

The Concept of Euthanasia and the Principle of Maqasidu Ash-Shariah in Islamic Law

By:

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Abstract

The concept of euthanasia under Islamic law is a complex and nuanced issue that intersects with ethical, legal, and theological considerations. Life is a precious gift from Allah, no one can take it away except in extreme circumstances. Islamic jurisprudence generally prioritizes the sanctity of life and views it as a divine trust, making the deliberate ending of life a highly sensitive subject. This article explores the Islamic legal perspectives on euthanasia, emphasizing the prohibition of intentional life termination. The concept of euthanasia, when examined through the lens of Maqasidu Ash-Shariah, or the Objectives of Islamic Law, presents a multifaceted ethical and legal discourse. Maqasidu Ash-Shariah emphasizes the preservation of life, the alleviation of hardship, and the promotion of justice and human welfare. Euthanasia, as the intentional ending of a person's life, raises significant questions about its alignment with these overarching objectives. This article explores how the principles of Maqasidu Ash-Shariah intersect with the ethical considerations surrounding euthanasia. It investigates how the prohibition of euthanasia is justified by the imperative to protect life and maintain its sanctity, while also considering the potential conflicts with the principle of alleviating suffering. The discussion delves into the fundamental principles of Islamic ethics that underpin the prohibition, including the value of human life, the role of suffering, and the belief in divine wisdom and predestination. Additionally, the article examines contemporary debates and interpretations within the Muslim scholarly community regarding the application of traditional rulings to modern medical practices and dilemmas, highlighting the ongoing discourse on balancing compassion with adherence to religious principles.

Keywords: Euthanasia; Maqasidu Ash-Shariah, Islamic jurisprudence, Human Rights, Shariah.

1.0 Introduction

Assisted dying, otherwise known as euthanasia, is a highly controversial moral issue incorporating both physician-assisted dying (PAD) and voluntary active euthanasia. End-of-life practices are debated in many countries, with assisted dying receiving different consideration across various jurisdictions. In this paper, we provide an analytic

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framework of the current position and the main arguments related to the rights and moral principles concerning assisted dying. Assisted dying proponents focus on the respect of autonomy, self-determination and forestalling suffering. On the other hand, concerns are raised regarding the interpretation of the right to life under Islamic Law and balancing this with the premise of assisted dying, alongside the impacts of assisted dying on the doctor-patient relationship, which is fundamentally based on trust, mutual respect and the premise of 'first do no harm'. The concept of euthanasia, defined as the intentional termination of a person's life to relieve intractable pain or suffering, presents profound ethical and legal challenges across various cultural and religious frameworks. In Islamic law, this issue is particularly intricate due to the faith's deep-rooted principles regarding the sanctity of life. The principle of *Maqasidu Ash-Shariah*, or the Objectives of Islamic Law, provides a valuable framework for understanding how Islamic jurisprudence addresses such contemporary ethical dilemmas. This article will explore the intersection of euthanasia and *Maqasidu Ash-Shariah*, elucidating how Islamic legal principles navigate the balance between preserving life and alleviating suffering.

Islamic jurisprudence holds life in high esteem, viewing it as a sacred gift from Allah. This fundamental belief underscores the prohibition against euthanasia in Islamic law. The Quran and the *Sunnah* (sayings of the Prophet Muhammad) explicitly emphasize the sanctity of life and the moral duty to preserve it. For instance, the Quran states, "Do not kill the soul which Allah has forbidden, except by right"¹, reflecting a clear mandate to protect human life. This respect for life is integral to Islamic ethical and legal thought, which views life as a divine trust and asserts that only God has the ultimate authority over its commencement and termination.

Maqasidu Ash-Shariah, the Objectives of Islamic Law, provides a broader perspective on how to apply Islamic principles to complex situations. This framework prioritizes the protection and enhancement of essential human values, including the preservation of life,

¹ Quran 17:33

intellect, faith, lineage, and property. By focusing on these objectives, Islamic jurisprudence seeks to ensure justice, mercy, and the overall welfare of individuals and society. The principle of life preservation is central to *Maqasidu Ash-Shariah*, which underscores the prohibition of actions that would deliberately end a life.

