

LEGALITY OF IMMUNISATION IN ISLAMIC LAW

Noor Shuhadawati Binti Mohamad Amin,¹ Ahmed Affan
Shafy,^{*2}

¹Assistant Professor, Ahmad Ibrahim Kulliyah of Laws, International Islamic University Malaysia (IIUM). Email: shuhadaamin@iium.edu.my

²Ahmad Ibrahim Kulliyah of Laws, International Islamic University Malaysia (IIUM). Email: ahmedaffanshafy@gmail.com

Corresponding author: ahmedaffanshafy@gmail.com

(Received: 24th January 2022; Accepted: 5th March 2022; Published: 31st March 2022)

Keywords:

Vaccine; Mandate;
Islam; Law; Porcine;
Lockdown; Covid-19;
Pandemic;

ABSTRACT

Immunisation is considered as one of the modern medical marvels, an instrument against communicable diseases. Saving millions of lives every year from deadly diseases. It is well established that life is sacred in Islamic law and as such Islamic legal maxims and objectives of Islamic law ensure the safety and security of human life. While Islamic law ensures the safety and security of life, it also emphasises on the important of avoiding prohibited processes and ingredients by Muslims. Thus the legality and permissibility of any preventive or medical treatment is based on the legality of its process, permissibility of ingredients used and necessity of such a process or ingredient in accordance to objectives of Islamic law. This paper explores the legality of immunisation in Islamic law by analysing objectives of Islamic law and Islamic legal maxims to establish Islamic medical ethics and legality of precautionary medical measures. Data is obtained by analysing primary sources of Islamic law,

conventional and contemporary scholarly literature, Also this paper briefly discusses the legality of vaccine mandates, social distancing and lock-downs in Islamic law.

Publisher All rights reserved.

INTRODUCTION

Shariah or Islamic law as a complete way of life encompasses all aspects of life, providing unamendable divine laws, binding precedents and guiding principles in all fields of life. Each and every law, regulation and ruling based on Shariah must adhere to a strict code of jurisprudence, since each and every law, regulation, ruling or fatwa for that matter has to be derived based on the principles of Islamic Jurisprudence (*Al-Usul Al-Fiqh*), ensuring the Objectives of Islamic law (*Al-Maqasid Al-Shariah*) fulfilled, and implemented in accordance with Islamic Legal Maxims (*Al-Qawaid Al-Fiqhiyyah*), while proving the basis of the law or ruling is from the primary sources of Islamic law (Quran and Sunnah).

Thus to determine the legality of vaccination in Islamic law, it is imperative to understand these core areas of Islamic jurisprudence and the basics mechanism of preventive medicine and vaccination.

The concept of immunisation through exposure was known to mankind as early as 490BC as the Greek historian Thucydides reported those who survived the “plague” (which some experts identify as smallpox) were immune to it after the first exposure. (Thucydides & Charles Forster Smith, 1958) By 900AD the Chinese and Indians have developed a practice of immunisation from smallpox by inoculation of smallpox scabs (Needham & Wang, 2000), though the method of administration differ as one practice was to inhale the pulverised scabs while the other method was a cutaneous injection, (Fanner, 1988) this practice was widely used in Asia and Middle East before it was know in Europe or Americas in the 18th century. Inoculation against smallpox was so widely practiced in Ottoman Empire modern day turkey, British Diplomates have written about the practice and even after their return to Briton they have inoculated their new-borns and the news such as this promoted inoculation in England. (Miller, 1957)

The modern concept of vaccination could be accredited to Edward Jenner since in 1796 he established the modern concept of immunisation and based on this understanding Louise Pasture introduced the first rabbis vaccine. Since then several types of vaccines against several communicable diseases have been developed. By 1980 smallpox have been globally eradicated. Debilitating illnesses such as polio, Tetanus and Diphtheria have been eliminated from most parts of the world.

