

Sara L. McKinnon. *Gendered Asylum: Race and Violence in U.S. Law and Politics* (University of Illinois Press, 2016). x+162 pp. \$25 (paper).

Immigrants, refugees, and asylum seekers have long dominated public discourse in the U.S. Scholars in rhetorical studies, such as J. David Cisneros and Jennifer Wingard, have responded to this sociopolitical context by examining how nation-states mark certain immigrant bodies as inadmissible. Feminist theorists like Inderpal Grewal, Wendy Hesford, and Rebecca Dingo, on the other hand, have specifically examined the way gender functions in the transnational recognition and (mis)identification of brown bodies. Very little work, however, has focused on how gender and race intersect to form exclusionary mechanisms in the context of the U.S. asylum system. This topic is particularly pressing given the Trump administration's immigration and refugee ban. Sara L. McKinnon's book intervenes in this conversation by asking how gender functions as a political category in U.S. law and asylum cases—namely, “how subjects are interpreted, evaluated, and translated through these systems and logics that shapes how and what gender means” (13).

Through five legal case studies, McKinnon interrogates intersecting race and gender discourses that mark certain bodies as either worthy or unworthy for inclusion. Such oppressive logics, McKinnon asserts, serve to ensure the viability and interests of the dominant nation-state. While Chapter One to Three interrogate how particular types of gender violence are racialized by the U.S. state according to existing geopolitical and cultural dynamics, Chapters Four and Five focus on sexuality-related asylum cases to illustrate how despite the seemingly liberal move to recognize gender as a political category for asylum, the U.S. state nevertheless still privileges bodies that are born male as the default subjects for incorporation. By analyzing both legal and extra-judicial materials such as congressional debates and news media accounts, McKinnon investigates how the state naturalizes asylum decisions in order to mask the deep entanglement between such decisions and other U.S. national and transnational interests. Assessing the investments and effects of the U.S. as an asylum-granting state, McKinnon prompts rhetoric and human rights scholars to look not only at asylum sending countries but also to critique how powerful nation-states “produce conditions so precarious that people find themselves, literally, between state protections” (18).

In her introduction, McKinnon posits the overarching research question, namely, “what enabled gender's emergence as a contingent and segregated category” (4); McKinnon also pays close attention to the way gender functions in conjunction with processes of racialization. Legal cases within the context of U.S. asylum often bear immense—sometimes life-and-death—consequences for claimants, particularly claimants who do not possess normative racial and gender identities; it is, therefore, imperative to critique how such laws are interpreted and enacted through an intersectional approach that takes gender and race into account. This chapter offers a substantive review of asylum in the U.S. in response to changing transnational politics: McKinnon thoroughly historicizes how gender enters mainstream human rights discourse championed by the United Nations and prominent member states. In particular, McKinnon focuses on the way such discourse changes how the U.S. government manages refugees and asylum seekers. Drawing from legal and feminist scholars, McKinnon prompts readers to consider “how the sex/gender system intersects or interlocks with other systems of power in order for us to gain insight into gender's codification as a legal concept” (12). The chapter

demonstrates clearly the interdisciplinary approach and nature of McKinnon's project. As she maintains, in order to sufficiently address how geopolitics between the U.S. and other nation-states influence the way gendered discourses travel and are interpreted, one must engage with a wide range of scholarship and primary data that allow for a thorough interrogation of the sociopolitical, discursive, and material dimensions of political decisions in U.S. asylum cases.

