

# Queer Refugee Experience:

An Inquiry into the Studies of Transnationalism and its Relationship to the  
Livelihood of Syrian Refugees who Identify as LGBTQ+ and have Migrated to  
Turkey

By Anne Frances Bennett

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Thomas McNeely and Matthew

Scully Emerson College

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### Author's Note

This piece is dedicated to refugees, the LGBTQ+ community, and everyone fighting to make the world a better place. A special thanks to my family, friends, classmates, professors, and the Kdissats. Every day try to put a little more light in the world than was there before. Thank you.

### **Disclaimer:**

*The author would like readers to know that she identifies as queer and Caucasian. She does not understand what it is like to be of color or a refugee and does not claim to. While her father was an immigrant, he was one of privilege and it had little to no impact on his life after infancy.*

### **Introduction:**

This paper will explore the missing elements of the studies of transnationalism by analyzing the vulnerable identities, inclusive exclusions, and states of exception of LGBTQ+, Syrian refugees migrating to Turkey. Since the Syrian Refugee Crisis began, masses of migrants have escaped to Turkey in search of freedom, especially those who are queer. Despite hopes of a better life, the rising conservatism across Turkey has allowed persistent intolerance to flourish.

Many aspects of transnationalism's academia are riddled with reductive binaries that overlook the multifaceted experiences of LGBTQ+ Syrians, before and after they arrive in Turkey.

The theoretical concept of a "state of exception" was introduced by Giorgio Agamben. The identities of the aforementioned demographic are especially vulnerable to this position. To explain why, I will be creating a narrative of a hypothetical, gay, Syrian refugee in Turkey. His story "enables us to see the limits of the separate spheres approach as well as the interconnections that transnational subjects engender" (Grewal/Kaplan, 972). Although, what is arguably more important is that by studying his role in society, one can learn how the studies of transnationalism, especially in relation to identity, have failed its students. Specifically, by learning about all of the factors that determine identities and attitudes towards them, we can understand how "in this field we can discern a massive shift from the separate spheres to which we have been referring to the new forms of global and transnational policy discussions that have been created" (Grewal/Kaplan, 971).

Audre Lorde once said, "The master's tools cannot dismantle the master's house." In order to fully understand the predicament of queer refugees, scholars must completely rewrite the way that the study of globalization is approached. The analysis of sexual orientation and gender in relation to transnationalism has been conducted in a way that is exclusionary and ignores many complexities and layers of refugees' identity. Inderpal Grewal and Caren Kaplan, professors of sexuality and globalization, explain the problematic approach to intercontinental studies. "Critical practices are at a bit of an impasse, relying heavily on conventional disciplinary approaches that are unable to address some key issues and problems." (Grewal/Kaplan, 965-966). In order to understand globalization, specifically in terms of gender and sexuality, the

approach to the broader subject matter must be reimagined in a way that takes into account the nuances of transnational subjects' identities.

This conundrum will be examined first by the legal status of LGBTQ+ Syrians. They are forced to live inside and outside of the political system, being put into the role of a Homo Sacer. This term refers to members of a society that are denied humanity by the state so that they can be easily controlled and eradicated without public pushback. It is important to note that laws are always an exception in their particular application; no specific case fits the law precisely, and consequentially, in the final analysis, the law is always exerted through force. In other words, "refugee subjectivity is constituted through violence" (Owens, 578). According to Giorgio Agamben, the founder of the "Homo Sacer" term, all subjectivity is both imposed and allowed according to this formula, given that we all exist in the law. A queer Syrian is an example of the "processes of subjectivization [that] bring the individual to bind himself to his own identity and consciousness and, at the same time, to an external power" (Agamben, 794). The common denominator in the state of exception they are put in is that there is a widely held belief by Syrians that gay people do not exist in the country.

In a sense, the assertion that there are no gay people in Syria is true- they have no legal personhood in the country and their existence is denied by many. Abo Abdulrahman al-Ansari, an imam and a member of the Shariah council, explains that being gay is very illegal. He says, "I can assure you that there are no homosexual Muslims...Its punishment according to Islam is death" (Omar/Talmazan, 2019). I reached out to a fourteen-year-old Syrian refugee, Yazan Kdissat, whom I tutored in high school. When he first arrived in the United States, he did not approve of same-gender marriage. Now, four years later, he said that he supported gay rights but

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1 a prayer leader in a mosque

still insisted that there were, “no gay people in my country” (Kdissat). In a way, these sources are both correct. The government does not recognize gay people, so they are subsequently not allowed to exist. Thus, a queer Syrian is assigned the role of Homo Sacer because his/her/their “human life is included in the judicial order solely in the form of its exclusion (that is, of its capacity to be killed)” (Agamben, 796).

People have no inherent or natural rights. According to Agamben, the law gives someone certain rights, but then by entering the arbitrary system needed to enforce them, one becomes entrapped into the role of a political and legal subject. In other words, there is no personhood outside of legal personhood; rights are always defined by legal construction. In Syria, the role of gay people as a Homo Sacer means that they are stuck in the state’s system, but only as a being to be oppressed. They are given no recognition by their government and therefore no rights.

Furthermore, the experiences of queer Syrians facing homophobia in a “progressive” government shows the complexities of acceptance that have been overlooked. Since Turkey has been dubbed a neoliberal state, it has been assigned the progressive part of the human rights binary. After the Gezi protests ousted the Justice and Development Party in 2013, Turkey became acknowledged as a progressive nation (Kandiyoti, 103). “The European Union (EU) praises itself for being a promoter of lesbian, gay, bisexual, and transgender (LGBT) rights in the world” (Science, 653). However, there is abundant evidence that queer people living in the EU still experience cis-heterosexism and homophobia. In fact, while religious fundamentalism is credited as oppressive by theorists (like in Syria), the laissez-faire capitalist model (like in Turkey) is also found to be extremely exploitative. Despite a public conception that capitalism and freedom are intertwined, the way that the system is often implemented has the opposite effect, creating a need for money that only cis, straight, able-bodied white men can fully access.

