

LIFE, DEATH, AND THE LAW: EUTHANASIA IN THE NIGERIAN LEGAL SYSTEM AND ISLAMIC PERSPECTIVE

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Abstract

The debate on the legality or otherwise of euthanasia and physician-assisted suicide is gathering momentum globally from the legal, social, and spiritual perspectives. This is due to the sanctity and dignity of human life. Many countries of the world have legalized passive euthanasia, while few others have legalized active euthanasia. Islam emphatically prohibits active euthanasia, while it is debatable with respect to passive euthanasia. In developing countries like Nigeria, patients who suffer from terminal illnesses live in agony and pain before they eventually die. This is due to poor health facilities and inadequate medical staff to manage these patients properly. This research examines the legal and Islamic perspectives on euthanasia within the Nigerian context, focusing on the legal and religious dimension surrounding the right to die. The work is motivated by the way some scholars equate withdrawal from treatment without more as a passive euthanasia and how Muslims are confused on Islamic ruling on euthanasia. The work discussed the constitutionality of euthanasia under the Nigerian legal system and the position of Islam on euthanasia. The objective of this study is to explore the extent to which Nigerian law accommodates or prohibits euthanasia and juxtapose this with Islamic position. Doctrinal method of research is adopted, relying on thorough analysis of constitutional provisions and sources of Islamic law. The work found that intention of the patient is what determines whether the action of the patient is indeed euthanasia and whether it is permissible under Islamic law. It concludes with recommendations on the need for Muslims to be cautious in practicing euthanasia and the need for

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government to have a well-defined policy that will assist patients that are terminally ill.

Keywords: euthanasia, Islam

1. BACKGROUND

It is an undisputable fact that all soul shall die at an appointed time. Death is certain and inevitable end that has no solution or cure even in the scientific world. It is an unwanted truth that all human beings believe in. Death is not respecter of age, wealth, social class or faith. Human beings have seen their love ones dying and are helpless about it. What is scarier is that death has no calendar as such nobody knows when he/she will die. In the word of Anthropologist, Ernest Becker (1973) “the idea of death, the fear of it, haunts the human and animal like nothing else; it is the mainspring of human activity – activity designed largely to avoid the fatality of death, to overcome it by denying in some way that it is the final destiny for man.”

If man is given the choice, naturally, every man will choose to die peacefully, naturally and painlessly. However, this is not the destiny of some human beings with an agonizing and incurable terminal illness. Besides, it is heartbroken for a relative to see the harrowing difficulty their love one passes through as a result of excruciating pain from a terminal illness with very little or no hope of survival. To end their suffering, dying patients may take their lives with the hope of bringing an end to their unabated sufferings.

The concept of Euthanasia (the right to end one’s life) has provoked legal, moral, philosophical, and religious debates in the contemporary world. This is because it appears to be a paradigm shift from the well-entrenched belief in the sanctity of human life. Euthanasia is increasingly being touted as a beguilingly simple solution to the

tragedy of a bodily, incurable, terminal illness. It is to bring about a gentle and easy death in the case of an incurable and painful disease.¹

Islam, being a complete way of life and total submission to the will of Almighty God, makes provision for every aspect of human life from the time a person is born to his death. Thus, the merciful death of a terminally ill patients certainly has a ruling in Islam. From the Islamic point of view, discussion on euthanasia revolves around ethics and the sanctity of human life. Rooted in Islamic teachings, the stance on end-of-life decisions reflects a balance between compassion and adherence to divine will. Understanding the Islamic perspective on euthanasia requires delving into the intricate intersections of faith, morality and the ethical complexities surrounding the delicate issue of intentionally hastening death. Therefore, the relationship between law and religion from the Islamic ruling on euthanasia is two sides of coin.

The growing rate of terminally diseases like cancer, hepatitis and other diseases that are difficult to cure makes patients suffering from these types of diseases to suffer for a long time under dehumanizing condition before they eventually die. The condition of these patients is worse in developing countries due to poor medical facilities and ravaging poverty. Seeing these patients suffer endlessly with very little hope or no hope for survival agitates the mind of this researcher to investigate the Islamic position of euthanasia. This is with a view to bringing out clearly what does Islam says about a dying patient and whether a patient can hasten his death in a merciful way.

The objective of this paper is to discuss the concept of euthanasia and the legal/constitutional perspective, the Islamic perspective of

¹ Dharmender Kumar Nehra and Pradeep Kumar and Sheetal Nehra, "Euthanasia: An Understanding Delhi" *Journal of Psychology* (Global Vision publishing House:2013) 56.

euthanasia, make observations, and finally make recommendations. To achieve this, the researcher adopts the doctrinal research approach. Primary and secondary sources of Islamic law will be examined and analyzed, as well as relevant constitutional provisions.

