Examination of Qasam (Oath/Swearing) among Muslims and the Implications in Nigeria

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Abstract

Oath swearing has become a perfunctory among Nigerian Muslims and has lost the spiritual significance it hitherto had. Consequently, oaths are sworn frivolously in business, politics, in family-related matters with no second thought about the consequences for Muslims. This paper evaluates the contextual meaning of oath/swearing generally with particular attention to Islamic application which places great importance oath-taking but gave room for kaffara (expiation), the compensation or atonement paid for a sinful act in Islam. The work is library-based research. It adopts the qualitative research method. Primary and secondary sources including journal articles are employed. With the aid of the Qur'an and Hadith, this paper critically assesses the place of oath/swearing in socio-political engagement, it brings to the limelight the nature of oath/swearing among Nigerian Muslims and identifies areas that align with Islamic tenet or otherwise. Thus, Muslims should not take oath/swearing for granted but swear only as and when due and must be ready to say the truth.

Keywords: Oath/swearing, Socio-Political, Engagement, Expiation, Contextual

Introduction

Qasam (oath taking/swearing) has been subjected to abuse among many people in society. To many, oaths are mere words uttered to buttress a point or to emphasize intension, issues, or a transaction. This is so rampant in socio-political engagement, especially in Nigeria. Oaths taken by politicians before the elections are always thrown into the dustbin immediately after they get to power, and in most cases, businessmen and women make false swearing in other to achieve the business transaction. People take an oath or swear mainly to achieve their aims and after getting it they forget. This idea has eaten up the loyalty and faithfulness of many people including even Muslims in Nigerian society. In Islam, an oath is neither an ordinary word nor just a mere statement to achieve something, it has both spiritual and physical implications. There is a serious penalty for false oath/swearing. However, many people don't understand the meaning of the oath, its sacredness, and its implications, thereby causing a problem for trust in socio-political engagements among Nigerian Muslims.

The comprehensiveness of Islam is evident in all facets of life, the Qur'an and Hadith of the prophet Muhammad are so comprehensive that there is no aspect of human relationships that they do not cover. It is in this connection that the issue of oaths, vows, and swearing has a significant place in Islam. The Arabs, like other human environments and civilizations, have their different styles of taking an oath. Meanwhile, with the advent of Islam, oath-taking took a divine dimension which is beyond human relations. Before the advent of Islam, the Arabs used to swear Allah to validate their statement, but in recent times, the act of oath-taking/swearing has taken an unserious, frivolous, false, dishonest, and ignorant dimensions which is apparent in business, politics, governance, judiciary, family, and other social matters among the Muslims, especially in Nigeria. This paper examines the definition of oaths/swearing in general, and the method of oath-taking in Islamic doctrines. It assesses the place of oaths in socio-political engagements in Nigeria, and more importantly, the Islamic concept of oaths is given special attention. It examines the nature of oath-taking among Nigerian Muslims and provides corrections to the areas that are antithetical to the dictates of Islam for the benefit of Nigerian Muslims in this World and the hereafter.

Definition of Oath/Swearing

An oath, literarily, is a solemn, usually formal, calling upon God or a god to witness to the truth of what one says or to witness that one sincerely intends to do what one said. It is a solemn promise to a deity, or some revered person or thing, to witness one's determination to speak the truth and keep a promise (Alan & Isabelle, 2014). In another sense, it is an attestation that one will tell the truth, or a promise to fulfil a pledge, often calling upon God as a witness. The best-known oath is probably the witness's pledge, to tell the truth, the whole truth, and nothing but the truth, during a legal proceeding, all witnesses are given the oath before

testifying. In the traditional view, oath-taking is a situation where absolute loyalty or adherence to a certain agreement and conditionality is prescribed and administered to the beneficiaries of the agreement, and the exercises are usually fetish (Oviasuyi, Ajagun & Lawrence, 2011). It is expected that whoever has taken such an oath will not escape the punishment or sanction of a certain supernatural force or deity if the oath is flouted. In the process of fetish oath-taking, various juju shrines are usually the beehive of their activities. In some parts of Nigeria, such shrines include, Ayelala, Ogun, Sango, Okija, Ogboni, Asigidi, Orunmila etc. these are perceived to be powerful deities that the majority of Nigerians, especially the politicians fear more than God, their creator (2011).