Modern Vaccines in all of their different forms functions to trigger an immune response by the immune system and to create memory T cells, which will remain in the body and instruct B-Lymphocytes to produce specific antibodies to address the a specific pathogen or disease causing agent. (Diseases & National Cancer Institute US, 2003) While a natural

infection would trigger and immune response such an infection is uncontrolled and would overwhelmed the immune system causing irrecoverable damages, thus vaccination is deemed safer since vaccination in its basic form is either a live attenuated or inactivated or Toxoid or mRNA stimulate a controlled immune response without causing damages to the body. (Varricchio, et al., 2004)

ISLAMIC LAW

Islamic law as Abu Rayhan Al-Biruni (أبو الريحان البيروني), (Corbin, Sherrad, & Sherrad, 1993) Ibn Hazm (ابن حزم الأندلسي), (Corbin, Sherrad, & Sherrad, 1993) Ibn Taymiyah (ابن تيمية) and Ibn Al-Qayyim (ابن قيم الجوزية) have emphasised, is based on natural philosophy of law ordained by Allah, based on the Quranic verse (فَطَرَتِ اللَّهُ النَّاسَ الْفِطْرَةَ الَّتِي فَطَرَ اللَّهُ النَّاسَ عَلَيْهَا لَا تَبْدِيلَ لِخَلْقِ اللَّهِ) (Al-Quran, p. 30:30) “the constitution of Allah according to which He hath constituted mankind. No altering let there be in Allah's creation.” And the prophetic guidance narrated by Abu Huraira that the Messenger of Allah (Muhammed ﷺ) said “No child is born but upon *Fitra*. He then said. Recite: the constitution of Allah according to which He hath constituted mankind. No altering let there be in Allah's creation.” (Siddiqui, 2009). Islamic law establishes ethical principles, religious morality and natural reasoning based on divine guidance.

Islamic law has three main categories, faith (*Al-A'Qidah*), acts of worship (*Al-I'badah*) and transections (*Al-Muqamalat*). Laws and regulation regarding faith (*Al-A'Qidah*) and acts of worship (*Al-I'badah*) are considered unamendable while laws regarding transections (earthly human activities) have unamendable laws and guiding principles allowing flexibility in accordance to Islamic law and circumstance All of these laws and guiding principles are derived from the sources of Islamic law.

The sources of Islamic law are divided into two categories by Islamic jurists. They are primary sources and secondary sources. Primary sources of Islamic law are The Quran and Sunnah (Prophetic traditions) while the secondary sources are Consensus of Eminent Scholars (*Ijma*), (Bakrioglu, 2018) Analogical reasoning (*Qiyas*), presumption of continuity (*Istishab*) juristic discretion (*Istihsan*), Public Interest (*Al-Maslaha Al- Mursalah*), Intervention of Evil (*Sadd Al-Zara'ia*).

Thus any Islamic legal ruling regarding legality of Vaccination could be determined by analysing the primary sources and secondary sources in accordance with principles of Islamic jurisprudence, Islamic legal Maxims and Objectives of Islamic law.

OBJECTIVES OF ISLAMIC LAW

The objective of Islamic law is to protect and promote human life, which is achieved by ensuring that faith, lives, intellect, posterity and wealth is protected. (Gazali & Umar, 1937) In Islamic law, the objective of laws and regulations must be to safeguard these five objectives. Since all divine laws

prescribed in the Quran and Sunnah has ensured that these objectives are equally protected.

Objectives of Islamic law serves as the basis of Islamic legislations as, all legislations not only have to be inline with Quran and Sunnah but it also has to ensure that the interest of humanity is protected and harm and evil is avoided, from which rises the legal maxim (درء المفساد مقدم على جلب المصالح) Repealing harm takes precedent over achieving benefits.

