

Euthanasia from the Islamic Perspective: Ending Life of a Patient whose Recovery is Absolutely Impossible.

Maularna Akbar Shah @ U Tun Aung

Department of Fundamental and Inter-disciplinary Studies, (FIDS), Islamic Revealed Knowledge and Human Science, (IRKHS), Internatinoal Islamic University Malaysia, Kuala Lumpur

ABSTRACT

Life and death of men is in the discretion of Allah, SWT. No one can decide how long they should live, but Allah, SWT. However, in our society today, life is being terminated by someone such as doctor or family of terminally ill patients when their recovery is absolutely irretrievable according to medical expert opinions. In medical science, ending life for such a situation is called euthanasia i.e. an act or practice of painlessly putting to death persons suffering from painful and incurable disease or incapacitating physical disorder or allowing them to die by withholding treatment or withdrawing artificial life-support measures. Justification given by pro-euthanasia is that it is the right of the patient who should not suffer unbearable pain physically and who does want to be a burden to their family. They insisted mercy killing is absolutely appropriate if the patient's body is in gradual decline, their organs are in continuous failure, their agonizing pain is unbearable, and the cost of their artificial support system is beyond their limit. This issue has been controversial to many Islamic as well as social organizations as it is against their doctrine and norms. Since life and death is in Allah's hand, who is to decide that a life has to be ended at a specific time? Is it against predestination and fixation of life by Allah that when the time come no one can stop its arrival? This undesirable situation is confronted by many Muslims in our world too, hence is there any room in Shari'ah law that allows a physician to end the life of a patient? The objective of this paper is to explore any possibility in Shari'ah law that authenticates ending of a life.

KEYWORDS: Euthanasia, Active euthanasia, Passive euthanasia, Voluntary euthanasia, Involuntary euthanasia, Pro euthanasia.

INTRODUCTION

In the field of bioethics, the term euthanasia has been much spoken and generally many know it as slow killing or assisted suicide or homicide of ultimately ill patient. Muslims think it is unlawful as any form of suicidal attempt is illegal. From the Islamic perspective, the decree of death is destined by Allah. Then, what is the definition of death? Medical science defines death as termination of all biological functions that sustain an organism. Phenomena which commonly bring about death include biological aging (senescence), predation, malnutrition, disease, suicide, homicide, starvation, dehydration, and accidents or trauma resulting in terminal injury.

When a person is dead, his brain function ceased, and cardiac arrest occurred. Cessation of brain function causes the end of independent respiration, regarded as indicative of death. Blood flow to the brain ceases and the entire brain, including the brainstem, dies. There is no recovery from brain

death. Death occurs with cardiac arrest which is the sudden and unexpected loss of heart function, breathing and consciousness. Sudden cardiac arrest usually results from an electrical disturbance in the heart that disrupts its pumping action, stopping blood flow to the rest of your body.

However, sometimes a person is neither died nor alive, but he was in a state of coma or unconsciousness in which a person cannot be awakened; fails to respond normally to painful stimuli, light, or sound; lacks a normal wake-sleep cycle; and does not initiate voluntary actions. The signs and symptoms of coma commonly include: closed eyes, depressed brainstem reflexes, such as pupils not responding to light, no responses of limbs except for reflex movements, no response to painful stimuli except for reflex movements, and irregular breathing. A comatose person exhibits a complete absence of wakefulness and is unable to consciously feel, speak, hear, or move. He is in a state of coma due to the injury to his cerebral cortex or reticular activating system (RAS).

If a person is in a state of coma or suffering serious pain caused by irrecoverable disease and his survival is absolutely impossible, then he can be helped to end his life by giving lethal injection or suspending live saving machine. This act is generally called euthanasia or mercy killing. Some of the European

Corresponding author:
Maularna Akbar Shah @ U Tun Aung
Department of Fundamental and Inter-disciplinary
Studies,
Islamic Revealed Knowledge and Human Science,
Internatinoal Islamic University Malaysia,
PO Box 10, 50728, Kuala Lumpur.
Email : maularna@iiium.edu.my

countries started euthanasia as an official act, but many other governments still do not agree to formalize it. The same applied to religious community and majority of Muslim state governments. However, Muslim scholars started to wonder whether euthanasia is really unlawful or is there still room available in Islamic judiciary system. Numerous questions have been raised by Muslim communities around the world. Therefore, euthanasia act in Islamic study become imperative.

