

The Ruling On Fulfilling Vows Made By Parents After Their Death Study: Comparative Jurisprudence

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Abstract:

This research is titled "The Ruling on Fulfilling a Vow on Behalf of Parents." It aims to examine the jurisprudential rulings on fulfilling vows on behalf of parents after their death, focusing on the disagreement among the schools of thought regarding their legitimacy and obligation. The research begins with the problem of the extent to which children must fulfill vows incumbent upon parents. It relies on an analytical inductive approach, tracing the evidence of jurists from the Holy Qur'an, the Prophetic Sunnah, consensus, and analogy. The study concludes that the predominant opinion is that fulfilling a vow on behalf of parents is permissible and desirable, especially financial vows. Jurists differ on its obligation based on the type of vow and the presence of a will. It also concludes by affirming the legitimacy of vows in principle and clarifying the criteria for fulfilling them on behalf of the deceased.

Keywords: vow - ruling on making up for it - parents

INTRODUCTION:-

In Islamic law, a vow represents a commitment made by an individual to draw closer to God Almighty. Its legitimacy is established in the Qur'an, the Sunnah, and consensus. Despite the importance of honoring one's parents after their death, the question of whether to fulfill vows they did not fulfill during their lifetime arises. This is a matter on which jurists have differed based on the nature of the vow and the status of the estate.

Research objectives:

1. Explaining the reality of vows in language and terminology.
2. Proving the legitimacy of the vow with legal evidence.
3. Analysis of the jurists' statements on fulfilling vows on behalf of parents.
4. Weighing between opinions with a statement of the legal controls.

The spelling I adopted in the research is:

- The inductive approach: in collecting evidence of legitimacy from the Qur'an and Sunnah.
- **The comparative analytical approach: in studying the opinions of the schools of thought (Hanafi, Maliki, Shafi'i, Hanbali).
- The preferential approach: in evaluating evidence and stating the preferred opinion.

Research structure:

Includes: The concept of vows, evidence of their legitimacy, disagreement over fulfilling them on behalf of parents, financial vows after death, and the conclusion.

The ruling on fulfilling vows made by parents after their death: a comparative jurisprudential study

Vow in language:

I vowed, I vow, if you oblige yourself to do something voluntarily, whether it is worship, charity, or something elseⁱ.

Ibn Faris said: (Nadhr) with the letters noon, dhal, and ra' is a word that indicates intimidation or fear. From it, warning means notification, and it is almost never used except in intimidation. They vowed to frighten each other, and from it, vowing means that he is afraid if he breaks it.ⁱⁱ.

Vows technically:

It is an unconditional commitment to obedience.ⁱⁱⁱ Or it is the obligation of a person to do good deeds for himself.^{iv} It is also known as: It is the obligation of a responsible, rational, and free person to do something for the sake of God Almighty, unless the Sharia initially obligated it upon him. It is also known as the obligation of a specific permissible act upon oneself to glorify God Almighty.^v.

It is also known as what a person offers to his Lord, or what he requires of himself in terms of charity or worship.^{vi}.

Before I begin to discuss the ruling on fulfilling vows made by parents, I will discuss the legitimacy of vows, and then I will explain the opinions of the jurists on the issue.

The jurists agreed on the permissibility of vowing to do something that is considered an act of worship that has a basis in obligation in Islamic law, such as prayer, Hajj, fasting, and other acts of worship that were legislated to draw closer to God Almighty. It is known from the Lawgiver that he is concerned with the duties of creation and making them an act of worship. So this vow must be fulfilled without dispute.^{vii}. They provided evidence for the legitimacy of vows from the Qur'an, the Sunnah of the Prophet, and consensus.

Evidence:

The significance of the verse:

If vows were made among the nations before us, then they are acts of worship, and this indicates the legitimacy of vows, and Islam has approved them.^{viii}.

Second: From the Sunnah of the Prophet

1- It was reported on the authority of Aisha (may God be pleased with her) that the Messenger (may God bless him and grant him peace) said: Whoever vows to obey God, let him obey Him, and whoever vows to disobey Him, let him not disobey Him.^{ix}.

2- What was reported on the authority of Ibn Omar, "Omar bin Al-Khattab (may God be pleased with him) said to the Prophet (may God bless him and grant him peace): O Messenger of God, I vowed during the pre-Islamic period to spend a night in seclusion in the mosque. He said: Fulfill your vow.^x.

