تاثير الحق على النفس (مستخرجة من أطروحة الدكتوراه في اثر الحق علي النفس وأصوله وآثاره في الفقه الإسلامي)

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The right on ego in EuthanasiaExtracted from doctoral dissertation concerning the right on ego, basics and its impacts in Islamic jurisprudence

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Abstract

One of the impacts of the right on ego is Euthanasia. Euthanasia may be conducted by the individual or other and in each case, it may be done by action or leave of action. In case that it is conducted by patient, this act is haram and arguments consider it as suicide. In terms of situational verdict, since the patient has assisted in homicide, surety is negated but when homicide is committed on pity by someone else, it is not seen as suicide even if that person is satisfied. In terms of situational verdict, there are two attitudes among jurists. However, article 365 of Iranian Civil Code accepts surety negation theory. In cases it is conducted by an action or leave of action, although the person has committed a haram action, he/she is not encountered with no surety relation in terms of relation negation.

Keywords: right, right on ego, Euthanasia, the impact of right on ego, suicide

المستخلص

من آثار قبول الحق في النفس مسألة القتل الرحيم ، يمكن تنفيذ القتل الرحيم من قبل الشخص نفسه أو من قبل الآخرين ، وفي كلتا الحالتين يمكن تنفيذه عن طريق الفعل أو الإذن بالعمل . في حالة إجراء هذه العملية من قبل المريض نفسه فهذه العملية حرام إذ أن الشرع يعتبرها انتحاراً ، أما من ناحيه حكم الوضعي ، لو قتل مريض نفسه مباشره تنتفي الكفالة ، ولو ارتكبها غيره ، لا يُنظر إليها على أنها انتحار حتى لو كان ذلك الشخص راضيًا ، وهناك رأيان للفقهاء من ناحيه الحكم الوضعي ، لكن المشرع الايراني قبل نظرية إنتفاء الضمان في المادة ٣٦٥ من القانون المدني الإيراني ، بالطبع في الحالات التي يتم فيها التعبير عن هذا الفعل من خلال ترك الفعل ، على الرغم من أن الشخص المهجور قد ارتكب فعلًا حراما ، فإنه لا يضمن من أجل إنهاء العلاقة.

الكلمات المفتاحية : الحق ، القتل الرحيم ، تأثير الحق على النفس ، الانتحار .

Research innovation

Research innovation is due to the fact that since Euthanasia (ending the life on pity) is a new problem, this problem can be discussed that whether the right of ego can permit Euthanasia and whether Euthanasia is an action or leave of action. What is the situational verdict on this action? Researches may be conducted in this issue but adaptability of *fiqh* and laws, types of Euthanasia, separation between situational verdict and assignment are*, inter alia,* innovations of this research.

Introduction

A radical problem raised in *fiqh* and laws is the acceptance or no acceptance of right. What agreed by jurists is acceptance of law and they have resorted to arguments, the most important one is rationality. The important point in this paper which we look for is the right on ego in Euthanasia, namely, is Euthanasia an impact of right on ego? In other words, does philanthropic can justify homicide? If we believe in suicide prohibition, do we believe in all its types or one can say that personal consent cause responsibility removal?

It is obvious that suicide is illegitimate but does someone's will who has domination on his/her organs remove his/her responsibility? Before discussion on this issue, it is necessary to get familiar with relevant concepts.

A. Right

Right has many definitions. First, we examine the meaning right term.

1. Right in term

Right means to be proved and necessitated (Fakhroldin TRarihi, 1996, vol. 5, p. 148).

Right in term is used both in common verbally and spiritually.

If used as verbal commonalty, it has various meanings such as:

Rightness, positivity, acknowledgement, necessity, proficiency, proved issue, certainty upon doubt, against null, Divinity's proper noun, positive entity cannot be denied, an entity whose existence is necessary (Mohammad Bin Mokaram Bin Manzoor, 1414, vol. 10, pp 49 – 54).

Some have considered right as a spiritual commonality and have said: "But right has many meanings in the word; But we think that all those meanings go back to a single meaning, and to put the rest of the cases as meanings of truth is due to the error of the meaning; And that single concept is almost proof. Truth in the sense of description means fixed, and in the same sense it refers to the Divinity, since Divinity has the

highest rate of proof in which there is no non-existent thing. (Mohammad Hussein Al-Gharwi Al-Isfahani, 1418, first part, vol. 1, p. 9)

However, some lexicographers refer to this meaning and have returned the meanings of truth to proof. (Ahmad Bin Mohammad Fayumi, vol. 2, p. 144)

It seems that the concept of right is a credit one by which a factual definition is difficult or impossible while in all meanings, there is a kind of proof and stability.

