites.¹⁴ By stringently policing the boundaries of whiteness, and by insisting upon the unblemished purity of white blood, the rule of hypodescent implies that blackness is contaminatory—that a single drop of black blood would contaminate the purity of the white race—and has emphasized the unassimilability of African Americans.¹⁵ By contrast, the erasure of the ethnicity of Asian-white biracials is a stark confirmation of Asian assimilability—that they can be incorporated into the white body, eventually transforming into a “new variant of white.”

B. *The Foreigner*

At the same time, however, Asian Americans have also historically been perceived as ineradicably foreign—a characterization that seems quite contradictory to portrayal of Asian Americans as the model minority.¹⁶ Whereas the model minority stereotype posits the Asian American as being easily assimilated, the perpetual foreigner stereotype posits the Asian as being totally unassimilable.

Neil Gotanda has commented on the centrality of the concept of foreignness to understanding the historical legal treatment of Asian Americans. He writes: “One of the critical features of legal treatment of other non-Whites [i.e., non-Black racial minorities] has been the inclusion of a notion of ‘foreignness’ in considering their racial identity and legal status.”¹⁷ Gotanda discusses several historical cases which illustrate “the

evidence of assimilation, rather than evidence of racial and sexual subordination.

12. *Id.*

13. Neil Gotanda, *A Critique of “Our Constitution is Color Blind,”* 44 STAN. L. REV. 1, 24 (1991).

14. *Id.* at 26.

15. *Id.* at 25-27.

16. Frank Wu has extensively discussed the apparently contrasting ways that Asian Americans have been popularly regarded—as model minority versus yellow horde, or model minority versus “perpetual foreigner.” See WU *supra* note 3.

17. Neil Gotanda, *Book Review: “Other Non-Whites” in American Legal History: A Review of*

persistence of the view that even American-born non-Whites were somehow "foreign."¹⁸ One such historical case is *Fong Yue Ting v. United States*, in which the Supreme Court upheld the Chinese Exclusion Act, which prohibited laborers of Chinese descent from entering the country, based on their presumed inability to assimilate into American culture.¹⁹ The Court stated that Chinese laborers, upon entering the country, "remained strangers in the land" and were "apparently incapable of assimilating with our people."²⁰ The *Fong Yue Ting* court concluded that the presence of such unassimilable people "might endanger good order, and be injurious to the public interests."²¹

The dissent in *United States v. Wong Kim Ark*²² suggests that the perceived inassimilability of the Chinese was not a factor of birth, but of blood. The *Wong Kim Ark* Court held that U.S.-born individuals with parents who were two Chinese nationals qualified as U.S. citizens under the Fourteenth Amendment.²³ In his dissent, Justice Fuller, joined by Justice Harlan, declared that the American-born children of foreign-born Chinese (who themselves were not, at the time, permitted to naturalize) should not be permitted to become citizens, despite the fact that they were born on American soil.²⁴ He maintained that even the American-born children of Chinese nationals were too foreign and too distinct a people to be assimilated into the United States.²⁵ Fuller quoted the *Fong Yue Ting* decision to declare that the Chinese were "apparently incapable of assimilating with our people, might endanger good order, and be injurious to the public interests," and that "it is not to be admitted that the children of persons so situated become citizens by the accident of birth."²⁶

Perceptions of Asian Americans as *prima facie* foreign persist outside the law and to the present day. Frank Wu, for example, has described a conversation that he is frequently forced to tolerate upon meeting new people. Strangers will sometimes ask him where he is from. If he replies, "I was born in Cleveland, and I grew up in Detroit," the interrogator acts as if he is being facetious. Then the dreaded follow-up question is asked: "No, where are you *really* from?"²⁷

The interrogator, of course, is inadvertently implying that the subject is foreign and somehow unassimilable—Wu simply cannot truly be

Justice at War, 85 COLUM. L. REV. 1186, 1188 (1985).

18. *Id.*

19. 149 U.S. 698, 717 (1893).

20. *Id.*

21. *Id.*

22. 169 U.S. 649 (1898).

23. *Id.* (cited in Gotanda, *supra* note 17, at 1189).

24. Under a 1790 immigration law, only "free white persons" were permitted to naturalize. See Leti Volpp, "Obnoxious to Their Very Nature": Asian Americans and Constitutional Citizenship, 8 ASIAN L.J. 71, 73 (2001).

25. 169 U.S. at 725.

26. *Id.* (quoting *Fong Yue Ting*, *supra* note 19).

27. WU, *supra* note 3, at 79-80.

“American.” Regardless of his birthplace or citizenship, the Asian American is still inherently “from” Asia, in a way that a second-generation German American or Irish American would not be, and would not be presumed to be. The irrefutable presumption (irrefutable because nothing that one can do or say—even presenting one’s birth certificate that proves that you were born in Cleveland—can change it) that Asian Americans are inherently foreign may exhibit itself in other annoying ways. Asian Americans may receive compliments on how well they speak English. Less benignly, Asian Americans who dare to criticize some aspect of American society or government may receive the angry retort that if they have a problem with America, they should “go back to where you came from.”²⁸

But of course, the presumption of foreignness may have effects that are much more than just annoying. Such presumptions, for instance, led to the internment of American-born Japanese Americans during World War II, because their perceived “foreignness” was believed to somehow pose a threat to national security.²⁹ Presumptions of foreignness also contribute to hate crimes against Asians. In one well-known instance, Vincent Chin, a fifth-generation Chinese American, was killed after several laid-off auto workers assumed him to be foreign and Japanese. The killers associated Chin with the Japanese automobile industry, which they felt was responsible for the failing American auto industry, and therefore for their own employment troubles as well.³⁰ It is hard to imagine that a fifth-generation Italian-American could be considered anything but American—the hyphenated identity in this case would only serve to add a charming bit of historical inflection to one’s Americanness. But a fifth-generation Asian American may still find it hard to be regarded as anything other than Asian.

III. THE PRIVATE ASIAN AND THE PUBLIC AMERICAN

The contradiction between the perception of Asian Americans as unassimilably foreign, on the one hand, and exemplarily assimilable, on the other, reflects a tension within Asian American communities themselves. As Asians (by “Asian,” I refer here to individuals who have been born, raised, and acculturated in Asia) continue to emigrate and live alongside Asian Americans (by this I refer to 1.5, second-generation individuals, or later generations born in the United States), the dynamic relationships between foreign and assimilated are replicated over and over again in Asian American communities.

28. *Id.* at 85.

29. As General DeWitt opined, “[R]acial affinities are not severed by migration. The Japanese race is an enemy race and while many second and third generation Japanese born on United States soil, possessed of United States citizenship have become ‘Americanized’ the racial strains are undiluted.” Jerry Kang, *What 12-7 Has to Teach Us About 9-11* in *ASIAN AMERICANS ON WAR & PEACE* 55 (Russell C. Leong & Don T. Nakanishi eds., 2002).

30. See Natsu Taylor Saito, *Symbolism Under Siege: Japanese American Redress and the “Racing” of Arab Americans as “Terrorists.”* 8 *ASIAN L. J.* 1, 10 (2001).

