

**GENDER OUTLAWS BETWEEN EARTH AND SKY:
IRANIAN TRANSGENDER ASYLUM SEEKERS
TRAPPED WITHIN HETERONORMATIVE
(INTER)NATIONAL FRAMEWORKS**

By

M.Ali Abdi

Submitted to
Central European University
Department of Gender Studies

*In partial fulfillment of the requirements for the degree of Master of Arts in Critical Gender
Studies*

Supervisor: Associate Professor Hadley Z. Renkin
Second Reader: Professor Eszter Timar

Budapest, Hungary
2011

Abstract

While same-sex relationships are criminalized in Iran, sex-change operations are allowed and partially funded by Islamic Republic. Nevertheless, a number of Iranian transgender people leave the country to Turkey to seek asylum through UNHCR. The thesis aims at understanding Islamic Republic recognition of sex-change operations and UNHCR acceptance of transgender people as potential refugees, by looking through the dominant politics of gender and sexuality in Islamic Republic throughout the last two hundred years and on international level along the line of continuous mutual constitution and interaction between Iranian and western modernities. I argue that the discourse informing transsexuality in today Iran is a confluence of western scientific discourse on truth of sex, and the Classical Islamic discourse on true sex, which provides knowledge and regime of truth for IR's heteronormalizing politics. Yet, I claim that the heteronormalizing and disciplining tendencies are not limited to IR's politics of gender and sexuality, but is deeply embedded in the international asylum law, UNHCR immigration judges' prejudices, and NGOs working on the ground. Invoking deep interviews I conducted in Turkey with Iranian transgender asylum seekers, I show that disciplining trends on national and international levels, which inform and are informed by each other, works at discriminating against those transgender people who do not fit within the dominant definition of discreet transgender citizens along the binary lines of male/female and man/woman. I draw on post-colonial theories, Butler's discussion of performativity, Foucauldian understandings of power, and theories of transgenderism and citizenship debates in different chapters. The recognition of intertwined modernities and the continuous friction between local and global processes within hierarchical power relations shape the broader framework of my thesis.

Acknowledgement

I would like to express my warmest thanks to my supervisor Professor Hadley Renkin for his unbelievable patience, unforgettable emotional support, priceless comments, and valuable contributions throughout the study with his deep and broad knowledge, experience and kindness. I am also grateful to my second supervisor dear Professor Eszter Timar for her careful reviews and insightful feedbacks.

I would like to dedicate the thesis to the thousands of the Iranian students who are either imprisoned back home or are deprived from continuing their education because of pursuing their academic rights and seeking democracy. I dedicate the thesis specifically to my friends, Bahareh Hedayat (sentenced to 9 years in prison), Ali Akbar Mohammad Zadeh (now in prison for more than four months), Kouhyar Goodarzi (deprived from continuing his education) Milad Asadi (sentenced to seven years in prison), Ali Malihi (sentenced to four years in prison), Majid Tavakkoli (sentenced to eight years in prison), Zia Nabavi (sentenced to ten years in prison), Mehdi Khodaei (sentenced to four years in prison) and more.

I would also like to dedicate the words of this thesis to Haleh Sahabi, the Iranian Women's Rights and Peace activist, who was killed on June 1st 2011 by Iranian security forces during the funeral of her father. I wish my tears, even now that I am writing these lines, would contribute to healing her pains.

Table of contents

ABSTRACT.....	I
ACKNOWLEDGEMENT.....	II
TABLE OF CONTENTS	III
INTRODUCTION.....	1
METHODOLOGY	6
TERMINOLOGY	7
CHAPTER 1- CULTURAL AMNESIA: THE POLITICS OF GENDER AND SEXUALITY IN IRAN SINCE THE QAJAR DYNASTY (1794 – PRESENT).....	10
POLITICS OF GENDER AND SEXUALITY IN “MODERN” IRAN (1794-PRESENT)	12
QAJAR ERA	12
FOUCAULT AND NAJMABADI’S DISCUSSIONS ON HISTORY OF SEXUALITY IN EUROPE AND IRAN	16
<i>Foucault’s Discussion on History of Sexuality in Europe</i>	16
<i>Najmabadi’s Discussion on History of Sexuality in Iran During 19th and Early 20th Century</i>	19
PAHLAVI ERA: COMPULSORY HETEROSOCIALITY WITH LOVING-COMPANIONATE HETEROSEXUALITY	21
<i>The Cultural Amnesia: How and Why the Figure of Amrad(uma) was Forgotten?</i>	24
POLITICS OF GENDER AND SEXUALITY DURING ISLAMIC REPUBLIC (1979-PRESENT)	25
<i>Foucault’s Discussion on Iranian Revolution: Political Sprituality</i>	25
<i>Islamic Modernity</i>	26
CONCLUSION	28
CHAPTER 2- COMPLICITY BEYOND TIME AND SPACE: THE RELIGIO-PSYCHO-MEDICALIZED DISCOURSE ON TRANSSEXUALITY.....	31
TRANSGENDER INDIVIDUALS AFTER ISLAMIC REPUBLIC: FROM PERVERTS TO PATIENTS	33
RELIGIOUS DISCOURSE ON TRUE SEX	35
PSYCHO-MEDICAL DISCOURSE ON TRUTH OF SEX.....	38
ANALYSIS: RELIGIO-PSYCHO-MEDICAL DISCOURSE ON TRANSSEXUALITY	40
CONCLUSION	48
CHAPTER 3 – TRAVELLING FROM EVIL TO FREEDOM: DISCURSIVE REPRESENTATION OF IRANIAN LGBT ASYLUM SEEKERS	50
CONCEPT OF REFUGEE WITHIN INTERNATIONAL POWER RELATIONS	52
POST 9/11 RHETORIC: IRAN AS THE AXIS OF EVIL	53
REPRODUCTION OF THE EVIL IRAN/FREE WEST	55
<i>Seeking Asylum: A Practice with Unintended Consequences</i>	55
<i>World Press Tendency</i>	56
<i>NGOs: Are they Doing Good?</i>	58
<i>Analysis: Reduction, Neglect, Backlash</i>	65
CONCLUSION	67
CHAPTER 4 – “GENDER OUTLAWS” BETWEEN EARTH AND SKY: IRANIAN TRANSGENDER ASYLUM SEEKERS TRAPPED IN A PARADOX.....	69
CITIZENSHIP/IDENTITY POLITICS/INTERNATIONAL LGBT HUMAN RIGHTS DEBATES	71
RECOGNITION OF ASYLUM SEEKERS CLAIM BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY: A BRIEF BACKGROUND	81

IRANIAN LGBT ASYLUM SEEKERS IN TURKEY	83
<i>Process of Seeking Asylum</i>	83
<i>Fear of Being Persecuted: The Reproduction of Discreet/Non-Discreet Citizen</i>	85
<i>Membership of a Particular Social Group: Who is Transgender?</i>	92
CONCLUSION	99
CONCLUSION	101
REFERENCES	103

Introduction

“I am neither man nor woman. I am somewhere between. Somewhere between earth and sky ...”

Hamideh, Iranian transgender-identified asylum seeker

While same-sex relationships are criminalized in Iran, Iran is the only Muslim country in which sex-change surgeries are allowed and partially funded by the state. In 1985, Ayatollah Khomeini, the founder of Islamic Republic (IR), issued a fatwa (religious decree) granting permission for such operations. This permission has led around 3000 Iranian transgender people, who are regarded as “patients” by Islamic Republic, to undergo sex change surgery so far, which is the second highest number in the world after Thailand. Nevertheless, each month a number of Iranian transgender people leave the country to Turkey to seek asylum. United Nations High Commissioner for Refugee Status (UNHCR) in Ankara is responsible for examining asylum seekers’ claims and, if they were legitimate, granting them refugee status.

My thesis aims at examining Islamic Republic recognition of transsexuals¹ as patients and UNHCR acceptance of transgender people as potential refugees, by looking through the dominant politics of gender and sexuality in Islamic Republic and on international level along the line of continuous mutual constitution and interaction between Iranian and western modernities. I intend to analyze how this interaction within the existing international power relations a) informs the recognition of sex change operations and criminalization of same-sex relations in Iran, b) shapes the dominant discursive representations of seeking asylum by Iranian

¹ Look at Terminology Section at the end of the Introduction

LGBT in the West and c) affects the asylum process and outcome of the cases of Iranian transgender asylum seekers in United Nations High Commissioner for Refugee Status (UNHCR) in Turkey.

The topic of transgender people in Iran primarily raised interest in me because of series of reports which have been appearing in the world press since 2004, shaping the mainstream understanding of sex change operations in Iran. There are two dominant ways in which the Islamic Republic sanction for sex change surgeries is represented;

First; most of the articles in the world press express surprise over the permissibility of sex change in an Islamic state. Titles and phrases such as Iran's "surprisingly liberal laws" on sex change operation, "Believe it or not: Iran set to approve transsexual marriage" and Tehran is the "unlikely sex change capital of the world" are some among others (look at *Speak Equal* September 2009; Tait 2005; Mangez 2005; Fathi 2004). This celebratory language resonates with Iranian officials' position on sex-change operations which render Iran as "a paradise for transsexuals" and link this permission to the progressive attitudes of Shi'i jurisprudence towards gender and sexuality issues (Harrison 2005; interview with Head of *Navab Safavi Welfare Organization*, *E'temaad* newspaper, no. 1481, Sep 3rd 2007).

The second major representation of the subject of transsexuality in Iran in the world press is explicitly linked with the illegality of same-sex relations. It introduces sex change surgery as Islamic Republic's "solution", "cure" or "punishment" for homosexuals seeking same-sex desire (Matthew 2008; Ireland 2007). Jane White, for instance, contributed to this orientalist discourse, writing that the Iranian "Islamic" government believes "sex change cures gay people of their

illnesses” and Iranian officials are “actively encouraging gay women and men to have sex change operations” (White 2009).

In the first two chapters of the thesis I will contest the aforementioned representations. I will argue that neither Iran is a “paradise” for transsexuals, nor sex change sanction necessarily indicates IR’s more tolerance towards transsexuals, nor IR’s dominant politics on gender and sexuality necessarily forces homosexuals to undergo sex change surgery, but rather sex change permission and criminalization of same-sex relations must be looked at within the context of IR’s heteronormalizing politics, which is in continuous interaction with the global heteronormalizing politics of gender and sexuality, and aims at assimilating individuals within non-normative gender roles and sexual practices into a heteronormative social order.

In the first chapter, by mainly going through Najmabadi’s discussions in her book *Women with Mustaches and Men without Beards: Gender and Sexual Anxieties of Iranian Modernity* (2005), I will look at 200 years of history of gender and sexuality in Iran since Qajar Dynasty (1794-1925), juxtaposing it with Foucault’s discussion on history of sexuality in Europe through relatively same period. I will argue that the heteronormalizing process of Iranians’ sensibilities has not necessarily started with the rise of Islamic Republics, but is rooted in the early interactions between Iranian modernists of Qajar Era and Europeans, and in Pahlavi era’s (1925-1979) compulsory heterosocialization. The rise of Islamic Republic, along with continuous and increasing interactions with the West, accelerated the process of heteronormalization and contributed to the emergence of transgender people and homosexuals as, what Foucault calls, distinct “species” (1990 [1978], p. 43).

In the second chapter, I will discuss the two sets of seemingly distinct but interrelated religious and psycho-medical discourses informing sex change operations after the establishment of Islamic Republic, which generate certain regimes of truth and produce knowledge to justify the dominant IR's heteronormalizing politics. I will argue that the confluence of Classical Islamic discourse on "true sex" (*jinse-e haqiqi*), meaning each person is innately either male or female, and the modern western-rooted psycho-medical discourse on "truth of sex" (*haqiqat-e jins*), meaning every psychologically healthy person should perform in accordance with certain norms of behavior derived directly from her/his biological sex, has established a powerful religio-psycho-medicalized discourse on transsexuality.

This discourse categorizes people as either male/man or female/woman and expects them to act normatively within a heterosexual matrix. Within this discourse transsexuals are understood as "patients" suffering from "gender dysphoria", in need of psychological, hormonal, or surgical treatment, while homosexuals remain as "perverts". Yet, in contrast with reports in the world press indicating Islamic Republic forces homosexuals to undergo sex change surgery, I will also show that some homosexuals might benefit from the Islamic Republic recognition of transsexuality. Since it is absolutely possible, and legally and religiously sanctioned to be certified by the state as a transsexual without undergoing operation, Iranian homosexuals might pretend to be transsexuals in order to change their social status from "perverts" to "patients", and consequently from "illegitimate" to "legitimate" citizens.

Such complexities and the ongoing mutual constitution and interaction between Iranian and western (and other) modernities are eliminated within a specific set of totalizing and reductive discourses, some of which I traced in the world press, which render Iran as a pre-

modern/uncivilized/evil entity and West as a modern/civilized/free one. These set of discourses are informed partly by Orientalism (Said 1991 [1978]), which perpetuates the essentiality of cultures and encourages an oppositional and hierarchical dichotomy between Islam (backward) and the West (progressive), and partly by classical modernization theories (Lerner 1964), which associate modernity with the West and render non-Western societies as traditional in need of going through a linear modernization process to arrive at and look like the modern/civilized/free western societies.

In chapter 3 I will trace these colonial legacies by delineating the discursive representation of Iranian LGBT refugees and their practice of seeking asylum, by looking through the world press and NGOs' documentation of Iranian LGBT issues. I will argue that the hierarchical dichotomy of pre-modern/uncivilized/evil Iran and modern/civilized/free West is upheld within and reinforced by these articles and documents. This dichotomy bolsters paternalistic international power relations, feeds a colonialist perception of modernity as monolithic, uniform, and western, denies the internal dynamics of LGBT life in Iran and the West, and works at denying or obscuring the disciplining and heteronormalizing forces which are present on international level and in all societies, including western ones.

In chapter 4, in order to shed light on this heteronormalizing force, which is present on international legislative bodies, I look through UNHCR, and the international asylum law and asylum process. I will invoke the interviews that I conducted in Turkey in summer 2010 with Iranian transgender asylum seekers who were deprived from their citizenship rights back home, showing how NGOs, immigration judges at UNHCR, and the international asylum law itself, which is partly influenced by identity politics and international LGBT human rights framework,

have heteronormalizing tendencies for transgender asylum seekers. This disciplining trend on international level, which is also informed by Islamic Republic politics of gender and sexuality, works at discriminating against those Iranian transgender asylum seekers who do not fit within the dominant definition of discreet transgender citizens along the binary lines of male/female and man/woman, and, thus, attempts to make them fit within that definition.

My work contributes to the nascent scholarship on gender and sexuality in the “Middle East”, adding to the understandings of complexities and internal dynamics of LGBT communities of the region. The thesis also shows how the social categories, such as citizen, refugee and transgender, are socially and politically constructed and actively produced through mechanisms of social control on national and international levels. Through all chapters, my analysis directs our attention to the continuous friction between global and local processes, emphasizing the necessity of looking at a context not as a bounded and closed space but understanding it within the international interactions.

Methodology

I was familiar with some gay activists and with Saghi Ghahreman, the head and one of the founders of *Iranian Queer Organization* (IRQO), who helped me in finding and building trust with some of the Iranian transgender asylum seekers in Turkey. Before leaving Budapest to Turkey, I contacted some of my potential interviewees. I then used snowball sampling to get in touch with more participants.

I initiated my 17-day field study in summer 2010. I interviewed 11 Iranian transgender people in four different cities across Turkey (Isparta, Kayseri, Nevsehir, and Nigde). My interviewees’

ages ranged from 20 to 46. They had come from different cities across Iran, and were from different social classes, from different ethnic groups (Kurds, Fars, Arab), and believed in no or different religions (Islam, Christianity, Bahaii).

In order to let the flow of the narrative my interviewees direct me to the contested issues, I deep-interviewed my participants, asking them open ended questions in semi structured framework. I asked them about their life stories, why they left Iran, their different lived experiences in Iran and Turkey, and the asylum process through which they had either gone or were still waiting for. I let them lead the conversation so they were able to volunteer their own accounts and had enough time to include all the material they thought relevant to the subject. I recorded all the interviews with the permission of the interviewees, took notes, and transcribed the necessary parts late October.

I understand that my non-transgender non-asylum-seeker identity might have discouraged them from talking to an outsider. Besides, their critical situation in Turkey might have prevented them from raising some issues which they thought useless or harmful to their cases at UNHCR. At the same time, my familiarity with Saghi Ghahreman (head of IRQO), and my careful use of the terminology with which they were more comfortable, might have provided a space in which they felt safe.

Terminology

Through the thesis, I will use the word “transgender” as an umbrella term for people who are (always or sometimes) interested in performing what-are-traditionally-understood-as non-normative gender roles which are socially considered as incompatible with the biological sex. I

employ the term “transsexuals” for transgender people who have already undergone or wish to undergo hormonal therapy or sex change surgery to, as they themselves say, “fit” their biological sex (mainly genitals) with their gender identity. When I address a female-bodied masculine person who self-identifies as man I will use the pronoun “he”, and for a male-bodied feminine person who self-identifies as woman, I will use the pronoun “she”. When I want to address a person who self-identifies neither as man nor as woman, I will use the pronoun “s/he” (pronounced as Zee) instead of she/he and “hir” instead of him/her (suggested by Whittle 2006).

I understand that use of the terms transgender and transsexual might reaffirm and feed the dominant disciplinary binary regimes of sex/gender. These words get their meaning within the contemporary dominant understandings of gender, of who is man/woman, and what is masculine/feminine. In fact, as a researcher, I am contributing to the making of the category of transgender by bringing certain people with certain performances, bodies, and gender and sexual identities under my gaze.

As Susan Stryker (2006) argues the “exotic[ism]” of “transgender phenomena” is resulted from the “effects of the relationships constructed between those phenomena and sets of norms that are themselves culturally produced and enforced” (p. 3). Yet, through the thesis, I am not necessarily interested in the transgender phenomena per se, but what I seek is, parallel with Stryker’s suggestion, the “manner in which these phenomena reveal the operations of systems and institutions that simultaneously produce various possibilities of viable personhood, and eliminate others” (ibid.).

Therefore, through the pages of this thesis, I will analyze how transgender people, by becoming or being rendered as “gender outlaws” (Whittle 2006, p. xiii) and “aberrant” cases (Junag 2006,

p. 707), enable us to deconstruct and better understand the normative assumptions of the heteronormalizing politics of Islamic Republic of Iran and that of UNHCR asylum law and asylum process on international level. This is going to be the analysis of the mutual construction and interaction between Iranian and Western (and other) modernities, through which the transgender category and transgender identities are shaped, along the intertwined relationships of social power (Valentine 2007).

Chapter 1- Cultural Amnesia: The Politics of Gender and Sexuality in Iran since the Qajar Dynasty (1794 – Present)

“young beardless men, rose-faced, silver bodied, cypress-saturated, narcissus eyed, coquettish, with sugar lips, wine bearers with tulip cheeks, moon-faced, Venus-shaped, with crescent eyebrows, magic eyes, black-scented hair, and crystalline chin folds, and full of games and coquettish”

Rustam al-Hukama describing the young men toward whom Tahmasb Mirza (King of Iran – 16th century) was sexually inclined

Not more than two hundred years ago, same sex relations and homoeroticism were implicitly recognized cultural practices in Iran (Afary 2009; Najmabadi 2005). Yet, after the rise of Islamic Republic in 1979, homosexuality was criminalized. Transgender people were also put into the category of perverts by Islamic Republic officials. In 1985, however, Ayatollah Khomeini the founder of Islamic Republic, issued fatwa (religious decree) granting permission to transgender people to undergo sex-change surgery. Yet, homosexuality remains criminalized.

In this chapter, I will seek to answer the question of how we can understand the permission of sex change operation and criminalization of homosexuality within the IR’s politics of gender and sexuality, and, considering the interaction between Iranian and western modernities, how such politics and the cultural and political understanding of the figure of transgender are informed and have been transformed throughout the last two hundred years, that is since what-most-historians-agree-to-be the introduction of “modernity” to Iran by Europeans during Qajar dynasty.

I will argue that sex change sanction does not necessarily indicate IR’s more tolerance towards transsexuals (and transgenders) compared to other countries in the region. Such policy, instead,

must be looked at and understood within the context of IR's regulatory and disciplinary regime of power on gender and sexuality, whose aim is to assimilate individuals with non-normative gender and sexual practices into a heteronormative social order. I will look at 200 years of history of gender and sexuality in Iran since the emergence of Qajar Dynasty to trace the transformation of gender and sexual relations and politics, and the above regime of knowledge on transgender people.

By focusing on the figure of *amrad(numa)* (the beautiful young beardless man during Qajar who was engaged in same-sex relations with bearded adult men, to be discussed in length in this chapter) and by juxtaposing my discussion with Foucault's analysis of history of sexuality in Europe, I will show that heteronormalizing process has not started with the rise of Islamic Republics, but has roots in early interactions of Iranian modernists of Qajar era with Europeans, and in Pahlavi era's compulsory heterosocialization. I will discuss how and why procreative heterosexuality and erotic homosociality during Qajar era shifted into a normative heterosociality and companionate-loving heterosexuality during Pahlavi era, and later how Islamic Republic continued this process and established a heteronormative social order in which homosexual and transsexual emerged as distinct species, as personages. Throughout the last two hundred years, along with continuous interaction between Iranians and Western modernities, the cultural labor worked at forgetting the figure of *amrad(numa)*.

