

The Impact of Medical Development in the Treatment of Castration

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Abstract

Praise be to God, we praise Him, we seek His help, and we seek His guidance, and we seek refuge in God from the evils of ourselves and from the evils of our deeds. He whom God guides will not be misguided, and he who misleads will not be guided. his family, companions and whoever follows his guidance until the Day of Judgment.

Introduction

Praise be to God, we praise Him, we seek His help, and we seek His guidance, and we seek refuge in God from the evils of ourselves and from the evils of our deeds. He whom God guides will not be misguided, and he who misleads will not be guided. his family, companions and whoever follows his guidance until the Day of Judgment.

It is well known that jurisprudence in matters of religion is a basic requirement in the lives of all people, as their religious and worldly matters are not straightened, except after referring to the people of knowledge and jurisprudence in religion, to explain to people the judgment of God Almighty in what they fell into in terms of disagreement. And among the defects of marriage were known by Islamic societies before, and the early jurists dealt with them, discussed them, and presented solutions to them, and arranged rulings on them. Scientific developments have a great influence on many jurisprudential rulings, which necessitates consideration of many jurisprudential disputes, in which medical progress has an impact, as it is not right for

jurisprudence to be isolated from contemporary reality, especially after many studies have concluded that technologies and developments have had an impact He exaggerated many of the jurisprudential issues he studied, and previous scholars worked hard on them.

It is the tuberculosis of the testicles, which are the two eggs of the reproductive organs, and this term may be used to mean: tuberculosis of the testicles, and the male.

Among the defects specific to men: castration, which is the tuberculosis of the testicles, which are the two eggs of the reproductive organs, and this term may be used to mean: tuberculosis of the testicles, and the male. This research deals with the impact of medical development in the treatment of castration.

Search Plan

Divide the research into two sections:

The first topic: explaining the reality of castration, its proof and its cause

The first requirement: definition and proof of castration

The second requirement: the cause of the castration defect and its impact on the marital relationship

- The second topic: the legal ruling on testicular transplantation in modern medicine

The first topic

Statement of the fact of castration and its proof and cause

The first requirement: definition and proof of castration

This is explained in two parts:

The first section: definition of castration linguistically and idiomatically

As for its definition in the language, testicles: “a testicle, a testicle, a testicle, and a testis from the reproductive organs: one testis, and the two testicles are two testicles and two testicles.” And eunuchs. The plural has a eunuch, and the plural has a eunuch, Ibn Bari: A eunuch came to one, according to al-Rajiz (1):

The evil of buckets and the sticking tongue ... as small as a goat's testicle and his bowels.

And another (2) said:

oh biba, you are above the bib..... oh biba, your eunuchs are from the eunuchs and cocks; So he bent it and straightened it

The eunuch of the stallion is emasculated, the eunuchs of its testicles are elongated... It is found among people, animals and sheep.

As for its definition in terminology, jurists and medical scholars have mentioned definitions for it as follows:

Eunuch: “He is the one who unsealed his eunuchs” (3).

1. The Hanafis defined castration as “the removal of the testicles” (4). And they clarified its meaning by saying: “And he is the one who removed his testicles and his penis remains, and there is no difference here between tuberculosis and cutting them if his penis does not spread, and we are bound by it, because if his machine were to spread, it would have no choice, and they mentioned that “the eunuch is postponed just as the two are postponed because intercourse is hoped for” (5) .

2. The Malikis defined it: “Cutting off the male or both of them only with the remaining male” (6). And the Malikis stated, “If the wife finds this defect in her husband, then she may return it: and the eunuch, which is the one from whom the male or the two females were cut off, and he tied it in the jewels as if he did not ejaculate, because the choice is only for lack of complete pleasure, not for intercourse; therefore, the sterile and the eunuch who cut off the two females are not returned.” If he ejaculates like him, ask the two females as if they were cut off.” And they said: “Because the choice is only for lack of complete pleasure, not for lack of intercourse or lack of childbirth; therefore, he does not respond to infertility, and he responds to castration with a standing male cut off the two females who did not ejaculate, and if we said that there was no intercourse, that would not have been answered. (7).