2. THEORETICAL FRAMEWORK

This study adopted John Locke's theory of natural rights. This theory is based on the proposition that human beings possess certain inalienable rights by virtue of existence of state of nature. This theory provides a relevant philosophical foundation for this research because it hinges on basic rights which are derived from law of nature. It recognizes life and fundamental freedom as inherent in human beings. This theory enables an examination of whether the right to life is primarily a protection against unlawful interference and whether it encompasses individual liberty in end his life decisions and how such rights may be limited to preserve the interest of society and moral order. It further provides a framework for examining whether the deliberate termination of human life constitutes an impermissible violation of the right to life, even where the individual concerned consents to the act.

3. CONCEPTUAL CLARIFICATION

This research analyses euthanasia from the Islamic point of view and the legal perspective under the Nigerian Constitution. In research of this nature, certain concepts are essential and their explanation is necessary for proper appreciation of the work. This part of the work involves an attempt to clearly define and explain key concepts in the work. This is with a view to eliminating ambiguity or confusion by providing precise explanations and ensuring that the work conveys clear and well understood message. Conceptual clarification is essential for clarity and coherence of ideas, arguments and discussion.

4. WHAT IS EUTHANASIA?

The word euthanasia is derived from two Greek word “eu,” which means ‘good’, and thanatos’ means ‘death’. Originally, euthanasia meant the condition of good, gentle, and easy death.² The Oxford Advanced Learner’s Dictionary defines euthanasia as the practice of killing without pain of a person who is suffering from an incurable and painful disease.³ This definition is similar to the one offered by Marvin Kohl (1974, P.94).⁴ The problem with this definition is attaching preference to ‘painless’ and ‘quickness’ without more. Going by the strict wordings of this definition, it will amount to euthanasia where a person silently administers a painless injection to a person he dislikes who is terminally ill in order to hasten his death. But obviously it is a case of murder not euthanasia.

Merriam-Webster dictionary defines euthanasia as “easy and painless death, or an act or method of causing death painlessly to end suffering.”⁵ Although this definition captures the motive behind causing death, which is to end suffering, it nevertheless centers on ‘painless’ death. It is observed that painlessness of the act is not a precondition of euthanasia. If, for instance, there are two methods of causing the death of a terminally ill patient. One of the methods is painless but requires days to work, while the other method is relatively painful but works instantly. The fact that the latter method is used to cause the death of the patient does not disqualify it as being euthanasia

² Dyer, O and White C. and Garcia Rada A. ‘Euthanasia and Assisted Suicide in Western Countries: A Systematic Review available at <http://dx.doi.org/10.1590/1983-80422016242136> accessed 6/2/2020.

³ Ogunsola B.O, “Euthanasia-Church Reaction to its Practice.” *Journal of Human Studies* (2000) vol. 3, No. 1, P.17.

⁴ Who defines it as “...the painless inducement of a quick death”.

⁵ Mahmud A.Y., *Euthanasia: A Muslim’s perspective* available at <http://dx.doi.org/10.7833/115-0-1175> accessed 6/2/2020.

simply because the patient's death is relatively painful but the quickest method.⁶

According to Glanville Williams, euthanasia is either an assisted suicide or a killing by another for humanitarian reasons and by merciful means, generally with the consent of the person killed, in which case it is referred to specifically as voluntary euthanasia.”⁷ The last clause of this definition renders the definition restrictive by limiting it to voluntary euthanasia. Again, Glanville fails to capture the condition of the person who dies. Therefore, euthanasia is the act of causing the death of a human being who is terminally ill in a humane and merciful manner with a view to bringing an end to the suffering of the patient.

4.1. Classification of Euthanasia

There are four classifications of euthanasia, to wit: active euthanasia, passive euthanasia, voluntary euthanasia, and involuntary euthanasia.

1. Active Euthanasia

Active euthanasia is an action by medical professional or someone who deliberately kills the patient by giving lethal injection or increasing dose of painkiller medications which as the result of being toxic to the patient. It includes life ending actions conducted by the patient or somebody else.⁸ Active euthanasia requires an action with a view to bringing an end to the life of a terminally ill patient.⁹

⁶ Tom L. Beauchamp, Arnold I. Davidson ‘The Definition of Euthanasia available at <https://academic.oup.com/jmp/article-abstract/4/3/294/899452> accessed 6/2/2020.

⁷ Ibid.

⁸ Maulana A.K. “Euthanasia from the Islamic Perspective: Enduring life of a Patient whose Recovery is absolutely impossible” *IIUM Medical Journal Malaysia* (2018) (17)2.

⁹ Mahmud A.Y. Euthanasia: A Muslim's Perspective available at <http://scripture.journal.ac.za> accessed 7/02/2020; active euthanasia is legal in a

2. Passive Euthanasia

Passive euthanasia is the omission to do an act deliberately which such omission hastens the demise of the patient. It can be either not doing something necessary to keep the patient alive, or stopping doing something which keep the patient alive.¹⁰ For example removing oxygen from a patient on life support, removal of feeding tube, refusing to conduct dialyses to a patient with kidney failure, suspending life-extending drug etc.