2. Right in idiom

The term right has different meanings in different idioms; here, we mentioned some idioms:

1. Right jurisprudential nature

Jurists have provided different definitions on right and it indicates that right is a credit matter and credit matters have no factual and objective nature. Thus, their factual definition is not possible. Jurists have used right in four meanings:

A) The weak level of property (Seyyed Mohammad Kazem Tabatabai Yazdi, 1421, vol. 1, 55). B) Monarchy (Mohammad Ali Araki, 1415, vol. 1, p. 12c), special credit (Mohammad Hussein Kompani Isfahani, 1418, p. 43). D) Credit whose effect is the monarchy (Mohammad Kazem Akhund Khorasani, 1406, p. 4). E) Relevance of right and judgment. (Seyyed Abolghasem Khoei, vol. 2, p. 48).

2. Right as a term in laws

In laws, there are numerous definitions on right in each one, certain components are pointed out while in all definitions, legal support of right owner is common. Here, we point some of these definitions:

1. Right is human will and power in a legal system and framework. In such definition, the nature of right refers to justified power of human's decision making to conduct certain works. Since it is law which determines the framework of will freedom and decision making power in regulating human relations with each other, one can say that the nature of right is the same power of will created by law. A remarkable criticism is that power of will ad decision making relates to the step of using that right not the stage of proof and enjoying the right (Mustafa Daneshpajouh, 2012, p. 154). In the meantime, if we consider the nature of right as power of will, those people who lack such capability, should be deprived of such right while it is not true since many People like minors and idiots have no

difference in enjoying the right. Also, in some cases, man acquires rights without will.

2. Right is expedience and interest supported by law (Abdulmonem Faraj Al – Saddah, p. 313). A criticism in that this definition has considered the nature of right as same as purpose while interest is the result of enjoying right not its nature and essence.
3. Right is power and capability given by law to someone's will to supply its interests. This definition is confirmed by such jurists as Jeling in Germany, Sal and Misho in France and Fera in Italy (ibid). these definitions carry past problems.
4. Right is to belong an advantage to human (by law) by which human dominates and can own or use such advantage (ibid, pp. 313 – 314). This definition considers the nature of the right to be merely a credit relationship between the right holder and the subject of the right, which is protected by law, and in this definition, no attention is paid to the power of will and personal interest. This definition has been considered by jurists such as the Belgian Dobon. This definition seems to be more comprehensive than other definitions, because it is possible for one person to legally dominate finance but take the benefit from another. According to Dobon, in addition to material objects, right also includes spiritual rights, such as the right to life and liberty, etc.

According to above definitions, one can say that in jurists' view, right on ego is an advantage by which human can interpolate its organs.

3. The meaning of autonomy

It seems that right has a real meaning and meanings mentioned by jurists and have considered right as a credit, are only tools of right not its real and factual meaning. We believe that the Divinity is right credit. Thus, components in right meaning should be existed so that right can become true there. One component which should be considered in right is that right has purpose. According to Shahid Beheshti, "an objective reality which Holy Quran invites to recognize and use it as basis for consequent taught is that universe has an objective procedure. Universe is not without purpose. The world, sky and earth have purposes. Even a purpose selected by human is related to the purpose of the world. Universe is right namely it has purpose; universe is void namely it has no purpose (Seyyed Mohammad Beheshti, 2010, pp. 32 – 33).

Therefore, one of the pillars and components of right is that it has a purpose. The right to life that exists for man means that no one can create nothingness in this life; That is, to kill someone or to kill oneself, because murder has no purpose. Another pillar of the right is that this purpose must be continuous. The one who endangers the right to health with some actions has hit the continuous purpose, which is the right to health, which is against human rights. Also, this right must be for human's excellence and prosperity and the purpose is infinite, otherwise if the purpose is limited to worldly life, it is against measuring the right.

Therefore, it can be said that right is a real thing that it has criteria from the legislator. The first criterion of right is to have a goal. The second characteristic is the continuity of this goal. Also, this continuous goal should lead man to infinite happiness and development.