3- His saying (may God bless him and grant him peace) about those who do not fulfill their vows: After you there will come a people who betray and are not trustworthy, who bear witness but are not asked to bear witness, who make vows but do not fulfill them, and obesity will appear among them.^{xi}.

Third: Consensus

Ibn Qudamah said: "Muslims agreed that vows are generally valid and must be fulfilled."^{xii}.

After demonstrating the legitimacy of vows from the Qur'an, Sunnah, and consensus, we will discuss the differences of opinion among jurists regarding the ruling on fulfilling vows. If one of the parents makes a vow and does not fulfill it, is it an obligation and an act of dutifulness to parents on the part of children to fulfill their vows on their behalf? Therefore, what we have to say about this matter is the ruling on fulfilling their vows.

Jurists differed on the ruling on fulfilling a vow on behalf of parents, with two opinions:

The first saying: The permissibility of vowing this act of worship and the necessity of fulfilling it, which is the opinion of the Malikis.^{xiii} And the Shafi'is in the Sahih^{xiv}, and the Hanbalis^{xv}.

Evidence:

They proved the validity of the commitment to this act of worship by vow and the obligation to fulfill it by the generality of the verses indicating it and the prophetic hadiths that were mentioned previously.

They used analogy as evidence, as the Lawgiver encouraged this closeness and urged people to attain it, and the servant draws closer to God Almighty through it, so it is like the intended acts of worship.^{xvi}

They added: Although these acts of worship do not have a basis in obligations, it is permissible to commit to them by vow, and it is recommended to fulfill them by analogy to the situation of the person making the vow, or if he commits himself to a sacrifice, or performs a retreat, or an Umrah, then it is permissible to commit to them by vow by consensus, and they are not among the obligations.^{xvii}.

They also said that the person making the vow has committed himself to an act of worship in order to justify himself, so he is bound by the vow, based on analogy to his commitment to something that has a basis in obligations, which is the subject of consensus among scholars.^{xviii}.

The second saying: This vow is not valid, nor is it valid to commit to any of these acts of worship by vow. This is what the Hanafis said.^{xix} And the opposite of the correct one according to the Shafi'is^{xx} He does not have to fulfill this vow.

Evidence:

I do not know of any evidence for them except that they said that the vow is the servant's obligation, so it is considered as the obligation of God Almighty.

The most correct opinion:

It seems to me that the first opinion is the most correct, due to the strength of their evidence, and God knows best.

The ruling on the heir or guardian fulfilling a financial vow on behalf of the deceased

Jurists differed on the ruling of someone who made a vow and died before fulfilling it, with two opinions:

The first saying:

The vow is not dropped by his death if he had bequeathed it and that it be paid from his money and that a third of it be given like all other bequests. If he did not bequeath it, it is dropped and the heirs are not required to give it from their money, unless they volunteer it. This is the opinion of the Hanafis.^{xxi} and Maliki^{xxii}.

They cited as evidence their statement from the Sunnah of the Prophet, on the authority of Ibn Abbas (may God be pleased with him): Sa`d ibn `Ubadah al-Ansari asked the Prophet, may God bless him and grant him peace, about a vow he had made to his mother, but she died before fulfilling it. He gave him a fatwa that he should fulfill it on her behalf, and it became a Sunnah after that.^{xxiii}

The significance of the hadith

This hadith indicates that the heir is not obligated to fulfill the vow that was due from the deceased if it was financial, such as expiation, a vow, or zakat, and he did not leave behind an estate that is not obligatory for him, but it is recommended for him to do so.^{xxiv}

The second saying:

The vow is not dropped by the death of the one who made the vow, but rather it is taken from the capital he left behind, like all other debts to God Almighty, whether he bequeathed it or not. This is what the Shafi'is went for.^{xxv} and the Hanbalis^{xxvi}.

Evidence:

I did not know any evidence for them other than that Al-Shafi'i said that it should be taken from his estate, whether he bequeathed it or not.^{xxvii}

Death of someone who vowed to give charity before paying it

Jurists differed on the ruling of someone who vowed to give charity and died before paying it, with two opinions:

The first saying:

If someone vows to give charity and dies before paying it, his guardian must pay it on his behalf from the deceased's estate, whether he bequeathed it or not. They said: The guardian's fulfillment of this vow is recommended as a way of maintaining ties and doing good, and it absolves the deceased of any responsibility for what he is obligated to do in this regard. This is the opinion of the Shafi'is.^{xxviii} and the Hanbalis^{xxix}. They based their statement on the Holy Qur'an, the Sunnah of the Prophet, and the hadiths.

