

**The Covid Vaccines: Why JUSA (Jamiatul Ulama South Africa) got it wrong.
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The Jamiatul Ulama Statements

The Jamiatul Ulama have issued two statements regarding the Covid 19 vaccines. One dated 21 Rajab 2021 (sic)/ 5 March 2021 titled “The Johnson and Johnson Vaccine Roll out in South Africa” (JUSA Statement) and another undated statement “Covid-19 Pandemic: The Third Wave and Pfizer-BioNtech Vaccine” (Press Statement) (undated). The Secretary-General of JUSA Mawlana Ebrahim Bham was quoted in the Sunday Tribune (14 February 2021) in an article “Religious Leaders give their blessing to Covid vaccine”. The United Ulama Council, where JUSA is an affiliate, also issued a statement on the 10 Rajab 1442/22 February 2021: “Vaccinations: A Statement from the United Ulama Council of South Africa (UUCSA). These are all carefully crafted statements which make several important points.

In the first “Johnson and Johnson” statement, after reminding us that Covid has claimed many lives globally, the statement goes on to say that the Prophet sallallahu alaihi wasallam said that there is a cure for every sickness and that SAHPRA (The South African Health Products Regulatory Authority) has carefully looked at the safety of the vaccine before the planned roll out. JUSA also states that they have been in consultation with the experts of the Islamic Medical Association of South Africa who have reliably informed them that the ingredients of the vaccine are all halaal. They nevertheless add a rider: “Notwithstanding the foregoing, we advise the Muslims to seek advice from Muslim medical specialists, on the safety and efficacy of the vaccine, taking into account one’s specific health and medical condition.” The statement ends with a dua that this pandemic should come to an end.

The “Pfizer-BioNtech Vaccine” is similarly carefully worded and says that we are in the midst of a third-wave and then under a header “Pfizer-BioNtech”, relying once again on the South African Islamic Medical Association, assures the readers that the ingredients of the vaccine are halaal compliant and “meets the standards prescribed by Shari’ah. According to information on hand the Comirnaty (Pfizer-BioNtech)

vaccine for Covid-19 contains no ingredient that would affect the Shar'i permissibility of the vaccine. Likewise, it has been deemed sufficiently safe and efficacious by several medical regulatory agencies including SAHPRA (The South African Health Products Regulatory Authority), the FDA and the European Union's EMA. It has been noted that mild to moderate side-effects, including allergic reactions, may occur with the administration of the vaccine. It (sic) therefore advisable that before taking the vaccine, a health practitioner be consulted for any health-specific concerns.". It then reminds the good Muslim reader that "Allah is the Ultimate Protector" and that there is a cure for every sickness. It concludes by stating that JUSA is of the opinion that it is permissible to take the vaccine. Nevertheless, they remind the reader that Allah is the Ultimate Protector and Curer of disease, and that the efficacy of the vaccine is by the Permission of Allah. It also ends with a similar dua as the first statement.

The UUCSA statement makes five points: Firstly, that historically vaccines have been used as a preventative. Secondly, that the vaccine is a preventative and protective however trust is to be placed in Allah alone. Thirdly, that the vaccine should contain no impure or impermissible substances. In the case however where there are no suitable alternatives the use of impermissible substances is permitted. Fourthly, that the Allah fearing Muslim physician should be consulted in matters relating to whether the vaccine will or will not negatively affect the end user. Fifthly, that no person may be coerced to take the vaccine.

Fatwa or statement?

It is clear that what the public have been provided with are statements. While these statements are based on and informed by the verdict pronounced by the Darul Ifta of JUSA, they are not fatawa. The fatwa would be a well argued, longer legal treatise (respona) which takes into consideration and in some details discusses a number of related issues. This begs the question: Where is the fatwa? On further enquiry we have established that this does in fact exist. The Darul Ifta held a series of meetings and have researched consensus on the issue of the vaccines and have prepared a detailed respona. This is available on request. The statements thus represent the conclusions of this research. The Darul Ifta of JUSA prefers to communicate with its

membership and followers through the summarised statements and not through the detailed fatwa.

