

Class 45 – The Ruling of Building Shrines and Mausoleums upon the Graves; The Prohibition of Praying Towards the Graves; The Ruling Regarding the Annual Visiting of Some Appointed Graves; The Ruling Regarding Making the Graves into Roads, Playing Fields and Car Parks; The Prohibition of Harming the Muslims

By Shaykh Ahmed al-Wasaabee

Translated by Shaakir al-Kanadee

Transcribed on Jumada-al-Awwal 2, 1427 / May 29, 2006 by Abu Abdullah.

The shaykh began with the Khutbatul Haajah.

# THE RULING OF BUILDING SHRINES AND MAUSOLEUMS UPON THE GRAVES (HUKUM BINAA' AL-QIBAAB WAL-MASHAAHID 'ALAA AL-QUBOOR)

#### TRANSLATION OF THE TEXT IN AL-QAWL-UL-MUFEED FEE ADILLATIT TAWHEED:

- 1 From Jaabir ibn 'Abdullaah (radiyAllaahu 'anhumaa) who said that: (The Messenger of Allaah (صلى الله عليه وسلم) prohibited plastering of the graves, and sitting upon it, and building upon it). Reported by Muslim, no. 970.
- 2 From Abee al-Hayaaj al-Asadee who said: 'Alee ibn Abee Taalib (radiyAllaahu 'anhu) said to me: "I am dispatching you upon what the Messenger of Allaah (صلى الله عليه وسلم) dispatched me upon, that: ((You do not leave statues except you deface it, nor a grave raised except you level it))."

And in another wording from Muslim: ((Nor a picture except you erase it)). Reported by Muslim, no. 969.

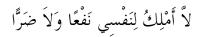
#### I say:

The following can be taken from these two Ahaadeeth:

- 1 Prohibition of building upon graves.
- 2 Prohibition of plastering graves.
- 3 Prohibition of sitting upon graves.
- 4 Prohibition of pictures of those things which have a soul.
- 5 The obligation to deface pictures/statues of those things which have a soul.
- 6 The obligation to destroy whatever is built upon the graves greater than a handspan.

al-'Allaamah ash-Shawkaanee (rahimahullaahu ta'aalaa) said in his book (*Sharh as-Sudoor bi-Tahreem Rafi' al-Quboor*) [Sharh as-Sudoor in the Prohibition of Raising of the Graves]:

( And when you will accept this then you will know that raising graves and placing shrines, صلى الله عليه ) mosques and tombs over them has sometimes been cursed by the Messenger of Allaah (صلى الله عليه وسلم), as has preceded, and at other times he said: ((Allaah's most severe anger is upon a nation who took the graves of their Prophets as places of worship [Masaajid])). So then he supplicated against them for the severe anger of Allaah to be upon them due to this disobedience and sinful act which they committed. And this is established in the Saheeh [al-Bukhaaree]. Sometimes he prohibited from doing these things to graves, and sometimes he dispatched people to destroy them. Sometimes he mentioned it as an action of the Jews and Christians and at other times he said: ((Do not take my grave as an idol)). And at other times: ((Do not take my grave as a place for often returning)). Which is, seasonally gathering at it, as many of the slaves of the graves do, they make for those who they believe in from the dead well known times, and they gather at their graves, and they devote their rituals to them and they busy themselves with them. As everyone from Mankind knows from the actions of these deserters, those who abandoned the worship of Allaah the One who created them and provided for them. Then He will cause them to die and then give them life again, is that they worship a slave from the slaves of Allaah, who is buried under the ground, unable to bring himself harm or defend himself, just as the Messenger of Allaah (صلى الله عليه وسلم) said, regarding what Allaah ordered him to say:



I possess no power of benefit or hurt to myself. (Al-A'raaf 7:188)

So see how the Chief of Mankind and the best of Allaah's creation said by the command of his Lord, that verily he is not able to harm or benefit himself and thus he said in what is authentically reported from him: ((O Faatimah, daughter of Muhammad, I cannot avail you anything from Allaah)). So when this was the statement of the Messenger of Allaah (مالى الله عليه وسلم), from himself regarding his most special close relative and the most beloved to him, then what do you think about the rest of the dead, who are not infallible Prophets or sent Messengers? Rather the utmost degree that is with one of them is that he is an individual from the individuals of the Ummah of Muhammad (al-Ummah al-Muhammadiyyah) and one of the people of this Islaamic Religion (al-Millah al-Islaamiyyah). So he is unable to benefit and repel harm from himself so how can he be able to do something that the Messenger of Allaah (صلى الله عليه وسلم) was incapable of? And he informed this Ummah of that as is reported from him and he was ordered to say to the people that he was not able to harm or benefit himself and he was not able to avail his most special and beloved relative from Allaah.

