“Diversity without Legitimacy”

Gender, Discourse, and Recognition of Transwomen in Malaysia

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Tiivistelmä – Referat – Abstract

The thesis concentrates on the visibility and the political recognition of transgender women (mak nyah) in Kuala Lumpur, Malaysia. Through the theories of recognition, concentrating on the questions of gender and recognition, the thesis looks into how the institutionalized transphobia, the criminalization of transgendered practices and the lack of gender recognition affect the transgender women/mak nyah, often referred to as the most visible part of the LGBT community in Malaysia. The study is based on ethnographic fieldwork carried out in Kuala Lumpur between April and August 2017. The study rests on participant observation – carried out in various LGBT spaces, events, and the facilities of a Non-Governmental Organization – and on semi-structured interviews with a core group of 17 participants, including 14 members of the mak nyah community and three current and former workers of three key organizations working with the issues of sexual and gender rights. Participants come from multi-ethnic and multi-religious backgrounds, of which the majority are Malay Muslims.

Since the 1990s, emerging from Hegelian legacy, there has been a resurgent interest in the notion of recognition. Recently in the field of political recognition, after the recognition theorists Charles Taylor’s (1994) and Axel Honneth’s (1995) publications, the new questions concerning the relationship of identity, politics, and gender recognition have been studied by social theorists and scholars such as Paddy McQueen (2015) and Eric Plemons (2017). These scholars discuss how gender is recognized in various surroundings and fields, including legal. Furthermore, they pose important questions, such as what happens when an individual’s lived experience falls outside of society’s 'normative' gender ideal. Taken further, it permits a closer examination of the relationship between individual and society, enables the observation of gendered spaces and their meanings, and allows the scrutiny of the public discourse. Furthermore, like Nancy Fraser (1990) and Michael Warner (2002) have demonstrated, in environments where such subjectivities are oppressed or excluded from the public sphere and the institutional world, alternative discourses and discursive spaces are created, known as counterpublics, serving as social and political areas for the marginalized groups.

In the past decades in Malaysia, there have been legal and political constructions toward the non-heteronormative subjectivities and groups. In Malaysia’s two-court system, ‘transgendered practices’ are criminalized by the section of religious (Syariah) law criminalizing “cross-dressing” of Malay-Muslim backgrounded citizens and by a section of the national law that has been used for the arbitrary arrests and raids of transgender-identified persons based on “indecent behavior.” Malaysia that was formerly known as a site of “considerable fluidity and permeability in gender roles” (Peletz 2009), has now taken a completely different political approach to its sexual and gender minorities. This is partly a result of nationalist “Asian values” discourse that took root in the 1990s in various Southeast Asian countries and that views the non-heteronormative genders and sexualities as un-Asian. The political identity struggles that are characteristic of the post-independent Malaysia have had an enormous impact on the gender and sexual minorities of Malaysia and manifested in stigma, discrimination, criminalization, and violence. The thesis demonstrates that while the moral policing has shown signs of acceleration, it has also opened up new channels for the marginalized groups to speak up for themselves and about their issues; thus, the public visibility of their issues has increased.

As the term 'transgender' is neither ahistorical nor acultural, it requires closer examination. Through the theories of sex and gender, the thesis looks into how Malaysian mak nyah have absorbed the global word transgender. The thesis also examines the topic of institutionalized ‘erasure’ by emphasizing the interlocutor’s experiences of health care. Moreover, by conjoining the theories of recognition with the concept of gendered spaces, the thesis shows how the interlocutors are altering their subject positions and gendered performances according to the spaces of interaction. Furthermore, the thesis suggests that the lack of institutional care has created self-organizing forms of agency, where the members of the mak nyah community are answering their own needs, because the current institutional services do not. Moreover, access to the 'safe spaces,' and other communal spaces offer vital breathing spaces for the members of the community and within these spaces, they negotiate their identities and self-organize their institutional needs. More general level, the thesis shows that in spite of the strained social change, the public visibility of the issues of transwomen has created new opportunities for trans-identified individuals, such as opportunities to alter their public image.

Avainsanat – Nyckelord – Keywords
Agency, discourse, gender identity, gender expression, recognition, visibility, space, transgender, Malaysia

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Chapter 1 Introduction

Fingers were snapping across the room as a sign of agreement and appreciation after a young transwoman[1] *stated in the middle of her stand-up routine "I think transwomen are at the doorstep of LGBT*[2] *rights."* The performance took place in a talent night, known as a platform for LGBT artists, the day after my arrival to Kuala Lumpur in March 2017. The talent night was a carefully advertised event that was organized once a month in a small, usually overcrowded, club in the suburbs of Kuala Lumpur. It was one of the active, yet somewhat secretive events I got an opportunity to participate during the five months of my fieldwork. The sentence said in the very first talent night I attended, as I understood, made a reference to the high visibility and vulnerability of the transwomen, a topic that later occurred over and over again in my field. It condensates the main reason why I chose to concentrate on transgender-identified people, more explicitly transwomen, instead of for example other subjectivities under LGBT umbrella. In Malaysia, where the political development and the state efforts have moved towards stigmatization and rejection of, and even the criminalization of some, non-heteronormative sexualities and genders, visibility may expose a person with such subjectivity and identity, as a transwoman, in danger to get arrested, face discrimination and physical violence. Furthermore, the lack of legal recognition and criminalization of transgender practices and identities increase the risks of visibility. However, besides these predispositions, as I will illustrate in this thesis, even under such a trend of "constricted pluralism" (Peletz 2009) visibility may also have reverse consequences.

1.1 Background

This study examines the discourses considering gender, sex and sexuality in Malaysia with a focus on its affects to, what is often considered inside the local LGBT community the most visible part of it, transgender women. Furthermore, how transwomen are being recognized through these discourses. The thesis is based on ethnographic fieldwork carried out in the city of Kuala Lumpur between March and August 2017. The thesis rests on participant observation and semi-structured interviews with a core group of people self-identified as transwomen from different ethnic backgrounds, social class, and age group (approximately 25–50 years of age), who were at the time of my fieldwork based in or visiting Kuala Lumpur. The study has a total of 17 main research participants, 14 people who self-identified as transwomen and three activists (whose gendered subjectivity is irrelevant here) from three key organizations advocating sexual and gender rights and HIV/AIDS awareness in Kuala Lumpur. The study includes also shorter interviews and discussions with former and current LGBT activists. All the interviews were carried out in English, except one in which I received the help of a transwoman, who worked as an interpreter from Malay to English during the interview.

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[1] Shortly, a person who has been assigned male at birth, but whose "lived experiences and sense of personal identity differs from the gender assigned at birth" (citation Justice for Sisters 2016). More closely defined in Chapter three. Defining Terms. I also use the umbrella term "transwoman" as an emic category, my interlocutors used of themselves in self-identification purposes.

[2] Lesbian, Gay, Bisexual, and Transgender. I will use this abbreviation instead of other well-known, more encompassing abbreviations such as LGBTIQ (Lesbian, Gay, Bi, Trans, Intersex, and Queer). Even though I consider the term problematic in how it refers to some non-heterogender sexualities, gender subjectivities, and identities, leaving out others, I refer to it as a widely used umbrella and emic term in Malaysian public and political discourse referring to comprehensively various non-heteronormative genders and sexualities, used by both state representatives as well as gender and sexual rights activists.

I volunteered two to four days a week in a non-governmental organization (NGO) that is run by transgender-identified individuals and that focuses on supporting marginalized groups in Kuala Lumpur, particularly those of sex workers and *mak nyah* – in short indicates a transwoman[3] in Malay language, which I will return more closely in Chapter four. The organization has an office space that also worked as a drop-in shelter for sex workers, people who have HIV/AIDS, and transgender-identified people. Everyday a group of sex workers, most of them identifying also as transwomen, came to the back room of the office space to rest after the night they have been out working. Daily about five to fifteen people came into the back room to rest, eat, and to chat with each other. The office worked sometimes also as a meeting place for the wider transgender community, for example as a space for trans-targeted workshops. As I will more profoundly explain in Chapter four, the community was more or less divided in to 'sex workers' and the 'non-sex workers,' the latter referring usually to individuals working in other professions, as well as the individuals with higher education. I carried out half of my semi-structured interviews in the office space. Often the individuals involved in sex work could not speak any English, thus it is important to emphasize that my transgender-identified interlocutors consisted for the most part of the “non-sex worker” side of the community.

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[3] It derives from for example transsexual in the Western context in that it refers to those assigned-men who both do and do not seek for example sex change operations (see e.g. Teh 2008, 85) or other body altering procedures, and thus, it is closer to the definition of transgender as an umbrella term, see also Chapter three.

A notable part of my participant observation was carried outside the office as well. During five months in Kuala Lumpur, I also attended the wider LGBT community organized and targeted events such as talent nights, dance parties, panel discussions, and workshops. The talent nights, the panel discussions, and the workshops were held in English, so I could follow them without facing any language issues. From my workplace, I could also follow the heated discussions about occurring news of gender-based violence. For example, just before entering my field, 27-year old transwoman Sameera Krishnan was murdered by three gunshots to *hir* chest, while s/he[4] was buying street food on Thursday night, February 23rd 3.30 am in Kuantan, Malaysia. Later on, in June 9th 2017, 18-year old T. Nhaveen, known as a young schoolboy who was called a *pondan* (“feminine male”) by *hir* attackers, was sexually assaulted, beaten up with various objects, and brought to hospital with burn marks on *hir* back, where s/he was announced braindead, and a week later died of the injuries. Both Sameera’s and Nhaveen’s deaths gained wide publicity and the brutality of their deaths not only shocked the LGBT community, but the nation. Both cases aroused discussion of the anti-LGBT tensions stricken Malaysia and caused tremendous fear, worry, and sorrow especially among LGBT circles. During my fieldwork, I also witnessed some government originated “anti-LGBT” campaigns taking place, from which I will more closely examine the National Creative Video Competition on Adolescent Sexual and Reproductive Health in Chapter five.

Why Transwomen? – Why Kuala Lumpur?

It all started in the summer of 2016 when I met a group of people from Malaysia who were performing in Helsinki with their queer-identified band. I had just returned home from over a year-long stay in Asia including a short-term trip to Indonesia and Malaysia when I heard a Malaysian band was about to play in Helsinki. I was immediately interested in the fact they had found a way to play in the expensive city of Helsinki, and contacted them on Social Media in case they needed any help with the show. Turned out they could use an extra advertisement, thus, I decided to advertise their show in local forums. The next day at their show, I went to introduce myself after their set, and we stayed in the bar until the early hours getting to know each other. As it turned out, they were active members of the LGBT scene back in Malaysia and we ended up discussing more closely of the LGBT rights in Malaysia. From that point on, I started actively looking for information about sexual and gender rights in Malaysia and discovered it was considered a severe human rights issue by international Medias such as Guardian or Huffington Post, as well as human rights organization such as Human Rights Watch. I kept in touch with the group I met in Helsinki. One of them provided me with data about the situation and the rest organized a place for me to stay in Kuala Lumpur for the whole five months. The place turned out to be very practical in terms of my fieldwork, from there on I was could get the first-hand knowledge of local LGBT related events. Even though I learned that events for 'LGB' and events for the 'T' were mostly segregated, I was able to create the necessary first contacts within the trans community as well. The constrictions bearing on for example gender variant people have been increasingly accelerating during the past decades; the changes have been rapid and comprehensive, thus even though there has been a lot of gender studies in Malaysia recently, the situation of transgender-identified people is in constant transition and the atmosphere during my fieldwork was different than for example upon the Peletz's comprehensive account *Gender Pluralism* (2009) that I will use as assistance to help to explain various phenomenon related to my field, but taken a place before my arrival.

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[4] I will only use gendered pronouns when I know the preferred pronoun of the person for example due to an interview or by reputation, otherwise I will use non-gendered pronouns s/he, hir.

1.2 Scope of Study and Research Questions

Soon after the independence of the Federation of Malaya in 1957, Malaysia has become known of Islamic resurgence (see e.g. Jomo 1988; Kessler 1978, 1980; Muzaffar 1986; Nagata 1984; Ong 1995). Once respected as ritual specialists and royal courtiers (see e.g. Peletz 2009, Noor 2010, Goh 2014, Andaya L. 2018) transgender people have become secularized, stigmatized, and criminalized as a result of the state and the religious elites' efforts to "institutionalize heteronormativity, heterosexism, and homophobia" (Peletz 2009, 245). In Malaysia that has a dual justice system, when a male-assigned person chooses to publicly wear what is interpreted as female attire, s/he faces a risk to be arrested under the Secular law (National law) that criminalizes "public indecency"[5] and if s/he is a Malay, which hence makes *hir* legally Muslim, also under the Islamic (*Syariah*) law that criminalizes “cross-dressing”[6] (see e.g. Teh 2008, 86; Peletz 2009, 259). Thus, *mak nyah* are often targets of police raids intended to apprehend them under the secular law for indecent behavior or by Islamic enforcement officers[7] for cross-dressing. (See e.g. Teh 2008, 85–86; Goh 2012, 219). As most of *mak nyah* “cross-dress more or less permanent basis,” they frequently participate in practices that are criminalized under both, the National and the Islamic, laws (Peletz 2009, 259). As the sex of a person in Malaysia is legally assigned at birth according to, to use Currah’s and Moore’s (2013) term, bodily topography (i.e. genitalia); the only Malay individuals who are legally allowed change their sex, for example, by going through Sex Reassignment Surgery (SRS), are *khunsas* (hermaphrodites, a person born with both female and male genitalia) (Teh 2008, 85). Although I have been told that the implementation of the laws and procedures concerning legal changes in identity documents is somewhat arbitrary, it is next to impossible for any others expect *khunsas* to legally change their assigned gender and, as far as I know, this concerns people with other ethnic and religious background as well. Thus, I am interested in the legal recognition and criminalization of transgender practices, its effects on the lives of transgender individuals in Malaysia. Furthermore, how the government-based persecution affects the transgender-identified individuals as well as the services, such as health care offered to these individuals, and how do my interlocutors act under these circumstances. As I will demonstrate, this heavy persecution has also opened up areas for sexual and gender minorities to respond to these claims, thus, I will examine more closely the discourses and views that are in contrast with the public discourse, like SOGIE (Sexual Orientation, Gender Identity, and Expression), which I will return more closely in Chapter seven.

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[5] In secular law (national law) the Colonial era rule The Minor Offences Act of 1955 Section 21 is still effective. "Any person who is […] guilty of indecent behavior […] shall be liable to a fine not exceeding twenty-five ringgit or to imprisonment for a term not exceeding fourteen days, and on a second or

In conclusion, the transgender individuals are viewed as violators of current laws by simply visibly dressing according to their subjective gendered experiences. As mentioned

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subsequent conviction to a fine not exceeding one hundred ringgit or to imprisonment for a term not exceeding three months or to both” (The Commissioner Law Revision 2006).

[6] *Syariah Criminal Offences (Federal Territories) Act 28* “Male person posing as a woman” is used in Kuala Lumpur, Putrajaya, and Labuan. (Federal Territory of Putrajaya 2013). Different states of Malaysia have different interpretations of this law and sentences vary.

[7] “Islamic enforcement officers are from the official Islamic Department. They are given powers similar to the police to conduct raids on Muslims who are said to have violated the tenets of Islam”. (Teh 2008, 96)

earlier, this is a result of the recent developments of the state politics and Islamic revivalism, particularly seen as the constriction of identity domains that has been accelerating especially after the 1990s. Even though these laws are harsher to Muslim individuals, who can be legally charged under both secular and Islamic (*Syariah*) law, as I will demonstrate, the change is more comprehensive and influence various marginalized groups and individuals. The most famous example of rulings affecting transgender-identified individuals is the National *Fatwa* Council's *fatwa* (Islamic decree) in 1982 to prohibit the SRS imposing all Muslims. Prior-1983[8] these surgeries were available for a short while at The University Hospital (University Malaya Medical Centre) in Kuala Lumpur and included in for example pre- and post-counselling for the patients (see e.g. Teh 2008, 91). The *fatwa* initiated a series of legal changes, leading to the impossibility of for example changing the gender marker in the identity documents, hence the legal recognition, not only for Muslims but it has rendered to be, if not impossible, challenging to say at least despite person's religious and ethnic background. I will consider these changes more profoundly in Chapters five, six, and seven. Bringing up the *fatwa*, I want to emphasize that while I am considering its wider social-political effects in this thesis, I will not pay much attention to the individualistic desires toward SRS, as I did not discuss about the other body altering surgeries with my interlocutors, it would emphasize the genital-centric desires and perhaps distort the image of its importance. However, I will touch this matter briefly in Chapter four when considering the ethnic differences inside the *mak nyah* community.

Furthermore, one of the grave medical concerns my interlocutors shared with me was the lack of Hormone Replacement Therapy (HRT), while the hormones were according to many of them "easy to find," the guidance or the medical help to consume them, however, was not. Due to lack of trans-friendly endocrinologist services in Malaysia, many of my research participants were self-monitoring their hormonal use. Many of them had or knew people who had experienced the dangers of a hormone overdose. The lack of "safe hormones" as my interlocutors called them, has pushed transwomen to take action on their own hands and produce information on instructions and dangers of hormonal use to be available inside the community. These actions, operated mostly by volunteered individuals, offer a good starting point to consider the effects of the forms of oppression as well as the social structure of the community of transwomen. I feel the need to emphasize even though I am bringing up trans-specific medical procedures like SRS and HRT. They are not desired by all my interlocutors and by no means is my intention here to treat transgender as a mere medical category. I will use them as an examples of the much desired trans-specific health care, as an example even those, who did not use hormones, expressed their concerns over those who medicated themselves with unsafe hormones, like contraceptive pills, easily available in the pharmacies across Malaysia without a recipe, which I will return in Chapter six.

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[8] Even though the *fatwa* was issued in 1982, The University Hospital's facilities were shut down in 1983 (see e.g. Human Rights Watch 2014a, 10).

My research questions are:

i. What kind of gendered discourses can be recognized in contemporary Malaysia?
ii. How do the lack of legal gender recognition and criminalization of transgender practices affect my interlocutors and more broadly transgender women in Malaysia; what kind of agency does it produce?

My theoretical framework consists of recognition theorists like Charles Taylor (1994), particularly those concentrating on the recognition of transgender individuals and social groups, like Viviane K. Namaste (2000), Paddy McQueen (2015), Currah and Moore (2013), and Eric Plemons (2017). I will also consider the theory of space and gender, more explicitly how gendered spaces are perceived by gender variant people, with the help of ideas for example of Evelyn Blackwood (2010) and Petra Doan (2010). Furthermore, I will briefly consider the theory of counterpublic discourse, emphasizing the thoughts of Michael Warner (2002) in order to the closer scrutiny of the gender and sexual rights activist discourses visible in my field. Finally, as stated earlier, together with other Malaysian gender and social theorists, I will use Peletz's influential book *Gender Pluralism* (2009) as the main source of information to introduce the political, social, and cultural change that has occurred in the public treatment of *mak nyah* and other gender and sexual minorities, as they have become viewed for example as "social evil" (Tan 1999).

To give the structure of the thesis, in the next two sub-chapters, I will consider the reflections of my research position, ethics and limitations of this study. In Chapter two, I will extend the method and field introductions I started in the first sub-chapter, I will look more thoroughly into the ethnic relations in Malaysia. In Chapter three, I will demonstrate all my theoretical points introduced briefly above. In Chapter four, which work as an important background for my main ethnographic data introduced in chapters that follow, I will consider more closely how Malaysian *mak nyah* have adopted the global term transgender and give more specific meanings for the local terms I encountered in my field. I will also consider the structure of *mak nyah* as well as wider 'LGBT community'. Chapter five introduces how the state oppression of *mak nyah* has come into being and how it was visible in my field. Furthermore, I will examine how do my interlocutors answer to it and consider the visibility produced partly of the repressive stigmatization. In Chapter six, I will consider gendered spaces in Kuala Lumpur and how the constricting political and legal atmosphere have affected the institutional settings, particularly health care offered to the transgender-identified individuals. In Chapter seven, I will examine what kind of agency can be found under these oppressive structures and what kind of agency they have produced from my interlocutors' point of view. In Chapter eight, I will draw conclusions of and evaluate my findings and locate the thesis in relation to the previous studies of the topic.

1.3 Ethics and Research Position

Some of the participants stated that they would not mind me using their first names in this study. As the majority of my interlocutors self-identified as transwomen, I got to know them by their preferred names, thus, it would not be their legal name (that appears in their identity documents) that I would be using[9]. Yet, even the first name could give away a member of a community and make him/her/*hir* recognizable. Since "cross-dressing", public "indecency" and homosexual practices[10] are illegal in Malaysia, I think that it is very important to follow the anthropological tradition of using pseudonyms and not to expose the participants to any risks. In February 2018, Malaysian newspaper *Sinar Harian* published an article that expressed homosexuality as a national problem and distinguished how to recognize a gay person from the external features and other characteristics (see e.g. Ellis-Petersen 2018a). The article and the reactions of local LGBT activist gained wide media attention across the globe, including the main Finnish daily *Helsingin Sanomat* (Vainio 2018), which was the first time I came across a Finnish newspaper writing about the sexual and gender rights situation in Malaysia. The article, in addition to other previous government-controlled media attempts to harass people with non-heterogender and –sexual subjectivities, inspired the targeted groups, including transgender-identified people, with fear. In the light of these kinds of public stances, which demonstrate the kind of persecution, my interlocutors are targets of, the use of pseudonyms is well-grounded to ensure their safety.

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[9] My intention is not to imply that the preferred name, even if not existing in legal documents would be less valid, only to point out that they would be less identifiable for example for official authorities.

[10] As Peletz so thoroughly illustrates "homosexual practices are heavily criminalized through Malaysia […] as oral and anal sex between same-sex (and "opposite"-sex) partners […] covered by sections 377A and 377B of the national Penal Code are categorized under the rubric of 'carnal intercourse against the order of nature and gross indecency.' Such acts are liable to punishment by imprisonment for up to twenty years as well as whipping, even if they are consensual." (2009, 206).

As a cis-gender[11] woman, I was often asked why I am interested in such a topic and why did I, as a Finnish person, choose to study Malaysia. Before entering the field, I had read David Valentines', a "non-transgender" anthropologist who has studied transgender-identified people in New York, experiences of doing ethnography in intimate surroundings directed to the transgender-identified people, such as therapy groups, and how the ethnographic method of taking notes, no matter how noble in intentions, can be perceived as violence by the members of the group in such settings (2003, 216–217). Attending more intimate events in the field, such as a three-day long workshop functioned to be therapeutic and empowering event for transwomen, I kept in mind Valentine's account and carefully observed situation of the kind where my presence might have been experienced as unpleasant by some members of the group. I became painfully aware of my double-privileges as a cis-person and as a "white" "western" person. As the panel discussions I attended often pondered the difference between the good and the bad trans-ally[12], I became even more cautious in my actions and more conscious of my privileges and hope that I have done justice interpreting the stories and actions of my interlocutors I witnessed and was privileged to hear. Even though I use the transgender-cisgender bisection here for clarity, by no means, does it imply that I would consider my gender expression to be any more "real" or valid than my interlocutors'.

Valentine urges anthropologist to act, but cautiously, as political activists if it serves the interests of the studied social group (ibid., 27–30). The fact that I worked in the NGO that advances the cause of and is run by transgender-identified people and my data is based on experiences of transwomen, activists, and allies instead of the government officials or the other side of the issue, if I can use this kind of bisection, places me on the side of an activist. While I consider myself as an ally, I often took a role of participant observer over a political agent. There were times when I absorbed the position of a value-neutral observer, like when studying the structure of the trans-community, registering the differences within, of which projection might not be fully in accordance with the trans-activist objectives. It places me somewhat opposite to the role of an activist, at least according to Nancy Scheper-Hughes (1995), who calls for "barefoot anthropologists" that "must become alarmists and [the] shock troopers" of violence; must harness their ethnographies to wake up the audience to act on behalf of the interlocutors, even at the expense of excellent ethnography (1995, 417). Valentine (2003) who agrees with Scheper-Hughes', however, points out that violence does not exist outside the cultural context, as noted above, even the work of anthropologist itself can be perceived as violence. As my interlocutors are at multiple levels risk of facing violence, based on their gender identity and expression, I want to tell their stories following the ethics-first principles Scheper-Hughes, but agree with Valentine, who on contrary to Scheper-Hughes explains that even the retelling of the stories of violence, can be perceived as violence itself. He concludes: "In order to be ethical, we need to pay attention to the differences, complexities, and contradictions exposed by critically-informed ethnography, our most powerful tool as anthropologists concerned with violence and suffering." (2003, 46).

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[11] An opposite of the transgender, as a cis-woman, I have always been comfortable with my assigned gender. By cis-gender my interlocutors referred to as any non-transgender person comfortable with *hir* assigned gender as cis-gender.

[12] When speaking of trans-ally, local trans-activists referred to as a cis-gender person supporting trans-rights.

1.4 Limitations

As this study was fulfilled in English, Malay being currently the only official language of the country, the language was an essential limitation for the study. Thus, concentrating on English speakers, it set limits on my focus, as I mostly considered to the materials available in English. However, the study of Lee et al. states that English has ambivalent status in postcolonial Malaysia.

> On the one hand, it is regarded as an important second language for instrumental purposes, a neutral language for social integration and a pragmatic one for professional growth and career advancement. On the other hand, it is perceived in certain quarters as a language that threatens the status of the national language and erodes local cultures. (2010, 88).

As I mentioned briefly in the introduction, most of the events I attended were held, if not fully at least mostly, in English. Sometimes some of my interlocutors changed from English to Malay when reaching the punch line of the story, but they often spoke English with each other as well. In spite of the language limitations, I ended up with rich data from my field that required quite a lot of demarcation. However, the language more or less dictated my focus group. As Murphy and Dingwall write in *The Ethics of Ethnography* "researchers have been warned against the deferential posture, privileging the perspective of the elite or powerful in the research setting and paying scant attention to the less powerful" (2003, 346). As the Lee et al argue that while there is not apparent "othering" between the groups of fluent English speakers and others, "there is a sense of 'us'[…] and 'them'" between English speakers and local language "Malay, Tamil or Mandarin" speakers (2010, 96). The language narrowed my topic to the transgender-identified people with profound English language skills: people involved in activist circles, with higher educational background and job description, as the fieldwork within the sex worker community would have required profound Malay skills.

Yet, as Taesha told me, as a transwoman who had worked as "a showgirl," who placed herself in between the sex worker and "professional" communities as she put it, even she faced difficulties being accepted among the sex workers. "I also find it very hard to penetrate with them [in their group], I tried to convince them that I'm just like them, if I get caught, I will be charged under the same Act. Now they are more accepting," Taesha explained. Layla, a Kuala Lumpur born transwoman, fluent in Chinese and Malay, told me: "It doesn't help even if you spoke Malay, these people have their own lingo even I don't understand it." Thus, even with fluent Malay skills, I most likely would have faced some of these linguistic difficulties. I, however, emphasize that recognizing the differences inside the community and by analyzing and describing these relations through intersectionality (see e.g. Valentine 2003), I have acknowledged "the privileging perspective" of my field set-up. Through the narratives and field notes from various surroundings and active participation and question asking in local LGBT circles, I hope and trust to have grasped the meanings behind them as well and absorbed more holistic understanding about the situation.

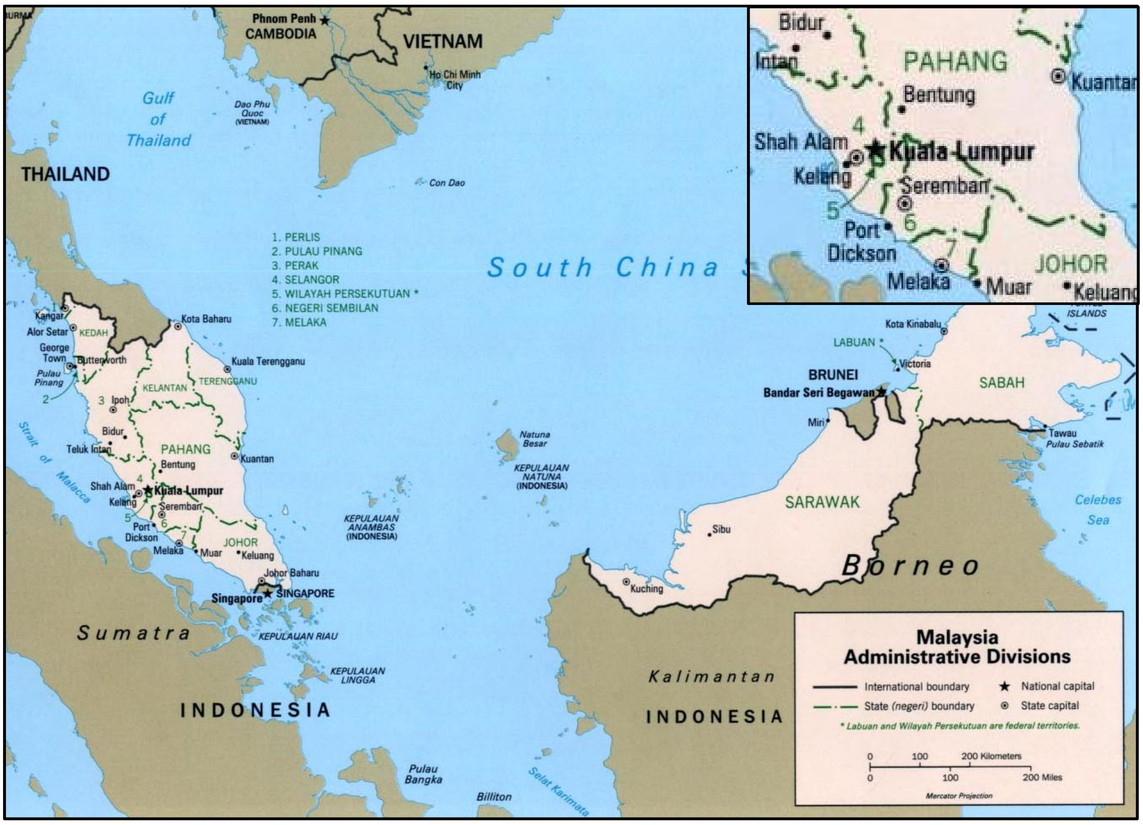
Chapter 2 Methodology, Field and Brief History of Ethnic Relations

2.1 Methodology

This study is based on ethnographic research – including participant observation in the *mak nyah* and LGBT community events and sites, as well as in the previously mentioned NGO premises, which worked as a drop-in center for the *mak nyah* community – conducted between April and August 2017 and a selective appliance of the grounded theory method. As I mentioned in the introduction, I carried out 17 semi-structured interviews with a core group of my interlocutors, and more informal discussions with other LGBT activists to help me to make the sense of the important question of "What is happening here?" (Charmaz and Mitchell 2001, 165). I came acquainted with my interviewees through our mutual friends or former interviewees and sometimes I also asked to conduct interviews after the community targeted events. Considering the balance between the ethnography and the grounded-theory, Kathy Charmaz and Richard G. Mitchell write, due to different and the somewhat intersecting emphases of these methods, anthropologists need to at some point decide which direction to follow (ibid., 161). While my thesis relies more firmly on ethnography than grounded theory, I have adopted some features of grounded theory to support my ethnography and participant observation based data collecting. As Charmaz and Mithcell notes, "[g]rounded theory can sharpen the analytic edge and theoretical sophistication of ethnographic research" (ibid., 161) and later on they continue how it "offers ethnographers useful guidelines" (ibid., 171). Thus, for ethnographic studies grounded theory is best used as adapted and harnessed to serve the ethnographic method.

