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Battered Asian American Women: Community Responses from the Battered Women's Movement and the Asian American Community

Karin Wang[†]

The anti-domestic violence movement has made significant progress in the past twenty years. However, these gains largely have not been realized by Asian American women. The author argues that for Asian American women, domestic violence is complicated by factors such as language barriers, immigrant status, cultural differences, and racial discrimination—issues which have not been addressed by the anti-domestic violence movement. Moreover, the Asian American community, which does comprehend these complicating factors, has failed to make domestic violence a priority issue. Thus, the unique needs of battered Asian American women are often left unanswered. The author critiques both the “white-centered” domestic violence movement for failing to address race adequately, and the male-centered Asian American civil rights perspective for failing to address women’s issues adequately. She calls for both groups to adopt a broader vision that embraces both race and gender.

INTRODUCTION

He hit me, held a knife to my throat, a gun to my head, and choked me with a golf club. My arms, legs, and body were often covered with bruises. He would kiss them, cry and say, “Baby, I didn’t mean to hit you. I don’t know why . . . I lost my temper.”¹

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1. JACQUELINE R. AGTUCA, A COMMUNITY SECRET: FOR THE FILIPINA IN AN ABUSIVE RELATIONSHIP 6 (1994) (quoting a battered Filipina American woman).

*He would drag me by my hair down the stairs, smash my head into the wall, throw me down on the floor then kick and hit me all over. . . . He would spit on me when I got dressed*²

These brutal experiences are familiar to many battered women, but these two stories belong to battered Asian American³ women. Their stories are unique, not because Asian American women necessarily experience domestic violence differently from non-Asian American women, but because the stories of battered Asian American women are still relatively unheard and unknown.⁴ While the movement against domestic violence

2. Sonia Chopra, *The New New Yorkers: Silent No More, South Asian Women Get Help to Escape Domestic Abuse*, *NEWSDAY*, May 22, 1994, at 1 (quoting a battered Asian Indian woman).

3. I broadly define "Asian American" to include all persons of Asian ancestry living in the United States. I use "Asia" and "Asian" to refer to the nations and peoples of East Asia (including China, Japan, Korea), Southeast Asia (including Burma, Cambodia, Laos, Thailand, Vietnam), South Asia (including India), and the Philippines.

I apply the term "American" to all people living in this country, regardless of citizenship or residency status, because anyone who lives in the United States is a part of its social fabric and thus contributes to the definition of "America," as a nation, history, or culture. I reject the more common usages of "American" to refer only to those who have citizenship or who are assimilated into the American mainstream. "Reserving the term 'American' for those who seem fully assimilated erases two important and related factors. The first is the fluid and shifting nature of American identity. The second is the fact that both immigrant and Asian experiences are integral and formative components of American identity." Leti Volpp, *(Mis)identifying Culture: Asian Women and the "Cultural Defense"*, 17 *HARV. WOMEN'S L.J.* 57, 61 (1994). The term "Asian American" thus includes both immigrant Asians (documented or undocumented) and native-born Asians in the United States.

I do not ascribe to the broader—and currently more popular—term "Asian Pacific American." Identifying Pacific Islanders with Asians has often resulted in Pacific Islanders being engulfed and made invisible among Asian Americans. J. Kehaulani Kauanui & Ju Hui Han, *Issues of Representation and Responsibility*, in *MOVING THE MOUNTAINS* 24, 24-25 (— ed., 19—). Furthermore, as the federal Office of Management and Budget reconsiders racial and ethnic categorizations used by the Census Bureau, Pacific Islanders such as Native Hawaiians and American Samoans have articulated a desire to be distinguished from immigrant Asian Americans and to be recognized as indigenous Americans. See Steven A. Holmes, *U.S. Urged to Reflect Wider Diversity in Racial and Ethnic Classifications*, *N.Y. TIMES*, July 8, 1994, at A18; Gregory Lewis, *Census's Racial Designations Slammed in S.F.*, *S.F. EXAMINER*, July 15, 1994, at A-1; Kirk Spitzer, *Native Hawaiians Push for Own Ethnic Category*, *GANNETT NEWS SERVICE*, July 8, 1994 at 3.

4. Throughout this Comment, I use personal stories to illustrate the reality of battering against Asian American women. Such narrative is important because it "allows [the author] to convey to others, an audience, a story designed to inform the audience's understanding of a problem. If the story is persuasive, it can compel the audience to change the world in some way so that the problem might be solved." Angelo N. Ancheta, *Community Lawyering*, 1 *ASIAN L. J.* 189, 199 (1994) [81 *CALIF. L. REV.* 1363, 1373 (1993)]. I offer these real stories of battered Asian American women in order to raise their voices within legal scholarship, in the same vein that Robert Chang employs narrative in calling for an Asian American Legal Scholarship: "[O]ne of the tasks of Asian American Legal Scholarship is to break the silence that surrounds our oppression. An important tool in breaking this silence is the use of personal narrative. Narrative will allow us to speak our oppression into existence, for it must first be represented before it can be erased." Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space*, 1 *ASIAN L. J.* 1, 25 (1994) [81 *CALIF. L. REV.* 1243, 1267 (1993)] (footnote omitted).

Storytelling as a method of bringing different voices into traditional legal discourse has long been embraced by feminist and critical race legal theorists—those scholars of "outsider jurisprudence" who represent "constituencies typically excluded from jurisprudential discourse," such as women and people

has made tremendous gains in the past twenty years,⁵ not all battered women have benefited equally. Women of color have gained less from the progress of the anti-domestic violence movement, which has been primarily "white-centered."⁶ And within communities of color, including Asian American communities,⁷ domestic violence has yet to become a priority issue.⁸

Although battered women experience universally similar abuse, the needs and concerns of Asian American domestic violence victims require special attention. Battered Asian American women are situated differently than other battered women in the United States, especially white women.⁹ Domestic violence is a complex psychological and sociological phenomenon which is further complicated in Asian American communities by other factor such as language, immigrant status, culture, and racial stereotypes. Battered Asian American women stand at the intersection of multiple identities, not only as women and domestic violence victims, but also as Asians and often as immigrants.¹⁰ However, American society and laws, which are constructed largely along binary lines (e.g., the "black-white" paradigm of

of color. Mari J. Matsuda, *Public Response to Racist Speech: Considering the Victim's Story*, 87 MICH. L. REV. 2320, 2323 n.15 (1989).

5. The movement to study and address domestic violence against women did not really begin until the 1970s. See Naomi R. Cahn, *Civil Images of Battered Women: The Impact of Domestic Violence on Child Custody Decisions*, 44 VAND. L. REV. 1041, 1047-48 (1991). Post-1970, shelters, services, and laws aimed at aiding and protecting domestic violence victims have proliferated. Battered women's shelters numbered zero in 1970 but jumped to over 700 by 1987. *Id.* at 1048. The number of states with civil laws aiding battered women went from only two states and the District of Columbia, in 1976, to all but two states in 1987. *Id.*

6. I use "white" to denote the majority population in the United States—namely, those descended from European immigrants—and I use both "non-white" and "of color" to refer collectively to Americans of African, Asian, Latino or Native Indian descent.

7. I use "Asian American communities" in referring to the many Asian ethnic groups as separate entities. I use both "the Asian American community" and "Asian America" to refer to these groups collectively.

8. Trova Hutchins & Vee Baxter, *Battered Women*, in ALTERNATIVE SOCIAL SERVICES FOR WOMEN 179 (Naomi Gottlieb ed., 1980) (citation omitted).

9. A comparison is drawn between Asian American women and white women, because the anti-domestic violence movement has traditionally been white-centered. It is beyond the scope of this paper to focus on cross-racial comparisons among non-white women. For a discussion of the white-centeredness of the anti-domestic violence movement, see *infra* Part I.B.

10. Intersectionality theory posits that people have multiple identities which are not adequately addressed by doctrines recognizing only a single axis for analysis. For example, Kimberle Crenshaw, in discussing the intersectionality of race and gender, finds that racial and sexual discrimination cases tend to be viewed in terms of the most privileged group within that race or sex. See generally Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139 (1989). Professor Crenshaw argues that:

This focus on the most privileged group members marginalizes those who are multiply-burdened and obscures claims that cannot be understood as resulting from discrete sources of discrimination. . . . [T]his focus . . . creates a distorted analysis of racism and sexism because the operative conceptions of race and sex become grounded in experiences that actually represent only a subset of a much more complex phenomenon.

Id. at 140.

race)¹¹, have great difficulty recognizing intersectionalities and effectively ignore those—such as battered Asian American women—who exist at intersections of identity.¹²

In this Comment, I address the social and legal disenfranchisement of battered Asian American women. In Part I, I examine domestic violence generally and critique the predominantly “white-centered” domestic violence movement for failing to address adequately the needs of non-white women—namely, Asian American women. In Part II, I define the battered Asian American woman and argue that Asian American women face unique problems as a result of immigration status, cultural norms, and harmful stereotypes. In Part III, I examine the Asian American community’s male-centered perspective on civil rights issues, and its subsequent failure to address women’s issues. I conclude by arguing that both the anti-domestic violence movement and the Asian American community must affirmatively address the needs of battered Asian American women. Because Asian American women are not “just women” or “just Asian Americans,” both women’s rights advocates and Asian civil rights advocates must move beyond their current limited visions and adopt a new paradigm which simultaneously embraces race and gender.

I.

AN OVERVIEW OF DOMESTIC VIOLENCE AND THE “WHITE-CENTERED” ANTI-DOMESTIC VIOLENCE MOVEMENT

A. *Domestic Violence Generally*

Although domestic violence is commonly perceived as limited solely to incidents of actual or threatened physical harm, domestic violence is more accurately characterized as a pattern of coercive control in an intimate

11. Despite the growing presence of Asians and Latinos in America, “race” and “racism” are commonly and ubiquitously explained in terms of “black” and “white.” Professor Gary Okihiro, in asking the question “Is yellow black or white?,” criticizes the American construction of race and racism, which forces Asian Americans to be “black” or “white” with no recognition of anything in between: “Implicit within the question is a construct of American society that defines race relations as bipolar—between black and white—and that locates Asians (and American Indians and Latinos) somewhere along the divide between black and white. Asians, thus, are “near-whites” or “just like blacks.” Gary Okihiro, *Is Yellow Black or White?*, in *MARGINS AND MAINSTREAMS: ASIANS IN AMERICAN HISTORY AND CULTURE* 31, 33 (1994). One example of the manifestation of this two-dimensional construction can be found in Professor Derrick Bell’s classic textbook on race and the law. One of the only law textbooks of its kind, *RACE, RACISM AND AMERICAN LAW* is misnamed and misleading. Despite its exhaustive examination of the role of race in shaping and being shaped by the American legal system, Professor Bell focuses almost exclusively on African Americans and whites, hardly mentioning Asian Americans, Latinos, or Native Americans. See DERRICK BELL, *RACE, RACISM AND AMERICAN LAW* (3d ed. 1992).

12. See, e.g., William R. Tamayo, *When the “Coloreds” Are Neither Black Nor Citizens: The United States Civil Rights Movement and Global Migration*, 2 *ASIAN L.J.* 1 (1995) (urging the current Civil Rights Movement to move away from its strictly black-white focus and to embrace the struggles of non-white, non-black immigrants).

relationship.¹³ Batterers dominate their victims¹⁴ not only through violence or threats of violence, but also through emotional and verbal abuse, property destruction, and economic deprivation.¹⁵ Battering is an unequal struggle for power, in which the abuser controls his victim through fear, and thus pressures her to behave against her wishes or to refrain from acting independently.¹⁶

Battering is rarely a "one-time" problem. Instead, it is often cyclical, with violence escalating in frequency and severity over time,¹⁷ especially when a battered woman tries to leave her batterer or seek assistance.¹⁸ Although a repentance period may follow the violent behavior, the violence usually repeats itself.¹⁹

Because domestic violence occurs within an intimate relationship, battering usually happens in the privacy of the home. At home, absent witnesses, abusers are often able to conceal the existence or the extent of violence.²⁰ The home also shields abusers because of general societal and

13. Rachel Morello Frosch & Trinidad Madrigal, *Introduction to DOMESTIC VIOLENCE IN IMMIGRANT AND REFUGEE COMMUNITIES: ASSERTING THE RIGHTS OF BATTERED WOMEN* I-2 (Deeana Jang et al. eds., 1991) [hereinafter *DOMESTIC VIOLENCE IN IMMIGRANT AND REFUGEE COMMUNITIES*]. Domestic violence is also defined more generally as "encompass[ing] the whole range of violence in the home among family members. . . includ[ing] elderly abuse, child abuse, incest, and partner abuse." Margaretta Wan Ling Lin & Cheng Imm Tan, *Holding Up More Than Half the Heavens: Domestic Violence in Our Communities, A Call for Justice*, in *THE STATE OF ASIAN AMERICA: ACTIVISM AND RESISTANCE IN THE 1990s* 321, 323 (Karin Aguilar-San Juan ed., 1994).

