

باب أحكام الجنائز

The Funeral Rules

يسن توجيه المحتضر على يمينه ، وجاز الاستلقاء ، وترفع رأسه قليلا

It is sunna to turn the dying person on his right side. And it is permitted to keep him on his back, as they are easier to treat, though his head is to be slightly inclined so that his face is directed towards the qibla and not the sky.

ويلقن بذكر الشهادة عنده من غير إلحاح ، ولا يؤمر بها

It is sunna to instruct the dying person to say, "There is no god but Allah" letting him hear it (so he can repeat it) but without irritating insistence and without ordering him to say it. It should not be said to the dying 'Say....', rather it is recommended to encourage the dying to repent to Allah, in saying 'I seek forgiveness from Allah, the One and only' etc.¹ However, the disbeliever is to be ordered to utter the testimonies of faith. Anas ((God be pleased with him)) said: A young Jew became ill. The Prophet ((God bless him and give him peace)) went to visit him upon which he sat down by his head and said to him "Accept Islam." The boy looked at his father who was near his head, and he said, 'Obey Abu al-Qasim.' So he accepted Islam, and the Prophet stood up saying, "Praise be to Allah who has saved him through me from hell."² This shows that it is meritorious to visit a non-Muslim during his illness. In such cases, Islam behaves on humanitarian grounds.³ Therefore, the dying is to be reminded about the shahada given that the Prophet ((God bless him and give him peace)) said [Whoever's last words were 'There is no god but Allah', he will enter Paradise].⁴ The Prophet ((God bless him and give him peace)) also said [Prompt your dying with the saying 'There is no god but Allah'].⁵ With respect to the first point about instructing the deceased *without insistence*, this is due to the nature of the situation, for at that time it is difficult and it is feared that the dying may become annoyed.

وتلقينه في القبر مشروع

Instructing the deceased (talqin) after his body has been placed in the grave is legal (through Islamic law). Instructing the deceased means to instruct the deceased with the declarations of faith; "There is no god but Allah and Muhammad is the Messenger of Allah, the Holy Book, and other matters of creed. [Ibn Abidin states in his Hashia:] It is reported that the Prophet ordered the instruction [talqin] of the deceased after the burial. Therefore, one is to say, "O

¹ Maraky al-Falah 322.

² Bukhari 1356.

³ Abu Dawud 1/882.

⁴ Abu Dawud 3110.

⁵ Abi Shaybah 2/447.

such and such, remember your religion that you were upon in the world; namely – *la ilaha illa Allah Muhammad rasul Allah*, and that paradise is true, hell-fire is true and the resurrection is true; and that the hour is coming of which there is no doubt; and that Allah will resurrect those in their graves; and that you are pleased with Allah as the Lord and Islam as the religion and Muhammad as the Messenger, and the Quran as the guide; the ka'bah as the qibla and the believers as brothers.¹

Indeed, the basis for this instruction is the saying of the Prophet, "Instruct your dead, 'I testify there is no god but Allah.'"² This has been related by the group, except Bukhari and this action is attributed to *Ahl as-Sunna wal-Jama'a*. Furthermore, the word '*mawtaakum*' translated as dead or deceased in the above hadith leaves no doubt that the expression and meaning is literal and real. And it is not permissible to leave the literal position unless there is proof to the contrary. It is therefore necessary that it be specified as literal with the saying '*mawtaakum*'.³

Additionally, the authentic hadith of the Prophet (God bless him and grant him peace) ordered that the bodies of the idolaters slain on the day of Badr be thrown into a well whose interior was uncased with stones, then he approached the well and began calling the unbelievers by their names and fathers' names, saying: "O So and so-son of so and so, and So and So- son of so and so, it would have been easier had you obeyed Allah and His Messenger. We have found what our Lord promised to be true; have you found what your Lord promised to true?" To which Umar said, "O Messenger of Allah, why speak to lifeless bodies?" And he replied, "By Him in whose hands is the soul of Muhammad, you do not hear my words better than they do." This authentic hadith clearly shows that a dead person hears the words of a living person.

وقيل لا يلقن

Though it has been said that the deceased is not to be instructed (reminded) after being placed in his grave, although this saying is attributed to the Mu'tazilah.⁴ Al-Qadi Amir Muhammad al-Karmani was asked about the instruction or reminding the deceased upon which he said, "Why should a person not observe this instruction of the deceased, seeing that it contains benefit from what is transmitted from the Companions, God be pleased with them all."

وقيل لا يؤمر به ولا ينهى عنه

It has also been said that one is not to be ordered to instruct the deceased and neither is he to be prevented from doing so. This means that the person who leads the funeral procession, usually the imam or anyone else, is not to be ordered or prevented from instructing the deceased.

¹ Radd al-Muhtar vol. 3/80.

² Muslim 916.

³ Maraky al-Falah 322.

⁴ Maraky al-Falah 322.

ويستحب لأقرباء المحتضر وجيرانه الدخول عليه ويتلون عنده سورة يس

It is recommended for the relatives of the dying person and his neighbours to visit him and recite surah *Ya-Sin* in his presence, as was ordered by the Prophet ((God bless him and give him peace)) who said [Recite over your dying *Ya-Sin*].¹ They are also to remind him and fulfil his rights and offer water to drink as the thirst at the time of death is great.² Furthermore, they should produce in his mind a sense of hope mentioning God's unlimited mercy.

واستحسن بعض المتأخرين سورة الرعد

Some of the later scholars maintained that it is good to recite surah *ar-Rad* in the presence of the dying, due to the saying of Jabir ((God be pleased with him)) [For verily, it makes easy the exiting of the soul].³

واختلفوا في إخراج الحائض والنفساء من عنده

Scholars differed whether the female with her menstrual periods or postnatal bleeding should withdraw from the presence of the dying, implying that this may prevent the presence of angels descending due to the attendance of a female in such a state, as is related in the hadith. The Prophet ((God bless him and give him peace)) said [The angels do not enter the house where there is a picture, or a dog or a person in the state of *janaba* (sexual impurity)].⁴ Indeed, one in the state of *janaba* is similar to one who suffers menstrual periods. Note: The dog kept for watching agricultural fields or cattle or the house is exempt from this prohibition. And the word picture refers to an image of sentient objects.

فإذا مات شد لحياه وغمض عيناه ويقول مغمضه : بسم الله وعلى ملة سيدنا رسول الله صلى الله عليه وسلم اللهم

يسر عليه أمره وسهل عليه ما بعده وأسعده بلقائك واجعل ما خرج إليه خيرا مما خرج عنه

Upon death, it is recommended to close the jaw of the deceased (with a wide bandage tied around the head and under the jaw so the mouth is not left open), and the eyes are to be gently closed, since it is an order reported in the sunna. The Prophet ((God bless him and give him peace)) said [When you visit your deceased persons, you should close their eyes, for verily the eye-sight follows the soul and you should say good words for the angels say, 'Amin' to what the people of the house utter (for or against him)].⁵ The one closing the eyes of the deceased is to say, *"In the name of Allah and on the religion of the Beloved Prophet. O Allah, lighten the matter on him and smooth the path for what is after it, and honour him in Your meeting and make that which he has gone to better than that which he came out from."*

¹ An-Nasai 6/265.

² Maraky al-Falah 323.

³ Imam Suyuti Mandhur 4/599.

⁴ Abu Dawud 227

⁵ Ibn Majah 1455.

وتوضع على بطنه حديدة لئلا ينتفخ ، وتوضع يداه بجنبه ولا يجوز وضعهما على صدره

It is recommended to place something heavy on his stomach, such as a metal to prevent bloating (as was related by Imam Shafi'i), thereafter the hands of the deceased are placed on his sides. It is not permitted to place the hands on the chest of the deceased for it is a practice of the People of the Book. Also, the limbs and joints should be made flexible by bending the forearm to the upper arm, the calf to thigh and the thigh to the stomach and then straightening them. Likewise, the fingers are flexed in order to smooth the process of the washing and shrouding.¹

وتكره قراءة القرآن عنده حتى يغسل

It is disliked to recite Quran at this time in the presence of the deceased until he is washed (for verily as the washing is taking place, the impurities and filth are being washed away).

ولا بأس بإعلام الناس بموته

There is no harm with announcing the death to the people. Verily it is recommended in order to increase the amount of people who perform the funeral prayer. The Prophet ((God bless him and give him peace)) said [If any Muslim who dies and forty men who associate nothing with Allah stand over his body (i.e. they offer prayer on him), Allah will accept them as intercessors for him].² Note, if the number increases the intercession would be more effective as the Prophet ((God bless him and give him peace)) said [If a company of Muslims numbering one hundred pray over a dead person, all of them interceding for him, their intercession for him will be accepted].³

ويعجل بتجهيزه

It is recommended to make haste in preparing the deceased for burial. The Prophet ((God bless him and give him peace)) said [And make haste, for it is not advisable for the corpse of a Muslim to remain withheld among his family].⁴

فيوضع كما مات على سرير محمر وترا

The deceased is to be placed on a bench (or washing platform) which is lightly fumigated with incense or a scented compound by circling the washing bench in odd numbers, such as three, five, or seven times. Note: During the wash, it is permissible to place the body in one of two positions. One may place the feet of the deceased facing towards qibla, or one may place the right side of the deceased towards the qibla.

¹ Maraky al-Falah 325.