It seems that the meaning of such components can be summarized in proficiency and merit. In other word, when we say that human has right of ego, it means that he/she has such proficiency. When we say that human cannot interpolate in some organs, it means that he has no proficiency in this regard at all.

B. Ego

Ego literally means soul, blood, body, corpse, the truth of everything, population and soul together. (Hassan Amid, 1996, p. 1215).

Others have defined it as the soul, the spirit, and the power by which the living body is alive. (Ali Akbar Dehkhoda, 1998, p. 22630).

In some Arabic dictionaries, it means soul, blood and physical body (Ragheb Esfahani, 1412, p. 380). What is meant here is the human soul, and organs.

C. Right on ego

The right to ego is not defined according to the provided consequences. But in this research, it means what human makes in the scope of his body, such as organ transplantation, uterine rent, euthanasia, etc.

D. The right on ego in Euthanasia

An effect which may be imagined as a right on ego is euthanasia. As mentioned, human beings do not have the right to commit suicide and there are many reasons for the illegitimacy of suicide, but are philanthropic motives or the patient's permission to do so? At first, we define euthanasia and then we will discuss its types and the view of jurists.

1. Euthanasia definition

The term euthanasia, commonly used since the seventh century AD, is derived from the Greek and the prefix (Eu) meaning good, and (thanasia) meaning death, which literally means good death, easy death, a way to die willingly and willingly to kill another without pain (especially someone suffering from an incurable disease). It also means other meanings such as "compassionate murder", "comfort and death", "sweet death", "compassionate illness", "medical patient killing", or "accelerating the death of the deceased" "sympathetic killing" and "painless death" have been used. (Mohammad Hadi Sadeghi, 2015, p. 101)

Arabic speakers have used terms such as Alamut al-Yasir, Alamut al-Jadeed, Alamut al-Karim, Mut al-Rahma, Tisir al-Muttah, al-Qatal al-Rahim, and Rasasa al-Rahma for euthanasia. (Shahriar Islami Tabar and Mohammad Reza Elahi Manesh, 2007, p. 11)

In a reformed definition, Euthanasia is “committing to kill or allow to death or assist to death by women who suffers from an irrevocable disease or harm.”

It is also said that "euthanasia is to end someone's life at one's own request and by another person with the intention of freeing oneself from excruciating pain or an incurable disease." (Baqer Larijani, 2008, p. 52)

These definitions do not seem to be comprehensive and thorough and cannot prevent euthanasia, because euthanasia can be accomplished by leaving the action (such as not connecting the resuscitation device) just as it does with an action (such as injecting an air ampule), while definitions refer only to the act. In addition, the goal of euthanasia is not always pain relief, but the goal of euthanasia should be humanitarian, so it is not possible to cut off the patient from resuscitation devices due the economic pressures. Also, the patient's permission is not a condition of euthanasia since euthanasia may be voluntary or involuntary.

Considering abovementioned problems, one can define euthanasia as “an intentional behavior along with philanthropic motivation which would yield to end a human life.” In such definition, different types of euthanasia and perpetuator’s motivations are paid attention.

2. Types of Euthanasia

Euthanasia has different types considering the status of patient and different conditions. Considering patient’s definition, euthanasia is divided into intentional and unintentional. In terms of execution, it is

divided into direct and indirect types. In indirect euthanasia, physician is provided with needed devices and information for committing suicide indirectly through physician or his/her surrounding people. Direct euthanasia is divided into active and inactive.

Euthanasia is divided into active and inactive by considering the fact that death operation is done by act or leave of act. Sometimes, euthanasia is done patient and sometimes by physician and medical staff. Thus, one can say that euthanasia enjoys below divisions:

(a) Voluntarily active euthanasia
(b) Voluntarily inactive euthanasia
(c) Involuntarily active euthanasia
(d) Involuntarily inactive euthanasia

1. Hypotheses 1 and 3

In type 1 euthanasia, the decision-maker is the patient while air ampule injection is injected sometimes by patient and sometimes by another person. If the killer and the victim are the same, then there is no doubt that this act is an example of suicide and the evidence of the illegitimacy of suicide is included. Of course, some jurists have prescribed the choice of easy death if a person is under difficult situation that causes his definite death, because they do not consider the application of the illegitimacy of suicide to include these cases. (Seyyed Mohammad Sadegh Hosseini Shirazi, p. 67)