Despite this prohibition, the principle of *Maqasidu Ash-Shariah* also emphasizes alleviating undue hardship and suffering. This creates a nuanced tension when considering euthanasia, particularly in cases of severe and incurable suffering. Islamic scholars and jurists grapple with this tension, debating whether certain compassionate measures can be reconciled with the overarching objective of preserving life. For example, palliative care, which focuses on relieving pain and improving the quality of life for terminally ill patients, is generally accepted within Islamic law as long as it does not involve intentional life termination.

The discussion surrounding euthanasia and *Maqasidu Ash-Shariah* involves examining whether end-of-life practices that align with Islamic ethical principles can address extreme suffering without contravening the prohibition against euthanasia. Scholars argue that while euthanasia itself remains impermissible, there may be allowances for certain forms of compassionate care that align with the broader objectives of Shariah. This includes providing comfort and support to patients while respecting the sanctity of life, and exploring ethical approaches to end-of-life care that align with Islamic values. In contemporary contexts, the intersection of Islamic law and medical advancements presents new challenges and opportunities for interpretation. As medical technology evolves, the capacity to manage pain and prolong life has expanded, raising questions about how these advancements fit within the framework of *Maqasidu Ash-Shariah*. Islamic scholars continue to engage in ongoing dialogue to address these issues, seeking solutions that balance respect for life with the need for compassionate care.

2.0 The Concept of Euthanasia, Human Rights and Islamic Law

Shari'ah contains rules of all past events, current problems and all possible incidents that may happen in future. Nothing has happened in the past or is happening at present or will happen in the future except that each and every one of those things has a ruling from the Islamic law either directly or indirectly. Every conduct of a man at all time and places are completely and comprehensively taken care of by the Islamic law.² Owing to the foregoing, the concept of euthanasia had been taken care of as old as the Islamic religion itself. Nonetheless, this paper examined the concept of euthanasia and the clog on its wheel vis-à-vis the human rights provisions under the *Shari'ah*. Rights in Islamic law are conferred by Almighty Allah hence makes rights divine in nature in Islam.³ Islam does not have its rights itemized; instead, rights in Islam are spread out and mentioned as it relates to events. Right in Islam is more comprehensive, all encompassing, all embracing and inclusive than that of common law. In other words, what is necessary or required for peaceful, regular and standard existence is considered a right in Islam.⁴ Among these rights is right to life and the sacred nature of individual's life regardless of the individual's race, colour, sex, faith, birth, social origin etc.⁵ Allah says:

مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا

Meaning: ...if anyone slew a person –unless it be for murder or for spreading mischief in the land- it would be as if he slew the whole people: and if anyone saved a life it would be as if he saved the life of the whole people.⁷

² Zakariya A. O. 'An Appraisal of the Law-Giver under the *Shari'ah* vis-à-vis the Contemporary Era' (Being an unpublished Seminar Paper Presented in 2013/2014 LL. M Class, Department of Islamic law & Jurisprudence, the Faculty of Law, University of Ilorin)

³ Al-Mahdudi A., 'Human Rights in Islam' (A Quarterly Journal of Islamic Thought and Culture, Vol. IV, Iran, 1981) p. 61

⁴ Zakariya A. O. 'An Appraisal of Child's Rights Under Islamic Law' (Being a long essay submitted to the Faculty Of Law, University of Ilorin, in Partial Fulfilment of the Requirements for the award of the Degree of Bachelor in Laws (LL. B Hons) in Common and Islamic Law)

⁵ The available limitations to this right shall be discussed later in this paper.

