

AN INQUIRY INTO MARGINALIZED SEXUAL IDENTITIES IN THE
CONTEXT OF MINORITIES WITHIN A MINORITY

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ABSTRACT

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Minorities within marginalized sexual identities still face disadvantageous situations or regulations even though sexual minorities are protected by some rights, or they have equal rights with heterosexuals. This study examines the effects of a sexual minority's practices of exclusion of and discrimination against other sexual minorities within that sexual minority in the context of rights discourse. The specific minority identity within LGBTIQ+s on which the thesis will focus is bisexuality. Among monosexual sexual minorities (e.g., lesbian, gay), bisexuality as an identity is often stereotyped as being “always possible to be heterosexual” or “not queer enough”; at the same time, among the institutions of the heterosexual matrix, it is likewise considered an illegitimate or invisible identity. This study inquiries into whether multiculturalism as a right discourse with a strong emphasis on diversity and the protection of minority rights can propose a way to solve the problem of minorities within minority in the context of sexual minorities. It is argued that the cultural norms in discourse of sexuality are the reason for those unequal circumstances, and that these cultural norms are bolstered by shortcomings in the rights discourse and the policies associated with them.

Keywords: Bisexuality, Monosexuality, Rights Discourse, Multiculturalism,
Minorities within a Minority



ÖZ

AZINLIK İÇİNDE AZINLIKLAR BAĞLAMINDA MARJİNALLEŞTİRİLMİŞ CİNSEL KİMLİKLERE İLİŞKİN BİR ARAŞTIRMA

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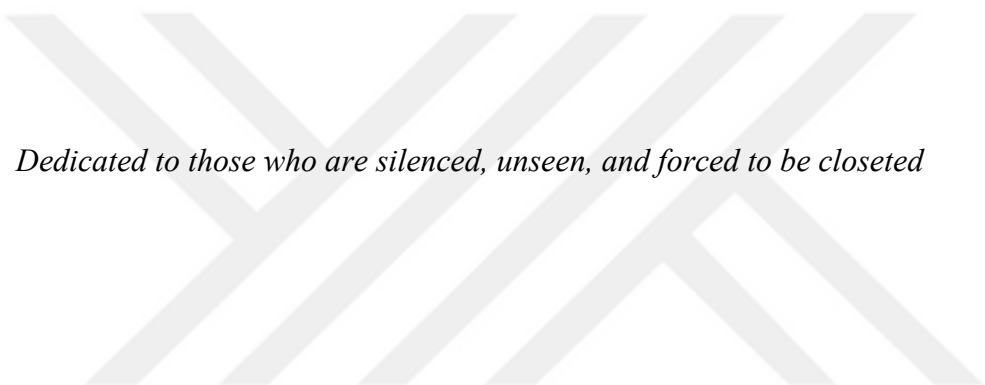
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Cinsel azınlıkların bazı haklarla ayrımcılığa karşı korundukları veya heteroseksüeller ile eşit haklara sahip oldukları durumlarda dahi ötekileştirilen ve marjinalize edilen cinsel kimlikler içindeki azınlıklar hala dezavantajlı durumlarda veya düzenlemelerle karşı karşıya kalmaktadırlar. Çalışma, bir cinsel azınlığın içindeki diğer cinsel azınlıklara yönelik sosyal dışlama ve ayrımcılık pratiklerini ve bunların etkilerini haklar söylemi bağlamında inceliyor. LGBTİQ+'lar bağlamında spesifik olarak biseksüellere odaklanıyor. Monoseksüel cinsel azınlıklar arasında, biseksüellik, genellikle "her zaman heteroseksüel olma imkânı olan" veya "yeterince queer olmayan" olarak klişeleştirilir; aynı zamanda heteroseksüel matrisin kurumları arasında da meşru olmayan veya görünmez bir kimlik olarak ele alınır. Bu tez, çeşitliliğe ve azınlık haklarının korunmasına güçlü bir vurgu yapan bir hak söylemi olarak çokkültürlülüğün, cinsel azınlıklar bağlamında azınlık içindeki azınlıklar sorununu çözmek için bir yol önermekte yetersiz kaldığını tartışıyor. Cinsellik söylemindeki kültürel normların bu eşitsiz koşulların nedeni olduğunu ve bu kültürel normların haklar söylemindeki eksiklikler ve bunlarla ilişkili politikalar tarafından desteklendiğini ortaya çıkarıyor.

Anahtar Kelimeler: Biseksüellik, Monoseksüellik, Hak Söylemi, Çokkültürlülük,
Azınlık içinde Azınlıklar





Dedicated to those who are silenced, unseen, and forced to be closeted

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LIST OF ABBREVIATIONS

IRB	The Immigration and Refugee Board of Canada
LGBTIQ+	Lesbian Gay Bisexual Trans Intersex Queer Plus
UNHCR	United Nations High Commissioner for Refugees



CHAPTER 1

INTRODUCTION

Since the 1980s, the LGBTIQ+ community in some countries has been gaining liberal and equal rights as a sexual minority after centuries of subjection to public humiliation, oppression, marginalization, deprivations of human and civic rights, and improper ‘*medical*’ intervention (*see. Equaldex*, a map to explore the progress of LGBTIQ+ rights across the world and the timeline of LGBTIQ+ rights). However, many scholars (Cohen, 1997; Santos, 2013; Mathers, Sumerau, Cragun, 2018; Daum, 2020) have argued that the progress in LGBTIQ+ rights and equality is strongly related with the construction of the “acceptable gay” and how homonormativity suppresses the identities of sexual minorities. These contemporary critics have paved the way for my thesis to discuss the erasure and injustice experienced by sexual minority identities, or minorities within minorities, among LGBTIQ+s themselves, even in jurisdictions where rights are defined for sexual minorities. My study will examine the effects of a sexual minority's practices of exclusion of and discrimination against marginalized or less-visible sexual minorities *within* LGBTIQ+ in the context of rights discourse.

The specific minority identity within LGBTIQ+s on which I will focus is bisexuality. Among monosexual sexual minorities (e.g., lesbian, gay), bisexuality as an identity is often stereotyped as being “always possible to be heterosexual” or “not queer enough”; at the same time, among the institutions of the heterosexual matrix, it is likewise considered an illegitimate or invisible identity. In other words, both the heteronormative sexual majority and the monosexual (lesbian, gay) minority tend to delegitimize bisexuality or disrespect bisexuals as such: they either often filter bisexuals through their dominant monosexual lenses (heterosexuality and homosexuality, respectively) in order to “accept” bisexuals; or simply deny the

existence of their sexual identity. Bisexuals thus epitomize the minority within a minority experience. Thus, it provides an ideal case study for examining the limits of rights discourse as a liberal framework, including the liberal-multicultural rights discourse.

My claim, then, is that examining where bisexual identity falls through the cracks in practices and policies towards sexual minorities, specifically in liberal systems and their implementations, will not only provide a better understanding of LGBTIQ+ identities and their experiences within rights discourse, but also will provide a more comprehensive analysis of how rights discourse fails to fully implement its claims of equality. Scholars such as Yoshino (2000), Rehaag (2008, 2009), Marcus (2015), and Burneson (2018) discuss this topic from the perspective of legal studies (e.g., for bisexuals and trans people within the LGBTIQ+ community), but not as a problem specific to multiculturalism. They have analyzed these civil rights cases within a legal context, again to expose where the present system has erased particular minorities in minority identities. However, I will examine these in the context of rights discourse more generally, to argue that the problem is with the liberal rights framework itself. In this regard, it is important to consider bisexuality as a sexual minority within minorities because it reveals that monosexuality characterizes the dominant understanding of sexuality. It also reveals that the liberal framework of rights is inadequate for protecting minorities within minority. Thus, in this study I will show that liberal rights discourse and policies that supposedly accommodate sexual minorities do not extend to bisexual identities. In order to present my argument, I will present cases from countries where liberal legal regulations and policies in theory could have included bisexuals, but in practice did not.

Even though sexual minorities are protected by some rights, or they have equal rights with heterosexuals, minorities within LGBTIQ+s still face disadvantageous situations or regulations. I will argue that the cultural norms in sexuality are the reason for those unequal circumstances, and that these cultural norms are bolstered by shortcomings in the rights discourse and the policies associated with them. In the case of bisexuality, some of the negative perceptions have included stereotypes such as promiscuity, being

sexually indecisive, untrustworthiness. Moreover, it is likely that bisexuals are being excluded even where LGBTIQ+ issues are raised in civil rights and immigration policies. These negative perceptions are evident in the cases I will discuss, such as marriage equality, child custody, education, and immigration policies. For instance, when a bisexual parent sues for child custody, the plaintiff is more likely to lose the case due to the widespread perception that "bisexuals are promiscuous," and are therefore not fit to be parents (see. Marcus, 2015). In the context of the right to education and healthcare, scholars (Pallotta-Chiarolli, 2021; Robinson, 2014) show how colonialism and monosexism operate together to erase bisexuality in schools even though the idea of 'diversity' is praised. Bisexuals encounter similar challenges with immigration policies. While there are laws and regulations protecting LGBTIQ+ refugees, bisexual immigrants fleeing persecution face greater risks of being denied asylum. Their bisexual identity is not seen as a real identity, or people who identify as bisexual are perceived as fraudulent or untrustworthy (see Peyghambarzadeh, 2021; Klesse, 2021a). Furthermore, bisexuals have been marginalized or stigmatized even within the LGBTIQ+ community. Since the idea that the dominant sexual identities in the LGBTIQ+ community are monosexual (i.e., lesbian, or gay) is quite intense, we see cases of LGBTIQ+ advocates excluding bisexuality from LGBTIQ+ rights advocacy, bisexuals not being mentioned in the laws related to LGBTIQ+ issues, or bisexuality not being accepted as a distinct sexuality in court decisions (see Yoshino, 2000; Burneson, 2018).

Therefore, considering such examples of the shortcomings in the liberal policies and rights discourse, it is evident that regulations and the protection of equal rights are not enough for sexual minorities within a minority. There is a tension between rights, the presumed universality of those rights and identities, and the people whom those rights protect or fail to protect. Even though some antidiscrimination laws and implementations are enforced, the prevailing rights discourse ultimately serves to reproduce and protect the normative culture.

One important critique of civil rights in this context and the effect of the majority's culture on minorities can be found in multiculturalism, which is itself a liberal rights

discourse but asserts that civil rights alone will not be enough that it should be supplemented with cultural rights for justice. Among variable theories of minority rights, multiculturalism encourages cultural diversity and cultural rights for minority groups. The disadvantage of bisexuals as a sexual minority within sexual minorities is comparable to the disadvantages of national minorities within the majority in terms of equality and possibility of deprivation of some rights. Multiculturalism proposes to maintain cultural diversity and to protect minority rights by protecting certain cultural rights. Considering this similarity, I will inquire into whether multiculturalism proposes an answer to the inequality and marginalization of being a minority within sexual minorities for bisexuals.

Yet, multiculturalism has been criticized by scholars from a variety of disciplines such as philosophy, political science, and legal studies due to the fact that it engenders a firm rupture between gender equality and cultural rights. Since gender equality varies significantly across cultures, this variance has provoked inquiry about gender equality as a possible limit to the presumed universality of benefits bestowed by cultural rights. The main point here is that even though multiculturalism promotes the cultural rights of minorities, minority identities *within* those minorities may still be excluded and deprived of some fundamental civil/societal/human rights (Okin, 1998, 1999; Deveaux, 2000; Shachar, 2001). Women, for example, might get some of the benefits from policies and rights based in the national minority they are part of; nevertheless, this does not mean that they are not “subject to disproportionate costs for preserving the group's nomos” (Shachar, 2000, p.69).

Thus, the concept of *minorities within minority* has been central to many elaborate critiques of multiculturalism in the last two decades or so, which is why it is also a focal point of this thesis. While multiculturalism develops both theory and practical policy mechanisms to conceptualize and protect minorities’ rights in a general way, critics have pointed out that in practice the theory fails to address the rights of minorities within minorities when it comes to gender, sex, religion or sect, or disability (Eisenberg & Spinner-Halev, 2005; Rodrigues, 2014; Song, 2007; Pallotta-Chiarolli & Rajkhowa, 2017; Karademir, 2018). In general, these studies have focused on

women's conflicted position within ethno-cultural minorities. However, with the notable exception of Rodrigues (2014) and Karademir (2018), who studied LGBTIQ+ individuals as a sexual minority within ethno-cultural minorities and plenty of literature on black identity with intersection of class, race, and gender (see Crenshaw, 1989; Anzaldúa, 1987; hooks, 1994, 2008), there remains a significant gap in the academic literature on bisexuality as a sexual minority within minorities.

In particular, there is almost no literature on bisexuality *within* sexual minorities in the context of multiculturalism except some particular columns were published in *Anything That Moves* (a magazine for bisexual issues since 1991) or in the books which are giving place for bisexuals' stories (see Tucker, 1995; Rose & Stevens, 1996). However, their works does not focus multiculturalism as a rights discourse. Recently, Robinson (2014) and Pallotta-Chiarolli (2016, 2021) works focused on the right to education in the context of Aboriginal schools and bisexuality. Nevertheless, these studies do not discuss the multiculturalism in a broader context.

Throughout my study, I will seek answers to the following questions: While liberal rights discourse manifests itself as including or protecting LGBTIQ+ people's rights, what is the position of bisexuals as minorities within minorities in the rights discourse? How is or can an identity possibly be granted their rights when the identity is seemingly "illegible" to the cultural codes at large? What does the "illegibility" and "transience" of bisexuality tell us about bisexuals' position in the face of legal and political regulations of rights discourse?

This thesis will address this comprehension of bisexuality, the erasure of bisexuality among other monosexual minorities (e.g., lesbian, gay), and its exclusion and invalidation in the context of rights discourse including multiculturalism. Monosexual sexual minorities constitute the majority within sexual minorities. Yet, the emphasis on the majority here is in fact a question of visibility, the dominant nature and (public) representation of LGBTIQ+ culture and identity, not a strictly numerical majority. This categorical subordination rather than numerical disadvantage, is what gives

bisexuality the position of a minority within minority, and this often makes bisexuals subject to exclusion, erasure, and underrepresentation.

In the first chapter, I will discuss the theorization of bisexuality and the practices of exclusion, marginalization, erasure, and stigmatization against bisexuals in the context of civil rights. I will introduce the concept of *binegativity* and underline the challenges bisexual individuals often face, ones that are caused by perceptions of bisexuality as an inconsistent, ambiguous, occasional, hybrid, "sham" identity, rather than a valid sexual identity on its own. I will not only focus on its positioning by the heterosexual matrix, but crucially I will also discuss how "the" LGBTIQ+ culture marginalizes bisexuals. I will show how the positions of both heteronormativity and monosexism together foster binegativity and crystallize a double discrimination against bisexuality.

In the second chapter, I will elaborate on the role of the dominant rights discourse in the exclusions or injustices that bisexual people have to face. While doing this, I will portray the challenges of bisexual individuals in relation to liberal legislations and regulations on civil rights, immigration, and the right to education, and by examining various case studies. I will present case studies specifically from countries where equal rights are defined for LGBTIQ+ or with LGBTIQ+ inclusive laws and practices to illustrate how rights discourse has failed.

In the third chapter, I will focus on another paradigm in rights discourse with strong emphasis on diversity, that is liberal multiculturalism. I will argue whether diversity framed rights discourse in the context of minorities within the minority proposes a way out in sexual minorities. In order to do this, as a case study, I will analyze Kymlicka's work, as one of the most important theorists in the multiculturalism literature. I will argue that since rights discourse does not deal with transformation of cultural codes, the solution to the problem does not lie in there. In the context of bisexuality and its place in the rights discourse, codes of monosexual culture should be questioned and revealed. As a result, the case studies I have presented are not just the inadequate or wrong application of the theoretical into practice. The problem is that the theory is incomplete, therefore, it necessarily encounters various problems in practice.

1.1. Bisexuality As an Umbrella Term

Bisexuality as a viable and distinct sexual orientation did not emerge in contemporary sexuality studies until the 1950s. The earliest studies in this field had either adopted the dichotomy between heterosexuality and homosexuality, so they did not even conceptualize bisexuality; or they focused on the negative consequences of bisexuality in relationships and on “moral issues” (Klein, 1993; Young, S., 1997; Gammon & Kirsten, 2006; MacDowall, 2009; Rust, 2000a, 2000b; Hackl, Boyer, & Galupo, 2013). How, then, has bisexuality been defined in contrast to monosexist erasures? Revealingly, the meaning of bisexuality has shifted since its first appearance in 1859. It began as an anatomical term synonymous with intersexuality, androgyny, or sexlessness; in the early 1900s, it became a psychological term for mixed-gender personality characteristics, and also gained its current meaning, that is, dual orientation. In the 1980s, bisexuality briefly meant having a sexual relationship with either gender. Thus, the definition of bisexuality as romantic or sexual attraction to both genders began in the early 1900s but became solidified only in the 1980s, which is also when it became a sexual identity (MacDowall, 2009; Eisner, 2013).

In the 1990s, bisexual activists appeared in the LGBTIQ+ movement/politics with their unique sound to raise their voice against the pathologization and marginalization of bisexuality. In the bisexual manifesto, “Anything That Moves: Beyond the Myths of Bisexuality” declared by The Bay Area Bisexual Network (a political alliance network in the San Francisco Bay Area) in 1990, challenged the expectation that bisexuality should be a “clear-cut definition”; and explained that it is a more complex experience than was commonly thought. Their claim was that “bisexuality is a whole, fluid identity; do not assume that bisexuality is binary or duogamous in nature; that we must have ‘two’ sides or that we *must* be involved simultaneously with both genders to be fulfilled human beings” (The Bay Area Bisexual Network, 1990). By the 1980s, sexuality studies had progressed through two poles, positioning homosexuality and heterosexuality as opposites. At this point, bisexuality was seen as a mere curiosity in the queer community (Israel & Mohr, 2004), and as “an occasional, unreliable data” in scientific studies (Blumstein & Schwartz, 1977). This has resulted in its being more

minoritized than monosexual minorities (i.e., lesbian and gay) since bisexuality was often neglected and dehistoricised. On the other hand, monosexuality (which includes both heterosexuality and homosexuality) continued to be seen as a "civilized," "evolved," "non-primitive sexual practice" as a result of history of colonization (Storr, 1997; Rust R. P., 2002; Hemmings, 2007).

In the 2000s, contemporary bisexual scholars (Firestein, 2007; Serano, 2012; Robinson, 2017) have also explored why bisexuality became an umbrella term for all "multisexualities." Currently in sexuality studies bisexuality is defined as an umbrella term for "multiple bi-spectrum identities, those that involve attraction to people of more than one sex and/or gender" (Eisner, 2013, p. 17).

My position in this context is somewhat similar. I understand bisexuality as "bi+" which can be used for all "non-monosexual" identities, including bisexual, omnisexual, pansexual, polysexual, queer, bicurious, fluid, hetero/homo flexible, and bi/pan romantic. I embrace this definition because although these identities have different meanings for individuals due to the uniqueness of sexual, romantic, or queer-platonic experiences, the discriminatory practices that they experience due to monosexism and heterosexism exhibit similar characteristics.

Thus, throughout the thesis, I will not stress the particularities of these gender identities (e.g., being cisgender or trans, or being both bi+ and asexual) in the cases I will analyze, unless it is crucial to understand the case. Nevertheless, I want to be clear that I am aware that bisexuality is only a part of an individual's sexuality, that it intersects with various identities, and that these intersecting identities also create intersecting discriminations, injustices, and invisibilities due to their unique subject positions in the face of hegemonic cultures. So, every time I use the term "bisexual" I will mean bi+, and my claims accord to all "multisexual" sexualities positioned against monosexuality.

1.2. Between Two Fires: Bisexuality in the Face of Heteronormativity and Monosexism

To comprehend how bisexuality has been subjected to double discrimination as described earlier, it is crucial to examine bisexual experiences in the context of monosexism and heteronormativity. As The Bay Area Bisexual Network declared, “We [bisexuals] are frustrated by the imposed isolation and invisibility that comes from being told or expected to choose either a homosexual or heterosexual identity. Monosexuality is a heterosexist dictate used to oppress homosexuals and to negate the validity of bisexuality” (The Bay Area Bisexual Network, 1990).