A similar view can be observed in the discussion of reluctance, if someone is reluctant to either kill himself or I will tear you to pieces, some jurists have issued a *fatwa* authorizing this action. Their reason is to resort to the rule of antagonism, which becomes the most importance of an act and the important falls from the actual. Of course, we mean urgency, but since the criterion of both subjects is the same, a distressed person can commit suicide to get rid of severe indigestion and embarrassment. Some jurists have said: "If he beats another person with the intention of death continuously and successively, the beaten person is allowed to free himself from a painful death without the assailant asking him to commit a crime against him." Be suicidal. (Reza Madani Kashani, 1405, p. 22)

One may say that the application of article 152 under emergency conditions suggest the permission of crime commission against oneself under certain circumstances.

However, this view does not seem to be correct, because when we refer to the narrations of suicide, we see that the Legislator is not satisfied with the crime of man against himself in any case. For example, Imam Bagher (PBUH) asserts: “The believer should suffer any hardship and suffering. He endures and accepts every death but does not commit suicide "(Hor Ameli, 1409, p. 25)

These narrations are signs of allocation. Furthermore, the claim that the narrations forbidding the illegitimacy of suicide to normal cases (non-urgency and reluctance) are a baseless claim, because the claim of renunciation is either due to dominance or multiplicity of use, none of which is in our discussion. The illegitimacy of suicide remains absolute.

In terms of situational verdict, there is no guarantee or blood money, considering that the patient himself was in charge of the murder. However, the role of others can be examined in terms of assistance and aid to the sinner while they would be encountered with no guarantee and blood money. Obviously, if the legislature criminalizes suicide, its assistance can also be criminalized, and those who have provided the necessary facilities for suicide will be punished as assistants in suicide. Of course, in Article 15 of the Computer Crimes Law approved on May 29, 2009, the legislator stipulates: "Whoever commits the following acts through computer or telecommunication systems or data carriers will be punished as below:

(a) ……..

(b) If he invites or deceives people to commit crimes against chastity or the use of drugs or psychotropic substances or suicide or sexual perversions or acts of violence, incitement or persuasion or threats or facilitates or teaches how to commit or use them, "he shall be sentenced to imprisonment from ninety-one days to one year or a fine of five million riyals to twenty million IRR as fine cash, or both."

The legislature has therefore criminalized suicide or inciting, persuading, or providing a means of suicide through computer or telecommunications systems. Of course, the application of the article includes a place where the provocation of a person does not lead to suicide or starting it; that is, the legislator has considered mere provocations through the mentioned means as one of the examples of the deputy, albeit the person did not commit suicide or did not even start committing suicide.

If active euthanasia is voluntary while the other person will do so with the consent of the victim, such act is definitely forbidden and is subject to the title of suicide, and includes the evidences on the illegitimacy of killing a believer. In such case, it does not matter whether the euthanasia is voluntary or involuntary. The question here is whether the victim's consent would yield to the permission of such act or not. Consequently, the person is no longer guilty. Also, does the victim's permission cause revocation the right to retaliation and blood money to become void?

Answering the first question, one can say that only victim's consent cannot yield to suicide illegitimacy; additionally, illegitimacy is among Five Verdicts and one of the traits of such verdicts is that they cannot be revoked.

Concerning situational verdict (revocation or not revocation of retaliation and blood money), there are two attitudes among jurists:

Attitude 1: revocation of retaliation and blood money

Mohaghegh Helly Asserts: "if someone says 'kill me otherwise I will kill you', killing that person is not allowed since it does not involve the permission of illegitimacy. If someone commits it, retaliation is not necessary since victim has deprived him/her from his/her right by permission. Therefore, he/she will not be dominant on heir (over retaliation and blood money) (Najmoldin Helly, 1408, vol. 4, p. 185).

Some jurists have written: "If he said, "Kill me, or I will kill you," retribution and blood money are waived while the sin is not destroyed." (Hassan Helly, 1410, vol. 2, p. 96)

Among other jurists who agree such attitude, one can point out Shadid Aval (Mohammad Bin Maki Ameli, 2414, vol. 4, pp. 312 – 313) and Imam Khomeini (Seyyed Ruhollah Moosavi Khomeini, vol. 2, p. 514).

Attitude 2: not revocation of retaliation and blood money

Some jurists believe in no revocation retaliation and blood money right for several reasons:

Reason one: permission to homicide does not revoke the right of retaliation since human does not have such domination to revoke guarantee by his/her permission to waste so that permission in property waste revokes guarantee. Thus. General reasons are governing retaliation (Seyyed Abulghasem Khoei, 1422, problem 19, vol. 42, p. 18).