² Muslim 948.

³ Muslim 947.

⁴ Abu Dawud 3153.

ويوضع كيف اتفق على الأصح

Accordingly, the body is placed in the position that is agreed upon, and this is the most correct view (note: whichever position is convenient is permissible).

ويستر عورته

Thereafter, the private area is covered, which is between the umbilicus to the knees. However, al-Hidaya states that it is sufficient to cover the major private area.¹

ثم جرد عن ثيابه ووضيء إلا أن يكون صغيرا لا يعقل الصلاة، بلا مضمضة واستنشاق

The clothes of the deceased are then removed, and he is given wudu without rinsing the mouth or nostrils. Though a young child who is not mentally competent for prayer is not given wudu.

إلا أن يكون جنبا

If however the deceased is in a state of sexual impurity (such as after sexual intercourse or is a menstruating woman or a woman with postnatal bleeding) they are to have their nostrils and mouth gently rinsed.

وصب عليه ماء مغلي بسدر أو حرص وإلا فالقراح وهو: الماء الخالص

Upon completion of wudu, water which has been boiled with *sidr* (lote tree leaves) or *hurud* (a type of leaf) is poured on the deceased. And if there is no lote tree leaves to boil with the water, then plain (unmixed) water is to be used. It was reported that Allah's Messenger ((God bless him and give him peace)) came to us when his daughter died and said [Wash her three or five times or more, if you see it necessary with water and *sidr* (lote-tree leaves)].²

ويغسل رأسه ولحيته بالخطمي

The head of the deceased including the beard is then washed with *khitmi*, which is a plant that has sweet aromas and is used as a cleansing agent also known as marshmallow.

ثم يضع على يساره فيغسل حتى يصل الماء إلى ما يلي التخت منه ثم على يمينه كذلك

Thereafter the deceased is tilted onto his left side (as it is sunna to allow the right side to be bathed first) and is then washed until the water reaches the part that touches the bedside. During this tilt, water is poured from head to toe. The body is then placed on its right side and similarly bathed, until the water reaches the entire body.

ثم أجلس مسندا إليه ومسح بطنه رفقاً، وما خرج منه غسله ولم يعد

¹ Maraky al-Falah 326.

² Bukhari 1253.

The deceased is then inclined in a sitting posture slightly leaning forward (to prevent him falling) and the stomach is gently massaged (to clear away any traces of remaining bodily substances). Whatever exits the body is to be washed away, and the washing process is not to be repeated. Ali Ibn Abi Talib ((God be pleased with him)) is reported to have said that when he bathed the Holy Prophet ((God bless him and give him peace)) he began to trace out from him, which one traces from the deceased. But he did not find it. Thereupon he said [May my father be a ransom for you. You are the most pure. You were clean and pure in life and you are clean and pure after demise].¹

ثم ينشف بثوب ويجعل الخنوط على رأسه ولحيته

The deceased is then dried with a cloth. *Hanut* (balm or an aromatic compound) is then placed upon the beard and head of the deceased as was related from Ali, Abbas, and Ibn Umar.²

والكافور على مساجده

Thereafter, the places that touch the floor in prostration are rubbed with *kafir* (camphor). That is, it is placed on the forehead, nose, hands, knees and the feet as Abdullah Ibn Mas'ud narrated.

وليس في الغسل استعمال القطن في الروايات الظاهرة

Cotton is not to be used during the washing, and this is the most evident view in this regard. However, some scholars such as Imam Zayla'i have said there is no problem in placing cotton on the face, though the majority hold that during the wash one should not place cotton in the anus or front part of the deceased.³

ولا يقص ظفره وشعره ولا يصرح شعره ولحيته

The nails, beard and hair of the deceased is not to be cut, trimmed or combed due to the words of A'ishah ((God be pleased with her)) "Why do you stretch the forelock of your deceased?"

والمرأة تغسل زوجها بخلافه كأم الولد، لا تغسل سيدها

The wife is permitted to wash her deceased husband for the reason that she remains his wife for another four months and ten days.⁴ Though the opposite is not permitted (i.e. for a man to wash his wife, the reason being that ceremonial relations have ceased). Likewise, a slave who has given birth to a child of her master cannot perform the washing of her master, though if there is no one present to wash him, the slave is permitted to wrap a cloth around her hand and purify her deceased master by tayammum. If a woman is not found to bath a woman, then her husband is allowed to purify her by tayammum.

¹ Ibn Majah 1467. The isnad is sound.

² Ibn Shaybah 2/460.

³ Maraky al-Falah 328.

⁴ If however, she gives birth after his death or her waiting period [*'idda*] of divorce is complete, she cannot bath him. [Maraky al-Falah 328].

ولو ماتت امرأة مع الرجال يمموها كعكسه ، بخرقة ، وإن وجد ذو رحم محرم يمم بلا خرقة

If a female dies amongst men, they are to purify her by tayammum, and the person who conducts this, is to wrap a cloth around his hand. Likewise, if a man dies amongst women, they are to purify him by tayammum with a cloth wrapped around the hand of the female who does it. If however, there is a relative present who is unmarriageable (mahram), then they are permitted to give the deceased *tayammum* without a cloth whether the deceased is male or female. The reason this is the case is because they are unmarriageable. Hence, it is permitted for them to touch the parts of the deceased that are required for tayammum.¹

وكذا الخنثى المشكل يمم في ظاهر الرواية

The same applies for a hermaphrodite; that is, they are to be purified by tayammum according to the most evident opinion.

ويجوز للرجل والمرأة تغسيل صبي وصبية لم يشتهيا

It is permitted for a man to wash a young girl who has not reached the age of puberty provided he does not desire her. Likewise, it is permitted for a woman to wash a young boy provided she does not desire him, because their body parts are not classified as private parts due to their age.²

ولا بأس بتقبيل الميت

There is no harm if one kisses the deceased out of love. A'ishah ((God be pleased with her)) said: I saw the Apostle of Allah ((God bless him and give him peace)) as he kissed Uthman Ibn Madhun while he was dead, and I saw that tears were flowing (from his eyes).³ Note: Uthman Ibn Madhun was the foster brother of the Prophet ((God bless him and give him peace)); he was an immigrant and was the first among the immigrants to die. The Prophet kissed him out of love for him. Abu Bakr is also said to have kissed the Prophet when he died.

وعلى الرجل تجهيز امرأته ولو معسرا في الأصح

It is the responsibility of the man in preparing his deceased wife for the burial and shrouding according to Imam Abu Yusuf, even if he is in financial difficulty and this is the correct view which is in harmony with the fatwa issued. Note: the kafn are the shrouds which the deceased is made to wear prior to being placed into the grave.

ومن لا مال له فكفنه على من تلزمه نفقته

Whoever dies and has no money, then the cost of the shrouding is to be paid by those who were legally required to assist him before he died (such as his family).

¹ Maraky al-Falah 328.

² Maraky al-Falah 328.

³ Abu Dawud 3157.

وإن لم يوجد من تجب عليه نفقته ففي بيت المال

If there is no such person present, then the responsibility falls upon *bait al-Mal*, which is wealth that the imam of the Muslims has gathered from chaity donations, taxes on the ground, zakat etc.

فإن لم يعط عجزاً أو ظلماً فعلى الناس

If however, there are no funds given (for the shrouding of the deceased) from *bait al-Mal* either due to insufficient funds or injustice (in that they say that the right of wealth is for the benefit of the Muslims, or due to ignorance) then it is upon the people who are able to donate funds and assist.

و(يجب أن) يسأل له التجهيز من لا يقدر عليه غيره

A person who is financially unable to assist the deceased in the shrouding or burial is required to seek assistance from others on behalf of the deceased.

وكفن الرجل سنة : قميص وإزار ولفافة : مما كان يلبسه في حياته

To enshroud the deceased is obligatory. As to the number of cloths used, this is divided into three types; namely, sunna, sufficient and necessity. The sunna shrouding of a man consists of, i) a shirt, which extends from the base of the neck to the feet, ii) a wrapper [*izar*], which is the inner shroud, its length being from the head to the feet, iii) an outer wrapper [*lifafah*], its length being longer than one's body, extending beyond the head and feet with which the entire body can be wrapped with an allowance made for the tying of the knots at both ends.¹ And the quality of the shrouds is to be equal to the clothing one would wear when he was alive, such as on the day of Eid celebration or Friday prayer.² Additionally, one should not be extravagant in shrouding. The Prophet ((God bless him and give him peace)) said [Do not be extravagant in shrouding, for it will be quickly decayed].³

Important note: There are times of necessity or little means when some of the shrouds are unavailable, for example, Mus'ab Ibn Umair ((God be pleased with him)) was martyred on the day of Uhud. He had only a striped cloak, when his head was covered, his feet appeared and when his feet were covered, his head appeared. Thereupon, the Prophet ((God bless him and give him peace)) said [Cover his head with it, and cover his feet with grass].⁴ In this example, it is clear that due to the circumstances, this man was shrouded only in a single garment, which sufficed due to the necessity. This means that in the event of necessity, it is permissible to enshroud the deceased in what is available. Though if all shrouds are available, it is sunna to use all shrouds. Thus, the shrouding is divided into three sections: 1-sunna (if all are available), 2-sufficient and 3-necessity.

¹ Maraky al-Falah 329.

² Maraky al-Falah 329.