Euthanasia is generally known as allowing the patient to die. Euthanasia is also understood as assisted suicide, physician-assisted suicide or doctor-assisted suicide. It is also recognized as “mercy killing”, in contemporary literature. In other words, euthanasia is to take a deliberate action with the express intention of ending a life to relieve unbearable suffering. Britannica Encyclopedia referred euthanasia as “act or practice of painlessly putting to death persons suffering from painful and incurable disease or incapacitating physical disorder or allowing them to die by withholding treatment or withdrawing artificial life-support measures.” A physician may, however, lawfully decide not to prolong life in cases of extreme suffering, and he may administer drugs to relieve pain even if this shortens the patient’s life. If he do so, it is considered as homicide or slow killing of a person whose death is not supposed to be in his hand. How Islamic ruling judges euthanasia and what are the impression of Muslim scholars on euthanasia is an interesting episode for researchers.

Presently, experts in this field classified euthanasia in two categories. They are: [1] active euthanasia, [2] passive euthanasia. At the same time, there are two classification of euthanasia under both active and passive euthanasia and they are voluntary euthanasia and involuntary euthanasia.

Classifications of Euthanasia

I. Active Euthanasia

Active euthanasia is an action by medical professional and someone who deliberately kills the patient by giving lethal injection or increasing dose of painkiller medications which may eventually be toxic to the patient. It includes life-ending actions conducted by the patient or somebody else. It is a much more controversial compared to passive euthanasia. This action is criticized by many, including religious, moral, and ethical movement with strong emotion. Euthanasia has been a very controversial and emotive topic for a long time.

ii. Passive Euthanasia

Passive euthanasia is omission of an action that deliberately letting the patient to die. It can be either not doing something necessary to keep the patient alive, or stopping doing something which keep the patient alive, for example, removal of feeding tube, withholding lifesaving activities, or suspending life-extending drugs or surgery.

iii. Voluntary Euthanasia

Voluntary euthanasia is either an act or omission conducted by medical doctor or someone else with proper consent from the patient by giving lethal injection or high dose of painkiller injection or removal of medical attention including all facilities that keep the patient alive. If the patient himself ends the life sustaining drug or feeding tube and lifesaving facilities, even though he could not bear intractable pain or could not tolerate his family’s burden on his medical care, it indicates that he had committed suicide. Suicide is defined as the act or instance of taking one’s own life, voluntarily or intentionally, in order to escape from an unbearable psychological or physical situation.

iv. Involuntary Euthanasia

Involuntary euthanasia is letting the patient die without his consent or permission. This type of euthanasia is conducted with consent of family of the patient or following decision of medical doctor. However, some of the opponent of this act blames it as homicide because it is an act of physician assisted killing. Homicide is the deliberate and unlawful killing of one person by another. Although the consent of the patient is given as he could no more bear the suffering, ending life of a person is not supposed to be the job of any human being.

History of Euthanasia

The term euthanasia is the combination of two Latin words, Eu and Thanasia. Eu means well and thanasia is death, meaning, mercy death or what we call today as mercy killing. This act is used in the area of bioethical and medical ethics, for the act is essentially important for social concern as it is conducted for the patient whom survival is absolutely hopeless. The conduct of euthanasia has been in practice since a long time ago. It was traced that it has started in the period of Greek and Rome. Socrates, Plato and Seneca, the Elder supported euthanasia, but some other counterparts in that era had objected the act as it is unethical and against the wish of eternal God.

In the middle age of 15th century and onwards, famous scholars like, Francis Bacon, John Bunyan and Heinrich Marx opposed the concept of euthanasia with the reason that it is against natural human instincts of survival and the laws of God and Nature. However, in the age of Enlightenment, some of the scholars like Thomas More started positive writing about the practice of euthanasia in Utopia. The acceptance of this concept continues to grow among scholars in Europe. Samuel Williams, a school teacher wrote about the act of euthanasia in patients who were hopelessly ill and irrecoverable by administration of painless anesthetic agent, chloroform. This act was carried out to end the patients’ life quickly and painlessly, with the consent of the patients.