Aniekan (2020) quoted Nwankwo to have stated that oath-taking is a statement or assertion made under penalty of divine retribution for intentional falsity. This simply means that if the gravity of an offence committed is high and defies possible human solution, the accused is presented before the divinized spiritual forces for exoneration or punishment. Therefore, four major reasons why oaths are taken are: for the establishment of the truth of what is said; for the maintenance of good human relations; to maintain the secrecy of an institution or an organization; and lastly, oaths are taken to sort out criminals. In many traditions, an oath is a fearful ritual and most often words that connote calamity and death are used to pledge, stating that a person will keep to one's part of the agreement, and in such rituals, death and wellbeing are used as a guaranty to secure the agreement (2020). The gravity of an oath's binding nature is expressed in ancient English law, where persons known as "Oath-Helper" were called upon to vouchsafe the oath of another person in the capacity of witness (Oviasuyi, Ajagun & Lawrence, 2011). The power of oaths endures in modern court proceedings and is bolstered by severe penalties for perjury. In Christendom, the seventeenthcentury protestation oath, sworn against papist doctrine, fulfilled a function of dividing friend from foe, and was accorded a degree of ritual status (2011) Other Christian sects, like Quakers and Anabaptists, prosecute taboos on oath-taking, based on the teaching and knowledge of the Gospel in Matthew; to swear not at all (Matt 5:34).

In Islam, oath-taking/swearing is normally used to affirm the reality and reliability of the information, it is used to show the seriousness and authenticity of what the speaker is talking about (Olaofe & Shittu, 2014). According to Islamic doctrine, an oath is referred to as a vow to carry out or not to carry out a particular act, and before an oath becomes binding, the speaker must make a pronouncement of Allah's Name or His Attribute, and with this, the oath becomes binding, if it is broken, expiation must be carried out (2014). Thus, an oath is regarded as a part of the legal mechanism of proving the innocence of the offender under Islamic jurisprudence as a whole (Malek *et all*, 2015). To be admissible by the judicial institution, there are certain guidelines and procedures to be fulfilled by the parties accordingly. Swearing an oath must be under the realization of benefits to the people, concerning their affairs both in this world and the hereafter, particularly as an essential element of protecting dignity (2015). The beauty of Islam is that all the injunctions are for the benefit of people and society, and this also appears in the Islamic concept of oath/swearing that is mainly for the benefit of the people, justice, fairness, and trust that stimulate peaceful co-existence among the various individuals in the society.

The Place of Oath in the Socio-Political Space in Nigeria

Oath-taking exercise has lost its efficacy in the promotion of good governance in Nigeria, this is due to the levity with which many politicians and public officers treat the oath of office (Aniekan, 2020). The content of the oath and lack of commitment on the part of those administering it, and those taking the oath had made the exercise a mere formality. The content of the oath is outdated while those administrating and taking the same view the exercise as a routine ritual. Thus, the oath of office in Nigeria is seen as a mere ceremony for getting into public office without regard to the terms and contents of the oath. Bobson (2015) asserted that the banal vapidity and perfunctory apathy with which judicial cowboys, legislative pettifoggers, party chieftains, political buccaneers, the executive, some ministers, governors and political crooks and rascals have been conducting the affairs of the Nation, State, Ministries and Parties, Smacks the glamourisation of philistine and imbecilic fancies. In Nigeria, it's a profound shame that leaders took the oath of office and have continued to act against every letter of the oath.