After reading numerous reports and news articles, I was familiar with the issues transwomen were facing in Malaysia even before entering the field, and it helped me to keep the bigger picture in mind. I am not suggesting that such reports and news stories would have provided me with the full accounts of my interlocutors lived experiences, as Valentine (2003, 43) reminds us that the organizations often write these reports on the point of view that are of a piece with their specific objectives, but they gave me an idea of the situation I was about to go to study more closely. Whereas the ethnographic method "can connect theory with *realities*," its downside can be that collected data in its extent may be "everything and nothing" (Charmaz and Mitchell 2001, 161). Grounded theory encourages simultaneous data gathering and analyzing by constantly observing the quality of data by carrying out, or by at least starting, the data analysis, coding and theming, on the field to avoid passive observing. (Ibid., 161–162). Although I did not perform full data analysis on my field, nonetheless, after every interview, I considered the quality of my questions and reformed them if necessary, after evaluating the themes and topics I need more information of. Neither did I after my field follow grounded theory steps to the letter, such as line-by-line coding of my vast data that would, in my opinion, take a huge amount of time and effort giving a little in return. As Charmaz and Mitchell have also stated, "[c]oding whole anecdotes, scenarios and sketches may work better for ethnographic observations than line-by-line." (ibid., 166). In my data analysis, I followed the manner of coding and theming certain examples; to then compare the occurred ideas of possible theories again with the original examples. Next, I will move on to introduce my field and consider the history of ethnic relations in my field.

2.2 Field and Ethnic Relations


CAMBODIA
Phnom Penh
VIETNAM
Ho Chi Minh City
Gulf of Thailand
Dao Phu Quoc (VIETNAM)
THAILAND
Con Dao
1. PERLIS
2. PULAU PINANG
3. PERAK
4. SELANGOR
5. WILAYAH PERSEKUTUAN *
6. NEGERI SEMBILAN
7. MELAKA
South China
Bidur
Intan
PAHANG
Bentung
Kuantan
Shah Alam
Kuala Lumpur
Kelang
Seremban
Port Dickson
JOHOR
Melaka
Muar
Keluang
Kangar
Alor Setar
KEDAH
George Town
Butterworth
Pulau Pinang
Kota Baharu
Kuala Terengganu
KELANTAN
TERENGGANU
Ipoh
Teluk Intan
Strait of Malacca
Johor Baharu
SINGAPORE
Singapore
Sumatra
KEPULAUAN RIAU
KEPULAUAN LINGGA
INDONESIA
Pulau Bangka
Billiton
Selat Karimata
Natuna Besar
KEPULAUAN NATUNA (INDONESIA)
KEPULAUAN ANAMBAS (INDONESIA)
Kota Kinabalu
LABUAN
Victoria
BRUNEI
Bandar Seri Begawan
SABAH
Miri
Tawau
Pulau Sebatik
SARAWAK
Sibu
Celebes Sea
Borneo
Kuching
Kalimantan
INDONESIA
Malaysia Administrative Divisions
International boundary
State (negeri) boundary
National capital
State capital
* Labuan and Wilayah Persekutuan are federal territories.
0 100 200 Kilometers
0 100 200 Miles
Mercator Projection

Map 1. Kuala Lumpur, Malaysia and Surrounding Regions (Asean Up 2018).

In the first month of my fieldwork, several of my local acquaintances guided me to meet a trans-rights advocator who often gave statements to newspapers and participated in public panel discussions. *While stepping into an Uber car on my way to meet hir at hir home, I found myself very nervous. I had already been in my field for a month and was* *already anxious with the slow-paced evolvements of things. As I arrived at hir house, hir dog started to bark loudly, and as it did not stop s/he eventually had to move it to another room. I got even more nervous. When I started asking questions, I felt my mind blanking and did not remember what I was meant to ask. When the interview was over, I ended up feeling that I did not get much out of the meeting. Furthermore, I even forgot to take notes and put on my recorder, thus, I was left without any proper notes of the meeting. Months passed by and my fieldwork proceeded. Late August of 2017, only a few days before I was going to leave my field, I went to see hir again. When I approached the house, I heard the dog barking again, but instead of being nervous, I felt calm and confident. As I began asking questions, I found my questions to be precise and well-considered. We had a long conversation about the things I had noticed I had a gap in my knowledge with. As I took Uber back home, I felt like the circle was closing. I came up with my research questions in the back of the Uber car and felt I was done with my field.* (Based on author's field notes).

The Peninsular Malaysia, a population of approximately 32 million, consists of eleven states[13] – whereas the capital Kuala Lumpur is part of the state of Selangor – and of Northern-Borneo territories Sabah, Sarawak and the island of Labuan (see e.g. Andaya and Andaya 2001 [1986], 1). The Federal Territory of Kuala Lumpur has 1.8 million residents (see e.g. Department of Statistic Malaysia 2018a), with a skyline of modern architecture, food-stalls, mosque domes, as well as malls, and night clubs. My place located in the Northwest of Kuala Lumpur, in a remote sub-district that was best reached by car or KTM (*Keretapi Tanah Melayu*) train from the city center. KTM commuter trains are reaching outlier places of Kuala Lumpur, in comparison to quicker and reliable Rapid KL transport that included LTR (Light Rapid Transit) and MTR (Mass Rapid Transit) metros and the monorail system. Despite the daily temperature rising above 30 degrees, I often insisted walking to the nearest KTM station, even though it was at the distance between two kilometers without any proper sidewalks or pedestrian crossings along the way. I would first walk through the park where I could run into neighbors in their morning walks, lurking monitor lizards and flying around bats, then I would cross a busy expressway without pedestrian crossings, and continue to walk on the roadside until reaching the narrow path leading to the station, where I would dodge the sleeping street dogs. In spite of the remoteness of the area, as I explained in the introduction, the place proved out to be strategically good, and in addition, the NGO was easily reachable by KTM, apart from occasional disruptions in KTM connections. The NGO located at the heart of Chow Kit. Chow Kit is a sub-district of Kuala Lumpur with more traditional, modest architecture, narrow alleyways, and famous local market-place *Chow Kit Market*. The district is just around the corner of the glistening high-rises and skyscrapers of KLCC, the home of the landmark of Kuala Lumpur the Petronas twin towers, once the tallest buildings in the world. Even before I started volunteering in the NGO, people often guided me to start my research from the area of Chow Kit, due to its reputation of an unofficial red light district, where especially transgender-identified sex workers operate – and consequently different NGO's concentrating on gender and sexual rights, like PT Foundation and Seed Foundation.

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[13] "Perlis, Kedah, Penang, Perak, Selangor (with the Federal Capital Territory of Kuala Lumpur), Melaka, Johor, Negeri Sembilan, Pahang, Terengganu and Kelantan" (Andaya and Andaya 2001 [1986], 1).

I arrived in Kuala Lumpur at the very end of March 2017. Much to most people's surprise, the rain season had prolonged by a few months in 2017, and during the first months while getting to know my surroundings I got often stuck in random places when the rain started to pour so hard it would reach my ankles in no time. At the beginning of my field, I was sleeping in our living room due to small renovation in our apartment and every morning at just before six o'clock I woke up to a loud mating call of an Asian koel from a nearby tree, and soon after, I would hear the call for *fajr*, Muslim dawn prayer, reverberating from the loudspeakers of the local mosque. I spent these first months trying to build connections with the local community of transwomen and finding interviewees. Due to my overly helpful and welcoming contacts, I had imagined it to happen a lot more smoothly. Already in the first two weeks, I had managed to become a volunteer in the small trans-led organization and attended a few panel discussions and LGBT events, yet, I faced difficulties of finding people agree to do interviews. It is understandable that people whose gendered experiences are criminalized, stigmatized, and discriminated, would not wish to be interviewed, especially by a stranger. The months went by, I attended many events but barely got any more interviews done. By the middle of July, I had only five interviews ready, I started to panic as my field was coming to an end within a month. Perhaps it was due to my panic or perhaps it was just the time required to get things running, but by the end of August, I had finished all the 17 interviews. During my field, I often traveled in-between these three places, my place in the Northwest, the NGO in Chow Kit, and city Centre, where I would meet my interlocutors and other acquaintances.

Malaysia is often referred to as "the crossroads of Asia" which according to Peletz, is partly due to its "strategic location" with its accessible seaports with a long history of the trade of goods and movement of people. Also, because of "the rich cultural diversity of various ethnic groups living in Malaysia." Yet, this rich ethnic diversity is often reduced in everyday and official discourse into four groups, "'Malay,' 'Chinese,' 'Indian,' and 'Others.'" (2002, 6). During the colonial-era, the British introduced the European concept of race to Malaysians (Frisk 2004, 30; see also Hirschman 1987). The British colonial-era lasted officially from the signing of the Pangkor Treaty in 1874 until the independence of Federation of Malaya in 1957, which in 1963 led to the formation of Malaysia (Teh 2008, 86–87). The concept of racial ideology replaced the categories of religion, custom, and language by which people in Peninsula Malaysia previously identified themselves (Hirschman 1987; Frisk 2004, 31). Aihwa Ong writes, "Malays were defined not by race but by their allegiance to sultans[14] in the Malay Peninsula" (1995, 163) until Colonial administrators determined Malay in 1913 Malay Reservation Enactment as "a person belonging to any Malay race who habitually speaks the Malay language…and professes the Muslim religion" (ibid.; Ong 1987, 20). British for example gave the racially differentiated Malays land, denied from non-Malays (Ong 1995, 163). They also imported the ethnic Chinese and Indians to the mines and Malays to farming and fishing, and by this "divide-and-rule strategy" (Ong 1987, 16) they prevented diverge ethnic groups from uniting against them (Teh 2008, 86). The concept of Malay includes "groups like the Javanese, Bugis, Acehnese, and Minangkabau. Collectively racialized by the colonial state as 'Malays,' […] categorically opposed to Chinese, Indians and other immigrants to colonial Malaya" (Ong 1995, 163). Sylva Frisk explains how later, at the pursuance of the independence, the national constitution "defined a Malay 'as a person who professes the Muslim religion, habitually speaks Malay, conform to Malay customs [(*adat*)]'". Yet, the reason these new ethnic categories were adopted so fast, was because of local consent and how the Malays were actively engaging in the creation of “a particular Malayness” (2004, 31).

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[14] Before the British invasion, the Malay Peninsula was "loosely controlled by unstable tributary systems", of which "political legitimacy" was given by Sultans ("momentarily the strongest monarchs"), and smaller territories were administrated by local "Big men" (*orang besar*). (Ong 1987, 12).

Coming to the present-day these colonial-era ethnic and racial segregations have been utilized in the state’s attempts to produce a more unified imagining of Malayness since the 1970s (Peletz 2009, 198). This has led to “a dichotomization, purification and overall hardening” of all categories related to identity (ibid.; see also Willford 2006). Since the independency, this racial thinking has been sustained by statistics that indicate the similarities and the differences between the three ethnic groupings (Malay, Chinese, and Indian) such as wealth and poverty (Ong 1995, 163). While all Malays speak the Malay language and are all Sunni Muslims at birth (see Peletz 2002 6; Ong 1995, 163). Joseph Liow offers a profound explanation of the close relationship between Malayness and Islam.

> Being Muslim is one of the chief criteria of being Malay. The relationship between ethnicity and religion is so intimate that the popular term for having converted to Islam, *masuk melayu*, means having ‘become a Malay.’[…] Malays are constitutionally defined as Muslims […] and no Muslim can opt out of the jurisdiction of *shari’a* law, administrated by the state religious authorities. (2009, xi–xii).

My Malay friends would also flash their identity cards for me and I could see “Islam” written next to their assigned gender “*lelaki*”/”*perempuan*” (male/female). Thus in short, as explained in the introduction, Malays are also legally bound to Islam and to both secular and religious (*syariah*) laws. Even though transgender-identified Malays face more issues from the authorities, Malays compared with the other ethnicities are currently dominating the political and economic environment.

Soon after the independence, the Islamic resurgence started to bring drastic changes to Malaysia. The *dakwa* movement, that grew quickly popular among rural and educated Malays, the term means “to invite or call Islamic cause" and the movement, as a form of Islamic missionary work, was inspired by the Islamic revivalist movements elsewhere like in “Indonesia, Pakistan, Egypt, Libya” (Peletz 2002, 9; see also Peletz, 1996, 39). *Dakwa*, according to Peletz is “a home-grown” movement, “a form of resistance” towards the state’s “Western-oriented development policies” and formation of “new middle class” that objected the power and privileges of the ruling class (1996, 39–40). In the aftermath of the May 1969 race riots[15], the protests against Malay poverty that had turned violent, UMNO[16] (United Malay National Organization) – the ruling party since the independence until beyond my fieldwork the spring of 2018 – initiated the NEP, New Economic Policy, in 1971 aimed to close the economic gap between Malays and other ethnicities (especially Chinese) (ibid.; Ong 1995, 163). Eventually NEP, according to Peletz, "encouraged a certain cultural assertiveness – some would say chauvinism – among Malays" with firm ties to Islam, that provide "moral opposition" against the state's "development policies" as well as against other ethnicities. Even though different *dakwa* organizations have varying objectives, all emphasize "revitalization" and "reactualization" local Islam by "stronger commitment to the teachings of the Quran and the *hadith* to effect more Islamic way of life (*din*)." (2002, 9–10). According to Ong, among Malays, Islamic resurgence gave more control to males, undercutting the power of *adat* (customs) and heightening the "Islamic tenets." This is seen in land and residence inheritance privileging brothers over sisters and in husband's sexual rights on his wife to give a few examples, all privileging males over females, which is on contrary to *adat* that is based on more equal rights[17]. (1995, 163–165).

Since the implementation of NEP, Malaysia has become politically Malay[18] dominated. According to Liow due to the course of events explained above,

> Malay-Muslim identity must determine the shapes, contours, and trajectories of Malaysian politics. Against this backdrop, political Islam has taken center stage in Malaysian politics, because the objective of "safeguarding" the Malay rights invariably means preserving and defending the status of Islam. (2009, xii).

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[15] Frisk writes how on May 13, 1969, the animosity between Malays and Chinese break out in Kuala Lumpur. "[E]vent known as 'May 13, when hundreds of people, mostly Chinese, were killed in confrontations with Malays in the streets of Kuala Lumpur." (2004, 31).

[16] Even though UMNO has been the ruling party since the independence until the spring of 2018, the Malay opposition party PAS ("Parti Islam Se-Malaysia, the Pan-Malayan Islamic Party") has been "the key player in Malaysian politics" (Peletz 2002, 10; see also Kessler 1978). PAS "is not part of dakwa movement" however, it shares many of its values and objectivities. (Peletz 2002, 10). Farish A. Noor explains how in between the 1980s and 1990s UMNO and PAS had a political race where they, for example, tried to "out-Islamize" one another (2003, 199).

[17] For example *adat* adhered "equal land shares to sons and daughters" (Ong 1995, 164).

[18] Currently, 69 percent of the nation are Malays (including indigenous people like *Orang Asli*), Chinese 23 percent, and Indians 7 percent and others 1 percent (Department of Statistics Malaysia 2018b). In Peletz description, where Malay's "all of who are Muslims" are statistically differentiated from *Orang Asli*, and would only just be the largest ethnic group with 50.8 percent of the population. This data is from the year 2002. (2002, 6; see also Frisk 2014, 29).

Malaysia with Thailand, Singapore, and Indonesia are often referred to as "Little Dragons" (or "Asian tigers") (Peletz 2009, 229) due to their rapid transformation from manufacturers to financial centers, referring to the fast economic growth since the 1960s (Ong and Peletz 1995, 2–3). As Peletz emphasizes "Malaysia is among the most successful 'non-Confucian' Asian tigers and has also sustained a pace of rapid development that is probably second to none in the Muslim world." (2009, 299). Liow explains how this steady economic evolvement and moderate politics has made the country "the epitome of progressive, moderate Islam" in the eyes of International media and Western governments (2009, 3). However, in the political and economic realms as Peletz notes "the government has placed tremendous emphasis on 'race'" more explicitly on the differentiation of Malay and non-Malay, to support Malay with "government loans, subsidies and other scarce resources (university scholarships, stand-up funds for businesses, etc.)." He continues: "These policies heightened the awareness of Malays and non-Malays and made them all the more politically and economically salient." (2009, 229). It became also forbidden by the 1970s Seditions Act of the Malaysian constitution for non-Muslims to publicly question the special rights of Malay-Muslims (Liow 2009, 105). Thus, once considered as economic underdogs, Malays are since the UMNO's implementation of NEP gradually gained economic benefits and political dominance over the other ethnic (religious) groupings and Malay-non-Malay differentiation have drawn level with the former racial differentiation. These racial (religious) segregations and legal "Malay Supremacy" (*Ketuanan Melayu*) (Ibid., ix) have led to marginalization non-Muslims in the country, and to heated political debates between Islamic (UMNO, PAS) parties and non-Muslim opposition over some Muslim politicians declaration of Malaysia as "Islamic state" (see e.g. Liow 2009).

These ethnic or "racial" and religious distinctions are visible in various ways in my work as well. For example in the transgender communities, as I will explain more closely in Chapter four, under the community of *mak nyah* can be found diverse culturally unique ethnic communities. Layla, as a Malaysian Chinese, placed herself somewhere between a second-class citizen and economic menace in Malaysia. On the other hand, despite the Malay dominance, transgender practices being criminalized by both secular and religious (*syariah*) law, they cause more problems with authorities to Malay-Muslim backgrounded transwomen than the others. I will pay attention to these ethnic distinctions in transgender community more closely in Chapter four.

Chapter 3 Theoretical Scope

In the first sub-chapter of my theoretical scope, I will offer a context for current anthropological gender studies. My aim is to show how gender studies, including anthropological, have moved towards recognizing the importance of what is described by social theorist and grassroots activists as “intersectionality.” That is to recognize for example “being a social woman must necessarily be configured by intersections of race, class position, cultural background, or location in stratified global economy” (cited in Valentine 2007, 17; see also Crenshaw 1991). In able to understand and analyze my interlocutors lived experiences, I will consider briefly how the focus of sex and gender in the earlier feminist and anthropological studies has shifted from fixed categories as tools for understanding the embodied gendered experiences. Next, I will move on to consider how the contemporary public discourse has taken its shape in Malaysia and how the political and legal treatment for example of transgender subjectivities has altered particularly in the past decades. In Chapter 3.3., I will move to consider the political recognition, to examine how the identity categories, like a woman, are recognized and more so, what happens when individuals are left out of these ‘normatively’ gendered categories. I will consider the debates under the Hegelian rooted struggle for recognition theories, emphasizing particularly political recognition in the field of transgender studies. In Chapter 3.4., I will consider how gender related recognition is connected to gendered spaces and discourses. Like Paddy McQueen concludes, “almost all aspects of society are ‘gendered’ in some way” (2015, 2). Those who transgress the existing social structures, like transgender-individuals, can perceive certain gendered spaces particularly challenging. Furthermore, I will briefly consider the theory of publics and “counterpublics” (see e.g. Fraser 1990, Warner 2002), in order to consider the alternative or ‘subordinate’ discourses more closely determined in Chapter seven.

3.1 Sex and Gender as Social Constructions

“Surely if there is one thing that everyone takes to be part of the way in which the world is arranged it is that human beings are divided without remainder into two biological sexes.” (Geertz 1975, 80) As Serena Nanda points out “for all social purposes, this division of people into two sexes takes place at birth” and when the distinction is made, it is presumed to be permanent (1990, 128). Already in 1978 psychologists Kessler and McKenna asked, “What does it mean to say that the existence of two sexes is ‘an irreducible fact'?" (1978, vii). According to Nanda, while cross-cultural studies have made the concept of gender commonly understood as culturally constructed, where "the psychological and behavioral aspects of gender are more likely to be caused by socialization than by biology," sex is often viewed in the biological and social sciences as "dichotomous", "unchangeable," and "taken for granted" (Nanda 1990, 128–129). The discovery of gender as culturally constructed produced large amount of anthropological studies of gender systems and relations (ibid., 128). The early studies of what was at the time known as "the anthropology of women" concentrated on the assumed to be universal male domination, which was studied through "analytical dichotomies" like nature/culture, public/private, production/reproduction considered as peculiar characteristics of the concept of gender cross-culturally (Ortner 1974, Rosaldo 1974, Ardener 1975). Both the usefulness of these dichotomies as well as their universal feasibility led to debates and were challenged by anthropologists[19] like Carol MacCormack and Marilyn Strathern (1980) and Jane Collier and Sylvia Yanagisako (1987), the latter for example emphasizing how these introduced "differences," should be understood as part of Western anthropological discourse rather than the local one (1987, 20), thus, these studies took "for granted what they should explain" (ibid., 17).

"Sex/Gender system" is a concept of Gayle Rubin, which she explicated as "set of arrangements upon which a society transforms biological sexuality into products of human activity and in which these transformed sexual needs are satisfied"[20] (1975, 159). This early notion of Rubin along with the relationship of "sex, gender, and sexuality" is still much debated in feminist studies (see e.g. Wieringa and Blackwood 1999). Groundbreaking, while criticized, book *Gender Trouble* (1990) by Judith Butler, is building up on Foucauldian concept of sex. Foucault's *History of Sexuality Vol. I* (1978) has had a strong impact on social scientific sex and gender studies, yet it is also largely criticized by feminist scholars and anthropologists, for example as ethnocentric (see e.g.

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[19] Strathern (1987, 1988) challenged also the idea how these dichotomies were treated without exception as hierarchical, and the hierarchies that were introduced by western anthropologists hence deriving outside the cultural frames for Henrietta Moore exemplifies the significant failure of anthropology of gender (Moore 1993, 194).

[20] Although, Rubin later came to conclusion "In contrast to my perspective in 'The Traffic in Women,' I am now arguing that it is essential to separate gender and sexuality analytically to more accurately reflect their separate social existence." (1984, 308).

Spivak 1987, Clifford 1988, Stoler 1995[21]). However, for example Henrietta Moore argues that in the persistent anthropological tendency to link cultural differences with biological sexual differences, it is still useful to return to the Foucauldian concept of sex (1993, 197).

> The notion of 'sex' made it possible to group together, in an artificial unity, anatomical elements, biological functions, conducts, sensations, and pleasures, and it enabled one to make use of this fictitious unity as a causal principle, an omnipresent meaning; sex was thus able to function as a unique signifier and as a universal signified. (Foucault 1990 [1978], 154).

Thus, Foucault views sex as "an effect rather than an origin, that far from being given essential unity, it is, as a category, the produce of specific discursive practices". In short, sex has no existence outside the discourse. Butler 1990, 92; Moore 1993, 197). In Butler's interpretation on Foucault, bodies are "sexed" only in discourse, which may adapt sex to be thought as "natural" or "essential". While, sexuality is produced in the mix of "power, discourse, bodies, and affectivity"[22] (1990, 92). Building up on Foucauldian notion of sex and sexed bodies as denaturalized, and Jacques Derrida's (1988) concept of "citation" Butler (1990, 1993) came up with the theory of performative gender[23]. Butler proposes in *Gender Trouble* maybe the sex/gender distinction is not meaningful after all (1990, 7). By questioning the unchanging characteristic of sex, it may be as culturally constructed as gender, thus is not meaningful to treat the gender as culturally constructed interpretation of sex. (Ibid., 33–34).

Despite its influence,[24] Butler's notions in *Gender Trouble* have faced criticism of being too abstract by losing the material body in the discourse. Butler, according to many of her critics leans too strongly on the Foucauldian notion of discursive body while neglecting his notions of the material body. If there is no pre-discursive body outside the body that originates of discourse, it somewhat waters-down the meaning of body as a research subject (Carsten 2004, 65; see also Busby 2000, Barry 1996)[25]. However, Eric Plemons points out, until the Butler's iconic book "the conceptual separation of sex (conceived bodily form and matter) from gender (conceived as a set of power-laden social roles and relations…derived from material forms of sex)" had been basis for much of "the late twentieth-century feminist politics, scholarship and activism" (2017, 8–9). Thus, it has led to understanding, instead of perceiving sex as natural and fixed, the way it is constructed varies culturally and affects how people in various surroundings consider sex (see e.g. Serano 2007, 24; Moore 1993, 197). For Moore, the discursive model of sex is useful for anthropologist to keep in mind that the physical differences in bodies do not produce universal categories of 'male' and 'female' and this does not mean that people would not recognize the physical differences in for example male and female genitalia or the role they have in reproduction (1993, 197).

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[21] Stoler (1995) offers distinguished rereading of *History of Sexuality* (1979) from postcolonial point of view.

[22] I will return to Foucault's thoughts on sexuality and discourse, especially the concept of "reverse discourse more closely in the next sub-chapter.

[23] Masculinity or femininity are not natural properties of bodies or persons, both materiality of sex and gender are created of repeated enactment of heterosexual norms and accepted gender (masculine or feminine) performance (Butler 1990, 1993).

[24] For example Butler's book *Gender Trouble* (1990) was one of the key inspirations for the queer theory.

For Saskia Wieringa and Evelyn Blackwood as well, despite the debates of "locating the material body, the 'unfixing' of gender, sexuality, and sexed bodies", these developments in feminism and in feminist social studies offer anthropologists and other social scientists tools for examining the social producing of identity processes.

> Gender viewed as cultural process allows us to investigate the process through which certain identities (gender, ritual, or occupational) are produced as naturalized representations of bodies and to explore the way individuals create and negotiate those identities (1999, 14).

Indeed, theorists like Iris Marion Young (2005) – who limits the identity to be exclusively a quality of individual, not social groups' – sees gender also as a quality of social structure rather than individual. She emphasizes that "gender is problematic concept for theorizing subjectivity" (ibid., 13), instead, "categories of gender, race, ethnicity etc." are "structures" that situate the person, rather than characteristics of individual (ibid., 18). She uses Toril Moi's essay *What is a woman?* (2001) to argue, that gender should be solely employed when describing questions of social structures (Young 2005, 13). For Young, concentrating on individuals or subjective experiences Moi's concept of "lived body" is more illustrative, since unlike "sex", it is not tied to biology (ibid., 16). Since lived body is not a social category or “group identity” like “gender, class, race, sexual orientation and so on”, thus is not bounded to “heterosexual binary of ‘masculine’ and ‘feminine’” (ibid., 18). However, unlike Moi she suggests that gender as a category should not be abandoned, it is still valid, but as a social category and not subjective one (ibid., 19). As she states: “Gender as structured is also lived through individual bodies, always as personal experiential response, and not as a set of attributes that individuals have in common.” (ibid., 26). Relatedly, for example Blackwood agrees that viewing gender as a social category is cut out to recognize “normative gender through the analysis of dominant ideological discourses at local and state levels,” and viewing it as a subjective[26] category enables examination of how “identities are shaped and redefined” through these discourses. (1999, 182).

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[25] As Busby (2000, 11–15) criticizes, the performativity remains quite abstract in everyday life observed by anthropologists, as well as from Foucauldian understanding of the materiality of the body (Carsten 2004, 66). Also, for Barry (1996) this isolates theory from politics and thus, does makes it hard to study issues like "sexual behavior and desire, battering, rape, incest, reproductive violence, or femicide" (cited in Wierenga and Blackwood, 1999, 14).

Thus, when referring to individualized experiences we should speak of gendered or sexed bodies, lived bodies, lived experiences[27] or subjectivities. In addition, gender as a social concept is not meaningful studied separated from other social categories, it is only meaningful when studied together with other differentiating concepts (See e.g. Collier and Yanagisako 1978, 7; 6–7; Carsten 2004, 59). As Moore sums up the task of anthropology, including feminist anthropology, is to recognize “multiple forms of difference – race, class, gender, sexuality” and to recognize these “differences within” rather than “the differences between” (1993, 204). This kind of social constructional thinking is especially important when studying for example same-sex relations or transgender practice, to avoid “essentialism” of identities that are easily “naturalized” for example in current activist discourses (Wieringa and Blackwood 1999, 15–16). For example, Wieringa and Blackwood explain how “[b]odies and desires can be studied only in their cultural expression and in interaction between the psychobiological and the sociohistorical spheres in which both are reshaped” (ibid., 18). Furthermore, different subjective experiences may as well be overlapping (see e.g. Blackwood 2010, Kulick

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[26] Blackwood illustrates, “I use “subjectivity” in place of “identity” because it offers a more dynamic perspective on processes of self-hood. Sherry Ortner’s definition of subjectivity is useful for this analysis. It is ‘the ensemble of modes of perception, affect, thought, desire, and fear that animate acting subjects’ (Ortner 2006, 107).” (2010, 21).

[27] As Maria Malmström illustratively summarizes building on above-introduced Ortner’s (2006) subjectivity while recognizing embodiment and agency (see e.g. Mahmood 2005, McNay 2003) concentrating on lived experiences means concentrating on the research participant’s “personal capacities to feel, reflect, intend and act within the particular social relations and historical contexts in which they live their lives.” (2012, 24).

1998, Valentine 2007). For example, as Valentine explains, a person who identifies as "transgender" may as well also identify as "gay," it is problematic to assume gender and sexuality as "natural explanatory frameworks" or as necessarily separate categories. Instead, gender and sexuality are related and shaped by other forms of social differences (class, race etc.) and would be more useful as tools for understanding the different lived experiences than as fixed categories. (2007, 18–19). Thus, various subjective experiences are interconnected and interdependent.

In his collective book of an anthropological and historical studies of various sex/gender systems *Third Sex, Third Gender*, Gilbert Herdt concludes: "For Centuries the existence of people who do not fit the sex/gender categories of male and female have been known but typically dismissed from reports of certain non-Western societies" (1994, 11). Yet, in every society, including Western ones, there is people who do not fit in its sex and gender categories (Nanda 1990, 129). What Herdt calls "third sex/third gender" is symbolic term for all the "combinations that transcend dimorphism" to challenge the scientific discourse of twofold sex and gender as natural (Herdt 1994, 20). Nanda (1990) introduces a number of cultural systems that have "institutionalized alternative sex and gender roles" much like her own study shows of the *hijra* of India, like the *xanith* of Oman (see e.g. Wikan 1977; Shepherd 1978) and *mahu* of Hawaii (see e.g. Robertson 1989), pointing out that the sex and gender dimorphism is not cross-culturally considered as natural. However, the category of third is not unproblematized either (see e.g. Kulick 1998, Serano 2007, Wieringa and Blackwood 1999[28]). For example, in his critique towards the category of third[29], Don Kulick crystallizes the above-introduced notion how sexuality and gender categories should not be treated as automatically distinctive. He points out how his interlocutors', among Brazilian *travesti*, the gender system in comparison to the Euro-American is based on *sexuality* instead of "anatomical sex" (1998, 227). If Kulick would have treated sex, gender, and sexuality as naturally distinct categories, perhaps this notion might have left unacknowledged.

