Gender Equality and Trans Issues in Iceland

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Gender Equality and Trans issues in Iceland

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Dear IRW Colleagues:

This paper was originally prepared for presentation at the American Political Science Association (though due to Tropical Storm Isaac we did not meet in New Orleans on Labor Day weekend, so I never actually presented the paper). It constitutes the beginning of a new project, and new areas of research for me—Nordic feminism and the Trans community and legislation on trans issues in Iceland—and I am very glad to be able to enlist your assistance in developing the project! The paper outlines some of what the project hopes to accomplish.

The project seeks to explore the complex interconnections of gender equality, gender identity, and sexuality in the Icelandic context by examining the contemporary state of trans inclusion in Iceland. The project includes background research on gender equality and state feminism and the relationship of these movements and architectures with movements for queer and trans inclusion. The project of which this paper is a part also will include original research with the LGBT, feminist, and trans community in Iceland, including interviews with movement leaders from Trans Ísland and Samtökín ’78 as well as the Icelandic parents’ organization, state feminists, and scholars. I do have an Icelandic collaborator who has been involved in the women’s movement in Iceland and is on the faculty at the University of Iceland.

Because this project is new, I am so happy to have the opportunity to be guided by this wonderful group of scholars! I have many questions: what is missing? What is fuzzy and needs more explication? Where am I off the mark? And especially, how would you shape the empirical portion of the project—many of you do this kind of empirical work, I welcome your guidance here.
Gender Equality and Trans issues in Iceland

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The Icelandic context

In 2009, Iceland came to the attention of LGBT activists around the world when Jóhanna Sigurðardóttir was elected prime minister, becoming the first openly lesbian head of government in the world. This fact and its significance seems to have been noted more outside of Iceland than within Iceland, perhaps because of the rather all-engulfing nature of what is referred to in Icelandic as “kreppan”, or the crisis—that is, the financial crisis that began in 2008. The coalition government of which Jóhanna is the leader was elected in response to a widespread perception that the conservative party that had led the government had been complicit in the crisis.

Iceland, settled in the ninth century and under Norwegian and then Danish rule from the 13th century until 1944, is a small nation and certainly unique in many ways. This makes examining its particular blend of gender equality, LGBT inclusiveness, and social welfare democracy perhaps representative only of Iceland. But in this paper I want to suggest some ways that the particulars of Icelandic inclusiveness bear closer scrutiny, and might be fruitful for thinking about gender equality and trans inclusion more generally. The history and public policy of Iceland are also deeply intertwined in particular with two of the other Nordic states, Denmark and Norway. Further the five Nordic states—Sweden, Finland, Denmark, Norway, and Iceland—have cultivated over the last century or so a particular sense of their identity and uniqueness as a region.¹ On many issues, including

¹ Mary Hillson, The Nordic Model: Scandinavia Since 1945, London: Reaktion Books 2008. Note that I will generally use “Nordic” to refer to these states, and that the Faroe Islands and Greenland are often included; both continue as partial protectorates of Denmark,
gender equality, they have coordinated public and economic policy through the Nordic Council.

For many reasons, Iceland along with its Nordic neighbors provides a progressive example on matters related to gender equality and the social inclusion of sexual and gender minorities. The five Nordic countries routinely rank at the top of indices of gender equality, and for the last several years Iceland has held the number one spot on the World Economic Forum’s index. In the mid-1990s, following its larger Nordic neighbors Sweden, Denmark, and Norway, Iceland adopted a same-sex partner registration law and in 2010 adopted same-sex marriage. In Iceland the change in attitudes regarding same-sex marriage was reportedly quite rapid and with little controversy, at least in the 1990s and early 21st century. The first couple to get married under the new law was the new prime minister, Jóhanna, and her partner.3

Iceland has a small but active LGBT community, and has recently promoted both gender equality and queer-friendliness in national policy. The Ministry of Foreign Affairs has promoted Iceland’s gender equality as part of foreign policy, sending gender consultants as part of a peacekeeping team to Afghanistan and funding a program to bring Greenland with greater independence than the Faroe Islands. North American, and some European and Nordic, scholars often also use “Scandinavia” to refer to this entire region, although some scholars only mean Denmark, Sweden, and Norway when they use this term.


