

على و تحقیق جلد اسلامی ﴿۸۳﴾ ریح الثانی ۱۴۲۳ھ ☆ جون ۲۰۰۲ء
support the patient who believes that accepting and standing
unavoidable pain will be to his/ her credit on the Day of Judgment.
To a person who does not believe in life after death which is the
real and enduring life this might sound like nonsense, but to one
who does, euthanasia is certainly nonsense.

ALWAYS LOOK AFTER THESE THREE THINGS:

1. Your Parents.
2. Your Teacher.
3. The Laws of the Almighty (to obey them).

STOP

Just remember-Allah is watching you.

If we could get arrested for being a **Muslim**, would the police have enough evidence to bring us in?

Why is it so hard to tell the truth but yet so easy to tell a lie?

Why are we so sleepy in mosque but right when the prayer is over, we suddenly wake up?

Why is it so hard to talk about Allah but yet so easy to talk about nasty stuff?

Why is it so boring to look at a Islamic Article but yet so easy to look at a nasty one?

Why is it so easy to delete a Godly e-mail but yet we forward all of the nasty ones?

Why are the mosque's getting smaller, but yet the dance clubs are getting larger?

Do you give up? Think about it

Are you going to forward this, or delete it?

Just remember-Allah is watching you.

Prayer Wheel, Let's see the devil stop this one! Here's what the wheel is all about. When you receive this, say a prayer for the person that sent it to you....

There are no costs, but wonderful rewards....

Let's continue praying for one another.

As we look at this article we realise how true the

Messenger(P.B.U.H)was these signs were prophesized 1400 years ago!!!

☆ قال الشافعي رحمه الله تعالى : الفقهاء كلهم عيال ابي حنيفة في الفقه ☆

علمی و تحقیقی مجلہ فقہ اسلامی ﴿۸۵﴾ رجب الثانی ۱۴۲۳ھ ☆ جون ۲۰۰۲ء
of Medical Sciences, Kuwait, 1981, p 65) status: "Mercy killing, like suicide, finds no support except in the atheistic way of thinking that believes that our life on this earth is followed by void. The claim of killing for painful hopeless illness is also refuted, for there is no human pain that can not be largely conquered or by suitable neurosurgery."

The same Code at page 67 includes, "In his/her defence of life, however the doctor is well advised to realize his limit and not transgress it. If it is scientifically certian that life cannot be restored, then it is futile to diligently keep the patient in a vegetative state by heroic means or to preserve the patient by deep freezing or other artificial methods. It is the process of life that the doctor aims to maintain and not the process dying. In any case, the doctor shall not take a positive measure to terminate the patient's life."

The upshot of the above discussion is that many including the United Church of Christ (congregational), the Unitarian Church and the Methodist Church on the West Coast of America support an assisted death as an act of compassion and love. Some groups have gone beyond the concept of the "right to die" to that of the "duty to die". They claim that when the human machine has stratum of society, ant it should be disposed of, and rather abruptly than allowing it to deteriorate gradually. (Jacques Atalli: La medicine en accusation-in Michel Solomon 'L' avenir de la ie', Coll Less isages de L' avenir Ed Seghers, Paris 1981, p 273-275) (Q.H.A. Rabbani. The News dated 8th February 2002). But this idea is not shared by every one universally particularly the hierachy of Roman Catholic Church, the Church of Latter Day Saints (Mormons), the Jewish Law and the rulings of all the rabbinic interpreters of the law as well as the National Right to Life. So far Islam is concerned its injunctions totally forbid suicide or assisted death in any form what-so-ever. When means of preventing or alleviating pain fall short, the spiritual dimension can be very effectively called upon to

حضرت امام شافعی رحمہ اللہ علیہ کا قول ہے کہ : تمام لوگ فقہ میں امام ابو حنیفہ (رحمہ اللہ تعالیٰ علیہ) کے پروردہ ہیں

علمی و تحقیقی مجلہ فقہ اسلامی ۸۱۶ رجب الثانی ۱۴۲۳ھ ☆ جون ۲۰۰۲ء
sources of Islamic jurisprudence are the Holy Quran and the
Sunnah of the Holy prophet (P.B.U.H), therefore, the following
Islamic injunctions about suicide are reproduced below:

