Religious Ethics in the Modern World:

Death, Advanced Directives & Euthanasia

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‘End of life’ decisions

- Death used to be a private, family, cultural, religious affair
- Bereaved responded in their own way according to their age, gender, personality, culture, value system, past experience, available support
- Today, most deaths occur in institutions with most involving medical interventions
- ‘End of life’ decisions pose moral and ethical dilemmas
- Family is faced with being an active or passive instrument to the death
Defining death

- Is death an event or a process?
- What does it mean to die, what is the criteria to determine the occurrence of death, and what tests can show that the criteria has been fulfilled?
- Is death the preserve of medicine alone or is there room for philosophy to help define death?
- Traditional heart–lung definition – irreversible cessation of spontaneous respiration and circulation – Medical technology has arguably rendered this definition quite obsolete

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Defining death

- Whole brain death – irreversible cessation of all functions of the entire brain, including the brain stem
  - Advantage – patients pronounced dead by this definition look much like those pronounced dead by the traditional definition.
  - However, patients can still have a heart beat, digest food and excrete waste and may even bear children!
  - Studies have shown that 20% of such patients demonstrate cerebral electrical activity on the electroencephalogram (EEG).

[The Ethics of Organ Transplants]

Sunday 19th May 2013
Defining death

Higher brain death – irreversible loss of cognitive function

- Critical functions – the individual’s personality, his conscious life, his capacity for remembering, judging, reasoning, acting, enjoying, worrying and so on.
- One in a persistent vegetative state is considered dead despite spontaneous respiration and heartbeat.
Defining death

Brain stem death

- Whilst cognition, perception, volition, and thought are functions of the higher brain, i.e., cortices, a functioning brain stem allows for such “higher” function.

- More simple to diagnose as only the brain stem responses need to be tested for.
Defining death

- An inevitability – but what is it’s reality
- Departure of the soul/spirit (nafs/rūḥ) from the body by Divine Decree
- Marks the transition from one state of existence to the next
  “It is He Who gives life and death; and when he decides upon an affair, He says to it, “Be”, and it is.”
  [40:68]
- Cannot be hastened or delayed from its fixed time by even a single second
  “It is not given to any soul to die, save by the leave of God, at an appointed time.”
  [3:145]
Defining death

- Departure of the soul from the body
  
  “It is Allāh that takes the souls at death and those that die not (He takes) during their sleep: those on whom He has passed the decree of death, He keeps back (from returning to life) but the rest He sends (to their bodies) for a term appointed. Verily, in this are signs for those who reflect.”
  
  [39:42]
Defining death

What exactly is the soul/spirit (nafs/rūḥ) and how is this departure determined?

“And they ask you concerning the soul. Say: The soul is of the command of my Lord and of knowledge it is only a little that is communicated to you.”

[17:85]

Exact nature of soul/spirit not known!

No absolute sign to indicate departure

Classical jurists proposed what they took as experiential signs of when the ethereal soul had left the body including, glazing of the eyes, cessation of breath, parting of lips and relaxation of feet, etc.
Defining death

Contemporary jurists tend to use respiratory signs and heartbeat as signs of life, the absence of which is an indication of the moment of death.

Juristic opinion is only human interpretation based on available medical knowledge of the time.

According to the current popular medical definition accepted by many Muslim jurists today, an individual is considered dead in one of the following two situations:

1. When there is complete irreversible cessation of the respiratory and cardiovascular systems.
2. When there is complete irreversible cessation of the functions of the brain including the brain stem.
IFA-OIC rulings

- IFA of OIC [Est. 1983] held a number of conferences in 1980s
- Initially, brain-death was accepted as legal death and was defined as ‘irreversible cessation of all functions of the entire brain, including the brain stem’
- In October 1986 IFA resolved as follows:
  - According to Shari’a a person is considered dead, and all Shari’a rules regarding death become effective, if he shows one of the following two signs:
    1. Complete cardio-respiratory arrest and confirmation by physicians that such arrest is irreversible;
    2. Cessation of all brain activity and confirmation by physicians that such cessation is irreversible and that the brain has entered the state of decomposition.