Bisexuality is often excluded and erased by both heterosexuality and homosexuality although the ways of ignoring bisexuality or not perceiving it as a distinct sexuality vary. It is obvious that bisexuality, as a sexual identity that contravenes normative sexual practices, is suppressed by heteronormativity. However, it has also been excluded and marginalized among sexual minorities due to its seemingly paradoxical aspect, i.e. being considered as not queer enough or as 50% gay and 50% heterosexual. On the other hand, there are variety of self-explaining of bisexuality. For instance, whereas one defines their bisexuality as “bisexual-lesbian,” “bisexual-gay” or prefer not to define at all, other may define being bisexual as “having more to do with potential than actuality” (see Hutchins & Kaahumanu, 1991; Tucker, 1995). Starhawk (1995) delivers the potential or fluidity in the bisexuality with these words,

Those of us who are bisexual, and honest, have to admit that our sexual orientation sometimes seems to change with the phases of the moon or the level of pollen in the air, or just with propinquity to whoever happens to be around. I honour the lesbian and gay activists who have made their sexual orientation a cornerstone of their identities, and respect the political need for doing so ... But if I’m honest about my own sexual identity, it has something to do with a deep reluctance to be pinned down. (p. 327).

What Starhawk claim is also important for the place of bisexuality in LGBTIQ+ politics. Even though homosexuals are more likely to embrace bisexuality as a sexuality, they also tend to exclude bisexuals among sexual minorities or reject their

place in LGBTIQ+ politics. For instance, Blumstein & Schwartz (1977) claim that, among homosexuals, bisexuals are seen as "consorting with the enemy" (p.291). Rust (2000a) asserts that, among lesbians, bisexuality is considered as a "threat", "a political cop-out" (p.217).

Scholars (Rust, 1992, 1993, 1995, 2000b; Klein, 1993; Ochs, 1996; Young, S., 1997; Eisner, 2013) argue that the paradoxical aspect of bisexuality proceeds from the fact that bisexuality goes beyond the gender binary or being attracted to one gender. In fact, heterosexuals and homosexuals' response to bisexuality often falls into the same place in this regard, that is, monosexist tendencies. Klein (1993) asserts that bisexuality is an "alien being" to monosexuals, who fail to comprehend aspects of bisexuality that shares "their own desires, but not their own aversions" (p.23). The issue here is that the "non-intelligibility" of bisexuality comes from being able to attract to more than one identity, and that also this identity has been constructed as primitive, ambiguous, and therefore non-existent in the monosexual paradigm.

In the "Troubling the Canon: Bisexuality and Queer Theory", authors (Gammon & Kirsten, 2006) make the significant observation that bisexuals are affected more broadly by monosexuality rather than heteronormativity while explaining the historical development of bisexuality in theory. This reveals one reason why bisexuality often is not recognized as part of sexual minorities among sexual minorities. Because while homosexuality is labelled as non-normative due to heteronormativity, that is only one aspect of bisexuality being labelled as non-normative sexuality. The other reason lies in being non-monosexual, and that feature of it contravenes both heterosexuality and homosexuality .

Monosexism, therefore, marginalizes people who are outside of the gender/sexuality binary and commits structural injustices towards those people. It is defined as a "form of power or structure of privilege that is based on the presumption that every person is (or should be) monosexual, that is, attracted to one sex (or gender) only." In its operations of oppression, the monosexist paradigm can easily intersect with other

forms of structural oppressions such as misogyny, cis-sexism, racism, and able-bodiedism (Goldberg, 2016).

Another aspect of monosexism is how the social perception of bisexuality varies depending on an individual's gender identity. Discussing bisexual identity in the context of its fluidity and cultural expectations, Fahs and Koerth's (2018) research on how bisexuality is perceived by heterosexuals and homosexuals underlines that while bisexual men are likely to be considered as closeted gay, bisexual women are usually seen as sexy or actually heterosexual but experimenting. These tendencies of mislabeling, erasing, and hypersexualizing bisexuality are derived, firstly, from monosexism. Monosexual and cultural expectations intrinsically strive to put bisexual identities into mono-sexualities. However, there is more than that in this construction. Monosexuality interacts with other oppressional structures. Namely, one should ask why gender identity has any effect on the understanding of bisexuality. This differentiation based on gender gives us the intersecting oppressional structures with monosexism, such as misogyny. There is nothing new in the hypersexualization of women or ignoring women's sexual freedom. Similarly, the mislabeling of bisexual men as gay (but not as heterosexual like in the case of bisexual women) reveals where heteronormativity and masculinity would drive the line when those are threatened. From the view of sexual minorities, how homosexual identity has been constructed as fixed and universal reveals the operation of heterosexuality and homosexuality binarism in the discourse of sexuality. Young (1997) argues that investigating the roots of the construction of homosexuality would also explain "how bisexuality is banished to restore the vision of a fixed and binary world" (p. 61).

Ultimately, what scholars in the 1990's identified (Rust, 1992, 1995, 2000b; Klein, 1993; Young, S., 1997; Ochs, 1996) as the main reason for exclusionary practices in monosexual sexualities was bisexuality's paradoxical aspect as blurring the boundaries of dominant forms of sexuality. For instance, Ochs (2005) underlines that bisexuals are blurring boundaries between heterosexuality and homosexuality. Then she remarks that "bisexual visibility within the lesbian and gay community calls into question the inaccurate assumption that there is a monolithic lesbian and gay

community with a single set of standards and values, composed of individuals who all behave similarly and predictably” (Ochs, 2005, p. 253). The emphasis on bisexuality as “opening up the possibility of monosexuals’ own sexual ambiguity” (Klein, 1993) is about the blurring -also breaking- of boundaries too, since bisexuality disproves the necessity of being attracted only to one gender; it exposes the arbitrariness of monosexism’s claims. It shows how monosexuality is, in fact, not universal or fixed. In the discourses on sexuality, monosexism is the dominant practice of exclusion, rendering bisexuality as invisible and/or marginalized, but precisely because bisexuality makes visible the instability of monosexual conceptions of sexuality.

1.3. Binegativity, Bisexual Invisibility and the Relation to Rights Discourse

Binegativity, as an outcome of monosexism, is defined as negative attitudes or biases, including aggression, hostility, and intolerance against and stereotypes about bisexual people (Dyar & Feinstein, 2018).

Among monosexuals, bisexuality is often seen as a non-existent sexuality, a phase, or a sham. Furthermore, bisexuals are usually labelled as “confused”, “experimenting”, or “in denial about their true sexuality” (Dyar, Feinstein, & London, 2015, Mohr & Rochlen, 1999). It is also perpetually associated with negative connotations like being unfaithful, promiscuous, or causing sexually transmitted infections (Eisner, 2013; Dyar & Feinstein, 2018; Ochs & Rowley, 2005; Israel & Mohr, 2004; Rust, 2000a). It cannot be denied that lesbian and gay individuals are, in general, more tolerant towards bisexuals than heterosexuals are. Yet, binegativity is more prevalent among cisgender lesbians and gays than other sexual minorities (i.e., among trans, asexual etc.) (Dodge, et al., 2016). Moreover, the particular ways in which binegativity manifests itself among LGBTIQ+ individuals are more dependent on their political practices and community. For instance, lesbians and gays tend not to prefer to date or have relationships with bisexuals, and they are likely not to see bisexuals as part of their community (Hartman, 2006; Rust, 2000a). Ochs (1996) argues that the misconceptions about bisexuality, such as being bisexual is an easy thing to perform in heterosexual society, or bisexuals tend to choose the easy way because of enjoying

"heteronormative privileges," are the central reasons for binegativity among LGBTIQ+ individuals.

As a result, bisexuals face challenges when they trying to belong to a community. For instance, Rust's (2000a) research on bisexuals in the United States and in several other countries, including the United Kingdom, France, Germany, Canada, Australia, and New Zealand, revealed a "lack of community and feeling of isolation" among bisexuals. The findings assert that "among the 171 men who answered the verbal question, "Would you say there is a bisexual community?" more than one quarter (28%) said that there is no bisexual community, a few others indicated that they didn't know if there is a bisexual community, and one in ten (10%) said or implied that they think there is a bisexual community, but that they are not part of it either because they haven't been able to find it yet, because it exists elsewhere, or because the community they used to belong to has disappeared" (Rust, 2000a, p. 55)

Binegativity and the exclusions it brings pose dangers for bisexuals. Researchers show that bisexuals suffer from mental health and substance abuse more than heterosexuals and more than other sexual minorities as a result of binegativity and bisexual invisibility, given that bisexuals are both stigmatized and marginalized by both heterosexuals and homosexuals (Armstrong & Reissing, 2014; Dyar & Feinstein, 2018; Ross, Salway, Tarasoff, & et al. , 2018; Schuler & Collins, 2020). All these findings on bisexuals' mental health, substance use, sexual health, and poverty are also compatible with findings in the report on bisexual invisibility by the San Francisco Human Rights Commission Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC (San Francisco Human Rights Commission Lesbian Gay Bisexual Transgender Advisory Committee, 2011). Bisexuals experience challenges such as not being able to come out of the closet, living isolated, not participating in LGBTIQ+ politics or attending LGBTIQ+ events, as well as a lack of representation. As a result, it is not surprising that bisexuals have the highest rates of suicide, depression or substance abuse than any other sexual minority.

Among all these forms of binegativity, the stereotypes of bisexuals as being in denial of their "true" sexuality or as being in a "phase" are especially important to clarify the

operations of monosexism. Bisexuality is seen as a “preliminary stage to reach [a] ‘stable’, and ‘real’ identity” like lesbians and gays (Ochs, 1996), because monosexism does not accept sexuality to be imagined otherwise. Monosexism tries to force us to assume that people's sexual orientation is based on the gender of their current partner (Rust R. P., 1992). In doing so, monosexism asserts itself as the only and true form of sexuality and creates bisexual invisibility. In this regard, monosexism leaves bisexuals with only one path: being in a polyamorous relationship to prove their “true” sexuality. However, in cases where a bisexual person is also polyamorous, binegativity only reinforces its own stereotype that bisexuals are insatiable, unfaithful and unreliable in relationships.

Monosexism also confines bisexuality to a series of vindications and legitimizations, instead of recognizing it as a distinct sexuality. By vindication I refer to cases where a bisexual having to provide an account of their sexual and relationship history to “prove” that their identity, relationship or life is "authentic." Otherwise, they are mislabeled as heterosexual or homosexual within the monosexual paradigm, or as indecisive. Indeed, bisexual invisibility in a relationship is one of the manifestations of discrimination that will play an important role, especially, in marriage equality and immigration policies (as I will discuss in Chapter 2).

Gammon and Kirsten (2006) elaborate how bisexual erasure and monosexuality are significantly interweaving each other in the problem of theorizing bisexuality in various contexts such as LGBTIQ+ politics, academia, and history, and the relations between them. In the same vein, Monro (2015) argues that the discursive invisibility, under-representation, misrepresentation, and marginalization of bisexuality are significant apprehensions that are related to identity politics. Their remarks are noteworthy to understand injustices and exclusions in policymaking and regulations in contemporary politics, since how identity is defined – or undefined – is crucial in liberal systems where legally defined identities also determine the individual's rights. As we will see from case studies, while policymakers and advocates are engaged with the *universalisation* of identities, they have not considered bisexuality as a distinct identity within sexual minorities; rather, it has been taken into account as transient

sexuality in between the “fixed” and “stable” identities of the heterosexual and homosexual binary. Thus, bisexuality has been condemned to be unseen, unnamed, or otherwise neglected in regulations, even in regulations reputed to be the most inclusive such as marriage equality, LGBTIQ+ rights advocacy, and refugee asylum implementations. Bisexuality is thus a unique example of how the “universalisation” of identities in the rights discourse is not genuinely universal.

For example, Browne and Nash (2014) investigate the anti-queer, anti-same-sex marriage, pro-traditional marriage trends that have emerged in Canada and the UK – that is, in countries where LGBTIQ+s are entitled to equal rights. Although their work is successful in revealing the contexts in which these discourses have arisen, the authors apply their arguments only for gays and lesbians when discussing LGBTIQ+ equality legislation. Therefore, it is possible to say that the lack of bisexuality theorization, as indicated by Gammon and Kirsten (2006), is still current even in the scholarship of the early 2000s. Such a trend is visible in many other studies (Graham, 2004, Browne & Nash, 2014; Ferguson, 2007) on LGBTIQ+ rights and equality legislation. For instance, Ferguson (2007) presents a radical democratic proposal for eliminating the arguments that American national identity is clashing with marriage equality legislation, thus, it should not be legitimized. One of the proposed solutions is “creating alliances with heterosexuals and bisexuals” against the normative traditional family culture (Ferguson, 2007, p. 41). But this phrasing makes clear that this radical and supposedly more inclusive vision merely equates bisexuals with heterosexuals, thus placing bisexuals outside the gay and lesbian community and not taking into consideration that marriage equality would be bisexuals' concern as well.

Supposing that two bisexual cisgender women get married, does the fact that they are of the same sex, and their sexual orientations are “compatible” make their marriage a “gay marriage”? Supposing that a bisexual person gets married with a person of “opposite” sex (whatever that means), and that there is no marriage equality where they got married, has the bisexual individual derived this right from their sexual orientation, or from everyday heteronormative dominant culture? For instance, Amanda is a bisexual teacher, married with a bisexual man. While she is telling her

story, she points out how their relationship is considered among both LGBTIQ+ community and wider society. She says,

Being married puts me in an odd situation when it comes to the gay community. After all, I “enjoy” heterosexual privilege — I can stroll down the street arm-in-arm with my sweetie and no one will blink an eye. I can say I am married and have my relationship validated by the approving nods of great aunts. I am not sorry I am married. I am sorry that these privileges are not extended to same-gender relationships. I am sorry the world is not more accepting of variety (Yoshizaki, 1991, p. 64).

Furthermore, studies on marriage equality often do not highlight that current civil law, where marriage equality is banned, is not a "group right" for bisexuals. Rather, monosexual orientations within the LGBTIQ+ minority consider it (and sometimes resent it) as a *privilege* enjoyed by bisexuals. But in fact, there is no right, or genuine recognition extended to bisexuals by the law. As I will discuss in later sections, bisexuals have suffered serious legal consequences because of this. Thus, arguments that misrecognize or fail to conceptualize bisexuals as a distinct identity merely stem from the fact that monosexuality is actually the norm.

All the practices of exclusion and invalidation towards bisexuality that I have introduced so far induce bisexual invisibility. That is, the operations of monosexuality as a dominant sexuality marginalize bisexuality and make it invisible socially and politically. The historical, social, and political invisibility of bisexuality is termed as bisexual erasure; that is the “omission of bisexuality in discussions of sexual orientation” (Yoshino, 2000). For instance, Marcus (2015) collects several notable anecdotes of bisexual erasure by LGBTIQ+ rights advocates. In 1992, the American Civil Liberties Union (ACLU) Lesbian and Gay Rights Project celebrated the legal victory of a bisexual whose employer fired her for coming out. But the ACLU director called it a “gay rights” case and thought that the plaintiff was lesbian (Marcus, 2015, p. 306). In 1995, *Romer v. Evans*, the U.S. Supreme Court struck down a discriminatory amendment directed explicitly against “Homosexual, Lesbian or Bisexual Orientation”. However, all subsequent references in the Court proceedings omitted “bisexuals” because LGBTIQ+ activists had demanded “that ‘bisexual’ should

be subsumed under the heading ‘gay’.” (Marcus, 2015, p. 307). Marcus and other scholars even argue that this shift in language shaped both public and legal discourse on LGBTIQ+ rights in general: “the word ‘bisexual’ almost entirely disappeared from the face of all subsequent Supreme Court opinions addressing LGBT rights” whereas previously “in cases where LGBT-rights litigants themselves were bi-inclusive in their brief-drafting, so too was the Court” (Marcus, 2015, p. 308). These examples specifically indicate how bisexuals are erased or excluded in the context of equal LGBTIQ+ rights. For this reason, there has been academic and political agenda on that bisexual erasure should be a political concern as it affects the rights that individuals are granted and the way these rights are interpreted in court or in practice. Finally, in 2005, LGBTIQ+ rights lawyers challenging California's legislation subsumed bisexuals under the umbrella of gays and lesbians by characterizing all three groups as “same sex” orientations (Marcus, 2015, p. 309)

Thus, bisexuals are faced both with the binegativity and bisexual erasure produced by monosexism. On the other hand, they are marginalized and/or made invisible both in their individual lives (e.g. in their relationship) and within the LGBTIQ+ community. Then, what are the shortcomings of the rights discourse in the context of bisexuality case and the consequences of being subjected to marginalization, exclusion, erasure, and underrepresentation for bisexuals? In the next chapter, I will examine specific cases through right discourse based on equality.

CHAPTER 2

BISEXUALITY AS A DILEMMA IN RIGHTS DISCOURSE

In this chapter, I will reveal the paradigms of institutions that regulate, supervise and produce policies for equal rights. My main aim is to demonstrate that monosexuality is not merely a sexual practice, but also the paradigm of law making and its institutions. In the previous chapter, I discussed the problem of the "existence" of bisexuality and its theorization through "temporality", "uncertainty" and "non-legibility." However, when it comes to equal rights, we see bisexuality in situations where it is actively "punished" and the denial of its existence intersects with other discriminatory practices. The main focus of this chapter will be on the discriminatory practices against or disadvantageous positions of bisexuals that emerge from their invisibility within so-called LGBTIQ+ rights.

I will argue that one reason bisexuals face with unequal or disadvantaged situations under the law, even where equal rights are defined for all sexual minorities, is because practitioners reproduce monosexist cultural codes. The other reason is that, as it is briefly stated in the previous chapter, bisexual erasure has been practiced among LGBTIQ+ rights advocates as well. Therefore, I will discuss the reasons and effects of such an erasure in the rights discourse in terms of bisexuality as a non-normative sexuality. My analysis will reveal how such rights discourse and judicial outcomes for bisexuals are influenced primarily by the dominant monosexual culture, rather than by rights discourse specifically. The prevalent view of bisexuality in terms of homosexuality or heterosexuality excludes bisexuality from consideration within lawmaking processes and its implementations, reflecting how monosexual culture exiles bisexuality in order to construct itself as dominant and fixed.

To reveal this monosexual paradigm in rights discourse, I will review the challenges that bisexual individuals have faced in relation to liberal legislations and regulations in the following three areas: marriage equality, child custody, and immigration. Scholars (Burneson, 2018; Marcus, 2015; Peyghambarzadeh, 2021; Yoshino, 2000) argue that bisexual identity often erased or not recognised in civil rights, immigration policies, and scientific research. Also, I think that analyzing these three areas will uncloak the main forms in which monosexism operates against bisexuality: such as labeling bisexuality as non-intelligible, assuming a person's gender and sexual orientation based on their partner's gender, and marginalizing bisexuals in general. In addition, it will present a base to discuss the importance of these forms regarding bisexuality's positions in rights discourse.

2.1. Bisexuality As a Dilemma in Marriage Equality and Custody

Marriage equality has been one of the crucial demands in the struggle for LGBTIQ+ rights. In the 1980s, the HIV/AIDS epidemic sparked debates over marriage equality since marriage could be beneficial in terms of health insurance, inheritance, and the right to make decisions on behalf of family member in case of emergency (Eskridge, 1996; Sullivan, 1999; Halkitis, 2019). Yet some scholars have criticized that marriage equality would only produce the idea of an "acceptable gay" and "civilized" LGBTIQ+s (Bernstein, 2015; Klesse, 2021a, 2021b) While debates continue, marriage equality has since campaigned for and legalized in the US, Canada, Australia, and some European countries. Marriage equality legislation has also sparked debates about the definition of the "family" and the right to adopt.