³ Abu Dawud 3148

⁴ Abu Dawud 3149.

وكفاية: إزار ولفافة . وفضل البياض من القطن

The sufficient shrouding is the inner wrapper [*izar*] and the outer wrapper [*lifafah*]. White cotton is the best and preferred type of shroud. Abu Bakr ((God be pleased with him)) said [Wash these two clothes of mine and enshroud me in them].¹ This hadith clearly indicates that these two shrouds alone are sufficient.

وكل من الإزار واللفافة من القرن إلى القدم

The length of both the inner wrapper and outer wrapper are to be from the head (hair) of the deceased to the feet with an allowance for the knots at the ends.

ولا يجعل لقميصه كم ولا دخريص ولا جيب ولا تكف أطرافه

The shirt is to have no sleeves, or opening at the bottom and no pockets (for this is a need for the living not the dead). Additionally, the edges are *not* to be hemmed.

وتكره العمامة في الأصح

To include a turban with the shrouds is disliked, and this is the soundest view as it was not included in the shrouds of the Prophet ((God bless him and give him peace)). However, some jurists have allowed it.²

The procedure of the shrouds is to first position the outer wrapper on the bench, then the inner wrapper on top, after which the deceased is made to wear the shirt and set down on these shrouds.³

ولف من يساره ثم يمينه

The inner wrapper [*izar*] is first folded from the left side, then from the right side (so that the right part will be over the left part). Thereafter, the outer wrapper [*lifafah*] is folded similarly.

وعقدان خيف انتشاره

The shrouds may be knotted if it is feared they will unfold.

وتزاد المرأة في السنة خمار الوجهها وخرقه لربط نديها

In the sunna shroud for a woman, two additional cloths are added (to that of the shrouds of a man); the first is a veil [*khimar*] to cover her head and face and the second is a cloth used to cover her breasts that extends from the chest area to the umbilicus. Though it has been said that it is to extend from the breasts to the knees. Thus, the sunna shroud for a female includes five covers: 1/ shirt, 2/ veil, 3/ inner wrapper, 4/ outer wrapper and 5/ breast tie.

وفي (كفن) الكفاية (على كفن الرجال) خمارا

¹ Recorded by Ahmad.

² Maraky al-Falah 330.

³ Maraky al-Falah 330.

The sufficient shrouding for a woman are three; the inner wrapper, outer wrapper and veil [*khimar*].

ويجعل شعرها ضفيرتين على صدرها فوق القميص

The procedure of shrouding a woman is as follows; the female is made to wear the shirt. Her hair is then divided into two folds and placed over the right and left breast, over the shirt.

ثم الخمار فوقه تحت اللقافة

The veil is then placed upon the head and face over the shirt so that it will end up being under the outer wrapper.

ثم الخرقة فوقها

The breast cloth is then tied over the outer wrapper to prevent them from unfolding and potential exposure. Hence, we have the shirt, followed by the veil, inner wrapper, outer wrapper, and breast tie.

وتجمر الأكفان وترا قبل أن يدرج فيها

The shrouds (be they for a man or woman) are then scented with aroma from aloes and the like and this is performed in odd numbers before the deceased is placed in them. The Prophet ((God bless him give him peace)) said [If you place an aroma upon the deceased, then do so in odd numbers].¹

وكفن الضرورة ما يوجد

The shroud of necessity (whether for a man or woman) is what is available as mentioned in the hadith earlier.

فصل في صلاة الجنابة

The Prayer Over The Dead (Funeral prayer)

حكم الصلاة على الميت، وأركانها

Its Ruling And Pillars

الصلاة عليه فرض كفاية

The prayer over the dead is a communal obligation, meaning it is collectively obligatory, though if a few persons perform the prayer, then the rest are relieved of the obligation. Allah said [And Pray over them].² And the Prophet ((God bless him and give him peace)) said [Pray over every pious and impious person].³

وأركانها التكبيرات والقيام

¹ Ahmad 3/331.

² Tawbah 103

³ Abu Dawud 594.

The pillars of the funeral prayer are the sayings of Allahu akbar and the standing (i.e. to stand and perform the prayer).

شروط الصلاة على الميت

Conditions Of The Funeral Prayer

وشرائطها ستة

Its conditions are six;

إسلام الميت وطهارته

1/ 2/ The deceased is to be Muslim and in a state of purification. Allah said [Nor do you ever pray for any of them that die, nor stand at his grave, for they rejected Allah and His Messenger, and died in a state of perverse rebellion].¹ With respect to the second point of purification, this means, the deceased must be free from filth regarding his clothes and body including the area where the deceased is placed. The reason purity is a condition is because the deceased, during the prayer, is in front of the people and it is the right of the imam that the dead body be clean.

وتقدمه أمام القوم

3-The deceased is to be placed in front of the people.

وحضوره أو حضور أكثر بدنه أو نصفه مع رأسه

4-The body of the deceased or the majority of it should be present. If not, then half the body with the head is to be present. Prayer is not to be performed if the deceased is not present. As for the prayer over Najashi, this was something specific for him according to the agreement of Hanafi scholars as well as the Malikis. It was considered as a Miracle for the Prophet. As for the Shafi'is and Hanbalis, they held that the funeral prayer is permitted upon a non present deceased.²

وكون المصلي عليها غير راكب بلا عذر

5-The people who are praying over the deceased must not be riding or sitting unless there is a valid reason; because standing during the funeral prayer is a pillar and one cannot leave the standing position unless there is a valid reason.

وكون الميت على الأرض فإن كان على دابة أو على أيدي الناس لم تجز الصلاة على المختار إلا من عذر

6-The deceased is to be placed on the ground during the prayer. If he is placed on a beast (such as a horse) or is held up by the hands of the people, then the prayer is not valid according to the chosen view, unless there is a legitimate reason, such as the ground is extremely muddy.

¹ Tawbah 84.

² Al-Fiqh al-Islamy, Ibrahim as-Salkini 390.

سنن الصلاة على الميت

The Sunan Of The Funeral Prayer

وستنها أربع

Its sunan are four;

قيام الإمام بحذاء صدر الميت ذكرًا كان أو أنثى

1- It is sunna for the imam to stand near the chest of the deceased whether it is a male or female; the reason being is that the chest is the place of the heart and the light of Iman.¹

والثناء بعد التكبيرة الأولى

2- After the first Allahu akbar, one is to recite the opening glorification (*thana*) and it is [Glory be to You, O Allah and Praise be to You, and Blessed is Your Name, and Exalted is Your Majesty, and there is none to be served besides You]. Note; It is permissible to recite the Fatiha with the intention of the opening glorification (*thana*). It is reported that Ibn Abbas performed prayer over a deceased and recited the Fatiha and said, "In order that you know it is from the sunna."² Imam Shafi'i held it as obligatory. Hanafi jurists say that there is no problem for one who intended it as recitation in order to remove oneself from the varying views of the scholars. Given this, it has also been stated that the most correct view is that if one recites it with the intention of recitation, then it is disliked, though not if one recites it with the intention of the opening glorification.³

والصلاة على سيدنا النبي صلى الله عليه وسلم بعد الثانية

3- After the second Allahu akbar, it is sunna to recite the blessings on the Prophet ((God bless him and give him peace)) and it is [O Allah! Shower Your Mercy upon Muhammad and the family of Muhammad, as You showered Your Mercy upon Ibrahim and the family of Ibrahim. O Allah! Shower Your blessings upon Muhammad and the family of Muhammad as You showered Your blessings upon Ibrahim and the family of Ibrahim. Behold You are Praiseworthy, Glorious].

والدعاء للميت بعد الثالثة ولا يتعين له شيء، وإن دعاء بالمأثور فهو أحسن وأبلغ

((ومنه ما حفظ عوف من دعاء سيدنا النبي صلى الله عليه وسلم اللهم اغفر له وارحمه وعافه واعف عنه وأكرم نزله ووسع مدخله واغسله بالماء والثلج والبرد ونقه من الخطايا كما ينقى الثوب الأبيض من الدنس وأبدله دارا خيرا من داره وأهلا خيرا من أهله وزوجا خيرا من زوجه وأدخله الجنة وأعذه من عذاب القبر وعذاب النار))

4- After the third Allahu akbar, to supplicate for the deceased is sunna. This supplication should not relate to anything other than the matters pertaining to the hereafter. If however, one supplicates for the deceased with that, which is

¹ Maraky al-Falah 333.

² Bukhari 1335.

³ Maraky al-Falah 333 and Nur al-Idah 181.

transmitted from the Prophet, it is superior and more effective. And from these supplications is what Auf Ibn Malik ((God be pleased with him)) learnt from the Prophet ((God bless him and give him peace)), which is [O Allah, forgive and have mercy upon him, excuse him and pardon him, and make honourable his reception. Expand his entry and cleanse him with water, snow and ice, and purify him of sin as a white robe is purified of filth. Exchange his home for a better home and his family for a better family and his spouse for a better spouse. Admit him into the Garden; protect him from the punishment of the grave and the torment of the fire]. And Auf Ibn Malik said (I wish I was that deceased person).¹

ويسلم بعد الرابعة من غير دعاء في ظاهر الرواية

After the fourth Allahu akbar, the finishing salams are observed without supplication, and this is the most evident opinion on the matter, though, some scholars have permitted one to say, 'Our Lord! Give us good in this world and good in the hereafter and save us from the torment of the fire'.²

ولا يرفع يديه في غير التكبير الأولى

The hands are not be raised (for the takbirs), except for the first one based on the report of Ibn Abbas and Abu Hirairah that the Prophet during the observance of a funeral prayer raised his hands for the first takbir, but not after that.³ However, many scholars choose to raise their hands for every takbir owing to a narration that Ibn Umar observed it.⁴

ولو كبر الإمام خمسا لم يتبع ولكن ينتظر سلامه في المختار

If the imam says 'Allahu akbar' a fifth time, the followers do not join him, rather they wait for the finishing salams of the imam, and this is the opted view on the matter.