⁶ Al-Ma'idah: 32

⁷ Yusuf 'Ali A. 'The Meaning of the Holy Qur'an' (amana Publications Maryland, USA, New ed., 1998)

It must be said that the fundamental difference between the rights as obtainable under the conventional law and the rights in Islamic law is that the former are not *stricto sensu* applicable, as of duty to anybody while the latter are sanctioned by Allah (SWT) hence makes them duties incumbent on every believers. In other words, while rights under the conventional law are like philosophical concepts which have no sanctions behind them, every individual Muslim as well as a Muslim authority have to, as part of faith accept, recognize and strive toward the enforcement of rights in Islamic law.⁸ This is very much unlike the restrictive human provisions obtainable under the Common Law. The west claimed that the world first derived the concept of basic rights from the Magna Charta 1215 of Britain, which was drawn up in about six hundred years (600yrs) after the advent of Islam. It must be said that the human rights was not in contemplation at the issuance of Magna Carta. It was just an agreement or contract undertaken by the King to protect the rights of Barons. It was after a long time that it was interpreted in the context of human rights. The Truth is that; before the 17th century, the west had never come across the idea of human rights and it was not until the 18th century when the concept took a practical meaning in the constitution of France and American.⁹ The stark reality in line with the *Islamic* position and provisions on rights is that ever before the codification of any Human Right document, the Noble *Qur'an* had been revealed more than fourteen

⁸ Allah says in Al-Ma'idah: 44 '...if any do fail to judge by (the light of) what Allah hath revealed, they are (no better than) unbelievers. In verse:45, Allah says ... they are (no better than) wrongdoer. While in verse 47 Allah says: they are (no better than) those who rebel. See also, Oba A. A., '*Human Rights and Islam: Some Precedents from the Prophet Muhammad (SAW)*', (Al-Maslaha, Journal of Law and Religion, Vol. 4, 2007-2008) p. 105

⁹ See generally, Shaikh Shaukat H., *Human Rights in Islam*, (New Delhi, 3rd ed. 2001) pgs. 89-90, Copley Cathy, *Child Abuse & the Law* and Abdulwasi M., *Human Rights under the Shari'ah* (Al-Maslaha, Vol. 4, 2007-2008) Journal of Law and Religion. Pg.138

centuries ago (670 AC) as well as the *Sunnah*¹⁰ of the Prophet *Muhammad* (SAW) which also provides for rights in Islamic law.

3.0 The Concept of Euthanasia

Euthanasia is derived from the Greek word *eu* which means 'good' and *thanathos* also means 'death'¹¹ and it means "Good Death", "Gentle and Easy Death".¹² This word has come to be used for "mercy killing" in the sense euthanasia means the active death of the patient, or inactive in the case of dehydration and starvation.¹³ In other words, euthanasia is a situation whereby a person ends his life or is assisted to do so because of terminal illness and unbearable suffering.¹⁴ The concept is legal in some western parts of the world like, Oregon, Washington, Montana, United States of America, Netherland, Belgium, Switzerland etc.¹⁵ The first recorded use of the word euthanasia was by Suetonius, a Roman historian, in his *De Vita Caesars- Divus Augustus* (The lives of the Caesars- The Deified Augustus) to describe the death of Augustus Caesar. Although Augustus' death while termed "a euthanasia" was not hastened by the action of any other person. Withdrawal or with-holding treatment was practiced in history; the term for this is *orthothanasia*, which means 'passive death'.¹⁶ In this method, the actions of curing the patient are never applied and his death is made easy in the passive form. In *orthothanasia*,

¹⁰ *Sunnah* literally means "a well-known path" technically, *Sunnah* has three (3) meanings: (*Al-Sunnah al-Qawliyyah*) comprises of the saying (verbal expression) of the Prophet (peace be upon him) through which He intended the laying down or explaining the law. (*Al-Sunnah al-fi'liyyah*) comprises of the acts of the Prophet (Peace be upon him) having a legal content; like fasts, *salat*, *hajj*. (*Al-Sunnah at-Taqririyyah*) this comprises of the commission of certain acts, by word or deed, by some companions of the Prophet which received tacit approval of the Prophet.