3. Voluntary Euthanasia¹¹

Voluntary euthanasia could be active or passive euthanasia. It is either an act or omission conducted by medical doctor or someone else with proper consent of the patient by giving lethal injection or high dose of painkiller injection or removal of anything that support the life of the patient including refusal to give drug or any medical attention necessary to support the life of the patient.¹² Thus, in voluntary euthanasia, the person willingly and freely makes the decision to end his life. Although it may be executed with the assistant of a doctor or other personnel, but it is the person that consent to die through the assistance of the doctor or the third party.

number of nations and jurisdictions, including Switzerland, Belgium and Netherlands as well as the US states of Washington and Oregon. But this is till illegal in India.

¹⁰ Mahmud, A.Y. Ibid; In India on the 07/03/2011, the Supreme Court of India legalized passive euthanasia by means of the withdrawal of life support of patient in a permanent vegetative state. The decision was made as part of the verdict in a case involving Aruna Shanbaug, who has been in a vegetative state for 37 years. See <https://www.reserachgate.net/publication/257626984> accessed 07/02/2020.

¹¹ Ibid

¹² Active Voluntary Euthanasia is legal in Belgium, Luxembourg and Netherlands. Passive Voluntary euthanasia is legal throughout the United State. See *Cruzan V. Director, Missouri Department of Health*.

4. Involuntary Euthanasia

Involuntary euthanasia is letting the patient die without his consent or permission. This type of euthanasia is conducted with the consent of the patient's family or following the decision of a medical doctor. Examples include child euthanasia, which is illegal worldwide but decriminalized under certain specific circumstances in the Netherlands under the Groningen Protocol.¹³ Thus, involuntary euthanasia entails ending a person's life without his consent. This differs from voluntary euthanasia because the choice is not made by the person who dies.

5. EUTHANASIA AND ASSISTED SUICIDE: THE DIFFERENCE

The dividing line between Euthanasia and assisted suicide is very thin. Thus, many people confuse the two to mean one and the same thing. Assisted suicide indeed has the same goal as euthanasia, that is, causing the death of a person. The difference between the two terms lies in how the result of causing the death is achieved. While in assisted suicide the person ends his life by taking the death-inducing substance, even though with the assistance of a physician;¹⁴ In euthanasia, another individual administers the substance that causes the death of the patient.¹⁵

5.1 Research Question

The question of euthanasia raises legal and religious considerations concerning the sanctity of human life, individual autonomy, and

¹³ Euthanasia: An Understanding available at <https://www.researchgate.com/net/publication/2526984> accessed 2/2/2020.

¹⁴ See <http://www.dovepress.com/testimonials.php> accessed 5/2/2020.

¹⁵ Dharmender K.N. Euthanasia: An Understanding available <https://www.researchgate.net/publication/252626984> accessed 2/2/2020; Assisted suicide is allowed in four Western European countries: the Netherlands, Belgium, Luxembourg and Switzerland; two North American countries; Canada and US in the States of Oregon, Washington, Montana, Vermont and California and in South America: Colombia.

prohibition of intentional killing. Within the Nigerian legal system, the absence of a single statutory framework expressly making provision for euthanasia raises questions concerning the legality or otherwise of euthanasia. From the Islamic perspective, the issue requires examination of the sanctity of life, prohibition of taking human life, the ruling on actively causing death and allowing the natural process of dying. Against this background, this research seeks to answer the following questions:

- i. What is the legal status of euthanasia under the Nigeria criminal law?
- ii. How does Islamic jurisprudence classify withdrawal of life support of a patient?

5.2 Methodology

This section outlines the methodological framework employed in this research to investigate the Islamic perspective of euthanasia as well as the constitutional position of the position of the concept of euthanasia. This research adopts doctrinal research approach in investigation the Islamic ruling on euthanasia. This approach is proper and appropriate in this research because is most suitable in analyzing legal and religious texts systematically and authoritatively. Islamic ruling is derived from both the primary sources¹⁶ as well as the secondary sources¹⁷. Since euthanasia is a moral and legal issue, it requires interpreting these sources to determine the Islamic stance. This approach will allow the researcher to critically examines and analyze not only the primary and secondary sources but also the Islamic jurisprudential principles that govern life, death and medical ethics.

6. LEGAL AND CONSTITUTION ISSUES REGARDING EUTHANASIA

¹⁶ Primary sources of Islam are the Qur'an and Hadith

¹⁷ The secondary sources are the ijma and Qiyas

Like in many countries of the world, Euthanasia raises legal and constitutional questions in Nigeria. These legal questions include arguments on individual rights as enshrined under Chapter IV of the Constitution of the Federal Republic of Nigeria 1999 (As amended), the role of the state in preserving the protection of the life and welfare of all citizens,¹⁸ and the ethical responsibilities of medical personnel.

