



Verdicts of Science, Rulings of Faith: Transgender/ Sexuality in Contemporary Iran

Citation

Najmabadi, Afsaneh. Forthcoming. Verdicts of science, rulings of faith: transgender/sexuality in contemporary Iran. *Social Research* 78(2): 1-24.

Permanent link

<http://nrs.harvard.edu/urn-3:HUL.InstRepos:4905099>

Terms of Use

This article was downloaded from Harvard University's DASH repository, and is made available under the terms and conditions applicable to Open Access Policy Articles, as set forth at <http://nrs.harvard.edu/urn-3:HUL.InstRepos:dash.current.terms-of-use#OAP>

Share Your Story

The Harvard community has made this article openly available.
Please share how this access benefits you. [Submit a story](#).

[Accessibility](#)

Verdicts of Science, Rulings of Faith: Transgender/sexuality in Contemporary Iran

Afsaneh Najmabadi

Will appear in *Social Research* Volume 78, No. 2, Summer 2011

Abstract or summary: This essay offers an account of the contemporary diagnostic and treatment procedures of transexuality in Iran, situating the official process in a discursive nexus that is engaged in establishing and securing a distinction between the acceptable “true” transexual and other categories that might be confused with it, most notably the wholly unacceptable category of the “true” homosexual. In this process, the category of transexual is made legible as an acceptable form of existence by the condensed working of the legal, the Islamic jurisprudential [fiqhi], the bio-medico-psycho-sexological, and the various contingents of the forces of coercion – which we often call “the state.” This nexus is as well constituted and authorized by transgender/sexuals’ practices of everyday life, self-definitions, and self-productions.

Acknowledgment: This article draws from several chapters of my forthcoming book, *Sex-in-Change: Configurations of Gender and Sexuality in Contemporary Iran* (Durham: Duke University Press, 2012). While I cannot include the full acknowledgment from the book, I want to thank Hope Steele for her editorial work on this essay.

On January 6th, 2010, the director general of the Office for the Socially Harmed at the Welfare Organization of Iran announced that the code under which transexuals would receive exemption from the required military service had been changed. After two years of investigation and consultation with the Military Service Organization of Iran, it had been concluded that transexuals would receive their exemption under the glandular disorders clause (Section 30) rather than under the mental disorders clause (Section 33.8) [1]. This represented an important shift in status for transgender/sexuals, who had often referred to Section 33 exemptions as “red exemptions” because becoming marked by mental disease made one virtually unemployable. On the other hand, glandular disease exemptions are considered benign by employers.

On the face of it, one could read the announcement as one more step taken by the Iranian government to re-arrange this subject population within a pathologizing taxonomy. And indeed, it is that too. However, both the government announcement and much of the current narrative about transgender/sexuality in Iran remain oblivious to the thousands of hours of trans-lobbying that had gone into producing this seemingly innocuous legal change. All too often, contemporary procedures for transgender/sexuality in Iran that have emerged in the aftermath of the 1979 revolution are attributed to the state’s policy of homicidal homophobia or, though far less frequently, to enlightened Shi‘ism.

In my alternative account, trans-activism — far from being a state-driven and controlled project that at most has produced some policy benefits for transexual persons — is part of the ongoing

and volatile process of state-formation itself [2]. This process continues to shape and re-shape, fracture and re-fracture, order and re-order what we name “the state” [3].

In the past several years, a small dedicated group of activists has played a growing visible role in lobbying, demanding, and negotiating various policies. With remarkable skill, they have navigated, and developed allies in, numerous committees that had been assigned various tasks related to medical, legal, and social needs of trans persons.

The bio-medical practice of sex-change by means of surgery and hormonal treatment in Iran dates to at least the early 1970s; for nearly three decades the topic received occasional coverage in the Iranian press. Iranian press coverage of “trans” phenomena increased sharply in early 2003, articles began to appear in the world press, and television and video documentary productions followed [4].

The celebratory tone of some of the early international reports — welcoming recognition of transgender/sexuality and the permissibility of sex-change operations — was sometimes mixed with an element of surprise: How could this be happening in an Islamic state? In other, and especially later, accounts, the sanctioning of sex-change became tightly framed through a comparison with punishment for sodomy (a capital offense) and the presumed illegality of homosexuality — echoing some of the official thinking in Iran [5]. For legal and medical authorities in Iran, sex-change is explicitly framed as the cure for a diseased abnormality, and on

occasion it is proposed as a religio-legally sanctioned option for heteronormalizing people with same-sex desires and practices.

At their best, the readings of transgender/sexuality in Iran as legal and on the rise *because* of the impossibility of homosexuality, or even more severely as a government-sanctioned project with the aim of eliminating homosexuality, work with a reductive Foucauldian concept of “the techniques of domination,” in which subjectivity is constituted by governmental designs and hegemonic power [6]. In this essay, while I map out some of these techniques in contemporary Iran, I will lean toward highlighting how such techniques become at once productive of and transported into “the art of existence” [7].

I was lucky to be in Iran for this research when much about transgender/sexual lives and laws was being shaped and re-shaped on an almost daily level. As de Certeau has observed, the coherence of the practices that Foucault selected and examined was “the result of a particular success. . . . Beneath what one might call the ‘monotheistic’ privilege that panoptic apparatuses have won for themselves, a ‘polytheism’ of scattered practices survives, dominated but not erased by the triumphal success of one of their numbers” (de Certeau 1984: 48). I aim to capture the polytheistic scattered practices that were a critical element in shaping trans lives and subjectivities in this period in Iran, to map out a situated “cartography of desire”[8], which locates the contemporary discourses and practices of transgender/sexuality in a longer historical trajectory and intersecting discursive sites, including medicine, religious doctrine, psychology, criminology, the family, trans-activism and practices of everyday life.

What transgender/sexual as a “human kind” means today in Iran is specific to a nexus formed not simply by transnational diffusion of concepts and practices from a Western heartland to the Rest [9], but is also the product of the socio-cultural and political situation in Iran over the previous half a century. Today, a trans person in Iran carries a particular set of affiliations and disaffiliations — identifications and dis-identifications — that are specific to this national-transnational nexus. The distinction between (acceptable) transexual and the (deviant) homosexual, for instance, has been enabled by bio-medical, psychological, legal, and jurisprudential discourses that emerged between the 1940s and the 1970s in Iran, when surgical transformations of transexual bodies initially emerged as a variant of a larger category of “sex-change” scientific marvels, first reported in the 1930s and ’40s. In the discourse of national scientific progress of those decades, trans bodies emerged as affiliated with, yet distinct from, congenital intersex bodies, and sex-change medical interventions were discussed as examples of advancements in medicine and surgery.