ولا يستغفر لمجنون وصبي ويقول: اللهم اجعله لنا فرطا، واجعله لنا أجرا وذخرا واجعله لنا شافعا مشفعا

If the deceased was insane or a young boy or girl (who had not reached puberty), then one is *not* to supplicate forgiveness for them because they have committed no sin, rather one should supplicate; *O Allah, make them a source for our salvation; and make him/her a source of reward and treasure for us; and render him/her an intercessor for us, and one whose intercession is accepted.*

¹ Muslim, at-Tirmidhi, and an-Nasai.

² Al-Baqarah 201.

³ Darqutani 2/75 [Maraky al-Falah 334].

⁴ Maraky al-Falah 334.

أحق الناس بالصلاة على الميت

The One Most Entitled To Lead The Funeral Prayer

السلطان أحق بصلاته

The sultan (ruler) has the most right to lead the funeral prayer.

ثم نائبه

After the sultan, his deputy is the one with the most right. The deputy is the one the sultan chooses to lead the people in his absence.

ثم القاضي

Subsequent to the sultan's deputy, the judge is the one with the most right to lead the funeral prayer because he is in charge with authority and implementation.

ثم إمام الحي

Then the imam of the locality (i.e. the imam who is responsible in that area).

ثم الولي

Then the guardian (or the family member responsible for the deceased) provided it is a male. The female has no right to conduct the funeral prayer and neither a boy. The father of the deceased has more right to be imam than the son. Abu Hurayrah narrated the following from the Prophet ((God bless him and give him peace)) [Three supplications are accepted: The supplication of the oppressed, the supplication of the traveller and the supplication of the parents to their child].¹

وإن له حق التقدم أن يأذن لغيره فإن صلى غيره (أي: غير من له حق التقدم بلا إذن ولم يقتد به) أعادها

إن شاء ولا يعيد معه من صلى مع غيره

The one with the most right to lead the funeral prayer may give permission to others to lead the prayer. And if others (with the lesser right) lead the funeral prayer (without permission and in the absence of the ruler and his deputies), then the one with the most right may repeat the prayer if he wishes. And the people who prayed the first time (with another imam) are not required to repeat the prayer should it be repeated.

ومن له ولاية التقدم فيها أحق ممن أوصى له الميت بالصلاة عليه ، على المفتى به

The one most entitled to lead the funeral prayer has more right than the person whom the deceased instructed in a will to lead the prayer after his death, and the fatwa issued is according to this view. The reason this is the case is because the instructions of the deceased as to who leads the funeral prayer after his death is invalid.² Meaning, if the deceased before dying directed someone in the form of a will to lead the funeral prayer and then died, it is of no significance, the leader

¹ Ahmad 2/523.

² Maraky al-Falah, 334.

with authority to lead the prayer as earlier mentioned are still more entitled to lead the prayer. Though some scholars mentioned that if the people agree to him being imam, then he is more entitled, for verily Umar instructed Suhaib to perform the funeral prayer and Umm Salamah instructed Said Ibn Yazid to pray over her and Abu Bakr directed Abu Bardah to perform the prayer over him and A'ishah directed Abu Hurairah to perform the funeral prayer over her. Scholars of this view say, "So as for the saying that the will or instruction after death is invalid – this is disregarded."¹

وإن دفن بلا صلاة صلى على قبره ، وإن لم يغسل ، ما لم يتفسخ

If the deceased is buried without a funeral prayer performed over him, then it is to be offered over his grave, even if the deceased had not been washed, provided the body has not begun to decompose; and this is determined by a person's predominant belief. And if there are only seven people present to perform the funeral prayer, then they should form three lines. That is, the imam stands alone at the front followed by three people in the first line behind him. This is followed by two people in the second line and one person is to form the last row. This is because the hadith clearly states: [If three rows pray upon a deceased, he is forgiven]]].²

حكم اجتماع الجنائز في وقت واحد

The Ruling Of Multiple Funeral Prayers At The Same Time

وإذا اجتمعت الجنائز للإفراد بالصلاة لكل منها أولى ويقدم الأفضل فالأفضل

If there are several bodies, it is best to perform a separate funeral prayer for each body. The first funeral prayer is to be performed upon the most pious (and learned), and then upon the second most pious, and this is the sequence.

وإن اجتمعن وصلى عليها مرة جعلها صفا طويلا مما يلي القبلة بحيث يكون صدر كل قدام الإمام

If there are several bodies, it is valid to perform a single funeral prayer for all of them by putting the coffins in a long line closest to the qibla in a way that the chest of each of them is in front of the imam (i.e. opposite to the imam). See the diagram below.

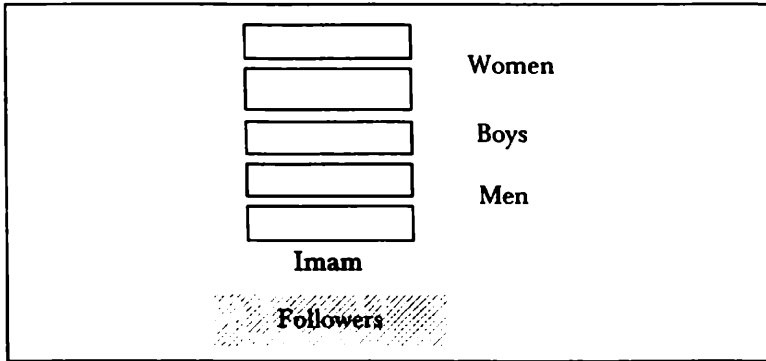
وراعى الترتيب ، فيجعل الرجال مما يلي الإمام والصبيان بعدهم ثم الخنثى ثم النساء

Maintaining the order when placing the bodies in this manner is vital. Verily, the men are to be placed nearest to the imam, then the boys after the men, then the hermaphrodites followed by the females, followed by the teenage females. Imam Hassan related from Abu Hanifa that if all the dead bodies are males, the most superior and oldest should be placed closest to the imam, and this is also the view of Imam Abu Yusuf.³

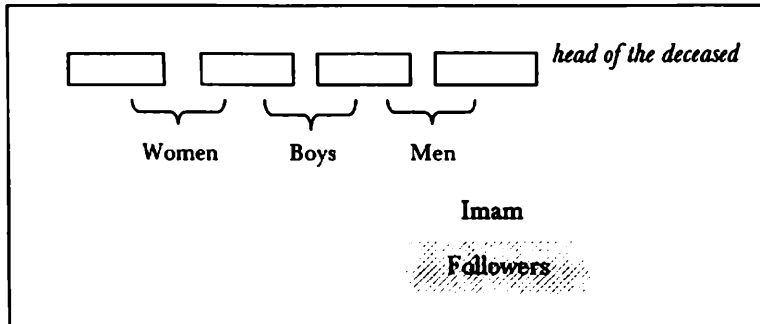
¹ Maraky al-Falah 335.

² This was mentioned by Ibn Hajar al-Askalani in Fat'h al-Bari 3/187; and Tirmidhi in the Chapter of Funeral 1028 [expressed words to that effect]. Maraky al-Falah 336

³ Maraky al-Falah 336.



If the imam prefers he may gather them in a line extending from one side to the other, horizontally as seen in the diagram below standing near the person who was known to be most righteous and knowledgeable.¹



ولو دفنوا بقبر واحد وضعوا على عكس هذا

If all the bodies are buried in one grave because of a necessity, they are to be placed in the opposite arrangement. Note: the opposite arrangement means that the most superior person who stood closest to the imam and furthest from qibla in the funeral prayer is placed in the opposite arrangement and is positioned closest to the qibla at the burial. He is then followed by the one who knows the most Quran and the knowledgeable as was done with the Shuhada of Uhud.²

ولا يقتدي بالإمام من وجده بين تكبيرتين بل ينتظر تكبيرة الإمام ، فيدخل معه ويوافقه في دعائه ثم

يقضي ما فاتته قبل رفع الجنازة

¹ Maraky al-Falah 336.

² Maraky al-Falah 336-337.

