

Hanbali Fiqh: Book of Oaths and Vows

Explanatory Notes on *Akhsar al-Mukhtasaraat*

Based on Lectures of
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Rulings on Oaths

- I. Oaths are when a person **swears** by something **great** to do or not to do something in the **future**
 - A. Examples:
 1. "I swear by Allah that I will not go to the grocery store tomorrow!"
 2. "I swear by Allah that I will spend three days in the mosque next month for *i'tikaaf!*"
- II. It is **only** allowed to swear by one of the following **three** and **prohibited** to swear by anything else:
 - A. Allah
 1. Ex: "I swear by Allah that I will do or not do such and such!"
 - B. One of Allah's Attributes
 1. Ex: "I swear by Allah's Mercy that I will do or not do such and such!"
 - C. Qur'an
 1. Ex: "I swear by the Qur'an that I will do or not do such and such!"
- III. Whoever **takes** an oath and **breaks** it, then he/she is **required** to pay **expiation**
 - A. Meaning the person either **did** something that he/she **swore** not to do or **did not** do something that he/she **swore** to do
 - B. The **expiation** for **breaking** an oath becomes **binding** if it fulfills **four** conditions:
 1. The person **intended** to make the oath when he/she made it
 - a) If the person said it because the expression is **commonly** used among the people in his/her language, but they do **not** intend to make an actual oath by it, then it does **not** count
 - (1) Ex: when people commonly say, "*Wallahi* (By Allah) this or that!"
 2. It **must** be regarding something in the **future**
 - a) If a person made an **oath** regarding something in the **past**, then such an oath is either:
 - (1) Truthful
 - (a) If the **statement** about the **past** is **true**
 - (b) Ex: a worker says, "I swear by Allah I finished all my work on time yesterday!"
 - (2) False
 - (a) If the **statement** about the **past** is **false**
 - (b) Ex: a thief says, "I swear by Allah I did **not** steal the money yesterday!"
 - (c) There is **no expiation** for it but just **repentance**
 - (d) If the person **mistakenly** thought he/she was truthful when he/she made the oath about the past but it turned out to be **wrong**, then there is **no expiation** for it **nor** is the person considered blameworthy
 - b) It **cannot** be regarding something that is **impossible**
 - (1) Ex: "I swear by Allah that I will fly like a bird in the sky tomorrow!"

3. The person made the **oath** by one's **own choice**
 - a) If the person was **forced** to do so in some way, then the oath does **not** count
4. The person **breaks** the oath by either:
 - a) Doing something he/she swore not to do
 - b) Not doing something he/she swore to do
- C. Anyone who is forced, ignorant, or forgetful during an oath is **not** required to pay any expiation for breaking it
- IV. It is **disliked** to **take** an oath to **do** something disliked or to **leave** something recommended
 - A. It is **recommended** to **break** such an oath and pay the expiation for it
 - B. In the **opposite** case: it is **disliked** to **break** an oath to **do** something recommended or to **leave** something disliked
- V. If a person takes an oath to **do** something **forbidden** or to **leave** something **obligated**, then it is **required** to **break** such an oath and pay the expiation
 - A. In the **opposite** case: it is **forbidden** to break an oath to **leave** something forbidden or to **do** something obligated

Expiation for Breaking the Oath

- I. If a man takes an oath to make his female slave **prohibited** for himself or to make something permissible **forbidden** for himself, then they do **not** actually become forbidden for him. Rather, the statement is considered a type of **oath**
 - A. Ex: A man says, "I swear by Allah that I will never eat honey again!"
 - B. If he breaks such an oath, then he is **required** to pay **expiation**
 - C. **Exception**: if a man took an oath to make his wife forbidden for himself, then this is considered *dhihaar*, the rulings for which were discussed in the Book of Divorce
- II. The **expiation** is **required** to be paid as soon as the person **breaks** the oath
- III. The **expiation** for breaking the oath is a **choice** between any **one** of the following **three** options:
 - A. Feed **ten** poor people
 - B. Clothe **ten** poor people
 1. The clothes given should **suffice** for performing an **obligatory prayer**
 - a) If the poor person is a **man**, then the clothes given should be able to **cover** what is between the **navel** and the **knee** plus **one** of the **shoulders**
 - b) If the poor person is a **woman**, then the clothes given should be able to **cover** her **whole body** except the face
 - C. Free a **Muslim** slave
- IV. If someone is **unable** to do any of the above three, then he/she must **consecutively** fast for **three days**
 - A. Ex: the man who broke the oath is very poor and barely has enough for himself and his kids, in this case, he will consecutively fast for three days
- V. The **oath** will be based on **custom**

