

This Article is in reply to those who make domes over graves, let us see ahadeeth and Sayings of the Salaf.

Note: Ahmad Raza Brailwi was asked: How is it to make the grave high?

He replied: It is against sunnah, see the grave of my father, the grave of my mother, the grave of my brother, they are not higher than one span. [Malfuzaat Ahmad raza part 3 page 57]

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1) FORBIDDANCE TO BUILD MOSQUES ON THE GRAVES

a) Sahih Muslim Chapter 47 Book 004, Number 1076

Sahih Muslim Chapter 47: FORBIDDANCE TO BUILD MOSQUES ON THE GRAVES AND DECORATING THEM WITH PICTURES AND FORBIDDANCE TO USE THE GRAVES AS MOSQUES Book 004, Number 1076: ‘

A'isha reported: Umm Habiba and Umm Salama made a mention before the Messenger of Allah (may peace be upon him) of a church which they had seen in Abyssinia and which had pictures in it. The Messenger of Allah (may peace be upon him) said:

When a pious person amongst them (among the religious groups) dies they build a place of worship on his grave, and then decorate it with such pictures. They would be the worst of creatures on the Day of judgment in the sight of Allah.

b) Sahih Muslim Number 1079:

Aisha reported: The Messenger of Allah (may peace be upon him) said during his illness from which he never recovered: Allah cursed the Jews and the Christians that they took the graves of their prophets as mosques. She ('A'isha) reported:

Had it not been so, his (Prophet's) grave would have been in an open place, but it could not be due to the fear that it may not be taken as a mosque.

c) Sahih Muslim Number 1080: Abu Huraira reported: The Messenger of Allah (may peace be upon him) said: Let Allah destroy the Jews for they have taken the graves of their apostles as places of worship.

a) Imam at-Taibee said:

عرف أنه مرتحل ، وخاف من الناس أن يعظموا قبره كما فعل اليهود والنصارى ،

“It is as though the prophet peace be upon him knew that he will depart, so he feared for the people that they will venerate his grave like Jews and christians did (with other prophets) [Mirqaat al Mafateeh hadeeth no. 712]

b) Mulla Ali Qari commented:

(اتخذوا قبور أنبيائهم مساجد) : سبب لعنهم إما لأنهم كانوا يسجدون لقبور أنبيائهم تعظيماً لهم ، وذلك هو الشرك الجلي ، وإما لأنهم كانوا يتخذون الصلاة لله تعالى في مدافن الأنبياء ، والسجود على مقابرهم ، والتوجه إلى قبورهم حالة الصلاة ؛ نظراً منهم بذلك إلى عبادة الله والمبالغة في تعظيم الأنبياء ، وذلك هو الشرك الخفي لتضمنه ما يرجع إلى تعظيم مخلوق فيما لم يؤذن له ، فنهى النبي – صلى الله عليه وسلم – أمته عن ذلك لمشابهة ذلك الفعل سنة اليهود ، أو لتضمنه الشرك الخفي ، كذا قاله بعض الشراح من أئمتنا ،

They have taken the graves of their apostles as places of worship) The

reason of their being cursed is because they made sajdah to the graves of the Ambiya in veneration, **and this is clear shirk**. They used to pray to Allah where Prophets were buried,

They used to prostrate in the tombs and in the condition of Salaah they used to face the graves. According to them (They thought) they were worshiping Allah and **Exaggerating in veneration of Prophets this is hidden shirk**

It contains Prophet peace be upon him disallow his Ummah to do this as this is the practice of jews, It contains hidden shirk and this is also said by some of the commentators from our scholars [Mirqat, Sharh al Mishqaat, Volume No. 2, Page No. 202 hadith no 712]

Note after that Mulla Ali Qari mentioned (as quoted by Brailwis in ahlus sunna website)

أما من اتخذ مسجدا في جوار صالح أو صلى في مقبرة وقصد الإستظهار بروحه أو وصول أثر ما من أثر عبادته إليه لا للتعظيم له والتوجه نحوه فلا حرج عليه ألا ترى أن مرقد إسماعيل عليه السلام في المسجد الحرام عند الحطيم ثم أن ذلك المسجد أفضل مكان يتحرى المصلى لصلاته والنهي عن الصلاة في المقابر مختص بالقبور المنبوذة لما فيها من النجاسة كذا ذكره الطيبي وذكر غيره أن صورة قبر إسماعيل عليه السلام في الحجر تحت الميزاب وإن في الحطيم بين الحجر الأسود وزمزم قبر سبعين نبيا

Anyone who builds a mosque near the grave of an upright person or prays in the tomb (Maqbara) or intends to seek blessings through the Ruh of that upright person or intends to take from his left overs, If he does all that without the intention of giving him Tazeem or doing tawajuh towards him

“Then there is nothing wrong in that, don’t you see that Grave of Hadrat Ismail(A.S) is inside the Masjid ul Harram near the hateem and to Pray there is Superior than anything else ” however to pray near the graves is only forbidden when the soil becomes dirty because of Najasat of deceased... In the Hateem near Hajr al Aswad and Mizaab

there are “Graves of 70 Prophets” [Mirqat, Sharh al Mishqaat, Volume No. 2, Page No. 202]

Note: Brailwis claim these are his own words. the answer is no because he was quoting some other people who were claiming that because of the graves in Masjid al Haraam it is allowed to pray in masjid build on the grave, but Mulla Ali Qari replied right after that (which they hide)

وفيه أن صورة قبر إسماعيل – عليه السلام – وغيره من مدرسة فلا يصلح الاستدلال به

The tomb of Ismaeel Aleh salam and others are not apparent so It is not correct to make rulings from these. [Mirqat, Sharh al Mishqaat, Volume No. 2, Page No. 202]

As-San‘aani may Allah have mercy upon him also mentioned this statement which the sufis quote, but As-San‘aani commented on these statement as follows:

I (As-San`aani) say, ‘Building mosques near the grave of a pious person out of seeking its blessing is, in fact, a form of veneration. Moreover, the Ahaadeeth deeming it absolutely forbidden to pray in mosques containing graves have a general indication and there is no evidence of the above-mentioned justification.

The preponderant opinion is that the reason for the prohibition is to eliminate the means leading to unfavorable ends and avoid the imitation of idol worshippers who venerate inanimate objects that do not hear, benefit, or harm them.” [Subul As-Salaam] [see islamweb Fatwa No : 263494]

c) Then he quoted Ibn Hajar al Haytami

وقال ابن حجر : أشار الشارح إلى استشكل الصلاة عند قبر إسماعيل ، بأنها تكره في المقبرة ، وأجاب : بأن محلها في مقبرة منبوثة لنجاستها ، وكله غفلة عن قولهم : يستثنى مقابر الأنبياء ، فلا يكره الصلاة فيها مطلقا ؛ لأنهم أحياء في قبورهم ، وعلى التنزل فجوابه غير صحيح لتصريحهم بكره الصلاة في مقبرة غير الأنبياء ، وإن لم تنبش لأنه محاذ للنجاسة ، ومحاذاتها في الصلاة مكروهة ، وسواء كانت فوقه أو خلفه أو تحت ما هو واقف عليه .

The commentator noted the problem to pray at the grave of Ismaeel aleh salam as it is disliked (to pray) at shrines. He replied: The place of shrine becomes dirty with Nijasah is problematic to say, The shrines of Anbiya are excluded as to pray in them is not disliked generally because they are alive in their graves,

This Answer is NOT CORRECT to declare that it is disliked to pray in the shrines of other than prophets If their graves are not opened and the impurity does not come out because burdening or doing action of impurity in prayer is disliked. (The ruling) is same if the grave is above the praying person or behind him or below him on which he is standing.[Mirqaat al Mafateeh hadith no. 712]

d) then Mulla Ali Qari quoted Sharah as-Sunnah

وفي شرح السنة : اختلف في الصلاة في المقبرة فكرها جماعة ، وإن كانت التربة طاهرة والمكان طيبا ، واحتجوا بهذا الحديث والذي بعده ، وقيل : بجوازها فيها ، وتأويل الحديث أن الغالب من حال المقبرة اختلاط تربتها بصديد الموتى ولحومها ، والنهي لنجاسة المكان ، فإن كان المكان طاهرا فلا بأس ، وكذلك المزبلة والمجزرة وقارة الطريق ، وفي القارة معنى آخر ، وهو أن اختلاف المارة يشغله عن الصلاة

Its mentioned in Sharah us Sunnah: disagreement has occurred regarding praying in the graveyard. **A Jam'ah has disliked it even if**

the sand and place of graveyard is pure and they have deduced from this Hadeeth and the one after it.

And it is said some considered it permissible and they do the Ta'weel(interpretation) of Hadeeth that most probably it was prohibited because of the impurity of place because the pus and flesh of the dead mixes with the sand,

and if the place is pure then there is no harm. And likewise (it is disliked) to pray near dunghill, slaughter house and on the road, the matter of road is taken differently because praying person gets distracted because of the travelling of people.[Ibid]

Note: The wrong opinion started with (Qeela i.e. It is said), The correct opinion is the opinion of Jamah according to Sharah as-Sunnah

e) then mulla Ali Qari quoted al Haytami again:

قال ابن حجر : وقد صح أنه عليه الصلاة والسلام نهى عن الصلاة بالمقبرة ، واختلفوا في هذا النهي هل هو للتنزيه أو للتحريم ؟ ومذهبنا الأول ، ومذهب أحمد التحريم ، بل وعدم انعقاد الصلاة ؛ لأن النهي عنده في الأمكنة يفيد التحريم والبطان كالأزمنة

Ibn Hajr said it is proven that prophet Salallahu aleyhi wassalam has prohibited praying near graves but the difference is whether the prohibition of prophet is for tanzeeh(purity) or Tahreem (prohibited), Our Madhhab is the first one(i.e because of purity) **but the madhhab of Imam Ahmed is that it is prohibited but instead he said there is no prayer over there.**

Because the prohibition according to him is like the prophet has prevented us from praying in few times so is the prohibition of praying near some places. [Mirqat, Sharh al Mishqaat, Volume No. 2, Page No. 202 hadeeth no. 712]

Comment:

One can see Mulla Ali Qari said it is not correct to make rulings from this, they also leave what he said before these quotes that praying to Allah in the maqabir of Prophets and prostrate in front of the graves is clear shirk, and whoever thinks he is actually venerating the Prophet peace be upon him and worshipping Allah than it is hidden shirk.

Ibn Hajar al Haytami also said:

فإن أعظم المحرمات وأسباب الشرك الصلاة عندها واتخاذها مساجد أو بناءها عليها . والقول بالكراهة محمول على غير ذلك ، إذ لا يظن بالعلماء تجويز فعل تواتر عن النبي صلى الله عليه وسلم لعن فاعله ، ويجب المبادرة لهدمها وهدم القباب التي على القبور إذ هي أضر من مسجد الضرار؛ لأنها أسست على معصية الرسول صلى الله عليه وسلم؛ لأنه نهى عن ذلك ، وأمر صلى الله عليه وسلم بهدم القبور المشرفة ، وتجب إزالة كل قنديل وسراج على القبر ولا يصح وقفه ونذره

The causes of big sins and Shirk are Praying near them, Making Mosque over them or making structures over them. The saying of disliking is for other thing. Because we can not think that the scholars allow a thing which is cursed by Prophet peace be upon him in tawatur.

It is wajib to demolish them and demolish the domes over the graves because they are more worst than Masjid al Dharaar. Because they are based on disobedience of Prophet peace be upon him as He (peace be upon him) forbade it and He peace be upon him ordered to demolish the high graves.

Likewise, it is Wajib to remove every qandeel and Lamp over the grave. It is not correct to waqf and make vow over the grave [alZawajir an Iqtaraaf al Kabaair 1/120-121]

f) Ibn Hajar asqalani commented:

وكانه – صلى الله عليه وسلم – علم أنه مرتحل من ذلك المرض فخاف أن يعظم قبره كما فعل من مضى فلعن اليهود والنصارى إشارة إلى ذم من يفعل فعلهم

“It is like He peace be upon him knew that he will depart with that illness, so he feared that they will venerate his grave like those before them did. The cursing upon the Jews and the Christians points to the censorship of whoever does what they did. [Fath al Bari 1/532]

then He said

. فاليهود ابتدعت والنصارى اتبعت ، ولا ريب أن النصارى تعظم قبور كثير من الأنبياء الذين تعظمهم اليهود

The Jews have started it and christians followed them. There is no doubt christians venerated the graves of many Prophets to whom jews used to venerate [Fath al Bari 1/532]

g) Imam al Qurtubi said:

وروى الأئمة عن أبي مرثد الغنوي قال سمعت رسول الله صلى الله عليه وسلم يقول: (لا تصلوا إلى القبور ولا تجلسوا عليها) لفظ مسلم. أي لا تتخذوها قبلة فتصلوا عليها أو إليها كما فعل اليهود والنصارى، فيؤدي إلى عبادة من فيها كما كان السبب في عبادة الأصنام. فحذر النبي صلى الله عليه وسلم عن مثل ذلك، وسد الذرائع المؤدية إلى ذلك فقال: (اشتد غضب الله على قوم اتخذوا قبور أنبيائهم وصالحهم مساجد). وروى الصحيحان عن عائشة وعبدالله بن عباس قالا: لما نزل برسول الله صلى الله عليه وسلم طفق يطرح خميصة له على وجهه فإذا اغتم بها كشفها عن وجهه فقال وهو كذلك: (لعنة الله على اليهود والنصارى اتخذوا قبور أنبيائهم مساجد) يحذر ما صنعوا

The Scholars report from Abu Murthid al-Ghanawi who said: I heard the Messenger (sallAllahu alayhi wasallam) said, “Do not pray towards the graves, and do not sit over them”, the wording is of Muslim.