The conflict between the Asian and the Asian American—who are, frequently, parent and child—has been well documented by Asian American writers such as Amy Tan, Gish Jen and Eric Liu. In *The Accidental Asian*, Liu first talks about his own assimilability—his “whiteness”: “I never asked to be white,” he begins. He continues:

I am not literally white. That is, I do not have white skin or white ancestors . . . But like so many other Asian Americans of the second generation, I find myself . . . white, by acclamation. Thus it is that I have been described as an ‘honorary white,’ by other whites . . . I have become white inside.³¹

But whiteness is not an attribute shared by all members of his family. His grandmother, “Po Po,” by contrast, is pointedly foreign. Though she has lived in the United States (in New York’s Chinatown) for twenty years, she does not speak English, and most of her conversations with her grandson (conversations that, he admits, he can barely understand) are concerned with matters entirely foreign and pertaining to Asia: Chinese politics, Hong Kong pop music, and current events in Taiwan.³² When young Eric, age twelve, goes to Chinatown with his parents late one Saturday night, he sees Chinatown as a distinctly foreign experience. He is wandering through the district, marveling at the strange sights (the cashier who adds up their total with an abacus, the unintelligible “twangs of Cantonese,” the “streams of putrid water that trickled down from the alleyways”),³³ when unexpectedly, he and his parents run into Po Po. Liu is mortified to realize that her daily routine was, for him, a “tourist’s jaunt.”³⁴ It is almost as though Eric had gone to China as typical American tourist, in order to sample the exotic cuisines and to take snapshots of the exotic peoples, only to find, framed in the viewfinder of his camera, the face of his own grandmother. The encounter encapsulates the gulf that separates Eric, the “honorary white” American, from his ineradicably foreign Po-Po.

The split is not only *interpersonal*, but also *intrapersonal*. It exists, perhaps more importantly, within the individual Asian American, as two sides of the same coin. In *The Souls of Black Folk*, W.E.B. DuBois famously described the duality of the educated or middle-class African American: “One ever feels his twoness – an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body”³⁵ An analogous kind of dividedness may be observed in the case of Asian Americans—a division between the foreign Asian and the assimilable Asian American. An understanding of the duality of “Asian” and “American” *within* the individual may be necessary to fully understand

31. LIU, *supra* note 3, at 34.

32. *Id.* at 87-89.

33. *Id.* at 100-02.

34. *Id.* at 103.

35. W.E.B. DUBOIS, *THE SOULS OF BLACK FOLK* 3 (1903).

the tension within the community, or for that matter, to understand the contradictory ways in which Asian Americans are perceived by outsiders. The duality within the individual may also simply be a more accurate way of describing the tension within communities and between family members. For instance, despite Liu's story about stumbling upon his grandmother in Chinatown, Liu seems actually to be more concerned with a contradiction between foreigner and honorary white American that exists not between himself and his grandmother, but within himself. Liu sees the split between Asian and American as correlating with a divide between his private self and his public persona. He explicitly refers to the "public" realm as being one of whiteness: for example, he glosses the word "public" to mean "mostly white environments."³⁶ By suggesting the word "public" as a synonym for "white," he implies, conversely, that Chineseness inhabits the private realm. This understanding is corroborated by a poignant passage in his book, where Liu describes his father's dependency on a home dialysis machine. For some reason, Eric's father insisted upon keeping his illness a secret, and the family complied: no one outside the family—not friends, coworkers nor neighbors—knew about the dialysis machine:

For a while I had a theory that my father's actions, on some level, had been motivated by the dread of racial stigma . . . But my mother dismissed the notion . . . After all, he had concealed the facts from *Chinese* friends as well . . . I realized, as Mom insisted on this, that it was I, not my father, who had conflated the desire to hide the disease with the desire to downplay difference of another kind . . . [A]s a Chinese boy in an American world, I wanted generally to project a *normal* image, to cloak any handicap, real or imagined. As a Chinese boy in an American world, I was accustomed to façades.³⁷

For all that Liu insists upon his status as an "honorary white" in his book, passages like this reveal the incompleteness of that self-assessment. As "a Chinese boy in an American world" who must rely on façades to fit in, he is not, as he claims elsewhere, merely "white inside."³⁸ In fact, he is almost, in a sense, the exact reverse. He is white publicly, on his face (hence the projection of a "normal image," the American façade), while his Asianness is driven into a hidden, private core, where it is concealed from public scrutiny. Liu's Chineseness is so privatized, in fact, that he conflates the two concepts of Chineseness and privateness, misconstruing his father's desire to keep his kidney disorder private as a statement about the racedness, the Chineseness, of the disease.

The tension between the public white and the private Chinese makes another appearance later in the book, when Liu talks about his marriage to his wife, who is white. Although his mother never expressed a preference

36. LIU, *supra* note 3, at 21.

37. *Id.* at 27-30.

38. *Id.* at 34.

that Eric marry a Chinese woman, he cannot suppress a feeling of sadness when, just before his wedding, he goes with his mother to attend pre-nuptial festivities in Louisiana, where Carroll's family lives:

I suddenly felt so . . . guilty . . . Everyone was calling [my mother] Julia. *Juu-lia*. It sounded funny . . . her public name.³⁹

Here again, Liu designates whiteness as publicness: "Julia," his mother's American name, is her public appellation. By marrying a white woman, Liu has brought whiteness into the home, the very core of the private realm. Henceforth, his mother's own family (her in-laws) will refer to her only by her public, white name. Liu's feelings of guilt seem to stem from a feeling that he has allowed Americanness, and publicness, to encroach upon his mother's private life, thus diminishing her privacy, the realm in which she can freely exercise her ethnicity.

IV. THE ASIAN AMERICAN CLOSET AS A REALM OF "COVERING"

In privatizing his ethnicity, and presenting a public white face to the world, Liu, it might be said, is confining his Asianness to the protection of something akin to William Eskridge's gay closet model.

Eskridge describes the gay closet as a complex social and legal construct, in which gays are obliged to conceal their homosexuality as a condition for societal citizenship.⁴⁰ Only by attempting to pass as straight—i.e., staying "in the closet"—can gays be protected from social discrimination or even criminal sanctions.

The gay closet can be both a mutually protective device and a mutually threatening one. On one hand, the closet is protective for gays, because it permits gays to hide their nonconforming sexuality and allows them to operate in society in much the same way as heterosexuals, without suffering legal consequences for what have often been criminally prosecutable sexual acts or sexual statuses. The closet is protective for heterosexuals as well, since it keeps them from having to confront the existence of disquieting sexual minorities.⁴¹ On the other hand, the gay closet has a threatening aspect. For gays, the closet is "an identity prison and an insulting denial of their integrity and dignity."⁴² For anti-homosexual straights, the closet also poses a kind of threat, since its ability to conceal nonconforming sexualities means that one can never be sure whether an undesirable or a deviant lurks behind the closet's closed door.

Eskridge describes the history of gay rights as involving, in part, a movement away from an understanding of the closet as mostly protective, and towards an understanding of the closet as a threat. Thus the struggle for equal citizenship for gays began with the struggle to "protect private

39. *Id.* at 179.

40. ESKRIDGE, *supra* note 4, at 7.

41. *Id.*

42. *Id.*

gay spaces against spying and intrusion of the police⁴³—i.e., to keep the door of the protective closed. But as the gay power movement gained strength, it culminated in a struggle for gay people to have equal rights and equal treatment while keeping their sexuality out in the open⁴⁴—i.e., to throw the door of the imprisoning closet open.

An analogy to the gay closet—with both its protective and its threatening aspects—can be applied to the case of Asian Americans. In *The Epistemology of the Closet*, Eve Sedgwick has noted that the concept of the closet may be applicable to cultural or ethnic contexts, as when a Jew or a Gypsy reveals her cultural identity.⁴⁵ She makes an example of the Biblical Queen Esther, who came out of the closet as a Jew after previously concealing her ethnic background from her husband, King Ahasuerus.⁴⁶

Sedgwick does note, however, that the closet metaphor may be less applicable to racial minorities, like blacks or Asians, than to ethnic whites, like Jews and Gypsies, because race, unlike sexuality or white ethnicity, is outwardly visible and easily discernible, and it is thus impossible to fully hide one's race in the closet.⁴⁷ But there is more than one way to conceal one's minority identity, as Kenji Yoshino has described in his article, *Covering*. Yoshino describes three assimilationist moves in the context of homosexuals: conversion, in which a gay individual is expected to convert to heterosexuality; passing, in which the gay individual is expected to hide her minority sexuality and to impersonate a heterosexual; and covering, in which the "underlying identity is neither altered nor hidden, but is downplayed."⁴⁸

Of these three assimilationist moves, covering is the one best applicable to the Asian American. While Asian Americans cannot convert to white, and often cannot reasonably pass as white (with the notable exception of bi- or multi-racial Asian Americans), they can, and do, downplay their minority ethnic status in ways that make their ethnicity less prominent or obtrusive. "Covering" is also the best word for what Eric Liu describes himself as doing in *The Accidental Asian*. When he describes himself as being "white," Liu does not mean that he has converted his race, or even that he is sincerely impersonating a white person. He is merely confining his Asianness to private spaces—closet spaces—while downplaying, or covering, his ethnicity in public by refraining from identifiably "Asian" activities (such as socializing mostly with other Asians, for instance), and engaging instead in activities and attitudes that are usually associated with whites (such as being "wary of minority

43. *Id.* at 15.