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[28] Julia Serano for example points out how it can be "disregarding" of trans- persons gender identity and dismissive towards their experiences of "the sex [and gender] they have transitioned to" (2007, 30). For Wieringa and Blackwood the use of category of third might be "blurring" the femaleness and maleness that makes it "impossible theorize the different experiences of persons with a genitally female or male body" (1999, 23).

[29] "Instead of expanding, nuancing, and complicating understandings of masculinity and femininity, third-gender language seals those categories, and locates fluidity, juxtapositions, ambiguity, and dynamics outside their borders, in the realm of the third. The concept of third makes it hard to perceive that the 'two' might not be as straightforward as we often seem to think they are." (1998, 230).

The distinction of gender and sexuality, as well as category of transgender, is “modern, and recent innovation” (see e.g. Valentine 2007, 169). And thus, as for example Blackwood (2011), Peletz (2009), and David Valentine (2007) all argue, also the category of transgender in all its scope is everything but unproblematic. That is why, as for example Peletz emphasizes, its utilization demands caution especially in non-Western settings (2009, 11–12). Hence, I will define the meanings behind the use of transgender in Malaysian context more closely in Chapter four. Since the early 1990s, transgender studies has taken leaps from treating transgender-identified people as a mere “objects of knowledge” to include self-identified transgender people in the conversation (Stryker 2013, 1–2). Indeed, there has been a lot of criticism of scholars limiting trans as mere “psychopathological” (ibid., 2) and medical category (Plemons 2017, 17) which has led to neglecting the everyday lived experiences of transgender-identified people (see e.g. Namaste 2000, 37). Sex as natural fact has become questioned – which has altered the relationship of sex and gender – bodies have become fluid instead of static. These changes have also led to focus on the embodied subjective experiences of the research participants themselves, instead of treating them as a mere “objects of knowledge.” They have also enabled researchers to locate and study the discourses that produce the social categories the individual subjective experiences and bodies are lived through. Next, I will move on to consider the historical turns in Malaysia in the field of sex and gender.

3.2 Earlier Gender Studies and ‘Asian Values’ in Malaysia

According to Peletz “owing to ominous trends in neoliberal governmentality and the state-sponsored Islamization”, Malaysia, that was used to known as a site of ethnographic studies of resistance, owing largely to the well-known work of James Scott (1985) and Ong (1987), is now better known as “a site of constricted pluralism[30]—with respect to ethnicity, ‘race,’ religion, gender, and sexuality, for example—and of moral policing” (2015, 144). Barbara Watson Andaya identifies that anthropological interest in gender in South East Asia has raised relatively late and in 1950’s discussion about gender was

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[30] Peletz uses the word ‘pluralism’ to indicate “social fields, cultural domains, and more encompassing systems” that are “not only present, tolerated, and accommodated” but also have legitimacy. “Pluralism is a feature of fields, domains, and systems in which diversity is ascribed legitimacy, and, conversely, that diversity without legitimacy is *not* pluralism.” (2009, 7).

"treated briefly in a section on 'family life'" (2007, 113). It was not until 1990, when Jane Monnig Atkinson and Shelly Errington published an essay collection of South East Asia's dimension of gender that seek to challenge the idea of Euro-American perspectives on gender, like the idea of universal male dominance, as cross-cultural. Yet soon after that, according to Mary Steedly, gender-related studies became one of "the primary growth areas" in Southeast Asia (1999, 437; Andaya 2007, 114).

In post-independent Malaysia the ideas of gender have faced constriction (see e.g. Ong 1987, 1990; Peletz 1996, 2006, 2009; Tan 1999; Stivens 2002). In fact, all identity categories have faced state-led attempts to reform them into an unified category of Malayness that has led to "dichotomization, purification, and overall hardening of […] all categories […] related to identity" (Peletz 2009, 197–198; see also Ong 1995, Tan 1999, Stivens 2002, Willford 2006). Peletz suggests that the roots of these changes are as far as in the seventeenth and eighteenth centuries. In the fifteenth and sixteenth centuries, the relations of women and men in Malaysia and elsewhere in Muslim Southeast Asia was considered more alike particularly in religious practices where both "female and male elements" were required to "give power and effect" in rituals and such. (Peletz 2012, 662; see also Reid 1993, 162–163; Ong 1987). In fact, in this period when women were "less socially inferior" (Andaya 2006, 227), they "predominated in many rituals associated with agriculture, birth, death and healing" (Peletz 2012, 662; see also Reid 1993, 146). According to Peletz, it was the time of "considerable fluidity and permeability of gender roles, and […] relative tolerance and indulgence with respect of many things sexual" (2012, 663). Both Reid (1988, 153) and Peletz (2012, 663) argue that pre-marital sexual relations, for example, were "regarded indulgently" among Muslims in Malaysia in Southeast Asia in general. In thirteen century when Islam started to gain ground in Southeast Asia, it derived mostly from "a mystically oriented variant of (Sunni) Islam" which was "often described as a sex-positive religion." Albeit, there was harsh punishment for example of committing adultery or incest, thus sexual and gender pluralism was restricted and bounded to certain domains (ibid., 664).

In the seventeenth and eighteenth centuries, through "intensification of commercial trade, state building, and territorial consolidation" (Peletz 2009, 14) political systems became "more absolutist, centralized, and bureaucratic," it was also a period of religious revolution in the area formerly known of its animistic beliefs (Lieberman 2013, 14). Peletz writes how the "canonical orthodoxies" of "Sunni Islam, Theravada Buddhism, Neo-Confucianism, and Iberian-style Catholicism" that were adopted in the areas of Southeast Asia, "provide no scriptural basics for the public ritual centrality of women and transgendered." Thus, their "previously sacrosanct roles" faced "questioning and skepticism, and, ultimately, an erosion of their prestige and overall legitimacy." (2009, 14). Despite these changes, it was not characteristic of this era legally condemn same-sex relations or transgendered practices, if at the same time the other communal norms (i.e. marriage) were fulfilled. Punishments for neglecting the norms were more likely to be less formal (like gossiping or ostracism), thus if these practices were not made public, they were tolerated. (Peletz 2006, 671).

There are various documentations since the mid-nineteenth centuries of "transgendered ritual specialist," especially from Borneo, such as *manang*, *basir* and *balian*, who were assigned males at birth, but "dress like women" (Peletz 2009, 46; see also Andaya 2018, 67–69), and were assumed to possess spiritual powers for example to operate as "mediators between men and gods" (cited in ibid; see also Goh 2014, Scharer 1946). Probably the well-known literature of transgender practices in Southeast Asia considers transgendered ritual specialist among Bugis of South Sulawesi known as *bissu*.[31] Since the fifteenth century in Malaysia, much alike of the Bugis' *bissu*, there are historical records of *sida-sida* or *sesida* "male-bodied priests[32] or courtiers…who were said to be involved in 'androgynous behavior' such as wearing women's clothes and possibly performing tasks of the sort generally undertaken by women" (ibid., 58; see also Drewes 1976; Andaya B. 2000; Andaya L. 2018). Their tasks involved also safeguarding practices in royal palaces where they resided in the era. Although scarcer, there are also some records of *sida-sida* until "early years of new millennium" resided in palace located in Negeri Sembilan (Peletz 2009, 60). Not restricted to palaces, there are documentations from the 1960s of "special homosexual villages" (Raybeck 1986, 65) resided by for example Thai-origin "transvestite performers" known as *mak yong*. Peletz writes how these villages were well-known by other villages and "regional and state-level religious and secular authorities," he continues how the authorities and "the Sultan did not simply

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[31] Following "syncretic variant of Islam […] influenced […] by pre-Islamic Hindu-Buddhism beliefs and practices, […] [*bissu*] assumed female of dual-gendered attire […] safeguarded royal regalia and the sacred 'white blood' of the ruling families" while engaging in same-sex marriages and sexual relations." (Peletz 2009, 37).

[32] Leonard Andaya suggests that *sida-sida* "may have been a pre-Islamic priestly class" (2018, 69).

'know about' these unique villages; they actively supported them and […] [the Sultan] clearly helped constitute them." (2009, 186–187). In sum, "a good deal of gender pluralism existed throughout Muslim Southeast Asia well into the twentieth century" (cited in Peletz 2009, 176; see also Ong and Peletz 1995, 1996; Oetomo 1996; Johnson 1997; Boellstorff 2005a).

Coming to the past decades, since the 1982 *fatwa* prohibiting Malay Muslims of undergoing SRS, legal obligations and public atmosphere especially toward Muslim transwomen have been constricting (see e.g. Teh 2008; Peletz 2009). Yik Koon Teh illustrates how its "immediate effect" was the increased stigmatization of "transsexual community", as they became viewed as "violators of Islam" and thus considered as "less moral" (2008, 92). In the 1990s emerged increased attempts to claim that all "non-heteronormative genders and sexualities" are in fact "un-Asian", manifested through the "nationalist and fundamentalist" (Tan 1999, 282) discourse of "Asian values" (Peletz 2009, 264). Asian values is Malaysian state-led narrative dictated by "political elites in Malaysia, Singapore, Japan and elsewhere" in Asia (ibid., 17) It is related to "the state-sponsored projects of modernity," where global values meet "moderate and progressive but strongly heteronormative Islam," and where "political and religious elites" simultaneously demand "flexibility" in various fields, while ruling it out "with respect to gender and sexuality" (ibid., 197–198). The discourse was driven by for example Mahathir Mohammad the prime minister of Malaysia, encouraging "family values" to say that "social values" are more important than (Western) "individual values" (ibid., 199–200). This, according to Tan Beng Hui, describes the division of Malaysia to the Western and Eastern, to the good and the bad, values, as in the discourse Asian values were juxtaposed against the so-called Western values; the whole nation was divided into those in favor of the Asian values to "us" and "them," of which the latter are now also "stigmatized, isolated, and sometimes even prosecuted" (1999, 287). Mahathir Mohammad for example argued in public statements that "Western ideals" such as "human rights, democracy, and civil society" do not work in Asian countries. According to Peletz, the concept of Asian values (like Western values), can be compared on Edvard Said's classic interpretation of the term "the orient" (1978), where various type of experiences are summed under one, which he accurately describes with Yanagisako's (1995) words "forging unity out of diversity" (Peletz 2009, 202). Tan writes how in the public discourse in Malaysia "biological sex" and "socially constructed gender" have converged and this can be seen especially in the expectations of womanhood, certain "characteristics" and "codes" have become seen as "the natural possession of all women." (1999, 299).

Peletz associates Asian values discourse with "the rise of social intolerance" with occurring "new forms of (sexualized) criminality" (2009, 17). After the 1990s, there have been a few infamous cases of implementations the laws like Penal code Sections 377A and 377B, explained briefly in the introduction, "carnal intercourse against the order of nature and gross indecency," enacted by British in mid-1800s. The most famous case probably is the sodomy charges against Anwar Ibrahim. (Ibid., 206–207). In 1998 Mahathir Mohamad commended his Deputy Minister Anwar Ibrahim to be jailed with "the highly dubious charges of sodomy, bribery, and corruption." He was sentenced six years to prison[33]. (Ibid., 198). After serving six years in prison, he was charged again of sodomy in 2008 and was convicted again in March 2014 (Lakhdhir 2018). He was finally released and pardoned after the transfer of power[34] in Malaysia in May 2018 (see e.g. Ellis-Petersen 2018b). The second charge particularly aroused questions in the public whether it was in fact all about political colluding. While there have been laws against public indecency and "intercourse against order of nature" (i.e. sodomy) since colonial times, during the 1990s there has been a clear wave of criminalization and stigmatization of "*pondan*, *mak nyah*, same-sex sexuality, and other variants of gender and/or sexual transgression." This, according to Peletz, is happening for three reasons: to create "policing of modern middle-class families and subjectivities," to produce new identity domains that correspond nationalist values, and to promote the kind of "nationalist and transnational narratives bearing on 'Asian values.'" (2009, 211).

For both Tan (1999) and Peletz (2006, 2009) Asian values are part of post-independent Malaysia's modernistic, economic and nationalistic efforts. Women's bodies have played central part in Asian values and thus their sexuality need to be controlled. As a part of these new nationalistic imaginings, it has created an image of femininity – "the state of being passive, obedient, and subservient" – as natural and biologically determined and this discourse “promotes an essentialist perspective of gender”. (1999, 299–300). Ong (1990) notes how the rivalry between the secular state and Islamic resurgence led by various *dakwa* groups described in Chapter two, has especially manifested in control of women’s bodies and family values. She describes how these changes have especially remolded the status of young middle class Malay women by constricting their agency[35] from wage earners to “domesticated producers of the racial stock.” Thus the hegemonic perception of gender roles and the other identity categories have been recreated by “both renewalist Islam and the secular state” (Ong 1990, 272). It has led to the situation where for example “many forms of transgenderism have been secularized and stigmatized, and some of them have been explicitly pathologized and criminalized as well” (Peletz 2009, 16). Peletz concludes:

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[33] It is suspected that he was sentenced for the most part of being rival to Mahathir Mohammad (see e.g. Lakhdhir 2018).

[34] Anwar Ibrahim was released in 16, May 2018 after serving in total 11 years in prison, a week after Mahathir Mohammad was re-elected as a prime minister of Malaysia, "[t]he pardon was filed on the basis of a "miscarriage of justice", thus clearing his name entirely." (Ellis-Petersen 2018b).

> The historical processes implicated in these developments have served to redefine most transgendered individuals as contaminating (rather than sacred) mediators who are perversely if not treasonously muddling and enmiring the increasingly dichotomous terms of sex/gender systems long marked by pluralism.” (Ibid., 14).

As these examples imply, the current sexed and gendered discourse in Malaysia is based on strong binary of male and female, their opposite roles, bodies, and natures that are assigned at birth based on genital-centric differences and divergent roles in reproduction, which are assumed to be static and non-fluid. However, building on Foucault’s idea of power as “diffusive”[36] and “productive” and the concept of “reverse discourse” Tan sees that precisely because of the repressiveness of the Asian values discourse toward homosexual people and other “forms of social evil,” it, in fact, verifies that such identities and experiences exist, and give room for “opposing strategies” (1999, 287). The term “reverse” discourse derives from Foucault’s writing about the nineteenth century of France’s homosexual discourse:

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[35] Ong points out, that these Malay women, however, cannot be viewed as passive victims, and neither “resisting” these body politics, instead, Ong writes, “upwardly mobile women have come to identify with revivalist ideals of motherhood, male authority, and the imagined body politic.” (1990, 258).

[36] For Foucault “power is everywhere”, power itself indicates to “multiplicity of force relations” it is “self-producing” and “produced from one moment to next.” (1990 [1978], 92–94). Discourse is the glue between the power and knowledge that “produces” power, and there exist simultaneously infinite amount of discourses and even “contradictory” discourses within “the same strategy” (ibid., 101). For Foucault this multiplicity, simultaneousness and the pervasiveness of power leaves always room for resistance, or in Tan’s words for “opposing strategies” (1999, 287), thus enables “reverse discourse.”

> [T]he appearance of in nineteenth-century psychiatry, jurisprudence, and literature of a whole series of discourses on the species and subspecies of homosexuality[37], inversion, pederasty, and 'psychic hermaphrodism' made possible a strong advance of social controls into this area of 'perversity'; but it also made possible the formation of a 'reverse' discourse: homosexuality began to speak in its own behalf, to demand that its legitimacy or 'naturality' be acknowledged, using the same categories by which it was medically disqualified. (1990 [1978], 101).

For Peletz Foucault's notion of "reverse discourse" as it is, is too simple to be directly used in modern Malaysia. However, with "the new landscapes of human agency", such as cities, the Internet and enterprises that allow more "anonymity, autonomy, and self-determination", which are not so dependent on "state patrons," thus, "reverse discourse" in fact exists in Malaysia, but it derives also from these new landscapes, which give individuals more room for alternative choices, thus the roots of the discourse are not as straightforward as in Foucault's description. (2009, 224). According to Tan (1999), the Asian values discourse can be seen of an example of this kind of hegemonic discourse that has also "'benefitted' the homosexual (female and male) community in Malaysia [...] [by] publicly acknowledging and naming the presence of homosexuality in Malaysian society." Furthermore, the very idea of needing to contain homosexuality "and other forms of social 'evil'" to "get rid" of is premised on a recognition that homosexuality not only exists but that it can also be promoted. The discourse has, in fact, given the "non-normative" sexual and gender practices and subjectivities "a prominence never before seen in Malaysia." (1999, 287).

3.3 Political and Social Recognition, 'Passing,' and the Act of Erasure

When referring to the current theory of recognition – influenced much by Hegel – that has been revived since the 1990s, two names often come up, Charles Taylor (1994) and Axel Honneth (1995). To consider the meaning of Hegel as an inspiration for the theory of recognition, it is often described as an alternative to Hobbesian like individuality (see e.g. Robbins 2003, McQueen 2015). Hegel's theory of "mutual recognition," where "humans could not be understood independently of their social situation and their relationships with others" (McQueen 2015, 10) offers a good starting point to shed "the Hobbesian foundations of political anthropology" (Robbins 2003, 10). Robbins argues how political anthropology often succumbs to treat much of the "power, domination, resistance" (ibid., 9) through the so-called Western understandings, emphasizing Hobbesian-like individuality, which leads to an unidimensional views where the research participants desires are viewed as striving to liberate themselves from the structures that oppress them and the whole political systems are valued through its ability to "meet the needs of individuals and groups conceived as collective individuals." Thus, social relationships are viewed "primarily as threat" that oppress the individuals or groups in question (ibid., 10). In a wider sense, I recognize a related critique among the recent theorists of agency, for example Saba Mahmood (2005) criticizes the lack of capacity to examine agency without the power-resistance dualism, where agency only manifests as an act of resistance. This kind of view of individuals presents them as passive beings in every other situation except the one where they are resisting the power structures. She argues how "the concept of agency should be delinked the goals of progressive politics", and this does not mean that agency would never manifest itself as an act of resistance (ibid., 34). To get back to Hegel, McQueen also notes that "Hegel's mutual recognition theory challenged not just Rousseau, but the entire social contract tradition running from Hobbes through to Locke and identifiable in Kant" (2015, 10). Robbins sees that the way Hegel pointed out "mutual recognition is substance for society […] not just to make contacts, but to become subjects at all" is the basis for "the various discussions of the struggle for recognition" (2003, 10). Including above introduced Taylor, Honneth, and McQueen for example. Indeed, like Plemons states "[t]heories for recognition from Hegel to Honneth share fundamental understanding of individual not as a bounded and atomistic subject but as one formed in and through the relations with others." (2017, 15).

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[37] Foucault famous notion bears scrutiny of how homosexuality emerged in nineteenth and eighteenth century Europe "psychiatry, jurisprudence and literature" (1990 [1978], 101) as "a species", instead of sodomy that referred to as the sexual act itself, homosexuality became immediately "psychological, psychiatric, medical category" it was considered "a personage, a past, a case history, and a childhood", more specifically "interior androgyny". (Ibid., 42–44). Peletz argues to some extent this can be compared how actually the term 'sodomist' used in present-day Malaysia as a species unlike the transgendered *pondan*, that has for long been merely considered "a temporary aberration" (2009, 223).

As Webb Keane exemplifies, rather than being in the hands of individual, recognition happens between the subjects and thus is based on a dialect. He clarifies, "I depend on you to recognize that my identity […] and my actions […] are indeed of certain type and not some other." (1997, 15). Similarly, Charles Taylor in his groundbreaking essay *Politics of Recognition* argues that "crucial feature of human life is its fundamentally dialogical character," which is the only way to become full agents and define self-identity (1994, 32). Thus, "original identity" (ibid., 35) that comes from the inside depends on recognition and this social reliance of being recognized by others "continues indefinitely" (ibid., 33). One of Taylor's key points is that identity is dependent on recognition and because recognition is based on social relations it can also fail, be "given or withheld," and thus, "[n]onrecognition or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being" (ibid., 25). Agreed by McQueen (2015) and Honneth (1995). McQueen, for example, notes that when identities are not recognized when they fall out "the limits of 'the normal' – especially when this normal is construed as natural hence 'right,' […] there is genuine struggle for recognition" (McQueen 2015, 125). For Plemons, the little gestures such as "gendering" transwoman with correct pronouns, calling her ma'am or miss, if following Taylor's ideas could be understood as "an acts" of recognition of transwomen's "authentic identity." (2017, 93). For Taylor, recognition is "a vital human need," thus political recognition should be based on at first; "the equal dignity" (1994, 36) which strives universally "the equalization of rights and entitlements" (ibid., 37), second; the recognition of individual's or groups' uniqueness or distinctiveness. The tendency where "dominant groups tend to entrench their hegemony by inculcating an image of inferiority in the subjugated" (ibid., 66), is thus an act of misrecognition.

This for Plemons, shows that, for example, Taylor and Honneth, see "the recognition of individual's authentic identity […] a good in itself and […] crucial to individual flourishing and the advancement of social progress" (2017, 93). For Plemons, this encloses an assumption of that the recognition is the basis for "the good life[38]" and eventually is enough itself to lead to social equality (2017, 93). For many other recognition theorists as well, this kind of concept of good life and its individualistic premises are simply too universalistic, individualistic and "morally binding" (Fraser 2003, 30; see also Zurn 2000). For example, how these premises are somewhat disconnected from the political and social realities where "particular groups are subjected to systematic discrimination and oppression" (Plemons 2017, 93). Similarly, for Fraser (2003, 2007) these demands for the distinctive recognition of individuals or social groups, as a basis for the social equality, neglect the demands for redistribution, for more equal distribution for example of wealth. For Fraser, one does not work without other, "gender injustices of distribution and recognition" are "complexly intertwined," for example, "to redistribute income of between men and women" demands the recognition of the culturally "gender-coded patterns" (2007, 33) only by keeping both of these lenses on "can we meet the requirements of justice for all" (ibid., 34). For Barbara Hobson, the redistribute-recognition debates among the field of the recognition struggles, has benefitted the theorists to grasp how "recognition and redistribution become specific lenses for viewing the same struggles, rather than discrete categories." (2003, 2).

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[38] "The good life" is a term that Axel Honneth (1995) uses, for which receiving reinforcing recognition of "self-realization", and that is connected to social justice, which is measurable by society's ability to provide its citizens "good life" (Honneth 2003, 174).

Plemons, for example, argues, in "trans- woman's identity as a woman" there is more at stake than "individual authenticity," recognition in this sense "is also an act that shifts political discourse and opens questions about the terms by which membership in the category of woman is granted, by whom, and at what cost." (2017, 94). More specifically, for example what drives transwomen to go through operations to transform the bodily sex is the promise of recognition by others "a way to make "invisible me" visible to others" (ibid., 13). Building on Butler's theory of performativity, where "masculinity and femininity are not inherent properties of bodies or of persons" and where instead "individuals become *recognizable* [emphasis added] to themselves and others as instances of masculinity and femininity by doing things that are already understood in those terms, by citing gendered norms" (ibid., 9). Therefore, "sex/gender norms are predicated on recognition"; the dialogical act through which we come into being. He continues "social norms and expectations determine *who* is recognizable to *whom* and as *what*." As in performative model sex has a history, this recognition varies in time and space. (Ibid., 10).

As James Scott (1998) has profoundly demonstrated modern states aim to create "standardized facts" in order to monitor its citizens, these facts are formed as "documentable" and "static;" "[t]he more static, standardized, and uniform a population or social space is, the more legible it is" (1998, 80–82). Paddy McQueen demonstrates how "legal recognition can act as both as a way combating the exclusion and oppression of transgendered individuals whilst simultaneously regulating them" (2005, 149). Similarly for Plemons "being recognized as worthy of personhood" often demands that the person is different enough to add on the "mosaic of multicultural difference," but similar enough to "reinforce existing ideas about the kind of subjects worthy of the goods of political memberships." For example in context of transgender people these demands are often seen as requirements that they need to fulfill certain standards, being recognizable as "convincingly" either female or male. (2017, 99). Similarly, McQueen speaks about “simple assimilation,” where “tolerance” is only given for those who are willing to conform to these public norms, but “the cost of that assimilation is a thoroughgoing erasure of the very feelings, experiences, physical attributes and beliefs which identified that individual as ‘deviant’ in the first place.” (2015, 144). Thus, as Serano writes “gender-variant people are [often] oppressed by the system that forces everyone to identify and be easily recognizable as either a woman or a man” (2007, 161). This, is the definition of the act of erasure. Viviane K. Namaste elaborates “three measures” of such act of erasure of transgender and transsexual individuals from discourse and institutional world. First, they are reduced to “merely figural” rhetoric, which leads to treating “transsexuals as embodied identity…literally unthinkable.” Second, the erasure “from institutional world” happens when transsexual and transgender people are left outside of social service network. Namaste uses as an example the shelters, where TS/TG individuals in Toronto have no access to and how it leads to lack of knowledge of the needs of TS/TG people in such places, which leads increasingly to the erasure of TS/TG persons from the institutional world. Third, by simply using categories “men” and “women” can be viewed as “act of nullifying transsexuality” as “the use of ‘men’ and ‘women’ undermines the very possibility of a TS/TG position.” (Ibid., 51–52).

Related to the act of erasure, instead of speaking of recognition as we should, in the global sexed and gendered discourses, the term passing is often used when referred to the recognition of transgender people. The term has a long history specifically in “U.S. racial and sexual” politics (Plemons 2017, 14; see also Harrison and Cooley 2012). In the context of (trans)gender it usually refers to a person who has met the “public expectations” of maleness or femaleness and thus, passes as a cis-person (see e.g. Serano 2007, 177; Plemons 2017, 14). The term, as Serano carefully elaborates, is very problematic and rooted with inequality, “it describes the very real privilege experienced by those transsexuals who receive conditional cissexual privilege when living as their identified sex” (2007, 176). According to Plemons, the word passing is opposed by some transgender-identified people, because it implies that the person who in example “passes as a woman,” the category becomes something she does not “rightfully belong” (2017, 14). As Harrison and Cooley summarize, “passing is, basically, pretending or being taken to be what one is not” (2012, 19). Serano (2007) explains how it privileges cissexuals since transgender-identified people become labelled by strive to pass as either as a man or a woman and by doing so it erasures trans- as an accepted category and makes it "artificial" more generally, it defines the public expectations for transgender-identified people. While doing so, "shift[s] the blame away from majority group's prejudice [...] toward the minority group's motives and actions." What makes "passing" problematic, as Serano profoundly explains, is that it reduces transgender-identified people as mere body parts. (Ibid., 14–15). For Plemons, "shift from passing to recognition" permits us to observe what happens when "a trans- woman's efforts being recognized as a woman are refused," which simple "pass/not pass" does not (2017, 15).

As McQueen summarizes, "[t]hose in power not only have the ability to offer recognition to the minority group or individual but also to control the terms of that recognition." (2015, 144; see also Plemons 2017, 99). For example, the legal recognition and legal identity documents allow permission to "benefits and services" (Plemons, 101), as Currah and Moore although in U.S. settings, illustrate,

> Birth certificates, for example, are not simply mechanisms for managing populations and the state enforcement of obligations, like taxation or conscription, on individuals; they also create recognition for the distribution of resources from the state to individuals, such as voting, social security, Medicaid, marriage rights, and welfare benefits. (2013, 609).

Thus, the dominant sex discourse and how sex change is perceived, can directly affect trans-specific healthcare that is offered or not offered to transgender individuals, and more broadly whether or not their gender-identity is legally recognized. McQueen writes:

> When one's identity is not a given – when it is outside the realm of possible and acceptable identities prescribed by society's dominant norms, institutions and discourses – then there is a genuine struggle for recognition, the success of which is far from guaranteed. (2015, 125).

Plemons goes so far that he argues, "[t]rans- women are allowed into public spaces and discourses only when and if they present themselves in ways that the dominant culture demands of those it considers legitimate." (2017, 99). As there sometimes is a contradiction between on person's bodily appearance and how the official documents determine *hir*, there also might be an enormous contrast between "recognition marshalled by the state to identify citizens" and the dialogical recognition that occurs between the individuals, and it is cut out to bring various issues to individuals concerning (ibid., 101). Like Richard M. Juang crystallizes "recognition's importance can be measured by the consequences of its absence: an unvalued person readily becomes a target or a scapegoat for the hatred of others and begins to see him or herself only through the lens of such hatred." (2006, 706). I will next consider the spaces were the recognition, and how they might be perceived by transgender individuals, who transgress the normative ideals of sex and gender.

3.4 Gendered Spaces, Publics and Counterpublics

Daphne Spain in her innovational book *Gendered Spaces* notes how “[s]pace is organized in ways that reproduce gender differences in power and privilege” (1992, 233). Like gender, space has also become understood as socially constructed (see e.g. Gieryn 2000; Harvey 1973; Lefebvre 1991; Soja 1996). Despite the vast scope of the study of gender and space, what interests me here, is the study of “non-normalized” genders and sexualities in relation to spaces or “space-times”[39] (Massey 1994, 2). Much of the social scientist study of spaces is centered on debates between public and private, revolving around questions like what is a public. For Michael Warner “a public is self-organized…a space of discourse organized by nothing other than discourse itself”, he continues “a public’s reality lies in reflexivity, by which an addressable object is conjured into being in order to enable the discourse that gives it existence.” (2005 [2002], 67). Looking briefly into Jürgen Habermas’ analysis of the bourgeois public sphere[40] in *The Structural Transformation of Public Sphere* (1962), he argues that “some spaces are defined by their tensions with a larger public” and call them “counterpublics” (2005 [2002], 56). Relatedly Nancy Fraser discusses “subaltern counterpublics,” criticizing Habermas’ ideas of the bourgeois public sphere, which is based on late eighteenth and early nineteenth century Germany, Britain and France. For Fraser, what Habermas considered as equal and accessible to everyone, was in fact an exclusively male dominated sphere. Fraser writes “Women of all classes and ethnicities were excluded from official political participation precisely on the basis of ascribed gender […] Moreover, in many cases, women and men of racialized ethnicities of all classes were excluded on racial grounds.” (1990, 63).

Fraser’s significant critique toward Habermas’ bourgeois public sphere concerns its neglect of social inequalities. The bourgeois public sphere was described as a space where

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[39] “Space must be conceptualized integrally with time” (Massey 1994, 2).

[40] In eighteenth and nineteenth century Europe, Habermas recognizes a rise of “bourgeois public sphere”, new kind of public sphere where individuals came together discuss mutual concerns and affairs. As Habermas concludes “sphere of private people come together as a public; they soon claimed the public sphere regulated from above against the public authorities themselves, to engage them in a debate over the general rules governing relations in the basically privatized but publicly relevant sphere of commodity exchange and social labor.” (1989, 27). This “self-interpretation” quality of it “crystallized in the idea of ‘public opinion’” (ibid., 89).