Under these circumstances he can be weaned off the intensive care equipment supporting him, even though some organs of his body, like the heart, continue to function artificially, with the help of the supporting equipment.

[Resolutions and Recommendations of the Council of the Islamic Fiqh Academy, p. 30]
IFA-MWL rulings

IFA of MWL (Makkah) [Est. 1973] resolved on 17th October 1987 as follows:

- Resuscitation equipment that has been connected to the body of a patient may be removed if all the functions of the brain cease completely, and a committee of three specialist expert doctors has concluded that it is irreversible, even if the heart and breathing are still working on account of the equipment. However, he will not be decreed dead in Shariah until the breathing and heart have stopped completely following the removal of this equipment.

- Irreversible cessation of all brain activity was deemed sufficient to remove the life support systems but not to determine that death had indeed occurred.

This latter opinion has found favour amongst many notable contemporary scholars some of whom have expressed astonishment at the IFA-OIC resolution.
Withdrawal of life support

1. Patient begins to breathe on his own and his heart begins to beat normally without support. There is no question with regards to the removal of life support in this instance as the patient is no longer in danger.

2. Patient ceases to breath and there is also no heart beat despite the life support. I.e., there is complete irreversible cessation of the respiratory and cardiovascular systems. No question with regards to the removal of life support as the individual is without doubt dead. On the contrary, it is an unnecessary waste of resources.

Sunday 19th May 2013
Withdrawal of life support

3. Patient continues to breathe and his heart continues to beat due to the life support. However, there is complete irreversible cessation of the functions of the brain including the brain stem.

- IFA-OIC - Life support can be removed as this is a reliable indicator of the departure of the soul from the body and that the patient is dead.

- IFA-MWL - Life support can be removed when a committee of three specialist expert doctors conclude that it is irreversible. However, patient will not be considered dead until the breathing and heart have stopped completely following removal of the life support.

Sunday 19th May 2013
Withdrawal of life support

4. Patient continues to breathe and his heart continues to beat due to the life support. However, the brain stem is alive even if other vital organs or other parts of the brain are irreversibly damaged. The individual is considered to be alive. What does Sharīʿah law say with regards to treatment and the removal of life support?

   a) Food and fluids?

      It is mandatory to administer vital food and fluids to sustain the interest of life as long as the patient is alive unless the patient reaches the stage whereat the patient is caused harm.

   b) A cure is achieved as a rule and non treatment will without doubt lead to significant harm or certain death?

      Treatment is mandatory and the life support cannot be removed.
Withdrawal of life support

c) A cure is probable/expected?
   Treatment should be attempted as this was the established practice of the Prophet (PBUH). However, not mandatory. If the physician, patient, relatives and other parties involved in providing care for the patient conclude through mutual and informed decision-making that maintaining life support is not in the best interest, the life support can be removed.

d) A cure is not a realistic expectation?
   Although it is permissible to attempt at treatment it is better for the patient to exercise reliance on the will of God and to attempt to do so.

e) Attempting at a cure is futile?
   Attempts at treatment and maintaining life support an unnecessary waste of resources.

Sunday 19th May 2013
Euthanasia - definitions

- **Euthanasia** - the intentional killing by act or omission of a dependent human being for his or her alleged benefit. (The key word here is "intentional". If death is not intended, it is not an act of euthanasia)

  - **Active** – *Intentionally* causing a person's death by performing an action such as giving a lethal injection.
  - **Passive** - *Intentionally* causing death by not providing necessary and ordinary (usual and customary) care or food and water.
    - Voluntary euthanasia: When the person who is killed has requested to be killed.
    - Non-voluntary: When the person who is killed made no request and gave no consent.
    - Involuntary euthanasia: When the person who is killed made an express wish to the contrary.

- **Physician Assisted Suicide** - Someone provides an individual with the information, guidance, and means to take his or her own life with the intention that they will be used for this purpose. When it is a doctor who helps another person to kill themselves it is called "physician assisted suicide."
Euthanasia – Where is it legal?