3 Note that in Iceland first names are a standard form of address, so political leaders are generally referred to by their first names. And yes, it is true that the phone book—and class rosters, and every other list of names—are by first name.
global south public workers to Iceland for a semester long gender equality education program. Tourism materials present Iceland as a gay-friendly place, including a “Gay Reykjavík” section on the official city tourism site. The largest gay rights organization, Samtökin ’78, receives funding from the city of Reykjavik as well as the national government. The annual gay pride event in August often draws more than fifty thousand people to the celebration, equivalent to nearly one sixth of the national population. Iceland’s pride celebration also draws international tourists. The LGBT community is small, and not always very visible, but is integrated into much of Icelandic society. The national church recently elected a woman bishop for the first time, and she is openly supportive of LGBT people and of same-sex marriage.

**Nordic feminism and gender and LGBT equality**

Gender equality, and equality based on sexual orientation and gender identity have a particular flavor in the Nordic countries that is quite different than the U.S. context, and this is significant for the way that gender, sexuality, sexual orientation, and gender identity are interrelated as well as perceived and addressed. The Nordic countries are well known for their particular model of the democratic welfare state based on universal access to social benefits and equality-based social policies. All of the Nordic countries have a form of

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6 Iceland has a national church, which is Lutheran, though the question of whether to end the official status of the church is one of many issues that was voted on in a constitutional referendum this fall; these popular recommendations are now before the parliament (Alþing). The marriage law permits ministers in the Lutheran Church to follow their conscience on marriage, and thus priests are not required to perform same-sex marriages. Priests opposed to same sex marriage likely constitute a minority in the church, however.
“state feminism”, with a bureaucracy—sometimes referred to as gender equality machinery, sometimes simply as state feminism—devoted to implementing gender equality. These bureaucracies came about as a result of the women’s movement and pressure exerted by women’s political organizations, including, in Iceland, a Women’s Party that was formed to place more women in public office.7 The Women’s Party grew out of the women’s movement of the 1970s, the “Redstockings” movement, and the discontent that many members of this movement felt by the 1980s with (lack of) progress toward gender equality. The Party offered separate women’s slates from the 1980s until the mid-1990s, when the Party was dissolved and integrated into the existing political parties.8

The values of gender equality and of social equality more generally are widely shared among the citizens of Nordic countries. As Ruth Lister puts it:

“Equality, solidarity and universalism are values which explicitly underpin the Nordic model’s commitment to the principle of inclusionary and equal citizenship—even if that principle is not fully achieved and is under some strain in the face of growing immigration...moreover, the commitment is not just to equality of status but to...an equitable distribution of material resources...”9

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8 Ibid., and also see Pórgur Einarsdóttir, “Challenging the Slow Motion of Gender Equality—the Case of Iceland,” Paper presented at Lund University, Sweden, Gender and Power in the New Europe, the 5th European Feminist Research Conference, August 20-24, 2003.
Policies to promote gender equality vary between the Nordic countries, but they all share a commitment to family policies that promote women's participation in the workforce through parental leave policies, including paid paternal as well as maternal leave, and state support for childcare. And it is these policies that have helped to place the Nordic countries at the top of gender equality indices such as that of the World Economic Forum.

The state feminism in Iceland and the other Nordic countries is also marked by a broad consensus on issues related to heterosexual sexuality such as pornography and prostitution. Kulick briefly discusses how this developed in Sweden: first, the “sex debates” of the 1960s in Sweden were dominated by men, and the feminist movement of the early 1970s was very critical of “sexliberalism” as just further exploitation of women.10 These were the feminists who were first incorporated into party politics and political leadership, and in Sweden, as in Iceland, the contemporary political parties agree on the principle of gender equality and on social policies that support both women and men in the workforce. As a result, as Kulick notes, “In Sweden...the sex wars never happened” and thus anti-pornography feminism became state feminism.11 While the story varies somewhat between the Nordic states, this aspect of state feminism is similar, and is descriptive of Icelandic feminism. For example, Iceland banned strip clubs in 2010, and there was broad

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10 Don Kulick, “Four Hundred Thousand Swedish Perverts,” *GLQ*, 11:2, 205-235, p. 211. Kulick notes that many feminists were opposed to abortion rights initially because of the fear that this would promote male irresponsibility.
11 Ibid., p. 212.
agreement among feminists on the law.\textsuperscript{12} There is also a ban on the production of pornography in Iceland.\textsuperscript{13}

