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From the Faculty Advisors

Since it's founding in 2016, *DĀNESH* has sought to provide a forum to showcase the original research produced by undergraduate students at the University of Oklahoma's Iranian Studies program. This fourth volume of the journal was produced through the able editorial leadership of **Corey Standley** (BA, 2019) and **Kayleigh Kuyon** (BA, 2019). As with their work on volume three, Corey and Kayleigh have ensured that *DĀNESH* has continued to thrive as a forum for the study of all aspects of the history, culture, society, and politics of Iran and the Persianate world.

The name of the journal, *DĀNESH,* comes from the Persian word meaning *knowledge, learning,* and *wisdom*. We believe this is a fitting name for a journal that seeks to foster deep and compassionate understanding of one of the world's most culturally rich and historically complex civilizations. It is with this in mind that we present this volume of *DĀNESH.*

Afshin Marashi
Farzaneh Family Chair in Modern Iranian History
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From the Editors-in-Chief

We are proud to present to you the fourth volume of the University of Oklahoma's Undergraduate Journal of Iranian Studies, *DĀNESH*. Through the past three editions of the journal we have seen wonderful presentations on varying regional topics, spanning the breadths of history and social strata. In the tradition of the meaning of *DĀNESH*, or knowledge, we present these articles as an offering to expand the collective dialogue on the understanding of the Iranian and Persian state. We are pleased to have worked on this edition with a group of driven authors to present an edition comprising of submissions focusing on both historical issues and events as well as contemporary issues that Iranians are currently facing.

This work is a collective effort among our undergraduate authors and editors. We would like to extend a humble thanks to our Associate Editors, without whom we would not be able to produce such a successful and professional journal. It would also be remiss of us to not extend a heartfelt thank you to the Farzaneh Family, for without their continued support of the Iranian Studies program none of this would be possible. The University of Oklahoma's Libraries and Printing Services are the unsung heroes of this endeavor, as without their support we would not have the ability to make *DĀNESH* so accessible, both our print and digital versions. Thank you to the tireless, diligent work of our authors, who have crafted these amazing works that we are proudly sharing with you.

And finally, we are wholly indebted to the continued and unwavering support of Dr. Afshin Marashi, whose guidance and advice was invaluable in this journal's creation and continuance. This work, and so much of the growth of the Iranian Studies program as a whole, would not be possible without your faith in us, and our institution. Your academic guidance, advice, and friendship have been invaluable to us.

Corey Standley (BA, 2019), Editor-in-Chief

Kayleigh Kuyon (BA, 2019), Editor-in-Chief

Queer Theology: Theological, Theocratic, and Secular Influences on Iran's Relationship with Transgender Bodies

Adam Oberlitner*

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On November 13, 2005, the Iranian daily newspaper *Kayhan* published a story about the public execution of two young men named Mokhtar and Ali. The charge that brought them to the gallows of Shahid Bahonar Square, alleges international advocacy organization Human Rights Watch (HRW), was *lavat*, a word loosely translated by many as "sodomy," which refers to criminalized sexual acts between men. [1] As is often the case, the hangings provoked condemnations from such human rights organizations as HRW, but the agitation over these hangings, and several other such cases that year, effected no marked change in policy, neither immediately nor over the course of the following years. [2] There is a widespread Western perception of Iran as viciously anti-queer and without reservation in its anti-queerness—a reputation it continues to cultivate, one might argue, as Amnesty International's 2017-2018 report on the country concludes with "some same-sex conduct [remains] punishable by death."[3] However, keeping this in mind so as not to trivialize the state-sanctioned violence faced by gay Iranian men and women, this all-encompassing conclusion is short-sighted.

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[1] "Iran: Two More Executions for Homosexual Conduct," *Human Rights Watch*, November 21, 2005, https://www.hrw.org/news/2005/11/21/iran-two-more-executions-homosexual-conduct.
[2] Ibid.
[3] "Iran 2017/2018," Amnesty International, accessed March 27th, 2018, https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/.

The Iranian government has long permitted gender confirmation surgery (often referred to as “sex reassignment surgery,” or “SRS”) since the passage of a *fatwa* (an Islamic juridical ruling) in the 1980s, penned by none other than the father of the Islamic Republic himself. In addition, in 2012, the Iranian government moved to require health insurers to cover the full cost of confirmation surgery, previously covered in part through Iran’s welfare program.[4] This latter point is specifically baffling to onlookers in the West, whose healthcare systems in countries, like the United States, may be less willing or able to guarantee such expansive coverage to accommodate the needs of their transgender citizens.

