

Review Article

An Overview of Islamic Jurisprudential Applications on Human Corpses in the Context of Corona Virus 2019 (Covid-19) Preventive Measures

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Received: 16.06.2020

Accepted: 25.06.2020

Published: 05.07.2020

Journal homepage:<https://www.easpublisher.com/easjhcs>**Quick Response Code**

Abstract: At the moment, the world is sick, as it is hit by a deathly disease called corona virus disease, widely known as Covid-19. The disease killed tens of thousands of lives and left several thousand fighting for their lives. The health community are working hard in finding the cure and looking ways of containing the disease from affecting other human beings by outlining preventive measures. Parts of the preventive measures outlined are frequent washing of hands with water and sanitizers, keeping in doors to avoid human-to-human transmission among other. Islam, as a religion and a way of life, provides guidance in every aspect of human life and commands its followers to take well cognizance of the significance of religious teachings in whatever situation they find themselves. Hence, this paper, seeks to investigate the jurisprudential applications of Islam on human corpses and their relevance as means of preventing Covid-19 pandemic. It examines the position of religion on medical guidelines concerning a Muslim corpse affected by the disease, and finally, harps on the objectives of the essence of religious jurisprudential applications on the sanctity of human lives as relate to prevention and cure for Covid-19 and other contagious diseases.

Keywords: Coronavirus (Covid-19), pandemic, asymptomatic, human-corpse, preventive

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INTRODUCTION

In December, 2019, a case of unknown disease was reported in Wuhan, the most populous city in central China. At the initial stage, the affected patient developed a respiratory infectious syndrome like pneumonia, leading to acute respiratory failure. In January, 2020, the disease is identified as Respiratory Syndrome Corona Virus- 2 (SAR-CoV-2) by World Health Organization (WHO). Soon afterwards, the disease began to spread from Wuhan to other regions, affecting various cities and towns of the world with tens of thousands of deaths. This led WHO to declared the novel Corona Virus 2019 (COVID-19) as pandemic. The complete absence of a cure or vaccine to the disease posed a threat to human life and its existence on the earth, and the situation challenged the medical community to do whatever possible at it means to contain the deadly disease from further ravaging the life of human beings.

At its best, the healthcare, is studying the nature of the disease in order to identify its cure and provide its vaccine. Through what is understood about the disease, it highlights steps that will prevent the disease from further spreading and to protect other human beings who are not already afflicted by it. The

steps include isolation of the affected or disposing of the corpses of those died from it through proper handling by professional health workers. The position of the health professionals on Covid-19 preventive measures turned out to be affecting certain Islamic traditions that are to be observed for a valid funeral rite.

Though, Islam, as a religion, is compatible with medicine and medical ethics so long as they did not contradict the Islamic injunction. Based on this general philosophy, the paper, therefore, examines the Islamic jurisprudential applications on human corpse with reference to dead bodies of suspected or confirmed case of covid-19 pandemic disease, by careful study of the arguments of medical professionals on the nature and manner of handling and disposing the remains of a Muslim as a means of prevention and containing the spread of the disease. It also highlights Islamic stance on the validity or otherwise of funeral rite wherein certain stages are omitted in order to prevent the spread of Covid-19 disease. The paper finally harps on the Islamic position on the sanctity of human life and the necessity of protecting it as a fundamental objective of *Shari'ah* in argument for the veracity of the guidelines for covid-19 preventive, if not curative, treatment.

Covid-19 pandemic Disease

Corona viruses are positive-stranded RND viruses with a crown-like appearance under an electron microscope, *coronam* in the Latin term for crown, due to the presence of spike glycoproteins on the envelop.¹ In order words, it is non-segmented, enveloped, positive-sense, and single-strand RND diseases.² Six corona virus species are known to cause human disease, most of them generally cause mild respiratory disease. However, fatal corona virus, have emerged periodically in the last decades, such as severe acute respiratory syndrome coronavirus (SARS-CoV) in 2002 in China and in 2012 respectively.³ In December, 2019, the World Health Organization (WHO), china office, was informed of cases of pneumonia of unknown etiology in Wuhan, and a new corona virus called SARS-CoV-2 was detected from lower respiratory tract samples of several cases. Since then, more cases have been confirmed worldwide. With the disease spreading to many countries all over the globe, high rate of infection from the disease and casual number of deaths, in march, 2020, the WHO declared the disease as pandemic.⁴