Sunday (2021) argues that one of the major obstacles to the attainment of the right sense of democratic principles hinges on the fact that the political class who are supposed to utilise the democratic principles to better the lots of the nation are found wanting as they often contravene their oath of office. This act is not unconnected with the fact that the contents and instrumentality of oath-taking in Nigeria's democratic culture give room for corruption (Sunday, 2021) Furthermore, in Nigeria's system, where sound policies have been enunciated for records and public appreciation, the implementations are often subjected to the whims and caprices of those who are fully the levels of power/government from outside. The Nigerians become the immediate losers in this kind of unwholesome arrangement, as development suffers (Oviasuyi, Ajagun & Lawrence, 2011). Oath-taking is affecting governance negatively in Nigeria as oath-takers are under bond not to reveal the secret of the oath administration even if such is injurious to the interest of the larger public to whom they have sworn by the constitution to protect (2011) This arrangement is a distortion of value in politics to the extent that it transfers allegiance from the system to an individual, who for raw ambition or depravity, decides to take the place of God in the life of the oath taker.

However, it is a sign of degeneracy that oaths are taken, whether for loyalty or monetary gain in Nigerian politics. It presupposes the harbouring of an act that is not for the public good, as no politician with an altruistic purpose will subject fellow citizens to oath-taking rituals. The ultimate aim is to short-change the public good by privatizing public affairs through a fetish cage. The fact remains that this fetish oath-taking undermines public interest and results in governance failure, as public officeholders will only be loyal to their godfathers and the respective deities that they have sworn to at the expense of the Nigerian state. No society with all the above attributes would ever develop because the godfathers and their followers would weaken the governmental system, and do what pleases them at the detrainment of the state (2011). The salient of an oath is to ensure integrity, honesty and transparency but many public office holders, politicians and even many citizens are not living up to the oath-taking due to greed and corruption, thereby making the place of the oath a frivolous undertaking as most of them commit crimes and embraced corruption against the state without affecting their conscience (business day. ng).

False oath/swearing is so rampant among Nigerian Muslims, this is obvious in socio-political engagement which includes: Marital relationships, market/business transactions, habitual, and political positions. Many Muslims take an oath just to lure the opposite sex into marriage, they make promises and bind them with swearing and eventually not be able to fulfil them. On many occasions a man takes an oath of divorce, swearing that if a particular thing does not happen his wife will be divorced, or threaten her that if she does a particular thing she will be divorced (Al-Qaradawiy, 1994). Oath-taking in business transactions, usually, is a method adopted to deceive the customer, and buyers also make swearing to deceive the seller. Buyers, for instance, swear by telling the seller that he/she has no other money except a certain amount to convince the seller. This is mostly used as an oath, under the disguise of being truthful, and it is most common, not only among Muslims but also among ethnic divisions and religious affiliations in Nigeria.

Habitually, Muslims in Nigeria swear frivolously, without considering the salient of an oath in Islam. This is shown in many social interactions, politics, competitions, and even within the family. In many cases, Nigerian Muslims are fond of saying "Wallahi" consciously or unconsciously, just to affirm what he/she is saying, which is not true. Politically, many Muslims among the politicians, make promises and take an oath just to gain the interest of people during elections, and they drop the oath as soon as they get to power. Placing hands on the Qur'an with swearing words is an important system of taking oath in Islam but Nigerian politicians on many occasions see it as just a mere event or celebration during swearing-in into a political office. Many Muslims, especially in Nigeria, swear at the slightest provocation and at times use oaths to escape from doing justice or shouldering responsibility. However, oaths/swearing are not a matter of fun as far as Islam is concerned and it should not be toyed with by Muslims. Frequent swearing and lying about Allah's name, indicate a lack of exalting God (Olaofe & Shittu, 2014).

Religious syncretism has made many Nigerian Muslims, especially among the Yoruba people, used to take an oath or swear with things other than Allah. This is very common in the daily lives of many Muslims, swearing at a vast multitude of things (Shameem, n.d.). Swearing by the life of their child, aged father/mother or by

