

Vow and Covenant

Vow (Nazr)

2649. Vow means making it obligatory upon oneself to do some good act, or to refrain from doing an act, which it is better not to do, in order to please Allah.

2650. While making a vow one should utter the formula and it is not necessary that it should be uttered in Arabic. In case, therefore, a person says: "If my patient recovers from his ailment, it will be obligatory upon me to pay \$ 10 to a poor man for the sake of Allah." his vow will be in order.

2651. It is necessary that the person making a vow is an adult and sane and makes the vow with will and intention. In case, therefore, he has been coerced to make the vow or he makes it involuntarily owing to excitement, his vow is not in order.

2652. If a person, who is bankrupt or a prodigal (i.e. one who spends his property on absurd things) makes a vow, for example, to give something to an indigent person, his vow is not in order.

2653. If a husband restrains his wife from making a vow the wife cannot make the vow (i.e. her vow will not be in order) if her fulfilling the vow is contrary to the rights of her husband. The fact is that without the permission of the husband the wife's making the vow is void.

2654. If a woman makes a vow with the permission of her husband he cannot cancel her vow, or restrain her from performing her vow except when her acting in pursuance of her vow is contrary to the rights of her husband, because in that event it is not unlikely that he may be able to cancel her vow.

2655. If a child (son or daughter) makes a vow with or without the permission of his/her father, he/she should act according to his/her vow. However, if his/her father or mother restrains him/her from performing the vow, his/her vow is void.

2656. A person can make a vow for something, which it is possible for him to perform. In case, therefore, a person is not capable of traveling up to Karbala on foot and he makes a vow that he will go there on

foot, his vow will not be in order.

2657. If a person makes a vow that he would perform an unlawful or abominable act, or that he would refrain from an obligatory or recommended act, his vow is not valid.

2658. If a person makes a vow that he will perform or abandon a permissible act, and if performing that act or abandoning it is equal in all respects, his vow is not in order. And if its end is better in some respect and the vow is made with that intention for example, if he makes a vow that he will eat a certain food in order to gain strength for worshipping Allah his vow is in order. And if its abandonment is better in some respect and the vow to abandon it is made with that view for example, as tobacco is harmful and a person makes a vow not to use it, his vow is in order.

2659. If a person makes a vow that he will offer his obligatory prayers at a place, where offering prayers does not in itself carry higher spiritual reward for example, he makes a vow to offer his prayers in a certain room and offering prayers there is better in some respects for example owing to solitude he is able to offer prayers with perfect devotion and presence of mind, his vow is in order.

2660. If a person makes a vow to perform an act he should perform it according to his vow. In case, therefore, he makes a vow to give alms, or to fast on the first of the month, or to offer prayers of the first of the month, and performs these acts before that day or after it, it does not suffice. Moreover, if he makes a vow that he will give alms when his patient recovers, but gives alms before the recovery of the patient it does not suffice.

2661. If a person makes a vow that he will fast but does not specify the time and number of fast it is sufficient if he observes fast on one day. And if he makes a vow that he will offer prayers but does not specify its quantity and particulars, it is sufficient if he offers one two rak'at prayers. And if he makes a vow that he will give alms, but does not specify its quality or quantity and he gives something about which it may be said that he has given alms he has performed his vow. And if he makes a vow that he will do something to please the Almighty Allah he fulfill his vow, if he offers one prayers, or observes one fast, or gives away something by way of alms.

2662. If a person makes a vow that he will observe fast on a particular day, he should observe fast on that very day; and in case he does not observe fast on that day intentionally he should, besides observing the lapsed fast of that day, also make atonement for it. And what is more apparent is that its atonement is the same as it is for violating the oath, as will be told later. However, he has the option to proceed on a journey on that day and do without observing fast, and in case he is journeying it is not necessary for him to make an intention of staying for ten days and observe fast. And in case he does not fast on account of traveling or because of some other excuse, like ailment (or menses in the case of women) it is necessary for him to observe the lapsed fast of that day.

2663. If a person intentionally violates his vow he should make an atonement for it.

2664. If a person makes a vow to abandon an act till a particular time, he can perform that act after that time has passed, and if he performs that act before that time owing to forgetfulness, or helplessness, nothing is obligatory on him. Even then it is necessary for him not to perform that act again till the appointed time, and if he performs that act again before that time without an excuse, he must make atonement for it.

2665. If a person makes a vow to abandon an act but does not specify any time for it, and performs that act owing to forgetfulness, helplessness or negligence, it is not obligatory for him to make atonement, but if he performs that act again at any time voluntarily, he must make atonement for it.

2666. If a person makes a vow that he/she will observe fast every week on a particular day e.g. on Friday, and Eidul Fitr or Eidul Azha falls on one of the Fridays or an excuse like journey (or menses in the case of women) appears for him/her on a Friday he/she should not observe fast on that day but observe its qaza.

2667. If a person makes a vow that he will give a specific amount as alms, but dies before giving alms, it is not necessary that that amount should be given as alms from out of his property. It is better that the adult heirs of the deceased should give that amount as alms on his behalf out of their own share.

2668. If a person makes a vow that he will give alms to a particular person he cannot give it to another pool and if that poor person dies he should, on the basis of precaution, give the alms to his heirs.

2669. If a person makes a vow that he will perform the ziyarat (homage) of one of the holy Imams for example of Abu Abdullah Imam Husayn (P) his going for the ziyarat of another Imam is not sufficient, and if he cannot perform the ziyarat of that particular Imam on account of some excuse nothing is obligatory on him.

