The Biopolitics of Gender in Iran: How a “Third Gender” has Formed

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**Introduction**

In the Islamic Republic of Iran both the role of gender and the commitment to gender have resulted in a blatant deployment of power over individual bodies. Gender as defined in this context is masculine/feminine, where the stakes for masculinity are particularly high. Iran’s commitment to gender can be seen in various scenarios: The veiling of women (among other things),¹ the discourse surrounding transgender’s,² and the treatment of homosexuals, in particular, the treatment of male homosexuals. In this paper I will not be addressing all three scenarios posed above, but, rather, will be focusing on the treatment of homosexuals, and will be illuminating that discussion with references to the discourse surrounding transgender’s.

Further, I will attempt to show that in the Islamic Republic of Iran the commitment to gender, which can also be described as the commitment to masculinity, has affected homosexual men by pushing them out of the masculine/feminine binary and into a “third gender.” This has been accomplished by what Foucault has described, the “*biopolitics of the populations,*”³ where through, historical and philosophical discourse, the legal system and the literal control over bodies in the transgender context, the homosexual male has in effect been left outside the binary of masculine/feminine.

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¹ Raha Bahreini, From Perversion to Pathology: Discourses and Practices of Gender Policing in the Islamic Republic of Iran, 5(1) Muslim World Journal of Human Rights 5 (2008). Some examples of gender segregation in Iran include: In family law, men are given unilateral rights to divorce, child custody, and multiple marital partners. In cases of crime, the testimony of two women is equal to the testimony of one man. In a case of retribution, a woman’s life is worth half that of a man.
² I will be using “transgender” and “transsexual” interchangeably.
Sexual politics of gender in Iran are further complicated because the commitment to gender has maintained a rigid division between the “active masculine” and the “passive feminine,” but in the context of the male homosexual has redefined “passive.” In doing so, the “passive homosexual male,” the “third gender” has been created. Where the “passive female” in Iran is struggling to have her voice heard, the “passive homosexual male” is struggling to have his voice recognized at all.

Brief History of Gender and Sexuality in Iran

In Iran, as in other premodern cultures, same-sex relations were prevalent and accepted to the extent that these relations were asymmetrical. Male homosexual relations often involved people of different ages, classes, or social standing where one partner would assume the “masculine” gender role and the other the “feminine.” Within this culture two men engaged in sexual relations were not identified as homosexuals. Rather, the position within the relationship - active or passive - was the form of identification. Usually, the male-male relationship involved a man and an adolescent boy, where the man was the active partner and the adolescent boy (amrad) was the passive recipient. Differentiations in sexual inclination were spoken of in terms of the adult man who was inclined towards men or inclined towards women or those who sought submission or sought to be desired. Furthermore, a man who penetrated boys was not considered a homosexual but was considered “dominant.” In fact, a man who penetrated both women

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4 The purpose of this paper is not at all to undermine the struggle that women in Iran face. In fact, if I had more space, I would have addressed their struggle more fully, but given the space limitations, I am focusing most on the fate of the homosexual man in Iran.

5 Janet Afary, Sexual Politics in Modern Iran 79 (2009).

6 Id.

7 Id.

8 Id. at 84.
and boys was perceived as “hypermasculine,”9 whereas the man who sought sexual submission (ma‘bun) was perceived as seeking, and was considered a pervert. Therefore a man, who desired, embodied masculinity, and a man who sought to be desired, defied it.

In addition to the dynamics of the male sexual relations, another instance where the abhorrence towards men who sought to be desired can be seen is in early Qajar, Iran where the growth of a full beard marked adult manhood.10 A full beard indicated that the young man was no longer suitable to be the passive object of desire.11 Therefore, a man who shaved his beard and made himself look young was known as the amradnuma, and was looked upon with contempt.12 The contempt arose from the notion that a man who shaved his beard was eliciting a continued interest in being desired, as opposed to “growing into the desiring man.”13 This, of course, is related to the adolescent’s (who had not yet grown beards) and who were ‘kept’ by prominent men. The idea was that the adult beardless man did not want to grow out of his adolescent, beardless, non-masculine role. “To desire to be desired by a man or to desire a man both became positions that could be occupied by women only. Homosexual desire became a derivative, a substitute for heterosexual desire.”14

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9 Afary, supra, at 88.
10 Afsaneh Najmabadi, Mapping Transformations of Sex, Gender, and Sexuality in Modern Iran 49(2) Social Analysis 59 (2005).
11 Afary, supra, at 88.
12 Najmabadi, Mapping, supra, at 59.
13 Id.
14 Id. at 62.
Women were considered imperfect men and the *ma’bun* fit somewhere in between man and woman in this male-dominated model of the medieval Muslim world.\(^{15}\) The *ma’bun* may not act like a woman in any way, but his mere desire for sexual submission, thrust him into an unidentifiable category where he was neither man nor woman.

