

Melike Çınar

“They make your Life like Shit“ - Masculinity and Violence against Transgender People in Istanbul

Inhalt

1. Theoretical Approach	3
1.1. Theory of Masculinity	4
1.2. Theory on Transgender People	5
2. Masculinity and Violence	7
3. Analyses of the Interviews	7
3.1. Assumption – the Misogynist Argument	7
3.2. The Police	9
4. The Misdemeanour Law	13
4.1. The Law	13
4.2. The Bonus System	17
5. Transmen and transwomen	19
6. Conclusions	20
7. References	21
8. Glossary	23
9. Fragen zum Text	24
10. Links (Auswahl)	24
11. Angaben zur Autorin	24



“They make your Life like Shit“ - Masculinity and Violence against Transgender People in Istanbul

Dedicated to Şevval, Rüzgar, Demet and all other survivors in the world, and to all those who did not survive.

By Melike Çınar

Introduction

In April 2009 Ebru Soykan, a transwoman from Istanbul, was murdered in front of her house. The message about her death came from activists in Turkey who used their networks to create visibility and awareness for the friend they had lost through violence. I was shocked but at the same time impressed by the quickness with which people reacted and interacted. The Berlin-based NGO GladT¹ wrote a letter to the embassy and different groups, persons and networks expressed their empathy and solidarity with the community in Istanbul. Transgender people face various forms of violence all over the world, and explicitly transwomen are the target to direct physical violence and killings. I asked myself why that was that way and started planning a project on this issue. All over the world, NGOs and state institutions report specific transphobic crimes which are committed against transwomen, and yet not against transmen.²

This article derived from my diploma thesis in political science with the title “The construction of masculinity and male power in violent acts against transgender people – problem-centered interviews with transgender activists and NGO-lawyers in Istanbul”. The thesis was written in 2010/2011, all interviews were made in fall 2010. To gather my data I conducted two types of interview; problem-centred interviews (PCI) with activists in Istanbul informed by Andreas Witzel (2000), and expert interviews informed by Bogner (2005). This does not mean to say that I perceive the lawyers as experts on transgender. The activists are experts on activism and on themselves. The lawyers are experts for the law. In terms of methodology though, I asked the lawyers more factual questions, whereas the activists were encouraged to express whatever they associated with my questions.

In this article I will first provide an insight into my research design and the methods. Then I will present my theoretical background and present some of the interview analyzes. Then follow the conclusions and the glossary.

As literature on transgender people’s background in Turkey is non-existent outside the activists’ gathered data, I conducted interviews with two NGO’s lawyers in order to gain factual information. I recorded five interviews - three PCIs with activists and two expert interviews with lawyers. One PCI was conducted with a well-known activist who is very used to giving interviews. I did not succeed in generating a real narration, so I also treat this interview as an expert interview. The interviews with Demet and Şevval were conducted in the rooms of their NGOs, thus in their workspaces. The interview with Rüzgar was conducted in his flat. Fırat talked to me in his law office. Yasemin and I met in a café in Istanbul. I assured everybody that their personal data would be treated anonymously. All of my interview partners declined this and welcomed the use of their true data. This was a point at which I discovered something about my own perception of the people I talked to. As I am sure that they are all aware of the implications of their wishes (possible visibility via the Internet or other sources) I am honouring their requests. I refer to everybody by first name, but do not reveal their family names here. I also do not talk about the NGOs anonymously. My interview partners are not clandestine but proud of what they do and not intimidated. All of NGOs I discuss here are widely publicized and can be found easily on the Internet.

All interview partners do not speak English as their mother tongue, nor do I. Still, three interviews were led in English, and two in Turkish. These have therefore been translated, and methodically I have to take into account that every interview may carry translation mistakes or imprecise translations. Methods such as objective hermeneutics could not have been applied in my work, as they require cultural and linguistic knowledge of the spoken language.

The key question in this article as well as in the thesis is “what is it that so frequently makes transwomen the targets of specific crimes?” After asking myself why transwomen were targeted in specific crimes, and in my



reading and discussion on the topic I came up with a few possible answers -

- First: Transmen are less detectable.
- Second: It is misogyny.
- Third: It is hatred towards sex workers.

However none of these seemed sufficient, and I came to the conclusion that these three answers were empirically wrong. It is striking that the last two answers disregard the specific phenomenon of transphobia, but endeavour to shift the crime trigger to causes other than being transgender. I suspected a function behind the violence which was linked to the construction of masculinity. Openly transmen affirm that they face different forms of discrimination, not necessarily physical violence. Misogyny though would deny the existence of the specific phenomenon of transphobia. On top of that, misogyny would infer that the people attacking transwomen attack all women, which is obviously not the case. Transwomen are not the targets of a row of crimes against women, but are specially targeted by transphobic crime. It is true that, all over the world, many transwomen are sex workers, sometimes out of economic necessity, but I could not believe that sex workers in general experienced the same level of violence against them. I decided then to examine the dimension of masculinity in crimes targeting transwomen. I chose to conduct interviews in Turkey for my research, because the activists in Turkey are admirably effective in gathering evidence, networking and organising. In addition, the frequency of attacks in Turkey is very high, a fact which is conveyed to the international public by activists' efforts to make the attacks known. In the research structure I planned to gather information about the perpetrators by interviewing the targets. This too, though, was problematic as I had no direct access to the targets. During my field research I enlarged the research question in order to query in detail how the system of exclusion operates, and how persons to be excluded are 'marked'. I interviewed three experienced activists, and two lawyers of NGOs. The activists' focus was on police violence. That, in an inductive way, shifted my focus to the state institutions and how society reflects them. Such a shift was not intended, but became necessary - I consider the critical review, adaptation and dismantling of assumptions to be an important part of qualitative social research. The relevance within political science is that state institutions are structured by perceptions of sex and gender.

As such the police, acting at the behest of the state, are reportedly protecting those structures put in place to keep order and to enforce law. Public spaces are also structured into the system of the gender order, and thus reproduce state impositions.

The thesis is an empirical work and so in this article I focus on the interviews as center parts. The data I used come from five interviews I led in Istanbul.

To augment the understanding of this work - while also not wanting to overburden the text - I have included a glossary of the terms I use in the very final chapter of this article (see 8.).

I will now provide an insight into my own background, positioning myself as an entity within the research. Particularly in qualitative research it has become common practice for a researcher to denounce the notion of oneself as an objective source, and to instead provide an insight into the personal position (Bourdieu 1997): I was born as the daughter of a bi-national marriage. My father is a first-generation migrant and came from Istanbul to study in Germany. My mother comes from a German working-class family. I was born and raised in Berlin, Germany, and went to the first German-Turkish kindergarten. The colour of my skin is white, but I have a Turkish name and thus frequently become the Other on the basis of race. I am a gender activist, cisgender,³ and associated with several grassroots, human rights NGOs. Why did I choose to write on topics of transgender and masculinity although I embody neither? I want to clarify that I am by no means simply writing about the Other. I write not as a person outside the 'otherness' of transgendered identities, but as a person who exists within the same set of 'othernesses'. (White, heterosexual) men are not the Other, they are the norm which creates and excludes the Other - such as, for example 'me as a woman', 'me as a person of colour', 'me as a feminist', 'me as a homosexual'. I am an active part of the Berlin genderqueer scene and position myself close to the post-gender aspects of that culture. I am a feminist and will be a post-feminist in post-patriarchy.

1. Theoretical Approach

This article is located in the field of Men's Studies,



studies on violence and gender studies / queer theory. I want to give an overview on the theoretical basis of my work.

1.1. Theory of Masculinity

A 'Study of Masculinity' would have been inconceivable in traditional sociology - 'the man' was presupposed, an unchallenged given. The social sciences first experienced a sensitivity to gender in the 1970s as a result of second-wave feminism's engagement in academic criticism. The theories posited by feminist academics became the departure point for the development of men's studies, the roots of which can be traced to the late 1970s. In two points of connection, however, men's studies diverge broadly.⁴ Gender theory set forth an argument for the repressive mechanisms of the 'masculine gender role' - a trend in the social sciences which has since been displaced by the rudiments of social constructivism. Feminist critique of patriarchy was the departure point for debate on masculinity, in which the central concept of 'patriarchy' was largely detached from 'hegemonic masculinity'. Nowadays, gender sociology presupposes a multitude of masculinities, not all of which are hegemonic. In the 1990s, with the advancement of a social-constructionist paradigm, debate ensued the significance of the deconstructed body. Since that time one may speak of a return of the corporeal in men's studies.

The rudiments of men's studies, which during the 1980s were aligned with feminist concepts of patriarchy, examine masculinity from the perspective of theories of power and social criticism (Bereswill 2007). Amongst the most influential pieces of literature in the development of men's studies is 'Gender of Oppression' by Jeff Hearn (1987). Hearn conceives capitalism and patriarchy as two interwoven systems of repression, one unable to exist without the other. Diverging from feminist concepts of patriarchy he emphasises that men (homosexual men, in this case) are also repressed by patriarchy. The basis of male power is however the repression of women - according to Hearn patriarchal power is based on the appropriation of a female workforce. The patriarchy's central instrument of power is control over the female body and female sexuality. Patriarchal theories fundamentally spring from the idea that all men benefit from the patriarchy, even if they are themselves also sub-

jected its repressions (Meuser 2006).