It is amazing! So how can even someone with little knowledge or a smaller part of perception expect to obtain benefit or harm from an individual from the individuals of the Ummah of the Prophet who said this statement regarding himself? And the reality is that he is an individual from his followers (at-Taabi'een), those who follow his legislation (al-Muqtadeen bi-Shar'ih). So, have your ears heard - may Allaah guide you (Arshadaka-Allaah) - of a misguided intellect that is greater than this misguidance which has occurred amongst the worshippers of the inhabitants of the graves.

### إِنَّا لِلَّهِ وَإِنَّا إِلَيْهِ رَاجِعُونَ

Truly! To Allaah we belong and truly, to Him we shall return. (Al-Baqarah 2:156)

End of text from Sharh as-Sudoor, pages: 75-76.

And al-Imaam ash-Shawkaanee (rahimahullaahu ta'aalaa) also said while explaining the Hadeeth ((Nor a grave raised except you level it)) in his book an-Nayl [ul-Awtaar] 5/101-102:

( And in this Hadeeth we find the Sunnah that the grave is not to be raised greater than a handspan, there being no difference between the grave of a virtuous person or of a person who is not virtuous. And it is clear that to raise the graves more than this level has been forbidden (Muharram). And the companions of Ahmed, and a group of companions of ash-Shaafi'ee and Maalik, have explicitly mentioned this. And the statement that there is no problem with raising the graves higher than this because this has been happening since time of the Salaf, and the Khalaf, with no one objecting to it, as al-Imaam Yahyaa and al-Mahdee have mentioned in their books, then this is not correct. Because what can be said at the most is that they [i.e. the Salaf and the Khalaf] did not raise any objections [i.e. to raise the graves above the height of a handspan] and they remained quite about it. And being quite about it is not evidence in these affairs of belief (al-Umoor adh-Dhanniyyah). And the prohibition of raising the graves is an affair which is of belief (Dhann) [and it is not an affair which is of certainty (Yaqeen)]. And along with the prohibition of raising the graves in the Hadeeth, we can also derive the prohibition of building domes upon the graves, and building shrines and mausoleums upon the graves. And the prohibition also applies to taking the graves as places of worship (Masaajid). And the Messenger of Allaah (صلى الله عليه وسلم) has cursed the doer of this, as has been mentioned. And how many evils have come about due to the building above graves and their beautification, and how many evils have come about for which al-Islaam has cried over them, such as the similitude between the beliefs of the ignorant people regarding graves and the beliefs of the Kuffaar regarding their idols. And this affair has become enormous, to the point that the people have believed that these people of the graves have the ability to bring about good and to repel harm. And these people have made the graves a destination and a place for seeking their wishes to be carried out, and a place of resort to ask for their needs. And they ask from the people of the graves what is only to be asked from Allaah. And they strive very hard to visit these various places and they rub these places and seek help and aid from them. And in general, they have not left off anything that the people of Jaahiliyyah used to do with their idols except that they have done it. For truly, to Allaah we belong and truly, to Him we shall return – And taking into consideration all of this evil and disbelief, we do not find anybody who gets angry for the sake of Allaah and has jealousy for the protection of this pure Religion. No scholar, and no student, and no ruler, and no minister, and no king. And it has come to us in various forms the news that no one has dealt about, and it is that most of these people of the graves (al-Qubooriyyeen), if someone were to mention for him [i.e. the Qubooree] to make an oath while having a debate with him, then he would make an oath to Allaah and he would lie concerning it. And if it were said to him after this to make an oath in the name of your Shaykh and the one you believe in, then he would refuse and submit to the truth. And this is from the clear evidences that prove that their Shirk has surpassed the Shirk of those who say: Verily, He (ta'aalaa) is two or that He is one of three.

O scholars of this Religion and rulers of the Muslimeen! What evil is greater for al-Islaam than this disbelief? And what trails and tribulations are more harmful for this Religion than the

worship of other than Allaah? And what other calamity has traumatized the Muslimoon equal in magnitude to this disaster? And what evil necessitates and mandates that someone make rejection concerning it more than the rejection of this evil Shirk?