Reason 2: retaliation is the right of avengers of blood and this right and his is the right where a murder has taken place so that the parents of the victim can retaliate or pardon him; That is, the abolition of the right derives from the establishment of the right, and the victim does not have the right to kill himself in order to remove this right with permission. Some jurists have clarified this issue: "Retaliation is not a substitution for the soul, but it is the right of punishment that the Sharia's has imposed on the guardian of the victim, and it cannot be revoked, except by pardoning the one who has retaliation on retaliation, this right of guardianship after actuality is the right of retribution. (Javad Tabrizi, p. 48). And the right to retaliation becomes effective when the murder has taken place.

However, this may be for two reason: (1) retaliation is the right of avengers of blood not victim. To the same reason, Mohaghegh Ardabili asserts: "it is not clear whether the right of retaliation is abolished by victim's permission or not since it is not obvious whether retaliation is a victim's right." (Ahmad Ardabili, vol. 13, p. 397). (b) Abrogation of a right is a substitute for proving a right, and before killing, a right has not been proven for the victim to be able to abrogate it.

The result is that when patient permit his homicide by someone else, all jurists have forbidden it while there are two insights on retaliation and blood money. Mohaghegh Helly believes in fall of retaliation and blood money as mentioned by the late Khoei in discussion on reluctance while his analysis (fall of retaliation and blood money by victim's permission) also includes free will. However, in former Islamic Punishment Code, the theory on fall of retaliation and blood money is accepted. In article 268, legislator reads: "if victim forgives murderer from retaliation before death, the right of retaliation is revoked and avengers of blood cannot demand for retaliation before his death."

In new law, the same theory is accepted. Article 365 reads: "in murder and other intentional crimes, victim can forgive the right of retaliation after crime commission and before death or make compromise and heirs and avengers of blood cannot ask for retaliation and blood money upon his/her death; However, the perpetrator is sentenced to the canonical punishment prescribed in the fifth book of canonical punishments based on the relevant case."

2. Hypotheses 2 and 4

When a patient is killed due to leaving the treatment, that is, the patient needs respiratory system for his/her survival but the physician

refuses such action, it makes no different whether such refusal has been due to patient's consent or not.

Since leaving the treatment is not an implication of murder forbiddance since physician could save the patient but he/she has not done it, such action is not considered as an implication of murder; rather, one should examine whether keeping the life is necessary or not? Physician's act has not been an implication of murder; rather, it is the implication of leaving to save. The main question is whether leave of saving is forbidden or not? It can be said that saving the soul is obligatory and leaving it is forbidden, but is this preservation of the soul absolutely obligatory? That is, even in the case where we know a person dies, is it forbidden to leave this act? Some jurists believe that the obligation of self-preservation is not absolutely obligatory as stated below.

Another raised question: is there any situational order? That is when a physician refuses treatment, should he/she be encountered with guarantee and blood money or not.

What perceived from jurists' words, is that such act is forbidden. In addition, the principle of innocence of liability implies a lack of guarantee. The jurists in incidents such as fire, etc., in which a person is in danger of destruction and someone is able to save him but refuses to save him/her, believe that the action of this person in leaving salvation, although it is forbidden, but there is no guarantee for him. For example, the late Allameh has said: " كـل من راي انساناً فـي مهلكـه فلم يـنجه منها مع قدرته علي ذلک لم يـلزمه ضمانه ". (Hassan Helly, 1420, vol. 5, p. 551).

Likewise, the owner of Jawaher asserts: "Anyone who is able to save a person from death but leaves this act has committed a guilty but there is no guarantee for him, because the principle of innocence is the responsibility of the person from the guarantee, and such is not saving someone who is drowning or burning. Rather, there is no guarantee for all not savings that man is capable of. Of course, this is if the reason for the loss is something other than leaving the rescue, and leaving the rescue is only a condition of loss. (Mohammad Hassan Najafi, 1404, vol. 43, p. 153).

The result is that the lack of physician's guarantee is due to the fact that the title of murderer does not imply for physician; rather, the main

reason of death is what happened at the beginning and avengers of blood have no right to demand for retaliation and blood money.