When compared, these two situations demonstrate a contradictory state of affairs. One cannot conflate transgender and gay persons or the distinct political issues they face, but since the marginalization of these groups stems from a common ideological source, it is worth asking why gay bodies are perceived as criminally deviant and why this is not the case for transgender bodies. Trans men and women in Iran still face harassment, discrimination, and violence; while the law sees transgender persons as separate from “criminally deviant” gay persons, popular opinion does not. This violence cannot be trivialized, but the legal systems surrounding transgender issues complicate the narrative that portrays Iran’s government as unabashedly anti-queer in all respects.

Because of its status as an Islamic theocracy, legal systems and political changes in the modern state of Iran cannot be decoupled from the development of its religious ideas. While religion plays a pivotal role in the politics of many countries, the theocratic nature of Iran requires law to have some basis in Islam, ordinarily in the conservative interpretation of Islam onto which many of the state’s major clerical figures hold. Iran’s reputation for anti-queerness, as mentioned above, is in part fueled by the active and critical role Islam plays in the formation of the country’s laws. However, as pointed out earlier, the Islamic Republic’s relationship with queerness is not adequately explained by a “progressive vs. conservative” or “secular vs. religious” lens. As such, this paper will explore Iran’s current legal and spiritual relationship with transgender bodies, including relevant developments in Shi’ite theology, theocratizing’s effects on recognition of transgender Iranians, and the way medical and political queer dialogue shapes the theology around it.

[4] “Iran’s health insurers to pay for sex change operations,” BBC, May 29, 2012, http://www.bbc.com/news/av/world-middle-east-18258276/iran-s-health-insurers-to-pay-for-sex-change-operations.

The Usuli-Akhbari Dispute and the Usuli Legacy of *Ijtihad*

One of the major milestones in the development of modern Twelver Shi'ism is that of Usuli thought. The Usuli school of Twelver thinkers (taking its name from *usul al-fiqh*, or "principles of jurisprudence," a methodology of theological analysis in Islam) initially flowered out of the earlier Mu'tazili school, which centered on an image of God as a font of justice as well as a desire to explore, in a rationalist scope, how evil can exist in a world with a just God.[5] One example of Mu'tazili scholarship is Abd al-Jabbar ibn Ahmad's *Kitab al-usul al-khamsa*, in which he makes the claim that two of the four proofs one should use in discussions about God's nature are rational argumentation and *ijma',* meaning the consensus of Islamic scholars.[6] The Mu'tazilites dismissed the notion that one should simply abide by the Qur'an as-is and promoted discussion between scholars about the reality of God's will. It is worth noting that Mu'tazili thought did not recognize every individual person's religious interpretation as valid and worthy of consideration, but rather required scholars to participate in the process of interpretation among themselves. After these scholarly debates, everyday Muslims would abide by the new, rationalist interpretations of Islam.

The Usulis later expanded upon this concept in the 18th century with the proposed concept of a *mujtahid*, a person whose grasp of rationality and intimate understanding of Islam put them in the best position to interpret the will of the imam and the true meaning of holy texts. Usulis attached themselves to the interpretations of a single, living *mujtahid* who handed down their jurisprudential rulings on concerns both old and modern, allowing their adherents to tailor any major aspect of their lives to most closely fit the will of God. The fact that the *mujtahid* was conventionally required to be living prevented Usulis from adhering to the theology of a long-dead thinker. This in turn created a wealth of new perspectives endlessly flowing into Twelver Shi'ism, as new *mujtahids* reconsidered the rulings of their predecessors and applied themselves to interpreting Islam in new ways to

[5] Nikki R. Keddie, "The Roots of the Ulama's Power in Modern Iran," *Studia Islamica* no. 29, (1969): 31-53, http://www.jstor.org/stable/1595086.; Majid Fakhry, *A History of Islamic Philosophy* (New York: Columbia University Press, 1983), 47.

[6] Richard C. Martin et al., *Defenders of Reason in Islam: Mu'tazilism from Medieval School to Modern Symbol* (Oxford: Oneworld Publications, 1997), 91.

tackle the pressing issues of their times. [7] However, during the 18th century, another major school of Muslim thinkers known as the Akhbaris pursued a more tradition-oriented understanding of Islam. While the concept of *ijtihad*, or interpretation, was enshrined in the Usuli school, the Akhbaris focused on literal understandings of the *hadith* and Qur'an that came from allegedly infallible Muslim leaders of the past.[8]

The Usulis ultimately dominated the religious discourse of the time and have continued to be the dominant Twelver school of thought. The possible reasons for this outcome are many, but one highly compelling factor is the fact that this "Usuli-Akhbari dispute" occurred under the backdrop of the 18th century interregnum. This interregnal era between the reign of the Safavids and the Qajars was characterized by a vast decentralization of government in Iran; while there did exist a central government, it could not rely upon its own power to keep any major peace in Iran and thus the administration of land in the country often fell to regional tribes such as the Bakhtiaris. The Usuli focus on *ijtihad* and the dismissal of long-dead *mujtahids* allowed Usuli clerics to be infinitely flexible in an era that required it if they sought to maintain their power.