This Comment will focus on violence between intimate heterosexual partners, either married or unmarried. I do this to avoid (as much as possible) essentializing the experiences of *all* battering victims.

14. In domestic violence situations, batterers are overwhelmingly male and victims are predominantly female. In 90% of cases where a spouse or ex-spouse was assaulted, the abuser was male. BUREAU OF JUSTICE STATISTICS, U.S. DEPARTMENT OF JUSTICE, REPORT TO THE NATION ON CRIME AND JUSTICE 33 (1988).

I use "batterer" and "abuser" interchangeably to refer to individuals who commit acts of domestic violence. I use "battered woman," "domestic violence victim," and "victim" interchangeably to refer to individuals who are subjected to acts of domestic violence.

15. See, e.g., Domestic Abuse Intervention Program, Power and Control Wheel, (theory developed by Domestic Abuse Intervention Program, Duluth, Minnesota); BARBARA J. HART, *THE LEGAL ROAD TO FREEDOM* 2 (1991); Frosch & Madrigal, *supra* note 13, at I-2; Lin & Tan, *supra* note 13, at 323-24.

16. See Debbie Lee, *Identifying Immigrant Battered Women*, in *DOMESTIC VIOLENCE IN IMMIGRANT AND REFUGEE COMMUNITIES*, *supra* note 13, at II-1, II-4 (quoting SUSAN SCHECHTER, GUIDELINES FOR MENTAL HEALTH PRACTITIONERS IN DOMESTIC VIOLENCE CASES NATIONAL COALITION AGAINST DOMESTIC VIOLENCE 4 (1987)).

17. Lee, *supra* note 16, at II-7.

18. HART, *supra* note 15, at 2-3. For example, Filipina immigrant Suana Remerata Blackwell was in the process of divorcing her husband, Timothy Blackwell, on grounds of abuse when he gunned her down on the steps of the courthouse where she sought to leave him. Scott Watanabe, *Not a Private Affair: Community Deals With Domestic Violence*, INTERNATIONAL EXAMINER, Oct. 31, 1995, at 1.

19. Lin & Tan, *supra* note 13, at 325.

20. See Lee, *supra* note 16, at II-5. Society's deference to the sanctity of marriage is sadly illustrated by one victim's comment that: "[i]f a man hits me over the head with a brick in front of People's drugstore, he goes to jail. If it's my husband, he goes home." Trova Hutchins & Vee Baxter, *Battered Women*, in *ALTERNATIVE SOCIAL SERVICES FOR WOMEN* 179, 184 (Naomi Gottlieb ed., 1980) (citation omitted).

law enforcement reluctance to interfere in family matters.²¹ Not only is battering often regarded as a "private" problem, but batterers often deny or rationalize their violent or abusive behavior by externalizing the blame onto the victim.²² In turn, victims of battering accept this externalization of blame, out of fear or shame or as a result of emotional and psychological battering which breaks down the victim's resistance to blame.²³

Even if she does not assume the blame, a battered woman may nevertheless stay in an abusive relationship for any number of "practical" reasons. A battered woman may be substantially or wholly financially dependent on her batterer.²⁴ Or she may fear worse physical harm to herself and/or to her children as punishment for leaving.²⁵ Or she may believe that she loves her abuser, and is thus emotionally unable to leave him.²⁶

Although hidden for years behind closed doors and matrimonial sanctity, domestic violence is finally being recognized as a "true epidemic" which affects society as a whole, but victimizes women in particular.²⁷ The pervasiveness of domestic violence in American society is frightening. Every year, more than four million women are severely assaulted by their spouses or ex-spouses.²⁸ One third of the women who seek emergency medical care have been battered.²⁹ Husbands and boyfriends commit more than half of the murders of women.³⁰ Not surprisingly, battering injures more women ages fifteen to forty-four than any other form of violence.³¹

As shocking as these numbers are, they probably underrepresent the full extent of battering. Domestic violence advocates suspect that many incidents of battering go unreported.³² In addition, many battering com-

21. Lin & Tan, *supra* note 13, at 324.

22. Lee, *supra* note 16, at II-5.

23. Lin & Tan, *supra* note 13, at 324.

24. HART, *supra* note 15, at 4.

25. *Id.* at 2-3. Almost seventy-five percent of reported spousal assaults occurred after separation or divorce. BUREAU OF JUSTICE STATISTICS, *supra* note 14. Ironically, battered women have been killed in attempting to escape and end the violence in their lives. See *supra* note 18.

26. Lee, *supra* note 16, at II-80.

27. Recently, former U.S. Surgeon General Antonia Novello described battering as a "rampant" problem and acknowledged that "'domestic violence with a fist is as important as violence with a gun.'" Jill Smolowe, *What The Doctor Should Do*, TIME, June 29, 1992, at 57. Whether or not the actual number of women who are victimized by domestic violence has increased, the epidemic arises in part from the recently increased awareness and recognition of domestic battering as a social problem and as a crime. See Hutchins & Baxter, *supra* note 20, at 181 ("There is no evidence that the incidence of woman battering has either increased or decreased over recent decades. What has changed, at least in the past few years, is the level of public awareness and social consciousness about the physical abuse of women.").

28. Smolowe, *supra* note 27, at 57.

29. *Id.*

30. *Id.*

31. *Id.*

32. Frosch & Madrigal, *supra* note 13, at I-3. Family law attorney Deeana Jang says that: "Due largely to the fact that society has ignored or even implicitly condoned its existence, domestic violence is [a] . . . predominantly underreported crime." Deeana L. Jang, *Asian Immigrant Battered Women and United States Immigration Policy*, 4 ASIAN AM. POL'Y REV. 33, 33 (1991).

plaints are never prosecuted and others are not recorded as instances of spousal abuse.³³ Thus, the full extent of domestic violence is unknown.

B. The "White-Centeredness" of the Anti-Domestic Violence Movement

*Win Ha first sought help last year after her husband beat her three times during her first month in the U.S. A Vietnamese friend gave her the number of an advocacy group, and Ha was placed in a mainstream women's shelter. But she stayed only three days. "There was no Vietnamese food in the shelter," says Ha, and no one spoke Vietnamese, so when Ha's children became sick, she didn't know what to do.*³⁴

The anti-domestic violence movement is largely a white women's movement.³⁵ It is part of a broader women's rights movement, a movement which historically has been racist and nativist.³⁶ As such, contemporary

33. Hutchins & Baxter, *supra* note 20, at 185.

34. *Battered Asian Immigrant Women Find Help at Shelter* (National Public Radio news broadcast, July 24, 1994), available in WESTLAW, ALLNEWS database.

35. "The feminist analysis . . . offers only a monocultural analysis of domestic violence. An analysis predicated on a Western cultural context offers a limited view of domestic violence for people from non-Western cultural backgrounds." Christine K. Ho, *An Analysis of Domestic Violence in Asian American Communities: A Multicultural Approach to Counseling*, 9 WOMEN & THERAPY 129, 131 (1990).

See also Elizabeth M. Schneider, *Particularity and Generality: Challenges of Feminist Theory and Practice in Work on Woman-Abuse*, 67 N.Y.U. L. REV. 520, 532 (1992) (noting that the battered women's movement has been "largely shaped by the experience and understanding of white women"); SUSAN SCHECHTER, WOMEN AND MALE VIOLENCE 272 (1982) (noting that battered women's shelters have been run by predominantly white women and many thus have a white, middle-class bias).

See generally Esther Ngan-Ling Chow, *The Feminist Movement: Where Are All the Asian American Women?*, in MAKING WAVES: AN ANTHOLOGY OF WRITINGS BY AND ABOUT ASIAN AMERICAN WOMEN 1, 362 (Asian Women United of California ed., 1989) [hereinafter MAKING WAVES] (critiquing the feminist movement for being white and middle-class but calling for Asian American women to join the feminist movement).

36. The suffragist movement provides numerous examples of racism and nativism. One critic of the early feminist movement notes that:

In the mid-nineteenth century, suffragists argued that it was "degrading" for educated Anglo-Saxon women to remain voteless while "two million ignorant men are being ushered into the legislative halls. . . . What can we hope for at the hands of the Chinese, Indians, and Africans?" In the 1890s anti-immigrant suffragists argued that enfranchising women could counteract the "ignorant foreign vote."

ELAINE H. KIM, ASIAN AMERICAN LITERATURE: AN INTRODUCTION TO THE WRITINGS AND THEIR SOCIAL CONTEXT 251 (1982) (quoting CAROL HYMOWITZ & MICHAEL WEISSMAN, A HISTORY OF WOMEN IN AMERICA 158, 274 (1978)). Early feminist battles most noticeably excluded African American women. For example, in the 1920s and 1930s, when African American women sought support from the National Women's Party in their right-to-vote campaign, the "'white feminists rejected their petitions arguing that this was a race concern and not a women's concern.'" Miriam H. Ruttenberg, *A Feminist Critique of Mandatory Arrest: An Analysis of Race and Gender in Domestic Violence Policy*, 2 AM. U. J. GENDER & L. 171, 176 (1994) (quoting Elsa Barkley Brown, *Womanist Consciousness: Maggie Lena Walker and the Independent Order of Saint Luke*, 14 SIGNS 610, 612 (1989)).

feminism has been criticized for failing to embrace a vision that speaks to American women of all races.³⁷

By focusing on gender alone, the anti-domestic violence movement falls into the same trap as other feminist movements: it ends up privileging white women.³⁸ In American society and laws, gender and race both operate hierarchically. Men are privileged over women, and white is privileged over non-white.³⁹ In a hypothetical world where gender is the only basis of oppression, the subordination of women to men might be the only battle women need to fight. However, in the very real world where race is also a basis of oppression, where oppressions are not discrete and insular, and where white is the privileged race, white women possess an "unearned advantage" and a "conferred dominance"⁴⁰ over non-white women by virtue of being white. White privilege allows white women to examine gendered issues such as domestic violence from a color-blind perspective.⁴¹ The current anti-domestic violence discussion privileges those for whom gender is the primary basis of oppression and does not speak to women who face conflating oppressions of gender and race.

For example, in the past decade, white feminists have called for the mandatory arrest of batterers, thereby recognizing domestic violence as crimes against women.⁴² However, in supporting mandatory arrests, white feminists failed to recognize that such laws disproportionately impact non-white communities, especially the African American community, as the criminal justice system arrests blacks at higher rates than whites. Supporting mandatory arrest for battering would require African American women to be "women" to the exclusion of being "black."

For Asian American women, dealing with the white-centered feminist movement has been particularly difficult. Not only are Asian American women struggling within their own communities to eliminate culturally-

37. Non-white women have criticized the recent "backlash" debate in feminism as centering around the experiences of white women to the exclusion of the experiences of women of color. See Daina C. Chiu, Comment, *The Cultural Defense: Beyond Exclusion, Assimilation, and Guilty Liberalism*, 82 CALIF. L. REV. 1053, 1086-88 (1994) (critiquing the "backlash" debate in discussing the use of the Asian woman as an example of what is "ideally feminine" against the backdrop of the modern career-oriented and non-feminine American woman).

38. White privilege is defined as "an invisible package of unearned assets . . . like an invisible weightless knapsack of special provisions, maps, passports, codebooks, visas, clothes, tools and blank checks." Peggy McIntosh, *White Privilege: Unpacking the Invisible Knapsack*, in *PEACE AND FREEDOM* 9, 9 (1989).

39. *Id.*

40. *Id.* at 11.

41. The danger of privilege is that those who possess it often do not recognize their privilege as such; instead, it is just accepted as a part of their world. STEPHANIE M. WILDMAN, *LANGUAGE AND SILENCE: MAKING SYSTEMS OF PRIVILEGE AND SUBORDINATION VISIBLE* 15 (1994) (unpublished manuscript, on file with Asian Law Journal). Kimberle Crenshaw says: "Race and sex . . . become significant only when they operate to explicitly disadvantage the victims; because the privileging of whiteness or maleness is implicit, it is generally not perceived at all." Crenshaw, *supra* note 10, at 151 (emphasis omitted).