The probable origin of both SARS-CoV and SARS-CoV-2 is bat to human, but the transmission route from human-to-human is thought to be respiratory droplets. However, viral shedding via faces has also been reported for both viruses.⁵ Covid-19 has a medium incubation time of about 5 to 14 days, by which the affected person would experience common symptoms of cough, fever, tiredness and dry-cough.⁶ Though, some cases show that the symptoms of Covid-19 are non-specific, and the disease presentation ranges from non-symptom (asymptomatic) to severe pneumonia and death.⁷ Based on the mutant characteristics of Covid-19 a high rate of fatality has been recorded from its emergence to date and many are being counting day-by-day.⁸ The situation has attracted serious concern from both health and non-health organizations on how to

arrest the deadly menace ravaging the world, and measures are put forward to contain the Covid-19 disease.

Covid-19 Protective and Preventive measures

In the absence of a definite way of curing the Covid-19 disease, the international health organization suggests that the best way to deal with the pandemic is to control the source of infection, through early diagnoses of the infected person or persons, isolation and maintaining social distance. As for individuals who are not infected, they can protect themselves by improving their personal hygiene, wearing medical masks, adequate rest and maintaining well ventilated rooms.⁹ However, the increase in the high rate of infection of the disease through human-to-human exportation informed the public health workers to adopt stricter measures for quick respond against the rapid spread of the disease. The measures are of three phases depending on the stage of the infected disease. At the first stage, the main strategy in preventing the disease from further transmission is through surveillance and avoiding close contact with people. At the second stage, the strategy involves guarantying the infected person in an isolated place and administering the covid-19 diagnostic treatment, and at the final stage, the clusters of the cases be disposed of, away from public places to avoid the risks of exposure to the disease.¹⁰

On this note, the apex world health organization has given guidance on how the remains of a person died of a suspected or confirmed Covid-19 disease should be handled. It strongly suggests that health care workers or mortuary staff should prepare the body by wearing appropriate personal protective equipment (PPE) according to the standard precautions. The family members, if wished, can also participate, but should be given clear instructions not to touch or kiss the body of the decease. Others may also view the body after it has been prepared but they should not also touch or kiss it. During the burial, those tasked with placing the body in the grave should wear gloves and wash their hands with soap and water after removing the gloves once the burial is completed.¹¹ Clearly from the guidelines, there is need for careful consideration of their applications and that of the Islamic funeral rite for Muslims to be in the know for proper prevention against the pandemic disease without compromising the least religious requirements.

Islam and Contagious Diseases

¹ Kathryn, V. Holms, "SARS-Associated Coronavirus". *The New England Journal of Medicine*, Volume 348(20), 2003, p. 1948-9.

² Fan We, *et-al*, "A New Coronaviruses Associated with Human Respiratory diseases in China", in: *Nature*, Volume 579, 2020, p. 265.

³ Annelies Wilder-Smith, Calvin J. Chiew and Vernon J. Lee, "Can We Contain the Covid-19 Outbreak with the Same Measures as for SARS?", in: *Personal View*, 2020, p.1. retrieved via: <https://doi.org/10.1016/>

⁴ Chih-Cheng Lai, *et-al*, "Severe Acute Respiratory Syndrome Corona Viruses-2 (SARS-2) and Corona Virus Disease 2019 (COVID-19): The Epidemic and the Challenges", *International Journal of Antimicrobial Agents*, Volume 55, 2020, p. 2.

⁵ Fan We, *et-al*, "A New Coronaviruses Associated with Human Respiratory diseases in China... *op. Cit.*", p. 266.

⁶ Di Wu, Tiantian Wu, Qun Liu and Zhicong Yang, "The SARS-Cov-2 Outbreak: What We Know", in: *International Journal of Infectious Diseases*, 20, 2019, p. 2. <https://doi.org/10.1016/j.ijid.2020.03.004>

⁷ Qun Li, *et-al*, "Early Transmission Dynamics in Wuhan, China, of Novel Corona Virus-Infected Pneumonia", in: *The New England Journal of Medicine*, 2020, P. 1. <https://doi.org/10.1056/Nigmoa20001316>

⁸ American Medical Association, "Case-Fatality Rate and Characteristic of Patients Dying in Relation to Covid-19 in Italy", in: *Viewpoint*, 2020. <https://doi.org/10.1001/Jama.202.4683>

⁹ Liang Tangbo, *et-al* (eds.), *Handbook of Covid-19: Prevention and Treatment*, Zhejiang University School of Medicine, China, 2020, pp. 1- 11.