The concept of 'hegemonic masculinity' developed by Carrigan, Connell and Lee (1985) also derived from established concepts of patriarchy. The idea of the patriarchy was however developed in cultural theory. Imposed repression through male dominance - extrapolating on Gramsci's definition of hegemony - was replaced by the acknowledgement of cultural norms for men and women (Bereswill 2007). Connell does not, however, entirely reject the expression 'patriarchy', even in her newer works she defines hegemonic masculinity as "a configuration of gender-specific praxis, which embodies the currently defined answer to legitimation of the patriarchy (...)" (Connell 1999).

Generally speaking, the expression patriarchy may be considered an analytical expression which no longer plays a role in men's studies, since the patriarchy concept no longer plays a role even in women's studies. The gender paradigm that was advanced in the 1990s enabled a new view of masculinity - all areas in which masculinity is constructed are potential objects of enquiry without recourse to implicit, received categories. Men's studies aim to analyse systems of power and repression without presupposing a uniform system of power existent in all areas of society. New inter-sectional approaches to analysis in men's studies systematically invoke (alongside gender) race and class as dimensions of social imbalance. Instead of masculinity, multiple 'masculinities', also subject to change, are considered.⁵

The concept of 'hegemonic masculinity' has been established as a primary concern of men's studies, and for this reason that I would like to give it a somewhat more in-depth introduction at this juncture (Meuser 2006). The concept was systematically developed in 1983 in the Carrigan/Connell/Lee essay "Towards a New Sociology of Masculinity", which addressed the literature on male gender roles prevalent at the time. The concept, which grew from somewhat weak, empirical basis, has since become a greater framework for investigation and debate on men and masculinities (Connell 2005). In the following paragraphs the concept of hegemonic masculinity as Connell outlined it in her 1995 book "Masculinities" will be addressed.

The most important assertion of the concept of hegemonic masculinity is the principle of assuming a



multitude of hierarchically ordered masculinities, while not losing sight of male dominance over women. This shift in paradigms has enabled a wealth of historical and ethnographic inquiry over the past two decades, which have evidenced the existence of various class and race-specific masculinities. One example are studies into the 'protest masculinities' of youths with immigrant backgrounds (Tertilt 1999).

In conjunction with Gramscian theories of hegemony, Connell views male dominance as a hegemony supported by a cultural consensus in which the dominated – at least in part – are implied (Connell 1999). Hegemonic masculinity is a two-fold system of relations – to the Other and to one's own gender. Not only has the systematic repression of the female by the male received theoretical appraisal, but also behaviours of dominance between men (Meuser 2006). The hegemony consists first and foremost of a correlation between authority and masculinity.

Analogous to Bourdieu, who aligns a (class) habitus with each social class, Michael Meuser presupposes the existence of gender habitus; he speaks only of "different patterns" in which the gender habitus manifests itself (ibid.:117). Hegemonic masculinity is, according to Meuser, the point of reference of doing masculinity, which is underpinned by the under-privileged through acquiescence and submission.

Meuser observes a "pluralisation of hegemonic masculinities". According to his notion there can be a variety of hegemonic masculinities within a society. He however rejects the assigning of a "hegemonic masculinity" to environment or subculture – the term only has currency when a hegemonic masculinity unleashes a normative effect on its respective social field. If a man lives according to the masculine habitus, effectively should his behaviour be in harmony with the "everyday order of the unquestioned and self-evident", Meuser speaks of a "habitual security".

1.2. Theory on Transgender People

An overwhelming majority of people today assume that there are two sexes: men on the one side - women on the other. Every child knows that there are men and women, and only men and women. Using a public ba-

throom already quite plainly shows that the two sexes are divided. Disabled persons seem to be the exception; doors of public bathrooms ask usually if the person is male, female or disabled - they are constructed as sexless, divided toilets for disabled persons are rarely found. If there is not enough space for disabled toilets, they are usually integrated into the ladies' room. The perception of gender which structures our life is a product of our time. The perception that there are men and women, who can be differentiated by physical attributes and to whom different roles belong, has by no means existed since the dawn of time and must not necessarily exist forever.

Thomas Laqueur evidences in his work "Making Sex. Body and Gender from the Greeks to Freud" that the simple existence of (two) different distinctions of sex characteristics did not always necessarily mean the perception of two different sexes. In medieval times, in Western cultures as well as in the Middle East, female genitals were seen as inwardly developed male genitals. Prior to the eighteenth century, it was a common belief that women and men represented two different forms of one essential sex: that is, women were seen to possess the same fundamental reproductive structure as men, the only difference being that female genitalia were inside the body, not outside of it. These differences were not intended to be of significance: "no one was much interested in looking for evidence of two distinct sexes, at the anatomical and concrete physiological differences between men and women, until such differences became politically important" (Laqueur 1990).

Laqueur's conclusion about the development from one model to the other is called the 'one-sex, two-sex theory'. It claims that the switch from the one-sex model to the two-sex model created the foundations of gender as we know them today (ibid.:149). In the beginning of the eighteenth century, experts with authority determined what was natural and what was not. The new gender order was claimed to be based on natural circumstances. A natural difference between men and women constituted them as incomparable. Before that, the biological sex and the more abstract gender-constituting role expectations were not connected. Thus a link was created between biological sex and theoretical gender, and anything that transgressed these boundaries was seen as being abnormal. Existing inequalities



in the social class order became natural. From this new understanding, it was possible to deduce that different social classes and roles were naturally predestined, and manifested in different bodies (Greif 2005). The union of these opponents through heterosexual practice became the human ideal.

The development of the binary gender order shows that there is no necessary, natural binary gender order, but different cultural constructions of gender (Hagemann-White 1988). The binary gender order can up to this day be seen as a knowledge system (Hirschauer 1996), as a “matter of objective, institutionalised facts, i.e. moral facts” (Garfinkel 1967), which is almost invisible as long as one copes with it and can fit within the rules of the system. A knowledge system is one in which one simply knows about sex and recognises others’ sex, as long as these persons are in the scope of the binary gender order. Such boundaries of the binary gender order become of utmost significance when one is unable to fit within their guidelines. As long as one can adhere to them without trouble, they are unlikely to even be noticed. All human bodies are modified bodies, all are shaped according to cultural practices. A knowledge system is thereby always created in terms of negotiating norms. For my understanding, both sex and gender are constructed in and consist of an ongoing process of interactive recognition. Social interaction takes place in structures shaped by power which create norms; deviation from those norms is usually sanctioned. Such norms are therefore violent or, in other words - the possibility of violence is included in all social interaction.

Transgender refers, in this work, to all people who (want to) live as another gender than they were assigned at birth. Transgender people face very specific phenomena - ignorance, hatred, discrimination and general rejection, often also from within their own families.

As there is no natural division of two sexes to link expectations of external appearance and behaviour to sex, the construction of deviances which need to be sanctioned becomes necessary. Without assessment and sanctioning, the system cannot subsist. People with disabilities become abnormal; homosexuals become deviant and also a menace to the existing order.

Some of the most meaningful theoretical works on

transgender were written by Viviane Namaste’s criticism of existing theories and Susan Stryker’s documentation of the history of transgender people. Within academic research on gender, Namaste says, transgender people lead ‘invisible lives’, they were often ‘erased’ from theories and also erased by the gay communities (Namaste 2000). According to Stryker, feminism in the 1970s even went so far as to reject transgender practices and damned them as “personal solutions” (ibid.:2). There was a tangible eruption of transphobia within a feminist context when, for example, the transwomen Beth Elliott was banned from lesbian and feminist conferences in North America in 1973 on the grounds of being perceived as a spy for the patriarchy. She was told ‘you are not a woman’ and was even accused of applying for the conferences to have an easy opportunity for rape (ibid.:103). Only with third-wave feminism a somewhat transgender feminism did emerge: differences between women came into consideration, and intersectional experiences of discrimination were focused upon. The theories on intersectionality (including Ina Kerner, Irene Browne and Joya Misra), as well as the whole study of Queer Theory (such as Judith Halberstam, Sarah Ahmed, Judith Butler) and Post-Queer Theory (such as Gregory Gajus) started stressing differences in race, class and gender, as well as taking into account the specific situation of transgender.

Where there are rules, there must be exceptions. The existence of rules that must be controlled indicates that the binary gender system is not of natural emergence. What needs to be regulated and controlled cannot be natural. Claiming a space outside the system means to be a special case, whether this is chosen freely or not, in a way which is considered positive or negative. Attempts to integrate the Other into the system means, by necessity, changing the system. Transgender people are the exception of what is commonly understood to be the definition of sex. This definition, the “everyday theory of binary gender order,” (Hagemann-White 1984) states that sex is fixed and immutable, and has two different forms: the male and the female. Transgender people create a “sense of unease (...) in the morally and existentially loaded realms of sexuality and identity” (Kandiyoti 1998).