¹¹ See 'A General History of Euthanasia' (New Zealand Resource for life Related Issues) available online at: <<http://www.life.org.nz/euthanasia/abouteuthanasia/history-euthanasia1/>> accessed on 23/8/2023, see also, Omipidan B. A., 'The Principle of Quality of Life versus Sanctity of Life in the Euthanasia Debate: Where does Islamic Law Stands?' (IIUM Law Journal, Vol. 19, No. 1, 2011) see footnote No. 1, p. 52.

¹² Lewy G. Assisted suicide in US and Europe. New York: Oxford University Press, Inc; 2011. pp.1-225, See also 'A General History of Euthanasia' (New Zealand Resource for life Related Issues)

¹³ Ibid.

¹⁴ Omipidan B. A., 'The Principle of Quality of Life versus Sanctity of Life in the Euthanasia Debate: Where does Islamic Law Stands?' p. 52

¹⁵ Ibid. p. 52

¹⁶ See 'A General History of Euthanasia' (New Zealand Resource for life Related Issues)

the action of killing is not applied but passive actions are present in order to provide death.¹⁷ In other words, active euthanasia or euthanasia by action, which is also called positive euthanasia, means; intentionally causing a person's death by performing an action such as giving a lethal injection. Passive euthanasia or euthanasia by omission, which is also called negative euthanasia is withholding or withdrawing the necessary and extraordinary medical treatment.¹⁸ The actions of easy death have been applied for hopeless patients who have been suffering extreme pain since ancient ages. These actions were forbidden from time to time. In the Mesopotamia, Assyrian physicians forbade euthanasia.¹⁹ Also, incurable patients were drowned in the River Ganges in India. In ancient Israel, some books wrote that frankincense was given to kill incurable patients.²⁰ However, following the teaching of the Bible, and the sixth command "thou shall not kill", the Jewish society had rejected centuries ago every theory on shortening the life of handicapped or disadvantaged people. Euthanasia and physician-assisted suicide are controversial issues in medical ethics and medical law. In the debate, several arguments against the moral acceptability and legal feasibility of active involvement of physicians in bringing about a patient's death can be found. Nonetheless, there are also arguments in favour of euthanasia and physician-assisted suicide in the literature and in the public debate.²¹ One such argument invokes the right to die. According to this argument, decisions concerning life and death should be up to the individual who is concerned. In many countries,²² suicide is morally and legally accepted. If people are allowed to kill themselves, why should they be without rights when they are no longer able to perform the act themselves? In medical ethics and medical law, patient autonomy is a central pivot. Patients have the right to refuse treatment even if this leads to their death.

¹⁷ *ibid*

¹⁸ Mahmud Adesina Ayuba, *Islam and concept of justice*, (Scriptura 115 (2016:1), pp. 1-13 @ pg. 3, available online @ <<https://ir.uitm.edu.my/id/eprint/32047/1/32047.pdf>> accessed on 5/8/2024

¹⁹ See 'A General History of Euthanasia' (New Zealand Resource for life Related Issues)

²⁰ *Ibid*.

²¹ See generally, 'Quality of life: How good is Life for you?' (Quality of life Research Unit, University of Toronto) available online at <http://www.utoronto.ca/qol>. accessed on 23/8/2022

²² Oregon, Washington, Montana, United States of America, Netherland, Belgium, Switzerland etc

Shouldn't people also have the right to determine the moment of dying, if they are in a situation which is unbearable, and without prospect of improvement? Another argument focuses on the duty of the physician to alleviate pain and suffering. If there is no other option, the doctor, in fulfilling this duty, should be allowed to actively end the patient's life.²³ This argument is not based on autonomy, but on beneficence.²⁴

4.0 The Concept of Euthanasia and the *Maqasidu Ash-Shari'ah*

It is well established that life is sacred in Islam. It is sacred because it is a gift that Allah gives humans. One of the miracles of this universe is the creation of human being.²⁵ Preservation and protection of life is one of the fundamental objectives of the *Shari'ah* in totality.²⁶ The sanctity of life is one of the necessities of human existence. Islam has set down a number of means to secure the sanctity of life.²⁷

a. Promotes the Existence of Human Life:

Islamic law prescribes and legislates marriage for the purpose producing progeny, increasing the human population, and providing people who will develop the Earth and sow the seeds of human life for the generation to come. Islam extols the sacred relationship between a husband and wife and considers it to be one of Allah's signs.²⁸ Similarly, in order to preserve this life, Allah, not only requires from individuals to sustain his/her life through eating, drinking²⁹ and taking proper care of his/her life by not throw himself into destruction³⁰ but further legalizes and legitimizes in cases of serious

²³ Binding K. & Hoche A., 'Permitting the Destruction of unworthy life' (Issue in Law and Medicine, Vol. 8 1992) available online at <http://www.pregnantpause.org/admin/contact.htm> accessed on 23/8/2022

²⁴ Widdershoven Guy A.M. 'Beyond Autonomy and Beneficence. The Moral Basis of Euthanasia in the Netherlands. P. 2

²⁵ Allah says: 'Among His signs is this, that He created you from dust, and then –behold you are human beings scattered! Ar-Rum: 20.

²⁶ Az-Zuhayliy Wahabah, 'Usul Al-Fiqh Al-Islamiy' (Dar Al-Fikr, Damascus, 2007) Vol. II, p. 309-311

²⁷ 'The Objectives of Islamic Law' available online at <http://www.ediscoverislam.com/islam-law-and-legal-systems/the-objectives-of-islam-law> accessed on 23/8/2022

²⁸ Ar-Rum: 21

²⁹ See Baqarah: 60; Maidah: 88; Al'araf: 31.

³⁰ Al-Baqarah: 195.

necessity for the safe and protection of life, what consumption are ordinarily forbidden for Muslim individuals. Many rules in Islamic law manifest the principle of preserving life. This is someone who may be starved to death, they may even consume prohibited food to survive Allah say:

*He has forbidden you only the Maitah (dead animals), and blood, and the flesh of swine, and that which is slaughtered as a sacrifice for other than Allah. But if one is forced by necessity without willful disobedience nor transgressing due limits, then there is no sin on him. Truly, Allah is Oft-Forgiving, Most Merciful.*³¹

b. Defends the Honour of Human Being

This manifests itself in such laws as the prohibition of false accusation and defamation. It is also why restricting human activities without justification is prohibited. In this way, liberties such as freedom of thought, freedom of opinion, economic freedom, the freedom to reside where one wants to and freedom to relocate are safeguarded and ensured.³²

c. Islamic law Provides Concessions under Certain Conditions to Ward off Undue Difficulty that Might CAUSE Personal Harm or Injury

Allah (SWT) does not intend difficulty for human kind but ease.³³ Hence, there are many concessions granted by Allah to His servants in the acts of *Ibadah* when life seems difficult for him either through sickness or stranded. All these concessions are designed by Allah to mitigate against any hardship which may threaten human life. One of these concessions is the right of the one who is sick, breastfeeding or travelling to break his fast in Ramadan if such person could not cope with the fast during those periods.³⁴ Another one is the right of a traveler to observe *Qasr*³⁵ and/or *Jam'u*³⁶ in his *salat* (prayer).

³¹ Al-Baqarah: 173; see also, Al-An'am: 145; Az-Zuhayliy Wahabah, *'Uṣul Al-Fiqh Al-Islamiy* p.311

³² Sahih Bukhari, *Hadith* No. 5550, available online at <http://www.hadithcollection.com/download-hadith-books/download-sahih-bukhari.html> Accessed on 20/1/2024

³³ Al-Baqarah: 185

³⁴ Al-Baqarah: 184

³⁵ Qasr is the shortening of a four *Rak'ahs* *salah* (Salat Dhuhr, Asr, and Isha') to two *rak'ah*, see Surah An-Nisa':101, see generally, Ahmad Bn Rushd, *'Bidayat Al-Mujtahid Wa Nihayat Al-Muqtasid* (Dar Al-Fikr, Beyruoth, 2010) vol. I, pg. 134-135

d. Islam Prohibits the Taking of Human Life, Whether that Life be it One's Own or that of Someone Else³⁷

