

Chapter 43

What is Reported Concerning Someone who is not Persuaded by an Oath Taken by Allāh

On the authority of ibn `Umar that the Messenger of Allāh ﷺ said, “Do not swear by your fathers. Whoever swears an oath by Allāh must be truthful. Whoever receives an oath by Allāh must be content. Whoever is not content has nothing to do with Allāh”

It is recorded by ibn Mājah with a ḥasan isnād.¹

Issues:

1. The proscription of swearing by fathers
2. The command for the recipient of an oath taken by Allāh to be content.
3. The threat levelled at one who is not content.

Commentary:

The author, may Allāh have mercy on him, said, “What is reported concerning someone who is not persuaded by an oath taken by Allāh.”²

On the authority of ibn `Umar that the Messenger of Allāh ﷺ said, “Do not swear by your fathers. Whoever swears an oath by Allāh must be truthful. Whoever receives an oath by Allāh must be content. Whoever is not content has nothing to do with Allāh” It is recorded by ibn Mājah with a ḥasan isnād.

“Do not swear by your fathers,” the proscription of swearing an oath by others besides Allāh in general has already been explained previously.

“Whoever swears an oath by Allāh must be truthful,” this is something that Allāh has obligated upon His servants³ and encouraged them to do in His Book,

“You who have faith! Have *taqwā* of Allāh and be with the truthful.”⁴

“...men and women who are truthful...”⁵

“...being true to Allāh would be better for them.”⁶

This is the state of the righteous as Allāh, Most High, says

“It is not devoutness to turn your faces to the east or to the west. Rather, those with true devoutness are those who have faith in Allāh and the Last Day, the Angels, the Book and the Prophets, and who, despite their love for it, give away their wealth to their relatives and to orphans and the very poor, and to travellers and beggars and to set slaves free, and who establish the prayer and pay the alms-tax; those who honour their contracts when they make them, and are steadfast in poverty and illness and in battle. Those are the people who are true, they are the people who have *taqwā*.”⁷

“Whoever receives an oath by Allāh, let him be content. Whoever is not content has nothing to do with Allāh,”⁸ in the case of a legal dispute where one is left only with the course of taking an oath against his opponent and does so, there is no doubt that it is obligatory for him to be content. As for

the case of normal day to day dealings in which one can excuse others, it is a right of the Muslim upon another Muslim to accept the oath absolving him of the accusation. Another right he has is that one has to have a good opinion of him so long as nothing contrary to his claim becomes apparent. `Umar (RA) said, 'Do not think negatively of a word that comes from a Muslim if you can find a way of understanding it in a good light.'

The ḥadīth encourages humility, closeness, love, and other benefits that Allāh loves which are not hidden to a person of understanding. These are all ways of uniting the hearts upon obedience to Allāh. Moreover, the ḥadīth is a prime example of fine conduct which is the weightiest thing to be placed on the Scales as mentioned in a ḥadīth.⁹

Anyone who is sincere to himself should carefully ponder those things that would effectuate a good relationship with Allāh, Most High: establishing His rights and the rights of His servants, engendering happiness and joy amongst the Muslims, not secluding oneself from them, and not being haughty for in haughtiness lies such harm as would not even cross ones mind! These matters, and mention of what is related concerning them, are explained in the works dealing with manners and conduct. Whoever is endowed with this, works deeds that should be performed, abandons deeds that must be left, has shown his deep religiosity and penetrating intellect. Allāh is One who grants accord and He is one who aids His weak and needy servant. Allāh knows best.¹⁰

¹ Ibn Mājah #2101 with the words, 'The Prophet ﷺ heard a man swearing an oath by his father and said, "Do not swear by your fathers. Whoever swears an oath by Allāh must be truthful. Whoever receives an oath by Allāh must be content. Whoever is not content with Allāh has nothing to do with Allāh"'

Būṣayrī, *Miṣbāḥ al-Zujājah*, vol. 2, pg. 143 said that the isnād was ṣaḥīḥ and that its narrators were *thiqah*, ibn Ḥajr, *Fath*, vol.11, pg. 535, said that the isnād was ḥasan, and it was ruled ṣaḥīḥ by Albānī, *al-Irwā'* #2698, *Ṣaḥīḥ al-Jāmi'* #7247

Bukhārī #7401 and Muslim #1646 record, on the authority of ibn `Umar, that the Prophet ﷺ said, "Do not swear an oath by your fathers. Whoever wishes to swear, let him swear by Allāh or remain silent."

Bukhārī #2679-3836-6108-6646-6648 and Muslim #1646 record on the authority of ibn `Umar that the Messenger of Allāh ﷺ said, "Of a surety, Allāh has forbidden you to swear an oath by your fathers. Whoever is going to swear, he must swear by Allāh or remain silent."

After these narrations, Bukhārī and Muslim record that `Umar ibn al-Khaṭṭāb said, 'By Allāh, I have never heedfully sworn in this way since I heard the Messenger of Allāh ﷺ proscribing it, nor have I related it from someone else.'