Religion in Islam is the first Objective which is to be safeguarded, since Islam ensures the safety of humanity in this life and hereafter. As Islamic law dictates upholding of all Islamic laws and forbids infidelity. As mentioned in the Quran (وَمَنْ يَبْتَغِ غَيْرَ الْإِسْلَامِ دِينًا فَلَنْ يُقْبَلَ مِنْهُ وَهُوَ فِي الْآخِرَةِ مِنَ الْخَاسِرِينَ) (الْخَاسِرِينَ) “If anyone desires a religion other than Islam, never will it be accepted of him; and in the Hereafter He will be in the ranks of those who have lost” (Al-Quran, p. 3:85)

Preservation or sustaining life is the second objective of Islamic law, since it is only with life that religion can be safeguarded, with life only Islamic laws and regulations can be upheld. Therefore Islamic law not only ensures sustaining life rather Islamic law ensures the welfare and of all living by regulating all aspects of life. Life is so much valued in Islam that taking of a life is considered as a mortal sin. One Quranic verse provides a glimpse into the value of life in Islamic law. (مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا) (قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا) “if any one slew a person - unless it be for murder or for spreading mischief in the land - it would be as if he slew the whole people: and if any one saved a life, it would be as if he saved the life of the whole people.” (Al-Quran, p. 5:32) And as evident from this Quranic verse, every effort no matter how little to save a life, to sustain life is considered a great service to humanity.

Preservation of intellect or the soundness of mental capacity is the third objective of Islamic law. Since intelligence and soundness of the mind is considered as the difference between civilized humans and other animals. A sound mind, mental capacity to reason is imperative to understand obligations and to carry out legal duties. Life without intelligence is futile and meaningless. As one of the key concept of Islam is to acquire knowledge, reason and strive to understand the world. As it is mentioned in the Quran (أَوَلَمْ يَتَفَكَّرُوا فِي أَنفُسِهِمْ ۗ مَا خَلَقَ اللَّهُ السَّمَاوَاتِ وَالْأَرْضَ وَمَا بَيْنَهُمَا إِلَّا بِالْحَقِّ وَأَجَلٍ) (مُسَمًّى) “Do they not reflect in their own minds? Not but for just ends and for a term appointed, did Allah create the heavens and the earth, and all between the” (Al-Quran, p. 30:8). Thus any thing that might hinder the sound mind, incapacitate reasoning is forbidden in Islamic law, for this very reason all types of intoxicants be it Alcohol or drugs are forbidden in Islam.

Preservation of lineage is the fourth objective of Islamic law. Ensuring family ties, paternal responsibilities and obligation upon the young to take care of the elderly, conserving social harmony is one of the key aspects of Islamic law. This is the reason why Islamic law dictates a complete family law, with detailed marriage rules, inheritance rules and rules on child custody. To ensure the purity of families, the individuals who are obligated to take responsibilities for their household and children’s right, Islam

dictates legal marriage and forbids fornication and adultery for this very reason.

Preservation of wealth, is the Fifth objective of Islamic law. Islamic law dictates all sources of income should be within legal boundaries where harm, loss or deceit avoided. As Mentioned in the Quran, (وَلَا تَأْكُلُوا أَمْوَالِكُمْ) (بَيْنَكُمْ بِالْبَاطِلِ وَتُدْخِلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ) “And do not eat up your property among yourselves for vanities, nor use it as bait for the judges, with intent that ye may eat up wrongfully and knowingly a little of (other) people's property.” (Al-Quran, p. 2:188) Thus transections with usury or interest are prohibited to avoid harm. Theft or robbery are also prohibited as it would nullify the other objective of Islamic law and will destroy the social fabric and harmony which Islamic law establishes. Islam prohibits hording of resources, price fixing and withholding of vital resources to increase profit at the expense of the general public's misfortune. While prescribing harsh punishments to those who transgress these laws to ensure that wealth is acquired lawfully and personal wealth is protected.

Thus all Islamic laws, rulings and legal opinions (*Fatwa*) should ensure that these fundamental objectives are met at all times. As these objectives are necessary for the Islamic system to function and these objectives ensure that all the laws, rulings and legal opinions are not used to oppress the people. These objectives also ensure that the rights of an individual are protected while protecting the harmony of the society. So that no single individual nor a certain group may in anyway withhold the rights of any other unjustly.

