

Islamic Bioethical Reflections on Medicalized Dying

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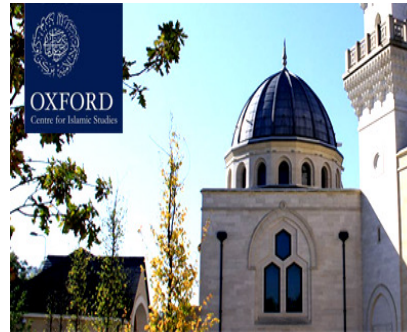
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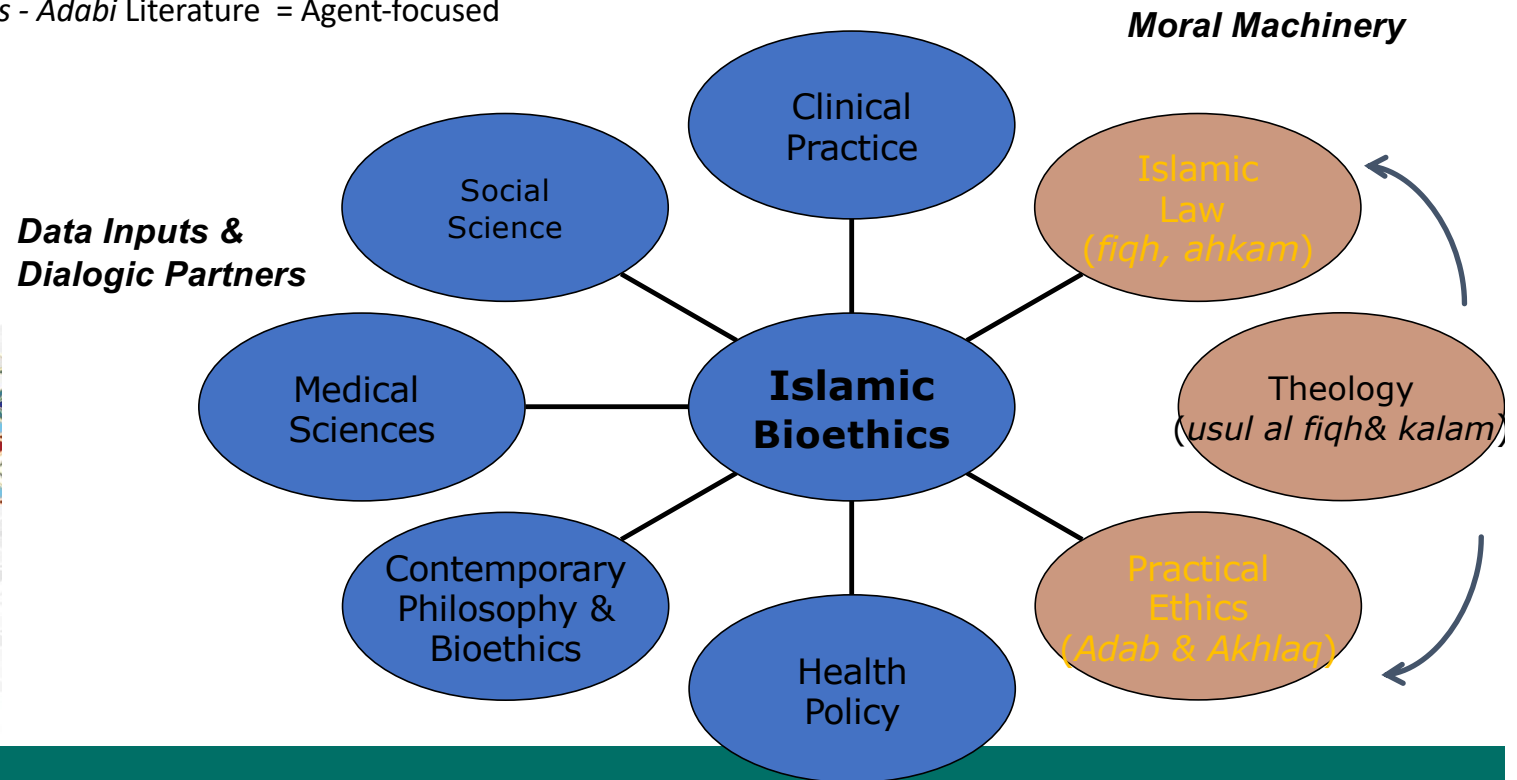
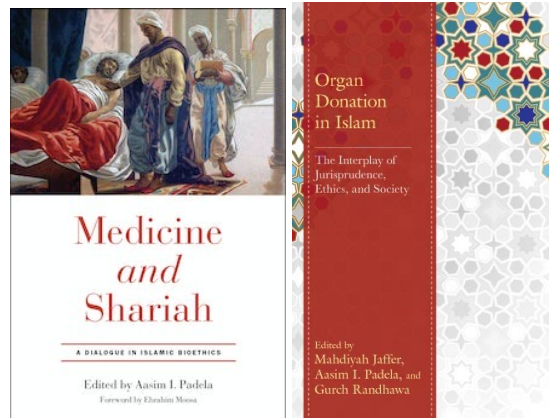
My academic lineage: Islam & Biomedicine