Muslim #1648 records, on the authority of `Abdu'l-Raḥmān ibn Samurah, that the Prophet ﷺ said, "Do not swear an oath by the *ṭawāghūt* or by your fathers."

Abū Dāwūd #3248 and Nasā'ī #3800 record on the authority of Abū Hurayrah that the Messenger of Allāh ﷺ said, "Do not swear an oath by your fathers, or your mothers, or partner-gods; only swear an oath by Allāh, and only swear by Allāh if you are being honest." It was ruled ṣaḥīḥ by ibn Ḥibbān #4357

Tirmidhī #1535 and Abū Dāwūd #3251 record on the authority of ibn `Umar that he heard the Messenger of Allāh ﷺ saying, "Whoever swears an oath by another besides Allāh has disbelieved or committed *shirk*." Tirmidhī said it was ḥasan and it was ruled ṣaḥīḥ by ibn Ḥibbān #4358 and Ḥākim #7814 with Dhahabī agreeing.

Aḥmad #5375-5593-6073 records on the authority of ibn `Umar that the Messenger of Allāh ﷺ said, "Do no swear an oath by your fathers for whoever swears by other than Allāh has committed *shirk*." The isnād is ḍa'if.

² Shaykh Sulaymān, *Taysīr al-Azīz*, said, 'i.e. the threat that is reported concerning this. This is because not being persuaded shows a lack of veneration of Allāh's Lordship; a heart that is filled with the magnification of Allāh, His majesty, grandeur, and greatness would not be like this.'

Shaykh Sa`dī, *al-Qawl al-Sadīd*, said, 'The intent here is that if you direct a request to your opponent to take an oath and he is someone who is known to be truthful, or he is outwardly known to be good and upright, a

man of integrity, and he takes the oath, it is a must upon you to be content and to accept it. This is because you have no certain fact that would allow you to contend his veracity. The veneration and magnification that the Muslims have towards their Lord necessitates their being content with an oath taken by Allāh. Likewise if you were to give an oath and he refuses to accept it unless you take an oath to divorce or to make a supplication against yourself to be punished, he is then included in the threat because he has shown bad conduct, has left (due) veneration of Allāh, and has added to the ruling of Allāh and His Messenger.

‘If, however, a person who is known to be a sinner and a liar takes an oath, and one is sure that it is a lie, denying the oath does not cause him to be subsumed by the threat because of the knowledge that he is lying and his heart is devoid of that level of veneration of Allāh that would allow people to meet his oath with acceptance.’

³ Shaykh Sulaymān, *Taysīr al-`Azīz*, said, ‘This is an obligation: being truthful is obligatory even if one does not take an oath by Allāh, what then if one does take an oath by Him?! Lying is proscribed even if the statement is not emphasised by taking an oath, so what then if one does take a (false) oath?!’

⁴ *al-Tawbah* (9): 119

⁵ *al-Aḥzāb* (33): 35

⁶ *Muḥammad* (47): 21

⁷ *al-Baqarah* (2): 177

⁸ Shaykh Sulaymān, *Taysīr al-`Azīz*, said, ‘This too is an obligation as is proven by the words, “*Whoever is not content has nothing to do with Allāh*,” the wording of ibn Mājah is, “Whoever is not content with Allāh has nothing to do with Allāh,” this is a threat and is like His, Most High’s, saying, “**Anyone who does that has nothing to do with Allāh at all.**” [*Āli `Imrān* (3): 28] Ibn Kathīr said, “i.e. he is free of Allāh.”

⁹ Tirmidhī #2003 and Abū Dāwūd #4799 on the authority of Abū’l-Dardā’ with the words, “There is nothing that is placed in the scales of the believer on the Day of Rising that is heavier than fine conduct,” and he said it was ḥasan ṣaḥīḥ. It was ruled ṣaḥīḥ by ibn Ḥibbān #481 and Albānī, *al-Ṣaḥīḥah* #862

¹⁰ Ibn `Abdu’l-Barr, *al-Tamhīd*, vol. 12, pp. 652-653, said, ‘The understanding derived from this ḥadīth is that it is not allowed to taken an oath by other than Allāh, Mighty and Magnificent, no matter what the thing might be and no matter what the circumstance. This is something unanimously agreed upon. A severe ḥadīth is reported by Sa’d ibn `Ubaydah on the authority of ibn `Umar that he heard the Messenger of Allāh ﷺ saying, “Whoever swears an oath by other than Allāh has committed *shirk*.” This was recorded by Abū Dāwūd and others. ...Taking an oath by any object of creation has the same ruling as taking an oath by fathers: nothing of this is permissible. ...The scholars are unanimously agreed that swearing an oath by other than Allāh is reprehensible and proscribed; no one is allowed to do so.’

cf. Ibn `Abdu’l-Barr, *al-Istidhkār*, vol. 15, pp. 94-99 and he quotes therein that ibn `Umar and ibn Mas`ūd said, ‘That I take a false oath by Allāh is more beloved to me than taking a truthful oath by other than Him.’ He also states, ‘The ḥadīth mentioned in this chapter repudiates the view of those who allow swearing an oath by other than Allāh.’