I will divide the chapter into four main parts. In the first part, I will discuss the politics of gender and sexuality in modern Iran in Qajar dynasty. In the second part I will compare and contrast Foucault's discussion on history of sexuality in Europe with Najmabadi's arguments on gender and sexual politics in Iran throughout relatively same period of 17th until late 19th centuries. In

the third and fourth sections I will discuss Pahlavi's and Islamic Republic's dominant position on gender and sexuality. I finish the chapter with conclusion.

Politics of Gender and Sexuality in “Modern” Iran (1794-present)

Qajar Era

The Qajar family took control of Iran in 1794 and through cultural, educational and economical interactions with Europe and the emergence of modern ideas such as nation, law, freedom, equality and as such, the project of modernity was introduced by Iranian elites which, as I will discuss, transformed many aspects of Iranians' lives, including their life dynamics of gender and sexuality.

Although same-sex relations are today criminalized in Islamic Republic, same sex relations and homoeroticism were implicitly recognized cultural practices until the late decades of nineteenth century (Afary 2009; Najmabadi 2005). During Qajar dynasty we have access to extensive records of male same sex activities which were occurring in accordance with certain rules and conventions. Afary argues that like many other “pre-modern” cultures, the documented male same sex relations were mostly between men holding asymmetrical social status; that is (two) men who were involved were coming from different classes, ages, social standings, etc. The older one or the one with better status usually played the “active” role, holding the “penetrating” position, and the younger with inferior social standing usually played the “passive” role, or the “penetrated” side. Our knowledge on women's same sex relations is limited, but they might have been following the same legacy.

The what-Afary-calls “status-defined homosexuality” was anything but unique to Iran or the Middle East. As many scholars including Foucault (1990 [1978]) and Halperin (1993) have

suggested, the very same phenomenon was prevalent in Ancient Greek and pre-modern Europe. Halperin argues that sexuality of the classical Athenians “was constituted by the very principles on which Athenian public life was organized” (p. 419). That is, those who were playing the insertive and receptive roles were holding superordinate and subordinate social status of citizen/non-citizen, or of adult male citizen/statutory minor, and as such. Their sexual orientation was not called “homosexuality” and their identity was not derived from their sexual acts, but sexuality was embedded in broader systems of politics in a way that “the social body precedes the sexual body” (p. 420).

Afary suggested that in status-defined homosexuality during Qajar “one partner assumed the ‘masculine’ gender conventions and another the ‘feminine’” (p. 79). But, in accordance with Padgug’s (1979) discussion that the categories we use today to analyze gender and sexual matters are not necessarily useful to deal with pre-modern time (p. 4), Najmabadi (2005) argues that not only the two human types (species) of homosexual and heterosexual had not been developed in 19th century Iran, but also, and in contrast with Afary’s approach, the very thinking of gender as the binary of masculine/feminine or man/woman is a modern construct.

In parts of her groundbreaking book *Women with Mustaches and Men without Beards: Gender and Sexual Anxieties of Iranian Modernity* (2005) which is one of the few, if not the only, historical scholarships on studies of sexuality in Iran during Qajar dynasty, Najmabadi discusses the two figures of *amrad* and *amradnuma*: The former was a “beautiful young beardless man” who could have been in his early twenties and was kept by an adult man as his companion and beloved (one might say that the closest equivalent to *amrad* in the West is “ephebe, the adolescent of Greek antiquity”) (Najmabadi 2005a, 59). After acquiring a fully visible beard, an

amrad could become an active man, marry women, while concomitantly enjoying sexual desire from his own string of amrads.

The latter, *amradnuma* (literally translated as looking like an amrad), was an adult man who shaved his beard to look like an amrad, that is to be the object of desire rather than becoming a desiring man. While keeping amrads was a ubiquitous practice, amradnumas were stigmatized and detested for being an adult man but shaving the most significant “visual marker” of Iranian manhood, that is the beard, and thus threatening manhood and marking its fragility by not developing into the real, desiring, bearded man (2005b, pp. 57-59).

Indeed, as Najmabadi argues, the word amrad and other words employed to indicate the adolescent beardless men do not derive from words connoting femaleness. So in contrast with Afary who defines amradnuma as an “*effeminate* man who was deemed very close to a *woman* in his malformation; a *transgendered* person” (p. 376; emphasis added), Najmabadi argues that those adult men who were shaving their beards during the 19th century were called amradnuma (somebody who looks like an amrad) but not zan’numa (somebody who looks like a woman). Thus, Najmabadi suggest, “the ubiquitous designation of the beardless amrad ... as *effeminate* in our time reveals the depth of heteronormalization and the reduction of all gender and sexual categories to two: male and female, man and woman” (emphasis added) (p. 16).

Thus, if we call amradnuma a transgender, as Afary does, it is important to note that he had been detested because of indicating the fragility of hegemonic masculinity of that time by evading the most significant marker of manhood (the beard) and by not becoming a complete, real, desiring man. He was also posing threat to the social order by acquiring the age of an adult male but practicing what an statutory minor does, that is remaining as the object of desire. I will discuss in

a while that during Pahlavi era the figure of a beardless adult man was reminding Iranians of the widespread occurrence of same-sex practices which Iranian modernizers were ashamed of, and later, during Islamic Republic, such figure posed threat to the heteronormative social order.

But how does this deep heteronormalization occur from late 18th century until mid-20th century? How was the figure of amrad forgotten and why same-sex relationships became notorious at the end of the 19th century? How homosexual and transgender as types did not emerge until late Pahlavi era and why then both were criminalized after the Islamic Revolution (until 1985 transgender individuals were in the same category as homosexuals, the category of perverts)? What distinguishes the Islamic Republic from Qajar and Pahlavi era in terms of its politics of gender and sexuality? How to analyze the permission of sex change surgery for transsexuals (after 1985) through these discussions?

Before answering these questions I would like to turn to Europe and Foucault's discussion on history of sexuality, because I will employ his discussions on discipline, bio-power, docile bodies, governmentality and more, later in this chapter. He had suggested for a relatively similar period in Europe that transformation of gender and sexual relations was inextricably linked with a "project of production of modern governmentable bodies" (Najmabadi 2005a, p.54). I will briefly present Foucault's analysis so to compare and contrast it with discussions on transformation of gender and sexuality in Iran since late 18th century.

Foucault and Najmabadi's Discussions on History of Sexuality in Europe and Iran

Foucault's Discussion on History of Sexuality in Europe

Foucault, in order to elaborate the analytics of power in western societies and help us better conceive the historical and social transformations of dynamics of gender and sexuality, discusses in parts of his book *History of Sexuality* (1990 [1978]) that the previously held representation of workings of power which he calls *juridico-discursive* is not adequate anymore. That model was inherited from the sovereign monarchies of the Middle Ages whose power equated with the rule of law, and was based on specific understanding of power as something always negative, repressive, uniform, comprehensive, monotonous and top-down. That model, which Foucault calls repressive hypothesis, establishes a negative relation between sex and power as if sex is always something that power constrains, prohibits, suppresses and denies so as to render sex as something not to be spoken of.

Foucault argues that from around the beginning of 18th century onward and with the rise of, among other things, medical and psychological sciences, statistics and the necessity of obtaining information and data about the population within nation-states, the previously held models to understand power, which rendered power as something always negative and repressive, is not adequate but a new model of power is needed which represents power as constituted of multiplicity of force relations and its overall effect "... whose operation is not ensured by right but by technique, not by law but by normalization, not by punishment but by control, methods that are employed on all levels and in forms that go beyond the state and its apparatus ..." (p. 89). Such model takes education, medicine, psychology, psychiatry, criminal justice, etc. as

power devices by the use of which individual and population is controlled, regulated, disciplined and normalized.

Employing the aforementioned model and discussing how the modern administrative and bureaucratic democratic state functions, Foucault introduced the concepts of, among other things, governmentality, bio-power and disciplinarity. Governmentality is the “art of the government” or “the ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security” (Foucault 1991, p. 102). In other words, governmentality is the very ordinary practices of state bureaucracies, is a rationality, which highlights the ways in which citizens are made to govern and know themselves, and know themselves as a coherent nation, and, as stated before, it is not only limited to state politics but is constituted of wide range of controlling and disciplining techniques with the ultimate goal, or rather a means which is also a goal, of controlling and normalizing the population, although the way state justifies it is more of sustaining health, welfare and security of the nation.

Bio-power, which is one of the technologies of power and a constitutive element of governmentality, directs out attention to how power is maintained over bodies and *life* through “an explosion of numerous and diverse techniques for achieving the subjugation of bodies and the control of populations” (Foucault 1990 [1978], p. 42). In other words, bio-power directs our attention to the ways in which state can exert total power in all aspects of life, to foster life or to disallow it. Bio-power disciplines the body. Docility of the body and the idea of the body as part of a machine is then achieved through actions of such discipline, or as Foucault puts it in

Discipline and Punish (1995) “a body is docile that may be subjected, used, transformed, and improved and that this docile body can only be achieved through strict regiment of disciplinary acts” (p. 136).

Bio-power is also concerned with population as a scientific and political problem and regulates it. Thus, in contrast to the traditional understandings of power which were more based on the threat of death from the sovereign, bio-power is legitimized and used by the state to protect life and living and regulate the body and its functions, so that certain bodies are rendered “normal”, for instance in some contexts the body of certain heterosexuals, and others “abnormal” or “deviant”, for instance certain homosexuals.

Yet, it does not mean that this power just sets boundaries for certain sexualities by rendering them abnormal. On the contrary, by the very act of identifying diverse forms of sexualities (especially through medical, psychological, and psychoanalytical discourses), which is a necessary step for the state to regulate and discipline the deviant sexual desires and practices, power leads to the “multiplication of singular sexualities”, “extends the various forms of sexuality” and provides places of “maximum saturation” (pp. 45-48). The construction of the notion of homosexual as a “species” and a type available for scientific researches and scrutiny, for instance, is a consequence of this process (p. 43).

This is how since the end of the 17th century in Europe, and probably other parts of the world, we have been witnessing the transformation of regimes of gender and sexuality; not just because of state’s apparatuses of censorship, denial, and defenses, but through employment of subtle techniques of power aiming at controlling and normalizing the population, which then leads to “discursive production” and “propagation of knowledge” on gender and sexuality (p. 12).

Najmabadi's Discussion on History of Sexuality in Iran During 19th and Early 20th Century

But, putting her work in dialogue with Foucault, Najmabadi argues that transformation of sexual and gender relations and the related regimes of knowledge and power between the years 1785-1925, that is during the Qajar dynasty, was linked less with a “project of production of modern governmentable bodies”, in a way that Foucault had suggested for a relatively similar period in Europe, than with the concept of “achieving modernity” ((Najmabadi 2005a, pp. 54-55). In other words, for instance, the body of a person who was engaged in same-sex practices was not rendered as abnormal in Iran during Qajar by a bureaucratic centralized modern state (which did not exist), and same-sex relations were not classified, but, as I will discuss, there was a “modernist optimism” that same-sex relations and cross-gender practices will be naturally eradicated through modernization of the country.

Najmabadi discusses that despite the widespread and culturally recognized homoeroticism and same-sex relations in early 19th century, by the mid nineteenth century Iranian elite men and members of the royal families who were travelling to Europe became aware that older man-younger man (amrad) love and same-sex practices were considered as “vice” and sign of “backwardness” by Europeans who had already, and because of the development of statistics and popularization of medical and psychological sciences, began separating sexuality from other spheres of life and naming and categorizing people based on their sexual practices and desires and making governmentable citizens.

Najmabadi discusses that although Iranian men who were travelling to Europe were witnessing both female and beardless male beauties (understood as amrad(numa)s by Iranians), it was

European *women* who surrounded them at parties, accompanied them in operas, invited them to various entertainments, and etc. This had radical influence on Iranian men who were not used to meeting women in the public space. Najmabadi argues that while the European heterosociality was misread by Iranians as heterosexuality, the “[h]eterosocial European cultural practices ... heteronormalized Iranian men’s sensibilities” (2005a, 66).

Thus, in order to look “progressive” and “modern” to Europeans and other Iranian, as Najmabadi argues, Iranians began “explaining” to Europeans that some practices between Iranian men such as holding hands or embracing or kissing on the cheeks should not be read as signs of homosexuality, i.e. Iranians started explaining to Europeans that Europeans were actually “misreading homosociality for homosexuality” (p. 38). The very act of Iranians’ presentation of homosociality as empty of homosexuality, Najmabadi continues, gradually engendered naming same-sex practices, but, unlike Europe, the homosexual as a type did not emerge and same-sex desire remained more as an act which could not, or did not, generate a homosexual identity.

In other words, as Najmabadi suggests, by the end of the nineteenth century the process of heteronormalization of sexuality had already begun. It gradually rendered heterosexuality as natural and homosexuality as a “derivative desire” (2005a, p. 67). Yet, unlike Europe that “homosexual” emerged as what Foucault calls a “species” through production of modern governmentable bodies, in Iran, as Najmabadi argues, it was the negation of homosexuality within homosocial spaces (Iranians’ explanation for Europeans) which resulted in the formation of “homosexuality” and became its condition of possibility and reproducibility” (p. 38). Yet, same-sex desire in Iran remained more of an act than an inherent desire until even the late twentieth century when Islamic Republic came to power. But what happened through Pahlavi

dynasty and what are the debates over the transformation of gender and sexuality in that era which will help me in my further analysis?

Pahlavi Era: Compulsory Heterosociality with Loving-Companionate Heterosexuality

Reza Shah Pahlavi came to power with the overthrow of Ahmad Shah Qajar, the last king of Qajar dynasty in 1925. He and his son Mohammad Reza Shah Pahlavi who ruled Iran until 1979 had ambitious plans to “modernize” the country (Afary 2009; Paidar 1995). This included, among other things, building infrastructures and advancing technologies (railroads, dams, factories, etc.) as well as establishing a national public education, modern army and bureaucracy, improving health care, and institutionalizing a modern judiciary system. These changes happened along with a formation of a centralized government which used disciplinary practices on citizens’ bodies through the exertion of bio-power leading to further transformations of gender and sexual relations, which, as I will argue, gradually rendered the body of homosexual and transgender as abnormal.

In accordance with various historians’ discussions on Pahlavi era (Abrahamian 1982; Ajoudani 1997), Parvin Paidar argues in *Women and the Political Process in Twentieth Century Iran* (1995) that Reza Shah and his son were deeply influenced by western cultural and social values and the concepts of modernity and progress. Gender, as Paidar suggests, was central within and inextricably linked to the discourses and practices of the project of modernization offered by the two Shahs, especially because they were witnessing the gender reforms in Caucasus and Central Asia during twentieth century and thus planned to implement the very same reforms within their own country (p. 356-60). Using Paidar’s words, “women’s emancipation ... [was] a precondition for modernity and progress” (p. 356).

In agreement with Foucault's argument in *Discipline and Punish* (1995) that modern "liberties" have always been accompanied by new administrative and disciplinary mechanisms which are widely used by the state to control the population and regulate the bodies and their movements, or in other words "the 'enlightenment which discovered the liberties also invented the disciplines" (p. 222), Afary argues that the two Shahs' modernization and liberation projects were aimed at, among other things such as educational and legal reforms, "creating modern Iranian citizens in both appearance and conduct" by making modern and docile bodies through exerting bio-power (Afari, p. 155).

In 1936, Reza Shah, with the intention of Europeanizing the country and under the influence of public appearance of European and Russian women and their public heterosociality, issued a formal and legal decree making it compulsory for women to unveil when appearing in the public while, at the same time, ordered desegregating (heterosocializing) public places. Most historians and gender scholars view this as the most significant and dramatic initiative of Reza Shah to modernize and Europeanize the nation regarding gender reforms (Sanasarian 1982; Paidar 1995). In fact, women's bodies (and also men's bodies since they also had to wear a uniform dress in specific places) were treated like a machine (expected to regularly function in a specific coherent way) and Reza Shah deployed what Foucault would call a "panopticon" to guarantee the successful enforcement of the new administrative and disciplinary measures: although there were objections from religious groups, veiled women got arrested in the streets and were "prevented ... from entering public baths, theaters, stores, bus stations ... and were also expected to walk, talk, and interact in a modern Western way" (Afary p. 157).

While Paidar discusses that compulsory women's unveiling and gender desegregation were parts of Reza Shah's "women's emancipation" agenda and a prerequisite for women's wider participation in national programs which, from Reza Shah's point of view, could increase women's education and employment opportunities (pp. 106-9), Najmabadi and Afary challenge this idea. Although they both agree that Reza Shah might have had such intentions, they link gender desegregation and unveiling which were unanimously supported by Iranian modernists to Reza Shah's and his son's heteronormalizing policies which were aimed at, even maybe unconsciously, shifting procreative heterosexuality and widespread erotic homosexuality to companionate and loving heterosexuality and eradication of same-sex practices (Afary, 155-73; Najmabadi 2005b, 42-60).

Najmabadi argues that unveiling and gender desegregation was not just a tool to modernize women, but "the modernist project of compulsory heterosocialization was premised on the expectation ... that once women became 'available' to men, and men treated women fairly, homosexual practices would disappear" (p. 57). In other words, Najmabadi suggests, Iranian modernists of early and mid-twentieth century, who were already aware of the notoriety of same-sex practices among Europeans, linked ubiquity of same-sex practices among Iranians to gender segregation, that is they translated homosexuality as frustrated heterosexuality, and consequently rendered same-sex practices as "unnatural sexualities" which, like veil and gender segregation, were viewed as the symbols of Iran's "backwardness" (2005a, p. 67).

The Cultural Amnesia: How and Why the Figure of Amrad(uma) was Forgotten?

What makes Najmabadi's work on the history of gender and sexuality through last two hundred years distinguishable among other Iranian gender scholars and historians, I think, is her discussions on the "cultural labor" invested by Iranian modernists in forgetting the figure of amrad(uma): in order to look like Europeans, not just women had to unveil and not just same-sex practices had to be denounced, but men also had to shave their beards, but that would have made them look like an amrad reminding Iranians of the prevalence of same-sex practices and bringing them embarrassment and discomfort "over the inappropriate sexuality lurking in that figure" (p. 65).

Thus, Najmabadi argues, Iranian modernists tried placing the figure of amrad(uma) in "pre-modern times or transcendental locations" (p. 64-69) or, as Afari suggests, tried erasing that figure through, among other things, eliminating homoerotic sections of classical Persian poetry and literature from high-school textbooks and transforming all portrayals of same-sex loving couples to cross-sex ones. The contribution of journalists, novelists, film directors, and surely regulatory and disciplinary practices of the state, Afary argues, eventually popularized "a new genre of heterosexual erotica" and "normalization of heterosexual eros" (Afary 2005, p. 142-73).

Yet, neither homosexual nor transgender emerged as a type with inherent characteristics until late Pahlavi era. The what-Najmabadi-calls "modernist optimism" (2005a, p. 72) of Iranian modernists of Pahlavi dynasty who thought that gender desegregation would eventually eradicate same-sex practices worked against classifying homosexuals, because it was assumed by Iranian modernists that same-sex relations are an unfortunate consequence of gender desegregation and

it will be naturally eradicated by compulsory heterosociality. Besides, the heterosocializing state policies and the provision of mixed-gender public places, helped transgender individuals to experience less visibility compared to the time when they were mostly subjected to live in homosocial spaces (during Qajar and Islamic Republic).

So, if the social regime of Qajar era can be named as compulsory homosociality combined with procreative heterosexuality, the Iranian modernity of Pahlavi era “insisted on a regime of compulsory heterosociality that was to underwrite normative heterosexuality” (Najmabadi 2005a, p. 67).

After all, as gender scholars and historians have argued, a process of heteronormalization and disciplining the population through the exertion of bio-power and dividing citizens into two categories of men and women who were expected to be engaged in heterosexual relationships and conform their docile bodies to normative masculine and feminine gender roles has started long before the establishment of Islamic Republic. Yet, in Iran same-sex relations and non-normative gender practices remained as acts and homosexual and transgender (transsexual) did not emerge as types until late 60s and early 70s and specifically until the rise of Islamic Republic in 1979.

Politics of Gender and Sexuality during Islamic Republic (1979-present)

Foucault’s Discussion on Iranian Revolution: Political Sprituality

Foucault has published his most extensive set of writing for a non-western society on Iranian revolution. As Kevin B. Anderson and Janet Afary (2005) has pointed, Foucault vehemently supported the Islamic Revolution of 1979 because, already excited by the concept of “Muslim

Spirituality”, he was not expecting the emergence of another modern state, but a combination of politics and spirituality, or “political spirituality”, and “an opposition to imperialism and colonialism, a rejection of modernity, and a fascination with the discourse of death as a path towards authenticity and salvation” (p. 37-39). In other words, Islamic Revolution, for Foucault, was an outbreak of irrationality against rationality, which, Foucault believed, could originate creativity and invent a new kind of state beyond the limits of Western disciplinary and bureaucratic modern states (Look at, for instance, *Iran: la Révolution au nom de Die* (1979), and set of articles in the Italian newspaper *Corriere della Sera*, and the French daily *Le Monde* between 1978-1979, available at *Foucault and the Iranian Revolution: Gender and the Seductions of Islamism* 2005).

