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ISLAMIC LAW
A SIMPLIFIED PRESENTATION
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◇ CHAPTER 14: ◇

OATHS AND PLEDGES



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Chapter 14

Oaths and Pledges

An oath is made to confirm something by Allah's name or one of His attributes.⁵²³ Oaths may be classified into three categories with respect to their validity and commitment.

1. Idle oath: This is when a person says the words of an oath without intending his statement as an oath. He may say, for example, 'Yes, by Allah', or 'No, by Allah', without intending his words to be an oath asserting what he is saying. This is called an 'idle oath', or to use the Arabic term, *laghu*. Alternatively, a person may say an oath confirming what he believes to be true, but he later realizes that it is false. Such oaths are taken as they are; the person saying them is not accountable for them, incurs no sin and there is no need to make any atonement for them.⁵²⁴ Allah says: 'Allah does not impose blame upon you for what is unintentional in your oaths, but He imposes blame upon you for what your hearts have earned. And Allah is Forgiving and Forbearing.' (2: 225).
2. Confirmed oath: This is an oath intended and insisted upon by the person saying it. It relates to future matters and refers to something possible. As this is a valid and intended oath, going back on it requires atonement. Allah

⁵²³ Ibn Qudamah, *Al-Mughni*, vol. 8, p. 790.

⁵²⁴ Al-Nadawi, *Al-Fiqh al-Muyassar*, p. 387.

says: ‘Allah will not impose blame upon you for what is meaningless in your oaths, but He will impose blame upon you for [breaking] what you intended of oaths.’ (5: 89).

3. False oath: A false oath is a major sin and is a lie intended to cheat, swindle other people’s rights or refute their rightful claims. The person saying it knows that he or she is telling a lie and it does not take place and cannot be atoned for, because it is too grave to be washed off by some atonement. In this respect, it is like the idle oath. However, the person who swears such an oath should repent and, if it results in denying people their rights, these rights must be returned to them. This oath is called an ‘immersing oath’ because it immerses the swearer in sin and leads him to hell.⁵²⁵ The basis of ruling that it is forbidden is the Qur’anic verse: ‘And do not take your oaths as [means of] deceit between you, lest a foot slip after it was [once] firm, and you would taste evil [in this world] for what [people] you diverted from the way of Allah , and you would have [in the Hereafter] a great punishment.’ (16: 94). Ibn [Umar quotes the Prophet (peace be upon him) as saying: ‘The gravest sins are associating partners with Allah, being undutiful to one’s parents, murder and an immersing oath.’⁵²⁶ Abu Hurayrah reports that the Prophet (peace be upon him) said: ‘Five sins cannot be atoned for: the association of partners with Allah, wrongful murder, false claims against a believer,

⁵²⁵ Ibid., p. 388.

⁵²⁶ Related by al-Bukhari, *hadith* No. 6,675.

deserting the army in battle, and a false oath to make a wrongful gain.’⁵²⁷

Atonement for oaths

Allah, in His mercy, has made clear a way to go back on one’s oath and release oneself from its import. Allah says: ‘Allah has already ordained for you [believers] a way to release you from such oaths’ (66: 2). The Prophet (peace be upon him) says: ‘Anyone who swears about something and then discovers that a different thing is better should do the better thing and atone for his oath.’⁵²⁸ Such atonement or release becomes obligatory if the swearer goes back on his oath and does not honour it.

The way Allah has chosen for people to release themselves from their oaths includes a choice between ordered options. The choice is between feeding 10 poor people, or giving each of these 10 poor people a garment that he could wear for prayer, or to set a slave who is a believer, free. If the swearer cannot comply with any of these choices, he fasts for three days. Allah says: ‘Allah will not impose blame upon you for what is meaningless in your oaths, but He will impose blame upon you for [breaking] what you intended of oaths. So its expiation is the feeding of ten needy people from the average of that which you feed your [own] families or clothing them or the freeing of a slave. But whoever cannot find [or afford it] – then a fast of three days [is required].’ (5: 89). Thus, the first three are given

⁵²⁷ Related by Ahmad, *hadith* No. 8,737.