42. Rutenber, *supra* note 36, at 171-72, 182.

rooted beliefs in the subordination of women,⁴³ but they are additionally struggling in the 1990s for a place in the feminist movement.⁴⁴

The schism between white and Asian American feminists is pointedly illustrated by the events following the decision of a New York domestic murder case. In 1989, a New York judge sentenced Dong Lu Chen, a Chinese American man, to only five years' probation for the murder of his wife.⁴⁵ The judge based his decision on Chen's cultural defense argument that upon learning of his wife's infidelity, "traditional Chinese values" about adultery and loss of manhood drove Chen to kill his wife.⁴⁶ Asian American community activists and feminists briefly coalesced to protest the judge's decision.⁴⁷ However, the coalition rapidly disintegrated, revealing the ideological split between white and Asian American feminists.⁴⁸ White feminists wanted to completely ban the use of culture as a defense, arguing that there should be only one, color-blind standard of justice.⁴⁹ While not

43. See *infra* part II.B. See also *infra* notes 47-48 and accompanying text (discussing the Dong Lu Chen case).

44. Janice Mirikitani describes the alienation of Asian American women from the (white) feminist movement:

I got into a thing
with someone
because I called her
miss ann/kennedy/rockerfeller/[sic]/hughes
instead of ms.
I said
it was a waste of time
to worry about it.
her cool blue eyes
ices me—a victim of sexism.
I wanted to accommodate her
and call her what
she deserved,
but knowing that would please her
instead
I said,
white lace & satin was never soiled by sexism
sheltered as you were by mansions
built on Indian land
your diamonds shipped with slaves from Africa
your underwear washed by Chinese laundries
your house cleaned by my grandmother
so do not push me any further.
and when you quit
killing us for democracy
and stop calling ME *gook*
I will call you whatever you like.

Janice Mirikitani, *Ms.*, in *THIRD WORLD WOMEN* 166 (Third World Communications eds., 1972).

45. Marianne Yen, *Refusal to Jail Immigrant Who Killed Wife Stirs Outrage*, WASH. POST, Apr. 10, 1989, at A3.

46. Alexis Jetter, *Fear is Legacy of Wife Killing in Chinatown*, NEWSDAY, Nov. 26, 1989, at 4.

47. *Id.*

48. *Id.*

49. The white feminists included Elizabeth Holtzman, who at the time was the District Attorney for the county where the case was heard, and the National Organization of Women. Volpp, *supra* note 3, at 77, n.89. Holtzman challenged the sentence and the use of culture as a defense, saying: "There should be one standard of justice, not one that depends on the cultural background of the defendant.

condoning Dong Lu Chen's use of a cultural defense, Asian American community groups, including the Organization of Asian Women, the Asian American Legal Defense and Education Fund, and the Committee on Anti-Asian Violence, wanted to employ culture as a defense in some contexts.⁵⁰ The disintegration of the coalition and the failure of white feminist leaders to recognize cultural differences illustrate the incompatibility of a white-centered feminist agenda with the needs of non-white communities. In particular, the split between white feminists and Asian American activists ignored concerns that Asian American women had regarding the shocking use and success of a "cultural defense" to protect Asian Americans who batter their wives.⁵¹

Furthermore, the current language of the anti-domestic violence discussion perpetuates white-centeredness by making race a non-issue. For example, much of the research, studies, and literature on domestic violence fails to reveal any relevant demographics about battering victims and perpetrators, other than their gender.⁵² Women of color are "virtually invisible," at least in the sense that available domestic violence data is often color-blind.⁵³ For example, most domestic violence data describes "women" without any racial context.⁵⁴ Yet such numbers are cited repeatedly to illustrate the pervasiveness and seriousness of battering for all American women, regardless of race. By not further defining "women" (or, for that matter, "men"), it is unclear who is actually reflected in domestic violence data. The lack of statistics which describe battered women beyond gender, and occasionally class, is a result of the failure to research domestic violence according to race or ethnicity. In our numbers-oriented society, the absence of specific empirical data on battered women of color marginalizes non-white domestic violence victims.⁵⁵ One manifestation of this marginalization is the difficulty in obtaining or justifying the funding of specific services for battered Asian American women.⁵⁶ By presenting color-blind

There may be barbaric customs in various parts of the world, but that cannot excuse criminal conduct here." Yen, *supra* note 45, at A3.

50. Volpp, *supra* note 3, at 77. Barbara Chang of the Asian Women's Center in New York's Chinatown stated that: "[Asian] culture does not give a man permission to kill his wife regardless of what the situation was at home." Yen, *supra* note 45, at A3. Monona Yin of the Committee Against Anti-Asian Violence also opposed the sentence, but believed that culture should be allowed into the courtroom since "[c]ulture informs everything each person does." *Id.*

51. Volpp, *supra* note 3, at 78.

52. This observation is based on readings for the Domestic Violence Law Seminar class and research for this paper. If anything, class issues may be raised, but rarely are race or other factors discussed.

53. G. Chezia Carraway, *Violence Against Women of Color*, 43 STAN. L. REV. 1301, 1304-05 (1991) (asserting that data on violence against women fails to differentiate by race or culture and arguing that this lack of information removes women of color from the violence discussion).

54. See, e.g., *supra* notes 38-42 and accompanying text.

55. Carraway, *supra* note 53, at 1304-05.

56. Telephone Interview with Deana Jang, legal advocate for battered immigrant women (Mar. 7, 1996). See also U.S. COMM'N ON CIVIL RIGHTS, CIVIL RIGHTS ISSUES FACING ASIAN AMERICANS IN THE

and race-less domestic violence statistics, the anti-domestic violence movement affirms the status quo of white domination.

II.

DEFINING AND SITUATING ASIAN AMERICAN WOMEN IN THE DOMESTIC VIOLENCE CONTEXT

*A year after her marriage in New Delhi, an Indian woman immigrated to the United States to be with her husband. She tells how, as she began opening her boxes, her husband insulted her by saying, "You are not from a good family." He wanted a grand dowry—gold bracelets and pendants. Her husband often kicked her and pulled her hair. The Indian woman finally ran away and went to Sakhi, an anti-domestic violence organization targeting Indian women. "They really understood what I am going through . . . Their being Indian really helped."*⁵⁷

Discussing how Asian American women are differently situated from white women implies that all Asian American women are similarly situated with respect to each other. I do not intend to assert an essential Asian American identity,⁵⁸ as there is no singular Asian culture or nation.⁵⁹ "Asian American" as an identity is socially constructed and created out of political and social necessity, in recognition of the need to embrace commonalities among diverse Asian Americans.⁶⁰ It is in this vein that I discuss battered Asian American women. To effectively address barriers faced by battered Asian American women but not by battered white women, a recognition of commonalities among Asian American communities is critical. The common factors which distinguish battered Asian American

1990s, at 174-175 (1992) [hereinafter CIVIL RIGHTS REPORT] (describing obstacles to adequately servicing battered Asian American women).

57. See Constance A. Hays, *Immigrants Get Help in Domestic Violence*, HOUS. CHRON., Dec. 12, 1993, at A2 (describing ethnic-based support organizations for battered immigrant women from Asian nations).

58. Essentialism is the idea that in any community, there exists one "essential" experience which purportedly speaks for all the members in that community. See *infra* notes 165-174 and accompanying text.

59. Asian Americans differ not only in nation of origin, language, history, and religion but also with respect to extent of assimilation, acculturation, and acceptance in the United States. Ho, *supra* note 35, at 132.

60. "Asian American" is a socially constructed identity in the sense that it embraces a diverse, heterogeneous group, who are lumped together by social circumstances in the United States. The term "Asian American" has been criticized for being like its predecessor " 'Oriental,' . . . created in the West from the need to make racial categorizations in a racially divided or, at least, a racially diverse society." KIM, *supra* note 36, at xii. However, the term "Asian American" serves a political necessity. I do not mean to suggest that Asians in the United States are or can be described as a homogeneous group. For instance, recent Hmong refugees generally face very different economic and social realities in the United States from merchant immigrants from Hong Kong. Even so, such a collective construction, based not on common identity but on coalition politics, or the need to unite diverse and fragmented groups in a racist or xenophobic society, must be embraced for the survival of all Asians. See *generally*, Kauanui and Han, *supra* note 3, at 24-25.

women from white women are: (1) the overwhelmingly immigrant character of Asian American communities, (2) the existence of similar cultural patterns across most Asian American communities, and (3) the existence of harmful stereotypes about Asian Americans collectively and Asian American women specifically.

A. *The Immigrant Character of Asian American Communities*

In the past 30 years, the Asian American population has grown dramatically, primarily through immigration.⁶¹ Thus, Asian America is overwhelmingly foreign-born. Overall, approximately 62 percent of Asian Americans were born outside the United States.⁶² However, this number is depressed by the relatively low percentage of foreign-born Japanese Americans. Japanese Americans make up the third largest Asian American community but are only 28.4 percent immigrant.⁶³ All other Asian American communities have higher rates of foreign birth, ranging from a low of 63.3 percent of Chinese Americans to a high of 93.9 percent of Cambodian Americans.⁶⁴ Thus, Asian communities in the United States are comprised largely of immigrants and the children of immigrants.

As a result of recent immigration patterns, Asian American women are predominantly foreign-born, which creates several inherent obstacles for battered Asian American women that do not exist for battered white women. Specifically, the immigrant character of Asian American communities presents unique language and immigration law problems.

1. *Language-Related Barriers*

Ling's husband had beaten her for eight years. One evening, he tried to pick a fight with Ling as she cleaned fish for dinner. She ignored him, which angered him. He tried to strike her with a chair and Ling used the fish knife to defend herself. Her husband kept lunging at her and cut himself on the knife. Ling ran to a nearby store to call the police. When the police arrived, her husband—who spoke English well—accused Ling of attacking him. Ling did not

61. HERBERT BARRINGER ET AL., *ASIANS AND PACIFIC ISLANDERS IN THE UNITED STATES* 20 (1993). Between 1970 and 1980, the Asian American population grew by 141 percent. *Id.* Between 1980 and 1990, the number of Asian Americans grew by ninety-nine percent. *Id.* In comparison, during the 1980-1990 period, the white population grew by six percent, the black population by 13.2 percent, the Latino population by fifty-three percent, and the Native American population by 37.9 percent. CIVIL RIGHTS REPORT, *supra* note 56, at 15.

62. CIVIL RIGHTS REPORT, *supra* note 56, at 15, Table 1.2. This is ten times the rate of foreign birth for the general U.S. population. *Id.* at 14.

63. *Id.* at 15.

64. *Id.* The other major Asian American communities have the following rates of foreign birth, in ascending order: Filipino—64.7%, Asian Indian—70.4%, Korean—81.9%, Thai—82.1%, Indonesian—83.4%, Pakistani—85.1%, Vietnamese—90.5%, Hmong—90.5%, and Laotian—93.7%. *Id.*

speak enough English to defend herself. The police, whom Ling had called to protect her, ended up arresting her instead.⁶⁵

I grew up speaking Ilocano. . . . I learned English after coming to San Francisco. I can understand what people are saying as long as they don't talk too fast, but because of my accent people sometimes don't understand what I am saying. That was how it was with the police. I also didn't understand them because I was so scared.⁶⁶

Regardless of national origin, language erects a common barrier for most battered immigrant Asian American women. The lack of English fluency means many immigrant Asian American women may not know that domestic violence is a crime or that anti-domestic violence services exist, since much of the literature and services which exist target the English-speaking population. Even if a battered Asian American woman knows that she could seek assistance, the inability to speak fluent or often any English hinders a battered immigrant woman's attempt to seek assistance from the police, an attorney, a shelter, or a service agency. Unable to effectively or comfortably communicate, she may avoid seeking help altogether. Furthermore, if she seeks aid, she may not be understood or, worse yet, she may be misunderstood.⁶⁷ Because domestic violence services in the United States are targeted primarily at English-speaking victims, the ability to speak English comfortably may be critical to a battered immigrant Asian American woman's ability to escape a violent home.⁶⁸

English-language ability varies among the Asian American communities as well as among individuals, but several important patterns do exist. According to U.S. Census data, a substantial population of several Asian American communities cannot speak English well: Laotian—69%, Hmong—63%, Cambodian—59%, Vietnamese—38%, Korean—24%, and Chinese—23%.⁶⁹ These numbers are misleading because they do not necessarily reflect the true level of English proficiency among Asian Americans. Focusing on how "well" an individual or community speaks English captures only part of the picture. Because the answer to the language proficiency question is self-determined, the definition of what it means to speak English "well" or "not well" is neither clear nor objective.⁷⁰

65. Lin & Tan, *supra* note 13, at 327.

66. AGTUCA, *supra* note 1, at 28 (quoting a battered Filipina American woman).

67. See Lin and Tan, *supra* note 13 (Ling's story) and accompanying text.

68. See Daniel Golden, *Battered Lives*, BOSTON GLOBE MAGAZINE, Dec. 29, 1992, 11, 20 (reporting that battered women's shelters in Boston have reportedly told battered Asian American women to seek help elsewhere because the shelters could not work with women whose language the shelters "could not speak").

