

The End of Human Life in Light of the Opinions of Muslim Scholars and Medical Science

Mohammad Naeem Yaseen, Ph.D.
Khaldiyyah, Kuwait

DOI: <http://dx.doi.org/10.5915/23-2-15082>

Abstract

There is no single statement either in the "Qur'ān" or "Sunnah" (Prophet Muḥammad [PBUH] traditions) which defines the precise moment of death or even gives a hint or a clue to such a moment. In the absence of such a text "Naṣṣ", one has to seek the learned opinion of scientists/physicians, while taking into account the Islamic scholars' views of the spirit, life, and death. Islamic jurists believe that life begins-by "Allāh's" (God) order-with the breathing-in of the spirit into the fetus. Life thus must end and death occur with the departure of the spirit from the body. Muslim jurists believe that the spirit is the source of perceptions, behavior, and actions of the body (voluntary movements). They further believe that the body is the vehicle through which the spirit functions. When the body "spoils" and cannot respond to the spirit's orders (will), the spirit departs, i.e., death occurs. According to current medical knowledge, the brain controls all bodily functions. From an Islamic viewpoint then, the spirit acts through the brain. When the brain is damaged and fails completely to respond to the spirit's will, all other organs fail. The complete and irrevocable failure of the brain (defined by science as brain death) could then be the moment of death.

Key words: Death, brain death, vegetable life, spirit, human life, Islamic viewpoint, Muslim jurists.

Any attempt to determine the moment at which man's life on earth comes to an end, in a way that is considered precise from the point of view of Islamic law, is more difficult than trying to determine the time at which life begins. On the latter question, we have found an authentic tradition/saying of the Prophet (PBUH) from which we began our investigation and which was the basis upon which other related statements had been based.¹ On this question, however, there is no single statement, either in the

"Holy Qur'ān" or "Sunnah" (Prophet Muḥammad [PBUH] traditions), which can be taken as a starting point.

In the absence of such statements we are dependent on observation, experimentation, and science. We find ourselves compelled to admit that the decisive role in this question, i.e., when life ends, should be conceded to the specialists whose job it is to observe man, namely doctors. They are the ones who are familiar with the critical aspects of the question under consideration.

This concession does not negate the role that the "Fuqahā' " i.e., scholars of Islamic law or Muslim jurists have to play, side by side with their Muslim physicians colleagues, who are seeking to observe the stipulations of their religion while they practice their profession. The role of the Fuqahā' comes, both before and after, that of the specialists. First, they give the physicians a clear idea of the general principles, conditions, and restrictions which a Muslim should observe when he is practicing his profession,

From the Department of Comparative Jurisprudence and Shariah Policy, Faculty of Shariah and Islamic Studies University of Kuwait, Khaldiyyah, Kuwait.

*Reprint Requests: Dr. Mohammad Naeem Yaseen
Department of Comparative Jurisprudence and
Shariah Policy, Faculty of Shariah and Islamic Studies
University of Kuwait, Khaldiyyah, Kuwait.*

whatever his discipline may be. Afterwards, they take the findings of the physicians, as presented in their papers and observations, and build upon them in order to reach relevant rulings. All this is restricted to subjects which are not covered by decisive juristic statements, as in the case of the subject we are herein investigating.

Because, as already mentioned, no Naṣṣ (text) explicitly defines the moment of death, the starting point will be the two principles formulated in a previous essay.¹

1. Man's life ends with an occurrence the opposite of that with which it begins. If life begins with the attachment of an object created by Allāh, the "spirit" to the body,¹ then in accordance with Allāh's will and ordinance, the end of this life occurs when that created object, the "spirit", departs from the body to which it has been attached.
2. The spirit is an object created by Allāh, the Most Sublime, and man may investigate it to study its characteristics, properties, activities, its effects on the body and ways the body is affected by it, the time of its attachment to the body, and the time of its departure from it.