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ISLAMIC BIOETHICS

- Tied to scriptural sources & bearers of tradition
 - *Theology/Philosophy* - Theological (*Usuli/Kalami/Maqasidi*) Concepts = Production/End-goal
 - *Legal Ethics* - *Fiqhi* Literature = Moral Status of Action
 - *Practical (Virtue) Ethics* - *Adabi* Literature = Agent-focused



Adab

Fiqh

Fatwa

PART 1

Preparing for Death

DEATH

From the Islamic Perspective

A reality more certain
than life.

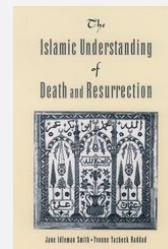
كُلُّ نَفْسٍ ذَائِقَةُ الْمَوْتِ

Every soul shall taste death.

www.theislamicquotes.com

PART 2

Islamic Ethics & Law



PART 3

Decision- Making





© Afiya

He who created
death and life
to test you
(as to) which of you is
best in deed.

[Quran 67:2]



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Our lives are an instrument for the hereafter

- **Qur'anic verses**

- “I have not created man and jinn except for worship” (Al-Dhariat: 56)
- “And worship your Lord until there come onto you death” (Hijr: 99)

- **Prophetic teachings**

- لَا يَتَمَنَّي أَحَدُكُمُ الْمَوْتَ وَلَا يَدْعُ بِهِ مِنْ قَبْلِ أَنْ يَأْتِيَهُ إِنَّهُ إِذَا مَاتَ أَحَدُكُمْ انْقَطَعَ عَمَلُهُ وَإِنَّهُ لَا يَزِيدُ الْمُؤْمِنَ عُمرُهُ إِلَّا خَيْرًا .

Sahih Bukhari 2682

- “ لَا يَتَمَنَّي أَحَدُكُمُ الْمَوْتَ لِضُرِّ نَزَلَ بِهِ فَإِنْ كَانَ لَا بُدَّ مُتَمَنِّيًّا فَلْيَقُلِ اللَّهُمَّ أَحْيِنِي مَا كَانَتْ الْحَيَاةُ خَيْرًا لِي وَتَوَقَّي ”
إِذَا كَانَتْ الْوَفَاةُ خَيْرًا لِي ” .

Sahih Bukhari 2680a

- **Life of utility is related to capacity for**

- Discharging religious duties
- Ability to effect good works

Quality-
of-Life

Goals of Healthcare

- To preserve the ‘tool’ through which you design your afterlife
- Prophetic statement
 - الْمُؤْمِنُ الْقَوِيُّ خَيْرٌ وَأَحَبُّ إِلَى اللَّهِ مِنَ الْمُؤْمِنِ الضَّعِيفِ وَفِي كُلِّ خَيْرٍ احْرَصْ عَلَى مَا يَنْفَعُكَ
(Ibn Majah 83)
- Healthcare produces health which increases one’s capacity for good works
 - Medical practice = *fardh kifaya*
 - Healthcare seeking = permissible (recommended) act → obligatory in rare cases

Scriptural sources on seeking healthcare

Qur'anic verses:

وَإِذَا مَرِضْتُ فَهُوَ يَشْفِينِ ﴿٨٠﴾

وَأَيُّوبَ إِذْ نَادَىٰ رَبَّهُ أَنِّي مَسَّنِيَ الضُّرُّ وَأَنْتَ أَرْحَمُ الرَّاحِمِينَ ﴿٨٣﴾