In addition, the oversights of transnationalist studies, as well as the relevance of Agamben's theory of the state of exception, will be examined through the legal status of LGBTQ+ Syrians after they have fled to Turkey to become refugees. One of the most unique things about this chosen demographic is that policy-wise, Syrian refugees' position in Turkish society is complicated, to say the least. Due to a loophole in the 1951 Convention on the Status of Refugees, Turkey is only required to give official, refugee status to those fleeing from Europe. Therefore, "Syrians who have fled to Turkey are recognized as 'guests' and not as 'refugees,' and the camps where Syrians reside are officially 'guest-camps,' not 'refugee camps.' However, Syrians in Turkey are not treated like asylum seekers coming from other non-European countries, either. They cannot register with U.N.H.C.R.<sup>1</sup> in order to apply for asylum in a third country" (Özden, 5). This label difference is very hard for those who have been bequeathed it because it makes their status unpredictable. Despite all of this, "the Turkish state has implemented a "temporary protection regime" for Syrians. The principles of temporary protection include open borders, non-refoulement, and mandatory registration with Turkish officials in camps (Özden, 5). Agamben defines "zōe" as one's bare life and "polis" as one's political life. Turkish rulers are combining the zōe and polis of LGBTQ+ refugees from Syria, sending a message that Farid is "a 'living animal with the additional capacity for political existence,' it is therefore precisely the meaning of this 'additional capacity' that must be understood as problematic" (Agamben, 795). By creating a separate category of legal identity and subjectivity, they are, in a way, banning the demographic. "The relation of exception is a relation of ban. He who has been banned is not, in fact, simply set outside or inside the judicial order" (Agamben, 807). Although more subtle than the outright ban in Syria of its gay citizens (*vis-à-vis* ignorance), the Turkish "guest" label is

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<sup>1</sup> United Nations High Commission on Refugees

nevertheless still a significant state of exception. Agamben's concept of banning is to be suspended or set aside, while still under the order of the law. Once arriving in Turkey, Farid is part of an inclusive exclusion. "If the exception is the structure of sovereignty, then sovereignty is not an exclusively political concept, an exclusively juridical category, a power external to law, or the supreme rule of the judicial order: it is the originary structure in which law refers to life and includes itself in it by suspending it" (Agamben, 807).

As previously mentioned, the examination of transnationalism in academic and scientific spheres has been incomplete. It will be shown that the overlap of identities makes refugees especially vulnerable to states of exception, a key oversight. The ignorance of intersectionality in regard to globalization will be addressed by analyzing these Middle Eastern, gay refugees. Of course, this begs the question as to why intersectionality and core cultural identifiers have not been included in transnationalism's narrative. Importantly, "gender and sexual difference have become understood as attributes of bodies unmarked in any other way, despite copious evidence that all of these modern identities are interconnected" (Grewal/Kaplan, 966). So, in order to understand the experiences of queer refugees, especially Syrian ones living in Turkey, scholars must look at transnationalism from a new angle, an intersectional one. A professor of English and Feminist Studies, Chandra Talpade Mohanty believes that "exploring and analyzing this potential commonality across geographical and cultural divides provides both a way of reading and understanding the world and an explanation of the consolidation of inequities of gender, race, class, and (hetero) sexuality, which are necessary to envision and enact transnational feminist solidarity" (980). The Turkish government uses social prejudice against Syrian refugees

as a connecting force to the economic imperative of cheap labor and public-supported exploitation.

### **Thesis:**

The monotonous approach to studying transnationalism has created a reductive narrative that is dismissive of the experiences of LGBTQ+ refugees who lived in Syria and then fled to Turkey. The unstable status of queer Syrians makes these people an example of Giorgio Agamben's "Homo Sacer" theory, simultaneously living outside and inside of the law. Once they arrive in Turkey, their legal status transitions from Homo Sacer to Agamben's similar concept of "inclusive exclusion." In both situations, repressive (Syria) and neoliberal (Turkey), the legal creation of their subject positions embodies Agamben's idea of a "state of exception." While gay subjects' state of exception in Syria is clearer from an academic analysis (due to their utter lack of legal recognition), their state of exception under Turkish law is less obvious because it is hidden under the guise of legal protections. I will use the oppressive experiences of a hypothetical gay refugee from Syria who is living in Turkey as a vehicle to show the need for a more nuanced and thorough approach to transnationalism. The theoretical character I am using for narration, Farid, is vulnerable because he has been put in a subject position that is persecuted by both Syrian and Turkish governments. When the states create the legal identities that define his rights, he becomes an exception to the "normal" functioning of his governments' systems.

### **"Homo Sacer" and its Relationship to LGBTQ+ Syrians:**

Italian philosopher Giorgio Agamben's essay "Homo Sacer" explains that certain groups of people are reduced to bare, animalistic lives, and therefore able to be persecuted or killed (in a non-sacrificial way). There is no martyrdom because they are, for all intents and purposes, dying for a cause that supposedly does not exist. The tricky paradox comes with the fact that the Homo Sacer is a way for the state to determine what is recognizable within its parameters. Meaning, the law is what determines something to be outside of the law. This is contradictory because the government then says what goes on outside of its own jurisdiction. Basically, no one can exist outside of society's rules. And in becoming an individual, one becomes subject to entrapment (Agamben, 796-799). Ergo, laws are general rules with which there can never be an exact application; no event in the real world matches a legal definition perfectly. Despite laws being presented as orderly, the omnipresent ambiguity means that those laws must always be applied with force. This is true even in a liberal democracy because the application of legislation is still a sovereign decision.

The sovereignty's logic is built on aporia; "The paradox of sovereignty consists in the fact that the sovereign is, at the same time, outside and inside the judicial order...the sovereign is truly the one to whom the judicial order grants the power of proclaiming a state of exception" (Agamben, 799). It uses the laws it creates to put itself outside of the law. In other words, "the sovereign exception is the presupposition of the juridical reference in the form of its suspension...The sovereign decision traces and from time to time renews this threshold of indistinction between outside and inside, exclusion and inclusion...in which life is originally excepted in law" (Agamben, 802). Here, we see yet another binary. By inserting itself into the lives of its constituents, the government is negating the supposed dichotomy by simultaneously being permitted to be inside and outside the law, giving it flexibility and power.