44. *Id.*

45. EVE SEDGWICK, *EPISTEMOLOGY OF THE CLOSET* 75 (1990).

46. *Id.*

47. *Id.* ("[O]ne could 'come out as' a Jew or a Gypsy . . . much more intelligibly than one could typically 'come out as,' say, female, Black, old, a wheelchair user, or fat.")

48. Yoshino, *supra* note 2, at 772.

militants”⁴⁹).

By imagining the Asian American closet as a realm of “covering” rather than as a realm of “passing” or converting,” we can envision how the closet can be applied to Asian Americans, and how the Asian American closet, like the gay closet, can be simultaneously mutually protective and mutually threatening. However, because of the peculiarly contradictory and bifurcated nature of Asian American stereotypy, the choice between covering and not covering may make the closet metaphor particularly applicable to Asian Americans. For Asian Americans, the result of covering may not merely be to downplay one’s ethnicity, but to effectively choose between stereotypes. By covering one’s ethnic traits and eschewing ethnic behaviors, one may in effect be choosing to act as a member of the model minority, while rejecting the label of unassimilable foreigner.

V. THE PROTECTIVE CLOSET

Because the stereotype of the Asian as the unassimilable foreigner has historically been such a damaging one (contributing, for instance, to anti-Asian hate crimes and state-sponsored discrimination), covering one’s Asian ethnicity and confining it to the “closet,” however imperfectly, can be a deeply protective move. For the Asian American, covering one’s ethnicity (by keeping Asian cultural practices more or less confined to the private realm of home and family) can protect one from being stamped with the negative connotations associated with Asianness, or foreignness. Like a closeted homosexual, the Asian American who covers can avoid some of the social sanctions associated with his disapproved status.

The Asian American closet can protect in two ways. On the one hand, Asian Americans can hide ethnic behaviors that would mark them as undesirably “foreign,” and don instead the socially more acceptable role of model minority. But covering can play another protective role for Asian Americans that does not involve espousing the model minority stereotype. The model minority stereotype, after all, is problematic in other racially charged ways, as will be discussed later in this paper. Rather, an Asian American might cover, or downplay her ethnicity, simply to not call attention to herself and to pass under the racial radar screen.

Importantly, however, one need not choose between these two modalities of the Asian American closet—they may both be in play. One might try to downplay one’s ethnic qualities in a simple attempt to make one’s race less noticeable, to discover that one has lapsed into the racial stereotype of “model minority.” Eric Liu inadvertently gives an example of such a lapse. At the very end of his list of the ways one could say that he is “white,” Liu gives a final entry: “I am considered ‘a credit to my race.’”⁵⁰ Although Liu might consider this to be a way in which he is

49. LIU, *supra* note 3, at 34.

50. *Id.*

deracialized, it could not really be considered a mark of whiteness. No white person is ever labeled “a credit to his race.” Such a label is precisely the mark of a successful person of color—i.e., the model minority. Liu’s attempt to cover his ethnicity in order to become less racialized—more “white”—has thus, by his own concession, resulted in his becoming an example of one of the paradigmatic stereotypes of Asian Americans.

Regardless of whether Asian American covering involves a choice to be perceived as a model minority, or whether it represents merely the desire not to be blatantly racialized—or both—it can be a protective device for Asian Americans. In Eric Liu’s experience, the privatization of his ethnic identity as a child allowed him to appear “normal” to the rest of the (white) world. As an adult, the careful maintenance of a “normal” appearance—by confining his ethnicity to the private realm, or the ethnic closet—apparently contributed to his material success. Liu boasts that he is “a member of several exclusive institutions,” a person who has “been in the inner sanctums of political power,” and “a producer of culture.” He characterizes these accomplishments as “white” qualities.⁵¹ Insofar as these instances of power and prestige are associated with whiteness, they might have been less available to Liu had he been less of an “honorary white” and more of an outward Chinese.

Covering may also allow Asian Americans to appear (or at least, allow them to believe that they can appear) less foreign. Historically, the designation of Asian Americans as “foreign” has led to the underprotection of Asian Americans by traditional equal protection jurisprudence. By downplaying their ethnicity, Asian Americans might attempt to elude the foreignness designation in order to win greater legal protections for themselves.

Take, for example, *Korematsu v. United States*,⁵² which was brought in 1944 by Fred Korematsu, a native-born American citizen, who challenged the forcible internment of Japanese Americans in concentration camps during World War II. Justice Black, writing for the Supreme Court, upheld the constitutionality of the internment order. He insisted that this was not a case “involving the imprisonment of a loyal citizen in a concentration camp because of racial prejudice.”⁵³ He explained that Korematsu was not interned “because of hostility to him or his race. He was excluded because we are at war with the Japanese Empire.”⁵⁴ However, Korematsu was not a citizen of the Japanese empire, but a native-born American. The Court’s association of him with a foreign nation thus implied an inherent foreignness, carried in the skin or the blood of Asian Americans. This inherent foreignness was not protected under United States law.

51. *Id.* at 33-34.

52. 323 U.S. 214 (1944)

53. *Id.* at 223.

54. *Id.*

Under the logic of *Korematsu*, Asian Americans, who may be assumed inherently foreign (even if native-born citizens) are less protected under the Fourteenth Amendment than African Americans, because race-based prejudice is clearly prohibited by the Fourteenth Amendment, while foreignness-based state action is not. Asian Americans thus have an incentive to cover—to minimize the extent to which they can be considered “foreign,” so that prejudice against them might be more likely to be recognized as racial, rather than based on their foreign status.⁵⁵

Covering one’s ethnicity, or confining ethnic practices to the closet, may also serve the more prosaic function of deflecting public attention from practices that would otherwise earn mainstream disapproval. As Frank Wu notes, “[m]any Asians dine on delicacies that would disgust most Anglos”—including such things as “congealed blood, wrinkled chicken feet, slimy giant water bugs, savory baked cocoons,” and dog meat.⁵⁶ To the extent that ethnic practices that have not won mainstream approval may incite horror or attract suspicion (Wu reports several incidents in which non-Asians have accused their Asian American neighbors of kidnapping their dogs and eating them),⁵⁷ it is easy to see why Asian Americans might want to keep such practices (if they do in fact engage in them) out of the public eye.

The protective aspect of the Asian American closet also shields those outside the closet. Eskridge describes how the gay closet is protective for straights as well as for gays: it protects straights from having to confront the existence of potentially disturbing sexual nonconformists.⁵⁸ Because Asian Americans cannot pass as non-Asian, in the way that gays can often pass as straight, the Asian American closet cannot protect whites in the same way that the gay closet protects straights. The existence of other ethnicities cannot ever be entirely hidden from view. But the covering function of the Asian American closet can protect non-Asians in other ways.

To some extent, the Asian American closet may protect whites from having to view ethnic behavior that they find odd or unsettling. The confinement to the home of certain Asian foods (foods that whites might consider disgusting) may protect whites from displeasure or unease, just as much as it protects Asians from criticism.