3. The Shafi’is defined it: “The eunuch is the one whose females have been removed and his male remains” (8), as well as “the incision and removal of the testicles” (9).

4. The Hanbalis defined it as: “cutting off the testicles, draining them, or bruising them” (10). And they mentioned that one of the man’s faults is that he had “cut off his testicles or bruised his eggs, i.e. their veins, until they split open, or spilled any of his eggs, because there

is a deficiency in him that prevents intercourse or weakens it.” They even said: “Whoever cuts his testicles has no semen because it only ejaculates thin water that does not create From him the boy” (11).

It appears from these definitions that the jurists unanimously agreed that the testicles amputated is called a eunuch, and when we read the definition of the Maliki school of thought we notice that it equates the defect of castration with the defect of castration, and this is what will cause some problems for the reader, as the owners of the Maliki school of thought considered the amputated penis without the testicles to be eunuchs, and this is what is understood From their definition, just their definition is that the eunuch has the same ruling as the castrated according to the Malikis if he is Yemeni.

As for the Hanbali school, it agrees in its definition of the eunuch with the jurists in the fact that the eunuch is the one whose testicles were shed, but their definition did not mention the instrument.

5. Defining it among medical people

Castration is defined in medicine as: a procedure involving the removal of the testicles that produce male hormones for men, which leads to the male losing the function of his testicles, whether chemically by taking some drugs or surgically.

We see that the medical definition does not agree with what each of the Hanafi and Shafi'i schools of thought went to in the fact that the eunuch is the one who lost his testicle without mentioning him.

The second section: methods of proving castration

Some of them have proven that this is postponed because sexual intercourse is hoped for, like curses (12), and we find this ruling in the following two forms (13):

1. A consideration of the nature of the disease and its effect on hastening division.
2. Referring to the statement of the expert in proving it.

This issue is similar to the previous one, as it can be rooted in what the jurists mentioned in probing or looking.

The second requirement: the reason for the defect of castration

A and its impact on the marital relationship

The first section: the cause of the castration defect

Castration is a procedural case known since ancient times, and it is not new, as this procedure was used for many reasons, including (14):

1. Medical

This procedure is considered one of the old and modern procedures, as castration was done as a medical procedure for treatment, but now castration is the result of a medical error, and castration is not intentional, but the testicles lose the male function as a result of the prostate gland surgery (15).

2. Punitive

In ancient times, this procedure of "castration" was used as a punishment for homosexuals, as a result of their heinous acts, and this act is forbidden and is not included in the known Islamic punishments.

3. Religious

Castration was used in the past for some religious people in the church. And that is in order to free themselves for worship only, and this is not a legitimate measure because Islam wants the person to strive against himself in order to overcome the orientation towards good deeds. who trampled it) (16).

4. Other causes of a preventive nature

This procedure is related to the policy of the state, as they used to put camphor(17) in the drinking water tanks of the students and the military to relieve lust.

The second section: the effect of castration defect on the marital relationship

The castration procedure has a great impact on the marital relationship, as this procedure fails to achieve some of the purposes of marriage, because with this procedure the man loses the full ability to have children, as Dr. Omar Halayqa said regarding the effect of castration on the marital relationship: "The testicles are the two glands The two male sexes that work on producing and storing sperm, in addition to their other characteristics such as the production of hormones that help in the growth of the reproductive organs, and other characteristics. The removal of these testicles will lead to a complete loss of reproduction between spouses unless the sperm is preserved after the removal and the use of transplantation. For the sake of reproduction, in addition to that, their removal affects the rest of the reproductive organs negatively" (18).

The second topic

Sharia ruling on testicular transplantation in modern medicine

The underlying task behind this topic is to see if modern science can treat this defect in one of

the innovative ways that is newly called "castration cultivation"? For this transplanted testicle to function as a normal testicle; In order to preserve the strength of the family, and prevent it from disintegrating, and this matter depends on the extent of the credibility of the success of such surgeries, and have such operations actually been carried out or are they just hypotheses? Is this cultivation legal or not?

