

Suicide from the viewpoint of Practical Philosophy and Islamic Jurisprudence

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Abstract

Among most ancient philosophers and philosophical schools there is a consensus on the abhorrence of suicide. Religious people regard suicide as abominable, while in the view of Islamic jurists (Foghaha) suicide is absolutely prohibited, be it as a voluntary act or out of necessity, for instance in case of unbearable illness. In the writings of the Islamic jurists we do not find this problem as a separate, specific theme, probably because the love to live is seen as an innate and necessary anthropological element, whereas killing oneself is an exceptional and abnormal phenomenon and was especially rare in ancient times. But considering the following reasons, to develop an Islamic concept of suicide seems to be of utmost necessity: psychic pressures resulting from modern life in the past few centuries; medical advances in healing painful diseases and in the development of pain relievers, and also in view of the emergence of nihilistic philosophical schools.

Key words: life; right; duty; pain; unbearable disease; deliberate killing.

Introductin

The issues to be discussed are as follows:

1. Is life a right or a duty of mankind – or is it both?
2. Is the preservation of life an absolute duty?
3. Is suicide absolutely prohibited (haram)? Or is it absolutely permitted? Or should one differentiate, holding it to be prohibited (haram) when there is no unbearable difficulty, while permitted in extreme situations?
4. What Islamic arguments can be brought up for each of the above- mentioned positions?
5. If no reason exists to prohibit suicide from the point of view of the Shari'a, is it still to be rejected from an ethical point of view?
6. Do any social considerations legitimize considering suicide a crime?
7. If it is considered as a crime, what appropriate punishments can be perceived?

In this article the author, drawing on Islamic sources, will present his position based on his philosophical views and his iġtihad.

I- Practical Philosophy

A) *Ancient Greece*

In the discussions of practical ethics, suicide is not a recent theme. It was customary in ancient Greece to chop off the hands of a person who had committed suicide and to burry them apart; his/her body was buried at a place apart from other deceased people too, in order to punish him even after his death. The Pythagoreans held suicide to be a completely unjustified act, whereas Plato in the «Phaedo» holds suicide to be permitted in

cases of shame, extreme discontent, poverty, endless misery, and external pressures of these kinds imposed on Socrates by the Athenian Court. In the «Republic» as well as in the «Laws», Plato insists that a person suffering from an incurable, painful and chronic disease or who is obsessed by uncontrollable criminal motivations must be allowed to end his/her life or even to bring about his/her own death. The Greeks as well as the Roman Stoics defended this viewpoint to such an extreme as to approve suicide as a responsible and appropriate act of a reasonable person. They did not view it as resulting from an outburst of emotions but as an act of principle, based on a sense of responsibility and a personal decision to end one's life. Lucretius¹, the younger Cato², and Seneca³ had given such interpretations.

Contrary to this kind of argumentation, Aristotle holds suicide to be unjustified in any case, since in his view, it is a cowardly persons act as well as towards the state.

B) The Church Philosophers

The Bible leaves no doubt on the prohibition of suicide. But still it seems that the Church Fathers had some uncertainties on this issue, since Eusebius⁴, Ambrosias⁵, and Jerome⁶ held that a virgin girl is allowed to commit suicide in order to prevent being raped. The followers of some heretic Christian sects immediately committed suicide after having confessed to a sin, because they thought thus to directly enter heaven. But those sects have long disappeared in the course of history.

St. Augustine⁷ thought of suicide as a breach of the divine order that says: “You are not entitled to commit murder.” In his view, the meanness of suicide surpasses that of any evil that would be prevented by suicide. In the eyes of St. Aquinas⁸ suicide runs counter to the natural law of self-preservation, inflicts harm on society and conjures God’s wrath upon us as we pass from our hither life in to the yonder world. Some changes in the views on suicide can be observed alongside the various interpretations of Judas Iscariot’s suicide mentioned in the Gospel. Judas, it is said, after betraying Jesus for some 20 pieces of commercial goods, hanged himself under the pressure of his compunctions. Even though the early Christians conceived this act as a proper punishment for Judas, the highest thinkers of the middle ages held it to be an act even more evil than the crime itself.