69. CIVIL RIGHTS REPORT, *supra* note 56, at 15. For the other major Asian American groups, the percentages are lower but not negligible: Thai—12%, Pakistani—10%, Japanese—9%, Indonesian—6%, Filipino—6%, and Asian Indian—5%. *Id.*

70. See BARRINGER, *supra* note 61, at 184-85, n.10 (questioning the methodology and hence the reliability of Census data used in the "English Ability and Language Spoken at Home" analysis).

To understand how language is a barrier for immigrant Asian Americans, it is important to look beyond subjective self-identification and to examine an immigrant's comfort with and comprehension of English. One method is to consider English usage at home. Many Asian Americans speak a native Asian language at home: Chinese—79.5%, Filipino—63.8%, Korean—76.8%, Asian Indian—60.1%, and Vietnamese—83.4%.⁷¹ While not all Asian Americans who speak another language at home speak that language fluently,⁷² this data does indicate that Asian American families are likely to be multilingual. In addition, large pockets of Asian Americans exist who may speak sufficient English to survive, but who may use another language as their primary language.⁷³ Language comprehension and comfort level thus have serious implications for battered Asian American women, as the non-English language an immigrant speaks at home may be the language in which she most comfortably expresses herself and quite likely the language with which she would be most likely to seek advice or assistance.

Aside from general police reluctance to get involved in "family situations,"⁷⁴ language problems whether actual or perceived, may contribute to underreporting and hesitancy in seeking assistance.⁷⁵ Immigrants might believe that the police fail to investigate thoroughly both sides of a dispute due to language difficulties.⁷⁶ Few bilingual officers or interpreters are ever available (immediately or otherwise) and limited-English speakers have a hard time telling their stories to monolingual English-speaking officers.⁷⁷ Stories abound in Asian American communities of police ignoring limited-English-speaking individuals and speaking only to the English speakers at the scene such as the husband/batterer in marriages between immigrant

71. *Id.* at 187. Again, Japanese Americans are the one exception, with less than half (42.9%) of the community speaking Japanese at home. *Id.*

72. *Id.* at 187, n.11.

73. As a personal perspective on this issue of language comprehension and comfort, my mother would likely be classified as someone who spoke English "well," in the sense that she can read English-language books and newspapers, converse in English and watch English-language television. However, my parents speak Taiwanese and Mandarin Chinese at home, and my mother is much more comfortable in either of these languages, than in English. Thus, if she were to need counseling services, she would almost assuredly seek a Chinese- or Taiwanese-speaking counselor, because of her comfort level with these two languages. This, of course, ignores the very real cultural factors that inhibit many Asian Americans from seeking aid in the first place.

74. See *supra* note 19 and accompanying text.

75. Culture and immigration law are also responsible for the failure of many Asian American women to seek protection from the police. For a discussion of cultural-rooted reasons, see *infra* Part II.B.2. For a discussion of immigration law-related reasons, see *infra* note 87 and accompanying text.

76. David Reyes, *Police, Cultures in O.C. Don't Always Mix*, L.A. TIMES, Dec. 27, 1993, at A1 (describing the need in Orange County, California, to hire bilingual and culturally sensitive police officers in order to better reach out to Asian American communities).

77. CIVIL RIGHTS REPORT, *supra* note 56, at 52, 176. See also Maria Alvarez, *Crisis Calls That Aren't in English: Police Face Need To Listen To All*, HARTFORD COURANT, Nov. 14, 1994, at A1 (describing the need for Southeast Asian and Latino police officers in Hartford, Connecticut in order to better protect and communicate with Hartford's growing immigrant populations).

women and American citizens or permanent residents.⁷⁸ Immigrants also fear that police may interpret innocent silence or gestures as admissions of guilt, or that officers may misinterpret poor English or language frustration as hostile or defiant behavior.⁷⁹ Such language barriers commonly result in tragedies such as the arrest of the victim instead of the perpetrator.⁸⁰

Language barriers also present obstacles to obtaining health and social services such as medical attention and counseling. Trained health care providers with bilingual skills and/or trained health care interpreters are necessary because lay community or family members may not adequately translate or explain health care terms and concepts; however, such trained providers are rare.⁸¹ There is also a lack of multilingual services such as shelters, hotlines, and counseling programs which target domestic violence victims specifically.⁸² As a result, battered women may be forced to find their own interpreters which means that a victim may end up relying on community or family members who may be connected to her batterer.⁸³ Even if service is obtained, the language problem also interferes with the provision of adequate services. For example, a limited-English speaker may find it very difficult to discuss her battering experiences with a monolingual-English-speaking counselor or to live for a prolonged period in a shelter where only English is spoken.

Language can serve to isolate linguistically a battered immigrant Asian American woman from needed police protection and services. Although a major goal of the anti-domestic violence movement is to encourage battered women to step forward and seek help, Asian American women who want assistance may not be able to obtain external help due to language barriers. Unable to seek outside help, she may be forced to forego assistance or to rely instead on her family, including her abuser, to deal with the violence in her life.

2. Immigration law-related barriers

Mina, an undocumented Filipina woman, goes to court seeking a restraining order against her battering husband. When her husband comes to the house violating the restraining order, she calls the

78. CIVIL RIGHTS REPORT, *supra* note 56, at 52. For stories of such incidents, *see supra* notes 62-63 and accompanying text. For a brief discussion of problems that arise in battering situations involving American citizen or permanent resident husbands and immigrant women, *see infra* Part II.A.2.

79. CIVIL RIGHTS REPORT, *supra* note 56, at 52.

80. *See id.* at 52-53 (describing incidents in multiple states where communication barriers resulted in the arrest of innocent Asian Americans).

81. *Id.* at 163-64.

82. Lin & Tan, *supra* note 13, at 326-27.

83. *See* Golden, *supra* note 68, at 11 (describing how a battered woman's children may be recruited to interpret, due to the lack of interpreters who speak Asian languages); Farhan Haq, *Women-U.S.: Aid for Battered Immigrant Women Slow in Coming*, INTER PRESS SERVICE, Mar. 19, 1996 (reporting that Hindi and Bengali interpreters for battered South Asian women in New York City have been known to inform the victims' spouses).

*police. Her husband flees before the police arrive. The officer that responds makes a report and then asks her for her green card.*⁸⁴

Due to complex immigration law related barriers, many battered refugee and immigrant (particularly undocumented immigrant) battered women face greater obstacles than battered non-immigrant women. First, immigration laws place Asian American women in a particularly vulnerable situation, especially if they immigrated to this country to marry.⁸⁵ Historically, American immigration laws and regulations have been structured so that immigrant women have been forced to rely on their spouses who are citizens or legal permanent residents in order to obtain residency and citizenship.⁸⁶

Recent changes in immigration law, via the 1994 Violence Against Women Act (VAWA),⁸⁷ now allow battered immigrant women to self-petition for residency and permit the suspension of deportation in certain cases.⁸⁸ However, problems remain in implementing the statute to protect immigrant women from domestic violence. For example, the VAWA's immigration provisions take effect only after the Immigration and Naturalization Service (INS) issues regulations to actually implement the immigration provisions.⁸⁹ The INS has yet to do this.⁹⁰ Furthermore, it is likely that the INS will impose stringent standards.⁹¹ Battered immigrant women's rights advocates, who believe that current and proposed regulations impose standards too difficult for many battered immigrant women to meet, criticize the INS for being unsympathetic to the plight of battered immigrant women.⁹² Thus, despite the passage of the VAWA, immigration law is unlikely to be any kinder to battered immigrant women now than it was

84. Frosch And Madrigal, *supra* note 13, at I-2.

85. Deena Jang, *Triple Jeopardy: The Plight of Battered Immigrant and Refugee Women*, 90 IMMIGR. NEWSL. (issuing group), No. 2, 1990, at 6-7.

86. When a woman receives her residency status by marrying an American, she is granted a conditional green card. After two years, the INS may remove the "condition" on her green card if, among other things, both spouses sign the appropriate documents. Where the validity of the marriage is not established, the woman may be deported. Nina Chen, *Distinctive Dynamics Control Asian Immigrant Spousal Abuse*, ASIANWEEK, Feb. 10, 1995 at 15. See also Janet M. Calvo, *Spouse-Based Immigration Laws: The Legacies of Coverture*, 28 SAN DIEGO L. REV. 593 (1991) (criticizing American immigration laws for being rooted in the concept of spousal domination and perpetuating spousal abuse against immigrants).

87. The Violence Against Women Act became law in September 1994 as part of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 1102-322, 4001-703, 108 Stat. 1796, 1902 (1994).

88. Janet M. Calvo, *The Violence Against Women Act: An Opportunity for the Justice Department to Confront Domestic Violence*, 72 INTERPRETER RELEASES 485, 486 (1995).

89. *Id.*

90. *Id.* at 487. See also Haq, *supra* note 83 (reporting that as of March 19, 1996, the INS had yet to issue or implement regulations enforcing the 1994 law).

91. Calvo, *supra* note 88, at 486-87, 491.

92. See Memorandum from Deena Jang and Leni Marin for the National Network for Battered Immigrant Women to Rita Bouie Arthur (on file with author) (proposing regulations for the self-petitioning and suspension of deportation provisions of the VAWA); Memorandum from the National Network for Battered Immigrant Women to Rita Bouie Arthur, Janice Podolny and Alex Aleinikoff (on file

several years ago. Battered immigrant women need ways to petition for residency and/or citizenship without being forced to rely on their abuser or to provide unrealistic levels of documentation.

Second, many immigrant Asian American women live at the mercy of abusive husbands because they are under the constant fear of deportation, whether or not such fears are legally justified. For example, the husband of a battered immigrant woman may threaten to report her to the INS if she calls the police. An undocumented immigrant would understandably fear that confronting or reporting her abuser might result in her being reported to the INS and subsequently deported.⁹³ Thus, in addition to providing very real legal barriers to escaping violent homes, immigration laws trap a substantial number of immigrant women in abusive relationships by inspiring the belief that they must endure the battering or be forced to leave the United States.⁹⁴

B. The Existence of Similar Cultural Patterns Across Many Asian American Communities

*My sister's death did not begin with her murder—it began years ago where he first called her a whore. It started with the pushing, the hitting and kicking. . . . He broke her nose, bent her finger back so far it broke and gave her bruises, but everyone always pitied him. Now that he's killed her people still pity him. They still say: We have to help him . . . He's a Filipino . . . He just lost control . . .*⁹⁵

Because most Asian Americans are immigrants, most Asian American communities retain, at least in part, the culture⁹⁶ of their country of origin. Although treating all Asian American communities as fungible can be dangerous,⁹⁷ the diverse Asian American subgroups do share certain cultural

with author) (discussing factors to be considered in implementing regulations regarding the extreme hardship waiver).

93. Frosch & Madrigal, *supra* note 13, at I-3. Deportation is a powerful threat for undocumented women. An undocumented woman who is deported may be separated from her children who are not deported. Lee, *supra* note 16, at II-3. She would also be excluded for five years from reentering the United States. *Id.* And she may face imprisonment or social ostracization upon returning to the home country for having failed to make it in America. *Id.*

94. Lee, *supra* note 16, at II-3. Asian American women also have a culturally-rooted tendency to distrust authority. See *infra* Part II.B.2.

95. AGTUCA, *supra* note 1, at 46 (quoting the sister of a battered Filipina American woman murdered by her husband).

96. I use the same meaning for "culture" and "cultural" employed by Nilda Rimonte:

I use the term to refer specifically to the body of beliefs, ideas, and ideals held by an ethnic group about the natures of women and men and about their roles and relationships. I also use 'culture' to describe the mechanisms, both actual and symbolic, that an ethnic group invents and imposes on its members in order to ensure cohesion and conformity with the group's ideas and beliefs.

Nilda Rimonte, *A Question of Culture: Cultural Approval of Violence Against Women in the Pacific-Asian Community and the Cultural Defense*, 43 STAN. L. REV. 1311, 1315 (1991).