2670. If a person has made a vow that he will go for ziyarat, but has not made a vow for the bath for ziyarat and its prayers, it is not necessary for him to perform the same.

2671. If a person makes a vow that he would spend some amount of money on the shrine of one of the Imam or the descendant of the Imam he should spend it on the repairs, lighting, carpeting etc. of the shrine.

2672. If a person makes a vow to use something for a Holy Imam himself and has made an intention to put it to a specific use, he should spend it for that very purpose, and if he has not made an intention to put it to any specific use, it is better that he should use it for a purpose which has some relationship with the Imam for example, he should spend it on indigent pilgrims or on the shrine of the Imam like its repairs etc. And the position is the same if he makes a vow to use something for the descendant of an Imam.

2673. If someone makes a vow that he would give a sheep as alms or dedicate it to a Holy Imam and it

gives milk or gives birth to a young one before it is put to use in accordance with the vow, the milk or the lamb is the property of the person who has made the vow, but the wool of the sheep and the extent to which it grows fat form part of the vow.

2674. If a person makes a vow that he would do such and such good act if his patient recovers or his traveler returns home, and it transpires later that the patient had already recovered or the traveler had already returned before he had made the vow, it is not necessary for him to act upon his vow.

2675. If a father or a mother makes a vow that he/she will marry their daughter to a sayyid the option rests with the girl when she attains the age of puberty, and the vow made by the parents has no significance.

2676. When a person makes a covenant with Allah that if his particular lawful need is fulfilled he will perform such and such act, it is necessary for him to perform that act. Similarly if he makes a covenant, without any need, that he will perform such and such good act, the performing of that act becomes obligatory upon him.

2677. As in the case of vow a formula should be pronounced in the case of covenant (Ahd) as well. And what is well known is that the covenant that one makes should be either worship like obligatory or recommended prayers or an act whose performance is better than its abandonment. On the basis of obligatory precaution, however, he should perform the act for which he has made the covenant, if it is not preferable according to religious law.

2678. If a person does not act according to the covenant made by him, he should make an atonement for it i.e, he should either feed sixty indigent persons or fast consecutively for two months, or set a slave free.

Orders Regarding Oath (Qasam)

2679. If a person takes an oath that he would do such and such act (e.g. that he will fast) or will refrain from doing such and such act (e.g. that he will not smoke tobacco), but does not act according to his oath, he should make atonement for it viz. he should set a slave free, or should feed fully ten indigent persons or should provide dress to ten indigent persons. In case, however, he is not able to perform these acts he should fast for three consecutive days.

2680. There are certain conditions for taking an oath. They are as below:

(i) A person who takes an oath should be adult and sane and should take oath with intention. Hence taking an oath by a child, an insane person, an intoxicated person, or a person who has been coerced to take an oath is not in order. And the position is the same if he takes an oath unintentionally in a state of excitement.

(ii) The task for the performance of which he takes the oath should not be unlawful or abominable and the task for the abandonment of which he takes the oath should not be obligatory or recommended. And if he takes oath to perform a permissible act, its abandonment should not be better in the eyes of the people than its performance. And if he takes oath to abandon a permissible act its performance should not be better than its abandonment.

(iii) He should swear by one of those names of the Almighty Lord which are not used for anyone except for His sacred Being (e.g. 'Allah'). And even if he swears by a name which is used for beings other than Allah as well, but is used so much for Him that as and when any person utters that name one is reminded of His sacred Being for example if he swears by the Khaliq (the Creator) and the Raziq (the Bestower) it is in order. Rather the obligatory precaution is that in other circumstances also he should act according to his oath.

(iv) He should utter the oath with his tongue and if he writes it on something or makes its intention in his heart, it is not in order. However, if a dumb person swears by means of signs, it is in order.

(v) It should be possible for him to act upon his oath. And if he is able to act upon the oath when he takes it, but becomes incapable of acting upon it later, the oath is nullified from the time he becomes incapable of acting upon it. And the same order applies if acting upon one's vow, oath or covenant involves such hardship that it is not possible for one to bear it.

2681. If the father forbids his son to take an oath or the husband forbids his wife to take an oath, their oath is not valid.

2682. If the son takes an oath without the permission of his father, or the wife takes an oath without the permission of her husband, then the father or the husband can nullify the oath. But the apparent position is that their oaths are ineffective without the permission of the father or the husband. And the same order applies to a slave girl or a slave vis-a-vis their master.

2683. If a person does not act upon his oath on account of forgetfulness, helplessness or negligence, he is not required to make an atonement for it. And the same order applies if he is compelled not to act upon his oath. And if a capricious person takes oath for example if he says: "By Allah I am going to offer prayers at once, and does not offer prayers owing to his caprice, and if his whim is such that he does not act upon his oath involuntarily on account of his whim it is not necessary for him to make any atonement.

2684. If a person swears that he is telling the truth when what he says is correct, his taking the oath is abominable; and if it is false his taking the oath is unlawful and one of the major sins. However, if a person takes a false oath in order to save himself or another Muslim from the mischief of an oppressor there is no harm in it, and in fact at times it becomes obligatory. However, if a person can resort to 'Tauriyat' (dissimulation) i.e. if at the time of taking oath he makes an intention in such a way that what he says does not become false, it is better for him to resort to dissimulation. For example, if a cruel person who wants to harm some one asks another person as to whether he has seen him and he has

seen him five minutes earlier, he should say that he has not seen him and should make an intention to the effect that he has not seen him for the last five minutes.

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