After researching the sayings of contemporary jurists, I found that they were divided in the ruling on testicular transplantation into three sayings:

The first saying: the prohibition of implanting the testicles, and this is what was held by: the Islamic Fiqh Academy emanating from the Organization of the Islamic Conference (19), and the Fifth Medical Fiqh Symposium (20), and it is the saying of most researchers who gave their opinion on this subject (21).

Evidence for the first opinion:

The proponents of this argument have inferred that the process of transferring the genital organs transfers the genetic characteristics and this is forbidden.

1. From the Holy Qur'an: As God Almighty says:

Evidence: The noble verse indicates that the process of transferring the testicles and ovaries from one person to another involves a change to the creation of God Almighty, and it is included in the censure contained in the verse (24).

2. From the analogy: the comparison of the prohibition of transferring the testicles to the prohibition of artificial insemination with foreign semen, as well as the prohibition of transferring the testicles is forbidden from a fortiori reason (25).

3. It is reasonable: and they used many aspects:

The first: that the one who has the final say in these matters from the medical point of view is for the people of specialization and knowledge among the doctors, and they testified that the transfer of the ovaries and testicles leads to the transfer of genetic characteristics from the donor to the recipient, even if it was transferred from a dead person - and it is a suspicion that necessitates prohibition, as it means that The offspring of the person to whom it is transferred will carry the characteristics of the donor in terms of physical, mental and psychological characteristics, and this is considered a type of genealogical mixing (26).

It has been discussed that the organs agreed upon that may be transferred, such as the eye and the kidney, are for the recipient and his own, and are not attributed to the donor, and are used as the original organ, as well as in the transplantation of the genital organs; Where the member is cut off from its source, and does not lead to mixing of lineages (27).

They replied that this is a Muslim in matters other than the genitals, and as for the genitals, their connection to the source is not interrupted. Because they carry genetic traits even after their transfer (28).

The second: that transferring the testicles from the neighborhood leads to deprivation of offspring, which is prohibited by Sharia (29).

The third: That this transmission does not contain necessity, as those who say that it is permissible are justified (30).

Fourth: What is meant by the cultivation of the genitals is either procreation, enjoyment, or beautification.

Two things have been discussed:

a. That the acquisition of offspring and enjoyment is an innate matter in the nature of human beings, and they are essential matters in building the family and its integrity, and losing it leads to misfortune in the life of the family, to discord, and the matter may reach separation, and the destruction of the family structure (32).

B. Even beautification, and some forms of enjoyment, are here considered needs, not improvements. Because the pilgrim is what a person is in distress and embarrassment when he loses it, and what distress and any embarrassment is more severe than when a person loses one of his sexual organs, or he loses the gland that spreads beauty and proportion to all his organs, and by losing it his voice changes until he approaches the opposite sex, and he loses the characteristics gender, this makes him in permanent embarrassment, and distress A continuous lieutenant who disturbs him every minute of his life (33).

Fifth: Transferring the testicles is a distortion of the creation of the donor transferred from him, and this is stipulated for its prohibition (34).

The second saying: Permissibility, and this is the saying of both: Sheikh Ali Al-Taskhairi, and Dr. Abdullah Mohammed Abdullah, and d. Muhammad Suleiman Al-Ashqar, and Dr. Khaled Al-Jumaili, and Sheikh Syed Sabiq (35).

Evidence for the second opinion:

Those who believe in the permissibility of transferring the testicles have cited the following as evidence for those who believe in the transfer of the testicles:

1. This type of organ transplantation is intended for one of the following three purposes (36):

The first purpose: obtaining offspring. A man may not have children for a physical reason, such as damage to the testicles, or their inability, or the fact that they have been cut off.

The second purpose: enjoyment, because damage or loss of the testicles decreases enjoyment, even if intercourse is possible.

The third purpose: beauty, for the testicles secrete, in addition to the sperm, the male hormone, which imparts to the man the characteristics of masculinity, such as deepening of the voice, growing facial hair, coarseness of hair, physical strength, etc. Desire for these legitimate interests and striving for them is innate in human nature. It is essential in building the family and straightening its life, and its loss leads to distress in the lives of family members, and may lead to disunity, or to separation and the cracking of the family entity.