Foucault’s analysis has been challenged by both Iranian and non-Iranian scholars. James Miller, for instance, has called Foucault’s discussion on Islamic Revolution as one of folly in his *The Passion of Michel Foucault* (1993) or, in another approach, Michael Thompson describes Foucault’s work on Iran Revolution as a kind of “marriage between postmodernism and religious fundamentalism” (Thompson 2005, p.24); that is to say Foucault’s theoretical tools and his pessimism over modernity, reason, rationality and as such, let him be seduced by a kind of radical Islam which was, seemingly, offering the very same thing Foucault was theorizing and wishing for.

Islamic Modernity

In fact, in contrast with Foucault who framed his discussions on the 1979-Islamic Revolution within his broader critiques of modernity and Enlightenment and thus expressed his passion and support for what he believed to be a countermodern revolution, Afary argues that Islamic

Republic, while reviving many “pre-modern” practices such as gender segregation and polygamy, employed, like Pahlavi regime, various techniques of modernity that operated directly on the body; it used modern technologies of power, brought citizens and their practices under its gaze, made bodies docile through the actions of discipline, constant observation, and ensuring the internalization of the discipline, regulates the population, and “compared, differentiated, hierarchized, homogenized, and excluded” bodies to make governmentable citizens. In other words Islamic Republic exerts total power in all aspects of life, regulates and normalizes the population, brought all citizens under its gaze, and established a heteronormative order, by employing, using Afary’s words, “Islamist panopticon” (p. 267-69):

the morality police were deployed to streets around the country to arrest and punish anyone who violated the compulsory hijab regulations; gender segregation of public spaces (buses, parks, schools, beaches, sport stadiums, mosques, etc.) were enforced by the Islamic state; new dress codes and appearances (veil and no make up for women, beard and long-sleeved shirts for men) became compulsory (for women) and recommended (for men) and violators faced punishment; male and female homosexuality became crimes while death penalty and lashes threatened those engaged in same-sex relations; reports on “executions, hanging, stoning and flogging” of men and women for sexual offences filled the newspapers; and education system, specific interpretations of religion, media, and other ideological state apparatuses were employed to foster this new heteronormative order (Paidar, pp. 336-55; Afary 2009a, pp. 265-91; Najmabadi 2005a, p. 69).

In fact, if interaction of Iranian modernists of Qajar and Pahlavi era with the West generated gender desegregation, compulsory unveiling and heterosociality aiming at erasure of same-sex

practices and heteronormalization of Iranians' sensibilities, for the Islamic Republic rulers of early 1980s (and even for its today rulers) Western society and its values, Paidar argues, epitomized all that was "wrong" in a society: "destruction of the family, low rates of marriage, high rates of divorce, low status of motherhood, adultery, illegitimate children, prostitution, AIDS" (p. 336) and, of course, homosexuality: that is, if the secular modernists of early twentieth century Iran linked homoeroticism, same-sex practices and all other "vices" to the backwardness of the country, contemporary Islamists linked it to the Western secular corruption.

Since Shah was a US-supported dictator, many (seemingly) western concepts and politics such as equality of men and women, human rights, democracy, gender desegregation, and the rest, were all linked to, Afary (2009a) observes, "western imperialism" (p. 269); thus, Islamists' backlashes against, for instance, feminism and gender desegregation should be understood within a broader fight against western hegemony over Iran for about two hundred years which, Islamists believed, has impurified the Islamic culture (p. 234, p. 270). As Paidar argues, if compulsory gender desegregation, heterosociality and unveiling were the markers of Iranian modernity of early twentieth century, compulsory gender segregation, homosociality and veiling (Hijab) were "signifiers of Islamic modernity" (Paidar, p. 337) and indicators of the "political and ideological hegemony of the Islamic state" (Afary 2009a, p. 270).

Conclusion

In sum, if the heteronormalizing process had started long before the Islamic Republic during Qajar era along with the interactions of elite Iranians with the West but there was no centralized bureaucratic state that would be interested in nationally regulating its subjects, and if, using Najmabadi's words, the "modernist optimism" (2005a, p. 72) of the secular modernists of

Pahlavi era (who thought that state intervention in heterosocialization and gender desegregation would eventually eradicate same-sex practices) worked against classifying sex-desires and typifying people into categories of heterosexual, homosexual, transgender and etc., it was especially after 1979 revolution that state started using disciplinary and normalizing techniques of power (both with the use of repression and ideology) to establish a heteronormative order in which one's gender is rooted in one's biology, the natural sexual orientation is towards the opposite sex, and anybody living outside this dimorphic heteronormative order was named, classified, and then rendered deviant because of posing threat to the Islamic modernity by impurifying the culture, imitating what imperialist and western powers prescribe, and, of course, dismantling the heteronormative social order, which deserved punishment and normalization.

The recognition of Islamic modernity resonates with broader discussions on the necessity of understanding modernity not as singular, not as a “uniform, unambiguously structured pattern in progress towards harmonious integration” (Kaya 2004, 36), which renders Islamic countries as traditional in need of modernization (westernization) to arrive at and look like western (modern) societies, but as plural, as modernities, since “‘modernity’ and its features and forces can actually be received, developed, and expressed in significantly different ways in different parts of the worlds” (Smith 2006 cited in Dogruoz 2008, p. 18). As I have argued through the chapter, the Iranian modernity, or let say the ways in which the concept and practices of modernity were understood by Iranian modernizers, were not necessarily the same as those perceived by Westerners, but modernity got new meanings and shapes in different contexts. As I discussed, there is an ongoing interaction between them.

It is along the friction between Iran and western (and other) modernities that the figures of homosexual and transgender gradually emerged as distinct human species. But how this happened, and which set of discourses generate truth and knowledge on homosexual and transgender individuals and with what purposes? In the next chapter, I will seek answer to this question.

Chapter 2- Complicity beyond Time and Space: The Religio-Psycho-Medicalized Discourse on Transsexuality

“Iran is a paradise for transsexual patients.”

Dr Mir-Jalali, the Iranian leading specialist in sex reassignment surgery, said in

Documentary ‘Be Like Others’ (Eshaghian, 2008)

“If you want to continue dress like a girl but keep your male body, you are not a transsexual, you are a transvestite, you may be even suspected of being a homosexual. Make up your mind. Either you want to be a man or you want to be a woman ... it is my duty to know if someone is a man or a woman.”

a conservative state-affiliated journalist told a client at the Gender Identity Disorder clinic

in Tehran in Documentary ‘Be Like Others’ (Eshaghian, 2008)

The Islamic Republic of Iran (IRI) is the only Muslim country in which sex change surgery is not only officially allowed but partially funded by the state, which has let about 3000 persons wishing to undergo sex change surgery do so since the founder of IR, Ayatollah Khomeini, issued a fatwa (religious decree) granting religious permission in 1985. At the same time same sex relations are criminalized and homosexual practices can be punished by death penalty.

In this chapter I intend to understand the discourses which generate regimes of truth and produce knowledge to justify and feed Islamic Republic’s bio-power which grants permission for sex-change operations and criminalizes same-sex practices. I will seek answer to the question of how the dominant religious and medical discourses, which are embedded in and produce knowledge

for IR's politics of gender and sexuality, have affected and legitimized each other and informed the aforementioned politics?

Looking through the major and most significant religious and scientific texts which discuss transsexuality in Iran, I will argue that the dominant discourse on transsexuality after the Islamic Republic is informed by the confluence of classical Islamic medical discourse on “true sex” (*jins-e haqiqi*) meaning every human body is innately male or female, and the wester-rooted modern psycho-medicalized discourse on “truth of sex” (*haqiqat-e jins*), meaning every physically and psychologically healthy individual must perform according to certain codes of behavior derived from her/his biological sex. These two discourses cooperate in categorizing people into two groups of men and women who have to follow certain prescribed masculine and feminine gender roles respectively within a heterosexual matrix. They render transsexuals as “patients” suffering from “gender identity disorder” in need of psychological and surgical intervention.²

Yet, the aforementioned heteronormalizing forces might also be productive. I will also show that some homosexuals might benefit from the Islamic Republic recognition of transsexuality. Since it is absolutely possible, and legally and religiously sanctioned to be certified by the state as a transsexual without undergoing operation, Iranian homosexuals might pretend to be transsexuals in order to change their social status from “perverts” to “patients”, and consequently from “illegitimate” to “legitimate” citizens.

² I am thankful to Professor Najmabadi and her article “Truth of Sex” (2005) which helped me think through this framework. Available at <http://www.iranian.com/Najmabadi/2005/January/Sex/index.html> [last access June 6th 2011]

I will start by giving a brief background on how transgender people were treated before Ayatollah Khomeini's fatwa and then I will move on to discuss the religious and psycho-medical discourse on transsexuality in Iran.

Transgender Individuals after Islamic Republic: from Perverts to Patients

Within the aforementioned heteronormative social order which was, in the first few years after the revolution, transgender individuals, or those who were practicing gender roles which were seemingly not in compatible with their sex, were regarded as perverts, the same as homosexuals. Maryam-Khatoon Molkara (MtF and that time named Fereydoon Molkara), the today's most influential transsexual rights activist inside Iran, recalled in her interview with Guardian that she was fired from her job and got arrested and locked up in Tehran's notorious Evin prison after the revolution for not obeying the prescribed normative gender roles (Tait, 2005). But, after being released, she decided to meet Ayatollah Khomeini, the leader of the revolution, to get permission for sex-change surgery. She went to Khomeini's house in 1985, got beaten by his guards, but eventually managed to get in;

"I was taken into a corridor ... I could hear Khomeini raising his voice. He was blaming those around him, asking how they could mistreat someone who had come for shelter. He was saying, 'This person is God's servant.' He had three of his trusted doctors in the room and he asked what the difference was between hermaphrodites and transsexuals ... Khomeini didn't know about the condition until then. From that moment on, everything changed for me." (Tait, 2005)

Although Ayatollah Khomeini had already issued fatwa granting religious permission for sex change surgery in 1963 (which could have occurred, as Maryam-Khatoun Molkara said, as a response to numerous letters that she had been writing for the Ayatollah during Pahlavi era) when he did not have any political power, the 1985 meeting resulted in the re-issuance of 1963 fatwa, but this time causing the Islamic state recognition of transsexuals as not “perverts” or “sinners” but “patients” in need of treatment. Although there are accounts of few sex change surgeries before the Islamic Revolution especially during 70s, this fatwa generated a process which ended in the establishment of *Gender Identity Disorder* clinics mainly in Tehran from which transsexual “patients” can get hormonal and surgical treatments, and, since 1985, about 3000 transsexuals have undergone sex change operation, which is the second highest number in the world after Thailand.

We already know from Foucault (1990 [1978]) that from mid-eighteenth century onward in Europe, and in order to regulate and discipline the population, states needed to bring deviant sexualities and perverts under their own gaze. Thus, among other things, medical, psychological, and psychoanalytical discourses were employed to classify, hierarchize, and exclude bodies, gender identities and sexual acts and desires, so that abnormalities get corrected and deviants get normalized. But, this seemingly repressive trend of power, ironically, led to the “multiplication of singular sexualities”, “extends the various forms of sexuality” and provides places of “maximum saturation” (pp. 45-48).

Islamic Republic as a modern state was not an exception in that sense. It not only employed various techniques of modernity to produce governmentable citizens, but also invoked several and simultaneously religious and scientific discourses to generate its own regime of truth and

produce knowledge to justify and feed its bio-power, which, like Foucault's discussion on history of sexuality in Europe, opens up spaces for the emergence of multiple sexualities and new personages.

It is through these discussions that the religio-medico-psychological discourse on transsexuality in Iran should be understood. The Ayatollah Khomeini's fatwa (which is initially grounded on the fact that sex change is not specifically forbidden in Qur'an) and the consequent permission of sex change operation are premised on and generated two set of religious and medico-psychological discourses which, although they come from two different sources of religion and science, converge and consolidate each other:

Religious Discourse on True Sex

The religious discourse on transsexuality is derived from classical Islamic discourse on hermaphrodites. Paula Sanders discusses in *Gendering the Ungendered Body: Hermaphrodites in Medieval Islamic Law* (1991) that based on the Quranic verse of "we have created of everything a pair", which is understood by jurisprudents to refer to male and female, for any individual to be granted certain religious rights and obligations her/his "true sex" must be determined even if that person is an intersex individual or with "ambiguous" genitalia; in other words, since it was/is assumed by Islamic jurisprudents that God has assigned a true sex to everybody, there must be ways to "discover it" (p. 75-7). But, because of limitation of Muslims' scientific knowledge through history and the difficulty and sometimes impossibility of

determining the true sex based on genitalia, jurisprudents have published large Islamic literature on how to deal with problems that such impossibility of knowing would produce (p. 75-83).

For instance, according to certain interpretation of Islam which now dominates in Islamic Republic and maintains gendered distinctions, women's inheritance rights is half of men and article 825-949 of the Iranian Civil Code discuss it in length. Article 939 is about hermaphrodites:

Article 939- ... if the heir is a hermaphrodite ... his/her portion will be determined as follows. If the indications of maleness are the greater, the hermaphrodite takes the portion of one man ... and if the indications of femaleness are the greater, the hermaphrodite takes the portion of one woman ... and if neither the maleness nor the femaleness indication be preponderant, the hermaphrodite will take half of the sum of the portions of one man and one woman ... (Political Science Website, access April 2011).

[My own example: for instance, if a male inherits four apples, and a female inherits half of a male that is two apples, a hermaphrodite inherits three apples which is half of the sum of the portions of one male and one female.]

Thus, what Ayatollah Khomeini had stated in his book *Tahrir al-wasila* (1967) that “if someone is confident of his/her belonging to the opposite sex, surgery does not transform him/her to the opposite sex, it rather reveals his/her *true sex* that has so far been hidden” (p. 754; emphasis added), has historical and theoretical basis in classical Islamic discourse on intersex individuals or people with “ambiguous” genitalia. The cleric Hujjat al-Islam Kariminia, who has written his PhD dissertation on the *Legal and Jurisprudential Bases of Sex Change Operation* (2004-5)

discusses in his book that modern medical and surgical science has helped Islamic jurists to solve, not only the problem of those with ambiguous genitalia (which has the history of more than a thousand years), but also the problem of those who are entrapped in the “wrong bodies” and their “true sex” is hidden (Kariminia 2009).

This is partly similar to the history of intersexuality in the West. Although the today’s American and European culture deeply assumes that there are only two sexes and the modern surgical techniques determines the sex of those with “ambiguous” genitalia so to maintain the two-sexed system, early classical medical practitioners relatively understood sex and gender along a continuum and not into dimorphic categories. But by the emergence of biology during the eighteenth and nineteenth centuries, scientists “developed a clear sense of the statistical aspects of natural variation” and claimed “the authority to declare that certain bodies were abnormal and need of correction” (Fausto-Sterling 2000, p. 36). Thus, along with the process of secularization, the responsibility of managing the bodies of intersexuals (and others) was transferred from religious authorities to medical and psychological scientists who, especially since 1950s, “catch most intersexuals at the moment of birth” to fit them within one of the categories of males or females so to provide them with a “healthier” life (p. 44).

Since Iranian political structure is theocratic, any new law or even a scientific innovation must first be discussed among a body of clerics (called Guardian Council) and, if it is decided that such law or scientific research does not transgress a specific interpretation of religion, the law or the scientific practice can be implemented. Thus, unsurprisingly, scientists still gain the legitimacy of their experiments primarily by invoking the specific interpretation of Islam which now rules the country.

Psycho-Medical Discourse on Truth of Sex

The discussed religious discourse on “true sex”, then, resonates with and fosters a scientific discourse on “truth of sex”. I will focus on excerpts from Anna Farahmand’s *Gender Identity and Sex Reassignment Surgery* (2010) and Dr. Mir-Jalali’s narratives in the documentary *Be Like Others* (2008) to investigate this medico-psychological discourse. These two surgeons are approved and supported by the state and Dr. Mir-Jalali is Iran’s leading specialist in sex change surgeries.

Dr. Anna Farahmand’s work, which is available on the website of *Iranian Society for Supporting Individuals with Gender Identity Disorder* - the only NGO in Iran dealing with the issues of transsexuals and headed by Maryam Khatoon Molkara (the one who got the fatwa from Ayatollah Khomeini) – starts by using these words:

“Sugar and spice and everything nice

That’s what little girls are made of

Snakes and snails and puppy-dog tails

That’s what little boys are made of”

She further elaborates the psycho-medical definitions of transsexuals, and discusses the hormonal and surgical treatments, necessary food diets, and lists of surgeons successfully carrying out sex change surgeries worldwide. According to her,

“...gender identity is a set of performances, emotions, imaginations, ways of talking, hobbies, gestures, movement modalities, scents, career aspirations, modes of cognition, etc. *developed from individual’s biological sex* ... transsexuals are suffering from gender identity disorder because their gender identity is not compatible with their sex ... if a transsexual needs help,

she/he should either change her/his gender identity with psychological therapies ... or successfully change her/his body and have a happier life ... Recent studies show that about 98% of transsexuals are much *happier after sex change operation*, which is a result to be proud of ...” (pp. 12-17; emphasis added).

Anna Farahmand’s work is, in fact, a translation of bodies of work on transsexuality in the West. As Hines (2007) discusses, works such as Benjamin’s *Transsexual Phenomenon* (1966), Stoller’s *Sex and Gender* (1968) and Green and Money’s *Transsexualism and Sex Reassignment* (1969) render transsexuals as patients who need psychological, hormonal or surgical treatment since they suffer from gender dysphoria, and their gender identities do not match with their biological sex. In other words, these western modern discourses, when translated to Persian and were introduced to the Iranian modernity, got new meanings and shapes. They perfectly matched a classical Islamic discourse and thus contributed to the construction of a powerful religio-psycho-medical discourse on transsexuality, which ended up in the establishment of gender identity disorder clinics in Tehran.

In the second account, Dr. Mir-Jalali, the Paris trained surgeon who has performed about 400 operations in Iran since 1990, through his narratives in different parts of the documentary *Be Like Others* (Eshaghian, 2008) expressed very telling remarks, and I prefer to bring some of those excerpts in length;

- *I cannot turn transsexuals into a complete full men or women, they won’t be able to reproduce, they cannot achieve the prowess and virility of Tarzan ...The understanding of transsexuals is that their bodies don’t match how they feel ... so my operation opens up the cage door and allow*

this individual to soar ... A homosexual is never willing to operate. The first thing I do is to tell the patient that this operation is from hell. The homosexual escapes. A transsexual would say: that's my deep desire ... You [telling the father of an MtF] and I wouldn't wear a skirt even with a knife to our throats, would we Sir? Am I right? But your son the second his mom looks the other way puts on a skirt. He can't help himself. His brain is like his sister's ... Your child [telling the father an MtF] when leaves from my hand, when she finds new birthday because of me, becomes even much more woman than any other woman could ever be ... because attracting males is a lot easier for her, because in all aspects, keeping house, cooking, cleaning, keeping her husband happy, she is much better at it than other women ... No transsexual has ever regretted undergoing the operation ... even one transsexual cannot be found who regret it ...

There are certain assumptions (and implicit paradoxes) embedded in Dr. Farahmand and Dr. Mir-Jalali's account which, because of their association with the state, lie at the core of the dominant state-approved scientific discourse on gender and sexuality in Iran. I will first present these assumptions and discuss their paradoxes and implications, and later argue how they function to maintain the existing heteronormative order:

Analysis: Religio-Psycho-Medical Discourse on Transsexuality

First; this discourse on “opening up the cage door and allowing the individual to soar”, i.e. “helping the one entrapped in the wrong body to escape and feel the one's own real body which is in prison (cage) before the operation”, resonates with and at the same time gains its legitimacy from the religious discourse on “true sex”. In other words, like what Ayatollah Khomeini had

stated, if somebody feels belonging to the opposite sex, the sex change surgery does not transform the sex of the person, but only reveals what has been hidden so far, only lets him/her escapes the cage. Thus, the basis of the two religious and psycho-medical discourses is the same, yet there are more assumptions embedded in this discourse to be discussed.

Second, when it comes to body, as Dr. Mir-Jalali suggests, a “complete” man or a woman (that he means male/female) is a person who is capable of reproducing the next generation, and that is why transsexuals whose bodies before the operation usually fit the definition of a complete man or woman because of being capable of reproducing children, lose this status after the operation and become less complete, less real in that sense. Yet, naming a transsexual as “not a complete full man/woman” because of not being able to reproduce would, ironically, question the very construction of sex as a binary of male/female, because there would be a continuum but not a binary if an after-the-operation transsexual is neither a complete man (male) nor a complete woman (female). Besides, as Dr. Mir-Jalali implies, what determine one’s sex in this discourse is one’s genitalia, and chromosomal, gonadal, hormonal, anatomical, and secondary sexual characteristics are complementary factors.