- A. Meaning the **thing** about which the person is taking an oath **for** or **against** will be determined by **custom**
 - 1. Ex: a person says, "I swear by Allah that I will not eat any sweets today!"
 - a) If in this person's culture, the word 'sweets' is in reference to a very specific type of dish, then we will **assume** that this person's oath is regarding that particular type of dish **only** and **not** all sweets
- VI. If the **language** of the oath taker is **unclear**, then we go by the **intention** of the oath taker as long as he/she is **not** unjust and his/her wording **allows** such a **possibility**
 - A. Ex: referring to 'roof' as 'sky' in Arabic
 - 1. A man says in Arabic, "I swear by Allah to sleep under the 'roof' tonight!" Then he sleeps under the night sky
 - a) This would be ok since the Arabic word for 'roof' is customarily used in reference to the 'sky' as well
 - B. There is a **six-step sequence** when the language is **unclear**. We **start** with the **first** and then work our way **down** when it **continues** to be **unclear**:
 - 1. Determine the **intention** of the oath taker
 - 2. Figure out what **caused** the oath to be taken
 - 3. We see if the person **specified** it in any manner
 - 4. We see if the thing the person took an oath to do or not to do has any **Islamic (shari') definition**
 - 5. We see if the thing the person took an oath to do or not to do has any **custom definition**
 - 6. If none of the above scenarios result in a solution, then we go by the **linguistic definition**

Rulings on Vows

- I. Def: this is when a **pubescent** and **sane** person **voluntarily** makes a **vow** to Allah that he/she will **do** something that is originally **not** required of him/her in the religion
 - A. Ex: "I make a vow to Allah that I will give \$500 in charity!"
 - B. After making the vow, it becomes **obligatory** on him/her to **fulfill** it
- II. It is **disliked** to make vows
 - A. Because the person is **unnecessarily** taking a burden on himself/herself
- III. It is **only valid** when a **mukallaf** (sane and pubescent) person does it
- IV. It is of **six** types:
 - A. Absolute
 - 1. When there is **no intention** for anything because **nothing** is **specified** as to the exact **nature** of the vow
 - a) Ex: "I make a vow to Allah if I do such and such!"
 - 2. In this case, the person is **required** to pay the **expiation** for **breaking the oath** if the person **did** the action
 - B. When it is done in a state of **anger** and **dispute**

1. This is when the person puts a **condition** on its fulfillment based on whether something happens or not
 - a) Ex: "If I ever speak to you again, then I vow to do such-and-such!"
2. In this case, the person has the **option** to either **fulfill** the vow or **pay** expiation for breaking the oath
- C. When it is done regarding something **permissible**
 1. Ex: "I make a vow to Allah to wear my green shirt today!"
 2. In this case, the person has the **option** to either **fulfill** the vow or **pay** expiation for breaking the oath
- D. When it is done regarding something **disliked**
 1. Ex: "I make a vow to Allah to divorce my wife tonight!"
 2. In this case, the person has the **option** to either **fulfill** the vow or **pay** expiation for breaking the oath
 3. It is **recommended** to break this type of vow and **pay** the expiation
- E. When it is done regarding something **forbidden**
 1. Ex: "I make a vow to Allah to drink wine!"
 2. In this case, it is **forbidden** to fulfill this vow and **obligatory** to break it and **pay** the expiation for breaking the oath
- F. When it is done regarding something **good**
 1. It is of two types:
 - a) When it is done to bring the person **closer** to Allah **without any conditions**
 - (1) Ex: "I make a vow to Allah to fast for three days!"
 - b) When it is **connected** with a **condition**
 - (1) Ex: "If Allah cures me from this sickness, then I vow to fast for a month!"
 2. In this case, it is **obligatory** to **fulfill** it, otherwise, the person will be **required** to **pay** the expiation for breaking the oath
- V. If someone vowed to give **all** of his/her **wealth** in **charity**, then it **suffices** to give away at least **one-third** of it
- VI. If someone vowed to fast the **whole month**, then it is **obligatory** to do it **consecutively**
 - A. Ex: "I vow to Allah to fast for one month!"
 - B. However, if the person vowed to fast **specific number** of days, then it is **not** obligatory to do it consecutively
 1. Ex: "I vow to Allah to fast for 30 days!"
- VII. It is **recommended** to fulfill a promise
 - A. It is **prohibited** to make a promise **without** using the phrase *insha'Allah*
 1. Ex: it should be said, "I promise to visit you tomorrow *insha'Allah*!"