Laqad Asma'at low Naadayta Hayyan (Verily, you are heard if you are calling the living,)

Walaakin laa Hayaata li-man Tunaadee (But there is no life for the you are calling.)

Wa-low Naaran Nafkhata bihaa Adaa'at (And if it is from the fire you are glowing, it would increase in light,)

Walaakin anta Tanfakhu fee Ramaadi (But you are glowing on ashes.)

#### The End

And this is narrated by al-Imaam al-Muhaddith al-Albaanee in his book (*Ahkaam al-Janaa'iz*) page 265.

And Shaykhul-Islaam Ibn Taymiyyah (rahimahullaah) said in his book (*Iqtidaa' as-Siraat al-Mustaqeem*) page 319:

(And these false shrines: They have only been placed to oppose the Houses of Allaah and to glorify that which Allaah has not glorified or made great. And to worship things that do not harm nor benefit. And to take the creation away from the path of Allaah).

#### EXPLANATION OF THE TEXT BY SHAYKH AHMED AL-WASAABEE (HAFIDHAHULLAAH):

This is from one of the most major innovations which has inflicted this Religion of al-Islaam.

Regarding the statement of al-Imaam ash-Shawkaanee that "the prohibition of raising the graves is an affair which is of belief (Dhann) [and it is not an affair which is of certainty (Yaqeen)]," Shaykh Ahmed has mentioned that what al-Imaam ash-Shawkaanee is saying is that the prohibition of raising the graves over the height of a handspan is a ruling which is of belief (Dhann) and it does not reach to the level of certainty (Yaqeen). And Shaykh Ahmed mentioned that this statement is not true. And it is clear, as it comes in the Ahaadeeth in Saheeh Muslim and other books, and these Ahaadeeth clearly and explicitly point to the prohibition of raising the graves over the ground. And the Prophet (صلى الله عليه وسلم) ordered the graves to be leveled with the ground. And regarding the two people al-Imaam ash-Shawkaanee has mentioned, al-Imaam Yahyaa and al-Mahdee, then Shaykh Ahmed mentioned that they are from the Imaams of misguidance, and they came in a time period much before the time of Imaam ash-Shawkaanee, and they are from the people of Yemen, and they are well known to be on the Madh'hab of the Shee'ah. And Imaam ash-Shawkaanee has mentioned them in here because he lived in an area where the people were from the Madh'hab of the Shee'ah, and they respected and thought very highly of these two people. Shaykh Ahmed also mentioned that Imaam ash-Shawkaanee was in his early life from the Shee'ah, but Allaah (subhaanahu wa ta'aalaa) gave him Tawfeeq and guided him to the Sunnah, and made him from the Mujtahid Imaams of the Sunnah. So Imaam ash-Shawkaanee is refuting these two people in this text, and refuting their claim that there is no problem in raising the height of the graves above a handspan.

## THE PROHIBITION OF PRAYING TOWARDS THE GRAVES (TAHREEM AS-SALAAH ILAA AL-QUBOOR)

#### TRANSLATION OF THE TEXT IN AL-QAWL-UL-MUFEED FEE ADILLATIT TAWHEED:

From Abee Murthad al-Ghanawee (radiyAllaahu 'anhu) who said: The Messenger of Allaah (عليه وسلم said: ((Do not pray towards the graves, and do not sit upon them)). Reported by Muslim, no. 972.

#### I say:

The text is clear regarding the prohibition of praying towards the graves and regarding the prohibition of sitting upon them, as this is a fundamental principle: ((The principle regarding a text forbidding from something is prohibition unless there is another text to change that prohibition)) [al-'Asal fee an-Nahee at-Tahreem ilaa li-Saarif], and there is nothing to change it here. So the people who oppose the commands of Allaah and the commands of the Messenger of Allaah (مالى الله عليه وسلم) should fear Allaah and they should remember the saying of Allaah (subhaanahu wa ta'aalaa):

And let those who oppose the Messenger's (Muhammad (صلى الله عليه وسلم)) commandment (i.e. his Sunnah legal ways, orders, acts of worship, statements, etc.) (among the sects) beware, lest some Fitnah (dishelief, trials, afflictions, earthquakes, killing, overpowered by a tyrant, etc.) befall them or a painful torment be inflicted on them. (An-Noor 24:63)

# THE RULING REGARDING THE ANNUAL VISITING OF SOME APPOINTED GRAVES (HUKUM AZ-ZIYAARAAT AS-SANAWIYYAH AL-MUHDIDAH LI-BA'AD AL-QUBOOR)

#### TRANSLATION OF THE TEXT IN AL-QAWL-UL-MUFEED FEE ADILLATIT TAWHEED:

**Question:** Are these yearly visits of some of the appointed graves and that which occurs in them of the dancing and free mixing and other than that from the types of evil (al-Munkaraat) established by the Law Maker [Allaah]?