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C) More recent thinkers view Point

The official stance of the Church towards all forms of suicide led to various reactions from reformists as well as radicals and conservatives. Thus, David Hume⁹, in opposition to Aristotle, looked upon suicide as a heroic act and contrary to Aquinas held it not to be counter to natural law. He also opposed Augustine’s position and claimed that suicide would not contradict God’s order to refrain from killing, since this order related to other persons on whose life we are not entitled to decide. Other than Hume, Kant¹⁰ deduced the illegitimacy of suicide from his categorical imperative. Nietzsche¹¹, in turn, claimed suicide to be a right and a privilege. In the eyes of the existentialists, suicide is closely connected with man’s freedom, and Camus¹² went so far as saying: “There is only one serious philosophical problem,

namely suicide.” Albert Camus would condemn suicide just as Wittgenstein, who in the last pages of his memoirs from 1914 – 1916 wrote: “If any act is permitted, then suicide is also permitted; and if no act is permitted, then suicide is not permitted either.” This attitude looks at suicide from an enlightened perspective, since it certainly holds suicide to be the source of all evils. Except for Wittgenstein and the existentialists, most western thinkers of the 20th century agree that suicide is more psychological problem than to be an ethical or philosophical problem. Freud and other psychologists claimed that suicide is the result of a psychic disease and of circumstances for which the individual cannot ethically be held responsible. Therefore, those who were not successful in their suicide attempt are to be treated by psychologists for their depression. In Great Britain suicide was classified as a crime until 1960. But after that this was no longer the case in order to pave the way for psychological treatment.¹³

In recent years the issue of suicide has been presented again in the West as an ethical problem. Following the conspicuous developments in medicine, the medical aspect of suicide has ironically changed into an ethical aspect, because the medical preparations of modern technology have enabled the prolongation of man’s life even when many organs of the body have ceased functioning. This fact has driven many people who are in such a sad situation to claim the right to death. People who have lost their control over almost their entire body for a longer period of time are seen by many as the victims of advanced medicine; their life, it is said, is prolonged beyond a natural and desired level by some hospital directors because of pecuniary

calculations. Derek Humphrey and Ann Wicket, the founders of the “Hemlock Society” have in an acceptable way defended the “right to death” acceptably, and they have published various books on this theme.¹⁴ They encourage people to state in their testaments that in case they get an incurable disease and become unable to consciously consent to the further course of their medical treatment, nature should be allowed to take its course without the interference of special medical measures, i. e. they should be let to die.

In this special case it is necessary to distinguish between two sets of ethical problems; first, whether suicide is justified or not, and second, if it is justified, what the reasons are. Our answer to these questions must also consider the problem of whether suicide is principally unjustified in all of its forms or whether there are also exceptions to be made. Second, some problems relating to public order will emerge as well, it must be discussed whether it is legitimate to draw up laws against suicide. If the latter the case, what kind of punishment is appropriate? Should we accept cases of exception? It must be carefully watched not to mingle the various forms of these cases with each other. For example, one can view suicide as ethically unjustified, while still holding that those committing it must not be punished (for instance in order to facilitate psychological treatment or to reach ethical solutions). On the other hand, someone who has no objection to suicide from an ethical point of view might quite well defend laws against suicide for reasons of the authority of state and social coherence. For example, one can hold a person’s body to be one of his belongings that he/she can destroy if he/she wishes to do so, while at the same time one can think that the

state is ethically entitled to circumcise the rights of ownership in the interest of the public at large.

We must furthermore differentiate between two kinds of problems or two kinds of similar religious problems. This differentiation becomes somewhat difficult in view of the fact that the reason for a religious inhibition of suicide can be an ethical one. Many religious scholars argue that God inhibits killing, for instance because it is an unjustified act; and on the contrary, exegetes of divine laws which hold killing to be unjustified solely because God has forbidden it. Such difficulties arise because religious scholars believe that we are ethically obliged to exactly follow the commands prescribed by religion; thus, for example, to say prayer without the ritual washing (wuzu) is unjustified, since it will breach an Islamic law. Even if we accept to have an ethical obligation to obey Islamic laws, we can still differentiate between ethical laws that must be justified by religion through laws that are based on revelation, on the one hand, and laws that do not need such a justification, on the other hand. In this case a matter that is ethically held to be completely unjustified since it is not based on revelation can be legitimate from a religious point of view. To take an example: From a non-religious perspective some forms of martyrdom can be seen as unjustified suicidal acts, while from a religious perspective they are not only permitted but even fostered. Another example is the ablution whose negligence can be seen as being no offence from a non-religious ethical perspective, while within a religious framework it is an offense. Thus, religious problems are not only related to the first category of ethical problems stated above, but they are also to the same extent related to the second category of

religious problems, especially from the perspective of the religion of Islam in which religious jurisprudence marks the highest level of religious thinking. As a result, one can distinguish between ethically unjustified issues and those that are related to the ethical dimension of inhibitions by the Shari'a. And one can also distinguish between ethical issues on the one hand and religious obligations and necessities on the other hand. The opinion that everyone should be aware of these distinctions must of course not be mingled with the fact that these issues are generally independent of each other. In fact, one of the aims of religious deliberation on these issues is to show the kind of relationship between them. With all these points in mind, we now return to the problem of suicide again.