The Asian American closet offers other types of protections to non-Asians—some of which are considered so crucial to the well-being of non-Asians that non-Asians lobby, legislate, and litigate to keep them in place. Perhaps the best example is the English-only laws and private workplace

55. *Korematsu* himself made an unsuccessful (even though drastic) attempt to closet his Asianness: he had plastic surgery on his face to make his features appear less Asian. Interview of Fred *Korematsu*, transcript available at www.pbs.org/pov/utills/pressroom2001/ofcivilwrongsandrights/ofCivilWrongsandRightsTranscript.doc.

56. Wu, *supra* note 3, at 221.

57. *Id.* at 223.

58. ESKRIDGE, *supra* note 4, at 7.

policies that have proliferated in recent years.

The Equal Employment Opportunity Commission (EEOC) has noted the rise, in the last few years, of English-only rules in workplaces.⁵⁹ These rules are often put into place by management who do not speak any languages other than English and who wish to ensure that foreign languages, including Asian languages, are kept out of the workplace and confined to places in which they “belong” (presumably, the home). This forced confinement of foreign languages to private closets is enforced explicitly by keeping in mind the protection of whites; many of these rules are apparently prompted by coworkers’ fears that they might be “talked about” in a language that they cannot understand.⁶⁰ One reader of the *Dallas Morning Star*, for instance, wrote to the newspaper to advocate for English-only rules in public workplaces, saying that she felt threatened by people who openly spoke other languages around her:

It is very annoying to ask a clerk a question and have her call out—in Spanish—to another worker. It’s entirely possible that she’s saying something insulting. I can only infer from body language and tone what’s being said. That’s just plain rude . . . If I were an employee and other employees spoke amongst themselves—in front of me—in another language, I could very easily feel deliberate exclusion and insults. I would want my employer to do something. And that something could be telling employees to speak English while in the workplace.⁶¹

The institution of English-only rules, which drive the other languages out of the public workplace and into the confines of the private closet, thus protects non-ethnics from feelings of exclusion, or from the threat of being discussed or insulted, unbeknownst to them.

The “covering” demands placed on speakers of non-English languages can be quite intrusive, regulating as “public” space areas and conversations that have traditionally been considered quite private. After California’s Proposition 63 made English the official language of the state of California, English-only policies sprang up in countless workplaces, and they regulated even the most private conversations of employees. In 1990, a group of Filipino nurses at Pomona Valley Medical Center filed suit after they were reprimanded and reassigned for speaking Tagalog at work.⁶² At issue was a quiet dinner break conversation shared by three nurses in an otherwise empty room, and telephone calls made to family members at home.⁶³ The nurses were told that even such private conversations were

59. T. Shawn Taylor, *A New Language Barrier*, CHI. TRIB., June 10, 2001, at *Working 1*. Such rules are considered presumptively impermissible by the EEOC. See 29 CFR 1606.7.

60. *Id.* Synchro Start Products, Inc., for instance, “implemented an English-only policy in 1999 after an employee complained that Spanish-speaking co-workers were speaking ill of her, though she couldn’t understand them.” *Id.*

61. Mindy Washburn, Letter to the Editor, DALLAS MORNING NEWS, Aug. 30, 2001, at 26A.

62. *Dimaranan v. Pomona Valley Med. Ctr.*, 775 F. Supp. 338 (C.D. Cal. 1991) (subsequently withdrawn pursuant to settlement).

63. Sarah Henry, *Fighting Words*, L.A. TIMES MAGAZINE, June 10, 1990, at 10.

“rude” and would not be tolerated.⁶⁴

The rationale that conversations held out of the earshot of others—indeed, in a separate room—could still be forbidden as “rude” to those others seems illogical. But it illustrates how great the perceived need for protection against foreign language practices may be: The mere possibility that someone, even a person out of earshot, may be speaking in a foreign language, can be so discomfiting to non-speakers that they can be driven to restrict foreign languages to a private closet that is defined as altogether inconsistent with the workplace, no matter how seemingly “private” the workplace conversation (i.e., a telephone call home, or a quiet chat at work) may seem. Thus, employers, co-workers, and customers who are fearful of being “talked about” or “insulted” in a language they cannot understand attempt to protect themselves by lobbying to have all such languages prohibited.

The Asian closet may serve another protection for whites: by downplaying the racedness of Asian Americans, the Asian American closet may make Asian Americans more accessible for social intercourse, thus giving whites the opportunity to cross the race barrier and reassure themselves that they are not themselves racist.⁶⁵ To the extent that ethnic friends may be believed to immunize white Americans from charges of racism, ethnic Americans who cover their ethnicity—and who might, thereby, make themselves more accessible to the friendship of nonethnics—help non-ethnics protect themselves from the possibility that they themselves may be racist.

In *The Good Black*, Paul Barrett describes how, when he befriended Larry Mungin at their Harvard College dormitory, he enjoyed a “small guilty thrill” from “crossing the race line.”⁶⁶ But as Kenji Yoshino has noted in his analysis of the Mungin case, Mungin was a person who was deeply invested in covering his own minority status, choosing to associate with whites and to talk “proper” English instead of Black English, in an effort to camouflage both his race and his impoverished origins.⁶⁷ It may well be that Barrett would have befriended Larry Mungin regardless of his efforts to cover. But it is also possible that a white student would have been less likely to befriend Mungin, one of the few African Americans in the dormitory,⁶⁸ if it were not for the fact that Mungin was a “good black”—i.e., one who constantly and consistently covered his ethnicity—who might therefore have seemed relatively approachable. If that is true,

64. *Id.*

65. A recent Associated Press article discussed a popular website satirizing the racial attitudes of whites, making fun of such “real life” scenarios as white individuals who claim, “I’m not a racist; one of my best friends is Black!” Associated Press, *Racial Attitudes Spoofed at Satirical Website*, available at <http://www.jsonline.com/bym/tech/news/dec02/100313.asp?format=print> (Dec. 2, 2002). The website can be found at <http://www.blackpeopleloveus.com>.

66. PAUL BARRETT, *THE GOOD BLACK* 75 (1999).

67. Yoshino, *supra* note 2 (discussing PAUL BARRETT, *THE GOOD BLACK* (1999)).

68. BARRETT, *supra* note 66, at 74.

then Mungin's efforts to keep his race covered and in the closet made Barrett's "small guilty thrill" possible.

The same scenario could apply to Asian Americans. In *The Accidental Asian*, Eric Liu reports that most of his friends are white.⁶⁹ This disclosure comes as part of a list of "some of the ways you could say [that Liu is] . . . 'white.'"⁷⁰ Liu means, of course, that having white friends is a trait of a nonethnic person, and that because he has mostly white friends, he might be considered "less ethnic" than another Asian American person. But the reverse might also be true: Perhaps it is partially because he is relatively nonethnic that he has so many white friends. That is to say, perhaps the fact that he is so "white" is what allows other whites to feel comfortable enough to befriend him. Would his white friends have felt as comfortable if he was a minority militant, rather than a person who was "wary of" them?⁷¹ Would they still want to go out to lunch with him if he ate garlicky Chinese food instead of "gourmet greens?"⁷² Would they befriend him as readily if he spoke with a heavy Chinese accent instead of his "flawless, unaccented English?"⁷³ If they befriended Liu more readily because of his "whiteness," then Liu's closeting of his ethnicity enables any "small guilty thrill" they might experience as a result of crossing their own racial lines.