ISLAMIC LEGAL MAXIMS

Islamic legal maxims are legal maxims dictating the practical implementation of Islamic juristic rulings (*fiqh*). When a ruling is derived according to principles of jurisprudence and objectives of Islamic law, the legal implications has to be taken into account in a broader perspective in a practical world. Allowing Islamic legal principles and laws to be implementable in all communities regardless of the time. Islamic legal maxims are categorized into five major categories of which four for the categories accompany several minor maxims under these major maxims. The Major Maxims are:-

a- Matters are determined according to intentions (الأمور بمقاصدها)

This maxim is considered as one of the major maxims that all eminent jurists agree upon and a multitude of legal rulings are based on this maxim. This maxims is derived from the prophetic tradition (إنما الأعمال بالنيات) “The deeds, depend upon the intentions”. Imam Shafie highlight the importance of this maxim as third this maxim is directly related to third of Islamic jurisprudence. (Al-Nawawi, 2002) Under this maxim in Islamic law the establishment of direct *mens rea* or oblique *mens rea* in criminal cases are necessary. Similarly in civil transections or faith related matters intention is the basis how an action will be judged. (Al-Nadwi, 1994) This maxim is

similar to Latin legal maxims such as “*Voluntas in delictis non exitus spectator*” and “*Actus Non Facit Reum Nisi Mens Sit Rea*”

b- Hardship begets facility (المشقة تجلب التيسير)

This major maxim is one of the examples of leniency, accommodating and practical Islamic law. As one Islamic law, be it faith related, jurisprudence related or otherwise does not burden a soul beyond its capacity. As mentioned in the Quran (لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا) “On no soul doth Allah Place a burden greater than it can bear” (Al-Quran, p. 2:286) and whenever an obligation or a ruling is proven to be an unbearable or even an unreasonable burden under this legal maxim, Islamic law shall provide an easy reasonable alternative. shortening and enjoining obligatory prayers or leniency in fasting for the ill and travelers are the most famous examples of this legal maxim. (Al-Nawawi, 2002)

c- Harm must be eliminated (الضرر يزال)

This major maxim is derived from the prophetic tradition “There should be neither harming nor reciprocating harm”. This maxim dictates any harm shall be avoided as much as possible and suffering must be alleviated as much as possible. Thus all laws, ruling and legal opinions shall alleviate, remedy and resolve harm and loss as much as possible. Under this maxim any and everyone able to alleviate harm or loss within their duty of care is obligated to do so. (Al-Nawawi, 2002)

d- Certainty is not overruled by doubt (اليقين لا يزول بالشك)

This is another major Maxim which is incorporated in all Islamic legal rulings. The maxim dictates facts shall not be overruled based on doubts or uncertainties. Established knowledge, sciences and known facts shall remain until proven otherwise. Since doubts will hinder progress and stagnate success. (Al-Zarqa, 1989)

e- Custom is a basis for judgment (العادة محكمة)

This major maxim establishes the rule that any and all customs in accord with Islamic law shall be regarded when laws, rulings or legal opinions are derived. (Al-Nawawi, 2002) This maxim is similar to the Latin maxims such as “*Consuetudo loci observanda est*” and “*The best interpreter of laws is custom*”

Under each of these major maxims there are several secondary maxims detailing out the application of these maxims. And in the light of objective of Islamic law and Islamic legal maxims we can analyse, Islamic medical law and ethics and Islamic ruling on vaccination and immunisation.

MEDICAL ETHICS AND ISLAMIC LAW

Since Islamic law deals with any and every aspect of human life, without a doubt Islamic law provides a legal framework for medical ethics and law, while several medical guidance and medical treatments advised by the Prophet (Muhammed ﷺ) are also recorded in the prophetic traditions. Islamic law has established ethical principles such as Beneficence, non-maleficence, Justice and Autonomy in Islamic ethics and legal theory.

