

EUTHANASIA IN IRANIAN AND EGYPT LAW

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Abstract

The issue of Euthanasia is one of the most significant topics of legal medicine and criminal law in most countries. This issue has occupied all religious and signify circles around the world. It happens in situations in which the patient is incurable and in great pain and distress thus asking the doctor terminates his life fool of pain and misery. This act will receive controversial vacations form. Religious scientific and social circles some of the above circles have offered reasons. In this study we are going to consider the laws of the two Muslim countries Iran and Egypt on the issue of Euthanasia and the question of causing death painlessly in an incurable patient out of mercy will be considered in the laws of the two countries to see if it is homicide or not? In Islamic views, human life is so sacred that the holy Quran clearly states that if anyone saves a life, it would be as if he saved the life of the whole people. In Islam life is entrusted to people to care, nurture and safe keep. According to Islamic viewpoints a person does not own his/her body, so he is not permitted to do as he wishes to this body; Islam believes that the Almighty Allah has given us life and he only can take it away, therefore, ending a life personally or having some one to do it to relieve his pain and suffering is not only a crime, but also an unforgivable sin. The Shari'a has great details about the conditions were taking someone's life is permissible. Although Islam too puts great value on the quality of life over the length, in no respect the permission for killing a person in order to relive him of pain and suffering is granted. Therefore, mercy killing and euthanasia which have become controversial issues in the medical profession are issues that have no support in any sect of Islam, while the perspectives of other religions regarding these issues are different.

Keywords: Euthanasia, Shari'a, Law, Iran, Egypt

Introduction

This article discusses the perspectives of the shiite sect of Islam regarding euthanasia, physician assisted suicide and mercy killing. What has made medicine among the noblest and most honorable professions is the fact that in this profession a physician not only has a duty to relieve the physical ailments of his patients, but also has to consider his mental and spiritual needs as well. The safeguarding of the human life, which is the greatest of god's creation, after Allah himself, is entrusted to the physicians. The physician-patient relationship in the Islamic countries mostly leans on the belief that a physician always does the best for his/her patient and always protects life. This belief has established the myth of the "little god" physician in these countries, and has added to the honor and respect and also amount of trust that people bestow on physicians. The role of a compassionate physician is to protect his patient from death at all costs. In fact the regulations governing the practice of the medical profession stipulate that the physician must practice his profession for the benefit of the individual and the community and respect the life, safety and dignity of his patients. New advances in medicine and biotechnology have increased the controversies regarding such ethical issues as euthanasia; physician assisted suicide, or mercy killing. The medical profession in the past dealt only with the issue of saving lives, but it has now been forced to deal with the of subjects such as mercy killing and ending the life in not only an ethical and professional way

but step into the realms of philosophy and religion as well. The popular Egyptian scholar Sheikh Yusuf al-Qaradawi, recently issued a fatwa, or religious ruling, equating euthanasia with murder, but allowing the withholding of treatment that is deemed useless.

Life and death from Islamic perspective

Islamic jurisprudence has four main sources, and all the Muslims rely on these sources to get answers for their questions. The primary source of Islamic law is the holy Quran. The second source is the Sunnah which is the teachings, sayings and the life style of the Prophet of Islam. The third source is Ijma', (meaning consensus or acceptance of a matter by a specified group of people) , and the last one is Aql or reason. Based on these sources Islamic laws and regulations are established and governed. To answer the question of Euthanasia, we will only rely on the primary source which is the holy Quran.

After creating Adam, the Almighty congratulates himself for creating the best of the creations: "so blessed be Allah, the best of the creators ". Allah gave this creation the best position: "certainly we created man in the best make ". But this great creation is also doomed, and in the end death awaits him: "then after that you will most surely die" and " every soul shall taste of death, and you shall only be paid fully your reward on the resurrection day; then whoever is removed far away from the fire and is made to enter the garden he indeed has attained the object; and the life of this world is nothing but a provision of vanities ". Islam emphasizes that man has not created himself; therefore he has no right over his body. Our lives are not our lives for us to do with as we see fit, this life was entrusted to us for care, nurture and safe keep: "surely Allah's is the kingdom of the heavens and the earth; he brings to life and causes to die; and there is not for you besides Allah any guardian or helper" . Imam Ali, the first Imam of the shia Muslims, says that God is the owner and giver of life and his rights in giving and in taking are not to be violated: " He who gives life is he who is the owner of life and he who is taker of live"

In Islam the sanctity of human life is a basic value as decreed by God. The gift of life is so valuable that the holy Quran states that saving of one life is the same as saving all the lives: " for this reason did we prescribe to the children of Israel that whoever slays a soul, unless it be for manslaughter or for mischief in the land, it is as though he slew all men; and whoever keeps it alive, it is as though he kept alive all men; and certainly our messengers came to them with clear arguments, but even after that many of them certainly act extravagantly in the land "