Meaning do not take them as a qiblah, praying over them or towards them as the Jews and Christians used to do, thereby leading to worship of whoever is within them, as was the underlying case of the worship of idols.

So the Prophet (sallAllahu alayhi wasallam) warned against the likes of that and he closed the avenues leading towards that, so he said, “Allah’s anger is severe against a people who took the graves of their prophets and righteous as places of worship.” And in the two Sahihs, from Aa’ishah, Abd Allah bin Abbaas, who both said,

“When the illness befell the Messenger of Allah (sallAllahu alayhi wasallam), he would put his shirt over his face and when it agitated him, he would remove it from his face, and he said whilst in that state,

“May Allah curse the Jews and Christians; they took the graves of their prophets as places of worship.” He would warn from what they did. [Tafsir al Qurtubi under surah al Araaf verse 21]

2) Commandment to level the GRAVE

a) Order of Uthman bin Affan

عن عبدالله بن شرحبيل بن حسنة قال : رأيت عثمان بن عفان يأمر بتسوية القبور فقبل له هذا قبر أم عمرو بنت عثمان فأمر به فسوي

Abdullah bin Sharjeel bin Hasanah said: I Heard Uthman bin Affan ordered to level the graves. It was said to him this is the grave of Umm Arm bint Uthman (his daughter).

He ordered to level it

[Musannif Ibn Abi Shayba 4/138 maktabah al Daahiriyah Damishq, Tareekh Abi Zur`a 2/66,161 Shaykh al al-Bani said with authentic chain from Abdullah bin Sharjeel, Ibn Abi Hatim mentioned Abdullah in his book Jarh wa Tadeel and did not mentioned any criticism or Tadeel]

Note: According to Shaykh Irshad ul Haq If Ibn abi Hatim do not quote any criticism or praise on some narrator than he is unknown according to him

b) Sahih Muslim Book 4, Number 2115 Abu'l-Hayyaj al-Asadi told that 'Ali (b. Abu Talib) said to him: Should I not send you on the same mission as Allah's Messenger (may peace be upon him) sent me?

Do not leave an image without obliterating it, or a high grave without levelling It. This hadith has been reported by Habib with the same chain of transmitters and he said: (Do not leave) a picture without obliterating it

Note: This order was regarding Mushrikeen as well as Muslims because

a) Imam an-Nasaee quoted this hadith in The Book of Funerals under the Chapter **باب تَسْوِيَةِ الْقُبُورِ إِذَا رُفِعَتْ** "Leveling Graves If They Have Been Made High"

b) Imam Tirmidhee mentioned this in the Book of Funerals under the chapter **باب مَا جَاءَ فِي تَسْوِيَةِ الْقُبُورِ** "What Has Been Related About Leveling The Grave"

c) Imam Abu Dawud mentioned this hadith under in the book of Funerals **باب فِي تَسْوِيَةِ الْقَبْرِ** "Chapter: Leveling The Grav"

d) In Sahih Muslim it is stated in The Book of Prayer – Funerals Chapter: **باب الْأَمْرِ بِتَسْوِيَةِ الْقَبْرِ** "The command to level the grave"

e) Another hadith clearly states when Ali RA demolished the idols and levelled the graves Prophet peace be upon him said: "Whoever return for even one of these things now than he has done kufr with what was revealed to Muhammad peace be upon him.

Following are the words

عن علي بن أبي طالب قال: كان رسول الله صلى الله عليه وسلم في جنازة فقال: أيكم ينطلق إلى المدينة فلا يدع بها وثناً إلا كسره، ولا قبراً إلا سواه، ولا صورة إلا لطحها؟ فقال رجل: أنا يا رسول الله. قال: فانطلق ثم رجع، فقال: يا رسول الله لم أدع بها وثناً إلا كسرته، ولا قبراً إلا سويته، ولا صورة إلا لطحها. ثم قال رسول الله من عاد لصنعة شيء من هذا فقد كفر بما أنزل على محمد: «صلى الله عليه وسلم

[Musnad Ahmad no: 657, Musnad Tiyalisi 96, Mundari said the chain is Jyyad At Targheeb vol 4 page 45, quoted by the author of Deen al Haq Ba jawab ja al Haq]

This is the understandings of Sahaba, Tabiyeen and Muhadditheen of this Ummah. No one said its was regarding the kuffar and not for the Muslims.

c) Sahih Muslim Book 4, Number 2114 Chapter 198 : COMMANDMENT IN REGARD TO THE LEVELLING OF THE GRAVE .Book 4, Number 2114: Thumama b. Shafayy reported: When we were with Fadala b. ‘Ubaid in the country of the Romans at a place (known as) Rudis, a friend of ours died. Fadala b.

‘Ubaid ordered to prepare a grave for him and then it was levelled; and then he said: I heard the Messenger of Allah (may peace be upon him) commanding (us) to level the grave.

d) Sunan Al Kubra Al behaqi vol 3 page 411

And in other hadith from Sunan Al Kubra Al behaqi vol 3 page 411 it says.

فلما دفناه قال خففوا عنه التراب فان رسول الله صلى الله عليه وسلم كان يامرنا بتسوية القبور
Fadala b. ‘Ubaid said Put off the mud from grave because the Messenger of Allah (may peace be upon him) commanded (us) to level the grave..

e) Abu Mijlaz said that Muawiyah ra said:

إن تسوية القبور من السنة وقد رفعت اليهود والنصارى فلا تشبهوا بهم

Leveling the graves is sunnah. The jews and christians raised them. Do not imitate them [Musannif Ibn Abi Shayba 3/342, Ibn Abi Asim]

f) Abu Mijalz himself said:

. حدثنا وكيع عن عمران بن حدير عن أبي مجلز قال تسوية القبور من السنة (5)

حدثنا ابن عليّة عن عمران بن حدير عن أبي مجلز مثله (6)

Leveling the grave is from sunnah [Musannif Ibn Abi Shayba Kitab al Janaiz 3/342]

g) Qasim bin Muhammad bin Abu Bakar Siddique ra said:

. قال يا بني لا تكتب على قبوري ولا تشرفنه إلا قدر ما يرد عني الماء

O Son: Do not write something on my grave, do not elevate it, but as much as the water remains a side [Musannif Ibn Abi Shayba 3/335]

Meaning of تسوية

a) Allamah Halabi hanfi said in شرح منيه halabi kabeer page 599 regarding the meaning of تسوية (leveling)

فالمراد ماكانوا يفعلونه من تعلية القبور بالنباء الحسن الرفيع

Meaning is to level high graves and beautiful buildings on them.

b) ALLAMAH Ibn e Hammam Hanafi said

فهو على ماكانوا يفعلونه من تعلية القبور بالنباء الحسن العالى وليس مراد ذلك القدر بل قدر ما يبدو من الارض ويتميز عنها

This hadith concerns the leveling of high graves with beautiful constructions on them, It does not mean elevation with sand, and the elevation with sand should be like normal [Fath ul Qadeer vol 2 page 101]

c) Allaamah Alaahuddeen Al-Mardeeni Al-Hanafi [passed away 745 AH) writes:

الاسويته بالقبور المعتادة

“Except that you made them equal, meaning equal to graves usually” [Al-Jawharun Naqi Alal Baihaqi, vol.4page 3]

Meaning: Levelling the graves implies making all the graves of the same height in accordance to what the Shariah desires

d) IMAM Shawkani said

قوله ” ولا قبراً مشرفاً إلا سويته ” فيه : أن السنة أن القبر لا يُرفع رفعاً كثيراً من غير فرق بين من كان فاضلاً ومن كان غير فاضل . والظاهر : أن رفع القبور زيادة على القدر المأذون فيه محرم ، وقد صرح بذلك أصحاب أحمد وجماعة من أصحاب الشافعي ومالك . والقول بأنه غير محظور لوقوعه من السلف والخلف بلا نكير كما قال الإمام يحيى والمهدي في ” الغيث ” لا يصح لأن غاية ما فيه أنهم سكتوا عن ذلك والسكوت لا يكون دليلاً إذا كان في الأمور الظنية وتحريم رفع القبور ظني . ومن رفع القبور الداخل تحت الحديث دخولاً أولياً : القُبب والمشاهد المعمورة على القبور وأيضاً هو من اتخاذ القبور مساجد وقد لعن النبي صلى الله عليه وآله وسلم فاعل ذلك

The words “do not leave any raised grave without leveling it” means that the Sunnah is that a grave should not be made very high, and there should be no differentiation between those who were virtuous and those who were not virtuous.

It seems that making a grave higher than the amount that is permitted is haraam. This was clearly stated by the companions of Ahmad and a group of the companions of al-Shaafa’i and Maalik.

The view that it is not haraam because the earlier and later generations did that without anyone denouncing that action, as Imam Yahya and al-Mahdi said in al-Ghayth, is not correct, because the most that can be said is that they kept quiet about it, and keeping quiet does not count as evidence if it has to do with matters which are not definitive, and the prohibition of making graves high is not definitive.

The making graves high that is mentioned in the hadeeth especially includes the domes and shrines that are built over graves, and the taking of graves as places of worship. The Prophet (peace and blessings of Allah be upon him) cursed those who do that. (Nayl al-Awtaar, 4/130 quoted by Shaykh Salih al Munajjid)

e) Ibn Nujaym Hanfi said

ويسنم قدر شبر وقيل قدر أربع أصابع ، وما ورد في الصحيح من حديث علي { أن لا أدع قبرا مشرفا إلا سويته } فمحمول على ما زاد على التسنيم وصرح في الظهيرية بوجوب التسنيم

“The graves should be elevated from a hand span, and it is said from four fingers, and what Ali said in the sahih hadith about the order to

level the graves concerns what is more than that. [Bahr Raiq Sharh Kanz Daqaiq p 194 vol 2]

f) Mulla Ali Qari commented

(ولا قبرا مشرفا) هو الذي بني عليه حتى ارتفع دون الذي أعلم عليه بالرمل والحصباء ، أو محسومة بالحجارة ليعرف ولا يوطأ . (إلا سويته) في الأزهار قال العلماء : يستحب أن يرفع القبر قدر شبر ، ويكره فوق ذلك ، ويستحب الهدم ، ففي قدره خلاف ، قيل إلى الأرض تغليظا ، وهذا أقرب إلى اللفظ ، أي : لفظ الحديث من التسوية ، وقال ابن الهمام : هذا الحديث محمول على ما كانوا يفعلونه من تغلية القبور بالبناء العالي ، وليس مرادنا ذلك بتسليم القبر بل بقدر ما يبدو من الأرض ، ويتميز عنها ، والله سبحانه أعلم .

(or a high grave) Whatever is build on it, **It is ordered to level it, not the elevation which is a protection of the grave** (without levelling it) It is mentioned in al Azhaar that the scholars said It is Mustahab to raise the grave as much as a hand span and more than that is makrooh. And it is mustahab to demolish more than (one hand span).

How much amount (should be demolished) there is disagreement in it. It is said It should be levelled to the ground for Taghleeza (Meaning to alert the people), **This is more closer to this word.** Meaning the word in hadeeth alTaswiyah (levelling).

“Ibn Hammam said that this hadeeth is mahmool on what they used to do like elevating graves and building beautiful and elevated constructions over them and not elevation with sand, and the elevation with sand should be like normal graves [Mirqaat al Mafateeh Kitab al Janaiz hadeeth no. 1696 vol 2 page 272]

g) Ibn al Jawzi said:

«وهذا محمول على ما كانوا يفعلونه من تعلية القبور بالبناء الحسن العالي»

Ibn al Jawzi said in (the book) at-Tahqeeq: This hadith concerns the leveling of high graves with beautiful constructions on them [at-Tahqeeq by Ibn al Jawzi, ad-Dahabee mentioned it in his Tanqeeh at-Tahqeeq 1/318 without criticizing it, al Ayni quoted in Sharah Abi Dawud 6/174, and az-Zaylee in Nasb al Raya]

3) FORBIDDEN TO PLASTER THE GRAVE OR CONSTRUCTING ANYTHING OVER IT

a) Sahih Muslim Book 004, Number 2116

Sahih Muslim Chapter 200: IT IS FORBIDDEN TO PLASTER THE GRAVE OR CONSTRUCTING ANYTHING OVER IT Book 004, Number 2116 Jabir said: Allah's Messenger (may peace be upon him) forbade that the graves should be plastered or they be used as sitting places (for the people), or a building should be built over them.