However, one can say that in article 290 of Islamic Punishment Code and its paragraphs, new legislator has considered its leave of action as an implication of murder in contrary to article 206 and its triple paragraphs in old law in which only action is considered as an implication of murder. The problem in such implication is that there is no documented relationship and murder is designated to the first factor not physician's leave of action. However, one can say that considering the basis in article 2 of Penal Code (1975), refusing to help injured people is physician's leave of action which can be punished. In this article, legislator asserts: "whenever there are people who are assigned by task or law to help the injured people or those ones exposed by life danger and refuse to help them should be convicted to six month to three years of imprisonment. This article has considered a special account physicians and those ones who are legally tasked to help even though they are not perpetrators but their physician's leave of action is criminalized by legislator.

Forms studied so far is where the dead person has settled life. It means that human beings have voluntary perception, movement and speech; a person who does not have these signs does not have a settled life, although he does have other vital signs such as breathing and heart rate. Therefore, when a patient suffers from brain death, if the physician cuts off his respiratory system or refuses to treat him, in these cases, has he/she committed a forbidden act? Also, is he competent for retaliation and blood money? Clearly, in such case, patient's consent does not matter since he/she cannot speak. Concerning active Euthanasia for someone whose life is not settled, that is, the physician cuts off respiratory system for patient who suffers from brain attack, since he has cut off patient's survival system, physician's act is haram. Also, he/she should pay blood money. Since patient does not have settled life, his/her blood money is 100 Dinars like cutting the head (Mohammad Hassan Najafi, 1404, vol. 42, p. 58 and vol. 43, pp. 382 – 386).

If the same thing is done by leaving the action for someone who has an unsettled life; That is, the physician refrains from connecting the resuscitation device, the question that arises here is whether his action is haram? Is he the guarantor of retribution or blood money?

In response to the mandatory verdict, it should be said that the current issue is whether it is valid to leave the ablution here or not? Of course, it

was stated that the obligation to abstain from the soul is not absolute, and the reasons for the obligation to abstain are to give up in cases where there is hope for recovery, and in the case of people who have no hope, the reasons for the obligation to preserve the soul are not included. Therefore, it can be said that leaving the physician's act is not forbidden, considering that there is no possibility of recurrence or it is very weak in brain death. Of course, in my opinion, considering the possibility of this person returning due to the connection of the resuscitation device, leaving this action is haram.

Concerning the situational verdict, one should say that physician should pay blood money to pay for charities on behalf of dead person.

The result is that euthanasia is forbidden in all its forms, and human domination over ego does not leave one committing suicide for oneself or allowing others to commit this heinous act. On this side, there is no reason to attribute the general illegitimacy of suicide.

Jurists' attitudes toward euthanasia

1. Ayatollah Sistani: "As long as the heart is beating and blood circulation is going on, it is not permissible to cut off death rehabilitation devices and any action to accelerate his death is forbidden." Concerning the patients to whom there is no hope of improvement, "It is obligatory to connect the support devices and preserve the honorable soul as much as possible, unless it requires material damage to the deceased or his heirs, in which case it is not obligatory." (Inquiries from Ayatollah Sistani website: (Sistani. Org)
2. Ayatollah Shobairy Zanjani: "hastening the death of incurable patients and keeping their life is necessary otherwise by assuming that it yields to unbearable hardship." (Inquiries from Ayatollah Shobairy Zanjani website, inquiries section: (www.zanjani.ir)
3. Concerning a patient who has had a stroke and the respiratory system is useful only for the continuation of his plant life, Ayatollah Khoei said: It is not necessary to connect Resuscitation device (Sayyid Abu al-Qasem Khoei, 1427, p. 198).
4. Ayatollah Fazel Lankarani: "Killing a patient suffering from an incurable disease and pain, whether with the consent of the patient or his relatives or without their knowledge and consent, is considered murder and is forbidden, and it would yield to all verdicts on murder" (Mohammad Fazel, Verdicts of Physicians and Patients, p.