Notably, the opposition to LGBTIQ+ individuals having these rights equally with heterosexuals have come from cultural norms, not from the rights discourse directly. For instance, counter-arguments such as "LGBTIQ+ individuals are not suitable for the family structure," "they will disrupt the existing traditional family structure," "their way of living is not suitable for raising children", and "a queer family will negatively affect child development" are the common discriminatory arguments in the discussions. The source of all these arguments is the dominant cultural paradigm in

the discourse of sexuality, namely heteronormativity. In other words, heteronormativity accepts sexuality for reproductive purposes, the family formed between cisgender men and women, thus it reproduces traditional gender roles. Heteronormativity and its cultural codes define sexuality other than itself as abnormal, immoral, and wrong. Therefore, cultural codes against LGBTIQ+ individuals are inherent in the struggle of equal rights for LGBTIQ+s. But this raises an important question: Is it possible that *all* sexual minorities can benefit from equal rights without disadvantages, even where marriage equality is recognized or the right to adopt is granted to LGBTIQ+s? If the answer is yes, then we would expect to see the various elements of LGBTIQ+ reflected equally in legislation, but this is not the case. So if the answer is no, then what is the role of cultural codes in framing the definition of equality itself? Also, what are the cultural codes that produce discrimination and how do they lead to differences in the discriminations of sexual minorities?

In line with the main question of my research, I will address these issues first by focusing here on the disadvantageous situations and discriminatory practices that bisexuals as a minority experience in the context of marriage equality and adoption/child custody. I will argue that monosexual cultural expectations and bisexual erasure in those legislations or implementations are deeply connected.

First of all, bisexual erasure is evident even in the lawmaking based on LGBTIQ+ rights. For instance, in the landmark U.S. case on marriage equality in 2015, *Obergefell v. Hodges*, bisexuals were not even included in the wording. Marcus (2015) even applied to the Supreme Court to amend the decision to include bisexuals, yet that was not successful. This also typifies the LGBTIQ+ civil rights movement's "homo kinship" approach, in which gays and lesbians attempted to normalize themselves by comparing themselves with straights, at the expense of non-monosexuals (Burneson, 2018, pp. 70-71). These examples clearly show how heterosexuals and homosexuals were able to unite not primarily because of rights discourse, but because of a common dominant culture: monosexism. For both the court and the LGBTIQ+ rights advocates made a monosexist assumption here. They assumed that including bisexuals in marriage equality was insignificant because bisexuals could already marry someone

of the opposite sex, or would likewise benefit from the law granted to gays and lesbians in the case of marriage with a same-sex partner. Nevertheless in reality, by reinforcing the idea that marriage equality is a monosexual issue, this decision means that bisexuals are not subjects of marriage equality. For bisexuals, this erasure of bisexuality from legislative recognition is by no means a neutral or harmless decision. A significant example occurred in the lead-up to this legislation, 2010 landmark case that overturned California's Proposition 8 ban on marriage equality. The female plaintiff's desire to marry a same-sex partner faced skepticism because she had an ex-husband, thus implying marriage is for monosexuals only (Burneson, 2018). However, monosexist oppression can manifest not only in law enforcement, but also in the way it affects bisexuals' mental health. Although romantic relationships have positive effects on people, they may have direct or indirect negative impacts on bisexuals' well-being due to their invisibility and experiencing the binegativity they experience in their relationships (Armstrong & Reissing, 2014).

As explained before, dominant monosexual culture assumes attraction to only one sex/gender, thus causing us to infer, willingly or unwillingly, people's sexual orientations based on their current partner's gender. However, bisexuality puts monosexuality into a contradiction at this point. The reason is that contrary to the claim of the dominant monosexual culture, bisexuality reveals that sexual orientation cannot always tell us the gender of the partner or partners, or vice versa. Therefore, it is possible to say that even if sexual orientations or sexual minorities are given protection or equality on the law, bisexuals are still subject to discrimination or disadvantages as sexual minorities because of this dominant cultural paradigm. What lies behind here is not that bisexuality is non-normative sexuality, but its unique position against the monosexual paradigm.

Marriage as an institution does not only regulate social benefits, but carries cultural codes which has impacts on other legislations such as anti-discrimination laws based on sexual orientation. This has been shown in U.S. legal precedents on sexual minority discrimination, which have specified only "same-sex marriage" or "association with someone of a particular sex" and not sexual orientation more broadly. Burneson (2018)

argues that the existence of bisexuality disproves the notion that sexual orientation is purely relational based on how one's sex relates to another sex. The relational assumption is that a person's orientation can be accurately inferred from the sex of that person's partner (a male with a male partner means the person is "gay," a male with a female partner means the person is "straight," etc.). But this theory operates purely on a monosexual assumption. Bisexuals undermine this assumption, because the sex of a bisexual's partner (or, even, partners) at any given time is not a reliable indicator of their sexual orientation. This means, in turn, that it is impossible to determine anyone's sexual orientation with certainty based only on the sex of their partner at a given time.

Thus "[b]isexuals are not the 'wrong sex' in relation to their partners" (Burneson, 2018, p. 76), and arguments that equate sexual orientation discrimination with partner's gender are likewise fallacious. Yet again, the monosexual codes create a disadvantageous positions for bisexuals. Those codes could not consider that a bisexual person might be discriminated based on their sexual orientation even while having a partner of "opposite" sex. On the contrary, many bisexual individuals, like any other sexual minorities, prefer to hide their sexual orientation for not being marginalized or discriminated based on their sexual orientation. To illustrate, Yoshizaki tells that as a bisexual teacher, her sexuality might lead to dismissal or harassment. For this reason, she decided to be closeted at work and she says, "I found I have to choose my battles and then fight them with fierce determination" (1991, p. 64). This is because in order to accept a sexuality as legitimate, the monosexual paradigm strives to label bisexuality as either homosexual or heterosexual.

Therefore, developing legislation on marriage equality through the monosexual paradigm or erasing bisexuals in the amendments is precisely about not seeing bisexuality as a distinct sexual identity due to the monosexual paradigm, as mentioned in the previous chapter. This is because bisexuals are mislabeled as heterosexual or homosexual in their romantic relationships in accordance with dominant monosexual culture. Thus, for the monosexual paradigm, bisexuality is not even a consideration in marriage equality. In addition to causing bisexual erasure, the monosexual paradigm produces binegativity, defining various negative perceptions and attitudes as traits

inherent in the bisexual identity. For example, as I elaborated in Chapter 1, monosexism generates negative constructions that bisexuality is unstable and temporary, and equates these negative features with “bisexual identity”. Indeed, bisexuals are often seen as unreliable and unfaithful when it comes to romantic relationships because of the dominant monosexual culture. This type of negative interpretation is especially evident in discriminatory practices about marriage equality even though there were equal rights for *all* sexual minorities.

As in the second case, in the context of the right to child custody, it becomes explicit how the monosexual paradigm gives meaning to positive traits for a parent, such as being stable, decent, and reliable. To illustrate, courts are not sympathetic to bisexual parents, tending to equate bisexuality with “even *greater*...moral danger to children” and “emotional instability” than homosexuality, while also paradoxically subsuming their identity under homosexuality (Marcus, 2015, p. 318). In an Arizona case, a court of appeal disagreed with the appellant’s claim “that the trial court based its decision solely on [the] appellant’s sexual orientation,” only to state instead that the appellant’s “*ambivalence in his sexual preference*” was the true cause for denying the man’s petition to adopt a child. In a Mississippi case that denied a mother custody of her children, the court cited “the mother’s bisexual lifestyle” (later, “morality of the mother’s lifestyle”) and equated it with a “lack of financial and emotional stability” (Marcus, 2015, p. 319). The statement “ambivalence in his sexual preference” can be read as discrimination based on sexual orientation and the monosexist “necessity” in it is obvious. However, there is more than just a discrimination here: the bisexual parent is at an absolute disadvantage because she is outside of, illegible to, the monosexual cultural codes of parenthood.

When one looks at the subtext of these decisions, it can be seen that cultural codes perform stigmatization and marginalization of bisexuals by labelling them as “unstable,” “disloyal,” and “untrustworthy.” It is not surprising that such characteristics cause unfavorable judgments against the parent, especially when it comes to child custody. Nevertheless, expressions like “ambivalence in sexual preference” and “bisexual lifestyle” in the cases above show that courts are defining

parents with these characteristics because they are bisexual. So, the answer to the question I prompted at the beginning of this chapter is that even if rights are defined, bisexual individuals will still be at a disadvantage in various ways because the paradigm that determines the stereotypes and who is or is not promiscuous, unstable, and untrustworthy is itself monosexist. In other words, one can easily be disadvantaged even when discrimination based on sexual orientation is deemed against the law. Authorities might say that they don't care about one's sexuality or partner, but their character matters. In such a situation, it is the monosexual cultural codes that determines our judgements of character. Thus, bisexuals can be subjected to discrimination under the guise of non-monosexual moral judgements without being subjected to discrimination based on sexual orientation.

In summary, both the case of marriage equality and child custody for bisexuals reveals how monosexual cultural intrinsically strives to put bisexual identities into monosexualities. In the case of marriage equality, bisexual erasure takes place at the level of legislation. In the case of child custody, monosexism as the dominant culture, labels bisexuality with negative stereotypes that even if equal rights are granted, discrimination or disadvantages still occur. Thus, sexual minority rights turn out to be in not just about granting equal rights through legislation, but about how monosexual culture determines who gets rights in the first place. By erasing and stigmatizing bisexuals, monosexual culture excludes them from rights discourse even as a point of discussion. This therefore demonstrates why rights fail to become universalized: because cultural paradigm shape rights discourse.

2.2. Bisexuality As a Dilemma in Immigration and Refugee Policies

While LGBTIQ+ refugees and asylum seekers are exposed to both xenophobia and homophobia in their host country, they are also exposed to violations of rights in many areas such as health, education, and employment. Although there have been many equality-based developments regarding the status of LGBTIQ+ refugees in recent years, discriminatory practices and inequalities towards them are still evident. For instance, the report published by the United Nations (2020), states that among the

partially realized Beijing Declaration visions, progress has been made towards people who have been subjected to discrimination in various forms, including migration status and sexual orientation. Moreover the report draws attention to having intersecting identities. The section which examines global and regional trends indicates that if individuals are indigenous, LGBTIQ+, refugee, or with a disability, they are subject to variable forms of marginalization and discrimination. The reason is that they are minorities within a minority. Moreover, their intersecting identities also create intersecting discriminations, injustices, and invisibilities due to their unique subject positions. The rights of migrants and rights of LGBTIQ+ individuals are also emphasized among the topics that needed “systemic change and greater accountability” (United Nations, 2020, p. 8). The “leaving no one behind” strategy has also been adopted under the Beijing Action Plan. Here, the stated aim is to protect the rights of LGBTIQ+s who are exposed to violence because of their sexual orientation and gender identity. In addition, in order to prevent multiple ways of discrimination, the UN aims to consider identity characteristics that may be subject to discrimination such as disability, age, insecure migration status, and ethnicity (United Nations, 2020, p. 56). Similarly, there are many international conventions and policies (see UNHCR, 2002, 2011; Council of the European Union, 2004; US Citizen and Immigration Services, 2011) that grant protection for *all* LGBTIQ+ refugees and asylum seekers. However, even with all these reported developments and concerns, is it possible to say that minorities within sexual minorities can also benefit from them? If the answer is no, is it possible to trace the monosexual culture paradigm in the discriminatory practices to which bisexuals are exposed?

To reveal the monosexual paradigms of institutions such as these that regulate, supervise, and produce policies, I will now discuss the dominant discourse within the laws and policies based on equality for LGBTIQ+ Refugees and Immigrants. While these policies are typically presented as pluralistic and egalitarian, I will demonstrate where this claim fails for LGBTIQ+ refugees and immigrants because of the monosexual cultural paradigm.

Based on article 16 of the UNCHR, “a claimant’s sexuality or sexual practices may be relevant to a refugee claim where he or she has been subject to persecutory (including discriminatory) action on account of his or her sexuality or sexual practices” (2002, p. 4). Although this article opens a door for sexual minorities in immigration policies, it also raises the problem of proving the “genuineness” of one's sexual identity. This requires translating their “experiences of persecution into the kinds of asylum narratives that are recognizable to the state” (Lewis, 2013, p. 176). Therefore, a need for a translation emerges between the cultural codes of sexuality in the home country and host country, the codes of sexuality perceived “universally,” and the sexuality experienced by the person themselves. So, what is the paradigm that will determine this recognition and determine which narratives are legible?

Before going into discussion, I should remark that there is a lack of quantitative data on bisexual immigrants and refugees. Exact rates cannot be determined for the simple reason that most refugee applications are not publicly available, making a review of them as of yet methodologically unfeasible. For instance Sin (2015) collected the cases of bisexual immigrants from 1967 to 2012, yet these cases are insufficient to provide a quantitative data for presenting situations of bisexual immigrants. Similarly, Regaah’s research (2008) shows that his reviews among 115 published IRB (the Immigration and Refugee Board of Canada) refugee decisions and 45 Federal Court decisions, there are only 8 bisexual claimants and none of these cases resulted positively on behalf of the bisexual claimant. From a different perspective, it is likely that this kind of data would be flawed while there are many bisexuals hiding their sexuality due to binegativity in immigration or refugee process.

The most essential challenge that bisexuals encounter in the immigration case is that bisexual migrants fleeing persecution face greater risks of being denied asylum than monosexual migrants (Rehaag, 2008, Sin, 2015; Koçak, 2020; Peyghambarzadeh, 2021; Klesse, 2021a). Rehaag (2009) argues that bisexual invisibility in the immigration law is the reason for bisexuals’ being turned down. Moreover, he maintains that invisibility in American, Australian, and Canadian immigration law is strongly related to bisexual invisibility in rights discourse and practice. While Rehaag

has a strong point in this argument, there is a more profound problem here than rights discourse and practice being blind to bisexuality.

Misconceptions about bisexuality, such as being 50% homosexual and 50% heterosexual, being just a phase, or being able to “pass” as heterosexual, reinforce the illegibility and invisibility of bisexuals in the case of immigration. As a result of this, it cause them to be discriminated against even when rights are granted. Particularly, monosexuality is clearly functioning as a cultural paradigm in the context of immigration policies. For instance, it is much more challenging for bisexuals to complete their registration in interviews at UNHCR or immigration offices because they are subjected to more interrogation and further investigation to prove their sexual identity (Peyghambarzadeh, *The Untellable Bisexual Asylum Stories*, 2021). At the end of these long processes, their applications are likely to be rejected. It is possible to see such practices not only in UNHCR but also in refugee policies of specific countries. For example, a bisexual healthcare worker’s application for asylum in Ireland, who left Zimbabwe due to discriminatory and hostile practices against LGBTIQ+s, was rejected by the Irish Ministry of Justice. The reason for the rejection was “not seeming bisexual.” (Kelleher, 2020). Thus, LGBTIQ+ immigration policies reinforce the monosexual claim that “heterosexuality and homosexuality are seen as stable identities; and bisexuals can solve their problems in their countries by ‘choosing’ to live as heterosexual” (Spijkerboer & Jansen, 2011). Yet, this clearly demonstrates the impact of the perception of bisexuality – and indeed of being illegible as a sexual identity more generally. Tellingly research also shows that after a bisexual applicant’s refugee status is declined, “passing” as a heterosexual is usually proposed as the way to prevent discrimination against them (Klesse, 2021a; Peyghambarzadeh, 2021). However, for a bisexual, choosing to “pass” as heterosexual or living a “discreet” life does not mean anything other than staying in the closet.

There are problems caused by the labeling of the bisexual identity as “illegible” by the monosexual culture in the implementation of immigration policies. Having “illegible” identity is strongly related to the monosexual cultural code of “authentic” sexuality or relationship especially when an interrogation is undertaken on the previous

relationships of the bisexual applicant. Marcus (2015) cites several cases where immigration offices have denied the authenticity of a bisexual's relationship and/or sexual orientation. For instance, one man's "homosexual" past caused an immigration board to conclude his marriage was fraudulent. This therefore clearly demonstrates how the immigration and marriage policies both intersect. In another case in the U.K., the inverse occurred: a man's past marriage to a woman led officials to accuse him of "dishonest sexuality," concluding that his current same-sex relationship must be false. In response, the applicant "took the drastic step of sending photos of himself having sex with his male partner to the British Home Office" to avoid risking murder in Jamaica (Marcus, 2015, p. 316). This does not change in cases of '*voluntary*' migration to a country where one is not a refugee or asylum seeker. For instance, again on the basis of marriage fraud, the U.S. threatened to deport a man who came out as bisexual after twelve years of marriage to a woman. (Marcus, 2015, p. 318). In other words, an immigrant is believed to be lying about their same-sex interest if they had a relationship with the opposite sex.

Consequently, this causes bisexual immigrants or refugees to be perceived as liars for the sake of the protection of "true" LGBTIQ+ immigrants' safety and rights. For this reason, most bisexual asylum seekers or refugees have to declare that they are monosexual so that their application is not rejected (Peyghambarzadeh, 2019) . For instance, in a case from Canada, an adjudicator denied asylum to a Saint Lucian bisexual refugee because the eighteen-year-old woman had discontinued having sex while in Canada: "She [says she] is underage to go to gay clubs and she is busy with going to school. It is difficult to believe how a person sexually active with a male and two females from the age of 14 is living a celibate life now" (Rehaag, 2009). Once again, essentialist and monosexist misconceptions about sexuality, and stereotypes about bisexuals (in this case, promiscuity), drove a legal decision process regarding a bisexual. Therefore, although the exclusion of bisexuals is not directly aimed here, monosexual cultural codes and the invisibility of bisexuality in the immigration laws come together; therefore, bisexual immigrants are exposed to discrimination.

The lack of a legally recognized bisexual identity means that bisexual immigration applications get lost in bureaucratic translation. Rehaag (2009) cites cases of several bisexual asylum seekers' rejection in Canada to demonstrate how immigration law and implementations are blind to bisexual experiences. For instance, a bisexual woman applied to Canada for asylum from sexual persecution in Iran, but at the time she was in a relationship with a man, whom she expressed her intention to marry. As a result, Canada denied her asylum because her "actions are those of a heterosexual woman." (Rehaag, 2009, p. 427). Similarly, the Australian authorities denied asylum to a Pakistani man, dismissing his past sexual experiences with other men as "a transient, youthful phase." As well as showing the effects of bisexual stereotypes, this case again shows how essentialist and monosexual cultural ideas about sexuality as a singular and immutable lifelong fixation blindly determine the actions of the state apparatus. Notably, whereas in the previous Canadian case, the bisexual applicant was deemed not *heterosexual* enough, in this case the bisexual applicant was deemed not *homosexual* enough. In short, neither applicant was deemed *monosexual* enough. Decision makers do not see bisexual applicants' sexual identity as 'real' in cases where the bisexual applicant's country is known as a society where experiencing sexuality is considered morally wrong. On the contrary, immigration officers assume that bisexual applicants engage in 'homosexual' relationships instead of opposite-sex partners only because they cannot freely practice sexuality in their home country. This also shows that the question of whether a bisexual migrant's sexual identity is genuine or not is evaluated, according to the cultural norms of the host country as well as the monosexual paradigm.

Immigration officers or refugee adjudicators tend to expect applicants to show that they "really belong to that group." This means that an LGBTIQ+ applicant is expected to be acceptable regarding the traditional interpretations of "non-heterosexual / non-cisgender." In addition, queer migration scholars state that the current trend on rejecting LGBTIQ+ asylum seekers has shifted "from *discretion* to *disbelief*" (Mole, 2021, p. 9). For instance, a refugee claimant expressing their sexuality as fluid and flexible led Australian Refugee Review Tribunal to reject the application for "being very reluctant to accept gay." In another case, a Ukrainian gay's application was

rejected by Canadian IRB since the applicant explained his homosexuality with wording as a “choice” (Rehaag S. , 2008, p. 74). Therefore, non-monosexual immigrants and refugees are not exempt from the cultural codes of monosexism as well.

All these cases I have analyzed demonstrate that bisexuals are exposed to erasure and discriminatory practices in immigration policies. Bisexual asylum seekers have less chance of receiving asylum status than monosexual sexual minorities, some bisexual asylum seekers feel compelled to hide their orientation, pretending to be monosexual to increase their chances. When they declare that they are bisexual, they are deprived of the rights defined for LGBTIQ+ immigrants, on the grounds that they do not look bisexual enough, may pass as heterosexual, and may lead a discreet life. Therefore, we encounter a monosexist cultural paradigm that erases bisexuals or forces them to become “acceptable” LGBTIQ+s who comply with monosexual expectations.