To illustrate how geopolitical relations influence the evaluation of gendered discourses and performances by U.S. state attorneys and judges, in Chapter 1 McKinnon uses the concept of "transnational publicity" to inform her analysis of gender-based domestic violence in the asylum cases of Central American women. Defined as "the rhetorical crafting and circulation of discourse by a broad range of advocacy groups, individuals, and organizations that intervene in particular rhetorical situations" (22), transnational publicity provides a useful heuristic to analyze the networked nature of gender and human rights discourse in a given rhetorical ecology. McKinnon examines these cases by paying close attention to the geopolitical dynamics between the U.S. and the Central American states involved. With analysis of both legal documents and extra-judicial materials that deeply contextualize the sociopolitical context at the time, McKinnon argues that the court's decisions are contingent upon the U.S. geopolitical state interests and the way dominant transnational publicity locates and circulates gender violence. For instance, attending to the 14-year legal appeal of Rody Adali Alvarado Peña—a Guatemalan woman who sought and eventually obtained asylum after suffering severe intimate violence—McKinnon determines that the U.S. court bases its decision on whether the state would be implicated in the violence or be recognized as the "pastoral protector of women" (33) within the dominant discourse of transnational publicity. McKinnon also examines how the El Salvadorian women who claim asylum before Peña in the 1980s were rejected by court because domestic violence against women was not categorized by the U.S. state as political persecution. This chapter cogently illustrates that the possibility for an asylum seeker to gain refugee status hinges more upon the state's geopolitical interests and involvements than her material conditions and rights.

While Chapter 1 focuses on asylum cases that came before the popular framework "women's rights are human rights"—a model championed by white, liberal politicians in the early 2000s—in the U.S., Chapter 2 examines how "various forms of gender violence come to be fixed in the U.S. national imaginary to particular places and bodies" (41). These overly simplistic and essentialist constructions, McKinnon argues, allow the U.S. to represent itself as a pastoral security state that defends non-white women from "inferior" and "barbaric" nation-states that do not oblige by dominant Western liberal ideologies. To demonstrate how claims of brown and black female asylum seekers are framed by dominant U.S. discourse and the court either as seeking freedom *from* violence or freedom *to* liberation, McKinnon focuses her analysis on two asylum cases: a woman fleeing Togo to avoid female circumcision, and four Iranian women who claimed to be prosecuted back home for their feminist political opinions. In the former, McKinnon posits that by representing female circumcision as necessarily a form of prosecution by barbaric nation-states, dominant discourse in the U.S. racializes and essentializes African women and African cultures in an extremely reductive and disempowering fashion—in this context, asylum seekers are seen by the court as subjects who seek freedom *from* violence inflicted by an external actor. McKinnon then juxtaposes this argument to the claims made by the

Iranian women: rather than attempting to escape from an external source of violence, these women ground their cases on the logic they should be free to practice their political and religious beliefs against the mandate of their own nation-state. Claims that depend on a freedom *to*, as McKinnon cogently demonstrates, are unsuccessful in court because they portray these female claimants as agentic political actors whose shrewdness and propensity to defy are suspicious and deemed potentially dangerous to the U.S. Taken together, these two sets of discourse disempower the claimants by putting them in a double bind: they could either be deemed infantile and culturally inferior, or they could be seen as too threatening.

After focusing on the kinds of claims and performances female asylum seekers must undertake in order to be deemed admissible as refugees, McKinnon then shifts her analysis to the way the U.S. state actively intervenes in the controversy surrounding forced abortion and sterilization to “protect” racialized “Chinese people who are imagined as in peril to their state, all the while skirting the burden of the gendered migrants it fears most” (61). In Chapter 3, McKinnon examines cases in which the U.S. granted asylum to Chinese men on the ground that their wives had been forced into abortions and sterilizations by the state. Echoing the argument she made in the previous chapter, McKinnon asserts here that women “rarely enter U.S. law and politics as subjects of their own accord” (72). In these particular legal cases, McKinnon argues, women are rendered “immobile so that their husbands can appropriate their bodily experience as their own” (72). Continuing her focus on the ways geopolitics between states influence the way gender-based asylum cases are evaluated in the U.S., McKinnon posits that by incorporating Chinese male asylum seekers on the basis of their wives’ experience, the U.S. is able to assume the identity as the pastoral human rights protector to maintain its moral supremacy over China—all the while reinscribing the male, nonreproductive body as the ideal subject for naturalization. This chapter highlights the ways in which gender categories in asylum law are used by the U.S. state to reinforce dominant conventions of sexuality, morality, and citizenship; it also reveals the intricate and often inconspicuous entanglement between asylum cases and geopolitical dynamics.