151). Concerning, also, hastening the death of a person who is dying and suffering, he said: "It is not permissible to hasten the death of a person under any circumstances and by any means, and if someone does such an act so that it is said, he/she has killed the patient, such person will be considered considered a murderer." (ibid)

5. Killing a patient suffering from an incurable and pain whether with the consent of the patient or his relatives or without their knowledge and consent, is considered murder and is forbidden (Hussein Ali Montazaery, Medical Vercits, p. 122).
6. Concerning this question: Is it possible to transplant the organs of a person suffering from brain death and there is no medical hope for his/her survival, but some of his/her organs, like heart, are still working for a while to a patient in need? Considering the fact that if we wait, its organs may no longer be transplantable; Ayatollah Safi asserts: “if it hastens patient’s death or disease severity, this is not permitted and it is also not permitted without it since it is impossible to acquire patient’s consent (Lotfollah Safi Golpayegani, 1415, p. 51).
7. Ayatollah Makarem has said: "It is absolutely not permissible to kill a person, even out of pity, and even with his own permission. The main reason for this is the application of the evidences on forbiddance of murder mentioned in verses and hadiths, as well as the evidences of the necessity of self-preservation. And its philosophy may be that such permits may lead to many abuses, and that murder is done out of pity under false pretenses, or that people enter in with the intention of committing suicide. In addition, medical issues are often unconvincing, and perhaps people who have been disappointed with their lives, have been strangely saved from death." (Nasser Makarem Shirazi, 1429, p. 116).

Conclusion

Controls his/her organs. However, such control has its own limits and bounds and human cannot kill himself under the pretext of this domination or give permission to kill another, therefore euthanasia is rejected even if we accept human domination over himself/herself.

To the same reason, the perpetrator's permission to kill out of pity is not valid, because there is no right in this case to pass it to others with consent. Therefore, all kinds of euthanasia are forbidden and the words of the jurists are evidence of what we are saying. However, some jurists

have permitted under cases in which the patient has a stroke and his/her treatment is hard. I believe that this should be contemplated since forbiddance of murder is general and covers such cases.

Therefore, the generalities of suicide forbiddance cannot be restricted to the conditions of urgency or reluctance, or the claim of renunciation can be made, so the hadiths that have been included suicide forbiddance are out of professionalism. However, regarding the situational ruling, it should be said that there are two main opinions among the jurists, but if the patient gives this permission, the legislator has accepted the fall of the right of retribution and blood money according to Article 365 of the Penal Code, but where the patient does not allow the one who commits this forbidden act is a guarantor. Of course, if the patient is not settled in life, the criminal must pay blood money.

References :

1. Ibn Manzur, Muhammad Bin Makram, Language of the Arabs, Ch. 3, Beirut, Dar al-Fikr, 1414.
2. Araki, Mohammad Ali, Kitab al-Bayy, Ch. 1, Qom, Institute for the Way of Truth, 1415.
3. Ardabili, Ahmad Bin Mohammad, Zubdeh Al-Bayan Fi Ahkam Al-Quran, Tahqiq Behboodi, Razavi Publications.
4. Islamitabar, Shahriyar and Elahi Manesh, Mohammad Reza, Ethical and Legal Issues in the Merciful Murder of Euthanasia, Tehran, Majd Scientific and Cultural Complex, 2007.
5. Akhund Khorasani, Mohammad Kazem Bin Hussein, Al-Hashiyeh Ali Al-Makaseb, Tehran, Ministry of Islamic Guidance Publishing Organization, 1406.
6. Beheshti, Seyyed Mohammad, Truth and Falsehood from the Perspective of Holy Quran, Ch. 6, Tehran, Shadegan Publications, 2010.
7. Tabrizi, Jawad Bin Ali, Revision of the Principles of Rulings, Ketab Al-Ghesas, Dar al-Sadiqah al-Shahideh (PBUH), Ch.2, Qom, al-Sadiqah al-Shahideh (PBUH)
8. Husseini Shirazi, Seyyed Mohammad Sadegh, Ketab Al-Ghesas, Qom
9. Hassan, Hassan Bin Yusuf Bin Motahar, Ershad Al-Azhan Ela Ahkam al-Iman, Researcher / Editor: Fars Hassoun, Ch. 1, Qom, Islamic Publications Office affiliated with the Society of Teachers at the Seminary of Qom, 1410.
10. Helly, Hassan Bin Yusuf Bin Motahar, Tahrir Al-Ahkam Al-Shari'ah Ali Al-Imamiya (I-Hadith), Ch. 1, Qom, Imam Sadegh (PBUH) Institute, 1420.
11. Nelly, Najmuddin Ja'far bin Hassan, Sharia al-Islam Fi Masayel al-Halal and al-Haram, researcher / editor: Abdul Hussein Muhammad Ali Baqal, Ch. 2, Qom, Ismailian Institute, 1408.