their graves, by honour and in many cases swearing by the names of Prophets, companions, great scholars and even sacred houses of God amount to shirk in Islam. Scholars believe that the words of the Prophet who "has indeed committed an act of *kufr* or *shirk*", are like an extreme admonition, and in fact, it is not Shirk. It also applies to the saying of the Prophet, that showing off is a shirk. The Prophet, narrated by Abdullah, said: "Whoever has to take an oath should swear by Allah or remain silent (i.e. He should not swear by other than Allah)" (Al-Bukhari, 1997). In South Western Nigeria, many people unconsciously swear by Ogun, Sango, Oya, and Aje which are believed to be gods. These are so rampant among the unconscious Yoruba Muslims that include skilled labourers and technicians and even traders and many literates are also involved in these acts. Lackadaisical attitude and levity approach in the way people take oaths unnecessarily and swear as a normal thing and even taking oath/swear by things other than God is a result of lack of adequate knowledge about the gravity of what oath entails which resulted in breaking of oath in different ways (Olaofe & Shittu, 2014). Meanwhile breaking oath, false swearing and taking oath/swearing with things other than God, carry serious consequences for those who treat it nonchalantly both in this world and hereafter.

The Islamic Concept of Qasam (Oath/Swearing)

What distinguishes the swear from other reasons for proving, is that swearing in the Islamic legal system has specific properties. Qur'an says:

And make not Allah's (name) an excuse in your oaths against doing good, or acting rightly, or making peace between persons; for Allah hears and know all things, (Q.2:224).

This verse indicates that the issue of oath attracts great importance in Islamic doctrines. *Aqsam* is a plural form of the word *qasam*. *Qasam* word is synonymous with the word *halaf* and *yamin* because the meaning is an oath. *Yamin* is called oath because the Arabs when sworn, are always holding the right hand respectively. The *qasam*, according to terms are links the soul not to do, or to do it, which is reinforced by something that is honoured for other people (Habibullah, *et all*, 2015). According to the Qur'an: Do not make your oaths a means of deceiving one another or else your foot may slip after having been firm, and you may suffer evil consequences because of hindering people from the way of Allah, a mighty chastisement awaits you, (Q.16:94)

This simply means that perjury is the worst kind of swear and God will provide them with stigma, grief and regret in this world and painful doom in the hereafter (Habibullah, et all, 2015).

However, probably due to a lack of adequate knowledge, oath-taking has become a trivial issue in some households (Olaofe & Shittu, 2014). In Islam, an oath is a vital issue that should not be toyed with under any circumstances, and that is why it put in place some forms of expiation to deter people from swearing unnecessarily. A glance at our society today reflects a very disturbing picture whereby oath is handled with levity. This menace cut across all facets of lives; politicians, public figures, religious leaders, businessmen and women and others in their ilk swear to show commitment and seriousness on their part, especially when it comes to an agreement and mutual understanding on a particular issue. Meanwhile, the majority of those who swear right from the onset of their accord know vividly in their mind that they will not honour the agreement. This kind of attitude put to test the sincerity of those involved with themselves, the other parties to the agreement and the Almighty God (2014). This is expressed in the Qur'an:

Allah will not call you to account for your thoughtless oaths, but He will hold you accountable for deliberate oaths. The penalty for a broken oath is to feed ten poor people from what you normally feed your own family, or to clothe them, or to free a bonds person. But if none of this is affordable, then you must fast for three days. This is the penalty for breaking your oaths. So be the mind of your oaths. This is how Allah makes things clear to you so perhaps you will be grateful, (Q.5:89)

The gravity and salience of the oath are also expressed in the Sunnah of the Prophet. The story of Abdullah ibn Sahl and Muhaysa's journey to Khaybar is a typical example. While they were there, someone came to Muhaysa and reported that Abdullah ibn Sahl had been killed and thrown into a shallow well (Anas, 2019). Muhaysa went to the Jews of Khaybar and said, "By God, you killed him". They said, "By God, we certainly did not!" The case was brought to the Prophet in Madina, who said that "Either they pay the compensation due for the loss of your companion's life, or they should prepare for war". The Prophet then wrote to the Jews of Khaybar, demanding they accept responsibility for what happened. They sent a reply to the Prophet by saying, "By God, we did not kill him". The Prophet said to Huwaysa, Muhaysa and Abdul-Rahman, "are you prepared to swear oaths to vindicate your claims regarding the loss of your companion's life?". They said, "NO". The case was dismissed and the Prophet took the responsibility of compensation due from the public treasury (2019). This show how powerful is the swearing of oath in Islamic injunction. The holy Prophet was reported to have said: "Whenever you take an oath to do something and later you find that something else is better than the first, then do the better one and make expiation for your oath" (Al-Bukhari, 1997). Also in another Hadith, the Prophet said: "Anyone who takes an oath through which his family may be harmed, and insists on keeping it, he surely sins greater than that of dissolving his oath, he should rather compensate for that oath by making expiation" (1997).

