

## Making Graves into Roads, Playing Fields and Car Parks

Shaykh Muhammad Al-Wassabi

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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

**Question:** It is permissible to make graveyards into roads and car parks, and to build shops upon them and other types of insults?

**The Answer,** and Allaah is the One who Grants Success:

Verily, insult and oppression is prohibited whether that is upon the living or upon the dead. Rather, it is more severely prohibited upon the dead due to these two noble Prophetic Hadeeths:

1 – From Abee Hurayrah (radiyallaahu ‘anhu) who said: that Allaah’s Messenger (Sallalaahu Alaihi wa Sallam) said: *"That one of you should sit upon hot coals, and thereby burn his clothes and then his skin, is better for him than sitting upon a grave"*.<sup>1</sup>

2 – From ‘Uqbah ibn ‘Aamir (radiyallaahu ‘anhu) who said: that Allaah’s Messenger (Sallalaahu Alaihi wa Sallam) said:

*"For me to walk on coal or on a sword is more beloved to me than to walk upon the grave of a Muslim. And I would take more caution around a grave than when I relieve myself or in the middle of the market"*.<sup>2</sup>

**I say:**

Based upon this, it is not permissible for a Muslim who believes in Allaah and the Last Day to harm his Muslim brother, be he living or be he dead. And it is upon the state authorities to prevent the oppression of those who take the graveyards as roads and markets and places of sitting and resting. And it upon the scholars to clarify the truth that is with them, and Allaah is the One who Grants success.

Shaykh-ul-Islaam Ibn Taymeeyah (rahimahullaah) said in al-Iqtidaa’, page 325:

"For verily the grave of a Muslim has a status as has come in the Sunnah, as it is the house of the Muslim who has died. So nothing is to be placed upon it from the impure things (an-Najaasaah), and this is in agreement with all the scholars, nor is it to be walked upon, nor is

<sup>1</sup> Reported by Muslim, no. 971.

<sup>2</sup> Narrated by Ibn Maajah: 1/499 with an authentic chain of narration. See al-Jaami’ as-Saheeh of ash-Shaykh Muqbil (rahimahullaahu ta’aalaa) 2/280.

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it to be leaned upon, and this is with us and the majority of the scholars (Jamhoor al-'Ulamaa'). And they are not be present in the neighbourhood of those who harm the dead with statements and evil actions. And it is beloved and wanted that a person visits and sends Salaams upon the person of the grave, and makes Du'aa' for him. And if the status of the dead person is high, then this right is even more valid".

And al-'Allaamah al-Albaanee (rahimahullaah) said in Ahkaam al-Janaa'iz, pages 298-299:

"And from this we know the prohibition of what some of the Islaamic governments do from the erasing of some of the graveyards of the Muslims, and the digging for the reason of improving living conditions, without any consideration for the status of these graveyards, and without any consideration of the prohibition of walking over them and the breaking of their bones, and other than this.

And no one ponders if the arranging of housing affairs makes allowable these types of opposition. Verily, this is not allowed. For verily, these are not from the necessities (ad-Darooriyaat), but they are from that which reaches perfection. And it is not allowed to inflict this type of opposition and harm upon those who have died. So it is upon those who are living to arrange their affairs without harming those who have died.

And it is truly amazing that you find some of these governments that they have a great concern and value for some stones and old buildings which have been built around the graveyards of the dead, more than they have value and concern for those who have died themselves. And verily, if some of these stones and ancient sites were to suffer some damage in their building designs, then they would go out of their way to alter and fix their building designs. But if it were a dead person, they have no value for it. Because they consider this to be from ancient rare objects which must be preserved! As for the graves of the dead, then they do not preserve them from these people!" End.

And Shaykh Muqbil ibn Haadee al-Waadi'ee (rahimahullaah) was asked – about making the graveyards into marketplaces. As is mentioned in Qama'i al-Ma'aanid 1/165.

So he responded: "The graves are considered the houses of the dead, and it is not allowed for anybody to sit on a grave, and it is not allowed for cars to drive over the graveyard, and it is not allowed for anyone to sit upon the grave ... And it is not allowed for the people to walk upon the graveyard, and it is not allowed for the graveyard to be changed into a playground or a learning centre or a school or a Masjid, and other than these from the interests of the people ... And it is obligatory upon the Muslims that they stop doing this, and even if a person were to build a five-storey house or higher than this upon a graveyard, then it would still not be allowable for him to live in, because the Prophet (Sallallahu Alaihi wa Sallam) has forbidden that people sit on the grave.