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Evidence of Changing Gender Neutral Issue Licenses

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ABSTRACT

This article is licensed transgender arguments in terms of jurisprudence and legal disposal problem has been studied. And since gender neutral intermediate and dual problem and it is forbidden to marry should make it legal precautions. So there is no reason Scripture and tradition, the sanctity of gender change because of severe hardship sexual identity and gender reassignment is authorized to perform legal precautions. Changing attitudes and opinions of Muslim scholars in gender-neutral issue permits and licenses advocate the Quranic evidence any of the views, the main body of this research is considered. Possible deficiencies cited in the survey were the ultimate.

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INTRODUCTION

The present study is intended to investigate the "jurisprudential and legal" gender-neutral change is difficult. However, in many cases the result is the same jurisprudential and legal debate. What are the rights in Iran, especially "the Iranian Civil Code" and "Islamic Penal Code" Shiite jurisprudence has been developed based on the principle of the constitution, the Iranian laws of Modavaneh must be based on Islamic criteria. The subject of my research, I followed the reassignment of two-dimensional neutral sentences "legal" and "law" to be investigated, and whenever the issue of Islamic jurists considered view, the view of the laws of the state. Hence, it is necessary to issue legal documents, such as the "Iranian civil law" is mentioned. Male to female sex reassignment refers to the conversion or, conversely, as an external phenomenon and the emerging jurisprudence and legal high ground coverage, the discussion is mainly about the "family law." Such license or permit reassignment of neutral survival or non-survival of one of the couple's marriage, guardianship and custody of the person's sex change after sex change, the issue of inheritance, alimony, dowry, family, and other topics that will be investigated in this study. However, the need to discuss the issue of gender-neutral problem is widespread and multi-faceted issue that is difficult to present a comprehensive research of it all seems to be aspects. Legal issues associated with this subject, on the one hand and the legal issues associated with medical, psychological and moral values and on the other the issue of gender-neutral problems which have complete and comprehensive discussion about it is unexpected.

ISSUE: evidence for the neutral license reassignment problem:

Neutral problem: the problem is that while having a neutral object of male and female reproductive organ, the man or woman of his symptoms and may not be legal. As in the case of a post-operative transsexual, two possibilities are conceivable. First, the likelihood of surgery on such person, is said to change sex because sex as the person who applies after surgery, before surgery he was honest; the sex change is a researcher.

The second possibility is that either way, the honest person as transgender is not whether the act, if the person to join the women's group, we certainly have had a sex change sex change orders and supplies to do and we run towards him, because it's probably the same as the current is pre-operative. Might not otherwise be achieved only with the subject of sex and heterosexual provisions as applied to him. Similarly, if a group of men to join. The basic principle of the help topic does not die because of the lack of women on a personal level and measure current and priority ranking of any nothing else. Neutral problem due to both the penis, and just being male or female gender are facultative and two of them are obvious and this is forbidden to marry. (Mohammad Sadr, C 3/643). Because the condition of marriage is that the two "non-sex" marriage to each other. Since gender neutral real problem is not clear, it is likely that in the event of marriage, with "same-sex" marriage to her. The following precautions should be religiously neutral problem the same way, ie, the time required to perform

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duties for which men and women could do tasks. The neutral issue, you must refrain from things forbidden for men and women. These provisions not know if the neutral tertiary in nature.

Now, according to the above conditions, is it permissible the problem of sex-neutral? The answer: Sex change without notice attached itself haram, not forbidden, and there is no reason Scripture and tradition, the sanctity of sex change. Furthermore, the neutral problem of gender identity disorder and severe hardship to legal precautions, are allowed to change their gender. Thus, the "emergency rule" and "rule denying hardship" reassignment, he does. For incorporating gender reassignment itself without concomitant forbidden, forbidden and there is no reason Scripture and tradition, the sanctity of sex change. However, in response to opposition Shiite scholars and explained the reason for the license, the two rule "urgency" and "rejecting hardship" clings are made.

A - Resorting to emergency rule:

Emergency rule, the rule is renowned legal documents, various verses of the Holy Quran and Islamic traditions. Of, for example, only one verse refers to two versions: God only (meat), carrion, blood, pork, and what the name of Allah when slaughtering it is said, has forbidden. (But) whoever is forced, if tyrant and aggressor is not no sin upon him; (that could save their lives, when necessary, it eats Allah is Forgiving, Merciful. (Translated by Nasser Makarem Shirazi). Allameh Tabatabaie, the interpretation states that the balance shall, however, are not exceeded and that the wrongdoers. In other words, those who have to eat some desperation and urgency of this meeting, and while that ruthless and not too aggressive, not join them to eat; but if the oppression and violence, forced to eat, oppression and violence, and rape in the sense of urgency he is not permitted to eat a meeting for him. (C 1, Tabatabai, verse 173 of Sura Al-Baqara). Imam Sadegh (AS) said: It is nothing of the things God has forbidden, except that it is lawful for a person in distress. (Hor Ameli, Bitā / 690). Imam Sadegh (AS) said: Whoever carrion, blood and pork meat distress and did not eat until they die (God's judgment) has disbelieved. (Haman / 520). Apparently this tradition, Imam Sadegh (AS) as a religious obligation and refusal to meet the emergency, it is considered blasphemy against the true God. Difficult or bisexual is completely neutral in emergency and urgency is clear evidence of his life. And for his sex change is a prerequisite and undeniable. He could reassignment of "sexual uncertainty" in this case out of it, she provided legal marriage and the "religious observance precautions" finds liberation. He has suffered severe physical illness achieve their health and survival, requiring surgery. Thus, even if we believe that sex change is forbidden, it difficult to neutral due to severe physical illness will be permitted. In this article we verified that the reassignment of some healthy bodies imitation Shi'ite haram to know about "neutral problem" if you can believe that these are financially and physically, it is necessary for their sex change, way of Ayatollah Mirza Javad Tabrizi it believes that: Sex change is not permitted. (Center for Religious Judiciary Bitā / 5751) However, the study of which he is the author of "gender-neutral change problem" was stated: If a neutral financial problems, there is physical, it is necessary to change their gender. Jurists (Gharzavi, Bitā / 155-156) and lawyers (Kanaani, Bitā / 284-285), mostly Sunnis with the opposite sex are changing and it's forbidden to know about changing gender neutral, neutral especially difficult licensed to believe it.

B - Adherence to the rule denying hardship:

Denying the hardship rule of law is known as legal in all chapters of the text is visible. "Deficiencies" anti-sense "Yasr" means: tightness, dyspnea, is a problem. "Sin" also means: a hard pinch. However, with the exception that deficiency in the sense of sin is milder. In other words, sin; say the problem is very severe. (Mostafavi, Bitā / 298). However, both sentences are identical, ie, whenever there is intolerable narrowness and severity of the problem, the decision has been taken. If hardship due to a difficult task outside of humans and disrupt the lives of individuals and society, such provision will be removed from humans. Negating the negation of the principle of hardship or emergency medical services by the opposite sex, the appeal of "secondary title" is. So first, a brief description of the two is appropriate. Early titles, regardless of the provisions that are different side effects that are likely to come upon them, are important. Such as: Prohibition of eating carrion and passers-esteem and body touch. But the topic of secondary interest of conformity with the legal framework and the detailed rules and recognized boundaries Decree to be different with what is inferred from the initial topics. Such as being allowed to eat the flesh of the corpse who was in emergency and life-threatening, or touching the patient and the doctor or nurse of the opposite sex (of course within a definite necessity, not beyond it). In other words, these differences can be found in these two cases as follows:

- 1- Early titles are indicated, however, secondary topics, is under the rule of "Alahoma Falahoma".
- 2- Stable of titles, but the titles and secondary temporarily by necessity, in a certain time and place or with a certain person is present.
- 3- Primary topics everyone is the same, but the secondary title of individuals varies.

As noted, the use of clear legal rules, and most of the secondary titles refer to secondary titles include: Necessity and urgency, denial of hardship, the obligatory introduction, the rule seeks judgment of the supreme leader and social interests, protect the Islamic system and... .

It is necessary to note that the issue of fault tolerance is different and age difficulties, some religious orders, mainly because it is inherently difficult because of the materials used is important that it is difficult to handle as fast, jihad and the like are any problems are examples of sin. Here, the example, because only a few, is the negation of the Verses and the hardship rule:

Book:

Selected Verses hardness implies the negation of the rule. Some of these are:

- 1- Hajj Surah 22, verse 78, translated by Makarem Shirazi. And God's religion (Islam), heavy and hard work you did.
- 2- Surah al-Baqarah (2), verse 185, translated by Makarem Shirazi. And the Lord comfort you want and not bother you.
- 3- M. surah 5, verse 6, translated by Makarem Shirazi. God does not create a problem for you. God does not create a problem for you.