The first principle is a logical conclusion. It originates in the rule of "cause and effect", which by Allāh's will, governs this universe and all the activities therein. According to this rule, everything is made by the Creator to depend on a particular reason or cause and to exist only when that cause is available. Since Allāh has made the beginning of life dependent on a cause, which is the union of body and spirit, the end of this life must occur when they separate.

Thus, all discussion should start at this point, the spirit's departure from the body. I believe every researcher is convinced of this, excepting some writers who have evaded it because of their belief that the spirit is a mystery, the knowledge of which Allāh has kept from His creatures, and should, therefore, not be included in any investigation. For this reason, they have been compelled to look for other starting points, which have no relation to the spirit. Their reluctance to start with the "spirit" is based on a Qur'anic "'Āyah" (verse) which does not definitely suggest that the spirit is included in that list of mysteries which a Muslim should not get into. In this verse Allāh says:

"They ask you about the spirit. Say: Knowledge of the nature of the spirit belongs to my Lord. Little indeed is the knowledge you are given."²

Another motive to avoid the subject of the "spirit" is that the Prophet (PBUH) himself avoided this subject when asked about it, limiting himself to what Allāh had said in the Qur'ān. However, I have shown elsewhere¹ that this Qur'anic 'Āyah, does not

give sufficient reason to assume that the spirit is a mystery closed to human investigation, which no one should even approach.

Many scholars have discussed the spirit, have written whole volumes about it, and have spoken about its properties, activity, and influence on the human body, as well as the effect of the body on it, as well as other matters, without being afraid of going against this Qur'anic verse. This is in spite of their strong religious belief and their meticulousness in observing the stipulations and the guidance of the Holy Qur'ān and the Prophet (PBUH). Some of them have gone so far as to declare that the spirit is neither a mystery nor unlawful to explore. Even those who interpret the Qur'anic 'Āyah to refer to the human spirit, and forbid any interpretation of it other than what the verse literally suggests, say that what is forbidden is the discussion of the nature and the essence of the spirit, not its other aspects.

Had the Prophet (PBUH) taken the words,

"... Belongs to my Lord"²

to mean that discussion of the spirit should not go beyond this divine reply, he would have observed his Lord's instruction and would not have stated in his "'Aḥādīth" (sayings) anything that gave further details. We find, however, that the Prophet (PBUH) tells us many things about the spirit, such as the beginning of its attachment to the body; the way it makes friends and acquaintances or enemies and antagonists; the way it departs from the body of a believer and from the body of an infidel; among other things.

Once we accept these two principles, we can use them to analyze the conclusions of Muslim scholars when they interpret the texts of the Holy Qur'ān and Sunnah, which deal with the spirit, and the conclusions of specialists, i.e., physicians, based on the observation of human life in reality. We utilize these findings and conclusions to arrive at the most likely definition of the end of human life and use that as a basis for necessary rulings.

The most important features of Muslim jurists' conception (of the spirit) are the following:

- A. The spirit is a created object which Allāh originates when He wants to create a human being. This is indicated by the words of ibn al-Qayyim al-Jawziyyah: "Allāh, Blessed is He, sends an angel to the body to breathe one breath into it. A spirit is made for that body through that breath, which is the means of introducing this spirit into the body, the same way that copulation and ejaculation are the means of creating the body, and nourishment is the means of its growth. The matter from which the spirit is made is the angel's breath, and that from which the body is made is the liquid ejaculated into the

womb. The former is a divine matter; the latter is earthly. The angel is the father of the spirit, while dust is the father of the body.”³

- B. One of the most important functions of the spirit is learning and perception. Al-Jūrjānī defines the human spirit as “that nicety of the human creature which knows and perceives and which is superimposed on the animal spirit derived from the world of ordinance. Human reason is incapable of understanding its nature. That spirit may exist separately or be attached to the body.”⁴

‘Abū Ḥāmid al-Ghazālī gives a definition which is not much different. “The spirit”, he says, “is that aspect of man which acquires knowledge and experiences the sufferings of sorrow and the joys of happiness.”⁵

According to this concept, it is the spirit that grasps the various meanings that can be grasped, for it is the spirit that learns the various branches of knowledge, grasps their analytical findings, and deduces details from generalities, generalities from details, and so on. It is also the spirit that experiences the various emotions of pain and joy, happiness and sorrow, pleasure and misery. It is the spirit that feels miserable, happy, or angry, that hopes and despairs, that loves and hates, that knows and denies, etc.

