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Home / Articles / Irsyad Fatwa / General

/ IRSYAD AL-FATWA SERIES 63: THE RULING OF ELECTRONIC CIGARETTE / VAPE

# IRSYAD AL-FATWA SERIES 63: THE RULING OF ELECTRONIC CIGARETTE / VAPE

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## Question:

What is the ruling of smoking electronic cigarette/vape?

## Answer:

Alhamdulillah, praise and thanks to Allah for the countless blessings He has blessed us all with. Blessings and salutations to the Prophet Muhammad PBUH, his wives, his family, companions and all those that follow his teachings to the day of judgement.

In this series of Irsyad al-Fatwa, we try our best researching on this issue, due to the vast usage of it in our society, where even teenage girls are involved in this. The most common reason for people getting involved in smoking electronic cigarettes or vape is to use it as a substitute for cigarettes with the intention of gradually stopping themselves from smoking or also known in Arabic as *tadarruj*. This judgement makes it seem like smoking vapor is acceptable. Hence, this series of Irsyad al-Fatwa intends to explain in detail of the issue and its ruling.

On 21st December of 2015, Muzakarah of the Fatwa Committee of National Council for Islamic Affairs decided that smoking e-cigarette or vapor is prohibited (haram).

### **Definition of Electronic Cigarette**

Electronic Cigarette (Electronic Nicotine Delivery Systems or e-Cigarette) is an innovation of the conventional cigarette to a modern version. Now, it is also known as vape or vapor. The word 'vape' is originated as an abbreviation of the word 'vaporization' which means the evaporation process. It is also referred to as 'vaporizer', a tool used to inhale drugs, tobacco and other smoking mixtures. Oxford dictionary added this word as a new word in August 2014. [1] The verb means 'to inhale and exhale the vapour produced by an electronic cigarette or any similar device'. The word 'vape' also refers to an electronic cigarette or a similar device. [2]

### **Experts' Opinions**

Hereby, we state the opinions of experts regarding the usage of electronic cigarette:

- The amount of nicotine in electronic cigarette varies in accordance with the label stated. It may contain 6-8mg of nicotine in each 1ml of the liquid (mg/ml), labelled as low concentration. Some contains 16–18 mg/ml of (high nicotine concentration) or 24-36mg/ml (extra high concentration). It is to be known that if all 60mg of nicotine is absorbed through the bloodstream, they can potentially kill a non-smoking grown man. This amount is equal to 30-40 conventional cigarettes.
- Scientists of the Office of the Pharmaceutical Quality of US Food and Drug Administration (USFDA) has done research on 19 types of e-cigarette produced by two manufacturers (NJoy and Smoking Everywhere). They found out that there is a substance named 'tobacco-specific nitrosamines' (TSNAs), which may lead to cancer in both products. In fact, the nicotine concentration contained in the product is labeled differently. When there is a low amount nicotine concentration, it is labeled as "nicotine-free".
- On September 2008, the World Health Organization (WHO) released a statement: "WHO knows of no evidentiary basis for the marketers' claim that the electronic cigarette helps people quit smoking. Indeed, as far as WHO is aware, no rigorous, peer-reviewed studies have been

conducted showing that the electronic cigarette is a safe and effective nicotine replacement therapy. "If the marketers of the electronic cigarette want to help smokers quit, then they need to conduct clinical studies and toxicity analyses and operate within the proper regulatory framework," said Douglas Bettcher, Director a.i. of WHO's Tobacco Free Initiative. [3]



Based on the statement of the American Lung Association (ALA), they express their concern on the usage of electronic cigarettes. In their primary research, they found out that the electronic cigarettes not only contain nicotine, but also other dangerous chemical substances like carcinogens [4] The research also shows that electronic cigarettes have high voltage and high level of formaldehyde. Formaldehyde is also a dangerous chemical substance for the human body. [5]