If “society’s attempt to ‘confine the outside’” is to succeed, it must create a scapegoat-like figure entitled the “Homo Sacer” (Agamben, 800). Agamben explains that “the protagonist of this book is bare life, that is, the life of Homo Sacer (sacred man), who may be killed and yet not sacrificed, and whose essential function in modern politics we intend to assert” (Agamben, 796). In other words, the Homo Sacer is able to be eradicated, but not in a sacrificial sense, because he/she/they is not allowed to properly exist. Patricia Owens explains in the *Journal of International Relations* that being a citizen is essential to having identity security. “Those most in need of ‘inalienable’ rights- stateless persons and refugees, those without a right to citizenship- are in no position to claim them” (Owens, 576-577). The Homo Sacer is forever suspended in a state of exception and this is why queer refugees are constantly flooded with fear about their position in societies.

Political theorist and previous, Jewish refugee Hannah Arendt argues that the most important guarantees for a person are societal belonging and human rights. “The calamity of the rightless is not that they are deprived of life, liberty, and the pursuit of happiness, or of equality before the law and freedom of opinion – formulas which were designed to solve problems within given communities – but they no longer belong to any community whatsoever. Their plight is not that they are not equal before the law, but that no law exists for them; not that they are oppressed but that nobody wants even to oppress them” (Arendt, 299). By stripping them of a community to connect with, the government is attempting to combine the political and natural identities of gay Syrians through a “deliberate attempt to make human beings qua human superfluous, to transform human beings in order to eliminate their humanity” (Arendt, 298).

The hypothetical character I will be using is an average, gay man from Syria. While fictional, his experience is all too similar to those of real people. He is twenty-eight years old,

born in 1992. His name is Farid- which means “unique” in Arabic. In 2011, Farid was nineteen

years old. Also that year, the Free Syrian Army took over and subsequently the protests became violent, officially starting the Syrian Civil War. The sanctions that followed resulted in fiscal turmoil throughout Syria that had a negative impact on human rights. In the following years, the infant mortality, poverty, and unemployment rates all rose, resulting in record-highs in 2017. Farid's community was falling apart around him. The worsening living conditions in Syria resulted in millions of people attempting to flee, putting a heavy burden on bordering countries especially, such as Turkey (Purdy, 2018). Farid saw his neighbors start to leave and worried about his own situation and safety at home.

Farid has known he was gay since he was fourteen. After his neighbor was killed by her family to "restore honor" from her suspected lesbianism, Farid decided he would keep his sexuality a secret (Mendos, 476). However, he was not very good at hiding it. When suspicions rose to the police, the corrupt officers used Article 520 of Syria's Penal Code, which allows up to three years in prison for, "unnatural sexual intercourse," to blackmail and fearmonger him (Mendos, 475). Farid has heard horror stories of torture, murder, and prosecution by the police against gay people.

One example of the oppression queer Syrians face is physical violence. Hussein, the winner of the beauty pageant "Mr. Gay Syria," said in reference to a Syrian street, "I get beaten here. I was almost killed. I feel scared walking here" (Toprak). Farid needed to get out of Syria but was afraid to explain why to his family. Halim, a real-life Syrian activist, explains that while ISIS's control has been ruthless towards gay people, those in charge are not the only threat. He says, "If you are gay, you have many enemies intent on your persecution: the government, ISIS, al-Nusra (the Syrian branch of al-Qaeda). That's not including your own extended family: they are often enemy number one" (Hammond, 1). An NBC News interview of LGBTQ+ refugees from Syria

supports that claim. They recounted fathers telling a son to “burn in hell” and a daughter that he wants her dead. A young man, Fuad el-Essa, never spoke to his family again after coming out as gay. He recalled, “I was living a nightmare. It broke my heart that I was scared to death to talk to my parents about my identity. It broke my heart that my parents were the ones I was most afraid of” (Omar/Talmazan, 2019). Hussein’s family said, “If you don’t go back to the way you were [closeted], your dad will kill you. He’ll poison you. Swear on the Quran that you are not gay” (Toprak). Other stories include parents wishing their children would die during the refugee journey so the world would not know they were gay, parents isolating themselves from their offspring because of their identity, and sending daughters to therapy in order to “cure” them, supposedly so that the household can regain honor.

Moreover, Farid hears word that a local boy only slightly older than him was tortured with the “shabeh,” which roughly translates as ‘the ghost’ and involves handcuffing the victims' arms behind their backs and using them to hoist their bodies into the air, putting extreme pressure on the shoulder sockets, often until they pop out” (Hammond, 1-2). President Assad also sends men to kidnap those suspected of homosexuality and torture them with iron bars, hammers, and electrocution (Hammond, 2). There is video footage from Syria of those charged with sodomy being executed in front of crowds. The Hisbashi act as a tool for ISIS to eradicate the LGBTQ community, supposedly in the name of Sharia law. Mahmoud Hassino, the organizer for the pageant, “Mr. Gay Syria,” said “ISIS is everywhere. I do not want innocent people dying because of this competition” (Toprak). A transgender woman, Sally, recounts being sexually abused in exchange for being allowed to cross the border to leave Syria (Hammond, 4). The reporter summarizes, “ISIS is not the first organisation (sic) to use barbarism against lesbian,

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## 2 Religious police in Syria

gay, bisexual and transgender people as a weapon of war, and they won't be the last. But their levels of violence and depravity are unprecedented” (Hammond, 5).

Syria is one of thirty nations that does not have a known LGBTQ+ organization. Nonprofits such as Amnesty International and the Human Rights Campaign have struggled to spread tolerance in Syria due to the persistent violence. It is partially because of this lack that there is an unknown number of Syrians who identify as LGBTQ+ (Omar/Talmazan, 2019). Despite these harsh realities, Farid decided to tell his parents he is gay in 2017, so he can justify his decision to leave the country. They are outraged, insisting that he is an embarrassment and disavowing him as a family member. His father slaps him and his mother cries. Farid is heartbroken that his family cannot accept him for who he is. As Mahmoud, the founder of Mr. Gay Syria said, “No one is working for LGBT Syrians and no one ever will” (Toprak).