No matter what the situation may be, it is totally prohibited in Islam to take human's life; either one self's life or that of someone else. Allah says: '...do not kill a soul which Allah made sacred except through the due process of law...' ³⁸ also, the crime of murder is deplorable, so that taking one life is considered equivalent to killing all mankind. ³⁹

e. Retribution is prescribed in the case of murder while payment of blood money and freeing a slave are obligatory in the case of unintentional manslaughter

Anyone who intentionally takes another person's life is not only entitled to be killed but will also enter hell-fire on the day of resurrection. ⁴⁰ While killing by mistake has the option to pay blood money (*Diyah*) to the family of the deceased person, free a slave. Allah says:

وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَاً وَمَنْ قَتَلَ مُؤْمِنًا خَطَاً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَّةٌ مُسَلَّمَةٌ إِلَى أَهْلِهِ
إِلَّا أَنْ يَصَّدَّقُوا فَإِنْ كَانَ مِنْ قَوْمٍ عَدُوٍّ لَكُمْ وَهُوَ مُؤْمِنٌ فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ
مِيثَاقٌ فَدِيَّةٌ مُسَلَّمَةٌ إِلَى أَهْلِهِ وَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِنَ اللَّهِ وَكَانَ
اللَّهُ عَلِيمًا حَكِيمًا وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا
عَظِيمًا ⁴¹

Meaning: It is not for a believer to kill a believer except by mistake; and whosoever kills a believer by mistake, he must set free a believing slave and submit compensation (blood money) to the deceased's family unless they remit it. If the deceased belonged to a people at war with you and he was a believer, the freeing of a believing slave (is prescribed); and if he belonged to a people with

³⁶ Jama' is the praying of salah adh-Dhuhr and salah al-Asr together or praying salah Maghrib and salah Isha' together. *ibid*.

³⁷ An-Nisa': 29

³⁸ Quran 6:151

³⁹ Al-Ma'idah: 32

⁴⁰ See the combined provision of Al-Ma'idah: 45 & An-Nisa' 93

⁴¹ An-Nisa': 92-93

whom you have a treaty of mutual alliance, then compensation (blood money) must be paid to his family, and a believing slave must be freed. And whoso finds this beyond his means, he must fast for two consecutive months in order to seek repentance from Allah. And Allah is Ever All-Knowing, All-Wise. And whoever kills a believer intentionally, his recompense is Hell to abide therein; and the wrath and the curse of Allah are upon him, and a great punishment is prepared for him.

f. Jihad may be Proclaimed in Order to Preserve Lives and Safeguard those who are Weak and Oppressed in the Earth.⁴²

In a speech during his Hajj, the Prophet (SAW) was reported to have said:

فَإِنْ دِمَاءُكُمْ وَأَمْوَالُكُمْ وَأَحْسَبُهُ قَالَ وَأَعْرَاضُكُمْ عَلَيْكُمْ حَرَامٌ كَحُرْمَةِ يَوْمِكُمْ هَذَا فِي شَهْرِكُمْ هَذَا، فِي بَلَدِكُمْ هَذَا. وَسَتَلْقَوْنَ رَبَّكُمْ فَيَسْأَلُكُمْ عَنْ أَعْمَالِكُمْ، أَلَا لَا تَرْجِعُوا بَعْدِي ضُلَالًا يَضْرِبُ بَفْضِكُمْ رِقَابَ بَعْضٍ أَلَا قُلْ بَلَّغْتُ؟ أَلَا لِيُبَلِّغَ الشَّاهِدُ مِنْكُمُ الْغَائِبَ فَلَعَلَّ مَنْ يُبَلِّغُهُ يَكُونُ أَوْعَى لَهُ مِنْ بَعْضٍ مَنْ سَمِعَهُ⁴³

Meaning: Verily! Your blood, property and honor are sacred to one another like the sanctity of this day of yours, in this month of yours and in this city of yours. Verily, you will meet your Lord and He will question you about your actions. Behold! Do not revert to misguidance after me by striking the necks of one another. Have I conveyed It is incumbent upon those who are present to inform those who are absent, because those who are absent might comprehend (what I have said) better than some who are present.