In America, Felix Adler, circa 1913, was the first prominent American to argue for permitting suicide

in cases of chronic illness. No interest was shown in his proposal except by Henry Hunt who presented to the Ohio Legislature a petition to legalize euthanasia, however, it was rejected. In Britain, Charles Kellick Millard tried his best to legislate euthanasia, but was not successful. During the second world war, the Nazi authority committed state sponsored euthanasia, killing 300,000 disable children who were not terminally ill by administration of gas without the agreement of their parents. In 1949, the Euthanasia Society of America presented an appeal to the state legislature for acceptance, but it was confronted by the Catholic Church with the reason that it is against the fifth commandment of God, *“Though Shalt Not Kill”*. The petition did not lead to a law.

21st century and Euthanasia

After a long battle of legalization, today, some of the governments around the world legalized voluntary euthanasia because it acts with the consent of the patient due to unbearable suffering. As of 2015, euthanasia is legal in the Netherlands, Belgium, and Luxembourg. In America, the state of Oregon legitimately legalized euthanasia, in particular, voluntary active euthanasia where consent of patients is obtained. Assisted suicide is legal in Switzerland, Germany, Albania, Colombia, Japan and in the US states of Washington, Oregon, Vermont, New Mexico and Montana. The legislation of euthanasia in these countries is sanctioned on the basis of several factors, helping not only the patient but also assisting members of the family of the patient and government itself. In fact, the decision to die is a personal one, however it may affect others particularly family members. Clearly it has the greatest impact on the person who decides to die. They will have to deal with many circumstances that are beyond their management. Everyone want their love one's to end in peace without suffering, but at the same time, their trauma by watching their love in pain is unacceptable. Euthanasia can help saves expenses of both the state and family of the patient. There are two types of expenses, first, the government sector, spending for health care systems including hospital, staff, doctors, nurse, medicine, maintaining of the hospital, etc. At the same time, the family members have to pay expenses for maintaining the patient, sometimes beyond their reach.

Positive View of Euthanasia

Many opposed the concept of euthanasia, but a large number of people are interested to support the idea because: [1] self-determination is the right of everyone, thus right to choose their fate is fair, [2] instead of letting the patient suffered, he should be assisted to end the suffering, [3] the distinction between passive euthanasia, which is often permitted, and active euthanasia, is not substantive, [4] decision of mercy killing is absolutely appropriate if patient's body is in gradual decline, their organs are in continuous

failure, or their agonizing pain is unbearable. The cost of their artificial support system is beyond their limit.

In some cases, the illness will slowly destroy their minds and their essence of themselves. The huge amount of medications required to control their pain will often leave them in a delirious and incapable state. At least five percent of terminal pain cannot be controlled, even with the best of care. Faced with this, it is surely more humane that they be allowed to choose the manner of their own end, and have the assistance of a doctor to die with dignity. Let consider the example of a cancer patient who opts not to put herself through the agony and uncertainty of chemotherapy. In such a circumstance, we accept that a person may accept the certainty of death with grace and reason rather than chasing after a slim probability of living longer but in pain.

Negative View of Euthanasia

The famous opponent of euthanasia in America, Ezekiel Emanuel explained four major reasons in which the act should not be allowed: [1] the last stage of life is not always painful, [2] effective pain relief injections are widely available today, [3] moral significance is established between active and passive euthanasia, [4] legalization of euthanasia will divide the society apart. Herbert Hendin justified the rejection of euthanasia stating that there is no comparison between the right to life and other rights. When you choose to remain silent, you may change your mind at a later date; but when you choose to die, you have no such second chance. Arguments from pro-life groups suggest that nearly ninety-five percent of those who killed themselves have been shown to have a diagnosable psychiatric illness in the months preceding the suicide. Majority suffer from depression that can be treated. If they had been treated for depression as well as pain, they may not have wanted to commit suicide. Participating in someone's death is also participating in depriving them of all choices they might make in the future, and is therefore immoral.