Thus in this “status-defined model of homosexuality” the passive partner could be characterized in three ways. He could be the adolescent boy in a homosexual relationship (*amrad*).\(^ {16}\) The *amrad*, when he becomes a mature adult, could take the active role in the relationship and take on his own *amrads*; or he could become the adult passive *ma ’bun*. The third type of passive partner could be the *mukhannath*, an effeminate man.\(^ {17}\)

Premodern homosexual relations in Iran were status-defined where there was a significant social inequality that was usually based on age, class, and the distinction between lover and beloved.\(^ {18}\) There was also a strong stigmatization attached to men who sought a passive role - a stigma that still remains in the discourse of gender and sexuality in modern Iran.

**Gender and Sexuality in Modern Iran**

The shift from status-defined homosexuality to normative heterosexuality came by the late Pahlavi era. Then by 1979, homosexuality was made a capital offense by the Islamist state, and those individuals who were openly gay about their homosexuality were executed.\(^ {19}\)

\(^{15}\) Afary, *supra*, at 86.
\(^{16}\) Afary, *supra*, at 86.
\(^{17}\) *Id.*
\(^{18}\) *Id.* at 95.
\(^{19}\) *Id.* at 290.
What resulted from this shift was not necessarily the understanding that male-male relations were forbidden or illegal, but rather that being a sexually submissive homosexual was wrong. In fact, if the homosexual characterized his relation as one of rape or an exercise of male power he could be excused, or “get by.” The danger therefore lied in characterizing the relationship as one of equals, or real sexual desire. The trouble occurred when the relationship broke beyond conventional sex relations where the male dominates the woman. The male homosexual who seeks to be desired (or one can say even more crudely, the male who seeks to be penetrated) is therefore confusing the traditional sex regulations and is perceived to be taking a similar position to that of the woman. In the Islamic Republic of Iran the “position” of a woman is not one of much value. However, the problem is further complicated because homosexual men are not necessarily placed on equal grounds with women. The female’s passivity is different from the man’s (and here it can only be said crudely: the woman is penetrated vaginally and the man is penetrated anally). Somehow, anal penetration attaches to it a stigma that is worse than vaginal penetration, and in no way can be reconciled with masculinity.

The Homosexual Male in Iran

The contention that the commitment to gender in Iran has resulted in the male homosexual being pushed into a third “gender” as a result of being neither masculine nor feminine is supported by evidence of historical notions of male homosexuals, disparate

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20 Afary, supra, at 290.
21 Bahreini, supra, at 5.
22 Najmabadi, Transing, supra at 31.
23 Id.
treatment of male homosexuals versus female homosexuals, and the stronger stigmatization of male-to-female transsexuals versus female-to-male transsexuals.

As discussed above, pre-modern homosexual relations resulted in a rich characterization of the homosexual male. One of particular interest is the depiction of the homosexual male as a *ma’bun* 24 where he did not fit in with the characteristics of a man but he also was not equated with a woman. Even in pre-modern Iran, notions of the homosexual male were such that his gender was unclear.

Another example of the male homosexual becoming an “other,” and separate from a distinct gender is the different legal treatment of male-male sexual relations and female-female sexual relations. Although there is less written on female-female sexual relations, there are sources that indicate that they did, in fact, exist and were known as “sisterhood vows” that involved an exchange of gifts, travel to a shrine, and cultivation of affection between the partners. 25 However, it becomes evident in a number of ways that female-female sexual relations do not have attached to them the same stigma that male-male sexual relations do.