¹⁰ World Health Organization, *Reports of the WHO-China Joint Mission on Coronavirus Disease 2019 (COVID-19)*, China, 2020, pp. 14 – 16.

¹¹ World Health Organization, *Infection Prevention and Control for the Safe Management of a Dead Body in the Context of Covid-19: Interim Guidance*, World Health Organization, 2020.

Islam is a holistic system of life that takes into account the physical, emotional and spiritual well-being of human beings at every time and place. It cares about the safety of every individual and societies by commanding what is best and beneficial and forbidding harm and disease to their bodies. It teaches its followers about the importance of hygiene and eating pure and healthy diets. Thus, the Almighty Allah says: Eat from the good things with which We have provided you.¹²

In another verse, He says:

O you who have believed, eat from the good things which We have provided for you and be grateful to Allah if it is [indeed] Him that you worship.¹³

From the above verses of the Glorious Qur'an, it is crystal that Islam aimed at protecting the Muslims from harm by commanding them to eat only from good things and forbids them from eating prohibited things (*Haram*), which in their essence, sources of harm and disease to human body. By this, it is clear that Islam is aware of the existence of diseases that could harm human beings, but loudly announce that part of human test on earth is the emergence of epidemic, time after time, in order to test their faith (*Iman*) in Allah, and to remind them about Allah's existence, His power and mercy, thus, He says:

And We will surely test you with something of fear and hunger and a loss of wealth and lives and fruits, but give good tidings to the patient.¹⁴

In line with the teachings of the above verse, the emergence of various infectious diseases in the recent years, from swine flu to bird flu and now severe acute respiratory syndrome (SARS-2) known as Covid-19, is not new to Muslims. But what is frightening, is the high rate of fatality from the disease, coupled with its progressive spread across the globe due to frequent human air travels between communities and countries making the human-to-human transmission easy. Though, some of the basic measures taken by the health practitioners are in essence not far from what Prophet Muhammad (SAW) has taught the Muslims in case of

similar situation,¹⁵ one in particular, was his popular statement which says:

If you hear that there is a plague in a land, do not enter it; and if it (plague) visits a land while you are therein, do not go out of it.¹⁶

The question now is, how could Muslims reconcile between the religious applications of funeral rite concerning the dead body of a person died from a suspected or confirmed Covid-19 disease and the conventional guidelines of the international health organization on the manner of disposing of the remains of the affected person, in order to prevent the disease from affecting others. The answer to the question could not be farfetched, due to the flexible nature of Islamic rules and factors to be taken into consideration in determining the achievement of the objectives of *Shari'ah* in protection of life at any giving circumstance.

Overview of Islamic Jurisprudential Applications on human corpses and Covid-19 Preventive Measures

Certain death customs are universally practiced across the Muslim world, where a dying patient expects to be visited by his/her friends and relatives, who are encouraged by various religious texts (*Nusus*) to be close with him/her in order to attend his/her needs, pray for him/her, and when he/she passes on, be ready to take care of the body for proper Islamic funeral rite.¹⁷ But the emergence of Covid-19 pandemic disease and its contagious nature seem to render such religious teachings of empathy impossible. This is due to the stringent guidelines put in place by the health professionals that certainly affect the manner a sick person will be taking care by his/her relatives. This with view of preventing and protecting the relatives from contracting the contagious disease, if it is confirmed or suspected to be the cause of his/her death.

Though, based on the teachings of various texts (*Nusus*) in the Qur'an and *Ahadith* of the Prophet (SAW) on funeral rite, Muslim Jurists are of the opinion that there are four religious obligations on every dead body of a Muslim, these are: a) preparing the body of the dead through washing (*ghusul*), b) shrouding (*Kufn*), c) Funeral prayer (*Salah al-Janazah*),

¹⁵ M. T. Rahman, "Health and Healing in Islam: Links and Gaps with (post)modern Practice", in: *Bangladesh Journal of Medical Science*, volume 14, 2015, pp. 119 – 129.

¹⁶ Muhammad b. Isma'il, al-Bukhari, *Al-Jāmi' al-Musnad al-Ṣāhiḥ al-Mukhtasar min Umur Rasūlī Allah wa Sunanihi wa Ayyamih*, Hadith No: 5728, Dar Tauq al-Najāt, Beirut, 1422, p. 130.