⁵²⁸ Related by al-Bukhari, *hadith* No. 6,722; Muslim, *hadith* No. 1,650.

as alternatives to choose from, but when these options cannot be met, fasting becomes the way out.⁵²⁹

Conditions for atonement

If the swearer goes back on his oath, the atonement becomes obligatory only if the following three conditions are met:

1. It must be a valid oath, intended by the swearer for something to happen. The oath is not valid unless sworn by Allah, or one of His names or attributes. He says: ‘Allah will not impose blame upon you for what is meaningless in your oaths, but He will impose blame upon you for [breaking] what you intended of oaths.’ (5: 89). This makes clear that the atonement applies only to a valid oath. A swearing formula that is said without any intention to say an oath is an idle one and requires no atonement.
2. The person swearing an oath should do so out of his own choice. If he is compelled to make an oath, his oath is not valid and bears no atonement. The Prophet (peace be upon him) says: ‘My community will not be accountable for what they do through a genuine mistake, what they omit to do out of forgetfulness, and what they are compelled to do.’
3. When the swearer goes back on his oath and does what he swore not to do or refuses what he swore to do, remembering his oath all the time and choosing to go back

⁵²⁹ Ibn Qudamah, *Al-Mughni*, vol.8, p. 756.

on it. If he does this as a result of forgetting his oath or under duress, no atonement is due from him.

If at the time of saying an oath, the swearer makes an exception, adding to his oath the words, ‘Allah willing’, and then he goes back on his oath, he gives no atonement.⁵³⁰

Pledges

In Islamic terminology, the Arabic word *nadh'r* means ‘an adult Muslim pledges to do something for Allah’s sake.’⁵³¹ To make such a commitment is legitimate according to the Qur’an, the Sunnah and the unanimous agreement of scholars, as we will presently explain.

It should be clear that making such a pledge is discouraged from the Islamic point of view. Ibn [Umar reported that ‘the Prophet (peace be upon him) told us not to make pledges, saying that they do not prevent anything. It is merely a means to get a miserly person to part with some of his money.’⁵³² This is because making such a pledge is to commit oneself to do what he is not obliged to do, causing himself some hardship. A Muslim is encouraged to do good deeds without making such pledges.⁵³³

⁵³⁰ Al-Nadawi, *Al-Fiqh al-Muyassar*, p. 389.

⁵³¹ *Ibid.*, p. 392.

⁵³² Related by al-Bukhari, *hadith* No. 6,692; Muslim, *hadith* No. 1,639.

⁵³³ Al-Nadawi, *Al-Fiqh al-Muyassar*, p. 392.

However, if a person pledges himself to do something good, he must fulfil his commitment. Allah says: ‘Whatever alms you give or pledges you make are known to Allah’ (2: 270). ‘They [are those who] fulfill [their] vows and fear a Day whose evil will be widespread.’ (76: 7). [A’ishah reports that the Prophet (peace be upon him) said: ‘Whoever pledges to obey Allah must obey Him, and whoever pledges to disobey Allah must not disobey Him.’⁵³⁴

Allah praises those who fulfil their pledges and vows, and He commands that pledges should be fulfilled. This shows that what the Prophet (peace be upon him) said about it does not prohibit it altogether, but simply discourages it. What is discouraged is to initiate such a commitment through a pledge. However, once it is made, it should be fulfilled in obedience to Allah. It should be remembered that a pledge must be made to Allah and not to anyone else. Therefore, if one makes a pledge that he would do something at a grave or to some deceased person who was thought to be very pious during his lifetime, such a pledge is a form of associating partners with Allah, and that is the gravest of sins.⁵³⁵

Conditions and wording

A pledge is valid only if it is stated by a sane adult person making a free decision. It cannot be done by a child, a madman

⁵³⁴ Related by al-Bukhari, *hadith* No. 6,696.

⁵³⁵ Al-Nadawi, *Al-Fiqh al-Muyassar*, p. 392.

or a person of impaired mental faculty, or one acting under compulsion.

To make a pledge, a person should say: ‘I owe it to Allah that I will do such and such’, or ‘I commit myself to do this and that’, or other words stating what he is pledging to do.⁵³⁶

Types

Pledges may be valid or invalid; permissible or forbidden; binding or worthless. A pledge is valid and binding if it involves something good, such as a voluntary act of worship, with the pledging person hoping to earn Allah’s pleasure. It is invalid and worthless when a person pledges to do something at the grave of someone he thinks to have been pious, or pledges to kill someone or to do some other forbidden act, such as drinking intoxicants. If anyone makes such a pledge, he must not do it, because he would be doing what Allah has forbidden and he incurs Allah’s displeasure and becomes liable to His punishment.

