

Assisted dying: Islamic Perspective

Hassan Chamsi-Pasha¹, Mohammed Ali Albar²

¹FRCP, FACC, Consultant Cardiologist, GNP Hospital, Jeddah, Saudi Arabia

²MD, FRCP (Lond), Director of Medical Ethics Center, Department of Medical Ethics, International Medical Center, Jeddah, Saudi Arabia

Correspondence: Dr. Hassan Chamsi-Pasha, drhcpasha@hotmail.com

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Abstract

With Assisted dying is causing the death of a terminal patient to save him/her from further pain and suffering. The Qur'an explicitly declares that taking a human life or one's own life is categorically forbidden. All the Fatwas prohibit assisted dying and consider it a crime punishable both in this world and the hereafter. Withholding a treatment because it is futile is acceptable in Islam but withholding it to hasten the death of the patient, to avoid further suffering, is illegal and forbidden in Islam.

Case History

A 70-year-old man with advanced cancer with severe pain was not responsive to morphine and asked the doctor to kill him and save him from suffering. The doctor refused, claiming that he could not commit illegal homicide. The doctor also refused to give the patient any advice about suicide. Upon the patient's insistence, the doctor agreed to stop hydration and nutrition to enable slow death⁽¹⁾

Types of euthanasia:

Voluntary euthanasia is defined as: "The intentional administration of lethal drugs in order to painlessly terminate the life of a patient suffering from an incurable condition deemed unbearable by the patient, at the patient's request."

Assisted dying is defined as: "intentionally assisting a person, at this person's request, to terminate his or her life."

Non-voluntary euthanasia is defined as: "The intentional administration of lethal drugs to painlessly

terminate the life of a patient suffering from an incurable condition deemed unbearable, not at the patient's request."⁽²⁾ Involuntary euthanasia against the will of the patient is also called mercy killing.

Introduction

Euthanasia, assisted suicide, medical assistance in dying, death with dignity: these and many other different terms are used around the world to capture various types of assistance in dying.⁽³⁾

In palliative care, a hastened death is when a person who has a life limiting illness has the wish, desire, or intentionally seeks to end their life prematurely.⁽⁴⁾

Euthanasia is a Greek word composed of two syllables: eu means good or easy, Thanatos means death. Thus, the meaning becomes good death or easy death, and nowadays proponents like to call it "mercy killing."

Euthanasia is an intentional act 'that is explicitly intended to end another person's life and that includes the

following elements: the subject has an incurable illness; the agent knows about the person's condition; commits the act with the primary intention of ending the life of that person; and the act is undertaken with empathy and compassion and without personal gain. Physician-assisted suicide, on the other hand, intends to provide the patient with adequate knowledge about means and resources, i.e., lethal drugs, and counseling to commit suicide. According to Islamic sources, euthanasia is also defined as 'ending an individual's life out of compassion for that person's suffering' ⁽⁵⁾

Assisted dying is increasingly advocated in public discourse as a humane response to a terminal prognosis and distress on the part of selected patients, and their care providers ⁽⁶⁾

There appears to be momentum internationally to permit some form of assisted dying within legal processes, with the Governments in areas of Australia, Germany, Ireland, Portugal, Spain, and New Zealand being the latest to produce legislation in support of these practices. ⁽⁴⁾

The British Medical Association has recently dropped its opposition to assisted dying in a narrow vote at its annual representative meeting. Doctors and medical students voted for the union to "move to a position of neutrality on assisted dying, including physician-assisted dying". The BMA, which represents 150,000 doctors, has opposed legalizing assisted dying since 2006. Members of the UK's biggest doctors' union voted to adopt a neutral stance on assisted dying, with 49% in favor, 48% opposed and 3% abstaining. ⁽⁷⁾

Currently, euthanasia or physician-assisted suicides are legal in the Netherlands, Belgium, Luxembourg, Colombia, and Canada (Quebec since 2014, nationally as of June 2016). Physician-assisted suicide, excluding euthanasia, is legal in 5 US states and Switzerland. Public support for euthanasia and physician-assisted suicide in the United States has plateaued since the 1990s (range, 47%-69%). In Western Europe, an increasing and strong public support for euthanasia and physician-assisted suicide has been reported; in Central and Eastern Europe, support is decreasing. In the United States, less than 20% of physicians report having received requests for euthanasia or physician-assisted suicide, and 5% or less have complied ^(8,9)