Third, according to this discourse, when it comes to gender identity, transsexuals, unlike when it comes to sex, can even become much more man or woman than any other man or woman. But, one might ask, if gender identity as Anna Farahmand suggests develops directly from the biological sex, and if there are two sexes of males and females, how the gender identity of a transsexual, whose sex after the operation is less complete than a complete male/female, can be even more real than a man/woman? How a less complete body performs more real acts? This paradox, using Butler’s (2006 [1990]) words, not only suggests “a radical discontinuity between

sexed bodies and culturally constructed genders” but affirms that gender identity is also not dimorphic, but a “free floating artifice” and a set of performances not necessarily derived from sexed bodies (2006 [1990], p.9).

In fact, what is implied in the narratives of Dr. Farahmand and Dr. Mir-Jalali, is not an affirmation of the existence of “truth of sex” meaning gender roles of healthy individuals are derived from their biology, but exactly the opposite, an affirmation of the performative character of gender; that is, gender identity has no ontological status, no “truth”, and its reality is constructed by acts. It assumes, in accordance with Butler’s discussion on gender as a performative identity, that one becomes more man or more woman if she/he can imitate, using Butler’s words, “a phantasmatic ideal of heterosexual identity” (1993, p. 313): an individual, to be either male or female bodied, becomes more, for instance, woman because of her/his abilities in attracting men, cooking, cleaning, keeping her husband happy, and etc. Yet, as it is implied in this discourse, a fixed, specific, universal and coherent gender identity must derive from the sexed body, otherwise the individual is patient suffering from gender identity disorder: a man never wears a skirt even with a knife to his throat, unless he needs psycho-medical treatment.

What causes gender identity disorder, according to this discourse which is discussed in other state-approved psychologists’ and psychotherapists’ works such as Behnam Awhadi’s *Natural and Unnatural Human Sexual Tendencies and Behaviors* (2005) and Rayisi & Nasehi’s *Gender Identity Disorder* (2002), are “absent and abandoned fathers”, “overprotecting and engulfing mothers”, “hostile and devaluing parents”, and as such (Awhadi, p. 244-6; Rayisi, p. 73-5; cited in Bahreini, p.35). In other words, in natural and normal circumstances when the person receives “appropriate” parenting, the truth of his/her male/female sex (corresponding

masculinity/femininity within heterosexual relationships) will show itself in the person's gender identity (hobbies, way of talking, movement modalities, and all other performances and even, as Dr. Anna Farahmand suggested, imaginations). If truth of sex is not expressed, if gender identity and truth of sex do not match, the individual becomes pathologized so to be normalized by medical intervention.

Fourth, this discourse - as a system in which knowledge is possible - to the extent that desperately tries to locate transsexual in one of the binaries of male/female or man/woman, produces, again ironically and in accordance with Foucault's analysis, the very subject of transsexual, and, by drawing boundaries around this subject and distinguishing it from a homosexual, also produces homosexual as a type, as a "personage" (Foucault 1990, p. 43). In other words, although this discourse aims at upholding the gender- and sex-dimorphism within a heterosexual order, it rather "gives it [here transsexuality and homosexuality] an analytical, visible, and permanent reality" (Foucault, p. 44), and even assigns transsexuals and homosexuals essential characteristics: a transsexual is a person who is willing to undergo operation, while a homosexual escapes the office of the surgeon after hearing that such operation is from hell.

In fact, Iranian officials, religious authorities and medical experts are all very much concerned over the possible confusion of transsexuals and homosexuals. Not only Dr. Mir-jalali believes that "true homosexuals" won't undergo surgery, cleric Hujjat al-Islam Kariminia also harshly denounces any attempt to associate discussions on transsexuality with homosexuality – saying they are "fundamentally separate" while calling the former a "disease" or "disorder" and the latter "unnatural" and "against religion" which "disrupts social order" (*ASP* August 29th 2008).

Interestingly enough, the transsexual activist Maryam Molkara, who had informed *Guardian* of her familiarity with gays undergoing sex surgery, has found it necessary to publish on the website of her organization *Iranian Society for Supporting Individuals with Gender Identity Disorder* that “some western media are trying to instill in their audience the idea that Iran gives sex change permission to homosexuals!! ... They [western media] ignore all the efforts made through Iranian National Legal Medical Boards to separate those suffering from sexual deviancies from mentally disordered ones from gender identity disordered people --- Gender identity disorder is never a sexual deviancy”³ (two exclamation marks are from the website itself) (“Sheytanat-haay-e Piraamoon-e Maa” [“Mischief Around US”], *GID* website). Some transsexuals with whom I talked also expressed discontent over the society’s misidentification of them with homosexuals.

But, paradoxically, the very boundary sought by Iranian authorities between homosexuals and transsexuals is not stable and fixed but fluid and porous, which provides some homosexuals to enjoy a relatively safe space in the clinics and support of some gay- and lesbian-friendly therapists.

Those seeking sex change surgeries should pass a medico-legal procedure. After being introduced by a psychologist to special “gender identity disorder” clinics in Tehran, applicants attend six-month to one-year courses of psychotherapy. Should they convince therapists that they do not suffer from other mental disorders but are “real” transsexuals - through fulfilling written

³ Translated by the author from Persian.

tests⁴ and chromosomal and hormonal tests and also giving oral interviews – their cases are sent to the Legal Medical Organization which, after setting one interview session with the applicant, refers her/him to Public Prosecutors’ Office which eventually issues the certificate permitting the applicant to undergo sex change surgery. A new identity card will be issued only after undergoing the operation(s).⁵

As discussed by Najmabadi (2008) it is absolutely possible, and legally and religiously sanctioned to be certified by the state as a transsexual without undergoing operation. Thus, resembling anything but “sex change or die” (the way some articles in the world press reports on sex-change operations as Islamic Republic cure for homosexuality), some homosexuals pass the six month psychotherapy courses and legal procedures to be certified as transsexuals, so to feel less guilty of their same-sex desires and practices, and/or to change their social status from “deviants” to “patients”, and consequently from “illegitimate” to “legitimate” citizens. Thus, for instance, if a feminine homosexual gay wishes to wear female clothes in the street, he can do so by going through the aforementioned six month therapy, pass as transsexual, get certification from state that he is transsexual and, then, dress as women in the public. Moral police will not arrest him, since he has permission from the state to dress like a woman.

Fifth, surprisingly enough, according to Dr. Farahmand, more than 98%, and according to Dr. Mir-Jalali, 100% of transsexuals who undergo sex change surgery, do not regret the surgical

⁴ These tests include TAT (Thematic Appreciation Test), Rorschach Test, MMPI (Minnesota Multiphasic Personality Index), Bender-Gestalt test, SCL-90-R (Symptom Checklist-90-R) and more.

⁵ Number of operations differs from one person to another. It ranges from 3 for MtFs to even 23 for some FtMs whose operation is more difficult (Boulat 2007; also look at *Iranian TS (FtM & MtF) Support* website, available in Persian)

interventions on their bodies. But, as different documentaries on Iranian transsexuals show (including *Be Like Others* (2008) and *Tedium* (2008)), and as my transsexual interviewees indicated, some if not most of transsexuals do regret the operation some months or years after the operation for various reasons such as negative repercussions of the surgery on their health and the continuation of their problems in family and society. Thus, to me, the two surgeons' representation of the life condition of transsexuals after the surgery, is less an authentic account than a justification to legitimize the operations (each of which brings the surgeons about 4000 euros) and support the heteronormative order perpetuated by the ideological state.

In sum, Islamic Republic's dominating religio-psycho-medicalized literature on transsexuality, whose illustrations can be found in the aforementioned accounts and books written by the state-recognized surgeons most of whom are engaged in doing sex change surgeries, assumes that a) sex of each person in "natural" circumstances is genitally signified, and there should be only two sexes; that is, all individuals have one "true sex" either male or female; b) gender is an identity which is a set of characteristics and behaviors developed as a result of that biological sex, and there should be only two gender identities of man and woman; c) a psychologically and emotionally "healthy" individual has a gender identity compatible with his/her biological sex, so that the "truth of sex" of a healthy man is to have "masculine" traits and the "truth of sex" of a healthy woman is to have "feminine" traits, and d) the opposite-sex desire is a characteristic of a healthy person with proper gender identity in compatible with the truth of his/her sex.

Let me bring the very first quotation by which I started this chapter when a conservative state-linked journalist told a client at the Gender Identity Disorder clinic in Tehran (headed by Dr. Mir-Jalali the leading specialist in doing the sex change surgeries) that,

“If you want to continue dress like a girl but keep your male body, you are not a transsexual, you are a transvestite, you may be even suspected of being a homosexual. Make up your mind. Either you want to be a man or a woman ... it is my duty to know if someone is a man or a woman.”

Although that journalist was not a medical or psychological scientist, the resemblance of her discourse which represents ideological discourse of Islamic Republic to the psycho-medical discourse that I discussed above (dichotomous sex/gender order and normativity of heterosexuality) is not accidental. Besides, as this journalist implied, a transgender is pervert (loosely translated as *monharef*) unless he/she becomes a transsexual, that is one must get a certain certificate from state-approved Gender Identity Disorder clinics in Tehran that determines one is patient suffering from transsexuality. Otherwise, that individual is put into the categories of transvestites or homosexuals, who are not patients, but perverts and deserve punishment.

In other words, unlike many modern Western societies that transsexuals are the most despised sexual castes, in contemporary Iran they stand in a better position compared to homosexuals in the “hierarchical system of sexual value” (Rubin 1983, p. 279). Yet, since they stand inferior to marital reproductive heterosexuals or unmarried but normative monogamous heterosexuals, they are subjected to pathologization, and social and cultural discriminations.

In sum, what this religio-psycho-medical discourse suggests as the solution is that when a person is born with “ambiguous” genitalia, he/she is “abnormal” and such abnormality and “ambiguity” must be corrected by medical intervention so that the person fits within one of the dichotomous categories of males or females, fits his/her true sex; when a male bodied person expresses characteristics that are culturally regarded as feminine, or when a female bodied person

expresses traits that are culturally regarded as masculine, he/she is a “patient” who has “gender identity disorder” and needs psychological and hormonal therapies (to match the gender identity with truth of the sex) or surgical treatments (to match truth of the sex with the gender identity); without therapy this person is not a patient, but a pervert; and when an individual expresses non-heterosexual desires, he/she is not patient, but “pervert”, a criminal, who must be punished according to the rule of law derived from specific interpretation of Islam.

Conclusion

If through the history of sexuality in Europe, the responsibility for managing, classifying, regulating, disciplining and normalizing non-normative gender and sexual practices and desires gradually shifted from religious authorities to the legal system and mainly to medical and psychological scientists, the theocratic political structure of Islamic Republic employs various modern technologies of power constituted of both religious and modern scientific discourses and practices aimed at docile bodies of citizens to make them fit within the existing heteronormative order.

So there is complicity between Iranian modernity and western modernities, between classical religious and modern psycho-medical discourses, in the construction of dominant discourses informing transsexuality in Iran. The convergence of the classical Islamic discourse on true sex, meaning each human body is innately either male or female, and the western-rooted psycho-medicalized discourse on truth of sex, meaning a psychologically healthy individual performs in

accordance with his/her truth of sex, have consolidated a powerful religio-psycho-medico-legal discourse on transsexuality that, although fits within the Islamic Republic's heteronormative order which perpetuates sex- and gender-dimorphism and normative heterosexuality, paradoxically challenges that very sex- and gender-binary system and leads to the emergence of at least two types of homosexuals and transsexuals (and more). Some homosexual also benefit from Islamic Republic recognition of transsexuality by passing as transsexual, and thus shifting their social status from illegitimate to legitimate citizens.

Yet, since some of the transgender and transsexuals living inside the country decide to seek asylum mostly because of socio-cultural pressure, despite the permission of sex-change surgery, then one might ask, to what extent the Islamic Republic's regulatory and disciplinary regimes of gender and sexuality and their underlying ideologies are different from or similar to international laws on transgender refugees and the process through which transgender asylum seekers go? How each of the national and international regimes benefits or confines the lives of transsexuals? How the practice of seeking asylum by Iranian LGBT is discursively represented in the world press? How modernities are in interaction within each other in that context? In the next chapters I will shed light on these questions.

Chapter 3 – Travelling from Evil to Freedom: Discursive Representation of Iranian LGBT Asylum Seekers

“[Iranian] Gay Refugees Flee to Turkey Seeking Freedom”

Anthony Faiola, April 3rd 2010, Washington Post

Iranians currently make up the second largest group of asylum seekers in Turkey after Iraqis, with an approximate number of 4300 (out of the total number of about 22000 asylum seekers coming from more than 40 nationalities) as of December 2010, living in more than 30 satellite cities across Turkey (UNHCR 2010). Turkey is Iran’s neighboring country and does not require visa from Iranian citizens, enabling Iranian asylum seekers to leave their home country with a passport. Those without passport cannot legally cross the border. Yet, they can take the risk of, among other ways, crossing the border over the mountains.

Iranian asylum seekers include, among other groups, political dissidents, journalists, human rights activists, artists, members of the labors, students and women’s movements, ethnic and religious minorities and, most notably for my research, lesbian, gay, bisexual and transgender individuals. This latter group (from now on, and to put it short, LGBT people) can open cases in United Nations High Commissioner for Refugees (from now on UNHCR) based on claims related to, but not exclusively, their “sexual orientation and gender identity” (UNHCR 2008). Their number is estimated to be 104 as of August 2010 (personal contact with head of the NGO Iranian Queer Organization).

I will seek answer to two broad questions in this chapter. First; within the context of existing international power relations and asylum law, how is the practice of seeking asylum by Iranian

LGBT people in the West is discursively represented in the world press and through the NGOs' documentations of Iranian LGBT issues? What explains this tendency of representing Iranian LGBT asylum seekers as such? And what are the potential repercussions of such discursive representation?

Historically examining the concepts of asylum seeker and refugee, and looking through some of the articles written so far on Iranian LGBT asylum seekers, and analyzing the discourses used by major NGOs illustrating the situation of Iranian LGBT people, I will argue that the discursive representation of Iranian LGBT asylum seekers and of the very practice of Iranians' seeking asylum in the West uphold the orientalist hierarchical dichotomy of evil/uncivilized/un-free Iran and free/civilized West within the existing paternalistic unequal international power relations among the countries. I will show how such totalizing and reductive discursive representation, while denying or underestimating the internal dynamics of LGBT life in Iran and the West, might, on the one hand, serve for the benefit of Iranian LGBT asylum seekers, but, on the other hand, and ironically, exacerbate the situation of many other gays, lesbians, bisexuals, and transgender people who live inside Iran.

I will first discuss the concept of refugee within international power relations, and I will move to see how Islamic Republic of Iran is represented in post 9/11 rhetoric. I will then focus on the case study of Iranian LGBT asylum seekers and discuss the dichotomy of Evil Iran/Free West is upheld and perpetuated within NGOs documentations and world press, and what are its repercussions.

Concept of Refugee within International Power Relations

Historically, the concept of refugee, as a specifically legal concept, comes from the mass shifting of people during and after the two World Wars, which led UN to pass the 1951 Geneva Convention relating to the Status of Refugees. This Convention aimed at providing asylum for people who “as a result of events occurring before January 1951” could be regarded as refugees. In fact, the 1951 convention was passed to respond to the “European displaced person situations” after the two world wars and thus primarily had a “Eurocentric focus” (Keely 2001, p. 304). Later in 1967 a Protocol Relating to the Status of Refugees was passed by UN in order to, as LaViolette (2010) writes, addresses the “international protection for refugees universal” and not just those whose reasons to seek asylum were linked to events occurring in Europe prior to 1951 (p. 465).

Keely (2001) argues, however, that after the two world wars and during the cold war, the mechanism of granting refugee status to asylum seekers was not necessarily following the legacy of international protection for refugees but was a “politically contentious” process (p. 304). For instance, Keely notes, United States was very generous in granting refugee status and resettling those who “escaped communist oppression” in order to show “the bankruptcy” of the Soviet Union, feed the discursive representation of communism as the “evil”, and check if such policies are able to destabilize the communist regimes (p. 307-8). Keely indicates that during early 1980s, the time after the emergence of Islamic Republic in 1979, European states were also reluctant in granting refugee status to people coming from Muslim countries, since they “worried about terrorists” (p. 311). After the collapse of Soviet Union and during 1990s, Keely argues, European states, U.S., and Canada seem to diverge from their previous policies during cold war and follow the international framework suggested by UNHCR which is a more “neutral” organization.

But, in contrast to Keely's argument that western powers have adjusted their national refugee laws with UNHCR, Tumlin's (2004) analysis of the American post-9/11 immigration policy shows how terrorism policy is subordinating and reshaping the immigration law, in a way that "few immigration policies have been created [after 9/11] without terrorism policy in mind" (p. 1175); in other words, all asylum seekers, especially those coming from one of the 34 countries where Al Qaeda might have network (including Iran) are potential terrorists: "no immigrant [to US], ... regardless of immigration status, is immune from suspicion of being a terrorist" (p. 1192).

These examples can continue.⁶ I conclude from the aforementioned set of debates that the meaning and mechanism of granting refugee status to asylum seekers must be analyzed within the context of the existing international power relations. The case of my analysis, Iranian LGBT asylum seekers, is not an exception in that sense.

Post 9/11 Rhetoric: Iran as the Axis of Evil

It must be noted that Islamic Republic of Iran constitutes one of the three "axes of evil" introduced by George W. Bush in his State of the Union Address on January 29th 2002 in which he represented Islamic Republic of Iran, Iraq and North Korea as states which "threaten the *peace* of the world", while stressing that Iranian young generation wishes democracy (emphasis

⁶ one might be interested in looking at how conflicts between two neighboring states might play role in reshaping their immigration policies, or how European Union's security measures might play role in redefining the immigration laws (look at Fassin 2005; Collinson 1996)

added)⁷. Although Obama's administration initially intended to diverge from Bush's policies and start dialogue with Iranian authorities, for reasons beyond the scope of this thesis he later ended up following Bush in dissociating Islamic Republic from Iranian people: in his annual commemoration of Nowruz (Persian New Year) in March 2011, Obama addressed the Iranian nation, saying, "You, the young people of Iran -- carry within you both the ancient greatness of Persian civilization, and the power to forge a country that is responsive to your aspirations ... though times may seem *dark*, I want you to know that *I am with you*"⁸ (emphasis added). He called Islamic Republic a regime which is "afraid of its own citizens".

I cannot agree more with Obama, and other Western powers, in condemning Islamic Republic for human rights violations, which have been documented by relatively neutral international human rights organizations such Human Rights Watch or Amnesty International⁹. Thus, my analysis in the following paragraphs does not intend, by any means, to deny or even underestimate the systematic and widespread violation of human rights occurring in my country. After all, at the time of writing these lines (May 2011), many of my closest friends are in prison back home for pursuing their democratic aspirations, and I myself might risk my freedom should I go back to my home country.

Yet, as Foucault has argued, practice and discourse – as a field in which power and knowledge join together – should not be analyzed separately from the existing multiplicity of unbalanced, non-homogeneous, and unstable force relations but rather we must question them on two levels

⁷ <http://edition.cnn.com/2002/ALLPOLITICS/01/29/bush.speech.txt/> [last access: June 6th 2011]

⁸ <http://iranchannel.org/archives/1031> [last access June 6th 2011]

⁹ <http://www.hrw.org/en/middle-eastn-africa/iran>

of “tactical productivity (what reciprocal effects of power and knowledge they ensure)” and “strategical integration (what conjunction and what force relationship make their utilization necessary in a given episode of the various confrontations that occur” (Foucault 1990, p. 102). In other words, for instance, instead of taking Obama’s message on human right violation in Iran at face value, one might question its tactical productivity and strategical integration; that is, one might ask what kinds of network of forces are at play which necessitates the employment of such discourses, and what regimes of knowledge and power are reconstructed or contested through this utilization.

Reproduction of the Evil Iran/Free West

Seeking Asylum: A Practice with Unintended Consequences

In light of these debates, I suggest that the very practice of seeking asylum by Iranians (to be political dissidents, human rights activists, journalists, transgender, etc.) in the West, and the ways in which such practice is discursively-represented in some articles in the world press and by NGOs working for Iranian LGBT people (which I will refer to in a while), can be/are strategically employed to feed and enrich the dichotomy of evil Iran/free West, which is inherited to us from the colonial time, and is intensified after 9/11 attacks and the consequent harsh confrontations between US (together other Western powers) and Iran.

I am neither suggesting that Iranians who have fear of being persecuted inside the country should think of ways other than seeking asylum in the West, nor arguing that those Iranians who seek asylum in the West are aware of or have control over how their practices can be/are interpreted in a way which feeds certain discourses. In fact, many of my interviewees in Turkey expressed

their dream of being granted the refugee status and entering the “free” world. But, even those asylum seekers who are skeptical about the “free” world (and believe that, for instance, discrimination against LGBT people might not be limited to Iran) do not necessarily have control over the meaning of their practices, over the meaning of seeking asylum in the West. In fact, as Ortner (1994[1984]) suggests, whatever the intention behind people’s practices, they do not necessarily have control over the “unintended consequence of [their] action” (p. 401) within the context of, using Tsing’s (2005) words, “unexpected and unstable ... global interaction” (p. 3).