12. Khoei, Seyyed Abu al-Qasim, Fiqh al-Azar al-Sharia Va al-Masayel al-Tabieh Men Sarat Al-Nejat , Dar al-Sadiqah al-Shahideh, peace be upon him, first edition, Qom, 1427.
13. Khoei, Seyyed Abu al-Qasim, Mabani Taklamah Al-Menhaj (Encyclopedia of Imam Al-Khoei), vols. 41 and 42, Ch. 1, the Institute of Revving Imam Al-Khoei's works, 1422.
14. Khoei, Seyyed Abu al-Qasim,Mesbah al – Feghahe, Mohammad Ali Tohidi, Ch. 1, Tehran, Jangal Publications, 2012.
15. Daneshpajooh, Mustafa, Legal Index, Ch. 1, Tehran, Jangal Publications, 2012.
16. Dehkhoda, Ali Akbar, Encyclopedia of Dehkhoda, vol. 14, Tehran, Institute of Publishing and Printing, University of Tehran, 1998.
17. Ragheb Isfahani, Hussein Bin Mohammad, Mofradat Alfaz al-Quran, Ch. 1, Lebanon, Dar al-Alam, 1412.
18. Sadeghi, Mohammad Hadi, Jurisprudential and Legal Study of Euthanasia, Journal of Legal Studies, Shiraz University, Volume 7, Number 2, 2015
19. Safi Golpayegani, Lotfollah, Medical Inquiries, Ch. 1, Qom, Dar al-Quran al-Karim, 1415.
20. Al-Saddah, Abdul Moneim Faraj, Osul al-Ghanoon, Dar al-Nehzat al-Arabia
21. Tabatabai Yazdi, Seyyed Mohammad Kazem, Hashieh Al-Makaseb, Ch. 2, Qom, Ismailian Institute, 1421.
22. Tarihi, Fakhruddin, Majma al-Bahrain, Ch. 3, Tehran, Mortazavi, 1996.
23. Ameli, Mohammad Bin Makki, Ghayeh Al-Murad Fi Sharh Nakt Al-Arshad, researcher / editor: Reza Mokhtari, Ch. 1, Qom, Publications of the Propaganda Office of the Seminary 1414.
24. Ameli, Muhammad Bin Hassan Horr, Tafsil Vasayel al-Shia Ela Tahsil Masayel al-Sharia, Ch. 1, Qom, Al-Bayt Institute, 1409.
25. Amid, Hassan, Farhang Amid Farsi Encyclopedia, Ch. 8, Tehran, Amir Kabir Publications, 1996.
26. Gharavi Esfahani, Mohammad Hussein, the Hashieh KEtab Al-Makasib, the first part, Manshoorat Majma Al-Zakhayer al-Eslamieh, Qom, 1418.
27. Gharavi Isfahani, Mohammad Hussein, Reslaeh Fi Tahghigh al-Hagh Va al-Hekam, Ch. 1, Qom, Bina, 1418.
28. Fazel Lankarani, Mohammad, Rulings of Physicians and Patients.
29. Fayumi, Ahmad Bin Mohammad, Al-Misbah Al-Munir Fi Sharh Al-Kabir for Rafi ', first edition, Dar Al-Razi Publications, Qom.
30. Larijani, Baqer, A Comprehensive Approach to Organ Transplantation, Proceedings of the First National Conference on Organ Transplantation, 2008, p.195.
31. Madani Kashani, Reza, Al-Qisas Lelfoghaha Va, al-Khaves, al-Motba al-Elmieh, Qom, 1405

32. Makarem Shirazi, Nasser, Medical Rulings, 1429, compiled by Abolghasem Aliannejadi Damghani.
33. Montazeri Najafabadi, Hossein Ali, Dissertation Inquiries, Ch. 1, Qom.
34. Mousavi Khomeini, Seyyed Ruhollah, Tahrir al-Vasileh, Ch. 1, Qom, Dar al-Alam Press Institute.
35. Najafi, Mohammad Hassan, Jawahar al-Kalam fi Sharh Sharia al-Islam, Dar Al-Ahya Al-Tarath Al-Arabi, Ch. 7, Beirut, 1404.
36. Inquiry from Ayatollah Shobiri Zanjani website, Inquiries section, www.zanjani.ir.
37. Inquiry from Ayatollah Sistani website (sistani.org).