The Qu’ran regards male homosexuality as an abomination and does so explicitly: “Of all those in the world will you come to males, abandoning the wives your Lord created for you? Indeed you are a transgressive people” (Qur’an 26:160-166). 26 Further, Islamic law prohibited anal intercourse (*lavat*). 27 Here are but two examples of the direct condemnation of male-male relations, where the Qu’ran uses specific language: “…will you come to males…” And, further, Islamic law prohibits an act that is specific to male-

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24 Afary, *supra*, at 86.
25 *Id.* at 8.
26 *Id.* at 81.
27 *Id.*
male sexual relations: anal penetration (lavat). Where is the language regarding female-female sexual relations? Why is it specific to male homosexual sexual activity?

Moreover, Iran’s Islamic penal code criminalizes two types of consensual homosexual acts: sodomy and lesbianism. Sodomy is defined as two males engaging in sexual intercourse where both the active and passive persons will be condemned to punishment. The punishment for sodomy is death and the punishment for a homosexual activity not involving intercourse is one hundred lashes. The convicted must be mature, of sound mind and have free will for the punishment to be carried out; and if there is intercourse between a mature and immature person, “the active person will be killed and the passive person will be subject to Ta’azir” (discretionary punishment awarded by the judge of 74 lashes). Further, “when the active person is non-Muslim and the passive person is Muslim, punishment for the passive person is death.” Lesbianism (mosaheqeh) is punished by one hundred lashes for each woman, and punishment will only be established against someone who is mature, of sound mind, has free will and intention. Unlike sodomy, there is no distinction between the active and passive actors, nor between Muslim or non-Muslim participants.

Both the language of the Qur’an and the penal law indicate a different understanding of male-male sexual relations as opposed to female-female sexual

29 Id.
30 Id.
31 Id.
32 Id. Additionally, “if an immature person commits sexual intercourse with another immature person, both will be subject to Ta’azir of 74 lashes unless one of them was under duress.”
33 Id. at 161.
relations. The Qur’an specifically targets males, as does Islamic law that prohibits *lavat*. Moreover, the distinction between “active and passive actors” for purposes of sodomy but not for purposes of lesbianism is another example of how these two acts are perceived differently. Most notably when the “passive” person is Muslim and the non-passive person is non-Muslim, the “passive” person is sentenced to death. What emerges over and over again is evidence of a repulsion towards the “passive” Iranian male. Where “passive” can only take on one meaning given the context: that of anal penetration. Therefore, it becomes clear that homosexuality between men contains a worse kind of offense; one that apparently deems one undeserving of even a gender.

Another instance where the commitment to gender is maintained through disparate treatment of the male homosexual is within the discourse of transgender’s in Iran. Family is a very important social issue in Iran because of the intricate network created within the family.\(^{34}\) Therefore, for transsexuals, in addition to a need to feel accepted by society at large, acceptance by the family is extremely significant. Unfortunately for the male-to-female transsexual approval is much less likely than for the female-to-male transsexual.\(^{35}\) One of the major reasons for this disapproval is the stigma of being anally penetrated or of being “anal” (*kunis*) and living forever under the sign of being *kunis*.\(^{36}\) The irony is that many of the men in Iran who have made the decision to transition to the female gender have not allowed their male partners to penetrate them because of the fear of precisely this sort of stigmatization.\(^{37}\) Another irony here is that

\(^{34}\) Najmabadi, Transing, *supra* at 31.
\(^{35}\) *Id.*
\(^{36}\) *Id.*
\(^{37}\) *Id.*
transsexuals want to disarticulate the connection between themselves and homosexuals so that the stigma won’t attach to them.

The insistence on separating transsexual’s from homosexuals is complicated and problematic for a number of reasons. Transsexuality is categorized as a gender-identity disorder that requires medical intervention. Transsexuality is characterized as a case of “sexual and moral perversion, deserving criminal punishment.” This is confusing because Iranian society is highly gendered so if interpreted literally it would seem as though the transgender individual is creating a problem because he or she has literally been born in the wrong gender, however this is not the case. The homosexual is the one who is causing the problem even though he may be completely at peace with his gender. Why? The answer goes back to the commitment to gender as masculinity. The transsexual is not necessarily confusing the role that masculinity plays, whereas the homosexual is. And most importantly the transgender can be “cured.” The homosexual male cannot undergo surgery that will bring him to his “true sex.” However, again, if the homosexual male decides to undergo a sex change operation (MtF) he may still very well face stigmatization resulting from his past relations with men. So, it seems that safely switching from the male gender to the female gender would mean having no history of anal penetration or desire for anal penetration because otherwise you do not belong to either gender, you are lost.