The Holy Quran, it signifies the fact that the God of Islam, judgment, sin is not legislation, but the religion of Islam, the religion of easy and pious people, the region and the development of religious orders are in the area. Therefore, any ruling from the sin and desperation and hardship is necessary, the order of the Holy Quran, this rule has been removed. (Bojnourdi, Bitā / 256). Imam Sadegh (as) about the life of Nehru Outlaw dry, unreasonable and difficult to choose who said: Surely ignorance of the self-Khawarij were hard and tight, while religion is more broadly than they think. (Horr Ameli, BEA / 1071)

Tradition:

1- Isaac Arz says Imam Hussein ... was born out of the question that was neither male nor female born. Such a person does something other than how inherits? Said: Imam sits down and people sit with him and ask God (pray) and Imam shot kills (lots of it) in the legacy on which to reach him? Male or female, whichever Heritage Lottery revenues are based on her inheritance. Then said matter what fairer than the lottery is a matter to be determined. Surely God Almighty says: (The draw took part was being thrown) (Verse 141 of Surah Safat about Prophet Jonah)

2- 2 Abi Abdallah (as) was asked about which neither male nor female is born and such a person does something other than how inherits? Abi Abdallah Said: It is not any difference between a people unless it is for the book of God but it is not the wisdom of men.

3- And the Prophet narrated the story of one of them asked about born is not that what women are for, not what the men except for a hole that Boll is out provision that a person who inherits? If he said to the Bull, he was willing to take the bull male inheritance if you no longer inherited and female gender were found to recognize new technologies in medicine that are highly developed and virtually indisputable, however, individuals may still be difficult to completely gender neutral mid, and top.

Physical conditions in the neutral problem or bisexual full, clear evidence of hardship and adversity that life has been very uncomfortable for him. They are difficult to observe the proper precautions.

Hence, they can change their gender, their gender reassignment supposedly forbidden if it is desired to change due to hardship negation rule, the rule will be removed from duty dignity. Whenever someone like neutral and the problem of sin is incurred is allowed to have a sex change and gender unit to perform religious duties is not the problem. Moreover, it has been said that sex change is morally reprehensible as the act of sex, indicate "dissatisfaction with one's own creation" and "an attempt to change God's creation" is, as far as saying that sex change for this reason, it is forbidden. (Sadr, C 3/643).

2. Basic Concepts:

Neutral. (Dehkhoda dictionary) is what is called a glue binder doses used shoe brand. (Borhan Ghate) male and female genital someone be both. (Montahi Alarb). Both are being manipulated (Mahmoud ibn Umar). Male and female. (Bahr Aljavaher). Woman dead, they are both organs, limbs, neither does he. (Mahzab Alasma). Not men, not women.

Types of compensation:

- Neutral Ansy, a neutral state in the case of a woman who is often referred to as the neutral Ansy.
- The neutral, a neutral state in the case of a woman who has overcome such a person is called the neutral.
- Neutral problem if the neutral mood he's in another case, a woman or man does not overcome the dominance of one over the other cannot recognize such a person is called a neutral problem.

Islamic jurisprudence is divided into two parts: neutral:

1) Neutral problems: one is that the UAE natural or religious symbols is not known whether man or woman. (Translation: Because of the feminine gender neutral, he prefers he has no problem with being male) (martyr Sani 1368/215)

2) Neutral non-problem: And it is through the neutral-UAE signs though Zany can see that the join is male or female. Male, female and neutral-neutral, which is divided into two groups.

Dominant Sunni jurists and legal scholars disagree, and transgender or bisexual neutral in the permit.

Observe caution hardship caused by this group of people, they have added to the crisis of identity disorder. And sometimes some of them to commit this unusual behavior and possibly lead to suicide. We are here to express their opinions of Islamic jurists are twofold Shia and Sunni or Shia.

A) Comments on changing gender neutral Sunni:

Dominant Sunni jurists and legal scholars disagree, and transgender or bisexual neutral in the permit. Dr. Ahmad Mohamed Kanani writes: Surely the divine legislator has forbidden sex change, as opposed to the divine nature, but in some cases sanctions are exceptions. As he stopped in both male and female genitals are so different. So in such cases, an appropriate gender-neutral gender reassignment surgery, the doctor is permitted. (Mohammad Kanan, 1402 BC).

B) Transgender People in the Shiite jurists neutral:

Unlike Shia Sunni scholars, have talked about changing gender neutral, with additional commentary. All the Shia scholars due to anxiety and sexual disharmony in such cases, transsexuals have been permitted. Imam Khomeini (rah) that he, as the first transgender legal issues that are raised in most of today say about it:

Sex change male to female and female to male and female gender neutral or male join operation is prohibited.

Sex change male to female and female to male and female gender neutral or male join operation is prohibited. Whether a woman or some of his men who desire to see such interest or interests in a person of the opposite sex or of the opposite sex to see some of the sex is obligatory, or not? If the person is male or female really is, but it can change its gender can become heterosexual sex is obligatory to be true. (Bi Azar Shirazi, earlier)

The only one of Shia jurists have disagreed with the above terms (Ayatollah Seyed Sadegh Shirazi). He is absolutely the sex change, even in neutral; the problem though is not permitted. The word refers to them; even to explore gender sex change is not permitted.