**Holland**

- Euthanasia and AS have been practiced since 1973, even before legalisation in 2002.
- Advocated by doctors and supported by the Dutch Medical Association.
- On 10th April 2010 the Dutch Parliament approved the “Termination of life on Request and Assisted Suicide (Review Procedures) Act:
  - Minors between 16yrs and 18yrs may request termination – parents must be consulted but cannot prevent the request.
  - Minors between 12yrs and 16yrs can request termination but a parent or guardian must agree.
  - A physician can carry out euthanasia based on written advanced request from an incapacitated patient 16yrs or older even if the request was made before the age of 16.
Euthanasia – Where is it legal?

**Belgium**
- Act was passed legalising euthanasia on 28th May 2002 and went into effect on 23rd September 2002.
- Act limited euthanasia to competent adults and emancipated minors.
- Two years later, lawmakers introduced a proposal to extend euthanasia to children and individuals suffering from dementia ‘as they had as much right to choose as anybody else’, but the bill did not pass.
- A later report indicated that physicians in Belgium are, nonetheless, administering lethal drugs to newborns and older infants. The issue was raised again in Feb 2013 as “we know it is happening anyway without any guidelines”.
- In early 2005, a pharmaceutical company announced the launch of “euthanasia kits” to be made available in hundreds of Belgian pharmacies with an approximate reported cost of 45 Euros.
Euthanasia – Where is it legal?

US states

- Euthanasia is illegal in all US states
- Assisted suicide is legal in:
  - Washington - In 2008, the electorate of the state of Washington voted in favour of Initiative 1000 which made assisted suicide legal in the state through the ‘Washington Death with Dignity Act’.
  - Oregon - In 1994, voters in the state of Oregon approved a ballot measure that would have legalized euthanasia under limited conditions.
  - Montana – On 5th December 2008, a state District Court Judge ruled that competent, terminally ill patients have the right to self-administer lethal doses of medication as prescribed by a physician. Physicians who prescribe such medications will not face legal punishment. On 31st December 2009, the Montana Supreme Court held that there was "nothing in Montana Supreme Court precedent or Montana statutes indicating that physician aid in dying is against public policy."
- Other states such as Colorado, California and Michigan have voted on and rejected initiatives to allow AS.

Sunday 19th May 2013
Euthanasia – Where is it legal?

Australia

- In 1995 the Northern Territory passed the “Rights of the Terminally Ill (ROTI) Act” legalising both euthanasia and assisted suicide.
- The law went into effect in July 1996 but was repealed 8 months later on 25th March 1997 by the national (Commonwealth) Parliament.
- The Commonwealth had the power to review and repeal a Northern Territory Act if the Act can be shown to be in conflict with national views.
- The Australian Medical Association opposed the act and continues to be opposed to euthanasia and AS.
- During the 8 months, 4 deaths occurred under the Act’s assisted-suicide provision and was facilitated by the same doctor [Philip Nitschke] using an interactive suicide program on a laptop which asked three questions:
  - Are you aware that if you go ahead to the last screen and press the ‘yes’ button you will be given a lethal dose of medicine and die? Yes/No
  - Are you certain you understand that if you proceed and press the ‘yes’ button on the next screen you will die? Yes/No
  - In 15 seconds you will be given a lethal injection. Yes/No
Euthanasia – Where is it legal?

- Australia
- Philip Nitschke's 'Deliverance Machine'

Sunday 19th May 2013
Euthanasia – Where is it legal?

Switzerland

- Euthanasia and assisted suicide have **NOT** been **legalised** in Switzerland although AS is practiced.
- In Holland, Belgium and the American state of Oregon euthanasia and/or AS are considered to be ‘medical treatment’ in law whereas this is not the case in Switzerland.
- According to Swiss law:
  - “Whoever, **from selfish motives**, induces another to commit suicide or assist him therein shall be punished, if the suicide was successful or attempted, by confinement in a penitentiary for not more than five years or by imprisonment.”
- Key words: “from selfish motives” – no prosecution if person assisting had no selfish motive
- De facto legalisation – AS is not legal, only not punishable, unless a selfish motive is proven.
- The assistant does not even have to be from the medical profession.
Euthanasia – western debate

Arguments for and response:

- It provides a way to relieve extreme pain
  - Nearly all pain can be eliminated - in those rare cases where it can’t it can still be reduced significantly if proper treatment is provided.
  - Solution is to provide better education to staff, increase availability of pain relief and inform patients of their rights.