Iceland’s gender equality act was passed in 1975, but the gender equality machinery—that is, the state bureaucracy that implements and oversees gender equality—was not put into place until 1998.\textsuperscript{14} As is true in the other Nordic countries, there is a relatively close relationship between academic feminism and the state bureaucracy. Indeed, from 1998 through 2011, the Nordic Council—the cooperative body among the Nordic states—funded a gender equality network that was university based. The purpose was to foster research on gender equality, particularly in ways that could be incorporated into state policy-making.\textsuperscript{15}

But of course, a commitment to gender equality within a frame that primarily imagines itself as creating equality for heterosexual women does not necessarily mean a friendly climate for LGBT people. In academia, in North America as well as in Europe, this led to the critique of women’s studies that in turn brought about sexuality studies and queer theory; fields of inquiry that were also the result of activist work on what we might now characterize as LGBTQ issues.\textsuperscript{16} These fields were also shaped by the publication of Janice Raymond’s anti-transgender book, \textit{The Transsexual Empire} in 1980. Raymond’s claiming of the label “radical feminism” in support of the argument that MtF transgender

\begin{thebibliography}{99}
\bibitem{13} Thomas Brorsen Schmidt, MA Thesis, University of Iceland, 2011.
\bibitem{14} Einarsdóttir, p. 9.
\bibitem{15} See the website of NIKK at www.nikk.no.
\bibitem{16} For some accounts of this process, see the essays in “Thinking Sex/Thinking Gender”, GLQ 2003.
\end{thebibliography}
people are not only not women but are tools of patriarchal oppression has created a deep rift that in many ways still shapes conversations, at least in the U.S. and UK, regarding gender diversity and feminism.\(^{17}\)

In the Nordic context transgender and gender scholars seem to have a more congenial and more recent relationship; conference proceedings from a 2009 conference seem to locate it as the first Nordic conference bringing together transgender activists and scholars with gender scholars.\(^{18}\) In introducing the conference, one of the key organizers noted the importance of mutual engagement among gender studies and transgender studies scholars, given the “shared critique of gendered power differentials”.\(^{19}\) Trans people and issues related to trans identities have however been publicly visible for a long time. After all, the first transgender person to become an international celebrity, Christine Jorgensen, went to Denmark for her medical treatment in the early 1950s.\(^{20}\) Of course, this celebrity status was a mixed blessing for Jorgensen as well as for her physicians. More recently in Norway, Esben Esther Pirelli Benestad became both a famous transgender

\(^{17}\) For a brief history of this conflict see Hines 2010 op. cit. pp 88-89. For its continuing echoes, see this link from 2007 from the archives of the women’s studies list: http://userpages.umbc.edu/~korenman/wmst/radicalfem.html.

\(^{18}\) Graduate Journal of Social Science, Vol 7 No. 2. The conference was held at Linköping University in Sweden.

\(^{19}\) Nina Lykke, “Welcome to the conference: Transgender studies and theories—building up the field in a Nordic context,” Graduate Journal of Gender Studies, 7:2, 19-24.

person and also a respected clinician. So transgender people have been visible for some time in the Nordic countries, though less so in Iceland than in her larger neighbors.

Visibility does not necessarily mean inclusion. And certainly, the question of how heteronormative ideals of gender equality interact with trans inclusion is an open one, an issue that seems to only recently have received concerted attention.

There are a number of other challenges that Nordic welfare states face with respect to gender and other inequalities, including the problem of occupational segregation and unequal pay, violence against women, and class differences among women as well as the complex problem of the status and social integration of immigrant populations. But the widespread acceptance across the political spectrum of gender equality as an ideal and of a social welfare state that facilitates such equality through provision of social benefits is important to the development of LGBT rights in Iceland as well. And I want to suggest that the specifics of the approach to gender equality and sexuality also have shaped the development of laws and policies aimed at equality for LGBT people in Iceland. In particular, the existence of a welfare state with broad-based social provision, and public support of such provision, means that arguments against provision of benefits for specific groups—e.g. same sex couples, or transgender people—meet with less social support than in a less generous welfare state such as the U.S. Further, the broadly shared commitment to the principle of gender equality—despite the flaws and contradictions with

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implementation of that principle—seems to open more social space for social inclusion of LGBT people.

**Trans Equality in Iceland**

This context also shapes the situation of transgender people in Iceland in complicated ways. Although non-discrimination laws include gender identity, and gender reassignment is legal, there were until recently a number of outstanding legal questions that remained in relation to the trans community. Beginning in 2009 the Ministry of Health conducted a formal review of issues related to gender reassignment surgery, including oversight of the process, and the resolution of legal issues regarding changing one’s name and gender in official records. The resulting report led to proposed legislation from the Ministry of Health. The legislation was passed this year by Alþingi (parliament).