The specific phenomena which transgender people are subjected to have been legitimised in medical examination since the twentieth century. The biomed-



cal discourse, to cite Michel Foucault, is a hegemonic framework of reference for the locking-down in a power relation the norms which relate to the body. Not just sex and gender alone, but the whole body is the ultimate place for observation and ideological control (Foucault 1973). The medical gaze of doctors and legal institutions sanction bodies which dissent from the norm and makes them productively and economically useable. Medical science plays an important role because it categorises bodies as normal or abnormal, independent or dependant upon support. Medical science, and not biology (which is often blamed) (Lang 2006), thus produces the anomalies it knows and which must be treated. “Especially the biology with the exact, scientific methodology shows us how varied the appearance forms of female and male individuals are and how fluent the crossings of man to woman can be.”⁶ While biology works in a descriptive way, medical science has at its disposal the instruments to fulfil the needs of life of the transgender person, but also to deny and pathologise it.

Considering that all human are gendered beings, and that it is the gender which is identified within seconds by others, it becomes evident that when gender placed in question, humanity is questioned (Hark 2009). To paraphrase a word from Stryker: a lack of a clear sex makes one a monster. One is no longer a human being (Stryker 2002) and therefore no longer covered by Human Rights. In this way, discursive violence may be articulated and can escalate to physical violence or even murder.

2. Masculinity and Violence

Life in society today is structured by patterns of order which can be seen as inherently violent. The structure of the binary gender system, for example, is fixed and impervious. It can only be protected by violent border maintenance. If the system is damaged it becomes endangered, and in order to keep existing privileges and power relations it must be defended. The norm has a tendency towards violence in that it constantly has power over definitions and their use against all Others. The typology frame I use is close to Johan Galtung's. Violence can be exercised by a structural component - violence as an ongoing latent condition; or else in an active component - violence as immediately conducted action. There are different variations of violence; direct

physical violence (intentionally harming, injuring or killing), psychological violence (usually invisible harming, conducted against the psyche and the feelings of a person, trauma as possible consequence), institutional violence (ongoing dependency relations, state violence, varying equality), structural violence (conditions of violence resulting from systematic structures), cultural violence (through cultural aspects such as language or art) (Galtung 1990) or symbolic violence (verbal violence, intimidation, humiliation). According to the triangle of violence in Galtung's work, most manifestations of violence described here are invisible. Direct physical violence alone is defined by its leaving of visible traces - this is how it is evidenced. Violence can be conducted through different manifestations - individual, collective and state violence. Violence functions as a tool to enforce specific things - in forms of dominance, superiority, scorn or delineation, for instance.

As such, my understanding of violence is broad, and the primary framework for my analysis is masculinity and the spaces in which masculinity and violence interlock. According to Bourdieu, masculinity is a competitive homosocial practice. Women are a priori excluded from this practice (Bourdieu 2005). The basis for exclusion in this case is the 'equal honour' that women can never possess. The distinction towards the excluded (women) unifies the men, despite the possible fact that they may be considerably different on, for instance, the social scale (Kreisky 2006). Competition between different masculinities to be the dominant is constant, as masculinity functions in a double logic of distinction and dominance. Women do not take part in the competition, they are excluded; men amongst men take part in these serious games (Meuser 2008) of competition. They are “partnerrivals” (Bourdieu 2005) on a base of equal honour which is the precondition for exchange, leading to non equal honour and thus to dominance. The games are played to bargain a hierarchy of masculinities, and a hegemony is most likely to emerge. Thus, the meaning of competition is submission.

3. Analyses of the Interviews

3.1. Assumption – the Misogynist Argument

“And this is what transwomen experience daily”



Planning this thesis I wrote some assumptions in the research design which lost importance during the process of interviewing and analysing. Yet specifically one assumption was talked about in the interview with one of the lawyers: attacks against transwomen cannot be explained with misogyny. One could think that attacking a transwomen is an expression of misogynist behaviour, but I assumed that the same people targeting transwomen would not act the same way towards their wives, sisters, and female neighbours. In this chapter I want to analyse what I was told about that. I did not ask directly about it, the lawyer related a particular story because it seemed exemplary to her. I asked Yasemin about her experience in her work life and if and how people reacted to her working for Kaos GL. She told me that she got reactions only rarely, because she didn't go to court often. One incident stuck with her, though:

Y: "So once when those things happened in Ankara and we pressed charges against the gang we went to the public prosecutor to give testimony with the transwomen, that day, I couldn't quite believe how people reacted, how they looked at me how they talked to me, although I am a lawyer, for example they pay respect if I go for another case, everybody pays respect to me, but when I went with the transwomen, they acted in the same way towards me like towards them. It was a very interesting experience for me. And this is what transwomen experience daily."

After the systematic gang violence in the districts of Ankara Eryaman and Dikmen in 2006, Yasemin was the lawyer in charge of the prosecution. She started her narration with a definition of who went to court that day: "we went (...) with the transwomen". 'We' in this case could be understood as 'Kaos GL', meaning identification with the NGO, or could be understood as 'the lawyers'. In either case, she created a unit with 'the transwomen' as a second part. The transwomen become the Other in this part of the narration, 'we' accompany 'them' to the testimony, albeit as support. Yasemin "couldn't quite believe how people reacted", stating that the reactions of the people were different from what Yasemin was used to. She gave no direct valuation at that point. It is not clear who "the people" are, but Yasemin became part of the Other. The people make her the Other. She continued her narration "how

they looked at me how they talked to me" and offered no further explication. This indicates in my eyes that there exists a shared knowledge on how transwomen are treated: with disrespect and even disgust. They face gazes and words alienating them from the society they live in. Yasemin is not usually confronted with such behaviour, she seems to be outraged. Then she states "although I am a lawyer". This contains several aspects. Being a lawyer means to be addressed with respect. Given that in the structure of patriarchal societies women earn less respect than men, being a lawyer is an opportunity to raise the level of respect. A female lawyer is still female, but compared to other female individuals who for example do the cooking and care for the children, the lawyer becomes less female and earns respect on another level. Thus, being a lawyer usually functions as a protection. Now her situation is unsafe, something that a lawyer does not experience often. Her showing up defending transwomen seems to serve as a legitimation to treat the (female) lawyer with disrespect. The integrity of the lawyer is threatened and Yasemin risks losing the protection of her profession. She underscored in the next part of the narration how unexpected the incident is: "for example they pay respect if I go for another case, everybody pays respect to me". She linked the situation in which she felt unsafe and uncomfortable with the case she came for: defending people who were the targets of systematic gang violence. She clarified that not only people like the public prosecutor paid respect to her when she came for other cases (here meaning not concerning transwomen), but everybody paid respect. When everybody pays a person respect, they are in a safe situation and able to react to every attack they might be subjected to. Now, though, she had lost her power by being with the transwoman.

Thus transwomen get constructed 'by the people' as individuals whose company brings one into trouble. The disrespect and disgust towards transwomen weighs more than the respect towards lawyers. But that day "they acted in the same way towards me like towards them". Yasemin positioned herself as a third party here: there were the transwomen, the 'they', and her. She pointed out again that transwomen did face treatment as inferiors and violent behaviour, and the way that works was part of the shared knowledge; she doesn't have to explain what is meant by "the same way". Yasemin called this incident an "interesting experience". She knew that she was subjected to this behaviour in a limited



space - as long as she was with the transwomen, people treated her 'that way', but when she appears as the lawyer (and not the lawyer of the transwomen) she will be rehabilitated and earn the usual respect. Thus for her the experience is "interesting" and not 'terrifying', knowing that it will not be a permanent state. It even gave her the chance to feel, in that limited time and space, like the transwomen feel. Although she could actually escape from the situation, she does her work as a lawyer albeit this intense feeling of unsafety. She ended the narration with the words "And this is what transwomen experience daily", expressing disbelief in the possibility of living that way every day. She also expressed that she knew that that was the case. Yasemin was confronted by the sanction for clashing with the boundaries of the binary gender order and is deeply concerned by this experience. As a woman she was aware of the fact that this order may classify her less valuable than a man, but still she had a place within the order. In this incident the alienation of the transwomen was projected onto her and she felt it. Although there is misogyny in Turkey, this experience was clearly a transphobic one. Yasemin as a female lawyer is not used to this behaviour and has no such experience of it as a woman. Quite the opposite - usually everybody pays her respect. If this were to happen to a male lawyer I can only guess at the outcomes, but I think that the structural asymmetries would be reproduced - as a man, you earn respect; as a lawyer you earn a specific respect because of your job, but when you do your job for marginalised and alienated people, the safety of your sex and your profession may disintegrate. What transwomen face is thus not only misogyny but the very specific experience of transphobia.

3.2. The Police

"We only fear the police. You know, if the police won't kick you, nobody can."

Police commissioners and all officers of the national police organisation in Turkey are appointed employees of the state. The police organisation is under the governance of the Ministry of the Interior and therefore also linked to the ideology of the political party in power. Istanbul's current Chief Police Director is Hüseyin Çapkın, former Chief Police Director of the city of Izmir. His reputation is controversial; human rights organisations report that he facilitates basic rights viola-

tions. He also implemented a bonus system in Istanbul which previously existed in Izmir. All of my interview partners, including the lawyers, told me that the most pressing problem transwomen face is police violence. These analyses are about structural and direct physical violence. In the first interview Demet told me:

D: "The police arrest us in the streets. They storm our houses, they break and kick the doors, in the middle of the night."