Closeting may ameliorate the racial guilt of nonethnics in other ways. As I have argued above, ethnic covering can contribute to the idea that Asian Americans are a peculiarly assimilable model minority. The model minority myth, meanwhile, may ease white guilt over the direct effect that historical racism has had on current conditions of social inequality, by allowing whites to believe that Asian Americans have proved that the important factor underlying academic and material success is hard work, not a history free of racial discrimination. Frank Wu has noted that in response to charges that the American society is a racist one, whites sometimes point to the Asian American success story as a defense, as well as a rebuke to blacks.⁷⁴ Thus a student disc jockey at Vanderbilt University "argued that African Americans complained too much about discrimination" and compared them to Asians who "go out into the community and prove themselves as individuals."⁷⁵ The model minority myth can be a powerful tool because apologists for America's racially stratified society can point out that Asian Americans have achieved their supposed success although they too, like blacks, have suffered discrimination.

69. LIU, *supra* note 3, at 33 ("I have few close friends 'of color.'").

70. *Id.*

71. *Id.* at 34.

72. *Id.* at 33.

73. *Id.* at 34.

74. WU, *supra* note 3, at 62-67.

75. *Id.* at 64 (describing an incident which took place in 1988).

For anti-racist liberals, the Asian American closet serves a different kind of protective function. For liberals, the existence of non-black minorities in America, such as Asian Americans, muddles and complicates the otherwise clear black/white dichotomy that has been at the center of the American race debate. Whitening non-black ethnics is one way to solve, or at least to ignore, the problem. To the extent that closeting, or covering, ethnic identity allows Asian Americans to appear “whitened,” the Asian American closet allows the anti-racist project to proceed with less complication.

In an article that mainly focuses on the way that the black/white paradigm has worked to exclude Latinos/as from racial discourse, Juan F. Perea criticizes the “persistent focus of race scholarship on Blacks and Whites, and the resulting omission of Latinos/as, Asian Americans, Native Americans, and other racialized groups” from such race scholarship.⁷⁶ Perea criticizes scholars such as Cornel West and Andrew Hacker for slighting the histories and experiences of Latinos and Latinas in their discussions on race. Similar criticisms of these scholars could easily be made with regards to their treatment of Asian Americans. In his book, *Two Nations*, Hacker describes the racial dynamics of the United States almost exclusively in terms of the black and white races.⁷⁷ Hacker does mention the existence of Asian Americans, noting that “[r]ecent immigration from Asia and Latin America complicates any discussion of race.”⁷⁸ But any disruption to Hacker’s black/white framework that is caused by this complicating immigration is quickly smoothed over by de-racing Asians and Latinos, and by making them, for the purposes of the discussion, into whites. Insofar as we consider the position of Asians and Latinos, Hacker says, “color is becoming less important. Most Asian immigrants arrive in this country ready to compete for middle-class careers . . . so if Asians are not literally ‘white,’ they have the technical and organizational skills expected by any ‘Western’ or European-based culture.”⁷⁹

Hacker thus erases the race of Asian Americans, by declaring that they are not “literally” white, but implying that they are effectively so. Hacker’s characterization of Asians as readily assimilable, well-educated, and upwardly mobile echoes common perceptions of Asian Americans as being the “model minority.” By dismissing Asian Americans as basically white, Hacker protects his original thesis: that America is a black and white country, effectively divided by an informal system of apartheid, which has deeply contributed to the continued class stratification of America along racial lines.⁸⁰ An honest look at Asian American history would of course

76. Juan F. Perea, *Race, Ethnicity & Nationhood: The Black/White Binary Paradigm of Race: The “Normal Science” of American Racial Thought*, 85 CALIF. L. REV. 1213, 1218 (1997).

77. See ANDREW HACKER, *TWO NATIONS* 3-16 (1992).

78. *Id.* at 9.

79. *Id.* at 10.

80. *Id.* at 4.

complicate this picture—Asian Americans, after all, have historically been excluded and discriminated against in a number of legal and extralegal ways. In order to avoid these problematizing complications, Hacker deracinates Asian Americans altogether.

The erasure of Asian Americans and other non-black minorities is dishearteningly evidenced in *Brown v. Oneonta*, an opinion in which the Second Circuit denied a petition for rehearing *en banc*.⁸¹ At issue in the case was a claim of racial profiling. The plaintiffs-appellants (the victims of the alleged racial profiling) claimed that after a woman in Oneonta was attacked by a young black man, the police stopped and questioned every black person in the city, regardless of whether or not they fit the victim's description of her attacker in other particulars.

The plaintiffs argued that "the officials, without any basis for suspecting any individual approached except for his or her race, attempted to stop, question, and physically inspect the hands of any and every non-white person in and around the City of Oneonta."⁸² The plaintiffs' language was adopted without question by Judge Calabresi in his dissent from the denial of rehearing.

The language used in *Brown* by the plaintiffs and by Judge Calabresi is, in an important way, inaccurate. The plaintiffs and Calabresi conflate "non-white" and "black," perhaps because it strengthens the rhetorical appeal of the anti-racist argument. But unless there are no Asian-Americans, Latino Americans, or other minorities living in or around the city of Oneonta, the statement that the Oneonta police stopped and questioned every "non-white" person in the area is simply untrue.

Interestingly, it is Chief Judge Walker, concurring in the denial of the plaintiffs' petition for rehearing, who points out this erroneous conflation. He notes that "the complaint has a strange way of alleging" that the police impermissibly conducted racial profiling and that the allegation "seemingly includes other 'non-whites' (for example, Asians, Native Americans, Hispanics)."⁸³

Because of the particular problems historically suffered by African Americans in this country, discourse about racism has always been cast in terms of black and white. This discourse, however, is problematic: it elides Asian Americans and other minorities from the conversation about racism. In today's multicultural society, statements like Calabresi's, which erase the existence of Asian Americans in the service of an anti-racist goal, are jarring in their inaccuracy.

81. 235 F.3d 769 (2d Cir. 2000).

82. *Id.* at 780 (quoting from Second Amended Complaint) (emphasis added).

83. *Id.* at 773.

VI. THE THREATENING CLOSET

Given its protective features, it is easy to imagine why Asian Americans might wish to remain under the shelter of the closet. Covering one's ethnicity may seem like a small price to pay for freedom from harassment and suspicion.

But the closet has its threatening aspects as well. Attempts to take advantage of the closet's protective aspects will trigger its threatening aspects. For instance, by keeping ethnic practices out of public view, the closet preserves the exotic and foreign status of these practices. Thus, the stereotype of the Asian American as perpetually foreign necessarily accompanies the stereotype of the Asian American as the model minority. Although some Asian Americans may find the model minority stereotype as benign or desirable, the supplement to this stereotype—the vision of Asian Americans as the perpetual foreigner—is unmistakably malign.

For example, Frank Wu addresses the fact that in several Asian cultures, it is considered acceptable to eat dog meat. Wu describes the response of a hypothetical assimilationist Asian American, to the query, "Do Asians eat dogs?" The assimilationist might answer: "Other Asians might eat dogs, but I don't; I don't even condone it."⁸⁴ As Wu notes, the answer is problematic. By answering affirmatively for other Asians but personally repudiating the practice, the imaginary respondent distances himself from his race in an effort to ingratiate himself with his white interrogator. At the same time, he is helping to condemn and to exoticize others of his race. In effect, he is closeting his ethnicity and putting himself forward as an example of a "good" Asian—one who eats gourmet greens instead of golden retrievers—while simultaneously reinforcing the notion that Asian Americans who do not similarly cover their ethnicity may be disapproved of as "bad," and irredeemably foreign, Asians. When even the "good" Asians implicitly disapprove or explicitly repudiate a given behavior, non-Asians may feel more justified in condemning that behavior, or in considering that behavior exotic.