D) Suicide in the ethical schools

Now we discuss the matter from its ethical aspect: Is suicide unjustified?

1) The utilitarian school

From the utilitarian point of view, suicide is unjustified if it violates the principle of maximal benefit for the maximal number of people in society. For the followers of this school, suicide is ethically unjustified, since the welfare of each individual in society depends on the assistance of others, while in addition to that, there exist strong emotional ties between the members of a society so that the death of one of them means a harm to the public interest. There are, of course, exceptions to this rule. Some individuals are nothing but a burden to society and others do not have strong emotions for others so that their loss does not lead to public grievance. It seems, as a result, that

the followers of the principle of maximal public benefit must necessarily confirm the systematic annihilation of these kinds of individuals. But the adherents of that school could answer that such a ruthless policy would lead to undesirable consequences, to regarding mankind's life as worthless and to make people void of emotions and ultimately vicious – results which are detrimental to the benefit and welfare of the people. But at any rate, in such cases suicide does not seem to be unjustified to this school. While utilitarianism holds suicide under normal circumstances to be unjustified, it does permit it under many other circumstances. For instance, in view of the current controversial discussions on suicide, the followers of this school seem to justify suicide in case of an incurable painful disease. But still some of the adherents of utilitarianism could say in their objection to suicide that engaging in discussions on taking away a person's life or on determining the limits of this practice in each individual case, leads to a depreciation of mankind's life, which in turn can only have a detrimental effect on public benefit.

2) *The deontological school*

A judgment on suicide from the viewpoint of this school is much more complicated. From Kant's view point Kant it is perfectly clear that no one can reasonably want suicide to become a general law; but the main problem of its general validity actually lies in the fact that a certain act can be described in different ways, and on the basis of different descriptions, one can reach different verdicts. One could imagine suicide to become a general rule in cases of an especially hard situation like an unbearable and unavoidable pain, when a person notices to be

nothing but a burden to other members of society. Kant himself has discussed suicide in his second group of categorical imperatives by presenting the following verdict:

“Deal with yourself or other persons in a way as though you were dealing with the whole of humanity; do never view yourself or the other as a tool, but hold each one at the same time *per se* to be a goal.”

Based on this rule, Kant did not think that one should do anything that prevents him from establishing and pursuing the goals that he has set for himself, nor should s/he does anything that delays the achievement of these goals. Therefore suicide as well as narcotics and alcohol must be classified as unethical items. It is on the basis of this same rule that Kant stresses the importance of the freedom of choice. A person could legitimately argue that in hard and extreme situations the continuation of his/her life can be a hindrance to his free choice, especially in cases when he feels to be a heavy burden to others so that s/he has no need to justify him/herself anymore. The decision to commit suicide before one's rational capabilities are destroyed seems to be in accordance with Kant's categorical imperatives. On the other hand, a verdict resulting from ethical virtuousness can in turn look dubious in the case of suicide, because if suicide is seen as a cowardly act, it must be condemned. The suicide of Hitler is generally pictured as a case of a cowardly act by a person who was afraid of suffering humiliation at the hand of those who defeated him. On the other hand, suicide might also be interpreted as a proud act of nobility and even virtuousness, such as the Japanese hara-kiri or the kind of suicide committed by some Stoics.