M: "What is the official reason they give? What are the elements of crime?"

D: "It's misdemeanour, because we disturb the surroundings, and sexwork."

Demet gave me disturbing insight into the feeling of a constant threat with which she lived. She described traumatising living conditions: a situation of constant unsafety. I read her statement as an expression of fear and suffering. What she described seems to be mixture of new and old strategies that the police led against transwomen. House raids have officially been banned but are reported to be continuing (HRW 2008). A state institution meant to protect the people (the police) within that state has become that which she uppermost fears. I asked what the official reason for these actions was. The answer she gave me was that it was the misdemeanour law and action against sexwork. It is obvious that these reasons are only those officially claimed, and I can see no legitimate cause for the violent police actions.

Şevval told me:

Ş: "Actually police I will start with physical violence because until five years ago let's say, the police violence was very bad, you know, they kick you, and they kick you very bad you know, they broke your nose, they broke your arms, very very bad things we heard. Because five or six or ten years ago the police organisations were educating them with nationalist ideology, most radical and worse than Kemalist; nationalist, fascist, something like that. They were violent people. But now the new generation of policemen is coming from the Fethullah Gülen school, so they see everything as a sin. They never touch you, because you are dirty, they never touch you but they do whatever they can."



Asked about the police, Şevval stated that more than direct physical violence was conducted by the police, but she wanted to talk about this form of violence first because this had once been the biggest problem. She described extreme violence towards transwomen until approximately five years previous. Broken bones and serious injury were not the exception. She, as an activist, heard a lot of very bad things. It can be read as an eruption of violence against people whose identity is questioning the gender borders which also constitute the institution's power. In the competition about hegemony it was apparently useful to be mercilessly violent against transwomen. "(F)ive or six or ten years ago" is most likely meaning the time before the AKP's influence and ideology had found full entrance into the police. Before 2001, the policemen were trained and educated by a Ministry of the Interior of a centre-right coalition. Şevval stated that the ideology the police carried was "worse than Kemalist; nationalist, fascist". In general I interpret that as an ideology hostile towards minorities and people considered strangers. Mixed with a tendency to violence, a constant atmosphere of fear and threat was created for people outside the norm. Şevval then presented the "new generation of policemen" in opposition to these violent people. She said they have an ideology close to Fethullah Gülen's.⁷ She most plausibly meant a generally religious, Islamic ideology, as since 2001 the Ministry of the Interior has been led by the AKP, which is a religious political party. The new generation of police officers use religious terms and interpret things covered by the misdemeanour law as sins. As such, they do not touch the people, meaning they have stopped beating them, "but they do whatever they can" to intimidate and harass transwomen, mostly by writing countless fines. During our interview a woman entered the Kadın Kapısı rooms. When Şevval saw her entering she thought of a concrete incident and told me the following story:

Ş: "You know, police broke her nose because she was sitting somewhere on Taksim Square. In full daylight, in the middle of the day, in normal clothing, on this big Square. Not in Miniskirt, not with tons of makeup and this stuff, they just broke her nose walking by. And she came here. And I just held her hand and went to the hospital with her. Because first of all you should go to the hospital to get a report on your injury. They should write a report, but they refused her. At the hospital. And

then I held her hand again, and there is a police station inside the hospital, but they hadn't shown up, so I just knocked the door and shouted for a police officer.

They opened and I said 'I just want to ask you something, ähh, my friend got beaten by someone, where should we go?' They asked 'Who beat her?' And then they see her. They bend over to the open door and see her. 'Who did this?' they shouted. 'A policeman beat my friend.' I said. And they just said 'No, no Missy, you are wrong. The police don't do that; the police would never do such a thing.' 'Don't teach me' I said, 'the police did this to her, and I know that. Please show me the way we can handle this now. Don't teach me' I said. You know? And they (the transwomen) never go to the police. She is right. You cannot go.

In the last years you cannot even walk by a police station within a range of 200 meters. If they see you, they kick you. Suddenly. Out of the blue. They break your ribs. A friend of mine got seven ribs broken by the police. Can you imagine? She was so tiny, she was tall like this (app. 1,6 meters), she was 19 years old, you know when anyone would tell her 'run for your life!' she would escape soonest possible, and they broke almost all her ribs. All her ribs by kicking her. Out of the blue, in front of the police station in Beyo lu."

At the beginning of this narration ("police broke her nose") one could expect a situation of emergency and instant action as an explication how a broken nose happened. But Şevval gives the explanation right away: "(b)ecause she was sitting somewhere on Taksim Square". When the police break the nose of a person because this person is sitting on Taksim Square there is no other reading possible than that they did it on a whim. Taksim Square is always very crowded and a lot of people sit there day and night. Şevval then states that the situation could have been read in a different manner if the woman had been in miniskirt or heavily rouged, which was not the case. The police simply walked by and broke her nose. This is an extreme demonstration of who is in power. The police have the power to break your bones right here, right now, without you doing anything. This is most likely part of a long-term policy of intimidation, humiliation and banishment. The message is: you are not welcome here; you do not belong. If you want to be spared sanction, leave.



The transwoman went to the rooms of Kadın Kapısı to seek support and shelter. The NGO functioned as a hideaway. The state institution of the police, structurally meant to protect and holding the monopoly of power, did not only fail to fulfil its task, the policemen even reversed it, becoming the aggressors. The place the woman with the broken nose felt safe were the rooms of the NGO. There she found Şevval who took responsibility and decided that the woman had to be brought to a hospital to get a report so she could press charges against the policemen. Şevval said “and I just held her hand”. She gave comfort, protection and sympathy. The hospital, though, refused to treat her. It is interesting that Şevval underscored that one should go to hospital first, not for the actual treatment but for the report, so that the injury could be proven. Şevval took action again and wanted to contact the police station which was inside the hospital.⁸ By saying “they didn’t show up” Şevval expressed that she had expected them to show up. So she knocked and shouted. The police opened and talked to Şevval. “But then they see her” marked a turning point. They saw the transwoman with the broken nose and changed their behaviour. When they were told that other policemen inflicted this injury, they demonstrated their power and talked to Şevval in a very disrespectful way. They did not even listen. It was simply impossible that the police could have done this. Independent of the actual incidents they clarified that the police as an institution was protected from those kinds of accusations. They showed deep spite for Şevval and the hurt woman. Here again gender and class interlock, with the outcome that the police - being in power - feared no consequence for inappropriate behaviour. Transwomen are unlikely to have a lobby and will thus not be able to press charges against the police. Şevval told the police not to teach but instead to support her. They refused. She concluded the narration by agreeing on the shared knowledge that the police office was not a place where transwomen could expect protection and shelter. She expressed an enormous feeling of helplessness at being subjected to the police officers’ arbitrary behaviour. They usually avoided any contact with the police and Şevval saw this incident as exemplary. Şevval then confirmed the observation quoted by HRW stated above. “(Y)ou cannot even walk by a police station within a range of 200 meters” she said. This indicated a manifestation of the spite towards transwomen. Within a democratic state it seems inappropriate that a certain

part of the society is actually forbidden from entering, and thus denied support and shelter. According to what Firat told me, lawyers substituted the police. He advised his clients not to go to the police but to come directly to his office. He then contacted the public prosecutor. He never dealt with the police. Şevval said that when the police saw “you” (meaning the transwoman), “they kick you”. The police as an institution not only forbade the people from entering and using their institutional spaces, they even directly attacked them physically. The pure appearance of a transwoman was answered with violence by an institutionalised masculinity which held the monopoly of power. The police force misused its monopoly to further marginalise already marginalised people. Again, the similarities between the people most likely to be targeted by those attacks are striking: they all question the pillars of the institutionalised police masculinity. Homeless people violate the image of order, beggars violate the image of being hard working, transwomen question the imperious gender binarity, drug users violate the image of orderliness and a productive and healthy body. Şevval also clarified that the police did not kick the people to hinder them from entering but seriously injure them: “they break your ribs”. The incident she narrated then underscores the extreme violence, conducted against a small and very young person. She pointed out that this person had no interest in taking part in the competition; she would have run for her life. The police broke seven ribs with kicks.

Ş: “Here, we are not scared from anything like the racists or the hooligans; we are scared from the police. We only fear the police. You know, if the police won’t kick you, nobody can.”

Şevval told me that in Turkey, the transactivists were not afraid of right-wing extremists or hooligans: they feared the police. Only the police. She explained why - Şevval believed that if the police were to stop behaving in a violent way towards transwomen, nobody else could violate them. She plausibly meant that if the police were to change their internal structures and external power demonstrations and cease competing within the gender hierarchy, they would probably also realise that their task was to protect them. On top of that, the majority of society reflects the structures handed down by the state, manifesting for instance in the behaviour of the police, and if those structures were to change, the perceptions of the majority could also



possibly change. I asked Firat about police violence.

M: “People talk a lot about police violence. What is the police doing?”

F: “First, they beat transwomen up. There is physical violence. And also a lot of insulting. Basically I call it torture and humiliation. Physical and psychological abuse. The people are not actually committing crimes, it is harassment what the police does.”

M: “Okay. Hmm. Would you say that anything within police changed after the AKP came to power? And what?”

