

ISSN: 1119 - 7749

Vol. 11 September, 2008

نقائس

Journal of The Nigeria Association of Teachers of Arabic and Islamic Studies

Address: Department of Religious Studies
University of Ado-Ekiti,
P.M.B. 5363, Ado-Ekiti,
Nigeria.

**Printed by
SHEBIOTIMO PUBLICATIONS
72 Araromi Street, Ijebu-Ode, Nigeria.**

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EUTHANASIA IN THE LIGHT OF ISLAMIC LAW AND ETHICS

Adebayo R. Ibrahim

Introduction

A dictionary definition of euthanasia describes it as the practice of killing without pain of a person who is suffering from an incurable and painful disease.¹ Etymologically, the word is a derivative of two Greek words '*Euthukos*' which means 'good cheer', 'courage' or 'cheerful' and '*thanatos*' which means 'death'.² Euthanasia therefore implies painless termination of the life of a person who is suffering from an incurable, painful or distressful disease or handicaps.

A close examination of this indicates that the practice involves three parties, namely the dying patient, the family of the dying patient and the doctor who is to carry out the action. The dying patient out of distress may use his initiative to voluntarily request a doctor to terminate his life. A good example of this is the biblical Saul who asked an Amalekite to kill him, saying "slay me, for anguish has come upon me, because my life is yet whole in me" (2 Samuel 11-16). This type of euthanasia is regarded as voluntary euthanasia. Euthanasia becomes involuntary when it is carried out without the consent of the patient but the knowledge of the relative of the patient who becomes disturbed by his pain and distress and so asks the doctor to terminate his life.

In the case of the doctor in charge, he has the option of terminating the life of the dying patient by prescribing an overdose of painkillers or rather withdraw certain treatment or switch off life support machine with the aim of terminating the life of the patient. While the former is technically called active euthanasia, the latter is referred to as passive euthanasia.³

The worldwide discussion on euthanasia has assumed different dimensions of acceptance or rejection diametrically opposed to one another. As at 2002, it was legalized in certain circumstances in the Netherlands, while it is considered illegal in the United Kingdom. The Northern Territory of Australia law which permitted euthanasia came into effect in June, 1996, only to be overturned in March, 1997. This gives the impression that divergence of opinions characterized the legality or otherwise of the practice of euthanasia, while many countries are still struggling to strike a balance between ethical and practical laws governing it. It is therefore the objective of this paper to consider the stand of Islam on euthanasia with a view to appreciating its comprehensiveness and all-encompassing nature, as well as its rules on the sacredness of life among other things.

Homicide, Suicide and Euthanasia: The Point of Relation and Departure

Jurists like Imam Abu Hanifah, Shafi'i and al-Hanbal classify homicide into intentional, quasi-intentional and inadvertent homicide. Intentional homicide occurs when a person intentionally uses an object that could kill against another person whose blood is sacred which consequently leads to the death of that person. Quasi intentional homicide occurs when a person injures another man without having the intention of taking his life but due to the injury sustained, the victim eventually dies. A homicide becomes inadvertent when an offender intends a target other than a human being but he mistakenly hits a human being, causing his death.⁴ From the above classification, intentional homicide has a close connection with euthanasia, as it is intentionally carried out by the doctor for a reason known to him, whereas the person whose life is terminated is protected by law and the action is not done by the doctor in protection of his own life and not that his life would have been at stake with the victim if he had not terminated his life in that manner. Quasi intentional and inadvertent homicide could be classified under professional negligence on the part of the medical doctor. Some leading Islamic jurists have likened euthanasia to murder and therefore concluded that the practice is *Haram*. Al-Qaradawi, for instance, issued a *fatwah* equating euthanasia with murder.⁵ The top jurisprudential authority of Saudi Arabia under its grand *mufti*, Shaikh Abdul-Aziz bin Abdullah bin Baz equally declared it un-Islamic for anybody to decide the death of a person before he is actually dead. They also unanimously declared as futile the efforts of some doctors in keeping the patient in a vegetative state by heroic means or other artificial methods when it has been scientifically proved that life could not be restored.⁶ The Islamic Code of Medical Ethics endorsed by the First International Conference on Islamic Medicine therefore advised doctors thus:

In his/her defense of life, however, the doctor is well advised to realize his limit and not transgress it. If it is scientifically certain that life cannot be restored; then it is futile to diligently keep the patient in a vegetative state by heroic means or to preserve the patient by deep freezing or other artificial methods. It is the process of life that the doctor aims to maintain and not the process of dying. In any case, the doctor shall not take a positive measure to terminate the patient's life...⁷

Suicide is considered a serious crime in Islam. In addition to the Qur'anic verses that warn against this obnoxious practice,⁸ the Prophet identified some of the means through which suicide could be committed and consequence of each of the means in the following words:

Whoever kills himself with an iron instrument will be carrying it forever in hell. Whoever takes poison and kills himself will forever keep sipping that poison in hell. Whoever jumps off a mountain and kills himself will forever keep falling down in the depths of hell.⁹

There was an occasion when a Muslim was killed during a military campaign and the Companions of the Prophet were praising and saluting his bravery and consequent martyrdom, but to their surprise, the Prophet condemned him to hell. It was later revealed that the man had been seriously injured and he supported the handle of this sword on the ground and plunged his chest onto its tip, committing suicide.¹⁰

Suicide can take two forms namely direct and indirect suicide. According to Kasule, direct suicide involves deliberate violent measures of life termination motivated by pain, depression, loss of hope, mental disease or temporary loss of sanity due to use of psychoactive substances.¹¹ The indirect form of suicide occurs with the "pursuit of unhealthy life-styles that endanger life like cigarette smoking, use of alcohol, careless driving, refusal of immunization, neglect of medical care and poor nutrition."¹² From this, it could be observed that voluntary euthanasia has a close link with suicide, as it involves deliberate termination of one's life. Equating euthanasia to suicide, the Islamic Code of Medical Ethics issued by the First International Conference on Islamic Medicine concludes:

Mercy killing like suicide finds no support except in the atheistic way of thinking that believes that our life on this earth is followed by void. The claim of killing for painful hopeless illness is also refuted, for there is no human pain that cannot be largely conquered by medication or by suitable neurosurgery...¹³

Interestingly, some provisions of the Criminal Code in Nigeria do not speak in favour of euthanasia. Odunsi for instance, cites Section 308 of the Code to indicate that involuntary euthanasia is unlawful. It says:

Except as hereinafter set forth, any person who causes the death of another directly or indirectly, by means of whatever, is deemed to have killed that other person.¹⁴

This shows that euthanasia is likened to homicide. Also, Sections 299 and 326 of the Criminal Code confirm that it is an act of criminality for someone to consent to an act that will cause or lead to his own death and that it is illegal for any person to procure another to kill himself, counsel another to kill himself and thereby wishes him to do so, and to aid another in killing himself, and that any person found or caught in any of these is guilty of felony and is liable to imprisonment for life.¹⁵ This

implies that euthanasia, whether voluntary, involuntary, active or passive, is illegal and so punishable under the Islamic law and in the Criminal Code and related laws.

Death and Dying

The final destination of all living things is death [Qur'an 29: 57]. It comes as sudden as a snap and its approach is as uncontrollable as the wave. The process of death commences at the point of birth.¹⁶ Whether one dies of asphyxia or through euthanasia, whether he is electrocuted or through accident of any nature, death is death. The fact that no death is easy and that the pang of death is so serious is confirmed in a statement attributed to the Prophet that:

If a single hair of the angel of death falls on the inhabitants of heaven and the earth, they will die with Allah's permission. This is because in every hair of death is the death and the death will not fall on anything except that such thing should die.¹⁷

It is an undeniable fact that Allah gives life and so has the absolute authority of taking it. To each of the souls has Allah apportioned a terminal period to which upon its expiration not a second can be added by anybody. In short, Allah alone has control over death (Qur'an 16: 61). The maintenance of the sanctity of life is further enhanced when Allah instructs: "Do not take life which Allah made sacred, other than in the course of justice." (Qur'an 17: 33). The enormity of the sin on a person who deliberately terminates a life other than in the course of justice like murder or spreading of mischief in the land, is as if the whole people have been killed by him (Qur'an 5: 32).

With the above Qur'anic verses, it is clear that a killer or someone who terminates the life of another person is only unfortunate, as the person killed has been predestined to die at that particular time. The Qur'an confirms that "no person can ever die except by Allah's leave and at an appointed term" (Qur'an 3: 145). In this vein, an euthanasiasist is only unfortunate to have temporarily usurped the power of terminating life and so exceeds his limit. He fails to realize that his profession is institutionalized for the benefit of human beings and not to terminate life.