Thus, I suggest, that the very process of seeking asylum in the West by Iranians (to be political dissidents, human rights activists, journalists, or LGBT individuals), when located within the existing international power relations, renders Iranian asylum seekers as “dissidents”, of whom Islamic Republic is “afraid”, who are “fleeing” from Iran, from the “evil”, from the country of “mass human rights violation”, to the West, to the “free world”, towards “freedom”, regardless of the intention of the asylum seekers and how they interpret or give meaning to their own practices. Nevertheless Iranian asylum seekers, if they wish, can resist to some extent such representation, by, if possible, and among other things, giving interviews or writing or talking about the meanings they give to the practice of seeking asylum.

World Press Tendency

Most of the articles in the world press which have been written so far on Iranian asylum seekers, in general, and Iranian LGBT asylum seekers, in particular, fit within and perpetuate the dichotomy of evil Iran/free West. These articles whose focus is on Iranian gay refugees (and

rarely on lesbian, bisexual, and transgender refugees), usually quote Mahmoud Ahmadinejad's speech in Columbia University in 2007 when he denied the existence of any homosexual in Iran.¹⁰

They also typically mention the death penalty for same-sex relationships in the Iranian Penal Code, depict the harsh realities of gays' lives both inside Iran and Turkey, suggest the permission of sex change operations in Iran is Islamic Republic's solution to the problem of homosexuality, and introduce Iranian gay (and other) asylum seekers as dissidents who flee the country to pursue freedom in the West (look at Faiola 2010, Graham 2010).

For instance, writing about an Iranian gay asylum seeker (named Farzan Shahmoradi) who was granted refugee status by Canada, David Graham starts his article for *The Star* with these words, "[w]hen Lufthansa, it marked the end of Farzan Shahmoradi's harrowing three-year flight to *freedom*" (emphasis added) (2010). Graham then continues to describe the "Iran's repressive regime" policy against gay community, while juxtaposing it against liberal policies in Canada and the West. In Graham's own words, "After two months in Canada, [Farzan] Shahmoradi is finding his voice, something that had been *stolen* from him Iran" (emphasis added). He ends his article by invoking what Shahmoradi says about his feelings; "I am very happy [*now that I am in this free Canada after escaping from the hands of that evil Islamic state; note added*]".

This, together with, for instance, Faiola's (2010) article entitled "[Iranian] Gay refugees flee to Turkey, seeking *freedom*" (2010; emphasis added), or Faramarzi's (2010) indication of "4000

¹⁰ although Ahmadinejad did not use the gay-friendly and appropriate Persian word for homosexual (ham-jens-gara) and instead used the derogatory term ham-jens-baz (loosely translated as faggot), the translator at Columbia University translated Ahmadinejad's derogatory word of ham-jens-baz into the English appropriate word of homosexual.

gays have been executed since Islamic Republic in 1979”, all very well fit within and uphold the dichotomy of the evil Iran/free West.

NGOs: Are they Doing Good?

Such discursive representation of seeking asylum in the West by Iranian LGBT asylum seekers, however, is not only limited to the world press. Major NGOs working with Iranian (and also non-Iranian) gay, lesbian, bisexual and transgender asylum seekers in Turkey also contribute in fostering that dichotomy of evil Iran/free West. Let me bring three following examples:

a) The non-profit Toronto-based Iranian Railroad for Queer Refugees (IRQR), led by the self-identified gay activist Arsham Parsi, has adopted such name because it reminds the western (American/Canadian) audience of “[t]he Underground Railroad [which] was an informal network of secret routes and safe houses used by 19th century Black slaves in the United States to *escape* to *free* states and mainly to Canada with the aid of *abolitionists* who were *sympathetic* to their cause. In Canada they had their *freedom*” (IRQR Website, emphasis added)¹¹. To put it other way, IRQR, which is sympathetic to freedom, works as a railroad to help Iranian LGBT individuals who are kept as slaves by the Islamic Republic to escape Iran to the free West so to enjoy their freedom.

b) When I asked Saghi Ghahreman, the head of Iranian Queer Organization (IRQO), another not for profit Toronto-based organization which deals with the problems of Iranian LGBT asylum

¹¹ <http://www.irqr.net/>

seekers, that what are some of the problems which force Iranian transgenders to leave the country and seek asylum, she replied,

Transgender people inside Iran cannot marry or sleep with the person they wish. So for many of them the only way of meeting their costs is to become prostitutes and sell their bodies. But in US they can complete their sex-change surgery, and at least work in places like McDonald.

Saghi's narrative reinforces the prejudiced interpretation of Iran by juxtaposing it against US, against the West, against McDonald, in order to show that Iran is dissimilar from western societies, and what happens there, in Iran, is a negative inversion of western cultures. Here, again, the hierarchical dichotomy of un-free/dark/inappropriate-place-to-live-and-work-and-marry Iran and free/nice/appropriate-place-to-live-and-work-and-marry West is maintained. McDonald, in this discourse, is not viewed as a symbol of exploitative capitalist system, but is an indicative of more work opportunities in the West, in the free world.

c) ORAM, the international non-profit San Francisco-based organization, which provides advocacy for refugees who have fled sexual or gender based violence worldwide, together with Helsinki Citizens' Assembly, an independent non-governmental Istanbul-based organization working to advance fundamental rights and freedoms in Turkey, issued a report called *Unsafe Haven* in 2009 which deals with "the security challenges facing lesbian, gay, bisexual and transgender asylum seekers and refugees in Turkey" (Cover of the report).

Although the report does not explicitly articulate the practice of seeking asylum in the West as an indication of people seeking freedom from their evil countries, in the subsection Executive

Summary (p. 1) the report mentions that the number of LGBT asylum seekers in Turkey is on the rise, most of whom comes from Iran where “... is believed to have executed *thousands of gays* since 1978” (p. 1; emphasis added) (probably the report meant 1979 which is the year of Iranian Revolution). On page 5 where the report discusses that global persecution of LGBTs, it again acknowledges that Iran “maintains death penalty for consensual homosexual acts”. Although the report admits that persecution of LGBTs is a global phenomenon, there is no mention of the name of any country except Iran and some other Muslim countries some of which, the report says, “are governed by Sharia law” (p. 6).

The claim made by these two human rights organizations that “thousands of gays” have been executed in Iran since 1979 is now, perhaps, part of popular global knowledge. A simple search on Google with the words “Iran executes gays” brings you thousands of articles and reports which passionately ask the world to make Islamic Republic stop continuous executions of gays (look at, for instance, reports made by the British LGBT NGO OutRage!, or search on 365gay.com or Gay City News). The Human Rights Campaign, a major US gay group, for instance, asked the State Department of the “world’s greatest democracy” in 2005 to condemn the execution of two Iranian teenagers hanged for having same-sex relationships (cited in Long 2009, p. 125).

But, as Scott Long, the director of Lesbian, Gay, Bisexual and Transgender Rights Program for Human Rights Watch, argues in his very close and sympathetic analysis of the cases of those Iranians alleged to have been executed for having consensual sex, there is no evidence “of a single ‘gay execution’ [in Iran] to prove the allegations” (p. 120). Long argues that many UK and American gay activists, in fact, by rendering “Outside” as the site of murdering and “intransigent

world of the non-*us*”, were trying to assert boundaries around their own identity, their own gay community within the “Inside”, within the free non-Islamo-fascist world (p. 130-33). This is not to proclaim that no gay has been executed in Iran. In fact, the Iranian Penal Code still maintains death penalty for same-sex relationships. But, today, nobody (maybe except Iranian Judiciary authorities) has access to any evidence to prove such allegations.

As Edward Said wrote in his influential book *Orientalism* (1991 [1978]) his concern “is *not* that [this system of representation] is a misrepresentation of some Oriental essence ... but that [this kind of representation] operates as representations usually do, for *a purpose*, according to a *tendency*, in a specific historical, intellectual, and even economic setting” (p. 273; emphasis added). So, I suggest, that the popular belief among many LGBT activists around the world, including the head of the two Toronto-based Iranian organizations of IRQO and IRQR, that Islamic Republic executes homosexuals, is not only invalid (since it is based on no evidence), but must be looked at and be understood within the dominant tendency to uphold the dichotomy of un-free/evil Iran and free West. This discourse enables or justifies the exercise of power by the West over Iran, over the Other, over the Orient, against which West defines itself. Using Said’s words, “[t]he Orient is an integral part of European material civilization and culture” (p. 2).

Again, by challenging these NGOs’ discursive representation of Iranian LGBT asylum seekers and persecution of gays in Iran, I do not want, by any means, to deny the positive effects of these organizations on the local realities of Iranian LGBT asylum seekers. These NGOs are persistent in their efforts to provide Iranian LGBT asylum seekers with, among other things, legal consultation, and emotional and financial support. IRQO and IRQR also issue certificates for

each Iranian LGBT asylum seeker which indicates that person “is” gay, lesbian, bisexual or transgender. This certificate is used by and plays a positive role in UNHCR through the process of determining the outcome of a case. Iranian LGBT asylum seekers themselves rely to a large extent on these organizations for their consultations and legal support. Nevertheless, these NGOs are, as I argued, complicit in encouraging the discursive representation of Iran as the un-free evil world and of the West as the free civilized one, which fosters the paternalistic international hierarchy among countries within the context of existing international power relations. Such representation, as I will argue in a while, also might, ironically, exacerbate the situation of many other gay, lesbian, bisexual, and transgender people living inside Islamic Republic.

Considering the tendency of NGOs to represent Iranian asylum seekers and their practices as such, one might ask, what might explain this general tendency among the aforementioned NGOs which work for Iranian LGBT asylum seekers to represent Iran as the un-free/evil/un-civilized and the West as the free/civilized one? Why these NGOs accept the claim “thousands of gays have been hanged in Iran” without close examination of the cases? I argue that three reasons might explain this;

First; as various authors have shown, the more human rights violations of LGBT people are documented by national and international NGOs, the more chances LGBT people have to convince UNHCR immigration judges of the well-founded fear of persecution should they go back home (Berger 2009; O’Leary 2008; LaViolette 2009; Hojem 2009). For instance, Hojem (2009) shows how the Norwegian Directorate of Immigration referred to reports which points to “an increase in the number of criminal cases against homosexuals in Iran” to grant refugee status to Iranian homosexuals (p. 14).

The documentation of human rights violations based on sexual orientation and gender identity might be a progress per se within UN and international human rights organizations, since there has been lack of reporting on the human rights violation of LGBT people, especially transgender individuals whose issues have been clearly absent from UN human rights documents (Waites 2009). In fact, as feminist and queer theorists have pointed out, the concept of human rights has been employed historically and globally to focus more on the “rights of man”, has been “gender blind”, with “male family head in mind”, and the Universal Declaration of Human Rights (passed in 1948 in UN) is deeply shaped by “heterosexuality and heteronormativity” (Hines 2009, p. 89; Waites 2009, p. 140; also look at Pateman 1988).

Second; nevertheless, as I showed in the previous paragraphs, IRQO and IRQR do not simply contribute in the growing global documentation of LGBT human rights violations. Their documentation of LGBT human rights violation not only sometimes provides invalid data (e.g. thousands of gays are executed in Iran) but also their reports do not sufficiently reflect upon the widespread existing persecutions against LGBT people in the West. Similar to Berger’s analysis (2009) of Guatemalan women-asylum-seekers in US that “their advocates must position Guatemala within the group of ‘uncivilized’ countries that do not ‘protect’ women while implying that the United States is a civilized nation that does protect women” (p. 671), IRQO and IRQR contribute in bolstering the dichotomy of evil/un-civilized Iran and free West so to establish the merits of their clients’ petition for refugee status.

Similarly, several of my transgender interviewees had expressed their wish to live in the “free” world and not to be deported back to Iran where “nobody is able to have a normal life” during the interview session at UNHCR (H., an MtF transgender). As Morgan (2006) argues the asylum

seekers (and others) who are successful in their claims to be granted the refugee status are those who make use of a narrative which “resonates with the values, beliefs, and assumptions” of the immigrant and UNHCR judges by “drawing upon prevailing norms and beliefs, no matter how problematic they may be” (Muneer I. Ahmad, *The Ethics of Narrative*, p. 117, 122; cited by Morgan on website *LexisNexis Academic*). I did not find the opportunity of interviewing UN lawyers or immigration judges, but according to LaViollette (2009), the immigration judges in Canada “tend to be more sympathetic to claimants from countries such as Pakistan and Iran where homosexuality is illegal” (p. 451).

In fact, neither Saghi Ghahreman, the head of IRQO, nor Arsham Parsi, the head of IRQR, could remind a case of an Iranian gay, lesbian, bisexual or transgender who has been rejected by UNHCR. All refugee applications from Iranians in Turkey which based their claims related to sexual orientation and gender identity have been successful so far. Although I cannot hide my happiness to hear this news, the generosity of UNHCR towards Iranian LGBT people, once again, might imply the widespread acceptance of evil Iran/free West among UN lawyers and immigration judges. As I discussed earlier, US was also generous through the historical context of cold war to grant refugee status to people fleeing from Soviet Union to prove the bankruptcy of communism.

Analysis: Reduction, Neglect, Backlash

This discourse around LGBT asylum seekers, or as Said (1977) would say, this “style of thought” which is “based upon an ontological and epistemological distinction made between ‘the Orient’ and ... ‘the Occident’” (p. 3) has, I argue, at least three major repercussions:

First; it neglects the internal dynamics of the lives of gays, lesbians, bisexuals, and transgender people (and others) inside Iran and the West. It renders both (Iran and West) as monolithic entities, without taking into account their deep pluralities and contextual and historical complexities. This discourse does not provide any space for the appreciation of, for instance, gay life in many cities around Iran, or the state recognition of homosexuality by state-linked clinics in Tehran, while it simultaneously denies or underestimates the persecution of LGBT people in the West, or ignores the fact that “US has been at the forefront of recent ‘fundamentalist’ attempts at the UN to rollback sexual and reproductive rights in the name of defending traditional forms of family” (Saiz 2004, p. 61). It gives essentialized descriptions which envision Iran as evil, as un-free world, as fundamentally different from the West, and presents a distorted caricature of the West, as the civilized, as the free one.

Second; this discourse, inherited to us from colonial times and intensified after 9/11, discourages a critical examination of the existing paternalistic international power relations and hierarchies between countries. It weakens a deep analysis of the historical, economic and political dependencies of regions and countries upon each other. It does not take into account that, for instance, and as I argued in the previous chapter, Islamic Republic came to power with anti-women and anti-gay agendas because the secular dictator Shah was supported by US, and thus concepts such as human rights, women’s rights and gays’ rights were all considered as western

impositions. It does not take into account that, as I discussed in length in the previous chapters, homophobia was in fact a western import to Iran, and the establishment of “gender identity disorder clinics” in Tehran, which renders people who do not assimilate into the heteronormative order as patients in need of treatment, was a practice learned by Iranian Islamic modernity from the Western modernities. The dichotomy of evil/un-civilized/un-free Iran and the civilized/free West, with its reductive and totalizing tendency, conceals the continuous interaction and dependency between the two.

Third; the IRQO’s and IRQR’s documentation of Iranian LGBT human rights violations, which is also not valid to some extent, and the vivid ignorance of the existing persecutions of LGBT people in the west, not only upholds the dichotomy of evil Iran and free West, but also risks the concept of human rights being considered by Islamic Republic rulers as part of Western Imperialism. Long (2005) argues how this specific employment of LGBT human rights has generated “backlash” against LGBT people in countries like Iran where authorities oppose what is called the “universal rights standards” by “declar[ing] themselves [as] the defenders of ‘authentic’ (though often invented) cultural tradition” (p. 2). This is especially significant in the context of post 9/11 when United States employed the discourse of “human rights violation in Afghanistan and Iraq” and the need to “liberate women” to justify its military interventions.

Thus, IRQO and IRQR, and other national and international LGBT organizations whose discursive representation of LGBT issues in Iran and West fits within the discourse of what might be called orientalism, might help certain Iranian LGBT people (like Iranian LGBT asylum seekers) but, paradoxical to what they intend, they might eventually exacerbate the situation of many other gays, lesbians, bisexuals, and transgender people inside Iran, and they might even

“sell the idea of war” (Long 2009, p. 133): since there is a need to civilize the un-civilized nations of the world, this discourse works “as a Western Style for dominating, restructuring, and having authority over the Orient”, over Iran (Said 1991 [1978], p. 4).

Conclusion

I have argued through the first part of this chapter that the discursive representation of Iranian LGBT people who seek asylum in the west bolsters the dichotomy embedded in the orientalist discourse of evil Iran and free West, within the unequal international power, which has been shaped to a large extent after 9/11. I have shown how such discursive representation undermines the internal dynamics of LGBT life both in Iran and the West, and, while it helps certain Iranian LGBT asylum seekers, it might exacerbate the situation of many LGBT people inside the country.

I suggest that short-term tactics employed by Iranian and international advocates and NGOs to win asylum cases for their Iranian LGBT clients might reinforce the stereotypical illustrations of Iranian LGBT people, and demonize the culture and society which they come from. Although some Iranian LGBT asylum seekers themselves locate their narratives within a discourse upholding the dichotomy of evil Iran/free West, should such strategy be employed by IRQO, IRQR and other international NGOs, it universalizes the experiences of specific LGBT asylum seekers at the cost of diminishing the internal dynamics of LGBT life inside Iran and silencing many other voices. I do not offer a solution, but I think there should be a radical change within

the asylum paradigm, and more consciousness among advocates on international power relations, so not to feed the narratives of war.

Chapter 4 – “Gender Outlaws” between Earth and Sky: Iranian Transgender Asylum Seekers Trapped in a Paradox

“I am neither man nor woman. I am somewhere between. Somewhere between earth and sky ...”

Hamideh, Iranian transgender-identified asylum seeker

Each month a number of Iranian LGBT people flee to Turkey to seek asylum. They are deprived from their citizenship rights in Iran and have fear of being persecuted (or have already been persecuted) by the state, society at large, or by their own families. Through the asylum process and interview session at UNHCR, Iranian LGBT asylum seekers must prove that they have “well-founded fear of being persecuted” because of being a “member of a particular social group” (group of gays, lesbians, bisexuals or transgender people), and owing to such fear they are “unable or unwilling to avail” themselves of the protection of Islamic Republic (Geneva Convention 1951).

In this chapter I will lead my analysis towards two distinct but connected directions: first; I will examine the ways in which the concept of national citizenship emerges and is negotiated through the asylum process of Iranian transgender asylum seekers, and, second, I will investigate the effect of the definition of the international asylum law, which is partly informed by the international LGBT human rights framework, on the outcomes of the cases of my transgender interviewees at UNHCR.

Invoking the interviews that I conducted in Turkey in summer 2010 with Iranian transgender asylum seekers, I will argue that although the language of the asylum law seems neutral, when it is subjected to dominant interpretations of immigration judges at UNHCR, it opens space for the

emergent of dichotomy of “discreet”/“non-discreet” citizen through the asylum interview process. This dichotomy, on the one hand, blames the asylum seeker for acting indiscreetly in home country (Iran), which risks their claims for asylum being rejected, and, on the other hand, expects the asylum seeker to remain discreet in the country of destination (USA, Canada, etc.) in order to be eligible for the refugee status.

Moreover, Considering the definition of refugee in the International Geneva Convention on the Status of Refugees, and referring to my interviewees’ narratives and interpretations, I will also argue that the international asylum law, and the practices of the immigration judges, have disciplining and normalizing tendencies for transgender asylum seekers, expecting them to perform stereotypically as “a transgender” and assimilate within the UNHCR definition of transgender so to increase their merits of being recognized as refugee.

The conjunction of the two above processes, I will argue, puts transgender asylum seekers in a complicated paradoxical situation: on the one hand, in order to represent their experiences of persecution as deserving to be addressed by UNHCR, they have to convince the immigration judges that they were not acting too indiscreetly in Iran, and in order to be eligible to live in the destination country, they have to convince judges, this time, that they will be discreet citizens there. It means that transgender asylum seekers should argue that they have been/will be conforming to the definition of a discreet citizen who is either a man or a woman with heterosexual desire and normative gender identities and performances. Because, otherwise, their experiences of persecution might not be considered as legitimate for refugee status.

But, on the other hand, in order to meet other requirements of the definition of refugee and make claims based on their gender identities, they have to prove that they belong to the category of

neither men, nor women, but transgenders. This is in contrast with the definition of a discreet citizen which presumes a gender binary model. If a transgender remains discreet back home, s/he might risk not being recognized as transgender by the international asylum law. This paradoxical situation, as I will show, has worked at discriminating against some transgenders in articulating their asylum claims.