F: “The mentality of the police became more conservative. And before AKP the police was harsh, but in a different way, now there is this thing of hitting heads.⁹ Their moral values also changed. The old police was brutal but the old law was different. AKP did this law which gives so much authority to the police. Before that the police worked on illegal grounds. Now mostly everything is legal. The ID checks and controls of normal people in the streets arose massively.”

The lawyer told me that most usual and most important aspect of police violence was direct physical violence. Transwomen were regularly subjected to beatings by the police. There were also insults, thus symbolic violence. He summoned and clarified what his clients were subjected to: “torture and humiliation, physical and psychological abuse”. He stated that the state was systematically upholding a structure which allowed and ignored torture.¹⁰ He then clarified that the people targeted by police violence were not committing crimes. The police harassed people. Harassment was always an arbitrary act without social rules of fairness, respect or empathy. I ask Firat if he had observed a change with the AKP in power and what kind of changes there had been. He saw the police as becoming more conservative. He said “And before AKP the police was harsh, but in a different way, now there is this thing of hitting heads”. This means that he observed quite the opposite of what Şevval had observed. He said that the police before the AKP had been harsh, and that now they did the head-hitting. This cultural code is an intimidating and extremely violent sign. It stands for a strong uni-

ted masculinity fighting for order and cleanliness, but absolutely not in a religious way. Firat underlined the legal changes the AKP implemented and pointed out that the old police had been brutal, but was itself operating in a barely legal space. The new police were less brutal but justified all of its acts with a law. It was harder to prove that the policemen have committed crimes now. The different observations and different feelings are arguably due to the fact of the different social realities of the lawyer and the transactivist. The lawyer himself had little or no first-hand information. He valued what he experienced within a legal framework. The activist was talking from the first-hand experience of having been subjected to a constant, violence menace. Yasemin was also asked about police violence and told me:

Y: “I know that this new law is mostly used against transwomen and homeless people. Others who do the same are not charged. Sometimes, for example in Esmeray’s case, she was just going home, she was in the street where her house is and the police stopped her and asked for her ID, she gave it and they accused for not giving her ID, for disobedience, you know? No one is there of course when you just walk to your home. You understand? They are lying. You don’t need to do anything to receive these fines. You are a transwoman, that is enough. They always find any reason. Which they usually invent.”

The new law means the misdemeanour law. Yasemin stated that she knew it was “mostly used against transwomen and homeless people.” She therewith confirmed the observations stated in the chapter “The misdemeanour law”. She then related a story of friend of hers. It was a story of completely arbitrary police behaviour. Esmeray had followed the police’s instructions and had been accused of not doing so. This power demonstration could only be played by the ones in power against the Other. Completely irrespective of the actual incident, those in power could decide how they wanted the situation to be and shape reality. Esmeray was helpless and had no witness. Yasemin wanted me to understand and substantiated: “They are lying”. The policemen were lying and, because of their power position, they were unlikely to be sanctioned for it. She repeated and confirmed that transwomen were not sanctioned for their actions but for their pure existence. The police “always find any reason. Which they usually invent.”



Thus the intention was not to protect the law or order but to sanction people they considered deviant and inferior. In doing this, they are also doing masculinity.

4. The Misdemeanour Law

I divided this analysis into two points. The first is about the misdemeanour law in general, the second focuses on one specific outcome of the law: the bonus system. To understand how this system works, a close look on the law is needed.

4.1. The Law

“(T)hey make your house a jail.”

“If somebody crosses the road without a traffic light it will be unseen but if a transwoman crosses the road she will get a punishment fine.”

In 2005, the misdemeanour law was put into force in Turkey. Above I stated that I believe this law has created a power vacuum in terms of definitions. A single police officer is in power of deciding who will be charged and who will not. In this chapter I want to look closer at the mechanisms of the law. First I analyse what the lawyers told me about the law, and then I look at what the activists said. At some points, this chapter overlaps with the chapter “Police”. I asked Fırat what the law was about. He went to a bookshelf and started reading key words to me.

F: (reading from the law): “One misdemeanour is disobeying the police, being drunk, gambling, begging, drunkenness with disturbance of other people, making noise, smoking in areas where you shouldn’t smoke, occupation, meaning the street by selling something there or offering games, resisting the police when they ask for your ID, polluting the environment, for example throwing a cigarette away, slaughtering animals in places which are not for slaughtering animals, throwing garbage somewhere, carrying guns, putting posters somewhere and so on and so on. I could go on.”

All the points he read to me incur a fine.¹¹ It is peculiar that misdemeanours like “making noise” or “being drunk” are vaguely shaped. Also, disobedience towards

the police is not defined any more specifically. Thus, knowing exactly how to not commit these misdemeanours is difficult. Fırat pointed out that he did not read all of the misdemeanours to me, and there were a lot more. The law, according to its own definition, lists offenses against the public order, public security and public moral. What these exactly are is not defined. I asked him how one can be prosecuted for a misdemeanour.

M: “How is it proven?”

F: “It is either that somebody calls the police or they catch you themselves. One thing is you can complain about disturbance to the police. The other thing is they just get you themselves. It is mostly about disturbing others. There is also exhibitionism; it is against public order and peace.”

The lawyer told me that in most cases, people were fined for disturbing others. As it was possible to call the police, who would then follow your complaint, it became obvious that in most cases there was no evidence except the complaint. This again meant that the individual officer in charge decided if the complaint was just or not. Those decisions might be strongly influenced, depending on who was accused. Although the individual police officers were the ones who make the decisions, they acted of course within a societal system of values - along the lines of race, class and gender some people are more likely to be fined than others.

F: “Besides the annoying misdemeanour law we have there is a similar thing concerning traffic. About the security in traffic and on the streets. It is only used against transpeople, intentionally. If somebody crosses the road without a traffic light it will be unseen but if a transwoman crosses the road she will get a punishment fine. For disturbing the traffic. But it can be enough that she stands close to the road. Or something.”

Fırat expressed his frustration about the law, he thought it was annoying. This may have been due to the fact that it caused him a lot of work he considered unnecessary, but also to the fact that because of the law, the police have a much wider space to act against certain people without violating laws themselves. He tells me there is a similar thing concerning the traffic. This matches what Demet told me (see the chapter “Police”). The increase of duties and powers of the police



were amended in the course of anti-terrorist security. Fırat said that the law was only used against transpeople. He saw an intention behind this. What is striking at once is what Fırat describes about crossing the streets against the traffic lights. This was forbidden by law, but nobody adhered to it. Fırat said if somebody crossed the road against the traffic lights, it will be overlooked. From my own experience, as well as from what Yasemin told me, in Istanbul it is very common to simply cross a road whenever it is possible. People rarely wait for the green light. So this becomes an open act specifically targeting transwomen. He added that a transwoman selected by the traffic police would be fined anyway. Standing too close to the road is just an example he gave for the arbitrary use of this law, as it could be just “something” the police finds. Concerning this, Şevval also told me what she heard and saw in her work.

Ş: “Ahh. This is not crimes. It is misdemeanour. This is not a crime but misdemeanour. So they act against public rules, public order, and public moral. Or they act against traffic order. You know the traffic police write a lot of punishment papers to the girls. When they go to the places where they can pay then people start bullying them, they say ‘where is your license plate? Show us your license plate!’ and you know the girls are not in cars, they come by foot, they are just humiliating them, they say ‘where is your car? ahh your car is here’ (pointing at her backside) ‘please show us your license plate!’ This is harassment. This is the violence I see most, humiliation and harassment you know.”

She started her narration by clarifying that committing a misdemeanour was not committing a crime. Misdemeanours, in contrast to felonies, are crimes of lower seriousness and in many common legal systems are punished with monetary fines. However, according to country-specific juridical systems, offences such as drug possession can be designated as crimes or as misdemeanours which receive more lenient consequences. Turkish law classifies acts against the public order as misdemeanours. Again, the definition of public order is up to the police. Şevval stated that the traffic police write regularly punishment papers to “the girls”, which were the transwomen she works with. When going to the tax office to pay a fine, one enters a space of total authoritarian power. One goes there as somebody who

broke the rules and pays their fine as rehabilitation. In exactly this space, transwomen become subject to treatment and harassment as inferiors. Şevval gave an example of what she heard often: the transwomen were bullied by the people working in the tax offices. The power was misused to make fun of them and violently reduce them to figures of ridicule. As human beings do not carry license plates on their bodies, it was a demonstration of power and of how transwomen are perceived in this space to ask for the license plate. They were people you could make fun of without fearing consequences. Their bottoms served as cars – these words carry a lot within them. The transwomen become othered as the ones who have no right of privacy. It seems very unlikely to me that members of the majority would be asked about an intimate zone of their bodies in the tax office. The people working there are the ones in power - they define what a car is, albeit this is a definition only used to make fun of a person and not as an official statement. This association of the bottom with a car most plausibly also meant ‘your bottom is open to everybody because you are a sex worker’. It also constituted sexual assault. As a transwoman you were not safe in the space where state power was being wielded by state officials. It is obvious that such behaviour is at least tolerated by the state, as complaints made by NGOs have not changed the situation. Şevval concluded that this articulation of violence was what she saw most: institutionalised harassment and humiliation.

I asked Fırat what the punishment for misdemeanours was.