Some have argued that for religious reasons – even though for reasons independent of revelation in its strict sense – suicide is unjustified, because life belongs to God, and therefore killing oneself means disobeying the divine determination of each person's time and place of death. Hume's answer to this kind of reasoning is well known. In the first step, he argues that since God determines each and every single event, including man's actions, committing suicide cannot be a trespassing of what God has ordered to happen. In addition to that Hume says:

If deciding over man's life is so much in the hands of God that, dissipating one's life is disobeying the divine determination, then preserving life is as incorrect as destroying it. Because if I divert the direction of a stone falling on my head, I have disrupted the direction of the course of nature; and by so doing I have actually prolonged my life beyond the time calculated by the general laws of matter and motion, and thereby I have violated the sphere of divinity's eternal power.¹⁵ But despite all the profound criticisms in Hume's argumentation, it still cannot persist in view of the concepts of our times about the right to die, because the present positions are derived from cases in which man's life is merely prolonged artificially with the help of modern medicine. As a result, it goes without saying that regardless of adhering to the measures of utilitarianism, deontology or ethical virtuousness, ethical question about correctness or incorrectness of suicide, its reasons, and accounting for exceptions (if any) can not be determined in a clear-cut and decisive way at all ethical questions of whether suicide is incorrect, and if yes, why it is so, and whether one can account for any exceptions, can by no means be determined in a clear-cut and decisive way, no matter whether one adheres to the

measures of utilitarianism, deontology or ethical virtuousness. Whichever of these three outstanding ethical schools we chose to follow; still from each one of them we can deduce reasons for as well as against suicide as an ethical or unethical act in different cases, notwithstanding the fact that some of these reasons contradict each other. All in all it seems that the followers of utilitarianism are much more than the other schools inclined to permit suicide in exceptional cases of pain and suffering.

Up to this point, we have not tried to reach a verdict on exceptional cases of suicide, because such cases have not been the theme of the discussion so far. When we look at the problem from the point of view of religion and that of Fiqh-h, it becomes clear that some cases can or cannot be classified as suicide at the same time.

Some scholars hold all volitional acts that lead to one's death to be acts of intended suicide, whereas others take only those acts that are initially meant to end a person's life to be cases of suicide. Take, for example, the famous case of Captain Ozz, a renowned sailor of the Pole who left his tent at the height of extreme tempest and snow so that his/her fellow sailors could continue their work better without him, lest they all would lose their lives. His aim in doing, so was not to terminate his/her life, but he acted out of his/her belief to help others. It certainly is not always easy to distinguish between the initial and the secondary intention. A person who wants to kill himself due to his/her utmost depression can claim that his main intention is not to end his life, but only to rid him/herself of his depression. The problem becomes especially important when it centers on

inhibiting suicide. If suicide is an incorrect action, is it still allowed to object to certain injustices by sacrificing one's life, for instance through hunger strike? Ethical schools do not answer this kind of questions on a broad social level. Therefore, we have no choice but to turn to religions and religious arguments.

II) Suicide in Islamic Feqh-h

Generally, according to the followers of the Shari'a, suicide is absolutely prohibited, be it voluntarily or in cases of necessity such as extreme illness. In the writings of the Islamic Fuqaha we do not find this problem as a separate, specific theme, probably because the love to live is seen as an innate and necessary anthropological element, whereas killing oneself is an exceptional and abnormal phenomenon and was especially rare in ancient times. But considering the psychic pressures resulting from modern life in the past few centuries on the one hand, and the medical advances in healing painful diseases and in the development of pain relievers on the other hand, and also in view of the emergence of nihilistic philosophical schools, developing an Islamic concept that deals with the various aspects of suicide seems to be of utmost necessity. The issues to be discussed are the following:

1. Is suicide absolutely prohibited (*haram*)? Or is it absolutely permitted? Or should one differentiate, holding it to be *haram* when there is no unbearable difficulty, while permitting it in extreme situations?
2. What Islamic arguments can be brought up for each of the above mentioned positions?

3. Do any social considerations legitimize viewing suicide as a crime?

4. If it is considered a crime, what appropriate punishments can be perceived?

1) *The verdict Shari'a on suicide*

Suicide is prohibited in Islam and this can be seen in the following verses of the Qur'an:

a) "And spend in the way of Allah and cast not yourselves to perdition with your own hands, and do well (to others); surely Allah loves the doers of good"(2:195).

و انفقوا في سبيل الله و لا تلقوا بايديكم الى التهلكة و احسنوا ان الله يحب المحسنين.

This holy verse is about dealing with the issue of jihad and fighting the enemies of Islam. At the end of this Verse, as we saw, it is said: "Surely Allah loves the doers of good." Tabarsi (548 A.D) in "Javame-ol-Jame" gives the following three interpretations of this Verse, the first one being his own:

- i) This Verse means: Do not embrace death with your own hands. In other words, do not acquire your own demise by your own action.
- ii) Do not throw yourself into death by stopping to spend generously; because in this case the enemy will defeat you.
- iii) This verse means: Do not throw yourself into death by exaggerating in spending. God loves the good-doers, (i.e.) those who practice economy (p. 109).