Commentaries

a) Imam Nawawi [r.h] writes in the sharah of this hadees:

والبناء عليه فان كان في ملك الباني فمكروه وان في مقبرة مسبله فحرام نص عليه الشافعي والاصحاب قال الشافعي في الام وروايت الائمة بمكة يامرون بهدم مايبني

“To build a structure over the the grave if its owned, **then its makrooh and if it is common shrine then it is prohibited.** It has been clearly mentioned by Imam Shafi and other companions.**Shafi Said I have seen Imams in Makkah ordering to destroy Buildings on graves** [Sharah Sahih Muslim]

Note: Imam Nawawi said

فإن المكروه هو الذي ثبت فيه نهى مقصود ولم يثبت في هذا نهى

makruh is something that has been purposefully prohibited by the Shari’ah [Majmoo Madhab vol 5 page 112]

Imam Nawawi also states وَأَنَّ الْمَكْرُوهَ يُنْكَرُ كَمَا يُنْكَرُ الْمُحَرَّمُ

and that makruh is to be condemned just as a haram is condemned [Sharah Sahih Muslim under the hadith no. 492]

b) Saying of Imam AS SHAFI RA can be found in Al Umm, Kitab al Janaiz, Chapter of Burial,What should be done after the burial

باب ما يكون بعد الدفن وقد رأيت من الولاة من يهدم بمكة ما يبني فيها فلم أر الفقهاء يعيبون ذلك

“I have seen among the rulers in Makkah who destroyed what was built upon graves and I have not seen the Fuqaha blaming this”

Comment: Now a days almost all the shrines are not owned by the dead who are buried there or bequeathed to their offspring. So according to the Fatwa of Imam Shafi ra and Jurists of his time making these shrines are Prohibited and should be demolished. And making shrines on the land which is owned by the dead buried there or bequeathed to their offspring is Makrooh.

c) Fatwa from Shafi Fiqh

Shafi Madhab is cleared by muftis of shafi fiqh, see the fatwa below
Posted by fatwa on Mar 20, 2012

Question:

Is it allowed to make the buildings on the buried place of Auliya. Need some proof from Quraan, Imams, or Sahabah.

Answer:

Wa alaykum salam wa rahmatuLlahi wa barakatuHu,
In Sahih Muslim v. 7, p. 1178, the Prophet Muhammad (sallaAllahu alayhie wa sallam), “Prohibited...building upon them [graves]....”
In Sharh Sahih Muslim v. 7, p. 1179 and Majmu’ v. 5, p. 296, **Imam Nawawi** discussed the issue. **Without any difference of opinion, building upon graves is makruh.** The Shafi’is do not differentiate regarding what is built over the grave, be it a house or a dome or any other structure.

Also, the issue of if a grave-site is privately owned or provided for the public’s use is considered. If the latter, **then it is unlawful, and the**

grave should be demolished; while if the grave-site is private, then it is makruh and demolishing it is not demanded from the owner.

The occupant of the grave being a pious personality does not necessarily change the ruling.

In fact, in Fayd al-Qadir v. 6, p. 402, **Hafiz Munawi and Ibn Hajar** in his Fatawa v. 2, p. 25, related that some of the Shafiyyah ruled that the structures built over Imam Shafi's grave and the other graves in Qarafah (Egypt) must be demolished, pursuant to the mentioned opinion.

The initiative to demolish the structures built over graves found in a public graveyard would also not be undertaken by individuals, but rather at the level of the wulat al-amr.

In Kitab al-Umm (as related by Imam Nawawi, see previous reference), Imam Shafi'i mentioned that the Imams of Makkah commanded that what was built as such be leveled, and did so. In his Fatawa v. 2, p. 25,

Ibn Hajar said, **ووجب على ولاية الأمر هدم الأبنية التي في المقابر المسبلة**

“Demolishing the structures which are in the public graveyards is obligatory on the wulat al-amr [those in charge, the government].”
And Allah knows best.

Shafiifiqh.com Fatwa Dept.

d) Ibn Hajar Haytamee

وقد أفتى جمع بهدم كل ما بقرافة مصر من الأبنية حتى قبة إمامنا الشافعي رضي الله عنه التي بناها بغض الملوك وينبغي أن لكل أحد هدم ذلك ما لم يخش منه مفسدة فيتعين الرفع للإمام أخذًا من كلام ابن الرفعة في الصلح

Scholars have given fatwa to demolish all the buildings in Qarafa egypt, even the dome of Imam Shafiee Aleh Rahma that was made by the king. Everyone should demolish these (domes) if there is no fear of corruption, otherwise It is the work of Imam (the one who is in authority). I have taken this from al-Sulah which is the book of Ibn Raf a [Sharah al-Minhaaj Kitab al Janaiz page 198]

Following is the full Fatwa of Ibn Hajar Haytamee where he mentioned that the great scholars of shafi fiqh said the qubba over Imam Shafi`s grave should be demolished, and he also said “Demolishing the structures which are in the public graveyards is obligatory on the wulat al-amr [those in charge, the government].”

(وسئل) أعاد الله علينا من بركاته عن حكم بناء القبور قدر مدامكين فقط ؟ (فأجاب) بقوله يحرم بناء القبر في المقبرة المسبلة وهي التي اعتاد أهل البلد الدفن فيها ومثلها الموقوفة لذلك سواء كان مدامكا أم مدامكين لأن الكل يسمى بناء ولوجود علة تحريم البناء في ذلك وهي تحجير الأرض على من يدفن بعد بلاء الميت إذ الغالب أن البناء يمكث إلى ما بعد البلى - ص 25 - وأن الناس يهابون فتح القبر المبني فكان في البناء تضيق للمقبرة ومنع الناس من الانتفاع بها فحرم ووجب على ولاية الأمر هدم الأبنية التي في المقابر المسبلة ولقد أفتى جماعة من عظماء الشافعية بهدم قبة الإمام الشافعي رضي الله عنه وإن صرف عليها ألوف من الدنانير لكونها في المقبرة المسبلة وهذا أعني البناء في المقابر المسبلة مما عم وطم ولم يتوقه كبير ولا صغير فإننا لله وإنا إليه راجعون . مسار الكتاب: « الفتاوى الفقهية الكبرى » - الجزء الثاني - كتاب الصلاة « باب الجنائز ص 25

e) Imam Shawkaani said:

قوله ” وأن يُبنى عليه ” : فيه دليل على تحريم البناء على القبر وفصل الشافعي وأصحابه فقالوا : إن كان البناء في ملك الباني فمكروه ، وإن كان في مقبرة مسبلة فحرام . ولا دليل على هذا التفصيل وقد قال الشافعي : رأيت الأئمة بمكة يأمرون بهدم ما يبني ويدل على الهدم حديث علي المتقدم

The phrase “erecting structures over them: indicates that it is haraam to build anything over a grave. Al-Shaafa’i and his companions made the following distinction: if the structure is built on the property of the person who builds it, it is makrooh, and if it is in a public graveyard, it is haraam.

But there is no evidence for making this distinction. **Al-Shaafa’i said: I saw the imams in Makkah ordering that what had been built (over graves) was to be knocked down.** The hadeeth of ‘Ali also indicates that such structures should be destroyed.[Nayl al-Awtaar, 4/132 quoted by Shaykh Saalih al Munajjid]

f) Mulla Ali Qari commented

في الأزهار : النهي عن تجصيص القبور للكراهة ، وهو يتناول البناء بذلك وتجصيص وجهه ، والنهي في البناء للكراهة إن كان في ملكه ، وللحرمة في المقبرة المسبلة ، ويجب الهدم وإن كان مسجدا

“It is mentioned in alAzhaar that Disallowing of Prophet peace be upon him to plaster the grave is in the order of makrooh.. disallowing of building is makrooh if it is his property and if it is common shrine then it is prohibited and it is obligatory to demolish it even if it is the masjid. [Mirqaat vol 3 page 1217 hadith no: 1697]

After that he said

وقال بعض الشراح من علمائنا وإيضاعة المال وقد أباح السلف البناء على قبر المشايخ والعلماء المشهورين ليزورهم الناس ويستريحوا بالجلوس فيه اه

Some of the commentators from our said said, “and do not of waste money.” Some of our Salaf have made permissible erecting buildings around the graves of the mashaikh and ulama so that people can go there and visit their graves and rest by sitting in these buildings. [Mirqat vol 3 page 1217 hadith no: 1697].

He was quoting the Ikhtilaf among his companions and predecessors as his own verdicts are different,

He said:

وهي ما أنكره أئمة المسلمين كالبناء على القبور وتجسيصها وقيد البدعة بالضلالة

“A bid’ah-e-dhalaalah is that which the Aimmah of the Muslims have refuted, like building upon graves and solidifying them.” [Mirqat vol 1 page 246]

So for the scholars of the Muslims, it is an innovation according to Mulla Ali Qari.

He also said:

قَالَ ابْنُ الْمَلِكِ: إِنَّمَا حُرِّمَ اتِّخَاذُ الْمَسَاجِدِ عَلَيْهَا ; لِأَنَّ فِي الصَّلَاةِ فِيهَا اسْتِنَانًا بِسُنَّةِ الْيَهُودِ اهـ.

Ibn al Malik said The prohibition of making masaajid on graves is because of praying in them is the sunnah of jews. [Mirqaat 1/470 Mulla Ali Qari did not condemned his statement]

g) Imam al-Mawardi al-Basri (364 – 450) said

مسألة : قال الشافعي رضي الله عنه : ” ولا تبني القبور ولا تجصص ” . قال الماوردي : أما تجصيص القبور فممنوع منه في ملكه وغير ملكه ؛ لرواية أبي الزبير عن جابر أن رسول الله صلى الله عليه وسلم نهى عن تجصيص القبور قال أبو عبيد : يعني تجصيصها ، وأما البناء على القبور كالبيوت والقباب ، فإن كان في غير ملكه لم يجز ؛ لأن رسول الله صلى الله عليه وسلم نهى عن بناء القبور ، ولأن فيه تضييقا على غيره . قال الشافعي : ” ورأيت الولاة عندنا بمكة يأمرون بهدم ما يبنون منها ، ولم أر الفقهاء يعيرون ذلك عليهم ، وإن . ” كان ذلك في ملكه ، فإن لم يكن محظورا لم يكن مختارا .

al-Shafi`i said: “Structures must not be erect over graves nor must they be whitewashed.” al-Mawardi said: As for whitewash it is prohibited whether the grave is owned or public, because of the narration of abu al-Zubair from Jabir that the Prophet (SAWS) forbade whitewash on graves, as for building on graves such as houses or domes, if it was a public grave yard then it is not permissible, because the Prophet (SAWS) prohibited building on graves, and because it restricts on others.” al-Shafi`i said:

“I have seen the Muslim authorities destroying structures in graveyards, and I have not seen any jurists object to this. Even if it was in private graves yards, if it isn’t prohibited yet we don’t take it.”[al-Hawi al-Kabir fi Madhab al-Imam al-Shafi`i Kitab al Janaiz fasal al Hadd fe al qaboor, quoted by a brother in a forum against brailwiyah]

h) Imam Layth bin Saad said

بنيان القبور ليس من حال المسلمين، وإنما هو من حال النصارى

Structures over the graves is not the case of Muslims, this is the case with christians

[Mukhtasar Ikhtilaf alFuqaha by Abu Bakar Jassas (370 h) vol 1 page 407]

Scan: http://ia600301.us.archive.org/BookReader/BookReaderImages.php?zip=/8/items/moktasariktilf/moktasariktilafe01_jp2.zip&file=moktasariktilafe01_jp2/moktasariktilafe01_0406.jp2&scale=4&rotate=0

i) Imam al Ayni said:

وأن يبنى عليه أى على القبر لما ذكرنا ولفظ البناء عام يشمل سائر أنواع البناء فالكرهية تعم فى الجميع

And to make structure over graves (is not allowed) as we have mentioned earlier. The word structure is general which includes every kind of structure. So, the karahat includes all the structures. [Sharah Sunan Abu Dawud of Imam al Aynai vol 6 page 182 maktabahtul Rushd Riyadh]

j) Imam al Qurtubi said:

قال علماؤنا: ظاهره منع تسنيم القبور ورفعها وأن تكون لاطئة. وقد قال به بعض أهل العلم. وذهب الجمهور إلى أن هذا الارتفاع المأمور بإزالته هو ما زاد على التسنيم، ويبقى للقبر ما يعرف به ويحترم، وذلك صفة قبر نبينا محمد صلى الله عليه وسلم وقبر صاحبيه رضي الله عنهما – على ما ذكر مالك في الموطأ – وقبر أبينا آدم صلى الله عليه وسلم، على ما رواه الدارقطني من حديث ابن عباس. وأما تعليية البناء الكثير على نحو ما كانت الجاهلية

تفعله تفخيما وتعظيما فذلك يهدم ويزال؛ فإن فيه استعمال زينة الدنيا في أول منازل الآخرة، وتشبها بمن كان يعظم القبور ويعبدها. وباعتبار هذه المعاني وظاهر النهي أن ينبغي أن يقال: هو حرام

Our Scholars said: That which is apparent from it is prohibition of raising graves and that they should be level. But some of the people of knowledge have spoken with this (view) although the majority hold the view that the raising whose levelling has been commanded is what is additional to the natural raising of the grave, and that there should remain that by which the grave can be recognized and respected.