Pledges may be conditional or general. If a person makes a pledge without attaching it to any condition, his pledge is general. It may be made for no reason, or in a token of gratitude to Allah. For example, if he says: ‘I pledge to Allah that I will fast for two days,’ such a pledge must be fulfilled. A conditional pledge is one which the speaker attaches to an event. For example, a person may say: ‘If Allah cures my sick

⁵³⁶ Ibid., p. 393.

daughter, I will give so much to charity.’ When the thing he mentions in his pledge takes place, he must honour that pledge.⁵³⁷

Rulings: There are five types of pledges with regard to the rulings that may apply to what people commit themselves to:

1. An open-ended pledge: This refers to a case when one says, ‘I pledge to Allah’, but does not specify anything. In this case, the pledge is considered like an oath and atonement for unfulfilled oath applies whether the pledge is conditional or unconditional. [Uqbah ibn [Amir reports that the Prophet (peace be upon him) said: ‘The atonement of an unspecified pledge is the same as the atonement for an oath.’⁵³⁸
2. A pledge in anger or in an argument: This refers to a conditional pledge intended to prevent or force something, or to imply that what another person is saying is true or false. For example, a person may say to another, ‘If I speak to you again’, or ‘If I do not tell you when I receive it’, or ‘If this be true then I will spend a whole night in prayer’. Such a pledge is treated like an oath, because it is not intended as a commitment. It is to encourage or prevent something. Therefore, the person who says it is given a choice: either to do what he said or to atone for it like an oath.
3. A pledge to do what is permissible: This refers to a pledge to do any ordinary and permissible thing, such as pledging

⁵³⁷ Ibid., p. 394.

⁵³⁸ Related by Ahmad, *hadith* No. 17,301; Abu Dawud, *hadith* No. 3,323; al-Tirmidhi, *hadith* No. 1,528.

to wear a blue shirt, or to drive a car, etc. According to Ibn Taymiyyah, this does not commit the person saying it to anything. Ibn [Abbas reports: ‘The Prophet (peace be upon him) was speaking to the people when he noticed a man standing up. He enquired about him. He was told that his name was Abu Isra’iil and that he pledged to stand up in the sun, without a shade, and not to speak, and to fast. The Prophet (peace be upon him) said: “Tell him to speak, move into the shade and sit down, but he should continue his fast.”’⁵³⁹

4. A pledge to do what is forbidden: This is when a person pledges himself to do something that Allah has forbidden, such as to drink wine, or to give a donation to graves, or to fast on the Eid day, or a woman pledging to fast when she is in her period. Such pledges are ineffective and must not be fulfilled. The Prophet (peace be upon him) said: ‘Whoever pledges to disobey Allah must not disobey Him.’ To do what is forbidden is unacceptable at all times. No atonement is due for such a pledge.
5. A pledge to do an act of worship: As when a person pledges to offer a number of prayers, fast for a number of days, go on pilgrimage or give charitable donations. This may be conditional on a future event or totally unrestricted. In the latter case, it must be fulfilled, but if it is conditional, it becomes due when the event to which it is attached takes place. The Prophet (peace be upon him) says: ‘Whoever pledges to obey Allah must obey Him.’

⁵³⁹ Related by al-Bukhari, *hadith* No. 6,704.

Examples of pledges that must not be fulfilled

Any pledge to do something that is forbidden constitutes disobedience to Allah and must not be fulfilled. There are different types of such pledges, for example:

1. A man may vow that he would disown his family, or a woman may pledge that she would fast when she is in the period. These are forbidden actions and such pledges must be ignored and never fulfilled, as the Prophet (peace be upon him) says: ‘Whoever pledges to disobey Allah must not disobey Him.’⁵⁴⁰
2. People may make pledges to dead people, thinking that those people are close to Allah and can intercede with Him. A person may visit the grave of a well known individual, and address him by name or the honourable status that he thinks belongs to him, then adds: ‘If my lost child returns...’, or ‘If my sick daughter is cured...’, or ‘If this business of mine is successful, then I will give in your honour (an amount) of money, food, oil, candles, etc.’ This is a grave sin, in fact it is a form of elevating that dead person to the status of a partner with Allah. No sin is greater than this, because making a pledge and fulfilling it is an act of worship, and worship may not be offered to any creature, dead or alive. Worship is offered to Allah alone.