An oath in Islam is a verbal statement conjoined with a phrase of swearing, such as "By Allah" or "I swear by Allah". This shows that oath-taking connotes a kind of commitment on the part of those involved to do or not do something. Uttering the name of the Almighty gives credence to the matter and makes Him a witness to the agreement (Olaofe & Shittu, 2014). The greatness of the time phenomenon as a precious asset is so important from Allah's point of view that it is often sworn in Qur'an with different titles and time units (Mahin & Malayer, 2020). Allah sometimes swears by time to prove the Prophet's truth and sometimes to express the issues of Judgment Day. In many verses, Allah swears by the time due to appeasing from the Prophet or informing the life way and moving in the time to prevent the lasses. Some of these verses can be found in Qur'an: 92:1-3, 93:1-2, 85:1-3, 91:1-7, 89:1-4 and many others. The oaths on the time in Allah's Words indicate the time, and other divine creations are taken by humans to use as a tool for the proximity of Allah (2020).

In Islam, an oath is divided into three categories which are: Yamin al-Laghw (Accidental Oath), Yamin Mun'aqidah (Determined Oath), and Yamin Ghamus (Immersed/False Oath) (Olaofe & Shittu, 2014). An accidental oath, which is the first among the categories, is regarded as an unintentionally uttered oath by an individual. This is not regarded as a sinful act and no expiation will be paid for it. This is the views of scholars with basis from the Qur'an: "Allah will not call you to account for that which is unintentional in your oaths, but He will call you to account for that which your hearts have earned...." (Q.2:225). Secondly, a determined oath is swearing to do something in the future. It also means an oath taken to undertake or not to undertake something. If a person, after swearing, breaks this kind of oath, expiation is binding upon him. Thirdly, the immersed/false oath means swearing over something in the past and deliberately lying about it. This, in other words, is committing perjury deliberately about something in the past or present. The undertaker of this oath is sinful, and there is no expiation for it other than seeking forgiveness from God. This is a deliberate act, one immerses and plunges himself into sin against God, and he will seek forgiveness from God or face His wrath (2014).

The prominent attributes of God, Ar-Rahman (the Merciful), and Ar-Rahim (the beneficent) mean that He is merciful to everything and Beneficent to the believers. He has provided Islam, a religion imbued with mercy through Prophets and messengers that embodied God's grace perfectly. Thus, the penalty code is a pillar of the Islamic system that in its entity ensures human happiness both from the perspective of personal improvement and advancement as well as the preservation of societal balance (Ali, 2018). Islam is an integrated system that is comprised of many essential codes, like those related to social and economic conduct, security and orderliness, education, public administration and family practices, and as well includes a disciplinary system. According to the deliberation and reflection from an objective point of view, it is obvious that the code of expiation is a manifestation of God's mercy in two ways: firstly, to instigate the spiritual deficiencies that result from personal sins, and secondly, to act as a strong deterrent against future sins (2018).

The expiration of the oath (kaffarah) according to the Qur'an 5:89 stated above is necessary when the Determined Oath is broken, irrespective of its kind. Kaffarah is paid after the oath is broken, and there is a consensus opinion among scholars that the expiation paid after the oath is broken is valid (Olaofe & Shittu, 2014). Although, Shafi scholars think that if kaffarah is to be paid by goods, it can be paid before the oath is broken. Hambali and Maliki Scholars reiterate that it is permissible to pay Kaffarah before the oath is broken regardless of whether it is paid by goods or by fasting. However, there is a consensus agreement that if Kaffarah is paid before swearing an oath and if the oath is broken later, the Kaffarah is not valid. The person that breaks an oath is required to pay Kaffarah which includes feeding ten destitute persons with two meals each or giving dry groceries to each poor person. When given foodstuff, he must ensure that the food items are sufficient to cater for the number of people and their meals. In another way, He can also offer some clothing to ten poor persons; the clothing must be such that it can cover the major portion of the poor person's body such that they will be able to observe Salat (Prayers) with it. Thus, if one provides food or clothes, the expiation is valid (2014).

