



## How Does Islam Define Death?<sup>1</sup>

*An Islamic View of the Maria Schiavo Case*

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Theresa Maria Schlinder Schiavo, a clinically brain-dead Florida woman who was at the heart of a heated legal dispute between her husband and her parents died on March 31, 2005 after living 2 weeks after having her feeding tube removed by a court order.

The Schiavo case has occupied the attention of Americans – and the world - for a considerable amount of time now. And although she is no longer with us, some questions still remain unanswered. The most important of those questions may be, ‘When is a person considered dead according to the Islamic law? Does being brain dead translate as being dead *i.e. lifeless* even if a person’s other bodily organs are still functioning? And if a person writes in a will that he or she has no desire to live were some horrible misfortune to happen that leads to that person being in a vegetative state, is such a bequest considered suicide were it to be carried out? How does Islam define death? And is it possible to know based on that definition when a person is considered without life?’

### **Issue #1: When is a Person Considered Dead? And Does Brain-dead Mean Truly Dead?**

The Islamic sources don’t provide us with a clear-cut answer to this question. But there is enough to infer that death travels in an upward motion toward a person’s head until it exits either through the eyes and/or mouth.

The Koran in Surah 50 verse 19 states:

“And the stupor of death will bring truth (before His eyes): “This was the thing which you were trying to escape!”

Imam Muhammad ibn Ismaa'eel Al-Bukhaari relates in his Saheeh on the authority of the Prophet's wife 'Aisha that:

“When death was coming over him he would wipe the sweat from his head and then say: “Glory belongs to God! Verily death has stupors.”

Surah 75 verses 20-30 read:

“Nay, (ye men!) But ye love The fleeting life, And you leave alone The Hereafter. Some faces, that Day, Will beam (in brightness And beauty) – Looking towards their Lord; And some faces, that Day, Will be sad and dismal, In the thought that some Backbreaking calamity was about To be inflicted on them; Yea, when (the soul) Reaches to the collarbone (In its exit), And there will be a cry, “Who is a magician (To restore it)?” And he will conclude That it was (the Time) Of Parting: And one leg will be Joined with another: That Day the Drive Will be (all) to thy Lord!”

In this verse, a point is made that when death is about to happen, the soul makes its way up until it reaches the collarbone. And it is at this point that a person is certain that death is near.

In Surah 56 verses 83-87, the Koran says:

“Then why do you not (Intervene) when (the soul Of the dying man) Reaches the throat, And you the while (Sit) looking on? But We are nearer To him than you, And yet you see not. Then why not, If you are exempt From (future) account, Call back the soul, If ye are true (In your claim of Independence)?”

As for these verses, when reading them in conjunction with the verses of Surah 75, one is left to infer that the soul makes its way up pass the collarbone and then to the throat, and finally it exits either through the mouth or eyes.

In one Prophetic tradition, Muhammad – peace be upon him – stated, as reported in Imam Muslim's Saheeh,

“Verily when the soul is seized, the vision follows after it.”<sup>ii</sup>

Meaning, when the soul leaves the body, the eyes follow the soul in the direction it travels away from it.

Although these references don't clearly detail for us the signs of a person being medically and clinically dead, it can be inferred from statements like 'when it reaches the collarbone' and 'when it reaches the throat' that one's vital organs have stopped working – *in particular the heart and lungs*. So one would be justified in concluding that heart and lung failure are the clearest signs that the soul has left the body. This would then mean that being declared 'clinically brain-dead' doesn't mean that a person is truly dead in Islam if those organs are still functioning.

In support of this argument, let us introduce into the discussion the matter of abortion. All Muslim scholars agree that it is forbidden for a woman to abort a child upon reaching 120 days after conception, since it is believed that this is when the soul is brought to the lifeless flesh. They also agree that were one to abort such a fetus, one would be obliged to pay blood-wit for taking a life without right to do so.

If this is the case of what can be considered just a lump of flesh whose cognitive faculties and vital organs haven't completely formed yet, then it would seem that a person in a vegetative state should more rightfully so be granted the assumption that they are still living.

So to remove a person's feeding tube until they starve and then die is in all appearances considered murder.

### **Issue #2: Bequests for Euthanasia**

If a person falls into a vegetative state and prior to that wills to be left for dead in case such a condition might overtake them, such a person will not be considered guilty of committing suicide.