97. For example, treating all Asian Americans as fungible aids in the perpetuation of hate violence against Asian Americans. In the notorious case of Vincent Chin, two white autoworkers, angered at the

commonalities which have important implications for battered Asian American women. In general, modern American society and laws value individualism and grant women significant rights, however many Asian American communities emphasize the family and place women in subordinate roles. This is not to say that Asian American communities are more misogynistic than other American communities; American society, after all, is rooted in European notions of patriarchy and male privilege. Furthermore, "culture" is not static, but fluid and ever-evolving—both for each individual Asian subgroup and for Asian Americans as a whole.⁹⁸ However, the cultural beliefs which permeate the many Asian American communities do influence the status and condition of battered Asian American women. Constant evolution and change may someday eliminate any substantive differences in culture, but until that day, the cultural differences which do exist must be recognized and confronted.

1. *The Importance of Family and Gender Roles*

*"I didn't sense the danger because I was so focused on the shame my daughter's actions would bring in the Cambodian community. And I was thinking about my daughter's children and the importance of their having a family." Kim Leang is remembering her daughter Kim Seng, killed by her abusive husband, Sartout Nom. A week before Kim Seng's murder, Kim Leang had organized a family meeting, where both sides of the family urged the young couple to stay together and asked Nom to stop beating Kim Seng. Says Kim Leang, "Sometimes because we value our cultural traditions, we try to get families reunited at whatever cost."*⁹⁹

Asian cultures are group-oriented.¹⁰⁰ A person's identity and worth are not measured individually, but are instead reflected by the group as a whole.¹⁰¹ Consequently, the family is the most important social unit. A person is regarded as an extension of the family¹⁰² and is expected to subju-

success of the Japanese auto industry, clubbed Chinese American Chin to death. CIVIL RIGHTS REPORT, *supra* note 56, at 25. See *supra* notes 162-164 and accompanying text for further discussion of Chin's death and the movement against anti-Asian hate violence.

98. "The whole global movement of women's roles is changing. A lot of times, [women's roles] get polarized so that to be good is to accept domestic violence. When the Asian woman speaks up, people accuse her of betraying her culture. But culture is not a static thing. It is evolving constantly." Nina Chen, *Distinctive Dynamics Control Asian Immigrant Spousal Abuse*, ASIANWEEK, Feb. 10, 1995, at 17. See Lisa Lowe, *Heterogeneity, Hybridity, Multiplicity: Marking Asian American Differences*, DIASPORA, (Spring 1991) at 24, 26 (arguing that Asian American culture is diverse and includes "practices that are partially inherited and partly modified, as well as partly invented").

99. Geeta Anand, *Mother's Regret Raises Abuse Issue*, BOSTON GLOBE, May 8, 1994, at 29 (quoting the mother of a battered Cambodian American woman murdered by her husband).

100. Ho, *supra* note 35, at 133.

101. Rimonte, *supra* note 96, at 1318-19.

102. *Id.* at 1319.

gate individual needs to family interests.¹⁰³ Thus, individual rights are largely foreign to many Asian cultures.

To the extent that individualism does matter in Asian cultures, male individuals are valued over females. While men are highly respected and valued by the family, women are considered inferior.¹⁰⁴ The secondary status of women is illustrated by their traditional role in marriage and family. Marriages, which were frequently pre-arranged, often involved an exchange of money from the groom's family to the bride's family, so that essentially, the wife was owned by and subject to the desires of the husband.¹⁰⁵ The man governed and supported the family while the woman stayed home.¹⁰⁶ Within this traditional family structure, power was vested vertically in the male head.¹⁰⁷ A woman was not given an identity outside the family¹⁰⁸ and was always subordinate to the various men in the family: her father, her husband, her sons.¹⁰⁹ As followers and never leaders, women were expected to be dependent, to suffer, and to persevere.¹¹⁰

These traditional cultural beliefs about family and gender roles have important implications for battered Asian American women. The emphasis on family and marriage may appear to create false illusions of family harmony. However, the subordinate role ascribed to women minimizes or even sanctions domestic violence in Asian American homes in several ways. First, the group focus of Asian cultures protects family reputation at the expense of the individual. In many Asian cultures, "keeping face" is an important social rule. Because the individual is viewed as an extension of the group, one family member's guilt or shame transfers to the rest of the family.¹¹¹ The individual must "keep face" and minimize public attention to her and, by extension, to her family's problems.¹¹² For a battered Asian

103. Ho, *supra* note 35, at 134.

104. See Rimonte, *supra* note 96, at 1317 (describing how child-rearing practices among Asians reveal that male children are valued more greatly).

105. Ho, *supra* note 35, at 136-37. These traditional attitudes may not be as prominent today in America, but they still exist. In a study in Seattle on domestic violence, Vietnamese men expressed a sense of ownership over their wives and Vietnamese, Laotian, and Khmer women all said that they could not refuse their husbands' requests for sex without a good excuse. *Id.* at 141.

106. *Id.* at 135; Rimonte, *supra* note 96, at 1318.

107. Rimonte, *supra* note 96, at 1318. The study on domestic violence in the Seattle Asian American community found that Chinese men gave the "illusion of power" to their wives by agreeing with them, but that the men held the power and made the final decisions. Ho, *supra* note 35, at 140.

108. See Rimonte, *supra* note 96, at 1319 ("If [a woman] is not wife, mother, or daughter, she has no identity.").

109. See Ho, *supra* note 35, at 135; Rimonte, *supra* note 96, at 1318. The secondary role of women is clearly articulated by a Confucian saying about the three pathways of women, at least in Confucian-influenced societies: "In her youth, she must follow her father. In her adulthood, she must follow her husband. In her later years, she must follow her oldest son." Ho, *supra* note 35, at 135.

110. For example, some scholars now view "foot binding," the practice of breaking and tying the feet of Chinese women, as a means of making Chinese women dependent, helpless, and immobile. Ho, *supra* note 35, at 135-36.

111. *Id.* at 134.

112. *Id.* at 134-35.

American woman, publicly admitting that she is battered would often be "synonymous with condemning herself to isolation and ostracization."¹¹³ The pressure to "keep face" prevents many battered Asian American women from seeking assistance from outsiders or even from other family members. Furthermore, the emphasis on "keeping face" also pressures the batterer and other members in the family to hide any abuse from non-family and non-community members.¹¹⁴ By avoiding external intervention or public acknowledgment of battering, the battered Asian American woman, her abuser, and their families keep the violence hidden inside the family, which complicates the already frustrating problem of general underreporting of domestic violence incidents.¹¹⁵

Second, the emphasis on family cohesion eliminates divorce as a realistic option for many battered Asian American women. Divorce is becoming a common and legitimate means of escaping violent relationships in American society.¹¹⁶ However, because the family is all-important in Asian cultures, marriage may be viewed as being too sacred an institution to destroy.¹¹⁷ The emphasis on family may keep the family together, but at great personal cost to the woman. In a culture where individual rights are de-emphasized and where a woman's identity is rooted in her family, a battered Asian American woman has little incentive to escape battering and indeed is often tacitly discouraged by her culture from doing so.¹¹⁸

Third, the traditional gender roles ascribed to men and women in Asian cultures create problems which clash with modern-day gender roles. The cultural expectation that a woman should stay at home and care for the family often collides with American social and economic reality. Because recent immigrants are often relegated to low-paying, menial jobs not taken by non-immigrants, immigrant families often need the combined income of both the husband and wife in order to survive.¹¹⁹ Immigrant Asian men cannot realistically be the sole breadwinners in America and many immigrant Asian women must work to help support their families.¹²⁰ It is not uncommon for immigrant women to find work before or more easily than immigrant men, since low-paid, unskilled labor readily exists for immigrant

113. CIVIL RIGHTS REPORT, *supra* note 56, at 175 (quoting Patricia Eng, Problems Faced by Battered Asian Women, Statement at the U.S. Commission on Civil Rights, Roundtable Conference on Asian American Civil Rights Issues, (June 23, 1989)), New York, New York.

114. "I didn't sense the danger because I was so focused on the shame my daughter's actions would bring in the Cambodian community." Geeta Anand, *Mother's Regret Raises Abuse Issue*, BOSTON GLOBE, May 8, 1994 at 29 (describing why a mother urged her daughter to reconcile with her abusive husband).

115. See *supra* notes 32-33 and accompanying text.

116. CIVIL RIGHTS REPORT, *supra* note 56, at 175.

117. Divorce rates are accordingly low among Asian Americans. Ho, *supra* note 35, at 137.

118. See *id.* at 142 (finding that spousal abuse was acceptable among certain Southeast Asians ((Vietnamese, Laotian, and Khmer) men and women).

119. Nilda Rimonte, *Domestic Violence among Pacific Asians*, in MAKING WAVES, *supra* note 35, at 328.

120. *Id.*

women in garment sweatshops and other dangerous, unregulated industries.¹²¹ The woman's role in supporting the family changes the traditional family structure and gender roles. These changes, which Asian American women may perceive as liberating, simultaneously threaten their husbands,¹²² especially in a society hostile toward Asian American men.¹²³ The shift in gender roles and subsequently in power within the family establishes an environment where battering may be more likely and may even be considered justified.¹²⁴

Neither culture nor racism, however, excuses the perpetration of domestic violence against Asian American women. Recognizing that culture may create an environment where battering is more likely to occur and unlikely to be reported does not condone domestic violence. The great danger of culture is its use as an excuse to sanction violence against Asian American women. A notorious example of such a use of culture occurred in *People v. Dong Lu Chen*.¹²⁵ In *Chen*, the judge accepted the defendant's "cultural defense" argument, which relied on "Chinese culture" to excuse

121. Lin & Tan, *supra* note 13, at 330.

122. See Rimonte, *supra* note 119, at 329 ("Already humbled by his lack of control in the new and alien world, and perhaps also feeling a sense of failure, the [Asian American] man resists the change.").

123. While American society has long been hostile towards Asians generally, Asian American men have born the brunt of anti-Asian racism and anti-immigrant sentiments. Many early anti-Asian state and federal laws were aimed primarily at Asian American men. For the first century of Asian immigration to this country, nearly all Asian immigrants were male laborers, who came to America to work the gold mines, fields, sugar plantations, and railroads. See SUCHENG CHAN, *ASIAN AMERICANS: AN INTERPRETIVE HISTORY*, 25-42 (1991) (describing early Asian immigration and livelihood). Thus the Chinese Exclusion Acts and other such exclusionary immigration control laws were aimed at controlling the influx of cheap Asian labor. See *id.* at 45-61 (describing early hostility towards Asian immigrants, including numerous laws passed to keep them out of America).

Contemporary Asian American men—in addition to the problems that plague both Asian American men and women (such as job discrimination)—are vilified by popular media as either the sneaky Fu Man Chu villain or the sex-starved but sexually incompetent and undesirable nerd. See, e.g., Tajima, *Lotus Blossoms Don't Bleed: Images of Asian Women*, in *MAKING WAVES*, *supra* note 35, at 308, 312 (describing American media and television/film portrayals of Asian men); Irvin Paik, *That Oriental Feeling: A Look at the Caricatures of the Asians as Sketched by American Movies*, reprinted in *ROOTS: AN ASIAN AMERICAN READER*, at 30-36 (Amy Tachiki et al. eds., 1971) [hereinafter *Roots*] (reviewing unflattering and inaccurate portrayals of Asians in various movies and television shows); Melford S. Weiss, *Selective Acculturation and the Dating Process: The Patterning of Chinese-Caucasian Interracial Dating*, 32 J. OF MARRIAGE & THE FAMILY 273 (1970), reprinted in *Roots*, *supra*, at 37, 38-41 (examining interracial dating by Chinese Americans and stereotypes about both genders of Chinese Americans). The racist emasculation of the Asian American male creates a hostile environment for Asian men in America.

124. "Some Southeast Asian women in the United States are stuck in battering relationships that began in Vietnam or Cambodia. But others are casualties of their menfolk's inability to accept a reduced role in American society. Accustomed . . . to being lords of the manor, Asian men in this country are required to adjust to a world where women work and socialize outside the home. They compete for scarce blue-collar jobs while their partners collect paychecks or welfare . . . Often they plunge into alcohol and drugs and vent frustration on wives or girlfriends." Golden, *supra* note 68, at 18.

