



The use of Medical Life Support machines

Can Medical Life Support machines be used. What is the verdict regarding switching them off?

In reference to the question many ask about the rule regarding the use of the medical life support machine and the rule regarding switching off such machines, we say that the knowledge of such a rule, depends on knowing the rule regarding the seeking of treatment. The scholars of the four Schools of Thought are in agreement that seeking treatment is not compulsory.

The Shafi'i opinion is that seeking medical treatment is Mandub. This opinion is championed by most of the scholars of the past and present. As for the Hanafis, it has been reported on the authority of Abu Hanifah that seeking treatment is Sunnah Muakkidah (a confirmed tradition), i.e. it is nearer to being an obligation, but it is in fact only Mandub. As for Imam Malik, he said, There is no harm in seeking treatment and there is no harm in not doing so i.e. it is Mubah. As for the Hanbali school, two reports have been attributed to Imam Ahmed:

1. Seeking treatment is a permit, and to leave it entails a higher degree of reward.
2. Seeking treatment is Mubah but it is better not to do so.

From what we have mentioned so far, we conclude that none of the Fuqaha of the four Madhahib, nor the leading learned people of Fiqh have said that seeking treatment is compulsory.

The Sahih Ahadith which encourage the seeking of treatment do not refer to an obligation, they offer information and guidance but do not carry a decisive command. These Ahadith are:

1. Ahmed and other Muhaddiths reported the following Hadith, which al-Tirmidhi checked, on the authority of Usama ibn Sharik who said, " I came to the Messenger of Allah (saw) and his companions, who sat idly and silently, so I greeted them and sat down. Then some Arab Bedouin came from there and there, and asked: O Messenger of Allah, can we seek treatment? He (saw) replied: Seek treatment servants of Allah, for Allah has not created an ailment without having created a cure for it except for one ailment. They said: Which one is that O Messenger of Allah? He (saw) said: Old age."

2. Al-Nisai, Ibn Majah and al-Hakim reported on the authority of Ibn Masud that the Messenger of Allah (saw) said: " Verily Allah has not sent down an ailment without having sent down a remedy for it, so treat yourselves "

3. Muslim reported on the authority of Jabir that the Messenger of Allah (saw) said, " Every disease has a cure, so if the right cure were

applied to the disease, the sick would recover with the will of Allah."

It is a known fact among the Usuli scholars and the Fuqaha such as al-Surkhasi, al-Ghazali, al-Amidi, al-Shatibi, al-Nawawi, al-Shirazi and al-Asnawi among others, that

an order does not necessarily carries an obligation, but it merely carries a request, i.e. a request to perform an action, for in order for this request to qualify as an obligation, it would require a qareena (conjunction) to qualify as such, otherwise it remains a mere request. This is so because there are many Shari"ah texts that have come in the imperative form which request either to do an action or not to do an action, however, they merely entail a request and not an obligation or the recommended unless there is a conjunction to indicate this.

Allah (swt) says "And when you have left the sacred precincts, do hunt." [EMQ 5:2] and, " Eat and drink..." [EMQ 2:60]

He (swt) also says, " And once the prayer has been performed, disperse."

[EMQ 62:10]

There are many other verses like these which came in the imperative form. In addition to this the Messenger of Allah (saw) said, " We have been ordered to make tasbeeh after each prayer " and he (saw) said, " We have been ordered to perfect our wudu" . He (saw) also said, " My Lord has ordered me to comb my beard with my fingers".

These ayat and ahadith, as well as many other texts not mentioned here, contain a request to perform certain actions, but none of the scholars have actually said that hunting is obligatory, simply because the request has come in the imperative form.