However, in a situation where a person who wants to pay *Kaffarah* is poor and cannot afford to feed or clothe the indigents, he will have to observe fasting for three consecutive days. If he does not make the fasting consecutively or misses a fast or two for whatever reason, the expiation is not fulfilled. Another variety of expiation is to free a slave for someone who can afford to do so (2014). The issue of oath-taking is a serious case in Islam, whoever swears to do or not to do something, must stick to it, as Qur'an said "O you who believe! Fulfill your commitment" (Q.5:1). More importantly, Islam is against using oath as an impediment from doing the right thing. This simply means that if a person takes an oath and later discovers that righteousness and common good are best served, he should break the oath, though he will pay the expiation. The evidence for this is stated in Qur'an 2: 224 and the authentic traditions of the prophet mentioned above.

Conclusion and Recommendations

In Islam, oath-taking is not an action that is done flippantly to is not an ordinary word or just a mere statement to achieve something, it has physical and spiritual implications. In Islam, it is regarded as a part of the legal mechanism of proving the innocence of an accused person under jurisprudence, with certain guidelines and procedures to be fulfilled by the parties respectively. The content of oaths in Nigeria, and the lack of seriousness on the part of those administering it, and those taking the oath had made oath/swearing a mere formality. The content of the oath has been abused, even the oath/swearing of office in Nigeria is seen as a mere ceremony for getting into public offices without regard to the terms and content of the oath/swearing. Many Muslims in Nigeria take oaths just to lure the opposite sex into marriage and other engagements, they make fake promises, bind with oaths and eventually not been able to fulfil them. In business transactions, oath/swearing is usually a method to deceive customers, while buyers also swear to deceive the seller. Oath is mostly used under the disguise of being faithful which is obvious in many social interactions, politics, competitions and even within the family. This has caused a lack of trust, many divorced cases, unfaithful transactions, and corrupt practices, and the consequence has led to moral degradation, disrespect and a lack of societal progress. Meanwhile, the gravity and salient of oath/swearing is well expressed in the Qur'an and Hadith of the Prophet which should be a guiding principle, especially for Muslims, that can be extended to other non-Muslims in Nigeria. It is sacrosanct to understand that false oaths and lying with swearing are like taking the name of God for granted and lack of exulting Him. Therefore, Muslims should not take oaths/swearing for fun and should only swear only when he/she is fully ready to say the truth. Oath/Swearing is a sacred trust; it should not be taken as a joke or mere statement to convince people due to its negative implication on socio-political engagement in Nigerian society, especially among Muslims.

Emphases should be made by religious scholars on the implications and consequences of false oath/swearing so that Muslims would be more educated about the concept of oath/swearing, to not be taken for granted.

False oaths and frequent swearing and lying are tantamount to taking lightly the name of Allah and the lack of exalting Him. Thus, oaths and swearing should not be taken for fun, Muslims should only swear as and when due, and only when he/she is ready to say the truth.

Muslims should refrain from swearing or taking the oath with things other than Allah. This is a serious offence which is amounted to committing blasphemy and an act of *kufr*, in which the punishment is grievous, both in this world and Hereafter.

Muslims should always be conscious of Allah in all ramifications, especially when making oaths/swearing in order not to fall into the penalty ascribed to a false oath in Islamic injunctions. Thus, oath/swearing is a sacred trust which should not be taken as a joke or a mere statement just to achieve something or an ordinary word to convince people, it has serious implications which can affect the physical and metaphysical lives of people and society.

In a situation whereby Muslims need to swear, there should be the inclusion of the words "*in shari'a Allah* (Allah willing)" at the end of words of oath or swearing. This will reduce the gravity of the oath as it has been referring to the wiliness of the Almighty to make easier the fulfilment of the oath.

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