- Self determination - It is another case of freedom of choice
  - It is not about the “right” to die but the right to kill
  - People already have a “right” to suicide and this is not criminalised.

- People should not be forced to stay alive
  - True. When continued attempts to cure are not compassionate, wise, or medically sound we should turn to palliative care whereat all efforts should be placed on making the patient's remaining time comfortable.
Euthanasia – western debate

Arguments for and response:

- Quality of life - It provides a way of relief when a person's quality of life is low
  - We have no mandate to end life – it is the preserve of God
  - A life with ‘low quality’ does not equate to a life not worth living.
  - No objective measure of QOL - judgements are subjective, biased, and relative to unfixed factors such as emotional state, past experiences, family wishes and financial concerns
- Is there not a vital logical if not moral difference between a life devoid of any quality, one almost devoid of quality, and one that has just tipped on the negative side of the scale?
  - Life itself is intrinsically valuable irrespective of quality
  - Human life can never be correctly assessed as being worthless or to be sufficiently lacking in quality as to warrant the active pursuit of death.
- Frees up medical funds to help other people

Sunday 19th May 2013
Euthanasia – western debate

Arguments against and response:

- Euthanasia devalues human life – “better to be dead than sick or disabled”
  - Euthanasia is about empowering the individual who is suffering miserably in an undignified manner.
  - Everyone should have equal rights and opportunities to live or to choose not to go on living.

- Existence is value in itself - Immanuel Kant: “Rational human beings should be treated as an end in themselves and not as a means to something else.”
  - An individual should not be forced to carry on living if he/she believes there is no dignity left in his/her life.

- Human life is sacred because it is a gift from God
  - Surely, God does not want the individual to suffer intolerably.

Sunday 19th May 2013
Arguments against and response:

- ‘Slippery slope’ – leads to involuntary euthanasia

  “We concluded that it was virtually impossible to ensure that all acts of euthanasia were truly voluntary and that any liberalisation of the law in the United Kingdom could not be abused. We were also concerned that vulnerable people - the elderly, lonely, sick or distressed - would feel pressure, whether real or imagined, to request early death.”

  Lord Walton, Chairman, House of Lords Select Committee on Medical Ethics looking into euthanasia, 1993

  Properly drafted legislation can draw a firm barrier across the slippery slope.

- Euthanasia can become a means of health care cost containment

- Physicians and other medical care people should not be involved in directly causing death
Advanced directives – living will

- One who has legal capacity can accept or reject medical intervention.
- When a person is no longer in a position to consent to or refuse medical intervention due to brain injury, dementia etc, the problem of consent arises.
- Individual may make a will or advance directive not to have medical intervention should they lose the ability to consent or refuse.
- Issue has arisen with medical advancement and interventions such as cardiopulmonary resuscitation (CPR), artificial ventilation and intravenous hydration and nutrition.
Liverpool Care Pathway

Aim:
- To transfer the best quality of care for the dying from the hospice movement into other clinical areas, so that wherever the person is dying there can be an equitable model of care.

Practice:
- Does not preclude use of antibiotics or artificial nutrition or hydration but does ask the professional to consider an appropriate decision for that moment in time and document the reason for the decisions made.
- Recommended as a best practice model by the Department of Health.

Criticisms:
- Cash incentives have been given by NHS bodies to hospitals that meet targets on LCP
- Family is sometimes not made aware of the patient being put on to the LCP
- Presents a way to prematurely kill senior citizens who cost the NHS too much

Review:
- An independent review chaired by Baroness Neuberger (Senior Rabbi at the West London Synagogue) has been ordered by the government to look into the LCP
- Is the LCP a good pathway which is sometimes misused or a dangerous pathway that is prone to failure?