The discourse of the marvelous within vernacular science worked with the emerging psycho-behavioral science’s discourse of sexuality that was not concerned with marvels. Rather, the latter incorporated all bodies in its concern with the health of the nation, the progress of its educational system, and the reform of family norms. A growing academization of vernacular psychology and sexology resulted in the dominance of “physio-psycho-sexology” within the medical and health scientific community by the late 1960s. This dominance proved critical in shifting the transgender/sexual from its affiliation with the intersex to a family resemblance with

homosexuality and transvestism. Physio-psycho-sexology also informed the emergent criminological discourse, such that sexual deviance was diagnosed as potentially criminal. Treatises on criminal sexualities described male homosexuality as almost always violent, akin to rape, prone to turn to murder, and almost always aimed at the “underaged.” This association of existing sexual practices between older men and male adolescents with deviancy/criminality continues to inform dominant perceptions of male homosexuality in Iran and haunts transwomen’s lives even post-op.

The history of the modern stigmatization of homosexuality is thus a crucial part of my analysis, particularly with regard to differences between male-to-female transitions and female-to-male ones. Conceptions of female-female sexual desire and relationships have a different historical genealogy, which only very recently and partially have come into categorical affinity with male-male sexual desires and practices (under the rubric of homosexuality). Attention to female-female sexual desires and practices in the 1960s and ’70s Iran emerged in a different domain — that of vernacular psychology and pedagogy of the youth. The “problem” of homosexuality continues to configure male-to-female transitions differently from female-to-male ones in the Iranian context. Nonetheless, the 1960s witnessed the emergence of a certain style of scientific psycho-sexology in Iran that contributed to the disarticulation of transgender/sexuality from the intersex, and its re-articulation with homosexuality. Transgender/sexuality became re-conceived as a particularly extreme manifestation of homosexuality.

One distinctive feature of this recent history is the acceptance of transexuality — as compared to homosexuality — in the post-revolutionary Iranian Islamic state. The 1979 revolution and consolidation of an Islamic republic produced a paradoxical situation for transgender/sexuality: on the one hand, it immediately made what we would name and recognize as transgendered lives impossibly hazardous, while on the other, it led to its official sanction. In the 1970s, “woman-presenting-males” (*mard-i zan-numa*) had carved themselves a space of relative acceptance in particular sites and professions. For the cultural purification campaigns of the first few years of the new regime, “woman-presenting-males” not only carried the stigma of male homosexuality, but they also transgressed the newly imposed regulations of gendered dressing in public. Simultaneously, the establishment of an Islamic republic set in motion a process of bureaucratization, professionalization, and specialization of Islamic jurisprudence, and the Islamicization of the state that has made the current transition process possible.

At present, the transition process works around a notion of “filtering” — a 4–6 month period of psychotherapy, along with hormonal and chromosomal tests, the stated goal of which is to determine whether an applicant is “really transexual,” “really homosexual,” intersex, or perhaps suffers from a series of other classified psychological disorders. A Commission at the Tehran Psychiatric Institute (TPI) of Iran University of Medical Sciences (IUMS) makes a diagnostic recommendation to the Legal Medicine Organization of Iran (LMOI), whose board of specialists makes the final decision and issues, if approved, the much-hoped-for official certification of one’s status as transexual. Trans persons, before obtaining this certification and after, carry with them a stack of papers at all times — from initial referrals for diagnostic procedures and therapy

recommendations to later doctors' letters and often family photos of their gender-discordant childhoods. Their legibility can never be taken for granted — it has to be readable through documents, especially when challenged by the city police or other hostile agencies.

This much-sought-after certification also opens numerous doors for trans persons. Not only does the certificate authorize hormonal treatment and sex reassignment surgery, but it also entitles the recipient to basic health insurance (state provided), financial assistance (for partial cost of surgeries and for housing aid), and military service exemption. The LMOI also instructs a special court to approve the name change of the certified person (post-sex reassignment surgery), which entitles the person to receive new national identification papers [10]. Figure 1 maps the complicated labyrinth of socio-institutional sites one has to navigate [11].