2.3. Beyond Civil Rights

Thus far, I have introduced bisexuality's position as a sexual minority in the liberal rights discourse. The cases that I have examined so far have shown that rights discourse, which is not especially based on diversity, tries to solve the problem by granting individuals equal rights. Nevertheless, rights discourse is insufficient to solve discriminatory practices towards bisexual individuals. The dominant culture on sexuality, that is monosexuality, has a dichotomic paradigm that defines gender identities as male-female; and sexual orientations as heterosexual-homosexual. Then, I have analyzed the impacts of the monosexual culture on rights discourse in the context of exclusions or injustices that bisexual people have to face. Throughout the cases, I have argued against the assumption of liberal rights discourse that minorities would still be represented and protected under equal laws. Even though in theory, logically, human rights protections of discrimination against sexual orientation would seem to encapsulate bisexuality, in practice they can't really do so as well as they do for monosexual orientations. Considering the cases I have discussed, bisexual individuals still face with unequal or disadvantaged situations or regulations even

though sexual minorities are protected by some rights, or nominally have equal rights with heterosexuals.

The bisexual dilemma in rights discourse has caused bisexual individuals to have been omitted within laws or articles since monosexuality is the paradigm accepted by the prevailing culture and by the rights discourse and its institutions. Furthermore, monosexual culture equates bisexuality with negative behaviors and traits and reproduces itself in law-making or court processes. Above all, it should be underlined that the main point throughout the case studies is more than discrimination based on sexual orientation. What I emphasize here is that the source of this stereotyping and marginalization is evolving out of monosexual cultural assumptions. As I have discussed above, a bisexual can be discriminated based on their sexuality, yet the discrimination does not necessarily have to be direct forms. One perceives or judges by what they see from the perspective of monosexual norms, so they may not find bisexual parents/individuals worthy of child custody because they see bisexual as unreliable or promiscuous; or they may reject the immigration application because bisexual immigrants' request is based on false testimony. After all, we make our judgments through social norms, and monosexuality determines those norms. Therefore, equal rights will not be a solution for disadvantageous positions for bisexual individuals without seeking for the tools for paradigm transformation at the same time.

If the main problem was related to rights in the cases I gave in the context of marriage equality, child custody or immigration policies, then extending equal rights or antidiscrimination laws more broadly would have been a way to solve the problem. However, various laws on equality, besides the prohibition of discrimination, provide examples of where disadvantages situations for bisexuals are valid. Therefore, it is possible to say that the problem here is distinct and deeper than granting equal rights. The problem here is that monosexuality, the dominant culture in sexuality, which I have been problematizing throughout my work, has permeated all cultural codes and reproduced them. Even when there is no discrimination against bisexuality specifically, discrimination occurs due to the characteristics and behaviors determined by the norms of this dominant culture. Thus, bisexuality as a sexual minority position

is suppressed not so much by the rights discourse, as by the monosexual dominant culture.

I argue that the issue cannot be solved without problematizing the norms that determine what it means to be stable, decent, authentic, or trustworthy in a romantic relationship, parenting, or immigration situation. Such cultural codes are not determined by law, rather, they are considered in law enforcement in a way that influences the final decision. It is difficult even to find the ground to discuss any kind of ‘non-normative’ sexuality or form of relationship within the given cultural codes in the right discourse. Moreover, not being able to talk about diverse relationships and positions with interrogating the cultural codes causes us to discuss only limited aspects of the issue. Therefore, my claim is that inequalities or disadvantages that bisexual individuals are subjected to even when equal rights are granted to them reveal how rights discourse perpetrates monosexual cultural paradigm, unless it does take into account the diversity framework. In other words, there is a need for policies and a diversity perspective that will prevent such bi-negative inferences and constructions.

I should emphasize that my main aim is not to reject all the ideals of liberal rights discourse. Throughout the cases I have discussed, it is visible that the ideal of equality has brought several crucial achievements in LGBTIQ+ rights. However, my claim is that marginalized minorities within a minority are unable to exercise such rights, or that they might face disadvantaged positions. For this reason, there is an urgent need for a perspective that will answer the shortcomings of the rights discourse’s claim on equality.

Yet, having discussed how cultural norms affect rights discourse in terms of equality, this now brings us to another area that we need to discuss: how cultural norms work in the rights discourse that pursues diversity. Even though revealing the disadvantaged positions of minorities and questioning the reasons of them are a solid start as a vantage point, we need to inquire into the ways in which the disadvantaged identities are being included in the rights discourse surrounding diversity. For this reason, I will introduce

liberal multiculturalism as the case study for my inquiry into diversity-focused rights discourse in the next chapter.



CHAPTER 3

LIBERAL MULTICULTURALISM AND SEXUAL MINORITIES

In the previous chapter, I have analyzed bisexuality as a case study in the context of equal liberal rights discourse. In this chapter, I will extend this discussion within to the diversity framed or minority-friendly rights discourse, namely liberal multiculturalism. Multiculturalism identifies problems in traditional liberal rights discourse and presents itself as a remedy (Kymlicka, 1989; Kymlicka, 1995; Margalit & Raz, 1990; Raz, 1994). In this chapter I will analyze whether liberal multiculturalism provides a remedy for the problems of sexual minorities. The reason why this inquiry is necessary is that the discussion I had so far reveals three main points. First, bisexuality has a minority position not only in the context of the heterosexual paradigm but also within the LGBTIQ+ community. Second, liberal rights discourse based on the idea of equality is not sufficient to prevent discriminations or disadvantaged positions for minorities. Third and most important, the cause of this insufficiency is the codes of the dominant culture, which have significant influence on the liberal rights discourse how to exercise basic rights and liberties. In other words, my findings on sexual minorities align with the idea that if the rights discourse is based on equal rights only *and* claims the privilege of being “neutral” with respect to cultural and sexual particularities, it will be necessarily blind to how dominant cultural codes impact policy decisions. Clearly, then, there are contradictions within the rights discourse and these contradictions lead to problems of equality. At this point, considering the question of *diversity* would pave a way to pursue the rights discourse in the context of minority rights, hence the need to analyze liberal multiculturalism.

In the context of diversity and liberal rights discourse, Will Kymlicka’s liberal multiculturalism presents itself as the most famous rights discourse which

acknowledges cultural diversity and minority rights. For this reason, in this chapter, I will investigate what Kymlicka's liberal multiculturalism, which reframes and nuances rights discourse within a framework of cultural diversity, can bring to the discussion. In the context of the main question in my work, I will again proceed through the bisexuality case. Kymlicka's answer focuses on only ethnic/religious minorities when it comes to minority rights; however, my claim is that sexualities are just as important. Also, Kymlicka's underestimates the influence of culture on minority rights. Yet, I will argue that any discussion about the rights discourse will fail to accommodate minority rights -regardless of focusing on ethnic or sexual minority- unless the culture is questioned.

First, I will summarize some key points of Kymlicka's theory and how Kymlicka justifies minority rights as well as his concept of "societal culture" since it has a pragmatic place in Kymlicka's liberal multiculturalism (Kymlicka, 1989; Kymlicka, 1995; Kymlicka, 2001a; Kymlicka, 2001b). Then, I will explain his differentiation between two types of minorities, namely national and immigrant, and three forms of group differentiation rights: self-government, polyethnic rights, and representation rights. Finally, I will depict the solution Kymlicka proposes to protect minorities within a minority in the case of group rights that clash with the fundamental rights of disadvantaged groups within a minority community. I will highlight this issue as a dilemma of liberal multiculturalism and discuss Kymlicka's concepts such as internal restriction and external protection.

Second, I will discuss the problem of minorities within a minority that arises in liberal multiculturalism and its meaning in the context of sexuality. I will follow feminist and queer critics of multiculturalism. Scholars (Anzaldúa, 1987; Crenshaw, 1989; hooks, 1994; Shachar, 2001; Eisenberg & Spinner-Halev, 2005; Song, 2007; Rodrigues, 2014; Pallotta-Chiarolli & Rajkhowa, 2017; Karademir, 2018) , discuss the problems that arise from the absence of gender and sexuality in Kymlicka's liberal multiculturalism. I will introduce and discuss the meaning of what Kymlicka calls societal culture and the preservation of culture in the context of gender and sexuality.

Finally, I will discuss whether Kymlicka's solution in liberal multiculturalism such as granting cultural rights and having policies that encourage and recognize cultural diversity, would solve the aforementioned problem of rights discourse in the context of bisexuality. While doing this, I will portray the challenges that bisexual individuals may face in relation to diversity framed rights discourse, especially challenges arising from Kymlicka's emphasis on "the culture" and "the preservation of culture". Thus, I will argue that multiculturalism could not propose a progressive solution for marginalized sexualities without challenging the dominant culture.

3.1. Kymlicka's Liberal Multiculturalism and Minority Rights

Kymlicka argues that liberal multiculturalism would enable minorities residing among the dominant ethnic majority to enjoy their freedom and individuality without assimilation (Kymlicka, 1995; 2001b). Multiculturalism, Kymlicka argues, would protect individual autonomy (which is already a liberal principle) by allowing minorities to maintain membership in their own cultural groups and make choices that are specifically meaningful to them. Kymlicka's basic critique of liberal rights discourse, then, is that its "one size fits all" concept of equality fails to account for cultural diversity.

Thus, first of all, like other liberal multicultural scholars, Kymlicka (2001b) argues that liberal rights discourse's claim of neutrality actually establishes a ground for maintaining only the majority's interests and culture. This is because neutrality hinders acknowledgement and discourages questioning of the historical and cultural processes behind liberal jurisdictions and policies. Likewise, the liberal idea of neutrality in the public sphere, namely the protection of fundamental human rights such as freedom of expression regarding one's culture and personal identity, is strongly related to the feeling of belonging to a community. Yet, the components that are supposed to enable this feeling such as official holidays, official history -and symbols-, official language, electoral regions etc. are regulated by the centralized state, which grounds its regulations in the dominant ethnic majority's understanding of the past and the majoritarian understanding of what it means to be sacrosanct or which language is the

language of the ancestors. Therefore, the mainstream culture of the dominant majority and the apparatus of the state are intimately intertwined. In other words, neither the liberal rights discourse nor liberal states are neutral in terms of identities, jurisdictions, policies, or the public sphere.

Second, in order for a liberal society to fulfill the liberal principle that is individual autonomy, minority rights protecting minority cultures are needed. This is directly related to how minority cultures function as “context of choice” for minority individuals (Kymlicka, 1995, p. 89). Kymlicka reminds us that being able to use one's language and culture may sometimes be a prerequisite for making meaningful choices. In other words, we do not make our choices in disconnection from everything, but from a cultural background produced by historical, religious and ethnic conditions and interpretations. Therefore, minority individuals must also be able to live within a society that is respectable and rich enough for their choices to be meaningful and for them to lead an equal life. For this reason, Kymlicka establishes a relationship between cultural diversity and rights and equality.

Kymlicka claims that liberal individualism also directly connects with one's living their culture in order to realize individual equality and access to equal rights. In other words, he aims to show that granting minority rights is not a threat to the ideal of individual autonomy, but rather an essential requirement for establishing effective and equal policies, implementations, and also development of individual autonomy in minority groups. In short, his aim is to show that minority rights, which is bounded with liberal principles such as freedom and democracy, accords with liberal rights discourse or human rights. Considering all these, it can be said that Kymlicka aims to combine liberal multiculturalism with liberal individualism and communitarian or culturalist rights.

3.1.1. Kymlicka's Societal Culture and the Basis of Cultural Diversity

In accordance with liberal principles, Kymlicka introduces the concept of *societal culture*. He defines a societal culture as “a culture which provides its members with

meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres. These cultures tend to be territorially concentrated, and based on a shared language” (Kymlicka, 1995, p. 76).

In his primary work, *Multicultural Citizenship* (Kymlicka, 1995), he elaborates on the importance of culture and its relation to freedom of choice, which is one of the fundamental principles of liberal rights discourse. He asserts that freedom of choice can be fulfilled in a liberal societal culture by protecting individuals’ ability to make meaningful choices through “the social practices based on their beliefs about the values of these practices.” According to Kymlicka, “the liberal value of freedom of choice has certain cultural preconditions, and hence ... issues of cultural membership must be incorporated into liberal principles” (Kymlicka, 1995, p. 76).. Furthermore, having a belief about the value of a practice is, in the first instance, “a matter of understanding the meanings attached to it by our culture” (Kymlicka, 1995, p. 83). For this reason, there is a need of special cultural rights to protect cultures against the assimilative power of the majority. So, defining culture within liberal multiculturalism will also be directly associated with minority rights. This will be one of the notions I will return to, especially when discussing bisexuality in the context of multiculturalism.

According to Kymlicka (1995), there are two essential reasons for the significance of cultural membership: granting and defining the conditions of individual autonomy and an individual’s sense of identity or self-respect. Both individual autonomy and cultural membership will work together because culture is what enables meaningful options and decisions for people so that they can find, examine or follow their aims in life, and have a sense of belonging. Cultural membership is significant for people’s identity or self-respect because of the fact that through meaningful options ensured by cultural membership, people can find a place and connection to the community to which they belong. Yet, in order to achieve this, that culture must be perceived as respectable enough to worth taking actions to protect it.

Kymlicka does not limit the operation of societal culture to individual autonomy and cultural membership. In addition, he also stresses that societal culture is used in "societal institutions" and affects the policies of these institutions (Kymlicka, 2001b, p. 40). In other words, it is reasonable to say that Kymlicka's definition of social culture has an impact on laws, courts, education system, economy, and platforms for political and media representation. However, the culture that regulates those in modern societies is the culture of the dominant ethnic majority, thus minority cultures have been left to extinction. Indeed, my previous chapter reflected this, in its demonstration of how culture operates over both rights discourse and its practices with respect to sexual minorities. This chapter will explore this relationship even further. The relationship between minority rights and culture, which Kymlicka puts forward as a liberal solution to the minority rights problem, will form the main part of this chapter in relation to the subject of my study. In this regard, I will discuss whether liberal multiculturalism genuinely realize its claim of diversity, and most importantly, how Kymlicka's culture is defined relative to sexuality, and how these debates relate to the bisexuality case.

However, in order to deepen this discussion, it is first important to introduce whom Kymlicka considers as minorities and what kind of rights and options liberal multiculturalism grants to them. In the next chapter, I will explain how Kymlicka classifies minorities as national minorities and immigrants and what kind of rights he deems appropriate for these minorities.

3.1.2. Kymlicka's Classification of Minority and Minority Rights

As I stated in the first chapter, how identity is defined is significant to discuss or grant equal rights and to protect individuals' rights in the context of rights discourse. For this reason, Kymlicka (1995) categorizes minorities as follows: a national minority and immigrants. I will define national minority and immigrants below.

Kymlicka seeks to make possible the conditions for empowering minorities' cultural background, acknowledging that it is not possible for even a liberal state to abolish

culture or to prevent cultural interpretations from affecting the decisions and regulations of liberal social institutions. In order both to maintain the egalitarian principles of liberalism and the rights of individuals within minority groups, Kymlicka (1995) asserts minority rights as being "within a liberal egalitarian theory which emphasizes the importance of rectifying unchosen inequalities" (p. 109). Moreover, based on liberal multiculturalism, once there are differences and diversity among the various minority groups, group-differentiated rights are needed to be granted for each group's members to enable them to accommodate their culture. So, based on his justification of minority rights and the principle of liberal multiculturalism, we should question if all minorities benefit equally from this rectification of unchosen inequalities? Here, in order to discuss whether minority rights are covering sexual minorities, first I will go into detail about national minorities and immigrant groups and briefly talk about how rights are defined according to this categorization.

National minorities are minority groups that were once "complete societies on their historic homeland prior to being incorporated into a larger state;" they were either incorporated involuntarily due to "colonization, conquest, or the ceding of territory from one imperial power to another". Minority status may also arise "voluntarily, as a result of federation" (Kymlicka, 2001b, pp. 28-30). National minorities, such as Indigenous nations, need to maintain their culture in both the public and private spheres by having their own institutions such as schools, media, courts, and political representation.

As I have introduced earlier, for Kymlicka, experiencing one's own culture is essential for realizing liberalism's ideal of autonomy. In other words, national minorities should continue their cultural existence in order to protect themselves and have membership in their own cultural group in order not to be totally assimilated within the majority culture. For this reason, Kymlicka defines group-differentiated rights for these minority groups. These rights include self-government rights, polyethnic rights, and representation rights. The aim of these rights is to protect minority cultures against the assimilationist tendencies of the majority culture.

Kymlicka argues that immigrants also form cultural diversity. For him, immigration is carried out by individual choice and voluntarily. This emphasis on volition act also determines the multicultural rights that will be granted to the immigrant groups. That is, Kymlicka recommends their integration with the majority, since they prefer to immigrate to a country knowing the laws and living standards of the host country. Therefore, immigrant groups cannot have the right of self-government, but polyethnic rights must be recognized “to promote integration into the larger society” without having to be assimilated into a foreign culture (Kymlicka, 2001b, p. 30). As the basis of polyethnic rights, Kymlicka aims to produce a fair and diverse conditions for integration through exemptions, accommodations, or incentives. Yet the reasoning of this does not seem to create a genuine immigrant culture, rather enabling the process of integration of immigrants into larger society without having to leave behind their cultural specificity once and for all.

3.1.2.1.Dilemma in Minority Rights

One of the salient points about Kymlicka’s definition of minority groups is that it assumes a monolithic understanding of cultures and minorities by foregrounding only their ethnic and religious aspects. This creates an awkward situation for a diversity-centered approach, because the problem of how to resolve internal conflicts among equally discriminated and/or disadvantaged identities or opponent cultural interpretations within these minority groups arises. For example, one group in the minority may want to pursue the most conservative and sexist interpretation of culture, while other group may reinterpret the same culture from a more liberal and inclusive perspective, especially on sexuality issues.

Kymlicka is aware of the fact that a dominant majority within a minority community will be more privileged than the vulnerable group (Kymlicka, 1995, p. 37). In other words, those who follow the conservative interpretation of culture may strive to suppress the liberal interpretation in order to protect the conservative interpretation. He propounds two concepts to prevent group rights from causing an unequal or disadvantaged position to vulnerable groups within the minority and ensure that

minority rights are always align with the principles of liberal rights discourse. These are “internal restrictions” and “external protections.” The former is “designed to protect the group from the destabilizing impact of internal dissent (e.g. the decision of individual members not to follow traditional practices or customs).” The latter is “designed to protect the group from the impact of external pressures (e.g. the economic or political decisions of the larger society)” (Kymlicka, 2001b, pp. 22-23). Still, there is an ambiguity in how to apply external protection as a tool against internal restrictions, without compromising the principle of self-autonomy. In the case of a dissident individuals or groups in a minority community, the protection of their freedom with external protection may lead to a situation where the self-autonomy of dominant minority group may be intervened.

Kymlicka himself avoids making certain divisions on this issue and instead examines specific cases (see Kymlicka, 1989; 1995; 2001b). However, Kymlicka (1995, p. 152) discusses “extreme circumstances” as a reason for justifying internal restrictions in a liberal understanding of minority rights in the context of the limits of toleration. For example, Kymlicka discusses those cultures that deny girls’ right to education or women’s right to vote or right of succession, as extreme examples. He argues that these extreme examples are not intended to protect the culture of minority from majority, but rather restrict various fundamental freedoms and rights of individuals who are members of a community. Therefore, he simply states that such practices are incompatible with liberal minority rights. However, this avoids rather than resolves the problem. His assertion that liberal multiculturalism will ensure both “*freedom within* the minority group and *equality between* the minority and majority groups” sounds good for sure, yet is it too idealistic to be actualized? In the next section, we will see that protecting the individual rights and freedoms of minorities-within-minorities who are marginalized within a minority culture does not protect them from the disadvantages and discriminations they face.