Some scholars say one type of the experience of the spirit takes place through the various organs and systems of the body, while another type is independent of the body, such as experiencing the pains of sorrow, grief, and melancholy, and the joys of happiness and pleasure. The reaction of the spirit to such experiences does not require the employment of any organ of the body. The spirit takes care of it all by itself.^{6,7}

- C. Scholars believe that the spirit influences the human body. One of its important effects is voluntary movement. Every voluntary activity performed by man is effected by the spirit.⁸ Every human cultural artifact is result of the effect of the spirit on the body, for human bodies are machinery and the soldiers of their spirits.^{8,9}

This implies that Muslim scholars believed that compulsory (involuntary) motion is not one of the spirit’s effects. Since spontaneous movement cannot come from inanimate objects, then there is no alternative but to admit that every involuntary movement spontaneously performed by the human body, i.e., without the intervention of an outside factor, indicates some type of life. Perhaps this is the life which Allāh creates in the human body before the spirit is breathed into it. This life may remain in some organs of the body after the departure of the spirit. It is called “cellular life” by some physicians and is com-

pared by Muslim scholars to vegetable life.¹ What is suggested by their conception of the spirit, as explained above, is that the compulsory (involuntary) movement resulting from this kind of life does not indicate the existence of the spirit.

- D. Although Muslim scholars do not define the moment when the spirit departs from the human body, those among them who discuss the question have clearly promoted a rule to determine this moment. When this rule is combined with modern medical findings, its effectiveness soon becomes evident. These scholars affirm that the spirit remains attached to the human body as long as the body is fit to serve the spirit, carry out its instructions, and show its effects, and that Allāh has ordained that the spirit should leave this temporary lodging, the human body, when it is no longer able to perform these functions.

Ibn al-Qayyim al-Jawziyyah defined the spirit as “an object different in substance from this tangible body. It is of a luminous, high, light, living, and moving nature. It gets into the essence of organs and penetrates them in the same way roses are penetrated by water, olives by oil, and coal by fire. As long as these organs are fit to receive the effects on them of this delicate object, it remains intertwined with them and benefits them with these effects in the form of feeling and voluntary motion. If these organs spoil, due to the predominance of dense humours and are no longer receptive to those effects, the spirit departs from the body and removes itself to the world of spirits.”¹⁰

He later adds: “This is the right thing to say on this issue. Nothing else is true and all other claims are false. It is suggested by the Book, the Sunnah, the consensus of “Companions”, (of the Prophet [PBUH]) and the evidence available to the mind and instincts.”¹⁰

To support this approach in defining the spirit, he cites 116 items of evidence derived from the Holy Qur’ān, the Sunnah, and common sense. He follows that by giving rebuttals to 22 items of doubt raised by people who oppose this view.¹⁰ Other scholars adopted the same approach.^{11,12}

It is also very similar to ‘Abū Ḥāmid al-Ghazālī’s explanation of death and the role of the spirit in it:

“The meaning of the spirit’s departure from the body is that it no longer controls the body, which stops obeying it. The organs are vehicles for the spirit. It strikes with the hands, hears with the ears, sees with the eyes, and learns the truth about things by itself. The failure of the body with death is parallel to the chronic failure of its organs because one of its humours spoils, or to a crisis suffered by the nerves and preventing the

spirit from getting to them, which makes the knowing, rational, and perceptive spirit available to, and in control of some organs, and resisted by others. Death is when all organs resist the spirit. All the organs are machinery used by the spirit. Death means that the spirit no longer controls the body, which is no longer a vehicle for it. As chronic failure of the hand means it is no longer in use, death is the chronic failure of all organs".¹³

The conclusion we arrive at from the writings of these scholars is that man's life on this earth ends when the body is no longer capable of serving and reacting to the spirit. The implication of this conclusion is that if science can determine the moment when the body becomes irrevocably incapable of performing all its voluntary functions, the answer is found to the question of when human life ends.