Furthermore, I have never heard any scholar claiming that eating, drinking and dispersing were obligatory in the normal situation; and we have never heard any scholar say that the perfecting of the wudu', rubbing the fingers through the beard, or the tasbeeh after prayers or the trimming of the moustache were obligatory, despite the fact that the phrases "My Lord ordered me" and "We have been ordered" are clearly stated. They do not indicate an obligation but merely a request, and it is the conjunction that qualifies the request to be either the recommended or the obligation. For instance, the tasbeeh after each prayer is mandub, so is the perfecting of the wudu', for the conjunction is not decisive. However, when it is decisive, then the request would be obligatory, otherwise it would be merely an indication that the action is mandub. And if there were no conjunction, the action would be permitted i.e. mubah, as is the case in Allah's (swt) saying "do hunt" which indicates "you may hunt."

This also applies to the phrase "seek treatment", for the imperative form here indicates merely a request to perform the action, and the conjunction here is not decisive. To me, the predominant opinion is that the seeking of treatment is mandub, and that perseverance during illness without seeking treatment is also a mandub action. Evidence about this is derived from the actions, the sayings and the approval of the Messenger of Allah (saw), and from the Ijma' of the Sahabah:

1. Ibn Majah, al-Bayhaqi, Ibn Abi Dunya and al-Hakim (with his wording) - who said that it is a sahih hadith on the conditions of Muslim, with several evidences - extracted on the authority of Abu Sa'id that he entered the home of the Messenger of Allah (saw) while he (saw) was sick and wrapped in a blanket, so he put his hand over the blanket and said, "Your fever is very severe O Messenger of Allah. He (saw) said: We are

like this, the trials fall numerous upon us and we get double the reward. Abu Sa'id then said: O Messenger of Allah, who are the ones with most of the trials and tribulations? He (saw) replied: The Prophets. He said: Then who? He (saw) replied: The scholars. He said: Then who? He (saw) said: The pious people, one of them would be afflicted with lice and then they died, another would be so poor he would have nothing but his garment, and one of them would be happier with his trials than some of you would be with their provisions."

2. Ibn Sa'd, al-Hakim and al-Bayhaqi extracted this hadith, and Ahmed and his trustworthy followers extracted a similar hadith, on the authority of A'isha, who said that the Messenger of Allah (saw) was once in pain, so he kept on suffering and turning in his bed, so A'isha said to him, "If any of us did this would it upset you?" He (saw) replied, " Verily the believers would be hardly pressed, and verily every believer

who is to suffer even from a sting or a pain, Allah would, as a reward, erase one of his sins and increase his rewards a degree."

Comment: If seeking treatment was compulsory, the Messenger of Allah (saw) would have endeavored to seek it, but the Messenger of Allah (saw) opted to endure the pain and exhorted us to do the same by saying that the reward would be doubled if we persevered and endured the pain and the tribulation.

3. Al-Bukhari and Muslim reported on the authority of Ata' ibn Rabah on that of Ibn A'bbas who said, "Do you want me to show you a woman from the people of heaven. I said: Yes. He said: A black woman came to the Messenger of Allah (saw) and said: I suffer from epilepsy and I get uncovered as a result, so would you supplicate Allah on my behalf. He (saw) replied: You could persevere if you wish and your reward would be heaven, and if you wish I could supplicate Allah to cure you. She said: I will persevere. She then said: I do get uncovered, so would you supplicate Allah on my behalf so I do not get uncovered. So the Messenger of Allah (saw) did."

Comment: The Messenger of Allah (saw) exhorted the woman to persevere although he (saw) had the cure for her: "If you wished, I could supplicate Allah to cure you", and the woman said that she would rather persevere, therefore the saying and the approval of the Messenger of Allah (saw) serves as evidence that seeking treatment is mandub and that persevering is also mandub.

4. Ahmed extracted on the authority of Jabir who said, "Al-Humma sought permission to see the Messenger of Allah (saw), so he said: Who is this?"