C) The rights of transsexuals in Iran:

Rules and regulations concerning sex change in Iran's laws and procedures are different. Here we are referring to two cases.

A - Notice of Islamic law and justice:

After the fatwa of Imam Khomeini's license in 1985, transgender, sex change operations, and gradually warrants were carried out. Summary of the rules is that people with gender identity disorder are referred to the coroner and after a few sessions, observation, testing, verification and authentication of the disease; sexual dysfunction will be issued a letter to Justice. According to the Justice Policy coroner will issue a license for a sex-change surgeon, according to the letter of Justice, in which to perform a sex-change operation. After the fatwa of Imam Khomeini's license in 1985, transgender, sex change operations, and gradually warrants were carried out.

B - Issuing new ID after sex change:

ID is not registered in the transgender bisexual. These people are just rename the ID plate description is recorded. What's even changed the name to what name has changed, the new ID will not (Karimi Nia, 1937/215)

3. The human rights provisions neutral problem Neutral on the issue, according to their own rules of prudence (ie, meeting men and women from the time they seem to have the safe side). To mention a few examples of these provisions are:

1 - Dignity and honor of wearing the yellow gold and pure silk prayer valid if they are wearing.

2 - Need full coverage.

3 - Prohibition of prayer.

4 - Use a stitch of clothing on the state of Ihram

5 - The age of majority identification number on the side of caution must be observed under the age of 9.

6 - Watch the sanctity of marriage, etc.

Atonements:

Some say the money for half the money stopped killing each man and woman that is three-quarters full compensation, Members and up to one-third of full blood injury compensation, compensation equal to men and in addition, three-fourths of the crime on the merits of a man's man, do not go full compensation is fixed, but the report proved to neutralizes.

Execution:

Retribution is the deliberate killing of fixing the problem stopped. If a man kills family of neutral killed a quarter of the money back to the family of the murderer, who can punish him, as if repelled woman kills her parents rejected the money to authorities foiled a quarter, can him to death, but if both parties have stopped the killer to be punished without any trace.

Range:

Penetrative sexual immorality penis and the vulva, the researchers are not neutral; intercourse as the foil for a man suspected of being the main vulva realized she did not commit adultery.

Inheritance:

Problem neutral person who has no symptoms of being male or female, he does not prevail over another. In this case, you cannot put him in a row, none of the two sexes, not her gender as male and female as the third row. So half of his inheritance in man's inheritance, plus half of a woman's inheritance. (Emami, 294 and 295) However, the decision to invoke Article 939 of the Civil Code in this case is neutral among his men give them the double female, inherit. But you can give them foil the female equivalent of the male part of their lives, work and cancel the execution of the above article would be futile.

The glaring issue is sobering that in some cases the problem may be neutral in terms of gender, the proportion of the heirs may change, but the gender of the individual legislator Ignore this legal issue unresolved leaves. For example, if the deceased's father and mother, and a girl and a neutralized, as the heirs to be gender-neutral cleaning assume she could be effective. Note that if we assume that the neutral daughter, assume two girls died, two-thirds of the wand. However, if we consider neutral son, daughter, deceased, was not supposed to close it inherits. (Katouzian 1386/309)

If neutral is joined by one of the symptoms mentioned in the religious books are man or woman, it is evident that the verdict if the problem remains to be neutral in the provisions of men and women to caution, the problem is the burial requiem than half the inheritance share of male and female he will be better able to compromise with the other heirs. (Tahrir Alvasileh 2, pp. 399 and 400)

Conclusion:

Neutral problem, or bisexual, or hermaphrodite completely true, due to both a penis, sex is facultative and dual male or female, they are very clear. These people are required to comply with legal precautions, for example, for whom marriage is forbidden, what is the probability that he is married with his homosexuality, in this case, their marriage would be void and illegal sexual relations they. Although some jurists of all Sunni and Shi'ite jurists to maintain a healthy respect for sex change in humans, however, the problem is a unity of opinion is neutral, and all of them are believed to permit reassignment neutral problem. But it is important to note that the "licensee" means "the necessities of sex change" is not. Only if there are financial resources and strength to overcome uncertainty and leaving ambiguous status, sexual reassignment would be necessary. The speech of Sheikh Tantavi (Bariklou, (1382) / 75), Mufti of Egypt, is believed to neutralize the necessity of surgery, it is disputed. Therefore, one can say that the surgery or hormone therapy is necessary because people may be afraid to have the surgery or due to aging and old age, cannot be treated or bored or because of the cost of treatment cannot be financed. Thus the problem of legitimacy or neutral or sex reassignment full license, there is no opposition to this theory, some can be joined by an expert who specializes in sex for them is recognized. What will it permit a change of gender neutral with regard to the existence of secondary injuries and emergencies. The first major change in sex is not forbidden per se limit and there is no reason to respect.

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