M: “Does all this mean that you get a fine or can you get arrested?”

F: “They usually don’t arrest for this. You just have to pay.”

M: “And if you don’t pay? Do you go to jail?”

F: “No. But the fine gets higher and higher. And if you have to do any official stuff, travel or get a new ID, you won’t get it unless you pay. And you can get detention in your own home. But they really need strong papers from a judge, and I heard sometimes they come without it. And people don’t know their rights then or are intimidated. And if you for example listen to music and the neighbour complains, the police can write a punishment paper but never has the right to enter your apartment.”

Answering my question if you get arrested for mis-



demeanours, the lawyer Firat told me “They usually don’t arrest you for this.” This reveals that one could never actually know for certain. They did not usually arrest you but, apparently, they could. Even the lawyer cannot give a precise answer. One ought to just be fined, but one might also be arrested. And the addition “You just have to pay” is likely to mean a lot to a person who does not have money available. In a kind of vicious cycle, these are the people most likely to be targeted: homeless people, transwomen, Sinti and Roma people. According to the law, the person fined has 15 days to pay at the maliye vergi dairesi (tax office). If the fine is not paid within the 15 days, it accrues interest.¹² Firat told me that the consequences for not paying were not immediately evident, but became clear when one needed to interact with official institutions. In Turkey, official documents are needed in order to access to a lot of services and buildings, so if a fine goes unpaid it is possible that access to many spaces would be denied. To detain someone in their own home, the police needed “strong papers from a judge”. Of course, one would have to know one’s rights in order to resist unauthorised action by the police, and even more importantly: one would have to be very courageous. When the police force appears in a martial and intimidating manner, it is very hard to insist on your rights without support. Concerning the detentions Şevval told me the following experiences:

Ş: “But these punishment papers make your life like shit. Because the minimum fine is 79 TL [app. 40]. All girls take these punishments every day, sometimes five times a day, you know. So the government makes you do more sexwork for earning this money, if you don’t pay it, you go to jail, you know. Or they give you detention in your own house; they make your house a jail. Put you in your house and don’t let you go out. A girl came here, she was 19 years old, and she was under detention and had a stomach problem. She ran to a grocery store to buy milk then the police caught her. She got a very high fee for breaking the detention that she is unable to pay. So she gets more detention.”

She started her narration by telling me that the fines meant a change from the times when the police used to beat people up (see chapter “Police”) but they could still ruin your life. She said that the minimum fine amounted to 79 TL, which most likely represents

the minimum fine she hears of in her work. The law imposes fines beginning at 50 TL, but transwomen are given fines beginning at 79 TL. Here, she also indicated that certain people were fined constantly. A single fine of 79 TL would probably not ruin anybody’s life. In the next sentence she stated that “all girls” got fined every day. This reveals that there exists a general discriminatory attitude. “The girls” seem to be a specifically targeted group. A group can only be fined every day when they are constructed in a general disorderly way. The simple appearance of a transwoman can obviously be evaluated as being a misdemeanour. They even get fined five times a day, creating a vicious cycle of being fined and thus being placed under constant pressure to earn the money to pay the fines. Without access to working fields other than sex work, this creates more sex work, something which should officially be stopped by the law. Thus the way this law is used against transwomen, it creates economic misery and criminalised cheap sex work. Şevval says that if one does not pay, one goes to jail. After what Firat told me, this statement can be understood as the expression of a feeling of a constant menace. It is also possible that the police threatens the fined people with jail, although this is not sanctioned by law.¹³ But then Şevval says what does happen in a lot of cases: “they make your house a jail”. Detention in one’s own home can be enforced to counterbalance the fines. From the perspective of her work Şevval illustrated how this detention jails a person. A young woman being under detention was sick but was not allowed to leave her house. So “(s)he ran to a grocery store to buy milk”, but the police caught her. Running was probably the only chance to reach the store. The police had to catch her and accused her of having tried to escape from the detention although she could probably have proven that she was sick. She was fined again, still unable to pay and unable to work, so she would get more detention that she could seemingly never end. The law creates paradoxical situations which have violent effects on the fined people. Şevval continued her narration:

Ş: “And very recently we hear about people getting caught by the police, they take them to the police station and let them go again. Like this. You never know what was going on inside there; they write a punishment paper and never hand it out to the people. So they never know what they are charged for. And your papers pile up like this. And then you



go to jail. They want to intimidate you, to isolate you from society. We cannot talk about integration or about how to become a civil worker or established people or normal employment. We cannot talk about employment at this stage, you know, if they put you in detention in your house, how can you go to a working place? Normal working place I mean?"

Şevval told me about a recent development. People were taken to police stations and then let go. This part of the narration sounded like there was no further consequence other than being taken to the police station. The additional "(l)ike this" clarifies that nothing more happened. One did not know why exactly it had happened. Then Şevval described what the consequences actually were: people were fined but not provided with the paperwork. This meant that, in the first place one did not know what one had been fined for, hence there was no opportunity to challenge it, and in the second place was subjected to a clandestine accusation. The right to know what one was being charged for was violated. This practice is not transparent and underscores that transwomen are a general targeted group. The police do not have to fear any consequences for themselves. The people's fines "pile up like this". This is apparently a constant occurrence which makes it impossible for the people to have an overview of their fines and what they have done wrong. Şevval then said "(a)nd then you go to jail". This could be read as an expression of helplessness; without predicting it you can be denied access to official places or services, be under detention at your home or otherwise be punished. Şevval concluded that this was a way to intimidate and isolate people from society. This is a plausible reading, too. Transwomen are the Other and are alienated from society. On top of that I conclude that this is also part of a displacement and deterrent policy. If the transwomen leave the city centre, they would probably not be fined constantly. Şevval argued that at this stage, a serious discussion about getting away from being the Other is useless because these practices affect the affected people anyway. She described the circle most transwomen live in - because one was a transwoman, one was fined. Because one kept being a transwoman, the fines piled up. Because one was denied access to most working fields one might not be able to afford to pay the fines. Because one did not pay, one was put in detention. When one was in detention one could neither go to any work nor take part in social life. "Normal

work" here means 'not sex work' and Şevval reflected with those words the perception society has about sex work. Şevval then told me about a successful charge against the law, possibly connected to the discovery of the bonus system I look closer at in the following paragraphs.

Ş: "Because we discovered that we can reject these punishment papers. And we, like you know, last year I was like a secretary, you know, all the time always typing. Always writing, writing, and I gave all stories we had to the lawyer who brought them to court to reject. And we made it! We won! Very very good. And also we accused the Istanbul Chief of the Police Department, the biggest guy, we accused him in Turkey's Highest Court of arbitrary acts with these punishment papers and now we achieved to stop it for Beyoğlu. We are still of the opinion that he is committing crimes against transpeople. And the punishment paper writing is stopped. In Beyoğlu area."

Şevval told me that they (Kadın Kapısı) had found out an important thing: they could challenge the fines. That this 'discovery' was made years after the law was implemented indicates concealed processes concerning the law. They offer legal advice with a lawyer twice a week in their rooms, and yet the possibility of challenging the fines only came to light late. She said that over the past year she had felt like a secretary, something she did not perceive herself as being, and had spent her whole time writing down complaints and testimonies about the fines. "(T)he lawyer", who is not specified any closer but I assume is the NGO's lawyer, achieved a success in court. I understood that there were actually two parts of this success - first the fines would be examined, second the writing of these fines had been stopped for the area of Beyoğlu. It seems plausible to me that on one hand the court could not tell without doubt that all the fines were given according to the law and on the other hand that the court identified the area of Beyoğlu as a specifically targeted one. But the law states no such areas. Therefore the courts decisions constitute a phase of rest for this special space. Following the logic of Şevval words, though, the fine system is continuing outside Beyoğlu. She stresses that the decision was only made for this specific area. The court acknowledged the suspicion of arbitrary acts being punished with the fines, but the



words “(w)e are still of the opinion that he is committing crimes against transpeople” indicate that a possible investigation dealing with this is still pending or was not carried out.

The structure of the law is not coincidental. I conclude that it is a democratic way to target specific groups of people to keep them away from certain areas and constantly make them society’s Other. The law is a strong example of institutional violence. Although the individual police officer is in power of definition, he or she reflects state structures and assignments. The individual police officer in charge of interpreting the law must orient himself within a system of norms, knowledge and exclusion. The structure of the law thus functions as an attack on the unwanted Other, disguised as a democratic tool providing order and security.

As transwomen are reduced to the field most of them work in, sex work, they are rendered incapable of escaping the constant exclusion. Alone the appearance of a transwomen seems to be evaluated as a promotion of sex work and is therefore punishable.

This law is part of the democratisation process the AKP is launching. After analysing what was expressed about the law in my interviews, it seems most plausible to me that the law serves a specific function: it creates a power vacuum in which marginalised people can be banished and alienated from the centre areas of the city. There is a lot of evidence that this law is mostly arbitrarily used against transwomen and Sinti and Roma people.

4.2. The Bonus System¹⁴

“There was a witch hunt last year”

During my interview with Şevval I was told about a process correlating with the misdemeanour law. Rüzgar, as well as Demet, confirmed this practice. I then asked the lawyer, Fırat, if he knew about it (I did not ask Yasemin because she works in Ankara, this system only exists in Istanbul). I first analyse what I heard from the activists.