She said Umm Mildam (i.e. al-Humma was her nickname), so he ordered her to go to the people of Quba' who suffered at her hands what only Allah knows about, so they came to the Messenger of Allah (saw) complaining about this so he said: Whatever you wish, I could supplicate Allah to

rid you of her or she could serve as an atonement to you. They said: Would you do that? He (saw) said: Yes. They said: Let her be then."

5. Ibn Sa'd, Ibn Abi Sheeba and Ahmed extracted in Al-Zuhd, and Abu Na'im in Al-Hulya (chapter 1 page 24), and Hannad on the authority of

Abu al-Safar who said, "Some people entered the house of Abu Bakr to visit him while he was sick and said to him: O Khaleefah of the Messenger of Allah (saw), do you want us to get you a doctor to examine you? He replied: He already has." And in the narration of al-Daylami and

al-Hakim, he was reported to have said, "Keep my doctor away from me and let me be with my beloved."

Comment : This took place in the presence of the Sahabah, and had the treatment been obligatory, they would have been obliged to fetch the doctor and the medicine, otherwise they would have sinned, but their silence over that matter indicated that treatment is not obligatory.

6. Abu Na'im extracted in Al-Hulya (chapter 1 page 218) on the authority of Mu'awiya ibn Murra that Abu al-Dardaa' complained from an ache, so

his friends came to visit him and said, "What do you suffer from O Abu al-Dardaa?" He said, "I am suffering from my sins." They said, "And what

is it you desire?" He said, "To enter heaven." They said, "Do you want us to get you a doctor?" He said, "It is he who put me in bed."

Mu'adh and his family also persevered when they were suffering from the plague, and as did Zayd ibn Arqam when he suffered from ophthalmia.

Al-Bukhari reported in Al-Adab al-Mufrad on the authority of Zayd ibn Arqam who said, "I was suffering from ophthalmia once, so the Messenger of Allah (saw) came to visit me and said: O Zayd if you were to lose your eye because of this what would you do? I said: I would persevere

and be contented. Upon this he (saw) said: If you lost your eye and then persevered and were contented, your reward would be heaven." This hadith

was also reported by Ahmed on the authority of Anas, and mentioned by Abu Ya'ala and Ibn Asakir.

7. Ahmed, Muslim and others reported that the Messenger of Allah (saw) said, "Seventy thousand people from among my Ummah will enter paradise

without being held accountable, they are those who do not seek the ruqya (seeking refuge from bad spells etc.), and those who are not pessimistic and those who do not treat themselves with cauterisation, and those who put their trust in and rely on Allah."

Therefore, the rule regarding the seeking of treatment would be mandub and not obligatory. He who seeks treatment would be rewarded and he who does not would be rewarded as well, and that is the predominant opinion.

Therefore, the use of life support machines would be mandub, and the non use and the switching off of such machines would be permitted according to Shari'ah in the normal situation. However, it has to be stressed here that if the patient had come to the hospital or the clinic walking and conscious, in order to undergo an operation for an eye, ear, kidney or appendicitis etc., and having undergone the operation, he was put on a life support machine or a ventilator, in this case the doctor would not be allowed to switch off the machine. If he did and the patient died, the doctor would then have to pay the blood money for this would be regarded as accidental killing.

But if the patient arrived at the hospital on a stretcher and was unconscious or in deep coma because of a car accident, for instance, and was put on the life support machine as part of the treatment, then the doctors would have the choice of either switching the life support machines off, or leaving them on, until the other parts of the

patient's body are also clinically dead. For it is a known fact that the death of the brain in medical terms means that recovery is not expected even if

other parts of the body were still functioning for these would soon stop as well.

Therefore, it is permitted to use the life support machines, and it is mandub to use them if the doctor deems that they are necessary and could help the patient. It is not forbidden to switch these machines off once the brain is clinically dead (in the event of the patient arriving in hospital clinically dead). The doctor in this case would not be sinful and would not be liable as far as Islam is concerned.