I will divide the chapter into three main parts. First I will address the theoretical debates on the concept of citizenship, identity politics and international LGBT Human Rights, within which I want to locate my case study of Iranian transgender asylum seekers in Turkey. Then I will move on to discuss the recent recognition of asylum seekers claims based on sexual orientation and gender identity in UNHCR. Lastly, I will discuss my case study in Turkey.

Citizenship/Identity Politics/International LGBT Human Rights Debates

The concept of citizenship, as a political and legal concept, and determining who is eligible for citizen status have been subject to continuous contestations since ancient Greek city-state. Halperin (1990), for instance, discusses how in Classical Athens the collective self-understanding of Athenian citizens was that of “free, autonomous and equal participants in the shared rule of the city” (p. 99) and how the political, social and sexual rights and obligations of the inhabitants of Athens were shaped and determined by their citizen/non-citizen status along the lines of gender, sexuality, class and age. For instance, slaves, prostitutes and minors were not entitled to citizenship, to take part in the civic and religious life of Athens. Although free women had been granted the citizen status, unlike men they were not permitted to participate in the

public life, since they were, as Halperin puts it, “life-long statutory minors ... and *always* in the legal custody of a male relation” (p. 92; emphasis by the author). In other words, participation of male citizens in public life was to a large extent predicated on seclusion of women in the domestic, interior space.

Moreover, citizen status during the Classical Athens carried with itself not just certain rights but also imposed certain duties on the status holder. Halperin argues that, for instance, had a male citizen prostituted himself, he would have lost his entitlement to participate in the democratic rule of the city (i.e. facing “*atimia*”) (p. 96). That is, he would have been considered a betrayer of the “communal solidarity” for forfeiting his autonomy, violating the “corporate integrity of the citizen body” and refusing “the constitutional safeguard of his bodily integrity”, and thus deserving the penalty of disenfranchisement (losing entitlement to citizenship) (p. 93-7).

Citizenship is also a pivotal controversial concept in contemporary political and social theories. T. H. Marshall (1950), as one of the major citizenship theorists, discussed that citizenship is constituted of three elements: civil, political and social. The civil element, Marshall argued, is “composed of the rights necessary for individual freedom” (such as freedom of speech, the right to enjoy justice), the political element is constituted of “the rights to participate in the exercise of political power” (such the right to vote, to be member of parliament), and the social one which is “the rights ... to live the life of a civilized being according to the standards prevailing in the society” (to have right to education, social services, welfare system) (p. 10-11). Marshall argued that these three elements have been gradually and steadily built up: civil rights in the eighteenth century, political rights in the nineteenth and social rights in the twentieth.

Marshall's discussion faced critiques from different aspects. Criticizing its Eurocentric tendencies and the obligations it imposed on citizens, for instance, Wilson (2009) argues that Marshall's concept of citizenship, built upon the social contract theories of eighteenth and nineteenth centuries and thus with a Eurocentric understanding of citizenship with cultural and historical specificities, gets its meaning only when "operating within a system of rights and obligations recognized by the state" (p. 75). Thus, although Marshall was more insisting on the political, civil and social *rights* of citizens, citizenship is, as Turner and Hamilton (1994) has argued, a constellation of rights and *obligations* that "establish political membership and enable access to benefits and resources" (discussed by Hines 2007, *Sociological Research online*).

Yet, the critiques were not limited to imposition of obligations on citizens or its Eurocentric assumptions. In contrast with Marshall's theory of citizenship that it has universal claims (as if all people living within a nation-state enjoy the very same rights), we all know that different social groups including, just to name some, non-males, non-heterosexuals, non-whites, non-middle-classes were not/and still are not enjoying many of the rights and privileges of a middle-class white heterosexual man in many parts of the world. To put forward a simple example, while Marshall was theorizing citizenship in 1950s, women still did not have the right to vote in many Western countries, and people of color were not enjoying the same civil, political and social rights in various countries, let alone the lack of recognition of transgender or homosexual people by many states. The ideas around citizenship were protecting the rights of dominants at the cost of marginalizing others.

In fact, the very first critiques of Marshall's discussion on the concept of citizenship came from feminists and people of color who argue that despite the fact that Marshall's (and others'

including Rawls' (1971)) discussions on citizenship seem gender and race neutral, there are problematic sexist and racist assumptions underlying his (their) theory (look at Pateman 1989; Walby 1994; Lister 1997).

Walby, for instance, in her classical essay *Is Citizenship Gendered* (1994), argued that not only the concept of citizenship which seemingly offers universal and equal rights for everybody is not gender-neutral, but the exclusion of women from the public space and upholding the dichotomy of public/private is integral to and is concealed within the theory and practice of citizenship. She argued that since the "role of carer [sic] is disproportionately taken by women" and women are usually financially dependent on their husbands, they are deprived from full access to political, civil and social rights of citizenship, which are "historically bound up with participation in the public sphere" and "depend upon being a worker" with stable income (p. 384-89). Thus, in accordance with Walby who argues that "access to citizenship is a highly gendered and ethnically structured process" (p. 391), other feminists such as Lister (1997) suggest reconceptualization of the concept citizenship in a way which gender becomes salient. Different scholars have also delineated how the ideas of citizenship are racialized, are predicated upon the white Eurocentric supremacy, and how racism and sexism interconnect within the theories of citizenship (e.g. look at Anthias and Yuvas-Davis 1992).

The critiques are not limited to feminists and race theorists. In recent years, especially in the last three decades with the rise of gay and lesbian liberation movements (at least in some countries), and with the growing body of literature on sexuality and gay and lesbian studies, there is a new and nuanced turn in the way the theories of citizenship are contested, rejected or redefined. Different scholars have argued that the ideas of citizenship are rooted in certain assumptions

about sexuality, especially in the hegemonic ideology of compulsory procreative heterosexuality (look at Alexander 1994; Richardson 1998, 2000; Bell and Binnie 2000; Stychin 1998; Plummer 1995; Weeks 1995).

Alexander (1994), for instance, discusses how the “erosion of heterosexual conjugal monogamy” is discursively represented as a threat to the survival of the nation in the decolonized Trinidad and Tobago and the Bahamas, and thus “the single woman, the lesbian, the gay man, the prostitute, the person who is HIV infected” and any other person who does not conform to the ideology of compulsory heterosexuality is not only seen as a threat to the nation-state but is also deprived from gaining full citizenship rights (p. 20).

Yet, even when the state recognizes certain non-heterosexuals as citizens eligible to enjoy social, civil and political rights, gays, lesbians and others who express sexual acts and desires other than those associated with heterosexuality are, first, expected to act in a decent/discreet/normative/respectable manner (so to fulfill their obligations to deserve their rights), and, second, are allowed only to make very specific rights-based claims. Richardson (1998) argues that “lesbians and gay men are granted the right to be tolerated as long as they stay within the boundaries of ... tolerance” (p. 90), and the boundaries of that tolerance, Hines (2009) argues, “depend[s] upon rights-based claims (such as the right to marry), which fit with a heterosexual model of the ‘good citizen’” (p. 90). Thus, good citizens are the ones who do not transgress the boundaries of heterosexual matrix; the ones who obey the conducts of respectability.

The inextricable linkages between the concepts of respectability, citizenship can be traced back to the late eighteenth century and early nineteenth century in parts of Europe. George Mosse

(1985) discussed the relationship between the ideology of nationalism and respectability, and how they affected each other, and how ideas and attitudes towards sexuality, body, masculinity, normality and abnormality were constructed through that process. Mosse argues that respectability, which indicates “‘decent and correct’ manners and morals”, and as a “bourgeois movement” which gradually prevailed among all classes, was constructed primarily by the middle class to maintain its status and self-respect against the “lazy lower classes” and “profligate aristocracy”, and it was bound up with, among other things, maintenance of a heterosexual family, “[d]ecency ... modesty, purity, ... practice of virtue ... and control over sexual passions” (p. 1-5).

This “bourgeois movement” (p. 2) has continued through the twentieth and twenty first century to affect gays’ and lesbians’ claim to citizenship. Since the concept of citizenship, as a political and legal concept, entails both rights and obligations, and since it gets its meaning within a compulsory heterosexuality framework, and expects citizens to act discreetly in accordance with respectable manners and moralities, “lesbians and gays seeking rights may embrace an ideal of ‘respectability’, a construction that then perpetuates a division between ‘good gays’ and (disreputable) ‘bad queers’” (Stychin 1998, p. 200; cited in Hines 2009, p. 90). For instance, gays and lesbians who wish to marry or serve in the military are discursively constructed as the good/discreet gays and lesbians, as the assimilators, and are granted the citizen status to enjoy relatively the same rights as others. But those who transgress the boundaries of respectability, the non-assimilators (e.g. prostitutes) are bad/non-discreet ones who are not eligible for citizenship rights since they do not fulfill their citizenship duties.

Although the aforementioned criticisms raised against the major theories of citizenship, which included contestations against its interconnected Eurocentric, middle-class based, sexist, racist, heterosexualized and respectability- and duty-promoting premises, are well documented and debated within the academia, it seems that neither feminists, nor race theorists, nor even lesbian and gay studies scholars have exhaustively challenged another intertwined premise upon which citizenship theories and practices are based: citizenship also presumes a gender binary model which discriminate against those who refuse to conform to it (look at Hines 2007; 2009; Monro 2003; 2005).

Transgender theorists (I mean those theorizing transgenderism), especially in recent years and along with the rise of queer studies in the 1990s, argue that gender, as it is lived and performed, is more complex than the hegemonic binary of man/woman which has roots in the Eurocentric modernity (Stryker 2006). Pointing to the embodiment of sex and gender beyond sexual dimorphism in culture and history (Herdt 1994), Transgender theorists not only challenge the taken for granted binaries of male/female and man/woman, but show how this binary is integral to and informs dominant social and political theories and practices of contemporary societies. Thus, as Stryker (2006) has argued, the “transgender phenomena” per se are not the only fields of interest for gender theorists, “but rather the manner in which these phenomena reveal the operations of systems and institutions that simultaneously produce various possibilities of viable personhood, and eliminate others” are of more concern (p. 3).

Therefore, the transgender phenomena have helped gender theorists to also deconstruct the institution of citizenship, enabling them to illustrate the ways in which the dominant models of citizenship acknowledge and divide citizens into two groups of male/female and man/woman.

Hines (2009) argues that within the dominant model of citizenship many people, including “bigendered trans-people, butch trans-lesbians, camp trans-men, cross-dressers, and drag kings and queens” (p. 96) and any other person who do not assimilate within the gender binary system which imposes certain roles, manners and morals on individuals (e.g. asking male/female bodied persons to perform masculine/feminine roles and behaviors respectively in order to remain respectable citizens), are excluded from many political, social and civil rights associated with citizenship. Therefore, Hines concludes, the assumption of immutable relationship between the biological sex and the gender identity underlies and is integral to citizenship debates.

Before going any further and turning my attention to the case study of asylum process of Iranian transgender asylum seekers in Turkey, I want to bring a very brief introduction on identity politics and international LGBT human rights politics, which is interconnected with the aforementioned debates on citizenship, and I need them for my further analysis. In order not to lose connection with the above discussions, the way I introduce these two (although very briefly) is linked to the concept of citizenship:

On the one hand, citizenship theories inform and are informed by identity politics. Citizens are described as “social and political people whose lives are intertwined” and they “share with their neighbors common traditions and understandings which form the basis for their public pursuit of common good” (Conover et al. 1991, p. 802; cited in Wilson 2009). Citizens are granted rights and asked for fulfilling their responsibilities due to their “belonging” to a particular state, to a community called nation, although that community might be “imagined” to exist (look at Rawls 1971; Anderson 1983). Analogously, identity politics, rooted in the racial and ethnic politics of Anglo-American context, call for collective identities and group belongings in order to gain

rights, including citizenship rights, and ask for recognition within the contemporary framework of liberal pluralism (Gamson 1995).

As it is by now widely discussed, identity politics have been debated and contested by, most notably, queer theorists who question the essentialist and assimilationist tendencies of it, and emphasize the instability and fluidity of individual- and collective-identities and group boundaries. Michael Warner (1993), for instance, criticizes identity politics for grounding itself on exclusion, on marginalization of those who do not assimilate within the group which gives meaning to collective identities, and rather calls for a critical analysis or in some contexts negation of “minoritizing logic of toleration or simple political interest-representation” in favor of “a more thorough resistance to regimes of the normal” (p. xxvi). These criticisms against identity politics resonate with, and are from the same family of, contestations against assimilatory tendencies embedded in citizenship theories which ask citizens to assimilate, to follow certain rules and behaviors, to be respectable within a heterosexual matrix, to fulfill their duties, so to deserve rights.

On the other hand, on the relationship between international LGBT human rights, citizenship and identity politics, it should be noted that the inclusion of the term “LGBT” on international level is to some extent the result of identity politics of gay and lesbian liberation movements in 60s and 70s in US and western European countries and of collaboration between transnational LGBT networks in the early 1990s (Kollman & Waites 2009). Within this context that LGBT human rights discourse is gaining dominancy on international level especially within the United Nations, LGBT citizenship is also considered a human rights issue; that is to say, and according to the United Nations Commission for Equality and Human Rights, many of the LGBT human

rights “cannot be expressed unless secured by citizenship” (www.equalityhumanrights.com; cited in Hines 2009, p.88).

Although the international LGBT human rights framework has been recently integrated within international bodies (such as UNHCR) especially after passing the Declaration of Montreal (2006) and Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (2007), it has raised criticisms. The model has been challenged not only for its western origin and lack of local and contextual considerations, but also for what Waites (2009) refers to as the reproduction of a heterosexual matrix” (p. 138)”, that is for reproduction of “the grid of cultural intelligibility through which bodies, genders and desires are naturalized” (Butler 1990, p. 151).

Waites argues that the emerging LGBT human rights international framework in Montreal and Yogyakarta Principles, although is a step forward, still continues to be “subject to dominant interpretations which privilege a binary model of gender, and [privilege] sexual behaviors, identities and desires that are defined exclusively in relation to a single gender within this binary” (p. 138; also look at Kollman & Waites 2009; Wilson 2009; Hines 2009). Waites discusses how within this model, for instance, the naturalness of homo-hetero binary is taken for granted, asexual and intersex people are excluded, and essentialist understandings of gender binary system are still upheld (p. 142-8). Thus, like the citizenship theories which are informed by a western construct of gender and sex binary model, the international LGBT politics framework discussed by Waites and others has the very same shortcomings, which is of no surprise when we know, as I briefly discussed, that they inform each other and are interconnected.

It is within these sets of theoretical debates that I would like to locate my analysis of Iranian transgender asylum seekers. My findings suggest that the discursive dichotomy of discreet/non-discreet citizen emerges through the asylum process, and my overall analysis resonates with the aforementioned critiques of the disciplining and heteronormalizing tendencies of this discourse. Initially, I will start by giving a brief background on international responses to LGBT asylum seekers, and the recent developments in UN regarding the human rights violations based on sexual orientation and gender identity. Then I will move on to my case study.

Recognition of Asylum Seekers Claim based on Sexual Orientation and Gender Identity: a Brief Background

According to the article 1(A)(2) of the 1951 Geneva Convention relating to the Status of Refugees, a refugee is a “person who is outside the country of her/his origin, has a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or *membership of a particular social group*, and owing to such fear is unable or unwilling to avail himself/herself of the protection of that country” (1951 Geneva Convention; emphasis added). Since there is no mention of sexual orientation and gender identity in the Geneva Convention, gay, lesbian, bisexual, and transgender asylum seekers are categorized by UNHCR under the term “members of a particular social group”. While gays’ and lesbians’ sexual orientation was recognized by UN and some other legislative bodies (e.g. U.S., Canada, UK, Australia) as a legal ground for “membership in a particular social group” during 1990s, the inclusion of transgender asylum applicant in this category is a recent incident (look at Jenkins 2010)

Prior to 1990, however, asylum seekers' claims related to sexual orientation and gender identity have not been recognized by UNHCR as the basis to grant refugee status (Jenkins 2009, LaViolette 2009); that is, they were not regarded as members of a particular social group. But, during the 90s, the gradual expansion of international LGBT organizations (such as International Lesbian and Gay Association, and the International Gay and Lesbian Human Rights Commission) made up an "increasingly influential global network of human rights LGBT activists" which contributed in changing the international climate, especially within the UN (Kollman & Waites 2009, p.4).

This network, together with the help of mostly western lawyers and academicians, have recently succeeded in passing two international documents: the Declaration of Montreal (2006) which proposed the creation of a United Nations convention on elimination of all forms sexual orientation and gender identity discrimination, and Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (2007) (p. 4-5). Fifty-four states within the United Nations Human Rights Council have also recently signed a Joint Statement, proposed by Norway, on Human Rights Violations Based on Sexual Orientation and Gender Identity (p. 5).

The aim of these conventions and statements is, as it is articulated for instance in the introductory part of Yogyakarta Principles, to address "deficiencies" and "fragmented and inconsistent" international responses to "human rights violations based on sexual orientation and gender identity" (Yogyakarta Principles 2007, p. 6)

Considering LGBT asylum seekers, Principle 23 of the Yogyakarta Principles recommends states to "review, amend, and enact legislation to ensure that a well-founded fear of persecution on the

basis of sexual orientation or gender identity is accepted as a grounds for the recognition of refugee status and asylum” (p. 27). UNHCR also issued a guidance note on refugee claims relating to sexual orientation and gender identity in 2008 in order to address and contribute in the “growing jurisprudence and legal developments at the international and regional bodies” in the gay, lesbian, bisexual, and transgender refugee context (UNHCR 2008, p.4)

Iranian LGBT Asylum Seekers in Turkey

Process of Seeking Asylum

Given these recent international advances, positive changes within UN, the continuous criminalization of same-sex relationships in more than 85 countries (Ottosson 2007), and the widespread homophobia around the globe, more asylum seekers, compared to years prior to 1990, open cases in UNHCR upon claims related to sexual orientation and gender identity. Turkey, as the “crossroads for mixed migration flows from Asia and Africa to Europe”, has been witnessing, in recent years, a rise in the number of asylum seekers who open cases based on claims related to their sexual orientation and gender identity, the majority of whom are Iranians (ORAM 2009, p. 1).

Although the exact number of Iranian gay, lesbian, bisexual and transgender asylum seekers is not available on the website of UNHCR¹², the head of the Toronto-based Iranian Queer Organization (IRQO) told me in person that their number is estimated to be 104 as of August 2010, more than fifty percent of them gays, and more than thirty percent of them transgender people. Each month, as the Iranian Railroad for Queer Refugees (IRQR) states on its website¹³,

¹² <http://www.unhcr.org/cgi-bin/texis/vtx/home>

¹³ <http://www.irqr.net/>

at least five new Iranian gay, lesbian, bisexual or transgender individuals enter Turkey to seek asylum. Despite the lack of statistics, it is estimated by Saghi Ghahreman, the head of IRQO, that more than 90 percent of the whole population of gay, lesbian, bisexual and transgender asylum seekers in Turkey are from Iran (personal contact).

After arriving in Turkey, all asylum seekers must apply to Turkish Ministry of Interior (MOI) and UNHCR in Ankara. Since Turkish government has not signed the 1967 Protocol Relating to the Status of Refugees¹⁴, it does not grant refugee status to non-Europeans. But the Turkish Ministry of Interior allows non-European asylum seekers to live legally but temporarily in Turkey until UNHCR announces the result of their cases. Should an asylum seeker's case be accepted at UNHCR, and thus the person be granted the refugee status – a process which might take from six months to several years – the person will be resettled from Turkey to live in other countries, including US, Canada, Australia, and sometimes Nordic Countries. The country of destination is usually decided by the immigrant judges, but the applicants' priorities will also be taken into consideration.

The UNHCR's refugee status determination includes at least two interviews: a short registration interview, in which the interviewee provides the immigrant judges the very basic information about herself/himself and why she/he left her/his home country, and a first instance interview, which happens some months after the registration interview and plays as the basis for the grant or denial of refugee status. As sometimes happens, should immigration judges need more information or do not reach a final decision, the second instance interview will be scheduled. The

¹⁴ Available here <http://www2.ohchr.org/english/law/protocolrefugees.htm> [last access: June 6th 2011]

first decision of immigrant judges is not final. Thus each applicant can ask for one-time re-examination of a rejected case. If an asylum seeker's case is denied twice, she/he cannot open a new case for two years and must leave Turkey within three months.

Iranian transgender asylum seekers (and any other LGBT asylum seeker in the world) must prove two things in order to be granted the refugee status; first, there is a well-founded fear of persecution should the person go back home, and second, the potential persecutions or the previous experiences of persecutions have been resulted from the person's membership of a particular social group. I will analyze each one separately, and I will integrate the analysis of two parts in the concluding paragraphs of the chapter.

Fear of Being Persecuted: The Reproduction of Discreet/Non-Discreet Citizen

When I asked my transgender asylum seekers of the reasons they left Iran they pointed out various reasons, including, to name some of them, sexual and verbal harassment in the society, the unbearable pressure from the family to get married, the highly disciplined and tough environment of the work place, the prevalent stigmatization of transgender people in Iran, the irresistible violence in the compulsory military service, the impossibility of attending gyms or swimming pools because of the strict gender segregation in Iran, harassment from their partners after realizing that the person is not able to contribute in reproduction, and more.