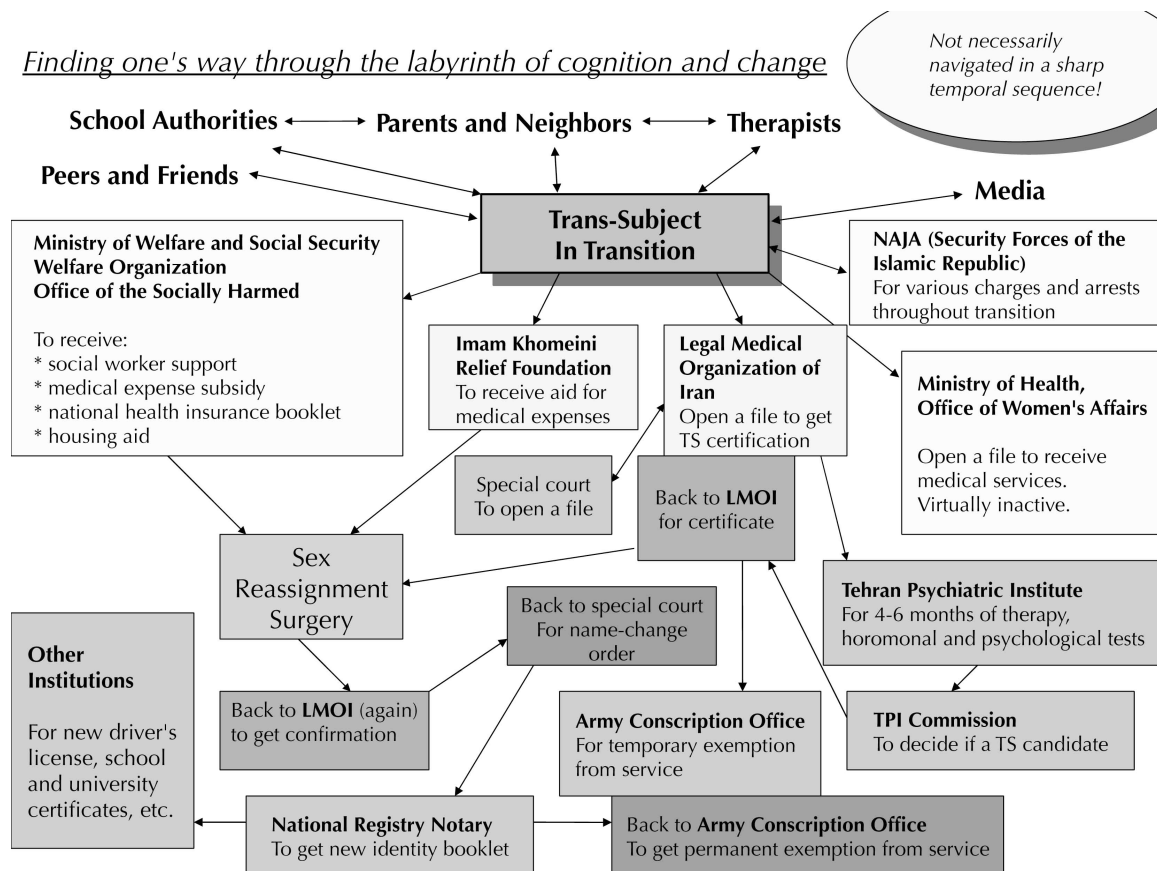


Figure 1: Finding one's way through the labyrinth of cognition and change

The “filtering” process has been enabled by the contingent convergence of politico-religious authority with the scientific authority of medical professions. This convergence has itself been dependent on two related processes: Islamic jurisprudence has become highly specialized and acquired a disciplinary shape, while modern state rationalization has taken form through the project of Compliance — in particular compliance of medicine (including psychiatry and psychology) with Islam.

The complex nexus generated by this convergence constitutes and authorizes a category of non-normativity as a legitimate acceptable category, a process of subject-formation/subjectation partly based on trans persons' own actions and narratives, and therefore also self-cognition and self-production. In all of this, distinguishing between “trans-” and “homo-” has become paramount. But this does not end the complexity of the story. The various institutions and discourses are not systematically coherent and predictable, nor are they necessarily coherently tied to each other. On the one hand, the transexual has been taken up as a legitimate category of being. On the other, the criteria for establishing belonging in that category, and its legitimacy as such, is a matter of considerable debate, concern, and ambivalence in multiple domains. For instance, among psychiatrists affiliated with several public IUMS-affiliated hospitals (such as Rouzbeh and Imam Husayn Hospitals), many are known to be hostile to trans people and to oppose the very idea of legal certification. They see their goal not as “diagnosis” but as

“dissuasion” (*insiraf*), and are opposed to providing a positive recommendation for any applicant.

The convergence of what at times is assumed to be conflicting paradigms of science and religion is aptly represented on the walls of the seminar room in which the TPI Commission met when I attended its sessions in 2006. On one wall were the jointly framed portraits of Ayatollahs Khomeini and Khamenei — a familiar sight in all state buildings and many private businesses. On an adjacent wall was a portrait of Freud.

As jarring as the close proximity of these three patriarchs may be at first sight, it is precisely this coming together of politico-religious authority with the scientific authority of psychology/psychiatry that has enabled the sorting of different categories of sex/gender variant persons. The present legitimated legal subject position of transexuals that is obtained through the certification process has been made possible through the post-1979 coming together of bio-medical and psycho-sexological discourses with Islamic jurisprudential (*fiqh*) rulings that together establish the legal legitimation of the transexual subject on the basis of that same sorting system. In the process, *fiqh* has become highly specialized and acquired a disciplinary shape [12], while modern state rationalization has been painted over “with Islamic green” (Adelkhah 1999: 38) [13]. This process was partly launched under the title of “Compliance” (*intibaq*) (with Islam) [14]. More specifically, through Compliance of medicine (including psychiatry and psychology) with Islam, the transgender/sexual became an object of concern and eventually an acceptable category of personhood and embodiment for the post-revolutionary Islamic Republic of Iran.

COMPLIANCE WITH ISLAM PROJECT: FATWAS AND THEIR STATE-LEGAL EFFECTS

Before the 1979 revolution, and before the consolidation of the Islamic Republic of Iran in the 1980s, the scientific community was neither aware nor generally concerned with Islamic rulings on medical matters, including the issue of transexual/gender treatment. By the early 1970s, its perception of transexuality had become firmly shaped by behavioral psychology's gender-sexual dimorphism. In this by-now-familiar style of reasoning, a determinate relation among gender identification, gender role behavior, sexual desire, and subjective gender identity was envisioned for each and every body.

By the mid-1980s, however, it became clear that the bio-medical and psycho-sexological sciences needed to present their reasoning about transgender/sexual matters in a different style — painted with a “green brush” — to be able to interact with legal authorities when needed. With the establishment of the Islamic Republic of Iran, all social and cultural phenomena came under critical ideological scrutiny. Indeed, the new republic took shape through the very practices of reconstructive scrutiny. Within the domain of medicine and psychology, this scrutiny was initially focused on problems ensuing from the mixing of the sexes that transgressed rules of looking and touching. These issues formed the primary concern of the first nationwide Congress of Compliance, held in Tehran in 1995 [15].

While in the Congress the focus of Compliance concerned medical practice, psychological matters were also included. In fact, transexuality was raised among the various contemporary issues in one of the papers, by psychologist Mustafá Najafi (1998: 123–7). Najafi raised the challenge of a trans person living as the other sex/gender over a long period of time in order to ensure that the person could really adapt to the opposite sex/gender, as was done in other countries. He asked, “Is this possible at all in our culture and in our *shar*?” (126) and concluded that psychologists faced these sorts of problems daily and needed authoritative and uniform standards for dealing with them.

The process of Compliance provided for the possibility of legal consolidation of status of transexuality, through a combination of *fiqh*, medico-psychological discourse, and the political activism of transsexual groups: after several years of lobbying by a number of activists, on 8 November 1987 the LMOI sent a query to the Legal Office of Ministry of Justice asking for clarification on the legality of sex reassignment surgery. The Ministry’s response, based completely on various sections of Ayatollah Khomeini’s treatise *Tahrir al-wasilah* rather than on any particular article of the law, stated that sex (re-) assignment surgeries were legal whether on the intersex or on transsexuals, though detailed legal provisions about how to deal with effects of sex-change in terms of laws of marriage, divorce, child custody, and other similar issues had not yet been worked out [16]. Over the next decades, the development of detailed legal and medical procedures on transexuality became a celebrated showcase of achievement of Compliance of medical and legal concepts and practices with those of *fiqh*.