“Filtering,” Gender, and Biopolitics

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38 Bahreini, supra, at 3.  
39 Id.
According to Michel Foucault “power is essentially what dictates its law to sex.” This power over life developed in two different ways, one of them centering on the body as a machine, also known as the “anatomo-politics of the human body.” Supervision of the body and its capabilities “was effected through an entire series of interventions and regulatory controls: a biopolitics of the populations.” Furthermore, according to Foucault:

Sex was a means of access both to the life of the body and the life of the species. It was employed as a standard for the disciplines and as a basis for regulations. … But one also sees it becoming the theme of political operations, economic interventions (through incitements to or curbs on procreation), and ideological campaigns for raising standards of morality and responsibility: it was put forward as the index of a society’s strength, revealing of both its political energy and its biological vigor. Spread out from one pole to the other of this technology of sex was a whole series of different tactics that combined in varying proportions the objective of disciplining the body and that of regulating populations.

According to Thomas Laqueur, “[p]olitics, broadly understood as the competition for power, generates new ways of constituting the subject and the social realities within which humans dwell. Serious talk about sexuality is thus inevitably about the social order that it both represents and legitimates. “Society,” writes Maurice Godelier, “haunts the body’s sexuality.” Further, Laqueur contends that “almost everything one wants to say about sex – however sex is understood – already has in it a claim about gender. Sex, in both the one-sex and the two-sex worlds, is situational; it is explicable only within the context of battles over gender.”

40 Foucault, supra, at 83.
41 Foucault, supra, at 139.
42 Id.
43 Id. at 146.
44 Thomas Laqueur, Making sex: Body and Gender From the Greeks to Freud 11 (1990).
45 Id. at 11.
Taking what Laqueur has said about “already hav[ing] a claim on gender,” the treatment of homosexual men in Iran is possible precisely because of Iran’s understanding, or, “claim” on gender. In Iran, gender is defined as the “core truth” of every morally and physically healthy individual that is expressed in a sex-dimorphic way.\textsuperscript{46} Man and woman in Iran are expected to actualize already made identities regarding gender, such as, “specifically gendered speech patterns, norms of appearance, facial and bodily hair, their preferred movement modalities, their postures, their odours and scents, their assertiveness or coyness, their sexual desires, their emotional expressiveness, their preferred hobbies and activities, their modes of cognition, and their life and career aspirations.”\textsuperscript{47} Because in Iran gender is more than just being born a man or being born a woman, but rather is about the roles performed by men and women, individuals who blur those roles are condemned. Therefore, it is not necessarily being born in the “wrong body” that is the problem, but rather, the “problem” lies with the “passive homosexual male” redefining the affixed role gender plays in Iranian society. As Maurice Godelier eloquently stated: “society haunts the body’s sexuality.”\textsuperscript{48}

In the Islamic Republic of Iran, Foucault’s description of “supervision” and “regulation” of the body can be seen in its most blatant form within the authorization of sex-change operations for transgender’s. While this authorization should be viewed positively because it is enabling those transgender’s who desire surgery to do so it becomes evident that the motives for such operations have deep consequences for

\textsuperscript{46} Bahreini, \textit{supra}, at 2.
\textsuperscript{47} \textit{Id.}
\textsuperscript{48} Laqueur, \textit{supra}, at 11.
homosexuals or more generally any sexual or gender non-conformity.\textsuperscript{49} Within the context of the sex-change operations is a process called “filtering.” In order for an individual to undergo a legally authorized sex-change operation he or she must first go through the process known as “filtering.”\textsuperscript{50} The main objective of “filtering” is to distinguish between homosexuality and transsexuality by requiring individuals to a four-to-six month course of psychotherapy.\textsuperscript{51} Much in the same way that transsexuals are characterized as suffering from a gender identity disorder, and homosexuals are characterized as moral deviants, “filtering” is meant to distinguish between the “true transsexuals” who are merely suffering from a disease from the homosexuals whose same-sex practices are indicative of their morally deviant ways.\textsuperscript{52} The process of “filtering” is less than pleasant and has been described as involving a “very hostile and at times terrifying relationship between the therapist and the client.”\textsuperscript{53} In fact, a number of transsexuals recall contemplating suicide during the filtering process.\textsuperscript{54}

Given this largely oppressive process it seems obvious that in attempting to distinguish transsexuals from homosexuals a female-to-male transsexual in Iran who is attracted to men, will likely not be authorized to undergo the sex change operation. Because if she does undergo the operation she will become a man who desires men and that would defy the whole purpose of “filtering.”