However, in Turkey, he is given some privileges. Although, as he will soon discover, their dispensation is a tool for persecution. Queer, transnational subjects are more vulnerable because of the intersections of their identities. However, the ignorance of this reality by transnationalism’s academia causes a brutal oversight.

### **The Paradox of Neoliberalism for LGBTQ+ Refugees:**

Farid’s inherent need for self-discovery and the ability to come out finally overpower his fears about leaving Syria. So, Farid officially decides to go to Turkey. There, he will discover that intolerance is not divided simply between acceptance and hatred. Places like Turkey are gray areas in this regard. There are two gay organizations there and 2,734,000 Syrian refugees. (Kivilcim, 26-27). It is his best chance of being accepted, or so he thinks. Farid’s friends have recommended fleeing to Turkey because it has loose visa requirements and hosts the largest

number of refugees in the world. Furthermore, the majority of Syrian refugees settle in Turkey and the majority of Turkey's refugees are Syrian. Countries such as Lebanon, Jordan, and Turkey often act as transitional residencies for refugees before they find permanent habitation in the European Union (Boluk, 118). However, Turkish refugee camps have been overcrowded since 2014. "The camps' capacity was insufficient to deal with the massive influx of refugees. Many of the refugees were spread out across Turkey's provinces according to their own preferences... While the camps are well managed and resourced, the non-camp refugee population continues to experience significant problems that need to be addressed. For the refugees living outside the camps, the most urgent issues are housing, food, education, health services and employment" (Boluk, 119).

Once in Turkey, despite the fact that being a refugee presents challenges for him, Farid believes that he will be more accepted as a gay man in Turkey. Many queer Syrians migrate to Turkey in hopes of a better life. Same-sex relationships have always been legal in Turkey and transgender people are permitted to change their legal gender. However, socially, there is still persistent discrimination, heterosexism, and homophobia. Despite Turkey being a secular country, the predominantly Islamic values are often used as an excuse for persecution (Engin, 839). In the late twentieth century, more visibility for sexual and gender minorities began to surface, but it did not lead to much of an increase in tolerance. There are no anti-discrimination laws to protect gay people, but this is a vast improvement from Syria, where there are laws specifically designed to harm gay people (Engin, 840).

Farid struggles to find his place in Turkey. The landlord finds out that he and his roommates are queer, so he spikes the rent until they can no longer afford it. Sadly, Farid says goodbye to his friends and moves into a new apartment after weeks of living on the streets.

He

keeps his gayness a secret. One day, one of his new roommates comes up to him and asks him if he is gay. Farid hesitates. So, the man gives him a choice. He says that he will tell the landlord, who will subsequently kick him out. Or, Farid can give him something in return. Of course, he is talking about sex. Farid simply cannot be kicked out of another residency. For months, he is raped in his own home but cannot afford to find another place to live (Kivilcim, 34). Every day, he goes out and looks for work. His savings are drying up quickly. But, the only careers available to Syrians are either sex work or jobs no one wants with inhumane pay (Kivilcim, 35). Then, Farid gets sick. He is afraid to go to the health clinics for Syrian refugees in the city's center because he could be harassed or outed by other Syrians (Kivilcim, 36). After all, only 250 Syrian refugees are openly gay (Kivilcim, 26). The Sosyal Politikalar Cinsiyet Kimliği ve Cinsel Yönelim Çalışmaları Derneği and the Hêvî Association are the only two organizations helping with his demographic, so they are constantly overwhelmed with needs and requests (Kivilcim, 27).

Farid came to Turkey to escape homophobia. However, this is clearly not the case. In addition to what has previously been said, Farid discovers that there is evidence to suggest that, in Turkey, those who are convicted of hate crimes often serve short jail sentences or are merely required to pay a fine. (Engin, 843). Furthermore, transgenderism and same-sex tendencies are still seen as psychosocial disorder by the Health Competence Regulation of Turkish Armed Forces (Yılmaz, 133-134). Surveys conducted show that only eleven percent of Turkish people do not support the criminalization of sexuality and 81% of responders would express disappointment if their children were gay (Yılmaz, 134). In 2013, the gay dating and hook-up app "Grindr" was blocked by the government under the guise of a "protection measure." The media coordinator for a gay rights' organization in Turkey said, "Censoring Grindr is the last

step in arbitrary limitations of freedom in Turkey. Any lifestyle or identity, which does not fit to the state's ideology, is being deprived of their rights and freedoms... LGBT people has never been considered as equal citizens all through the history of Turkish Republic" (Littauer, 2013).

As a participant of Mr. Gay Syria said to his boyfriend, "there are no laws criminalizing homosexuality [in Turkey]. But, there are no laws to protect gays. We can't get married here. It's the same with many other countries in Europe. We should seek asylum on another planet" (Toprak). He is correct that no matter where one goes on Earth, one will encounter some shade of intolerance.

It is important to note that the double state of exception is a position particular to transnational subjects. Refugees are by definition stateless and vulnerable, creating a dependence on both their home country and country of residence. "Thus, for migration hubs that, like Turkey, are situated between the Global North and the Global South, we need to employ a more nuanced notion of precarity conducive to understanding the overall dynamics of irregular migration, and, in particular, the position of stateless peoples, urban refugees, and sans-papiers peoples" (Canefe, 12).

Farid could not sue to help himself in Turkey when he was discriminated against because while there were no homophobic laws, there were also no anti-homophobic laws to protect people like him who were being denied a living wage, housing, health care, and more. Part of Europe's oversight in its progressiveness has been that "it has a narrow understanding of politicization failing to include insights from feminist and queer literature" (Canefe, 12). As the European Union becomes more open about its oversights in terms of gay rights, LGBTQ+ victims of persecution are taken more seriously when they complain. "This (increased transparency) helped make LGBT rights' claims more legitimate within Turkey's political

struggles" (Canefe, 12).

Furthermore, this ideological labeling allows refugees to exist without disrupting the cultural narrative or underlying structure of their lost structure. The post-Enlightenment era has put a focus on ideals of freedom and democracy. “But their [refugees’] diaspora across the world...has loosened the internal coherence...in a Euro-American master-narrative and provided instead a loosely structured synopticon of politics” (Appadurai, 1183).