For instance, when I asked the 29-year post-op male-bodied (now female-bodied) feminine person Bitá, who had left Iran two years before I met her and had been recently accepted as

refugee to live in Canada, of the reasons she had decided to come to Turkey and seek asylum, she said,

It was not possible for me to live any more in the restricted environment of Iran. I could not reach my dreams. I have nothing less than a normal woman. But I always had problems. In the secondary school the official beat me because of smiling. He told me you laugh a lot that is why boys are attracted to you. In the high school I was attacked and beaten and harassed by so-called school friends. I did not dare to report the violence. The school officials were blaming me for everything. They were saying why you grow your nails? Why you change the color of your hair? Why you walk and talk and behave in a way to seduce boys? ... My parents were against sex change operation. My father thought if he sent me to work in a car manufacturing workshop I would be cured. But I was harassed there ... They sent me to Karate class, but the trainer there did not let me participate in the competitions. They were saying you are not a man ... I knew who I was. I was never hiding myself behind a mask ... Moral police in the street arrested me. When I asked why they said you are tall, you have blond hair, and you have so much make up. You are suspected of being a prostitute ... Even after the operation the problems continued. My employer at the work place dismissed me from my job. He said you speak like men, we need women's voice, feminine voice. But I was a woman. I was one of the most beautiful women in the wedding ceremony of my sister ... Frankly speaking, I did not have any major problem, but I was struggling with a sea of minor difficulties ...

Bitá's narrative resonates with that of most of my interviewees. As it is clear in her account, she has been persecuted by the society because of not conforming to the heteronormative order which expected a male-bodied person to embody and perform masculinity; the strict gender segregation in Iran and the taken-for-granted naturalness and commonness of heterosexuality caused her to come under the gaze of, for instance, school officials who were worried about the established order of their institution; and her "so much make up" and "blond hair" irritated the moral police's understandings of respectability. In sum, Bitá was not acting as it was expected from a discreet respectable citizen, was not fulfilling her responsibilities, and she was thus deprived from her citizenship rights.

But this is not only Islamic Republic which forces people to assimilate within a heteronormative order to remain discreet citizens. When I asked my interviewees of the kind of questions they were posed by immigration judges through the interview session in UNHCR, I figured out that the dichotomy of discreet/non-discreet citizen has reemerged.

I asked the 28-year old post-op male-bodied (now female-bodied) feminine person, Haleh, of her experience in the interview session. Before leaving Iran, she had gone under operations for six times, had unofficially married a man when she was 18, but made it official (approved by state) at the age of 25 when she completed her sex-change surgery and got a new ID. She got divorced two years after the operations at the age of 27 because, as she said, her husband had become suspicious that she might leave him because of becoming a “complete woman” and thus she might find better men. Haleh described her interview experience at UNHCR as follows,

I remember that the immigration judge asked me why I had left Iran. So I started from childhood, of harassments in elementary and high school, of the pressure from family, of the perception of a society who thinks we are perverts, of unemployment, and you know, of all problems that were not letting me sleep comfortably even one night. Then he [the immigration judge] said, ‘but you are allowed to undergo sex change surgery in Iran, and you did so, and you are woman who can marry and be supported by your husband, and you got married, and you have also been issued a new ID by Islamic Republic, so you can live as a woman in Iran. What’s your problem?’ And this frustrated me. Was that enough? Sex change surgery had not stopped the continuous harassments, neither had marriage, neither had the new ID. So I started exaggerating [at UN interview session]. I said I wanted to work and there is no option for a transsexual in Iran except becoming a prostitute. I do not want to be a prostitute.

The Immigration judge has presumed that the permission of sex change surgery in Iran (which, as I argued in the previous chapter, is meant to maintain the heteronormative order and aims at “fixing” the body to match it with gender and sexual identity), the possibility of heterosexual marriage for a transsexual, and transsexuals’ recognition by Islamic Republic as legitimate

citizens, and Islamic Republic's perception that post-opted transsexuals belong to either of the categories of men or women (with a new ID indicating their new gender), should have convinced Haleh to stay in Iran. That is to say, the immigration judge has bought the Islamic Republic narrative of "Iran is a paradise for transsexuals"¹⁵, contributing to its heteronormative perceptions.

This approach resonates with the critiques of the concept of "deserving" citizen who is considered a heterosexual man/woman with normative gender expressions (Richardson, 1998). As it is illustrated, although UNHCR asylum law seems neutral, when it is subjected to the interpretations of the immigration judges who "mirror the misconceptions of the society" (Jenkins 2009, p. 91), it opens space for the emergence of the dichotomy of deserving/discreet/non-deserving non-discreet citizen through the interview session, which fosters heteronormative regimes within the international asylum law.

My enquiry through other LGBT asylum cases throughout the world suggests that the aforementioned dichotomy is not only upheld for Iranian transgender asylum seekers. For instance a Columbian gay asylum seeker's case was denied by US because, as it is indicated in the summary of his refusal letter, "[t]he Secretary of State is of view that you [the Columbian gay applicant] can conceal your homosexuality [in Columbia] to avoid harm" (cited in O'Leary 2008, p. 91). In another example, more than 98 percent of all lesbian and gay claims for asylum in UK, including that of many Iranians, have been rejected compared with the 73 percent of non-LGBT asylum claims because, as discussed by Angela Mason the patron of the UK Lesbian and

¹⁵ Dr Mir-Jalali, the Iranian leading specialist in sex reassignment surgery, said in Documentary 'Be Like Others' (Eshaghian, 2008)

Gay Immigration Group, “[i]t seems that the Home Office [in UK] are routinely refusing applications on the grounds that lesbians and gay men can go back and be ‘discreet’ ... “ (cited in Hirsch 2010). And being discreet means to “pass as heterosexual” (Morgan 2006, p.5), and not to be “transgressive, repellent” which increases the “danger of being rejected as deserving of the abuse they have experienced” (Millbank 2009, Melbourne University Law Review; also look at Luibheid 2004, and her discussion on heteronormativity and immigration scholarship).

Within this discourse, as Millbank (2009) argues, the immigration judges think of “‘ a reasonable expectation that persons should, to the extent that it is possible, co-operate in their own protection’, by exercising ‘self-restraint’” (p. 393). This approach, as Millbank asserts, “subvert[s] the aim of the Refugee Convention” (ibid) by holding the applicant, and not the state, responsible for her/his protection.

But the dichotomy of the discreet respectable/non-discreet disrespectable citizen is not reproduced only by immigration judges. While immigration judges ask refugee applicants why they were not enough discreet back home so to avoid persecution and benefit from political, social and civil rights, the applicants themselves reproduce this dichotomy through their claim that they deserve to live in the destination country and enjoy citizenship rights because they are going to be discreet citizens.

The reproduction of this dichotomy through applicants’ narratives occurs when the applicants are asked by the immigration judges of their life plans for the future. When I asked the 24-year old Marjan, the male-bodied feminine person, of her response to this question during the interview session at UNHCR, she said,

Well, I said what I really want to do there [in Canada]. First and foremost I want to undergo sex change surgery, a complete surgery, not like the ones in Iran. The biggest dream of my life is to become pregnant. I am sure nothing is impossible. When I was in Iran my sister had a child and I was telling her [i.e. her sister] that I have more maternal feelings and instincts than you. And she was surprised how I play with her baby. I and Abbas [her male partner] have even chosen the name for our future son. I am a real woman. Real woman is the one who knows the responsibilities of a woman. I told them [the immigration judge and the translator at UN] I want to live a normal life like others, like other women. I could not do it in Iran.

My other transgender participants expressed same plans for their future in the destination country: to complete their surgery, marry, start a heterosexual family, work, study, and have a “normal life like others”. Parallel with Richardson’s (2004) argument that gays and lesbians who are considered as “normal, good citizens” and deserve “inclusion and integration into mainstream society” are those who make “demands for equality on the grounds of ‘sameness’ rather than ‘equality in difference’” (emphasis in original) and like “normal” heterosexuals they want to benefit equally from the institutions such as “marriage, family and military” (p. 391-2), many of my transgender interviewees expressed their wish for recognition by and assimilation within the heteronormative order, so to enjoy the same rights as other normal heterosexual women or men.

In another telling account, the forty-two-year-old post-op male-bodied (now female-bodied) feminine person, Afsaneh, who, as herself said, had been a prostitute for a long time, and had recently divorced from her husband but now living with her male partner, described the interview session this way,

The guy [immigration judge] asked me how I had been meeting my costs [in Iran]. I told him the truth. I said there was no way other than prostitution. I mean, you know, selling my body. I was in contact with most of transsexuals in Tehran. We were a band, exchanging clients, giving numbers, supporting each other. You know! Like a band! I

think twenty percent of transsexuals in Tehran are in this work. And I know all of them. He asked if I had ever been raped. I said should I have been raped to seek asylum? And what does rape mean? Isn't it enough to be given and taken from the bed of one guy to the bed of another? Isn't it rape? He asked of my future. And I told him of Kiarash [her male partner]. I said I am tired of being in contact with transsexuals, regretful of my past life. I told him that even in Turkey I do not have any contact with other transsexual asylum seekers. I care about the honor of my partner.

I suggest that Marjan and Afsaneh, by, for instance, insisting on completing sex change operation, having intimate heterosexual relationship, expressing maternal feelings, and disconnecting from disrespected status of a prostitute, were (consciously or unconsciously) trying to locate their narratives within the discourse of a discreet citizen, who is heterosexual, belongs to one of the categories of man/woman, is not into non-normative and disrespected jobs such as prostitution, and perceives sexuality as a family and private matter. Thus, these are not only immigration judges whose questions are bound up with reproduction of the discreet/non-discreet citizens, but transgender asylum seekers' claims to refugee status are also contributing in upholding this dichotomy along the lines of gender and sexuality.

In parallel with Hines (2009) who has analyzed and criticized the *Gender Recognition Act* (GRA) (2005) passed in UK whose aim was the civil recognition of transgender people, I argue that while the claims to citizenship (and to refugee status) of some transgender people - those who "have undergone surgery" and those who wish to assimilate within a heteronormative order - may be facilitated through the asylum process (and through GRA in Hines' analysis), the dominant interpretations of the international asylum law and of an eligible refugee, who is expected to be a discreet citizen of the destination country, cause transgenders not to "transgress" the boundaries of respectability (e.g. not to be prostitutes) and not to construct their identities outside the gender binary (e.g. not to be cross dressers, bi-gendered trans people).

Transgressors, as Hines argue, “remain on the margins of the citizenship, residing as ‘non-citizens’” who, I add, risk being considered as non-eligible for refugee status by the immigration judges (Hines 2009, *Sociological Research Online*, available at <http://www.socresonline.org.uk/12/1/hines.html>).

Membership of a Particular Social Group: Who is Transgender?

According to international asylum law, an asylum seeker should prove that she/he has a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or *membership of a particular social group*. Since there is no indication of gender or sexuality in refugee’s definition, a transgender asylum seeker who wishes to seek asylum based on claims related to “hir” (suggested by Whittle 2006, p. xii) gender identity or sexual orientation, should prove hir belonging to a *particular social group*; that is to the group of transgender people.

According to UNHCR Guidelines on International Protection (2002), a particular social group is defined as follows;

“a particular social group is a group of persons who *share a common characteristic* other than their risk of being persecuted, or who are perceived as a group by society. The characteristic will often be one which is *innate, unchangeable*, or which is otherwise *fundamental to identity*, conscience or the exercise of one’s human rights” (p. 3; emphasis added).

This definition resonates with and is informed by identity politics which call for collective identities and group belongings in order to ask for recognition and rights. Accordingly, in parallel with the critiques of identity politics, the definition of particular social group is subjected to contestations. On the one hand, rendering members of a particular social group as ones who

“share a common characteristic” indicates the assimilationist, disciplining and normalizing tendencies of the definition, and, on other hand, perceiving those characteristics to be “innate, unchangeable ... or fundamental to identity” privileges, as queer theorists have exhaustively argued, “notions of a clear, coherent, and unitary identity over conceptions of blurred identification” (Waites 2009, p. 147).

Previous studies on the effect of the definition of refugee on LGBT asylum seekers have highlighted the normalizing forces embedded in the international asylum law. Analyzing the gays’ asylum cases in US, Morgan (2006), for instance, shows how immigration judges’ common stereotypical understandings of homosexual identity which are “based on racialized sexual stereotypes and culturally specific notions homosexuality” which privilege a certain “upper-class white male norms of behavior”, work at discriminating against and marginalizing those who do not fit within what is meant to be gay in US (p. 135-8). Morgan refers to the case of Mohammad, an Iranian gay asylum seeker, whose case was denied because, as the immigration judge told him during the asylum interview session, “how she [the immigration judge] was supposed to believe he was gay when he was ‘not feminine in any way’” (p. 146).

In another analysis, Millbank (2009) examines the general trends in refugee determination on the basis of sexual orientation in Australia and UK since 1990s. She argues that while there is a clear shift from rejecting lesbian, gay and bisexual asylum cases on the basis of “discretion” reasoning (i.e. the applicant can avoid harm by remaining discreet back home), the Australian refugee law is now more inclined to determining whether the person *is* gay, lesbian or bisexual. Millbank shows how this new trend has opened space for subjective interpretations of judges who ask asylum applicants “quite dubious and improper” questions - such as name of gay bars in Sydney

– or refer to their own prejudices – such as rejecting a Catholic gay asylum case due to the presumed incompatibility of Catholicism and gayness (p. 400-4) (for more discussions on LGBT asylum seekers look at McGhee 2003; O’Leary 2008).

Within these debates which highlight the disciplinary and normalizing forces of the asylum law and asylum process for gay, lesbian and bisexual applicants, I want to locate my case study of Iranian transgender asylum seekers. In order to prove that they *are* transgender (i.e. they belong to the particular social group of transgender people), the Iranian transgender asylum seekers usually present a certificate taken from Gender Identity Disorder Clinics in Tehran indicating that the person is patient suffering from “gender dysphoria”.

Iranian transgender asylum seekers’ employment of the certificate issued by Gender Identity Disorder Clinics in Tehran for their asylum process is, I think, of significance. While these clinics, as I have already discussed in chapter two, aim at assimilating individuals within a heteronormative framework, they might facilitate the success of transgender asylum cases; a function which was not thought for Gender Identity Disorder clinics by Islamic Republic. Besides, it again emphasizes, as I discussed in all of the previous chapters, the interactions between national and international processes, and how they affect and reconfigure each other.

But the ways by which Iranian transgender asylum seekers prove their transgender identity is not only limited to the certificate issued by the aforementioned clinics. The applicants may get an affirmation from one of the two NGOs of *Iranian Railroad for Queer Refugees* (IRQR) or *Iranian Queer Organization* (IRQO), indicating they are transgender. I asked Saghi Ghahreman, the head of IRQO, of the process through which she decides whether a person is transgender. She said,

- It is very clear. Even if they are MtF but with beard and mustache you can easily see the hidden gender. Straight people do not have information about transgenders, so one can easily figure out if someone is pretending. The lawyers at UN also do not have any problem in determining whether a person is transgender or not. When a transgender talks about oneself, she/he will be precisely and instantaneously categorized as transgender. If they are MtF they say that “even if I die, please first cut my penis and then bury me under the soil.” But gays do not have this problem. They love their bodies. Transgender people hate their bodies. MtFs think they are women, MtFs think they are men, both think they are entrapped in the wrong body.

- So what if one does not want to undergo sex change operation?

- Then the person is not transgender. She/he is gay or lesbian.

Nine out of eleven of my interviewees shared same ideas with Saghi, and expressed same concerns over their bodies, gender identities and sexual orientation. They had either undergone sex change surgery or intended to do so in the destination country, perceived their bodies as “wrong” ones, and, from my observation, were performing in accordance with stereotypical understandings of masculinity (if they were FtM) and femininity (if they were MtF), with heterosexual desire.

Saghi’s definition is also partly compatible with the definition of transgender in UNHCR Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity (2008), stating that transgender “refers to men and women whose gender identity does not align to their assigned sex” (p. 5). Therefore, it seems that most of my interviewees did not have problem in proving that they belong to the particular category of transgender, since with their performances they were expressing a gender identity which, as they themselves believed, was not compatible with and not developed directly from their sexed bodies. Thus, they were successful in convincing immigration judges and head of IRQO that they are eligible to be fitted into the particular group of transgender, which was a necessary step in their asylum claims.

Yet, both Saghi's and UNHCR's definition of transgender must be challenged because of imposing a disciplining definition on transgender-identified people and taking the binaries of male/female and man/woman for granted (look at Stryker 2006; Hines 2009). Although throughout the last four years - that is since Saghi and her colleagues established IRQO - Saghi has issued certificate for all of her transgender-identified applicants, and although – according to Saghi - the cases of mostly all Iranian transgender-identified people have been successful in UNHCR, the way Saghi represents a transgender person (somebody with a hidden gender identity who hates his/her body) and the way UNHCR defines transgender (“men and women whose gender identity does not align to their assigned sex”) are sympathetic neither to existing debates on transgender within the academia (which I will draw on in a while), nor to the transgender grassroots activism in some contexts (look at Valentine 2007), nor even to the ways some of the transgender-identified people to whom I spoke in Turkey described their experiences of being transgender, some of whom were explicit in saying that they are not going to have sex change operation.

I asked the thirty-one year old transgender-identified Hamideh, who had PhD in English literature from Tehran University, of her feelings towards her body, and her understanding of her gender and sexuality. S/he said,

Islamic Republic gives us money to undergo operation. But surgeons are not professional in Iran. If I wanted to do surgery one day, I would do it in US. But I like my body ... Sometimes I feel that I am a man. Like when I am in a fight. You know fighting like a man. But I feel I am woman when I am in love. I am neither man nor woman. I am somewhere between. Somewhere between earth and sky [laughing] ... Sometimes I have feminine feelings. Some mornings I feel I have masculine feelings ... I am not gay. Gays are perverts. They are sick. I do not believe in putting all of us in the category of LGBT. We are not like them. I have sexual relationship with men only when I have feminine feelings. I am attracted to some women. But not sexually. You know. I like flirting with

them ... I think trans people are the third kind of human beings. I think we are smarter than men and women ... I think I am really walking on the edge of gender. I am completely in the middle. I am 50/50.

Transgender definitions, such as that of Saghi's and UNHCR, ignore the very complex way transgender-identified Hamideh described himself. S/he neither intends to undergo sex change surgery, nor considers himself belonging to either of the categories of man/woman, nor explained his norms of behavior and gender expressions as always masculine or feminine, nor described himself as gay, nor heterosexual, but gave a complicated account of his interwoven experiences of gender and sexuality.

Hamideh's narrative is also significant from another aspect. While many of my operated transgender interviewees had been given refugee status in less than 14 months, Hamideh had been waiting for the outcome of her case for more than two years. When I conducted the interview with him, s/he had already been frustrated. Although I did not have access to the immigration judges at UNHCR to ask them about Hamideh's asylum case, one might reasonably guess that Hamideh's account during his interview session at UN had not corresponded to the ways in which immigration judges, based on their Guidance Note, perceive a transgender person along the binary lines of male/female, man/woman, and masculine/feminine.

In another illustrative example of the subjective interpretations of immigration judges of who might be transgender, Saghi informed me of the case of a married FtM whose cases had been rejected after the first interview in 2008 because, as Saghi said, judges, who should eventually decide whether the applicant fits within the particular social group of transgender, had not had enough experience of examining the case of a married FtM. In other word, the married FtM had not been considered by immigration judges as eligible to fit within the category of transgender (I

will refer back to this example in the conclusion, when I want to integrate the analysis of this section and the previous one).

Therefore, the asylum process and immigration judges themselves contribute in defining, determining, and setting the boundaries of the particular social group of transgender people. Literature on LGBT asylum seekers show how social groups such as “gay men with female sexual identities in Mexico” (Jenkins 2009, p. 76), “homosexual male with a deep female identity” (p. 77), or, interestingly enough, “Guatemalan women who have been involved intimately with Guatemalan male companions, who believe that women are to live under male domination” (Berger 2009, p. 666) have been articulated and constructed through the asylum process.

Along with Berger’s (2009) argument on the construction of social groups through the immigration law, I suggest that the asylum process and “its mechanism of social control ‘actively participate in producing’ sexual, racial, class, gender, and cultural categories” (p. 662). This results, as it was clear in my case study, in creating a checklist for judges who look for specific norms of behavior, gender performances, or sexual desires and acts on the parts of the asylum seeker so to recognize him/her as transgender. The immigration judges, the asylum law itself, and the NGOs working in the field, make their assumptions along upholding the binaries of male/female, masculine/feminine, and man/woman, in order to define transgender identity.

But according to Whittle (2006) the transgender identity cannot be easily defined; it can “encompass discomfort with role expectations, being queer, occasional or more frequent cross-dressing, permanent cross-dressing and cross-gender living, ... take up as little of your life as five minutes a week or as much as a life-long commitment to reconfiguring the body to match

the inner self” (p. xi). It is by no means easy (or possible) to define a transgender community to include the variety of experiences of bigendered trans-people, butch trans-lesbians, drag kings, drag queens, non-operated transgender-identified, and many more (like Hamideh and the married FtM) whose sexed bodies, gender identities and expressions, and sexual desires and acts are multifaceted.