SPECIALIZATION OF *FIQH*

Religious scholars began also to systematically publish highly specialized tomes on medical matters (*masa'il-i mustahdiseh-i pizishki*). Previously, discussion of such issues would be embedded within relevant sections of *Tauzih al-masa'il* genre (usually as appendices, when it came to specific novel issues, such as artificial insemination). Now *fiqh* became specialized and took “disciplinary” shape; by 1999, a published bibliography of this growing literature covered 586 entries, including sections on population control, abortion, insemination, sex-change and genetic modifications, brain death, euthanasia, dissection, and organ transplants (Tal'ati 1999) [17].

When it comes to sex-change, as with many other issues, there is no unanimity of opinion among fatwa-issuing Shi'i scholars in Iran [18]. But regardless of these differing stances, it was the overwhelming weight of Ayatollah Khomeini's own fatwa that translated into law. This weight cannot be understood as a matter of religious authority; it was an authority derived from his unique position as leader of the most massive revolution in late-twentieth century [19].

Khomeini's ruling in *Tahrir al-wasilah* appears under a section on “The Examination of Contemporary Questions (*al-masa'il al-mustahdithah*)” within which a subsection is devoted to “The Changing of Sex” [20]. It reads in part:

The prima facie (*al-zahir*) view is contrary to prohibiting the changing, by operation, of a man's sex to that of a woman or vice versa; likewise, the operation [in the case] of a hermaphrodite is not prohibited in order that s/he may become incorporated into one of the two sexes. Does this [sex change operation] become obligatory if a woman perceives, in herself, the inclinations which are among the type of inclinations of a man [literally the root/origin inclinations of a man], or some qualities of masculinity; or if a man perceives, in himself, the inclinations or some qualities of the opposite sex? The prima facie view is that it [sex change] is not obligatory if the person is truly of one sex, and changing his/her sex to the opposite sex is possible (Khomeini 1967 or 8, volume 2: 753–5).

The double negative in the first sentence, “contrary to prohibiting,” and the concluding “not obligatory” are the critical terms that have defined the dominant views among top Iranian Shi‘ite scholars and, most importantly, have defined the legal procedures for gender/sex reassignment. From the point of view of trans people, this conceptualization has opened up the possibility for acquiring the certificate of transexuality without being required to go through any hormonal or somatic changes if they do not so wish. This continues to be a subject of much contestation between trans people and various state authorities. Legal and religious authorities know full well that many certified trans persons do very little, beyond living transgender lives, once they obtain their certification; at most they may take hormones. While the authorities do not like this situation, they cannot overrule Khomeini’s double negative. Khomeini’s overwhelming and exceptional political authority has over-ruled even his own cautionary “prima facie.”

The double negative gives certain permissions; yet it excludes any practices subject to “divine prohibitions.” This same double negative creates multiple conclusions on exactly how this distinction is to be made.

Even a brief review of the *responda* literature suggests the complexity of *fiqh* as a source of authoritative judgment — both generally and in relation to trans persons. The designation of male and female in classical *fiqh* is distinctly related to observance of subject-dependent rules. These distinctions are not identical to and do not perform the same work as biological sex taxonomies. For instance, a person of ambiguous genitalia can become assigned a “ritual gender/sex” so that s/he would follow the rules of one gender/sex (Sanders 1991). In contemporary discussions, the *fiqhi* notion of *jins* (genus/sex) travels between two distinct registers: the classical Islamic meaning of *jins* as genus of something and the notion of sex (*jins*) in its modern sense. The transformation of socio-cultural notion of sex/gender over the past century has brought into proximity the male/female distinction of *fiqh* with the biological sex taxonomies and social categories men and women. This proximity has enabled the convergence of some *fiqhi* thinking with the bio-medical and psycho-sexological discourse about transexuality.

But Shi‘i scholars are also trained to keep these categorical distinctions apart. In his book *Taghyir-i jinsiyat (Sex-Change)*, Karimi-nia emphasizes the point: “*Jins* in the meaning of ‘male and female’ is something that has emerged as a secondary meaning; the primary and principle meaning of *jins* is not ‘male and female’” (Karimi-nia 2010: 42–3). The insistence on these definitional distinctions enables him to argue against those scholars who oppose sex-change on

the basis of opposition to changing God's work of creation. He argues that change of male to female and vice versa is not a change in the genus of a created being; it is a change in his/her *jinsi* apparatus (Karimi-nia 2010: 46). As importantly, unlike the bio-medical and psycho-sexological discourses, *fiqhi* thought is not invested in etiology; it does not seek reasons for the phenomenon. It works in a different problem-solving mode. The scientific problem-solving has become keyed into finding the causes; for *fiqhi* problem-solving, the causes have no relevance. *Fiqhi* thought is invested in ensuring that all persons act in a manner that does not break the given rules, and that they do not cross what it considers *hudud-allah*, the bounds set by Allah for human behavior.

The most severe challenge that *fiqhi* thinking had faced in this domain was when the subject was completely ambiguous, as in *khunsá mushkil* (the difficult hermaphrodite), for which an elaborate set of rules were worked out to deal with the unknowability of the subject's sex/gender (Sanders 1991). More recently, the unanimous opinion that the intersex may choose to go for sex-disambiguation surgery offers an alternative to such persons being assigned merely a ritual gender/sex. Such medically possible technologies are welcomed as technologies of transforming doubt and unknowability into certainty.

A more difficult challenge, vis-à-vis "the subject of transsexuality," arises when "the subject" is in transition. How does one deal with "the discordant subject," with the "lack of correspondence between gender/sex of soul and body," as Karimi-nia's concept of transsexuality would have it? Does one go by the gender/sex of the body or that of the soul? Here, trans persons insist on going

by the soul. Karimi-nia, on the other hand, seems to lean toward going by the body, although at times he is more flexible. His arguments against permissibility of “ritual” sex/gender re-assignment of in-transition persons (or if the person does not desire bodily modification at all) often leans back not on *fiqhi* rules but on what consequences such reassignment would have for public order (*nazm-i ‘umumi*) and ethical living (*akhlaq-i hasaneh*).