The JUSA Fatwa on Vaccines

The JUSA fatwa deals with issues of the ingredients of the vaccine and the inputs in the research groups included research about the reliability of the research that is funded by pharmaceutical companies. They are aware of the issues and problems with the current medical industry. Their statement does, however, not reflect this except in the rider that each person should decide based on his own medical condition. As per the fiqhi requirement that experts in the field should be consulted, JUSA go with the opinion of the Islamic Medical Association of South Africa. They have supported the judicial opinion of the IMA in the issue of the measles vaccine in the past and are consistent in their stance.

The Mauritanian Proclamation

A fatwa/proclamation titled “PROCLAMATION BY THE JURISTS AND IMAMS OF MAURITANIA ABOUT THE RULING OF FORCED VACCINATION” was released on Wednesday, 15 Muharram 1443 AH / August 24, 2021. This proclamation deserves our attention.

After praising Allah and thanking the president for his efforts to curb the virus, the proclamation seeks to fulfil its Prophetic mandate by offering “advice to the Muslim leaders and the populace, we wish to raise awareness to a sacred legal matter pertaining to the ruling of obligating people to vaccinate.” It then makes a number of points.

The Mauritanian verdict first engages the issue of refusal of medical treatment and states that placing one’s reliance upon Allah and acceptance of what He decrees, is among matters endorsed by the revealed law. To establish this a number of Prophetic statements and the opinions of scholars are invoked.

Secondly, the fatwa moves to the discussion that if one is faced with the possibility of certain death then the individual is obliged to medicate because the preservation of

life is tantamount. The learned scholars then opine that this is not the case with the current pandemic for three reasons: “(1) Because that applies to the person actually afflicted with illness, while the scenario we are in is the vaccination of a healthy person to whom it is feared that illness will happen; (2) Because death happening in our case is not a near certainty. Nay! It is an insignificant probability. So, the rate of infection is limited. And after infection the recovery rate is up to 98% as everyone agrees, with or without treatment; (3) Because the effectiveness of the medication is unknown. Experts have expressed that the vaccines prevent neither illness nor infection from pathogens.”

The third point that the verdict raises is that of freedom of choice and that governments cannot impose unreasonable laws that limit this choice in anyway.

Fourthly, the verdict echoes what we read in the JUSA statement that for every disease there is a cure. Here, in this fatwa, more thought has gone into the statement and the Mauritanian jurists distinguish between persons with good immunity and those who have compromised immunity stating that there may be a case for vaccinating the former but not the latter who have a God-given immunity to the virus.

This point is significant because it reflects the fact that the Mauritanian jurists have thought the matter through and carefully and independently have distinguished between two types of persons.

The fifth point that the Mauritanian verdict makes very clearly, and is perhaps its most important observation, concerns the safety of the vaccine. It states:

It is not proper to support any vaccine until its safety has been completely verified. However, the safety of these vaccines is uncertain. The manufacturing companies are indemnified. The authorization for them was only for emergency use. And the side effects of these vaccines that the manufacturing companies have announced are many and serious, and most of them have appeared. Also, the effects of these vaccines on pregnant

women and those with chronic illness is unknown. And they are vaccines the least of which can be said of them is that they incite dispute. In France and other European countries protests have persisted since October of 2020 until they reached their fortieth week with the attendance of tens of thousands among whom are the leaders of political parties, members of parliament, military officers, professors of medicine, and organizations of civil community. And the daily seminars they have on television channels, news stations, and social media as well as the evidence they present create doubt about the safety of the vaccines and make clear that the World Health Organization has been exposed to blackmail by pharmaceutical companies. This is in addition to statements made by Bill Gates going back to 2011 wherein he said that the reduction of the population will be completed via forced vaccination. And in Australia life insurance companies have halted coverage at the start of the vaccination rollout while continuing to provide coverage when the corona pandemic begun. So, how can people be compelled to take these vaccines?

What this selection of the verdict shows is the acute awareness of the Mauritanian fuqaha of the anti-vaccine lobby and their awareness of the debate. From the text and the accompanying footnotes it appears that they are well aware of the collusion of big-pharma and the dangers of buying in to the narrative that the pharmaceutical company push.