Such closeting maneuvers might even backfire against the respondent himself. The respondent might be wrong to imagine that this maneuver would remove him from the penumbra of suspicion against "exotic"—seeming Asians. As the World War II internment of Japanese Americans taught us, racially-based assumptions are not easily overcome by simple denials or logic. In his article on Japanese internment during World War II,⁸⁵ Joel Grossman notes that the majority of the Japanese interned were American citizens, and that there was "not a single documented act of espionage, sabotage or fifth column activity [committed] by an American citizen of Japanese ancestry or by a resident Japanese alien on the west

84. Wu, *supra* note 3, at 220.

85. Joel B. Grossman, *The Japanese American Cases and the Vagaries of Constitutional Adjudication in Wartime: An Institutional Perspective*, 19 HAWAII L. REV. 649 (1997).

coast.”⁸⁶ Simple fact was not enough to overcome the assumptions that the Japanese were “unassimilable,”⁸⁷ “unscrupulous, treacherous, [and] subversive.”⁸⁸ Fact alone may not be sufficient to override commonly held racial stereotypes, and so simply denying that you are one of “those” Asians (dog-eating, or exotic, or excessively foreign) may not fully absolve you of these undesirable traits in the eyes of your beholder. Worse, a denial carries with it a confirmation of the undesirability of the trait which is denied—by insisting that you are not one of “those dog-eating” Asians, you implicitly reinforce the idea that “those” Asians should be condemned. But again, it may be harder than expected to extricate oneself from the ranks of the condemnable.

The model minority stereotype is sometimes referred to as being a “positive” one.⁸⁹ But the model minority stereotype and the (inarguably negative) perpetual foreigner stereotype are flip sides to the same coin. Some Asian Americans may wish to take advantage of the seemingly positive aspects of the model minority stereotype, but it is impossible to do so without triggering the deeply connected negative aspects of the perpetual foreigner stereotype. As Rhoda J. Yen has observed, in times of economic downturn, positive perceptions of Asian Americans as a hardworking, industrious model minority in pursuit of the American Dream quickly turn into resentment against the “foreigners” who are perceived to have usurped jobs rightfully belonging to “real” Americans.⁹⁰ Joking references to top public universities such as U.C.L.A., U.C. Irvine and U.C. Berkeley as “University of Caucasians Lost among Asians,” “University of Chinese Immigrants,” and “University of Chinese at Berkeley” may pay homage to the Asian American success story, but they also express anger at the perceived takeover of America’s public educational institutions by foreigners.

There are other problems with the model minority myth, and related suppositions that Asians have assimilated easily into the American polis. As Frank Wu notes, such assumptions obscure the real problems facing Asian Americans. Anti-Asian racial prejudice, including violent hate crimes, are ignored, and the very existence of such racism is doubted.⁹¹ Other problems facing Asian Americans are similarly forgotten or

86. *Id.* at 652 (quoting Report of the Commission on Wartime Relocation and Internment of Civilians, *Personal Justice Denied* (1983)).

87. *Id.* at 656 (quoting General DeWitt, the head of Western Defense Command).

88. *See id.* at 654 (comparing perceptions of Japanese Americans to perceptions of Chinese Americans, who were perceived as being similar).

89. *See, e.g.*, Emil Guillermo, *Model Minority No More*, ASIANWEEK, Jan. 13, 2000, available at http://www.asianweek.com/2000_01_13/opinion_emilamok.html. Guillermo notes that popular conceptions of Asian Americans as the “model minority” include assumptions that they are “hard-working, smart as hell, and capable of unbelievable achievement.” *Id.*

90. Rhoda J. Yen, *Racial Stereotyping of Asian Americans and Its Effect on Criminal Justice: A Reflection on the Wayne Lo Case 7*, ASIAN L. J. 1, 9 (2000).

91. Wu, *supra* note 3, at 69 (citing Seligman, *Up From the Inscrutable*, FORTUNE, Apr. 6, 1992, at 120).

whitewashed. The exaggerated accounts of the “model minority’s” success, for instance, obfuscate the fact that Asian Americans actually earn a lower average per capita income than white Americans.⁹² Wu also points out that “[a]ccording to the 1990 census, 25 percent of Vietnamese Americans and 45 percent of other Southeast Asian lived in poverty.”⁹³ The belief that Asian Americans are unusually successful is thus deeply deceptive. Asian Americans who accept this myth and perpetuate it by exaggerating their assimilability contribute to this deception, and they permit the mainstream to continue ignoring the poverty and attendant problems facing some Asian Americans. As a result, these problems may fail to get necessary attention, and troubled communities may not receive the help that they need.

Finally, Asian Americans may suffer within the confines of the ethnic closet, in much the same way as Eskridge has identified gay oppression in the gay closet. The closet can become an “identity prison,”⁹⁴ in which group members are prevented from fully realizing their identity and their autonomy. The gay closet prevents gays from the free exercise of their sexuality and from the free expression of their identity. For Asian Americans, the closet may similarly inhibit the expression of identity. An individual whose ethnic cuisine includes foods that are considered “exotic” or disgusting, for instance, might be persuaded, by covering demands, to refrain from enjoying such cuisine in public. Children who have to contend with schoolyard taunts for their ethnic behaviors may distance themselves from such behaviors in order to protect themselves—and as a result, lose foreign language skills or forget cultural knowledge.

The oppressiveness of confining one’s ethnicity to the closet can be especially onerous, as it extends to many aspects of everyday life. For Asian Americans, covering demands may compel individuals to monitor their language, their social interactions, and their choice of friendships. Asian Americans who attempt to closet their ethnicity may refrain from speaking their mother tongue in public, either because they are shy of being labeled “un-American,” or because, like the Filipino nurses at Pomona Valley Medical Center, they are threatened with adverse employment action if they do otherwise.⁹⁵ For the Pomona Valley nurses, certainly, the closeting requirement was a heavy burden. They were unable to have casual, intimate conversations with their co-workers in their native tongue, and they were not permitted to telephone their families and talk to them easily and comfortably.⁹⁶ These burdens were not shared by native English speakers.⁹⁷ The closeting requirement meant that only those workers who

92. *Id.* at 53 (“In 1997, the latest year for which figures are available, Asian Americans made \$18,569 per person; white Americans, \$20,093.”).

93. *Id.* at 54.

94. ESKRIDGE, *supra* note 4, at 7.

95. *See Dimaranan v. Pomona Valley Med. Ctr.*, 775 F. Supp. 338 (C.D. Cal 1991).

96. *See id.*

97. *Id.*

were immigrants or non-native English speakers had their workplace social interactions, and their occasional (otherwise totally permissible) attentions to family responsibilities, inhibited in this way.

Asian Americans who do not suffer from workplace constraints may still inhibit their own behavior, out of fear of social condemnation, and therefore suffer from the constraints of the closet. They may choose to refrain from speaking their native tongue in public out of anxiety of seeming “too ethnic,” or may even be shy of speaking English because they do not want to reveal their accents. Their social interactions—with both ethnic and non-ethnic Americans—may be thus constrained.

Finally, the closet can be threatening to non-Asians, in much the same way that Eskridge describes the gay closet as presenting a threat to homophobic straights. For straights, Eskridge writes, the closet “could be a hiding place for predatory and subversive criminals,”⁹⁸ because it was difficult to identify gays when they hid their identity in the closet. Far from being a benign device that shielded antihomosexuals from having to confront undesirable behavior, the closet was, in the view of some, a “Trojan horse” that concealed “a fifth column [that was] threatening the United States morally and politically.”⁹⁹

The closeting of ethnic behaviors by Asian Americans might create a similar perception of threat. The World War II internment of Japanese Americans is one example of the American government reacting to such a perceived threat. Because Asians’ cultural or political allegiances to foreign nations was not readily visible (perhaps because they were, in some cases, actively concealed or closeted), the government came to suspect that all Japanese Americans might be harboring such allegiances.

