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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Islamic Council of Europe – Fatwā Committee

Ref: 171093

Date: 13 Sha'bān 1438 (10th May 2017)

Fatwā: Ruling on Double Interment Burial

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The query:

“We are reaching out to Ulama like yourself across the UK and across the globe to review this and respond with your own personal judgment on the double burial method.

We strongly believe this is a sensible option to assist in overcoming part of the burial space challenge that we are facing in London and will play a significant role in minimising difficulties to our community in the near future.

This method has actually already been implemented in other parts of the UK but as it was not documented as a fatwa, we and other new facilities will face difficulties in being able to convince the community to utilise this method when required.

Please could you review our method below and provide your personal conclusion on this matter.

Double interment burials:

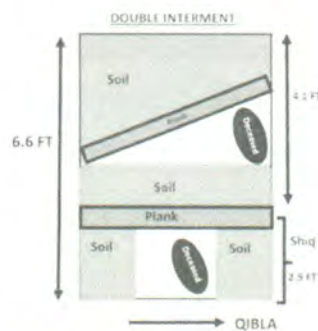


Figure 1 Double Interment Burials



THE
ISLAMIC COUNCIL
OF EUROPE

- A 6.5ft. grave is purchased by an owner who has opted to utilise it as a double grave.
- The first person is buried as normal at the bottom of the grave at 6.5ft down in a shiq method with wooden planks laying flat upon a ridge to cover the body.
- The soil is replaced
- Later on when the second person passes away only 4.5 ft is re dug from the top of the same grave and the second person is buried above the space of the first.
- This method ensures that a barrier of wooden planks and at least a foot of soil separates the two interments.
- Under no circumstance is the first interment exposed or disturbed during this procedure as our digging team are aware of stopping at least one foot before they reach the soil of the first grave.
- The second person is buried with at least 2 foot of soil above them to ensure that the smell of decay is not detected by animals.
- Both bodies are staggered naturally due to the method. So they do not lay directly upon each other but rather one to the right and one to the left of the grave.”

—End of query.

Our verdict:

الحمد لله والصلاة والسلام على رسول الله وعلى آله وصحبه ومن تبعهم بإحسان إلى يوم الدين

All praise belongs to Allah and may Allah’s peace and blessings be upon His messenger, his family, companions and followers until the last day.

1. Double interment burial arrangement

In response to the aforementioned query, we deem this method of burial to be permissible on condition that the deceased involved in such burials are Muslims. This is due to the fact that we judge the reality of this method of burial to be two separate graves in close proximity of each other. The reason we consider the burial in this manner is due to the existence of barriers between the deceased which consists of sufficient amounts of soil and planks to be considered as such. Thus, it is the like of any two graves next to



one another. As a result, we do not deem there to be an objection with non-Mahrams being in either of the two graves on the condition that they are both Muslims. It is also of great importance to note, that this method should not be used in any instance, where one of the two deceased is not Muslim. Therefore, when the condition that all the deceased being Muslim is not met, the verdict issued above would not be applicable.

2. Single grave viewpoint

From the perspective where the aforementioned method of burial is deemed to be a single grave, the verdict would remain that of permissibility, in the cases of necessity, for Mahrams. The Prophet (ﷺ) buried multiple people in the same grave after the Battle of Uḥud as can be seen from the narrations below:

عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ - رَضِيَ اللَّهُ عَنْهُمَا - قَالَ كَانَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَجْمَعُ بَيْنَ الرَّجُلَيْنِ مِنْ قَتْلَى أُحُدٍ فِي ثَوْبٍ وَاحِدٍ ثُمَّ يَقُولُ " أَكْثَرُ أَخَذًا لِلْقُرْآنِ " . فَإِذَا أُشِيرَ لَهُ إِلَى أَحَدِهِمَا قَدَّمَهُ فِي اللَّحْدِ

Narrated Jabir bin `Abdullah: The Prophet (ﷺ) collected every two martyrs of Uḥud in one piece of cloth, then he would ask, "Which of them knew more of the Qur'an?" When one of them was pointed out for him, he would put that one in the grave first and say, "I will be a witness for them on the Day of Resurrection." He ordered them to be buried with their blood on their bodies and they were neither washed nor was a funeral prayer offered for them. [al-Bukhari]