Ş: “They discovered this point system. A bonus system. And last year on İstiklal Street and in whole

Beyoğlu area, there was a witch hunt. Sometimes [the law is used] also against homeless people, drug users, sniffers, you know. And it is like that: glue sniffers count five points, if the police gets them, writing punishment papers brings the policemen points in a bonus system.”

M: “What is that? What is the point thing?”

Ş: “We don’t know. This is a bonus system.”

M: “For whom?”

Ş: “That department chief¹⁵ I was talking about invented that system. And also we accused him in court that this is wrong. When a policeman arrests a glue sniffer, he gets 5 points, if they catch a thief, it is worth 10 points, if they get a tranny, they get 20 points. And if a policeman gets 100 points in one week, he gets some days off. Holiday.”

M: “Oh my God.”

Ş: “Yes, that’s what I mean when I say there was a witch hunt last year. You know, whatever you are doing, sexwork or something, they get you for something against public moral or else.”

Şevval began the narration with a statement about a police unit (“they”) which “discovered this point system”. The word ‘discover’ is most likely a translation mistake, it could best be replaced by ‘implemented’. Although the point system had not been described yet, it was clear that she meant a specific one. Who would use it and why was not clear. In the next words she specified that it was a bonus system. Hence this system provided a benefit on a point chart. The next sentence expresses no necessary causality to the bonus system: there was a witch hunt. Here it seems fruitful to think about the term ‘witch hunt’. What does it mean? A conspiracy against a determined group. Before you can start a witch hunt, you have to have assigned who is a witch. Thus certain attributes must be known in the system of shared knowledge. Once there is a consensus about who is a witch on the side of the hunters, a certain atmosphere of menace must be there. A witch hunt is merciless in the sake of higher values (such as security or morale). A witch is recognisable by what she is and not by what she does. Someone who, via attri-



bution, becomes a witch has little to no chance of escaping sanction. The attributes chosen by the hunters have little to do with the witches, more with what the hunters fear most. The term 'witch hunt' also indicates irrationality and restlessness. Thus Şevval described a whole scenario with 'witch hunt'. Neither the targeted nor the hunting group are specified here. She then seemingly left the topic and talked about the law again. She named groups who were in her eyes also specifically targeted by the law. They had one thing in common: they were all marginalised groups (homeless people and drug users). The law classifies them as criminals or at least misdemeanants and unifies them in that regard. Şevval then stated that she knew the rules of the system. As an example she said that "glue sniffers count five points". So apparently misdemeanants are allocated a point merit. When the police arrest a glue sniffer, five points are added to their point account within this bonus system. Thus the fine functions as proof of the delivered accomplishment. I did not understand what I heard and wanted to know more, and asked her what that system was about. She answered "We don't know." "We" is here either the NGO or the community. As she seems to know I think it is appropriate to rather read it as 'we cannot believe' or 'we cannot tell'. She knows the rules of the system but does on a conceptual level not quite know what it means. She reinforces that it is a bonus system, as if the term itself would explain it better. That I am digging deeper is also expression of disbelief on my side. I wanted to know what kind of bonus system it could possibly be, and who might benefit from it. Şevval gave me more detailed information. Hüseyin Çapkın invented the system. He is the same person Kadın Kapısı was trying to press charges against in the above mentioned court case. According to a point system, police officers could be granted additional holiday time. On the chart, Şevval told me that "trannies"¹⁶ brought far more points than the other usually targeted groups, such as drug users and thieves. Thus being transgender is a more severe misdemeanour than stealing. According to what Şevval told me, the additional holiday could be achieved by fining five transwomen. If the points are exactly those the police really refer to is of low importance, what has to be understood here is the concept of this system,¹⁷ the institutionalized competition. This system is a trigger for police officer to prosecute marginalised people even more efficiently. The points function as a brokerage. I reacted in an emotional way and express disbelief. Şevval clarified:

"Yes, that's what I mean when I say there was a witch hunt last year." Now the causality of the beginning sentences is exposed. The law was made sure to be applied by providing a brokerage. The effect were dynamics which were experienced as a 'witch hunt' by those targeted. Şevval ended the narration by reinforcing the character of that year as highly tense and coined by strong power representations. Transwomen had no chance of getting out of the way, because the police wanted to get them to collect points, and they would find a reason to fine them anyway.

Fırat told me that he had also heard about this practice.

M: "Did you hear about the bonus system for the police in Beyoğlu? What is this?"

F: "According to their logic, the more the police stop things from disturbing the peace within society, the more points they should earn. And for their points they get additional vacation."

M: "How is this possible?"

F: "In their logic, it just is."

I asked the lawyer if he had heard about the bonus system and what that exactly was. He answered with an explanation that he placed clearly within a system of logic, not a legal system. This logic is that saving the peace of the society should be rewarded with points which can be traded into holiday time. I wanted to know how this could be possible and was given get the answer that is just according to the system of logic. This answer clarifies that the bonus system is not a question of legal frameworks but of power. The police, ergo the Ministry of the Interior follow a certain logic, and because they have the power to implement tools reinforcing their logic, they simply do so. I am thus confronted with a cycle – conditions like the bonus system are possible because the people in power want it. Because they want it, they can implement it. This statement is a clear indication that the lawyer also considers the bonus system to exist somewhere outside the democratic legal framework.

I conclude that the bonus system is exercised within a space of institutionalised masculinity. The police, as a structural expression of masculinity, create a space of



male dominance where high ranking males decide who fits within the rules of that space. All of the people in question challenge the structures this masculinity is placed in - thieves disturb the existing order but do not necessarily question masculinity. Beggars and drug users question the police by violating the law and thus do not accept the dominance of the police officers' masculinity. This leads to a competition between the orderly and dominant masculinity of the police and the deviant criminal masculinity of thieves or beggars. The transwomen, however, question the binary gender order and thus are the most dangerous subjects in the competition. Thieves question laws, transwomen question sex and gender. According to the practice of this system, questioning sex is the most severe crime.

5. Transmen and transwomen

“You had a GODPOWER, you know, and you destroyed it.”

The embarkation point for my writing this thesis was my question of why transwomen face violence on a very higher level to transmen. To ensure that this was true of Turkey I asked every of the activists about the differences between transmen and transwomen.

D: “They [the transmen] are visible here since 7, 8 years. Their problems are quite different. In Turkey, transwomen have no chance to find a work. 99% of us do sexwork. We all do sexwork and face police violence and the society's violence.”

Demet starts by telling me that a unified ‘them’ (the transmen) did not have a long history of being visible and doing activism, only seven or eight years, whereas she herself had been an activist for 25 years. She states transmen were facing problems, but different ones to those that transwomen face. She does not provide any further explanation as to what their problems are but outlines the problems she faces: transwomen have no chance to find a (regular) work, 99% are engaged in sex work. Demet expressed that transwomen lived in situations of economic misery. They all did sex work¹⁸ and were subject to the violence of police and society in general, which transmen were not. Thus, reflexively she stated that transmen did find work and did not face the same amount of violence. This was confirmed by

each of my interview partners. Sex workers suffer from different degrading perceptions - their moral and thus (sexual) honour is constructed as being damaged, and therefore they are not respected. Interestingly, on the other hand if all transwomen do sex work there must be a lot of customers, but using sex work is not as shameful as offering sex work.

Şevval told me the following:

Ş: “Transguys are (...) really lucky. Because they can be invisible. Transwomen are unfortunately visible from the moon.”

M: “Would you say that this is the problem? Detectability?”

Ş: “Hmm. Ahh. No, when you put it like that, no. Even guys known as transguys never face the same amount of violence. First of all, in this society, manhood is a good thing. You know, also when you had an abortion, it is very very sinful. But by being a transman, you chose manhood which makes it something that people clap their hands for (claps) but YOU (pointing at herself), you had a penis. You had a GODPOWER, you know, and you destroyed it. (laughs) And you even pay to destroy it. How mad can you be? This is a very very very sinful thing to do. People see themselves, this is the cradle of hate, I believe, they nurse many dreams with their manhood, you know, and you just destroy it with one click.

And you pay money for it. It is so distorted in a way. Because people in this country don't really choose to be this or that. You know, radical Muslims use this term: sexual choice. Homosexuality is a kind of sexual choice. I didn't choose anything. Because if you use this term, they can blame you. You have chosen bad things. You could as well choose not to be. This perception is wrong, people don't choose. Or some chose maybe, why not, but for me, I didn't choose it. Even if I could have chosen it, I would exactly choose the way I live.”