6.1 Right to Life

The Constitution of the Federal Republic of Nigeria unequivocally guarantees, protects, and promotes the right to life.¹⁹ Fortunately or unfortunately, there is no right to die in the Constitution. The provision of section 33 provides that:

Every person has a right to life, and no one shall be deprived intentionally of his life save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.²⁰

Going by the clear provision of the above section, euthanasia (voluntary or involuntary) is unconstitutional in Nigeria. Firstly, euthanasia is all about the intentional causing of death of a person who is terminally ill. By the provision of section 33 above, any intentional deprivation of life, which is not in accordance with the provision of the said section, amounts to infringement of right to life.

The International Covenant on Civil and Political Right (ICCPR),²¹ which Nigeria is a signatory also protect right to life. It provides thus:

¹⁸ See Chapter II of the Constitution of Federal Republic of Nigeria, 1999 (as amended)

¹⁹ See Section 33 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)

²⁰ See sub section (2) of the Section for the exceptions to the right to life. See the case of Kadu Vs. State.

²¹ This is an International Instrument under United Nations which embodies civil and political rights otherwise known as the first generation right. Nigeria ratifies the treaty in 1966.

“Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”²²

The first sentence of the last quoted provision proclaims right to life. The second sentence imposes obligation on all state parties to protect the right to life of its citizens. However, the last sentences seem to limit the scope of this right. It only prohibits arbitrary deprivation of right to life. This presupposes that any deprivation of right to life that is not arbitrary is not prohibited by the section. Flowing from the above, euthanasia being a merciful causing of death and in some instance with the consent of the patient (voluntary euthanasia) is tacitly permitted by article 6 of ICCPR. This is in line with the comments from the UN Human Rights Committee,²³ which seems to allow voluntary euthanasia. One leading commentator on the ICCPR observed thus:

If a national legislature limits criminal responsibility here after carefully weighing all the affected rights and takes adequate precautions against potential abuse, this is within the scope of the legislature’s discretion in carrying out its duty to ensure the right... the state’s obligation to ensure does not go so far as to require that life and health be protected against the express wishes of those affected.²⁴

In order to safeguard right to life, the UN Human Right committee emphasized that laws allowing the euthanasia must provide effective procedural safeguards against abuse if they are to be compatible with the state’s obligation to protect the right to life.²⁵

²² See Article 6(1) of International Covenant on Civil and Political Right.

²³ See the UN Human Rights Committee, Consideration of reports submitted by States parties Under Article 40 of the Covenant: Concluding Observations of the Human Rights Committee-Netherlands, Human Rights Committees.

²⁴ Australian Human Rights Commission: Euthanasia, human rights and the law available at www.humanrights.gov.au accessed 6/2/2020.

²⁵ Ibid.

6.2 Right to Dignity of the Human Person²⁶

This right defines the whole essence of human rights, i.e., to protect and preserve the dignity of the human being. This right has three parts, which are:

- i. No person shall be subjected to torture or inhuman or degrading treatment.
- ii. No person shall be held in slavery or servitude; and
- iii. No person shall be required to perform forced or compulsory labor.²⁷

While the position of the above section is clear with respect to involuntary euthanasia, one will find it hard to believe that the prohibition of voluntary passive euthanasia does not amount to torture, inhuman or degrading treatment. This is because prohibition of voluntary euthanasia may force a terminally ill patient to live with extreme and chronic pain against his wish. It is submitted that it is torture to force a person to live in excruciating pain with no hope of recovery and at the same time not knowing when he/she will die. In *Eoukwu v. Ezeonu*,²⁸ Justice Niki Tobi JCA (as he then was) defined 'torture' as putting a person through some form of pain which could be extreme. Explaining the word 'torture', it is argued that it could be a physical brutalization of a human person. It could also be a mental torture in the sense of mental agony or mental worry.²⁹

Article 7 of the International Covenant on Civil and Political Rights imposes an obligation on states to protect persons in their jurisdiction from ill-treatment. One may rightly submit that it amounts to ill-

²⁶ See Section 34 of the Constitution of Federal Republic of Nigeria 1999 (as amended); see also Article 7 of ICCPR.

²⁷ Ibid

²⁸ (1991)6 NWLR (Part 200) 708.

²⁹ Ojukwu Ernest et al Handbook on Prison Pre-Trial Re-trainee Law Clinic (2012: Network of University Legal Aid Institution, Abuja) 95.

treatment to force a patient to take medication against his express wish. In the case of *Pretty v. The United Kingdom*,³⁰ the applicant suffered from motor Neurone Disease; she was paralyzed from the neck down, had almost no decipherable speech and was being fed through a tube. Her life expectancy was a matter of only months or even weeks. However, she had full mental capacity. The court noted thus:

*The final stages of the disease are exceedingly distressing and undignified. As she is frightened and distressed at the suffering and indignity that she will endure if the disease runs its course, she very strongly wishes to be able to control how and when she dies and thereby be spared that suffering and indignity.*³¹

Besides, every individual owns his private life, and forcing him/her to succumb to medication may infringe the right to private life of that individual.³²