¹⁷ Lila Abu-Lughob, "Islam and the Gendered Discourse of Death", in: *International Journal of Middle East Studies*, volume 25, 1993, pp.187 – 205.

¹² Qur'an 2:57

¹³ Qur'an 2:172

¹⁴ Qur'an 2:155

and d) burial (*Dafn*).¹⁸ As for the first step, which is essential in Islamic funeral rite and very critical in Covid-19 situation, Muslim jurists (*Fuqaha*) have discussed extensively on what can constitute a valid *ghusl* in Islam. They unanimously believed that washing of dead body is *fard* or *wajib* (obligatory)¹⁹ on the account of the command of the Prophet (SAW) in a *Hadith* narrated on the authority of ‘Ummu ‘Atiyah, who said:

The Prophet (SAW) came to our house when his daughter died and said: “Wash her three times, five times or more than that if you consider it necessary with water and *Sidr* (lotus tree leaves), and after the last wash, apply some camphor to the body, and inform me after you have done so.”²⁰

Thus, the obligation, according to the majority, is as collective one (*Fard al-Kifayah*), but expresses clearly its significance as a religious duty on the communality of the Muslims.²¹ To emphasize on that, the Prophet (SAW) gives the modality of the washing by restricting the number and essential things required for a valid washing of a dead body. However, they argued that those to conduct the washing must be Muslims, knowledgeable of the *Sunnah* of the Prophet (SAW), most preparable from among the relatives of the decease, and who must be adults and trustworthy. They equally stressed that all corpses of Muslims must be washed, except that of a martyr, whose remains should not be washed and shrouded, but buried in their bloods.²²

Moreover, they added that washing of a death is a religious duty that cannot be left at all circumstance except where there is no water or that it will be difficult based on the damages of the body of the death, or that the washing could lead to lost or breaking of some parts

of the body of the corpse. Even at that condition, some jurists are of the opinion that *tayammum* (dry ablution) should be conducted to replace the physical washing.²³ Similar opinion is maintained where a man died at the midst of women who are not his relatives or *vice versa*. As some opined that the corpse of a man should be washed by the women with his clothes on, and others prepared dry ablution. But Al-Laythi maintained that the corpse should be buried without it being washed.²⁴

On the modality of the washing, there is a general consensus among the jurists that the washer should begin with intention (*Niyyah*), followed by saying of *Tasmiyyah* (opening prayer), and then abluting the dead after purifying him, before washing the corpse.²⁵ According to Ibn Qudamah, the dead should be covered from ambilocal cord to his knees, while Al-Qadi maintains that the practice among scholars is to be put in a light cloth that will allow water to get into his body, so that a hand can be put beneath the clothe for the body to be properly washed while pouring the water. It is also prepared to be washed three times, five times or seven and should be in a covered or a dark room.²⁶ Some jurists emphasize on the use of different hand gloves in washing the private parts of the corpse and his body respectively. They also allow the use of a hot water, soap or chemical in washing the body of a corpse if it became necessary for its proper purification.²⁷

DISCUSSIONS

Due to the importance of religious rulings on human corpse and the veracity of the guidance of the medical practitioners in preventing the contraction of the Covid-19 pandemic through human-to human transmission, it is pertinent to highlight the following salient points:

- That the main objective in the washing of corpse is to purify the death to serve as a mark of good ending in this world to symbolize Islamic teachings on hygiene, which can be interpreted as relevant means of protection against Covid-19 pandemic disease as believe by the health care practitioners.
- That the modalities taught by Islam in preparing the dead body are guided by the principles of proper handling of the dead body and safeguarding the relatives from contracting the disease, where emphasis is made on the frailty of the remains of the death by encouraging those who are to wash the dead body to use *Khirqah* (rag) that can be equated

¹⁸ Abdul-Rahman, Al-Jazari, *Al-Fiqh ‘ala Madhahib al-Arbi’ah*, Maktabah al-Hakikah, Istanbul, 2013, p. 782.

¹⁹ Muhammad bn Salih Al-Uthaymin, *Min Ahkam al-Ifhiyyah fi al-Taharah wal Salah wal Jana’iz*, Wizarah al-Shu’un al-Islamiyyah wal Auqaf wal Da’wah wal Irshad, Saudi Arabia, 1420, p. 168.

²⁰ Al-Bukhari, *Al-Jāmi‘ al-Musnad al-Ṣāhih...*, Hadith No. 1254, volume 2, p. 74.