The author of the present article believes that the second interpretation is more in accordance with the beginning and the

end of this Ayah. Besides, if this verse is making the point that all kinds of actions leading to death are prohibited, then it obviously does not include those cases of suicide that are committed because of extreme difficulties.

b) “O you who believe! Do not devour your property among yourselves falsely, except in case of trading by your mutual consent; and do not kill your people; surely Allah is Merciful to you” [4.29]

يا ايهاالذين امنوا لا تاكلوا اموالكم بينكم
بالباطل الا ان تكون تجارة عن تراض منكم ولا تقتلوا انفسكم ان الله بكم
رحيما.

c) And whoever does this aggressively and unjustly, we will soon cast him/her into fire; and this is easy for Allah. [4.30]

ومن يفعل ذلك عدوانا وظلما فسوف نصليه نارا وكان ذلك على الله يسيرا .

Tabarsi interprets these verses as follows: Do not fight against someone whom you are not strong enough to combat, and do not thus give yourself to death. Tabarsi then quotes two further interpretations from other exegetes. The first one holds: some of you must not kill some others of you, since you who are members of the same religion are like those who possess one and the same soul. The second one says: “Man must not kill himself as some ignorant persons do when in anger or in pain”.

Because “*amwalakum*” (“your belongings”) is parallel to the previous sentence and because of the adverb “*udwan*”, it seems that the second interpretation is stronger than the other two.

2) The verdict on suicide in cases of necessity

If the arguments of the Shari'a prohibiting suicide are clear and definite, the question arises whether this inhibition is an absolute one or restricted to normal circumstances. Such a question can be posed in a twofold way:

First: Are the reasons of inhibition meant in an absolute sense, or are they bound only to the conditions of normal life?

If they are meant in a conditional sense, then the permission to commit suicide in unusual circumstances would be based on the first verdict, not on the second one.

Secondly: Assuming that the inhibition reason is meant in an absolute sense, does the inhibition become void under conditions of duress and perpetration, or are these conditions that encompass all religious necessities, ineffective here so that the inhibition cannot be abrogated? To put it in technical terms, the question is whether the inhibition of suicide is subject to the conditions of duress and perpetration or not.

We believe that if the reason for the inhibition of suicide is a verbal one, then one can say that verbal reasons are absolute, and in this case these reasons have to be weighed up against the conditions of duress and perpetration. But if the reason for the inhibition of suicide is a logical and not a verbal one, then in view of the non-verbal nature of this reason, one can certainly not apply it and hold it to be generally binding, but the usual and normal cases are the convincing ones.

But it must be added that this position does not mean an endorsement of the verdict of the judge of the Florida court in the case of "Mrs. Schiavo" in 2000 – 2004.¹⁶ The judge allowed

the physician to take away the canola from the body of a patient who was in coma and, according to the doctors, was beyond cure. But a person in coma does not suffer from pain or grievances which are rather suffered by the relatives; and such pain and suffering are no license for positive or negative actions that lead to a person's death. We are obliged by the Shari'a to preserve the life of others, and even a necessity is no license to kill others.

In respect of suicidal acts against the enemies of Islam there is no unanimity among the jurists (Foghaha). The Malekites have endorsed such acts.¹⁷ But the Hanafites refute such acts.¹⁸ In our view what is incontestable is to uphold the honor and the holiness of Islam that cannot be surpassed by anything else.

Footnotes

- 1- 6th cent. BC
- 2- 95 – 45 BC
- 3- 4 BC – 65 AD
- 4- 240 AD
- 5- 297 AD
- 6- 420 AD
- 7- 430 AD
- 8- 1274
- 9- 1776
- 10- 1804
- 11- 1900
- 12- The famous French playwright who died in 1960.
- 13- The following is mostly based on the book of Margaret Pabst called “Suicide”, summarized in the Encyclopedia of Ethics, pp. 1219 – 1257.
- 14- See the book of Humphry entitled “Let me die, before I wake” and also the book of Hemlock called “Personal desire to die”, Los Angeles, 1987.
- 15- See the book of David Hume called “On Suicide”, published in 1784, Oxford University, p. 23.
- 16- www.bbc.co.uk/persian/news/story/2005/02/050321-heschiavo.html
- 17- al sharh ol kabir-2/183
- 18- Ibn abedin -3/223

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