The principle of Beneficence is enshrined in Islamic law, since doing good, being compassionate towards others, and treating all with kindness is

mentioned in several Quranic verses and prophetic traditions provides practical examples of beneficence.). Quranic verses like (إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ) (Al-Quran, p. 16:90) And the prophetic tradition like Abu Huraira narrated “and Allah helps his servant as long as he helps his brother” (Al-Asqalani & Nancy Eweiss, 2003) Emphasis on beneficence. This emphasis on beneficence is most evident from some of the attributes or names of Allah (God), like Ar-Rahman or Ar Rahim, (the most compassionate, the most beneficent.

The principle of Non-maleficence or avoiding harm is an integral concept in Islamic law, avoiding harm is considered far more important than achieving good thus not only things that may harm rather anything that might would lead to harm is considered illegal. Quranic verses like (وَتَعَاوَنُوا) (عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ) “help one another to do what is right and good; do not help one another towards sin and hostility..” (Al-Quran, p. 5:2) and the prophetic tradition “do not harm nor be harmed” establishes this principle.

Several legal maxims are based on these Quranic verses and prophetic traditions, such as (الضرر يُزال) Harm must be eliminated, (تدفع أعلى المفسدين بارتكاب) Harm must be avoided as much as possible (أدناهما) lesser of two evils (harms) (درء المفساد مقدم على جلب المصالح) Avoiding harm takes precedent over ensuring benefit. These legal maxims emphasises the importance Islamic law has to avoid, eliminate and alleviate harm.

The principle of justice, one of the foundations of Islamic law. In all aspects of Islamic law justice is a must. Justice has to be ensured. Several Quranic verses like (إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ) “Allah commands justice” (Al-Quran, p. 16:90) or the prophetic traditions like “give the rights of all those who has a right on you” (Khan, 2009) establishes the principle of justice.

The principle of Autonomy is an integral element in Islamic law, since even in Islamic faith, individuals are to be presented with evidence and they should decide to embrace it. As evident from the Quranic verse (إِنَّا هَدَيْنَاهُ) (السَّبِيلَ إِذَا شَاكَرًا وَإِذَا كَفَرًا) “We showed him the Way: whether he be grateful or ungrateful (rests on his will).” (Al-Quran, p. 76:3) The concept of autonomy does burden the individual with repercussion of actions.

PREVENTIVE MEDICINE AND ISLAMIC LAW

In Islam health is considered a blessing from Allah (God) and health is to be cherished. As the Prophet (ﷺ) said "two blessings that many people are oblivious are, health and free time." (Khan, 2009) The level of importance given to health is evident when leniency or exemption from several religious obligation is awarded for those suffering ill-health. Like in the case of fasting which is one of the five pillars of Islam, as mentioned in the Quran (فَمَنْ كَانَ مِنْكُمْ مَّرِيضًا أَوْ عَلَىٰ سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ) “but if any of you is ill, or on a journey, the prescribed number (Should be made up) from days later.” (Al-Quran, p. 2:184) Or the prophetic advise such as, “Ask Allah for forgiveness and health, for verily, none has been given anything better than health, (after forgiveness.)” (At-Tirimidhi, 2007)

Islamic ideology dictates that every ailment every sickness has its cure, treatment should be figured out and illnesses should be treated. As the prophet has (ﷺ) said “There is a remedy for every illness, and when the remedy is applied to the disease, it is cured with the permission of Allah, the Exalted and Glorious” (Siddiqui, 2009). Taking precautions or seeking treatment for diseases does not nullify one’s faith in Allah’s (God’s) preordainment, on the contrary Islamic ideology dictates seeking treatment is in line with accepting preordainment. When the prophet (ﷺ) was asked “treatments we use, and what we seek to protect ourselves with prevent anything from Allah's Decree?” the prophet (ﷺ) replied “They are from Allah's Decree.” (At-Tirimidhi, 2007).

Islamic law and its objectives maintain that harm, injury and loss should be avoided thus the primary objective of Islamic law is sustaining life. Islamic law dictates prevention of harm and anything that may harm. Several instances such as the prophetic advise to cover the vessels and tie the waterskin to avoid illnesses (Siddiqui, 2009), if there is a breakout of contagious illness such as the plague (الطاعون) people are advise to halt their movement until the outbreak is controlled. (Khan, 2009) Similarly the prophet has instructed Muslims to isolate the sick as a precaution from an outbreak.