125. *People v. Chen*, No. 87-7774 (N.Y. Sup. Ct. Dec. 2, 1988).

the defendant's murder of his wife for having an affair.¹²⁶ Not only was this an inaccurate portrayal of Chinese cultural beliefs, but the acceptance of culture as legal justification for murder sent a message to all Asian American communities that the American criminal justice system condoned domestic violence against Asian American women.¹²⁷ The use of a cultural defense in *Chen* and other cases has hindered the Asian American community's ability to stop the subordination of women.¹²⁸

2. Distrust of Police and Other Authority

Because Asian Americans as a community are generally distrustful of law enforcement,¹²⁹ Asian Americans are highly reluctant to seek police protection or to report crimes.¹³⁰ Asian Americans distrust law enforcement authority for a number of reasons. Many, particularly recent immigrants and refugees, distrust authority as a result of bad experiences with homeland government or law enforcement officials.¹³¹ In this country, police insensitivity to and misconduct toward Asian Americans has heightened both community and individual distrust of law enforcement officials. Common examples of police insensitivity and misconduct towards Asian Americans include brutal treatment of innocent Asian Americans,¹³² harassment of Asian American youths suspected of belonging to youth and criminal gangs,¹³³ and the use of Asian "facebooks" by police departments.¹³⁴

126. Yen, *supra* note 45, at A3. Chen argued that in Chinese culture, it was reasonable that a husband who discovered that his wife was having sex with another man would kill his wife. *Id.*

127. "[T]he message . . . inherent . . . in this sentencing is that the criminal justice system will not protect Asian American women [against spousal abuse], and this message is received loudly and clearly in the Asian American community." CIVIL RIGHTS REPORT, *supra* note 56, at 176 (quoting Patricia Eng of the New York Asian Women's Center).

128. See generally Volpp, *supra* note 3, at 59 (arguing that the cultural defense should not be eliminated but should be carefully used to prevent the further subordination of Asian American women).

129. A 1993 poll in Orange County, California, found that while 52 percent of whites have "a lot of confidence" in the local police, only 27 percent of Asian Americans expressed the same sentiment. In fact, one in six Asians polled had "no confidence" in the police. Reyes, *supra* note 76, at A1.

130. For example, in California, it is estimated that only 40-50 percent of crimes committed against Asian Americans are reported to the police. CIVIL RIGHTS REPORT, *supra* note 56, at 53.

131. *Id.*

132. *Id.* at 54.

133. *Id.* at 54-55.

134. In several urban areas, including San Jose and Orange County in California as well as Boston and Philadelphia, police departments have utilized "facebooks" of Asian Americans to arrest criminal suspects. Asian American community groups have been outraged that the books often include photographs of individuals with no criminal records and that some departments apparently target only Asian Americans in creating these "mug books." See generally, Doreen Carvajal, *Police Photo Policies Focus of Controversy*, L.A. TIMES, May 22, 1994, at A1 (reporting on the settlement of a class action lawsuit filed on behalf of Vietnamese teenagers who were falsely accused of being gang members and photographed by Orange County police); Dan Turner, *San Jose Cops Won't Resume Use of Asian Mug Book*, S.F. CHRON., Feb. 25, 1992, at A18 (describing the controversial use of Asian mug books by San Jose police); Anh-Thu T. Phan, *Boston Chinatown Questions Methods Employed by Police*, INS, ASIANWEEK, Nov. 22, 1991, at 1 (reporting on Boston police efforts to crack down on Asian gang activity by taking pictures of suspected high school gang members).

Furthermore, the police often encounter both a linguistic and a cultural gap in dealing with Asian Americans. For instance, few police realize that some Asian cultures traditionally discipline their children physically. Police unaware of this practice are likely to view these parents as child abusers, not understanding that the children are loved and protected and are simply being disciplined. Such misunderstandings have led to disastrous consequences.¹³⁵ As a result of these and similar incidents, Asian Americans perceive the police as an entity to be feared and distrusted.

The fear of law enforcement and other authority has particular ramifications for battered immigrant Asian American women. Undocumented Asian American women are extremely unlikely to report domestic violence to the police out of fear of deportation.¹³⁶ The passage in California and the impending proposals of other state and federal laws requiring police, teachers, and service providers to report suspected undocumented immigrants to the INS¹³⁷ is likely to exacerbate underreporting and heighten immigrant fear of authority. Both legal and undocumented immigrants already fear that they will be reported to the INS. Even if these fears are unfounded, they nonetheless keep many immigrants from seeking help or calling police. Many Asian American women's distrust of the police and other authority figures bars access to basic police protection, as well as other services such as medical care, shelter, legal advice, counseling, public assistance, and child care.¹³⁸

C. *Harmful Stereotypes About Asian Americans Collectively and Asian American Women Specifically*

Although Asian America is comprised of many diverse communities, Asian American communities are commonly perceived by outsiders as a singular whole. While commonalities among diverse Asian American communities must necessarily be recognized in order to unite Asian Americans politically,¹³⁹ the danger of linking together all Asian American communi-

135. CIVIL RIGHTS REPORT, *supra* note 56, at 53. In San Francisco, social workers took away the four children of a Laotian couple who were suspected of abusing one son, who had a bruise on his hand. The father had slapped his seven year old son's hand because the child had been playing recklessly with a kitchen knife. The Laotian community was outraged because some forms of corporal punishment are acceptable. While the children were held in foster care, the youngest child, a five-week old baby, died of sudden infant death syndrome. Benjamin Pimentel, *Culture Clash Ends in Death of 5-Week-Old*, S.F. CHRON., Feb. 12, 1994, at A1.

136. Research conducted on 400 undocumented women in the San Francisco area revealed a high level of underreporting of domestic violence to law enforcement—of approximately 136 women who had experienced some form of domestic violence, only six had ever sought help from the police. Lee, *supra* note 16, at II-2 (quoting C. HOGELAND & K. ROSEN, A NEEDS ASSESSMENT OF UNDOCUMENTED WOMEN (March 1990)).

137. See generally Paula Sue Smith, *An Argument Against Mandatory Reporting of Undocumented Immigrants by State Officials*, 29 COLUM. J.L. & SOC. PROBS. 147 (1995).

138. See Ho, *supra* note 35, at 139.

139. For example, in the previous two sections, I discuss linguistic and cultural problems common to all or most Asian American communities in order to address the unique problems which battered

ties must also be recognized.¹⁴⁰ In the context of domestic violence against Asian American women, two common stereotypes of Asian Americans illustrate the dangers of assuming a singular Asian American whole.

I. The Model Minority Myth

The widespread "model minority myth,"¹⁴¹ with its dangerous assumptions that all Asian Americans have achieved economic, academic, and social success, helps to conceal the very real problems of battered Asian American women.¹⁴² The myth suggests that all Asian Americans are "economically successful and socially accepted into American society".¹⁴³ This "model minority" image incorrectly fosters assumptions that Asian Americans do not suffer from poverty, discrimination, or other social problems.¹⁴⁴ Furthermore, the Asian American success story has been attributed at least in part to the existence of strong nuclear families in most Asian American communities.¹⁴⁵ It is true that the family is the most important social unit in most Asian communities and that family concerns often take priority over individual issues.¹⁴⁶ However, despite this traditional Asian emphasis on the family, the model minority myth's glorification of the perfect nuclear Asian American family in fact hides intrafamily problems.¹⁴⁷

Asian American women face. In doing so, I borrow from Leti Volpp's analysis of the cultural defense, and the need for Asian American women to be able both to use and deny the culture defense, depending on the context in which such a defense is raised. See generally Volpp, *supra* note 3, at 59 (arguing that the guiding principle in employing culture as a defense should be ending the subordination of Asian American women).

140. For example, victims of anti-Asian hate violence are usually singled out because they possess physical characteristics common to Asian peoples, regardless of the original motivation for the violence. See Note, *Racial Violence Against Asian Americans*, 106 HARV. L. REV. 1926, 1930-1931 (1993) (examining the role of stereotypes in perpetuating anti-Asian hate violence). Thus, a non-Asian's economic resentment of the Japanese may be taken out on a Chinese American who is perceived as being Japanese.

141. See RONALD TAKAKI, *STRANGERS FROM A DIFFERENT SHORE* 474 (1989) (describing the extensive media attention in the mid-1980s to Asian Americans as the "model minority," which pulled itself up by its bootstraps despite unfavorable odds).

142. See, e.g., *Success Story of One Minority Group in U.S.*, U.S. NEWS & WORLD REP., Dec. 26, 1966, at 73, reprinted in *Roots*, *supra* note 123, at 6, (describing America's 300,000 Chinese Americans as a "model of self-respect and achievement" which had managed to overcome hardship and discrimination). For a discussion of the paradox of the "model minority myth" for Asian Americans, see Pat K. Chew, *Asian Americans: The "Reticent" Minority and Their Paradoxes*, 36 WM. & MARY L. REV. 1, 24-45 (1994).

143. Chew, *supra* note 142, at 25.

144. *Id.* at 24-32.

145. "All the various explanations of the Asian Americans' success tend to fall into one category: self-sufficiency. The first element of this self-sufficiency is family. The stability of the family contributes to success in three ways. First, it provides a secure environment for children. Second, it pushes those children to do better than their parents . . . and finally, it is a significant financial advantage." BARRINGER, *supra* note 61, at 144 (quoting David A. Bell, *The Triumph of Asian Americans*, THE NEW REPUBLIC (1985) at 24).

146. See *supra* notes 100-103, 111-112 and accompanying text.

147. See *supra* Part II.B.

Inevitably, the myth renders it more difficult for the rest of American society, and for Asian Americans themselves, to be able to acknowledge and address problems such as domestic violence. The inaccurate images projected by the myth create difficulties for non-model minority immigrants. For example, by perpetuating an image of successful and stable Asian American families, the myth masks high poverty rates among recently-immigrated Asian Americans.¹⁴⁸ In turn, the model minority image may make it more difficult for Asian Americans to gain public assistance. This may have ramifications for battered Asian American women who depend on their batterers for support. In order to leave their batterers, domestic violence victims must be able to support and provide for themselves independently.¹⁴⁹ Also, the concept of the "model minority" Asian American family may create false impressions that all Asian American families are happy and stable, thereby making stories of battered Asian American women seem unrealistic or exaggerated. Regardless, the myth, which has impeded many other Asian American civil rights struggles, delegitimizes the existence of domestic violence against Asian American women and makes it more difficult for battered Asian American women to leave their batterers and survive on their own.

2. *The Ultra-Femininity Myth*

Asian American women live amidst a number of stereotypes about their simultaneously exotic and passive sexuality. Among the many sexual images which white Americans have imposed on Asians are the particularly insidious ones of Asian women as "exotic sex objects imbued with an innate understanding of how to please, serve, and titillate [men]."¹⁵⁰ Rooted historically in the belief that all Chinese and Japanese immigrant

148. The poverty rate for all Americans in 1980 was 9.6%. CIVIL RIGHTS REPORT, *supra* note 56, at 17. In comparison, Asian Americans—except for Filipino and Japanese Americans—had higher poverty rates. *Id.* Most notably, Southeast Asian Americans had very high poverty rates: Laotian—67.2%, Hmong—65.5%, Cambodian—46.9%, and Vietnamese—33.5%. *Id.*

149. See Haq, *supra* note 83, at 31 (criticizing the 1994 Violence Against Women Act for failing to aid battered immigrant women in finding work and supporting themselves upon leaving their batterer).

150. Elaine H. Kim, *Defining Asian American Realities Through Literature*, in THE NATURE AND CONTEXT OF MINORITY DISCOURSE 146, 148 (Abdul JanMohamed & David Lloyd eds., 1990). This image has been perpetuated primarily through popular media, which has portrayed Asian American women as feminine and delicate "Lotus Blossoms," "China Dolls" and "Geisha Girls." See Tajima, *supra* note 123, at 308-09 (describing the roles of prostitute and love interest commonly ascribed to Asian American female characters in television and movies); Paik, *supra* note 123, at 30-36 (reviewing unflattering and inaccurate portrayals of Asian American women in movies and on television).

In 1990, a popular men's magazine published an article extolling the virtues of Asian femininity: When you get home from another hard day on the planet, she comes into existence, removes your clothes, bathes you and walks naked on your back to relax you. And then there is sex. She is sh-sh-shh-shameless, of course. . . . She's fun you see, and so uncomplicated. She doesn't go to assertiveness training classes, insist on being treated like a person, fret about career moves, wield her orgasm as a non-negotiable demand.