Karimi-nia has insisted that the permission for sex-change was conditioned by two points: that it must be an issue of *iztirar/zarurat* — absolute necessity — and that it must be real not apparent (*haqiqi* not *suvari* or *zahiri*), which he interprets as meaning that sex-change must be required to be completed. But here *fiqhi* caution cannot sanction legal closure: what is permitted (*halal/mubah*) cannot be made into required (*vajib*) short of a fatwa issued by a *mujtahid* who has complete hegemony over jurisprudential opinion. In Iran’s recent past, only Ayatollah Khomeini enjoyed such unchallengeable politico-religious authority. The many ayatollahs do not even agree on the permissibility issue (though their opinion does not have any legal consequence since Khomeini had determined that permissibility), much less do they agree on turning it into a requirement.

This complicated imbrication of considerations of state and requirements of religion provides negotiating and resisting spaces for trans people, and allows a domain of murkiness for living non-hetero-normative lives. The closest the authorities have come to attempt to tighten the regulations concerns the timing of issuing a new name-changed *shinasnameh* (book of identification). Many persons, especially FtMs, apply for new identity documents after the initial

operations. They obtain letters from surgeons certifying that they have done their sex reassignment surgery. Sometimes courts have required bodily examination, something that trans persons have found humiliating and resisted. This also raises a problem from a *fiqhi* viewpoint: if a transsexual has had only a partial operation, who should bodily examine him/her? In the case of a dead *khunsá mushkil*, for instance, the body has to be washed fully clothed — contrary to all other dead bodies that ought to be ritually washed naked by a person of their own sex/gender. But examination with full clothing would defeat the very aim of bodily examination of a transsexual. Now codified legally, the courts have been instructed to accept physician certification.

Karimi-nia's belief that "a Great Wall of China" separates transsexuals from same-sex-gamers is at one level counterintuitive: Nowhere in *fiqhi* texts are transsexuals and homosexuals proximate categories requiring a separating border; transsexuals, as we have seen, are placed, because of related bio-technological emergences, in proximity with the intersex. How then have they acquired, at times explicit, proximate status to homosexuals, not only in hostile opinion among many scholars of *fiqh*, but also in the thinking of an even trans-friendly scholar such as Karimi-nia? This proximity has been shaped through the coming together of domains of science (in particular the notion of transsexuality as articulated in psycho-sexological literature) and *fiqh*. While there may be no reason to ever connect these two categories in *fiqhi* thinking, the latter does not take shape in some seminary-isolated space. Karimi-nia's thinking has in part been shaped through conversations with doctors and psychologists, within whose domain of thinking

— largely based on sexological gender-behavioral models — transexuality and homosexuality do indeed constitute neighboring categories.

The effect of various sex/gender categorical imperatives is most evident in the daily acts of hostility and violence that trans persons experience, despite legality. While within the *fiqhi* logic of “dependency of the rules on the subject” there is no necessary link between *liwat* (anal intercourse), *musahiqih* (tribadism) — both beyond bounds of allah and subject to criminal prosecution in Iran — and transexuality, the work of these other registers contributes to creating a single logic of categorization, keeping all gender/sex variant desires and practices into close proximity. Moreover, the sexological categorization receives visual confirmation in self-presentation of many trans persons, and through often indistinct living styles of trans- and homosexuals. Ritual gender re-assignment of a non-operated body would raise the specter of “sexual-reassignment” providing a *shar‘i* cover (*kulah-i shar‘i*) for same-sex practices — something that Karimi-nia cannot afford to be seen to engage in; he must separate the categories by a “Great Wall.”

PSYCHE AND SOUL

Karimi-nia’s central perception of transexuality as a disparity between gender/sex of body and soul is empowered by a slippage between psyche and soul that has marked the entry of “the new science of psychology” into Iranian discourse since the early decades of the twentieth century.

More specifically, the notion of psyche, in its meaning within modern psychology, was first introduced in Iran through the teaching and writings of ‘Ali Akbar Siyasi (Schayegh 2009: 70).

Siyasi is rightly considered a pioneering influence in shaping the more humanist-oriented subfield of psychology in Iran (distinct from its later turn to clinical behavioral psychology and psychiatry). Siyasi argued that a human being has two components: the first material, *badaniyat* (things bodily), which is the subject of the science of life. To identify this science, he Persianized ‘*ilm al-hayat* as *zist-shinasi*, an expression that is now commonly used for biology. The second aspect of a human being is more properly the subject of ‘*ilm al-nafs* or *ravan-shinasi*. It is the combination of feelings, thoughts, actions, and reactions referred to as *nafsiyyat*, which are attributed to one’s *ravan* (psyche) (Siyasi ca 1938: 10) [21]. Siyasi made *ravan* equivalent to *ruh* (soul), rather than using these terms to maintain a distinction between them. He re-articulated this equivalence in his later works on psychology. Decades later, these conceptual challenges inform psychology in Iran.

The implicit certainty of *some* kind of relation between *nafs*, *ravan*, and *ruh* — despite the uncertainty over what kind of a relationship — also enables the contemporary traffic between “the new science of psychology” and the older sciences of religion (‘*ulum al-din*); among healers of psyche and guardians of souls. That *ravan* and *ruh* have the ambiguous relation that they do is what allows Karimi-nia to translate psycho-sexological concepts of transgender/sexuality back into gender/sex discordance between soul and body; it provides a way to address transexuality as a psychological condition in Islamic terms. Moreover, the concept of discordance between soul

and body is more benign and less pathologizing — thus more appealing to many trans persons — than that informed by the norm-centered psycho-sexological discourse of gender identity disorder.

The slippage between soul and psyche that fuels the debates about their relation to one another has thus produced a creative space for extensive discursive and practical collaboration on the issue of transexuality among psychiatrists, scholars of *fiqh*, sexologists, surgeons, and other health professionals. Such syncretic approaches were critical to working out the legal and administrative procedures for certification of trans persons.

TRANSLATIONS AND TRANSPLANTATION

I would like to conclude with some reflections on challenges of translation. I started this research with what seemed to be two simple, coherent, research questions: First, in a cultural-legal context where same-sex desire was considered shameful and same-sex practices were illegal, but within which transexuality, even if overwhelmingly understood as shameful, was nevertheless legal and state-subsidized, how did this configuration shape sexual and gender subjectivities? Second, how did insistent state regulations and religio-cultural codes and rituals concerning proper gender conduct shape sexual desires and gender subjectivities? Both questions were in important ways informed by the distinctions among gender, sex, and sexuality that had shaped my thinking over three decades of teaching, research, and activism in the United States. Very quickly, it became clear that many of the stories I heard, and lives I became part of, seemed incoherent, if not incomprehensible, if I were to make them responsible for answering these

questions. In some early conversations I would ask a variation of the question, “how did you come to recognize yourself as a trans and not as a homosexual?” But not only did this question re-enact the legal and psychological understanding and dominant categorizations; more importantly, through that re-enactment, it participated in inciting the text-book narratives that these first interactions solicited. I was putting particular demands of accountability on trans persons that depended on unstated distinctions and reproduced the dominant delineations [22].