VACCINATION IN ISLAMIC LAW

Base on the facts presented, Preventive or precautionary medicine not only is permissible in Islamic law, but rather it is deemed necessary. Since the objectives of Islamic law dictates that all that is necessary to sustain life, intellect, religion, progeny and wealth should be done. Immunization or Vaccination is one of the most effective preventive medical treatment available with a proven track record. Which saves lives, protect intellect, progeny and wealth, allowing individuals to perform their religious duties and conduct their worldly affairs in accordance with Islamic law.

The Islamic legal maxim (الأصل في الأشياء الإباحة) the basis (of rules) in everything is permissibility, is a similar principle to “everything which is not forbidden is allowed” which dictates that the initial legal status of all wordily affairs is permissibility unless it is proved that there is an Islamic ruling prohibiting such. Thus vaccination does not fall under category that “vaccination is allowed”. According to the legal maxim (الأصل بقاء ما كان على ما كان) dictates that matters shall remain in its initial status until proven otherwise.

When it comes to vaccination some Muslims raise concern about the legality of vaccination. I would look into the most prevalent concerns:-

- a) **Regarding its possible side effects or harms.** One such concern is stems from an article by Andrew Wakefield that MMR or other vaccine containing certain preservative additives causes irreversible harm such as autism. Investigations into the matter have found the unethical research practices and the fact that Wakefield received funds from those who where in a legal battle

with vaccine manufactures. Several scientific investigation conducted to find the truth about Wakefield's claims showed that there were no correlation between vaccination and Autism whatsoever. Given that Wakefield's conflict of interest and the fact that he failed to disclose it suggests Wakefield's words cannot be credible, and the fact that several independent medical researchers failed to find any correlation between vaccination and autism establishes the fact that no such harm is present. Based with these facts and in accordance with the objectives of Islamic law, especially the principle of sustaining life and in accordance with the Islamic legal maxim, (certainty is not overruled by doubt اليقين لا يزول بالشك) concerns based on Wakefield's argument are baseless and unfounded and the legal basis for vaccination remains. While all medical interventions have its side effects, the basis of preventive medication or medical intervention is the greater benefit. Concerns over fever or few days of body aches is negligible when it comes to a highly contagious life threatening illness, and in accordance with the Islamic legal maxim (harm must be eliminated الضرر يُزال), and when presented with a wild outbreak of a deadly disease or mild side effects the legal maxim (A greater harm is eliminated by tolerating a lesser one تدفع أعلى المفسدين بارتكاب أدناها) dictates the greater harm shall be eliminated.

- b) **Regarding its content**, when it comes to any medical treatment Muslim jurists examine the treatment procedure as well as substances used for the treatment to determine the legality of the treatment or medication. When it comes to content of vaccination mostly the doubts are regarding substances which are prohibited such as intoxicants, non-halal animal products and products sourced in contradiction to Islamic law. One such ingredient is porcine gelatine, Islamic legal scholars have declared based on Islamic law, Denatured porcine gelatine does not fit into the prohibited porcine product category since its very nature has been altered to the stage that it can not be considered as a general porcine product. Similar to vinegar products since the basis of natural vinegar is fermentation of an alcohol. And in accordance with the legal maxim (changes to its origin is as changes to its self اختلاف الأسباب بمنزلة اختلاف الأعيان) and just for the sake of the argument if such a product in trace amounts are considered prohibited if it is deemed necessary to preserve life than according to the legal maxim (Necessity renders prohibited things permissible الضرورات تبيح المحظورات) using of such a medical treatment is considered permissible. Thus based on these maxims then the Grand Mufti of Saudi Arabia issued a legal opinion stating the legality and permissibility of polio vaccine. (Bin Baz, 1999) A Similar legal opinion regarding trypsin was issued in 203 by European Council of Fatwa and research, headed by then the president of the council Sheikh Yusuf Al-Qaradawi stating that

even though trypsin is an enzyme derived from pork pancreas and its general status is prohibition, it is permissible to use due to the fact that an alternative was not available and that the repercussions are a greater harm. (Riaz & Waheed, 2014) it is also important to note that not all vaccines are equal and contain such enzymes or ingredients.

