Comparing Turkey and Iran represents a research field that has not emerged recently. The initial examples of this research field may be observed as early as the 1960s. The first studies may be traced back to the 1963 article by Richard F. Pfaff entitled “Disengagement from Traditionalism in Turkey and Iran” where the author argued on the basis of examples from Turkey and Iran that political and economic development in Muslim countries could be realised more effectively through authoritarian methods than through democratic means. From that day on, comparisons between Turkey and Iran maintained their presence as grounds where a number of conceptual problematics have been tested. Even though these problematics vary in relation to the academic and political contexts, this area of comparisons has always been popular. To name a few, Modernisation, Secularisation, Relationship between Islam and Democracy, and Religion-State Relationships may be considered as the most popular themes in this field of comparisons.

In this presentation, I will address a field that has not been commonly studied along the axis of comparisons between Iran and Turkey: religious discourse generated on the basis of transsexuality. Surely, I will not argue that this field is not under the influence of contextual tension or it is a completely objective field. On the contrary, gender is an overly politicised field in both Turkey and Iran. I will try to explain one essential question that is brought to minds by mainstream religious discourses in both countries. The Presidency of Religious Affairs, a source of seemingly more liberal and “advanced” religious discourse, stands severely against sex change operations, while the religious discourse of Iran accepts and at times legitimises sex change operations. Why are operations found religiously justified in Iran for 30 years not considered legitimate by the religious institutions in Turkey? What is the reason behind this difference which seems to be in contradiction with common sense?

The presentation will comprise three parts. I will primarily examine why the present study focuses on this difference and why this difference matters. On this subject, I will discuss the contributions of the study to the literature concerning comparisons between Turkey and Iran in general and to the fields of gender, denominational differences, and relationships between the state and religion. Then, I will enter into further details concerning these differences; in simpler words, I will describe the perspectives of religious discourses in these two countries towards sex change operations. Finally, I will complete my presentation upon discussing the reasons behind the difference between religious discourses generated with respect to transsexuality.

I believe that the religious discourses in the two countries in the context of transsexuality are significant in three aspects.

1. Above all, this difference in discourses is a counter-example for the perspective specific to the Islamic world that reads such themes as sex, sexuality and gender only on the basis of Islam and attributes the same to the essential characteristics of Islam. I will try to demonstrate exactly how the religious discourses in these two mostly Muslim countries differ and that the reason behind this difference rests on the practicalities of life rather than any essential grounds.
2. Turkey and Iran are frequently described as representing two extremes in the Islamic world. A difference is entertained between the two countries in terms of their levels of modernisation. This difference is considered to be in favour of Turkey and Turkey is considered to be more advanced. It is regarded to be common knowledge that this difference grew further along with the Islamic Revolution. The transformation of Iran following the 1979 Iranian Revolution and the secular state tradition observed in Turkey as a rarity in the Middle East constitute the main reasons behind this dichotomy. However, a slightly more detailed outlook may reveal certain points that cannot be explained by this dichotomy. The presentation promises to provide an explanation that goes beyond dichotomy. A comparison of these two countries, I hope, not only interesting in itself, but may also serve to complicate that ready distinction between modern liberal and 'conservative traditional made in comparative literature on Iran and Turkey on Iran, or rather to problematize the terms in which such characterizations are made.

3. Another dichotomy-oriented perspective comparing Turkey and Iran claims that Sunnism and Shiism, the denominational identified of the two countries, are the main axes that dictate their religious discourses. According to this perspective, religious discourses in the two countries have been formed on the basis of this denominational identity as its main bearers. However, the religious discourses on transsexuality brings forth a framework that cannot be delimited within this perspective. Tantawi may issue a fatwa on transsexuality in Sunni Egypt, while Iraqi Shia has never accepted the fatwa issued by Khomeini. The presentation also points out to the limitations of this sect-based perspective.

As stated in the introduction, sex change operations have been legal and more importantly, religiously legitimate for almost thirty years in Iran. Although the official figures are not published, the country is said to be home to more than 100 000 transsexuals. Iran is the country with the highest number of sex change operations after Thailand. An Iranian surgeon relates his evidence: “Dr. Mirjalali says that, in Europe, a surgeon would perform about 40 sex change operations in a decade, whereas in Iran, he has done 320 in the last 12 years” defines Tehran as the “Unlikely sex change capital of the World”.

The main grounds for this is the fatwa on transsexuality issued by Ayatollah Khomeini, the founder of the Iranian Revolution, to Maryam Khaton Malkara who had applied to him personally. This fatwa paves the way for sex change operations on the condition that due diagnosis has been finalised. What makes this fatwa more interesting is the move of the Shah to lift the decision issued in 1976 by a secular medical association to deem sex change ethically unacceptable. Khomeini finally gets together with Maryam who has been trying to reach him for a long while.

Khomeini listened to Maryam's story, then he consulted with three of his trusted doctors on her case and, within half an hour, he issued a fatwa allowing Maryam and all transsexual Muslims to undergo a sex-change operation. Fatwa is very simple “

“In the Name of God. Sex-reassignment surgery is not prohibited. It should be noticed that when a Mufti says something is not prohibited, it means the case is permissible or lawful in Islam, but it does not necessarily mean it is obligatory in shari'a law if reliable medical doctors recommend it. Inshallah you will be safe and hopefully the people whom you had mentioned might take care of your situation”.

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As Maryam explained: “On the same day, she was gifted a Chadoor (Islamic Hijab) from Khamenei, the president of Iran at the time and second Supreme Leader after Khomeini. Therefore, she started to wear women's clothes and have Islamic Hijab. She was also introduced to forensics and could get the first licence for an SRS operation in Iran by state law on the same day” Also, she obtained a new birth certificate (a male birth certificate) at the same time.”