This is the description of the grave of our Prophet (sallAllahu alayhi wasallam) upon what has been reported by al-Darqutnee from the hadeeth of Ibn Abbaas.

As for making much-elevated constructions like what the (people) of jaahiliyyah used to out of exaggeration and veneration, then that is to be destroyed and terminated. For there is contained within (that practice) the placing of the adornment of the world into the very first stage (of the stages of) the Hereafter, and resemblance of those who used to venerate the graves and worship them. And out of consideration of this meaning, and the apparent prohibition (in the texts) it is desirable for it to be said: (This practice) is haraam (unlawful). [Tafseer al qurtubi under surah al araaf verse 21]

k) Allama Sindhee Hanafi said

ولا فائدة في البناء عليه فلذلك نهى عنه

There is no use of making structure over graves Therefore it is forbidden [Hashiya as-Sindhee 4/88]

Note: Imam Al Haakim said

عن جابر ، قال : ” نهى رسول الله صلى الله عليه وآله وسلم عن تجصيص القبور ، والكتاب فيها ، والبناء عليها ، والجلوس عليها ” هذه الأسانيد صحيحة ” وليس العمل عليها ، فإن أئمة المسلمين من الشرق إلى الغرب مكتوب على قبورهم ، وهو عمل أخذ به الخلف عن السلف .

The Prophet saw forbade Tajsis of graves, writing on them, building on them, sitting on them, and these chains are saheeh, and there is not action on them, because the imams form east to west, it is written (maktoobun) on their graves, and this action has been taken by khalaf from salaf. [Mustadrak al Hakim (1/370, Hadith # 1370)

From this quote brailwis claim that see scholars do not understand it in a way ahlul hadeeth understood. Note that Al Hakim was talking about writing on the graves, he never mentioned buildings. Ibn Hajr al-Haytami had quoted Hakim as saying that writing on graves was the practice of the Salaf. This is under Fatwa of Ibn Hajar haytamee, fatwa #34 of Kitab al-Janaiz.

1. The words “writing on graves.”

This ziyadah i.e. writing on the graves is weak according to some scholars like Munzari, Ibn Malaqqan, alHaakim also mentioned the practice of Imams on it, Mustawa Adwi also weakened these ziyadah (i.e. writing on the grave)

2. Imam adDahabee said regarding the quote of Imam alHaakim

، وليس العمل عليها – أي منع الكتابة على القبر – ، فإن أئمة المسلمين من الشرق إلى الغرب مكتوب على قبورهم ، وهو عمل أخذ به الخلف عن السلف . قلت : ما قلت طائلاً ، ولا نعلم صحابياً فعل ذلك ، وإنما هو ” شيء أحدثه بعض التابعين فمن بعدهم ، ولم يبلغهم النهي

There is not action on them, -meaning writing on the graves- because the imams form east to west, it is written (maktoobun) on their graves, and this action has been taken by khalaf from salaf.

I (adDahabee say).. I don`t know any companion of Prophet peace be upon him doing this (meaning writing on the graves) This was introduced by some of the Tabiyeen and people after them who were not informed regarding its prohibition [Talkhees alMustadrak]

He also said regarding the hadith “The Prophet (ﷺ) said, “Observe part of the Salat (prayers) in your homes. Do not turn your homes into graves.”

هذا حديث نظيف الاسناد، حسن المتن، فيه النهي عن الدفن في البيوت ، وله شاهد من طريق آخر، وقد نهى عليه السلام أن يبني على القبور، ولو اندفن الناس في بيوتهم، لصارت المقبرة والبيوت شيئا واحدا، والصلاة في المقبرة، فمنهي عنها نهى كراهية، أو نهى تحريم، وقد قال عليه السلام: ” أفضل صلاة الرجل في بيته إلا المكتوبة ” فناسب ذلك ألا تتخذ المساكن قبورا

This Hadith has a pure chain and a good text, there is prohibition in it to bury in the houses, There is another shahid of this with another chain.

Prophet peace be upon him forbade to make structures over the graves and If people would bury in the houses than there would be no difference between the house and graveyards, While the tanzeehi or tehreemi prohibition of praying in shrines is present. [Seyar Ailam an-Nubala vol 2 pages 29-30]

3. Shaykh Naasir ud din alBani said:

قلت : ومما يرد كلام الحاكم ثبوت كراهة الكتابة ونحوها عن السلف فروى ابن أبي شيبة بسند صحيح عن محمد (وهو ابن سيرين) أنه كره أن يعلم القبر . وعن ابراهيم قال : كانوا يكرهون أن يعلم الرجل قبره

I say: Refutation of the saying of AlHaakim is a proof of disliking of writing (on the graves) and a like from Salaf. It is narrated by Ibn Abi Shayba with an authentic chain from Muhammad (Ibn Sireen) who disliked to know the grave. It is narrated from Ibraheem: They disliked to know about the grave of any person [Irwa al Ghulayl 3/208]

4. Writing on graves in case of necessity is accepted by Ahlus sunanh

. The fuqaha' also differed with regard to writing on the grave. The Maalikis, Shaafa'is and Hanbalis are of the view that it is makrooh to write on the grave in all cases, because of the hadeeth of Jaabir who said:

The Prophet (blessings and peace of Allah be upon him) forbade plastering over graves, sitting on them, erecting structures over them and writing on them. The Hanafis and al-Subki among the Shaafa'is were of the view that there is nothing wrong with writing on it if there is a need for that so that the location will not be lost and so that the grave will not be treated with disrespect. End quote.

Shaykh Ibn 'Uthaymeen (may Allah have mercy on him) said: (The issue of) writing on the grave is subject to further discussion. There is nothing wrong with writing which is intended only to confirm the name and indicate that this is a grave.

As for writing which is similar to what was done during the Jaahiliyyah, such as writing the person's name accompanied by a

eulogy, stating that he did such and such and other words of praise, or writing lines of poetry – this is haraam.

That includes what some ignorant people do, namely writing Soorat al-Faatihah, for example, or other lines on a stone that is placed on the grave. All of that is haraam and the one who sees it in the graveyard should remove this stone, because this comes under the heading of evil that must be changed. And Allah is the source of strength.

End quote from Sharh Riyadh as-Saaliheen

Shaykh Hamad ibn ‘Abdullah al-Hamad (may Allah preserve him) said:

But is it permissible to do that (putting the name on the grave) as a sign if the family of the deceased cannot put a marker on it because there are so many graves and there is no way to tell them apart except by means of writing?

Some of the scholars are of the view that that is permissible and that if only the name is written, there is nothing wrong with it, so long as no other marker will serve that purpose. And that is because there is a need to know the grave of the deceased.

It is proven in Sunan Abi Dawood that the Prophet (blessings and peace of Allah be upon him) put a rock at the head of ‘Uthmaan ibn Maz‘oon (i.e., on his grave) and said: “So that I may know the grave of my brother thereby, and I will bury near him those who die of my family.”

This is a good opinion, in sha Allah. End quote from Sharh az-Zaad [Islamqa]

4) Practice of Sahaba and Tabiyeen

a) Will of Abu Musa Al-Ashari Abu Burdah reported:

أوصى أبو موسى حين حضره الموت فقال : إذا انطلقتم بجنازتي فأسرعوا المشي ولا يتبعني مجمر ولا تجعلوا في لحدي شيئا يحول بيني وبين التراب ولا تجعلوا على قبري بناء وأشهدكم أنني برئ من كل حالقة أو سالقة أو خارقة قالوا أو سمعت فيها شيئا ؟ قال : نعم من رسول الله صلى الله عليه و سلم

Abu Musa Al-Ashari enjoined upon us at the time of his death, saying, “You should hasten with my funeral procession and do not follow me in suspense. Do not put in my grave anything that will come between me and the dust, and do not build anything over my grave. Bear witness that I am free of those women who shave their heads, tear their clothes, and strike their faces.” They said, “Have you heard something about this?” He said, “Yes, from the Messenger of Allah, peace and blessings be upon him.

”[Musnad Ahmad 4/397 no. 19053, Shaykh al Al-Bani said chain is strong in Tehzeer al Saajid 1/79, Ibn Malaqqan said in Tohfa tul Mohtaaj Narrated by Ibn Hibban in his Saheeh 2/27 no. 880 The Muhaqqiq of the book said this chain is Hasan and saheeh with all of its routs]

b) Athar of Ibraheem Nakhaee

| أنه كان يكره أن يجعل على القبر مسجدا

Ibraheem Nakhaee used to dislike making masjid on the grave

[Musannif Ibn abi Shayba, Authenticated by al Albani in Tehzeer al Saajid (1/81)].

5) Do not make my grave an idol that is worshipped

Ahmad (no. 7352,) Mawatta Book 9, Number 9.24.88

Hadith says: The Messenger of Allah may Allah bless him and grant him peace, said, “O Allah! Do not make my grave an idol that is worshipped. The anger on those who took the graves of their Prophets as places of prostration was terrible.”

[Related by Ahmad (no. 7352,)Mawatta Book 9, Number 9.24.88]

a)Imam Malik said ”

سئل مالك رحمه الله تعالى عن الغريب يأتي قبر النبي كل يوم ، فقال : ما هذا من الأمر ، وذكر حديث : (اللهم لا تجعل قبري وثناً يُعبد)

Imam Malik (may Allah have mercy on him) was asked about a stranger who comes to the grave of the Prophet (peace and blessings of Allah be upon him) each day.

He said, ‘That is not right,’ and quoted the hadith, ‘O Allah, do not make my grave an idol that is worshipped.’”[al-Jami’ li’l-Bayan by Ibn Rushd Classed as sahih by al-Albani in Tahdhir al-Sajid min Ittikhadh al-Qubur Masajid, p. 24-26.]

b) Qadhi Ibn Rushd Said

قال ابن رشد : فيكره أن يُكثر المرور به والسلام عليه ، والإتيان كل يوم إليه لنلا يُجعل القبر كالمسجد الذي يؤتى كل يوم للصلاة فيه ، وقد نهى رسول الله صلى الله عليه وسلم عن ذلك بقوله : (اللهم لا تجعل قبري وثناً)

Ibn Rushd said: “So he regarded it as makruh to pass by it a great deal to send salam on him, and to come there every day, lest the grave

become like a mosque to which people come every day to pray. The Messenger of Allah (peace and blessings of Allah be upon him) forbade that when he said, ‘O Allah, do not make my grave an idol.’”[al-Bayan wa’l-Tahsil by Ibn Rushd, 18/444-445.]

c) Qadi Iyaad Said

وسئل القاضي عياض عن أناس من أهل المدينة يقفون على القبر في اليوم مرة أو أكثر ، ويسلمون ويدعون ساعة ، فقال : ” لم يبلغني هذا عن أحد من أهل الفقه ، ولا يصلح آخر هذه الأمة إلا ما أصلح أولها ، ولم يبلغني عن أول هذه الأمة وصدرها أنهم كانوا يفعلون ذلك

” Al-Qaadi ‘Iyaad was asked about people of Madeenah who stand by the grave one or more times a day, and they send salaams and make du’aa’ for a while. He said, “I have not heard of this from any of the fuqaha’, and nothing is good for the latter generations of this ummah except that which was good for its first generations. I have not heard that any of the first generations of the ummah used to do that.”[Al-Shifa bi Ta’reef Huqooq al-Mustafa, 2/676.]

d) Mulla Ali Qari said

(اللهم لا تجعل قبري وثنا يعبد) ، أي : لا تجعل قبري مثل الوثن في تعظيم الناس ، وعودهم للزيارة بعد بدئهم ، واستقبالهم نحوه في السجود ، كما نسمع ونشاهد الآن في بعض المزارات والمشاهد

O Allah do not make my grave wathan) Meaning O Allah do not make my grave like wathan to which people venerate, place of visiting, greetings with the prostration, **Like we have seen and listen (these acts) in some of the shrines and mashaahid** [Mirqaat hadith no: 750 vol 2 page 228]

6) Sunnah: how much grave should be elevated

a) Sahih Bukhari vol 2 book 23 Hadith 473

Narrated Abu Bakr bin 'Aiyash : Sufyan At-Tammar told me that he had seen the grave of the Prophet elevated and convex.

b) Fatawa Alam Geeri says Make the grave convex but only one span (page 176 volume 1)

c) Sunan al kubra volume 3 page 410 Imam Behaqi mentioned ورفع قبره ،
، that The grave of Prophet was one span above the ground.

d) Sharah Muslim, vol 1 page 312 Imam Nawawi writes:”