In the view of Oladapo, a terminally ill patient undergoes five stages. The first stage is the stage of denial and isolation where the patient responds with temporary shock and a mental denial to the fatal illness. Here, the patient needs to be given a lot of attention and words of promise that everything possible will be done to benefit him.¹⁸ The second stage is the stage of anger where the patient becomes nostalgic and disturbed that he shifts blame on the doctor, the nurse, the family members and everyone around him. He becomes impatient to the extent of blaming God for not

answering his supplications for good health. In case of hopeless, incurable disease, unbearable pain or severe deformity, the physician, in this stage resorts to oral treatment rather than resorting to euthanasia. He advises the patient to accept his fate with resignation and so endure the pain. He reminds him of those who have suffered the same fate and the reward for tolerating hardships and pain. He advises him not to blame anybody as the cause of his sickness. Rather than asking for mercy killing, a valetudinarian should be advised to hold firmly to God the Cause of all causes. 'Whatever befalls a Muslim' says the Prophet, 'whether hardship, sickness, worry or sorrow, even if it be the pricking of a thorn, Allah takes it as a cause of the removal of his shortcomings'¹⁹

The stage of bargaining follows that of anger. This is when the patient realizes that death is imminent and so demands for certain changes in life and promises a number of good things. This is the stage where the patient requests: "My Lord, if only you would delay me for a brief time, so I would give charity and be among the righteous" (Qur'an 63: 10). With the expression of anger and the bargains, the patient moves to the stage of depression which can be reactive or preparatory.²⁰ Reactive depression is said to have been caused by the patient's feeling of how he has changed from what he used to be in the past.²¹ This is the stage where the patient becomes hopeful of Allah's mercy and the fear of what would likely be the consequence of his shortcomings. This is the stage where Imam Shafi^ci is reported to have wept over what was likely going to be his final destination - paradise or hell. He then concluded saying: "My shortcomings are weighty on me; but when measured with Your (Allah) forgiveness, my Lord, your forgiveness is weightier."²² The preparatory depression is the phase in which the person prepares for the next stage of dying. At this stage, the dying patient is expected to be hopeful of his survival and should not give up to death. It is reported that the Prophet entered into his uncle's room ^cAbbas, who was in the pang of death and was expecting nothing but death to come. The Prophet then consoled him:

My uncle! Don't give up to death, for if you are righteous and your life is spared, you will have the opportunity of improving your righteousness and that will be beneficial to you. If you are a wrong-doer and your life is spared, you will be opportune to repent and that too is lucrative for you. So don't give up to death.²³

From this Prophetic tradition, it is clear that resorting to euthanasia is not in any way beneficial to the patient. The stage of acceptance is the last stage where the patient is prepared to die with peace and dignity. In this stage, the sickness or pain is so serious that death is inevitable or it becomes difficult to divert his mind from death, the following prayer is recommended to be said by the dying patient: "O Lord!

Spare my life if my being alive will be beneficial to me, and terminate it if my demise will be beneficial to me."²⁴

At this stage, a true believer will have a strong desire to meet his Lord. The desire to meet Allah does not imply deliberate taking of life, neither does it imply that taking lawful means of treating oneself of sickness a sign of hating death. It was reported by Abu Hurayrah that Allah's Messenger said: "Whoever loves meeting Allah, Allah loves meeting him, and whoever hates meeting Allah, Allah hates meeting him."²⁵ A further expatiation of this statement was made by the Prophet when he said:

When death comes to a believer, he is given the tidings of Allah's mercy, acceptance and *jannah*. Nothing is then dearer to him than what lies ahead of him: he loves meeting Allah, and Allah loves meeting him. But when death comes to a disbeliever, he is given the tidings of Allah's anger, torture and punishment. Nothing is then more hateful to him than what lies ahead of him; he hates meeting Allah, and Allah hates meeting him.²⁶

As for the family and relatives of the dying, Islam enjoins mutual love and mercy to the sick, as well as proper attendance to their needs. Developing positive attitude to them is encouraged in a Hadith narrated by Abu Hurayrah where the Prophet informed that Allah would say on the Day of Resurrection:

O son of Adam! I fell ill but you visited Me not. He will say: How could I visit You while You are the Lord of the Worlds? Allah will say: Did you not know that My slave so-and-so was sick but you visited him not? Did you not know that if you had visited him, you could have found Me by him?²⁷

In line with the submission of Hunayn ibn Ishaq, medical profession is a service to humanity. In this manner, it becomes an ethical obligation of a doctor towards the sick to give necessary treatment in any case and to demonstrate his ethical profession of preserving human life from the time of conception until death.