The categorical distinctions shaping my questions were even more situated and contingent than I had anticipated. When it came to issues of sexual/gender identification, desire, and practices, a single concept (*jins*) — linguistically and culturally — kept them together [23]. Not only had no distinction between sexuality and gender emerged, but more significantly, lives were possible through that very non-distinction.

This is not a cultural relativist proposition. The contingency of these distinctions is pertinent within the United States as well. David Valentine, for instance, has written a persuasive ethnography of these distinctions and how they worked among populations with competing claims and differing ways of crafting livable lives (Valentine 2007).

As importantly, some of the conceptual distinctions among gender, sex, and sexuality within the Anglo-American context, including the distinction sometimes made between transgender and transexual (based on surgical modifications to the body), have been shaped over the past decades by the identity politics of gender and sexuality, as well as queer activism and queer critical

theory [24]. Transgender/sexuality in Iran has not been shaped by such developments. Given the different political and socio-cultural contexts, to what extent were analytical categories and theoretical distinctions developed in this recent Anglo-American setting useful for understanding Iran?

Even the simple word “sex” cannot be taken to have the same meaning across different contexts. Its historical trace in Iran is to *jins* as genus. But importantly its trace is not its history. The word *jins* continues to be used to mean genus. The doubling of *jins* provides a distinct set of affiliation for sex-in-Persian that is not identical to its English chains of association, with the effect that *jins* is never just sex. Nor can genus be innocent of sex.

The issue of change of concepts traveling from one history and context to another does not pertain to “just words.” The current procedures of diagnosis and treatment for subjects under the domain of psychiatry and psychology, including for trans persons in Iran, are based on DSM-III and IV and a number of US-designed tests. The dominance of American scientific discourses, training, and procedures has transported many of these concepts globally. Because of their status as science, they arrive at their destination as dis-located, as if with no history of origin. Their re-embedding in the local Iranian context, at the particular historical moment of the past two decades, transforms their meaning and produces specific effects in that acquired location. Thus when thinking about imported categories and practices, my concern is not to trace the origin of import. Rather I am interested in what the borrowing, appropriation, and embracing means for the importers. What work does the import do in its local context, in relation to the many other

concepts and practices with which it becomes intertwined and that inform its meaning in the transplanted space [25]?

The destination setting includes a different concept of self. What does saying “I am trans/gay/lesbian” mean when the question of “what am I?” does not dominantly reference an I that is narrativized around a psychic interiorized self, but rather an I-in-performance at a particular nexus of time and place? In a socio-cultural-historical context in which the dominant narratives of the self are formed differently from that which has become dominant in much of the domain we call the West, how does one understand the seemingly similar emergences of concepts and practices labeled gay, lesbian, transgender/sexual? What concepts of self inform the various styles of (self-) cognition, individual subjectivities, and the relations between individuals and their social web including state institutions?

For two young Iranian women I discuss in my book, the accidental arrival of a self-identified Iranian-American lesbian into their lives allowed them to disavow and resist the locally available designations. For one woman, same-sex-player (*hamjinsbaz*) was pejorative and morally loathed; the other currently available identification, *transsexual*, did not feel quite right and seemed to be a fad to be resisted. *Lesbian* allowed her a distinct and satisfying self-cognition. Her partner became *lesbian* because of her location in relation to her. As Brad Epps pointed out,

what is at stake if we ... query not simply agency in language but also agency in a particular language, a specific language, ... or, indeed, and importantly, between and betwixt specific languages, the very position, so to speak, of any number of subjects,

trans or not ... who find themselves pulled, often quite painfully but also quite pleasurable, *between* two or more languages. What, in other words, occurs when two or more languages are understood, both in accordance to the general claims about language, as sites of agency? And what occurs, moreover, when such double (or triple, or multiple) sites, such double (or triple, or multiple) agencies are in conflict? (Epps 2009).

What are the implications of recognizing these differential situated meanings of words for building alliances internationally on issues of sexual rights? These questions I leave for further conversation.

NOTES

[As a general rule, we try in Social Research papers to avoid referencing work that is not directly cited in the text; that is cited merely as further reading or as an exemplar; or that enhances a point the author has made but is not essential to the author's development of his or her argument in the paper. While such references place the author's paper in the context of the literature; they are usually unnecessary for our educated but nonspecialist readership.]

[1] **[Keep this note]** See the websites of the Islamic Republic of Iran, State Welfare Organization (<http://behzisty.ir/News/Show.aspx?id=7313>, accessed January 14, 2010)

and the Military Service Organization of Iran (<http://www.nezamvazifeh.ir/index.php?do=cat&category=peaeshki>, accessed January 14, 2010). Like many other domains of law, legal codes concerning procedures for medical examination of persons subject to army conscription and grounds for issuing exemption from service were revised after the 1979 revolution and new

legislation was passed in 1989 (Ashrafian Bonab 2001: 413–29). The army conscription law has been under discussion for revision over the past two years. A new legislation is currently under consideration in the Majlis.

■ [2] [*References a work not cited in the text*] OK to delete. Like Ferguson and Gupta (2002: 989), my approach to the study of Iranian state emphasizes the productivity of its disciplinary and regulatory work.

■ [3] [*References a work not cited in the text to expand a point. Cut?*] OK to cut. As George Steinmatz has put it,

Sometimes state-formation is understood as a mythical initial moment in which centralized, coercion wielding, hegemonic organizations are created within a given territory. All activities that follow this original era are then described as “policy making” rather than “state-formation.” But states are never “formed” once and for all. It is more fruitful to view state-formation as an on-going process of structural change and not as a one-time event (1999: 8–9).

■ [4] [*Move up into text*] *MOVE to the text* The international effect of these television and video documentaries obviously deserves more than one line noting their quantity, but this is not a task I take up here or in my book.