6.3 Other Legislation in Nigeria

Nigeria, being a federal state, does not operate a single penal law that is applicable all over the country. Each state has its penal law, with Penal Code Law applicable in most of the states in the Northern Nigeria and Criminal Code applicable in states within the southern part of Nigeria. There is no express provision of the law on euthanasia in Nigeria. This researcher will examine few provisions of the law that are relevant to the topic. For instance, section 223 and 224 of the Penal Code Law of Bauchi State³³ punishes any person who abet the commission of suicide by person under the age of 18 years or insane person or an idiot or a person in a state of intoxication. It is submitted

³⁰ *Pretty v. United Kingdom* (European Court of Human Rights, Chamber, application NO. 2346/02, 29 April, 2007).

³¹ Australian Human Rights Commission: Euthanasia, human rights and the law available at www.humanrights.gov.au accessed 6/2/2020.

³² See Section 37 of the Constitution of Federal Republic of Nigeria, 1999 (as amended) and Article 17 of the International Covenant on Civil and Political Right.

³³ Bauchi State Penal Code Law 2022, No.3, vol.1

that a person in s state of coma or a severe bodily pain that makes him/her difficult to make an inform decision shall fall under this category of persons. Based on the provision of section 223 of this law, it appears that abetting a person above eighteen years that is sane to commit suicide is not an offence.

In Lagos State, section 205 of Criminal Code of Lagos State provides that subject to the provision of the law, consent by a person to the causing of his own death does not affect the criminal responsibility of any person by whom such death is caused. This section clearly provides that consent of a patient to die does not exonerate the medical practitioner of criminal liability. Therefore, the fact that a patient has requested death or consented to a lethal procedure does not exonerate the medical practitioner of criminal responsibility. Section 218 of the same law expressly makes it an offence, any person who by his act or omission hastens the death of another person, who is suffering from disease or disorder. Going by these provisions, euthanasia is outrightly prohibited.

The principle of euthanasia received judicial pronouncement in Nigeria in the case of *Danladi v. State*,³⁴ where the court observed: "The appellant made heavy weather of the fact that the deceased was suffering from shortage of blood-anaemia. In the landscape of criminology, that was not a justification for the appellant to terminate the deceased's life. The defense exudes the hallmarks of mercy killing or euthanasia: "The act or practice of causing or hastening the death of a person who suffers from an incurable or terminal disease or condition, especially a painful one, for reasons of mercy". On this score, the appellant cannot take shelter under the sanctuary of euthanasia. Secondly, the hallowed principle of criminal law is that an accused person must take his victim as he finds him. Thus, an accused

³⁴ (2025) LPELR-80672(SC)

cannot take refuge under the infirmity of the victim as he remains criminally responsible/liable if death is a progeny of his act on an ailing victim”.

Also, the Court of Appeal pungently pronounced that euthanasia is not recognized as a defense under Nigerian criminal jurisprudence in the case of *Mebele v. State*³⁵ where it held as follows: "The other defense, contrived by the appellant to insulate it against the crime, pertains to the deceased's ailment. It was contended, on behalf of the appellant, that the deceased was sick, suffering from cough and pneumonia. The import of the defense, in my humble view, is that since the deceased was unhealthy, it was necessary to snuff life out of her by accelerating her death. This defense, to all intents and purposes, exudes the hallmarks of mercy killing or euthanasia (easy death) - "The act or practice of causing or hastening the death of a person who suffers from an incurable or terminal disease or condition, especially a painful one, for reasons of mercy". In our criminal jurisprudence, the defense of euthanasia/mercy killing is not available to an accused charged with homicide. The reason is plain. Every person is entitled to his right to life as guaranteed and propagated in Section 33 of the Constitution, as amended. Incontestably, the right to life is not an absolute or inviolable one as it admits of certain exceptions in deserving circumstances under which a citizen may lose his life”. Therefore, based on the provision of the law and the judicial authorities, euthanasia is not permissible under the Nigerian Law.

7 ISLAMIC POSITIONS ON EUTHANASIA

More than any religion or legal system, Islam treat life of a human being as sacred. Allah says “Do not take life which Allah made sacred,

³⁵ (2022) LPELR-57156(CA)

other than in the course of justice.”³⁶ Allah describe the killing of human being without a just cause a skilling of the entire human race.³⁷ This shows the gravity of killing a human being. The Prophet Muhammad (SAW) is reported to have said: “*The biggest of the great sins (al-kaba’ir) are to join others as partners of worship with Allah, to murder a human being...*”³⁸

The sanctity of life is emphasized by Almighty Allah (SWT) when He (Allah) says “*And do not kill anyone, the sanctity of which Allah has upheld (and has forbidden you to slay) except for a just cause.*”³⁹ These and other numerous instances Islam emphasizes the sanctity of human life and emphatically prohibit killing of human being without a just cause.