Killing a person is a great sin. The holy Quran clearly points out this issue in the following verses: " and do not kill any one whom Allah has forbidden, except for a just cause, and whoever is slain unjustly, we have indeed given to his heir authority, so let him not exceed the just limits in slaying; surely he is aided "

In these and other verses related to the unforgivable act of killing, Allah states a social and educational fact. If a person kills one person, he would be able to kill others too without having any remorse. Therefore it can clearly be concluded that based on the Shiite doctrine, as well as other sects of Islam, suicide or euthanasia have no place. Attempting to kill oneself or others is a crime in Islam as well as a grave sin. The prophet of Islam (PBUH) has repeatedly warned those who attempt to kill themselves that they will be doomed in the eternity. This religion has listed and specified the indications for taking life (i.e., the exceptions to the general rule of sanctity of human life) and none of these include mercy killing or making allowance for it. Human life is to be respected unconditionally, irrespective of other circumstances. To kill a patient in order to relieve him of pain and suffering has no justification or provision in Islam. Furthermore, Islam has also put value on the suffering itself. In Quran, the Almighty states that Human beings were created to experience difficulties and hardship: "certainly we have created man to be in distress "

Another dimension to the question of pain and suffering is the issue of patience and endurance, which are highly valued in Islam: "And bear in patience whatever (ill) may befall you: this, behold, is something to set one's heart upon." Suffering and pain are seen as forgiveness for the past sins. A person who is patient and endures the hardships will be rewarded, and his reward will be the easier life in the other world: "with difficulty is surely ease "A believer knows that when he is afflicted with pain, if the means of alleviating this pain has fallen short, he could turn to spiritual dimension of his life and stand the pain patiently to be rewarded hereafter. A believer also knows that life does not end in this world and in fact after this life, eternity is awaiting him, which has eternal pain and suffering for the non believers and happiness and joy for those who have endured the hardships, and safe guarded their belief in God: " But they who disbelieve, and deny Our revelations, such are rightful Peoples of the Fire. They will abide therein". "And those who believe and do good works: such are Right owners of the Garden. They will abide therein." A believer knows that the hardships and joys of this world are incomparable to the hardships and joys of the other world. Although seeking medical treatments for an ill person is mandatory in Islam, illness and diseases in fact are viewed as tests for both patients and their families. Illness and specifically pain are not only a warning for the body that something is not right, but also a lesson in endurance for the people and that is to be thankful in times of health and patient in times of sickness. Islam does not look at the disease as just some physical ailments, but as tools for reaching spiritual values. In this regard both sickness and health can be tools for the faithful to get closer to the God. In an Islamic setting a patient must receive every possible psychological support and compassion from family and friends, including the patient's spiritual resources. So, futile or artificial means of keeping a dying patient alive is not also favored in Islam. The Islamic code of ethics states: "In his defense of Life, however, the Doctor is well advised to realize his limit and not transgress it. If it is scientifically certain that life cannot be restored, then it is futile to diligently keep on the vegetative state of the patient by heroic means of animation or preserve him by deep-freezing or other artificial methods. It is the process of life that the Doctor aims to maintain and not the process of dying. ". Islam emphasizes that the process of life must be maintained and not the process of dying.

To make these points more clear, the following passages are questions that a student news agency has put forward to different Shiite Islamic scholars regarding Euthanasia. The question put forward is this: "euthanasia has been interpreted in Persian as mercy killing or killing a patient out of mercy in order to shorten his pain and suffering knowing that based on the current medical science there is no cure or treatment available for him. What is your ruling regarding this type of killing? Can a parent or relative ask the doctor to commit this kind of act? If a physician, based on the patient's request, commits euthanasia, is he reliable?

In regard to this question, Ayatollah Khamanei the supreme leader of Islamic Republic of Iran, a distinguished Shiite Muslim scholar, as well as other well known and respected Shiite scholars including Ayatollah Safi Golpaigani, Noori Hamedani, Makarem Shirazi, Fazel Lankarani, and Bahjat have considered all types of euthanasia including fatal drug injection and physician assisted suicide as haram (forbidden) and a type of murder. Ayatollah Makarem Shirazi rules out that killing a human being is in no way acceptable even out of mercy or with the patient' consent or fear of treatment. The reason for this is first the holy verses of Quran and narratives of Imams, secondly the necessity of saving life. The philosophy behind this could be that granting this license could lead to abuses and killing people with the excuse of mercy and help. The people who want to commit suicide would also use this method. Also medical matters are not always certain and we've seen dying people that medicine was discouraged about their healing but miraculously have survived. These scholars have also ruled that the physicians who act in these cases are in the end culpable.

Ayatollah Safi Golpaigani, another shiite Moslem scholar, states that act of killing the person in this case, is the same as murder. Giving drugs, with the patients request, in order to accelerate his death is no license for killing, and the physician is responsible.

Ayatollah Sanei has ruled that euthanasia is strictly forbidden and the same as killing all the society and subject to retribution. He states that adherence to emotions in a case of murder and killing has dangerous consequences for the society, besides having a severe punishment in the hereafter world. Patient's consent, he states, is no license for killing, as this is in fact consent for committing sin and murder.