These Muslim scholars did not conduct their search because they felt the need to derive "Fiqh" (Islamic law) rulings that govern human behavior related to the end of life, but rather because they needed to find out the truth about man from the Islamic statements and facts available to them. What then is the attitude of Fiqh scholars who devoted their energies to the task of finding practical rulings? Did they not come across practical needs and realistic situations which made it imperative for them to state clearly and definitely their point of view.⁷ It seems that most of the real issues they came across in this regards did not require them to investigate the end of human life with accuracy and precision. They were satisfied with the general image which suggests the end of life and which includes within it the actual end and a period of time that follows it. This is the image familiar to most people, whether learned or illiterate. Fiqh scholars based their rulings on this image of death, whether these rulings concerned washing, shrouding, performing the prayer for the dead, and burying a dead person; related to the rights he enjoyed before death, such as carrying out his will and dividing his legacy; and covered the obligations of his widow, such as going into a waiting period. The difference in outcome between basing such rulings on the actual instant of death or on a time period, which includes that instant and few more hours, is minimal.

Although this is the case with most of the issues dependent on the end of human life, Fiqh scholars dealt with a particular issue which compelled them to investigate the exact time at which death occurs, set the greater likelihood, and base rulings on it, in their concern for justice in assigning grave responsibilities, an error in such assignment may result in destroying lives without justification and in allowing criminal souls to go free without just punishment. This issue is joint murder by succession. This refers to a crime committed by a person against another, leaving the victim in a critical condition. Then another criminal

attacks the same victim, hastening his death. Which of the two criminals is to be regarded as the murderer who deserves the punishment of retaliation?

In answering this question and determining who is the murderer in such cases, Fiqh scholars are almost unanimous in adopting a rule the essence of which is to consider the condition of the victim as a result of the first action and prior to the second. If he has reached a condition where he has irrevocably lost all senses (eyesight, utterance, and others) and all voluntary movement, (stage of slaughtered person's movement), the person who has committed the first action is the murderer and is subject to "Qiṣās" (retaliation). The person who has committed the second action, whatever it is, is chastised but is not punished by retaliation. Whereas, if the first action does not cause the victim to lose all senses and voluntary movements (still in the stage of "stable life"), the second culprit is the murderer who deserves retaliation. There are other passages from Fiqh scholars which make things clearer.¹⁴⁻¹⁸

The opinion of Fiqh scholars on this question suggests that they consider the loss of the senses and voluntary movement a sign which makes the likelihood greater that the victim has reached the stage of death, and that the involuntary movement witnessed in the victim is not sufficient to make the likelihood that the spirit is still in the body greater, if this movement is not accompanied by a sensation or voluntary movement. Otherwise, scholars would consider the second criminal deserving the death punishment, because his fatal assault would have been committed against a body with a spirit. Perhaps in arriving at this conclusion, Fiqh scholars are influenced by the scholars of the first group, such as ibn al-Qayyim and al-Ghazālī, who affirmed that the spirit leaves the body of its owner the moment the body becomes incapable of reacting to the spirit with any form of sensation or voluntary action.