7.1 Islam Ruling on Active Euthanasia

Active euthanasia and physician assisted suicide are prohibited in Islam. Muslim jurists are unanimous on the prohibition of active euthanasia and they all based their conclusion on clear Qur’anic injunctions and the hadith of the Holy Prophet (SAW). According to Yusuf Al-Qaradawi “This is an act of killing and killing is a major sin and thus forbidden in Islam, the religion of pure mercy.”⁴⁰ Allah (SWT) prohibits self-destruction “And spend in the cause of Allah and do not throw yourselves into destruction and do good. Truly Allah loves good doers.”⁴¹ To seek for euthanasia is to go against the will of Allah. Because Allah alone has control over death.⁴² It is narrated from the Holy Prophet (SAW) who said that He who commit suicide by

³⁶ See Q17:33

³⁷ See Suratul Ma’idah Q5:32.

³⁸ See Euthanasia: A Muslim’s Perspective available at <http://scripture.journals.acaz> accessed 6/2/2020.

³⁹ See Q6:151.

⁴⁰ Euthanasia: A Muslim Perspective Ibid.

⁴¹ Se Q2:195.

⁴² See Q16:61

stabbing himself shall keep on stabbing himself in the hell fire.⁴³ In another hadith, prophet Mohammad (SAW) is reported to have said “Amongst the nations before you there was a man who got a wound, and growing impatient (with its pain), he took 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.’”⁴⁴ Sheikh Yusuf Qaradawi said: “active euthanasia is Islamically forbidden for it encompasses a positive route on the path of a physician.

Therefore, active euthanasia is not allowed in Islam based on the express Qur’anic injunctions and the traditions of the Holy Prophet (SAW). It is indeed a condemnable act.

7.2 Passive Euthanasia

Islam teaches that the control of life and death is in Allah’s hands and cannot be manipulated by human beings. There are arguments among Muslim jurists on permissibility of passive euthanasia. Some jurists do not treat passive euthanasia as euthanasia.⁴⁵ Saudi Arabia’s grand Mufti, Sheikh Abdul-aziz bin Abdullahi bin Baz has ruled that euthanasia or mercy killing (removing life supporting apparatuses keeping alive a person inflicted with an incurable disease or under coma) is un-Islamic. He said life of no person can be taken away for any reason.⁴⁶

⁴³ See Bukhari hadith No. 1363; Muslim hadith No. 110; Abu Dawud, hadith No. 3257. They reported from Thabit bn Dhahaq

⁴⁴ Euthanasia from the Islamic Perspective: Ending life of a patient whose Recovery is Absolutely Impossible, Ibid.

⁴⁵ <https://www.academic.edu/23962813/euthanasia-an-islamic-perspective> accessed 6/2/2020. According to Matlani, some jurist argue that withdrawal or withholding treatment need not constitute a form of euthanasia.

⁴⁶ The top jurisprudential authority of Saudi Arabia headed by Sheikh bin Baz said it was against Shari’a to decide the death of a person before he is actually death. See Islamic voice news sit available at <Islamic voice news site

Muslims generally view affliction with a disease as a test of their faith and that such tribulation contributes to expiation of their sins.⁴⁷ Muslims are expected to preserve whatever type of illness on them because it is a test from Almighty Allah and Allah erase their sins as a result of such illness.

Allah (SWT) says: *“Be sure that we shall test you with something of fear and hunger, some loss in goods or lives or the fruits of your soil, but give glad tidings to those who patiently persevere.”*⁴⁸ Muslim is expected to have faith and with his faith, he is advised to have virtues of patience and endurance to be able to face challenges of life.

On the other hand, other jurists view withholding of treatment to a terminally ill patient as passive euthanasia which is permissible in Islam. They rely on the tradition of Prophet Muhammad (SAW) as reported by Nana Aisha R.A that *“we put medicine in one side of him mouth, but he started waving to us not to 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) in the side of my mouth.”*⁴⁹

According to Sheikh Yusuf Al-Qaradawi,⁵⁰ *“As for the suspension of medical treatment via preventing the patient from his due medication which is, from a medical perspective, thought to be useless, this is and sometimes it is even recommended.”* Thus, the physician can do this for the sake of the patient’s comfort and the relief of his family.

<http://www.islamicvoice.com/july>> accessed via

<<https://www.researchgate.net/publication/228684359>> accessed 2/2/2020.

⁴⁷ Euthanasia: A Muslim’s Perspective Op. cit.

⁴⁸ Q2:155

⁴⁹ Euthanasia: A Muslim’s Perspective Op. Cit.

⁵⁰ Sheikh Yusuf Al-Qaradawi is a popular Egyptian Scholar. He equates active euthanasia with murder but allow holding of treatment that is deemed useless.