فِيهِ أَنَّ السُّنَّةَ أَنَّ الْقَبْرَ لَا يُرْفَعُ عَلَى الْأَرْضِ رَفْعًا كَثِيرًا ، وَلَا يُسْتَمَّمُ ، بَلْ يُرْفَعُ نَحْوَ شِبْرٍ وَيُسَطَّحُ ، وَهَذَا مَذْهَبُ الشَّافِعِيِّ وَمَنْ وَافَقَهُ ، وَنَقَلَ الْقَاضِي عِيَّاضٌ عَنْ أَكْثَرِ الْعُلَمَاءِ أَنَّ الْأَفْضَلَ عِنْدَهُمْ تَسْنِيمُهَا وَهُوَ مَذْهَبُ مَالِكٍ ”

“The Sunnah is to have the grave not be raised up a lot above the ground, nor rounded, but that it be raised up approximately a hand-span and flattened, and this is the school of al-Shafi'i and others (scholars) who agreed with him, while Qadhi Iyaad related from many of the scholars that they prefer it to be rounded, and this is the school of Malik”

e) Its mentioned in Shami baab al dafan

وتكره الزيادة عليه لما في المسلم نهى رسول صلى الله عليه وسلم ان يجصص القبر و ان يبني عليه

It is makrooh to make the grave more than one span as it is mentioned in Muslim that Prophet peace be upon him did not allow to plaster the grave and to make structure over it

f) Imam Muhammad said: We (Ahnaaf) adhere to this, the grave is marked with a prominent mound, but it is not to be made in the form of a square and that is the “Verdict of Abu Hanifa” [Kitab ul Athaar, Page No. 145, Published by Turath Publishing]

g) Imam Muhammad said

ولا نرى ان يزداد على ماخرج منه ونكره ان يجصص او يطين او يجعل عنده مسجد الى ان قال ان النبي صلى الله عليه وسلم نهى عن تربع القبور وتجسيصها قال محمد و به ناخذ وهو قول ابي حنيفة

“We don’t consider this to be right that the sand that has been dug out from the grave should be replaced with quantity more than it on the grave It is makrooh to make the graves solid...because Prophet [s.a.w] had forbidden this and this is our madhab and this is also the view of Imam Abu Hanifa [r.h].” [Kitaab al-Athaar Imam Muhammed page 49 Matboo Kutub Khana Majeediya Multan]

h) Ibn Uthaymeen ra said ”

مسما ” أي : يجعل كالسنام بحيث يكون وسطه بارزا على أطرافه ، وضد المسنم : المسطح الذي يجعل أعلاه كالسطح . والدليل على هذا : أن هذا هو صفة قبر النبي صلى الله عليه وسلم ، وقبري صاحبيه

like Rounded) Meaning It should be rounded. This is like middle of the grave is raised and both sides lower than that.And roundness is opposite of making exactly the flat against the surface of the earth. The evidence for that the grave of Prophet peace be upon him and his companions is like that. (الشرح الممتع (5 / 364).

7)Refutation From Fuqaha and Muhadditheen

a) Imam ash-Shafii said in kitab al umm, Kitab al Janaiz, Chapter of Burial

(قال الشافعي) : تعني في المأتم ، وإن أخرجت عظام ميت أحببت أن تعاد فتدفن وأحب أن لا يزداد في القبر

تراب من غيره وليس بأن يكون فيه تراب من غيره بأس إذا زيد فيه تراب من غيره ارتفع جدا ، وإنما أحب أن يشخص على وجه الأرض شبرا أو نحوه وأحب أن لا يبني ، ولا يجصص فإن ذلك يشبه الزينة والخيلاء ، وليس الموت موضع واحد منهما ، ولم أر قبور المهاجرين والأنصار مجصصة (قال الراوي) : عن طاوس : { إن رسول الله صلى الله عليه وسلم نهى أن تبني القبور أو تجصص } (قال الشافعي) : وقد رأيت من الولاة من يهدم بمكة ما يبني فيها فلم أر الفقهاء يعيبون ذلك

“I prefer that the soil used for a grave be no more than that dug for that grave. I like to see a grave raised above the ground the length of a hand or so.

I prefer not to erect a structure over a grave or to whitewash it, for indeed this resembles decoration and vanity, and death is not the time for either of these things.

I have never seen the graves of the Muhajirin or Ansar plastered. I have seen the Muslim authorities destroying structures in graveyards, and I have not seen any jurists object to this.” .

Imam ash-Shaafi'i said: وأكره أن يعظم مخلوق حتى يُجعل قبره مسجداً مخافة الفتنة عليه وعلى من بعده من الناس

“I consider it Makruh that creation should be venerated (Ta'zim) until his grave is transformed into a place of worship (mosque) fearing the Fitnah for him and for those after him”

[Al-Umm” v 1 p 278, Imam an-Nawawi quoted in Sharah Saheeh Muslim vol 7 page 38]

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b) Ibn e Rajab Hanbalee said

هذا الحديث يدلُّ على تحريم بناء المساجد على قبور الصالحين

This hadeeth indicates that it is forbidden to build mosques on the graves of the righteous [Fath ul Bari li Ibne Rajab 3/197]

c) Qaadhi Thanaullah Hanafi [passed away 1228 A. H.] writes

آنچه بر قبور اولیاء عمارت هائے رفیع بنا میکنند و چراغان روشن می کنند و ازیں قبیل هر چه میکنند حرام است

“That which is perpetrated at the graves of the Auliya, like building them high and being illuminated by lamps, and other such accretions which take place there are all Haraam.” [MaalaBudda Minh, page 95] .

d) Imam Muhammad bin Ismaieel San’ani Rahimullah Born in 1099 AH in Yemen Died in 1182 AH. Said in his book Tahteer al Aiteqaad

قال محمد بن اسماعيل الصنعاني رحمه الله في كتابه تطهير الاعتقاد : فإن هذه القباب والمشاهد التي صارت أعظم ذريعة إلى الشرك والإلحاد ، وأكبر وسيلة إلى هدم الإسلام وخراب بنيانه : غالب - بل كل - من يعمرها هم الملوك والسلاطين والرؤساء والولاة ، إما على قريب لهم أو على من يحسنون الظن فيه من فاضل أو عالم أو صوفي أو فقير أو شيخ أو كبير ، ويزوره الناس الذي يعرفونه زيارة الأموات من دون توسل به ولا هتف باسمه ، بل يدعون له ويستغفرون حتى ينقرض من يعرفه أو أكثرهم ، فيأتي من بعدهم فيجد قبراً قد شيد عليه البناء ، وسرجت عليه الشموع ، وفرش بالفراش الفاخر ، وأرخبب عليه الستور ، وألقبت عليه الأوراد والزهور ، فيعتقد أن ذلك لنفع أو دفع ضرر ، وتأتيه السدنة يكذبون على الميت بأنه فعل وفعل ، وأنزل بفلان الضرر النفع . حتى يغرسوا في جبلته كل باطل ، والأمر ما ثبت في الأحاديث النبوية من لعن من أسرج على

القبور وكتب عليها وبني عليها . وأحاديث ذلك واسعة معروفة فإن ذلك في نفسه منهي عنه . ثم هو ذريعة إلى مفسدة عظيمة . انتهى

These big Domes and Mashaahid that have become the greatest source of polytheism and Ilhaad, and biggest means to destroy Islam and destruction of its structure, Those who made these (domes) were kings, sultan, presidents, governors, They made Domes of their close relatives or for those people to whom these Sultans had good opinion, Like Fadhil, scholar, Sufi, Faqeer, Teacher, elders.

Those people who knew them they visited their graves without making tawassul, and taking their names rather they visited to do astaghfar for them, and when these people who knew the dead died then the people who came later saw that the grave has a beautiful construction, Decorated by candles,...

They believed that (they did) this so that they may take benefit from them or to prevent problems....and these people make lies regarding the graves that he did this and he did this. [Fath ul Majeed Chapter 21 Exaggeration in Raising up the graves of Righteous]

e) Hafidh Al Iraqi Said

فلو بنى مسجداً يقصد أن يدفن في بعضه دخل في اللعنة، بل يحرم الدفن في المسجد،

If someone made the masjid with the intention of making his grave inside it after his death than he is Mal`oon and it is prohibited to make his grave in masjid. [Quoted by Imam Manawi in Faydh al Qadeer 5/274]

f) Allamah Halabi al-Hanafi writes:

ويكره تجصيص القبر وتطيينه وبه قالت الائمة الثلاثة الى ان قال وعن ابي حنيفة انه يكره ان يبني عليه بناء من بيت او قبّه او نحو ذلك لما هو من الحديث أنفا

“To make the graves solid and build structures over them is makrooh[tahreemi] and this is the view of 3 Imams...”[Kabeeri, page 599]

والمروى عن محمد نسا ان كل مكروه حرام المكروه التحريم عند الامام

When the word “Makrooh” is used by the salaf, it means haram and makrooh-e-tahreemi. [Abul Makaram, vol 3 page 159] .

g) Imam Ibn al- Qudaamah said

ولا يجوز اتخاذ المساجد على القبور لهذا الخبر ، ولأنَّ النبيَّ - صَلَّى اللهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - قال : « لَعَنَ اللهُ ... الْيَهُودَ اتَّخَذُوا قُبُورَ أَنْبِيَائِهِمْ مَسَاجِدَ » يحذر ما صنعوا

“It is not permissible to build mosques around graves because of the statement of the Prophet, peace be upon him, ‘May Allah curse the women who visit graves and those who build mosques and place lights over them.’” (Reported by Abu Daw’ud and Nasa’i) [Al Mughni 1/360]

Imam Ibn Qudama Hanbalee said

ولأن تخصيص القبور بالصلاة عندها يشبه تعظيم الأصنام بالسجود لها ، والتقرب إليها ، وقد روينا أن ابتداء عبادة الأصنام تعظيم الأموات ، باتخاذ صورهم ، ومسحها ، والصلاة عندها .

The special treatment of graves by means of praying to them is similar to the veneration of idols by prostrating oneself before them and wishing to draw near to them.

And it is narrated that idol worship began initially by praising hte dead by taking their pictures and wiping them and praying over them (Al Mughni, Kitab al-Janaiz Vol2 Page 193)

h) Ibn e Katheer under surah al Kahaf ayah 21

(Allah has cursed the Jews and the Christians who took the graves of their Prophets and righteous people as places of worship) Warning against what they did. We have reported about the Commander of the faithful `Umar bin Al-Khattab

أنه لما وجد قبر دانيال في زمانه بالعراق، أمر أن يخفى عن الناس، وأن تدفن تلك الرقعة التي وجدوها عنده، فيها شيء من الملاحم وغيرها

that when he found the grave of Danyal (Daniel) in Iraq during his period of rule, he gave orders that news of this grave should be withheld from the people, and that the inscription containing mention of battles etc., that they found there should be buried.

i) Ibn Hajar Haytamee said:

بقوله المنقول المعتمد كما جزم به النووي في شرح المهذب حرمة البناء في المقبرة المسبلة فإن بني فيها هدم ولا فرق في ذلك بين قبور الصالحين والعلماء وغيرهم

The saying which is approved as Nawawi affirmed in Sharah al Madhab the sanctity of construction in Maqbarah.. so demolish the construction and there is no difference in the graves of Righteous, Scholars and other. [Fatawa al Faqeeh al Kubra 3/141]

j) ‘Abdullah ibn Abi Zayd al-Qayrawani (310- 386) said
It is disliked to build anything on graves or to whitewash them. [It

appears that this is absolute, but that is not the case. There are details about this. In short, what is disliked is when it is in wasteland or owed so that the people of corruption cannot resort to it nor is pride intended by it and so distinction is intended by it. It is also unlawful in waqf land absolutely, like al-Qarafa.

He said in at-Tahqiq, “It is obligatory for the governor to command that it be demolished.” Whitewashing is also disliked because it is found in Muslim that the Prophet forbade that the grave be whitewashed and that it be built on or sat on.]

[Khalil: the tumulus should not be raised more than one hand above the trench and should be shaped like a camel’s back although some dislike this and say it should be flat.