The number of dementia patients requesting euthanasia in the Netherlands has increased recently. ⁽¹⁰⁾ A survey of physicians in Canada showed that physicians who were older, had stronger religious beliefs, were trained in

palliative care, practiced in a teaching hospital, and had not received assisted dying requests in the year preceding the survey held less favorable attitudes towards medical aid/assistance in dying (MAID) for non-competent patients with dementia. ⁽¹¹⁾

However, there is strong opposition to euthanasia in most states of America and most European countries. McEvoy raised the question "Should doctors allow themselves to become authorized agents of society in ending life? To allow some physicians to perform euthanasia would damage the integrity of the profession. Even the authorized experts in the US penal system are not very good at administering the lethal dose. We should not accede to becoming the bedside analogue of this practice ⁽⁶⁾ Bauer argues that Euthanasia cannot be restricted to exceptional cases, based on the idea that the patient's autonomy is to be valued more highly than their actual illness. If autonomy is of absolute value, it could not be limited to the most serious cases of illness. ⁽¹²⁾

Islam and Euthanasia

Life is given by God and cannot be taken away except by Him or with His permission. Taking away life should be the domain of the One who gives life. The Qur'an emphasizes that "it is the sole prerogative of Allah to bestow life and to cause death." ⁽¹³⁾

Preservation of life is one of the five basic purposes of the sacred law. Human beings are considered to be responsible stewards of their bodies, which are viewed as gifts from God.

The sanctity of human life is affirmed in the Qur'an. One cannot take the life of another: "Do not take life which God has made sacred except in the course of Justice" ⁽¹⁴⁾.

The Holy Qur'an says: "...One who has killed a person except in lieu of murder or mischief on earth; it would be as he slew the whole mankind and whoever saves the life of a human being, it is as if he has saved the life of all mankind ..." ⁽¹⁵⁾

One also cannot take one's own life: "Do not kill yourselves, for verily God has been to you most merciful." ⁽¹⁶⁾ God says in the Qur'an: "It is He who created death and life, that He may try which of you is best indeed ..." ⁽¹⁷⁾ He also says: "... Nor can they control death nor life nor resurrection." ⁽¹⁸⁾

Thus, the person who intentionally ends his life will be punished on judgment day because of his disobedience to

Allah, and for denying His mercy. The Sunnah and teaching of Prophet Muhammad (PBUH) describes one such instance. He (PBUH) said in a Hadith:

“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”⁽¹⁹⁾.

According to *Sahih Muslim*, for example, in the battle of *Hunain*, a courageous Muslim warrior was fatally wounded and killed himself because of unbearable pain due to his wound. Prophet Muhammed told his companions, when they praised his courage, that he is not fighting for the sake of God, but to be called brave and courageous. When he killed himself, he proved that he is not a good Muslim and that he was fighting for fame!⁽²⁰⁾.

Lifesaving is a duty and the unjustifiable taking of life is considered a grave sin. The strong opposition to suicide in the hadith literature formed a strong opinion among Muslims that neither repentance (if suicide attempt failed) nor the suffering of the person can remove the sin of suicide or mercy killing even if these acts are committed with a purpose to relieve suffering and pain. Some interpretations of the Islamic sources even give advantage to murderers as opposed to people who commit suicide because the murderers, at least, may have the opportunity to repent for their sin. However, people who commit suicide are ‘labeled’ as losing faith in the afterlife without a chance to repent for their act.⁽²¹⁾

Islamic law clearly prohibits euthanasia in all circumstances. However, the wishes of the patient not to have his dying prolonged artificially in the presence of hopeless prognosis need to be respected and abided by. Such wishes may be declared in the accepted “standing Do Not Resuscitate (DNR) orders” in certain hopeless medical conditions^(22,23).

The physician therefore has no right to terminate any human life under his care. This also applies to the unborn baby since clear evidence indicates that human life starts at the time of ensoulment.