Tony Rivers, *Oriental Girls*, GQ (Brit. ed.), Oct. 1990, at 158 (quoted in Chiu, *supra* note 37, at 1087-88).

women were prostitutes,¹⁵¹ Asian women have yet to escape the "ultra-femininity myth" which portrays Asian women as sensual yet submissive.¹⁵² For example, the currently booming mail-order bride business¹⁵³ thrives on, perpetuates, and reinforces these stereotypes of Asian femininity.¹⁵⁴

Like the model minority myth, such images of Asian women distort reality and delegitimize very real problems in Asian American communities. The image of Asian women as ultra-feminine helps mask or, worse yet, condones sexual violence against Asian American women, including domestic violence. First, these very myths, constructing Asian women as what all women should be,¹⁵⁵ are responsible in part for bringing immigrant Asian women to this country as brides of white men seeking ultra-femininity in contrast to the comparative lack of femininity of white American women.¹⁵⁶ Thus mail-order brochures and catalogs play up such stereotypes, praising Asian women as "devoted," "raised to be servants of men," "feminine," "submissive doll-like," and "docile, exotic, and available as bed partners and domestic help at the same time."¹⁵⁷ These immigrant brides are particularly vulnerable to abuse because of immigration law requirements and are thus the very women whose battering is among the most difficult to address.¹⁵⁸

Second, these myths suggest that Asian American women deserve or at least do not mind being battered. The feminine passivity attributed by this myth to Asian American women suggests that Asian American women will not fight back and perhaps even expect to be battered or otherwise disciplined by their husbands. When Asian American women do fight back, their stories are met with surprise or disbelief.

Third, the ultra-femininity myth may create resentment among white women and may make it even harder for non-Asians to accept the serious-

151. In the nineteenth-century Western frontier, where most Asian immigrants originally lived and worked, the lack of work options and low wages for women meant that one of the few roles available for women was as prostitute. The image thus arose of Asian women as "debauched," coming to this country only to engage in "criminal and demoralizing" sexual activity. *Id.* at 2-3. After the 1870 hearings on Chinese prostitution in California, an act was passed which assumed that all Asian females immigrated to the United States to engage in crime and demoralizing purposes. *Id.*

152. Daina Chiu used this phrase to describe how white society "extols the virtues of Asian femininity, which serves as a foil to the 'non-femininity' of American women." Chiu, *supra* note 37, at 1086.

153. See Eddy Meng, *Mail-Order Brides: Gilded Prostitution and the Legal Response*, 28 U. MICH. J.L. REF. 197, 200-01 (1994) (describing the worldwide boom in the mail-order bride "industry" since the 1970s).

154. *Id.* at 206-07; Carina A. Del Rosario, *Love Letters Turn Tragic: Courtroom Triple Homicide Draws Attention to Mail-Order Bride Industry*, INTERNATIONAL EXAMINER, April 5, 1995, at 1.

155. Chiu, *supra* note 37, at 1088.

156. Tajima, *supra* note 123, at 310; Del Rosario, *supra* note 154, at 1. See also, Meng, *supra* note 153, at 205 n.51 (discussing how American men seek mail-order brides in order to sidestep the women's liberation movement).

157. Meng, *supra* note 153, at 207.

158. See discussion, *infra* Part II.A.2. See also Del Rosario, *supra* note 154, at 2-3.

ness of battering against Asian American women. Especially when Asian American women are placed alongside white women and glorified as the more feminine and more sexually desirable of the two, the ultra-femininity myth impedes the ability of Asian American and white women to work together to address the needs of battered Asian American women.

III.

THE FAILURE OF THE ASIAN AMERICAN COMMUNITY TO MOVE BEYOND ITS "MALE-CENTERED" PERSPECTIVE TO ADDRESS VIOLENCE AGAINST ASIAN AMERICAN WOMEN

Battered Asian American women belong to multiple communities. Part I examined the failure of the anti-domestic violence movement to progress beyond its historical white-centeredness to accommodate the needs and concerns of women of color, especially Asian American women. Similarly, the Asian American community must be critiqued for singularly focusing along racial lines to the exclusion of gender issues.

Because race and racism are integral to the functioning of American society,¹⁵⁹ Asian Americans, as a racial minority in this country, have understandably been involved in race-based civil rights struggles from the time Asians first came to this country.¹⁶⁰ Race has defined the context in which the Asian American community has organized politically, an approach which makes sense for Asian American men, who do not face gender subordination and who thus organize around race issues. However, Asian American women have also tended to organize around race issues, because American society focuses on singular axes of oppression. Women of color are forced to rank their oppressions and in this hierarchy of oppression, race usually comes out ahead of gender.¹⁶¹ Any criticism of the Asian American community's failure to address women's issues affirmatively must be viewed against this race-gender hierarchy.

159. See DERRICK BELL, *RACE AND AMERICAN LAW* at 46-49 (3d ed. 1992), (arguing that racism has always and still does provide economic advantages to those in power (whites) and thus will never be eliminated); CHAN, *supra* note 123, at 3-61 (arguing that Asian immigration to this country parallels American economic need for cheap labor but that at the same time, Asian immigrants have always been and continue to be subject to racial and anti-immigrant hostility).

160. See, e.g., Charles J. McClain, *Tortuous Path, Elusive Goal: The Asian American Quest for Citizenship*, 2 *ASIAN L.J.* 33 (1995) (examining judicial challenges by Asian immigrants of state and federal laws forbidding Asians from acquiring American citizenship in the period spanning the mid-nineteenth to early twentieth centuries).

161. Angela Harris tells the following story, which illustrates how race and gender intersect for women of color in a world where women of color must place oppressions in a hierarchy: "At a 1988 meeting of the West Coast 'fem-crits,' Pat Cain and Trina Grillo asked all the women present to pick out two or three words to describe who they were. None of the white women mentioned their race; all of the women of color did." Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 *STAN. L. REV.* 581, 604 (1990).

Part III therefore critiques the Asian American community for failing to bring gender issues to the table. However, this critique is offered with the understanding that traditional approaches to civil rights issues have made it difficult for the Asian American community to address race and gender simultaneously. In order to recognize and address effectively the situation faced by battered Asian American women, the Asian American community must now break away from its singularly race-based framework to include gender issues in civil rights discussions. An examination of one of Asian America's main civil rights battles, the ongoing struggle against anti-Asian hate violence, illustrates how Asian American women have been subordinated within Asian American civil rights efforts.

A. *The "Male-Centeredness" of the Movement Against
Anti-Asian Violence*

Since the early 1980s, the Asian American community has devoted a great deal of time, energy, and resources to combating anti-Asian hate violence. The 1982 murder of Vincent Chin¹⁶² was the watershed event that set in motion the first extensive community-based efforts to fight anti-Asian violence.¹⁶³ Now, many of the most respected Asian American community organizations belong to this collective movement, including the National Asian Pacific American Legal Consortium (NAPALC), the Japanese American Citizens' League (JACL), and the Organization of Chinese Americans (OCA).¹⁶⁴

Although anti-Asian violence victimizes entire communities as well as individuals, the movement against anti-Asian violence has been defined primarily by battles for individual justice.¹⁶⁵ The movement has focused over-

162. Two white automobile workers mistook Vincent Chin, a Chinese American, for Japanese American and harassed, chased, and then beat Chin to death with a baseball bat. CIVIL RIGHTS REPORT, *supra* note 56, at 25.

163. The concept of a racially-motivated "hate crime" probably first came in to being following the brutal beating death of Vincent Chin in 1982. See Barbara Karkabi, *Hate Crimes*, HOUSTON CHRON., Dec. 24, 1992, at 1 ("[W]e as a society [began] to lump what was once dubbed a cultural or racist crime into the broader context of hate crime" with the "1982 murder of Vincent Chin."). Many Asian American civil rights activists and organizations became involved in the fight against anti-Asian hate violence following Chin's death. See Richard J.P. Cavora, *Asian Law Caucus Faces Regan Years*, ASIANWEEK, June 12, 1992, at 9 (reporting that in the 1980s, the Asian Law Caucus started to address anti-Asian hate violence, beginning with the murder of Vincent Chin in 1982).

164. Among other Asian American organizations which either formed in response to or now include anti-Asian violence in their agenda are: American Citizens for Justice (Detroit), Asian American Legal Defense and Education Fund (New York City), Asian Law Caucus (San Francisco), Asian Pacific American Legal Center (Los Angeles), and Committee Against Anti-Asian Violence (New York City).

165. For example, Asian American community groups advocated for the federal civil rights prosecutions of the killers of Vincent Chin, Jim Loo (a Chinese American killed in North Carolina after being mistaken for a Vietnamese), and Navroze Mody (a South Asian American man killed during a wave of anti-Indian activity in New Jersey). CIVIL RIGHTS REPORT, *supra* note 56, at 25-29; NATIONAL ASIAN PACIFIC AMERICAN LEGAL CONSORTIUM, *AUDIT OF VIOLENCE AGAINST ASIAN PACIFIC AMERICANS*, 1993 8 (1994) [hereinafter 1993 NAPALC AUDIT]. These three cases are among the best-known of all anti-Asian violence cases.

whelmingly on male murder victims,¹⁶⁶ even though Asian American women have also been victims of comparably brutal racially-motivated killings.¹⁶⁷ Although victimized by anti-Asian violence, Asian American women have been neither the focus of civil rights advocacy nor the subjects of adequate hate violence data collection and dissemination.¹⁶⁸

Furthermore, the focus of the Asian American civil rights movement on race-based violence to the exclusion of all other forms of violence makes non-Asian-on-Asian violence paradigmatic while ignoring growing Asian-on-Asian violence. The overwhelming focus on inter-racial violence gives the false illusion that the only violence Asian Americans face is violence committed by non-Asians. However, intra-racial violence, including domestic violence as well as urban gang violence, is a very real threat.¹⁶⁹ By focusing almost exclusively on racially-motivated violence, the Asian American civil rights movement keeps gendered violence in the shadows of Vincent Chin and other male victims of anti-Asian violence.

The male-centered movement also completely overlooks violence which disproportionately affects Asian American women. Such intersectional hate violence, where being Asian and female are both relevant factors in the crime, includes sex crimes committed against Asian American women, where for example, a serial rapist targets only Asian American women.¹⁷⁰ Such violence is "intersectional" because of its simultaneous racial and sexual nature. As victims of violent acts and subjects of racist

166. Almost all of the cases which have defined the movement over the past 15 years have had male victims. See 1993 NAPALC AUDIT, *supra* note 165, at 8-10 (discussing NAPALC's 1993 case docket, which included the cases of Luyen Phan Nguyen, Kaushal Sharan, and Saam Neng Nhem, all male); CIVIL RIGHTS REPORT, *supra* note 56, at 25-30 (detailing recent cases investigated by the U.S. Commission on Civil Rights: Vincent Chin, Jim Loo, Navroze Mody, and Hung Troung—all of whom are men); CHAN, *supra* note 123, at 176-79 (discussing only Vincent Chin and Jim Loo in the context of contemporary anti-Asian violence); Kathy Yep, *The Power of Collective Voice*, 4 ASIAN AM. POL'Y REV. 33, 35-44 (1994) (discussing Asian American community mobilization efforts following hate violence directed at Frank and Melvin Toy and Thong Hy Huynh, all three of whom are male). The one exception was the case of the 1989 "Stockton Schoolyard Massacre," where Patrick Purdy shot to death five Southeast Asian children. CIVIL RIGHTS REPORT, *supra* note 56, at 30-31.

167. In 1984, 19-year old Ly Yung Cheung was killed when she was pushed in front of a New York City subway train by a white man who claimed to be haunted by Asian demons. The killer stated, after pushing Cheung to her death, "[n]ow we're even." COMMITTEE AGAINST ANTI-ASIAN VIOLENCE, BIAS-MOTIVATED OR RELATED KILLINGS SINCE 1981, at 1 (Nov. 5, 1992).

In 1992, Japanese American Junko Nakashima (female) was shot dead by a white man who had told his half-brother that Japanese in America had gotten rich at the expense of "Americans" and that he felt "ripped off by the Nakashima family," who owned a local business. *Id.* at 3.

168. See *supra* note 166 and accompanying text.

169. See generally Nilda Rimonte, *A Question of Culture: Cultural Approval of Violence Against Women in the Pacific-American Community and The Cultural Defense*, 43 STAN. L. REV. 1311 (1991) (discussing ways in which Asian culture facilitates the decriminalization of violence against Asian women).

170. For example, in 1992, a Japanese exchange student in Oregon was kidnapped and raped by a man who had a history of assaulting Japanese women in Arizona and California. Helen Zia, Remarks at the Speech Equality, and Harm Conference 3 (Mar. 6, 1993) [hereinafter Zia Remarks]. Although sentenced to jail for the rapes, the rapist was never investigated as having committed acts of anti-Asian hate violence, despite his pattern of sexually victimizing Japanese women. *Id.*

sexual myths,¹⁷¹ the Asian American women who are victimized by such intersectional hate violence should be included in the anti-Asian hate violence agenda. The unwillingness of the anti-Asian hate violence movement to include female victims in the discussion of traditional hate violence or to broaden the definition of hate violence to include intersectional crimes results in the Asian American community's failure to address violence perpetuated against Asian American women.