All of these raise the question: Does Kymlicka’s theory protect the rights of minorities against their disadvantaged situations, as suggested by his liberal multiculturalism? The discussion for this question will also elucidate the question whether diversity-

friendly rights discourse will solve the problem. The question from a narrower lens may be formulated thus: what about minorities within a minority since, given that he does not take into consideration certain entities that directly affect cultural diversity, such as gender. Also, we understood that while Kymlicka argues that ethnic minorities should be protected with cultural rights, he considers the rejection of internal restrictions sufficient for minorities within a minority. If Kymlicka's aim is to categorize group-differentiated rights and to empower members of minority groups, which he categorizes on the basis of cultural diversity, my main question in the further sections of this study will be how this reflects on minorities within a minority. The problem here arises from making such categorizations without questioning culture, or the fact that there is no such thing as “the” culture of a minority community that is devoid of internal conflicts and marginalization. Yet again, my main concern will be about how diversity is observed in minority groups and how culture plays a role here. Thus, I will discuss what brings liberal multicultural principles for marginalized sexual minorities if the culture is not challenged.

3.2. Minorities within Minority Problem in Kymlicka's Liberal Multiculturalism: Marginalized Sexual Identities

Multiculturalism provides a framework for minorities to preserve their unique societal culture; however, minorities need to do this not just because they want to, but also to make themselves institutionally recognizable and “legible” as a minority group in the first place. That is, if they do not preserve their culture, they may lose the chance of being recognized as a minority with a distinct culture and therefore lose the possibility of being granted minority rights. In other words, they need to have “institutional cement” as a minority group (Kymlicka, 1995, p. 100). Thus, for Kymlicka, societal cultures are not exempt from the operations of societal institutions that bestow and protect cultural rights. Rather, how these institutions define a minority, e.g. ethnically, religiously, or sexually etc., will also determine the scope of rights granted to that minority. As a result, minorities often must appeal to dominant connotations and traditional interpretations of their cultures in order to define, assert, and justify their identities institutionally.

Such is the case, I contend, with sexual minorities as well. As individuals, we generally pursue our lives according to tacit knowledge, habits, and behaviors that are accepted without question in our daily lives. As I have analyzed so far, this interpretation tends to be based on the majority culture's interpretation, especially in the case of bisexuality and monosexism. Also, I have demonstrated how layered one's identity is, e.g. bisexual immigrant coming from religious background. For this reason, it is crucial to discuss the institutional contexts in which culture is defined. Otherwise, expanding minority rights without problematizing culture runs the risk of consolidating repressions against some marginalized or vulnerable members within the minority group. As already alluded to, this is considered as the minorities within minority problem in the literature (see Eisenberg & Spinner-Halev, 2005). For instance, Pallota-Chiarolli and Rajkhowa (2017) introduce one example of this problem as it applies to sexual minorities, presenting the situations of multicultural and multifaith LGBTIQ+ identities in the face of systemic invisibilities and institutional injustices in terms of health, law, education and religion.

As depicted in the previous section, in his works, Kymlicka often responds to criticism, on the inequality and discrimination suffered by vulnerable groups within liberal multiculturalism by focusing on extreme cases, i.e., cases with illiberal tendencies—e.g. the denial of right to education for girls in some religious groups. He deflects criticism of his theory by maintaining that such instances do not correspond to the principles of liberal multiculturalism. Nevertheless, these responses fall short, and come across as him merely adjusting evidence to fit his theory rather than updating his theory in response to contrary evidence, because the problem here goes beyond being illiberal or the failures of some minority leaders and decision-makers. The problem is not about equal rights discourse or illiberal extremist groups, but about how dominant assumptions about culture shape identities and rights in the first place. Many examples reveal how the majority culture has an unjust effect on marginalized identities both within the liberal democratic majority and within the minority groups themselves. For this reason, this section focuses on critiquing and responding to Kymlicka's ideas about societal culture and its preservation. Based on feminist and queer critiques of

liberal multiculturalism, I will discuss how the idea of liberal multiculturalism in its failure to challenge dominant cultural assumptions is not as pluralistic as its claims.

3.2.1. Feminist and Queer Critiques of Liberal Multiculturalist Understanding of “Societal Culture”

Kymlicka's liberal multiculturalism has been acutely criticized because “the” societal culture and “the” cultural context of choice mean nothing more than reassuring the rights of the dominant majority within a minority community. The main criticism in this regard is that Kymlicka’s “internal restrictions” would not be enough to protect the fundamental rights and freedoms of minorities due to the fact that they do not consider gender. In other words, Kymlicka fails to see how gendered the issue around culture and minorities is, albeit to varying extents. Thus, his liberal multiculturalism is not adequate enough to recognize and address the discriminatory dynamics within the group (Okin S. , 1998; Shachar, 1999, 2000; Pallotta-Chiarolli & Rajkhowa, 2017; Karademir, 2018). On the contrary, liberal multiculturalism’s assumption of monolithic societal cultures can consequently foster microaggressions or oppressions towards marginalized sexual minorities.

In this subsection, I will examine scholars’ critiques of “the culture” in liberal multiculturalism as it relates to gender and sexuality. In this context, I will present the criticisms directed at liberal multiculturalism regarding issues such as gendered societal culture, negligence of the distinction between the private and public sphere, and preservation and transmission of culture. Furthermore, I will question how an identity may be considered as either illegible or recognizable and respectable by the dominant majority within a minority community. Finally, I will problematize Kymlicka's liberal multiculturalism regarding the inequalities and disadvantages experienced by marginalized sexual minorities within a minority.

3.2.1.1. Societal Culture as *Gendered*

As Okin (1998, 1999), Shachar (1999,2001) and Deveau (2000) state, there is patriarchy and misogyny in the traditional codes of many cultures. These codes can be implicit or visible. However, it is an undeniable fact that the dominant trend in cultures

worldwide is of women being controlled and exploited by men. This manifests itself in cultural practices that suppress fundamental rights, such as sexual and reproductive rights. Needless to say, not only women's rights are at stake here, but also non-conforming sexual identities. There are plenty of works that have investigated non-heterosexual minorities in the context of the minorities within minority problem that emerged in multiculturalism (Engel, 2004; Rodrigues, 2014; Pallotta-Chiarolli & Rajkhowa, 2017; Karademir, 2018). In sum, the emphasis on cultural diversity without a gendered lens brings specific conflicts and injustices into marginalized groups in minorities without acknowledging or addressing them. Thus, while Kymlicka's interpretation of societal culture reveals the minority situation within the minority, his theory fails to consider that gender identity and sexual orientation are among the most disadvantaged identities in the case of a minority position. Hence, sexuality cannot be separated from discussions of culture.

Clearly, however, this begs the question of what extent sexuality might be considered as culture or cultural. As long as heterosexuality presents itself as a norm and operates through economics, legislation, science, and the media, then it will inevitably reproduce and normalize particular cultural interpretations of sexuality as well (see Karademir, 2018). That is, culture, be it the culture of the majority or minority, will be interpreted from the perspective of heterosexuality. Moreover, as I have discussed in the first and second chapters, as long as negative cultural meaning, such as trustworthiness, loyalty, are attributed to the "*characteristics*" of any marginalized sexuality, this potentially leads to discrimination or disadvantage. Therefore, sexuality has never been "*private*" or out of the scope of "the culture" in this respect.

In this regard, although Ferguson (2007) does not address liberal multiculturalism explicitly, it is possible to see in her work one of the expressed criticisms directed against liberal multiculturalism as it pertains to sexual minorities. Ferguson (2007) takes marriage equality legislation in the US and the arguments on how American national identity clashes with this legislation. She portrays how protecting national identity and culture may annihilate equal rights of marginalized sexualities in that culture. The main contradiction in the marriage equality debate in the US, Ferguson

observes, was that legalizing marriage equality would corrupt the normative narrative of the traditional family and culture in the US, but that not legalizing marriage equality would undermine civil rights. Although Ferguson does not discuss any national minorities in the US specifically, instead taking "the American culture" as the hegemonic signifier; her focus on sexual minorities may easily take the place of dominant culture in her analysis. Moreover, this example, shows Kymlicka's bias in highlighting "illiberal" or "exclusive" tendencies in minority's cultures at the expense of noticing and challenging how similar tendencies already exist within liberal democratic societies, and how inseparable sexuality and culture are.

Aware of these criticisms, Kymlicka articulates the gender and sexuality aspect in his later works but once again only in ways to reaffirm his own theory. For example, he argues that identities such as "black, women, gays and lesbians feel marginalized or stigmatized due to their socio-cultural identity" (Kymlicka, 2001a, p. 330). Likewise, as a response to feminist criticisms, Kymlicka (1999) remarks upon the shared ideals between multiculturalism and feminism, which are "aiming for a more inclusive understanding of justice, and challenging the traditional liberal assumption that equality requires identical treatment." Although Kymlicka is right about this similarity, I think it is crucial to emphasize that feminism tries to achieve these aims by questioning the cultural and normative interpretations of gender and the associated oppression. Moreover, for feminism, recognition also means problematizing the traditional interpretation of culture, whereas the focus is on preservation of culture in the case of multiculturalism. As Iris Marion Young (1990) states, "people do not simply demand equal treatment, but more importantly, 'recognition' of their distinct identities as members of particular cultural communities" (p. 161).

Kymlicka's projection of culture is almost unmediated by any social factors other than ethnicity and religion. For this reason, Kymlicka's understanding of culture fails to make profound consideration about hegemonic or intersectional aspects of identities and cultures. Iris Marion Young (1997) asserts that he fails to maintain plurality in his categorizations. Thus, liberal multiculturalism leaves such questions unanswered: Whose culture should we take as "*the*" culture in the minority community? Which

identities in a minority may be target of discriminatory practices or disadvantages due to norms or codes of dominant majority culture? In the next section, I will problematize Kymlicka's societal culture by presenting cases of cultural preservation, family law, and representation of minorities' culture. This will demonstrate that the preservation of culture may function as nothing but a burden on women or a means to marginalize sexual minorities. Especially in the case studies that I will present in further sections, it will be useful to think about the importance of cultural membership, which Kymlicka emphasizes a lot, in order to recognize the problem for marginalized sexual minorities.

3.2.1.2. Whose Responsibility to Preserve Societal Culture?

Minorities must have distinct and differentiated enough traditional cultures in order to be granted group-differentiated rights such as self-government. They need to be able to maintain and protect this traditional interpretation of culture both in order to benefit from minority rights and in order to survive as a "respectable, "acceptable," and "legible" minority community. In this regard, I need to prompt a crucial question: how is this preservation achieved? There are two interconnected ways. These are biological reproduction and cultural reproduction. The first requires being heterosexual and/or having sex for the purposes of production; the second requires representing traditional norms and culture. Thus, the huge emphasis on the preservation of culture brings a burden on women and excludes non-heteronormative sexualities and lifestyles. This is especially the case because of the fact that most cultures are interpreted from the perspective of heterosexuality and that the norms of heterosexual family assume that it is women's job to raise the future generation and transmit societal culture to the youth. This is another aspect shows that Kymlicka's social culture is in fact strongly related to gender and sexuality.

Within this context, the second criticism directed at Kymlicka is that the theory does not consider the feminist critique or gendered interpretations in the distinction between the public and private spheres. Based on this gap in the theory, Okin (1998) and Shachar (1999, 2000, 2001) discuss gender-based exclusions in practices within religious minority groups and in cultural practices related to the family and domestic life, as well as cases on how women's rights are violated in order to the preserve

minority's traditional culture. In addition, Shachar (2001) places a significant emphasis on the rivalry and competition between the three fundamental components of liberal multiculturalism - the state, the group, the individual. She advances her analysis specifically through family-law, arguing that if a woman challenge or goes against the dominant interpretations of their minority's culture, this action is treated as a threat to the minority. The woman's action could be something that would determine both the rights and the position of marginalized minorities within the group. Shachar (2001) states the possibility that such actions are "taken as betrayal to community" (p. 40) because rivalry will prompt the minority group to maintain the number of members and purity of the culture in order to be granted group-differentiated rights.

In this context, Shachar (2001) introduces a case to illustrate such a possibility, that is *Santa Clara Pueblo v. Martinez*.¹ The Santa Clara Pueblo is a Native American nation, which has self-government rights. According to the nation's sovereignty law, the membership is defined by "blood." It means that if both parents or the father is the member of the Santa Clara Pueblo, their children is accepted as a member as well and they can enjoy nation's rights such as educational or medical benefits. There are consequences of such laws to the detriment of minorities within a minority. If a woman married with a man outside of the community regardless how much they practice the nation's culture (i.e., language, rituals), their children are not considered as Santa Clara Pueblo membership, therefore, such they do not have such benefits. On the other hand, such consequences do not necessarily have to be about illiberal practices. For instance, a family who follow conservative interpretation of their culture might disinherit the women or non-heterosexual member of the family because they are betraying the "purity" of the culture; or might expose them to social exclusion. In this regard, internal restrictions, as Kymlicka proposed, are not sufficient enough to solve discriminations against the dissident members of the community.

¹ In 1970s, a *full-blooded* Santa Claran woman, Julia Martinez, applied the U.S. Supreme Court because she lost one of her children after refusal of medical emergency by the Indian Health Service. They could not benefit the medical benefits of the nation because her husband is not from the community; thus, the tribal law does not recognize her children as their members. However, the U.S. Supreme Court decided against Martinez due to the principle of "non-intervention" to the nation's culture (see Shachar A. , 2001).

Specifically, the preservation of culture, future generations, and therefore childcare, have an important place. A minority, especially if it has a history of genocide or forced sterilization, will place great emphasis on increasing their populations, for both preserving their traditions and not going extinct. Therefore, the dominant majority within a minority can develop anti-abortion practices in their domestic policies as well as restrictive practices regarding contraception methods. However, such an incident may not be implemented as a very strict and visible illiberal practice, rather it may appear more subtly. Let us consider a poor minority community that also has self-government rights. It may not directly ban contraception methods, but it may decide not to fund government-sponsored access to any contraception-related methods or make them too expensive and overtaxed.

A similar risk might also be considered for LGBTIQ+s' parenting. The prospect of LGBTIQ+ child adoption or queer families may alarm a minority at the idea that their culture will be degenerated as discussed by Ferguson (2007). In anticipation or reaction, a minority culture can produce anti-LGBTIQ+ practices to prevent such a situation in their domestic laws; or they do not implement laws against LGBTIQ+'s parenting instead they can include the materials in their education systems that will emphasize that the family is a heterosexual and cisgendered union. Such a situation may not be resolved with the internal restrictions suggested by Kymlicka, because such an issue is or has been as a very controversial issue even for contemporary liberal states.

Kymlicka's answers to such cases is weaker than his previous answer. His argument is that we face such problems because some people in the minority (they may be minority leaders or "ethnic entrepreneurs") foster a policy of inequality or resentment among their group members in order to strengthen their control and power. However, he still does not problematize "the societal culture" itself, which has an impact on how people make that decision. Also, such cases can still occur without falling into illiberal actions. For instance, although it is not a direct violation of rights, defining the family and childcare through women is also embedded in many cultures, and this is not

something that we can code as "illiberal" because this situation is not unique to non-liberal countries only.

Let us assume that in a minority culture, childcare is seen as the responsibility of the mother or the woman. It is not hard to imagine such a scenario when considering patriarchal history. However, although the dominant majority within a minority community does not resort to illiberal practices, to maintain this asymmetric distribution of domestic labor, they constantly produce and promote this interpretation of “motherhood” in their policies, media and education system. In such a situation, when a mother is in a financial situation where they have to work, they would need to leave their child in daycare even before the child is old enough to attend kindergarten. This might result in that woman being ostracized in their community or even in their immediate family, and their motherhood may be criticized. They can be excluded on the grounds that their performance of motherhood, their love for their child, falls short of the minority cultural ideal. At such a point, the identity of "that woman" no longer fully belongs to the culture into which they were born. Here, the reaction to the mother may not come from an illiberal view that opposes the woman's right to work alongside other adults, but more subtly from the cultural codes that dictate the preservation of culture to be the mother's responsibility—actually, the burden. Shachar (2000) names this position women are in put as “cultural conduits” (p. 202).

Thus, we face a situation where culture is preserved and individuals within the minority will be considered respectable as long as they fulfill their traditional gender role. Therefore, any cultural interpretation that is dissenting or controversial in a minority will be marginalized. In that regard, misrepresentation of the culture could be another version of betrayal to the minority group. In many immigrant minority groups, we can predict that the heterosexual and cisgender majority in this minority members will usually exclude the LGBTIQ+ individuals among them. Immigrant minorities generally desire to be seen respectable by the host country and its members, while preserving their culture and not abandoning their cultural pride. In this case, it is quite possible that, in a heterosexist and monosexist background, dominant group in immigrant minority community would see non-heterosexual individuals as perverts

who destroys immigrant community's acceptability or does not represent immigrant community's respectable culture in the eyes of host country. However, these LGBTIQ+ individuals within immigrant groups may not only end up marginalized within their own communities. For instance, Mole (2021) states that LGBTIQ+ migrants often discover that LGBTIQ+ immigrants find themselves marginalized both "as ethnic minorities in the destination society and as sexual minorities within the diaspora community." Here again, the desire to be recognized as a decent and acceptable immigrant "identity" within a multicultural society, even if that society recognizes LGBTIQ+ rights, collaborates with and upholds existing LGBTIQ+phobia within the minority community. Thus, *the culture preserved* here, of course, is the hegemonic interpretation of a minority culture, thus causing the non-hegemonic interpretations of that minority's culture to be erased or excluded (Carens, 2000; Karademir, 2018).

3.2.1.3. Whose Culture is It Anyway?

If societal culture places that much significance on providing recognizable minorities with rights and meaningful choice, it becomes all the more vital for a minority culture to be respectable and authentic and to have a large population. This will reinforce marginalization for disadvantaged identities within the minority. As long as we frame discussions within the rights discourse without questioning the dominant culture that shapes such discourse, the dominant interpretation of culture will be preserved and reproduce itself without being challenged. Along with previous examples, Shachar (1999) defines the risk that a majority culture within a minority can make minorities vulnerable to discrimination as "*the paradox of multicultural vulnerability*." As a result, such scholars as Iris Marion Young (1997) and Shachar (2001) argue that Kymlicka's perspective on culture and identity does not leave room for "potential multiplicity" of individuals and individual identifications in a minority community.

Unfortunately, some scholars do not challenge the hegemony in a broader sense. Therefore, their critiques of liberal multiculturalism may fall in a similar position with Kymlicka. For instance, Okin (1999) often argues that the illiberal or -at least-

potentially dangerous cultural practices of minority groups would have negative consequences for marginalized minorities in that minority. I do not claim that it is unimportant to argue over the headscarf debates, arranged marriages, girls who are not sent to school, women whose work life is blocked. However, while discussing these issues and problematizing patriarchal codes of culture, considering these codes as entities that are fixed and have no alternatives or as practices belonging to only illiberal minority cultures will leave us on a limited level of discussion (see Raz, 1994; Song, 2005, 2007). This kind of approach risks leaving us in a good West versus bad East dichotomy. In addition, I think that having such an approach in debates on culture and minorities may weaken the marginalized groups within the minority, by putting them in a victim position, and most importantly, causing everyday power relations among these groups to be overlooked.

In this regard, I find hooks' (1994) work, which examines the representation of black identity and culture, meaningful in terms of showing that culture is a reactive and dynamic concept that emerges in relation to the other. In the chapter on *gangsta rap*, she discusses how the sexism and misogyny of this music is directly aligned with Black culture. She does not deny that this music glorifies the practices of patriarchal thought; however, she also emphasizes that it is a "reflection of the prevailing values in our society, values created and sustained by white supremacist capitalist patriarchy" (hooks b. , 1994, p. 142). Moreover, she asserts that as black feminists, they can criticize gangsta rap by being aware of these power relations, in particular, the power relations between Blacks and Whites, men and women, Black men and Black women, and all these combined against the background of capitalism.

Discovering those relations through challenging the dominant culture has been my aim throughout this study while examining the rights and freedoms of marginalized sexual minorities within the minority. I began by introducing marginalized sexualities in the context of liberal multiculturalism. I will now conclude my discussion by questioning the place of bisexuals in the diversity-framed rights discourse.