Scholarly objectivity requires that, in giving an account of the opinion of scholars on this issue, we should refer to a point that could serve as a rebuttal for, or cast doubt on the validity of what we have concluded from their statement in the case of joint murder by succession. This point is that if a victim arrives at this stage of unstable life due to illness, and not due to a crime or the assault of an animal of prey, and is attacked by a criminal in this stage, even if the victim is in the stage of dying, the majority of scholars believe this culprit deserves the punishment of retaliation. Al-Zarkashī goes so far as to say, "Even if a patient is in the throes of death, the shade of which is discernible, he is not ruled to be dead, and his murderer deserves the punishment of retaliation."¹⁹

Al-Zarkashī distinguishes between one crime committed after another and a situation of this sort by saying that in the latter case, there is no other cause

to which the death of the victim may be attributed, while in the former, there is.¹⁹

It seems that the distinction between the two cases made by al-Zarkashī does not influence the difference in ruling, and that is suggested by what he, as previously quoted, has said. This same position was also taken by other "Shāf'ī Fuqahā' ". If the first action is committed by an animal of prey which exposes and spills out the victim's intestines, anyone who commits another action against the victim later can never be indicted for murder, whatever the action is. Attributing the first action to a wild animal does not differ in outcome from attributing it to an incidence caused by Divine Will, which leads to the same result, or any similar occurrence.

The reasonable criterion for making a distinction between the two cases is the possibility of determining that a victim has reached the stage of unstable life and it is certain that this stage will not return to stable life once again. The signs of dying in the days of those scholars were not sufficiently definite to allow them to determine a greater likelihood, let alone be sure, as it is clear from the fact that there were many cases in which people were described as being in their last breath, then survived until Allāh willed them to die.

If this is the real criterion of distinction between the two cases, it does not affect our above-mentioned interpretation of the attitude of Fiqh scholars concerning the question of determining the time of death in the matter of joint murder by succession; on the contrary, it gives more support.

Now, we need to sum up the concept of the spirit, life and death as espoused by the Fuqahā' and the physicians.

1. Fuqahā's concept:

The account given above concerning the views of Muslim scholars in regard to the spirit and its relation to the human body can be summed up as follows. They believe that:

- man has a body and a spirit. It is not human with only one of the two elements.
- the body is the lodging of the spirit on this earth as long as man's ordained life goes on.
- knowledge, awareness, and voluntary action are the most important functions of the spirit.
- the function of the body, with all its organs and systems, is to serve the spirit and react to its instructions, and to serve no other function during the lifetime of the person concerned.
- the spirit performs some of its functions through the body and some others independently.
- the human body does not carry out any voluntary activity in this world without instruction from the spirit and everything it does is done under influence of the spirit which Allāh has deposited inside it.
- death means the spirit's departure from the body

and that death occurs to a person when his body can no longer react to the spirit's instructions.

- any type of sensation, awareness, or voluntary motion is a sign that the spirit is still inside the body, and the total absence of indications of these things is a sign that the spirit has left the body.
 - mere involuntary movement means nothing other than that the body has a type of life, (vegetable life) unaccompanied by the spirit, left in it.
- #### 2. Physicians' concept:

Physicians have certainly realized a praiseworthy achievement in their effort to keep the body alive and to aid it in carrying out its functions. They have uncovered many facts about the human body which had been mysterious for too long. They have learned much about its organs and systems, their relation to each other, their interdependence, and the function and significance of each.

They have described with great precision the inner processes by which each function is performed, i.e., what happens inside the body when we move, see, hear, or feel pain.

One of the most significant medical discoveries is the discovery of the organ which controls the function of the body's other organs. That organ is the brain, whose health is essential for the ability of every other organ to perform its functions. Specialists tell us that no voluntary action is performed by any organ unless it is originated by some activity carried out in the brain. Partial damage to the brain results in disability or damage of certain organs and/or systems. Total brain failure is certain cause for the inability of the rest of the human body to perform any of its voluntary functions.

Specialists also say that, with the use of modern equipment they are capable of diagnosing the condition of this primary organ, determining the extent of its ability to perform its activities and finding out the nature of any disability it has, whether it is temporary or permanent, curable or incurable. By doing this, they are able to determine the condition of a human body and the extent to which it is capable of carrying out its voluntary actions.