Turkey, in particular, relies on isolation and divisions to oppress certain minorities. The hyper-Islamic values that lead society cause “gender norms and specifically women’s conduct and propriety [to] play a key role in delineating the boundaries between ‘us’ (God-fearing, Sunni, AKP supporters), and a ‘them’ consisting of all political detractors and minorities, cast as potentially treasonous and immoral” (Kandiyoti, 105). Females and LGBTQ+ people are particularly at risk because of these trends. “These modes of ‘othering’ inevitably expose many sections of the citizenry – not to mention women and sexual minorities – who fail to meet government-decreed norms of propriety to potential intimidation, harassment and violence” (Kandiyoti, 106). In fact, some scholars argue that the increased neoliberalism in Turkey has led to a stronger focus on strengthening traditional family values, a goal that typically harms gay people (Kandiyoti, 106). The pinnacle of Farid’s identity confusion in Turkey, however, stems from the label that he is forced to take upon his arrival. The economic “freedom in Turkey” allows this label to be used for exploitation in multiple spheres.

## **The Inclusive Exclusion of Queer, Syrian Refugees in Turkey:**

As explained beforehand, people fleeing to Turkey from non-European countries are given the designation “guest” rather than “refugee.” Those from Syria, specifically, are also not allowed to file claims with the U.N.H.C.R. Legally, the repercussions of this labeling is harmful and unclear. “The status of Syrians in Turkey is unique in that the Turkish government has granted Syrians some of the social rights available to Turkish citizens, thereby, incorporating Syrians within its existing social welfare system while, at the same time, refusing to grant them status that would lead to longer term residency or full citizenship. This ambiguous status between being granted limited social citizenship rights with no prospect of full citizenship in the near future contributes to the precarious nature of Syrians’ existence in Turkey and to their differential inclusion” (Baban, 6). The ambiguity here is an example of “society’s attempt to ‘confine the outside’” (Agamben, 800). This situation allows for a “legal production of illegality” (Baban, 6). The government is using societal structures to keep demographics out of society itself. The phrase “legal production of illegality” is synonymous with the inclusive exclusion that Agamben discusses. “Western politics first constitutes itself through an exclusion (which is simultaneously an inclusion) of bare life” (Agamben, 795). Meaning, the aporia of biopolitics is a staple of life as a subject. “Bare life remains included in politics in the form of an exception, that is, as something that is included solely through an exclusion” (Agamben, 798).

Of course, as established earlier, all societal spheres are even more unpredictable for LGBTQ+ people. Even though there is a policy preventing deportations, some Syrians have returned to their home countries voluntarily to avoid the horrible living conditions in guest- camps. There are reports that the free food and health care for camp residents is

misleading

because the food is often inedible, there are only general practitioners available, translators are inefficient at communicating requests, and the dissemination of items (such as toothbrushes, soap, etc.) is not efficient and primarily based on favoritism (Özden, 6). Farid has been warned of the situation awaiting him in Turkey, but he, like many queer refugees, knows that he has no other option, for he will be killed if he stays in Syria.

Again, Syrians in Turkey are not given the title “refugee.” Rather, due to a legal loophole, they are labeled “guests.” Because of this policy, once Farid gets to Turkey, he is still in a state of an exception. However, this is done in a subtle, neoliberal way. His place in Turkey is made extremely unclear and unstable because the term “guest” is, at its core, meaningless. It has no concrete place in a community or legal system. Then, due to the aforementioned intersectionality of oppression, the insecure housing and work opportunities are multiplied by Farid’s gayness and further contribute to his precarious position in Turkish society. Queer, Syrian refugees are given vague rights and minimal recognition or assistance from government workers, doctors, or police. However, despite this exclusion, they are still at the hands of the government, who determines where to place them legally; thus, they cannot truly leave the system. Agamben would consider the liberal tradition of law, in which people are granted rights (inclusive exception), rather than being merely excluded (reduced to bare life), to be more pernicious than the explicit exclusion (bare life) practiced in Syria because subliminal oppression is less easily recognizable. The “protections” that refugees are bequeathed with in Turkey function as tools for subjection, rather than assistance.

Mulhime, a lawyer, complains about his branding as a guest because of its lack of reference to any legal codes in relation to refugees. ‘Neither our name nor our status and rights are clear. They call us guests. What is its equivalence in the law? There is no legal status titled

guests. There should be a law concerning the status and the rights of Syrians in Turkey. Do not tell me that there is already a legal regulation called temporary protection. This is not acceptable as long as it is defined within the context of the guest discourse” (Goksel, 159-160). “This sentiment of precarious status was echoed by a Syrian lawyer: ‘According to Turkish law, I am not even a refugee in Turkey, I am a guest. I do not even have the rights of a refugee here’ (Interview, 22 June 2015, Gaziantep)” (Baban, 5).

The Temporary Protection Regulation “explicitly prevents Syrian refugees’ (sic) from applying for international protection” (Kivilcim, 27). Consequentially, insecurity is Farid’s biggest problem while living in Turkey. He never fully knows what his status is and recognizes that, despite the refoulement rule, he could really be deported at any time. (Kivilcim, 38). It does not help that refugees are by definition stateless and the ones who are living in refugee camps, especially the children born there, only have their identity confusion emphasized by these circumstances (Nguyen). But, what exactly constitutes statelessness? “One is a *displaced* person if, having been rendered a refugee, a minority, or a stateless person, one cannot find another polity to recognize one as its member and remains in a state of limbo, caught between territories, none of which desires one to be its resident” (Arendt, 230). Now, since gay people are not recognized by the Syrian government and queer refugees are dismissed by the Turkish government, they are not recognized properly in any official capacity, and thus put into an inclusive exclusion. According to one theorist, these subjects are more likely to be victimized by societal disjunctions. “Tourists, immigrants, *refugees*, exiles, guest-workers and other moving groups and persons constitute an essential feature of the world... The warp of these stabilities is everywhere shot through with the woof of human motion, as more persons and groups deal with the realities of having to move, or the fantasies of wanting to move” (Appadurai, 1181-1182).