"differences in birth and fort" were "set aside" (Fraser 1990, 63), but "in societies with structural social and economic inequalities" (Young 2000, 171), this kind of view of the public sphere inevitably eliminates the inequalities that exist between different social groups and individuals (Fraser 1990, 77). The outlook of the public sphere as a kind of "space of zero degree culture" – disconnected from reality – leads to further marginalization of the marginalized (ibid., 63–64). Consequently, this kind of view of a single public, would lead to situation where marginalized groups would have no "arenas" to discuss about their needs and desires. Thus, Fraser comes up with "subaltern counterpublics" as "parallel discursive arenas where members of subordinated social groups invent and circulate counterdiscourses, which in turn permit them to formulate oppositional interpretations of their identities, interests, and needs." (Ibid., 66–67). For Fraser,

> [C]ounterpublics have a dual character. On the one hand, they function as spaces of withdrawal and regroupment; on the other hand, they also function as bases and training grounds for agitational activities directed toward wider publics. It is precisely in the dialectic between these two functions that their emancipatory potential resides. (Ibid., 68).

With Fraser's critique, I wish to demonstrate how spaces or spatialities are usually not sites of social equality. Relatedly, Gill Valentine, although speaking in context of publicity in in context of the United States and considering only the aspects of sexuality, notes how "heterosexuality is clearly the dominant sexuality in most everyday environments,"[41] for example, it is celebrated through rituals like "weddings and christenings," which then strengthens "the naturalness of heterosexual hegemony" (1990, 285–286). In distinction of the discursive spaces of the kind discussed above through Warner's and Fraser's notions of counterpublics, Gill Valentine discusses the physical spaces. Here, I find Petra Doan's (2010) description of private and public, semi-private and quasi-public spaces useful. She differentiates public "streets, transportation facilities and elevators" (2010, 640) from quasi-public spaces such as the universities, which are owned by public, but under the regulation of the universities to decide who to let in, generally limited to the students and staff of universities in question (ibid., 641). Alike, she differentiates private spaces such as "places of refuge or exclusion" (ibid., 647) from semi-private spaces, usually privately owned places used by the public such as “malls, churches, auditoriums, or other performance spaces to which public access can be denied” (ibid., 645). Some spaces are mixtures of public and private, like classrooms (ibid., 642). In spaces that encompass “rigid categorizations of gender”, individuals “who transgress [hegemonic] gender norms experience a tyranny of gender that shapes nearly every aspect of their public and private lives” (Doan 2010, 635). The most infamous example are perhaps the public bathrooms “that have become battlegrounds for trans recognition” (Plemons 2007, 93; see also Doan 2010).

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[41] Speaking of "the modern Western" surroundings (1990, 285).

Viviane K. Namaste (2000) demonstrates how in the surroundings where public spaces are considered as masculine heterosexual domains, transgender individuals encounter violence for the same reason as sexual minorities do. S/he argues, that for example “‘effeminate’ men and ‘masculine’ women are ‘gaybashed’ irrespective of their sexual identities.” (2000, 140) She concludes, “a perceived transgression of normative sex/gender relations motivates much of the violence against sexual minorities”, and it is tied to “policing gender presentation through public and private space”, those who “live outside normative sex/gender relations will be most at risk for assault.” (2000, 135–136). For Namaste, instead of discussing of *gaybashing* it would be more accurate to discuss *genderbashing* (ibid., 146). In surroundings where, public spaces are dominantly heterosexual and masculine, they “are secured through gender”, and people who transgress the normative boundaries “challenge” their order. (2000, 141–142). Kate Bornstein has made an identical point by arguing how gay men and lesbians are more consciously excluded by the culture for the violations of *gender codes* (which are visible in the daily life of the culture) than for actual sexual practices (which usually happen behind closed doors in private spaces) […] [thus they] share the same stigma with ‘transgendered’ people: the stigma of crimes against gender.” (1995, 134).

For Paddy McQueen, the binary gender system leads unavoidably to situation where “a transgender identity” is “confounded.” McQueen demonstrates how “transgender-individualss…are automatically marginalized, as a necessary ‘Other’”,

> The transgender-individuals is situated, through their transgression (willed or otherwise) of gender norms, as a marginal being. This occurs socially, legally, medically, and politically. Within each of these institutions / discourses, a transgender-individuals is automatically marginalized, as a necessary 'Other' to dominant patterns of gender identification. (2005, 149).

Doan illustrates how adding "spatial dimension to analysis of gender" is cut out to expose these kinds of dominant patterns, or what she calls "the heteronormative tyranny of gender." For her, "the tyranny of gender" offers explanation "why some transsexuals cling to rigid gender models", she shows how the tyranny as well as the structures behind it are experienced through visibility and recognition.

> I recognize that my gender performance is simultaneously modulated by the observers of my gender as well as the spaces in which we interact. These modulations do not shift my own sense of gender, but they do shape the visibility and impact of my gender performance. Sometimes I can choose when to perform my gender in ways that might expand the boundaries of the gender dichotomy and sometimes I cannot. (2010, 648).

As Doan demonstrates transgender individuals may find some gendered spaces particularly challenging, in some spaces by changing subject position, these challenges could sometimes be avoided, but it is not always the case. In her book *Falling In to the Lesbi World* Blackwood shows how her Indonesian *tomboi* identified interlocutors are consciously acting on these kinds of differently gendered spaces. In her concept of "subject position," building on Ortner's (2006, 107) conception of subjectivity "the ensemble of modes of perception, affect, thought, desire, and fear that animate acting subjects," Blackwood notes that the self is "agentive,"

> [I]ndividual subjects are historically and culturally constructed with particular kinds of knowledge and understanding and can act within that knowledge to take up particular subject positions; their agentive ability is not, however, that of the autonomous, rational Self acting from an innate consciousness. Rather subjects experience and embody a range of discourses and practices that make sense to them, yet set the conditions for what is thinkable or imaginable. (2015, 22)

Thus, for her like for the recognition theorist introduced above, their agency does not surge from the self, but from the dialogue. Blackwood illustrates how the *tombois* "take up different subject positions in different spaces." In different spatial surroundings they "produce apparently contradictory subjectivities", and they "manage" and "respond" to "expectations of gendered practices" variably relatively to different spatial surroundings. (2010, 151). Thus, in the environments where rigid gender binary is dominant, the transgressors of what is considered as normative gender categories are at risk to encounter stigma, discrimination and violent assaults, but may modulate their position, recognition and visibility. Instead of only observing spaces that are "heterosexual" or where "rigid categories of gender" are the most visible, by observing various spaces enables the study of variable subject positions. For example, Doan illustrates how "a person who is coming to terms with his or her transgendered identity is able to explore a different gender within the confines of that relatively safe space" (2007, 64). As in above-mentioned examples, these spaces may be physical, but underneath environments where struggles over identity-based recognition are characteristic, alternative discursive spaces or counterpublics – where subaltern identity-categories striving to influence the dominant structures are constantly negotiated – might also be identified.

For various theorists, counterpublics are formed of their subaltern statutes (Fraser 1990), or, as for Deborah Elizabeth Whaley "the occurrence of struggle, that is, their emergence in opposition to cultural, social, and political constraints in the wider public sphere or the larger society" (120, 2010). Warner illustrates a counterpublic differs from community or social group in how it "comes into being through an address to indefinite strangers." In "queer counterpublics", the heteronormative ideals are "suspended" and "[t]he individual struggle with stigma is transposed, as it were, to the conflict between modes of publicness." Warner emphasized that counterpublic discourse is "far more than what some Foucauldians like to call 'reverse discourse'", it only occurs when "its participants are addressed in a counterpublic way – as, for example, with African Americans who are willing to speak in a racially marked idiom." (2005 [2002] 86–87). In addition, according to Iris Marion Young, these counterpublics can "develop aesthetic and discursive modes for expressing their social perspectives, autonomous from dominant discourses." She also adds an important point:

> Subaltern counter-publics also importantly function as places where members of subordinated groups develop ideas, arguments, campaigns, and protest actions directed at influencing a wider public debate, often with the goal of bringing about legal or institutional change. (2000, 72).

Chapter 4 LGB and T Communities of Kuala Lumpur

In this chapter, I will first consider the meanings behind the use of the word ‘transgender’ in Malaysia. I will use the term in this thesis as an emic category, my interlocutors used of themselves, yet, as it is also a term most likely to found its way and integrated into Malaysian sex and gender activist’s and subjectivities’ discourse via the global discourses on gender and sexual rights, I will briefly consider the local meanings behind it based on my data. I will also use Peletz’s book *Gender Pluralism* (2009) to discover the birth of the local term and identity, *mak nyah*, and introduce other terms that were at some point of the time considered as accepted terms to refer to a transwoman or *mak nyah* in Malaysia and compare their position in the recent gendered discourse. In Chapter 4.2., I will look into the social structure of the *mak nyah* community, its distinctive and connective features and characteristics. Finally, I will briefly observe the local use of the LGBT abbreviation and how the community of transwomen or *mak nyah* differ from other communities under the LGBT umbrella in Malaysia and in Kuala Lumpur.

4.1 Defining Terms: Transgender and *Mak Nyah*

As Blackwood writes “The term ‘transgender’ is generally used broadly by activist and trans scholars, such as Susan Stryker[42] and Kate Bornstein, to refer to identities or practices that move between or transgress sex and gender binaries.” As introduced in the previous chapter, formerly anthropologists more easily labeled this transgression under the categories of “third sex” or “third gender”, but now the focus is more on how the “gender transgressors embody or carry off the gender that does not follow normative scripts” (2011, 209). Blackwood writes how the term has evolved from the 1990’s “general category to a fixed identity” (ibid., 208). Susan Stryker explains, the change of meanings since the 1980s “If a *transvestite* was somebody who episodically changed into the clothes of the so-called ‘other sex,’ a *transsexual* was somebody who permanently changed genitals in order to claim membership in a gender other than the one assigned at birth, then a *transgender* was somebody who permanently changed social gender through the public presentation of self, without recourse to genital transformation” (2013, 4). In the 1990s transgender became an umbrella term (see e.g. Namaste 2000, 1; Peletz 2009, 11; Stryker 2013, 4) “for those with various forms and degrees of crossgender practices and identifications" (Meyerowitz 2002, 10) "encompassing transsexuals, drag queens, butches, hermaphrodites, cross-dressers, masculine women, effeminate men, sissies, tomboys, and anybody else willing to be interpolated by the term, who felt compelled to answer the call to mobilization." (Stryker 2013, 4). According to Blackwood currently "[a]nthropological studies on non-normative gender expression situate 'transgender' as a social category at the intersections of sex and gender" (2011, 208). Yet, simultaneously many researchers such as Blackwood (ibid.) and Peletz (2009, 11–12) for example, find the term problematic, because it does not translate well globally, precisely because it encompasses so many practices[43] and therefore cannot grasp "kinds of fine-grain distinctions called for particular 'ethnographic, historical, and political contexts'" (cited in Peletz 2009, 12). Thus, for example Peletz warns us to "utilize the terms with caution when we are labeling, grouping, and interpreting practices and identities in non-Western settings" (ibid., 11).

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[42] The editor of *The Transgender Studies Reader* volume one and two

I agree with Peletz and Blackwood that one has to be cautious and careful while using such an encompassing term. However, as my interlocutors used the term transgender[44] when describing themselves and in the events I participated the members of the community also argued transgender to be preferred and a non-discriminating term to refer to them as a social group, the use of it is well grounded in this thesis. Indeed, many of the vocal people and transgender advocates in Malaysia, claimed the local term *mak nyah* and the term transgender women (or transwomen in short) to be the only non-discriminative terms to address members of the community. The born of the term *mak nyah* is very carefully elaborated by Peletz:

> [I]n early 1980s[…]dozen or so predominantly Malay male-to-female (MTF) transsexuals who had undergone sexual reassignment surgery (in the days when it was still legal for Muslims in Malaysia to do so)[…]established an informal [self-help] organization called The Mak Nyah Society, combining the term *mak*, a contraction of the term *emak* or 'mother'[…]with *nyah*, which is short for *nyonya*, a term referring to women from Melaka [a city in Peninsula Malaysia] of mixed Chinese-Malay ancestry that connotes elaborate make-up and hairstyles hence an exaggerated femininity[…]To be mak nyah is thus to be a "very feminine or womanly mother." (Peletz 2009, 260).

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[43] See also Julia Serano on the problem of "broadness" of the term transgender (2007, 26).

[44] I suggest, this was not only the case because I carried my interviews in English, I came across the term transgender in various events and surroundings, used by members of *mak nyah* community for self-descriptive purposes.

Thus, the term *mak nyah* is Malay, but does not only refer to Malay hence Muslim backgrounded transwomen. According to my interlocutors, The Mak Nyah Society was also striving to get rid of the degrading terms like *pondan*, which according to Peletz refers to “a male-bodied individual who walks like a woman, talks like a woman, spends too much time with women, or behaves like a woman in other ways such as having or preferring sex with men” (2009, 261), and which formerly according to my interlocutors was viewed as a less stigmatized term and more like broad umbrella term for “feminine men” or “feminine boys,” like my interlocutor Maryam described, as well as MTF transsexuals as well. Therefore, the intention of the society was to come up with both a non-degrading and an exclusive term for self-description purposes of transsexual[45] women at the time. In *A Coincidence of Desires* (2007) Tom Boellstorff combines the “men who have women’s souls (or souls part male and part female) and/or as male-individuals who dress in a feminine manner” under a single definition of “male tranvestites.” He is also referring to the individuals that are in Malaysia known by terms like “*bapok*, *darai*, *kedi*, *mak nyah*, and *pondan*”. He continues “I believe that this [‘male transvestites’] to be least flawed English approximation…across Southeast Asia” (Boellstorff 2005a, 191–192). Yet, according to my interlocutors, many of them found the terms like ‘male transvestite,’ ‘*bapok’* translated by my interlocutors as ‘tranny,’ and *pondan* ‘a feminine male’ also sometimes translated as ‘tranny’ as discriminative and outdated terms. Thus, while at the time of publication of Boellstorff’s book that may as well be accurate (I suggest it is still more likely too generalizing), my data suggests that now these terms should not be mixed together and at least many of the *mak nyah* community consider them as derogative and misrepresenting. Then again, there are still individuals in *mak nyah* community who call themselves a *pondan*, and as none of my interlocutors used terms other than *mak nyah* or transgender of themselves, I cannot interpret whether or not the Boellstorff description would be coherent with the senses of selves of those who called themselves a *pondan*, because none of my interlocutors did.

Peletz argues that *mak nyah* is not just a term, it is a new identity. He is unsure how the individuals behind The Mak Nyah Society identified themselves prior to the invention of

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[45] In Peletz description The Mak Nyah Society consisted of group of post-operative transwomen, transsexuals, thus he solely speaks of transsexuals (see Stryker’s description in the beginning of the chapter), term I did not encounter that many times in my field, which I can only guess why, perhaps it is because the 1982 issued *fatwa* has had impact to the attitudes towards SRS among members of *mak nyah*. Perhaps, as a consequence also the genital-centric division has lost its meaning.

mak nyah. However, the name changing measures indicate that they were "motivated by deeply felt existential dissatisfaction with extant gender categories such as *lelaki* (male), *perempuan* (female), and *pondan*" (2009, 262). Since the nature of term *pondan* was so encompassing, Peletz suggests it bespeaks of a cultural trait against the use of distinctions among "transvestism, transsexualism, intersexuality, homosexuality, and effeminate behavior" like typically for example in English and many other languages (ibid., 188). Some of my interlocutors explained to me how the term 'transgender,' deriving from different linguistic context, is harder for locals to use against them and to stigmatize. Yet, the fact that some members inside the community referred themselves as *pondan* arouse divergent views and caused frustration among many of my interlocutors. When a local transwoman, who had her own *nasi lemak* (traditional Malaysian breakfast dish with rice and chicken) food-stand, started to – after constantly being referred to as a *pondan* – advertise herself as *nasi lemak pondan* just before the time of my fieldwork. It made some of the trans-activist ponder why someone would refer to herself publicly with such a degrading term. While visiting her food-stand during the April of 2017 with a group of local LGBT activists to show her support, my local LGBT-activist friend Fifi explained to me: "Everybody was calling her *nasi lemak pondan*, which [referring to *pondan*] is an insulting name for the transwomen, so she just started to use it, like owned the name *pondan* and became famous" (author's fieldwork notes, April 2017). Later in July, I came across conversion where someone asked my interlocutor Layla what she thought about *nasi lemak pondan* using the term '*pondan'* to promote her business, she answered slightly indignantly "if some guy wants to call herself a *tranny* why should I care, there is no harm of using the label of yourself" (author's fieldwork notes, June 2017). Peletz writes: "*Pondan* can certainly be a term of derision (but in my experience it is usually not)" (2009, 188). By comparing it with Layla's and my other interlocutors' reactions I suggest that when indicating to transwomen it certainly was experienced as "a term of derision" by the majority of my interlocutors at the time of my field.

The transwomen who were working as trans-advocates were mostly treating the use of the term as a kind of a setback to the community, like Dhia told me "we try to teach our transwomen not to use *pondan* or *shemale* anymore, because those are negative words towards our community, not representing our community". Thus, for my transgender-identified interlocutors of whom almost all were in some ways involved in the activist circles, transgender was the most commonly used and preferred term along with *mak nyah*.

While it is beyond the scope of this study to trace how and when the term transgender was first utilized by local gender variant people, it is worth mentioning my interlocutors stated that the term is in fact quite new in Kuala Lumpur (and presumably in other parts of Malaysia as well) and yet still well integrated into the local gender and sexual rights discourse. While I acknowledge Valentine's important notion on how "anthropological tenet of using informants categories to describe them […] [leads to results where] the ontological assumptions which underpin these emic categories are left unexamined" (2003, 408) and Boellstorff's related point referring to Indonesian "*gay* and *lesbi* subject positions" that "in an already globalized world…the idiom of translation is no longer sufficient" (2005a, 85), as well as Blackwood's (2002) critique where these type of "Eurocentric" terms that indicate to "fixed identities" in the original context and might have completely different meanings when adopted to another cultural surroundings, especially in the world where there is no clear cut between "West" and "the rest" anymore. Albeit this study concentrates on examine public normative sex/gender roles independently of individual experiences, instead of fully aiming to locate the deeper meanings individuals give to their gender experience, I agree with Valentine, Boellstorff, and Blackwood. As my interlocutors used the term 'transgender' for self-descriptive purposes, it requires some amount of further examination due to an essential role it has in the thesis. Thus, I will look more carefully into the use of the term transgender and other descriptive terms, my interlocutors brought up.

While I am choosing to use the term transgender when referring to my interlocutors, I acknowledge that the term is not analogous with the same term used for example in the United States. Like Blackwood concludes referring to the term 'transgender' "its circulation via international lesbian, gay, bisexual and transgender (LGBT) activist groups makes it useful both to claim and contest" (2011, 208). According to Peletz terms like "gay" and "lesbian" in Malaysia do not circulate solely from international LGBT circles, but, in fact, from "government-controlled media" helping "shore up traditional morality" of its threat – gender and sexual diversity. "[T]he circulation of these terms has gone hand-in-hand with the emergence of identities defined as *gay*, *lesbian*, and the like" (2009, 193). Many of my acquaintances and interlocutors recognize how the use of the term 'LGBT' has exploded after the government-controlled media started to make references to sexual and gender minorities under the term, but I will turn to use of the term more closely later in this chapter.

I find this relation of new terms and new identities very interesting, how it implicates that the identities are in fact fluid. Blackwood profoundly demonstrates how after the influential work of Foucault and Butler, many queer theorists gained understanding how referring to "lesbian and gay identity" is in fact quite problematic, how it contains assumption that these identities are static (2010, 21). However, for example Valentine does not see this problem in use of transgender-identified, he argues that it binds together the way people with such identities identify themselves and the way they are being identified by others, therefore are "shaped by relationships of social power" (2007, 26). Thus, even though I do not view my interlocutor's identity static or fixed, I will use the transgender-identified together with the term 'transgender' and '*mak nyah*,' when I cite those interlocutors who identified as transgender in distinction from those who identified as cis-gender. As suggested by Peletz, *pondan* was not necessarily a word of derision in 2009 (at the time of publication of Peletz's book *Gender Pluralism* cited above) but seem to arouse strong emotions when referred to transwomen in 2017 during my field. Inside the trans-activist circles, whom I spent the most of my time with, other words than transgender, transsexual[46] or *mak nyah* were mostly viewed as stigmatized. Yet, I suggest this does not imply that my interlocutors shared the same ideas of their gender or one fixed gender identity. For example, Alicia told me "I always think of myself as a woman, and never as a male born person," whereas Taesha explained "I am a transgender, I cannot box myself into a total woman, that's my understanding of my own gender identity. I won't be a hundred percent of woman, because I wasn't born woman." While, both of them described themselves as transgender, their takes on their womanhood were quite divergent. These kinds of opposing views seem fairly common as Izara explained to me:

> In Malaysia transwomen are still divided by two categories, ones say that I am born as a transwoman, but other side is saying even thought I choose to be a woman, I'm still a man. We try to educate our own community, we are transwomen we are females, but some of them don't agree. So, we have conversation and fight with our own community.

I heard similar explanation multiple times in my field, usually addressing its disapproval towards those who claimed to still be males and similarly transgender, like Amanda illustrated:

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[46] Although I rarely heard it used as explained earlier, when it was used it was also considered as a non-discriminate term to identify with.

> Transwomen still belong to Muslim side they are religious. When I teach about SOGIE[47] most of transwomen we are asking… [Answer,] we are born as a man and [until] end of the world we have to have to be men. … They fear that God will punish you, because you are choosing to be *mak nyah*. For me it is stupid! If you think like that, go away and be a man! Why you have to be a woman at all?!

In conclusion, the term 'transgender' is often used by my interlocutors and together with '*mak nyah'* it is viewed as a non-degrading term. Although my interlocutors would consider the term 'transgender' to be some of the least flawed terms to describe their gender expression or identity, it does not mean that they want to publicly disclose their trans-identity and by using pseudonyms is one way for me to respect this right not be disclosed. Whereas *mak nyah* was usually referred to when speaking of the wider community of transwomen, transgender was more likely found its way more recently to the community from the international LGBT activist discourse echoing Blackwood's notion introduced earlier, and preferred by those who more actively took part in the local transgender activists' events; the fluent English-speaking members of the community. My data suggest that the use of the word '*pondan'* is disapproved in the group of people who have adopted the word 'transgender' and they actively educate others how the words, they consider as discriminative, such as *pondan* work against the community and are backdated. For all my interlocutors, it was important to be referred to as *she* or by other female pronouns. Maryam explained how she would get very irritated whenever she experiences 'misgendering'[48]. Aishah explained that if someone misgenders her, by referring to her as he, she just keeps on walking and will not even bother to notice the person. It is precisely the reference to a male in *pondan* ("feminine *male*") that makes the term so offensive for my interlocutors and to refer oneself simultaneously as a male and a transwoman has led to arguments inside the *mak nyah* community as described above. As pointed out above, according to Peletz, it is not customary in Malaysia to use distinctions like "transvestism, transsexualism, intersexuality, homosexuality, and effeminate behavior" (ibid., 188). However, my data suggests that the many of my transgender-identified interlocutors, saw a difference between them, transwomen, and female-to-male cross-dressers, homosexuals, and effeminate males. As demonstrated by my field observations and my interlocutor's accounts, my interlocutors used the term 'transgender' to express the identification to the opposite or other gender than the one they were assigned to at birth. I found it illustrative to cite Julia Serano here, "not only do transgender people vary in their perspectives and experiences, but individuals within the same transgender subcategory […] may also differ greatly in what drives them to embrace that identity." (2007, 28). As this research's focus is more on "the normative" gender and sex discourse in Malaysia than of individual desires or identity categories, to give more detailed meanings behind the gendered experiences of members of *mak nyah* community would require another research emphasizing the topic.

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[47] Sexual Orientation and Gender Identity and Expression, more closely examined and explained in Chapter seven.

[48] I find the Julia Serano's descriptive of misgendering to be very descriptive here "when a cissexual or a transsexual person is assigned a gender that does not match the gender they consider themselves to be" (2007, 79). For example, I heard my interlocutor Maryam using it also outside of the interview setting, in very mundane conversation in above-described way.

Recently there has been a change in accepted terms among the local transman community as well. A transgender-identified man in "The Pride" – workshop I attended June 2017, explained how previously transmen preferred the term '*pak nyah'* (*pak* indicates "father"), whereas due to heavy stigmatization it is now considered an inappropriate term to be referred to the transmen and only appropriate one for now was a transman. During the announcement, I observed the reactions of the audience and interpreted that this was news to some of them as well, the audience mostly consisted of other activists, members of LGBT community, and allies. As all the previous examples indicate, gender identities and expressions are constantly negotiated and fluid, and based on my data, it would be inaccurate to argue otherwise. As these given accounts demonstrate, the terms like transgender and *mak nyah* were widely preferred terms by my interlocutors at the time of my fieldwork and, yet, might not be at some other point of time in the future. Furthermore, the situation might change suddenly and unexpectedly as the example above of the community of transmen demonstrates. Julia Serano outlines the fluidity and variability in terms is quite common: "Many of the terms used these days to describe transgender people did not exist a decade ago. Conversely, many of the terms that were commonly used a decade ago are now considered being out of fashion, outdated, or even offensive to many people in transgender community." (2007, 23). Thus, it is easy to agree with Tan who in her essay about Malaysian gender and Asian-values discourse emphasizes that essentially "gender identities" are "fluid and alterable" (1999, 298). As a local *mak nyah* and an activist Khartini Slamah has written, "Our *mak nyah* identity is fluid enough to encompass the diversities of gender and sexuality. *Mak nyahs* define themselves in various ways along the continuums of gender and sexuality" (2005, 100).

4.2 About the Mak Nyah Community

According to Teh in Malaysia is estimated to be 10, 000 *mak nyahs*, of which approximately 70 to 80 percent are of Malay (Muslims) and the rest consists of Malaysian Chinese, Malaysian Indian or other ethnic minority groups, these numbers are not determined by bodily alterations such as SRS. Teh supposes that the Malay majority of *mak nyah* could be explained with non-Malay *mak nyahs'* lack of "religious-obligations," whereas they may have gone through SRS and integrated into the society or emigrated due to a better financial position (2008, 89). Then, for closer scrutiny of what I mean by when using the word 'community,' I find Young's categorization of a social group very useful here, a social group that is "intertwined with the identities of the people described as belonging to them […] differentiated from at least one other group by cultural form, practices and way of life." She continues, "[g]roup identification arises […] in the encounter and interaction between social collectives that experience some differences between the way of life and association, even if they regard themselves belonging to the same culture." (1990, 43).

In the local discourse of transwomen, *mak nyah* and sexual and gender rights activists, "the community of transwomen" or "the community of *mak nyah*" was a common way to refer to this social group of people that shares the kind of distinctive identity explained in the previous chapter. As already implied in the previous chapter, transgender community in Kuala Lumpur is not a homogenous social group. First I feel the need to emphasize that for more thorough study of the social structure of the *mak nyah* community, it would require another study more exclusively focused on the question. However, I will highlight a few characteristics here that emerged of my data. As briefly explained in the introduction, I often heard people inside the community make a clear distinction between the sex workers and non-sex workers. Most transwomen in Kuala Lumpur carry on sex work to support themselves financially (see e.g. Teh 2008), but of my interlocutors who self-identified as transwomen only four out of 14 mentioned having history with sex work. Teh writes: "More than half of the *mak nyah* community is involved in sex work and about a third of them live below the poverty line of RM500 per month. Most of them (74 percent) have secondary school education, but only 4 percent have attended institutes of higher learning" (ibid., 90). This study was published in 2008, thus there is almost a ten-year span to my field. As seven of my interlocutors mentioned having higher education or at least attended some point of time to the institutes of higher education, half of my interlocutors belonged to this "4 percent." Of the others, a few had found a job from NGO as a result of their activism, two worked in beauty industry and one as a show girl. Only one currently supported herself with sex work. Thus, as mentioned in the introduction, my data is based more on the "upper-class professional workers" as Layla described, than the transwomen resorting financially to sex work.

Basing on my experiences in the field and narratives of my interlocutors, this kind of lower/upper-class hierarchy was not the only factor separating the community. Ethnic differentiation that still divides Malaysia was visible also among *mak nyah* as well. Since the 1982 *fatwa*, legal obligations and public atmosphere especially toward Muslim transwomen have been constricting (see e.g. Teh 2008; Peletz 2009). Thus, different ethnic groupings shared divergent views on certain body alternative practices, the most visible to them was their takes upon SRS. Malay Muslim transwomen community are commonly considered as not desiring to go through SRS and other body altering operations as they are in contradiction to their Islamic religious beliefs. While for the Indian community of transwomen in Malaysia, deriving from the Indian *hijra* traditions SRS is part of their ceremony of becoming a woman. As is the designation of a mother from inside the community for a young transwoman at the beginning of her transition.

> Once I have a mother there is a ceremony, once I have SRS there is also ceremony, so we pray. Now you have entered a world of women, they have a goddess Bahuchara Mata[49]. And this deity goddess, has a strict rule, if you are transwoman you have to cut [go through SRS]. My own mother [from the Indian community] is doing SRS now. [In] Hinduism we have to cut it. Malay community don't want do SRS. So that's the collapse of the religions here.

The *hijras* have the cultural and the religious role of blessing new born babies and married couples, it is in the name of this Mother Goddess, Bahuchara Mata, they bring "fertility, prosperity and long life on the baby" (Nanda 1990, 1–2). According to Nanda, the emasculation of *hijras* links them to the two of the most meaningful Hindu Goddesses Bahuchara Mata and Shiva and it also authorizes them to perform the ritualistic duties of giving blessings (Nanda, 25). Thus, deriving from the *hijra* traditions, emasculation is also important part of Malaysian Indian transition and it is, to give a broad generalization, on the contrary with the Malay Muslim's beliefs.

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[49] Bahuchara Mata is the Mother Goddess that is worshipped all across India by all Hindus, but it also has special meaning to the hijras, being their "main object of devotion" (Nanda 1990, 24).

It is important to emphasize that these views and the communities themselves are not so rigidly segregated, as an example my Malaysian Chinese and Indian backgrounded interlocutors had close connections to the Malay community of transwomen. Layla being another one of them concluded.

> Indians obviously have the *hijra* community. If they don't, it is because they identify as Malays. Malays are usually part of the sex work. Sex work don't usually involve so many Chinese people, because most of the Chinese people are more like economically evolved…Most of Chinese can speak perfect Malay, but there is some kind of racial segregation because of the upbringing and culture. It is complicated [laughs].

Thus, there are different ethnic groupings inside the *mak nyah* community, separated by cultural and religious differences and legal obligations, but the detachment in practice is more like a thin line that can easily be, and often is, crossed. Yet, it needs to be emphasized individual variation towards hormones and body altering operations and other gender-related practices are evident. As even my relatively small data also shows, some of my Muslim interlocutors had gone through SRS and one of my Indian backgrounded interlocutors were afraid and concerned to go through it, despite the Malaysian Indian community's traditions and pressure. Regardless of their ethnicity and religious background, some had never taken or desired to take any hormones while others expressed strong desire towards them. Thus, these desires are neither completely subjective nor completely social.