The reason is that the person in a vegetative state is no longer considered legally responsible (*mukallaf*). So reward and punishment are no longer applicable, since they can no longer make decisions on their own.

Nevertheless, such people are considered sinful for willing such a request even though, Islamically, such a bequest is forbidden to carry out. So the person is subject to punishment only for what he/she did while being legally responsible i.e. sane and post-puberty.

So if one does carry out this request, the executor is considered a murderer, and may be prosecuted by the governing authority in consultation with the victim's family in accord with the rules of *Qisaas* (retribution).

These are just some things to ponder.

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<sup>i</sup> Sheikh Muhammad Shareef Al-Jurjaani defines 'death' (ara. *maut*) in his Ta'reefaat as:

“A characteristic of *existence* created in contradistinction (*diddan*) to *life*.”

This definition of death as being 'a characteristic of existence' agrees with the definition of Imam Abu Al-Hasan Al-Ash'ari – may Allah show him mercy. Ash'ari's definition is 'a modality (kaifeeyah) of existence, which is in contradistinction to life.' But Imams Az-Zamakhshari and Abu Ishaq Al-Isfaraayeeni define it as 'the absence of life from the one whose normal characteristic is to be living.' Ash'ari supports his argument with Allah's saying, '*He who created life and death*' [Mulk: 2] {Tuhfat al-Murid Sharh Jawharat At-Tawheed: p. 175}.

So if they were both created it would mean that they are characteristics or modalities of existence, not modalities of non-existence as Zamakhshari and Isfaraayeeni imply. They would also be in contra-distinction to one another too (diddaani), since two things that are in contradistinction to one another cannot exist simultaneously, but they may both be removed in place of a third reality, like pure existence, which is only for Allah.

Then Jurjaani defines 'life' as:

“A characteristic that produces for the one being characterized by it as being perceptive and able.”

[Ta'reefaat p. 94]

The above definition of life necessitates that there can be no cognition or capacity to do anything without being characterized by *it* first, not that every living person is aware of his/her surroundings or physical existence and able to interact as the average human being does. But it does mean that life is a condition for cognition and the capacity to interact. That is, these are the conditions for physical life, not spiritual life. Hence, we may be able to say with fairness that *cognition* and *competence* are two of the clearest signs that a person is alive.

[Refer to Kitab at-Ta'reefaat: p. 235]

[**Side note:** Jurjaani also states on page 137 about two contra-distinct realities (diddaani):

“They are two characteristics of existence that successively follow one another in one place whose simultaneous presence (ijtimaa') is impossible, things like 'blackness' and 'whiteness' (existing at one time). The difference between two contra-distinct realities (diddaani) and two conflicting realities (naqeedaani) is that two conflicting realities can

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neither exist simultaneously nor can they both be removed at any given time, things like ‘non-existence’ and ‘existence’ (one always has to be present in the absence of the other). But two contra-distinct realities (diddaani) do not exist simultaneously, but they may both be removed, like ‘blackness’ and ‘whiteness’ (both of which may be replaced by ‘redness’ or ‘blueness’).”]

Jurjaani says about cognition (‘ilm):

“The philosophers (*hukamaa*) say: It is the formulation of some thing in the mind (nafs).”

[*ibid.* p. 155]

He also said:

“It has also been said: ‘Cognition (‘ilm) is a deeply rooted characteristic by which universals and particulars are grasped.’ And it has been said: ‘[It is] The mind’s (nafs) arrival at a thing’s essence (ma’na ash-shai).”

[*ibid.* p. 155]

As for competence or ability (qudrah), Jurjaani says of it:

“It is the characteristic by which the living is able to act or *not* act willfully (bil-iraaadah).”

Or it is,

“A characteristic that influences the strength of desire (iraaadah).”<sup>ii</sup>

[*ibid.* p. 173]

These definitions, in spite of helping an individual person recognize his/her own physical existence, still fall short of the mark in helping to know when another person, like one in a vegetative state, is still living, since ‘cognition’ and ‘competence’ - according to Jurjaani’s definitions - can only be determined by the one possessing the two said qualities.

As for recognizing the signs of life in those other than our selves, I’m afraid that Sidi Jurjaani will not be able to help us with that.

<sup>ii</sup> Sahih Muslim: Hadith #920