[5] **[Keep this note]** I say “presumed illegality of homosexuality,” because what is a punishable offense are sexual acts between members of the same sex, with anal penetration of one man by another (*liwat/lavat/sodomy*) being a capital offense. In international coverage, *liwat* is almost always translated as homosexuality. The ubiquitous use of “homosexuality” and “homosexual” to refer to all kinds of desires and practices between usually male-bodied persons, whether by historians, ethnographers, journalists, or rights activists, does not serve either scholarship or necessarily possibilities of living better lives in contemporary Iran. For a thoughtful critique of politics of such namings, see Long 2009.

■ [6] **[References a work not cited in the text to expand a point. Cut?]** OK to cut. Prosser critiques arguments that tend “to emphasize the transsexual’s construction by the medical establishment ... [in which] the transsexual appears as medicine’s passive effect, a kind of unwittingly technological product: a transsexual subject only because subject to medical technology” (1989: 7). Similarly, the understanding of Iranian transgender/sexuality as contingent upon religio-legal impossibility of homosexuality is conceptually akin to what Prosser notes for reading Stephen’s transgenderedness (in Radclyffe Hall’s *Well of Loneliness*) as a pre-history of lesbianism at a time that the latter could not speak its name, “the implication is that lesbianism is the true trans-historical subject, while the transgendered paradigm is the culturally contingent investiture” (Prosser 1989: 137).

[7] *[References a work not cited in the text; could be deleted or moved up into text]* For an insightful discussion of “the techniques of domination” and “the art of existence,” see Heiner

(2003). Please take it into the text: instead of number [7] (Heiner 2003)

[8] *[Move citation up into text]* I am borrowing this concept from Pflugfelder (1999). SAME as in [7].

[9] *[Hacking should be cited in the text, but the lengthy quotation of his work is not essential*

to the paper OK, after “human kind” add (Hacking 1995)] I take the concept of “human kind” from Ian Hacking: “By human kinds, I mean kinds about which we would like to have systematic, general, and accurate knowledge; classifications that could be used to formulate general truths about people; generalizations sufficiently strong that they seem like laws about people, their actions, or their sentiments” (1995: 352). As he further elaborates,

[Human kinds] are not just part of our system of knowledge; they are part of what we take knowledge to be. They are also our system of government, our way of organizing ourselves; they have become the great stabilizers of the Western post-manufacturing welfare state that thrives on service industries. The methodology of making “studies” to detect law-like regularities and tendencies is not just our way of finding out what’s what: “studies” generate consensus, acceptance, and intervention (364–5).

The concept of “human kind” is close to Foucault’s “species,” as Hacking himself notes. I find Hacking’s emphasis on its “looping effect” particularly attractive, because it maps out more fully and actively the generativity of the processes of producing species/human kinds.

[10] ***[Keep this note]*** Once the LMOI confirms that a person has changed sex, a court ratifies that confirmation and orders the Registry (of *Ahval*, of birth and other life events such as marriage, divorce, children, and finally death) to issue a new book of identification, in which the old name is not recorded, but there is a clause in the explanatory page of the new booklet saying this person has changed name. None of these have been simply state handouts. Countless hours of lobbying by trans-activists have been put into getting every single one of these changes. Nor can any of these gains be taken for granted; various state, medical, and religious authorities have their own agendas. At times, some of these overlap with the trans community's agenda. At other times, there is conflict, which the activists have opted to pursue by finding allies within various government institutions and learning how to play one against the other.

[11] ***[Move up into acknowledgments or figure caption; refers to Figure 1] move into acknowledgements.*** Special thanks to Kirsten Wesselhoeft for changing my squiggles into a graph.

[12] ***[This point is tangential to the text but enhances a point. Cut?]*** CUT and replace [12] in text with (Adelkhah 1999:113-14) As Adelkhah has noted in a brilliant analysis of this double process, religious education, for example, has increasingly taken a school and university shape. It is now more and more carried out

in buildings that are differentiated from sacred buildings, unlike the *hozeh* and *madreseh* of earlier times, and are laid out according to Western-type arrangements (classrooms, lecture and reading rooms, tables, chairs, laboratories, etc.); it lays down precise criteria

for admission, for example criteria of age, marital status, military service and level of education, and often a contractual commitment; it involves regular assessment by examination; it can be given full-time, part-time or by correspondence according to the pupils' preferences and means; it deals at the same time with Islamic matters, themselves more and more specialized, and extra-Islamic disciplines (foreign languages, sport, etc.) (1999: 113–14).

[13] ***[Keep this note]*** I would argue that the paint-over metaphor could be mis-leading; much more complicated transformations have taken shape in that process, some of which indeed Adelhah analyzes in her book.

[14] ***[Keep this note]*** The administrative changes that concern the topic of this article included legal reconstitution of Ministry of Health, Healing, and Medical Education (law passed in 1985, further modified in subsequent years), legal reconstitution of the Legal Medicine Organization of Iran (1993), and legal reconstitution of the Medical Council of Iran, renamed the Medical Council of Islamic Republic of Iran (1996). See Ashrafian Bonab 2001: 278–86, 365–6, and 355–60, respectively. Note the double introductions of this book by a medical doctor and a scholar of *fiqh*.

■ [15] ***[Move citation up to text] OK to move*** Proceedings of this congress have been published in three volumes (Tavakkoli Bazzaz 1998).

■ [16] **[Move citation up to text] OK to move.** This exchange of letters is reproduced in Karimi-nia (2010: 137–8).

■ [17] **[This reference could be moved up to the text as a parenthetical remark] OK to move** Karimi-nia (2010) has a comprehensive bibliography of top clerical figures' specialized tomes on medical queries and decrees.

[18] **[Keep this note]** The Sunni scholars' view on this subject has a different history and current configuration.

[19] **[Keep this note]** Here lies also the significance of re-issuance of his fatwa on permissibility of sex-change after the revolution. Unlike the earlier opinion issued in the 1960s, which had gone largely unnoticed, the mid-1980s ruling became productive of state law. Today, even though Ayatollah Khamenei is the Supreme Leader, the weight of his religious fatwas is no different from those of many other grand ayatollahs of similar rank. The Compliance of all legislation with Islamic concepts is supervised not by him but by the Council of Guardians.

[20] **[Keep this note]** *Tahrir al-wasilah* was apparently written in 1964–5, during the first year of Khomeini's exile to Bursa, Turkey. It was published only after his move to Najaf in late 1965. I am grateful to Maryann Shenoda for the translation from the Arabic of this section of *Tahrir al-wasilah*, which I have slightly modified.