- US Food and Drug Administration (USFDA) did laboratory experiments on the ingredients of electronic cigarettes. In one of the samples, they found diethylene glycol, which is a dangerous substance for human body. [6]
- According to Dr. Daniel Lee, Respiratory Medicine Physician of Prince Court Medical Centre, a claim on the smoke produced by the electronic cigarettes are from common liquids and not from the nicotine is totally unacceptable. In reality, electronic cigarettes contain nicotine which able to increase the pulse rates and secretion of adrenaline hormones, as well as hindering the nervous process. Nicotine may also result in irregular pulse rate, constriction of blood vessels, increase in blood pressure, heart attack, stroke, and peptic ulcers.
- Head of Cancer & Health Screening Clinic, National Cancer Society Malaysia (NCSM), Dr. Dalilah Kamaruddin when called said, that the evaporated liquid nicotine produced by electronic cigarettes when inhaled will have the same nature with nitric acid. She added nitric acid is a cancer-causing substance. Besides, liquid nicotine, although in a small amount, if diffused into the bloodstream will cause a decrease in the efficiency of blood flow in the body because apart of having nicotine, it also contains glycerin. [7]
- President of Malaysian Medical Association (MMA), Dr. Ashok Zachariah Philip also said that electronic cigarettes have harmful effects on its users. He added, most of the chemical substances found in conventional cigarettes are also found in electronic cigarettes although in a smaller amount. He through the association also urges the Ministry of Health to consider prohibiting electronic cigarettes seeing the possible harms it caused. [8]
- Cardiothoracic surgeon of University Kebangsaan Malaysia Medical Centre, Dr. Hairulfaizi Haron stated: "Although the percentage of vape users suffering from those diseases is low, they still have to be cautious." He also said, "The assumption that electronic cigarettes are safer than conventional cigarettes is not true". [9]
- Deputy Minister of Health, Datuk Seri Dr. Helmi Yahya gave a statement saying that electronic cigarettes contain nicotine and propylene glycol, in which, if being lit (in its liquid state) exceeding 5v, the combination of the liquid substances will act as preservatives. This preservative will increase the risks of cancer. [10]
- According to the Ministry of Health (MOH) Malaysia, vaping phenomenon is against the principles and policies of the ministry, in which it aims at shaping Malaysia towards a smoke-

free country. It is not in line with the agreement of WHO Framework Convention on Tobacco Control (WHO FCTC) signed by Malaysia since 2005. MOH also organize a Technical Committee for Research on the Effects of Electronic Cigarette and Shisha towards Health on August 2013. This committee took one year and four months to issue a statement as there were less scientific researches on electronic cigarette and vape. This committee analyzed some scientific research and reports especially from WHO FCTC and ***International Union Against Tuberculosis and Lung Disease***.



- Countries which forbid the selling of electronic cigarette's device contained nicotine are:

1. Australia
2. Belgium
3. Canada
4. Finland
5. Hong Kong
6. Japan
7. New Zealand
8. Norway
9. South Africa

- Countries which totally forbid the sale of electronic cigarette and vape are:

1. Argentina
2. Brazil
3. Thailand
4. Singapore
5. Brunei
6. Oman
7. Panama
8. Jordan
9. Mexico
10. Qatar
11. China Taipei
12. Turkey
13. United Arab Emirates

## The Evidence of Prohibition of Harmful Substances


**First:** Allah SWT state in the Quran:

وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ

*“And do not throw [yourselves] with your [own] hands into destruction [by refraining]. And do good; indeed, Allah loves the doers of good.”*

## Surah Al-Baqarah (195)

Even though this verse reveals on the maintenance for *infāq fī sabīlillāh*, but the generality of it encompasses all sorts of actions which lead to harm, as explained by al-Shawkani:

 وَالْحَقُّ أَنَّ الْإِعْتِبَارَ بِعُمُومِ اللَّفْظِ لَا بِخُصُوصِ السَّبَبِ فَكُلُّ مَا صَدَقَ عَلَيْهِ أَنَّهُ تَهْلُكَةٌ فِي الدِّينِ أَوْ الدُّنْيَا فَهُوَ دَاخِلٌ فِي هَذَا وَبِهِ قَالَ ابْنُ جَرِيرٍ  
الطَّبْرِيُّ

*“Truly, the consideration is taken from the generality of the word, not specifically due to the reasons for revelation. Hence, every means of harm either towards religion or worldly matters, then they are included in this verse generally. And this is also what is believed by Ibn Jarir al-Tabari.”*

Refer to **Fathul Qadir** (1/222)

**Second:** The saying of Allah SWT in the Quran:

وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

*“And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful.”*

Surah Al-Nisa’ (29)

According to al-Jassas, this verse comprises the prohibition of killing either towards others or one’s self. Refer to **Ahkam al-Quran** (3/127)

**Third:** The Prophet PBUH says:

لَا ضَرَرَ وَلَا ضِرَارَ

*“There should be neither harming nor reciprocating harm.”*

Musnad Ahmad (22778) and Sunan Ibn Majah (2341)

This hadith also shows the prohibition of harming generally that the expression of this hadith is made into an Islamic legal maxim.

**Fourth:** The Prophet PBUH says:

وَمَنْ تَحَسَّى سَمًا فَقَتَلَ نَفْسَهُ، فَسَمُّهُ فِي يَدِهِ، يَتَحَسَّاهُ فِي نَارِ جَهَنَّمَ خَالِدًا مُخَلَّدًا فِيهَا أَبَدًا

*“And whoever drinks poison and kills himself with it, he will be carrying his poison in his hand and drinking it in the (Hell) Fire wherein he will abide eternally forever.”*

Sahih al-Bukhari (5778) and Sahih Muslim (109)

This hadith warns people with the Hellfire and its terrific torment for those who commit acts that are harmful for themselves. Generally, the evidence prohibits all form of harm towards one’s self.