The stated purpose of the new legislation, which went into effect June 27, 2012, is "to ensure that transgendered people receive equal treatment before the law, in harmony with human rights." The law defines who is included as transgender, “anyone who, from a young age, has felt as though they were born with the wrong physical gender and seeks to correct it.” The legislation also establishes that the national hospital will establish a team

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24 Ibid.
25 Ibid. It is not clear whether the translations are by the journalist or the Ministry of Health; the only copy of the law that I located is in Icelandic. Usually, the parliament
of specialists on Gender Identity Disorder (GID), and also that the Ministry of Health will appoint a committee of experts to administer the gender change process. The purpose of the medical specialists is “to diagnose and treat individuals with Gender Identity Disorder (GID)”. Once someone has been diagnosed with GID, the National Registry will be notified so that the person can change the relevant legal documents, including changing their name to a name approved for their new gender. (On this, more in a moment.) Another purpose of the law is to make it easier for people who complete the transition process outside of Iceland to complete the legal documents that they need in Iceland; until recently most transgender people in Iceland have gone abroad to complete the transition process. Interestingly, the law also contains provisions for those who wish to return to their original gender.

Gender appropriate names are still required, according to Icelandic law, for everyone born in Iceland. This arises because Iceland has a board that oversees naming, and Icelandic law requires “gender appropriate” names. A main purpose of the naming board is to preserve Icelandic names and the Icelandic language; names must have some history of use in Iceland, and also must be able to be declined according to Icelandic grammar. Until 1995 Iceland required immigrants to change their name to an Icelandic

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provides a one or two sentence description of legislation in English but generally does not translate the entire text of legislation into English.


27 I am quite curious as to why this is included in the law and wonder whether it is in other national laws of this kind (that may have provided the basis for Iceland’s law).

28 Icelandic nouns take different forms that depend on case as well as the gender of the noun; there are four cases.
name when applying for Icelandic citizenship. Most Icelanders do not have family surnames; most Icelanders’ second name is a patronymic, ending in –son or –dóttir. As Willson points out, the naming system in Iceland is seen as part of national language purity, and there has been little challenge to the system; indeed, since women do not change their name when they marry it has elements of gender equity. Everyone is known by their first name, so a person's first or given name is very important. The Icelandic language is seen as central to Icelandic national identity, and for example is seen as part of the core mission of the University of Iceland (which was established in 1911; prior to this time a university education was only available outside of Iceland, and most scholars went to Denmark to receive their degrees). Icelanders are keen to point out that those who can read contemporary Icelandic can also read the Icelandic sagas (which date mostly from the 12th and 13th centuries).

Choosing a gender appropriate name, then, is also a part of Iceland's new law. The law specifically states that part of the legal process is changing one’s name to a name for the appropriate gender. While there are some names that are approved for both genders, in general the Naming Committee approves names based on the gender of the person who has/is being given the name. So most people will be required to change their (first) name when going through the legal transition process.

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30 Ibid.
This of course is not completely unique; as Tam Sanger notes, “Most languages just do not have words to encompass a wide diversity of identity markers.” Legal categories that cast transgender identities in binary terms fail to include many people who might see themselves as part of the transgender umbrella or spectrum. This is a common problem when making claims for recognition by the state, even as these claims operate differently in different contexts. And of course while the idea of transgender identities is useful for critiquing binaries of identity as well as the conflation of “sex” with “gender”, it is not necessarily useful to an identity or activist group to be a rhetorical tool in the deconstructive strategies of another, more powerful, group.

Thus the call by Sanger and others for more empirical studies, and studies more firmly grounded in the social sciences, of trans in all iterations (issues, identities, resistances, lived realities), with an attention to materiality and lived identity practices. But it is important in doing this also not to fetishize transgender, not to locate gender diversity only with people who identify as transgender. In the Icelandic context, this seems to be precisely what the new law is doing—since policies and laws related to gender equality seems to focus primarily on cisgender heterosexual women. But this is part of what (I hope) makes the empirical research useful, and an interesting puzzle.

33 The classic statement of this problem is of course Wendy Brown’s States of Injury (1995).
35 Hines and Sanger 2010 op. cit.
The transgender community is small in Iceland, and the separate transgender group, Trans Ísland, was just formed in 2007. A member of the organization recently estimated the entire trans population of Iceland as perhaps 50 people. Since the law is so new, it will be interesting to see both how the trans and LGB community see the law and its implementation, and how the more visible presence of the trans community affects views of gender equality more generally in Iceland.