The “filtering” process begins to look like the “biopower” Foucault described, where the “biopolitical” project is to maintain the commitment to gender at any costs. A

\textsuperscript{49} Bahreini, \textit{supra}, at 4.
\textsuperscript{50} Najmabadi, \textit{Transing, supra}, at 14.
\textsuperscript{51} \textit{Id.}
\textsuperscript{52} \textit{Id.}
\textsuperscript{53} \textit{Id.}
\textsuperscript{54} \textit{Id.}
process that literally tells an individual what body he or she may acquire is nothing short of a “[s]upervision of the body and its capabilities.”  The conjuring up of a process such as “filtering” is placing power in certain individuals to determine the sexual identity of those who do not necessarily conform to Iran’s sex-dimorphic society. Furthermore, the desire to separate and distinguish transsexuals from homosexuals through this process places an added pressure on homosexuals. If a transsexual, who is essentially born in the “wrong body” and who chooses to undergo surgery has to prove that he is not a homosexual in order to be legally authorized for the operation than one can only imagine what this does to the psyche of the homosexual. Knowing that there is a legally mandated psychological process with the sole objective of teasing out the “true transsexuals” from the “moral deviants” must be an enormous blow to a homosexual living in the Islamic Republic of Iran.

Conclusion

The Islamic Republic of Iran has targeted homosexuals in a variety of ways. However, it has gone further than targeting homosexuals as a whole, but has focused its attention on the male homosexual. Historically, male-male relations were status-defined, where engaging in sexual relations with a man was not necessarily frowned upon, but desiring to engage in sexual relations with a man was abhorred. It was the desire for a man to be with another man that was considered perverse. This abhorrence towards men who sought to be desired was also seen in perceptions of men who chose to shave their beards as opposed to growing their beard out. A man who chose to shave his beard was

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55 Foucault, supra, at 139.
56 Afary, supra, at 84.
57 Najmabadi, Mapping, supra, at 59.
viewed as one who chose to remain within the “passive,” “submissive” role of the adolescent.\textsuperscript{58}

This in essence shaped the definition of “passive” within gender politics in Iran to mean something different for men versus women. A new type of male “passivity” emerged within the context of male-male relations where being \textit{desired} by a man thrust you out of an identifiable gender category and into a new amorphous category. A category, I argue, is that of a “third gender,” the “passive male homosexual.” This distinction in passivity can be seen in the historical labeling of the \textit{ma’bun}\textsuperscript{59} and in modern day differential treatment between male and female homosexuals.\textsuperscript{60} This distinction can also be seen in the different level of acceptance of male-to-female transsexuals receive versus female-to-male transsexuals.\textsuperscript{61} The reason for the differential treatment between male-to-female transsexuals as opposed to female-to-male transsexuals is because the former will forever be seen as \textit{kunis} (anal).

Therefore, it becomes apparent through a number of different scenarios that in Iran the commitment to gender, also known as the commitment to masculinity, is about differentiating between two levels of “passivity” within sexual relations. A woman’s role as “passive” fits into the male-female binary, but a man’s role as “passive” does not. A man, unlike a woman, is not supposed to seek to be desired, he is supposed to be the one who desires. Therefore, if a man seeks to be desired by another man he is assuming a role that the Islamic Republic of Iran cannot comprehend. Because it has already made

\textsuperscript{58} Najmabadi, \textit{Mapping}, \textit{supra}, at 59.
\textsuperscript{59} Afary, \textit{supra}, at 86.
\textsuperscript{60} Alasti, \textit{supra}, at 159.
\textsuperscript{61} Najmabadi, Transing, \textit{supra} at 31.
it’s “claim”\textsuperscript{62} on gender it uses several mechanisms, whether it is through sexuality discourse, criminal law, or processes such as filtering, to accomplish what Foucault described as the “biopolitics of the populations.”\textsuperscript{63} This “biopower” is seen most tragically in Iran’s commitment to gender. Where, ironically, the emphasis on a sex-dimorphic society has resulted in a “third gender.” Now, how will Iranian Islamic sexual discourse wrap its mind around that?

\textsuperscript{62} Laqueur, \textit{supra}, at 11.
\textsuperscript{63} Foucault, \textit{supra}, at 139.