"Quran:

- Do not kill yourselves as God has been to you very merciful" (4:29)
- "Taking away the life should be the domain of the One who gives life. True, there is Pain and suffering at the terminal end of an illness, but we believe there is reward from God for those who patiently persevere in suffering" (39:10 and 31:17)
- Translation of Sahih Bukhari, Volume 2, Book 23 Number 445:
Narrated Thabit bin Ad-Dahhak:
• The Prophet (P.B.U.H) said, "Whoever intentionally swears falsely by a religion other than Islam, then he is what he has said, (e.g. if he says, 'If such thing is not true then I am a Jew, he is really a Jew). And whoever commits suicide with a piece of iron will be punished with the same piece of iron in the Hell Fire." Narrated Jundab, the Prophet said "A man was inflicted with wounds and he committed suicide, and so Allah said: My slave has caused death on himself hurriedly, so I forbid Paradise for him."

Number 446:

Marrated ABu Huraira:

- The Prophet (P.B.U.H) said, "He who commits suicide by throttling shall keep on throttling himself in the Hell Fire (forever) and he who commits suicide by stabbing himself shall keep on stabbing himself in the Hell-Fire."

The Islamic Code of Medical Ethics endorsed by the first
International conference on Islamic medicine (Islamic Organization

☆ امام احمد بن حنبل رحمہ اللہ علیہ کا سن ولادت ۱۶۲ ہجری اور سن وصال ۲۴۱ ہجری ہے ☆

علمی و تحقیقی مجلہ فقہ اسلامی ﴿۸۷﴾ رجب الثانی ۱۴۲۳ھ ☆ جون ۲۰۰۲ء

Supreme Court. The H. C. overturned the 9th and 2nd Circuit Courts of Appeals and bans prohibiting PAS remained constitutional. Bridges could easily have proceeded to prosecute the Howards, since the Missouri felony law was firmly in place. He chose not to do so. When the case came up for review the following year, all charges were dropped.

This case exemplifies the discretion given to a prosecutor as well as the ambiguity they often feel when deciding how to handle a situation of this kind. The Howards were solid citizens, unanimous in their decision, with no hint of impropriety. In short, they were decent people, trying to handle a difficult situation in a cautious and dignified manner. The prosecutor, with no legal precedent to follow, was torn with doubts and fear over the political, ethical and judicial practicalities of pressing for a conviction. The prosecutor also knew that after all the grieving family's anguish and expense, any court proceedings, as with the Howards, usually comes to naught in the end."

PAKISTAN (Islamic View Point):

Attempt to commit suicide and/or voluntary euthanasia in Pakistan is a penal offence. Sec. 325 Pakistan Penal Code 1860 being the relevant provision of law reads as under:-

"Attempt to commit suicide. Whoever attempts to commit suicide and soed any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both."

It would also be relevant to observe that the above-mentioned offence is not only a penal offence but also treated as a sin. This factor certainly acts as a deterrent on suicide attempt. It is generally believed by mental health practitioners, that religion is a strong deterrent in contemplating committing or assisting suicide in our society but there are no formal studies to corroborate this belief. Islam also forbids taking ones own life. Since the primary

علم و فن میں حضرت امام احمد بن حنبل رحمہ اللہ علیہ کا کوئی ثانی نہیں : (محدث ابو زمر)

علمی و تحقیقی مجلہ قداسلامی ﴿۸۸﴾ ریح الثانی ۱۴۲۳ھ ☆ جون ۲۰۰۲ء
a press conference a month later. At this meeting Bridges revealed to reporters some of his doubts and fears about the case. "There are no other cases like this, there's no precedence but the law must be obeyed. Whereupon he read out the astonishing charges concerning, amongst other things, book reading and temperature alterations.

A MORAL ISSUE?

A reporter bluntly asked the prosecutor if this wasn't really a moral issue.

"This case doesn't have anything to do with whether it's right or wrong to commit suicide." replied Bridges. "It just happens to be illegal in Missouri to help somebody to do so." He added that he suspected there had been no previous prosecutions because "I suspect that some people are hesitant to prosecute it because of the emotional issues involved."