Evidence: They provided evidence for this from the Holy Quran, the Sunnah of the Prophet, and the hadiths.

1- From the Holy Quran

God Almighty said: I am sorry.

The significance of the verse:

It is recommended that the guardian fulfill the vow as a form of connection and to absolve the deceased of any responsibility for what he owes.^{xxx}

2- From the Sunnah of the Prophet

- It was narrated on the authority of Aisha (may Allah be pleased with her) that a man said to the Prophet (peace and blessings be upon him): My mother died suddenly, and I think that if she had spoken, she would have given charity. Will she have a reward if I give charity on her behalf? He said: Yes. And what was narrated on the authority of Abdullah bin Al-Aas.^{xxxi} Al-Aas bin Wael^{xxxii} He recommended that one hundred slaves be freed on his behalf, so his son Hisham freed fifty slaves. His son Amr wanted to free the remaining fifty on his behalf, but he said: "Until I ask the Messenger of God (may God bless him and grant him peace)." So he came to the Prophet (may God bless him and grant him peace) and said: He said: O Messenger of Allah, my father left a will to free one hundred slaves, and Hisham freed fifty on his behalf, leaving fifty slaves still owed to him. Should I free them on his behalf? The Messenger of Allah, may Allah bless him and grant him peace, said: "If he had been a Muslim and you had freed slaves on his behalf, or given charity on his behalf, or performed Hajj on his behalf, that would have reached him."^{xxxiii}

The significance of the hadith:

Any good deed that a Muslim does and dedicates its reward to the dead will benefit him.^{xxxiv}

- On the authority of Abu Hurairah (may Allah be pleased with him), "A man said to the Prophet (peace and blessings of Allah be upon him): On the authority of Abu Hurairah, that a man said to the Prophet (peace and blessings of Allah be upon him): My father died and left behind wealth, and he did not make a will, so will it be expiation for him if I give charity on his behalf? He said: "Yes."^{xxxv}

The significance of the hadith:

It indicates that any good deed done for the deceased without a will will be rewarded for that deed.^{xxxvi}

3-From the trace

And as narrated on the authority of Ibn Abbas (may God be pleased with them both), he said: Sa'd ibn Ubadah asked the Messenger of God, may God bless him and grant him peace, for a fatwa, and said: My mother died and she had made a vow that she did not fulfill. He said: "Fulfill it on her behalf." So it became a tradition after that.^{xxxvii}

The meaning of the evidence:

It is permissible to give charity on behalf of the deceased, and that this benefits him by receiving the reward of charity, especially if he is a child.^{xxxviii}

The second saying:

If someone dies and owes a vowed charity, it is not to be paid on his behalf unless he makes a will to do so, and he has an estate from which it is to be paid. If he makes a will to pay it, it is a will and is to be paid from one-third of his estate, taking precedence over all other wills. He is not required to bequeath it, and the heir is not required to pay it from his own money or from the estate of the deceased. This is the opinion of the Hanafis.^{xxxix}Maliki^{xl}.

Evidence:

They argued that what is meant by the obligations is hardship and trial, and this comes in financial acts of worship by reducing the money beloved by the soul by bringing it to poverty, and the money is related to the action of the one charged with it, and all actions are dropped by death, because it is impossible to show his obedience through it in the house of obligation, so the suggestion of money was a donation from the dead person from the beginning, so it is considered from the third.^{xli}

The most correct opinion is the first one, due to the strength of their evidence for it, and God knows best.

CONCLUSION:-

The research reached a number of results, the most important of which are:

1. The legitimacy of vows is established by the Qur'an, the Sunnah, and consensus, and they must be fulfilled if they are in obedience.
2. Fulfilling a vow on behalf of parents: Its permissibility and desirability: This is the most prevalent opinion (Malikis, Shafi'is, Hanbalis) due to the strength of their evidence based on the general texts of righteousness and the consensus of the Companions, such as the hadith of Sa'd ibn Ubadah.
 - The disagreement over the obligation of a specific vow (such as expiation): it must be fulfilled from the estate.