Ethical and Jurisprudential Implications of Euthanasia

A scrupulous examination of euthanasia reveals man's insatiable thirst for absolute enjoyment and strong hatred and resistance to anything contrary to this. He thus puts in place optimum conditions for effective living by instituting various human right concepts to achieve his aim of undisturbed life. He however goes to an extreme by claiming absolute right to his life which he can decide to uphold or terminate. He becomes so pompous and arrogant to realize that his soul is a trust

which cannot be handled just anyhow, and that man is bound to have a taste of good and evil, and under no circumstance should he decide to take the life which he could not create. The principle of euthanasia revolves round termination of the life of a distressed victim. The step is taken when the doctor sees no usefulness in the continued existence of the patient and the life is no longer worth living for him. He thus becomes the best judge to determine the suitability or otherwise of the life of the patient. In this case, patients in a state of fatigue, frailty, depression or pain could end up euthanatized for tribulations which are considered trials for Muslims even if they are perpetual.

There was a case where a physically well woman of fifty who was depressed and feeling suicidal after the death of two of her children and the break-up of her marriage, was given a lethal dose.²⁸ In short, the ethical implication of euthanasia is that a victim of accident, people who are HIV/AIDS positive and other so-called incurable diseases could easily be euthanatized.

Another ethical implication of the legality of euthanasia is the absolute infallibility attributed to medical practitioners. One thing is that a prolonged ailment may become boring to a doctor who may decide to resort to euthanasia to save his face, whereas a minor adjustment may solve the problem. A renowned medical doctor narrated how a patient left his hospital and after six weeks on the bare church floor was relieved from the agony of a severe backache. The church only provided an atmosphere of allowing her to lie on a hard bed for a long period so that her prolapsed disc was reduced long enough. She was down most of the time as getting up from the church floor was agonizing and so this allowed healing to take place.²⁹ In essence, leaving the issue of mercy killing in the hand of a doctor may be dangerous, and this can be misused by him due to human fallibility. This is succinctly put by a doctor:

I regret to tell you that we doctors are human and are liable to make mistakes. Even a good doctor can make a wrong diagnosis, and we can label an illness terminal when it is not. We frequently fail to diagnose depression, and we are hopeless at predicting when patients are going to die. People do make unexpected recoveries - provided they have not been given lethal injections. And not all doctors are good doctors. There are doctors in practice who are emotionally unstable, and there are others who abuse alcohol or drugs. I would urge you not to trust me or any of my colleagues with the right to kill.³⁰

Medicine is expected to contribute to the preservation and continuation of life until the appointed time of death. Meanwhile, the legality of euthanasia would pave way for preference to wealth over health. The treatment of a person in his terminal illness may be considered a waste of efforts and resources, hence the attempt to

preserve such resources by easily terminating the life of the patient. In the words of Kasule:

The principle of protection of life and protection of wealth may conflict in cases of terminal illness. Care for the terminally ill consumes a lot of resources that could have been used to treat other persons with treatable conditions. The question may be posed whether the effort to protect life is worth the cost. The issue of opportunity cost and equitable resource distribution also arises.³¹

An extension of the above is the tendency that the practice may unjustifiably be extended to the socially and economically unfit persons. The mentally ill, the crippled and other physically challenged might be excommunicated through the practice as they pose economic problems to the society. The execution of hundreds of thousands of mentally and physically challenged persons by Hitler apart from millions of 'undesired' Jews executed by him confirms this.³²

The fact still remains that the complexity of the earth makes homogenization an effort in futility. In other words, human beings cannot all be the same or assume same health status, and so, a society will certainly comprise of the weak and the virile, the sick and the healthy, the normal and the abnormal. The Islamic ethical value therefore enjoins kind treatment of the weak and disabled by the normal and virile people, rather than resorting to euthanasia as the comeuppance for them. This is equally the stand of the Commission on Social and Bioethical Questions that euthanasia will "endanger the lives of their most vulnerable citizens - the disabled, the sick and the aged who do not want to die - and the law that fails to protect the weak will always be a bad law."³³ The Qur'an further teaches that the occurrence of calamity, deformity or disability is not a punishment to warrant succor in euthanasia but rather the means of testing the extent of one's perseverance, patience, endurance and faith.³⁴

The ethical justification of besmirching euthanasia as a means of assisting a dying person can also be seen as it affects the aged whose age might affect their health, physique and ability. The Qur'an enjoins treating aged parents with mercy, humility, kindness, compassion and frowns at uttering a word of contempt or repelling them,³⁵ talk less of thinking of putting an end to their lives.