[21] **[Keep this note]** Siyasi links psychology with, and distinguishes it from, two other fields of new sciences, namely biology and sociology, noting that the new science of psychology has moved away from its previous affiliation with philosophy and entered into empirical sciences (ca 1938: 11–12), and that like biology and sociology, the basic methodology of psychology is observation and empirical evidence (ca 1938: 21).

■ [22] **[References a work not cited in the text. Cut?]** OK to cut David Valentine discusses the problem of demanding accountability from persons who occupy the space of non-normative human kinds (Valentine forthcoming).

[23] **[Keep this note; references works not cited in the text to clarify and expand a point]** This is by no means unique to Iran, of course. Lawrence Cohen makes a similar point **[with regard to India?]**: “I collapse the terms sex and gender here ... confronted with narrative and language which resists any a priori divisibility into embodied sex and expressive gender” (Cohen 1995: 278). Megan Sinnott has similarly noted, “there is virtually no linguistic distinction in Thai between sex (as in body) and gender (as in masculinity and femininity)” (Sinnott 2004: 59). In Persian academic texts as well as in mass media, *jins* and its various related conjugations are used for both gender and sex.

[24] **[Keep this note]** The relationship among sex, gender, and sexuality has been subject of very productive theoretical debates and research projects over the past three decades (for a critical review, see *GLQ* 2004). Within this body of literature, a zone of critical engagement has emerged

between queer theory and “its evil twin,” transgender studies (Susan Stryker’s term in *GLQ* 2004).

■ [25] *[References a work not cited in the text]* OK to cut. Tani E. Barlow (1994: 253–89) has a similar approach, from which I have learned greatly.

REFERENCES

Adelkhah, Fariba. *Being Modern in Iran*. Translated from the French (Paris: Karthala, 1998) by Jonathan Derrick. London: Hurst, 1999.

Ashrafian Bonab, Maziar. *Zaruriyat-i pizishki-i qanuni* (title translation on back page: *Essentials of Forensic Medicine*), with introductions by Faramarz Gudarzi and Hujjat al-Islam Zikrallah Ahmadi. Tehran: Taymurzadeh, 2001.

Barlow, Tani E. “Theorizing Women: Funü, Guojia, Jiating.” In *Body, Subject & Power in China*, edited by Angela Zito and Tani E. Barlow, pp. 253–89. Chicago: University of Chicago Press, 1994.

Cohen, Lawrence. “The Pleasures of Castration: The Post-Operative Status of Hijras, Jankhas, and Academics.” In *Sexual Nature, Sexual Culture*, edited by Paul R. Abramson and Steven D. Pinkerton, pp. 276–304. Chicago: University of Chicago Press, 1995.

de Certeau, Michel. *The Practice of Everyday Life*. Berkeley: University of California Press, 1984.

Epps, Brad. Unpublished discussant's comments on draft of chapter 5 of my forthcoming book, presented at the Harvard Humanities Center, Gender and Sexuality Seminar, September 30th, 2009.

Ferguson, James, and Akhil Gupta. "Spatializing States: Toward an Ethnography of Neo-Liberal Governmentality." *American Ethnologist* 29: 4 (2002): 981–1002.

GLQ. "Thinking Sex/ Thinking Gender." Special Section 10: 2 (2004): 211–313.

Hacking, Ian. "The Looping Effect of Human Kinds." In *Causal Cognition: A Multidisciplinary Debate*, edited by Dan Sperber, David Premack, and Ann James Premack, pp. 351–94. Oxford: Clarendon Press, 1995.

Heiner, Brady Thomas. "The Passions of Michel Foucault." *differences* 14: 1 (2003): 22–52.

Karimi-nia, *Taghyir-i jinsiyat az manzar-i fiqh va huquq* (Sex-change from the perspective of *fiqh* and law). Qum: Intisharat-i Markaz-i Fiqhi-i A'immah-i Athar, 2010.

Khomeini, Ayatollah Ruhallah. *Tahrir al-wasilah*, two volumes. Najaf: Matba'at al-Adab, 1967 or 8 (1387 AH).

Long, Scott. "Unbearable Witness: How Western Activists (Mis)Recognize Sexuality in Iran." *Contemporary Politics* 15: 1 (March 2009): 119–36.

Najafi, Mustafá. "Ravanpizishki va intibaq (Psychiatry and Compliance)." In *Majmu'eh-i maqalat*, volume 3, edited by Javad Tavakkoli Bazzaz, pp. 123–7. Tehran: Taymurzadeh, 1998.

Pflugfelder, Gregory. *Cartographies of Desire: Male-Male Sexuality in Japanese Discourse – 1600–1950*. Berkeley: University of California Press, 1999.

Prosser, Jay. *Second Skins: The Body Narratives of Transsexuality*. New York: Columbia University Press, 1998.

Sanders, Paula. "Gendering the Ungendered Body: Hermaphrodites in Medieval Islamic Law." In *Women in Middle Eastern History: Shifting Boundaries in Sex and Gender*, edited by Beth Baron and Nikki Keddie, pp. 74–95. New Haven: Yale University Press, 1991.

Schayegh, Cyrus. *Who Is Knowledgeable Is Strong*. Berkeley: University of California Press, 2009.

Siyasi, 'Ali Akbar. *'Ilm al-nafs ya ravanshinasi* (Science of essence/soul or psychology). Tehran: Tehran University Press, ca 1938.

Sinnott, Megan. *Toms and Dees: Transgender Identity and Female Same-Sex Relationships in Thailand*. Honolulu: University of Hawai'i Press, 2004.

Steinmatz, George, ed. *State/Culture: State-Formation after the Cultural Turn*. Ithaca: Cornell University Press, 1999.

Tal'ati, Muhammad Hadi. *Ma'khaz-shinasi-i masa'il-i mustahdiseh-i pizishki*. Qum: Markaz-i Intisharat-i Daftar-i Tablighat-i Islami-i Hauzeh-i 'Ilmiyeh-i Qum, 1999.

Tavakkoli Bazzaz, Javad, ed. *Majmu'eh-i maqalat-i avvalin kungireh-i sarasari-i intibaq-i 'umur-i pizishki ba mavazin-i shar'-i muqaddas* (Collected papers from the first nationwide congress of compliance of medical matters with precepts of the holy law). Tehran: Taymurzadeh, 1998.

Valentine, David. *Imagining Transgender: An Ethnography of a Category*. Durham: Duke University Press, 2007.