This evidence has been discussed: Although these benefits are legally considered, but their legal consideration does not reach the level of necessity, because their absence does not result in the destruction of the soul, or damage to a member, and in return this interest is offset by many corruptions, including harm to the one taken from it, and the mixing of lineages. Exposing the overgrown private parts, looking at them and touching them, in addition to the difficulty of cultivation and the many risks involved, the implementation of the legal rule: warding off corruption takes precedence over bringing interests (37) requires not considering the aforementioned interest (38).

2. Comparing the transfer and transplantation of the testicle to the transfer of other organs, such as the eye, ear, heart, kidney, etc. Once these organs are transferred to the recipient, the transplanted organ is his organ, and the link to the source has been cut off from him, so there

is no harm or prohibition in using it, just like the organ The principal, the proof of that: that if the source assaulted that member intentionally, the recipient would be owed retribution if possible, or the blood money, and also if that member was cut off by a third party, then the one who deserves retribution, or the blood money, is the receiver without the source, and the influential member is the member of the recipient. The member of the source has no effect (39).

This evidence was discussed: That making the testicles like the rest of the human body organs, such as the heart and liver, is not recognized; Because of the great contrast between them; Because the hereditary traits secreted by the testes and ovaries remain after transferring them to the first, which is different from the rest of the organs, so analogy is forbidden.

Also, among the answers to that: that the basis upon which the basis is measured was found to have the necessity that permits the transfer, as the life of a person depends on the transplanted organ, such as the heart that pumps blood, and the kidney that rids the body of harmful substances, unlike the branch, because this necessity does not exist in it, since A person who seeks to implant the testicles in order to have children can live without children (40).

3. It is assumed that the transfer process was with the consent of the transferee if he was alive, or with the consent of his guardians if he was dead, and in any case this is considered a waiver of all his money from the right to that member, or just a jurisdiction that was waived by its owner, so what was the right of the source It is transmitted to the recipient completely, even if the science says: It will not affect the recipient of it, as it becomes a member in the view of custom, and the testicle of this person has become another, so we cannot say that it is

not his testicle; Because it became, and fused with the whole body, so it became part of the body as a custom (41), and by analogy with what the Shafi'i school of thought said, who stipulated in their books that if a bone is transferred from a woman to a human hand, fused with it, interacted with it, and covered with flesh, it becomes part of it. And they mentioned this in the matter of nullifying ablution: touching a woman invalidates ablution by touching her, or part of it, but if this bone fuses with the body of the transferee to it, it becomes part of it, and that rule is negated from it(42).

This evidence has been discussed: that it is based on the fact that the person to whom the genital gland is transferred has owned it, and that custom dictates that, so we do not look at the origin. And the legal permission does not exist here, so the saying about the validity of ownership is negated, and then the consequences of not circumventing the first origin are negated, and then we say: The origin in the testicle is that it belongs to the first person, and the donation is doubtful of its impact on ownership at the very least because of the existence of a dispute over the validity The donation, so it is necessary to refer to certainty, and the necessitating origin of the ruling as being for the first person(43).

4. That in the case of transferring and cultivating the testicles, the sperms are originally coming from the second man to whom the testicle was transferred, and the testis is nothing but a mere organ that organizes these animals, so there is no doubt about its transfer.

This evidence can be discussed: It is linked to scientific facts that show that these glands are not merely responsible for regulation, but rather they are a source of semen from sperms that carry the genetic characteristics of their

owner, and that the recipient of them is nothing more than a regulator for the exit of these sperms (44).

5. There is no effect of genetic genes, and there is no fear of their congruence, as evidenced by the fact that two brothers, one of them will produce a female, and the other will produce a male, and both brothers are from the same origin and passed on to them the same genetic characteristics, and yet it was not forbidden for the son of one of them to marry the daughter of the other, so this indicates that the effect of matching does not affect Genetic traits (45).