Prosecutor Bridges later told a local newspaper that since filing the charges he had received hate mail and been called names.

As the case was being prepared for trial, two influential high courts in America, the 9th and 2nd Circuit Courts of Appeal, both ruled the state could not ban assisted suicide for a competent, terminally ill person. The rulings did not affect Missouri, which is in the 8th Circuit. But immediately Bridges, who never seemed aggressive in his prosecution of the Howards, saw these rulings as a way out of his dilemma.

"I'll sit on the case for one year to see if something develops," Bridges announced. "To go blindly ahead, prosecute them and maybe have the law overturned, wouldn't be fair to the family. We should wait for a determination from a higher court."

Subsequently, the Attorney Generals of Washington and New York states appealed the lower courts decisions to the U.S.

حضرت امام شافعی رحمہ اللہ علیہ فرمایا کرتے کہ : امام مالک اور سفیان بن عیینہ نہ ہوتے تو حجاز سے علم رخصت ہو جاتا

علمی و تحقیقی مجلہ فقہ اسلامی (۸۹۶) رجب الثانی ۱۴۲۳ھ ☆ جون ۲۰۰۲ء

Howard orange juice used by her in filling a recipe for death outlined in a book containing instructions on self-murder, by reducing the temperature of the room in which Velma Howard committed self-murder as called for in the book, by providing Velma Howard rubbers bands which Velma Howard used to affix a plastic bag over her head, thus cutting off the supply of air to her body and by arranging chairs and items used by Velma Howard to commit self-murder into such proximity as to give Velma Howard access to such items, to wit: a container of orange juice laced with sleeping powder and alcohol, a container of food substance containing a narcotic, a plastic bag, a rubber band ligature, and a spring from pan, all used by Velma Howard in the commission of self-murder."

The charge sheet against her son, Bernard J Howard, aged 49, read much the same with the additions that also accused him of "reading from a book containing instructions on self-murder and by helping Velma Howard into a position in which she was in immediate proximity to several items which were used by Velma Howard to commit self-murder". The book was 'Final Exit' which has sold more than one million copies worldwide.

It was almost certainly the first time in history that anybody in America had been charged with reading a book, redolent of religious persecutions in medieval times. Could turning down the heat and moving chairs around also be a crime? They had not provided the drugs because Velma had her own supply of Dalmane. The case promised to be a field day for lawyers and judges if it ever got to court.

Early in the proceedings the older man decided to plead guilty but his son announced that he would prefer a trial. Both were granted bail.

The case attracted extensive media attention throughout Missouri, necessitating the county prosecutor, Greg Bridges, to call

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Suicide is not a felony in Missouri - nor any other American state. Velma had committed no crime. But in 1984 the Missouri legislature passed a one line law (565, 023, 1(2), RSMo) stating that any body assisting in suicide (or self-murder) was committing a Class B felony, which is punishable by five to fifteen years imprisonment. In its twelve years existence, nobody in the state had ever been tried for the offence, nor even investigated; thus there was no case law available for review.

CONVICTIONS IN NEW YORK:

At the time nobody in America had been convicted of assisted suicide, although in 1996 George Delury pleaded guilty in New York City to assisting his wife's suicide and received six months imprisonment. Being a plea bargain, there could be no appeal of the case to clarify the law. Many legal observers feel that had Delury defended the case a jury would have acquitted him. The only other known conviction for this type of offence was John Bement in 1998 in New York who was convicted by a jury of 'assisted suicide' and received two weeks imprisonment (Dr. Kevorkian has been acquitted of assisted suicide three times in jury trials in Michigan; when he was sentenced in April 1999 to 10-25 years imprisonment it was for 2nd degree murder, not assisted suicide.)

How Velma Howard died is vividly described in the actual complaint sheet produced shortly afterwards in court when the two of the three men were accused. (Stephen Howard was never charged with any offence, apparently because his physical involvement happened to be minor.)

Her husband, Bernard A Howard, 76, ws charged with a class B felony in these exact words of the prosecuting attorney. Complaint:

"The defendant knowingly assisted Velma Howard in the commission of self-murder by providing for Velma

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action, stressing that no one else should be blamed.