Conclusion

I have argued in this chapter that through the asylum process the dichotomy of “discreet”/“non-discreet” citizen reemerges. This dichotomy, on the one hand, tends to disregard the asylum seeker’s experiences of persecution should she/he been acting indiscreetly in home country, and, on the other hand, expects the asylum seeker to remain discreet in the country of destination, that is to remain within a heterosexual matrix with relatively normative gender roles.

Moreover, I have discussed how the definition of refugee within the asylum law together with the practices and misconceptions of the immigration judges, have disciplining and normalizing tendencies for transgender asylum seekers, expecting them to perform stereotypically as “a transgender” and assimilate within the UNHCR definition of transgender along the binary of male/female and man/woman so to increase their merits of being recognized as refugee.

The conjuncture of these two trends put transgender asylum seekers in a paradoxical situation. I discussed the case of an FtM whose case was rejected in UNHCR because the person had got married. This example is of great importance, I think, not just because it points to the subjective interpretations of immigration judges and their arbitrary decisions of who is transgender, which is partly derived from the problematic definition of refugee in the international asylum law, but also because it puts the transgender asylum seekers in a paradoxical situation:

In the first part of my discussions in this chapter I discussed that immigration judges expect transgender asylum seekers to remain discreet both back home and in the destination country, by which they mean, among other things, to marry, start a heterosexual family, and resemble other “normal” men and women, so to avoid persecution. Yet, as it is clear from the example of the rejected case of the married FtM, transgender people (at least married FtMs) might risk not being recognized by immigration judges as a “transgender” after marriage. This paradoxical situation might work at discriminating against those transgenders who, as it is expected by immigration judges, have been acting discreetly back home (e.g. they got married) but, as a result of that discreet behavior, they are not anymore perceived as a member of the particular social group of transgender, and thus not eligible to be granted the refugee status.

I have also argued through this chapter that there is an on-going interaction between the heteronormalizing forces of Islamic Republic and that of international politics of gender and sexuality which is recognizable and can be traced in international asylum process. Immigration judges’ referring to the permission of sex change surgery in Iran as a reasonable justification which should convince Iranian transgender people not to seek asylum, and Iranian transgender asylum seekers’ employment of the certificate issued by Gender Identity Disorder clinics in Tehran through the asylum interview at UNHCR to prove that they are transgender, are two illustrative examples of this interaction between national and international heteronormalizing forces. While Gender Identity Disorder clinics in Iran were established, their main function was to assimilate individuals within the Islamic Republic heteronormative order, but, subjected to global interactions, they have acquired new meanings, uses and configurations.

Conclusion

I have argued through the thesis that throughout the last two hundred years there has been an ongoing mutual constitution and interaction between dominant politics of gender and sexuality in Iran and that of the West. This interaction has not been a one-way relationship, but Iranian and western (and other) modernities have informed and have been informed by each other. Nevertheless, this mutual constitution has occurred within the context of hierarchical international power relations.

Tracing the transformation of gender and sexual relations and politics in Iran since Qajar Dynasty (1794-1925), I have shown that the heteronormalizing *process* of Iranians' sensibilities is rooted in the early interactions between modernists of Qajar Era and Europeans. This process, as I have discussed, continued through Pahalvi Dynasty (1925-1979) along with the increasing relationships with western powers and elites. The rise of Islamic Republic accelerated that process of heteronormalization by establishing a heteronormative social order within the context of which transgender people and homosexuals emerged as distinct "species" (Foucault 1990, p.43).

While sex change operations are allowed in Islamic Republic and same-sex relationships are criminalized, I have shown how the dominant discourse informing the permission of sex-change surgeries is shaped by the confluence of a set of western scientific discourses and classical Islamic ones, rendering transsexuals as "patients" in need of psychological or surgical treatment, and homosexual as "perverts" in need of punishment.

Yet, the heteronormalizing politics are not at all limited to Islamic Republic, but is clearly present within international bodies such UNHCR. Although major representations of Iran and West by the world press are still affected by colonial and orientalist legacies, which depict Iran as the uncivilized/pre-modern/evil and West as the civilized/modern/free entity, I have examined the asylum process of Iranian transgender people to point out the disciplining and normalizing tendencies embedded in the international asylum law, immigration judges' prejudices, and NGOs working on the ground. I have argued that this disciplining trend on international level, which is also informed by Islamic Republic politics of gender and sexuality, works at discriminating against those Iranian transgender asylum seekers who do not fit within the dominant definition of discreet transgender citizens along the binary lines of male/female and man/woman.

For my future researches, I am interested in meeting my transgender interviewees in the country of destination. I am eager to know if they have reached what they were looking for, how their new social and political context has shaped their self-perception of their gender and sexual identities, what kind of new bonds and groups they have made in the new context, and etc. I like to locate such ethnography within the context of global frictions: how their refugee status, Iranian nationality, and transgender identity have shaped their lived experiences in the West, and what it again would tell us about the consequences of interactions between Iranian and Western modernities.

References

- Abrahamian, Ervand. 1982. *Iran between Two Revolutions*. Princeton, NJ: Princeton University Press.
- Afary, Janet, Kevin Anderson, and Michel Foucault. 2005. *Foucault and the Iranian Revolution: Gender and the Seductions of Islamism*. Chicago: University of Chicago Press.
- Afary, Janet. 2009. *Sexual Politics in Modern Iran*. Cambridge, UK: Cambridge University Press.
- Āğūdānī, Māšā'allāh. 1997. *Mašrūṭa-yi Īrānī Wa Pīš Zamīnahā-yi Naẓarīya-yi "wilāyat-i Faqīh"* London: Fasl-e Ketab Publications.
- Alexander, M. Jacquil. 1994. "Not Just (Any) Body Can Be a Citizen: The Politics of Law, Sexuality and Postcoloniality in Trinidad and Tobago and the Bahamas" in *Feminist Review*, No. 48, The New Politics of Sex and the State, pp. 5-23.
- Anderson, Benedict. 1983. *Imagined Communities*. London: Verso.
- Awhadi, Behnam. 2005. *Tamayulat va raftarha-ye jensi-ye tabi'i va ghayreh tabi'i-ye ensan* [Natural and Unnatural Human Sexual Tendencies and Behaviours]. Esfahan: Sadegh Hedayat Publishing.
- Bahreini, Raha. 2008. "From Perversion to Pathology: Discourses and Practices of Gender Policing in the Islamic Republic of Iran." *Muslim World Journal of Human Rights* 5, no. 1.
- Benjamin, Harry. 1966. *The Transsexual Phenomenon*. New York: Julian Press
- Berger, Susan A. 2009. "Production and Reproduction of Gender and Sexuality in Legal Discourses of Asylum in the United States." *Signs: Journal of Women in Culture and Society* 34, no. 3: 659-85. doi:10.1086/593380.
- Butler, Judith. 1993. "Imitation and Gender Insubordination" in Henry Abelove et. al. (eds.), *The Lesbian and Gays Studies Reader* (New York and London: Routledge), pp. 307-321
- Butler, Judith. 2006. *Gender Trouble: Feminism and the Subversion of Identity*. New York: Routledge.
- Collinson, Sarah. 1996. "Visa Requirements, Carrier Sanctions, 'Safe Third Countries' and 'Readmission': The Development of an Asylum 'Buffer Zone' in Europe" in *Transactions of the Institute of British Geographers*, New Series, Vol. 21, No. 1, pp. 76-90.

Dogrouz, Hakan. 2008. *Muslim Entrepreneurs and Alternative Modernities: The Case of Musiad*, Submitted to Central European University Department of Sociology and Social Anthropology.

Eshaghian, Tanaz. 2008. *Be Like Others*, DVD. Iran, Canada, U.S.: Wolfe Video.

Farahmand, Anna. 2010. *Gender Identity and Sex Reassignment Surgery* [in Persian] available at http://www.gid.org.ir/main_f.htm. [last access: June 6th 2011]

Fathi, Nazila. 2004. "As Repression Eases, More Iranians Change their Sex." *New York Times*, August 2, World sec.

Fausto-Sterling, Anne. 2000. *Sexing the Body: Gender Politics and the Construction of Sexuality*. New York, NY: Basic Books.

Faiola, Anthony. 2010. "Gay refugees flee to Turkey, Seeking freedom" in *Washington Post*, April 3rd available at http://articles.sfgate.com/2010-04-03/news/20833453_1_gay-men-gay-activists-iran [last access June 6th 2011]

Foucault, Michel. 1990 [1978]. *The History of Sexuality*. New York: Vintage Books.

Foucault, Michel. 1991. "Governmentality", trans. Rosi Braidotti and revised by Colin Gordon, in Graham Burchell, Colin Gordon and Peter Miller (eds) *The Foucault Effect: Studies in Governmentality*, pp. 87–104.. Chicago, IL: University of Chicago Press.

Foucault, Michel. 1995. *Discipline and Punish: the Birth of the Prison*. New York: Vintage Books.

Geneva Convention, 1951. available at <http://www.unhcr.org/3b66c2aa10.html> [last access June 6th 2011]

Graham, David. 2010. "Underground railroad ends in Toronto for gay Iranian refugee" in *thestar*, Nov 19th, available at <http://www.thestar.com/living/article/894168--underground-railroad-ends-in-toronto-for-gay-iranian-refugee> [last access June 6th 2011]

Green, Richard, and John Money. 1969. *Transsexualism and Sex Reassignment*. Baltimore: Johns Hopkins Press.

Halperin, David. 1993. "Is There a History of Sexuality" in Henry Abelove et. al. (eds.), *The Lesbian and Gay Studies Reader* (New York and London: Routledge), 1993, pp. 416-432.

Halperin, David. 2003. "The Normalization of Queer Theory," *Journal of Homosexuality*, v. 45, pp. 339-343

Harrison, France. 2005. "Iran's Sex-Change Operation." *BBC Newsnight*, January 25.

Hays, Matthew. 2008. "Iran's gay plan." *CBC*, August 26th, available at <http://www.cbc.ca/news/arts/film/story/2008/08/26/f-homosexuality-iran-sex-change.html> (last access: June 6th 2011)

Hines, Sally. 2007. "(Trans)forming Gender: Social Change and Transgender Citizenship" in *Sociological Research Online*, volume 12, issue 1, available at: <http://www.socresonline.org.uk/12/1/hines.html> [last access: June 6th 2011]

Hines, Sally. 2009. "A Pathway to Diversity?: Human Rights, Citizenship and the Politics of Transgender." *Contemporary Politics* 15, no. 1: 87-102.

Ireland, Doug. 2007. "Change Sex or Die." Available at http://direland.typepad.com/direland/2007/05/change_sex_or_d.html (last access: June 6th 2011)

Jenkins, Ellen. 2010. *Taking the Square Peg Out of the Round Hole: Addressing the Misclassification of Transgendered Asylum Seekers*, 40 *Golden Gate U.L. Rev.*, available at <http://digitalcommons.law.ggu.edu/ggulrev/vol40/iss1/4> last access [June 6th 2011]

Juang, Richard. 2006. "Transgendering the Politics of Recognition." In *The Transgender Studies Reader*, ed. Susan Stryker and Stephen Whittle. New York: Routledge.

Kariminia, Mehdi. 2009. "Barresi-e Mabani-ye Fegh'hi va Hoghughi-ye Taghir-e Jensiati" [An Analysis of the Religious and Legal Bases of Sex-Change] *Iranian Society for Supporting Individuals with Gender Identity Disorder*, March 25, 2008, maghalat section, available at http://www.gid.org.ir/main_f.htm. [last access: June 6th 2011]

Kaya, Ibrahim. 2004. "Modernity, Openness, Interpretation: A Perspective on Multiple Modernities." in *Social Science Information* 43(35): 35-57

Keely, Charles B. "The International Refugee Regime(s): The End of Cold War Matter" in *International Migration Review*, Vol. 35, No. 1, Special Issue: UNHCR at 50: Past, Present and Future of Refugee Assistance, pp. 303-314

Khomeini, Ruhallah. 1967 [or 1968 (1378ah)]. *Tahrir al-wasila*. Najaf, Iraq: Matba'at al Arab.

Kollman, Kelly, and Matthew Waites. 2009. "The Global Politics of Lesbian, Gay, Bisexual and Transgender Human Rights: an Introduction." *Contemporary Politics* 15, no. 1: 1-17.

LaViolette, Nicole. 2009. "Independent human rights documentation and sexual minorities: an ongoing challenge for the Canadian refugee determination process" in *The International Journal of Human Rights* Vol. 13, Nos 2-3, 437-476

LaViolette, Nicole. 2010. "UNHCR Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity: A Critical Commentary" in *International Journal of Refugee Law*, July 2010, 22 INTJREFL 173.

Lerner, Daniel. 1964. *The Passing of Traditional Society: Modernizing the Middle East*. New York: Free Press.

Lister, R. 1997. *Citizenship: Feminist Perspectives*, London: Macmillan.

Mangez, Caroline. 2005. "Iran's Transsexual Revolution." *The Independent*, November 13. Available at <http://wincoast.com/forum/showthread.php?30983-Iran-s-Transsexual-Revolution> (last access: June 6th 2011)

Marshall, T. 1950. *Citizenship and Social Class and Other Essays*, Cambridge: Cambridge University Press.

Millbank, Jennie. 2009. "From discretion to disbelief: recent trends in refugee determinations on the basis of sexual orientation in Australia and the United Kingdom," 13 *The International Journal of Human Rights* 2,3, 391-414.

Miller, Jim. 1993. *The Passion of Michel Foucault*. New York: Simon & Schuster.

Montreal Declaration. 2006. available at <http://www.declarationofmontreal.org/declaration/> [last access June 6th 2010]

Morgan, Deborah A. 2006. "Not Gay Enough for the Government: Racial and Sexual Stereotypes in Sexual Orientation Asylum Cases." *Law and Sexuality: A Review of Lesbian, Gay, Bisexual, and Transgender Legal Issues* 15:135-62

Najmabadi, Afsaneh. 2005a. "Mapping Transformation of Sex, Gender, And Sexuality in Modern Iran." in *Social Analysis*, Volume 49, Issue 2, Summer 2005, pp. 54-77

Najmabadi, Afsaneh. 2005b. *Women with Mustaches and Men Without Beards: Gender and Sexual Anxieties of Iranian Modernity*. Berkeley and Los Angeles: University of California Press.

Najmabadi, Afsaneh. 2005c. "Truth of Sex," *Iranian.com*, January 12, available at <http://www.iranian.com/Najmabadi/2005/January/Sex/index.html> (last access: June 6th 2011)

Najmabadi, Afsaneh. 2008. "Transing and Transpassing across Sex-Gender Walls in Iran" in *Women's Studies Quarterly*, Vol. 36, No. 3/4, Trans-, pp. 23-43

O'Leary, Barry. 2008. "'We Cannot Claim Any Particular Knowledge of the Ways of Homosexuals, Still Less of Iranian Homosexuals ...': The Particular Problems Facing Those Who Seek Asylum on the Basis of Their Sexual Identity." *Feminist Legal Studies* 16, no. 1: 87-95. doi:10.1007/s10691-007-9080-z.

Oram, 2009. *Unsafe haven: LGBT asylum seekers and refugees in Turkey*, available at <http://oraminternational.org/sites/default/files/pdf/Unsafe%20Haven%20Final.pdf> [last access June 6th 2011]

Ottosson, Daniel. 2007. *State Sponsored Homophobia*, available at http://ilga.org/historic/Statehomophobia/State_sponsored_homophobia_ILGA_07.pdf [last access June 6th 2011]

Padgug, Robert A. 1979. "Sexual Matters: on Conceptualizing Sexuality in History." in *Radical History Review*, Spring/Summer 1979, pp. 3-23

Paidar, Parvin. 1995. *Women and the Political Process in Twentieth-century Iran*. Cambridge [England: Cambridge University Press.

Plummer, K. (1995) *Telling Sexual Stories: Power, Change and Social Worlds*, London: Routledge.

Political Science Website, *Iranian Civil Code*, available at http://politicalscience.socialsciencedictionary.com/Civil-Code-of--the-Islamic-Republic-ofIran/Article_939

Rawls, John. 1971. *A theory of justice*. Oxford: Oxford University Press.

Rayisi, Firouzeh, and Abas Ali Nasehi. 2004. *Ekhtelal-e Hoviat-e Jensi* [*Gender Identity Disorder*]. Tehran: Entesharat-e Tehran Seda.

Richardson, D. 1998. 'Sexuality and Citizenship', *Sociology*, 32.

Richardson, D. 2000. 'Claiming Citizenship?: Sexuality, Citizenship and Lesbian/Feminist Theory', *Sexualities*: 3(2).

Richardson, D. 2004. 'Locating Sexualities: From Here To Normality' *Sexualities*, 7(4), 391-411

Rubin, Gayle. 1983. "Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality." In *Pleasure and Danger: Exploring Female Sexuality*, ed. Vance, Carole S. and K, Paul. Boston: Routledge. pp 267-319.

Said, Edward. 1991 [1978]. *Orientalism: Western Conceptions of the Orient*, 3rd edn, Penguin, Harmondsworth

Saiz, Ignacio. 2004. "Bracketing Sexuality: Human Rights and Sexual Orientation: A Decade of Development and Denial at UN" in *Health and Human Rights*, Vol 7, No. 2, Sexuality, Human Rights and Health, pp. 48-80.

Sanasarian, Eliz. 1982. *The Women's Rights Movement in Iran: Mutiny, Appeasement, and Repression from 1900 to Khomeini*. New York, NY: Praeger

Sanders, Paula. 1991. "Gendering the Ungendered Body: Hermaphrodites in Medieval Islamic Law." In *Women in Middle Eastern History: Shifting Boundaries in Sex and Gender*, ed. Beth Baron and Nikki Keddie. New Haven: Yale University Press.

Speak Equal. "Believe it or not: Iran set to approve transsexual marriage." September 12, 2009. available at <http://speakequal.com/?p=2202> (last access: June 6th 2011)

Stoller, Robert J. 1968. *Sex and Gender; on the Development of Masculinity and Femininity*. New York: Science House.

Stryker, Susan. 2006. "(De)Subjugated Knowledges: An Introduction to Transgender Studies." In *The Transgender Studies Reader*, ed. Susan Stryker and Stephen Whittle. New York: Routledge.

Stychin, C. (1998) *A Nation By Rights: National Cultures, Sexual Identity Politics and the Discourse of Rights*, Philadelphia: Temple University Press.

Tait, Robert. 2005. "A Fatwa for Freedom." *Guardian*, July 27, World News sec.

Tait, Robert. 2005. "Sex-change Iranian actor returns to screens." *Guardian*, 19 March, available at <http://www.guardian.co.uk/world/2010/mar/19/iranian-actor-sex-change> (last access: June 6th 2011)

Thompson, Michael J. 2005. "Foucault and the Iranian Revolution: Gender and the Seductions of Islamism", Book Review, available at http://www.dissentmagazine.org/democratiya/article_pdfs/d1Thompson.pdf (last access June 6th 2011)

Tsing, Anna. 2005. "Introduction" in *Friction: An Ethnography of Global Connection*. Princeton, NJ: Princeton University Press, pp1-20.

Tumlin, Karen C. 2004. "Suspect First: How Terrorism Policy Is Reshaping Immigration Policy" in *California Law Review*, Vol. 92, No. 4, pp. 1173-1239

Turner, B. and Hamilton, P. 1994. *Citizenship: Critical Concepts*, London: Routledge

UNHCR, 2008. *UNHCR Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity*, available at: <http://www.unhcr.org/refworld/pdfid/48abd5660.pdf> [last access June 6th 2011]

UNHCR, 2010. *UNHCR Global Appeal 2010-2011: Turkey*, available at <http://www.unhcr.org/4b0507139.html> [last access: June 6th 2011]

Valentine, David. 2007. *Imagining Transgender: an Ethnography of a Category*. Durham: Duke University Press.

Waites, Matthew. 2009. "Critique of 'sexual Orientation' and 'gender Identity' in Human Rights Discourse: Global Queer Politics beyond the Yogyakarta Principles." *Contemporary Politics* 15, no. 1: 137-56

Walby, Sylvia. 1994. "Is Citizenship Gendered?" *Sociology* 28, no. 2: 379-95.

Weeks, J. 1995. *Invented Moralities: Sexual Values in an Age of Uncertainty*, Cambridge: Polity Press.

White, Jane. 2009. "Iran's Transsexual Revolution" *Marie Claire Magazine*, December 18, available at <http://www.marieclaire.com/world-reports/opinion/iranian-transsexuals> (last access: June 6th 2011)

Whittle, Stephen. 2006. "Foreward." In *The Transgender Studies Reader*, ed. Susan Stryker and Stephen Whittle. New York: Routledge.

Yogyakarta Principles. 2007. available at <http://www.yogyakartaprinciples.org/> [last access: June 6th 2011]