*In regards to the current pandemic (covid-19 pandemic) and available vaccines, the ingredients and manufacturing processes of these vaccines are different from any bacteria based vaccine, since covid-19 is virus based. Widely used vaccines against Covid-19 such as Pfizer/BioNtech, Moderna and Johnson & Johnson, based on the information disclosed by manufactures and regulatory bodies, these vaccine's general manufacturing process and ingredients were reviewed for this research. Ingredients of these vaccines:-

- 1) **Pfizer/BioNtech**, lipids (0.43 mg((4-hydroxybutyl)azanediyl)bis(hexane-6,1-diyl)bis(2-hexyldecanoate), 0.05 mg 2-(polyethylene glycol 2000)-N,N-di-tetradecyl acetamide, 0.09 mg 1,2-distearoyl-sn-glycero-3-phosphocholine, and 0.2 mg cholesterol), 0.01 mg potassium chloride, 0.01 mg monobasic potassium phosphate, 0.36 mg sodium chloride, 0.07 mg dibasic sodium phosphate dihydrate, and 6 mg sucrose. The diluent (sterile 0.9% Sodium Chloride Injection, USP) contributes an additional 2.16 mg sodium chloride. (Pfizer Inc, 2021)
- 2) **Moderna**, messenger ribonucleic acid (mRNA), lipids (SM-102, polyethylene glycol [PEG] 2000 dimyristoyl glycerol [DMG], cholesterol, and 1,2-distearoyl-sn-glycero-3-phosphocholine [DSPC]), tromethamine, tromethamine hydrochloride, acetic acid, sodium acetate trihydrate, and sucrose. (Inc, 2022)
- 3) **Johnson & Johnson/Janssen**, recombinant, replication-incompetent adenovirus type 26 expressing the SARS-CoV-2 spike protein, citric acid, monohydrate, trisodium citrate dihydrate, ethanol, 2-hydroxypropyl- β -cyclodextrin (HBCD), polysorbate-80, sodium chloride. (Inc J. B., 2022)

None of these ingredients are amongst the very few ingredients that the doubt of prohibition is cast upon by Muslims based on Islamic law. No substance which maybe prohibited under normal circumstances and permissible under necessity is used in these vaccines.

- c) **Legality of vaccine mandates, social distancing and general lockdowns.** The objective of a vaccine mandate is to ensure that a communicable disease does not spread within a community and vulnerable individuals are protected by herd immunity (Islam,

2020). Thus a state might obligate upon all of the citizens and residence to vaccinate to this end. Since in Islamic law it is an obligation upon the state to ensure the safety of the people and laws shall be enacted in line with the objectives of Islamic law in accordance with the legal maxim (The actions of a leader (state) shall be driven by the interest of the people. التصرف على الرعية منوط بالمصلحة). Similarly the state may infringe on individual liberties or freedoms to ensure the safety and security of the community since the rights of a community takes precedent over individual rights in general. When it comes to social distance lockdowns as mentioned above the prophet (ﷺ) has advised to avoid mixing with the sick fear of a community spread and not to enter nor leave a city if the city is suffering from plague or such contagious diseases, as a precautionary measure against a pandemic.

CONCLUSION

The objectives of Shariah and Islamic legal maxims dictate a proper establishment of Islamic medical ethics when allowing vaccination and other such medications. Primarily, even if the medium to cure the public spread of a pandemic is considered unlawful by Shari'ah in general circumstances, utilising these means will be permissible to be relied upon if there is no other option to and in the greater interest to preserve the five objectives of Shariah from imminent greater harm. Upon clear consideration to the primary and secondary sources of Islam, it is proven that mandatory vaccination programs, restriction of social movement and other steps necessary to avoid a greater harm, should be implemented by authorities and these measures should be adhered to by the entire community.