The sense of secularism has blindfolded the euthanasiasts of the transitional nature of this world. This makes them to look for every means of exhausting enjoyment, while any disappointment or anything short of this becomes a license to commit suicide believing that such a step would put an end to everything. Some even have erroneous belief that painless and peaceful death is a mark of eternal bliss in the

next world and that painful death implies ending up in agony in the hereafter. This is equally the view of Ogunsola who says:

I feel that a person who is honest and good should die peacefully. As a Yoruba man, it is my belief that only the wicked should enjoy pain as a starting point to eternal pains beyond. Human life on earth is transitory yet the last days of heart breaking agony cannot be part preparation for a greater life.³⁶

What we are trying to say is that the type of death whether peaceful or painful, or the nature of suffering, agony or pain a dying person is exposed to, does not indicate his or her final destination. In essence, the fact that someone dies peacefully without any pain or that he passes to the world beyond while sleeping, is not a mark of his being virtuous, and neither could someone who dies in agony, pain or as a result of a fatal accident be regarded as a sinner.

On a final note, absolute reliance on the instrument used may give wrong results occasionally. This is equally true of some theories propounded and considered valid but which have been proved otherwise by other theorists. In the same vein, a patient who might have been declared a terminal patient may recuperate from his ailment.

From the Islamic perspective, euthanasia is considered a grave sin which attracts the wrath of the Creator, Allah. The Qur'an says on intentional killing of a believer whether peaceful or otherwise:

If a man kills a believer intentionally, his recompense is hell, to abide therein (forever): and the wrath and the curses of Allah are upon him, and a dreadful chastisement is prepared for him.³⁷

Apart from the fact that the above Qur'anic verse forbids a doctor from embarking on intentional euthanasia, the Prophet equally declared it unlawful for someone to demand for death for any reason whatsoever. The Prophet is reported to have said:

Among the nations before you, there was a man who got a wound, and growing impatient (with its pain), he took a knife and cut his hand with it and the blood did not stop till he died. Allah said: "My slave hurried to bring death upon himself, so I have forbidden him (to enter) paradise."³⁸

The Qur'an further expatiates on killing of a believer unintentionally and its expiation in the following statement:

Never should a believer kill a believer except by mistake, and whoever kills a believer by mistake, it is ordained that he should free a believing slave and pay blood money to the deceased's family, unless they remit it freely...³⁹

One of the impediments to succession according to some of the jurists is homicide. Therefore, the denial of a person who can inherit a deceased relative of the right to his share in the property of the deceased demonstrates the Islamic jurisprudential implication of euthanasia. In other words, if a son consents to it for his father, such a son will be denied his share in the estate of the deceased father. If the wife is instrumental to the death of her husband through euthanasia, she will be deprived of her right to inherit the husband. Of equal note is a father who consents to the termination of his baby child's life because of an abnormality or impairedness in him. Apart from the fact that he has committed a grave sin, the Quran informs us that such a child will question him on the reason for his killing on the Day of Reckoning.⁴⁰

Conclusion

From the discussion so far, we have been able to establish the limitation of the fundamental human rights as it affects individual life. The sanctity of life as enshrined in the Qur'an and the *Sunnah* of the Prophet was equally discussed. The interplay between science and religion becomes imperative in view of the fact that the two complement each other. While medicine is institutionalized for the benefit and well being of mankind, religion gives the moral principle of kind relation to the kith and kin. Under no circumstances should one terminate the life which one could not create. It is on the basis of this that we suggest that Colleges of Medicine and other related institutions and Faculties should mount courses such as Muslims' Contributions to Sciences' and 'Islamic Medical Ethics' to acquaint medical students with the sources of the modern medicine and to assist them to be more dedicated and maintain a high moral standard when they eventually pass out of the institution. The restriction of religion, Islam in particular, to the four walls of the mosque does no good for the nation. Efforts should be made to ensure its entrenchment in all fabrics of human endeavours.

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