Nothing is wrong in this.⁵¹ Similarly, Dr. Muzzami Siddiq,⁵² also permit the withholding of life support. In his words, he wrote *“If the patient is on life support, it may be permissible, with due consideration and care, to avoid, to decide to switch off the life support machine and let nature take its own time.”*⁵³ The Islamic Medical Association of America (IMANA) also add their voice by endorsing the withdrawal of life support for a patients deemed to be in a persistent vegetative state. According to them, all mechanical life support procedures as temporary measures.⁵⁴

Having considered the two contending positions of Islamic jurists on passive euthanasia, the pertinent question to ask is what is the main motive behind euthanasia? The answer to this can be found in the definition of euthanasia. That is to achieve a painless or merciful death of a patient who is terminally ill. One may be right to submit that it is this motive that distinguishes passive euthanasia with suicide. Now is it permissible for a Muslim to withhold treatment with the intention of having a painless death?

Sheikh Muhammad Nasiruddeen Albany⁵⁵ observed that it is unlawful for a Muslim to desire death no matter the severity of his illness. He relies on the hadith of Prophet Muhammad (SAW) narrated by Ummu Fadl (RA) that Prophet (SAW) visited them when Abbas was seriously ill and wishing for death. The prophet (SAW) said to Abbas: do not wish for death because if you have a good deed, Allah should delay

⁵¹ Euthanasia: An Islamic Ethical Perspective available at
<<https://www.researchgate.net/publication/228684359>>

⁵² He is the President of the Islamic Society of North America.

⁵³ Euthanasia: An Islamic Ethical Perspective, Loc. Cit.

⁵⁴ Available at BBC-Religion-Islamic: Euthanasia, assisted dying, medical ethics and suicide
<<https://www.BBC.co.uk/religion/religions/islam/islamethics/euthanasia.shtml>>
accessed 6/6/2020.

⁵⁵ Muhammad Nasiruddeen Albany “Ahkamul Jana’iz, page 12.

your death so that you increase your good deeds. But where you are of bad deed, Allah should delay your death so that you seek for forgiveness. Therefore, do not ever wish death.”⁵⁶ Based on the clear meaning of the above hadith, Prophet Muhammad (SAW) prohibit a Muslim to wish death because of illness.

Bayhaqi reported from Ahmad and he added that the Prophet (SAW) said where the sickness is severe and death is inevitable, do not wish to die. Instead say, “*Oh Allah, make me live as long as life is better for me, and make me die if death is better for me.*”⁵⁷ Thus, wishing for death simply to alleviate suffering (passive euthanasia) is against the teaching of Islam based on the above prophetic traditions. It cannot be changing Allah’s wisdom on a person and we must be patient with what Allah has written for us.⁵⁸

Furthermore, Muhammad Salihul Uthaymin in his book⁵⁹ states that Anas (RA) narrated that prophet Muhammad said you should not wish death because of any illness. Where death is inevitable, pray to Allah for the best between death and survival.⁶⁰ In his comment to the above hadith, Sheikh Uthaymin observed that the illness can be a blessing to the patient and what is better for the patient is to seek for endurance from Allah. He further observed that for a person to wish death, such death may not be the best for the person. Because it is not all human beings that rest after death. Some human beings may face the torment of grave.⁶¹

⁵⁶ See Musnat Imam Ahmad, vol. 6, hadith No. 339; Abu Ya’ala hadith No. 7076; Imam Hakeem Vol. 1, hadith No. 339; Bayhaqi Vol. 3, hadith No. 377.

⁵⁷ See Irwa’ul Ghalil, hadith No. 683.

⁵⁸ See Q39:10 and Q2:155

⁵⁹ Muhammad Salihul Uthaymin “Sharhul Riyadus-as-Salihin, hdith No. 40.

⁶⁰ See Sahih Bukhari, hadith No. 405671; Muslim, hadith No. 2680 and Sunan Tirmidhi, hadith No. 971.

⁶¹ See Muhammad Salihul Uthaymin Op. Cit.

Similarly, a critically ill person often seeks for forgiveness from Allah because he anticipates death more than a healthy person. This is a blessing to the patient. Therefore, for a person to wish death by avoiding treatment that may likely keep him alive fasten his death and he terminates his/her chances of seeking for forgiveness and doing more good deeds. The Ulamas observed that no human being dies without regretting. This is because man is either a good person or a bad person. If a person is good, he will regret not doing more of the good acts and if a person is bad, he regrets not repenting to his bad deeds.

Therefore, the hadith narrated by Nana Aisha, where the Holy Prophet (SAW) refused medicine cannot tallies with passive euthanasia. This is because the prophet's motive for not taking the medicine is not to hasten his death. There is no way a prophet will outrightly forbid something and at the same time do it himself. He forbids us from wishing death by whatever means.

Also, Ayatollah Khomeini⁶²opined that euthanasia in all forms is forbidden (haram)⁶³. Article 61⁶⁴ of the Islamic Code of Medical Ethics provides as follows:

Human life is Sacred, and it should never be wasted except in the cases specified by the shari'a and the law...A physician should not take an active part in terminating the life of a patient, even if it is at his or her 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

⁶² Ayatollah Khomeini was the leader of Islamic Republic of Iran.