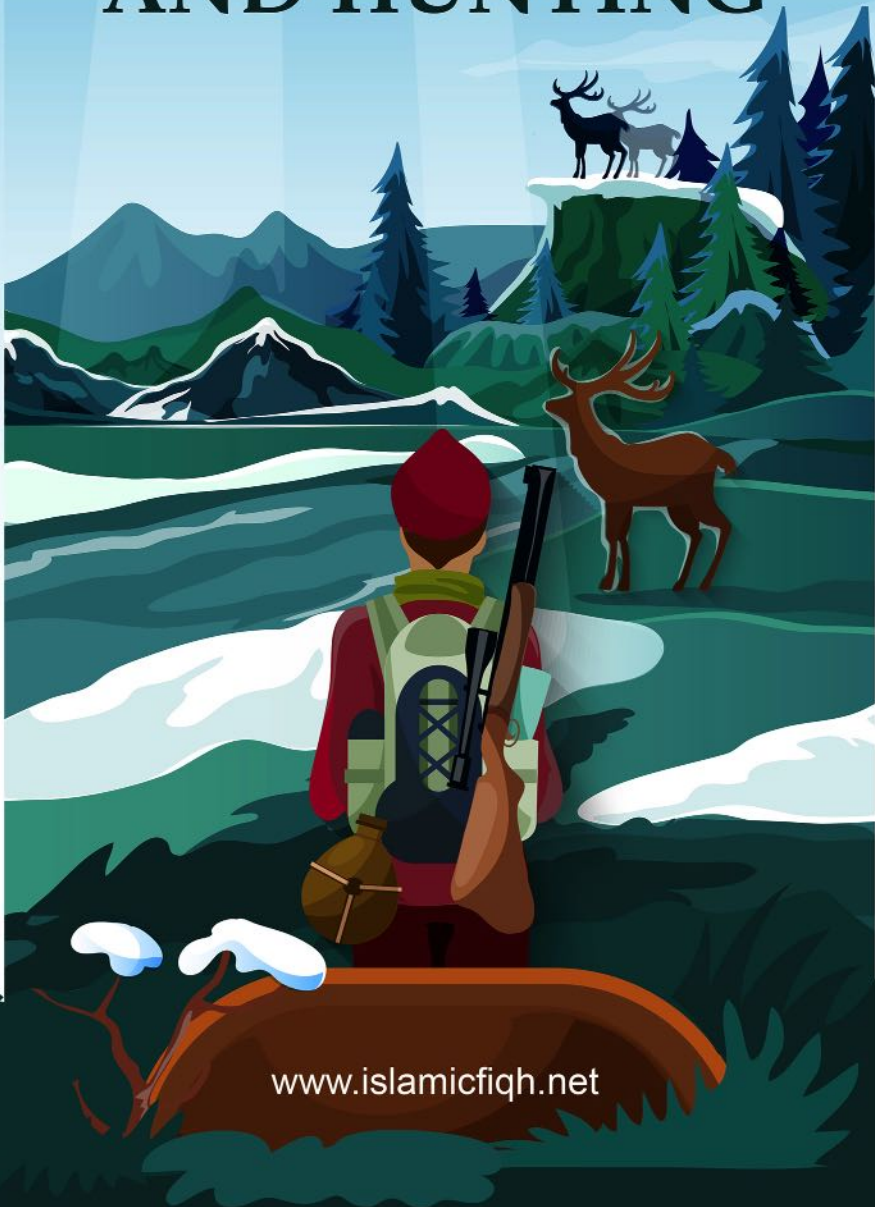
⁵⁴⁰ Related by al-Bukhari, *hadith* No. 6,696.



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◇ CHAPTER 15: ◇

**FOOD, ANIMAL
SLAUGHTER
AND HUNTING**





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