3.3. The Problem of “the” Culture in Kymlicka’s Societal Culture in terms of Bisexuality

In the early 1990s, bisexual activists Udis-Kessler (1991), Weise (1991), Farajaje-Jones (1993), and Perez (1995) analyzed bisexuality in the context of multiculturalism. They discussed bisexuality and multiculturalism in terms of diversity and cultural membership, but without going into rights discourse. Although they criticized multiculturalism for its emphasis only on ethnicity and religion, they ultimately took multiculturalism as a progressive concept. My position, conversely, is that multiculturalism does not propose a progressive solution for marginalized sexualities without challenging the dominant culture. In the light of the critiques of multiculturalism I have discussed in previous sections, I will now discuss what precisely the multiculturalist approach does and *does not offer* for bisexuals. First, I will reveal the monosexist assumptions of the dominant culture while examining the position of bisexuals within the sexual minority. In this regard, I will discuss bisexuals’ cultural membership and the possibility of making meaningful choices in the context of liberal multiculturalism. Second, I will argue that the preservation of the minority culture would lead to a double discrimination for bisexuals. Finally, I will present the problematic notion of being an “acceptable” sexual minority in the context of bisexuality.

In the second chapter, I have analyzed bisexuality mainly by regarding sexual minorities in the context of equal rights discourse. However, the main focus of this section will be bisexuality as a marginalized minority within sexual minority, and I will inquire whether liberal multiculturalism is a remedy for bisexuals as minorities within a minority. Let us suppose that those who are protected by minority rights are not ethnic minorities, but sexual minorities. In such a hypothetical case, we can consider bisexuals as a minority within a minority because liberal multiculturalism would grant group rights to sexual minorities to protect their culture and lifestyle without problematizing this culture. Importantly, though, monosexism is perpetuated by not just the dominant culture, but also by the sexual minority that the dominant culture has bestowed with rights. As I have discussed, bisexuality is often deemed to be an illegitimate or fraud identity among gays and lesbians.

First of all, bisexuality and monosexuality, which I put at the center of my inquiry as a case study, does not stand apart from the criticisms directed at Kymlicka's "societal culture." As I have demonstrated extensively in the first and second chapters, the interpretations that monosexual culture ascribes to certain personal qualities (trustworthiness, decentness, loyalty) put bisexuals at a disadvantage due to their identity being unrecognized. These features are determined not by laws but by cultural interpretations; as a result, stereotyping and marginalization can also occur. For this reason, I attach importance to Kymlicka's claim on cultural diversity, as it gives a perspective that addresses some of the shortcomings of the traditional rights discourse's claim on equality. However, as I have demonstrated in the previous sections, Kymlicka's defines societal culture in a liberal way rather than a multicultural way. That is, Kymlicka does not argue for cultural transformation for minorities within a minority, but rather defends the rejection of internal restrictions, that is, the protection of basic rights and liberties. In this regard, diversity-framed rights discourse inherits the monosexual cultural paradigm.

I have previously summarized how bisexuals face difficulties in belonging to a community, with reference to Rust's (2000a) research. However, to illustrate how liberal multiculturalism enables such unbelonging, I can now depict a more complex situation in the context of minorities within minority. Rebecca Gorlin (1991) is a Jewish bisexual, living in the US. Rebecca's narrative reveals layer by layer how identity is affected by other people and how it relates to different communities. Her description of her sense of belonging when she joins *Am Tikva*, a lesbian and gay Jewish group, illustrates how identities and cultures are mediated, influenced, and uncompleted. At first, Gorlin (1991) says, "The more I learn [at Am Tikva], the more at home I feel as a Jew" (1991, p. 344). But later, she must face her identity's *conflicting* aspects, as belonging to her Jewish community as a Jew can also mean being erased by her community as a bisexual due to the monosexist culture:

That lesbian and gay group works on the issues of sexism and heterosexism but not much on biphobia. There are other bisexuals in Am Tikva, and except for a token topic in an occasional discussion group, our issues are never addressed. The group is very gay and lesbian oriented. ... I don't go to certain straight Jewish functions to avoid

getting sucked into a very sexist and heterosexist community that will only accept me if I'm with a man and don't discuss my 'other side'. (Gorlin, 1991, p. 345).

Intersecting moments, such as Gorling's, are an example of how one's societal culture can affirm two aspects of one's identity. Moreover, community practices Gorling performed shows the impact of cultural membership to support having "meaningful options" and "self-respect." However, in the continuation of her narrative, bisexuality, once again, blurs the borders of dominant cultures: both the boundaries of the dominant culture of the sexual minority group Gorling is in (lesbian and gay group) and the border between the minority culture Gorling is in (Jewish) and the dominant majority culture (heteronormativity and monosexuality). While this type of experience is in a sense unique, the binegativity and sense of non-belonging brought by monosexual culture is something that is shared—in a greater or lesser extent—among bisexuals. For example, Terris's (1991) story also tells similarly how she could not fulfill cultural membership in a lesbian-feminist group because of monosexism:

So, I'd have to choose, would I? Dykes or faggots, one or the other, can't have both. Choose. So, I did: For a year I was a hard-core lesbian-separatist, and then tapered off to mellow lesbian-feminist. There were some wild thrills to that scene to be sure; it was even more counterculture revolutionary than fag-hagging. (...) I came to the Boston Bisexual Women's Network very confused and desperate. Would I ever get what I wanted? It didn't seem possible. The best I could describe my turmoil was that I felt like a faggot trapped in the body of a lesbian. Where was the support group for that? I need not have worried. There are delightfully, frustratingly anarchic collectives of bi folks who are, just like me, sort of making it up as they go along. What seemed to have been the curse of past bisexual invisibility has turned out to have been a blessing in disguise. Since we supposedly didn't exist, nobody has made up any rules for us, and we can make our own. (...) I'm still not where I want to be. This culture is not only heterosexist, homophobic, and *biphobic*, it is thunderously sex-phobic, and we women especially have borne the brunt of it. (Terris, 1991, s. 54).

Thus, having meaningful options in a culture that Kymlicka says are essential for minority rights, and which provide a sense of self-respect and belonging, is a tricky topic for bisexuals. Specifically, they need to "choose" one of the either/or monosexual

sexualities in order to be a part of a community. For this reason, as long as there are monosexual cultural codes that interpret the identity of bisexuals as "ambiguous" and "illegible" in the minority position within the minority, then there are no meaningful options for a bisexual outside of monosexism. Therefore, attaining self-respect or cultural membership does not seem easy to achieve for them.

Moreover, identity and culture are not one-axis, fixed and distinct entities as Kymlicka presents. The monosexist paradigm simply promotes binary thinking so it can suppress or oppress identities other than bisexuality. As I have introduced in the first chapter, the history of monosexism is strongly related with colonialism. In the context of multiculturalism, this same relation can be seen in marginalization of the two-spirit identity in Indigenous communities. Two-spirit refers to Indigenous people whose sexual and/or gender identity is outside the traditional sexual binary between men and women. It is also a distinctly cultural identity since two-spirit individuals traditionally performed spiritual roles in Indigenous nations such as "bestowing sacred names, or serving as leaders, intermediaries, or medicine people" (Robinson, 2017, p.2). In her study, Robinson points out that bisexuality and two-spirit are not interchangeable. Yet, two-spirit individuals and bisexuals may experience similar marginalization both within sexual minorities and society such as being seen as ambiguous, made invisible, or living with poverty, and sexual violence. As Robinson (2017) states, such commonalities occur since "the oppressors and their ideologies are similar" (p. 16). Thus, the diversity framework could not be a remedy for bisexuality as marginalized sexuality since the societal culture in that case is still monosexist.

Second, preservation of culture for sexual minorities may lead to the minority being more conservative or engaging in microaggression. For instance, Rossi (1991) states that in the Northampton Pride in 1991, a lesbian rally speaker advocated against "bisexual" wording taking place in pride, arguing that "including bisexuals would erase our politics, our identity...reduce all our issues to sexual ones... that it would weaken the lesbian community" (Rossi, 1991, p. 10). The discussions about bisexuality's place especially in the lesbian community still continue in different contexts. The reason may not necessarily be to exclude, discriminate or perpetrate violence to a minority group. Instead, it may stem from the effort of the dominant

majority within the minority group to assert their culture in a hegemonic way in order to gain rights or not to lose the rights they have already gain. We can see such acts, for instance, when LGBTIQ+ advocates proposed the exclusion of bisexuals in the legislation of marriage equality as discussed earlier (Marcus, 2015; Burneson, 2018). Another reason could be to present a distinct culture as a minority for *recognition*.

But what does preserving the culture of sexual minorities or the LGBTIQ+ community mean? My claim is that as long as dominant cultural codes in sexual minorities are prevailing, sexual minorities other than white cisgendered gay and lesbians will inevitably be marginalized both within the group and broader society. Ka'ahumanu asks, in her speech at the March on Washington for Lesbian, Gay and Bi Equal Rights and Liberation in 1993, "has the *gayristocracy* bought so far in to the either/or structure, invested so much in being the opposite of heterosexual that they cannot remove themselves, that they can't imagine being free of the whole oppressive heterosexist system that keeps us all down?" (Tucker, 1995, p. 67). It is not easy to deny that sexual minorities have the risk of minority culture being interpreted in a hegemonic way.

Third, in order to be seen as acceptable for hegemonic culture and groups, sexual minority members promote themselves by framing their group within established norms, institutions, or sociocultural relationships, which are also shaped by homonormativity (Cohen, 1997; Santos, 2013; Mathers, Sumerau, Cragun, 2018; Daum, 2020). Cohen (1997) draws attention to the marginalization and control sought by more "privileged members of marginal groups" and presents these social dynamics between middle-class gay and lesbians and other marginalized sexual minorities. However, I must state that my aim here is not to create a rivalry or politics of resentment among sexual minorities. I share a similar position with Lorde (1984):

Community must not mean shedding of our differences, nor the pathetic pretense that these differences do not exist... It is learning how to stand alone, unpopular and sometimes reviled, and how to make common cause with those others identified as outside the structures, in order to define and seek a world in which we can all flourish. It is learning how to take our differences and make them strengths (p. 99).

When we talk about minority rights and recognition of marginalized identities, then, I finally come to the question: acquiring a respectable identity, but for the sake of what? In the struggle for the rights of marginalized identities, I think we decide on our policies, whom we will leave behind, whom we will form alliances with, and whom we will leave out, based on this question.

Thus, what multiculturalism offers to non-monosexual minorities within sexual minorities is the power to suppress distinctive features of their identity and dissolve them into the dominant culture of their minority group. When all of the factors I have been discussing are taken into consideration, it becomes clear that the problem of minorities within minority arising from the clash of individualism and culturalism in liberal multiculturalism cannot be solved with the tools of liberal multiculturalism alone. As Shachar (2001) stated, multiculturalism does not necessarily have to be bad, but it could be “*both bad and good*”. So, is it possible to find a way out here, without dissolving minority identities into the dominant majority within the minority community? My answer, in the case of bisexuals, is that, first of all, it is important to recognize the role of the monosexual codes in the regulatory practices and cultures of identity, so that they can be brought into discussion. To do this, we need to produce policies and practices to question monosexuality and reveal its relations with institutions where monosexuality operates such as education, media, healthcare, advocacy organizations, and our societal relationships with others. Yet, since we have been trained not to think outside of the binary and monosexism, I do not claim that my suggestion is an easy or surefire solution. I still think it is necessary because as seen in the example of the gay asylum seeker whose application was rejected or in example of the two-spirit identities, monosexism is not an oppression that marginalizes only bisexuals.

CHAPTER 4

CONCLUSION

In the literature on bisexuality in the last decade, studies on mental, physical and sexual health or social exclusion and relationship practices have come to the fore. Although there are studies on bisexuals' access to rights and bisexual (bi+) politics, these often focus on bisexual erasure only in specific contexts. Meanwhile, studies on LGBTIQ+ or marginalized sexual minorities' access to basic rights freedoms often consider non-heterosexuals as one monolithic category, thus erasing sexual minorities within the sexual minority itself. Thus, LGBTIQ+ rights or queer liberation is not sufficient both in political discussions and academic literature. My aim has been to make a comprehensive inquiry into the position of bisexuality in the context of rights discourse and LGBTQ+ rights, thus, to open a political discussion.

I think that studying bisexuality in the context of rights discourse and the operations of culture will pave critical perspectives for both sexuality studies and LGBTIQ+ rights politics. Thanks to profound literature on gay and lesbian studies, the operations of heterosexism have been revealed in various contexts. Yet, there are other oppressions and ideologies suppressing and marginalizing non-normative sexualities. I believe that bisexuality and monosexism should be discussed in order to have a broader perspective on this issue. This requirement is not just due to the need to reveal various forms of oppression. Rather, at the same time, I think it is an effort to develop ways of fighting against marginalization and stigmatization of sexual minorities.

In the first chapter, I have demonstrated binegativity and bi-invisibility in the literature on sexualities, romantic relationships, the LGBTIQ+ community, and mainly the rights discourse. What has been visible in all these areas is that monosexism and sexuality based on the binary understanding have permeated all institutions and

cultural codes as the norm. In other words, the dichotomy of homosexuality and heterosexuality is mistakenly taken as “natural” and as a cultural “given,” and has a direct effect on the rights enjoyed by sexual minorities.

Crucially, different identities within sexual minorities experience differing levels of equality, with some being legally recognized with rights, while others such as bisexuals do not and are effectively erased. Thus, even though the liberal framework presents rights as having the power to extend equality universally, the rights discourse from which rights are decided in the first place is ultimately affected by culture. In the case of sexual minorities, monosexist culture carries over into rights discourse to produce shortcomings and disadvantages for bisexuals. In order to demonstrate my claims, I have analyzed how bisexuals face a number of negative perceptions, which arise from monosexual cultural norms, and how the monosexism in turn influences the exclusion or disadvantageous situations faced by bisexuals, including even from LGBTIQ+ rights legislation. For example, bisexuals are negatively stereotyped as promiscuous, sexually indecisive, and untrustworthy; in addition, monosexist cultural interpretation leads bisexuals to be disadvantaged even in the light of equal rights or anti-discrimination laws.

In the second chapter, I traced bisexual experiences especially in marriage equality and immigration/refugee laws. The reason why I have progressed through marriage was not to praise or dispraise the rights that have been gained through of marriage. On the contrary, because this issue allows us to see the disadvantageous situations and monosexist culture that bisexuals are exposed to. That is, person's being bisexual, and thus being discriminated against because of their bisexuality, or facing a disadvantageous situation, is closely related to how that person and their relationship is seen from the outside, and relative to the gender of their partner. Moreover, in the context of immigration or asylum seeking, problems of bisexual erasure and bi-negativity are still prevalent. Bisexual applicants often hide their sexuality and apply as monosexual minority or run the risk of being rejected. For this reason, these cases are important to reveal how the monosexist culture operates. While there are many countries where individuals in non-heterosexual relationships are sentenced to death

or imprisonment, it is still a necessity to inquire into policy and immigration officers' perceptions need improvements that reinforce the idea of diversity and fluidity of sexual minorities.

In the third chapter, I have analyzed the diversity or minority-friendly rights discourse, that is, liberal multiculturalism. I have argued that bisexuals often remain outsiders to both the heterosexual and homosexual culture because of monosexism. I demonstrated this situation to be analagous to the situation of minorities within minority in multiculturalism. Furthmore, multiculturalism also stands in an important place in terms of considering diversity and differences, and suggesting that accommodation should be granted in order to protect cultural diversity. In this section, I have both discussed several criticisms against Kymlicka's liberal multiculturalism in the context of marginalized sexual minorities, and demonstrated that although minority rights have aspects that can be adopted in the bisexuality case, the problem of monosexist culture is still the case. Therefore, my study has demonstrated that without analyzing how monosexuality is a dominant and effective culture on influencing and even shaping institutions and society, granting cultural rights only by considering diversity would not be a solution. My interpretation is that there is a need for introducing culture-transformative policies and practices. In this regard, my study contributes to the literature by approaching the problem of culture, which is widely discussed in the multiculturalism literature, from the perspective of bisexuality.

Throughout my study, I have asserted how bisexuality is being erased as an identity and how it is disadvantaged even when equality and diversity are observed in the rights discourse. Liberal rights discourse takes the claim of equality from the fiction of universality that includes "everyone." Such an understanding of universality and equality also includes the assumption of a homogeneous society. Homogeneity and universality here are defined in terms of the dominant cultural paradigm. On the other hand, liberal multiculturalist appears to correct this homogeneity, but actually its claims about diversity remain at the level of the cultural homogeneity of minorities, which it presents as monoliths and fixed. As a result, multiculturalism alone is unable

to account for the fact that monosexism is the dominant culture in both rights discourses I have discussed.

At the beginning, I have asked how is or can an identity possibly be granted their rights when the identity is seemingly "illegible" because of the cultural codes at large. My analysis has shown that without transforming or subverting the monosexist culture, we will not be able to code bisexuality as legible. For this reason, the question I have raised has significance for a *necessary* effort to find a solution within the liberal rights discourse. However, at the same time, it is *impossible* to imagine that all identities could equally and freely become subjects of justice. Therefore, this study claims that neither identities nor cultural norms are fixed and universal. On the contrary, they are contingencies that manifest themselves as fixed and universal with their hegemonic interpretations. For this reason, we need to be aware of and questioning of the contingent foundations of identities, cultures, and rights discourse in order to produce the culture changing policies. In the context of sexuality studies, LGBTIQ+ communities around the world have had tremendous experiences on resisting and subverting culture. Indeed, disclosing how identity and culture are established and their operations on each other is crucial to political studies. A comprehensive discussion of what culture-changing policies might be is beyond the scope of this thesis. However, as a concluding remark, I would like to highlight some practices are run by bisexual activists for transforming monosexual culture.

Firstly, I would like to refer bisexual organizations and initiatives which are doing their best for bisexual visibility and bisexual community. The following are many institutions, organizations, and networks that encourage and support bisexual community. I will name some of them. There are non-profit bisexual (bi+) organizations or networks in many countries usually organizing gatherings, creating resources or materials, and providing support for bisexual individuals: Bi-Allience (Australia), StillBisexual (the US), Bisexual Resource Center (the US), The Bisexual Index (the UK), and Toronto Bisexual Network (Canada). Boston Bisexual Women's Network, connects working women with bi+ (bi, pan, fluid, and other non-binary sexualities). They hold brunch meetings for bi+ community-building. Also, they have

run a grassroots publication called *Bi Women Quarterly* since 1983. Some of these organizations are also holding conferences or encouraging academic or non-academic publications for bisexual issues. The EuroBiCon-European Bisexual Network and BiCon UK are organizing conferences. Bisexual Research Group (the UK), founded by Dr. Julia Shaw, is another network organizing conferences. The American Institute of Bisexuality, which was founded by Dr. Fritz Klein in 1998, has an academic publication called *Journal of Bisexuality*, which encourages research and knowledge about bisexuality. There are also digital platforms striving to raise awareness on bisexual visibility especially in the countries where stigmatization of sexual minorities is tremendous. For instance, Dojensgara is a digital platform in Persian, and Bitopya has contents in Turkish.

I should add that most of these groups are non-profit or based on voluntary labor. They have been struggling with funding issues, organizing more people to advocate bisexual issues more actively and assertively. However, there are LGBTIQ+ organizations that arrange meetings or seminar series for professionals such as teachers, academics, mental health experts, medical experts, and lawyers in order to educate them about marginalized sexualities, monosexism, and its effect on individuals.

Last but not least, bisexual initiatives or activists challenge and transform cultural codes with through alliances within LGBTIQ+ or intersecting communities. As Ka'ahumanu (1995) claims,

No simple either/or divisions, fluid-ambiguous-subversive. Bisexual pride challenges both the heterosexual and the homosexual assumption. Society is based on the denial of diversity, on the denial of complexity. Like multiculturalism, mixed heritage and bi-racial relationships, both the bisexual and transgender movements expose and politicize the middle ground. Each show there is no separation, that each and everyone of us is part of a fluid social, sexual, and gender dynamic. Each signals a change, a fundamental change in the way our society is organized (p. 64).

We see such chances for building an alliance initiative for transgender and bisexual folks in the UK, *BwihtTheT*. Finally, the last example I would like to bring up is Bi+

Pride in Istanbul in 2019, which was organized by a bi+ activist from Turkey, umut erdem, and a bi+ activists and scholar from Iran, Zeynab Peyghambarzadeh. It has also unique significance for having workshops in Turkish, Persian, and English and having refugee participants, while debates on inclusivity in pride week is overwhelmingly ongoing. In that regard, I would like to restate that identity does not have one aspect. We need to be aware that sometimes sexuality may not be just about sexuality, but that shared experiences and marginalization can always come in different forms.