There is plethora of Quranic verses as well as the traditions of the Prophet pointing to fact that sacred nature of hu-man live must be protected.

⁴² At-Tawbah: 36

⁴³ Sahih Bukhari, Hadith No. 5550, also Cited in Ibn Katheer, (1st ed. Darul-Ibnul-Aytham, Cairo, 2005) vol. II, p. 1360

g. It is Obligatory for a Muslim to save a person who is in Danger of Being Murdered or Killed for another Reason if that Muslim is Capable of doing so

It is compulsory and highly rewardable in Islam to exhaustively do whatever within one's power in order to save a life. This means if a man is ill or wounded, irrespective of his nationality, colour or race, and you are aware that he is in need of your help, then it is your duty that you should arrange for his treatment for disease or wound. It is also your duty to feed him if he is dying of starvation, so that he can ward off death. It is your duty as well to save him if he is drowning or his life is at stake in whatever forms or ways⁴⁴

h. Islamic law also prescribes self-defense for someone who is being attacked

If the attacker dies in the process of one defending himself, the defender is not in any way responsible

A man came to the Prophet (SAW) and said: O you messenger of Allah! What shall be your view when a man comes to me intending to force and illegally take away my property? The Prophet replied: 'don't release your property to him', the man said: what if the man engages me in battle in a bid to take away my property? The Prophet replied: 'engage him too in battle', the man asked further: 'what if in the process he kills me'? The Prophet replied: 'then you are a martyr', the man asked further: what if I killed him in the process?, 'then, he shall be in hell-fire' the Prophet replied.⁴⁵

The above are just a tip of the iceberg as there is plethora of evidences in Islam pointing to the sacred nature of human life which must be preserved. In Islam, only Almighty Allah determines and reserves the right to take a soul when and how He wants.⁴⁶ Hence,

⁴⁴ Ma'idah: 32

⁴⁵ Quoted in Bakr Ishmael M., *'Al Fiqh al- Wadih Minal-Kitab Was-Sunnah "Alal-madhahibil - Arba"ah* (2nd ed. Daru al-Manar, Cairo, vol. II, 1998) p. 298

⁴⁶ Allah says in Al 'Imran: 145: 'Nor can a soul die except by Allah's leave, the term being fixed as by writing...'

the quality-of-life principle which is the strongest point of the advocate of euthanasia and assisted suicide does not exist in Islam rather, the sanctity of life.

Similarly, no one is allowed under the principle of Islamic law to take life (either his/her life or that of other[s]) on the basis of terminal ill. This is because, the wisdom of Islam is that when someone is ill, it is assumed that one is undergoing a kind of reformation and thus should endure the pain with patient. If such person survives the ailment, the aftereffect will be blessings to him/her and if eventually his/her life is taken as a result of the ailment, such person's sins should be forgiven by Allah.⁴⁷

It was reported from the Prophet (SAW) that: whenever a believer suffers hardship, calamity, grief or illness, his sins are forgiven by Allah.⁴⁸ A report from the Prophet (SAW) says:

*None of you should long for death because of a calamity that had befallen him; and if he cannot, but long for death, then he should say; O Allah! Let me live as long as life is better for me, and take my life if death is better for me.*⁴⁹

More so, the popular story of Prophet Ayyub (AS) who was chronically sick for three years or thereabout as a result of which his body, children and properties were loss.⁵⁰ Despite his illness, he never gave up nor stopped the remembrance of Allah; hence Allah

⁴⁷ Allah says: '...and bear with patient constancy what're betide thee; for this is firmness...' Quran 31:17 see also; Omipidan B. A., *The Principle of Quality of Life versus Sanctity of Life in the Euthanasia Debate: Where does Islamic Law Stands?* p. 65

