

# What Islam Teaches about taking an Oath: Ways to Break that Oath

## If something better comes along or there is hardship

Islamic Doctrine teaches that even though an oath is sworn in the name of Allah, it is not necessarily binding if something better happens to come along. Muhammad said:

*By Allah, if I take an oath to do something, and then (later) find something else better than it, I do that which is better and make expiation for the oath.*

*Sahih Al-Bukhari*, Vol. 8, Book 83, No. 6649, p. 341

Would breaking one's oath be worth enduring the required expiation? According to Islamic Sacred Law and Koran 5:89, the expiation for a broken oath consists of doing one of the following:

1. Free a sound Muslim slave;
2. Feed ten people who are short of money;
3. Provide clothing of any kind for ten such persons, even if it consists of a wrap-around or clothing previously washed, though not if ragged;

4. And if one is unable to do any of the above, one must fast for three days (these don't have to be three consecutive days, and fasting occurs only during the daytime).

According to the *Assembly of Muslim Jurists of America*, a Muslim is also allowed to break an oath if it causes a "hardship":

*Breaking the oath is allowable if adherence to it causes you hardship. The expiation is: Feeding or clothing ten poor individuals. For those who can't, they may fast three days.*

Dr. Hatem al-Haj, "Modifying Oaths," *Assembly of Muslim Jurists of America*, November 11, 2012

As we can see, Islamic Doctrine allows an oath to be broken if something better comes along or if the oath creates a hardship. And the expiation for breaking an oath under Islam is not particularly onerous, especially if one chooses to fast. And fasting can be done in a way that no one else would know the oath had been broken.

## The significance of including the phrase *Inshah' Allah*

If a Muslim swears an oath and includes the phrase *Inshah' Allah* (if Allah wills) as part of that oath, then the oath is not binding.

This is stated in books from the four major Sunni schools of Islamic Sacred Law:

(Hanafi School) *The Kitab al-Athar of Imam Abu Hanifah*, 230.713-715, p. 421;

(Shafi'i School) *Reliance of the Traveller*, o19.5, p. 622;

(Maliki School) *Al-Muwatta of Imam Malik ibn Anas*, 22.6.10, p. 187;

(Hanbali School) *The Mainstay Concerning Jurisprudence*, p. 269.

This is also mentioned in the modern *Minhaj Al-Muslim* [The Way of a Muslim], Vol. 2, pp. 453-454.

Muhammad explained it this way:

*It was narrated that Ibn 'Umar said: "The Messenger of Allah said: 'Whoever swears an oath and makes an exception (says 'Insha'-Allah' (If Allah wills)), then if he wishes he may go ahead and if he wishes he may not, without breaking his oath.'"*

*Sunan Abu Dawud*, Vol. 4, No. 3262, p. 26

And this phrase does not even have to be said out loud; merely moving one's lips to say this phrase makes the oath non-binding, and it is readily apparent that it takes minimal lip movement to silently say *Inshah' Allah*.

*The Kitab al-Athar of Imam Abu Hanifah*, 230.716, p. 422

Or one can simply say the phrase by moving one's tongue when making the oath.

"If a person swears an oath silently, is his oath binding?" *Islam Question & Answer*, March 10, 2016

This understanding about how the phrase *Inshah' Allah* can make an oath non-binding is valid today.

E.g., “Saying ‘Insha-Allah’ along with a vow, Fatwa No. 86260,” *Islamweb.net*, September 17, 2003; and “What is an ‘Oath’ and if you vow to do something and you don’t, then how do you compensate for it? 5- Yamins that are makrooh,” *Questions on Islam*, September 3, 2009.

So a Muslim can, to all appearances, take an oath, but by silently moving his tongue, or minimally moving his lips to include the phrase *Inshah' Allah*, the oath can at the same time be made non-binding.

### **No reference to a deity in the oath**

At state and local levels the phrase “so help me God” is not necessarily included in the oath of office, which means that there would be no reference to a deity. But Islamic Doctrine states that for an oath to be valid it must be sworn in the name of Allah or in the name of one of his attributes (see the brochure *What Islam Teaches about taking an Oath: “So help me God”*).

Consequently, from an Islamic Doctrinal standpoint, a Muslim taking the oath of office at the state or local level in which there is no reference to a deity is, by virtue of that omission, not taking a valid oath. At best, that Muslim is simply giving a personal guarantee that he will support the *Constitution*, and according to Muhammad, a Muslim is allowed to violate that personal guarantee with minimal consequences. This was illustrated in the orders Muhammad would give to some of his military commanders as he sent them out against non-Muslims:

*When you lay siege to a fort and the besieged appeal to you for protection in the name of Allah and His Prophet, do not accord to them the guarantee of Allah and His Prophet, but accord to them your own guarantee and the guarantee of your companions for it is a lesser sin that the security given by you or your companions be disregarded than that the security granted in the name of Allah and His Prophet be violated.*

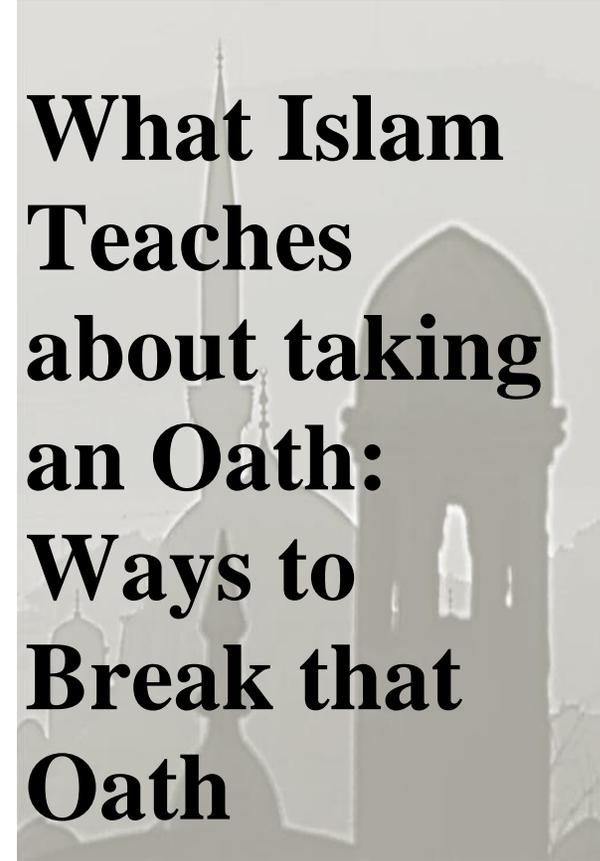
*Sahih Muslim*, Vol. 5, No. 1731R1, p. 163

Muhammad’s message to his military commanders was that they could personally promise protection to besieged non-Muslims. But when it became advantageous for the Muslims, the commander could “disregard” that promise and do what he wanted with the non-Muslims, who had likely already surrendered and been disarmed.

What is the expiation for having disregarded that personal guarantee? Considering that the expiation for breaking an oath made in the name of Allah can be as little as fasting for three days, and the days don’t even have to be consecutive, we can infer from Muhammad’s words that the expiation for breaking a personal guarantee is even less “demanding.”

So we can see that Islamic Doctrine allows a Muslim to break an oath/oath of office, with at most, very minimal religious consequences.

Dr. Kirby is the author of six books on Islam. His latest book is *Islamic Doctrine versus the U.S. Constitution: The Dilemma for Muslim Public Officials*. His books are available on Amazon.com.



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Part of a series on Islam

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