VI. THE CLOSET AND MINORITY EMPOWERMENT

As Eskridge suggests, as a minority group begins to demand equality, it begins to view the closet as primarily restrictive, or imprisoning, rather than primarily protective.¹⁰⁰ Thus, as gays began to insist on equal protection and equal treatment as a right, the closet came to be seen as a kind of prison, in which one was obliged to conceal one’s status and selfhood in exchange for the privilege of equal treatment.¹⁰¹ The same kind of transition can be seen in the case of the Asian American closet. Whereas some Asian Americans may still self-consciously refrain from speaking Asian languages in public, for fear of social reproval, others, like the nurses at Pomona Valley Medical Center, are now beginning to insist on their rights to speak Asian languages in public. Asian American magazines like *Giant Robot*, and the newer, younger, more ephemeral culture of ‘zines emphasize Asian American particularity and difference, thus distancing

98. ESKRIDGE, *supra* note 4, at 7.

99. *Id.* at 59-60.

100. *Id.* at 15.

101. *See id.* at 14-15.

themselves from the older, more established, assimilationist magazines like *A. Magazine*,¹⁰² which have traditionally emphasized Asian American success stories.

But a minority group's trajectory towards greater freedom and greater protection is not necessarily encompassed by the move from insisting that the closet door remain closed, to insisting that the closet door remain open. Minority rights discussions that center on the closet door (and the question of whether it should be closed or opened) seem to be primarily concerned with mainstream acceptance and assimilation—i.e., the minority group members' abilities to "fit in" with the majority society. The point of difference between advocates of the closed door and the open door is not whether the minority group member should be permitted to assimilate into the mainstream, but only how much of her minority status (if any) she should have to discard or disown in order to be allowed to do so. So, for instance, an Asian American who covers her ethnic behavior might advocate for keeping the closet door closed as a strategy for integration into the mainstream. On the other hand, an Asian American who opposes covering (who wants to keep the metaphorical closet door open) might insist that she should not have to cover her ethnic behaviors in order to be protected by antidiscrimination law, or in order to be accepted by majority society. In either case, both are interested in "fitting in" to the mainstream.

Traditionally, the move from the closed to the open closet door has been characterized as a sign of the minority group's increasing self-confidence. As group members become more secure in their identity and their place in society, they can move away from "asking" for mainstream acceptance (acceptance that may be conditioned upon the closeting of ethnic behaviors) and demanding acceptance as a right (that cannot be alienated by the exhibition of such behaviors).

But it is also possible that after an ethnic group achieves a certain degree of self-confidence, the acceptance by mainstream society becomes less important. For instance, Dan Wu, who founded the 'zine *Oriental Whatever*, recently described his own take on Asian American publishing, first by defining himself in opposition to "mainstream and assimilationist" magazines like *A. Magazine* and *Yolk*.¹⁰³ But then he also differentiated his

102. *A. Magazine*, whose 12-year run ended in 2001, was, for much of its lifetime, one of the most established and widely-read nationwide Asian American magazines. It was sometimes criticized for its mainstream, assimilationist stance. *A. Magazine*, *Giant Robot*, and Asian American 'zines are discussed with more particularity below. See *infra* note 101.

103. *Yolk* was another nationwide Asian American magazine, with a run that lasted from 1994 to 2003. Like *A. Magazine*, *Yolk*'s articles frequently lauded Asian Americans who had been successful in the white mainstream, and filled its covers with movie stars, comedians or other celebrities well-known to mainstream American audiences, such as Michelle Yeoh, Ming Na Wen, and Margaret Cho. *Yolk* is available at <http://www.yolk.com/classic.html>. *Giant Robot*, on the other hand, often focuses on topics that, while emphasizing Asian particularity, arguably exoticize Asians, for the amusement of the reader (who, according to critics like Dan Wu, is more likely to be white than Asian). For example, *Giant Robot*'s articles often feature such subjects as sex crazed Japanese schoolgirls (Summer 1999), the artwork of Ai Yamaguchi, who paints pictures of very young, seminude Japanese girls (Fall, 2002), and

magazine from hipper, more subcultural magazines like *Giant Robot*: “Don’t get me started on *Giant Robot* . . . [It] clatters to white guys with yellow fever and a love of toys and junk. I think the magazine has a place, just a shame there aren’t more alternatives to balance it out.”¹⁰⁴ “Assimilationist” publications like *A Magazine* and *Yolk* emphasized stories of Asians succeeding in mainstream America, thus endorsing Asian integration. But *Giant Robot*, which ostensibly insists on Asian distinctiveness by focusing on unique aspects of Asian American youth subculture, still panders to and seeks approval from that mainstream, in Wu’s view. Arguably its only difference from *A Magazine*, on this point, is that it demands inclusion because of, rather than despite of, Asian cultural and racial distinctiveness. Wu suggests that his magazine is a different animal altogether, in that it does not ask for inclusion at all.

It appears that once a minority group has become sufficiently empowered, group members may begin to define themselves without being primarily concerned with fitting in with the mainstream. The focus then shifts from the question of how much ethnic behavior one is willing to jettison in order to win mainstream approval, towards a question of how to protect surviving ethnic behaviors from incursions by the mainstream. In a sense, the closet door closes again—not to allow individuals to assimilate into the mainstream, but to shelter nascent and fragile subcultures and prevent them from becoming assimilated into the mainstream.

Daniel Harris, in *The Rise and Fall of Gay Culture*,¹⁰⁵ has commented on the way that some gay subcultures have begun to reject mainstream integration. Harris observes that as gays become assimilated, they begin to fight, not to open the closet door so that they can freely enter the mainstream culture, but rather, to close it so that the heterosexual mainstream can no longer have access. This has become evident in changing attitudes towards drag performance, for instance:

At the very moment [drag] appears to be on the brink of being embraced by the heterosexual mainstream, as can be seen in the success of such pop icons as RuPaul or such films as *The Birdcage*, many gay aficionados are attempting to stave off the assimilation of this venerable artifact of classical gay culture The acrimonious debates in the gay community over its territorial rights to drag reveal the subculture in the act of resisting assimilation . . . [A] tremendous amount of nostalgia is generated among certain homosexual purists who want to protect their ethnic heritage from cooptation¹⁰⁶

Harris describes how some of these members of the gay community enforce the privatization of cultural practices like drag, by trying to keep its

Iron Chef, the wacky Japanese TV game show that has become a cult hit among American audiences (Summer, 2003).

104. Yuan Kwan Chan, *Talking Whatever*, MENISCUS 'ZINE, at <http://www.geocities.com/Tokyo/Flats/6075/issue12/danwu/>.

105. DANIEL HARRIS, *THE RISE AND FALL OF GAY CULTURE* (1997).

106. *Id.* at 217.

practice confined to the community. “[D]rag shows held in gay ghettos now consist predominantly of other homosexuals who actively strive to exclude the gawkers, the ‘lookie Lous.’”¹⁰⁷

Within the small space created by the closet, a subculture can thus attempt to constitute its own majority, in which outsiders may not be welcome. Various Native American groups, for instance, have begun to insist on cultural privacy in their attempts to protect their own stable and insular subcultures. Anthropologist Michael Brown writes that at Hopi or Taos Pueblo reservations in the American Southwest, “tribal authorities actively discourage non-Pueblo people from observing, recording, or even inquiring about a wide spectrum of cultural practices,”¹⁰⁸ out of the concern that outsider observation and imitation of Native practices has led to misappropriation, religious sacrilege, or a denigrating exoticization of their culture. In effect, the Pueblo Indians can be said to be shutting a closet door and seeking protection in the closet.

But here, the protective closet works in a very different way than it did before. Whereas the traditional closet helped minority group members assimilate into the mainstream culture, by hiding undesirable ethnic traits, the new closet protects minority group members who may not really want to assimilate at all. The closet works, not to assist assimilation, but to hinder it, by hiding ethnic practices so that outsider majority group members cannot observe, and by observing, learning to imitate, in misappropriative or denigrating ways.

