

What Islam Teaches about taking an Oath: What does the Oath Mean?

According to Muhammad, there is great flexibility in understanding what an oath means. Muhammad said that the oath-maker and the one listening to that oath can each provide their own interpretation of the oath, e.g.:

Abu Huraira reported that Allah's Messenger (SAW) had said: Your oath should be about something which your companion will believe you.

Sahih Muslim, Vol. 5, No. 1653, p. 97

Abu Huraira reported that Allah's Messenger (SAW) had said: An oath is to be interpreted according to the intention of the one who takes it.

Sahih Muslim, Vol. 5, No. 1653R1, p. 97

It was narrated from Abu Hurairah that the Messenger of Allah said: "Your oath is as your companion understands it to be."

Sunan Ibn Majah, Vol. 3, No. 2121, p. 216

But it is the intention of the oath-maker that counts.

The modern *Minhaj Al-Muslim* provided this example under the heading *The Oath is based upon the Intention of the One Who swore to It:*

The consideration in swearing and not swearing is based upon the intention of the one who is swearing the oath, as actions are based upon intentions and every person will get what he intended. So whoever swears that he will not sleep on the ground and he means the bed [my emphasis], then his oath is considered based upon his intent. Therefore, he has not broken his oath as long as he does not sleep on the bed.

Minhaj Al-Muslim [The Way of a Muslim], Vol. 2, pp. 455-456

In this example someone would be hearing a Muslim swear an oath specifying one subject while that Muslim was inwardly, and silently, directing that oath toward a completely different subject!

A 2001 ruling about a Muslim taking the oath of citizenship in a non-Muslim country touched on this:

If he is obliged to take an oath for getting citizenship, at that moment one should try to allude to the words of oath as much as possible to escape their intended point.

"Becoming a citizen of Australia," Islamweb.net, January 23, 2001

"Allude" means to make indirect reference to something, and it is from the Latin word *alludere*, which means to "jest, make mocking allusion to." So this ruling states that Muslims can mentally play with the words of an oath to "escape their intended point," and the intention

of the Muslim takes priority over the intention of the actual words of the oath.

And speaking of mentally playing with the words of an oath, a 2013 ruling about the "pledge of allegiance" was quite up-front about the permissibility of deception:

The pledge of allegiance is one of the greatest blights associated with endeavoring to get the citizenship of a non-Muslim country. It consists of various vicious matters, including what is related to Kufr (disbelief) itself, like allegiance to the laws of those countries... in case of dire necessity, a Muslim who gives the pledge of allegiance to one of these governments may conceal his intention and use Tawriyah (i.e., saying something which has more than one meaning and intending a meaning different from what the listener is likely to understand), like to intend his allegiance only to the Muslims in those lands and to benefit that country by guiding its people to enter Islam. However, the Muslim does not become a disbeliever by merely repeating these words which contain allegiance to the people of Kufr, as long as his heart remains at rest with faith.

"Taking an oath for getting citizenship of a non-Muslim country," Islamweb.net, April 2, 2013

This is significant because it is a way in which a Muslim can appear to pledge allegiance to a non-Muslim country and appear to become a citizen of that country, while concealing his true intentions of maintaining his allegiance only to the Muslims in that country and trying to guide the non-Muslims to Islam.

A 2003 ruling included this comment, which seems to sum this up well:

The scholars said: If that is needed to serve some legitimate shar'i interest that outweighs the concern about misleading the person to whom you are speaking, or it is needed for a reason that cannot be achieved without lying, then there is nothing wrong with using deliberate ambiguity as an acceptable alternative.

“Permissibility of Ambiguity and Definition of Necessity,” *Islam Question & Answer*, April 9, 2003

In terms of a Muslim taking an oath of citizenship in a non-Muslim country, there is an important stipulation mentioned in *Fatwa 83407* by the *Assembly of Muslim Jurists of America*:

There is no harm in citizenship if it is taken as means of organizing the affairs of the residents outside the lands of Islam and establishing da'wah and founding their institutions. This is so long as its (the citizenship's) possessor keeps his loyalty to his creed and nation (i.e. Islam and the Muslims) ...

Dr. Main Khalid Al-Qudah, “Can we take the citizenship oath?” *Assembly of Muslim Jurists of America*, December 27, 2010

Establishing *da'wah* means to spread the word of Islam among non-Muslims. So according to this *fatwa* Muslims are allowed to obtain citizenship in a non-Muslim country for purposes of spreading Islam, as long as they remain loyal to their “creed and nation (i.e., Islam and the Muslims).” If this is a stipulation for taking an oath of citizenship, it is probably

an applicable stipulation when it comes to a Muslim taking an oath of office in the United States.

Title 5, Section 3331 of the *United States Code* requires that office holders at the federal level take an oath of office in which they swear, or affirm, to support the *U.S. Constitution* “without any mental reservation or purpose of evasion.”

However, Islamic Doctrine allows a Muslim making that oath:

To state one thing in the verbal oath while his silent intentions can be completely different from what was intended by that oath and what he is verbalizing;

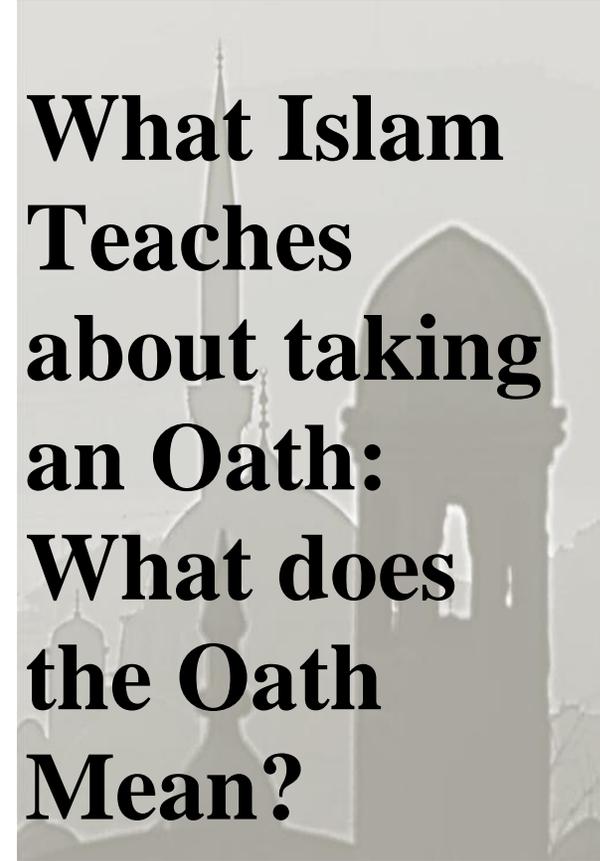
To mentally play with the words of the oath to “escape their intended point”;

To be deliberately ambiguous and state “something which has more than one meaning and intending a meaning different from what the listener is likely to understand”; and

To make it as long as he stays loyal to Islam and the Muslims.

Such an approach undermines the idea that there is a bond of common understanding between not only those who are making the same oath, but also those who are witnessing it. How can one really know what the Muslim oath maker intends?

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.



What Islam Teaches about taking an Oath: What does the Oath Mean?

Part of a series on Islam

By Dr. Stephen M. Kirby

IslamSeries@gmail.com

Free copies of this brochure and others are available at:

IslamSeries.org