I think it is crucial in sexuality studies to discuss how culture is effective in policies, laws, or communities, and how different practices of oppression and discrimination are shaped by culture. In my study, I have had an analysis on marginalized sexualities in terms of monosexuality and bisexuality. Nevertheless, I believe that similar discussion would be meaningful regarding other forms of oppression over marginalized sexualities; such as cissexism and transgender or intersex issues or allosexism and asexuality. We need to discuss how contingent cultures and identities are in order to produce policies against the hatred against sexual minorities, which is increasing day by day.

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APPENDICES

A. TURKISH SUMMARY / TRKE ZET

1980'lerden bu yana, bazı lkelerdeki LGBTİQ+'lar, yzyıllar boyunca toplum iinde aağılanmaya, baskıya, tekiletirmeye, insan ve yurttalık haklarından mahrum bırakılmaya ve uygunsuz 'tıbbi' mdahaleye maruz kaldıktan sonra, cinsel azınlık olarak liberal ve eit haklara erimektedir (Equaldex, dnya genelinde LGBTİQ+ haklarının ilerlemesini kefetmek iin bir harita ve LGBTİQ+ haklarının zaman izelgesi bkz). Bununla birlikte, birok akademisyen (Cohen, 1997; Santos, 2013; Mathers, Sumerau, Cragun, 2018; Daum, 2020) LGBTİQ+ hakları ve eitlik alanındaki ilerlemenin "makbul ecinsel"ın inası ve homonormativitenin cinsel azınlıkların kimliklerini nasıl bastırdığı ile yakından ilikili olduėunu savunmutur. Bu aėda eletiriler, cinsel azınlıklar iin hakların tanımlandığı yargı alanlarında bile, LGBTİQ+'ların kendi aralarındaki cinsel azınlık kimliklerinin veya azınlıklar iindeki azınlıkların yaadığı silinme ve adaletsizliği tartımak iin tezimin yolunu amıtır. Aratırmam, bir cinsel azınlığın ayrımcılık uygulamalarının ve dılamalarının LGBTİQ+ topluluėu iindeki marjinalletirilmi veya daha az grnr cinsel azınlıklar zerindeki etkilerini haklar sylemi erevesinde incelemektedir.

LGBTİQ+'lar iinde odaklanılacak azınlık kimliği, bisekselliktir. Monoseksel cinsel azınlıklar (rneėin lezbiyen, gey) arasında biseksellik bir kimlik olarak genellikle "her zaman heteroseksel olmanın mmkn olduėu" veya "yeterince queer olmadığı" eklinde klieletirilir; aynı zamanda heteroseksel matrisin kurumları arasında da aynı ekilde meru olmayan veya grnmez bir kimlik olarak kabul edilmektedir. Baka bir deyile hem heteronormatif cinsel oėunluk hem de monoseksel azınlık (lezbiyen, gey), bisekselliėi meru olmayan bir kimlik ya da bisekselleri silme eėilimindedir: bisekselleri "kabul etmek" iin, oėu zaman bisekselleri baskın

monoseksüel merceklerinden süzmektedirler (sırasıyla heteroseksüellik ve homoseksüellik), Ya da basitçe, cinsel kimliklerinin varlığını inkâr etmektedirler. Biseksüeller böylece azınlık-içinde-azınlık deneyimini özetler. Bu nedenle, liberal çokkültürlü haklar söylemi de dahil olmak üzere, liberal bir çerçevede haklar konusundaki tartışmaların sınırlarını incelemek için mükemmel bir çalışma alanı sunmaktadır.

Bu nedenle, tez, biseksüel kimliğin cinsel azınlık pratiği ve politikasında, özellikle de liberal sistemlerde ve bunların uygulamalarında çatlaklardan düştüğü alanları incelemenin, yalnızca LGBTİQ+ kimliklerinin ve haklar söylemindeki deneyimlerinin daha iyi anlaşılmasını sağlamakla kalmayacağını, aynı zamanda haklar söyleminin eşitlik iddialarını tam olarak nasıl yerine getiremediğine dair daha kapsamlı bir analiz sağlayacağını savunuyor. Sorunun liberal haklar çerçevesinin kendisinde olduğunu savunmak için bunları daha genel olarak haklar söylemi bağlamında değerlendirilecektir. Dolayısıyla, bu çalışmada cinsel azınlıkları kapsadığı varsayılan liberal haklar söylemi ve politikalarının biseksüel kimlikleri kapsamadığını gösterilecektir. Bu iddayı sunabilmek için, liberal yasal düzenlemelerin ve politikaların teoride biseksüelleri kapsayabileceği, ancak pratikte kapsamadığı ülkelerden örnekler sunulacaktır.

Cinsel azınlıklar bazı haklarla korunuyor veya heteroseksüellerle eşit haklara sahip olsalar da, LGBTİQ+'lar içindeki azınlıklar hala dezavantajlı durumlarla veya düzenlemelerle karşı karşıya kalmaktadır. Bu eşitsiz durumların nedeninin cinsellik alanındaki kültürel normlar olduğunu ve bu kültürel normların haklar söylemindeki ve bunlarla ilişkili politikadaki eksikliklerle desteklendiğini iddia edilecektir. Çokkültürlülük, kültürel çeşitliliği sürdürmeyi ve belirli kültürel hakları koruyarak azınlık haklarını korumayı önermektedir. Bu benzerliği göz önünde bulundurarak, çokkültürlülüğün biseksüeller için cinsel azınlıklar içinde azınlık olmanın eşitsizliğine ve marjinalleşmesine bir cevap önerip önermediğini araştırılacaktır.

Çalışma boyunca aşağıdaki sorulara yanıt aramaya çalışılacaktır: Liberal hukuk söylemi LGBTİQ+ bireylerin haklarını içerirken veya korurken, azınlıklar içinde

biseksüellerin azınlıklar olarak hukuki söylemdeki konumu nedir? Bir kimlik, genel olarak kültürel kodlar açısından görünüşte "okunaksız" olduğu halde, o kimliğe hakları nasıl tanınır ya da tanınabilir? Biseksüelliğin "okunaksızlığı" ve "geçiciliği/zamansallığı", hak söyleminin yasal ve siyasi düzenlemeleri karşısında biseksüellerin konumu hakkında bize ne söylüyor?

Bu tez, biseksüelliğin bu kavranışını, diğer monoseksüel azınlıklar (örneğin, lezbiyen, gey) arasında biseksüelliğin silinmesini ve çokkültürlülüğü de dahil olmak üzere haklar söylemi bağlamında dışlanmasını ve geçersiz kılınmasını ele alacaktır.

2000'li yıllarda, çağdaş biseksüel akademisyenler de (Firestein, 2007; Serano, 2012; Robinson, 2017) biseksüelliğin neden tüm "multiseksüellikler" için bir şemsiye terim haline geldiğini araştırmışlardır. Günümüzde cinsellik çalışmalarında biseksüellik, "birden fazla cinsiyet ve/veya toplumsal cinsiyetten kişilere ilgi duymayı içeren çoklu bi-spektrum kimlikler" için bir şemsiye terim olarak tanımlanmaktadır (Eisner, 2013, s. 17). Bu bağlamda benim duruşum da bu tanımlamayla ortaklık taşır. Çalışma boyunca, biseksüelliği, biseksüel, omniseksüel, panseksüel, poliseksüel, queer, bicurious, akışkan, hetero/homo esnek ve bi/pan romantik dahil tüm "monoseksüel olmayan" kimlikler için kullanılabilen "bi+" olarak ele alınacaktır.

Araştırmacılar (Rust, 1992, 1993, 1995, 2000b; Klein, 1993; Ochs, 1996; Young, S., 1997; Eisner, 2013) biseksüelliğin paradoksal yönünün, biseksüelliğin cinsiyet ikilisinin ya da tek bir cinsiyete ilgi duymanın ötesine geçmesinden kaynaklandığını savunmaktadır. Aslında heteroseksüellerin ve homoseksüellerin biseksüelliğe tepkisi bu konuda çoğu zaman aynı yere, yani monoseksist eğilimlere düşmektedir. Klein (1993) biseksüelliğin, "kendi arzularını paylaşan ama kendi isteksizliklerini paylaşmayan" (s.23) yönlerini anlamakta başarısız olan tekcinseller için "yabancı bir varlık" olduğunu ileri sürmektedir. Buradaki mesele, biseksüelliğin "anlaşılmazlığının" birden fazla kimliğe çekici gelebilmesinden kaynaklanması ve bu kimliğin de monoseksüel paradigmada ilkel, belirsiz ve dolayısıyla varolmayan bir kimlik olarak kurgulanmış olmasıdır.

Dolayısıyla monoseksizm, cinsiyet/cinsellik ikiliğinin dışında kalan kişileri ötekileştirmekte ve bu kişilere yönelik yapısal adaletsizlikler gerçekleştirmektedir. Monoseksizm, "her insanın monoseksüel olduğu (ya da olması gerektiği), yani yalnızca tek bir cinselliğe (veya cinsiyete) ilgi duyduğu varsayımına dayanan bir çeşit güç ya da ayrıcalık yapısı" olarak tanımlanmaktadır. Monoseksist paradigma, baskı mekanizmalarında Kadın düşmanlığı (mizojini), cis-cinsiyetçilik, ırkçılık ve bedensel güçlülük gibi diğer yapısal baskı biçimleriyle kolayca kesişebilir (Goldberg, 2016).

Monoseksüeller arasında biseksüellik genellikle var olmayan bir cinsellik, bir evre ya da utanç verici bir durum olarak görülmektedir. Dahası, biseksüeller genellikle "kafası karışık", "deneysel" veya "gerçek cinselliklerini inkar eden" kişiler olarak etiketlenmektedir (Dyar, Feinstein ve London, 2015, Mohr ve Rochlen, 1999). Ayrıca sürekli olarak sadakatsizlik, önüne gelenle yatma veya cinsel yolla bulaşan enfeksiyonlara neden olma gibi olumsuz çağrışımlarla ilişkilendirilmektedir (Eisner, 2013; Dyar & Feinstein, 2018; Ochs & Rowley, 2005; Israel & Mohr, 2004; Rust, 2000a). Lezbiyen ve gey bireylerin biseksüellere karşı genel olarak heteroseksüellere kıyasla daha hoşgörülü olduğu inkâr edilemez. Bununla birlikte, Yine de, biseksüel olumsuzlama cisgender lezbiyenler ve geyler arasında diğer cinsel azınlıklardan daha yaygındır (örneğin trans, aseksüel vb.) (Dodge, et al., 2016).

Monoseksizm ayrıca biseksüelliği ayrı bir cinsellik olarak tanımak yerine bir dizi kanıtlama ve meşrulaştırmaya hapseder. Kanıtlama derken, bir biseksüelin kimliğinin, ilişkisinin ya da hayatının "otantik" olduğunu "ispatlamak" için cinsel ve ilişki geçmişini anlatmak zorunda olduğu durumlar kastedilmektedir. Aksi takdirde, monoseksüel paradigma içinde heteroseksüel ya da homoseksüel olarak yanlış etiketlenirler veya kararsız olarak değerlendirilirler. Nitekim bir ilişkide biseksüel görünmezliği, özellikle evlilik eşitliği ve göçmenlik politikalarında önemli rol oynayacak ayrımcılığın göstergelerinden biridir.

Tezin ikinci bölümünde, tüm cinsel azınlıklar için eşit hakların tanımlandığı durumlarda bile biseksüellerin yasalar karşısında eşitsiz veya dezavantajlı durumlarla karşılaşmasının bir nedeninin de yasa uygulayıcıların monoseksist kültürel kodları

yeniden üretmesi olduğunu iddia edilmektedir. Hak söylemindeki bu monoseksüel paradigmayı ortaya çıkarmak için, biseksüel bireylerin şu üç alanda liberal yasalar ve düzenlemelerle ilgili olarak karşılaştıkları zorluklar incelenecektir: evlilik eşitliği, çocuk velayeti ve göçmenlik. Bu üç alanı analiz etmenin, monoseksizmin biseksüelliğe karşı işlediği ana biçimleri ortaya çıkaracağını düşünülmektedir: biseksüelliği anlaşılmaz olarak etiketlemek, bir kişinin cinsiyetini ve cinsel yönelimini partnerinin cinsiyetine göre varsaymak ve genel olarak biseksüelleri marjinalleştirmek gibi. Buna ek olarak, bu formların biseksüelliğin haklar söylemindeki konumlarına ilişkin önemini tartışmak için bir temel sunacaktır. Analiz, bu tür hak söylemlerinin ve biseksüellere yönelik adli sonuçların, özel olarak hak söylemlerinden ziyade, öncelikle baskın monoseksüel kültürden nasıl etkilendiğini ortaya koyacaktır. Biseksüelliğin homoseksüellik ya da heteroseksüellik bağlamında ele alınması, biseksüelliği yasa yapım süreçleri ve uygulamalarının dışında bırakmakta ve monoseksüel kültürün kendisini baskın ve sabit olarak inşa etmek için biseksüelliği nasıl sürgün ettiğini yansıtmaktadır.

Hak söylemindeki biseksüel çıkmazı, biseksüel bireylerin yasalarda ya da maddelerde yer almamasına neden olmuştur, çünkü hâkim kültür, hak söylemi ve kurumları tarafından kabul edilen paradigma monoseksüelliktir. Dahası, monoseksüel kültürü biseksüelliği olumsuz davranış ve özelliklerle eş tutmakta ve kanun yapım ya da mahkeme süreçlerinde kendini yeniden üretmektedir. Her şeyden önce, vaka çalışmaları boyunca ana noktanın cinsel yönelim temelli ayrımcılıktan daha fazlası olduğunun altını çizmek gerekmektedir. Burada vurgulamak istediğim, bu stereotipleştirme ve ötekileştirmenin kaynağının monoseksüel kültürel varsayımlardan geliştiğidir. İkinci bölümde tartışıldığı gibi, biseksüel cinsel yöneliminden dolayı ayrımcılığa uğrayabilir, ancak bu ayrımcılığın illa ki doğrudan olması gerekmez. Kişi monoseksüel normlar perspektifinden gördükleriyle algılar ya da yargılar, bu nedenle biseksüel ebeveynleri/bireyleri güvenilirmez ya da karışık olarak gördükleri için çocuk velayetine layık bulmayabilir ya da biseksüel göçmenlerin talebi yanlış ifadeye dayandığı için göçmenlik başvurusunu reddedebilirler. Sonuçta değerlendirmelerimizi toplumsal normlar üzerinden yapıyoruz ve bu normları da monoseksüellik

belirlemektedir. Dolayısıyla eşit haklar biseksüel bireylerin dezavantajlı konumları için bir çözüm olmayacaktır.

Evlilik eşitliği, çocuk velayeti veya göçmenlik politikaları bağlamında verilen örneklerde olduğu gibi temel sorun haklarla ilgili olsaydı, sorunu çözmek için eşit haklar veya ayrımcılık karşıtı yasaları daha geniş bir alana yaymak gerekirdi. Ancak eşitlikle ilgili çeşitli yasalar, ayrımcılık yasağının yanı sıra, biseksüeller için dezavantajlı durumların geçerli olduğu örnekler sunmaktadır. Dolayısıyla buradaki sorunun eşit haklar tanımaktan daha farklı ve derin olduğunu söylemek mümkün. Buradaki sorun, çalışmalarım boyunca sorguladığım cinsellikteki egemen kültür olan monoseksüelliğin tüm kültürel kodlara nüfuz etmiş ve onları yeniden üretmiş olmasıdır. Biseksüelliğe karşı spesifik olarak bir ayrımcılık olmasa bile, bu baskın kültürün normları tarafından belirlenen özellikler ve davranışlar nedeniyle ayrımcılık meydana geliyor. Dolayısıyla, bir cinsel azınlık konumu olarak biseksüellik, haklar söylemi tarafından değil, monoseksüel egemen kültür tarafından bastırılmaktadır.

Çeşitlilik ve liberal haklar söylemi bağlamında Will Kymlicka'nın liberal çokkültürcülüğü, kültürel çeşitliliği ve azınlık haklarını kabul eden en ünlü haklar söylemi olarak kendini göstermektedir. Bu nedenle, üçüncü bölümde haklar söylemini kültürel çeşitlilik çerçevesinde yeniden çerçeveleyen ve farklılaştıran Kymlicka'nın liberal çokkültürcülüğünün tartışmaya neler getirebileceğini araştırılacaktır. Kymlicka'nın cevabı azınlık hakları söz konusu olduğunda sadece etnik/dinsel azınlıklara odaklanıyor; ancak bu çalışmanın iddiası cinselliklerin de aynı derecede önemli olduğu yönündedir. Ayrıca, Kymlicka kültürün azınlık hakları üzerindeki etkisini hafife almaktadır. Bu sebeple, çalışma, kültür sorgulanmadığı sürece haklar söylemine ilişkin herhangi bir tartışmanın -etnik ya da cinsel azınlığa odaklanılmasından bağımsız olarak- azınlık haklarını kapsamada başarısız olacağı iddia edecektir. Çalışmamın ana sorusu bağlamında yine biseksüellik vakası üzerinden ilerlenecektir. Bu bağlamda, liberal çokkültürlülüğün çeşitlilik iddiasını gerçekten gerçekleştirip gerçekleştirmediğini ve en önemlisi Kymlicka'nın kültürünün cinselliğe göre nasıl tanımlandığını ve bu tartışmaların biseksüellik vakasıyla nasıl ilişkilendiğini tartışılacaktır.

Kymlicka'nın azınlık grupları tanımında göze çarpan noktalardan biri, kültürlerin ve azınlıkların sadece etnik ve dini yönlerini ön plana çıkararak monolitik bir anlayış varsaymasıdır. Bu, çeşitlilik merkezli bir yaklaşım için garip bir durum yaratmaktadır, çünkü bu azınlık grupları içinde eşit derecede ayrımcılığa uğramış ve/veya dezavantajlı kimlikler veya karşıt kültürel yorumlar arasındaki iç çatışmaların nasıl çözüleceği sorunu ortaya çıkmaktadır. Örneğin, azınlıktaki bir grup kültürün en muhafazakâr ve cinsiyetçi yorumunu takip etmek isteyebilirken, diğer grup aynı kültürü özellikle cinsellik konularında daha liberal ve kapsayıcı bir bakış açısıyla yeniden yorumlayabilmektedir.

Kymlicka, grup haklarının azınlık içindeki savunmasız gruplara eşitsiz veya dezavantajlı bir konum yaratmasını önlemek ve azınlık haklarının her zaman liberal haklar söyleminin ilkeleriyle uyumlu olmasını sağlamak için iki kavram önermektedir. Bunlar "iç kısıtlamalar" ve "dış korumalar"dır. Bunlardan ilki "grubu iç muhalefetin istikrarı bozucu etkisinden korumak için tasarlanmıştır (örneğin, bireysel üyelerin geleneksel uygulamaları veya gelenekleri takip etmeme kararı)." İkincisi ise "grubu dış baskıların (örneğin daha büyük toplumun ekonomik veya siyasi kararları) etkisinden korumak için tasarlanmıştır" (Kymlicka, 2001b, s. 22-23).

Tüm bunlar şu soruyu gündeme getirmektedir: Kymlicka'nın teorisi, liberal çokkültürcülüğünün önerdiği gibi azınlıkların haklarını dezavantajlı durumlarına karşı koruyor mu? Bu soruya yönelik tartışma, çeşitlilik uyumlu haklar söyleminin sorunu çözüp çözmeyeceği sorusuna da açıklık getirecektir. Daha dar bir mercekten gelen soru şu şekilde formüle edilebilir: Cinsiyet gibi kültürel çeşitliliği doğrudan etkileyen belirli varlıkları dikkate almadığı göz önüne alındığında, bir azınlık içindeki azınlıklara ne dersiniz?