As implied in Maryam's explanation above, Indian community was often described having a strong hierarchy between older members and the ones recently joining the community. The best example of this was a custom of designating a mother to a new comer from within the community. It was not solely characteristic of Indian community, but could be observed among the wider *mak nyah* community as well, like Dhia described.

> The elder of transgender community are called *mak ayam* ["mother hen"]. They teach us the younger transgender community. When they talk about hormones how you become a transwoman, you must have hair, to dress as a woman, be pretty, join a competition for miss…[referring to the beauty pageants] They have stereotypes how to be a transwoman, they line young transwomen to follow the elder transwomen, in what they advise for their lives, the way to go.

According to Amanda, this hierarchy is stronger in the rural communities.

> Especially in village area they have *mak ayam* – in English we call it the head of the transwomen on that area, you have to obey the head of transwoman of that area. If you don't obey her, they will punish you, ask you money and things.

In contrast to these more traditional views, the teachings of SOGIE, which I will consider more closely in Chapter seven, have become more familiar inside the community, especially among those, who actively attend the NGO organized events. Many of my interlocutors, being actively engaged in the workshops and other events, expressed their concerns towards the operative beauty standards that privilege the "cis-looking" members especially among the sex workers. Like Layla illustrated: "You can see, there is much cis-privilege, like if you look like a cis-person generally you won't get as much shit." Later, she elaborated how the sex workers "carry out cis-gender beauty standards like you have to have big but, big boobs, if you don't wear make-up every day you are not really trans and you have to wear make-up, have to like guys and have to like win pageants. That's the idea." Similarly Maryam, referring to those transwomen who want to just one day "woke up females," explained "they are also very discriminating if you're not beautiful enough." These expectations were often described as the most distressing during or beginning of the transition. Alicia told me she experienced these pressures to "become beautiful, have small hips, a very big butt, long hair" very imposing at first. Similar unwritten codes inside the community encompassed sexual orientation as well. Layla, who identified herself as a lesbian, told me about the reactions she had experienced: "Oh, you are lesbian trans? Are you trans? Like what are you!?" She continued "the trans community here is a kind of like a bubble, they don't really mix with the rest of the LGB community, they don't really understand like I told you before, eww why would you like girls." Similar experience was shared by Leisha, who felt that she was left outside of the community, because she also identified as a lesbian "when I go to transgender community, because of my sexuality they treat me different…so it's like ok, wow, I don't belong with any of you." Thus, the heteronormative expectations were very visible and were brought up even by a few of my interlocutors who identified heterosexual transwomen.

The division based on class, sexuality, and career choice was also highlighted by a different dialect that was mostly used within the Malay community and especially in the sex worker community. Maryam, who was my first interviewee, told me straight away that she can speak the Malay transwoman dialect. As I went further on with my fieldwork, I discovered that not all Malay transwomen were familiar with the existence of this dialect. Later on, I discovered that Maryam spent a lot of time in my workplace, the active meeting place of sex workers, and interpreted perhaps it was the reason she could understand the dialect. Rudolph Pell Gaudio (2009), who has researched *'yan daudu* – Nigerian Hausa Muslim "men who behave like women", remarks that *'yan daudu* share a secret dialect to hide the sexual meanings of their speech due to nature of their sexual relations that is highly discriminated and stigmatized in the surrounding society (ibid., 93). As I asked around my interlocutors if they were familiar with the *mak nyah* dialect, many of them did not understand the question in the first place and as I found out, only a few of them could actually speak the dialect.

In August 2017, I ran into the dialect in action when I attended community-targeted health care workshop, which was provided by regional ASEAN Pacific Transgender Network (APTN). The organization behind it had hired an interpreter for the event, and as the attendants were assigned to list the offensive questions and sentences they have been asked or told during the hospital visits, the Malay-backgrounded interpreter was standing next to me going through the list, when she stopped on the point of the sentence that read "*Boleh apom tak?*" While the words '*boleh'* ("may" or "can") and '*tak'* (the acronym of *tidak* "cannot") were written in (standard) Malay, the word '*apom'* was written in *mak nyah* dialect, the interpreter glanced up and asked the nearby transwoman "Excuse me, I don't know what this sentence mean, do you?", and the transwoman next to me answered amusedly "It means 'Can I fuck you?'" Later on the same weekend, during my interview with Izara, she shared another example with me, "so for example if you want to use the word 'masturbate,' we call it *chicha*." These examples imply alike *'yan harka*'s dialect, the *mak nyah* dialect is also designed to hide the sensitive sexual meanings from the possible outsiders. Of course, this point too, in order to reveal the complex meanings behind the dialect would require further study. According to Gaudio, the *'yan daudu*'s dialect (*maren harka*) mixes standard Hausa language by twisting the common Hausa words to indicate different things, usually sexually sensitive meanings, and "the words that had no apparent meanings outside the 'secret word'" of *'yan daudu* (2009, 93*)*. In comparison, as my field experiences suggest, the *mak nyah* dialect was clearly a mix of standard Malay and words that did not open up for outsiders, yet it would call for further research to analyze its linguistic structure more closely. However, as my superior explained to me, the dialect had another purpose, it was also used by sex workers to warn each other of the upcoming presence of the police, which in a passing remark, speaks volumes of the stigma of the sex work.

In conclusion, the bisection of *mak nyah* community to “lower and upper class” with a distinctive educational background and occupation can be visibly detected. For my experience, the workshops and other community-targeted events rarely mixed the sex workers with other members of the community. The events that do include members of “sex worker community” often took place in the facilities of the NGO I volunteered in, and were held in Malay, as the ones that take place outside the NGO facilities are more likely conspicuous by the sex workers absence and attended by “the activist” members of the community, and were usually held in English. As Taesha concluded “They [sex workers] don’t have an opportunity for mix-around…if there’s no […X (the name of the NGO I was volunteering)], there’s no place to meet. They don’t have no opportunity to encounter other people’s idea[s] or perspective[s] […] they have a different experience.” *Mak nyah* community encloses divergent, but not always so distinct, ethnic groupings and at least part of the community shares expectations of its member’s heterosexuality that manifests itself as an exclusion or an adoption of a different approach to the lesbian-identified transwomen. On the one hand, the NGO’s workshops have a strong impact on the ideas of gender as I will more closely explain later by examining the role of SOGIE. Simultaneously, more long-standing hierarchical roles, where *mak ayam* hold a strong educational position, are still visible. The concerns toward the well-being of those who solely rely on the learnings of *mak ayams* echoed in the narratives of my interlocutors, it was described to yielding cis-privileging and heteronormative attitudes of the kind described above.

4.3 About the term LGBT and LGBT Community

As briefly mentioned in the introduction in Malaysia, in both government-based discourse as well as sexual and gender activists’ discourse, the abbreviation LGBT was fairly a more common term than other variations of sexual and gender minorities such as LGBTIQ (Lesbian, Gay, Bi, Trans, Intersex, Queer). I will respect the local abbreviation, while similarly referring to the wider community of sexual and gender minorities, by using the term ‘LGBT’ as a broad umbrella term. In late August 2017, I met Myra who in the 1990s was engaged with the Kuala Lumpur-based NGO Pink Triangle[50] (now known as PT Foundation). Myra was part of the film production team of *Bukak Api*, a documentary film released in 2000 starring members of *mak nyah* community and attempting to raise awareness of HIV/AIDS among local sex workers. Myra reminiscent how back then the term ‘LGBT’ was quite exceptional, “It’s funny how now the word ‘LGBT’ has penetrated to every politician’s mind, but back then it was really under the radar, you never heard about it publicly.” It is one of those terms as described in Chapter 4.1. that has circulated from international sex and gender rights discourses, but also from the government-controlled media who use it to highlight its Western-origin, I will more profoundly explain in the next chapter. However, as I briefly mentioned in the introduction, the LGBT community is united group only in the public discourse, otherwise different sub-groups are segregated to even smaller sub-groups based on their ethnicity, sexuality, and gender. The wider community of transwomen according to my interlocutors rarely attended the wider LGBT-events.

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[50] Pink Triangle concentrates helping and empowering the people who are living with or in risk to contract HIV/AIDS and raise public awareness of HIV/AIDS (See e.g. Peletz 2009, 18).

Maryam explained this was partly due to linguistic difficulties, as the majority of the transwomen only speak Malay, but the LGBT events are often held in English. Maryam, Dhia, and Layla all argued that in the LGBT events and such transwomen are often somewhat neglected by other social groups. For example, Layla profoundly explained how often the advocating of collective LGBT issues usually backfires toward the transwomen due to their visibility.

> Gay rights try to move towards something more progressive, you want to ask equal rights, and the problem is that gays, being cis-gender they don’t get enough visibility, because nobody needs to know you’re lesbian, so gays feeling safe try to push for bigger things. And they push them towards the religious people, and when religious people will feel like oh dear we have to fight back, they will increase the rates and increase the religious oppression, and the persons who get the religious oppression first are the trans people.

Also according to Masayu, due to the visibility the problems of gay or lesbians are simply very different with the ones of transwomen. She illustrated the difference of the visibility of a gay male and a transgender-identified person in one of the most common situations: “Being a gay man, you are not going to tell your employer during the interview I’m a gay man, but being a trans in the interview your employer will ask like how come in your degree papers for example you were with a different name than you introduced yourself,” thus displaying the identity card will usually always disclose a person’s trans-identity in Malaysia. Masayu continued, because of these differences, the different communities are somewhat segregated, especially LGB and T. However, also the community of transmen differs from transwomen, like Maryam explains “Transmen are not divided by race, Indian, Malay, they are all together. Transmen are not so visible, women can dress up as men, but when men dresses up as a woman it is different thing.” Where transwomen are considered highly visible, transmen are often referred to as invisible. I think it is important to emphasize that I am not taking a stand here on the experiences of transmen, and yet even if this reputation would correspond the experiences of transmen, invisibility is cut out to bring another type of issues to a person, but as I only briefly interviewed one transman during my field, I will not get into it more closely. The LGBT community was nevertheless not completely segregated either. When the various state-led anti-LGBT campaigns took place, the activists from different communities under LGBT umbrella emerged to work together for a common goal, or to be precise, against the common threat. Like Masayu concluded “every LGBT group is different, [yet] it is good to be in contact with [the wider LGBT] group, but our problems are different.”

Chapter 5 Locating Discourses

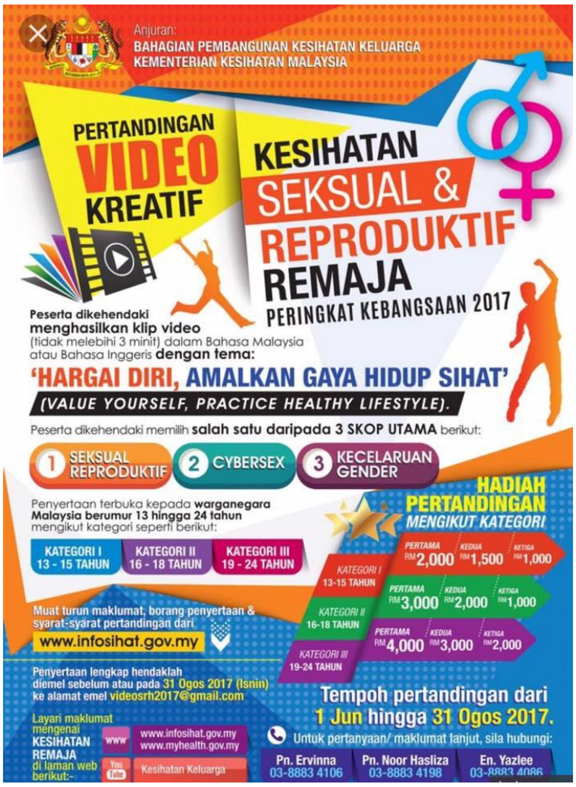
We were sitting in our kitchen in a typically hot July afternoon when my roommate raised hir eyes of hir phone and asked me "Johanna, do you know about this case with Starbucks…You know they are planning to shutdown Starbuckses in Malaysia and Indonesia, because they [Starbuckses] support LGBT community?" (Authors field notes, July 10, 2017). As the type of LGBT persecution described above has in past decades with an increasing tempo taken root in Malaysia, I will consider next how stigma and discrimination were visible during my field. Furthermore, I will observe what kind of public discourse(s) can be recognized through my data and earlier gender studies in the area. I will also strive to locate the grounds for the public and dominant gendered discourse. More generally, I will consider how the atmosphere and policies toward gender and sexual diversity have changed over the past decades and how the change has affected my interlocutors and other members of *mak nyah* community. As transwomen are often described by the gender and sexual rights activists as the most vulnerable group under LGBT umbrella, due to the situation where the sense of self and the dialogical recognition that happens on the streets based on the bodily appearance, do not often correspond the gender marker and the name in the identity documents. To lay the groundwork for the upcoming chapters, I will also briefly consider the legal side of the issue. Legal recognition as males and criminalization of transgendered practices can lead to increased stigma, discrimination, and targeted violence towards transgender-identified people.

5.1 Increased Stigma and Discrimination toward LGB and T Communities

> "Lesbian, Gay, Bisexual and Transgender community (LGBT) are targeting the younger generation to spread their ideologies – and it seems like they have managed to influence them." – Najib Rajak the former Prime Minister of Malaysia

I was working at the office in the beginning of June, when I read about the contest that Malaysia's Ministry of Health (MoH) launched on the same day called *The National Creative Video Competition on Adolescent Sexual and Reproductive Health*. MoH asked the public crowd to send over videos showing what would be the best way to tack for example "kecelaruan gender" ("gender confusion"), more specifically MoH was seeking videos that would show the unhealthy consequences of identifying as "gay, lesbian, transgender, transvestite, and tomboy", and for the person with winning video MoH offered the prize of 1000 USD (4300 MYR) (Malay Mail Online 2017a). The competition caused a lot of frustration and anger among the local LGBT community and activists.

Many members of the community posted public answers to MoH as a response to the campaign, as well as commented the campaign for local and international Medias such as Malaysian Insight and Guardian. A well-known LGBT rights activist outlined that the campaign is cut out to increase hatred and violence toward gender and sexual minorities. The campaign also created another campaign as a response, as Grim Films, a company concentrating on independent movies, copied the esthetical appearance of the campaign poster and changed all the categories to "pro-LGBT." They asked people to send over videos supporting and celebrating sexual and gender diversity and offered higher amount of 1001 USD as a prize for the winning video (Palansamy 2017).



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KATEGORI III 19 - 24 TAHUN

HADIAH PERTANDINGAN MENGIKUT KATEGORI

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Tempoh pertandingan dari 1 Jun hingga 31 Ogos 2017.

Untuk pertanyaan/ maklumat lanjut, sila hubungi:
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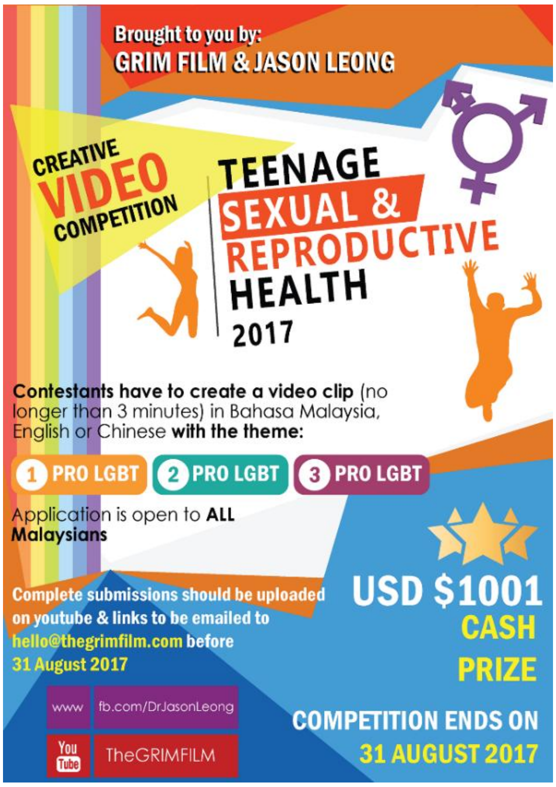
Figure 1. MoH's contest poster (Malay Mail Online 2017a).



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CREATIVE VIDEO COMPETITION
TEENAGE SEXUAL & REPRODUCTIVE HEALTH
2017

Contestants have to create a video clip (no longer than 3 minutes) in Bahasa Malaysia, English or Chinese with the theme:
1 PRO LGBT
2 PRO LGBT
3 PRO LGBT

Application is open to ALL Malaysians

Complete submissions should be uploaded on youtube & links to be emailed to hello@thegrimfilm.com before 31 August 2017

USD $1001 CASH PRIZE

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COMPETITION ENDS ON 31 AUGUST 2017

Figure 2. Grim Film's contest poster (Palansamy 2017).

The next day, I was at the office again when my superior, a well-known transgender rights activist, was packing up her things. I asked where she was heading, she answered she was going over to the MoH. As I exposed my surprise, she answered that she had a meeting about the video contest. She told me that after the reactions of LGBT activists went viral, MoH invited her and a few other LGBT rights activist to come over to discuss about the video campaign. A few hours later my superior called in the office, there was a strong feeling of excitement in the air as we waited to hear how the meeting went. In the result of the meeting MoH had answered that their intention was not to create any hatred or violence against the marginalized groups and they agreed to remove the terms “LGBT” and “gender confusion” of the campaign and change latter to a category under the title of “*Gender dan Seksualiti”* (“Gender and Sexuality”). Despite the changes MoH made to the video campaign, it is an example of the direct discursive violence that Malaysian government practices towards the different groups and individuals under the LGBT umbrella.

As profoundly explained in Chapter three, these kinds of attitudes and practices towards sexual and gender minorities were not always present in local politics. As Peletz concludes, “a good deal of gender pluralism existed throughout Muslim Southeast Asia well into the twentieth century” (2009, 176; see also Ong and Peletz 1995, 1996; Oetomo 1996; Johnson 1997; Boellstorff 2005a). For example, according to Peletz despite the political, modernist and nationalist changes in post-independent Malaysia, anthropological narratives of transgendered individuals in the late twentieth-century show more positive “cultural scenarios and social attitudes,” than the later accounts (2009, 176). Also in the past decades in “contemporary Malay culture” transgendered individuals and *pondans* were linked to ritual services (ibid., 189). This is in line with what my 40–45-year[51] old interlocutor Taesha explained, “back in the 60s or 70s people were more accepting towards us. They respected the community, there were *mak andams*[52] or wedding planner they are always in many kind of parties or the community weddings.” Also, Sophia, who started her transition in the late 1980s, described how the atmosphere was very different back then in Kuala Lumpur. She described the late 1980s and early 1990s Kuala Lumpur as more open towards diversity and recognized the change that occurred.

> During those days for being a trans- person, no one is going to bother you what you are doing, how you dress, walk around…we had our freedom. Even in the daytime I would wear a dress, put on my make-up and walk around with my friends. Society back then was a lot more open minded. But as Malaysia became a developed nation, today I feel that society is backdated.

I often encountered similar stories circulating in the community told by the older transwomen. Cik who have been involved in transgender-identified dance and entertainment collective since the mid-1990s, showed me pictures of their shows that she described really popular among Malaysian audiences still in the 1990s, but coming to the present day, she recognized how the demand has drastically slowed down. Similarly, Layla told me about her friend, Sara, “one of the older transwomen, she was part of one of the largest mass popularized burlesque dancer thing back in the 80s” and suggested “that kind of shows, these people were very normalized before the whole *fatwa* thing, that is just the history of it.”

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[51] I use age groups to conceal my interlocutors’ identities.

[52] Mak andams implies to “ritual practitioners” responsible for wedding planning and beautifying the brides (Peletz 2009, 189; see also Ismail 2001, 146).

Indeed, one of the significant changes in concerning only transgendered individuals was the National Fatwa Council’s ruling to prohibit SRS nationally from all Malay-Muslims in 1982 that later has affected especially on the attitudes toward Muslim transwomen as well as increased their self-stigma, which I will return more closely in the next sub-chapter. As Tan (1999) and Peletz (2009) demonstrate, constrictions toward various identity domains have taken accelerating turn along with the emergence of Asian values discourse in the 1990s. “Moral policing” has become characteristics of local politics (Peletz 2015, 144). For example, Ong (1990), Maila Stivens (2002) and Tan (1999) illustrate how the young, particularly Malay, women’s bodies have become targets of moral policing. For example, Stivens writes how activities linked to young individuals like *boh sia* (“moral laxity[53]”), has caused moral panics across the nation, attention falling upon the female counterparts on how they have failed “to exhibit personal characteristics required of the new Malaysian order[54]” (2002, 188) that encourages girls and young women “to stay infantile and dependent in private space” (ibid., 201). Peletz (see e.g. 2006; 2009) and Teh (2008, 92) have noted how simultaneously transgender individuals have become viewed as lacking morality, deviant and even “contaminating.” Within the rise of the political Asian values discourse, in public political discourse in Malaysia “non-heteronormative genders and sexualities” are viewed as “un-Asian” (Peletz 2009, 264). These “‘us’ versus ‘them’ sentiments” as Tan (1999, 293) concludes, are necessary for the creation “of an effective ‘Other’,” a point which I will return later in this chapter.

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[53] Cited description from Peletz (2006, 322). Hokkien term *boh sia* (“no sound”) refers to the young girls that are easily “approachable” by boys and young men. (Stivens 2002, 188–189).

[54] Referring to the rise of new Malay middle class mentioned in the Chapter two The rise of corporate Islam “as a way forward to Malays if not the whole of Malaysia” (Stivens 2002, 188), “in the central image of the new order, the hyper-masculine, thrusting and energetic new corporate Malay, the *Melayu Baru* [(“New Malays”)]. This can be read as an attempt to supplant forever the emasculated, fatalistic and negligent Malay of the colonial ‘lazy native’ discourse.” (Ibid., 192).

In late March 2017, when I first arrived to Kuala Lumpur, much of the local newspapers topics were revolving around the discussion of "the amendment" of the *Syariah Courts (Criminal Jurisdiction) Act 1965 (Act 355).*[55] In short, the amendment pleaded for severe sentences for Malays Muslims who are convicted of various crimes currently condemned by *Syariah* criminal law including *Syariah Criminal Offences (Federal Territories) Act 28* "male person posing as woman" that poses a risk to get arrested to every Malay transwoman, since they are legally known as males and bind to *Syariah* law as Muslims. This law would stringent the whipping punishment of criminal offences from the current six strokes to 100 strokes of whipping, and imprisonment from the current maximum of 10 years to maximum of 30 years and up to 100 000 ringgits fine compared to the current fine of 5000 ringgits. As far as I am aware the amendment fell through[56], but during the late March 2017 when I arrived in Kuala Lumpur the amendment proposal was constantly in the headlines of local newspapers. The discussion of Act 355 was a part, or the outcome, of "moral policing" politics, to provide more serious sanctions for those who in fail to, using Stivens' terms, "exhibit personal characteristics required of the new Malaysian order" (2002, 188). It is also part of the trend that Liow calls "Islamic conservatism," at the same time as Malaysia has become widely known as multiethnic and religiously harmonious country, it has taken fast steps towards to Islamic conservatism, which is seen for example in the prestige that *Syariah* court has gained in past years (2009, 4). The amendment proposal was a part of this development of extend the powers of *Syariah* court and shows how the moral policing was still accelerating during my field, this acceleration of the constrictions toward the marginalized groups, including transwomen, have been, my data suggest, even more rapid and visible in this decade and in the context of transwomen it is manifesting in fear of, for example, to enter public spaces, which I will return more at the end of this sub-chapter as well as in Chapter six.

Next, I will consider how the Asian values discourse and the moral policing are pervading various domains, including for example the domestic. As explained briefly in chapter three, the concept of Asian values highlight "Asian family values" and place them against the individualistic “Western” values (Peletz 2009, 200). Peletz sees this as a reference to the debates of “family-values” that have occurred in the United States, which illustrates the division in Asian values to “East and West” (ibid., 199). Ong (1987, 1990) and Stivens (2002) shows how the highlighting of “family values” are seen for example in the moral policing of female bodies, to restrict their agency into the domestic domain. Stivens for identifies "[s]tate rhetoric across the region has extolled the ‘Asian Family’ as the site of a reborn ethics and morality and as a site for a nostalgic take on modernity,” she continues, “[t]he model of a ‘toxic’ West and its social ills operates as a constant point of reference in these cultural contests, creating meanings about proper and good families.” She suggests that “the representations of the youth” and their actions are seen as “responsibility of parents and society.” (2002, 193). Similarly, Peletz notes how government representatives have harnessed families to safeguard their children’s “polymorphous behavior with respect to sex […] and gender alike.” (2009, 222).

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[55] In short, act against violations of Islam, or "in respect of offences against precepts of the religion of Islam by persons professing that religion which may be prescribed under any written law…Provided that such jurisdiction shall not be exercised in respect of any offence punishable with imprisonment for a term exceeding three years or with any fine exceeding five thousand ringgit or with whipping exceeding six strokes or with any combination thereof." (Syariah Courts (Criminal Jurisdiction) Act 1965) 2014).

[56] See e.g. The Straits times (2017).

I suggest that this safeguarding can be seen in the family relations of some of my interlocutors, like Maryam, illustrated.

> Parents are really afraid of the future, you shouldn’t be a trans-, they know that it is not widely accepted and we are subjected to violence and discrimination. And also they have to go through shame. In our culture, in Malaysia every time it is a competition, your children become like an economic model of yourself. Like show-off, if you find out that your child is a transwomen […] it’s something that is shameful.

Peletz (2009, 259) and Teh (1998, 2008) demonstrates how *mak nyah* are often rejected by their families. For example, Peletz writes,

> [*M*]*ak nyah* push the envelope as far as their parents are concerned, whereas gays and lesbians typically do their best to make sure their parents remain in the dark as to their sex/gender identities […] most *mak nyah* have been beaten by their parents, literally thrown out the door(s) or window(s) of their natal homes. (2009, 259).

This seemed to be the case for some of my interlocutors, like for Sophia who started to use hormones when she was 12, and decided to hide the changes from her family until she was 20 years old. When she started to more openly express her gender, for example by putting on make-up outside the parties as well, she was kicked out of her family house. She moved to her aunt’s and uncle’s house, but after a few years, her father started to pressure her uncle not to support Sophia, so she eventually had to move out, afterward facing difficulties to find a job, she started to support herself financially with sex work.

Maryam a 25–30-year old transwoman of Malaysian Indian background told me about her recent struggles with coming out to her mom. At the time we were talking, her mom could not accept the visible changes in her looks and as she was living with her parents, she decided to hide them by wearing loose “male clothes” while in the house. First, she tried to wear them all the time, but she was just not comfortable with the ‘misgendering’ it attracted in the other surroundings. Thus, Maryam decided to carry two pair of clothes with her all of the time. Once she left the home, she would pop up in a gas station or in a market place with female garment and make-up in her purse and put them on in the privacy of the bathroom. As she told me “there’s always this constant …changing, it’s tiring, very tiring. You go to the toilet wash up and make sure there’s nothing left. So usually when I go back home I go very late at night and when I go out, I go out when my parents are not at home.” As Maryam’s and Sophia’s experiences demonstrate, dominant discourses and identity ideals of Asian values discourse, have affected the values inside the families as well. More so, the rejection was seen in my workplace where homelessness of transwomen was one of the main issues the NGO was striving to intervene. I feel the need to point out, that for many of my interlocutors, their relationships with their family members often improved as the time passed by, the shock when the changes became visible and were recognized by their family members caused often rejection at first, which in many instances had later led to approval at least by one or a few family members. However, I recognize that the family relations and the stigma within the domestic sphere is a more complex issue and would require further scrutiny to be discussed more profoundly. My intention here was to demonstrate how dominant discourses span in various surroundings including the domestic, while it is a complex issue that I am such scratching the surface of here, there is a connection between the family accounts and the public discourse, for example, how some of the stereotypes of transgender that were visible in the public discourse were visible in the family accounts as well.

As the MoH video contest shows, conservatism and moral policing in relation to transgender individuals are seen not only in criminalization of transgendered practices, but also in the attempt to correct their behavior to be in compliance with their ‘normative’ gender ideals. As the accounts above suggest, Asian values discourse has also been working as a tool to shift this responsibility to parents and families. This ambition to ‘rehabilitate’ the gender and sexual minorities is visible in the experiences with and the frustration towards the actions of Islamic authorities, particularly the Department of

Islamic Development (JAKIM). Cik explained how often when transwomen who are arrested based in *Syariah* law *Act 28* “a male person posing as woman”, are either taken into custody or send to “rehabilitation class,” or both, “the religious department wants the transgender to be on their right paths, to be men, to change our mentality, our personality […] they have a class for transwomen, so they could be like a normal person.” Indeed, Human Right Watch report from the year 2014 is recommending JAKIM amongst other guidelines to “[c]ease efforts, through outdoor boot camps or other initiatives, to ‘convert’ transgender people to cisgender.” (2014, 68). This is a very recently revived development, as one of the panelists in the Pride workshop I attended in June 2017 stated, “you have JAKIM creating entire programs to fix LGBT people, and suddenly conversion therapy is back in fashion.” Some of my interlocutors described feeling powerless in front of the religious authorities’ power to prosecute and take them into the custody “even if we just dress as a woman, they still can charge us because there’s a law that we cannot wear women’s attire […] we cannot act and dress like a woman in public,” as Cik stated. Likewise, Amanda sighed impatiently, “year by year transwomen keep getting attacked by religious authorities of religious department […] We don’t do anything wrong, we are just being ourselves, still religious department of Kuala Lumpur keeps attacking us, put us in the car and jail us…I don’t feel like I belong in Malaysia anymore.” This oppression has produced diverse agency, for some it has aroused the desire to move abroad, for some other, it was the spark for voicing out as I will demonstrate in Chapter 5.3. Next, I will consider the influences of the oppression as well as my interlocutor’s answers to the stigma and discrimination discussed in this chapter.

5.2 (Counter-)Reflections of the Public Discourse

As stated in the previous chapter, one of the significant changes concerning particularly transgender individuals was the 1982 *fatwa* ruling, this is not solely due to the *fatwa*’s effect on the opportunity to undergo SRS instead it can be seen as a starting point for the implementation of other rulings impacting transgender-identified individuals. For example, later on with the same *fatwa*, cross-dressing became prohibited, as well as, as explained earlier, the change of the gender marker in the identity documents became unobtainable for everyone except *khunsa*[57] (see e.g. Teh 2008). Prior to the *fatwa*,

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[57] As Teh writes that during the imposing of the *fatwa* “[i]t was agreed, however, that in the case of *khunsa* (hermaphrodites, persons having both male and female sex organs), such surgery would be

University of Malaya Medical Center (University Hospital), offered for a few years SRSs and related procedures for individuals that could be clinically proven to have transsexual tendencies (Teh 2008, 91.) Teh notes how, “[t]he fatwa decreed by the Conference of Rulers also prohibits Muslim surgeons from carrying out sex-change operations” (ibid., 92). I will treat the *fatwa* ruling’s relation to the trans-specific health care more closely in the next chapter but consider here what the change has more generally impacted on my interlocutors. The influence of the *fatwa* my interlocutors were most worried of was the various legal changes it initiated and social attitudes it changed. Like the cross-dressing law introduced in the introduction *Syariah Criminal Offences (Federal Territories) Act 28* prohibiting Malay person assigned male at birth of wearing a female attire, and the overall straining of the grounds for the legal change of sex and gender.