One son was a businessman in Plano, Texas, and another a judge in Lenexa, Kansas. Always considerate of not putting others to any trouble, Velma resolved that they would all drive to a central point, Joplin, Missouri, and celebrate the golden wedding on December 8, 1995. The next day she would die. What Velma had not taken into account was that Joplin (pop. 40,961) is famous as "The Buckle of the Bible Belt". Missouri is one of only three American states that do not have a living will law. Joplin is a mere thirty minutes drive away from the place in Jasper County where the family of Nancy Cruzan, in a permanent vegetative state, struggled to get her disconnected from life support systems. In 1990 the Cruzan case before the US Supreme Court enunciated the right to forgo medical treatment.

PARTY IN MOTEL:

The older Howards checked into Room 305 of the Days Inn in Joplin on Saturday, December 8, they partied with their two sons, Bernard Junior and Stephen, reminiscing about the past but saying little about the future. All present knew what would happen the next day and were in agreement with Velma's wishes.

When she was ready to die on Sunday, the trio helped Velma Howard and, from all accounts, her death was swift and peaceful. Then one of the sons informed the motel staff, who called the police. What happened then illustrates the strange attitudes towards rational suicide of the terminally ill in Missouri or any other state for the matter.

It was easy case for Newton County police and the prosecutors because all three Howards made statements explaining exactly what happened. An immediate autopsy confirmed the presence of narcotics in the body. A few days later, Joplin's police chief David Neigour typified police bafflement about these suicides by describing the case as "very bizarre".

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"Velma Howard, aged 76, knew her life was coming to an end. Lou Gehrig's Disease was taking away the use of her limbs one by one. Eventually it would affect her throat and she would be in danger of choking on her own saliva. This elderly, respectable, middle American decided on rational suicide. The consequences of her decision resulted in an emotional ordeal for her family and a legal muddle typical of the mess in which America's laws on assisted death currently are."

Verlma and Bernard J Howard were the sweet old couple on the block of their community in Belleville, Illinois. She had been a kindergarten school teacher. Mr. Howard served as Staff Sergeant in the Marine Corps during World War II. They were married on December 8, 1945. Their two sons were grown up and lived away, but children in the neighborhood all knew that the Howards always opened their door to 'trick or treaters' at Halloween. On the day of their 50th wedding anniversary, a young couple who were neighbors knocked at the door with a bunch of carnations. "I can honestly say that I have never met two nicer people in my life." Another neighbor told the newspaper "By no means loners, the Howards attended church regularly, enjoyed themselves at senior, citizens' clubs, and went square dancing until Velma was taken ill.

With her left arm useless, her legs weakening, Velma began to think about an accelerated death. The pain from the neuromuscular disease, a degenerative condition medically known as Amyotrophic Lateral Sclerosis (ALS), was increasing. But, most of all, she did not want to linger for months in steady decline, dragging down her aging husband at the same time. Velma read books on the subject, talked on the telephone long distance with a right to die group, and discussed her plan with close friends and immediate family. Unable to write clearly, Velma made a three-minute audiotape outlining her reasons for deciding to die now rather than wait. On the tape she accepted full responsibility for her

☆ قال الشافعی رحمہ اللہ تعالیٰ: الفقہاء کلہم عیال ابی حنیفہ فی الفقہ ☆

☆ جون ۲۰۰۲ء

﴿۹۳﴾

علی و تحقیقی مجلہ فقہ اسلامی

Switzerland:

Physician assisted suicide (PAS) has been lawful in Switzerland since 1973.

Germany:

Voluntary euthanasia has never been against law in Germany although taboo restricts its use.

Netherlands (Holland):

After many years of a political discussion about euthanasia and assisted suicide, a system has been chosen in which criminal liability is in principal maintained and physicians must plead force majeure as mentioned in Article 40 of the Penal Code. The Dutch Parliament and the Supreme Court have ruled that, provided certain conditions are met, physician may assist people to die with rethall injection or fatal drug taken by mouth. This makes it possible to treat all forms of life-ending treatment in the same way procedurally. The manner in which the physician must report in writing to the municipal coroner is now established in the Order forming part of the Law on Disposal of the Dead which went into force on June 1, 1994. Among the many points to which the reporting physician must pay attention prusuant to this Order is the matter of *in what way and by what means* the ending of life is effected.