**Situating Iceland in the Transgender Literature**

Iceland’s law seems to reflect many of the benefits and problems that critics have identified regarding the UK’s Gender Recognition Act of 2004. In particular, the medicalized model of recognition, still framed in a system shaped by gender binaries, is likely to include some and exclude others depending upon how the law is applied. Unlike the UK law, the Icelandic law does not require transgender persons to divorce before being certified as eligible for the services provided by the law; presumably Iceland’s provision of marriage as opposed to civil partnership for same gender partners made such a provision unnecessary.

Current debates in trans, queer, and feminist theory over “trans” and gender complexity raise a series of questions that will be addressed in this project. The questions are theoretical and conceptual, as well as empirical.

Part of what these policies reveal is the problem with grouping so many different ways of “crossing gender norms”, as Paisley Currah puts it, under the same umbrella term

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36 Pepin op.cit.
of “transgender”. In the case of the UK and Iceland’s legislation, trans identities are codified and regulated by official state bodies that certify eligibility for status as transgender and access to services.

Scholarship on ‘trans’ broadly construed has raised a series of challenges to the ways that gender and sexuality studies scholars have approached issues of gender complexity, hetero- and homo-normativity, and the relationship between these ways of thinking about identity and theorizing about the body. Much of this scholarship has focused on contemporary cultural contexts in the Americas, where the most substantial body of empirical scholarship on ‘trans’ has been located. In part, this scholarship raises a series of contradictory questions about medicalization of the “transgender body” and of trans identities, including the controversial status of “gender identity disorder” as a diagnosis. As Dean Spade puts it, “How should gender theorists, feminists, and trans people understand the long-standing practice amongst gender variant people of strategically deploying medically-approved narratives in order to obtain body-alteration goals?”

Another set of questions relates to the problem of the many identities that have come to be included under the transgender umbrella, and the collapsing of those identities into only one form of trans, the form (called by different names in different cultural contexts) that includes surgical alteration of the body. All of these questions have a complex relationship both to queer theory—leading Susan Stryker to characterize trans studies as queer theory’s

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39 Dean Spade, ”Mutilating Gender,” p. 316
“evil twin”—as well as to feminist theory and the liberatory agendas of scholarship in all of these areas of study.\textsuperscript{40}

As Spade notes, focusing transgender identities around medicalization and sex reassignment surgery (SRS) has the effect of “contain[ing] gender dysphoria in the realm of transsexuality”.\textsuperscript{41} It also has the effect, in some ways similar to one effect of the normalizing discourse of marriage, of depoliticizing and naturalizing gender.\textsuperscript{42} This depoliticization is problematic for any goal of feminist, queer, and trans liberation. This contradictory nature of the medicalization of trans identities as necessary to the process of accessing benefits including SRS is a central problematic of trans theory and trans identifications.\textsuperscript{43}

These puzzles can be addressed by a variety of approaches; the goal of this project is to develop a theoretically informed empirical study of how these kinds of questions are addressed in the specific cultural context of Iceland, particularly by members of the trans community in Iceland. Thus, this project will involve interviews with the leadership of Trans Ísland, with people in Iceland who identify as trans, as well as with public officials involved in the development and adoption of this new law. Interviews will draw on the extensive body of empirical research with trans communities elsewhere including in the UK, the Americas, and Europe.

\textsuperscript{40} Susan Stryker, “Trans Studies: Queer Theory’s Evil Twin,” in \textit{GLQ} 2003.
\textsuperscript{41} Spade p. 319.
\textsuperscript{42} I am thinking here of arguments made by Michael Warner and Martha Ackelsberg, among others.
\textsuperscript{43} This point has been made by Aren Aizura.
The theoretical work will both inform and draw on this empirical research. But it might be asked, what can the political and other social sciences bring to this table, given that so much of the scholarship has been more located in the humanities? One of the primary areas of focus that political science can bring to these questions is a focus on institutions and policy and legal processes, and how they affect the communities that they regulate and occasionally provide with social and political benefits. Political scientists have many ways to examine political institutions and the ways that they interact with individuals and with social groups. As I have argued, the Nordic countries provide rich material for thinking about the conceptual linkages and fissures between feminist movements, gender equality, and movements for trans equality.