Another of their most important achievements is their ability to maintain the primary or cellular life of human organs, although these organs may be specially separated from the body, the brain, and the spirit attached to the body, as well as to transplant such organs from one body to another.

Upon considering the conclusions of the Fuqahā' and of medical specialists, it is clear that there is no contradiction between them and that their roles complement each other in the search for an answer to the determination of the end of human life.

True, it is possible for a hasty researcher, who looks only at the surface of things and fails to explore them in depth, to assume that there is some contradiction between the two groups in their concepts of the end

of human life. He may assume that Islamic law scholars attribute to the spirit activities and functions which, to a great extent, are the same as what medical specialists have discovered to be the functions and actions of the brain. The hasty researcher may also assume that Muslim scholars give the name "spirit" to a material organ which can be subjected to observation, tests, and dissection as far as physicians are concerned, whereas these Muslim scholars affirm that the spirit cannot be a material body. The hasty researcher may attribute this "mistake" to the fact that these Muslim scholars were not witnesses to the current medical knowledge.

This, in my belief, is a superficial criticism, essentially based on the dominance of material interpretation, which is extended to cover all phenomena, material or immaterial. Materialist thinkers study only what is corporal and admit only the results of material research. When they wish to explain a behavior performed by man, they monitor what happens to the material parts of the body when this behavior is performed, and note all tangible developments, actions, and reactions of the various organs of the body. When they arrive at the original essential activity that can be measured by their equipment, they attribute to the organ which carries out this original activity the behaviors performed by that person. Thus, when they discovered that the brain is the organ which reacts in various ways to every action carried out by man, they attributed to it all of human behavior, whether it is material or not.

In fact, they may be right in explaining the material processes that take place inside the body when a person does something. This is their field and they know it better than anyone else. The thing which cannot be sanctioned is their attributing the final results, which is human behaviour in its final forms, to that material organ where all material reactions originate before a certain behavior is performed, because all the voluntary actions of man have immaterial elements, the element of will.

The laws of nature and the traditions of the universe suggest that material objects can never produce abstracts. They can only produce material objects like themselves. There must be an immaterial creature by God, inside the human body, taking advantage of all the physical processes which the organs of the body carry out under its own influence, the outcome of which accumulates in the brain. It is this immaterial creature which is responsible for any human action in its final form.

It is hard to believe that mere movements performed by organs, and reflected, in its total outcome, in the leading organ, the brain, can produce a feeling of pain, pleasure, joy, reassurance, or other states attainable by man. It is true that the brain and the other organs of the body differ from inanimate, material equipment in that the former consists of liv-

ing cells which grow, develop, and die. But their life is not a rational one; it is the same type of life an embryo has before the spirit is breathed into it. It is the same type of life a beating heart has after it is removed from the human body and is kept alive under certain conditions.

A simple reasoning process would show the error of the final interpretation upheld by materialist scientists who refer every voluntary human action to the brain and stop there. The reason goes as follows: If the brain is responsible for every voluntary action of the body organs, is its own action voluntary or involuntary? In other words, when the brain sends out instructions to the organs, receives the results of executing these instructions, analyzes these results, and issues the final outcome in the light of the analysis, are these various processes of the brain voluntary or involuntary?

It can by no means be said that these are necessarily, involuntary activities. Such a claim is contrary to common sense and leads to the further claim that everything a human being does is involuntary, just like all activities done by the cells of a living plant or of a living kidney detached from the body of its owner.

If it is admitted that the processes of the brain are voluntary, there is no way by which they can be attributed to the material, tangible cells of the brain, for the above-mentioned fact that abstract and immaterial things cannot be produced by material ones without the intervention of another source of a special nature, which makes it different from material objects. This means that, there is no way out of admitting the existence of a rational, living, non-material, and intangible creature that stands behind every rational activity carried out by the brain.