B. The Asian American Community's Failure to Address Domestic Violence Against Asian American Women

As a direct result of its failure to address violence committed against women, the Asian American community has relegated domestic violence against Asian American women to the status of a relative non-issue. In a world where race is viewed as a "greater" basis of oppression than gender, and thus the need to maintain racial unity is greater than the need to fight gender oppression, an issue like domestic violence which divides a racial community along gender lines drops to the bottom of the list of community concerns. To complicate matters, Asian cultural norms, which focus on family harmony and unity and often ascribe a secondary role for women, make it more difficult for Asian Americans collectively to prioritize the elimination of gendered crimes such as domestic violence.

Currently, the Asian American community lacks adequate resources to help battered women.¹⁷² Battered Asian American women need linguistically and culturally sensitive services, which must come at least in part from members of the Asian American community. At present, only a few shelters exist which can accommodate the multicultural and multilingual needs of battered Asian American women. Furthermore, those in existence are located in only the largest urban areas: New York City, Chicago, Los Angeles, and San Francisco.¹⁷³ In some cities (but primarily the ones which already have shelters for Asian American women), non-shelter organizations also exist which provide services such as counseling and referrals

Also, in 1985, Jean Har-Kaw Fewel, an eight-year old Chinese American girl, was raped and lynched in North Carolina. Her murder occurred two months after *Penthouse* magazine published photographs depicting Asian women bound, tortured, and hung from trees. Fewel's death was never investigated as possibly involving anti-Asian sentiment, despite the bizarre circumstances surrounding her death. *Id.*

171. See *supra* notes 150-154 and accompanying text.

172. See BARRINGER, *supra* note 61.

173. The following shelters currently exist to serve battered Asian American women: New York Asian Women's Center (New York City), Apna Ghar (Chicago), Center for the Pacific Asian Family (Los Angeles), and Asian Women's Shelter (San Francisco). In addition, shelters that will soon open in Boston and Seattle have all-volunteer domestic violence organizations (API Women and Family Safety Center). While these shelters are situated in urban areas with some of the largest concentrations of Asian Americans, the lack of shelters nationally and in smaller urban areas is problematic because the Asian American population is spread throughout rural and urban fringe areas, as well as in central city areas. See *id.* at 114.

for Asian American victims of domestic violence.¹⁷⁴ None of these organizations, however, are able to meet fully the demand for shelter and services which exists in these areas.¹⁷⁵ Outside the major urban centers, there are almost no multilingual/multicultural shelters or services available for battered Asian American women. Because battered Asian American women exist wherever Asian Americans live and are therefore scattered throughout the country, the need for more shelters and services for battered Asian American women is evident.

Although a handful of shelters and other programs exist which serve battered Asian American women, the Asian American community as a whole has ignored its domestic violence victims. In the context of domestic violence against Asian American women, the only voices raised on behalf of battered Asian American women have been those of the few Asian American women who are already active in fighting domestic violence.¹⁷⁶ The Asian American community's civil rights struggles have been singularly race-focused and gender-blind. The major Asian American civil rights players, such as the NAPALC, the JACL, and the OCA, have yet to incorporate domestic violence or any other women's issues into their agenda.¹⁷⁷ These organizations and the leaders of these groups must take the lead in bringing domestic violence to the forefront because it is these organizations and leaders whose voices drive the conscience of the community. In the meantime, the failure to address domestic violence committed against Asian American women keeps the Asian American community's civil rights struggles locked in a gender-blind paradigm and traps battered Asian American women in their abusive relationships.

174. For example, a number of ethnic-specific domestic violence service organizations exist, such as KAN-WIN (serving Korean American women) in Chicago and SAKHI (serving South Asian American women) in New York City. Other existing community organizations provide services to battered Asian American women, such as Donaldina Cameron House in San Francisco (counseling) and Asian Immigrant Women's Advocates in Oakland (employment and labor training). A few organizations are also capable of providing legal advice to battered Asian American women: Asian American Legal Defense and Education Fund (New York City), Asian Law Alliance (San Jose), Asian Law Caucus (San Francisco), Asian Pacific American Legal Center (Los Angeles), and Nihomachi Legal Outreach (San Francisco).

175. For example, the New York Asian Women's Center received over 2,000 calls in 1990 and assisted 250 battering victims. CIVIL RIGHTS REPORT, *supra* note 56, at 175. The Center for the Pacific Asian Family (CPAF) in Los Angeles received 1,429 calls in 1982. *Id.* at 175 n.135. CPAF served approximately 3,000 clients in the period spanning 1978 to 1985, with a caseload of approximately 400 women and children during one two-year period. Rimonte, *supra* note 119, at 327. Nilda Rimonte notes that these numbers do not reflect the true extent of domestic violence committed against Asian Americans, as only the most severely battered tend to seek shelter. *Id.* at 328.

176. Throughout my research for this paper, the sources I found on battered Asian American women were almost without fail written by or quoted extensively, by a handful of Asian American domestic violence advocates, among them counselors (such as Christine Ho), shelter and other related program directors (such as Nilda Rimonte, Pat Eng, and Barbara Chang), and domestic violence legal advocates (such as Deeana Jang and Leti Volpp). Also, all the newspaper, magazine, and journal (including law review) articles which I found through on-line WESTLAW searches were written by women.

177. See *supra* notes 166, 176 and accompanying text.

CONCLUSION

Differently situated from battered white women and on unequal footing with Asian American men, battered Asian American women continue to fall through the cracks despite gains in both battered women's rights and Asian American civil rights. Battered Asian American women are disadvantaged because both the battered women's movement and Asian American civil rights struggles are currently defined along singular, linear axes: the former, of gender, and the latter, of race.

Such linear paradigms are limited by essentialist notions of gender and race. Essentialism is the idea that within any particular community, there exists one "essential" experience which purports to represent all members of that community.¹⁷⁸ The white-centeredness of the anti-domestic violence movement focuses on the white woman as the essential battered woman while the male-centeredness of the Asian American civil rights movement establishes the experience of the Asian American man as the essential Asian American experience. Although some categorization is needed for understanding experience, essentialism is ultimately dangerous because it privileges certain voices and silences others, usually those voices which have traditionally been ignored.¹⁷⁹ In the anti-domestic violence movement, white women are privileged at the expense of non-white women;¹⁸⁰ in the Asian American community, men's voices are heard over women's.¹⁸¹ As a result, Asian American women are silenced in both communities.

These limited paradigms fail to include battered Asian American women, who are neither "just women" nor "just Asian Americans."¹⁸² The

178. In critically evaluating feminist legal theory, Professor Angela Harris defines the problem of gender essentialism as the assumption that there is "a unitary, 'essential' women's experience [which] can be isolated and described independently of race, class, sexual orientation, and other realities of experience." Harris, *supra* note 161, at 585.

179. *Id.* at 586.

180. *See supra* Part I.B.

181. *See supra* Part III.

182. Frances Lee Ansley explains the essentialism dilemma and the complexities of intersecting identities with her "File Drawer" example:

I have one drawer in my filing cabinet labeled 'WOMEN' and another labeled 'RACE.' This makes a certain amount of sense, but I run into all kinds of problems when I file things. Where should I put information relating to the problems of Latina women in South Texas, for instance? Should I create a Latina file for my WOMEN drawer or file the information in the Latino file in my RACE drawer? If I file it in the RACE drawer, am I not implicitly saying that the problems of Latinas at the border are best thought of as racial? Isn't that also inaccurate and misleading, because I know many of their problems are directly tied to their identity as women? If I put the information in the WOMEN drawer, am I not muting that incredibly important part of the problems of Chicana women that springs from their identity as brown people?

Furthermore, if I put Latinas in my WOMEN drawer, that leaves me with a Latino file in the RACE drawer. What am I supposed to put there? If I put in it anything that relates to Latinos that does not explicitly relate to women, am I not giving basic humanity to the men while reserving some special, modified, qualified, different-from-plain-old-Latin status for women? You can see I have a real problem!

dangers of essentialism do not mean that categories should be completely eliminated, but rather that there should be an accommodation of multiple consciousness as opposed to any rigid categorization.¹⁸³ To overcome the current essentialist paradigms, both the anti-domestic violence movement and the Asian American civil rights movement must affirmatively recognize a broader, non-linear vision which embraces the intersectionality of multiple, co-existing identities.¹⁸⁴ In adopting an inclusive vision, each movement must recognize that battered Asian American women are uniquely situated from other battered women and from Asian American men.¹⁸⁵

Embracing an intersectional perspective will allow the anti-domestic violence movement to escape its white-centeredness. By viewing domestic violence as a problem that affects different women differently, domestic violence advocates will be able to remove the blinders of white privilege and to adopt color-conscious programs which address the unique needs and concerns of Asian American women. This would mean not only hiring bilingual and culturally-sensitive staff and volunteers for existing shelters and programs, or conducting research specifically investigating domestic violence against Asian American women. It would also mean involvement in campaigns to eradicate stereotypes of Asian American women as sexually exotic and submissive beings, in recognition that such racist stereotypes condone sexual violence against Asian American women. By assisting in the battle against racial images which help perpetuate domestic violence against Asian American women, anti-domestic violence advocates, who are predominantly white, will aid in eliminating battering against Asian American women.

Similarly, the adoption of an intersectional framework by the Asian American community will enable its civil rights struggles to progress beyond the current male-centered focus. By recognizing that racism cannot be so easily separated from other "isms," the Asian American community can begin to adopt a gender-conscious civil rights agenda. Asian American civil rights organizations must also recognize that violence against Asian Americans manifests itself in more than purely race-based ways. For example, while some victims, like Vincent Chin, are victims of aggressors who have been motivated purely or primarily by racist beliefs, other Asian American victims of violence are targeted for intersecting reasons: race, gender, sexual orientation, economics, among others. In addition, the Asian American community must move beyond beliefs which subordinate Asian American women, in order to allow the community as a whole to address violence which victimizes Asian American women. This would be the first

Frances Lee Ansley, *A Civil Rights Agenda for the Year 2000: Confessions of an Identity Politician*, 59 TENN. L. REV. 593, 600-01 (1992).

183. Harris, *supra* note 161, at 585-90.

184. For an explanation of intersectionality theory, *see supra* note 10.

185. *See supra* Part II.

step toward bringing domestic violence into the Asian American civil rights agenda; such violence will no longer be able to be ignored and treated as a non-civil rights issue.¹⁸⁶ Including violence against women and domestic violence in the Asian American civil rights agenda will provide battered Asian American women access to a great many existing resources, including legal, cultural, and social resources which have historically been reserved for racial civil rights issues such as hate violence.

It is important to push both the battered women's movement and the Asian American community towards an intersectional framework because battered Asian American women face certain unique obstacles which are rooted in both their gender and race. These obstacles must be addressed together, not in discrete and insular packages of race as separate from gender. Only within such an intersectional paradigm can the unique needs and concerns of Asian American women be adequately addressed.

I conclude this Comment with a quotation from two women who are both battered women's advocates and Asian American community activists. Their vision is one which I hope both the anti-domestic violence movement and the Asian American civil rights community will adopt as their motto in addressing domestic violence and other gendered issues affecting Asian American women:

This is a wake-up call to APA activists fighting on the frontlines for the civil rights of Asian Pacific Americans, as well as all peoples. We as a community can never hold our heads high and claim a righteous struggle for civil rights unless we fight hand-in-hand for the rights of our sisters to be free from violence of the body, mind, the spirit There will never be a strong and healthy community unless violence in the home . . . is eradicated. We can never reach the potential that is our birthright unless we stop denying the impact of domestic violence on our own lives and start dealing with its effects. It is futile to hope and work for a better society when we pass on a legacy of violence and dysfunction.¹⁸⁷

186. The National Asian Pacific American Legal Consortium (NAPALC) recently took a step forward in this direction in compiling its latest hate violence audit. In describing its methodology in collecting and analyzing anti-Asian hate violence data, NAPALC acknowledged that it lacked adequate information on hate violence committed against Asian Pacific American women and that the issue merited further research and analysis. NATIONAL ASIAN PACIFIC AMERICAN LEGAL CONSORTIUM, AUDIT OF VIOLENCE AGAINST ASIAN PACIFIC AMERICANS, 1994 7 (1995).

187. Lin & Tan, *supra* note 13, at 322-323.