This fatwa issued by Khomeini remains valid in recent times and the religious discourse continues to allow sex change operations to take place.

Hojatol Islam Muhammad Mehdi Kariminia, the cleric responsible for sex reassignment, told BBC in an interview that sex change is no more sinful than "changing wheat to flour to bread."

If changing your gender was to be considered a sin because you are changing God’s natural order, then all of our daily tasks would be sins,” argues one cleric speaking to a conference on transsexuality held by the Health Ministry in Gorgan. "You take wheat and turn it into bread. That’s a change! There are a thousand things we do every day that are changes in God’s natural order. Why is that not considered a sin?” He immediately follows up, however, by again insisting on the distinction between transsexuality and homosexuality. “This discussion [on trans- sexuality] is fundamentally separate from a discussion regarding homosexuals,” he says. “Absolutely not related. Homosexuals are doing something unnatural and against religion.”

I should also state that there is a severe distinction between transsexuality and homosexuality from the perspective of religious discourse.

“Transsexuals are sick because they are not happy with their sexuality, and so they should be treated. But homosexuality is considered a deviant act.”

This is the case for Iran. How about Turkey?

First of all, allow me to consider a specific point. Sex change operations are legal in Turkey. The subject initially comes to the fore with the example set by Bülent Ersoy. As a famous singer, Bülent Ersoy undergoes this operation in the United Kingdom, returns to Turkey and seeks work; but the military government of the time does not allow her to work. They believe that a men taking the stage in women’s clothing will undermine the morals of the society. This professional problem is resolved towards the end of 1980s as a result of a number of court cases and struggles.

Religious discourse is not a visible party to these efforts. Even though the social discourse on morals does incorporate a religious aspect, the Presidency of Religious Affairs, a public institution in charge of religious affairs in Turkey, is not a decision-making body.

The Presidency does not have a structured and systemic policy concerning the subject. I will relate its general view on sex change operations through its own Website.

“If someone feels feminine despite being a man or feels masculine despite being a woman, the remedy for this will be not to go along with this feeling, but to repel it and add strength to the feeling required by creation, bring forth this feeling, create a favourable environment for it, and have recourse to treatment if needed. [It is to] refrain from the fruitless effort to change sexes on the grounds of any advice. In a word: Creation is essential. Divergent feelings are brought in compliance with creation by way of treatment and one should not encourage this by saying that
deviations are normal. Accordingly, the duty that befalls a person who has been created as a man, who is not a hermaphrodite, and merely supposes that he feels like a woman will be to stay away from this knowing that this act is against nature and forbidden by religion. In addition, if a person applies to specialist medical doctors, psychiatrists, and urologists that are trusted in terms of professional competence and integrity, this will not be a sin and it is, indeed, the word of our religion."

As can be seen, the Presidency of Religious Affairs describes sex change clearly as forbidden in contradiction with its counterparts in Iran. It states that the congenitally natural body is the main determining factor with which emotions should be brought to compliance. In this sense, it does not draw a distinction between homosexuality and transsexuality. However, it interestingly admits that the funeral arrangements for a transsexual man must be performed in line with the "male" sex. In other words, this means that the new sex of a person who has changed their biological sex by way of a medical operation is recognised by the Presidency of Religious Affairs. I believe that this exception is of significance.

While addressing the importance of the difference between religious discourses, I stated that this is not born out of the essential characteristics of Islam and the differences between the two countries in terms of liberalism and their denominational definitions are not descriptive. Then, what are the main points that create this difference? In my opinion, there are two main points.

1. First of all, I believe that this difference in discourse is related to the difference between the characteristics of the institutions that generate religious discourses. Even though the organisation of religious affairs is a public body in Turkey and is constantly improving in terms of its importance, we cannot claim that its views determine the legal projection. The headscarf ban in public spaces which had been on the agenda for more than twenty years from mid-1980s to mid-2000s was in contradiction with the religious diction that the headscarf is a basic rule of the religion. Or abortion is still possible today at state hospitals in Turkey despite the fatwa issued by an institution in mid-1980s to state that abortion would be possible for a short period of time and that under certain conditions. In fact, the intermingled nature of religious and state affairs in Iran does not allow for such a distinction. Therefore, a fatwa against transsexuality in Iran will halt transsexual operations. In other words, transsexuality is not a practical problem, but a theoretical one before the religious authority. Even though it is a practical problem, it has to be tested by the realities of life, which generates recognition. We can consider funeral services as an interesting example. The Presidency of Religious Affairs is an institution that is in charge of the functioning of funeral arrangements - along with municipalities. The single point where transsexuality appears as a practical problem before the Presidency of Religious Affairs is this, i.e. funeral services. The Presidency of Religious Affairs recognises transsexuality at this practical point.

2. It is clear that in Iran, the social order is based upon segregation between men and women. The basic outlook on a series of practices from the door you will use while entering a bus to the queue you will take and more importantly, how you need to dress in public spaces vary according to you being recognised as a woman or a man. Segregation emerges along at least three points. These are evidence to be given by women, right to unilateral divorce, and
custody of children. It is natural for a society that does not grant some room to the transitional nature of gender in vague areas to make room for radical decisions including surgery. This segregationist regime must define everything. This seemingly more liberal perspective was actually born out of a religious requirement. Of course, we should not forget that even though religious discourse of Iranian state, can be considered as a positive step on transgender issues in Iran, unfortunately, according to some reports the gay people pushed to change their gender.” This discourse is also used to push sexual minorities who do not belong to the transgender group, such as homosexual or bisexual people, to undergo sex change operations.