However, beyond a legal standpoint, the emotional insecurity Syrians refugees face is also tremendously concerning. An article in the *Journal of Ethnic and Migration Studies* elaborates on the complexities of the legal and emotional precarity of Syrians in Turkey.

“Whenever asked about their problems in Turkey, Syrians put their representation as ‘guests’ at top of their long list... ‘The Turkish state named us as ‘guests’ and they introduced us as guests to the public. But if we look at the ordinary usage of the term, there is a time limit in being a guest (p. 9).’ They also bring to the forefront the insecurities and unpredictability facing refugees as they access paid work, health care, education, housing, and limited citizenship rights in host states such as Turkey” (Baban, 4).

This legal capriciousness provides Syrians living in Turkey with much uncertainty, resonating in a constant fear and instability for Farid and his peers. “Even though this status [of Temporary Protection and guest status] gives Syrian refugees social and economic rights similar to Turkish nationals, its temporariness makes it nearly impossible to anticipate their integration in the long run. Whether this status can lead to permanent residence or citizenship has not been legally determined, yet” (Goksel, 150).

However, there is still the question as to *why* Turkey does not give Syrians refugee status. While they have not released one official answer, one theory is that it is too difficult to manage asylum applications for such a large group of people. Another theory is that, by registering them as “guests” and not “refugees,” Turkey prevents any interference from NGOs or other organizations. However, the most compelling and philosophically supported theory is that preached by Taner Kiliç, a leader for the Association for Solidarity with Refugees (Mültecilerle Dayanışma Derneği). The chairman of the board commented “If not used as a result of a lack of knowledge, it means [the term ‘guest’] was used deliberately and insistently for manipulation purposes. Perhaps the aim was to cover all the costs of Syrians taking refuge in Turkey and treat them in any manner that was deemed appropriate” (Burcu, 63). While some may dismiss this

idea as a conspiracy theory, it actually has much supporting evidence. “Turkish government’s

central legal and policy frameworks provide Syrians with some citizenship rights while simultaneously regulating their status and situating them in a position of limbo. Syrians are not only making claims to citizenship rights, but they are also negotiating their access to social services, humanitarian assistance, and employment in different ways. The analysis stresses that Syrian refugees in Turkey continue to be part of the multiple pathways to precarity, differential inclusion, and negotiated citizenship rights” (Baban, 1).

The government, by portraying Syrians as threats, makes their population easier to control without resistance from Turkish citizens. “They are transfigured as a threat to societal and internal and/or public security. What is more, a security continuum between migration, terrorism, and criminality is evident in these representations. Among these securitarian (sic) frameworks, the most visible and emphasized is the construction of Syrians as a ‘threat’ in the field of the labor market” (Burku, 68). This is why, despite Syrian refugees lacking access to basic healthcare and safe working conditions, there is still an abundance of bitterness towards them on behalf of Turkish citizens. They express dissatisfaction with the job market and the presence of refugees. To be fair, there is evidence to suggest that, “The mass influx of refugees into Turkey created major economic and social problems, such as increases in food and house prices and property rents. The arrival of low-paid refugees onto the labour market increased the unemployment rate across the country, notably in southern Turkey. Municipalities have faced major problems due to limited budgets and inadequate infrastructure.” On the other hand, Syrian refugees are also helping Turkey’s economy by opening new businesses and providing labor (Boluk, 119). Regardless, a survey found that around 60-70% of Turkish citizens support the deportation of refugees, while only 10% believe in offering a path to citizenship (Boluk, 120).

The unity that Turks feel against Syrians provides a source of unity that Recep Tayyip Erdoğan<sup>4</sup> can be used for political benefit. As James Fahy said, “Nothing unites humans like a common enemy.” Turkey originally opted for the term “guest” because refugees are entitled to specific rights under the Geneva Convention. Erdoğan’s circular labeling creates opportunities to deny Syrians accessibility, while still adhering to his promises. For example, the government promised them “access to Turkish territory and protection for access to basic services” (Mourenza/Ortega, 52). However, “basic services” is an arbitrary term and the president can manipulate it any way that he sees fit. A study on Syrians in Turkey cites the main reason for the broad approach is because benevolent aid is a lot more negotiable than administrative guarantees. By using words with no official meaning, the rights of a people become too flexible to be enforced when needed most. “Humanitarian action cannot take the place of political action to resolve the broader crisis and maintain sufficient, appropriately located, secure, and regular border crossing points open for Syrian refugees fleeing the conflict” (Mourenza/Ortega, 54).

“The legal and policy framework shows that Syrian refugees are governed under a security architecture that emphasizes containing and controlling ‘risky’ groups.” The vague security they feel is a result of an assumption of temporary residency. “However, it has become clear that the war is not likely to end, and Turkey has already become a ‘home’ for Syrians” (Burcu, 66). A professor at New York University, Arjun Appadurai, explains Erdoğan’s potential motives for fearmongering in his essay “Disjuncture and Difference in the Global Cultural Economy.” He writes, “homogenization can also be exploited by nation-states in relation to their own minorities, by posing global commoditization (or capitalism, or some other external enemy) as more ‘real’ than the threat of its own hegemonic strategies” (Appadurai, 1181). Obviously, in this



situation, the Syrian refugees are the minority. Erdoğan capitalizes on the differences between Syrians and Turks. “The critical point is that both sides of the coin of global cultural process today are products of the infinitely varied mutual contest of sameness and difference on a stage characterized by radical disjunctures between different sorts of global flows” (Appadurai, 1189).