One who arrives late to the funeral prayer and finds the imam (silent) between two takbirs, is *not* to join the imam; rather, he is to wait until the imam says the next takbir and then enter with him and he is to correspond his supplications with the imams supplications; and after the imam completes the funeral prayer, the latecomer is to make up what he missed before the dead body is lifted up from the ground. If one cannot make up what he missed, including the supplication before the deceased is lifted, then he is to make up only the takbirs before the coffin is carried upon the shoulders.¹

ولا ينتظر تكبير الإمام من حضر تحريمه

A person who was present with the imam at the opening Allahu akbar, is not to wait for the next takbir of the imam before joining; rather, he joins the imam straight away. For example; a person who was present with the imam at the start may have become confused in his intention or was just unaware and thus delayed his entry into the prayer. In this situation, he is to perform the opening takbir and is considered as having caught the prayer with the imam and he is to give the finishing salams with the imam, the reason being is that he was there from the start.²

ومن حضر بعد التكبيرة الرابعة قبل السلام فاتته الصلاة في الصحيح

Whoever attends the funeral prayer after the imam has given the fourth takbir, but before the final salams, is deemed as having missed the prayer and this is the most correct view. However, Imam Muhammad and Abu Yusuf said that one is to perform the one takbir followed by three takbirs after the finishing salams of the imam, but before the coffin is lifted. The legal ruling [*fatwa*] on the matter is in accordance with this view. The same was maintained in *al-Khilas* and other books. As to which is the most correct, the disagreement is evident.³

ونكره الصلاة عليه في مسجد الجماعة وهو فيه

It is somewhat disliked to perform the funeral prayer within the congregational mosque with the deceased in the mosque. The Prophet ((God bless him and give him peace)) said [A person who prays over the deceased within the mosque receives no reward].⁴ There are two reasons for this dislike. The first being that the mosque was not built for that purpose and the second reason is that the deceased may soil the mosque, and for this reason, it is disliked.

أو خارجه وبعض الناس في المسجد على المختار

¹ Maraky al-Falah 337.

² Maraky al-Falah 337.

³ Maraky al-Falah 337.

⁴ Abu Dawud and Ibn Majah, *Al-Zayla'i*, vol. 2, 275.

Equally, it is disliked to offer the prayer if the deceased is outside the congregational mosque while some people are inside, and this is the opted view on the matter, and this is regardless if the imam is outside with the deceased. Though Imam an-Nasafy held that if the imam is with the deceased outside the mosque, it is not disliked in the agreed view.¹ Note: It is disliked to perform the funeral prayer on the road or land of the people.

ومن استهل سمي وغسل وصلي عليه

If a newborn displays signs of life by crying or making sounds at birth and thereafter dies, it is to be named, washed and prayed over. The Prophet ((God bless him and give him peace)) said [When an infant utters a sound (after birth) prayer will be observed over him].²

وإن لم يستهل غسل في المختار وأدرج في خرقه ودفن ولم يصل عليه

If a newborn does not make a sound at birth, it is to be washed according to the preferred view on the matter and thereafter wrapped in a cloth (named) and buried with no funeral prayer.

كصبي سبي مع أحد أبويه، إلا أن يسلم أحدهما أو هو أو لم يسب أحدهما معه

Likewise, a funeral prayer is not performed upon a boy (who was taken captive) along with one of his parents from enemy land [*dar al-harb*]; and the reason is that he takes the rule of his parents, unless one of his parents converts to Islam, in which case he is ruled as being joined to the parent, thus making him eligible for a funeral prayer if he dies; or unless the child himself becomes Muslim; or unless the child is taken captive without his parents, in which case the child is judged according to the person who took him captive, or according to the land where the child resides, which is Islamic land, resulting in a funeral prayer upon death. This applies even to the extent that if a child (of unbelieving parents) is kidnapped and taken to Islamic territory where he subsequently dies, a funeral prayer is performed upon his body. Imam Abu Hanifa withheld his view on fourteen matters in his life, and one of the matters was the child of disbelieving parents whether or not the child would be in Hellfire or Paradise, though Imam Muhammad said the following: "I know that Allah will not punish someone with no sin."³

وإن كان لكافر قريب مسلم غسله كغسل خرقه نجسة وكفنه في خرقه وألقاه في حفرة أو دفعه إلى أهل ملته

If a disbeliever dies and he has a Muslim relative (who is present), then the Muslim relative is permitted to wash the disbeliever as though he is washing a filthy cloth. He (the disbeliever) is to be enshrouded in a cloth upon completion of the wash and placed in a grave or may be given to the people of his religion. This situation may arise in the event that the disbeliever has no family member

¹ Maraky al-Falah 338.

² Ibn Majah 1508.

³ Maraky al-Falah 339.

present. In addition, the Muslim should not take great care in performing the *sunan* of the washing. The Muslim may follow the deceased body from a distance. This indicates that it is not possible for an apostate [*murtad*] to be washed for he has no creed, thus the *murtad* is placed in a hole as if placing the corpse of a dog. Note: The Muslim cannot enter the grave of an unbeliever because the curse may also descend upon him, and especially at this time, the Muslim is in need of Allah's Mercy. Ali narrated: I said to the Prophet ((God bless him and grant him peace)) "Your old and astray uncle has died." He (the Prophet) said, "Go and bury your father, and then do not do anything until you have come to me." Therefore, I went, buried him and came to him. He ordered me to have a bath, so I had a bath and he supplicated for me].¹

ولا يصل على باغ وقاطع طريق قتل في حالة المحاربة

Funeral prayer is not to be performed over a rebel even if he was Muslim. A rebel person is one who rebels against a just Muslim leader, and this is the agreed view.² And neither over a highway robber who dies in the battle as a result of his actions.

وقاتل بالخنق غيلة ومكابر في مصر ليلا بالسلاح

A murderer who killed his victims by strangulating them (is not to be prayed over) and neither a determined transgressor who would take up arms at night time as he ventured through the town, provided he dies in that state. With respect to the murderer, the reason is because he would curse the earth spreading anarchy and ruin.

ومقتول عصية وإن غسلوا

A person who is killed due to a family feud (or tribalism is not to be prayed over) even if he is washed. This is punishment and insult from Allah and a warning to others.

وقاتل نفسه يغسل ويصل عليه

One who commits suicide on purpose and *not* due to extreme pain is to be washed and prayed over according to Abu Hanifa and Imam Muhammad, and it is the soundest view, because the deceased is a believer who has committed a sin. However, Imam Abu Yusuf held: prayer is not to be performed upon this person. However, the agreed view is that if it was an error or due to extreme pain, then the deceased is prayed over.³

لا على قاتل أحد أبويه عمدا

A murderer who killed one of his parents intentionally and unjustly is not to be prayed over as a punishment for him from Allah.

¹ Abu Dawud 3214.

² Maraky al-Falah 340.

³ Maraky al-Falah, 340.

فصل في حملها ودفنها

Carrying The Deceased And The Burial

يسن لحملها أربعة رجال وينبغي (لكل واحد) حملها أربعين خطوة

It is sunna for four men to carry the coffin and (each man) is to carry it for forty steps. The Prophet ((God bless him and grant him peace said)) [Whoever carries a coffin [*janaza*] forty steps, then forty major sins are expiated from him].¹ In addition, Abu Hurairah said [Whoever carried the bier by its four sides, then he has fulfilled what is upon him].² It is disliked for the coffin to be carried to the place of burial on the back of a riding beast without an excuse. Additionally, the coffin of a child is to be carried by one person, though the carrier will be changed four times.³

يبدأ بمقدمها الأيمن على يمينه ويمينها ما كان جهة يسار الحامل ثم مؤخرها الأيمن عليه ثم مقدمها

الأيسر على يساره ثم يختم بالأيسر عليه

As stated, it is sunna for each person to carry the coffin for forty steps. This is performed as follows: the carrier is to begin from the front right of the coffin carrying it upon his right shoulder,⁴ — after which he is to (slide backward and) carry the back part on his right shoulder. He is then to carry the front left side of the coffin upon his left shoulder — and is to conclude his carry with the back part of the coffin carrying it on his left shoulder. This process would ensure ten steps on each side, thus equalling forty. Imam Shafi'i said that the sunna is that two persons are to carry the coffin with the one in front placing it on the base of his neck and the one behind on the upper part of his chest. The basis is that the coffin of Sa'id ibn Mu'adth was borne like this. We would say that this was due to the rush of angels bearing him.⁵

ويستحب الإسراع بها بلا خيب وهو ما يؤدي إلى اضطراب الميت

It is recommended to walk quickly with the coffin without surging forward in a way that leads to the shaking of the body. The Prophet ((God bless him and give him peace)) said [Be quick with the deceased, for if it was (a person who was) righteous, then you forward it to welfare, otherwise, you put off an evil thing down from your necks].⁶ The sunna is to walk at a quick pace, but not the pace that leads to the shaking of the body.

¹ Ibn 'Asakir in his History, 27/81 [Maraky al-Falah 341].

² Abdur-Rizak in his Musnaf 3/512 [Maraky al-Falah 341].

³ Maraky al-Falah 341.

⁴ Note: the front right of the coffin will be on the left hand side of the carrier, because the deceased is placed onto his back. To further explain: there is only one side at the front whereby one can place the coffin upon his right shoulder whilst moving forward with the coffin.

⁵ At-Tabaqat of Ibn Sa'id [Al-Hidayah].

⁶ Muslim 944.