This theme is further elaborated in the sixth and last statement where the Mauritanian jurists move to discuss the harms of the vaccine stating that:

The potential of certain harms resulting from these vaccines exists, and some have already occurred. The government must bear its responsibility to protect the health of citizens. And it must acknowledge its responsibility for any harm from these vaccines and announce its preparation to compensate every citizen who has been harmed by them. Countries always compensate those harmed in such situations. When AIDS appeared, the French government did not purchase the necessary diagnostic tools for identifying the AIDS virus from the United States. Rather, it wanted to produce it from its [own] laboratories, but the matter took six months before these medications were

produced. And during this period hundreds of Francophiles were infected with this illness. So, the minister of health interceded for them, and the government compensated all of those who were infected. And in Singapore, a 16-year-old received compensation in the form of \$225,000 American dollars after experiencing a heart attack from the Pfizer vaccine. And the [guiding] legal principle is [that], “Every harm done to another obligates its doer to pay compensation.” All the manufacturing companies of these vaccines have been indemnified from the responsibility of the harms and side effects of the vaccines. And they have requested that governments of the world bear the treatment and financial responsibilities resulting from the side effects of the vaccines. Similarly, The European Union has contracted with a number of medical companies in order to produce and sell medical treatments that are not vaccines which will appear in October 2021. And this increases skepticism surrounding the rush of the World Health Organization and governments in the vaccination campaigns and coercing people to take them as opposed to other vaccines in addition to [skepticism about the concern for] public interests in order to provide it to over 70% of the world’s population prior to the production of the remedies expected to appear at the end of October 2021.

The verdict concludes by addressing the state and saying that it has two fundamental duties in this regard:

- 1- To make the vaccines optional without mandating them on the people for travel nor tying certain services to vaccination.
- 2- To compensate everyone who has been harmed by the vaccines.

This emphasises that the state has two obligations. The first is that they should not coerce anyone and secondly that they have to compensate those who have been harmed by the vaccine. This second statement is in fact a not so tacit indication to the fact vaccines have a great potential to be harmful.

The fatwa/statement is signed by a number of leading jurists of Mauritania and thus enjoys considerable consensus. There have, to date been no reactions to this statement that we are aware of.

If we were to evaluate this statement and compare it to the JUSA statements then it is clear that our African counterparts have given the matter greater thought and expressed themselves better on the subject.

What should the fatwa be like?

It is our humble view that the fatwa of the JUSA should argue from the sunnah and the maqasid (purposes of the law) of the shari'ah. The sunnah has provided us with a health system which is most perfect. It is here that the remedy should be sourced and we need to encourage our practitioners of *tibb al-nabawi* (Prophetic medicine) *sallallahu alaihi wasallam* to do so. We need to support their suggestions in terms of remedies and life-style factors as part of the *irshad* (advice) that comes with issuing a fatwa.

As for the argument from the maqasid (purposes of the law), then we are well aware that the shari'ah aims to preserve the five essentials of human well-being: religion, life, intellect, lineage, and property. Jurist-consults need to argue for each of these in terms of the issue of the vaccines. This should be permeated by the Islamic viewpoint of life and not the Western trend of preservation of life even at the cost of loss of religious freedoms. The fatwa needs to be balanced and be reflect a concern for establishing what is *aslah* (most beneficial) for the ummah and seek out the *maslaha* (the purpose) as it does this.

Conclusion

We have seen that the JUSA have in fact got it wrong with the vaccine statements. They have failed to fulfil the task of providing scholarly and comprehensive guidance in the matter of the vaccines. The Mauritanian fatwa displays a greater awareness of the current state of allopathic medicine and is more nuanced. It displays a sensitivity to the fact that big pharma are not to be trusted and that there are economic imperatives at play in the case of the allopathic medicine industry. They also find it

difficult to take the expert recommendations of the regulatory authorities on face value. The Mauritanian fuqaha (jurist-consults) also question the safety of the vaccines. The fatwa arguing by means of the sunnah, the Islamic worldview and the maqasid is still to be written.

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