The fear of cooptation by the majority is in a way analogous to the majority fear of the disloyally foreign (or sexually deviant) minority group member lurking behind a closed closet door. Of course, the two cases are different: for closeted gays and covering minorities, the majority fear was augmented when the closet door is closed (because one could not know what—whether a sexual deviant or a disloyal foreigner—lay behind it), whereas for insular subcultures, the fear is greater when the closet door is open (because when the door is open, others will be able to view, observe, and thus appropriate ethnic behaviors). But in both cases, the concern seems to be about inauthentic imitation. For an anti-foreign or antihomosexual majority, inauthentic imitation is worrisome because skillful imitation of the majority makes it more difficult to discover and rout out those who actually belong to the undesirable minority. For the insular minority group, inauthentic imitation also poses a threat—because it is sacrilegious, denigrating, or condescending, or because it may break down the uncultivateable (though perhaps undefinable) difference that defines the minority group against the majority.

Recent criticisms of pop culture by Asian Americans have captured this fear of inauthentic imitation. In recent years, some Vaishnava Hindus

107. *Id.* at 215.

108. Michael F. Brown, *Can Culture Be Copyrighted?*, 39 CURRENT ANTHROPOLOGY 2, 197 (1998).

have been angered at the misappropriation of their religious symbols by pop stars. In an MTV performance in 1998, Madonna chanted Vedic scriptures before beginning her “sexually charged dance routine while singing her hit song ‘Ray of Light.’”¹⁰⁹ She wore a “Vaishnava tilak,” a “holy facial marking.”¹¹⁰ According to World Vaishnava Association (WVA) spokesperson Tusta Krishandas, this was an inappropriate use of sacred symbols that some devout practitioners found offensive:

Madonna either misunderstood the significance of wearing tilak or treated it very cheaply Tilak is traditionally worn with gravity and sincerity as an expression of devotion to the Supreme Lord and a commitment to restrain one’s senses and live a pious life. By wearing this sacred marking while wearing clothing through which her nipples were clearly visible and while gyrating in a sexually suggestive manner with her guitar player, Madonna offended Hindus and Vaishnavas throughout the world. . . . Madonna is . . . welcome if she is a sincere seeker. However, if she doesn’t respect the Vedic teachings, it would be better to give up the charade of Indian spirituality.¹¹¹

Madonna was not the first pop singer to appropriate Hindu tilak or bindi as a fashion accessory. Gwen Stefani, of the Orange County-based pop group No Doubt, first popularized the bindi as a teen fashion accessory—so much so that wearing the bindi (which has been worn by Indian women for thousands of years) has been simply referred to as “the Gwen look” by at least one fashion writer.¹¹² This has raised the ire of at least a few South Asian American activists. Monali Sheth, who was once a co-coordinator of the U.C. Berkeley South Asian Student Association (SASA), felt that the “mainstream has ripped something out of Indian society, taken it out of its context and now selling it under the guise of multi-culturalism.”¹¹³ R. Farrah Qidwai, who coordinated U.C. Berkeley’s SASA with Sheth, argued: “White people, who are not familiar with Indian culture, have taken it and marketed it as an exotic and spiritual product of global unity without consent or approval by the Indian community.”¹¹⁴

In effect, Krishandas, Sheth, and Qidwai are insisting on a new closet door to be shut between Asian American communities and the mainstream white culture. Unlike the Pueblo Indians or the gay purists described by Harris, Krishandas, Sheth, and Qidwai do not want to prohibit observation of their culture. But they do want to restrict the facility with which whites are currently permitted to shuttle between the mainstream culture and the minority “fad.” Somewhat analogously to the whites who, in a previous

109. Renato Nassar Cardoso, *The Hindu Criticism*, Press Release from the World Vaishnava Association, Sept. 12, 1998, available at <http://www.eecs.harvard.edu/~zhwang/Madonna/MDVMA98.html>.

110. *Id.*

111. *Id.*

112. See <http://www.sol.co.uk.w.wicked.TGLA1.htm>.

113. Cheryl Locke, *Promotion, or Rip Off?: Caucasian Performers Adopt Asian Looks*, 2 HARDBOILED 1 (Oct. 1998), available at <http://www.hardboiled.org/2-1/ripoff.html>.

114. *Id.* (quoting Farrah Qidwai).

generation, may have felt threatened by the closed door of the closet (because it presented all covering Asian Americans as assimilated, thus making it harder to identify those who were imperfectly assimilated), these new activists want to keep the closet door closed, because an open door allows outsiders to enter and imitate. In both cases, there is a fear of imperfect assimilation, or outward imitation without inward transformation; for whites fearful of a "fifth column," the closed closet door presented the danger that subversive minorities would imitate Americans without being transformed, and that they would thus infiltrate, undiscovered, to poison the majority culture; for these young Asian Americans, meanwhile, the open door may permit untransformed imitators (for instance, Madonna, who wears a tilak without, presumably, being affected by its meaning) to enter and threaten the integrity of a nascent and fragile subculture.

VII. CONCLUSION: OUT OF THE CLOSET AND BACK IN AGAIN

Imperfect though the analogy may be, the symbol of the closet door sheds some light on the subject of Asian American assimilation. As noted above, the symbol seems, at first glance, to be inapplicable—unlike gays, who are arguably able to completely hide their minority identity behind the closet door, Asian Americans are rarely able to do so. Their Asian features will "out" them, regardless of their behavior.

Nevertheless, the analogy is an apt one. Asian Americans can still shuttle between two possible stereotype identities—the model minority and the foreigner. Although they may never be able to pass as white, they can still hide the less desirable "foreigner" identity behind the closet door, while passing themselves off as the assimilable model minority. Furthermore, Kenji Yoshino's term, "covering," to describe the assimilationist move of downplaying one's minority status, helps show how the closet may apply, in a weaker form, to Asian Americans, who may choose to gloss over, or minimize, their ethnic-ness, in order to fit in more easily into American society.

The closet can be both protective and threatening—both for the closeted party as well as for the mainstream society outside. William Eskridge has hypothesized, in the context of gays, that as a group becomes stronger and more self-confident, the threatening, restrictive aspects of the closet begin to predominate over the protective aspects, and the group begins to demand that the closet door be opened.

This has been evident in the case of Asian Americans, as it has been for gays. But empowerment does not necessarily end with the demand to open the closet door. While it takes a certain amount of self-confidence on the part of a minority group, to demand inclusion from the mainstream, it may be a sign of even greater self-confidence that the group is capable of rejecting inclusion when it is offered.

If this is true, then the symbol of the closet is being transformed by

modern minority groups. Minority groups have begun to re-close the closet door, this time of their own accord. This time around, the closet appears as a space of comfort, freedom and self-expression. Whereas the urban ghetto of Chinatown was once a sign of the mainstream's rejection of Asian Americans, modern, upper-middle-class Asian American suburbs like Monterey Park are a sign that many of today's Chinese- and Taiwanese-Americans have freely chosen to live away from the Anglo-American mainstream.¹¹⁵ Anglo Americans might once have rejected traditional ethnic clothing with derision; today, however, modern Asian American activists claim these ethnic symbols as their own and challenge the rights of others to wear them at all.

This is not to say that the threatening aspects of the closet—oppression, exclusion, and fear—are nonexistent in these new forms. But modern attempts by minority groups to shield themselves from the mainstream's gaze or intrusion are evidence of self-confidence, and a freedom to choose. They are a sign of empowerment, rather than solely of disempowerment, and they suggest a new, radically altered, form of the closet.

115. According to the 2000 Census, Monterey Park is 61% Asian American. The residents of the city, which has been nicknamed "The Chinese Beverly Hills," are largely highly educated professionals, and live in "some of Southern California's priciest homes." John Rogers, *Monterey Park: Ground Zero in U.S. Growth Boom*, ASIAN WEEK, Apr. 20-26, 2001, available at http://www.asianweek.com/2001_04_20/feature_montereypark.html.