## The Ruling

According to the statements above as well as the evidence, we are of the view that the usage of electronic cigarette is **HARAM**. The reason said, as what we state as the 'illah (legal reason) of smoking is applied to this issue of electronic cigarette, indeed, we state again here the reasons, which are:

- Qiyas (analogically deduced) to the conventional cigarette. [11] Among them are:
  1. Harmful towards life, wealth and lineage;
  2. Contains poisonous substances like nicotine, pure liquids, propylene glycol, vegetable glycerin and alcohol;
  3. Leads to addiction and confusion;
  4. Leads to various diseases like cancer, fetal defects, and other;
  5. Harms the health of those around the smokers and the environment.
- Opinions given by experts show that it is harmful, in fact, it may be even more harmful than smoking itself. This is a strong base because its mafsadah (harm) cannot be overruled, and also is acknowledged by the specialists and authoritative agencies.
- The cost incurred is a waste either in terms of buying the device itself or the liquids needed for it. It is said that the price of the device are in the hundreds and for some types, it may reach to thousands ringgit.
- The act of copying the act of non-Muslims.
- Seen as having no pride.
- Sad al-Zari'ah (blocking any means of destruction and harm). The police are actively searching and investigating locations meant to self-blend the flavors of marijuana and ketum to satisfy the need of some users of this electronic cigarette. [12] The report from the authorities also shows that the usage of synthetic drugs among the teenagers is rising and it will worsen the condition if the usage of electronic cigarette also contains the elements of drugs in it. [13] Prevention steps have to be taken so that this problem will not worsen in Malaysian society especially among teenagers.

There are scholarly fatwas that support the prohibition of this electronic cigarette. Hence, we agree with the prohibition ruling considering the reasons presented above. Regarding the review towards the prohibition, kindly refer to Bayan Linnas Series 18 [14]

## Scholarly Fatwas and the Opinions of the Islamic Scholars

We state here that the fatwa issued for its ruling is the same as the ruling of conventional cigarette. Hence, its ruling is **HARAM**. [15]

- Syeikh Muhammad Saalih al-Munajjid in his answer regarding the usage of electronic cigarette, states that the ruling for electronic cigarette is the same as conventional cigarette, which is

haram. There is no goodness for those who want to leave smoking to shift towards electronic cigarette because its harm is of the same level of the conventional one based on the experts' reports. [16]

- Sheikh Uthman al-Khamis also in the view that electronic cigarette is haram because it is harmful. [17]. Everything that is harmful, Islam will be the first to prohibit it in order to protect the **maslahah** (public good) of the whole ummah.



## The Usage of Vape in the Perspective of Maslahah Ammah

The authorities should also amend its prohibition to vape if there is **maslahah ammah**. This is because it is one of the obligations of a ruler stated in a maxim:

تَصْرُفُ الْإِمَامِ عَلَى الرَّعِيَّةِ مُنَوِّطٌ بِالمَصْلَحَةِ

*“The actions of the rulers upon the subject shall be contingent to the **maslahah** (public good)”*

Refer **Bahr al-Muhit fi Usul al-Fiqh** (1/309)

If there is an actual **maslahah ammah** in prohibiting vape, then it is the obligation of all citizens to abide by this, just like the actions of some rulers from before who prohibit smoking due to **maslahah ammah** and the scholars make it obligatory for the citizens to abide by it.

Al-Syarwani; a Shafi'ite scholar upon emphasizing on the prohibition of smoking due to **maslahah ammah** said, “If a ruler commands the people to not smoke which is known today, then it is **wajib** for them (the people) to obey. Before, Deputy Prime Minister once commanded in Egypt to not smoke at the roads and cafes, but many defy this command. Hence, they are among the sinners”. Refer **Hashiah al-Syarwani** (3/69)

This recorded history shows that the prohibition of smoking due to **maslahah ammah** is something that has happened before, and the scholar acknowledges this as a prohibition which is obligatory to be followed. Hence, the prohibition of electronic cigarette and vape may be strengthened by the existence of **maslahah ammah** element.

Stating something as **maslahah ammah** in some issues pertaining the rulings is an obligation of the scholars and mujtahid, as explained by Abdussalam al-'Abbad when speaking of the **maslahah ammah**, “Asserting the existence of these conditions in every **maslahah** issue is the duty of the mujtahidin who are eligible to do **ijtihad** and fulfilled the conditions set”. Refer **Nas al-Milkiyyah al-Khassah li al-Manfa'ah al-'Ammah** (2/995)

## Closing

In this issue, it is undeniable that many people suggest that it is one of the ways to help heavy smokers to stop smoking. Hence, they use this electronic cigarette as an alternative to stopping. However, **this assumption contradicts the facts because it is said that there are still nicotine**

**substances which are the cause of addiction and harm towards people's health.** Our stand in this is the same as our opinion in the issue of smoking and we would like to advise all Muslims to stop smoking electronic cigarette or vape based on the above statements. How good it is if the money we use to buy this e-cigarette or vape is instead used to donate to the mosque's donation, or be used to cherish the orphans, or be given to the poor and needy as well as helping to provide for their needs. May Allah give us taufiq and hidayah as well as good health. Ameen.



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