Euthanasia from Islamic Perspective

Noble and moral attitudes are reflected as shining values by which people are peaceful and acceptable, and society is prosperous. In the case of euthanasia, is it acceptable to the norm of society or is it objectionable? The issue cannot be avoided as one of us may face such a condition at our end time. In this case, which type of the euthanasia either active or passive euthanasia is islamically acceptable? It can be scrutinized in the light of the Quran and Sunna. In fact, killing a person is worse than leaving him to die. Islam does not allow killing but dying itself is part of our faith. Under this circumstance, can we say that active euthanasia is not permissible as it deliberately ends the life of the patient? Or passive euthanasia is acceptable for it allows the patient to end his life by withholding lifesaving mechanism? One thing is sure that

everyone is to taste the death, either they like it or not, but the question is how to die, naturally or die in someone hand?

Al Qur'an categorically said: "Do not take life, which Allah made sacred, other than in the course of justice". Life of a person belongs to his lord, Allah SWT where a person lifespan is already destined, and he cannot be alive when his time for departure has arrived. No one or no lifesaving machine can delay his departure. In this regard, Allah SWT said: "*When their time comes, they cannot delay it for a single hour nor can they bring it forward by a single hour*". Many people thought lifesaving drug and feeding tub with high dose painkiller injection can keep the life of terminally ill patient. However, in fact, life and death of everyone is in the hand of Allah SWT; no one die except with the order of Allah. In this regards, Allah said: "And no person can ever die except by Allah's leave and at an appointed term". Islam advises the followers that they are created by Allah, SWT and He is the one who can give life and death, he said: "He is the One Who has given you life, will cause you to die and then will bring you back to life again - yet man is indeed very ungrateful".

This Quranic instruction emphatically reminding us about our life and death which is in the hand of Allah SWT only and we cannot take it in our hand. Otherwise Allah, SWT will not be pleased with us as our Prophet PBUH said: "Amongst 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". Therefore, active euthanasia in the form of voluntary classification is not allowed in Islam. Sheikh Yusuf Qaradawi said: "This act of euthanasia is Islamically forbidden, for it compasses a positive route on the path of a physician. To end the life of the patient and haste it via lethal injection, electric shock, a sharp weapon or any other way is an act of killing and killing is a major sin thus forbidden in Islam, the religion of pure mercy".

The International Islamic Code for Medical and Health Ethics makes clear prohibition of active euthanasia and physician-assisted suicide in article sixty-one as follows: "Human life is sacred, and it should never be wasted except in the cases where Shari'a specified in the law. This is the question that lies completely outside the scope of medical profession. A physician should not take an active part in terminating the life of a patient, even if it is at his or his guardian's request, and even if the reason is severe deformity, a hopeless, incurable disease, or severe, unbearable pain that cannot be alleviated by the usual pain killers. The physician should urge his patient to endure and remind him of the reward of those who tolerate their suffering. This particularly applies to the following cases of what is known as mercy killing, that includes (a) deliberate killing of a person who voluntarily asks

for his life to be ended, (b) physician assisted suicide, and (c) deliberate killing of newborn infants with deformity that may or may not be treated".

Passive Euthanasia or Removal of Lifesaving Mechanism

Since active or physician assisted suicide are not allowed in Islam, then it is incumbent to think about passive euthanasia as there might be some reason by which the light of Shari'a would assist on the quest for euthanasia in Islam. The fundamental question is that if a person is sick, should he seek medical treatment? In this regard, one should seek medication as our prophet PBUH, said, when the Bedouins came to him and said, '*O' Messenger of Allah, should we seek medicine? 'Yes, O' slaves of Allah seek medicine, for Allah has not created a disease except that he has created its cure, except for one illness.*' They said, '*And what is that? He said, Old age.*

Now it is very clear that when a person is sick, he can seek medication. Another question come up here is that if medication proven to be useless, then what the patient should do? In that case, majority of scholars said, the patient's fate should be placed in the hand of Allah SWT while stopping the medications. The evidence is the hadith of Aishah, where she relates about an incident before the demise of the Prophet Muhammad SAW. She states: "We put medicine in one side of his mouth, but he started waving us not to insert the medicine into his mouth. We said: he dislikes the medicine as a patient usually does. But when he came to his senses he said: Did I not forbid you to put medicine by force inside of my mouth?".