There should be no fence around the grave. A tombstone is permitted as a market or a piece of wood, but this must not have any writing with the name, date or death, qualities of the person, etc.]The Risala of ‘Abdullah ibn Abi Zayd al-Qayrawani A Treatise on Maliki Fiqh (Including commentary from ath-Thamr ad-Dani by al-Azhari)]

**k) Qaadi Iyaad and people of Madeena said
ITS DISLIKED ASPECTS ARE SEVEN:**

1. That the dead man be followed by fire.
2. That a house be built over his grave.
3. That a dome be put over it.
4. That it be covered with gypsum or be built up.
5. That it be made too deep.
6. That carved rocks be put upon it.
7. That those who attend the salat make fun or laugh [THE FOUNDATIONS OF ISLAM ACCORDING TO THE AHL AL-MADINAH English translation page no: 68]

l) Imam Nawawi writes

واتفقت نصوص الشافعي والأصحاب على كراهة بناء مسجد على القبر سواء كان الميت مشهوراً بالصلاح أو غيره ، لعموم الأحاديث ، قال الشافعي والأصحاب : وتكره الصلاة إلى القبور ، سواء كان الميت صالحاً أو غيره قال الحافظ أبو موسى : قال الإمام أبو الحسن الزعفراني رحمه الله : ولا يصلى إلى قبره ، ولا عنده تبركاً به وإعظاماً له للأحاديث ، والله أعلم

It is agreed from the Nusoos of ash-Shafiee and Companions that It is Makrooh to make masjid on the grave **whether the dead is famouse pious or any other** , it is in general ahadith. ashShafiee and the companions said: It is Makrooh to pray on the graves **whether the dead is righteous or any other**. Hafidh Abu Musa said: Imam Abul Hasan Zafarani Rahimullah said: **And do not pray on the grave and do not take blessings from it (Tabarruk)** [Majmoo Sharah Madhab vol 5 page 289]

m) Ibn Atiyah (481 – 542 هـ) mentioned regarding the hadith “I used to forbid you from visiting graves, but now you should visit them” under surah at-Takaasur verse 2

ثم أباح بعد لمعنى الاعتاظ لا لمعنى المباهاة والتفاخر كما يصنع الناس في ملازمتها وتسنيما بالحجارة والرخام وتلوينها شرفاً وبنيان النواويس عليها

Then he allowed in the meaning of it being a lesson form them and not for extravagance and pride like how some people engage themselves in building over the grave by building it with stones and marbles and decorating them to show respect and erecting structures over them [al-muharrar al-wajiz fi tafsir al-kitab al-aziz under surah at-Takaasur verse 2]

n) Ibn Abi Yala said:

قال أبو محمد التميمي: أنفذ الخليفة المطيع لله بمال عظيم ليبنى على قبر أحمد بن حنبل قبة فقال له جدي وأبو بكر عبد العزيز: أليس تريد أن تتقرب إلى الله تعالى

بذلك؟ فقال: بلى فقالا له: إن مذهبه أن لا يبني عليه شيء فقال: تصدقوا بالمال . على من ترونه فقالا له: بل تصدق به على من تريد أنت فتصدق به

Abu Mohammed al-Tamimi said, that Caliph Mutee Allah said: What if I order to spend lavishly, so that a dome can be erected on the grave of Ahmed Bin Hanbal? Thereafter his grandfather and Abu Bakr Bin Abdul Aziz said: “Don’t you want to be closer to Allah ?

He (the Caliph) replied: “Why not”. So they both said to him **indeed the madhhab of Ahmed was not to build anything over the grave.**

Then the Caliph said: “Thus spend in charity, wherever you see it befitting, and they said: “Rather you should spend in charity wherever you want it to”. And thus he (Caliph) spent in charity. [Tabqaat al Hanabila by Ibn Abi Yala 1/271]

o) Ahmad Zaruq al-Fasi al-Maliki (846h – 899h) said:

“الثالثة من البدع اتخاذ المساجد علي مقبرة الصالحين ووقد القناديل عليه دائما أو في زمان بعينه و المسح بالقبر ”
” عند الزيارة وهو من فعل النصارى وحمل تراب القبر تيركا به وكل ذلك ممنوع بل يحرم

Thirdly among the Innovation is buidling Mosques over the shrines of the Righteous, lighting the lamps forever or in the specific time and touching the grave while visiting. This is the practice of the Christians, and carrying the dust of the grave for seeking blessing, All of that is not allowed rather it is Prohibited. [Sharah ar-Risalah 1/289]

Scan:

https://ia600400.us.archive.org/BookReader/BookReaderImages.php?zip=/16/items/Zarouk/Zarouk1_jp2.zip&file=Zarouk1_jp2/Zarouk1_0289.jp2&scale=8&rotate=0

8) Fatwa of Hanafi Scholars

a) Imam Tahir bin Ahmad bin Abdul Rasheed Bukhari (482 h to 542 h) said

فان كتب عليه شيء او وضع الاحجار فلا بأس به عند البعض ولا يجصص القبر ولا يطين ولا يرفع عليه بناء
There is no harm in writing and placing on graves according to some.
But to not plaster the grave nor to make it solid nor to make any building over it [Khulsata tul Fatawa vol 1 page 26] .

b) Imam Abu haneefah ra And his Student (c) Imam Muhammad

ولا نرى ان يزداد على ماخرج منه ونكره ان يجصص او يطين او يجعل عنده مسجد الى ان قال ان النبي صلى الله عليه وسلم نهى عن تربييع القبور وتجصيصها قال محمد و به ناخذ وهو قول ابي حنيفة

“We don’t consider this to be right that the sand that has been dug out from the grave should be replaced with quantity more than it on the grave It is makrooh to make the graves solid...because Prophet [s.a.w] had forbidden this and this is our madhab and this is also the view of Imam Abu Hanifa [r.h].” [Kitaab al-Athaar Imam Muhammed page 49 Matbooa Kutub Khana Majeediya Multan] .

c) It is mentioned in “Ziyaratul quboor bidiyyetuha wastihbabuha” by shaykh Muhiydeen Muhammad ibn Ali al-Birqvi al-Hanafi (b 929 h) on page 58:

.”Salamah ibn Wardan said: “I seen Anas ibn Malik greeting prophet (sallallahu alayhi wa salam). Then he turned his back to grave (of prophet (sallallahu alayhi wa salam) and started to make /dua/. There is no contradiction on this issue between scholars. The difference is in the opinion where he should be greeted.

Abu Haneefa used to turn towards /qibla/ when he greeted prophet :s:, and he didn’t turn towards grave. Some others said:”Person should

turn to grave only when he is saluting”. No one from 4 imams said that (anyone) should turn to grave when he supplicate.

There is only one baseless story on this issue that attributed to imam Malik. It also said that imam Shafi supplicated while he was standing near the grave of Abu Haneefa, and he was turned to his grave. And that’s blatant lie”.

On page 80 he said: “It’s obligatory to demolish domes that were build upon graves

he also said. “Visiting graves to offer prayers by them, circumambulate them, kiss them, carry out their istilam, to rub cheeks on them, take their dust, to supplicate to the occupants [of the grave], seek their aid [isti’ana], ask from them help, sustenance, well being, children, fulfillment of debts, removal of difficulties, help with sorrows and other needs which the worshippers of idols used to ask their idols.

None of this is sanctioned in Shari’ah, according to the consensus of the Imams of the Muslims, as the Messenger of Allah and none of the Companions and Followers and the imams of the faith did this. Rather, the basis of this polytheistic, bid’ati visit has been derived from the worshippers of statues!” .

d) AL ALOUSI Hanafi mentioned

ثم إجماعاً فإن أعظم المحرمات وأسباب الشرك الصلاة عندها واتخاذها مساجد أو بناؤها عليها، وتجب المبادرة لهدمها وهدم القباب التي على القبور إذ هي أضرم من مسجد الضرار لأنها أسست على معصية رسول الله صلى الله عليه وسلم لأنه عليه الصلاة والسلام نهى عن ذلك وأمر بهدم القبور المشرفة، وتجب إزالة كل قنديل أو سراج على قبر ولا يصح وقفه ولا نذرته

“This is consensus that from the prohibited things and things which

can lead to shirk are praying salah at the graves, to build mosques or structures over the graves. It is obligatory (wajib) to remove the high graves and large structures over the graves because they are more dangerous than Mosquoe of Dharar and they are built by the disobedience of the Prophet [s.a.w]...and it is wajib to remove the lightening that is done over the graves ...”[Rooh al-Ma’ani under Surah al-Kahf verse 21]

(Now onwards copying some selective fatwas of Hanafi Scholars from another good website one can see whole article here) http://www.umm-ul-qura.org/info/user_pages/page.asp?art_id=133

Mahmud Al-Alusi said about the story of Kahf and people who base on it to justify building on graves of saints: “And people have taken this as a proof for permitting building on graves of saints and turning them into mosques and praying in them...

This saying is pure falsehood, corruption and evil. Ahmad, Abu Dawud, At-Tirmidhi, An-Nasai, ibn Majah narrated from ibn Abbas that the Messenger of Allah (saw) said: “May Allah curse the women visiting graves, those who make graves upon them and put lamps upon it” .

e) Abdullah ibn Ahmad An-Nasafi said in his “Kanz ud Daqaiq” v 2 p 194:

“They (graves) should not be elevated nor plastered”

f) Ibn Nujaym said in explanation in his “Bahr ur Raiq”:

“Because of the Hadith of Jabir that the Messenger of Allah (saw) forbade to do Tajsis (plastering) of graves, to sit on them, to build over them and write on them”

g) Qadhi Khan hanafi said his “Fatawa” v 1 p 94:

ولا يجصص القبر لماروى عن النبي صلى الله عليه وسلم انه نهى عن التجصيص و التفضيص و عن البناء فوق القبر اراد بالبناء السفت الذى يجعل على القبر فى ديارنا لما روى عن ابى حنيفة رحمة الله انه قال لا يجصص القبر و لا يطين و لا يرفع عليه بناء و سفت

« The graves should not be plastered, because the Prophet (saw) has forbidden plastering graves (tajsis), to make them solid with silver (Tafdid), to build over them constructions, they say (the fuqahas) that the word « bina » refers to the construction over the graves that we can see in our countries on graves, because Imam Abu Hanifa forbade plastering graves, making them solid and to build over them constructions and mazar. » [Fatawa Qadi Khan with the Haashiya of Alamgeeri vol 1 p 194, Hafiz Kutub Khana Quetta 1984]“ .

h) Qadhi Ibrahim Al-Halabi said in “Halabi Al-Kabeer” p 599:

“It is Makruh to do Tajsis (plastering) of graves, and to coat them with clay, and this is what the three Imams (Abu Hanifah and his two students Abu Yusuf and Muhammad ibnul Hasan) said because of what Jabir narrated...and from Abu Hanifah, it is Makruh to build on them constructions like houses or domes or similar to them because of the precedent Hadith”

i) Siraj ud Din said in his “Fatawa Sirajiyah” p 24: “It is Makruh to build on graves” .

j) At-Tahtawi hanafi rahimullah wrote in his explanation of “Maraqi Al-Falah” p 335:

“The three (Abu Hanifah and his two students) said that they (graves) should not be plastered because of the saying of Jabir that the Messenger of Allah (saw) forbade...And the forbiddance of the Prophet (saw) indicates that what they have mentioned is Makruh Tahrimi” .

k) Sayid Murtadha Az-Zubaydi said in his “Uqud Al-Jawahir Al-Munifah” v 1 p 103: “The Bayan of the narration shows that it is Makruh to do Tajsis (plastering of graves)”

l) As-Sarkhasi wrote in his “Mabsut” v 2 p 62: “He forbade doing Tajsis of graves”

m) Qadhi Ibrahim Al-Hanafi said in his “Majalis ul Abrar” p 129:

“And the domes built on graves, it is obligatory to destroy them because they have been built in disobedience and opposition to the Messenger (saw) , and every construction that is built in disobedience and opposition to the Messenger (saw) deserves more to be destroyed than the mosque of Dhirar.”

n) Ala ud Din As-Samarqandi said as mentioned in “Tuhfatul Fuqaha” v 1 p 400: “The Sunnah concerning the grave is that it should be convex, not in a square form, it should not be coated with clay, nor plastered, and Abu Hanifah consider it Makruh to build on graves”

o) Hasan Ash-Shurunbulali wrote in “Nur ul Idah” p 153: “And baked bricks and wood is Makruh...and it is forbidden (Haram) to built on graves for beatification and Makruh if it is for solidification after burial” (end quotes from UMM UL QURRA)

Note:

Against these Hanafi fatawa and direct fatwa of Imam Abu Hanifa, The Sufi of 10th century Abdul Wahab Sha'raani quoted very odd saying He states, “It is based on this that other Imams say that a building shouldn't be built on a grave nor should it be plastered, even though the ruling of Imam Abu Hanifa رضى الله تعالى عنه is, “All of these things are permissible.” So, the former sayings have hardship and the latter one has ease:’ [Meezaan alKubra, Vol.1, Kitaabul-Janaaiz]

Comment: Scholars of Ahlus sunnah ask for chain of narrators from Sharaani upto Imam Abu Hanifa. Secondly He agreed that all other Imams are agreed upon that Building on the graves is not allowed.

9) Ibn Hajar asqalani and buildings on the grave

i) Ibn Hajar asqalani said

وَفِيهِ جَوَازُ تَعْلِيَةِ الْقَبْرِ وَرَفْعِهِ عَنِ وَجْهِ الْأَرْضِ

This contains a proof for the raising the grave high and elevating it above the surface of the earth.[Fath ul Bari 3/223]

Note: As mentioned above a leveling the grave means making it high as much as hand span.

As mentioned in Bahr al Raiq

“The graves should be elevated from a hand span, and it is said from four fingers, and what Ali said in the sahih hadith about the order to level the graves concerns what is more than that.