These sources from the Qur’an and hadith illustrate the sanctity of human life, prohibition of killing a human being with no justification, and prohibition of killing oneself. Thus, killing a person to ease his suffering even though it is at the request of the person will be inconsistent with Islamic law, regardless of the different names given to the procedure, such as, active voluntary euthanasia, assisted suicide, or mercy killing^(24,25). A

person in such situation is expected to persevere patiently with the available medical treatment as the reward for such patience in the Hereafter is tremendous as promised in Qur’an, in which Allah (swt) stated: “And those who patiently persevere will timely receive a reward without measure”⁽²⁶⁾. However, pain-relief or withholding or withdrawing of life-support, in which there is an intention of allowing a person to die when there is no doubt that their disease is causing untreatable suffering, are permissible as long as the structures of consultation between all the parties concerned about the wellbeing of the patient are in place.⁽¹³⁾

The Islamic Jurisprudence Council held in Jeddah in May 1992 declared a strong rejection against so-called euthanasia under all circumstances. And those terminally ill patients should receive the appropriate palliative medication, utilizing all measures provided by God in this universe, and one should not despair of Allah’s mercy, and that doctor should do their best to support their patients morally and physically, irrespective of whether these measures are curative or not^(27,28, 29)

The Islamic Medical Association of North America (IMANA) is absolutely opposed to euthanasia and assisted suicide in terminally ill patients by healthcare providers or patients’ relatives⁽³⁰⁾

A famous fatwa (religious ruling) by the European Council for Fatwa and Research (2008) states: The patient whatever his illness and however sick he (or she) is shall not be killed because of desperation and loss of hope in recovery or to prevent the transfer of the patient’s disease to others, and whoever commits the act of killing will be a deliberate killer.⁽³¹⁾

Religion and moral values affect the attitudes of health caregivers toward MAID. Muslims believe in divine predestination and therefore assume that any suffering has a purpose. As Sachedina outlined, either they believe their suffering atones for their past sins or it will bring reward after the divine test. Many Muslims also refer to the life of the Prophet Muhammad who compared suffering and pain of the believer to a tree in the fall where God absolves a sin with every leaf that falls off the tree.⁽³¹⁾

Killing is a crime whatever its name (mercy killing) and is not allowed in Islam and by the law. The perpetrator will be punished; the type of punishment may be reduced from capital punishment to imprisonment, as the perpetrator did it upon demand by the person himself. Even if the law exonerates him from retribution, he is

morally wrong and will be judged by God on the final Day of Judgment. The laws in Islamic and Arab Countries criminalize euthanasia and the physician participating in it is punished. The consent of the deceased or the action on his repeated plea to end his life reduces the punishment from capital punishment to imprisonment and abrogation of his medical practice license⁽²⁹⁾.

The Saudi regulation of medical profession No 21 clearly criminalizes whoever kills or assists to kill a patient in response to the patient's request to kill him. Similarly, the Syrian penal code No 552, criminalizes what is called mercy killing or assisting the patient to kill himself.⁽³²⁾

Islamic Jurisprudence exonerates the (person who kills himself) if he was insane or suffered a serious psychiatric disease. However, the physician who kills a patient upon his demand, will not face *Qisas* (capital punishment) in *Shafi Mazhab* (Minhaj *Attalibeen* by Imam *Nawawi*). The physician may not face any punishment, the maximum being to pay the *diyyah* (blood fine).

In the *Hanafi* and the *Hanbali* mazhabs (schools), the physician will be ordered to pay *diyyah*. It is only the *Maliki* scholars and some of the *Hanafi's Ulema*, who judge that the killer in cases of euthanasia, even by the request of the competent adult patient should face *Qisas* (capital punishment). The killer will face the wrath of Allah on the Day of Judgement, for which his abode will be Hell fire⁽³²⁾.

Conclusions

Assisted dying or euthanasia is not allowed even if the patient insistently requests it and his family agree to it. No one is authorized to deliberately end life, whether one's own or that of another human being. Saving life is encouraged, and reducing suffering with analgesia is however acceptable, even if, in the process, death is hastened. This rule is based on the central teaching that "actions are to be judged by their intentions". Withdrawal of food and drink to hasten death is not allowed and is considered murder.

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