This evidence has been discussed: that their statement has no effect on genetic genes, and there is no fear that they will be identical, based on the evidence of what they mentioned of analogy on two brothers of one origin, and the same genetic characteristics were transmitted to them, and yet it was not forbidden to marry the son of one of them to the daughter of the other, this saying is supported by the science of genetics, The fact that the two brothers are of the same origin does not necessarily mean that they are identical in characteristics and genetic genes, as one of them may inherit from his father or from his mother characteristics that the other does not inherit.

There are many differences between them, and congruence does not occur except in the case of identical twins resulting from one egg fertilized with one sperm, then divided into two separate zygotes, and this led to the formation of two fetuses, and thus this analogy is an analogy with the difference, because the original did not rule in it By the influence of the union of traits, because their transmission did not arise from one factor, but rather from two factors, each of which is related to one of the two brothers, in contrast to the branch, the union of traits arising from one factor and one gonad (46).

The third saying: It is permissible to transfer and transplant only one testicle from neighborhood to neighborhood, and Sheikh Abdul Qadim Yusuf said it (47).

Evidence for the third opinion:

The proponents of this opinion inferred analogy and reason in proving the permissibility of transferring one of the testicles or ovaries as follows:

1. From the analogy: measuring the transfer of one of the testicles on the permissibility of transferring one of the kidneys, or one of the lungs with the total need in each (48).

This evidence has been discussed: it is an analogy with a difference; Because there is a discrepancy between the origin and the branch, so the transfer of one of the kidneys, or the lungs is not suspicious, unlike the branch, which is the transfer of the ovary, or the testicle, because the suspicion is present in it, so the original is permissible, and the branch is not permissible (49).

2. It is reasonable: transferring the testicles leads to severing the offspring of the source donor, unlike transferring one of them and leaving the other, which does not lead to that (50).

And this evidence was discussed: that the evidence of the prohibition remains even in the case of limiting the transfer of one ovary, or one testicle, which is general and includes all (51).

Weighting:

After studying all the opinions and evidence presented on the issue, and discussing it as much as possible, it appears that the most correct view in this regard is what the first opinion went to, which is the prohibition of transferring and transplanting genital organs

that carry genetic characteristics such as testicles and ovaries, for the following reasons:

The first: the strength of their evidence, and its apparent validity in their reasoning.

The second: The final say in such medical issues is for medical specialists, and it has been decided by them that the testicles and ovaries are carriers of genetic traits.

Third: In the transfer of one of the testicles or the ovaries in its reality, a change to the creation of God Almighty in particular, and that the sterile becomes through the transfer fertile (52).

Conclusion

Praise be to God, who has blessed me with the completion of this humble work. Praise be to Him first, and last, and then. At the end of this research, I have reached a set of results, as follows:

1. It turns out that the relationship of medical science with jurisprudence is a close relationship, because there are many jurisprudential issues that need to refer to the sayings of the people of experience and specialization among doctors, and Islam established its rules to consider the opinion of the people of experience and knowledge so that the jurist can give a fatwa on the basis of a clear vision and a sound approach.

2. With acknowledgment of the fact that medicine has reached in terms of developments and modern technologies, and their impact on the jurisprudential dispute, it must be clarified that these technologies and developments may affect the previous jurisprudential dispute, which results in the lifting of this dispute, or descending on one of the two opinions and leaving the other. It may not affect him, so he remains as he was.

3. With regard to the defect of castration, which means cutting off the females, and it is not hidden that this defect has an impact on the reproductive aspect of the man, the study discussed the impact of medical developments on this defect, and concluded that this defect is treated in two ways, one of which is shrouded in legal prohibitions, which is the transplantation of two testicles. Rather, it was said that it is forbidden, because the transplanted testicle carries the genetic characteristics of the one transferred from it, and then if the husband resorted to such a method, he does not forfeit the woman's right to request desertion, and the second method: that the person takes a sample of the semen of the testicle before cutting them. The woman's egg is fertilized with it, and a pregnancy results as a result, as the woman does not have the right to request separation due to the legitimacy of this method unlike the previous one.

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