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

Verily, these yearly visits to some of the appointed graves and that which occurs in them of the dancing and free mixing and other than that from the types of evil are not established by the Law Maker. Rather, they are from the newly invented affairs of the Deen and evil customs for which Allaah has not sent down authority. So it is obligatory upon those in authority - may Allaah strengthen us and them upon the truth - and the Scholars - may Allaah grant us and them success to change the like of this ugly evil which calls to destruction of the Islaamic Creed amongst the hearts of men and women, by making their supplication and their slaughtering and their vowing for other than Allaah, and that which calls to deterioration of morals and the ethics of al-Islaam. The evidences for warning and taking care from innovations have already been mentioned so refer to

that. And these are from the innovations which have been assigned a time (Zamaan) and a place (Makaan) and a grave without evidence from the Sharee'ah. And verily, associated to it are some evils (al-Munkaraat) and Shirk (ash-Shirkiyyaat), and shelter is sought with Allaah. Then know - may Allaah grant you and me success - that visiting the graves is divided into three categories, and they are as follows:

- 1 A Legislated Visiting (Ziyaarah Shar'iyyah).
- 2 An Innovated Visiting (Ziyaarah Bid'iyyah).
- 3 A Visiting of Shirk (Ziyaarah Shirkiyyah).

1 - So as for the legislated visiting then it is that which Islaam has legislated with three following conditions:

#### 1 – That a Journey is not Undertaken to them:

From Abee Sa'eed al-Khudree (radiyAllaahu 'anhu) who said: that Allaah's Messenger (علله عليه وسلم) said: ((Do not undertake a journey except to three Masaajid, this Masjid of mine, the Masjid al-Haraam, and the Masjid al-Aqsa)). Reported by al-Bukhaaree, no. 1139 and Muslim in al-Hajj: 2/976, no. 415 and the wording is his. And reported by al-Bukhaaree, no. 1132 and Muslim, no. 1397 upon Abee Hurayrah.

#### 2 – That the Visitor does not use Obscene Language:

And from Buraydah (radiyAllaahu 'anhu) who said: that Allaah's Messenger (على الله عليه وسلم) said: ((I used to prohibit you from visiting the graves so visit them)). Reported by Muslim, no. 977 and an-Nisaa'ee in al-Janaa'iz, chapter (100) 4/89 with the wording ((... I used to prohibit you from visiting the graves, so whoever desires to visit them let him visit and do not utter obscene language)) and its chain of narration is authentic.

And his (صلى الله عليه وسلم) saying: (( ... And do not utter obscene language)).

al-Hujar (Obscene Language): It is evil talk (al-Kalaam al-Faahish), and refer to the book *an-Nihaayah* of Ibn al-Atheer 5/245.

#### I say:

So look, may Allaah have mercy upon you, how the Messenger of Allaah (صلى الله عليه وسلم) prohibited us from evil and false speech upon visiting the graves. And which speech is more evil and false than to call upon the dead instead of Allaah, and to seek aid from them instead of Allaah. And this, by Allaah, is the utmost evil and falsehood, rather the affair is as Allaah said:

But most of mankind know not.

He (ta'aalaa) said this in eleven places in the Noble Qur'aan and they are:

[al-A'raaf (7): 187], [Yoosuf (12): 21, 40, 68], [an-Nahl (16): 38], [ar-Room (30): 6, 30], [Saba' (34): 28, 36], [Ghaafir (40): 57], [al-Jaathiyah (45): 26].

And Allaah has spoken truthfully when He said:

And most of them believe not in Allaah except that they attribute partners unto Him [i.e. they are Mushrikoon -polytheists]. (Yoosuf 12:106)

### 3 – A Specific Time is not to be Picked, Because there is no Evidence for this Specification.

**2 - As for the innovated visiting,** it is that which is missing a condition from these two conditions<sup>1</sup>, let alone many more.