After interrogating asylum seekers who are cisgender and heterosexual, McKinnon in Chapter 4 shifts to examine how gender is evaluated and made legible in cases in which the claimants are transgender or identify as queer. This chapter demonstrates that “when gender and sexuality are categorically recognized in U.S. asylum law, they have almost no intersections. McKinnon refers to this as the “one gender, one sex” logic, which she examines further in the last two chapters of the book. Under this reductive heuristic, gender stridently signifies as a reference for cisgender, presumably heterosexual women who flee violence easily recognizable as both corporeal and cultural” (84). Transgender and cisgender gay asylum seekers, McKinnon argues through her case studies, must therefore perform identities and construct claims that oblige by the restrictive, heteronormative and non-intersectional definitions of gender and sexuality. For instance, cisgender gay men frequently have to demonstrate visible “effeminate” traits to prove that prosecution they face is indeed related to their sexuality; immigration judges also make decisions based on the physical appearance of gay bodies. As McKinnon argues, such discourse “appropriates the gendered messages as messages about sexuality that render these male-assigned subjects eligible for inclusion” (88). In addition, this chapter also excavates how court judgments in these cases construct sexuality and gender as fixed, singular, and biological. The “one gender, one sex” framework, as McKinnon shows in this chapter, allows the state to

continue privileging cis makes as neutral, universal, and model subjects for whom asylum protection are intended.

Chapter 5 continues to examine how asylum cases involving queer claimants are evaluated in the U.S. legal context. In particular, McKinnon interrogates ‘what happens to [queer] claimants whose experiences are not as easily legible in the rhetoric of the conventions codified through the male-assigned cis and trans sexuality cases’ (105). Analyzing cases that involve gender-normative gay men and lesbian asylum seekers, McKinnon cogently reveals in this chapter that while the former must conform to dominant conventions and narratives of male homosexuality, they usually are deemed admissible—on the other hand, however, lesbians are often unable to construct arguments to fit neatly into established narrative conventions, thus rendering them particularly vulnerable to exclusion. Lesbian asylum seekers, McKinnon concludes, face tremendous legal difficulty because dominant interpretations of gender, sexuality, and femininity “re-fashion gay women as both not gay enough and ‘too women,’ or too similar to cisgender (presumed heterosexual) women’s gendered claims to be intelligible as sexuality-related asylum claims” (111). The legal, cultural, and political context in which these cases take place privilege the experiences of gay men, while rendering those of lesbians invisible.

In the conclusion of the book, McKinnon forcefully reiterates the key issues embedded within existing dominant legal discourse on gender-related asylum cases. Most importantly, she highlights that while recognizing gender-based persecution may appear at first glance to be a progressive and empowering practice, it in fact institutionalizes the rigid “one gender, one sex” logic while essentializing and racializing bodies that are already marginalized; the geopolitical dynamics at play in these asylum cases also frequently favor U.S. state interests by allowing the U.S. to bolster its cultural, moral, economic, and political superiority over other countries—all the while excluding some of the most vulnerable and exploited populations.

Gendered Asylum is an important contribution to rhetorical, legal, transnational, and gender and women studies. Through an interdisciplinary approach that examines in very nuanced manner both legal and extrajudicial materials, the text persuasively calls for more critical attention towards the way gender is used as a separate political category in the context of asylum seeking. This book is demonstrative of the way scholarship could provide timely intervention at a moment when vulnerable bodies are persecuted and rejected at a transnational level by state policies and geopolitical relationships that protect neoliberal, gender-normative interests under the guise of benevolence. *Gendered Asylum* is a valuable addition to recent work on human rights, immigration, and gender by scholars such as Amy Brandzel, Wingard, and J Cisneros; it serves as a good model on how rhetorical and communication scholars could deploy theory-driven rhetorical analysis to unpack the values and ideologies embedded in legal texts. While critical of the existing asylum and refugee systems, McKinnon does not suggest a wholesale dismissal of this practice; rather, she remains attuned to the material conditions and needs of the claimants throughout her critique of the way dominant legal discourse and evaluations restrict certain gender performances and lived experiences. McKinnon’s work prompts us to consider what discursive and political recourse claimants have beyond the immigration court, and whether there is space in the formal legal context at all that would allow for subversive deployment of dominant existing tropes about gender and sexuality.