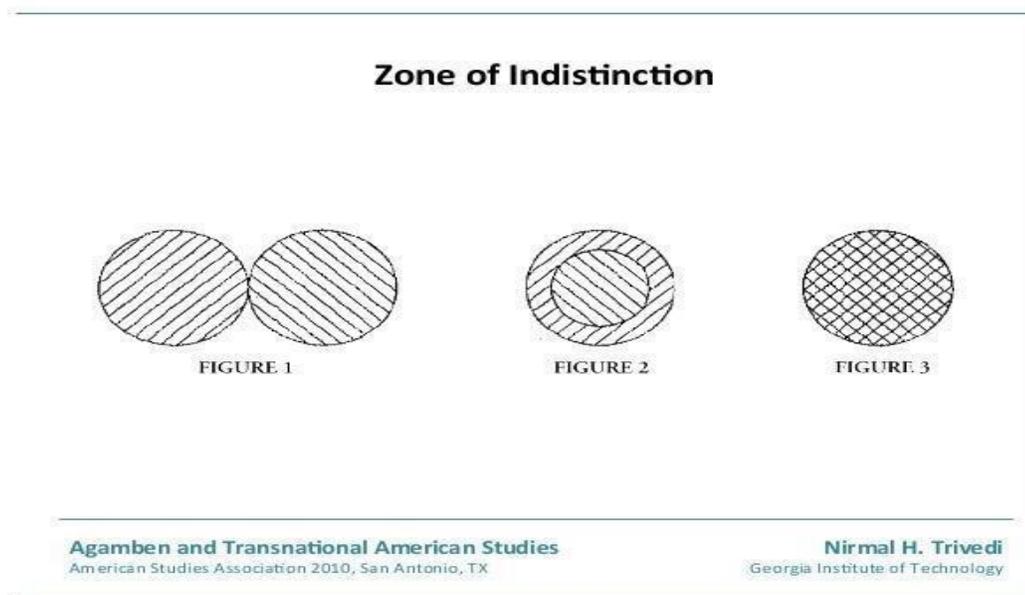
Farid’s unstable status and insecurity in Turkey puts him in a state of exception, simultaneously living outside and inside of the law. “The modern Western state has integrated techniques of subjective individualization with procedures of objective totalization to an unprecedented degree, and he speaks of a real ‘political ‘double bind,’ constituted by individualization and the simultaneous totalization of structures of modern power” (Agamben, 794). In other words, the sovereignty of a nation gets to subjectively grant rights and recognition to individuals or collective groups. “Carl Schmitt’s definition of sovereignty (‘Sovereign is he who decides on the state of exception’)” is what is being asserted in situations such as these (Agamben, 798). Government interference is what creates the merge between *zōē* (bare life) and *polis* (political life) in the first place.

Furthermore, Agamben defines the idea of a state of exception. He writes, “Only within a biopolitical horizon will it be possible to decide whether the categories whose opposition founded modern politics...and which have been steadily dissolving, to the point of entering today into a real zone of indistinction” (Agamben, 794). Rulers often make unprecedented decisions in the name of unusual circumstances. They are “bestowed with exceptional powers hitherto unknown.” But then, the foundation of the separation of power was steadily undermined and this, as a consequence, promoted the ‘transformation of legal relations and standards’” (Arendt, 190). Although, eventually, the exception will always become the norm. The “attempt to declare the refugee problem a ‘passing anomaly’... [was] more than simple ignorance.

Queer Refugee  
Experience

Hitherto people who

had lost all legal rights due to statelessness had been unknown. In this new identification of statelessness and rightlessness lay the silent acceptance of the collapse of one of the oldest and nearly sacred laws of political communities: the right to asylum” (Arendt, 183). Agamben’s understanding of political states of exception is based mainly on this thought process. “The *exceptio (sic)* is an instrument...that...functions to neutralize the conclusiveness of the grounds... and thus to render the normal application of the *ius civile (sic)*” (Agamben, 803).



The Syrian refugee crisis was chaotic and as Agamben explains, “there is no rule that is applicable to chaos” (801). So, the sovereignty used this as an opportunity for persecution. All people fleeing to Turkey are labeled refugees, except non-Europeans, specifically Syrians. They are now “guests” in a state of exception. However, that state is never lifted and slowly becomes the new norm, now being legally acceptable. In the diagram above, normal refugee status is circle one, while the Syrians’ “guest” status is circle two. Eventually, the exception will become the norm, opening new avenues for oppression with a pacified citizenry.

### **Intersectional Economy in Global Studies:**

Clearly, queer, transnational subjects are more likely to be forced into a state of exception through double binds. However, globalization's discourse has ignored the multiplicities of persecution depending on core cultural identifiers. Therefore, Farid is especially prone to oppression because he is gay, Syrian, brown, and a refugee. If any of these identifiers were to shift, so would his experience. One essay reads, "in viewing sexuality as distinct from race, class, nation, and other factors in modernity...gender and sexual difference have become understood as attributes of bodies unmarked in any other way, despite copious evidence that all of these modern identities are interconnected" (Grewal/Kaplan, 966). Various exposures to oppression are created across different legal and cultural regimes. The rights-based framework that law imposes often requires LGBT people to compartmentalize identities in order to allow for claims to be considered viable under existing civil rights discourses" (Katyal, 1428).

Farid is able to keep in touch with his transgender friend from his first apartment. We will call her Jameel- which means beautiful in Arabic. In fact, transgender people are exposed to the most prejudice. Texas A&M University's Department of Sociology published an article on the experiences of LGBTQ+ people in Turkey.

"Transgender individuals are often subjected to physical violence as well as discrimination by the police and other members of Turkish society as a result of their gender identity. They are denied a safe working environment and are discriminated against on a daily basis... The experiences of these individuals highlight the inequalities they face as a result of living in a homophobic culture that marginalizes and discriminates against them. The alienation that transgender individuals experience from their families and communities begins at an early age, and most often continues into an adult life in which there are often no other viable economic opportunities available aside from various types of sex work" (Engin, 842).

Jameel tells Farid how she is persecuted at hospitals and doctors refuse to treat her

(Kivilcim, 37). Farid is reminded that his situation could be significantly worse. Despite his

many vulnerable traits, due to intersectionality, his cisgender maleness is a constant source of privilege.