Teh writes how the *fatwa*’s and the other legislations that followed “immediate effect […] was to increase the stigmatization of the transsexual community” (2008, 92). Teh profoundly illustrates, how it has increased self-stigma of *mak nyah*, to question whether or not they will be accepted to heaven after they die if undergoing SRS and ‘cross-dressing.’ Teh demonstrates,

> [I]n Muslim burial rites, the body of the deceased must be bathed before burial, and the body of a female can only be bathed by another female, which does not include *mak nyahs*, even though they may have undergone a sex-change operation. They are also not sure whether they will be accepted as females or considered males in heaven. Some even believe that their souls will float aimlessly when they die if they have had the operation because their bodies will not be those that God originally gave them. […] Indeed, some of the older and more elderly Muslim *mak nyahs* have reverted to wearing male clothing even though they had cross-dressed full time when they were younger since they want to be able to receive a proper burial as men. This clearly shows that the Muslim *mak nyahs* have a high respect for their religion, which has had a strong influence on their culture and tradition. (Ibid., 92–93).

I discussed with some of my interlocutors about the *mak nyah* who fear to alter their bodies and to even ‘cross-dress’ for religious reasons. In relation to Teh’s account, Dhia explained “some of the transgender Muslims, think they are guilty […] they think God will punish them.” This kind of view caused mixed feelings, even frustration, in some of my interlocutors, as Amanda stated. “They fear that God will punish you, because you are choosing to be *mak nyah*. For me it is stupid! If you think like that go away and be a

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permitted.” (1998, 91). This, in fact also only reinforces the gender binary as they are forced to choose either one of the available legal sexes, but there is no space to examine *khunsas* here any further.

man, why you have to be a woman at all!?" This, I suggest, illustrates how majority of my interlocutors had a relationship with Islam, which unlike Teh's account, is not discordant with their gender expression and identity. As Amanda concluded, "my own opinion is that God is very fair […] God made me like this, I am like this because God allows me to be like this." Or like Dhia and Aishah both told me, the only relationship Muslim needs to be worried about is between s/he and God. Like Aishah illustrated, "it's actually between you and your God, and it's not between you and your society." Taesha told me she does not go to the mosque anymore to pray, because of *fitna,*[58] "hearsay or gossip," she encounters there, and now she only prays from the privacy of her home. However, she told me a story of her experience four years ago in the city of Kuantan, how she with her transgender-identified friends were invited by the local imam to come to inside the mosque to pray with the other women. "See, I got goosebumps when I tell you, they are very nice, because they know this kind of community needs to be helped and not to be judged," Taesha explained. Taesha then concluded to evaluate why Muslim *mak nyahs* face so much discrimination: "it's not about the religion it's the people that practice the religion they like to put their own values into the religion." For my interlocutors, who desired to go through SRS, the *fatwa* itself did not prevent them from planning to undergo it or those who had already undergone it, as some were planning or fulfilled trips to Thailand, or even Europe and the US for SRS. For those who desired the SRS, the biggest obstacles were the cost and the safety of the surgery, especially when there was no official medical assistance available locally.

As Teh account and my interlocutor's experiences show the *fatwa* among other developments has increased the stigmatization of the *mak nyah*. Taesha and Masayu, for example, explained that the government-controlled media, like *Harian Metro* (owned by UMNO [see e.g. Shah 2018, 182]), Malay language daily afternoon tabloid, are always writing about transgender individuals in a negative light. Masayu stated, "the media, especially the newspaper, they try to create issues like the toilet issue." And Taesha explained, "They like to portrait all those sensational kind of thingies, like sex work and all those activities." As a result, as Amanda, Dhia, Alicia, and Leisha all stated, transgender individuals are increasingly linked to sex work in everyday social environments. For example, Leisha pointed out that “transgender [people] are basically sexualized objects” and this is seen as harassments in everyday settings, as well as in various institutional settings like in the hospitals. During my fieldwork, I encountered countless accounts on how even doctors have assumed transgender individuals as HIV positive, due to their gender identity and expression, also how they are considered as drug addicts due to their use of sex hormones. This, I suggest, demonstrates not only the stigma towards transgender individuals, but also how stigmatized the sex work is in Malaysia and how unfamiliar concept HRT is in health care institutions as well.

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[58] Patricia Sloan-White illustrates how the word in Arabic means "'trial' or 'temptation' and by extension seduction and charming – an enchantment", but is commonly referred to as gossiping (2017, 203).

Islam and its teaching, as Teh concluded above, are taken seriously inside the *mak nyah* community. Unlike the public discourse that sees transgender as impious or “violators of Islam” (see e.g. Teh 2008), the majority of my Malay-backgrounded interlocutors who practiced Islam did not see any discrepancy between their gender expression and identity and their religious beliefs. As my interlocutors and Teh’s description indicates, there are still *mak nyah* who view their gender expression and identity, after the dominant discourse, to be in contradiction with the teachings of Islam, and this has caused self-stigma and in some cases choosing to dress in “a reverse” attire interpreted accordant with their assigned gender. However, this is only in line with Teh’s point, it implies Islam is taken seriously. Perhaps the most famous example of how seriously Islam is taken inside the *mak nyah* community is the court case in the state of Negeri Sembilan, where four transgender women challenged *Syariah* law, which made the many of the *mak nyah* community turn their back to these women who they saw as if they were challenging Islam. Here is Human Right Watch’s interpretation of the case.

> In 2010, four transgender women filed a constitutional challenge against the “cross-dressing” laws in the state of Negeri Sembilan. The applicants had been arrested repeatedly under the law, in some cases simply for wearing women’s hair accessories. Three of them had been subjected to physical or sexual abuse by the state Religious Department officials who carried out the arrests. Through their lawyer, the women argued that the law prohibiting “a man posing as a woman” violated their rights to freedom of expression, freedom of movement, and equal protection, all of which are guaranteed by Malaysia’s constitution. (2014, 4)

My interlocutor from the Justice for Sisters organization who was involved in the case that through many twists went on for five years, explained that it fell through to a technicality where they were alleged of challenging the *Syariah* law, which, according to the organization advocate, they were not, just simply stating that the section the lawsuit was about is inconsistent with the Constitution.[59] In the panel discussion I attended in the June 2017, one of the panelists explained how many of the LGBT community were afraid of this case, because they saw it challenging Islam.

> I was worried about the community itself, because my first backlash was with the LGBT community, they told me […] why are you rocking the boat? Also from trans-people […] this is Malaysia and you cannot fight Islam, Islam is a religion you see, you go to hell. All those things I got from the community.

My interlocutor Layla also explained,

> The women who were opposing the *Syariah* Law, they were actually somewhat exiled from the community, because people thought they were challenging the Islam. They were basically saying that this *Syariah* law is against human rights, but the community felt this was them challenging Islam itself. […] They were not dropping the court case because they were no longer welcomed in the community.

As I hope should be clear, my intention here is not to create confrontation between the *mak nyah* and LGBT community members who, at some point of time, opposed this case and those who filed it, only to point out how seriously Islam is taken among *mak nyah*, which is discordant with the public discourse's view of them as impious. As Human Rights Watch report cites Aston Paiva the applicant's lawyer, "people are being criminalized because of something they did not choose and cannot change – it's akin to penalizing someone for the color of their skin […] [i]t's a civil rights issue. It's about harming a person's dignity, and devaluing and degrading them because of who they are" (2014b). Referring to the *Syariah* case introduced above, two of my interlocutors from the Justice for Sisters both agreed how despite the negative attention it withdrew, in fact, the case increased the visibility of transgender individuals to speak about their issues. As one of them concluded, "people who work with the issues gain greater visibility […] [it] offered more space to trans- people to talk about their issues. In many ways, while the law is still in its place, but also in a good way it pushed a greater sense of visibility." Next, I will consider more closely of this kind of visibility of the trans- rights and bring together the public discourses' and my interlocutors' experiences.

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[59] In short, in 2014 the appeal judges ruled in favor for the three women, but in 2015 with the Islamic Religious Department appeal the Federal court reversed the lower court's decision to "that gave the transgender Muslims the right to cross-dress" in Negeri Sembilan state. (see e.g. Menon 2015).

5.3 Visibility of the Issues and the Reverse Discourse

Building on Foucault’s idea of diffused and productive power, Tan (1999) demonstrates that “since the state is not a monolithic entity with uniform interests, clashes between the different players are inevitable.” She sees how it has led to “a prominence never before seen in Malaysia,” for those phenomena and “the actors behind them” that Asian values discourse has classified “social evil.” Building on Foucault’s concept of the reverse discourse explained earlier, Tan argues that “the very idea of needing to contain homosexuality and to ‘get rid’ of it is premised on a recognition that homosexuality not only exists but that it can also be promoted […] it implies that sexual identities are not natural, fixed, and immutable as they are commonly made out to be.” (1999, 287). As exemplified in the previous chapters, transgendered practices in Malaysia are stigmatized and criminalized, transgender people are being increasing instances associated with moral laxity and “social evil.” As explained earlier in Chapter three, transgender individuals are often in environments that promote gender binary “a necessary 'Other'” (McQueen 2005, 149), this othering is seen in Malaysia through Asian values discourse, in the state-based attempts to create a more unified image of Malayness, by promoting a strict definition of what is ‘normal’ and was it not.

As Aihwa Ong has demonstrated, the moral policing over, for example, women’s bodies “represent nationwide struggles crisis of cultural identity, development, class formation, and the changing kinds of imagined community that are envisioned” (1995, 187). Likewise, Peletz has noted how underlying the criminalization, stigmatization, and medicalization of transgender practices are the attempts to create “new identity domains that correspond nationalist values” (2009, 211). Indeed, these attempts and struggles over the creation of unified cultural identity in post-independent Malaysia manifest in the instance of transgender persons as the questioning of their morality, deviant labeling as well as overall stigmatization and criminalization that labels them as “social evil.” It was visible in my field how various actors like NGOs working to advance sexual and gender rights in Malaysia have grasped the opportunities the highly visible othering has produced, to voice out their views and to create new arenas to act on behalf of these issues through the reverse discourse. For example, Peletz demonstrates how reverse discourse “emerge not as phenomena contained within discourse alone, but also as a result of more ‘sociological variables’ such as creation of new landscapes of human agency like the city, the Internet, business enterprises that are not development of the state patrons” and permits more “anonymity” and “autonomy” for personal choices (ibid., 224). Local NGOs, like the one I volunteered in, have created physical and discursive spaces for sexual and gender minorities that work also as spaces where new discourses and identities are formed – a point that I will return later.

When comparing these observations to the *Syariah* case introduced in the previous sub-chapter, the trends of criminalization and construction of transgendered practices produced the premises for the court case. While it has caused a lot of unwanted attention, it has opened new discursive arenas for *mak nyah* and the NGOs advancing their rights to discuss their issues. As mentioned in the Pride panel discussion I attended in June 2017, by local transgender-identified activist, “before the Negeri Sembilan court case before all of those things, trans issue was only mentioned to HIV/AIDS support only, I was so angry with that because HIV/AIDS is not for trans only, but that was the only door we can use.” In relation to this notion, as mentioned in the previous sub-chapter, my interlocutors often demonstrated how they are in the various environments associated with sex work, whether or not they are involved in sex work,[60] and commonly associated with HIV/AIDS in everyday social environments as well as institutional settings. In a more general level, the *Syariah* case is an example of NGOs attempt to talk about these rights as human rights. Peletz suggest that this is rendered possible by these new landscapes of human agency, particularly the Internet, that has enabled the global gender and sexual discourses to circulate worldwide, and NGOs working with these topics to promote sexual rights as human rights, and in this sense they participate in “processes of globalizations” (ibid., 225). However, I need to point out that while the visibility increases the restriction does also. These areas like the Social Media groups that community members have formed for networking and peer support purposes, which I will treat more closely in Chapter 7, have been also faced harassments. To provide an example, I encountered a discussion where a group of local transwomen planned to organize “LGBT-friendly event” in their Facebook discussion group, however, it had just occurred to them that someone in the Facebook group had leaked the attempt to the local Media and forced them to rethink of the safety of the event. The reactions I witnessed showed grave disappointment, frustration, and anger. Like local activist, Thilaga Sulathireh stated to *Guardian* "[w]e are also seeing a lot of shrinking spaces for LGBT people – offline, online, everywhere." (Ellis-Petersen 2018c).

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[60] Here I am not suggesting sex work itself would be an issue, the issue here is how sex work is highly stigmatized and the stigma leads to increasing sexual harassment of the individuals involved in sex work, and thus transwomen in general. In August 2017, I attended a health care workshop where transgender-identified participants were discussing the discrimination they have encountered in health care facilities. The attendants reported instances when even the doctor assumed they are HIV/AIDS positive simply due to their trans-identification, or drug users due to their consumption of sex hormones.

However, as demonstrated above, particularly the Negeri Sembilan *Syariah* case was considered a significant factor in creating space for alternative discourses that have benefitted transgender individuals and rendered new possibilities to voice out their subjective views. Like stated in Pride panel discussion

> The first voicing out opened a lot of doors, and the younger generation I envy you now, because there are more NGOs that have become our allies, compared to back then. Back then there was no one who wanted to sit next to us and say we are your allies. It took us a long time, but we are here today.

Indeed, in spite of the constrictions that have occurred, as demonstrated at the beginning of this chapter, LGBT advocates can be still invited to discuss the matter than consider them to MoH. Similarly, Masayu and Taesha described how they have had dialogues with religious authorities, and visited JAKIM, for example, to discuss of their rights and issues. It has rendered possible to counter the claims like the one that views transgendered practices "un-Asian," despite the documentations that show how gender pluralism has been characteristics of Malaysia for centuries. I think Masayu crystallized the ways and nature of these efforts how they are carried out, which I will turn more closely later, by stating,

> It's not to say […] that we would be fighting the government, we want to have how to say…meaningful engagement […] a dialogue that would be helpful to the both parties so on our part we try our best to engage the government in our issues, so the government agencies understand us rather than keep saying that you are criminals.

On the other hand, becoming visible and recognized as transgender or voicing out, is inevitably not the desire or even possible for all transgender-identified individuals. Like for example, Masayu, stated there are "a lot of trans people who don't have the opportunity to speak up." Some of my interlocutors have expressed for example their desires to move abroad, as a result to the frustration and fear of the arbitrary arrests, the lack of work opportunities, trans-specific health care and legal identification and due to the overall unsafety. Next, I will consider how these realities are experienced in various spatial and institutional settings.

Chapter 6 Gendered Spaces and Institutional Settings

As illustrated in the previous chapter, transgender individuals in current Malaysian public discourse are criminalized, stigmatized, and actively subjected to social, political and legal othering that has become more evident through the Asian values discourse. As explained in Chapter four, my interlocutors do not see themselves as males, rather they actively engage practices that aim to correct, to use Taylor's (1994) and Honneth's (1995) concept, the misrecognition that occurs for example in social encounters, local Medias – like demonstrated in the previous chapter, and in authorities attempt to convert them to fully embody themselves according to their assigned gender. Indeed, for Taylor and Honneth, as well as McQueen these actions mentioned above, and more generally the fact that they are legally identified without exception as males, would represent misrecognition of *mak nyah*. As demonstrated in Chapter three, transwomen are in various surroundings only permitted to public spaces and discourses when conforming to their norms. In the light of the way government-controlled Media, MoH's video contest, and various other government-based representations of *mak nyah* are painting images of them as immoral, contaminated, "the Other," this argument seems to hold the truth in Malaysian public discourse, however, I will consider it more closely in the upcoming chapter. Various type of practices that influence transgender persons are criminalized, like cross-dressing, SRS's, and changing of the legal gender marker. Like McQueen has stated "[t]hose in power not only have the ability to offer recognition to the minority group or individual but also to control the terms of that recognition." (2015, 144; see also Plemons 2017, 99). Furthermore, as discussed earlier, legal recognition affects also to the various kinds of rights and services offered to individuals or social groups. More generally, the public discourse penetrates, and thus influences, institutional surroundings and settings. Although not so much to offer imaginings of the possible alternatives than to consider current realities, in this chapter my aim is to examine my interlocutor's experiences in the current institutional surroundings, services and facilities, and more generally their experiences in variously gendered spaces – and to explore the meanings behind such settings.

6.1 Gendered Spaces: Everyday Public Spaces

Showing identity card that is discordant with the sense of self, and with the recognition that takes a place in everyday spaces between individuals based on the interpretations of the bodily forms can have unforeseeable, even dangerous, bearings. My interlocutors explained multiple situations from visiting a bank, reporting a missing credit card, going to the hospital, and attending in a job interview, where they have encountered problems caused by such nonequivalence in their legal identification. For example, Amanda demonstrated, “when you are going for a new job, new project, job interview, it is hard because you will have to show your ID and it says I am a male and I have been rejected because of that.” More generally, my Malay-backgrounded interlocutors are facing a risk to get arrested just by walking in the street wearing attire interpreted to represent the opposite sex than the one they are legally assigned with at birth – for example, a dress. However, many of my interlocutors emphasized that these laws have been used very arbitrarily, for example Taesha stated “if they can’t charge us under *Syariah* law, they go to the civil [law], and if they can’t charge us in Civil they go to *Syariah* […] it’s like they can just turn the page, oh, now we can’t use this one, we use this one.” While even though *Syariah* only binds Muslims, transwomen from different ethnic and religious backgrounds can be still charged under civil law. More generally the legal, political, and social constrictions demonstrated in the previous chapter, is cut out to surface overall tensions that fall upon various sexual and gender minorities, despite their ethnic and religious background. Moreover, as stated in earlier legal recognition affects not only to the certificate itself, but also to access to services and rights. In this sub-chapter, I will look into the urban spaces, one can access without flashing the identity document, of Kuala Lumpur and my interlocutors’ experiences in it.

As McQueen (2005, 2) notes, “almost all aspects of society are ‘gendered’ in some way.” By using the term public and private here, I do not mean the typical private is restricted to the domestic and public is everywhere else kind of distinction. Determining public space, I found Blackwood’s description useful, that is, “[p]ublic space refers to more or less anonymous space, such as the market (pasar), buses, streets, and businesses, where one’s gender expression is taken at face value” (2010, 92). In Kuala Lumpur as well as other parts of Malaysia, many public spaces are gendered according to what I would describe as rigid gender binary. What first stood out for me in Kuala Lumpur, were the places where this segregation was implemented by “ladies only” signs. When I walked into the local train or subway train, I usually went to sit in the *koc wanita* (ladies’ coach). KTM (a local commuter rail system) started proving the ladies only coaches in 2010 for safety reasons. There are, for example, also parking spaces equipped with a similar sign.

After our interview in downtown in a quiet café near the twin towers, Cik took to me back to my workplace by her car and while we were walking towards her car in the Suria KLCC mall's parking lot, she pointed out the *tempat lepat kereta wanita* ("women parking") - sign and said, "I can park here, cause you know, I am a female." Only to give a few examples of visibly gendered public spaces in Kuala Lumpur, not to mention the gendered quasi-public and quasi-private spaces like schools, hospitals, jails, mosques, toilets et cetera – of which the first two I will return to in the next sub-chapter more closely.

Many of my interlocutors then, explained how they do not feel safe walking in public spaces and some of them try to avoid any kind of attention altogether by for example dressing up in "unisex" clothes. For example, Sophia told me how back in the 1990s she used to enjoy wearing dresses and putting on make-up. During our interview, she reminisced the past when she would wear dresses during the daytime and walk the streets without fear of harassment. Now, she described "when I go out, I go out like this [points her ladies t-shirt and loosely fitting jeans]. I don't like to dress up I just put on simple clothes, I don't even like to put on any make-up." She fears that people would post her picture to Social Media making fun of her, as well as direct threats of violence, which she has been experiencing in the past years. For example, she told me stories of how transwomen often face threats of various kinds of violent acts when they are recognized as transwomen. She fears particularly groups of cis-men and avoids entering spaces at the same time with them. Moreover, she emphasized how unsafe she feels and more generally, she did not see Kuala Lumpur as a safe place to live anymore. Also, Leisha, when I asked her about what kind of space Kuala Lumpur is to a transwoman, expressed that "initially there is this feeling of anticipation anxiety and concern of my safety to begin with."

As explained in Chapter three, instead of using the concept of "passing" that is rooted with inequality we should speak about recognition. The term passing refers to a person who has met the "public expectations" of maleness or femaleness and thus, passes as a cis-person. It contains an expectation that a transgender individual would be striving to look like a cis-gender person, moreover it "shift[s] the blame away from majority group's prejudice" to the minority to adapt with, while simultaneously reduces trans- to be about bodily traits. (Serano 2007, 14–15). As exemplified above while many public spaces in Kuala Lumpur are characterized by the gender binary, transwomen in Kuala Lumpur can hardly avoid accessing these spaces that stress cis-like appearance. Thus, some of my interlocutors demonstrated that more "cis-like" or "feminine" they look, less they stand out, safer they feel accessing public spaces. During one of my first interviews in busy café near Bukit Bintang, my interlocutor Amanda sighed with relief “luckily I was born like this, people I meet nowadays they all think I am a woman, really *really* a woman.” She continued, “sometimes I say, honey, I am a transgender and I will get negative reception. And among cis-gender I will tell them I am cis-gender because I don’t want the negative reception.” In relation to Amanda’s account, when we talk about arbitrary arrests based on “cross-dressing” charges, Leisha expressed “lucky for me, I have never been caught in that kind of situation ever […] it’s also my privilege […] it’s a privilege in a sense that not all transwomen pass that well, not all transwomen look feminine enough, sound feminine enough to pass as a female.” Later on, with the interview, she came back to this when we talked about the discrimination she had faced, “I don’t notice it anymore, probably because of the privilege of passing quite well, so I don’t really face discrimination.” Layla, who had already moved abroad, and was at the time of my fieldwork visiting Kuala Lumpur, explained her feelings when she was still living in Kuala Lumpur.

> I got really really fearful, I didn’t want to stay here too long anymore […] Even though I am in a better position than a lot of other transwomen, if they are darker skin, like Indian, they get a lot of shit. […] I am the normal, whatever normal means. In this society, I look like they generally think woman looks like, so I don’t get a lot of shit, but still, I feel a lot of anxiety.

As these examples demonstrate disclosing the trans-identity may lead to threatening and dangerous situations in everyday public urban spaces. As Amanda stated, “for people that people recognize as transwomen, the cis-gender, especially Malay cis-gender, they make jokes about a transgender person, humiliate the transgenders.” In sum, many of my interlocutors stated feeling safer when they can manage to conceal their trans-identity.

As stated in Chapter three, the process of recognition is not merely about being recognized according to the individual distinctiveness, it is also visible in political discourses, people in power can control the terms of this recognition. In spaces where heteronormativity and heterosexism is considered as the natural order, individuals who transgress the gender binary pose a threat for it by breaking its codes or order, thus are at risk to be assaulted. I will consider more closely what the ‘normal’ and ‘natural’ are in Malaysian discourse. As I hope I have made clear by now, as Peletz crystallizes, “Malaysia […] has been dominated in recent decades by political and religious elites who have endeavored via legal and political initiatives and various kinds of cultural struggles to institutionalize heteronormativity, heterosexism, and homophobia as national policies." (2009, 245). Before the previous decades in Malaysia, "most deeply rooted taboos" were never about the same-sex sexual practices or the transgendered practices, but "resistance of marriage." (2009, 184). Like exemplified in Chapter three, previously as long as the community norms (i.e. marriage) were fulfilled, these practices were tolerated. A similar point is demonstrated by Boellstorff (2005b) in the context of Indonesia. He argues that the concept of heterosexual marriage and having descendants is central manifestation of one's sexuality in Indonesia, the concept of nuclear family rises above the concept of individual (2005b, 578). Thus, heteronormative order, the "normal" that exists in Malaysia encloses assumption of heterosexuality and heteronormativity. However, after the 1990s, as demonstrated, the transgender-identified individuals have become viewed for example as contaminating, un-Asian, and disturbing the heteronormative and heterosexual order, the core of which is the heterosexual marriage, but also as failing to reinforce the new image of "Malayness" that is central to the cultural identity struggles of the country after its independence. As these negative and deviant imaginings of transgender have become so pervasive, no heterosexual marital status as it is would anymore be sufficient to prevent the consequences, such as harassment in the moments when the transgender subjectivity is disclosed.

In public settings *mak nyah* access into spaces secured by heteronormativity and heterosexuality and when they do not conform the standards of these spaces, they are ridiculed or even targeted with violence, and face a risk to get arrested based on religious or civil law acts introduced earlier. Indeed, like the above-expressed reliefs on their femininity, it suggests how the *mak nyah* in spaces with rigid gender binary face the cis-sexual standards by which they are evaluated. As explained earlier, the transwomen are often expected, when entering in dominantly heteronormative spaces, to conform to their rules and expectations, which often are manifested in being recognizable as "convincingly" either female or male. Thus, it increases the risk to encounter discrimination, stigma, and even violence, when entering such surroundings as a transgender person, especially when the trans-status is disclosed. In Malaysian surroundings, the conversion attempts of JAKIM and MoH video campaign introduced in the previous chapter are attempts to constrain and normalize these subjectivities. In a wider sense, they are a part of 'act of erasure' as these attempts to 'normalize' them may ultimately lead to disappearance of these subjectivities in the institutional and perhaps even from everyday surroundings.

Before moving on to the closer examination of various spatial and institutional surroundings, I need to emphasize a point to prevent painting too dark and distorted picture. As Peletz demonstrates, contrasting the "repression" (2009, 245) of the governmentality, by citing one of the directors of Pink Triangle (PT Foundation) he writes "much is tolerated" referring to *mak nyah* beauty pageants, *gay* saunas, and the like, simultaneously reminding that these spaces are regularly raided by the police and religious authorities (ibid., 249). He demonstrated how, in fact, Malays are quite tolerant, even toward "*gays*, *mak nyah*, and the like" even more so than the other "races" like Malaysian Chinese and Indian. However, as he crystallizes, "'[t]he main problem here' is not that Chinese and Indians are not as tolerant as they might be. It is, rather, 'the [Malay] ayatollahs,' […] 'people with PAS mentality.'" (Ibid., 254). These observations are in line my field observations, as my superior often stated how Malaysians are in fact quite generous for example in how they often support the trans-led organization I volunteered in with donations. I also discussed *gay* saunas with one of my interlocutors, and many of the events I participated in, were kind of like, I found Peletz's term useful here, "open secrets" that were advertised, for example, through Social Media, sometimes, especially if the events alike had been recently raided, they practiced more caution in their advertisement, but other times less so. What Peletz means by "people with PAS mentality" are for example "community-based vigilante groups, made-up by largely Malays who have taken monitoring activities in their neighborhoods that they deem to be 'immoral' or 'un-Islamic.' (Ibid., 220). In other words, these groups safeguard the public spaces and its heteronormative order.

I encountered these kinds of groups in action during my field, for example, between May and July of 2017 news occurred that Taylor University was trying to organize a Pride parade for the first time in Malaysia, and later on in July, I read and heard about a public "gay film" screening attempt in Penang, the film at the issue was a Vietnamese movie "with homosexual elements" (Malay Mail Online 2017b). Allegedly, the kind of pro-Islamist groups introduced above pressured the Taylor University to take actions against Taylor Pride, on the grounds that it was happening during the holy month of Ramadan, in consequence, it was canceled. Likewise, the film screening was allegedly pressured by such groups and they eventually had to change the film in the matter to another that did not include such 'elements.' These pressures are simultaneously shrinking the spaces of activity of non-heteronormative subjectivities like demonstrated in Chapter five, however, simultaneously there is space for under the surface activity, which I will turn into more closely in Chapter seven. These activities are possible as long as they occur beneath the surface without drawing attention to themselves, like my supervisor, wondered how did the people behind the film screening in Penang imaged it to work if they openly advertise a *gay* film screening. Or like my other superior stated, once the gender and sexual minorities start demanding rights and challenging the legislation – becoming more visible, the opposition also rears its head, until then it is "do not ask do not tell" mentality. The reason I brought this up now, is to emphasize that the urban space of Kuala Lumpur encloses variously gendered spaces and it would be inaccurate to describe them all as organized through heteronormativity and -sexism, yet, the ones that do, are still experienced by my interlocutors as exemplified above, particularly challenging and even intimidating. Next, I consider more explicitly the various institutional settings I discussed with my interlocutors.

6.2 Gender Performance in Institutional Facilities

As demonstrated in Chapter four, transgender-identified individuals are in various settings 'erased' from the institutional word. For example, Serano (2007) notes how transsexual and transgender individuals', making up "a relatively small percentage of population," experiences are often represented through a type of cis-lenses, through non-transgender/non-transsexual terms and understandings, instead of focusing the language their lived experiences and this leads to a situation where "something crucial…would be surely lost in translation" (2007, 34). When the voice of the majority overrides the voice of the margins, for, for example, Petra Doan (2010), it leads to oppression of the marginalized. She argues that when spaces are gendered through rigid gender binary or heteronormativity, transgender individuals "experience the gendered division of space as a special kind of tyranny – the tyranny of gender." She continues, "[f]or the gender variant, the tyranny of gender intrudes on every aspect of the spaces in which we live and constraints the behaviors that we display." (Ibid., 635). In other words many 'normatively' gendered spaces are perceived as challenging by transgender-identified individuals and they have effects far beyond the moments when one steps in these spaces. More generally, I suggest, in this sense the public discourse, the dominant views of transgender individuals can itself represent the tyranny, and as stated earlier in this chapter, affect and mold the institutional services and facilities. Namaste, for example, as introduced in Chapter three, differentiates three ways of "how transsexual and transgender people are erased in discourse and institutions." Firstly, their existence is presented only as rhetorical and their embodied experiences "becomes literally *unthinkable*". Secondly, they are "made invisible," how their needs are not recognized or answered by various institutions. Thirdly, the rigid gender binary renders their existence simply impossible. (2000, 52). I then, move on to consider how the act of erasure, particularly from the institutional world, is practiced in Kuala Lumpur and in Malaysia in general.

"Can you recognize me?" Masayu asked curiously while placing the picture taken on the day of her graduation carefully on the table. "I'm there looking like a male!" she pointed at a person in the picture. "They forced me to cut my hair for my graduation shots. If you wish to graduate you have to cut your hair, they said. My classmates were sad because they always knew me as this feminine boy." (Authors field notes, August 10, 2017). This part of the conversation I had with Masayu before our interview illustrates the expectations my interlocutors mentioned experiencing while attending public, and often also private, educational institutions, such as schools and universities. By public-private segregation here I refer to the educational institutions funded by government and those not funded or administered by the government. Sophia described to me, how many of the transwomen are actually avoiding the higher-education, because of the educational establishment's strict rules of gender expression.