**3 - As for the visiting of Shirk,** then it is that which a person falls into a type from the types of Shirk with Allaah, such as supplicating to other than Allaah or sacrificing to other than Him or vowing by other than Him or seeking aid in other than Him or seeking shelter with other than Allaah or seeking children from other than Him, or by seeking help by other than Him or asking for rain from other than Him or seeking cure from other than Him, or seeking protection from an enemy or from harm from other than Him and the bringing about of good from other than Him, and other than these from the different types of Shirk. And see Majmoo' Fataawaa Shaykhul-Islaam Ibn Taymiyyah (rahimahullaah) 1/165-166.

#### THE RULING REGARDING MAKING THE GRAVES INTO ROADS, PLAYING FIELDS AND CAR PARKS (HUKUM MAN JA'AL AL-MAQAABIR TURUQAN WA MALAA'IB)

#### Translation of the text in Al-Qawl-ul-Mufeed fee Adillatit Tawheed:

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 (صلى الله عليه وسلم) 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)). Reported by Muslim, no. 971.
- 2 From 'Uqbah ibn 'Aamir (radiyAllaahu 'anhu) who said: that Allaah's Messenger (صلى الله عليه وسلم) said: ((For me to walk on coal or on a sword is more beloved to me than to walk upon the

<sup>&</sup>lt;sup>1</sup> Correct intention and adhering to the Sunnah (Ikhlaas and Mutaabi'ah).

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)). 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.

#### 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.

#### Shaykhul-Islaam Ibn Taymiyyah (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 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 center 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 (صلى الله عليه وسلم) has forbidden that people sit on the grave.

The End

## THE PROHIBITION OF HARMING THE MUSLIMS (TAHREEM IDHIYYAH AL-MUSLIMEEN)

#### TRANSLATION OF THE TEXT IN AL-QAWL-UL-MUFEED FEE ADILLATIT TAWHEED:

al-Imaam at-Tirmidhee said in his Jaami' 4/378, no. 2032:

Narrated Yahyaa ibn Aktham and al-Jaarood ibn Mu'aadh who said: that al-Fadal ibn Moosaa narrated to us from al-Husayn ibn Waaqid from Awfee ibn Dalham from Naafi' from Ibn 'Umar who said: that the Messenger of Allaah (على الله عليه وسلم) ascended the Minbar and called out with a loud voice and said: ((O gathering, who submit with your tongue, and 'Eemaan has not entered your hearts, do not harm the Muslims, do not insult them and do not pursue their mistakes. For verily, the one who pursues the mistakes of his Muslim brother, then Allaah will pursue his mistakes and whoever's mistakes are pursued by Allaah then He will expose him even if he was on the inside of his camels saddle)).

#### Rijaal as-Sanad (The Narrators of The Chain):

Yahyaa ibn Aktham: He is the Jurist (al-Faqeeh), the Judge (al-Qaadee), and in *at-Taqreeb*: he is truthful, and for sayings about him see *at-Tahdheeb* 11/179. However, he is mentioned here with al-Jaarood.

And al-Jaarood ibn Mu'aadh: an-Nisaa'ee relied upon him as occurs in at-Tahdheeb 2/53.

And al-Fadal ibn Moosaa: More than one of the Muhadditheen relied upon him. See *at-Tahdheeb* 7/286.

And al-Husayn ibn Waaqid: Judge of Marw [a town in Turkmenistan], and Yahyaa ibn Ma'een relied upon him, and Abu Zur'ah and an-Nisaa'ee said: "No problem with him." See *at-Tahdheeb* 2/373.

And Awfee ibn Dalham: an-Nisaa'ee relied upon him. See at-Tahdheeb 1/385.

And Naafi': He is the servant of 'Abdullaah ibn 'Umar, and it says in *at-Taqreeb*, "(Thiqah) Trustworthy, reliable, Faqeeh (person of understanding)."

And Ibn 'Umar: He is 'Abdullaah ibn 'Umar, a Companion, son of a Companion.

#### I say:

So the Hadeeth is authentic (Saheeh), and all praise is due to Allaah. And it contains a prohibition of harming the Muslims and insulting them and pursuing their mistakes.

And authenticated by ash-Shaykh al-Albaanee (rahimahullaah) in Saheeh al-Jaami', no. 7985. And see al-Jaami' as-Saheeh of ash-Shaykh Muqbil 1/285-286.