Sunday 19th May 2013
Euthanasia – Islamic position

- **Sanctity of life**
  - Preservation of life is amongst the five primary objectives of Islamic law:
    1. - Protection of the religion.
    2. - Protection of the self – including life and honour
    3. - Protection of progeny/family
    4. - Protection of the intellect
    5. - Protection of property
  - to the extent consumption of haram has been permitted to preserve life
  - Preservation of life takes precedence over preservation of wealth.

- **Life is a trust**

  "Indeed, God has purchased of the Believers their persons and their goods; for theirs (in return) is the Garden (of Paradise)."
  
  [Sūrah Al-Tawbah: 111]

  "Verily, the world is sweet and green, and verily Allah is to appoint you vicegerent therein and so he will see what deeds you do. ..."
  
  [Muslim]

Sunday 19th May 2013
Euthanasia – Islamic position

**Sanctity of life**

- When can life be validly taken?
- There are a number of occasions identified in the evidentiary texts that allow the taking of life:
  - In qiṣāṣ
  - Adultery
  - Fighting Allah and His messenger
  - Apostasy

&ldquo;وَلَا تَقْتُلُوا الْنَفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ&rdquo; (الأنعام: 151) [الانعام]

&ldquo;Do not take life which God has made sacred except in the course of Justice&rdquo; [Al-An'am:151]

&ldquo;مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ فَلَمْ يُفْلِحَ إِنَّ الْأَرْضَ فِي الأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا&rdquo; (المائدة: 32) [المائدة]

&ldquo;... One who has killed a person except in lieu of murder or mischief on earth; it would be as he slew the whole mankind. ...” [Al-Ma'idah:32]
Euthanasia – Islamic position

**Sanctity of life**

– When can life be validly taken?

"O you who believe, qisāṣ has been prescribed for you in the case of murdered persons."  
[Al-Baqarah:178]

"The blood of a Muslim is not lawful except through one of three: adultery after marriage apostasy after Islam and the killing of a soul without right and so he is killed therefore."  
[Tirmidhi]

"The blood of a Muslim individual who testifies that there is no deity but Allah and that Muhammad is the Messenger of Allah is not lawful except through one of three: a man who commits adultery after marriage for he will be stoned; a man who comes out fighting Allah and His Messenger, for he will be killed or crucified or expelled from the land; or who kills a soul and is killed therefore."

[Abū Dāwūd]

Sunday 19th May 2013
Euthanasia – Islamic position

Sanctity of life
– Prohibition of longing for death

“One of you should not long for death; either he will be righteous and so may increase therein or he will be a wrongdoer and so may be repent [from the reason for the displeasure/blame].”

[بخارى]

“None of you should ever long for death on account of a harm that has befallen him. If he must long for death he should say: 'O Allah! Give me life as long as life is best for me and give me death if death is best for me.'”

[بخارى]
Euthanasia – Islamic position

**Sanctity of life**

– Prohibition of suicide under normal circumstances

وَلَا تَعْتَفَدُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا (29) [النساء]

"Do not kill yourselves, for verily God has been to you most merciful."

[Al-Nisā':29]

وَأَنْفُدُوا فِي سَبِيلِ اللَّهِ وَلَا تَعْتَفَدُوا بِأَيْدِيكُمْ إِلَى النَّهْلِةَ وَأَحْسَنْنَا إِنَّ اللَّهَ يُحبُّ أَلْمَحْسُونِينَ (195) [البقرة]

"And spend in the way of Allah; and do not throw yourselves in to destruction; and do good, indeed, Allah loves the righteous."

[Al-Baqarah:195]

ٍرِيَادُ مِنْ بَرْدِي مِنْ جِبَلٍ فَقْتَلَ نَفْسَهُ، فَهُوَ فِي نَارِ جَهَنْمَ مَّلَكًا مُّخْلَدًا فِيهَا أَبَدًا، وَمَنْ يَفْسَدُ سَمَا فَقْتَلَ نَفْسَهُ، فِي بِدَهٍ، يَتَحَسَّاهُ فِي نَارِ جَهَنْمَ مَّلَكًا مُّخْلَدًا فِيهَا أَبَدًا، وَمَنْ يَفْسَدُ سَمَا فَقْتَلَ نَفْسَهُ، فِي بِدَهٍ، يَتَحَسَّاهُ فِي نَارِ جَهَنْمَ مَّلَكًا مُّخْلَدًا فِيهَا أَبَدًا.» [البخارى]