Ijtihad, Compliance, and Theocratizing Medicine

In the mid-1960s, during the beginning of his Shah-demanded exile in Bursa, Turkey, Ruhollah Khomeini published a commentary on jurisprudence with the title *Tahrir al-wasilah,* and in its second volume he had written a section entitled *The Examination of Contemporary Questions*.[9] Under this section, Khomeini had written on a matter commonly translated as "the changing of sex," of which he said that the *prima facie* view in his perspective is that there is no Quranic prohibition against gender confirmation surgery and that while there is no obligation for a person to undergo it, it is "possible" for a person to do so.[10]

The title of the section itself, *The Examination of Contemporary Questions*, demonstrates the Usuli ancestry present in Khomeini's approach

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[7] While the Usuli school of thought is usually perceived by many as more progressive than its contemporaries because of this relatively free flow of new ideas, this has been criticized by some scholars as reductionist, not all *mujtahids* interpreted Islam in unconventional or "progressive" ways.
[8] Keddie, "The Roots of the Ulama's Power," 31-53.
[9] Afsaneh Najmabadi, *Professing Selves: Transsexuality and Same-Sex Desire in Contemporary Iran* (Duke University Press, 2014), 174.
[10] Ibid, 174-175.

to theology—much of his work in this volume concerns the application of *ijtihad* to issues arising in the world at that time. The fact that Khomeini was willing to apply this process to the creation of an Islamic perspective on medically transitioning quickly became more relevant to the broader Islamic world after the Iranian Revolution, as he quickly became a leader among those opposing the West-backed regime of the Shah and his provisional government.

As the revolution brought low the Shah's rule and the Islamic Republic began, the practical consequences of theocracy became clear to those working within the new administration. The process of theocratizing required every aspect of society to be brought as close to God's will as possible, and this of course included medical practices. In the time of the Shah, scientific advancement paraded forward with no concern for Islamic rulings on medical issues such as abortion, birth control, or gender confirmation surgery. However, newly under the eyes of the jurists, biomedical scientists recognized that they now had to present their ideas in a more Islamic language in order to continue their practices. In 1994, Iran's Ministry of Health moved to put in place a national Congress of Compliance, which sought to reconcile the scientific community with the Islamic permissible practice of "legal medicine." During the second meeting of this congress, psychologist Mustafa Najafi brought to the attention of the compliance committee the issue of whether or not transgender men and women should live as their true gender for a period of time before transitioning, claiming that such a question arose on a daily basis for many in his field.[11] While few *mujtahids* had addressed the matter of trans persons as early as Khomeini had, this Congress of Compliance—a direct result of Iran's theocratization—forced jurists and the theocracy at large to meaningfully engage with the intricacies of transgender lives. This confrontation may not have happened at this scale if Iran had not undergone theocratization in the first place.

One of the other major influences on the status of medical transitions in legal medicine may have been the Iran-Iraq War following the revolution of 1979. As the Islamic Republic worked to display Iran's soldiers as heroic martyrs, it became evident that the celebration of soldiers' sacrifices posed a new quandary for the theocracy. As prosthetic technology had begun to greatly improve in response to the grievous injuries sustained by soldiers, the clerics of Iran had to come to a decision about the legal status of technology which could be seen as a modification of one's body. Ultimately, prosthetics were embraced, and this opened a door to other previously scrutinized

[11] Ibid, 169-70.

surgical practices such as plastic surgery.[12] This not only created a surgical field better equipped to care for trans Iranians, but it also pushed the boundaries of what surgical body modifications were deemed acceptable to the clerics of Iran.

