

A research about jurisprudence and legal bases of Imam's permission on Transsexual attempts

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Abstract

The objective of this script is to explore jurisprudence and legal basis of Imam's creed on permitting transsexuality. The dissertation after going through generalities inclusive to stating the problem, and necessity and the importance of trans sexing as well as its history, it'll work also on epistemology of the matter as changing sexuality and issues pertinent to sexual identity and related disturbs. In the legal section the legal methods of dealing with, trans sexuality in various countries are studied. Same time religious legality or illegality of it is postulated along with reasoning and related arguments of pro trans and oppositions, while opinions of both sides are explicitly brought about and investigated. The text continues with investigation of the effect of sex changing on: praying, marriage, leadership, family titles, heritage, dowry, atonements and blood money, on which Imam's view has been realized and stated one by one. In a nutshell we can say: all Shias jurisprudence clergies believe in issuing such permissions in state of physically neutrality of the applicant and no ideological clash or conflict up to this point has been reported yet but in case of trans sexual surgery of a person with just psychological neutrality, views of clerics varies from absolutely positive down to an adamant no and each group in order to prove its idea presents own logical reasoning. Imam Khomeini is of the first group with an absolute and unconditional agreement on trans sexing when necessary. From the view point of Sunni Muslims, the operation only for persons with sexually troubled (are physically neutral) is allowed but same job ruled Haram (religiously forbidden) for trans- sexual purposes only. In general we could say since the MD science take the matter as a sickness and according to every sage person and religious jurisdiction experts a sick human shall be allowed to go for curing procedure then in consequence there shouldn't be a problem for them to go for operation of sex changing since its aimed to heal a disease, but same time its forbidden for natural and normal people whose psychological desire and physical (bodily) condition are already in accordance, such operation then is recognized as harmful.