In pointing out the relation of the spirit to the body in general and to the brain in particular in the light of what we have learned from the views of the Fuqahā', which are rooted in "Nuṣuṣ" (statements), and in light of the scientific conclusions of medical specialists in explaining the activities of the body's organs, what seems most likely is that the living human body, with the brain and other organs, is an intricate complex of vital apparatus which are interwoven in a miraculous way and placed by the Creator in the service of a rational creature, breathed by Allāh into that intricate complex, and known in the Holy Qur'ān and Sunnah terminology as the spirit. It also seems most likely that this spirit controls that living body in this life on earth through the brain, which, operated by it and reacting to its instructions, moves the other organs of the body, sending to them, or through them, the messages which the spirit wants to be sent, and receiving through them anything the spirit wants to be received, which allows the spirit to go through what accumulates in the brain and draw conclusions and make decisions in the form of

Islamic Jurists	Medical Scientists	Conclusion
1. It is the spirit that perceives all perceptions	The processes of sensing and perceiving takes place in the human brain.	The spirit perceives all perceptions through the brain.
2. It is the spirit that controls the body in all of its voluntary movements	The brain controls all other body organs in their voluntary movements.	The spirit controls the organs through the brain.
3. Sensation and voluntary movements are the signs that the spirit is attached to the body.	Sensation and voluntary movements are the signs that the brain is healthy.	The health of the brain is a sign that the spirit is attached to the body.
4. The irrevocable absence of sensations and voluntary movements is the sign that the spirit has departed from the body.	The total and irrevocable absence of sensations and voluntary movements is the sign of brain death.	The irrevocable death of the brain is the sign that the spirit has departed from the body.
5. Involuntary movement does not indicate the spirit's attachment to the body.	Involuntary movement does not indicate that the brain is completely or even partially healthy.	Involuntary movement does not indicate whether a person is alive or dead.
6. The spirit does not unite with the body on earth before the end of the fourth month after an embryo is created.	Many organs can be detached from the body and still the lives of their cells can go on.	The life of body cells is not the same as the life of the spirit. The two may or may not coincide.

human behavior. Furthermore, it seems most likely that when the brain suffers partial damage, it is partially unable to react to the spirit's instructions and this disability is reflected in some organs in the form of a partial inability to act. If the damage is full, due to what our early scholars called alien humours, which are malfunctions, ailments and accidents the details of which are known to specialists, the brain fails completely to respond to the spirit's will, and all other organs accordingly fail. If the failure is irrevocable and there is no hope to check it, the spirit, by Allāh's will, departs from the body and is arrested by the angel of death, who takes it on a new trip about which we know nothing other than what our Lord has taught us through His chosen Prophet (PBUH), the details of which are not relevant to this paper.

If medical specialists can tell with certainty the time at which the brain is completely unable to carry out any voluntary activity, and is entirely beyond treatment, there is no reason to deny the death of a human being who reaches this condition.

This is the outcome of the interaction of the roles of scholars of Islamic law and medical scientists as given in detail above. This outcome can be summed up in the above table that juxtaposes the opinions of the two parties, and the rational conclusions based on the synthesis of the two opinions.

I cannot claim that this outcome, with its definition of the end of human life, is definite and ab-

solutely certain, and that it allows no other view. It is rather a result based on the greater likelihood. Although some of its premises are definite, others are assumptions; there may be an element of doubt concerning the ability of modern science with its findings to determine the final failure of the brain. As it is clear from what is mentioned above, the brain is one, albeit the chief, of the body organs, but not the spirit itself. There is no evidence, either in religion or in science, that the spirit lodges in it rather than somewhere else. Moreover, brain failure results from certain ailments, and every ailment, now known or to be known in the future, whether a treatment for it has or has not yet been discovered, is curable, as Prophet Muhammad (PBUH) said:

“Allāh has created no malady without creating a cure for it.”²⁰

The day may come when science progresses several times as far as it has done already. Then it may be discovered that the signs which present day physicians use as indications of brain death are not decisive, and that in spite of these signs, the brain can be treated. Unless and until this occurs, the definition of the end of human life presented here, i.e., brain death, seems to be the most appropriate.