والمشي خلفها أفضل من المشي أمامها كفضل صلاة الفرض على النفل

Walking behind the coffin is superior than walking in front of it, just like the obligatory prayer is superior to voluntary prayer. Ali ((God be pleased with him)) said [By the One who sent Muhammad with the truth, the greatness of walking behind the coffin over walking in front is like the greatness of the obligatory prayer over a voluntary one].¹

ويكره رفع الصوت بالذكر

The audible remembrance of God is disliked when carrying the coffin. This includes audible recitation of Quran, for verily upon the people is silence or inaudible remembrance. There is no harm in weeping silently. And even to remind those of death should not be observed. The saying behind the coffin [*janaza*]: "Every living shall thing die" is an innovation. And it is disliked for women to join.²

والجلوس قبل وضعها

It is disliked to sit before the coffin has been placed from the shoulders of the carriers. The Prophet ((God bless him and grant him peace)) said [Whenever you see a funeral procession, stand up until the procession goes ahead of you or until it is put down].³ Another hadith in Bukhari states that the Prophet ((God bless him and grant him peace)) said [When you see a funeral procession, you should stand up, and whoever accompanies it should not sit until the coffin is put down].⁴

ويحفر القبر نصف قامة أو إلى الصدر، وإن زيد كان حسنا

The grave is to be excavated to a depth of half the height of a man's body or to the height up to his chest if one was standing, and if one excavates the depth further, it is better.

There are two types of graves - the first type is known as *lahd*, which is a grave with an empty space dug into the side of the bottom of the grave, which is toward the direction of prayer and is large enough for the body. See the diagram.

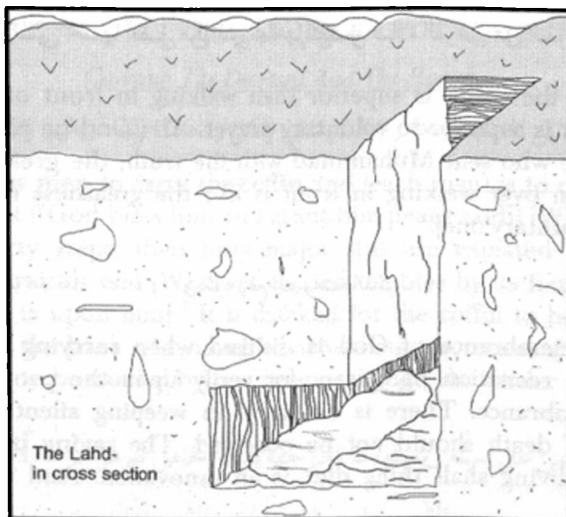
The second type is *shaq*, which is a simple trench down in the middle of the floor of the grave, with low block walls raised along the trench sides, in which the deceased is placed before the ceiling of the wall is enclosed.

¹ Transmitted by Abdul-Razzaq in his writing 3/448.

² Maraky al-Falah 342.

³ Bukhari 1307, Muslim 958.

⁴ Bukhari 1310.



ويلحد ولا يشق إلا في أرض رخوة

The deceased is to be buried in a *lahd* grave not in the *shaq* type (as it is superior). Though if the earth is soft, it is preferable to use the *shaq* grave. The Prophet ((God bless him and grant him peace)) said [The *lahd* is for us, and the *shaq* is for others].¹

ويدخل الميت من جهة القبلة

The body of the deceased is to be inserted into the grave from the direction of the *qibla* with imam Shafi'i disagreeing. In his view, the body is to be pulled in from the feet of the grave due to the report that the Prophet ((God bless him and grant him peace)) was placed like this. The Hanafis maintain that the side of the *qibla* is revered, therefore, it is recommended to insert the body from this direction. The Hanafi argument is based on the narration in al-Bayhaqi that the Companions placed the Prophet in his grave from the side of the *qibla*. Though al-Bayhaqi maintains that this is a weak tradition. It may however be noted that at-Tirmidhi recorded a tradition on the authority of Ibn Abbas that the deceased should be placed in the grave from the side of the *qibla*. It is therefore evident that there is difference of opinion on the matter.²

يقول واضعه: بسم الله وعلى ملة سيدنا رسول الله صلى الله عليه وسلم

The person placing the body in the grave is to say, *"In the name of Allah and according the religion of the Messenger of Allah, may the blessings of Allah be upon him."* And it is of no harm whether there is one or two persons placing the deceased at the bottom of the grave. Though the sunna is that they be an odd number.³

¹ Abu Dawud 3202.

² 'Awn al-Ma'bad, vol, 3, 205-06. Abu Dawud, vol 2, 913.

³ Maraky al-Falah 343.

ويوجه إلى القبلة على جنبه الأيمن وتخل العقدة

The deceased is made to face the qibla, upon his right side as the Prophet ((God bless him and grant him peace)) ordered, when he said [The Bait al-Haram is your qibla, alive or dead],¹ thereafter, the knot of the shroud is undone as the Prophet ((God bless him and grant him peace)) ordered the knot of Samrah to be loosened.

ويسوى اللبن عليه و (يستحب) القصب

Unbaked bricks and bamboo (cane) pieces are then placed over the niche opening closing off the lateral hollow dug into the side of the grave (with respect to the lahd type where the body is placed). *Al-Jami al-Saga'ir* states that it is recommended to use mud and cane because a bundle of cane was used on the grave of the Prophet ((God bless him and grant him peace)).²

وكره الأجر والخشب

The use of baked bricks or wood is disliked as these take the rule of construction and beautification whereas the grave is the place of decay. *Al-Hidayah* states that the effect of fire on bricks is detested as it entails bad omen.

ويسجى قبرها لا قبره

It is recommended to curtain the grave of a female with a sheet until the bricks have been placed over the niche, though not for the grave of a man, unless there is a necessity, such as to repel rain. Ali ((God be pleased with him)) once passed by people who were burying a deceased, in which they placed a cloth. Thereupon Ali said [This is performed with women, not men].³

ويقال التراب

The grave is then filled with earth as a cover for the deceased. It is also recommended to sprinkle three scoops of earth upon the grave. The Prophet ((God bless him and grant him peace)) performed the funeral prayer and then attended the grave and inserted earth near the head thrice.⁴

ويسنم القبر ولا يربع

The grave is to be shaped like a hump and is not to be flattened into a square (cube) shape because the Prophet ((God bless him and give him peace)) prevented such actions.⁵

ويحرم البناء عليه للزينة

¹ Abu Dawud 2869

² Ibn Abi Shaybah. *Al-Zayla'i*, vol, 2, 303/304. *Al-Hidayah*.

³ *Al-Baihaqi* 4/34.

⁴ *Darqutani* 2/27.

⁵ *Muslim* 968.

To build something on the grave for beautification is unlawful. Buildings on graves have been emphatically denounced by the Prophet ((God bless him and grant him peace)) [The Prophet forbade the graves to be plastered, or they be used as sitting places or a building to be built over them].¹

ويكره (البناء عليه) للإحكام بعد الدفن (لأنه للبقاء والقبر للفناء)

To build something strong upon the grave after the burial to strengthen it, is disliked because this will last for life times whereas the grave is the place of decay.

ولا بأس بالكتابة عليه لئلا يذهب الأثر ولا يمتن

There is no harm in writing on (or marking the grave) to prevent its signs from vanishing and prevent it from being desecrated, and so it can be visited and respected and serve as a reminder to others.

ويكره الدفن في البيوت لاختصاصه بالأنبياء عليهم الصلاة والسلام

It is disliked to use the homes as a burial place, for this is specifically for the Prophets. Al-Kamal stated, "Neither the small child nor the adult is to be buried in the house they died in, for this is specifically for the Prophets."

ويكره الدفن في الفسافي

It is disliked to bury a deceased person in places termed *al-Fassagy* (like a cellar, vault, or crypt) which is like an enclosure that is joint to the house, large enough to occupy a group of people standing. It is disliked because it is contrary to the sunna.

ولا بأس بدفن أكثر من واحد في قبر للضرورة ويجز بين كل اثنين بالتراب

There is no harm in burying more than one body in a grave when there is a need, and between every corpse, there is to be a division with soil. This was what the Prophet ((God bless him and give him peace)) ordered in some battles, such as the battle of Uhud.²

ومن مات في سفينة وكان البر بعيدا وخيف الضرر، غسل وكفن وصلي عليه وألقي في البحر

Whoever dies on a ship and is away from land and it is feared that the body will cause harm to others, then the deceased is washed, shrouded and prayed over, and thereafter released into the water. Imam Ahmad Ibn Hanbal held that the deceased is to have a weight placed upon him in order to sink to the bottom of the ocean, and Imam Shafi'i held the same view if they are near the land of the enemy, otherwise the body is placed tightly between two planks to obviate bloating and thrown into the sea so that it reaches the shore.

ويستحب الدفن في مقبرة محل مات به أو قتل فإن نقل قبل الدفن قدر ميل أو ميلين فلا بأس به وكره نقله لأكثر منه

¹ Muslim 910.

² Bukhari 1345.

It is recommended to bury the deceased in the cemetery of the area he dies in or is killed. There is no harm if the deceased is moved a distance of one or two miles before being buried because the distance to the place of burial may amount to that expanse. Though it is disliked to transport the deceased more than this. Likewise, it is disliked to move the body from one city or country to another.

ولا يجوز نقله بعد دفته بالإجماع إلا أن تكون الأرض مغصوبة أو أخذت بالشفعة

After the deceased is buried (that is, earth has been filled on top), it is not permitted to move the deceased to another location according to consensus, unless the land was taken by force and the owner wants to remove all bodies and reclaim his right or unless the ground is taken due to right of *Shuf'ah* (Preemption). *Shuf'ah* or preemption can be simply defined as the right to purchase something before others. The Prophet ((God bless him and grant him peace)) said [Whoever has date-palm trees or land, should not sell it until he offers (the would-be bought thing) to his partner].¹ The neighbour is therefore more entitled to purchase the land before others. An example which pertains to *Shuf'ah* and the removal of the deceased is the following: a person who owned land sold it without informing his neighbour. This new owner then buries someone on the land. However, the neighbour who had forwarded a legal claim with the judge is awarded the land on the basis of preemption. As a result, this new owner is permitted to relocate the deceased body or bodies or he may opt to leave them.²

وإن دفن في قبر حفر لغيره ضمن قيمة الحفر ولا يخرج منه

If a person is buried in a grave that was excavated for someone else, then the value of the excavation is to be paid, and the deceased is not to be removed from the grave, for it is now his right.