A New Islamic Notion of Gender

This confrontation between the psychology of transgender identity and the theocratic practice of Islamizing medicine pushed Islamic scholars to consider the concept of sex and gender as separate from one another, and one prevailing model has been used by more trans-friendly scholars to explain gender identity in Islamic language. The concept of *jins* or "genus" in classical Shi'i jurisprudence refers to some essential part of a person's nature and dictates their gendered obligations. However, some Shi'i scholars like *hujjat al-islam* Mehdi Kariminia argue that *jins* is not necessarily tied to one's being "male or female."[13]

Karimi describes biological sex as simply a sort of *jinsi* apparatus, a tool through which *jins* can be expressed. In this case, medically transitioning is not an act of altering one's *jins*, which would be tantamount to changing the work of God. Instead, Kariminia describes a "ritual sex" tied to a person's *jins* which indicates their gendered obligations—in this model, a trans woman's *jins* dictates that she performs the gendered obligations of any other woman, such as observing the *hijab* and restricting herself to woman-only spaces. In this model, altering one's *jinsi* apparatus could help them to better perform their *jins* role and, as a result, one might argue that promoting medical transition is more Islamic than simply not prohibiting it.

It is worth noting that Kariminia's model of ritual sex resembles the folk theory of feminine essence often invoked in the West to provide a baseline model of a transgender person's experience to cisgender people. That model being the concept of trans people as "a woman's soul in a man's body/a man's soul in a woman's body." However, many Western critics have pointed out that the feminine essence theory is not a fully articulated or even an accurate description of what it is like to be transgender. Regardless, this unsophisticated model allows for the concept to be more easily digested by people without a baseline understanding of the matter so long as they believe in the concept of the soul. It could be argued that the model of ritual sex plays a similar role—while it is not an exhaustive or scientific representation of transgender persons, it allows people unfamiliar with the scientific or

[12] Ibid, 169.
[13] Ibid, 177.

experiential aspects of gender identity to more easily grasp the concept and can help promote the normalization of medical transitioning. Just as the feminine essence theory is tailored to fit gender essentialist ideas about men and women as well as spiritual notions of a soul-and-body dichotomy, the model of ritual sex adopts the language of Islam to argue the idea to that same perspective.

The opinions of Iran's *mujtahids* are, however, widely varied. Therefore, a model like Kariminia's is not universally accepted by theologians, many of whom deny his view of the *jins* as an essence and the body as merely a *jinsi* apparatus. While many of his detractors proclaim that medical transition is still an act of altering God's work, this viewpoint is inconsistent with Ayatollah Khomeini's original view of it as permissible as well as Iran's recent move to completely subsidize the procedure.

While it may be easy to see the model of ritual sex as a tool for radical acceptance of transgender Iranians, this conclusion may be too hasty. While he does much to educate about and advocate for trans issues, Kariminia holds firmly to his position that transgender persons must eventually undergo gender confirmation surgery to permissibly sexually engage with the "opposite gender." [14] If not, it would be inseparable to him from same-sex intercourse, which is explicitly forbidden in most understandings of Quranic law.[15] Some other proponents of the model believe that while trans men and women should be permitted to medically transition, allowing them to live as their true gender before gender confirmation surgery would be too disruptive to "customs." As this model seems most consistent with the current legal status of trans bodies in Iran, however, it is a useful framework for understanding the way Twelver theology interacts with them in the framework of Iran's theocracy.

Reciprocity in Political Discourse and the "Trans Lobby"

As outlined above, while the process of theocratizing medicine allowed Islam to shape biomedical practices through the doctrine of "legal medicine," this theocratic process forced Islam to reckon in-depth with pre-existing conditions within the field of medicine, allowing for an environment that could foster the generation of a new Islamic concept of gender. This process of theocratization, at least in the *ijtihad*-focused tradition of Twelver thought, effectively created a reciprocal relationship in which theology shaped medicine and medicine in turn shaped theology. Just as theocratizing

[14] Ibid, 184-85.
[15] Ibid.

medicine had an impact on Twelver jurisprudence, the theocratization of Iranian politics also pushed Islam into confronting head-on the day-to-day issues of trans people in Iranian society.

Considering its anti-colonial bent, it is no surprise that immediately after the revolution, there was an air of intense animosity directed towards anything Western-seeming in nature in Iran. As the Iran-Iraq War began, many Iranians believed that the integrity of the Islamic Republic and thus its future was in danger. The intersection of these two attitudes played out poorly for the queer people of Iran—gay and lesbian Iranians were perceived as a moral threat to the Islamic Republic, and transgender Iranians were often perceived by their everyday countrymen as no different from crossdressing homosexuals. In addition, there had long been a tendency among many Iranian trans women to adopt Western names and Western styles of hyper-feminized attire, and so many in Iran saw these women simply as symptoms of Westoxification.[16] The fact that men and women suddenly were wrangled into specific dress codes and gender-segregated spaces also made transgender men and women hyper-visible, making them easy targets for their angry countrymen and agents of the state.