Conclusion

Euthanasia which is defined as the deliberate killing of a person for his own benefit in order to relive him of enduring pain and suffering has raised many moral, ethical and religious questions. Such questions include: are we ever allowed to kill a terminally ill person who is in sever and debilitating pain? What do different religions have to say about such an act? And under what circumstances, if any, Islam in particular allows the performance of euthanasia?

The word euthanasia derives from the Greek words "euthanatos" meaning good death or easy death. Euthanasia in fact means ending a patient's life according to certain principles and under certain circumstances, where medicine cannot cure or provide a life of acceptable quality. World Medical Association (WMA) describes euthanasia as the act of deliberately ending the life of a patient: "knowingly and intentionally performing an act that is clearly intended to end another person's life and that includes the following elements:

the subject is a competent, informed person with an incurable illness who has voluntarily asked for his or her life to be ended; the agent knows about the person's condition and desire to die, and commits the act with the primary intention of ending the life of that person; and the act is undertaken with compassion and without personal gain" . For this reason euthanasia has also been called mercy killing. Although it seems to be a fairly new subject in the medical profession, in fact euthanasia is an issue that has concerned the physicians and scholars from the beginning of time, and its believed to be as old as history. Some scholars believe that the moral values concerning the ethical issues of euthanasia are the foundation of the civilized societies. Before Hippocrates, euthanasia was a routine procedure and physicians assumed that they had the authority to kill patients for whom they gave up the hope of recovery, without asking for their permission. They accepted this as a part of their medical practice. Hippocrates regarded this procedure as a hindrance to the establishment of confidentiality between physicians and patients. Probably this is the reason for the words in The Hippocratic Oath, "I will give no deadly medicine to anyone if asked, nor suggest any such counsel." This guarantee which Hippocrates provided by his oath, has established the basis of the confidence between physicians and patients for 2500 years.

One of the most important factors which determines society's attitude towards euthanasia is religion. As there are various sects and tariqas (manner, creeds) in Islam that cause significant differences, it is important to begin with an overall review of Islamic approach to euthanasia. But there are important differences between Islamic countries. The first group contains the countries which are governed by Islamic rules. These countries accept sheria (the code of law derived from the Quran and from the teachings and example of Prophet Mohammed) as their legal and administrative code, like Iran and Saudi Arabia. In Iran Shia Muslims and in Saudi Arabia Sunni Muslims as sects of Islam, rule the State. The second group consists of countries which have secularly governed states, but their laws are based on sheria, like Egypt and Algeria. Actually this is the largest group. Although the viewpoints regarding Euthanasia may be the same for both these sects, they have important differences regarding their ruling laws and regulations.

In the past few years, different European countries have drafted laws to govern euthanasia and these laws have been subject to many controversies and pro and con

arguments. Islamic views, however, on this subject are clear and based on Quran verses. Ethical issues are among Islam's foremost concerns, and the essential core of Islamic teachings is the perfection of ethical conduct of a person. Prophet Mohammad (PBUH) has said "I have been appointed as prophet of God to complete and perfect moral ethics." Since almost all the medical ethical issues that become the subjects of controversies and arguments in some way or another deal with the human life, it is necessary to seek the religious and philosophical views regarding these issues. In Islam the preservation of life and the welfare of a human being are in second place after the preservation of religion. In Quran there are many verses regarding the issue of life and death. These verses teach the believers that life is a gift from God and therefore sacred. As was pointed out in Iran, Sharia, or Islamic codes, is the legal and administrative code. Islam's approach to subject of death and dying are quite clear. As God is the giver of life, he alone can take the life away. Euthanasia and assisted suicide are therefore illegal and subject to criminal investigation. At the present neither the lay community nor the medical profession has been exposed to the international debate on these issues, but Shiite Moslem scholars have had rulings about these matters. In this article, the view points of Shiite sect of Islam are discussed and compared with the modern medical ethics views regarding euthanasia. Shia (Shiite) is a branch of Islam with the vast majority of its followers living in the Middle Eastern countries of Iran, Iraq, and Lebanon. The distinctive institution of Shia Islam is the Imamate - a much more exalted position than the Sunni Imam, who is primarily a prayer leader. In contrast to Sunni Muslims, who view the caliph only as a temporal leader and who lack a hereditary view of Muslim leadership, Shia Muslims believe the Prophet Muhammad designated Ali to be his successor as Imam, exercising both spiritual and temporal leadership. In Iran there is a great difference between the level of medical technology and the physician-patient relationship regarding the contemporary norms. Paternalistic attitudes are common and this also suits the expectations of society. Physicians rarely inform their patients about their diagnosis and treatment, even when it is not a fatal or hopeless situation. Therefore patients put their faith in the hands of the doctors and trust them to make the best decisions for them. So if for any reason or under any circumstances euthanasia gains support, this could bring about major mistrust and misuse of medical treatment.

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