وينبش لمتاع سقط فيه

It is permissible to unearth the grave to search for goods that fell in it such as clothes or money. It is also maintained that one should only remove soil from the area he believes the goods fell and extract them.

ولكن مغصوب ومال مع الميت

It is also permissible if shrouds were taken by force or theft and their owner will not accept anything but the shrouds or something valuable remained with the deceased in which case it is permissible to unearth the grave and retrieve these effects. Abdullah ibn 'Amr said: When we went out along with the Apostle of God to al-Ta'if, we passed a grave. I heard the Messenger of God say, "This is the grave of Abu Righal. He was in this sacred house (sanctuary) protecting himself (from punishment). When he came out, he suffered the same punishment which his people suffered at this place and he was buried in it. The sign of it is a golden

¹ Ibn Majah and an-Nasai.

² Maraky al-Falah 346.

bough which was buried with him. If you dig it out, you will find it with him. The people hastened to it and took out the bough.”¹

ولا ينش بوضعه لغير القبلة أو على يساره والله أعلم

The grave is not to be unearthed if the deceased was placed in the grave facing a direction other than that of ka'bah or because the deceased was placed on his left side. The unearthing of the grave for these reasons is not permitted. And Allah knows Best.

[*Maraky al-Falah states:*] Many Hanafi scholars of recent times hold the view that gathering near the family of the deceased and remaining until people offer their condolences is disliked. Instead, when people return from the burial, they are to disperse and go about engaging in their own matters and leave the family of the deceased to deal with their duties. It is disliked to gather at the door or pathway of those who have suffered a calamity, for it is an act of the people of ignorance and the Prophet prohibited such a thing. This dislike also extends to gathering in the mosque. It is also disliked to be treated to a feast by the family of the deceased because being treated to a feast was sanctioned for joyful times and not for times of grief and it is a repulsive innovation.² The Prophet (God bless him and grant him peace) said [There is no slaughter [*aqr*] in Islam].³ Abdur-Razzaq said: they used to slaughter cows and other things at graves. And this is what is meant by the hadith for they would slaughter at the cemetery a cow or sheep. It is however recommended for the neighbours of the deceased or distant relatives to prepare food for the family of the deceased so that it would suffice them for the day and night. The Prophet ((God bless him and grant him peace)) said [Prepare food for the family of Ja'far, for there has come to them that which is keeping them busy or something which is keeping them busy].⁴

¹ Abu Dawud 976.

² Ibn Abidin states: It is disliked to make food on the first day or third day or after one week; and likewise, taking food to the cemetery on special occasions (such as Eid) is disliked. The reality is that preparing or making food for the purpose of eating is disliked, though making food for the poor is fine. He said: all such acts are for the purposes of show and the desire to be heard; and they are therefore to be distanced from because the pleasure of Allah is not sought. [Note: there is no issue with reciting Quran over the dead. This is not the issue. The issue is that nowadays, the family of the deceased is expected to spend a vast amount of wealth on food and prepare a gathering where they call the righteous to recite the Quran; all of which is for the purpose of eating and not for the sake of God. The preparation of food in Islam is meant for good times and not for sad times]. Imam al-Qurtubi held in at-Tadhkira [118]: All such actions are deemed sunna nowadays and that to leave such a practice is regarded as an innovation; the situation has thus reversed. Ibn Abbas said: a year will not pass the people except that they remove in it a sunna and revive in that time an innovation; until the sunan are dead and the innovations are alive. A person will not practice the sunan and reject innovations except for the one who Allah has aided in disregarding the anger of the people toward him because of his acting contrary to their desire. [Maraky al-Falah 347].

³ Abu Dawud 3222.

⁴ Tirmidhi 1610.

It is recommended for men to offer their condolences and likewise for the women who will not cause discord [*fitna*]. This is based on the saying of Prophet Muhammad ((God bless him and grant him peace)) [There is no believer who consoles his brother for a calamity, but Allah will clothe him with garments of honour on the Day of Resurrection].¹ The Prophet also said [Whoever consoles a person stricken with a calamity will have a reward equal to his].² In addition, after one has consoled his brother once, it is not a requirement that he do so a second time.³

فصل في زيارة القبور

Visiting The Graves

ندب زيارتها للرجال والنساء على الأصح

It is recommended for men and women to visit the graves of the departed, and this is the soundest view. It has been stated by some scholars that it is forbidden for women to visit the graves, whereas the soundest view is that it is permissible for them to attend. The Prophet ((God bless him and give him peace)) said [Visit the graves, (as it) reminds you of death],⁴ and Fatima would visit the grave of Hamza every Friday, whilst A'ishah visited the grave of her brother Abdur-Rahman. The sunna of visiting is to visit standing and to supplicate standing as the Prophet ((God bless him and give him peace)) performed when visiting al-Baqi'. A'ishah reported that whenever it was her turn for Allah's Messenger to spend the night with her, he would go out towards the end of the night to al-Baqi' and say, "Peace be upon you, abode of a people who are believers. What you were promised would come to you tomorrow, you receiving it after some delay; and God willing we shall join you. O Allah! Grant forgiveness to the inhabitants of Baqi' al-Gharqad."⁵

ويستحب قراءة يس لما ورد أنه من دخل المقابر فقرأ يس خفف الله عنهم يومئذ وكان له بعدد ما فيها حسنات

It is recommended to recite the surah *Ya-Sin* as it has been reported from Anas (God be pleased with him) that the Prophet said, "Whoever enters the graveyard and recites *Ya-Sin* (offering its reward to the dead), Allah will relieve them therein and he acquires the reward equal to the number of them." The author explained that one who recites *Ya-Sin* and advances the rewards of recitation to the deceased shall receive rewards according to the number of deceased people therein as held by Imam al-Zayla'i,⁶ and that the deceased is relieved from his punishment therein for that day.⁷

¹ Tirmidhi 1601.

² Tirmidhi 1602.

³ Maraky al-Falah 347-348.

⁴ Muslim 974.

⁵ Muslim 2126.

⁶ Maraky al-Falah 349.

⁷ Tuhfatu al-Ahwadhi 3/275.

Anas stated that he asked the Prophet (God bless him and give him peace), saying: "O Messenger of Allah, if we give sadaqa on behalf of our deceased, or perform hajj on their behalf, will that reach them? The Prophet (God bless him and give him peace) replied [Yes, it will, and they will be delighted just as one of you is delighted when a dish has been given to him as a gift].¹ Thus, a person may forward the rewards of his actions according to *Ahl as-Sunna wal-Jama'a* and this will reach and benefit the deceased as Imam Zayla'i stated. The Prophet ((God bless him and grant him peace)) said [Recite *Ya Sin* over your dead].² And as stated earlier, the word '*mawtaakum*' translated as dead or deceased in the above hadith leaves no reservation or doubt that the term and meaning is literal and real. And it is not permissible to leave the literal position unless there is proof to the contrary. It is therefore necessary that it be specified as literal with the saying '*mawtaakum*'.³

Therefore, one is to donate the rewards of his actions to others according to *Ahl as-Sunna wal Jama'a*. The basis is the narration of Ibn Umar who said that the Prophet said, "If one of you voluntarily gives charity and makes it on behalf of his parents, then they will receive the reward and his reward will not be deducted."⁴ And this is regardless of whether the act is prayer, fasting, hajj, charity [*sadaqa*], the recitation of Quran, invocations and all other righteous acts. This will reach the deceased and benefit them as mentioned by Imam Zayla'i in the chapter of *Hajj On Another's Behalf*. Moreover, Ali narrated that the Prophet said, "Whoever enters a cemetery and recites surah Ikhlas eleven times after which he donates the rewards to the dead, he is given rewards as much as there is dead."⁵

Furthermore, in the explanation of al-Lubab, it states that one is to recite of the Quran that which easy upon him with respect to the Fatiha, the first part of the Baqarah as well as the last part including the verse al-Kursi. Likewise, Surah Yasin, Tabarak al-Mulk, Surah at-Takathur and al-Ikhlâs twelve times or eleven times or even seven or three times is to be observed. Following this, one is to say, "O Allah! Allow the reward of what we have recited to go to so and so."⁶

The scholarly majority hold that the recitation of the Quran reaches the deceased whether it is recited at the grave or far from it, especially if the reciter on completion donates the reward of that recitation to the deceased. Furthermore, the reciter also receives the same reward without reducing anything from his reward or the reward of the deceased. The position of the Hanafis and Hanbalis is that a Muslim is entitled to donate the reward of any kind of worship he performs to whomever he wishes of the Muslim dead.

¹ Al-Kamāl 2/313.

² Abu Dawud 880 and an-Nasai and Ibn Habbān graded it a sound narration.

³ Maraky al-Falah, 322.