Vaccines and other medical precautionary measures, procedures and treatments should adhere to Islamic Medical ethics guidelines. If halal alternatives are available, such alternatives shall be prioritised and exhausted before considering other options.

Funding

This research was supported and funded by Research Acculturation of Early Career Researchers (Racer) Research project (RACER19-041-0041) entitled "formulating Shariah Compliant Attributed for Medical Tourism Hospital in Malaysia."

Disclaimer

The content of this publication does not necessarily reflect the views or policies of the Malaysian Science and Technology Information Centre, Ministry of Health of Malaysia or the Government of Malaysia.

Conflict of Interest

The research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

REFERENCES

- Al-Asqalani, & Nancy Eweiss. (2003). *Bulugh Al-Maram Min Adillat Al-Ahkam*. Cairo: Dar Al-Manarah.
- Al-Nadwi, A. A. (1994). *Al-Qawaid Al-Fiqhiyya*. Damascus: Dar Al- Qasim.
- Al-Nawawi, Y. S. (2002). *Al-Majmu' Sharh Al-Mazahib*. Beirut: Dar Al-kutub Al-Ilmi.
- Al-Quran*. (n.d.).
- Al-Zarqa, A. b. (1989). *Sharh Al-Qawaid Al-Fiqhiyya*. Beirut: Dar Al-kutub Al-Ilmi.
- At-Tirimidhi, H. (2007). *Jami' At-Tirimidhi*. (A. Khaliyl, Trans.) London: Darussalam.
- Bakricioglu, O. (2018). The principle sources of Islamic Law. In T. Gray, *Islam and international criminal law and Justice* (pp. 15-39). Brussels: Torkel Opsahl Academic EPublisher.
- Bin Baz, A. (1999). *Majmua fatawa* (Vol. 6). Riyadh: Dar Al-Qasim.
- Corbin, H., Sherrad, L., & Sherrad, P. (1993). *History of Islamic Philosophy*. London: Kegan Paul International in association with Islamic Publications for The Institute of Ismaili Studies.
- Diseases, N. I., & National Cancer Institute US. (2003). *Understanding the immune system: How it works*. U.S. Dept. of Health and Human Services, National Institutes of Health, National Institute of Allergy and Infectious Diseases.
- Fanner, F. (1988). *Smallpox and its Eradication*. Geneva: World Health Organisation.
- Gazali, A. H., & Umar, A. M. (1937). *Al-mustasfa min ilm al usul* (Vol. 1). Cairo: Al-Maktabah Al-Tijariyya.
- Islam, M. Z., Anzum, R., Norullah, M., & Jahan, A. (2020). CORONAVIRUS DISEASE (COVID-19) AND UNEXPECTED WORLD HEALTH CRISIS. *Journal of Asian and African Social Science and Humanities*, 6(2), 43-49.
- Inc, J. B. (2022). Vaccine Package Insert. USFDA.
- Inc, M. U. (2022). Vaccine Package Insert. USFDA.
- Khan, M. (2009). *Sahih Bukhari* (1 ed., Vol. 3). islamhouse.
- Miller, G. (1957). *The Adoption of Inoculation for Smallpox in England and France*. Philadelphia: University of Pennsylvania Press.
- Needham, J., & Wang, L. (2000). *Science and civilisation in China* (Vol. 6). Cambridge: Cambridge University Press.
- Pfizer Inc. (2021). Vaccine Package Insert. USFDA.
- Riaz, F., & Waheed, Y. (2014). Islam and polio. *The Lancet Infectious Diseases*, 791-792.
- Siddiqui, A.-A.-H. (2009). *Sahih Muslim*. Islamhouse.
- Thucydides, & Charles Forster Smith. (1958). *Thucydides : History of the Peloponnesian war* (Vol. 1). London: W. Heinemann.
- Varricchio, F., Iskander, J., Destefano, F., Ball, R., Pless, R., & Braun, M. (2004). Understanding vaccine safety information from the Vaccine Adverse Event Reporting System. *Pediatric Infectious Disease Journal*, 287-294.