Moreover, some scholars dispute over which is better for the patient: treatment or showing endurance. Those who maintain that showing endurance is far better, based their judgement on the narration of Ibn Abbas Ata ibn Abi Rabih, said: Ibn Abbas said to me: "May I show you a woman of Paradise? I said: Yes. He said: Here is this dark-complexioned woman. She came to Allah's Apostle SAW and said: I am suffering from falling sickness and is become naked; supplicate Allah for me, whereupon he said: Show endurance as you can do and there would be Paradise for you and, if you desire, I supplicate Allah that he may cure you. She said: I am prepared to show endurance, but the trouble is that I become naked, so supplicate Allah that he should not let me become naked, so he supplicated for her."

The majority of scholars (Hanafi and Maliki) said that medical treatment is mubah (permitted). The Shafi'is, and al-Qadi, Ibn Aqeel and Ibnul-Jawzi among the Hanbalis, said that it is mustahabb (recommended), because of the hadith "Allah has sent down the disease and the cure, and has made for every disease the cure. So, treat sickness, but do not use anything haram," and other ahadith

which contain instructions to seek cures. They said: the fact that the Prophet (peace and blessings of Allah be upon him) used cupping and other kinds of treatment indicates that medical treatment is permitted. For the Shafi'is, treatment is *mustahabb* when there is no certainty that it will be beneficial, but when treatment is certain to be beneficial (such as putting a dressing on a wound), then it is *wajib* or obligatory (an example would be blood transfusions in certain cases).

Concerning the *sahih* ahadith that speak about medical treatment, Ibnul-Qayyim said: This does not contradict *tawakkul* (putting one's trust in Allah) just as warding off hunger, thirst, heat and cold does not contradict *tawakkul*. The essence of *tawakkul* is not complete without resorting to the means which Allah has set out in order for us to achieve results both according to His decree (*qadr*) and His laws (*shar'*). Not using these means is contrary to *tawakkul*: it goes against and undermines the command and wisdom of Allah, although the one who neglects the means may think that this makes his *tawakkul* stronger. Ignoring the means is a sign of helplessness that goes against the true essence of *tawakkul*, which is that the heart relies on Allah to bring the slave whatever will benefit him in this world and the next, and to protect him from whatever may harm him in this world and the next. But along with this reliance, it is essential to take the appropriate means, otherwise he will be going against the wisdom and command of Allah. Helplessness should not be taken as a sign of *tawakkul*, nor should *tawakkul* make a person helpless.

It is already stated that active euthanasia or physician-assisted suicide is not authorized in Islam. However, it is also indicated in Islam that when the patient condition is hopeless and there is no medication that work on the patient, then it is better to stop curing and end the life support system and leave the patient with *Sabar* (patience). This concept is equal to the concept of passive euthanasia as per Islamic Code of Medical Ethics which was endorsed by the 1st International Conference on Islamic Medicine held in Kuwait in 1981. It provides the following guidance on the issues: "In his/her defense of life, however, the doctor is well-advised to realize this limit, and never to 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 measures, or to preserve the patient by deep freezing or the artificial methods. It is the process of life; the doctor aims to maintain and not to facilitate the process for dying. In any case, the doctor shall not take a positive measure to terminate the patient's life!"

Sheikh Yusuf Qaradawi's refutation of active euthanasia has been already mentioned earlier and now he has given a green light for passive euthanasia, as he said: "As for the suspension of

medical treatment, when medication thought to be useless, suspension of medical treatment is permissible and sometimes it is even recommended. Thus, the physician can do this for the sake of the patient's comfort and relief of his family. Nothing is wrong in this, *Inshaallah*". Despite allowing the patient to die under such condition, the Sheikh said that the patient should continue to receive the basic human rights of hydration, nutrition, nursing and pain relief cannot be withheld.

Sheikh Qaradawi further commented on withholding and withdrawing of treatment and makes it distinct from mercy killing as follows: "But in cases when sickness gets out of hand, and recovery happens to be tied to miracle, in addition to ever increasing pain, no one can say treatment then is obligatory or even recommended. Thus, the physician's act of stopping medication, which happens to be of no use, in this case may be justified, as it helps in mitigating some negative effects of medications, and it enhances death. But it is different from the controversial mercy killing as it does not imply a positive action on the part of the physician; rather, it is some sort of leaving what is not obligatory or recommended and thus entails no responsibility".