Çokkültürlülük, azınlıkların kendilerine özgü toplumsal kültürlerini korumaları için bir zemin sağlar; ancak azınlıkların bunu sadece istedikleri için değil, aynı zamanda kendilerini makbul olarak tanınabilir ve "okunabilir" bir azınlık grubu haline getirmek için de yapmaları gerekir. Yani, kültürlerini korumazlarsa, farklı bir kültüre sahip bir

azınlık olarak tanınma şansını ve dolayısıyla azınlık haklarından yararlanma olasılığını kaybedebilirler. Başka bir deyişle, bir azınlık grubu olarak "kurumsal çimentoya" sahip olmaları gerekmektedir (Kymlicka, 1995, s. 100). Dolayısıyla Kymlicka'ya göre toplumsal kültürler, kültürel hakları bahşeden ve koruyan toplumsal kurumların işleyişinden muaf değildir. Aksine, bu kurumların bir azınlığı etnik, dini ya da cinsel vb. olarak nasıl tanımladığı, o azınlığa tanınan hakların kapsamını da belirleyecektir. Sonuç olarak, azınlıklar kimliklerini kurumsal olarak tanımlamak, savunmak ve haklı çıkarmak için genellikle kültürlerinin baskın çağrışımlarına ve geleneksel yorumlarına başvurmak zorundadır. Bu durum literatürde azınlık içinde azınlık sorunu olarak değerlendirilmektedir (Eisenberg & Spinner-Halev, 2005 bkz.). Örneğin, Pallotta-Chiarolli ve Rajkhowa (2017) bu sorunun cinsel azınlıklar için geçerli olan bir örneğini sunarak, çok kültürlü ve çok dinli LGBTİQ+ kimliklerinin sağlık, hukuk, eğitim ve din alanlarındaki sistemik görünmezlikler ve kurumsal adaletsizlikler karşısındaki durumlarını ortaya koymaktadır.

Kymlicka'nın liberal çok kültürlülüğü şiddetle eleştirildi çünkü "toplumsal kültür" ve tercih edilen "kültürel bağlam", bir azınlık topluluğu içindeki baskın çoğunluğun haklarını güvence altına almaktan başka bir şey ifade etmiyor. Bu konudaki temel eleştiri, Kymlicka'nın "dahili kısıtlamalarının" cinsiyeti dikkate almamaları nedeniyle azınlıkların temel hak ve özgürlüklerini korumaya yetmeyeceğidir. Başka bir deyişle, Kymlicka, farklı boyutlarda olsa da, kültür ve azınlıklar etrafındaki meselenin ne kadar cinsiyetçi olduğunu göremiyor. Bu nedenle, onun liberal çok kültürlülüğü, grup içindeki ayrımcı dinamikleri tanımak ve ele almak için yeterli değildir (Okin S., 1998; Shachar, 1999, 2000; Pallotta-Chiarolli& Rajkhowa, 2017; Karademir, 2018). Aksine, liberal çokkültürlülüğün yekpare toplumsal kültür varsayımı, sonuç olarak, marjinalize edilmiş cinsel azınlıklara yönelik mikro saldırıları veya baskıları besleyebilir.

Okin (1998, 1999), Shachar (1999,2001) ve Deveaux'un (2000) belirttiği gibi, birçok kültürün geleneksel kodlarında ataerkillik ve kadın düşmanlığı (misogyny) vardır. Bu kodlar örtülü ya da görünür olabilir. Ancak, dünya genelindeki kültürlerde hâkim olan eğilimin kadınların erkekler tarafından kontrol edilmesi ve sömürülmesi olduğu inkâr edilemez bir gerçektir. Bu durum, cinsel haklar ve üreme hakları gibi temel hakları

bastıran kültürel uygulamalarda kendini göstermektedir. Burada söz konusu olan sadece kadın hakları değil, aynı zamanda cisheteronormatif olmayan cinsel kimliklerdir. Çok kültürlülükte ortaya çıkan azınlık içinde azınlık sorunu bağlamında heteroseksüel olmayan azınlıkları inceleyen çok sayıda çalışma bulunmaktadır (Engel, 2004; Rodrigues, 2014; Pallotta-Chiarolli& Rajkhowa, 2017; Karademir, 2018). Özetle, toplumsal cinsiyet merceği olmaksızın kültürel çeşitliliğe yapılan vurgu, azınlıklardaki marjinalleştirilmiş grupların belirli çatışmalarını ve adaletsizliklerini kabul etmeden veya ele almadan gündeme getirmektedir. Dolayısıyla, Kymlicka'nın toplumsal kültür yorumu azınlık içindeki azınlık durumunu ortaya koyarken, teorisi azınlık konumunda cinsiyet kimliği ve cinsel yönelimin en dezavantajlı kimlikler arasında yer aldığını göz ardı etmektedir. Dolayısıyla cinsellik, kültür tartışmalarından ayrı tutulamaz.

Bununla birlikte, açıkça, bu tartışma, cinselliğin ne ölçüde kültürel veya kültürel olarak kabul edilebileceği sorusunu gündeme getiriyor. Heteroseksüellik kendisini bir norm olarak sunduğu ve ekonomi, mevzuat, bilim ve medya aracılığıyla işlediği sürece, cinselliğin belirli kültürel yorumlarını da kaçınılmaz olarak yeniden üretecek ve normalleştirecektir (Karademir, 2018 bkz.). Yani kültür ister çoğunluğun ister azınlığın kültürü olsun, heteroseksüellik perspektifinden yorumlanacaktır. Ayrıca, birinci ve ikinci bölümlerde tartıştığım gibi, güvenilirlik, sadakat gibi olumsuz kültürel anlamlar marjinalize edilmiş herhangi bir cinselliğin "özelliklerine" atfedildiği sürece, bu potansiyel olarak ayrımcılığa veya dezavantajlı duruma yol açar. Dolayısıyla cinsellik bu açıdan hiçbir zaman "mahrem" ya da "kültürün" kapsamı dışında olmamıştır.

Bu eleştirilerin farkında olan Kymlicka, daha sonraki çalışmalarında toplumsal cinsiyet ve cinsellik boyutunu bir kez daha ancak kendi teorisini teyit edecek şekilde dile getirir. Örneğin, "siyah, kadın, gey ve lezbiyen gibi kimliklerin sosyo-kültürel kimlikleri nedeniyle kendilerini marjinalleşmiş ya da damgalanmış hissettiklerini" savunur (Kymlicka, 2001a, s. 330). Aynı şekilde, feminist eleştirilere bir yanıt olarak Kymlicka (1999), "daha kapsayıcı bir adalet anlayışını amaçlayan ve eşitliğin aynı muameleyi gerektirdiği şeklindeki geleneksel liberal varsayıma meydan okuyan"

çokkültürlülük ve feminizm arasındaki ortak ideallere dikkat çeker. Kymlicka bu benzerlik konusunda haklı olsa da, feminizmin bu amaçlara toplumsal cinsiyetin kültürel ve normatif yorumlarını ve buna bağlı baskıyı sorgulayarak ulaşmaya çalıştığını vurgulamanın çok önemli olduğunu düşünüyorum. Dahası, feminizm için tanınma aynı zamanda kültürün geleneksel yorumunun sorunlaştırılması anlamına gelirken, çokkültürlülük söz konusu olduğunda odak noktası kültürün korunmasıdır.

Azınlıklar, özyönetim gibi grup olarak farklılaştırılmış haklara sahip olabilmek için yeterince belirgin ve farklılaştırılmış geleneksel kültürlere sahip olmalıdır. Hem azınlık haklarından yararlanabilmek hem de "makbul, "kabul edilebilir" ve "okunabilir" bir azınlık topluluğu olarak varlıklarını sürdürebilmek için bu geleneksel kültür yorumunu muhafaza edebilmeleri ve koruyabilmeleri gerekir. Bu bağlamda önemli bir soruyu sormak gerekmektedir: Bu muhafaza nasıl sağlanabilir? Bu noktada birbiriyle bağlantılı iki yol var. Bunlar biyolojik yeniden üretim ve kültürel yeniden üretimdir. Birincisi heteroseksüel olmayı ve/veya üretim amacıyla seks yapmayı; ikincisi ise geleneksel normları ve kültürü temsil etmeyi gerektirir. Dolayısıyla, kültürün korunmasına yapılan büyük vurgu kadınlara bir yük getirmekte ve heteronormatif olmayan cinsellikleri ve yaşam tarzlarını dışlamaktadır. Bu durum özellikle kültürlerin çoğunun heteroseksüellik perspektifinden yorumlanması ve heteroseksüel aile normlarının gelecek nesli yetiştirmenin ve toplumsal kültürü gençlere aktarmanın kadınların görevi olduğunu varsayması nedeniyle söz konusudur. Bu da Kymlicka'nın toplumsal kültürünün aslında toplumsal cinsiyet ve cinsellikle güçlü bir şekilde ilişkili olduğunu gösteren bir başka husustur.

Bu bağlamda Kymlicka'ya yöneltilen ikinci eleştiri, teorinin feminist eleştiriye veya toplumsal cinsiyetçi yorumları kamusal ve özel alan ayrımında dikkate almamasıdır. Teorideki bu boşluğa dayanarak, Okin (1998) ve Shachar (1999, 2000, 2001), dini azınlık grupları içindeki uygulamalarda ve aile ve ev hayatıyla ilgili kültürel uygulamalarda toplumsal cinsiyete dayalı dışlanmaları ve bunun nasıl yapılacağına dair vakaları tartışırlar. Azınlığın geleneksel kültürünü yaşatmak adına kadın hakları ihlal edilmektedir. Ek olarak, Shachar (2001) liberal çokkültürlülüğün üç temel bileşeni olan devlet, grup ve birey arasındaki rekabete ve rekabete önemli bir vurgu

yapar. Analizini özellikle aile hukuku üzerinden ilerletir ve eğer bir kadın kendi azınlık kültürünün baskın yorumlarına meydan okur veya karşı çıkarsa, bu eylemin azınlık için bir tehdit olarak ele alınacağını savunur. Kadının eylemi, grup içindeki marjinalize edilmiş azınlıkların hem haklarını hem de konumlarını belirleyecek bir şey olabilir. Shachar (2001), bu tür eylemlerin "topluluğa ihanet olarak algılanma" (s. 40) olasılığını belirtir çünkü rekabet, azınlık grubunu, gruba göre farklılaştırılmış haklar alabilmek için üye sayısını ve kültürün saflığını korumaya sevk edecektir.

Kültürün korunduğu ve azınlıktaki bireylerin geleneksel toplumsal cinsiyet rollerini yerine getirdikleri sürece saygın kabul edildiği bir durumla karşı karşıyayız. Bu nedenle, azınlıkta muhalif veya tartışmalı olan herhangi bir kültürel yorum marjinalize edilecektir. Dolayısıyla burada korunan kültür, elbette bir azınlık kültürünün hegemonik yorumudur ve dolayısıyla o azınlığın kültürünün hegemonik olmayan yorumlarının silinmesine veya dışlanmasına neden olmaktadır (Carens, 2000; Karademir, 2018). Toplumsal kültür, tanınabilir azınlıklara haklar ve anlamlı seçimler sağlamaya bu kadar önem veriyorsa, bir azınlık kültürünün saygın ve özgün olması ve büyük bir nüfusa sahip olması çok daha hayati hale gelir. Bu, azınlık içindeki dezavantajlı kimlikler için marjinalleşmeyi güçlendirecektir. Tartışmaları, bu söylemi şekillendiren egemen kültürü sorgulamadan hak söylemi çerçevesinde çerçeveselendirdiğimiz sürece, kültürün egemen yorumu korunacak ve sorgulanmadan kendini yeniden üretecektir.

1990'ların başında biseksüel aktivistler Udis-Kessler (1991), Weise (1991), Farajaje-Jones (1993) ve Perez (1995) biseksüelliği çokkültürlülük bağlamında analiz etmişlerdir. Biseksüelliği ve çokkültürlülüğü çeşitlilik ve kültürel üyelik açısından, ancak haklar söylemine girmeden tartıştılar. Her ne kadar çokkültürlülüğü sadece etnik köken ve dine vurgu yaptığı için eleştirseler de, sonuçta çokkültürlülüğü ilerici bir kavram olarak ele aldılar. Benim çalışmamdaki pozisyon ise tam tersine, çokkültürlülüğün egemen kültüre meydan okumadan marjinalleştirilmiş cinsellikler için ilerici bir çözüm önermediği yönünde. Önceki bölümlerde tartıştığım çokkültürlülük eleştirileri ışığında, şimdi çokkültürcü yaklaşımın biseksüeller için tam olarak ne önerdiğini ve önermediğini tartışacağım. İlk olarak, biseksüellerin cinsel

azınlık içindeki konumunu incelerken egemen kültürün monoseksist varsayımlarını ortaya koyacağım. Bu bağlamda, biseksüellerin kültürel üyeliğini ve liberal çokkültürlülük bağlamında anlamlı seçimler yapma olasılığını tartışacağım. İkinci olarak, azınlık kültürünün korunmasının biseksüeller için çifte ayrımcılığa yol açacağını savunacağım. Son olarak, biseksüellik bağlamında "kabul edilebilir" bir cinsel azınlık olmanın sorunlu kavramını sunacağım.

Bu bölümün ana odağı cinsel azınlık içinde marjinalleştirilmiş bir azınlık olarak biseksüellik olacak ve liberal çokkültürlülüğün azınlık içinde azınlık olarak biseksüeller için bir çare olup olmadığını sorgulayacağım. Diyelim ki azınlık hakları ile korunan kişiler etnik azınlıklar değil de cinsel azınlıklar olsun. Böyle bir varsayımsal durumda, biseksüelleri azınlık içinde azınlık olarak değerlendirebiliriz çünkü liberal çokkültürlülük cinsel azınlıklara grup hakları tanıyarak kültürlerini ve yaşam tarzlarını bu kültürü sorunsallaştırmadan koruyacaktır. Ancak daha da önemlisi, monoseksizm sadece baskın kültür tarafından değil, aynı zamanda baskın kültürün haklar tanıdığı cinsel azınlık tarafından da sürdürülmektedir. Daha önce de belirttiğim gibi, biseksüellik gey ve lezbiyenler arasında genellikle meşru olmayan ya da sahte bir kimlik olarak görülmektedir.

Öncelikle, bir vaka çalışması olarak sorgulamamın merkezine koyduğum biseksüellik ve monoseksüellik, Kymlicka'nın "toplumsal kültür"e yönelttiği eleştirilerden ayrı bir yerde durmamaktadır. Birinci ve ikinci bölümlerde kapsamlı bir şekilde ortaya koyduğum gibi, monoseksüel kültürün belirli kişisel niteliklere (güvenilirlik, nezaket, sadakat) atfettiği yorumlar, biseksüelleri kimliklerinin tanınmaması nedeniyle dezavantajlı duruma düşürmektedir. Bu özellikler yasalarla değil, kültürel yorumlarla belirlenmekte; sonuç olarak stereotipleştirme ve ötekileştirme de ortaya çıkabilmektedir. Bu nedenle Kymlicka'nın kültürel çeşitlilik iddiasını, geleneksel haklar söyleminin eşitlik iddiasının bazı eksikliklerini gideren bir bakış açısı sunduğu için önemsiyorum. Ancak, önceki bölümlerde de gösterdiğim gibi, Kymlicka toplumsal kültürü çokkültürlü bir şekilde değil liberal bir şekilde tanımlamaktadır. Yani Kymlicka azınlık içindeki azınlıklar için kültürel dönüşümü savunmamakta, bunun yerine iç kısıtlamaların reddedilmesini, yani temel hak ve özgürlüklerin

korunmasını savunmaktadır. Bu bağlamda, çeşitlilik çerçeveli haklar söylemi monoseksüel kültürel paradigmayı miras almaktadır.

İkinci olarak, cinsel azınlıklar için kültürün korunması, azınlığın daha muhafazakâr olmasına veya mikro saldırganlık yapmasına yol açabilir. Bunun nedeni mutlaka bir azınlık grubunu dışlamak, ayrımcılık yapmak veya şiddet uygulamak olmayabilir. Bunun yerine, azınlık grubu içindeki baskın çoğunluğun hak kazanmak ya da kazanılmış hakları kaybetmemek için kendi kültürünü hegemonik bir şekilde ortaya koyma çabasından kaynaklanabilir. Örneğin, LGBTİQ+ savunucularının daha önce tartışıldığı gibi evlilik eşitliği mevzuatında biseksüellerin dışlanmasını önerdiklerinde bu tür eylemleri görebiliriz (Marcus, 2015; Burneson, 2018). Bir başka neden de farklı bir kültürün tanınması için azınlık olarak sunulması olabilir.

Peki, cinsel azınlıkların veya LGBTİQ+ topluluğunun kültürünü korumak ne anlama geliyor? Benim iddiam, cinsel azınlıklarda baskın kültürel kodlar geçerli olduğu sürece, beyaz cisgender gey ve lezbiyenler dışındaki cinsel azınlıkların kaçınılmaz olarak hem grup içinde hem de daha geniş toplumda marjinalleştirileceğidir. Cinsel azınlıkların, azınlık kültürünün hegemonik bir şekilde yorumlanması riskine sahip olduğunu inkâr etmek kolay değildir.

Üçüncüsü, hegemonyal kültür ve gruplar tarafından kabul edilebilir olarak görülmek için cinsel azınlık üyeleri, gruplarını yine homonormativite tarafından şekillendirilen yerleşik normlar, kurumlar veya sosyokültürel ilişkiler içinde çerçeveyerek kendilerini tanıtmaktadır (Cohen, 1997; Santos, 2013; Mathers, Sumerau, Cragun, 2018; Daum, 2020). Cohen (1997), "marjinal grupların ayrıcalıklı üyelerinin" marjinalleştirme ve kontrol arayışlarına dikkat çekmekte ve orta sınıf gey ve lezbiyenler ile diğer marjinal cinsel azınlıklar arasındaki bu sosyal dinamikleri ortaya koymaktadır. Ancak burada amacımın cinsel azınlıklar arasında bir rekabet veya öfke politikası yaratmak olmadığını belirtmeliyim.

Azınlık hakları ve ötekileştirilen kimliklerin tanınması söz konusu olduğunda, nihayet şu soruya geliyorum: Saygın bir kimlik edinmek önemli, ancak ne uğruna? Marjinal

kimliklerin hakları mücadelesinde politikalarımızı, kimleri geride bırakacağımızı, kimlerle ittifak kuracağımızı, kimleri dışarıda bırakacağımızı bu soru üzerinden belirlediğimizi düşünüyorum.

Dolayısıyla, çokkültürcülüğün cinsel azınlıklar içindeki eşcinsel olmayan azınlıklara sunduğu şey, kimliklerinin ayırt edici özelliklerini bastırma ve onları azınlık gruplarının baskın kültürü içinde eritme gücüdür. Tartıştığım tüm faktörler göz önünde bulundurulduğunda, liberal çokkültürcülüğün bireycilik ve kültürcülük çatışmasından doğan azınlık içindeki azınlıklar sorununun sadece liberal çokkültürcülüğün araçlarıyla çözölemeyeceğı açıktır. Shachar'ın (2001) belirttiğı gibi, çokkültürlölük mutlaka kötü olmak zorunda değildir, "hem kötü hem de iyi" olabilir. Peki, burada azınlık kimliklerini azınlık topluluğı içindeki baskın çoğunluk içinde eritmeden bir çıkış yolu bulmak mümkün mü? Biseksüeller söz konusu olduğunda benim cevabım, her şeyden önce monoseksüel kodların düzenleyici pratikler ve kimlik kültürlerindeki rolünü tanımanın önemli olduğu, böylece bunların tartışmaya açılabilceğı yönünde. Bunun için de monoseksüelliğı sorgulayacak, eğitim, medya, sağlık, savunuculuk örgütleri gibi monoseksüelliğın işlediğı kurumlarla ve diğçerleriyle olan toplumsal ilişkilerimizle ilişkilerini açığa çıkaracak politika ve pratikler üretmemiz gerekiyor. Yine de, ikili cinsiyet/cinsellik ve monoseksizm dışında düşünmemek üzere eğitildiğimiz için, önerimin kolay ya da kesin bir çözüm olduğunu iddia etmiyorum. Yine de gerekli olduğunu düşünüyorum çünkü başvurusu reddedilen eşcinsel sığınmacı örneğinde ya da iki ruhlu kimlikler örneğinde göröldüğü gibi, monoseksizm sadece biseksüelleri ötekileştiren bir baskı değildir.

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