Şevval began her narration with a comparison to transwomen and stated that transmen were really lucky. Because they can be invisible, whereas transwomen are visible from the moon. It is usually true that



transmen pass at an earlier stage of transition than transwomen. Şevval states exactly what I questioned in my research design, and so I asked more concretely if she thought that detectability was the reason for the different social status. If she answered in the positive way my research would prove my assumptions wrong. However, Şevval says that it is not that easy. Detectability may have been part of the problematic reality but was not the actual reason for it. She said that even openly transmen did not face “the same amount of violence”. They were subject to violence, but of a different kind. Like Demet she did not explain what the different problems were, but in the first position she saw a condition as the starting point of violence: “in this society manhood is a good thing.” This general declaration points out the gender hierarchy. Thus, womanhood is not a good thing. She then said that having an abortion was a sinful thing, underlining the lack of self-determination for women. The term “sinful” relates to religious believes which inherently do only sanction women. Şevval described how transmen were categorised from the outside: they chose manhood over womanhood and seemingly acknowledged the superiority of men. This is welcomed by the society (“people clap their hands for”). On the other side there are transwomen, the ones who are given “godpower” by nature in manifestation of a penis and reject it. This is read as an act of questioning and endangering the superiority of men, as well as a sign of insanity (“how mad can you be?”). Transwomen are thus presumed to be insane, whereas transmen act in a very sane and rational way. “And you even pay to destroy it” is a reference to the active part of transwomen. One has to organise surgery, undergo therapy and medical examination, and one has to pay the expensive surgery. Şevval names the nursing of “many dreams with manhood” the “cradle of hate”. Hate emerges from the fact that manhood is such a superior thing and must be achieved. If every person considered male had full manhood from the outset, there would be no need for dreams about manhood. The hate against transwomen emerges from the fact that they destroy this manhood “with one click”. This perception is “distorted” Şevval said because first of all, people did not choose to be transgender. She used a term emerging from religious speech: sexual choice. This term indicates that all deviant sexualities (being all of them apart from heterosexuality) are a wrong choice. Wrong choices must be justified and can be punished. But by categorizing something as a wrong choice,

what is right must have been pre-assigned. Sexuality in general is not due to choices, it just is. Transgender persons even have to justify their identity, not solely their sexuality. The comparison reveals that the same dynamics and also the same guardians of public morals are at work here which people suffer from. This perception others and alienates everybody departing from the norm and thus questioning it. Şevval stated that some people may choose to live this way or that, but she did not. Even if she could have, she would have chosen to be herself. She expressed pride and self esteem against all resistance and violent responses of the society she lived in.

6. Conclusions

Having analyzed the interview sequences and discussed them I could empirically prove that violent acts against transgender people do contain a dimension of the construction of masculinity. I will reflect on the meaning for the Turkish state and society and I will suggest avenues for further research.

Through my analysis it was reinforced that transwomen and transmen do face utterly different living realities and that this is due to the understanding of masculinity. As long as violence is the usual male way to deal with conflicts and to underline masculinity, transmen like all other males live in a situation of constant violent competition. Transwomen live within a society which rejects their identities. They face the worst mistreating of women and men in one person: they get beaten up like men and harassed and molested like women. Because of the severe discrimination in working space, gender does also constitute class. As nearly all transwomen have to work as sex workers but are denied work in a brothel they have no chance to get away from the streets and settle in a safe working environment. This was a clear message from all my interview partners.

The police as a state actor with the power monopoly reflect in a dangerous way the structures the state is creating. The police creates its very own system of knowledge within which the actors side who is the Other and must be excluded. In that matter they behave like all exclusive groups do, but they are the ones in power, having even the monopoly of power. First as a lawyer even classifies the police treatment as torture.



This strong statement shows how unbearable the situation is. On the grounds of gender identity, torture-like events take place within democratic structures. If transphobia would be named and recognized as such, effective measurements could be taken against it. But that would also mean that the concept of the binary gender order and thus the superiority of men would be questioned and probably reconsidered.

As transwomen are not considered adequate human beings they can be mistreated, abused and humiliated without any consequence. On the contrary: the bonus system is even rewarding and thus cultivating arbitrary behaviour against them. The state has neither forbidden this system eventually nor implemented specific protection for the gender identity. This is similar to a denial of the actual situation and can thus be read as a way of covering the systematic discrimination and exclusion. And as long as the state does not sternly prosecute crimes against transpeople, chances are low that society will respect the identities of transgender people. It seems very unlikely to me that within the existing atmosphere of hostility towards transwomen the violence will cease. It is revealed that the state has a deficit and lack concerning Human Rights and the equal treatment of its inhabitants. On the ground of race, class and gender people are denied their basic rights. And structures like those of the misdemeanour law do not emerge by chance. The arbitrary use against groups like drug users and transwomen is allowed within the vague shape of the law and the state is at least tolerating the alienation, ongoing eviction and degradation.

The identities of transwomen become criminalized, I could clearly point out that they are punished for what they are and usually not for what they do.

I conclude that transgender people's intersectional experiences with discrimination do underscore the powerful and privileged position of heterosexual and white hegemonic men. The bare existence of transwomen is read as an active rejection and questioning of masculinity. The state denies responsibility for the massive violence by affirming that there is no system behind it and the people conducting those violent acts are single actors. The state acts as if it was blind to the fact that the structures it creates and reinforces are producing more and more specific violence against

already excluded people. This reveals that the people holding power have no interest in deconstructing their own privileges within the patriarchal structures. It is every state's democratic task to provide shelter and equal rights for every human being. The lack of fulfilling this task shows all over the world in the way states treat their minorities.

My work showed me how little research on violence and transgender there is. The link to masculinity proved to be fruitful and offers a space for further research. I had to skip some very interesting parts of the interviews because of the space limit set in a final exam and it would be important to look closer at the police as an organization within a state and also the way they justify things like the bonus system. My work found its limits in questions of how for example the media add to the situation. It would be fruitful to look at the way people whose gender seems to be in question are constructed in the media. Also what happens within the families is worth its own study. Existing theories should be enlarged and tested towards a contemporary theory of intersectional power imbalances and how certain groups reproduce their powerful position by claiming to fulfill an ideal; theories could be shaped better by taking into account how hegemonic masculinities and patriarchal structures exclude everyone possibly damaging their privileges.

Endnotes

- 1 Gays and Lesbians aus der Türkei – Gays and Lesbians from Turkey.
- 2 See e.g the website of TMMP) or TGEU).
- 3 Kristen Schilt and Laurel Westbrook defined „cis-gender“ as a label for „individuals who have a match between the gender they were assigned at birth, their bodies, and their personal identity“; see Schilt (2009: 440-464)
- 4 See Bereswill (2007:8)
- 5 An example for the construction of different masculinities in different social environments: Behnke (2000: 124-139)
- 6 „Gerade die Biologie mit der exakten, naturwissenschaftlichen Methodik zeigt uns, wie vielfältig die



Erscheinungsformen weiblicher und männlicher Individuen und wie fließend die Übergänge von Mann zu Frau sind.“ Christiansen (1995)

- 7 Fethullah Gülen is a controversial Turkish Imam who was prosecuted for Betrayal of the Republic and lives in the USA. The trial against him was abolished in 2006. He has Islamic schools all over the world and opinions on him go from Islamist extremist to open educator; see e.g. Agai (2002: 27-47)
 - 8 Usually in Turkey there are police offices in hospitals to keep the order and to be available if targets of a crime are hospitalised.
 - 9 This way of greeting each other emerged from the MHP; it shall remind of male wolves greeting equal other wolves. This way of greeting stands for a nationalist and racist attitude and is widely known as a cultural code in Turkey.
 - 10 This categorisation as torture would have an immense impact on Europe's asylum policy. I cannot discuss this here but it is worth a thought that if we would see the police violence as torture, people being subjected to it would be able to ask for asylum in e.g. Germany.
 - 11 See e.g. article 36: „(1) Any person who makes noise with a purpose of disturbing or breaking the peace of others will be fined 50 TL [app. 25 €]. (3) The police or municipal force is authorised to fine.“ or article 32: “(1) Any person who disobeys the lawfully orders which are given by the authorised agencies with a purpose of judicial procedures or in order to protect public security, public order or common wealth is fined 100 TL [app. 50 €]. The authorised agency imposes the fine.”
 - 12 See HRW (2008)
 - 13 If transgender people are sentenced to jail, they are imprisoned according to their ID. A transwoman without ID change would thus go to the jail for men, independent from her outer appearance or personal feeling.
 - 14 A Turkish blog also reported on this system on 2nd February 2011; see <http://turkeyexposed.wordpress.com/2011/02/03/turkish-police-officers-get-bonus-points-for-fining-transsexuals/> (accessed 17.02.2011).
 - 15 Hüseyin Çapkın, Istanbul's chief police director, former chief police director of Izmir.
 - 16 An abbreviation for a transgender person.
 - 17 The Turkish blog says that police officers have to earn 500 points in one week to get additional holiday, but also that transwomen count for 100 points. This is the same proportion and also states that being a transwo-
- man is a more severe crime than theft.
 - 18 Sex work itself is not considered a misery by me. But here the link between not having a chance to finding a work and doing sex work is a clear hint for not necessarily volunteer sex work.
 - 19 Ibid., p. 29.
 - 20 Passing does not only mean being recognised as belonging to a gender, but also being academic, mature or whatever else we want to present.
 - 21 GID is a diagnostic category in the Diagnostic and Statistical Manual of Mental Disorders (DSM), published by the American Psychiatric Association. The DSM is regarded as the medical and social definition of mental disorder throughout North America and strongly influences the International Statistical Classification of Diseases and Related Health Problems published by the World Health Organization. GID currently includes a broad array of gender variant adults and children who may or may not be transgendered and may or may not be distressed or impaired.