This is as far as seeking treatment is concerned. As for provision of medical care and medicine for people, this is one of the legitimate rights of the people, and they are part of the public services and vital necessities, which the Islamic State is under an obligation to provide for all its citizens. Islam has decreed that the guarantor of the basic needs, such as food, shelter, clothing, work, guardianship, medical care, education, rights, protection and security etc. would be the Khaleefah, i.e. the Islamic State. Every single individual should be guaranteed such needs, whether he were a Muslim or non-Muslim, rich or poor. Bait al-Mal (treasury) should cover the expenditure of such amenities.

As for the medical care and the providing of hospitals and doctors, it has been reported that al-Muqawqas, the Roman king, sent a doctor as a gift to the Messenger of Allah (saw), who in turn appointed him as doctor for all the Muslims, and even to all the citizens of the State. Therefore, the fact that the Messenger of Allah (saw) did not put the doctor under his own private disposal, serves as an indication that such a gift was not meant for him alone, but to all the citizens of the Islamic State.

And as mentioned by Imam al-Maqrizi in his book *Amta'a al-Asma'a*, reporting on the authority of Al-Waqidi and Ibn Hisham, the Messenger of Allah (saw) set aside a place where the patients used to receive treatment, and the expense was covered by Bait al-Mal. A group of eight from Arina came to Allah's Messenger in Madinah, and declared their Islam and their belief in him (saw), then they fell ill in Madinah and complained from splenitis, so the Messenger of Allah (saw) ordered for the men to be brought to his hospital, the flock of the Muslims (i.e. that belonging to the treasury) were at the time at Jadra in Quba', and near other flocks which were grazing there; the men remained there until they recovered and gained weight, and they had asked Allah's Messenger permission to drink from the flock's milk and urine, so he (saw) allowed them to do so.

The Messenger of Allah (saw) set aside a place in the mosque for Sa'd ibn Mu'adh when he got injured. He remained there being nursed until he died.

It has also been reported that when "Umar ibn al-Khattab passed by some leprous people on his journey to al-Sham, he allocated a sum of money for them from the State's treasury. The Khulafa'a and the walis (governors) followed on the same tradition. For instance, al-Walid ibn Abdul Malik allocated funds to the lepers, and Ibn Tulun built in one corner of his mosque in Egypt a place for ablution and a cabinet which he filled with medicines and syrups. He also appointed a doctor to treat the sick.

Muslim reported on the authority of Abdullah ibn Umar that the Messenger of Allah (saw) said, " You are all guardians and each one of you will be asked about your guardianship, the Imam is a guardian over the people and he is responsible for his guardianship." Part of the guardianship is to provide education and medical care, and

this duty of the State could not be fulfilled unless it provided doctors and hospitals. The Shari'ah principle states, "That which is necessary to accomplish a duty is in itself a duty."

The State should provide universities and colleges in order to teach people Islam as well as other sciences which the Muslim need in his life. This is so because it is part of the guardianship which is its duty. Al-Tabarani and Muslim, among others, reported that the Messenger of Allah (saw) said, "Seeking knowledge is a duty upon every Muslim." In this hadith, the knowledge referred to is the Shari'ah, and other types of knowledge could be added to this if they fell within the necessities approved by Shari'ah.

For the individuals, seeking treatment is mandub, whereas for the State, it is obligatory to provide medicine, hospitals and doctors, and it is obligatory upon the Muslims to obey the Khaleefah. So if the Khaleefah ordered people to have a vaccine or take medicines in the event of an epidemic or as a preventive measure, or to have medical checks at stated periods, then he must be obeyed, for the Shari'ah principle states that the order of the Imam is binding on the people, both openly and secretly, and Allah (swt) says, **"Obey Allah and obey the Messenger and those in authority from among you." [EMQ 4:59]**

In this case the obligation of seeking treatment would be based on the obedience of the Khaleefah and not on the hadith of "Seek treatment..."

Seeking treatment is Mandub (recommended) and Allah knows best.