Absolute vow: It is recommended to fulfill it, but it is not obligatory except by a will.

3. Financial vows after death:-

It is paid from the estate if the deceased bequeathed it (Hanafi, Maliki).

- It is performed from the original without requiring a will (Shafi'i, Hanbali) based on the hadith "Pay it off on her behalf."

Honoring one's parents extends beyond their death, and fulfilling their vows is one of the greatest forms of kinship. It purifies wealth and fulfills obligations.

- Footnotes:-

ⁱ Lisan al-Arab, Ibn Manzur, 5/201

ⁱⁱDictionary of Language Standards, Ibn Faris, 5/414

ⁱⁱⁱThe Singer, Ibn Qudamah, 13/622

^{iv}Al-Istidhkar, Ibn Abd al-Barr, Abu Omar Yusuf ibn Abd Allah ibn Muhammad ibn Abd al-Barr ibn Asim al-Namri al-Qurtubi (d. 463 AH), edited by Salim Muhammad Atta - Muhammad Ali Muawad, Dar al-Kutub al-Ilmiyyah, Beirut, 1421 AH/2000 AD, 27/15

^vAnis Al-Fuqaha in the definitions of terms commonly used among jurists, Al-Qunawi, p. 113

^{vi}Dictionary of Jurisprudence, Abu Jeeb, p. 350

^{vii}See: Al-Mughni Al-Muhtaj, Al-Sharbini, 6/255; Muhabbat Al-Jalil fi Sharh Mukhtasar Khalil, Al-Hattāb, 3/317; Rawdat Al-Talibin wa Umdat Al-Mughniin, Al-Nawawi, 3/301-302; Al-Mughni, Ibn Qudamah, 9/1-2.

^{viii}See: Benefits from the Explanation of the Book of Monotheism, Al-Sudhan, Abdul Aziz bin Muhammad bin Abdullah, Dar Al-Muslim for Publishing and Distribution, p. 37

^{ix}Sahih al-Bukhari, 6/2463, Hadith No. 6318

^xSahih al-Bukhari, al-Bukhari, Chapter on Itikaf at Night, 8/142, Hadith No. 2032

^{xi}Sahih Al-Bukhari, Al-Bukhari, Chapter: He should not bear witness to false testimony if he bears witness, 3/171, Hadith No. 2651.

^{xii}Singer, Ibn Qudamah, 13/621

^{xiii}See: Hashiyat al-Dasuqi, 2/162

^{xiv}See: Rawdat al-Talibin, al-Nawawi, 3/302, Hashiyat al-Jamal, al-Jamal, Sulayman ibn Umar ibn Mansur al-Ujayli al-Azhari (d. 1204 AH), Dar al-Fikr, n.d., n.d., 5/323

^{xv}See: Al-Mughni, Ibn Qudamah, 10/15

^{xvi}See: Nihayat al-Muhtaj, Shams al-Din Muhammad ibn Abi al-Abbas Ahmad ibn Hamza Shihab al-Din (d. 1004 AH), Dar al-Fikr, Beirut, 1404 AH/1984 AD, 8/235, Zad al-Muhtaj, al-Kuhaji, Abdullah ibn al-Sheikh Hasan al-Hasan, verified and reviewed by Abdullah ibn Ibrahim al-Ansari, Religious Affairs, Qatar, 4/509

^{xvii}See: Al-Mughni, Ibn Qudamah, 9/3

^{xviii}See: Al-Mughni, Ibn Qudamah, 9/4

^{xix}See: Bada'i' al-Sana'i', Al-Kasani, 5/83

^{xx}Rawdat al-Talibin wa Umdat al-Muftiin, al-Nawawi, 3/303

^{xxi}See: Bada'i' al-Sana'i', al-Kasani, 2/53; Fath al-Qadir, al-Shawkani, Dar Ibn Kathir – Dar al-Kalim al-Tayyib, Damascus – Beirut, 1414 AH, 2/358