²¹ Muahammad b. Ahamad b. Rushd, *Bidayah al-Mujtahid wa Nihayat al-Muqtasid*, Matba’atu Mustafa al-Babi al-Halabi wa Auladih, Cairo, 1975, p. 226.

²² Aliyu b. Ahmad b. Hazm, *Al-Muhalla*, Dar al-Fikr, Lebanon, 1412, pp. 173 – 4.

²³ Ibn Rushd, *Bidayah al-Mujtahid wa Nihayat al-Muqtasid...*, *Op. Cit.*, pp. 234 – 251.

²⁴ Abdullahi bn Ahmad bn Qudamah, *Al-Mghni*, Dar al-Fikr, Syria, pp. 193 – 197.

²⁵ Wahbah al-Juzayli, *Al-Fiqh al-Islami wa Adillatahu*, Dar al-Fikr, Syria, nd, pp. 590 – 603.

²⁶ Ibn Qudamah, *Al-Mghni...*, *Op. Cit.* p. 207 – 213.

²⁷ Ibn Rushd, *Bidayah al-Mujtahid wa Nihayat al-Muqtasid...*, *Op. Cit.*, p. 265 - 266.

with modern hand gloves. This establishes the legality of the use of personal protective equipment (PPE) suggested by the health organization in dealing with a dead body of a Covid-19 suspected or confirmed victim.

- The religious teachings for the need of using lotus-tree- leaves and camphor in washing corpse and the arguments of Jurists for the use of soap and its substitutes, allow the use of medicinal chemical, if there is need, on the dead body of a Covid-19 dead body as a protective and preventive measure for the spread of the disease among the living human beings.
- Though, there is no clear prohibition from the health professionals in disallowing the washing of the remains of a Muslim corpse died for Covid-19 disease, so long as those washing it can protect themselves properly and avoid physical contact. But, when such prohibition is issued, such corpses should be allowed to be disposed of without being washed, on the reasons that:
- Jurist are of the opinion that washing of a dead body can be suspended where there is no water or that the washing may not be possible due to injuries or damages the body sustained if that would lead to losing parts of the dead body, or that a man dies at the midst of ladies who are not his wives or those unlawful for him to marry (*Muhram*) and *vice versa*, then the washing of a corpse of a Covid-19 suspected or confirmed case can also be suspended on similar ground.
- That washing of corpse can also be suspended as a means of protecting the life of the livings who may contract the disease in coming in contact with the remains of a Covid-19 confirmed or suspected disease. This on the reason that protection of life is a fundamental objective of *Shari'ah* that must be maintained at all cost, and if one of the means of doing that is suspending the washing of the body of Covid-19 then such funeral preparation can be suspended to allow medical practioners to handle.
- Despite the genuine reason for the practicability of the above opinions to be seen as means of protection and prevention from Covid-19 pandemic, Muslims should ensure that those personnel who are to handle the remains of Muslims, have satisfied the conditions of funeral rite in Islam, that is, they must be Muslims, adult, knowledgeable of the *Sunnah* and trustworthy. This must be sanctioned without compromise.

CONCLUSION

The emergence of Corona Virus disease known as Covid-19 is not different from other diseases in Islamic perspective. But, the asymptomatic nature of the disease and the high rate of fatality of the suspected and confirmed cases of Covid-19 disease, make it a threat to the race of humankind. This led the World Health Organization (WHO) to declare it as pandemic

and suggested that with the absence of a define cure, the best way of protection from the disease is improving personal hygiene, social distancing and isolation. And as for those afflicted with the disease, they are to be put in quarantine for diagnostic treatment, and if they die, the dead body must be handled and disposed of carefully.

However, critical overview of the Islamic religious applications on human corpses reveals that there is no much incompatibility in the guidelines outlined by the health community for Covid-19 preventive measures as relates to handling the remains of a Muslim and the objectives of funeral rite in Islam. This is by taking into consideration that Islam, has one, allows the use of whatever means necessary in purifying the dead body as well as maintaining proper hygiene of those handling it through proper precautions. Two, in order to protect the sanctity of the deaths, allows the suspension of washing of dead body, so as not to mutilate the body or lost some of its parts. Thus, the reasons for such suspensions, makes the paper to argue for the validity of the guidelines outlined for Covid-19 protective and preventive measures, which aim at protecting the lives of the livings that can be seen as a basic fundamental of the objectives of *Shari'ah*.

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