Minorities are exceptionally vulnerable to the “zone of indistinction between nature and right” (Agamben, 802). The aforementioned theorist and scholar Chandra Talpade Mohanty supports this with her theory on how cultural identities create economic identities. The politics of sexuality play a key role in creating ideological workers. In capitalism, women’s work is dismissed as valueless, therefore it puts them in boxes where they must work without pay. For example, house and family care is designated as “women’s work.” The patriarchy creates a construct that separates that work from “legitimate” labor, thus putting women workers in separate boxes where they can be deemed less valuable than their male counterparts (i.e. Rosie the Riveters and housewives). Both Agamben and Mohanty recognize that intersectionality is key to comprehending how ideology is formed and life is experienced. “The argument then is about a *process* of gender and race domination...Making Third-World women workers visible in this gender, race, class formation involves engaging a capitalist script of subordination and exploitation” (Mohanty, 979).

Similarly, the labor constrictions that Erdoğan puts on Syrian refugees benefits the Turkish majority from an ideological and economic standpoint. Appadurai discusses deterritorialization and how it allows states to attempt to control the fluid nature of humans. “The idea of deterritorialization may also be applied to money and finance, as money managers seek the best markets for their investments, independent of national boundaries” (Appadurai, 1185). Economically, refugees provide a new market of consumers. However, letting them work for fair wages and in safe living conditions would recognize their humanity in a way that the Turkish government is not prepared to do. As biopolitics adjusts to diaspora, “the role of the nation-state

in the disjunctive global economy of culture” also develops as the rights of transnational subjects begin to impact the market (Appadurai, 1186). Minorities are capitalized for cheap labor by neoliberal and repressive regimes.

Since Syrians come from a violence-ridden area, they are more susceptible to exploitation because they are so desperate for a way out. “In general, separatist, transnational movements, including those which have included terror in their methods, exemplify nations in search of states” (Appadurai, 1186). Therefore, it is the micro-politics of Turkey that are triggered by globalization. Appadurai’s analysis of disunity as an economic force is demonstrative of this claim. “National and international mediascapes are exploited by nation-states to pacify separatists or even the potential fissiparousness of all ideas of difference; and by seducing small groups with the fantasy of self-display on some sort of global or cosmopolitan stage” (Appadurai, 1186).

In regard to intersectionality, not only is the violence of Syria relevant, but their brown skin also plays a factor in their exploitation. “Ethnicity, once a genie contained in the bottle of some sort of locality (however large) has now become a global force, forever slipping in and through the cracks between states and borders” (Appadurai, 1187). Turkey’s government inclusively excludes Syrian refugees because their ethnicity makes them easily exploitable to the global community. However, due to intersectionality, queer refugees are even more oppressed. By doing so, Turkey is able to increase national productivity, capital, earning flows, and workers. This is all done without having to ensure the safety of those providing these increases.

### **Conclusion:**

The current approach to studying globalization ignores the various double binds that are created across different legal and cultural regimes by creating reductive binaries and disregarding intersectionality. A hypothetical, gay refugee from Syria who is living in Turkey has been used as a vehicle to show the need for a more nuanced and thorough approach to transnationalism, as well as the states of exception for which his demographic is an inescapable subject. Farid is an exception by means of the subject positioning with which he has involuntarily been placed. His exceptionality is a key to the assumptions that underlie the "normal" functioning of both Syrian and Turkish systems.

By broadening globalization discourse to be “a more interdisciplinary and transnational approach that addresses inequalities as well as new formations [, we] can begin more adequately to explore the nature of sexual identities in the current phase of globalization.” (Grewal/Kaplan, 964). I hope by reading this paper, you have engaged in a “contribution to a discussion that can build a bridge between the fields of global and transnational studies and those of sexuality, gender, women’s, ethnic, and cultural studies in the U.S. academy” (Grewal/Kaplan, 971). Because, by doing so, we can improve our understanding of the world, its people, and the rhetoric that we use to discuss these topics. “Such interdisciplinary work will enable us to understand global identities at the present time and to examine complicities as well as resistances in order to create the possibility of critique and change” (Grewal/Kaplan, 972).

Through the evolution of the study of transnationalism to being able to recognize intersectionality and the complexities of its subjects and boundaries, we as people can better understand the experiences of minorities, migrants, and anyone being placed in an unstable, legal status. Farid has gained mental intelligence through communicating with others like him, thereby furthering his understanding of his own identity. He even joins the only well-known gay support

group in Turkey, “Tea and Talk” (Toprak). The group members helped him find a place to live where he is relatively safe. Despite the challenges he has faced and will face, the hypothetical Farid is better off in Turkey and has started to settle into a life for himself.

Whether they are home in Syria or refugees in Turkey, this group of LGBTQ+ people will always be stuck in a state of exception. Contrary to popular belief, persecution is not clearly divided by national borders. Culture, government, family, and community all play a role. “When speaking of the Middle East and the Muslim community, not only we are talking about a rich diversity. We also reference the historical, religious, social, ethnic, and economic alliances and antagonisms intermingled with politics. There is nothing simple, homogenous, or static about it, despite the prevailing efforts of old and new orientalist discourse” (Karimi, 20). Refugees are especially vulnerable to being exposed to a multi-layered experience in regard to these factors. “In sum, not only does the concept of a ‘queer diaspora’ enable us to challenge the fixedness of concepts like the nation, home, and homeland, but it also challenges the common identities we attach to notions like gay or lesbian, by introducing different identities-and economies-that both destabilize the normative concept...of the singular identity that attaches to the image of being LGBT-identified.” (Katyal, 1440-1441).

The hypocrisy of government is a cornerstone of ideological subjects’ experiences. As Agamben stated, “If the exception is the structure of sovereignty, then sovereignty is not an exclusively political concept, an exclusively juridical category, a power external to law, (Schmitt), or the supreme rule of the juridical order (Hans Kelsen): it is the originary structure in which law refers to life and includes it in itself by suspending it” (807).

Gay subjects' state of exception in Syria is apparent through their role of the Homo Sacer, where their existence is banned by the state and they are dehumanized to the point of

justifying

their murder. In Turkey, their state of exception is less obvious. The unstable status of queer, Syrian refugees residing in Turkey puts this group in a wonky zone of inclusive exclusion, simultaneously living outside and inside of the law. This demographic, especially, has the unique position of being trapped in states of exception in both repressive and neoliberal regimes. Although, the distinction between the two may not be as clear as initially believed to be.

THE END

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