`Ainī, *Umdatul-Qārī*, vol. 11, pg. 548, said, ‘The ḥadīth shows that it is proscribed to swear an oath by fathers since this is the practise of *Jāhiliyyah*. The ḥadīth is recorded by Muslim in (the chapter) *al-Aymān wa’l-Nudhūr* and by Nasa’ī also under the same chapter heading. “*Of a surety, whoever is going to swear,*” i.e. whoever wishes to swear an oath in order to emphasise a deed or statement must only do so by Allāh. This is because swearing an oath dictates that the object that is sworn by is held in veneration. The essence of veneration is specific to Allāh and nothing else should resemble Him in this. It is reported from ibn `Abbās that he said, “That I take an oath by Allāh, Most High, one hundred times and sin (by breaking it) is better than taking an oath by other than Him and fulfilling it.” It is reprehensible to take an oath by other than the Names and Attributes of Allāh, be it by the Prophet ﷺ, the Ka`bah, the Angels, trust, the Spirit, etc.; the worst of these is swearing an oath by trust. If you were to say, “But Allāh swears by objects of His creation, ‘*By those drawn up in ranks*’, ‘*By the scatterers*’, ‘*By the charging horses*,’ I would say that Allāh can swear

by whatever He wills of His creation in order to highlight that objects excellence and status. “*he must only swear by Allāh. The Quraysh would swear oaths by their fathers,*” by saying, ‘By my father I will do this!’ ‘By my father I will not do this!’ ‘By the right of my father!’ ‘By the earth of my father!’ etc. The Messenger of Allāh ﷺ proscribed this “*and so he said, ‘Do not swear by your fathers,’*” because this is the way of *Jāhiliyyah*... Nawawī said, “If it said that this ḥadīth contradicts his ﷺ saying, ‘By his father, he will be successful if he is true.’ The answer to this is that this was a phrase said of habit; it was not said with the actual intent of making an oath. Others said that it is a phrase that is extraneous and is said for the mere purpose of emphasis and not for the purpose of oath, in the same way that the form of calling someone be employed just to particularise something without actually intending to call that thing.”

ʿAini, vol. 15, pg. 690, said, ‘The wisdom behind the proscription of swearing an oath by ones fathers is that it dictates that the object that is sworn by is held in veneration. The essence of veneration is specific to Allāh and nothing else should resemble Him in this... Abū ʿUmar (ibn ʿAbdu’l-Barr) said, “It is not permissible to swear an oath by others besides Allāh, not with these sorts of oaths or others due to the consensus of the scholars that if a person, upon whom it is obligatory to take an oath against another concerning a right, does so by taking an oath by the stars or the heaven and then said, ‘But I intended the Lord of these!’ it is not viewed to be a valid oath.”’

Ibn Ḥajr, *Fath*, vol. 11, pg. 650, said, ‘The scholars stated that the reason behind the proscription to swear an oath by any besides Allāh is that to swear an oath by something dictates that one venerates that thing. Veneration, in reality, is only for Allāh Alone. The ostensive sense of the ḥadīth restricts the permissibility to an oath being taken by Allāh specifically, however the jurists are agreed that a valid oath can be sworn by Allāh, His essence, and His Lofty Attributes, they have, however, differed about the validity of employing some of the Attributes as has already been mentioned. Hence, it would seem that the meaning of “*with Allāh,*” is with His essence and not that word specifically. As regards taking an oath by others besides Allāh, the prohibition to do this is established, however is the prohibition one of unlawfulness? The Mālikīs have two opinions concerning this as was stated by ibn Daqīq al-ʿĪd, their famous stance is that it is reprehensible. The same difference exists amongst the Ḥanbalīs, however their famous stance is that it is unlawful; and this was the position stated with certainty by the Zāhirīs. Ibn ʿAbdu’l-Barr said, “It is not permissible to swear an oath by other than Allāh by consensus,” what he means by the negation of permissibility is the affirmation of reprehensibility which is more general than unlawfulness or (*karāha*) *tanzīh*. This is because he says in another place, “The scholars are unanimously agreed that swearing an oath by other than Allāh is reprehensible and proscribed; no one is allowed to do so.” The same difference is present amongst the Shāfiʿīs because Shāfiʿī said, “I fear that swearing an oath by other than Allāh is a sin,” thereby suggesting that he was not sure about the issue. The majority of his colleagues are of the view that the prohibition (is not one of unlawfulness but) reprehensibility. Imām al-Ḥaramayn said, “The stance of the School is that it is definitely reprehensible.” However others have detailed different cases: if the one taking the oath holds the object in the same veneration as he holds Allāh, it is unlawful to swear the oath and he becomes a disbeliever because of his belief, and this is the case that the ḥadīth refers to. If one takes an oath by an object believing it to have the veneration due it, he is not a disbeliever but neither is the oath valid. Māwardī said, “It is not permissible for anyone to ask another to swear an oath by anything besides Allāh, not for divorce, or freeing a slave, or consecrating a vow. If a judge asks someone to taken an oath in this way for these matters it is obligatory to ostracise him for his ignorance.”’