> If you want to enter the college you have to have short hair. I mean most transwomen want to pursue education, but in government-sponsored colleges, you have to stay in a hostel, they have to share one room between two persons, so they are afraid to go to local universities.

It became a familiar story for me, how a transgender-identified person would avoid to openly express *hir* gender in school and even later in universities. When she was 14, Mira realized that being a male is not her. Now 30–35-year old Mira was sitting next to me in a small windowless storage room explaining to me how she postponed her transition with 13 years be able to study in a university and to get a portfolio, "because at that point of time I already realized how the society treats people like me," she stated. She was 27-years old when she first started to use hormones, before that she felt like if she would have started her transition at the age of 14, she would not be able to "survive this society," as she recalls thinking. "So I decided let's not go through this yet, once we are stabilized then I can start the transition and that's what I did." So she went through all her school years posing as a male and eventually graduated from The International Islamic University of Malaysia.

Cik described that educational institutions like universities are okay as long as you play by their rules, “they [referring to the transwoman-identified students] cannot dress up like a woman, they cannot have long hair…Everything must be very very strict. They have to follow the rules, especially in education.” Correspondingly, Masayu told me about her *mak nyah* friend, who, Masayu emphasized, had gone through SRS, but was placed in a male dorm in the university. The administration instructed her to “change her gender back to a male” in order to continue her studies in the university. Local transgender activist and member of *mak nyah* community Kartini Slamah writes.

> Issues of sexuality are not openly taught at schools in Malaysia. In this environment, sexuality is taboo and students and teachers have neither an understanding of nor accurate information about sexuality. As a result, *mak nyahs* face enormous discrimination and abuse from peers and educators. (2005, 103–104).

As these examples suggest, my interlocutors have experienced how the educational institutions have performed the act of erasure of transgender individuals, their existence has been made ‘impossible’ in some of these institutions by rigid male-female categorization in the code of behavior that requires them to conform to the norms of these facilities. Like Dhia explained, “when you’re in the middle school, whether you’re trans- or gay, you are still drowning”, implicating to the situation that they often cannot act on their desires at that point in their lives. They need to keep their desires inside and conform to the rules of the majority and the rules of institutions that follow heteronormative order. Thus, the lack of recognition and the lack of possibilities to affect it in these institutions especially at young age is often experienced as oppressive to say at least. Of course, these examples cannot be straightforwardly generalized to represent all educational institutions in Malaysia, especially when my interlocutors brought up the differences of the publicly and privately funded institutions, of which latter often were described to have more variability in their campus rules. Perhaps it is more meaningful here to concentrate, as I have explained in Chapter three, a person can modulate the way s/he becomes visible to others and the way s/he is being recognized by them – to a point, it, however, is not possible in all of the surroundings and as Doan (2010), for example, have profoundly argued it does not change *hir* “sense of gender” (ibid., 648) only the performance. Those of my interlocutors who described feeling a desire to start their psychical transitions while participating educational institutions often felt a need to hide these desires while participating in school surroundings, to become visible and recognized according to their assigned gender, in this case, a male, but this, as Doan's (2010) description crystallizes, does not change their sense of gender or gendered identity, only their performance in such environment. This action could also be described via Blackwood's (2010) terms of taking different subject positions.

In the working environment, the gender expression expectations were often described by my interlocutors to vary according to the employee. Positions in state institutions were described to follow very strict gender binary, wherein the private sector it was often described to be more arbitrary, dependent on the employee's private views. For example, Cik described the various treatment of transgender-identified individual's expression of their gender identity.

> It depends on the boss, if the boss is really open-minded about transgender, they can accept it. But if the boss…especially in the government, they don't allow the transgender to wear women's clothes. So they have to wear a wig, they have to wear male clothes […] they are not allowed in the government section.

Several of my interlocutors brought up how position in the government section required transwomen to perform according to their assigned legal gender. Amanda shared a personal narrative of such circumstances. Now 30–35-year old Amanda was previously working in a ministry, which I will not reveal more closely here. Describing herself as flamboyant about her transwoman identity, she felt upset to say at least when she was asked to dress as a man, according to her assigned gender stated in her legal documents, at the workplace. She was told to put on a wig and wear trousers, to dress-up according to her legal gender to be able to keep her job. That was until the director was changed. The new director, more conservative about Islam as Amanda described him, told her the wig is not enough, he demanded her to cut her long hair short. As a consequence of this outrageous demand, Amanda decided to turn in her resignation letter, but only to notice it was not as simple. The ministry denied her letter of resignation altogether three times, on the plea that she was going through "gender crisis" and should take care of it first, offering her Islamic counseling. After getting turned down three times, Amanda decided to confront the ministry and told them that she knows SOGIE, her body and herself, which made the ministry eventually approve her resignation.

Amanda's story is illustrative in various levels. She had played by their rules for a while, put on a wig and trousers before showing up at work. To perform as a male in the workplace was one thing, but when requested to make more permanent changes to her appearance in order to keep her job, was a line Amanda was not ready to cross. On the other hand, the ministry offered her conversion therapy before accepting her resignation, which can be interpreted as an attempt to change her sense of self and her gendered experience. In school surrounding, where many of my interlocutors were still discovering their identities as any person would at that age, those who had discovered their sense of gender by that age often ‘modulated’ their performance according to the space to avoid disclosing their true gender identity or expression in such environments. However, the practice is not always as straightforward in principle, for example, as Masayu’s account illustrates, her classmates knew her at the time as “a feminine male” implies that some fluidity in practice might be accepted even if not authorized. Perhaps, this is a sign of the kind of tolerance discussed at the end of the previous sub-chapter, however, it would demand further study to be sure. As the policies, particularly in the facilities of higher education, as universities, were described to follow rigid gender binary, then to access such institutions, like universities, after discovering their embodied identity would require a lot of endurance of misrecognition and situations where the sense of gender needs to be hidden. As different spaces are differently gendered and as my interlocutors are lacking the opportunity to change their legal gender, modulating one’s performance is sometimes necessary, while sometimes it is not even possible or might simply be unbearable, for example, to perform a wrong gender for a span of multiple years through higher-education around the clock in its dormitories and other facilities, is a lot to ask for anyone. Next, I will look more explicitly into one of the institutional settings I discussed and encountered the most discussions of, the health care services and facilities.

6.3 Experiences of Health Care and HRT – “We just bought and we just take”

> “Some people eat hormones like rice.” (A transwoman in Transgender Health Workshop, August 2017).

As exemplified in the previous chapters, before the *fatwa*, The University Hospital (University Malaya Medical Centre) in Kuala Lumpur performed SRS’s with “meticulous procedures” including “precounseling” and “postcounseling” (Teh 2008, 91). Peletz sheds light on these meticulous procedures by differentiating *mak nyah* members who at the time of The *Mak Nyah* Society (see Chapter three) desired to go through SRS also had to take a part in “a long series of extensive interviews and examinations – with medical doctors, psychiatrists, psychologists, and others” to make sure the person possessed a long term “biomedical evidence of ‘transsexualism’” – a model of Western-origin[61] that was for short time used in prior-1983 Malaysia (2009, 261). Now these services are no longer available, although Sam Winter’s study of transgender health care factors across Southeast Asia show that a few non-Muslim surgeries still operate in Malaysia, but as they have only occasional clients they are inexperienced with SRS (2009, 31). In the health service’s standpoint “transprejudiced”[62] health policies and practices discourage transgender persons using the existing health services, which can lead to the total abolition of the services (2009, 33). A similar point is found in Namaste’s account of erasure, “exclusion from the institutional world: how agencies deny services to these people, as well as why transsexuals decide not to make use of such organizations” (2000, 236). As some of my interlocutors told me that they are avoiding medical clinics all together due to fear of stigma, shame or discrimination, this type of cause and effect relationship came up in my interlocutor’s narratives: “Most of the transwomen they just go to the pharmacy, just to buy medicine, they don’t want to go and see the doctor…in Malaysia they don’t go to the hospitals for treatment.”

One of the cogent reason for this avoidance was the experienced shaming when entering the health care facilities. Compared to what Namaste writes of her account of transgender-identified individuals’ experience in health care institutions in Canada, how due to “profound discrimination,” local TG/TS persons may leave out their transgender status when visiting health care facilities (2000, 188). This is a privilege that my interlocutors do not share, as they often described their health care experiences, to begin with by showing their identity card that states “*lelaki”* (“male”). Many shared their fears and experiences of humiliation, of how they have been called by their birth name in the waiting hall or directed to the wrong ward, generally the public disclosure of their trans-identity. For example, according to Leisha, it “discourages transwomen of going to treatment for local hospitals.” Governmental clinics have different wards for males and females, where a person is referred to according to the gender marked in the identity card.

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[61] Peletz notes that the “discourses of sexology and Western biomedicine […] [are] directly relevant here,” in other words, the gender binary thinking is rooted in sexed and gendered discourses circulated from the West in colonial-era, but he reminds that these Western categories have later been used by gender variant people to negotiate the subjectivities (2009, 261).

[62] This means “the negative valuing, stereotyping, and discriminatory treatment of individuals whose appearance and/or identity does not conform to the current social expectations or conventional conceptions of gender” (Winter 2009, 23).

For example, Dhia told me about a *mak nyah* friend who was referred to as a male ward and "was ashamed and uncomfortable with this situation." Amanda who had experienced this herself also, stated: "my friends get humiliated every day!" Amanda described the service in government hospitals to be very discriminative as "they give transwomen very bad treatment…Malay people especially…Oh my God! [They think] if you are transwoman you will burn in hell!" Thus, almost every one of my interlocutors had a story to tell related to the felt humiliation during a health center visit. I also encountered these accounts in the health care workshop I attended where the attendants reported horrific experiences, many of which would fulfill all the characteristics of sexual harassment.

The biggest contrast in health care services was between the governmental and private hospitals and clinics. After experiencing unpleasant treatment Amanda chose only to go to the private clinics. "If you have money like me, have insurance, like me, I just do it in the private clinic. Doctors ask what you want to do because I pay, it is so easy. When you have money everything can be sorted, it is like that *lah*!" Amanda, however, was concerned about those who cannot afford the private clinics, and aware that it was a privilege only a few can afford. "How many transwomen in Malaysia are very rich? You can count them by your fingers. Most are living very average situation, so they don't have any options but to go to the general hospital, government hospital." Of my interlocutors, all those who could afford, used only private clinics for their health care. And all of them shared good experiences of these clinics. For example, I asked Alicia, who declared only using the private health care clinics, if she has ever encountered any discrimination in these clinics, she firmly responded "no, because you pay them a lot. You don't ever try to discriminate me, I will make sure you will lose your job!" The contrast of private and governmental health care and shared experiences of them are all of a piece with, for example, Namaste's notion where these problems with health care have the biggest influence to the most marginal groups within the transgender community such as the sex workers and poorest members of the community. As Teh points out "[m]ore than half of the *mak nyah* community is involved in sex work and about a third of them live below the poverty line of RM500 per month." (2008, 90). Thus, the problems with public health care is affecting the majority of the *mak nyah* community.

Then again, a few of my interlocutors knew about a few governmental clinics where they could get trans-friendly treatment like Dhia explained, "some governmental clinics, they will call you by your number or ask you how to address you.” Izara as an active member in one of NGOs advancing sexual and gender rights explained:

> We have a few NGOs who have very a good network with healthcare providers […]. So, for the transgender community I see the health care providers, they really try their best to tolerate and understand our community’s issues. We have a few doctors that are very good…very familiar with the transgender community.

NGOs, like the one I volunteered in, aim to educate the doctors and other medical staff of local hospitals and clinics by inviting them to workshops and by teaching them how to confront a transgender-identified patient. In one of these workshops I attended, three medical professionals sat in the one side of the room facing the transwomen sitting in another, the idea was simple and based on polite discussion between the two parties. Transwomen described their experiences, wishes, and ideas for the health care, and medical professionals answered to them on their own part. During the workshop, I witnessed real interests and efforts of the medical professionals to learn about trans-specific health care issues. One of my interlocutor, who formerly worked for The Malaysian AIDS Council (MAC) described that she had come across very “genuine” efforts to train the health care providers. The clinics described as “community friendly” did not necessarily have any specific trans-therapeutic services, like HRT, to stand out from the other government authorized health centers, and the difference was the more pleasant experience since the patients did not face humiliation and were otherwise treated well.

One of the biggest service-related issues concerned both the public and private clinics and hospitals was the lack of endocrinologists who would understand the trans-specific needs, such as the need for HRT; monitorial of the hormonal use and prescribing the suitable hormones. Hormones are easily available for transgender-identified persons in Malaysia and I was often told that you can buy them at many pharmacies, under the counter without a recipe or, according to Dhia, even from the convenience stores, like 7-Eleven. These hormones usually referred to as contraceptive pills designed for cis-women to prevent pregnancy. A common way, especially for those who started their hormonal use at a young age, was to start by taking contraceptive pills recommended by other transgender-identified friends. At older age, many of my interlocutors researched the Internet to find and self-prescribe suitable doses and mixtures of different hormones. For example, Leisha told me she used the kind of rule out technique, where she tested different mixtures until she found the suitable one: “I basically use two components, antiandrogens to suppress my male hormones and then, the estrogen and progesterone injection to basically promote my female hormones, I have been using this formula from about 2011 until now and it works well so far, I go for my injections every two weeks consistently."

Out of my 14 transgender-identified interlocutors 11 of whom confirmed of using hormones also self-monitored their hormonal use. And even those who chose not to take any hormones expressed their worries about those who did and recognized the importance of trans-specific endocrinologist services. The self-monitoring was considered necessary but risky. "I always monitor myself with the hormones, the hard part is to get the information, if you don't know, it is hard", Layla explained. Many of my interlocutors, as explained earlier, belonging to the higher educated "four percent" (Teh 2009, 93), could afford the private clinics and thus, ask for regular blood and kidney function tests, but a multitude of *mak nyah* rely on their friends or *mak andams* for all the hormone-related information. Among my interlocutors, there was a concern over those, who for some reason or another did not go to regular blood and liver function tests. As Namaste writes, "the lack of knowledge about transsexuality redefines the health care context, such that transsexuals are responsible for educating their service providers before they can receive appropriate services, referrals, and information." (Namaste, 2000, 188). Due to lack of trans-specific endocrinologists, liver function and blood tests rests on the individuals themselves to ask and demand, depending on for example their knowledge of hormonal side-effects, as well as their opportunities to use the kind of health center's where these kinds of services can be asked. For example, Leisha regularly visits private clinics to get her hormone shots, she buys the hormone outside of the clinic and just asks the nurse to do the shot for her and asks them for blood and liver function tests on regular basis.

Sophia, who started to use hormones at the age of 12 from her other transgender-identified friends, is still looking for a doctor who can offer her HRT "to do my blood test and [to] see which hormone is suitable for me. We don't have that kind of doctors around here. They are trying in private clinics, but it's just too expensive." She then told me "I go to friends and my friends teach me that this is the hormone treatment to take." The worry that Masayu shared with me was a common one, "I need to know if I take these…what are the side effects." The dangers of reckless hormonal use and its effect on organs worried many of my interlocutors, and I often heard notions like Amanda stated: "outside you may look very fucking beautiful, but inside your body is rotten already." Perhaps the most unforgettable for me was the discussion I had with Masayu, who suggested that the side-effects of the contraceptive pills – which she used to use and bought under the counter of a local pharmacy and monitored by herself – triggered diabetes that she was already at risk based on genetic factors. After discovering she has diabetes, during the regular check-ups, she mentioned to the doctor the hormones she had been taking and was advised immediately to stop taking them, which she did. “Thank God the doctor asked”, she sighed with relief. As a result of her personal experiences, she was really worried about the transwomen that use excessive dosages of hormones and for the side-effects.

> Some are taking even five [contraceptive pills] per day! When you females just use one, we are taking five! I mean some of my community are consuming a lot! And in a year? What is the side-effect?! Female, you may have ovary cancer, but I do not have an ovary so what are the risks. Probably my kidneys, probably liver. Can you tell? No?

Those, who wanted to buy safer or cheaper hormones and had the opportunity, often traveled to Thailand to buy them or bought them of the community members who had visited Thailand who bought large batches at a time and distributed them in back home to other members of the community. Like Amanda, who explained that “when I go to Thailand I can take a dozen, and sell it to my friends in here”, and Masayu who illustrated that it takes “ten hours by bus, no need to take a flight, then you can buy as many as you can and put it in your bag, the immigration won’t stop you!” This sort of a black market of hormones was often described highly common. Some of my interlocutors stated that “the good hormones” are available in Malaysia as well, but it is far cheaper to get them from Thailand. Yet, a few also ordered them from abroad as well, from Germany or U.S., but this was considered as an expensive option too, and getting them from Thailand via other members seemed to be far more common.

Thus, inside the community obtaining the hormones were not considered as an issue, the lack of medical information of its use, however, was, as accounts above reveal self-monitored hormonal use may be a grave health hazard, especially when started at a young age. More extensively, taking hormones determines if the person is entitled to health insurance or not. Like Leisha crystallized, “if we want to talk about the quality health care, we have to talk about insurance, because the cost of health care is not cheap.” As stated earlier in this chapter and in Chapter three, legal identification does not only affect the legal documents but also various services offered to individuals. Thus, the legal misrecognition in the context of Malaysian transwomen prevents them of getting medical insurance. As stated by a few of my interlocutors, often this may depend on hormonal use as HRT is very unfamiliar to wider public, and medical insurance companies avoid allowing insurances to persons who self-medicate themselves with the risk of unknown health hazards. While the lack of trans-specific health care leads to self-monitoring of hormones and various grave health hazards as demonstrated above, I suggest, that it has also led to the self-organization of the community in the area of medical care and hormonal information I will consider more closely in Chapter seven. However, I also witnessed a genuine interests of medical professionals to learn about trans-specific health care, and I often encountered discussion about community-friendly clinics affordable also by poorest members of the community. Local NGOs and more regional networks like APTN introduced earlier that is a transgender network working regionally across Asian and Pacific countries striving to improve, for example, health care offered to transgender-identified people across these countries – are much to thank for of the efforts to engage the medical staff on these workshops that strive to improve trans-specific health care.

In sum, as demonstrated in Chapter six legal misrecognition produces misrecognition in various spaces and institutions like schools and workplaces and often my interlocutors have also conformed to the rules and regulations of these spaces and institutions through different subject positions and gender performances, simultaneously some of these spaces and institutions might be too rigid for a transwoman to wish to enter in the first place, thus it might lead to avoidance of such places like often, I was told, occurs in the context of institutions of higher education, like universities. In some workplaces, particularly in governmental positions transgender subjectivities are erased by forcing them to conform to and follow the heteronormative order of these spaces, which might have rendered these services and opportunities unachievable for transgender-identified individuals in the first place. More generally, legal identification has direct effects on the lack of working opportunities for *mak nyah* and leads to a cycle where many are dependent on sex work to support themselves financially or might end up homeless, these effects have the biggest impact on the most vulnerable individuals and groups inside the *mak nyah* community, like for example those kicked out their homes, living under the poverty line, sex workers and the uneducated. Discrimination and stigma that are inexorably intertwined with legal identification arouse feelings to unsafety and insecurity in my interlocutors when accessing public spaces. Disclosing of transgender identity in many of these settings treated in this chapter consists a risk of getting humiliated, ridiculed, targeted with violence, and exclusion for example from of work opportunities, educational institutes, and health care. However, as stated in Chapter six, in Kuala Lumpur the spaces that could be referred here, after Peletz, as ‘open secrets’ can be found operating under the surface. These spaces are working as premises for alternative discourses and identities, in these spaces transgender persons also organize their own health care needs outside the institutional settings and negotiate their identity and sense of self. I will look into these spaces more closely in the upcoming chapter.

Chapter 7 Locating Agency and Structure

In this chapter, I will first briefly consider the grounds for legal identification in Malaysia in the context of sex and gender. As I suggest, it is based on genital-centric recognition of bodily forms and understood as static and fixed. This rigid conception erases or leaves out transgender-identified individuals altogether, without offering them a choice to legally change their gender assigned at birth. As I will demonstrate, some transgender individuals, gender rights advocates, and the NGOs have adopted SOGIE discourse, which has for example shaped the senses of selves of some of my interlocutors as well. I will consider the areas where my interlocutors have formed self-organized areas to answer to their health care needs, which the state has not. I will examine the spaces where this self-organizing activity takes place. I will also more closely consider what takes a place outside these community spaces; how do my interlocutors position themselves in dominantly heteronormative spaces.

7.1 Legal Recognition and SOGIE

After having introduced the lack of recognition and 'erasure' of transgender subjectivities in different institutional and spatial settings, I feel the need to briefly consider the legal recognition in the context of sex and gender in contemporary Malaysia. As I wrote in Chapter three James Scott has crystallized how the modern states strive to create "standardized facts" that are "documentable" and "static" to monitor its citizens, these features increases the legality of citizen or social space. He writes, "many state activities aim at transforming the population, space, and nature under their jurisdiction into the closed systems that offer no surprises and that can best be observed and controlled." (1998, 80–82). To consider then briefly the situation in pre-1983 when SRS was still available for a few years of time in The University of Malaya Hospital. In this short period of time, the SRS existed as a procedure that guaranteed transsexuals' the legal path to change their sex and was one of Western-origin as stated in the previous chapter. The standardization to use Scott's term was based on genital-centric recognition. For the state, SRS was seen as proof of the permanence of their chosen gender. Similar genital-centric system to change legal sex still exists in many parts of the world. In Malaysia also, at the point of time, only those who had gone through SRS were able to change their sex in the identity documents. Currah and Moore who consider the legal identification of transgender individuals in the U.S. state:

> By mandating that a particular bodily topography – the presence of a penis for men, a vagina for women – establishes the link between self and the law, the state has hewed to the traditional biological narrative. The state wants to have irrefutable, stable, and permanent evidence of their performances, and their identities.

For Currah and Moore, it demonstrates that a person needs to conform to these standardizations, alter their bodies "to align with the 'natural attitude,'" of the state, instead of the other way around. For them, it reveals the perversity of the sex and gender binary, since in reality "people change their bodies, their performances, and their identities" through their lives (ibid., 619).

In relation to Currah's and Moore's account, for Toby Beauchamp the "standardized definition of trans identity" is that trans-individuals through their transition, through the standardized processes, like SRSs, which in many countries are the are condition for changing the gender marker in legal documents disappear "into a normatively gendered world." (Beauchamp 2013, 47). This, for example, occurs very clearly in Iran where the government offers "relatively sizable subsidies and loans for SRSs," after the 1980s *fatwa* to enable SRSs was initiated by Imam Khomeini to make them "religiously and legally permissible" and to transform transgender individuals as "ideal heteronormative citizen subjects" (Shakhsari 2013, 566–567). As explained earlier, this is in contrast to Malaysia, where these surgeries have been forbidden with the 1982 *fatwa* as un-Islamic, eventually rendering the legal change of gender impossible. However, this might be more arbitrary in the practice, for example, as Layla demonstrated that it might be possible to change the first name in the identity documents to more "unisex" or to one which represents the opposite sex, however, changing the gender marker change is most likely less arbitrary. I need to point out, that this is a topic my interlocutors provided me with contradictive information, for example, Leisha stated it could be done, but just through many complications, while the majority considered it impossible, thus I cannot interpret further for certainty if it is impossible or just extremely difficult. I was often also told that those who had undergone the SRS during the 1990s, could still keep their female name on their documents, but not their gender marker, that had been at some point of the time due to their SRSs' changed to female. Cik told me, how soon after her SRS, she was able to the change her gender marker of her passport to female in 1998, however, when the term of government ended, she had to give her identity card to be updated to a new microchipped document, she was not allowed to keep the gender assigned to her in 1998, it was changed into male, but she was able to keep her "female name." Cik stated, "luckily my name is still women's name. Now for the new transwomen, who have a sex change, they can't change their names, they must use their male names." Out of the given examples of official stands toward the transwomen provided in the previous chapters, I can be concluded that the legal standardization in contemporary Malaysia in the context of sexuality and gender is based on heteronormativity, heterosexuality, and gender binary. In contemporary Malaysia, the legal identification is based on bodily forms, it is viewed as genital-centric, fixed, and static – assigned at the birth. Only *khunsas* are permitted to legally change or choose their gender by going through SRS, but only as an attempt to convert them into what is considered 'normal' and ideal. For example, as Maryam outlined, "[Malaysian] politicians don't use the word gender, they don't even know the difference of sex and gender."

As explained in Chapter four, the divergent views toward the gender identity and expression among *mak nyah* community are causing arguments inside the community. My interlocutors who were actively engaging NGO activities, workshops, or took generally active roles to guide other *mak nyah* with questions of law and hormones, which I will consider more closely in the next sub-chapter, considered it important to get rid of the derogative terms like *pondan* inside the community. More explicitly, I interpreted it as an ambition to come up with more analogous gendered discourse, which would make it easier to challenge the discriminative public discourse that sees the *mak nyah* as deviant 'Others' and includes strict, fixed, and static notion of sex. I suggest, that during my field I recognized such discourse, SOGIE. It has been used increasingly in NGO workshops in Kuala Lumpur. I cannot say for certain how it first rooted in Malaysian sexual and gender rights activist discourse, but I suggest it is most likely connected to Asian human rights and LGBT groups', various attempts since 2012 to include "gender identity, gender expression, and sexual orientation in the non-discrimination clause" to the ASEAN's (the Association of Southeast Asian Nations) Human Rights Declaration, that would, according to The ASEAN LGBT Caucus[63] coalition, help prevent the violence and discrimination based on gender identity and expression or sexual orientation in ASEAN countries (see e.g. Health Policy Project, Asia Pacific Transgender Network, United Nations Programme 2015).

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[63] "[A] loose coalition of LGBTIQ groups across Southeast Asian countries fighting for the inclusion of LGBT rights in to The ASEAN Human Rights Declaration" (Arus Pelangi 2012).

In recent years SOGIE has been used to advance the self-acceptance among transwomen in the NGO workshops and such in Kuala Lumpur. Many of my interlocutors explained how they have begun embracing their bodies as they are, after reading and learning about the SOGIE. For example, Maryam concluded: "When SOGIE came out, you don't need to change your sex – SRS is very risky, many people died at the surgery." Or like Taesha stated, "actually gender identity is not important for me after I read about SOGIE, it's just about being another human, the acceptance and you know, the fluidity of gender identity." Aishah also pointed out how SOGIE has made her understand that she does not need to go through bodily alterations in order to be a woman. As demonstrated in the previous chapter, Amanda used SOGIE to defend her gender experience and identity against the accusations of the ministry when she was guided to visit to a council in order to deal with her "gender confusion." The ministry viewed her gender expression and identity as something inauthentic, a mental disorder that can be cured. To answer these assumptions Amanda used SOGIE to explain that she knows her body and is full-aware of her gender identity. According to Taesha, SOGIE was used in the workshops that include doctors in aim to improve the trans-specific health care in Kuala Lumpur clinics, as she shrieked "some of the doctors even know SOGIE, they came to PT Foundation training!"

These NGO facilities represent the kind of spaces where various events to engage community members are organized in order to provide them with tools to cope with the othering, the criminalization, and the lack of institutional services. Rendered possible, as Tan concluded, by the fact that "the state is not a monolithic entity" (1999, 287), and the public discourse that weightily argues that gender variant people are deviant. The more anonymous areas, like the Internet, offers a platform where the views of public discourse can be challenged and discussed and creates spaces for counter-arguments that are partly circulating from global discourses. These spaces as well the physical spaces offered, for example, by NGOs are also spaces where identities can be negotiated. In this sense, SOGIE could be seen as offering a reverse discourse to public discourse that views the *mak nyah* as, for example, contaminating. SOGIE signals to them that they do not need bodily alternations to be women and this is directly in contradiction to the state-actions and the public discourse that is striving to erase the transgender-identified people who do not conform the normatively gendered world by for example rehabilitating and converting them to males.

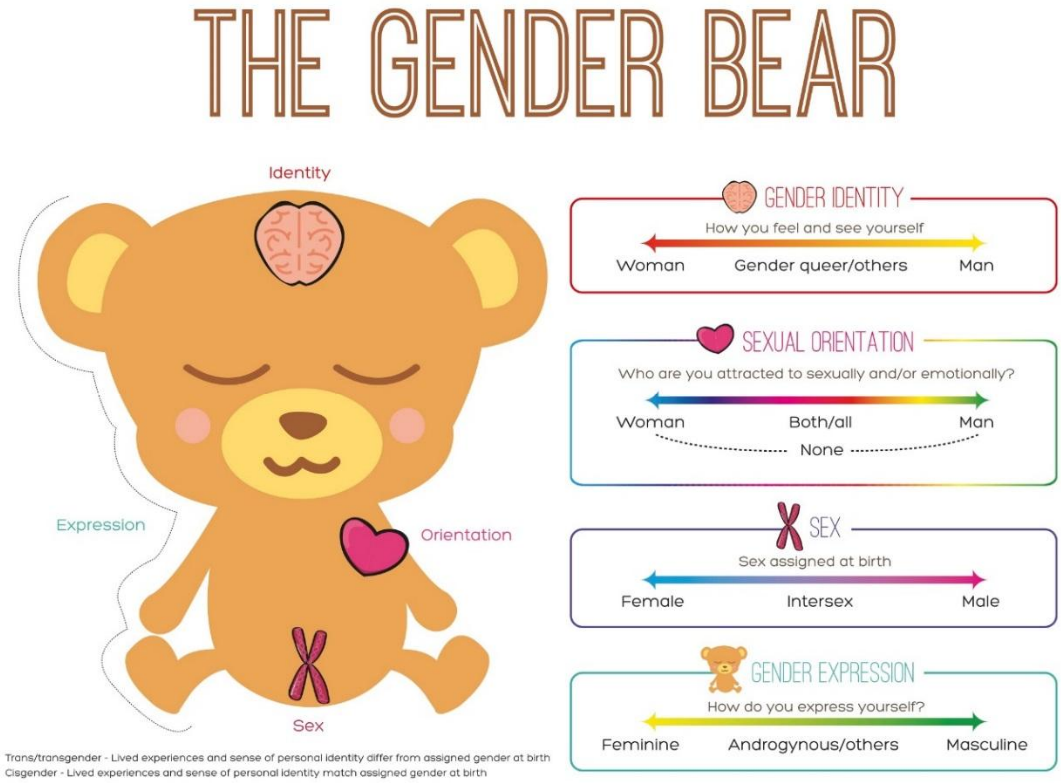
THE GENDER BEAR
Identity
Expression
Orientation
Sex
Trans/transgender - Lived experiences and sense of personal identity differ from assigned gender at birth
Cisgender - Lived experiences and sense of personal identity match assigned gender at birth
GENDER IDENTITY
How you feel and see yourself
Woman
Gender queer/others
Man
SEXUAL ORIENTATION
Who are you attracted to sexually and/or emotionally?
Woman
Both/all
Man
None
SEX
Sex assigned at birth
Female
Intersex
Male
GENDER EXPRESSION
How do you express yourself?
Feminine
Androgynous/others
Masculine

Figure 3. The Gender Bear, translated also to Malay and Chinese, produced by Justice for Sisters in 2015 to dispatch information of SOGIE to various quarters like journalists and to use in the workshops. (Justice for Sisters 2016). I have a permission to use this figure.