"Whoever purposely throws himself from a mountain and kills himself, will be in the Fire of Hell falling down into it and abiding therein perpetually forever; and whoever drinks poison and thus kills himself, he will be carrying his poison in his hand and drinking it in the Fire of Hell wherein he will abide eternally forever; and whoever kills himself with an iron weapon, will be carrying that weapon in his hand and stabbing his abdomen with it in the Fire of Hell wherein he will abide eternally forever."

[Bukhārī]

Sunday 19th May 2013
Euthanasia – Islamic position

- **Sanctity of life**
  - Prohibition of suicide to relieve pain and suffering

> "Amongst the nations before you there was a man who had 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.' "

[Bukhārī]

Narrated by Abu Hurairah RA: We were in the company of Allah's Apostle (in a battle), and he remarked about a man who claimed to be a Muslim, saying: "This (man) is from the people of the (Hell) Fire." When the battle started, the man fought violently till he got wounded. Somebody said: "O Allah's Apostle! The man whom you described as being from the people of the (Hell) Fire fought violently today and died." The Prophet said, "He will go to the (Hell) Fire." Some people were on the point of doubting (the truth of what the Prophet had said) while they were in this state suddenly someone said that he was still alive but severely wounded. When night fell, he lost patience and committed suicide. The Prophet was informed of that, and he said, "Allah is Greater! I testify that I am Allah's Slave and His Apostle." Then he ordered Bilal to announce amongst the people: "None will enter Paradise but a Muslim, and Allah may support this religion (i.e. Islam) even with a disobedient man.

[Bukhārī]

"If he is stricken by an illness that he cannot bear due to the severity of the pain it is not permitted to kill himself".

[Qawā'id al-Ahkām li Maṣāliḥ al-'Anām]

Sunday 19th May 2013
Euthanasia – Islamic position

- **Sanctity of life**
  - Prohibition of taking the life of another

  "Do not take life which God has made sacred except in the course of Justice. And whoever is killed unjustly, We have vested his heir with authority (of equal retaliation), but he must not cross the limit in the matter of killing. Surely, he will be helped."

  [Al-Isa:33]

  "Whoever kills a believer deliberately, his reward is Hell where he shall remain forever, and Allah shall be angry with and shall curse him and He has prepared for him a mighty punishment."

  [Al-Nisa:93]

  "If he said: ‘Kill Me.’ and so he killed him with a sword there is no qiṣāṣ but blood money is payable from his wealth according to the correct opinion as permission does not ensue in the taking of life. Qiṣāṣ is inapplicable on account of the doubt created by the permission."

  [Al-Durr al-Mukhtâr]
Euthanasia – Islamic position

Abstaining from medication/intervention

و والرجل إذا استطلق بطنه أو رمدت عيناه فلم يعالج حتى أضعفه ذلك وأضنوه ومات منه لا إثم عليه. فرق بين هذا وبينما إذا جاع ولم يأكل مع القدرة حتى مات حيث يأمّ. والفرق أن الأكل مقدار قوةه مشبع بيقين فكان تركه إهلاكا، ولا كذلك المعالجة والتداوي. كذا في الظهيرة. (الفتاوى الهندية)

“And if a man had bowel movements or his two eyes inflamed but he did not treat until it weakened him and emaciated him and he died therefrom there is no sin upon him. A difference has been drawn between this and between if he was hungry and did not eat whilst having the ability to do so until he died in that he will be sinful. The difference is that eating an amount to sustain him is satiating with certainty, thus to refrain from it is to kill oneself. And not so is eating an amount to sustain him is satiating with certainty, thus to refrain from it is to kill oneself. And not so is

[Fatāwā Al-Hindiyyah]

As opposed to one who abstains from medical treatment until he dies, for he will not be sinful because there is no certainty that this medication will cure him. It is possible that he is cured without treatment as is mentioned in Al-Ikhtiyar.