عَنْ هِشَامِ بْنِ عَامِرٍ، قَالَ سُكِّيَ إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْجِرَاحَاتُ يَوْمَ أُحُدٍ فَقَالَ " أَحْفِرُوا وَأَوْسِعُوا وَأَحْسِنُوا وَادْفِنُوا الْإِثْنَيْنِ وَالثَّلَاثَةَ فِي قَبْرِ وَاحِدٍ وَقَدِّمُوا أَكْثَرَهُمْ قُرْآنًا " . فَمَاتَ أَبِي فَقَدِّمَ بَيْنَ يَدَيَّ رَجُلَيْنِ. قَالَ أَبُو عَيْسَى وَفِي الْبَابِ عَنْ حَبَابٍ وَجَابِرٍ وَأَنْسٍ. وَهَذَا حَدِيثٌ حَسَنٌ



THE
ISLAMIC COUNCIL
OF EUROPE

صَحِيحٌ. وَرَوَى سُفْيَانُ الثَّوْرِيُّ وَعَبْدُ اللَّهِ بْنُ مَسْعُودٍ وَغَيْرُهُ هَذَا الْحَدِيثَ عَنْ أَبِي يُوْبَ عَنْ مُحَمَّدِ بْنِ هِلَالٍ عَنْ هِشَامِ بْنِ عَامِرٍ.

Narrated Hishām bin ‘Amr: “On the day of *Uḥud*, the wounded complained to the Messenger of Allah (ﷺ), so he said: ‘Dig, and make it wide, and appropriate, and bury two and three in one grave. And advance the one who knew the most Qur’ān.’ My father had died so he was placed before two men.” (al-Tirmidhī, Abū Dāwud and al-Nasā’ī)”. Abū ‘Isā said: There are narrations on this topic from Khabbāb, Jābir, and Anas. This *ḥadīth* is *ḥasan ṣaḥīḥ*. Sufyān al-Thawrī and others reported this *ḥadīth* from Ayyūb, from Ḥumaid bin Hilāl, from Hishām bin ‘Amr.

Regarding multiple interment in a single grave, scholars agreed that the *Sunnah* is to bury each deceased person in a separate grave, either as a matter of obligation or recommendation. Thus, scholars state that doing other than this is either unlawful or disliked. The jurists agreed that multiple interment in a single grave is only allowed for a need or necessity such as a shortage of space; the lack of gravediggers; no other graveyards for Muslims etc.

The reason some scholars declared multiple interment in a single grave as haram is based on the matter of harming the deceased by not affording due respect. The harm inflicted intensifies if the genders are mixed. [*Hāshiyah al-Sharwānī ‘alā Tuḥfatul-Muḥtāj*: 2/173]

Regarding multiple interment in a single grave, the four schools of thought held the following views:

1. Ḥanafiyah [al-Kāsānī, *Badāi‘ al-Ṣanā‘i*: vol. 1 p. 319]: It is permitted when there is a need
2. Mālīkiyah [al-Kharshi, *Sharḥ al-Kharshi*: 2/134]: It is permitted due to necessity of space ... as for when there is no necessity then it is unlawful.
3. Shāfi‘iyah [al-Nawawī, *al-Majmu‘*: 5/247] and Ḥanābilah [al-Mardāwī, *al-Inṣāf* vol. 2 p. 551]: considered it as unlawful except in the case of necessity like having



THE
ISLAMIC COUNCIL
OF EUROPE

many deceased, fearing the rotting of bodies or other needs such as difficulty upon the living.

We appreciate the difficulties involved in burying Muslim deceased in terms of cost and location in the UK and on mainland Europe etc. We commend the board for proactively looking into solutions for the challenges faced. We pray that Allah (ﷻ) grants guidance and success to all those trying to facilitate acting in accordance to Islamic rulings in all matters.

May Allah's peace and blessings be upon the Messenger of Allah and all praise belongs to Allah.

وصلى الله وسلم على نبينا محمد، والحمد لله رب العالمين

Allah (ﷻ) knows best.

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