Next, for closer scrutiny of SOGIE, I will determine it more closely by comparing it to the counterpublic discourse. As demonstrated in Chapter three, for Fraser (1990) counterpublics are formed when marginalized groups are left out of the public sphere, to discuss their issues and desires. For Whaley (2010), they are formed out of struggles with the dominant groups or publics and for Young (2000) they are similar, to Fraser's notion spaces to discuss the desires and needs, but might also strive for "legal or institutional change" (ibid., 72). For Warner (2005 [2002]) the single most important feature that differentiates them form social groups or communities is "comes into being through an address to indefinite strangers" (ibid., 85). He also sees them being as in conflict with the "dominant public" (ibid., 85) and maintain "awareness of its subordinate status" (ibid., 86). Finally, if they constitute as "social movements – they require agency in relation to the state" (ibid., 89). In short countrepublic discourses are formed out of these features to represent the marginalized groups' desires, they form a social order that is in contradiction with the public discourse. Given these qualities, I suggest that SOGIE has a counterpublic discourse-like features in a sense how it is challenging the public discourse's notion of transgender practices as un-Islamic. In contrast the public discourse's rigid and static gender binary, heteronormativity, and -sexuality, SOGIE offers fluidity, flexibility, and freedom of choice. It binds together 'strangers,' or at least persons who did not think accordingly to SOGIE before, and it is actively used and imposed to members of *mak nyah* community to alter or influence to their sense of self.

More generally, it is a global discourse and part of the Asian Human Rights discourse in the LGBT activists' attempts to include it to ASEAN countries Human Rights Declaration, thus in this sense, it is a part of "agency in relation to the state," as it used in attempts to affect policies of multiple states. However, as Warner states, "[t]he discourse that constitutes it is not merely a different or alternative idiom, but one that in other contexts would be regarded with hostility or with a sense of indecorousness" (ibid., 88). I suggest that this hostility is not part of the implementation of SOGIE, nor is it a part of the agency of the groups and individuals that reproduce it. As my interlocutors emphasize, even when they are actively challenging the public discourse and state's oppressive policies, laws, and practices targeting them and other marginalized social groups, they do so in order to have a meaningful discussion, to become treated as peer citizens, in order to fit into the normalized world without being erased through simple assimilation. They are not acting in hostile manner, but negotiating their rights and treatment with the state representatives. I want to emphasize here, that my intention is not to conclude that the NGOs and volunteers would form a counterpublic, as a whole, as exemplified, quite an incoherent group of people. To make such an argument based on, for example, Warner's description would require that they would form a group of which values are in contrast with the values of the public discourse, which is not the case. For example, as I demonstrated in Chapter four, my interlocutors' accounts suggest that inside the *mak nyah* community there is, for example, expectations towards its members heterosexuality, which is a value that the public discourse shares. More generally, I do not I have enough data to profoundly continue this analyzing, albeit the smaller sexual and gender rights activist circles contains such features. Instead, my intention here was through the theory of counterpublic discourse to give a better understanding of how SOGIE is utilized in Malaysia and Southeast Asia. Next, I will look more closely into these operations of NGOs and volunteers'.

7.2 Social Structure and Empowerment: “I am no nonsense girl, I know my rights!”

As already introduced in Chapter four, the *mak nyah* community is not homogenous, in fact, it was often described as anything but. In my some of my interlocutors’ accounts the sex worker community were often portrayed as exclusive, a tight social net that excludes the non-sex workers. For example, as Layla stated, “there is just no information flow [between these groups].” As explained in Chapter four, differentiating factors included also views on their gendered subjectivities, language, income, and ethnic and religious background. Many of my interlocutors were either transwomen who organized or actively participated in the kind of events that strived to “educate” others and to provide the other *mak nyah* with information for example of the civil rights provided by the Constitution, as a tool to stand up against for example the arbitrary arrests. When I spoke about the latter events with Maryam, she stated “older sisters are fed up, they don’t come to events anymore […] it’s really hard to organize the community come together. It’s really difficult to get the trans- people to come, I feel as if they are reluctant to come.” In relation to Maryam’s view, Dhia also stated, “you know our transwomen, they want to become beautiful, to find a man, like enjoy, but we try to change their minds to understand who they actually are.” She told me that they reach out to the transwomen on Facebook and invite them to the events. She continued: “We need to teach our young transwomen about self-acceptance, and then knowledge about law, about HIV and AIDS, also about hormones, taking hormones best way for them. […] When we have workshops like about law, HIV/AIDS or SOGIE, we will invite them.”

To provide a brief background for the type of civil rights education mentioned above, in Malaysia, there is a general three strike rule, meaning that after a third arrest a person can be sentenced to imprisonment. Then, as the self-stigma introduced in Chapter five often contains self-guilt, thinking that the cross-dressing, for example, is a punishable violation of Islam, and thus according to Dhia, it makes it easy for *Syariah* police to arrest transwomen with such self-guilt who does not know her rights. Increasingly much like, or perhaps in consequence of, the Negeri Sembilan *Syariah* court case introduced in Chapter five, the activists like Dhia herself has been teaching the other *mak nyah* that The *Syariah* Criminal Offences (Federal Territories) Act 28 is, in fact, inconsistent with the Constitution; aiming to provide the *mak nyah* leverage in the arbitrary arrest and raid situations. According to Dhia, it can also help in civil charge situations, as civil police usually catch sex workers in aim to charge them with the indecency charges. In the following, I will provide a few examples.

Leisha, who at the time was working in PT Foundation for community outreach activity event was suddenly threatened by a man who showed up and claimed to be a police officer. Leisha who was listening to his threats in disbelief asked him to show his badge. While doing so, she snatched the badge out of his hand and made a call to local police station explaining what was going on and asking if the officer with the number on the card was on duty. Soon after, a police patrol arrived; after finding out the officer in question was off duty and under the influence of alcohol, they arrested the officer. Leisha concluded: “That’s the only time policeman has ever harassed me. The other times, I just ask what charges, which police station you come from and make a phone call and [they will] […] let me go.” Leisha’s account portrays the atmosphere of the arbitrary arrests transgender-identified persons are often targeted with. I think it is also illustrative in a sense what volunteers like Dhia try to teach the other *mak nyah* to do when facing arbitrary arrest attempts. Precisely to help them to avoid the sentence to imprisonment, Dhia sees it as vital to teach other transwomen, particularly sex workers who face arrest attempts more often than the others, about the laws in Malaysia and their rights in the arrest situations. She concluded, “that’s why we try to advocate the transgender people about the law, if not, they will just follow, say we are guilty and give them money; it’s easy for police. And for second time they can charge them more.” Thus, Dhia highlighted the importance of teaching transwomen to stand up for themselves; first, not to go with the officers if possible; second, when charged not to plead guilty, but instead, call to a NGO to arrange legal help. An example of a NGO that helps transwomen with legal issues free of charge is Justice for Sisters. Dhia concluded, “if you think you are not guilty you can fight them, you just find a lawyer to fight them.” These kinds of workshops has resonated positively in the transwomen who have attended in such events, for example, as Taesha stated, “I don’t have a problem with the police. I have been stopped a few times here I always ask them, you know I am no nonsense girl, I know my rights! Thanks to all those NGOs who gave me the information, so I always walk free.”

As explained earlier, the Internet and other spaces operating “outside state-patrols” that permit more “anonymity, autonomy, and self-determination” (Peletz 2009, 224) have rendered possible the gender and sexual discourses to circulate worldwide. One example of this is how the NGOs working in such domains have started to promote sexual rights as human rights, and in this sense NGOs are "parcel of processes of globalizations." The global circulation has also rendered possible the experiences of Malaysian gay, lesbian, and transgender individuals who have migrated abroad to circulate back for these activists and others who have stayed in Malaysia (2009, 225). These circulations are seen for example in the adaptation of the term transgender into the Malaysian gender and sexual rights activist discourse and as an identity category. During my fieldwork, the clearest example of these kinds of new spaces to operate in was Social Media. When I spoke to one of my interlocutors from PT Foundation, he stated that in recent years the community has moved to act more and more on the Internet, making it harder for the NGOs like PT Foundation to reach out to the community itself anymore.

I suggest that the type of events mentioned in Dhia's and Maryam's account are part of the communal self-organization that aims provide its members with tools to act under these circumstances. Furthermore, they in the wider sense aim to answer to the stigma and discrimination and reduce it and its effects. Perhaps the clearest example of the communal self-organization occurred in the field of trans-specific health care. Despite the "community-friendly" clinics, there was a clear need for trans-specific medical information. Thus, one of the clear cases of this type of self-organization I came across in my field was the hormonal instruction group on Facebook, which I had no access to nor would it be ethical to perform a participant observation in such group, but I often encountered discussions about it. The idea of this group was to spread overall knowledge of hormonal consume for transwomen, for example, which hormones and what size of dosages are safe to consume. I suggest that this kind of group is a clear example of the self-organization of health care needs Namaste also wrote about. The accounts I encountered about the hormone group were all positive, as there has been a real concern about of excessive use of hormones inside the community that has no access to official information and medical guidance organized by for example the state, and when "un-safe" hormones are easily available from almost every pharmacy, which implicates the lack of institutional control over hormonal distribution. For example, Cik stated (I have replaced the name of the person Cik refers to and shall refer to her here as Azura):

> So […] [Azura] was one of the admin in the hormone forum, […] [Azura] was the one who made us conscious of the hormones because in previous times everyone took birth control pills, […] [Azura] said it's not safe. It affects our liver, our kidneys, our organs, so […] [Azura] did a lot of things, advocacy about hormones in the forum. So now most of the transwomen in Malaysia knows that birth control pill is not safe!

I suggest that these kinds of workshops and attempts to provide the fellow *mak nyah* with information to take care of themselves, whether it is about preventing fellow transwomen to get in trouble with authorities or providing information about the safe hormonal use. Thus, I suggest that they are at first, an example of self-organization of the community to fulfill the needs of the community. Second, they attempt to bridge the gap between sex workers and non-sex workers. As stated earlier, transwomen are often described as reluctant to come to the events, thus the events are sometimes left to a small group of people to run and attend. However, I witnessed real efforts to make the knowledge provided by the community workshops accessible to the wider community of *mak nyah*, particularly to the most vulnerable members of the community. As for example Aishah, paraphrased, asked in the health care workshop introduced earlier, how can we spread this information for those who are illiterate? Followed by lively discussion how to make the knowledge available for the persons who might benefit from it, but were not present, do not have access to the Internet, or are for example illiterate. In sum, these type of workshops and community events have provided transgender-identified persons practical knowledge of how to cope with difficult situations with the law, authorities, and with the lack of trans-specific medical care. They work as an example of the self-organization that takes a place through community spaces and under the surface of the public and the institutional world. They also work, I suggest, to increase the unity of the community that is now quite heterogeneous.

7.3 Safe Spaces and Modulation of Visibility and Recognition

The NGO premises and the community spaces worked as vital areas of produce and reproduce discourses like SOGIE that negotiate and mold identities and senses of selves. I am referring to various spaces that work as ‘safe spaces’ where, for example, a transgender-identified person could make *hir* sense of gender more visible than in the dominantly heteronormative spaces, to display *hir* gender identity and expression. Then, to consider the premises of the kind of negotiations of identities and such discourses like SOGIE. Peletz suggest that despite Tan’s (1999) description of reverse discourse in the context of Malaysia, introduced in earlier chapters, does not include a reference to aim for “legitimacy and naturality,” but is, however, embedded in it. For Peletz, the globally circulated discourses – where I would consider SOGIE also is numbered – have further assisted and enabled these aims (2009, 224–225). During my fieldwork, the greater visibility of the issues of *mak nyah*, for example, was connected to the promoting sexual and gender rights as human rights. I will not stress the aim for example for “legitimacy,” since it is not my focus here since I do not have enough insights and data to do so profoundly. However, I will consider next the visibility that has increased after, for example, sexual and gender rights have been promoted as human rights.

As I have stated in Chapter five the Negeri Sembilan *Syariah* case has, according to my interlocutors, added to the increased visibility of the issues of *mak nyah*. This visibility has according to some of my interlocutors already led to more diversity in the high-rank positions. Like Taesha stated: “You know, there are entrepreneurs, there are business women, millionaires! And I’m so proud of them, it shows that if you have a strong will in life, and you believe, and you fight forward, you can make it.” Similarly, Izara illustrated:

> For now, I think the trans community is more visible, they are working as doctors, lawyers, as police also and as business women. And especially the government, I am not saying that they accept, but if they don’t recognize that we exist, how did they approve the programs about the health and HIV, I think also government recognized that we exist.

Yet, as stated in Chapter six, for transwomen with lower-educational background the career prospects were often still described as poor. The changes introduced above were often described as the outcome of the activist work and especially the advocacy of trans-rights as human rights. Like Taesha concluded: “I have noticed that the younger generation of transwomen they are more informative than I am. […] For the older generation they are lucky bitches [laughs]! You know because we were fighting like nobody’s business before!” She continued, “The last generation, before me, they were struggling to get some rights, but our generation, thank you Nisha [Ayub][64], you know how Nisha is determined with the human rights thing, things are getting better!” Aishah also joined the choir of change: “Now I’m so impressed now we have new a generation, a lot have high-education; I’m impressed all the time!”

However, as stated in Chapter five, not all had either the desire or the opportunity to be involved in the activist circles. It was often embedded in my interlocutors’ narratives, how they have become aware and cautious of the stigma and shame they are facing in various spaces. As explained in Chapter six, by modulating gender performance or taking different subject positions person can affect how s/he is recognized and by doing so, shape the visibility. My interlocutors were well-aware of the stigma and discrimination imposed on them; many of them told me how they have started to pay attention in the way they "bring themselves." For example, Aishah, going back to her hometown modulates her visibility so that she does not bring attention upon on herself. She explained:

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[64] A well-known Malaysian trans- rights advocate.

> The way you should dress up…not to be a man, but you know your border…you can do whatever you want in your home town…but it won't be…people who you are facing are this headache. Your brother and sister, your family, they will get all these problems, you know. […] I have to think about them.

She continued, "I try to not to be so, you know when I go back I don't go out so much. We are in the housing like this [demonstrates row houses with her hands], so I don't want my neighbors to see me too much…So if I want to dress up more, I will just go out from the back." She also demonstrated how she can let her guards down with some cis-gender persons as well, particularly when she travels back to her hometown: "But my school mates are good, I'm always with them, even in the Hari Raya celebration, I met a lot of their parents with them. They are Muslim, my old school friends. Every year we have a reunion, I met all of them we can get together like this."

In contrast, Dhia explained that festival seasons like Hari Raya and Christmas (her mother is a Muslim and father a Christian), can be particularly challenging when the whole family comes together. Thus, Dhia has chosen not to go back home during the holiday seasons, "I choose to come other time." Aishah pointed out the reason why she feels vital to bring herself well and to be constantly conscious of the environment; "people don't understand you, so you need to make people understand you, that's what I do here." As explained in Chapter three, was I think is useful here, is the Blackwood's description of the self that is "agentive" in a sense that it act on based on the knowledge and understanding it has gathered, which also set limits to it, determining "what is thinkable or imaginable." (2010, 22). As Peletz has argued, *mak nyah* push the envelope in their family relations. It resonates with most of my interlocutor's accounts as well and contains a presumption how my interlocutors avoid being recognized and becoming visible as males. Even though, they in some situations interpret their environments in such ways that make them, for example, to adjust their appearance to more androgynous direction, they do so to avoid the threatening situations, like Sophia, when dressing up in the unisex clothes in public spaces; or in order to keep their job, like Amanda, when dressing up as a male in the workplace; or avoid the stigma directed to the family and loved ones, like Aishah, when wearing inconspicuous clothes while visiting her home town. Taesha concluded: “To tell you, whether I am ok in Malaysia or in Kuala Lumpur, yes, because of the way I bring myself. I think everyone should remember that.”

In contrast to the public spaces and various other, dominantly heteronormative spaces, where recognition occurs on the scale of the rigid gender binary, the ‘safe spaces’ that can be formed also with cis-gender persons, like Aishah account, demonstrates, become vital breathing spaces. These spaces also work as places where identities are negotiated and counter-claims are formed as demonstrated above with the example of SOGIE. As demonstrated in Chapter five, transwomen are harassed often online as well, but Social Media has also rendered possible the relatively safe spaces, where the health care needs, for example, can be self-organized. As my interlocutors demonstrated, it is often hard to bring the community together, but these spaces like Social Media groups and other online spaces are, I suggest, are easily accessible as spaces with low-threshold. They answer to the needs that current institutional services leave to hope for. Outside of these spaces, individuals adjust their visibility and recognition by constantly reading the surrounding spaces and taking various subject positions or gendered performances to act according to the environment’s expectations based on the knowledge and understanding of it that they have gathered. The dominantly heteronormative spaces are particularly challenging for transgender individuals, leading to special demands for transgender persons to access them, as Aishah concluded, “You need to respect yourself the way you bring yourself to everywhere, make people respect you.”

Chapter 8 Conclusions

My thesis is a part of the multifaceted research tradition of studies of the gender in contemporary Malaysia while simultaneously reaching beyond its central focus on gender binary. My main concentration through this thesis has been two-fold; firstly, to demonstrate that the legal and political constrictions and strained social change toward non-heteronormative and other marginalized groups have been characteristic of Malaysia more visibly ever since the 1990s emergence of Asian values discourse. Furthermore, they were visible during my fieldwork and even showed signs of acceleration. The argument of the constrictions I have exemplified through the pages of the thesis, builds on and continues of the work of Tan (1999) and Peletz (2009), for example, who have both given valuable insights into these changes and their bearings on marginalized subjectivities and groups in Malaysia. Whilst over almost twenty years between with the former study and my fieldwork, much has happened, but the direction of these constrictions has remained the same. By scrutinizing my data through the theories of recognition, I have demonstrated how these constrictions have influenced the institutional world and how my interlocutors' have, on their part, experienced and acted upon these bearings.

Secondly, I have argued that these tensions have led to increased visibility of transwomen to voice out their desires and to reproduce their public image. They have also led to self-organizing forms of agency amongst the subjectivities they have targeted, inspired by NGOs that have engaged the community members in their work. Furthermore, when considering the question of agency, I have aimed not to reduce my interlocutors' agency to the kind of Foucauldian dualism of power and resistance, instead I have stressed the kind of acts that take place outside of these axes as well, in everyday settings where my interlocutors modulate their gendered performances and alter their subject positions by observing and gathering information on the spaces of interaction. I have also located the spaces of the kind that are differently, even contrarily, gendered with the dominant heteronormative public spaces. In many instances, these spaces are not build upon heteronormative order, instead, they manifest in as safe spaces that offer the non-heteronormative subjectivities breathing space, freedom to drop the performances often required in the mentioned public spaces. Simultaneously, these are also spaces where they can further negotiate and reproduce their gendered identities. I have more closely considered SOGIE as an example of such discourse, which I have suggested being, in fact, in contrast with the heteronormative public discourse. The forms of agency, as I have demonstrated, have been mostly NGO-led, but have expanded beyond the NGO workers to include members of *mak nyah* community who have taken matters on their own hands answering the community members' vital needs and desires in the field of, for example, health care and law. More generally, these changes bearing on agency are also connected to the increased visibility of these subjectivities to voice out their issues and views.

Soon after I entered my field, my interest was aroused by my interlocutors' experiences of health care. Particularly, the hormone-related questions, like the self-organized hormone trade via Thailand, I have introduced in Chapter six. During my interviews, a pattern became to form, the most abundant answers always concerned about the issues of health care. This concentration on the lack of endocrinologist services and desires for HRT is one of the most significant differences between my work and the earlier gender-related studies in Malaysia I have introduced in this thesis. Work of, for example, Teh (2008) and Peletz (2009) consider the questions related to the health care issues and give valuable insights for example of the situation in pre-1983, stress the political and social impact of the *fatwa* ruling. In my views on 'tran- medicine,' I have been inspired by profound work of for example by Namaste's (2000), Serano's (2007) and Plemons' (2017). It has helped me to be cautious of the kind of stress that would reinforce an image of transgender as a medical category, which is a premise that trans- studies have been in increasing efforts strive to shed. For example, they have helped me to concentrate my focus on the issues of HRT which was a grave concern inside the community, as the lack of the endocrinologist services can be interpreted as a severe health hazard concerning many members of *mak nyah* and does not require the same amount of sensitivity as a research topic as, for example, bodily altering surgeries would. However, I was hesitant to make such a bold move during my fieldwork to completely concentrate on these issues, thus I have taken them into account without making them my main focus. As my data is limited to only one health care workshop, more data and especially participant observation in clinics and health care centers would be required to give a more profound analysis of the situation, to use Plemons' term, of the trans-therapeutics in Malaysia.

More generally, I have based much of the data concerning the situation of transgender-identified people in Malaysia before my fieldwork to Peletz's insightful book *Gender Pluralism* (2009) and continuing of its premises with a similar perspective. I have suggested that the moral policing the book introduces was visible and showed the signs of acceleration during my fieldwork, like, for example, the “the amendment” of *The Syariah Courts (Criminal Jurisdiction) Act 1965 (Act 355)* introduced in Chapter five implies. I have, however, also introduced the changes concerning the gendered subjectivities occurring since the Peletz’s book, I have demonstrated that my interlocutors have an in increasing efforts aimed to get rid of the derogative terms that are still used both inside the community by some of its members alike outside of its boundaries against them as a term of abuse. On the other hand, and I have interpreted these attempts to shed these derogative terms, as an ambition to come up with more analogous gendered discourse, which would bring more unity and efficiently help challenge the discriminative views of the public discourse. I have introduced SOGIE as an example of such discourse that my interlocutors were often ‘promoting.’ SOGIE has not been visible in other gender-related studies concerning Malaysia I have introduced here. While I cannot say for certainty its emergence as a part of the local NGOs’ workshops, I have associated it with The ASEAN SOGIE Caucus attempts after 2010, when the network was formed, to include SOGIE in “the non-discrimination clause” to the ASEAN’s (the Association of Southeast Asian Nations) Human Rights Declaration. I will return to it more closely later in this chapter. Next, I will provide the answers to my research questions.

In the introduction I asked two questions: “What kind of gendered discourses can be recognized in contemporary Malaysia?” “How do the lack of legal gender recognition and criminalization of transgender practices affect my interlocutors and more broadly transgender women in Malaysia; what kind of agency does it produce?” In the pages of the thesis I have aimed to provide answers to these question, but let me remind you how.

To first consider the first question and its’ premises. As Ong has demonstrated, “gender politics are seldom merely about gender; they represent and crystallize nationwide struggles over a crisis of cultural identity, development, class formation, and the changing kinds of imagined community that are envisioned” (1995, 187). The cultural identity struggles in post-independent Malaysia have manifested in, paraphrasing Yanagisako (1995), attempts to forge unity out of diversity. Increasingly the Malaysian state together with religious authorities have attempted to institutionalize heteronormativity and -sexuality, simultaneously stigmatizing and criminalizing the practices connected with the non-heteronormative genders and sexualities. For example, homosexual and transgendered practices – forming an official discourse that penetrates various domains including the domestic, passing on the baton to the parents and families. As my data shows, the official views have increased the type of atmosphere where public spaces are safeguarded by various groups and individuals following heteronormative order, like the pro-Islamist groupings who allegedly demanded of cancellation of the events like *Taylor University Pride* and *Penang 'gay film' screening* as demonstrated in Chapter six. Through Asian Values discourse non-heteronormative subjectivities and practices have become targets of aggressive othering, where their gendered experiences, for example, have been claimed to be one of western influence, despite the rich fluidity and permeability of gender roles and non-heteronormative practices once characteristic of Malaysia. Examples of such characteristics are introduced in various accounts and documentation of, for example, the ritual specialists like *sida-sida* who once resided the palaces of Peninsula Malaysia. Thus, transgender individuals along with other non-heteronormative subjectivities and identities have become persecuted and targeted as impious, even contaminated 'Others,' whose mere existence is viewed as a violation of Islam.

Furthermore, through the theories of recognition I have strived to demonstrate how in Malaysia, the transgender-identified individuals are often pushed out or 'erased' from the institutional world, forced to either conform with the majority's norms and norms of those who are in power. The criminalization and institutionalized heteronormativity has led to an institutional discrimination of *mak nyah* making it harder for individuals with such subjectivities to attend the institutional services like higher-education and health care. The institutional erasure has also led to reduced career opportunities. More generally, the lack of legitimacy of their gendered identities, have led to problems in job search for persons with higher-education as well, since they are required to show identity documents that do not correspond with the dialogical recognition that takes place in everyday encounters between individuals. In sum, I have differentiated several discourses like the public discourse that builds on heteronormativity, heterosexuality and gender binary, which is shaped through the Asian values discourse and determines how the transgender people are legally recognized. Thus the government and the religious authorities misrecognize the transgender women, especially the latter who view the transwomen as 'cross-dressers' while completely neglecting their senses of gender and subjective experiences. Furthermore, occasionally they forcibly aim to 'convert' them to fit into the 'normative' gendered ideals of the public discourse in which production they participate in.

On the contrary, I have suggested that the public discourse is being challenged by reverse or counter discourses like SOGIE that has worked as an example of the kind of discourse that is in contrast with the public discourse and, as I have suggested, has shaped my interlocutors gendered subjectivities. With global roots, I have suggested that it has only recently, within this decade, gained popularity in the workshops and in the NGO-based discourse. Furthermore, as the SOGIE example also demonstrates, I have argued that the community of transwomen or *mak nyah* is a heterogeneous social group that is somewhat divided by the religious and ethnic background, the economic inequality, the educational background to name a few factors. In these social structural differences, I have, however, just scratched the surface and with my data, which focus has been all along on the public 'normative' gender roles, the deeper meanings behind these relations and differences and their wider validity are left somewhat undiscovered. Thus, I have suggested, largely owing to Peletz's (2009) and Tan's (1999) account that these rigid views of religious authorities' and the state-led aggressive attempts to create an image of non-heteronormative social groups and subjectivities as 'deviant' and un-Asian, have, in fact, rendered possible counter- or reverse discourses. Which have rendered possible 'promotion' of homosexuality and gender diversity and for these subjectivities to strive for normativity and perhaps even legitimacy. These are only a few discourses I have wanted to pay attention to, due to their opposite values and features, thus the answer to the question demands an open-ended answer as even the *mak nyah* community itself encloses various views and discourses of, for example, the gendered subjectivities. In spite of it, I have chosen to ask the question, because it has permitted the scrutiny of the public as well as the reverse discourses.

To consider the second question. I have demonstrated at the beginning of my conclusions that I have located self-organizing forms of the agency providing the members of the *mak nyah* community tools for operating in situations related to law and health care. In a broader sense, I suggest that the institutional 'erasure,' I have introduced, has, in fact, participated in the production of the self-organization, of which the hormone group on Social Media is an example of. As my data suggest that the trans-specific health care, like HRT, is quite unknown in the institutional settings. Thus, if chosen to help their transition with hormones, it is at their own risk to do so and remains on their responsibility to organize the trans-specific health care needs, which in many other countries are organized and supported by the state. The self-organization replaces the missing institutional services like HRT, but it also operates to protect the transwomen from government persecution. However, there have been some improvements in health care services for trans-people. These services include a system that acknowledges for example how to call and treat a patient whose identity documents are inconsistent with the recognition based on their bodily forms, without causing shame or humiliation, in short, how to offer trans-friendly service. However, these developments have been mostly merits of various NGOs stepping in and taking an active role to answer the *mak nyah* community's needs, the state has not. These desires have been heard and already taken seriously, at their part, by the medical professionals that have been present in the workshops organized by, for example, the transgender-identified individuals behind the NGOs. I hope and think these services will only improve in the future, hopefully extending to cover the trans-specific care like HRT.

Furthermore, trans-women with the help of the NGOs, have been able to dress this idea into a lawsuit that has challenged the *Syariah* law section violating the rights permitted by the Constitution. This has been a remarkable turn, in spite of the fact that the judgement was finally reversed by the Federal Court, it has provided further visibility for the issues of *mak nyah* through the current oppressive policies. However, I have also demonstrated that the atmosphere has caused fear to enter, for example, public spaces, it has aroused desires, for example, to emigrate. My interlocutors have, for example, shared worries over the strained public atmosphere, these worries concern particularly the way the state authorities have participated in the creation of this atmosphere that clearly poses a threat to its own citizens and turns its citizens against each other. The worry concerns also of the silence of the state authorities when anti-LGBT tension transforms into violence. Like an activist stated in a panel discussion, "it is violence that is perpetrated by the religious authorities, by members of the state, by the enforcement agents of the state. So this violence starts with the state and it has been allowed by the state." These fears have seen in my interlocutor's actions as in general concerns of their safety. Furthermore, I have brought up that not everyone has an opportunity or desire to participate in activism. I have demonstrated that outside of the community safe spaces when entering dominantly heteronormative spaces, including the institutional spaces, individuals modulate their subject positions and gendered performances; their visibility and recognition – to a certain point it is possible or bearable. In sum, in the questions of agency and the effects, I have emphasized the question of the agency, and provided two-fold image wide enough to present a meaningful story, while compact enough to fit the pages of this thesis, I have wanted to provide an example of the activism, as I gathered the large part of my data in NGO premises and workshops, but also to reach beyond this power-resistance dualism to include everyday settings.

During my fieldwork, I encountered various stories about the increasing visibility that has, for example, led to diversity in the career opportunities, but more generally also influenced the attitudes toward transwomen, as they once were more explicitly tied to sex work and HIV/AIDS in public imagining. While still running into these prejudices in some encountering in the public spaces, the channel to speak about their issues has expanded. According to these arguments, trans-individuals are in increasing numbers working in more diverse fields than before. However, a simultaneously large part of the community live under the poverty line and have often no other prospects than sex work. After all, I witnessed in my field how the government agencies have invited sexual and gender rights activists into their premises for negotiation concerning their desires, like in the case of MoH video campaign. As introduced earlier, Masayu emphasized how their aim is to have "meaningful engagement" with the state agencies, to provide them information of their needs and desires, in order for the state to answer them; to have a dialogue, not an argument. The video campaign shows that at least some of the agencies want to be part of it; be the recipient. Thus, they have included, at least to a certain point, the marginalized communities into the conversation. These actions, I suggest, are cautious steps taken toward equal recognition. In late August 2017, on a cloudy Tuesday afternoon, my supervisor had taken me to visit a recently opened home for homeless transwomen. After a quick tour in the premises, we sat on the couch in the hallway and started to discuss the recent changes that have affected the community of *mak nyah*. Soon after, she brought up the Negeri Sembilan *Syariah* case that went on in different courts for five years, she stated:

> It's not about winning or losing, it's about the whole five years of awareness we have created, not just for the society but for the community, the community now is well aware of their rights and now the society also knows that transgender people are part of the culture and part of the system you know. […] That's the power of voice basically.

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