[Bahr Raiq Sharh Kanz Daqaiq p 194 vol 2]

ii) Al-Haafiz Ibn Hajar said:

وَفِي الْحَدِيثِ مَشْرُوعِيَّةُ إِزَالَةِ مَا يُفْتَتَنُ بِهِ النَّاسُ مِنْ بِنَاءٍ وَغَيْرِهِ سِوَاءَ كَانِ إِنْسَانًا أَوْ حَيَوَانًا أَوْ جَمَادًا

This hadeeth indicates that it is prescribed to remove things that may tempt or confuse the people, whether they are buildings, people, animals or inanimate objects. [Fath ul Bari Kitab al Maghazi under the hadeeth where Prophet peace be upon him sent Jareer ra to destroy Ka'bat al-Yamaaniyyah hadith no: 4099]

iii) Imam al-Bukhari said

باب ما يكره من اتخاذ المساجد على القبور ولما مات الحسن بن الحسن بن علي رضي الله عنهم ضربت امرأته
“ القبّة على قبره سنة ثم رفعت فسمعوا صائحا يقول ألا هل وجدوا ما فقدوا فأجابته الآخر بل ينسوا فانقلبوا

Chapter on what is detested of constructing mosques over graves, and when al-Hasan ibn al-Hasan ibn ‘Ali (Allah be pleased with them) died, his wife constructed a tent over his grave for a year, and then it was lifted, and they heard a caller saying: Behold, have they found what they lost?

Another replied: No, they despaired and turned away.”
Ibn Hajar As ‘Asqalani commented:

ومناسبة هذا الأثر لحديث الباب أن المقيم في الفسطاط لا يخلو من الصلاة هناك ، فيلزم اتخاذ المسجد عند القبر ، وقد يكون القبر في جهة القبلة ، فتزداد الكراهة

“The aptness of this narration to the hadith of the chapter is that the one residing in the tent will not be free of praying there, so constructing a mosque near the grave is necessitated, and the grave may have been in the direction of the qiblah, so the detest ability is more severe.”

Ibn al-Battal said: ومعنى ضرب القبّة على الحسن حين ضربت عليه سكنت وصلي فيها فصارت مسجدا على القبر وإنما أورد ذلك دليلا على الكراهية لقول الصائح

“The meaning of constructing a tent over al-Hasan when it was constructed over it, is it was resided in and prayed in, thus it became a mosque over the grave. And [al-Bukhari] only cited this as evidence of the detest ability due to the statement of the caller [i.e. “Behold, have they found what they lost? Another replied: No, they despaired and turned away”].”

Ibn Hajar Asqalani said: وإنما ذكره البخاري لموافقته للأدلة الشرعية ، لا لأنه دليل برأسه
“Al-Bukhari only cited it because it agrees with the Shar’i evidence,
not because it is an evidence itslef.”

10) Imam an-Nawawi came into the dream and said do not make dome over my grave.

Shaykh Ala ud din bin al-Ataar who was student of an-Nawawi said in tohfa tul Talibeen Tarjuma al Imam Muhiyuddin an-Nawawi

فصل في عدم بناء قبه على ضريحه
لما توفى رضي الله عنه أراد أهله وأقاربه وجيرانه أن يبنوا على ضريحه قبة وأجمعوا على ذلك، إذ جاء رضي الله عنه- إلى أكبر امرأة من قرابته في النوم أظنها عمته، وقال لها قولي: لأخي والجماعة لا يفعلوا هذا الذي قد عزموا عليه من البنين فإم كلما بنوا أشياء دمت عليهم، فانتهت مزعة فقصت عليهم الرؤيا لا فامتنعوا عن البنين، وحوطوا على قبره بحجارة تمنع الدواب وغيرها.

وقال لي جماعة من أقاربه وأصحابه بنوي إم سألوه يوماً أن لا ينساهم في عرصات القيامة فقال لهم: إن كان ثم جاه والله لا دخلت الجنة وواحد ممن أعرفه ورأيت ولا أدخلها إلا بعدهم فرحمه الله ورضى عنه. لقد جمعت هذه الحكاية من الأدب مع الله عز وجل ومن الكرم مالا يخفى على متأمل فطن.

Shortly it states When he (an-Nawawi) passed away may Allah be pleased with him his family, relatives, and neighbors intended to build a dome over his grave, and they all agreed on that.

He -may Allah be pleased with him- came in a dream to the oldest women of his relatives, I think it was his aunt, and he said to her, “say to my brother and the group that don’t do this which you intend to make structure. So everytime they built something [over his grave] it got ruined(end quote)

11) Reply to the evidence of those who support building upon graves

a) 1st proof Quran states:

“Thus, did We make their case known to the people, that they might know that the promise of Allah is true, and that there can be no doubt about the Hour of Judgment.

Behold, they dispute among themselves as to their affair. (Some) said, “Construct a building over them”: Their Lord knows best about them: those who prevailed over their affair said, “Let us surely build a place of worship over them.” (Quran 18:21)

Reply

i) Imam Ibn e Kathir mentioned sufficient reply

ابن جرير في القائلين ذلك قولين: [أحدهما] أنهم المسلمون منهم [والثاني] أهل الشرك منهم، فالله أعلم، .
والظاهر أن الذين قالوا ذلك هم أصحاب الكلمة والنفوذ، ولكن هل هم محمودون أم لا؟ فيه نظر، لأن النبي صلى الله عليه وسلم قال: ” لعن الله اليهود والنصارى اتخذوا قبور أنبيائهم وصالحهم مساجد ” يحذر ما فعلوا،
Imam ibn e jareer quoted two sayings, first is this that this saying was from Muslims the other is that was saying from Ahlul Shirk ALLAH KNOWS BEST, Apparently it seems that was saying from Muslims as for there saying is good or bad? so the hadith of Prophet says(ibn e kathir supported his stance with hadith and athar of OMAR RA) (Allah has cursed the Jews and the Christians who took the graves of their Prophets and righteous people as places of worship)

. :وقد روينا عن أمير المؤمنين عمر بن الخطاب رضي الله عنه
It is narrated from Commander of Momineen Omar bin al khattab RadhiAllahANHO

أنه لما وجد قبر دانيال في زمانه بالعراق، أمر أن يخفى عن الناس، وأن تدفن تلك الرقعة التي وجدوها عنده، فيها شيء من الملاحم وغيرها.

When he found the grave of Danyal (Daniel) in Iraq during his period of rule, he gave orders that news of this grave should be withheld from the people, and that the inscription containing mention of battles etc.,

Comment: So even if they were Muslims their act was not evidence according to the ahadith, plus the amal of previous generations are not evidence for Shariyah al Muhammadiyah.

ii) Ibn e Katheer himself said under the Biography of Sayyiyadah Nafeesah in Al Bidaya wal Nihaya

والذي ينبغي أن يعتقد فيها ما يليق بمثلها من النساء الصالحات، وأصل عبادة الأصنام من المغالاة في القبور وأصحابها، وقد أمر النبي بتسوية القبور وطمسها، والمغالاة في البشر حرام

The AITEQAAD (creed) of people regarding her is not applicable for righteous women like her, The Origion of Idol worship is Ghuloo for graves and owners (the person who is in the grave),

That why Prophet peace be upon him ordered to level and obliterating the graves, Making Ghuloo for any Man is Haram [Al Bidaya wal Nihayah Vol: 10 page 287 under the Biography of Sayyiyadah Nafeesah]

iii) Mahmud Al-Alusi hanafi said:

واستدل بالآية على جواز البناء على قبور الصلحاء واتخاذ مسجد عليها وجواز الصلاة في ذلك. وممن ذكر ذلك الشهاب الخفاجي في «حواشيه على البيضاوي» وهو قول باطل عاطل فاسد كاسد، فقد روى أحمد وأبو داود والترمذي والنسائي وابن ماجه عن ابن عباس قال: قال رسول الله صلى الله عليه وسلم: " لعن الله تعالى زائرات القبور والمتخذين عليها المساجد والسرج " ومسلم " ألا وإن من كان قبلكم كانوا يتخذون قبور أنبيائهم مساجد فإني أنهاكم عن ذلك " وأحمد عن أسامة وهو والشيخان والنسائي عن عائشة، ومسلم عن أبي هريرة: " لعن الله تعالى اليهود والنصارى اتخذوا قبور أنبيائهم مساجد " وأحمد والشيخان والنسائي " إن أولئك إذا كان فيهم الرجل الصالح فمات بنوا على قبره مسجداً وصوروا فيه تلك الصور أولئك شرار الخلق " يوم القيامة

“And people have taken this as a proof for permitting building on graves of saints and turning them into mosques and praying in them Shahab Khafaji mentioned this in “Hashiyah Beydawi” This saying is pure falsehood, corruption and evil.

Ahmad, Abu Dawud, At-Tirmidhi, An-Nasai, ibn Majah narrated from ibn Abbas that the Messenger of Allah (saw) said: “May Allah curse the women visiting graves, those who make graves upon them and put lamps upon it”(Ruh al-Mani Tafsir of Surah al-Kahaf verse 21)

iv) Hafiz Ibn Rajab Hanbalee said

وقد دل القرآن على مثل ما دل عليه هذا الحديث، وهو قول الله عز وجل في قصة أصحاب الكهف: {قَالَ الَّذِينَ غَلَبُوا عَلَىٰ أَمْرِهِمْ لَنَتَّخِذَنَّ عَلَيْهِم مَّسْجِدًا} [الكهف: 12] ، فجعل اتخاذ القبور على المساجد من فعل أهل الغلبة على الأمور، وذلك يشعر بان مستند القهر والغلبة واتباع الهوى، وانه ليس من فعل أهل العلم والفضل المتبعين لما انزل الله على رسله من الهدى

The prohibition of making the graves of Prophets into masjid is not only proven by this hadith but it is also proven by Quran when Allah says regarding Ashaab al Kahf “(then) those who won their point said: “We verily, shall build a place of worship over them.” [18:21]

In this verse It is shown that the making of masjid on the grave is the practice of people who are in authority. This is the evidence that it was not the order of Shariyah and they wanted to make it by following their whims and desires because they were in authority. This practice was not the practice of people of knowledge [Fath ul Bari by Ibn Rajab 3/19]

v) Imam al Qurtubi commented:

فاتخاذ المساجد على القبور والصلاة فيها والبناء عليها، إلى غير ذلك مما تضمنته السنة من النهي عنه ممنوع لا يجوز؛

Taking places of worship over graves and praying therein and constructing over them and other such affairs all come under that which the Sunnah has forbade, it is prohibited, impermissible.[al-Jaami' li Ahkaam il-Qur'an surah al-araaf verse 21]

Comment: So, this is clear deception of these people quoting half of the commentaries. and lastly We follow Prophet Muhammad Peace be upon him not previous Prophets so this is not their evidance even if this is saying of MUSLIMS. .

b) Hadrat Umar (Ra) wish to get buried Beside Tomb of Prophet(saw) in a Room

Why did Hadrat Umar (ra) wanted to get buried in a room and not outside , Why was Hadrat Abu Baker (Ra) buried in a Room , A tomb is also a room built around the grave ,and it proves its a sunnah,

Reply

When `Umar was stabbed he sent his son `Abd Allah with a message to `A'isha to "Ask her if I can be buried with my two companions," that is, in her room, next to the Prophet and Abu Bakr where did he said make tomb on me?? when he himself buried the grave of Daniel Peace be upon him? (see this article for evidence)

And one more thing to add Aisha RA made a will that Do not bury me with Prophet as she didn't want to look better then she really was, If the hadith of Omar RA can be used for making tomb (which is totally illogical) then we can say this(saying of Aisha ra) is the proof that AISHA RA is against making dome. this is the Athar.

Bukhari Volume 2, Book 23, Number 474: ... Aisha narrated that she made a will to 'Abdullah bin Zubair, "Do not bury me with them (the Prophet and his two companions) but bury me with my companions (wives of the Prophet (p.b.u.h)) in Al-Baqi as I would not like to be looked upon as better than I really am (by being buried near the Prophet)."

Comment: So its clear that was Love of UMAR RA with Prophet Peace be upon him not that he wanted to make dome on his grave nor there was any dome or shrine at that time if someone says Hujrah of Aisha ra is like dome and shrine then he is ignorant see the reply of 3rd proof

c) why there is structure on Prophet's grave?

Reply:

It should be noted that until the year 678 AH, there was no dome over the chamber which contains the grave of the Prophet (peace and blessings of Allah be upon him), rather it was built by the king al-Zaahir al-Mansoor Qalawoon al-Saalihi in that year (678 AH), when this dome was built. Juhood 'Ulama' al-Hanafiyyah fi Ibtal 'Aqaa'id al-Qubooriyyah (3/1660-1662).