[Majma` al-Anhur]

مرض أو رمدت فلم يعالج حتى مات لا يأتم كذا في المنطق. (الفتاوى الهندية)

“He fell ill or his eye inflamed but he did not treat until he died, he will not be sinful. Thus it is mentioned in Al-Multaqat.”

[Fatāwā Al-Hindiyyah]
Euthanasia – Islamic position

Abstaining from nutrition

And if he did not eat despite his ability until he died he will be sinful. Thus it is mentioned in Al-Kubra.

[Fatāwā Al-Hindiyyah]

He feared death from hunger and his companion had food he will take from him for the price an amount that will relieve his hunger. And similarly, he will take an amount that will remove his thirst. If he refuses, he will fight him without the use of a weapon. If the companion fears death through hunger or thirst he will leave some for him. ... If he abstains from food and drink until he dies he has transgressed because therein is the casting of oneself in to destruction and that is prohibited in the firm revelation. As opposed to one who abstains from medication until he dies, as it is not assured that it will cure him as is mentioned in al-Multaqa and its commentary.

[Fatāwā Al-Bazzāziyyah]
Euthanasia – Islamic position

Types of medication/interventions

- **Maqtū’**-definite. I.e. the desired result as a rule is achieved, without fail. E.g. Consumption of food to sustain life. Mandatory - Not contrary to reliance on the will of God
- **Maznūn**-probable/expected. I.e. the desired result is often achieved. However, there are many instances when the desired result is not realised. E.g. Most medical treatments. Not mandatory but encouraged
- **Mawhūm**–imagined. I.e. the desired result is not a realistic expectation. Some medical treatments. Permissible but better to exercise reliance on the will of God

Does financial ability to treat affect ruling?

- Normally preservation of self takes precedence over preservation of wealth.
- If the state will not meet the cost and the patient and his relatives cannot bear the cost? The principle of lā ḍarara wa lā ḍirār – let there be no infliction of harm not its reciprocation

Role of intention in Passive Euthanasia?

- Actions are judged according to intentions

Sunday 19th May 2013
Euthanasia – Islamic position

Can a patient be considered incurable?
“The Bedouin Arabs came to the Prophet and said: ‘O Messenger of God, should we not treat ourselves?’ He replied, ‘Yes, you must treat yourselves; for verily, God has not created a disease without providing a cure for it, except for one disease.’ They asked him: ‘Which one is that?’ He replied, ‘Old age.’”

[Al-Targhib wa Al-Tarhib]

Quality of life argument?

– Purpose of life –

الَّذَى خَلَقَ الْحَيَاةَ وَالْمَوْتَ وَلَيْثَوْكَمْ أَيُّكُمْ أَحْسَنَ عَمَلًا وَهُوَ الْعَزِيزُ الْغَفُورُ

– One will be rewarded for patience and perseverance

“Those who patiently persevere will truly receive a reward without measure.”

[39:10]

“And bear with patient constancy whatever befalls you, for this is firmness (of purpose) in (the conduct of) affairs.”

[31:17]

– Ill health is a means for the expiation of sins

“Never is a Muslim stricken with sickness, distress, anxiety, grief, pain, sorrow or even the prick of a thorn, except that through these God expiates some of his sins.”

[Bukhari, Muslim]

“When God has ordained for his servant a rank he cannot achieve on account of his deed, God puts him to suffering in his body or his belongings or through his children. Then he observes patience over that until it raises him to the rank God has ordained for him.”

[Al-Targhib wa Al-Tarhib]
Suggested reading

- What it means to die in Islam and Modern Medicine, Yousef Boobes, Nada Al Daker
- Language of Change in Islamic Law: Re-Defining Death in Modernity, Ebrahim Moosa
- Shari`ah, Brain Death, and Organ Transplantation: The Context and Effect of Two Islamic Legal Decisions in the Near and Middle East, Johannes Grundmann
- الفرق بين الموت الإكلينيكي والموت الدماغي، د. محمد على البار
- موت الدماغ بين الطب والإسلام، ندى محمد نعيم الدقر

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