^{xxii}See: Al-Muntaqa, Al-Baji, Abu Al-Walid Sulayman bin Khalaf bin Saad bin Ayyub bin Warith Al-Tujibi Al-Qurtubi Al-Baji Al-Andalusi (d. 474 AH), Al-Sa'ada Press, Egypt, 1332 AH, 2/62-63; Al-Kharashi's Commentary on Khalil's Mukhtasar - with it Al-Adawi's Commentary, by Al-Kharashi, Abu Abdullah Muhammad Al-Kharashi, Al-Matba'a Al-Kubra Al-Amiriya, Bulaq, Egypt, 2nd ed., 1317 AH, 8/184

^{xxiii}Sahih Al-Bukhari, Al-Bukhari, Chapter on the one who died while he had a vow, 8/142, Hadith No. 6698

^{xxiv}The Keys of the Mishkat Al-Masabih Explanation, Al-Qari, Ali bin Sultan Muhammad Abu Al-Hasan Nur Al-Din Al-Mulla Al-Harawi Al-Qari (d. 1014 AH), Dar Al-Fikr, Beirut, Lebanon, 1422 AH/2002 AD, 6/2248

^{xxv}See: Al-Majmu', Al-Nawawi, 6/231-232; Nihayat al-Muhtaj ila Sharh al-Minhaj, Shams al-Din al-Ramli, 6/5-6

^{xxvi}See: Al-Mughni, Ibn Qudamah, 3/656; Kashshaf al-Qina', Al-Buhuti, 4/403-404

^{xxvii}See: Al-Majmu', An-Nawawi, 6/233

^{xxviii}See: Al-Mughni Al-Muhtaj, 1/411; Al-Mughni, 9/30-31

^{xxix}Mask detector, 2/335

^{xxx}An-Nawawi's Commentary on Sahih Muslim, 11-84-96

^{xxxi}He is Abdullah bin Amr bin Al-Aas bin Wael Al-Qurashi Al-Sahmi, his nickname is Abu Muhammad. He converted to Islam before his father, and he is one of the noble companions, and the son of the companion of the Messenger of God (peace and blessings of God be upon him). He was famous for his knowledge and worship. He converted to Islam before his father and received knowledge from the Messenger (peace and blessings of God be upon him). He was famous for his vast knowledge and his hadiths about the Prophet (peace and blessings of God be upon him). He was born in the year 7 BC and died in the year 65 AH. Siyar A'lam An-Nubala', Al-Dhahabi, 3/80

^{xxxii}Abu Amr al-As ibn Wa'il ibn Hashim al-Sahmi al-Qurashi, the chief of Banu Sahm of Quraysh, whose lineage meets that of the Prophet Muhammad (peace and blessings be upon him) through Ka'b ibn Lu'ay. He was an enemy of Islam, and the father of the two companions, Amr ibn al-As and Hisham ibn al-As. He died at the age of eighty-five. Genealogies of the Nobles, al-Baladhuri, Ahmad ibn Yahya ibn Jabir ibn Dawud (d. 279 AH), edited and introduced by Suhayl Zakar and Riyad Zarkali, Dar al-Fikr, Beirut, 1417 AH/1996 AD, 1/157

^{xxxiii}Sunan Abu Dawud, Abu Dawud, Chapter on what was said about the will of a combatant whose guardian surrenders, 3/302, Hadith No. 2883

^{xxxiv}The Singer, Ibn Qudamah, 2/424

^{xxxv}Sahih Muslim, Muslim, Chapter on the Reward of Charity Reaching the Dead, 3/1254, Hadith No. 1630

^{xxxvi}See: Al-Tanwir Sharh Jami' al-Saghir, al-San'ani, Muhammad ibn Ismail ibn Salah al-Hasani al-Kahlani Abu Ibrahim Izz al-Din (d. 1182 AH), edited by Dr. Muhammad Ishaq Muhammad Ibrahim, Dar al-Salam Library, Riyadh, 1432 AH/2011 AD, 9/171.

^{xxxvii}Sunan Abu Dawud, Abu Dawud, Chapter on Fulfilling Vows on Behalf of the Dead, 3/236, Hadith No. 1786

^{xxxviii}Fath al-Bari, Ibn Hajar al-Asqalani, 5/390

^{xxxix}See: Fath al-Qadir, al-Shawkani, 2/85The Shining Sea, Ibn Nujaym, 3/64-65

^{xl}See: Al-Muntaqa, Al-Baji, 2/62-63

^{xli}See: Fath al-Qadir, al-Shawkani, 2/85The Shining Sea, Ibn Nujaym, 3/65

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