Hafiz al-San'aani (may Allah have mercy on him) said in Ta-theer al-I'tiqaad:

“ فإن قلت : هذا قبر الرسول صلى الله عليه وسلم قد عُمرت عليه قبة عظيمة انفتحت فيها الأموال . قلت : هذا جهلٌ عظيمٌ بحقيقة الحال ، فإن هذه القبة ليس بناؤها منه صلى الله عليه وسلم ، ولا من أصحابه ، ولا من تابعيهم ، ولا من تابع التابعين ، ولا علماء الأمة وأئمة ملته ، بل هذه القبة المعمولة على قبره صلى الله عليه وسلم من أبنية بعض ملوك مصر المتأخرين ، وهو قلاوون الصالحي المعروف بالملك المنصور في سنة ثمان وسبعين وست مئة ، ذكره في ” تحقيق النصر بتلخيص معالم دار الهجرة ” ، فهذه أمورٌ دولية لا دليلية

If you say:

A great dome has been built over the grave of the Messenger (peace and blessings of Allah be upon him), costing a great deal of money, I say: This is in fact great ignorance of the situation, because this dome was not built by him (peace and blessings of Allah be upon him) or by his Sahaabah or by those who followed them, or by those who followed the Taabi'een.

Or by the scholars and imams of the ummah. Rather this dome was built over his grave (peace and blessings of Allah be upon him) on the orders of one of the later kings of Egypt, namely the Sultan Qalawoon al-Saalihi who is known as King Mansoor, in 678 AH, and was mentioned in Tahqeeq al-Nasrah bi Talkhees Ma'aalim Dar al-Hijrah. These are things that were done on the orders of the state and not on the basis of shar'i evidence(end quote)

2nd reason 'Aishah ra said: "The only reason the grave of Allah's Messenger, peace be upon him, was not made prominent was to stop people from turning it into a mosque."

3rd reason Abu Bakr as-Siddiq said, "I heard the Messenger of Allah, may Allah bless him and grant him peace, say, 'No prophet was ever buried except in the place where he died.

d)Jesus Will Be Buried Next to Our Prophet's (may God bless him and grant him peace) Tomb.

Reply

Does this prove making masajid and tomb?? and again i would like to say tomb never exist at the time of Companions It is mentioned in Fusool min Tareekh al-Madeenah al-Munawwarah (p. 127, 128).

In 1253 AH, an order was issued by the Ottoman Sultan 'Abd al-Hameed to paint the dome green.

He was the first one to colour it green, and the colour has been renewed whenever necessary until the present. It became known as the green dome after it was painted green. It was previously known as the white dome or the fragrant dome or the blue dome. End quote.

e) Prophet placed a rock on top of 'Uthman ibn Maz'un's (ra) grave. It is established that the Prophet placed a rock on top of 'Uthman ibn Maz'un's (ra) grave saying: With it I shall designate the grave of my [milk-]brother and later bury in it whoever dies among my relatives

Reply: let us see other ahadeeth to clear this issue

No: 1

لما دفن النبي صلى الله عليه وسلم عثمان بن مظعون احتمل صخرة عظيمة فجعلها الى جنب قبره
The Prophet (peace_be_upon_him) when buried uthman ibn Maz'un then he carried a heavy stone and he put that besides the grave (al kamil fe Duafa al rijaal volume 5)

No: 2

From Ibn maja

ان رسول صلى الله عليه وسلم اعلم قبر عثمان بن مظعون بصخرة

Prophet Peace be upon him marked the grave of Uthman bin Mazun with the Stone

No: 3

Narrated Al-Muttalib: When uthman ibn Maz'un died, he was brought out on his bier and buried. The Prophet (peace be upon him) ordered a

man to bring him a stone, but he was unable to carry it. The Apostle of Allah (peace be upon him) got up and going over to it rolled up his sleeves. The narrator Kathir told that al-Muttalib remarked:

The one who told me about the Apostle of Allah (peace be upon him) said: I still seem to see the whiteness of the forearms of the Apostle of Allah (peace be upon him) when he rolled up his sleeves. He then carried it and placed it at his head saying: I am marking my brother's grave with it, and I shall bury beside him those of my family who die. (Abu dawood Book #20, Hadith #3200)

Comment:

So, it is clear that stone was just for marking and was not on the grave but it was beside the grave and the reason was Prophet peace be upon him himself said. I am marking my brother's grave with it, and I shall bury beside him those of my family who die. and one more thing why Prophet Peace be upon him never marked any other SAHABI'S grave?? so its clear the purpose was different and that was beside the grave Let us see what Muhaddith understood from this hadith.

Ibn Qudaamah said:

ولا بأس بتعليم القبر بحجر أو خشبة ، قال أحمد : لا بأس أن يعلم الرجل القبر علامة يعرفه بها ، وقد علم النبي صلى الله عليه وسلم قبر عثمان بن مظعون

There is nothing wrong with marking a grave with a stone or a piece of wood. There is nothing wrong with a man marking a grave so that he will know where it is. The Prophet (peace and blessings of Allah be upon him) marked the grave of 'Uthmaan ibn Maz'oon. Al-Mughni, 2/191.

so here one can clearly see that this hadith is proving Mark not building Domes and Shrines and making grave solid

f) Mosque of al-Khayf there is Qabr of 70 Prophets (together)

وعن ابن عمر أن النبي صلى الله عليه وسلم قال: "في مسجد الخيف قبر سبعون نبياً".

Translation: Narrated by Ibn Umar (Radhi'Allah anho) from Prophet (salallaho alaihi wasalam) who said: In (fi) the Mosque of al-Khayf there is Qabr of 70 Prophets (together) — Imam al Haythami said that it is narrated by Al-Bazzar and "ALL IT'S NARRATORS ARE THIQAH" [Volume No.3, Bab fi Masjid al Khayf, Hadith #5769]

Reply

This is the chain of this saying.

إبراهيم بن طهمان ، عن منصور ، عن ((مجاهد)) ، عن ابن عمر ،

This hadeeth is in gharaaib of Ibraheem bin Tahmaan that is why Hafiz Ibn Hajar who himself said "regarding the chain "Chain is authentic" [Mukhtasar al Bazaar (1/476)], he said "Ibraheem bin Tahmaan was Thiqqah who narrated ghareeb narrations (Thiqqah Yaghrab)[Taqreeb at-Tahdeeb]

The statement of Ibn Hajar asqalani is supported by Ibn Hibban who said أمره مشتبه له مدخل في الثقات ومدخل في الضعفاء وقد روى أحاديث مستقيمة تشبه أحاديث الأثبات وقد تفر عن الثقات بأشياء معضلان سنذ

He is doubtful, he was included in trustworthy narrators as well as in weak narrators, he narrated Mustaqeem ahadeeth which are like authentic ahadeeth, but he is also alone in narrating Muadal ahadeeth from trustworthy narrators [Thiqqat at-Tabiyeen 2/10]

This is the chain

Ibrahim bin Thman, from Mansur, from ((Mujahid)), from Ibn Umar,

Other students who narrates this from Mujahid, does not narrated these wordings,

This hadeeth is Narrated by Saeed Bin Abi-Arooba, and Khasif bin Abdul Rahman, and Yazeed bin Abi Ziad, from Mujahid with different words that ((seventy prophet's prayed in masjid al khayf))

1. Words of Saeed bin Abi Arooba

أبي العباس الأصم عن يحيى بن أبي طالب عن عبد الوهاب بن عطاء عن سعيد بن أبي عروبة : أنه سمع مجاهدا يقول: «صلى في هذا المسجد – مسجد الخيف ، يعني مسجد منى- سبعون نبيا ، لباسهم الصوف ، وونعالهم الخوص».

Mujahid said: 70 Prophets Prayed at the place of Masjid Al khayf..[Sunan al kubra al Behaqi 2/420]

2. Words from Yazeed bin Abi Ziaad from Mujahid From Ibn e Omar ra

عن علي بن المنذر عن محمد بن فضيل عن يزيد بن أبي زياد قال خرجنا مع مجاهد نسير حتى خرجنا من الحرم نحو عرفات ، فقال مجاهد: «هل لكم في مسجد كان ابن عمر رضي الله عنهما يستحب أن يصلي فيه». «قال : قلنا : نعم ، فصلينا فيه . ثم قال:«لقد صلى فيه سبعون نبيا ، كلهم يوم الخيف».

Mujahid said that Ibne Omar ra said:70 Prophets Prayed at the place of Masjid Al khayf [Akhbar al Makkah (4/18)(2313) by Fakihi]

3. Words of Hadith from Khaseef bin Abdul Rehman from Mujahid says :

عن مجاهد قال حج خمسة وسبعون نبيا ، كلهم قد طاف بهذا البيت ، وصلى في مسجد منى ، فإن استطعت لا (تفوتك صلاة في مسجد منى فافعل).

Here the word is also Prayed.[Akhbaar al Makkah of Fakihi (4/268)(2599)]

4. فقد أخرج الطبراني في ” الكبير (3 / 1551) بإسناد رجاله ثقات عن سعيد بن جبير عن ابن عباس مرفوعا : صلى في مسجد الخيف سبعون نبيا . . . الحديث وكذلك رواه الطبراني في الأوسط ” (1 / 119 / 2 زوانده) (75) وعنه المقدسي في ” المختارة ” (2 / 249) والمخلص في ” الثالث من السادس من المخلصيات ” (1 / 70) وأبو محمد بن شيبان العدل في ” الفوائد ” (2 / 222 / 2) وقال المنذري رواه الطبراني في الأوسط وإسناده حسن : (116)

The ahadeeth narrated from Ibn Abbas, also says ((The Messenger of Allah (blessings and peace of Allah be upon him) said: “Seventy Prophets prayed in Masjid al-Khayf, including Moosa. It is as if I can see him, wearing two qatwaani garments, in ihram, riding one of the camels of Shanu’ah with a bridle of twisted palm fibre”)) Munzari Said narrated by at-Tabrani and the chain is Hasan.

5. Shaykh alBani said

وقد عقد الأزرقى في تاريخ مكة (406 410) عدة فصول في وصف مسجد الخيف فلم يذكر أن فيه قبورا بارزة ومن المعلوم أن الشريعة إنما تبني أحكامها على الظاهر فإذا ليس في المسجد المذكور قبور ظاهرة فلا محذور في الصلاة فيه البتة لأن القبور مندرسة ولا يعرفها أحد بل لولا هذا الخبر الذي عرفت ضعفه لم يخطر في بال أحد أن في أرضه سبعين قبرا ولذلك لا يقع فيه تلك المفسدة التي تقع عادة في المساجد المبنية على القبور الظاهرة والمشرفة

Arzaqi mentioned in Tareekh al Makkah (406-410) many topics on Masjid al Khayf but he did not mentioned anywhere that the graves in the mosque are apparent. And this is known that Shariyah is based on Daahir and not Baatin, One can not see graves anywhere in Masjid al Khayf neither is ther any grave..So corruption is not there which is in other masajid where there are apparent high graves . so in Conclusion this hadeeth is odd true is 70 Prophets prayed in that masjid. And if we agree that it is authentic than there is no proof in it to make masajid on the graves. see the whole reply on this hadeeth here by Ahmad bin Salim

Misree <http://www.ahlalhdeeth.com/vb/showthread.php?t=76442>

g) Prophet peace be upon him prayed near the graves [hadith from Bukhari]

Question

assalamu alikum It is forbidden to build mosque on the graves but there is a hadith in al-Bukhari which state that Hadith 470:
Translated by: Ustadha Aisha Bewley Abdullah related that the Prophet, may Allah bless him and grant him peace, prayed at the end of the upper part of the valley behind al-‘Arj if you are on the way to Hadba. There are two or three graves at that mosque, on which are piles of stones, to the right of the path at the large stones marking the path. ‘Abdullah used to return home from al-‘Arj after the sun had declined from midday. He would pray Dhuhr in that mosque.” so Abdullah bin Umar prayed in the mosque where there were 2 or 3 graves?

Answer

All perfect praise be to Allah, The Lord of the Worlds. I testify that there is none worthy of worship except Allah, and that Muhammad ﷺ, is His slave and messenger.

The Hadeeth to which you referred in the question does not indicate that the Prophet ﷺ, or ‘Abdullaah ibn ‘Umar ﷺ offered prayer in the very spot where a grave or graves were found. The Hadeeth was reported by Al-Bukhaari رحمه الله with the following wording, “... there were two or three graves by (‘Inda in Arabic) that mosque, on those graves there were piles of stones. They were located to the right of the path...”

The Arabic word (‘inda), translated as “by” does not necessarily means “inside” or “next to”, so there is nothing to support the claim that the Prophet ﷺ, performed prayer in a place where there was a

grave or next to a grave. It (the word 'inda) can also mean "beside," according to the Arabic dictionary, Al-Qaamoos Al-Muheet.

However, there are many authentic Ahaadeeth that are explicitly indicative of the forbiddance of taking graves as mosques. For example:

The Prophet ﷺ, said: *"Beware of taking graves as mosques; I forbid you to do that."* [Muslim]

He ﷺ, also said: *"Know that the most wicked people are those who take graves as places of prayer."* [Ahmad]

These explicit texts and others which indicate the prohibition of taking graves as places of (performing) prayer should not be left and replaced by such implicit texts (i.e. this Hadeeth). Verily, those who do so are like those who resort to ambiguous texts and overlook definitive and lucid ones.

Allah Knows best.

Via: Written By Brother Asim UL Haqq – May Allah Reward His Effort. .
Ameen.....!!