Scholars of “Uṣūl-ul-Dīn” (the fundamentals of religion) agree that practical rulings may be based on what, on the basis of signs, indications and clues, is

considered the greater likelihood.²¹ On this basis, it is possible to base the needed practical rulings on the result we have reached in defining the end of human life. It can be used, for example, to identify the murderer in a joint murder by succession, or to determine the stand of Islam on the question of human organs transplantations. This will be the subject of a future article.

References

1. Yaseen, MN: The Inception of Human Life in Light of Statements of the Holy Qur'ān and Sunnah and the Opinions of Muslim Scholars. *J Islam Med A* 1990; 22:159-67.
2. Glorious Qur'ān, Chapter 17, Verse 85.
3. Ibn al-Qayyim al-Jawziyyah: "al-Rūḥ" Beirut, Labanon. *Dār-ul-Kutub al-'Ilmiyyah* (Arabic), 1402 H., 1982 A.D. p 199.
4. "Al-Ta'rifāt". Cairo: Egypt, al-Ḥalabī Publications, (Arabic), 1357 H., 1938 A.D., p 99.
5. 'Abū Ḥāmid al-Ghazālī: "Ihyā' 'Ulūm ul-Dīn", vol 4, Beirut, Labanon, *Dār al-Ma'rifah*, (Arabic), (no date) p 494.
6. Reference 5.
7. Reference 3, pp 286, 287.
8. Reference 3, pp 242, 285.
9. Badr ul-Dīn al-Zarkashī: "al-Manthūr fil-Qawā'id", vol 2, first edition, Kuwait. Ministry of Endowment Publications, Kuwait, 1402 H., 1982 A.D. (Arabic), p 105.
10. Reference 3, pp 242-90.
11. "Sharḥ al-'Aqīdah al-Taḥāwiyyah", third edition, Damascus, Syriā: al-Maktab al-Islāmī Publications, (Arabic), (no date) p 381.
12. Mahmud al-Subki: "al-Dīn al-Khālīṣ" vol 7, (Arabic), 1368 H. p. 186.
13. Reference 5, p 494.
14. Reference 9, p 105.
15. Al-Ramlī: "Nihāyat al-Muḥtāj" vol 7, Cairo, Egypt: al-Ḥalabī Publications, (Arabic), (no date), pp 15, 16.
16. 'Alā-ul-Dīn 'Abū Ḥassan 'Alī ibn Sulaymān al-Mardāwī: "al-Inṣāf fī Ma'rifat al-Rājiḥ min al-Khilāf 'alā Madhhab al-Imām Aḥmad." Muhammad Ḥāmid al-Faqīh, ed, first edition, vol 9, (Arabic) 1377 H., 1957 A.D., pp 451, 452.
17. Muhammad Abu Zahrah: "al-Jarimah", Cairo, Egypt: *Dār-ul-Fikr al-'Arabī* (Arabic), p 404.
18. Ibn Nujaym: "al-Baḥr al-Rā'iq, Sharḥ Kanz al-Daqā'iq", second edition, Beirut, Labanon, *Dār-ul-Ma'rifah*, (Arabic), vol 8, p 335.
19. Reference 9, vol 2, p 106.
20. Ṣaḥīḥ al-Bukhārī, Division 71, Book of Medicine, Chapter, vol 7, p 395, number 582. MM Khan, ed, Beirut, Labanon, *Dār al-'Arabiyyah Publishing, Printing and Distribution*, (no date).
21. 'Abū Ḥāmid al-Ghazālī: "al-Manqūl min Ta'liqāt al-'Usūl", Damascus, Syria, *Dār-ul-Fikr*, (Arabic), 1400 H., 1980 A.D. p 327.