Seeing the plight of other trans men and women in Iran, a woman by the name of Maryam Khatoon Molkara confronted several major jurists in the early 1980s and demanded some kind of resolution to the situation. After having sought out ayatollah after ayatollah for discussions, she finally traveled to the home of Ayatollah Khomeini, having a brief discussion with the man before he gave to her a letter describing his earlier ruling on confirmation surgery from the 1960s, essentially reissuing the decision as a *fatwa*. The reissuance of this *fatwa* is what initially provided the first official legal step forward for trans people in Iran, allowing Molkara to begin living as a woman and for other trans persons to seek out more expansive trans-specific healthcare.

This string of events demonstrates another form of theological reciprocity in Iran that could not have occurred without the state's theocratic structure. As ayatollahs became important political figures with officially recognized legislative powers in the Islamic Republic, they also became beholden to the same methods of activist pressure used to effect change in any other system of government.

[16] Ibid, 164-65.

Western Psychiatry, Deviance, and the Realities of Transgender Lives in Iran

As Afsaneh Najmabadi points out in her book *Professing Selves*, one of America's most influential modern exports to the rest of the world is its science. In particular, the impact of American psychological and psychiatric texts on their respective fields in Iran played a key role in helping to create the legal distinction between transgender and homosexual bodies.[17] While many everyday Iranians perceived homosexuality and transgender identity as minor variations on the same deviant behavior, texts such as the *DSM-III* and *DSM-IV* recognized them as separate from one another. Not only that, but the internationally widespread perception of trans identity as a disorder, specifically a "gender identity disorder," allowed many psychiatrists to view transgender persons as people who were ill and could potentially be treated and have their illness alleviated, primarily through the process of gender confirmation surgery. The fact that the *DSM* was one of the fundamental texts for the behavioral sciences in Iran is part of what allowed this distinction to enter into the discourse before the 1979 revolution, so when theocratization began, this was one of the many issues set before the jurists.

The dividing line between "disorder" and "deviation" in Persian psychomedical discourse is especially critical because of the loose translation of the word "deviation" to the Persian *inhiraf*, which Najmabadi notes not only captures the nature of the word's English equivalent, but is also culturally tied to moral notions of straying from the righteous path.[18] The cultural baggage associated with this word creates a vast moral distinction between these two categories. The fact that homosexuality, considered to be one such example of *inhiraf*, and transgender identity are so closely linked in the broader consciousness of many Iranians pushes Iranian authorities to delineate between the two as strictly as possible. The practical effects of this have included the requirement of transgender men and women in Iran to constantly carry with them extensive documentation showing they are legally recognized as trans. Otherwise, they ordinarily face arrest and detainment, often resulting in humiliating treatment for days at a time.[19] While aforementioned trans activist Maryam Molkara had been verified to live as a woman after her meeting with Ayatollah Khomeini, she was unable to undergo transitional surgery until 2002 after a flight to Thailand.[20] Because

[17] Ibid, 9.
[18] Ibid, 172.
[19] Ibid, 167.
[20] Ibid, 166.

she had not been able to do so, authorities disallowed her to change her information on any of her official documentation and for seventeen years she faced employment discrimination and outright hostility from governmental officials and medical professionals.[21] Even as she finally traveled to Thailand for surgery in 2002, she had been stopped by airport security before her flight and forced to change into masculine attire.[22] Using Molkara as a case study, we can assess the way in which transgender men and women were actively policed in order to delineate "true trans bodies" from "same-sex players," a term often used to derogatorily refer to gay persons in Iran.

Conclusion

The Islamic Republic's complicated relationship with transgender bodies is an excellent demonstration of the way in which theocratization has shaped the way in which Iranians interact with their government. It remains true that governmental decisions must ultimately coincide with the will of the state's Supreme Leader. However, the importance of jurisprudence and interpretation in Twelver thought has helped to establish a religio-political framework through which trans activism—and thus activism in general—as well as academic discourse can shape not only governmental policy, but also the further development of Twelvers' theology. The implications for this are clear. Many anti-colonial writers have argued that the forms of activism that work perfectly well in the West are not universally applicable, and political change in non-Western countries will most likely arise from non-Western activist methodologies. In the Islamic Republic of Iran, Molkara confronting Islamic scholars about receiving a ruling on medical transition constitutes such a methodology. The theocratization of Iran created a system in which certain forms of activism could still exist and effect real change without having to necessarily start from the top of the state.

[21] Ibid, 167.
[22] Ibid, 166.