Since fatwa from one scholar is not a strong *Dalil*, the fatwa from other scholars are also obliged to be mentioned here. Thus, the same question is forwarded to Sheikh Muhammad Salih al Mujaddid, that if a person was dying from a terminal illness, and treatment offered was unlikely to benefit, (although a remote possibility that it could help), does the person have to take the treatment, as the treatment has many bad side-effects, and the person may not want to suffer them? In general, does a Muslim have to take medicine for illnesses, or is it optional? He said that in the situation described, there is no certainty that treatment will be of benefit, and indeed it is likely to cause suffering to the patient, then there is nothing wrong with not giving the treatment. The patient should not forget to put his trust in Allah and seek refuge in Him, for the gates of Heaven are open to those who call on Allah. He may also seek treatment *Ruqya* by reciting *Qur'an* such as reading *al Faatihah*, *al Falaq* and *al Naas* over himself. This will benefit him psychologically and physically as well as bringing him rewards. Allah is the healer and there is no healer but He.

In the case of those patients whose revival is absolutely impossible, resuscitation is not allowed according to the statement of "standing committee for Academic Research and Issuing fatwas" with the attestations of Shaykh *abd al Azeez ibn Abdullah ibn Bas* and Shaykh *abd al Razzaq Afifi*. Since resuscitation is not allowed, then leave the patients on Allah SWT and Allah will take him when his time come. Resuscitation exercise should not be done on those: (1) if the patient is taken to the hospital, he/she is declared dead, (2) if the patient's condition is not fit for resuscitation according to the

opinion of three trustworthy specialist doctors, (3) if the patient's sickness is chronic and untreatable, and death is inevitable according to the testimony of three trustworthy specialist doctors. (4) if the patient is incapacitated or is in a persistent vegetative state and chronically ill, or in the case of cancer in its advanced stages, or chronic heart and lung disease, with repeated stoppages of the heart and lungs, and three trustworthy specialist doctors have determined that. (5) if there is any indication in the patient of brain injury that cannot be treated according to the reports of three trustworthy specialist doctors. (6) if reviving the heart and lungs is of no benefit and not appropriate because of a certain situation according to the opinion of three trustworthy specialist doctors.

This fatwa has been endorsed by the IMANA, Islamic Medical Association of North America but they do not recommend suspension of nutrition and hydration. "IMANA believes that when death becomes inevitable, as determined by physicians taking care of terminally ill patients, the patient should be allowed to die without unnecessary procedures. While the patient is still alive, all ongoing medical treatments can be continued. IMANA does not believe in prolonging misery on mechanical life support in a vegetative state. All of the procedures of mechanical life support are temporary measure. When a team of physicians including critical care specialists have determined, no further or new attempt should be made to sustain artificial support. Even in this state, the patient should be treated with full respect, comfort measures and pain control. No attempt should be made to withhold nutrition and hydration. In such cases, if and when the feeding tube has been withdrawn it may not be reinserted. The patient should be allowed to die peacefully and comfortably. No attempt should be made to enhance the dying process in patients on life support, as suicide and euthanasia are prohibited in Islam. Quran (17:33).

Organization of Islamic Conference (OIC) issued a fatwa by its Council of Islamic Jurisprudence (Majma' al -Fiqh al-Islami) that allow withholding of lifesaving mechanism in a terminally ill patient whose brain has totally dysfunction . The fatwa was issued at its 10th session on the 24/2/1408 AH in Amman, Jordan. "In the case of patient whose body has been hooked up to life support, it is permissible to remove it if all his brain functions have ceased completely, and a committee of three specialist, experience doctors have determined that this cessation of function is irreversible, even if the heart and breathing are still working mechanically with the help of lifesaving machine".

CONCLUSION

Death is definite, and everyone has to taste it without any doubt. But for the terminally ill patients, euthanasia has been one of the

contemporary medical issue of interest to many scholars with their respective opinions. In summary, from many fatwas and opinions on euthanasia, it is justifiable to conclude that active, voluntary, involuntary, physician assisted suicide are all illegal and are not recommended according to the majority of Muslim scholars. With regards to passive euthanasia, after verification of many Muslim scholars' fatwas, it is permissible, with the condition that three medical expert opinions are sought. In addition, initiating life support mechanism to dying person is not allowed as it unnecessarily prolongs the process of dying and causes misery. However, it is not permissible to discontinue food and hydration.

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