⁴⁸ It was narrated by Aishah RTA (The wife of the Prophet SAW) Allah's Apostle said, "No calamity befalls a Muslim but that Allah expiates some of his sins because of it, even though it were the prick he receives from a thorn."; also narrated by Abu Sa'id Al-Khudri and Abu Huraira: that the Prophet (SAW) said, "No fatigue, nor disease, nor sorrow, nor sadness, nor hurt, nor distress befalls a Muslim, even if it were the prick he receives from a thorn, but that Allah expiates some of his sins for that." See Sahih Bukhari, volume 7, Book 70, Hadith No. 544 & 545 available online at <http://www.hadithcollection.com/download-hadith-books/download-sahih-bukhari.html> Accessed on 20/1/2024

⁴⁹ Ibid.

⁵⁰ *Ibn Katheer* vol. III, p. 1901

in His infinite mercies listened to him, removed his distress, granted his requests, restored his people to him and doubled their numbers as a Grace from Him.⁵¹

5.0 Limitations to Right to life in Islam

Rights in Islam are not without limitations. Rights derive their existence from Allah through the provisions of the *Shari'ah*; hence, no right must run contrary to any the provisions of *Shari'ah*.⁵² The right to life given to man by Allah is heavily guarded and protected by Islam as demonstrated above. No human being has any right by and to himself to human life without 'a just cause' or 'through the due process of law'.⁵³ The 'just cause' or 'through the due process of law envisaged by the provisions of Islamic law is taking someone's life in retaliation for intentional murder case,⁵⁴ punishment for armed robbery/spreading corruption on the earth,⁵⁵ punishment for apostasy or punishment for the offence of adultery.⁵⁶ Having said these, it be added that only a well, competent and proper authority or court would be able to decide whether or not an individual has been guilty of any of the above offences or forfeited his right to life.

6.0 Conclusion

In conclusion, the concept of euthanasia, when examined through the lens of *Maqasidu Ash-Shariah*, highlights the complexities of Islamic ethical and legal principles. The prohibition against euthanasia reflects the deep respect for life inherent in Islamic law, while the principle of alleviating suffering requires a nuanced approach to end-of-life care. By understanding these dynamics, we gain insight into how Islamic jurisprudence navigates the balance between upholding the sanctity of life and addressing the needs of those facing severe suffering, ensuring that both ethical principles and compassionate care

⁵¹ Al-Anbiyah: 83-84.

⁵² An-Nisa': 14

⁵³ Q.6:151

⁵⁴ Al-Baqarah: 178 & Al-Ma'idah: 45

⁵⁵ Al-Maidah: 33

⁵⁶ It was reported in Sahih Bukhari and Muslim that the Prophet (SAW) says: it is not permissible to shed the blood of a Muslim except in one of the three occasions: if he apostates (becoming unbeliever after the faith); if he commits adultery; or committing murder against an innocent soul.

are respected within the framework of *Maqasidu Ash-Shariah*. Right to life of individuals is given by Allah and thus sacred in nature under Islamic law. No one, under any circumstances has the right to take a life either that of himself or other(s). Neither a terminal illness nor poor status of life may warrant the taking of life in Islam as opposed to the principle of euthanasia. Right to life in Islam can only be forfeited when it violates or runs contrary to some principles of *Shari'ah* such as 'Do not go near to adultery', 'Do not kill a soul without a just cause' 'Do not associate anything with Allah after faith' 'Do not spread corruption on the earth' etc. In any of the above, one may forfeit one's right to life in Islamic law; or else, right to of individuals must be preserved, guarded and protected by the individuals singularly and collectively.

Conclusively, going by the provision of the Quran and *Sunnah*, mercy killing is ethically wrong. Under the general and broader guidelines of Islamic principles, killing of innocent beings in whatever manner; either through direct participation, conspiracy or collaboration in committing in the killing is a sin (*ithm*). Allah says: "...And do not help each other in sin (*ithm*) and aggression. And fear Allah. Verily. Allah is severe in punishment."⁵⁷

⁵⁷ Maidah: 2