U.S.A. - The case of Velma Howard.**

Throughout North America, committing suicide or attempting to commit suicide is not a legal offence. However, helping another person to commit suicide is a criminal act. One exception is the state of Oregon, which allows people who are terminally ill and are in intractable pain, to get lethal prescription from their physician. However in order to illustrate the confusion in laws in the USA it would be relevant to refer to the case of Velma Howard.

حضرت امام شافعی رحمہ اللہ علیہ کا قول ہے کہ: تمام لوگ فقہ میں امام ابو حنیفہ (رحمہ اللہ تعالیٰ علیہ) کے پروردہ ہیں

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London, March 22; A British woman paralysed from the neck down on Friday won the right to die "peacefully and with dignity" in a landmark case that puts patients wishes first. The 43 year-old social worker, who can now effectively sign her own death sentence by having her life support machine turned off, was given the court decision by video link to her hospital bed. High Court Judge Dame Elizabeth Butler-Sloss, clearly moved by a life-and-death ruling in one of Britain's most emotive court cases, praised the woman's courage and determination. Victory for "Miss B" -who cannot be named for legal reasons - Follows a growing clamour by patients to decide when life is no longer tolerable. Doctors trating her said it was against their ethics to switch off the machine needed to keep Miss Balive. A ruptured blood vessel in the woman's neck a year ago left her paralysed and unable to breathe unaided. Voluntary Euthanasia Society director Deborah Annerts called the ruling "a victory for common sense" while opponents of euthanasia condemned the decision as a very worrying precedent. But it was welcomed by the British Medical Association with Dr. Michael Wilks, chairman of its ethics committee, saying; "Every competent adult has the right to refuse medical treatment, even when this may lead to his death." However, there is always the possibility of technological advances changing the prospects of patients such as "Superman" star Christopher Reeve, paralysed in a riding accident. "Chistopher Reeve is hoping for some new technology to improve his paralysis. He wants to hang on in the hope that's going to happen." Wilks told Sky News. The Judge said Miss B was now entitled to "pain-relieving drugs and palliative care to ease her suffering and permit her life to end peacefully and with dignity". The hospital said it would not appeal against the ruling.

Japan:

Voluntary euthanasia is lawful in Japan (but apparently rarely practiced).

☆ امام احمد بن حنبل رحمہ اللہ علیہ کا سن ولادت ۱۶۴ ہجری اور سن وصال ۲۴۱ ہجری ہے ☆

DEATH BY CHOICE

WESTERN AND ISLAMIC APPROACHES

Justice (Retd) Dr. Ghous Muhammad

M.A. (Int. Rel.), M.A. (Pol. Sc.)

LL. B., LL.M., PHD.

Advocate Supreme Court of Pakistan*

Is it permissible to end one's life if terminally ill and the suffering is unbearable and incurable. The moral and legal aspects of the concept and practice of Euthanasia are still being debated in the Western societies. It would be useful to discuss the confusion of the laws in the U.S.A. with a typical case of death of choice followed by the Islamic approach. The modern voluntary euthanasia movement started in 1930 in Britain. in 1938 in the USA and in 1980 in Canada. It would be advantageous to look at the status of euthanasia elsewhere in the world.

England:

British Parliament rejected by 234 votes to 89 in 1997 the seventh attempt in 60 years to change the law on assisted suicide polls showing 82% of British people being in favour of reforms. The suicide Act 1961 Prohibits assisted suicide. However Mrs. Diane Pretty, a terminally ill woman suffering from the incurable degenerative disorder motor neuron disease won the first round in a legal fight to get permission for her husband to help her end her life. The High Court in London granted permission in August 2001 for a judicial review in her case. She is supported by the Voluntary Euthanasia Society and civil right group liberty.

It would be relevant to quote the following News item titled 'British woman wins right to die' published in the daily 'Dawn' dated March 23, 2002.

حضرت امام شافعی رحمۃ اللہ علیہ فرمایا کرتے کہ : امام مالک اور سفیان بن عیینہ نہ ہوتے تو مجاز سے علم رخصت ہو جاتا