⁴ Tabarāni fil Awsat 7/358 / Maraky al-Falah 350.

⁵ Darqutani and mentioned by al-Ja'luni in Kashf al-Khafa 2/282. [Maraky al-Falah 350].

⁶ Hashbi Ibn Abidin.

ولا يكره الجلوس للقراءة على القبر في المختار

There is no dislike if the reciter of Quran sits near the grave in order to recite the Quran in tranquillity, and this is the opted view.

وكره القعود على القبور لغير قراءة ووطؤها

It is disliked to sit near the grave for other than reciting Quran. In addition, it is disliked to step or walk upon a grave due to lack of respect. Abu Hurairah reported the Prophet ((God bless him and give him peace)) as saying [It is better that one of you should sit on live coals which could burn his clothing and come in contact with his skin, than he should sit on a grave].¹

والنوم وقضاء الحاجة عليها

It is disliked to sleep on a grave and it is prohibitively disliked to relieve oneself on a grave whether it is urinating or defecating.

وقلع الحشيش والشجر من المقبرة

To remove moist grass or trees from the graves is disliked for the reason that as long as the grass or trees remain moist, they supplicate to Allah. And with the remembrance of Allah, His Mercy descends, upon which the deceased is relieved. The proof is the Prophet's actions when he passed by two graves. He took a green branch of a date-palm tree, split it into two parts, and fixed one on each grave. The people said, "O Messenger of Allah! Why have you done so?" He replied, "I hope that their punishment may be lessened till they (the leaves) become dry."²

ولا بأس بقلع اليابس منها

Though there is no harm in removing dry grass or trees because their purpose has ended, i.e. their invocations.

باب أحكام الشهيد

The Rules Of Martyrdom (Shahada)

Literally, the term Shahid has many meaning; such as: a) the one whose testimony is true and b) one who dies in the path of Allah. It is given this expression (i.e. dying in the path of Allah) because the angels of mercy bear witness to him or because he has present with him that which will testify to his actions, namely his blood and injuries; or because he witnessed *dar al-Salam* with the exiting of his soul. And Allah knows best. The term Shahid in its legal sense, is given below.

¹ Muslim 971.

² Bukhari 1361.

حقيقة الشهيد شرعا

The Reality Of A Martyr (Shahid) According To Islamic Law

المقتول ميت بأجله عندنا

A person who is killed has died in his fixed time according to *Ahl-as-Sunna wal-Jama'a*. That is, he has died in the time Allah decreed for him regardless of the cause of death.

والشاهد من قتله أهل الحرب أو أهل البغي أو قطاع الطريق أو اللصوص في منزله ليلا ولو بمثل أو وجد في المعركة وبه أثر أو قتله مسلم ظلما عمدا بمحدد، وكان مسلما بالغا خاليا عن حيض ونفاس وجنابة، ولم يرث بعد

انقضاء الحرب

A Shahid is one who is killed by combatants of war, or rebels or by a highway robber (regardless of the murder weapon), or is killed by a thief in his home at night (or day) even if it is with a heavy object, such as a rock or solid entity. Additionally, one is deemed a Shahid if he is found on the battlefield and the signs of injury are manifest, such as damage, breakage, burning or blood from the eyes or nose; or he is killed deliberately by a Muslim from oppression with a sharp instrument, such as a knife/sword. And in all these cases, *the person killed is Muslim, mature and free from menstrual periods, postnatal bleeding and sexual impurity [janaba] and is not murtatha*, meaning his death is not delayed until after the end of battle, it is before. If for example one remains alive for a period of time while the battle is still ongoing and then dies, he is regarded as a Shahid. Though if he lives on and dies after the battle ends, then he is regarded as *murtatha*. *Murtatha* according to scholars is one who is carried away from the battlefield injured, though still alive and dies after the battle ends.¹

ما يصنع مع الشهيد

What Is Done With A Shahid

فيكفن بدمه وثيابه ويصلى عليه بلا غسل . ويتزع عنه ما ليس صاحبا للكفن كالقرو والحشو والسلاح والدرع

The Shahid is shrouded with his blood and clothes, is prayed over and not given a bath. Ibn Abbas ((God be pleased with him)) said: "The Apostle of Allah ((God bless him and give him peace)) commanded to remove weapons and skins from the martyrs of Uhud, and that they should be buried with their blood and clothes."² The deceased is removed of effects that are not suitable as shrouding such as armour, weapons, wool or sponges, as the Prophet ((God bless him and give him peace)) ordered in the above hadith.

¹ Nur al-Idah 188

² Abu Dawud 3128.

ويزاد وينقص في ثيابه

One is to add or take away from the clothes of the Shahid if he is not wearing enough to fulfil the sunna or is wearing in excess of the sunna shrouding.

وكره نزع جميعها

It is disliked to remove all of the clothes of the Shahid. This is so that the marks of battle remain on him.

The Following Are To Be Washed According To Abu Hanifa

ويغسل إن قتل جنباً أو صبياً أو مجنوناً أو حائضاً أو نفساً

The Shahid is washed if he is killed in the state of sexual impurity [*junuba*] or is a boy, insane or in the state of menstrual periods [*hayd*] or postnatal bleeding [*nifas*] according to Abu Hanifa.¹ The reason is Handhala Ibn Rahib (Allah be pleased with him) was martyred on the day of Uhud, thereupon the Prophet ((God bless him and grant him peace)) said [I saw the angels washing Handhala Ibn Abi Amir between the sky and the ground with nimbus and water]. Abu Sa'id then said, "We went and observed him and his head was dripping with water." The Prophet (God bless him and grant him peace) then sent us to inform his wife, upon which she informed us that he was in a state of sexual impurity].² And the reason with respect to the boy and insane is that the sword compensates for the washing of persons who are characterised with sin, though for a boy and insane person they are free of this attribute of sin. Hence, they are not included in the meaning of the Shuhada of Uhud.

أو إرثت بعد انقضاء الحرب بأن أكل أو شرب أو نام أو تداوى أو مضى وقت الصلاة وهو يعقل أو نقل من المعركة لا لخوف وطء الخيل، أو أوصى أو باع أو اشترى أو تكلم بكلام كثير

Likewise, a person whose death is delayed until after the battle has ceased is to be washed. This is called *irtithath*. This person is no longer regarded as being in the category of the Shuhada of Uhud for the reason that he has used the faculties of life. The person will still be rewarded as a Shahid but will not be considered among those martyrs who are exempt from the major bath before burial. The status of *irtithath* is achieved by eating, drinking, sleeping or taking medicines after the battle has ended. It is also staying alive until the time of a written prayer passes during which one is sane. Likewise, one is regarded *murtatha* by being transferred from the battlefield to seek treatment, not for fear of being crushed on by a horse, or he left instructions preparing for death, or he sold, bought or spoke many words, in which case he is given the status of *irtithath* and is subsequently washed. However, with respect to the ruling of the hereafter, one is deemed a

¹ Maraky al-Falah 354.

² Ibn Habban 15/495, Hakim al-Mustadrak 3/225.

Shahid and will receive the reward promised for a Shahid.¹ The reason one is deemed *murtatha* is because he has availed the faculties of life and has been governed by the rule of the living. The Shuhada (Martyrs) of Uhud died thirsty even though water was being circulated amongst them. They did not accept it for fear that they might lose this honour of Shahada. They were removed from the battlefield so that animals would not trample on them. Beyond this, they did not enjoy any rest.²

وإن وجد ما ذكر قبل انقضاء الحرب لا يكون به مرتثا

If however, one of the abovementioned points occurs (such as eating or drinking) before the battle ends, then one is not classified as *murtatha* by such actions; rather he is deemed a Shahid

ويغسل من قتل في المصر ولم يعلم أنه قتل بحد ظلما أو قتل بحد أو قود ويصل عليه

A person who dies in the city (or other place) and the cause of death is unknown; that is, it is not known whether he was killed because of oppression or because someone exercised the penalty of *hadd* upon him (legally executed by order of the judge for crimes committed) or whether it was a result of an eye for an eye, then such a person is bathed and prayed over. Such persons are not considered Shuhada.

In sum, a complete Shahid (in this life and the hereafter) is one who is sane, mature, Muslim, free from major impurity, who dies after being struck (to the extent that he does not eat, drink, sleep, seek medical treatment or removed from the battlefield alive – rather he is removed dead). The ruling according to Abu Hanifa is that he is not bathed and is shrouded with his clothes after being stripped of that which is not fitting for shrouding, such as weapons, armour and the like. He is prayed upon and buried with his blood and clothes. The second type of Shahid is regarded as a Shahid of the hereafter; and it is the one who is missing one of the above conditions, such as being killed in the state of sexual impurity, menses, or is a boy, insane or did not die after being struck (but lived on), or is killed by accident. Such persons are deemed Shuhada of the hereafter but are not classified as complete Shuhada. They will receive the reward that Allah promised the Shahid. Such persons are bathed, enshrouded, and the prayer over them is like the prayer of others. Persons similar to Shuhada of the hereafter are those who die by drowning, burning, or one who dies as a result of the collapse of a wall, or during the path of seeking knowledge, tuberculosis, fever and so forth. They are to be washed, shrouded and prayed upon even though they are Shuhada of the hereafter.³

¹ Maraky al-Falah 354.

² Al-Hidayah.

³ Fiqh al-Islamy, Ibrahim as-Salkini 297-298.