Prophetic Statements:

- قَالَ قَالَتِ الْأَعْرَابُ يَا رَسُولَ اللَّهِ أَلَا نَتَدَاوَى قَالَ " نَعَمْ يَا عِبَادَ اللَّهِ تَدَاوُوا فَإِنَّ اللَّهَ لَمْ يَضَعْ دَاءً إِلَّا وَضَعَ لَهُ شِفَاءً أَوْ قَالَ دَوَاءً إِلَّا دَاءً وَاحِدًا " . قَالُوا يَا رَسُولَ اللَّهِ وَمَا هُوَ قَالَ " الْهَرَمُ " .

Jami` at-Tirmidhi 2038

فَخَرَجَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ " هُمُ الَّذِينَ لَا يَكْتَوُونَ وَلَا يَسْتَرْقُونَ وَلَا يَتَطَيَّرُونَ وَعَلَى رَبِّهِمْ يَتَوَكَّلُونَ "

Jami` at-Tirmidhi 2446

Seeking
Treatment

Theological Deliberation

- Reconcile the Prophetic “directive” to seek care and a reward for abstaining
- Acknowledge certainty
 - God brings about cure
 - Medicine is probabilistic

Moral Status of Seeking Care

Within the Four Sunni Schools of Thought

	HANAFI	MALIKI	SHAF'I	HANBALI
GENERAL RULING	Permissible	Permissible	Recommended	Permissible
EVER OBLIGATED	Yes	Yes	Yes	No
VIOLATE TRUST (TAWAKKUL)	No	No	No*	No
OTHER DETAILS	Obligation if the effectiveness of treatment (to remove illness-related harms or cure) is highly probable or certain			

**Seeking treatment is an act of trust. God created the sickness and its cure.*

More Information on the Moral Status of Seeking Care

The **moral status** elevation from a **permitted** or **recommended** act to a moral obligation appears to hinge on the **certainty** regarding a fatal outcome without treatment and/or certainty about the clinical efficacy of treatment in removing harm associated with the illness. Seeking a specific treatment is **only obligatory** when it is **life saving** and not merely life-sustaining. While treatments might save a life, there may be no clinical certainty that they will. As a result, it is **generally permissible** to **forgo life-sustaining** treatments such as ventilators. Such **decisions should be made in consultation** with the **medical team, family members, and religious authorities**.



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WHEN MUST A PATIENT SEEK HEALTHCARE?
BRINGING THE PERSPECTIVES OF ISLAMIC JURISTS
AND CLINICIANS INTO DIALOGUE

by Omar Qureshi and Aasim I. Padelá

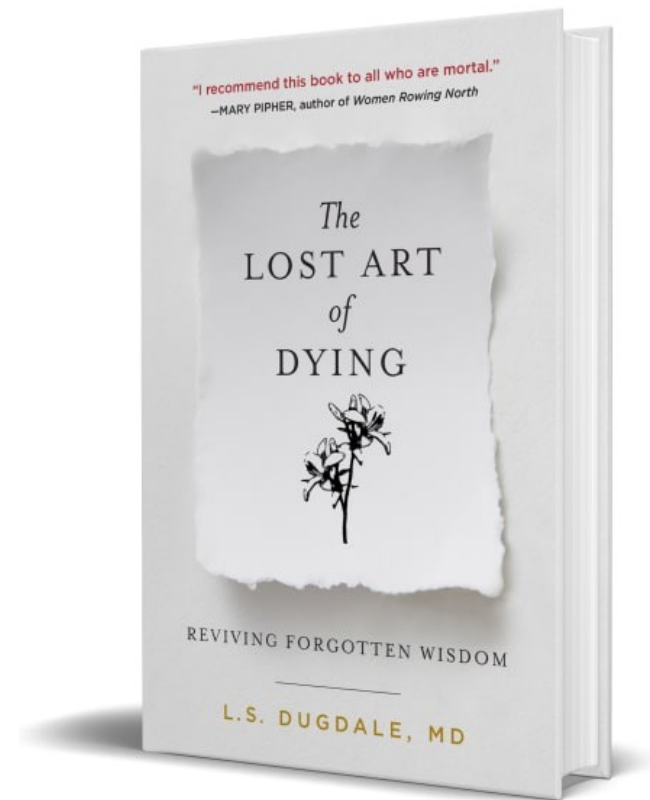
The moral status of healthcare seeking

A restricted zone of moral obligation:

- Provides variability within Islamically permissible courses of action
- Leaves room for personal values to influence choices

Perception “religious individuals tend to seek greater amounts of clinical intervention” but:

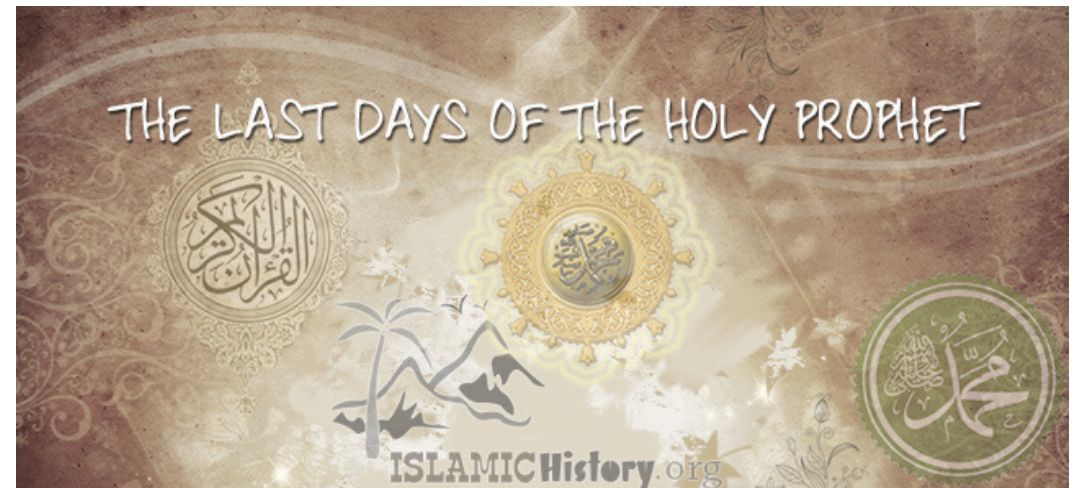
- For Muslims the “obligation” is narrowly circumscribed



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What is a good death?

Attributes of a Good Death	Attributes of a Bad Death
In control	Not in accord with wishes Not location of choice Prolonged Dependent Traumatic
Comfortable	Suffering In pain or distress Cognitively impaired Fearful Angry Unprepared
Sense of closure Affirmation/value of dying person recognized Trust in care providers Recognition of impending death Beliefs and values honored Burden minimized Relationships optimized Appropriateness of death Leaving a legacy Family care	Disorganized care Knowledge of impending death Family burdened Alone Young



Meeting Death with Utmost Decorum & Dignity

Seerah gives an account of the Prophet's final days:

- Choosing the afterlife
 - Incident at Baqi and on Aisha's lap → Higher Companion
- Settling affairs of this world:
 - Asked companions to take retribution for injury or take back loan money
- Rejection of (futile) medicine; acceptance of impending death
- Desire for siwak → Decorum and dignity



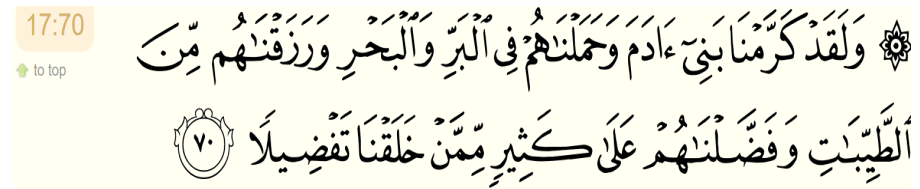
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Human dignity

Two theological analogues

- Sanctity ~ *karāma*
- Inviolability ~ *ḥurma*



- Sanctity
 - Shared in equal measure by every individual
 - Positive rights (do things)

Human dignity

Inviolability (*ḥurmah*)

- Human body is considered sacred (both deceased and alive)
- Negative rights (**don't do things**)

Inviolability can be threatened...

- i. Through violation of the body's intactness
- ii. Through violation of the body's functionality
- iii. By objectification/instrumentalization of the body