⁶³ Olumuyiwa Olusesan Familusi "A Religious Response to the paradox of Euthanasia and Sanctity of Life" *Ibadan Journal of Humanistic Studies* (2017) vol. 27, P.129

⁶⁴ This Article is directly on euthanasia.

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...⁶⁵

The above quoted article outrightly prohibits active euthanasia. Article sixty-two of the same code goes ahead to provide instances not covered by mercy killing mentioned in article sixty-one. The former provides inter alia, termination of treatment when its continuation is conformed, by the medical committee concerned, to be useless, declining to begin a treatment that is confirmed to be useless and the intensified administration of a strong medication to stop a severe pain, although it is known that this medication might ultimately end the patient's life⁶⁶.

7.3 The Christian Perspective on Euthanasia

The Bible is silent about euthanasia. This leads to the debate about the lawfulness or otherwise of euthanasia. Majority of Christians are against euthanasia. The arguments are usually based on the beliefs that life is given by God and that human beings are made in image of God. Therefore, no human being has the authority to take life of any innocent person, even if that person wants to die⁶⁷. It is provided in the bible that human beings are unique among God's creatures having been made in the image of God⁶⁸. The prohibition against killing of legally innocent people is later formalized in the sixth commandment, 'You shall not murder'.⁶⁹ It is argued against euthanasia that death is not the end. God's intervention through Christ's death and resurrection

⁶⁵ Quoted from Olumuyiwa Olusesan Familusi, Op Cit.

⁶⁶ Ibid.

⁶⁷ Religious Perspective on Euthanasia available at <https://www.sju.edu/centers/icb/blog/religious-perspective-on-euthanasia> accessed 22/9/2026

⁶⁸ Genesis 1:26

⁶⁹ Exodus 20:13; Deuteronomy 5: 17

for the sins of human beings⁷⁰ means that through the eyes of faith we man can look forward to a new world after death with God where there is no more death⁷¹. Bible teaches that any means to hasten death in order to alleviate suffering is never justified⁷². Roman Catholic also hold the view that euthanasia is the grave violation of God, since it is the deliberate and morally unacceptable killing of a human person⁷³.

On the other hand, the Methodist Church generally accepts the individual's freedom of conscience to determine the means and timing of death⁷⁴. In 1957, Pope Pius was quoted to have said "patients were bound to take the necessary treatment for the preservation of life and health. Normally, one is held to use only ordinary means-according to circumstances of a person, places, times and culture-that is to say, means that do not involve any grave burden for oneself or another". That statement is interpreted as approval for passive euthanasia⁷⁵.

8. FINDINGS

From the foregoing discussion, it is found thus:

- i. Euthanasia, whether active or passive, is unconstitutional and therefore illegal under the Nigerian legal system.
- ii. Islamic jurists are unanimous on the Islamic prohibition of active euthanasia.
- iii. Islamic jurists are divided on the permissibility or otherwise of passive euthanasia.

⁷⁰ See Romans 5: 8 and Corinthians 15: 3

⁷¹ Euthanasia-what Does the Bible Say? Available at <https://www.cmf.org.uk> accessed 22/9/2026

⁷² For example, Romans 12:9

⁷³ Euthanasia and assisted dying available at <https://www.cmf.org.uk> accessed 23/9/2026

⁷⁴ Olumuyiwa Olusesan Familusi "A Religious Response to the paradox of Euthanasia and Sanctity of Life" *Ibadan Journal of Humanistic Studies* (2017) vol. 27, P.129

⁷⁵ Ibid, page 135

9. RECOMMENDATIONS

- i. This work recommends that Muslims should restrain themselves from practicing euthanasia no matter how serious and terminal the sickness may be. As a Muslim, one should learn to be patient under any condition one find himself. Where the sickness aggravates and becomes unbearable, a Muslim should pray and give choice to Allah between his survival and death.
- ii. Government should provide a framework where patients that are terminally ill will be given special care, moral and financial support to enable them feel loved and part of the society with a view to giving them moral strength.

10. CONCLUSION

Finally, motive to die painlessly is necessary in euthanasia (active or passive euthanasia). Because it is that motive that distinguishes murder and suicide from euthanasia. While it is permissible for a patient to withhold treatment provided his motive is not to hasten his death, (which is not euthanasia) it is unlawful for any Muslim to resist treatment with the intention of having a painless death (passive euthanasia). So, the intention of the patient is what determines the lawfulness or otherwise of his desire to withdraw treatment. This tallies with the hadith of Prophet Muhammad (SAW) *“that all actions are judge according to intention.”*⁷⁶

⁷⁶ See Bukhari, hadith No. 1; Muslim, hadith No. 1097; Abu Dawud, hadith No. 2201. IN his commentary to the hadith, Sheikh Muhammad Salihul Uthaymin observed that in e very action there must be intention and Allah will ask his servant about his intention.