

Burying a Muslim in coffin in country of disbelief

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

Question: An association belonging to the Algerian community in France requested a parcel of land from the French administration -the municipality- in order to use it as a graveyard. The request was accepted provided that the grave has to be erected with concrete: its bottom as well as its four sides, and the dead person should be put in a coffin which has to be sealed at the top with a piece of concrete till the earth surface without throwing soil on it, for the reason that the land (used as a graveyard) is subject to movement and landslide. So, what is the ruling concerning erecting the grave in such a way? May Allaah reward you.

Answer: All praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon whom Allaah sent as a mercy to the Worlds, upon his Family, his Companions and his Brothers till the Day of Resurrection.

If the parcel of land -in the country of disbelief- was granted for the purpose of burying the Muslims dead exceptionally without including any dead person belonging to other religious communities, it is permissible -in this case- to bury them therein. It is known that it is prohibited to bury an unbeliever in a Muslim graveyard or bury a Muslim dead in a graveyard belonging to the unbelievers. As for burying a Muslim dead in a coffin of concrete or a wooden coffin separating the body from the earth, it is unanimously detestable. An-Nawawee -رحمه الله- said: "This is our opinion [about the question] and that of the whole scholars and I think it is a consensus"¹, because this method of burying has no relation with our Sharee'ah [Islaamic law]. The Companions did not do that neither with the Prophet صَلَّى اللهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ nor with any other Muslim. Ibn Qudaama said in "Al-Mughnee": "Burying in a coffin is not recommended, because it is neither reported from the Prophet صَلَّى اللهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ nor from his Companions. This act entails resemblance to worldly people. Moreover, the land is more likely to dry his decayed body than the coffin"².

With this in mind, scholars have made an exception from this basis and made it allowed if the land meant to be used as a graveyard is flaccid and not solid because of the existence of large quantities of water, mud and clay in that land. An-Nawawee said [by reporting the opinion of] Ash-Sheeraazee and the other Shaafi'ee scholars: "It is detestable to bury a dead person in a coffin except if the land is soft or moist, they said: '...and his will, will not be executed by burying him in such a way unless in this case' "³.

¹ See: "Al-Majmoo'" of An-Nawawee (5/287-288).

² See: "Al-Mughnee" of Ibn Qudaama (2/ 503).

³ See: "Al-Majmoo'" of An-Nawawee (5/ 287) and "Mughnee Al-Muhtaj" of Ash-Shirbeenee (1/ 361).

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All this is established as long as the Muslim corpses -in the country of disbelief- are safe from any kind of humiliation, damage or burning and suchlike if the administration in the country of disbelief has not received the merited sums of money. Indeed, the probability of the existence of such a condition that exposes the Muslims dead to rudeness and humiliation and makes the burial [of Muslims] -in those lands- not allowed even if it is a question of a private graveyard reserved for Muslims, [makes it permissible] in order to stand against the pretext of humiliation and offense of the Muslims, as the Prophet صَلَّى اللهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ said: "**Verily, breaking the dead believer's bones is like breaking them while he is alive**"⁴.

The perfect knowledge belongs to Allaah عَزَّ وَجَلَّ. Our last prayer is all praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon our Prophet, his Family, his Companions and Brothers till the Day of Resurrection.

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⁴ Reported by Aboo Dawood (3207), by Ibn Maajah (1616) and by Ahmad -this hadeeth is mentioned according to his version- (24308), from the hadeeth of 'A'ishah رَضِيَ اللهُ عَنْهَا. This hadeeth is judged authentic by Al-Albaanee in "Al-Irwa' " (3/ 214) (763). It is also judged Hassan (good) by Al-Waadi'ee in "As-Saheeh Al-Musnad" (1597).