

Rights of the Deceased

1. Haste in Funeral Preparations

The Prophet (ﷺ) said, “O ‘Alī! Three (things) are not delayed: ritual prayer (Ṣalāh) when its time is due, Janāza when its time arrives, and (marriage of) a widow when she finds a suitable partner” (Reported by Aḥmad).

Unnecessary delay in burying the dead due to pending arrival of relatives or friends from abroad, for example, is a cultural innovation that has no basis in Islam. If the delay is due to a circumstances beyond control, such as in case of someone who died in a foreign land and it is the policy of that country not to bury foreigners but to return them to their home country for burial, then it is permissible. That is because Islamic injunctions are fulfilled based on one’s ability and circumstances.

2. Haste in Settling Debts of the Deceased

The Prophet (ﷺ) said, “The soul of the (dead) believer is suspended until its debt is settled” (Reported by Aḥmad, Ibn Mājah, & at-Tirmidhī).

Inheritors of the deceased must give priority of the payment of his or her debts. This legal ruling (*ḥukm*) is in respect of the deceased who has left wealth behind. As for the deceased who has not left behind any wealth but died with the intention (*niyya*) to settle his debts, Allah relieves him or her of the burden of that responsibility, as the following *ḥadīth* indicates: “No Muslim incurs a debt – and Allah knows that he intends to repay it – except that Allah settles it for him in this world and the Hereafter” (Reported by Ibn Mājah, Ibn Ḥibbān and al-Ḥākim) As for the one who did not repay his debt before his death, then the Islamic authorities shall settle it with funds from the treasury (*bayt al-māl*) provided that he did not leave behind him any wealth, in which case his inheritors shall use for it for its

settlement. “Whoever leaves wealth, it is for his folk: and whoever leaves a debt then its (responsibility) is upon Allah and His Messenger” (i.e. the Islamic State).

3. Covering of the Deceased

‘Ā’ishā narrate that the Messenger of Allah (ﷺ) when he died he was covered with a cloak with markings on it (*burda*—a type of Yemeni garment worn at eh time) (Reported al-Bukhārī & Muslim). The wisdom of it, according to Imam an-Nawawī, is to protect the body from being unveiled ad its private parts (*‘awra*) exposed to people’s gazes.

(N.B.: This covering does not refer to the shroud (*kafan*) of the deceased with which he or she is buried. We shall discuss the Kafan in detail in No.3 in this series, *inshā Allah*).

4. Legal Ruling on Death Announcement

a) Ibn Mas‘ūd narrated that the Prophet (ﷺ) said, “Beware of the death announcement (*an-na‘yī*) because it is an act of paganism (*jāhiliyya*)” (Reported by at-Tirmidhī).

Ibn Hajar wrote in his *Fath al-Bārī*, “The prohibition is against what the people of Ignorance (pre-Islamic times) used to do: they would send someone to announce the death of the person at door of houses and in the markets.”

b) The Prophet (ﷺ) announced the death of an-Najāshī (the then king of Abyssinia or ancient Ethiopia) on the day that he died (Reported by al-Jamā‘a).

Legal Opinions:

Some scholars have stated that *an-na‘yī*, which informs people of the death of someone, is permissible, even though it has the element of inflicting grief and misfortune upon people, and that in this harm are also several benefits, such as haste in supplicating on behalf of the deceased, executing his bequests, and so forth.

We may add here that death announcement (via media or PA systems, etc) is permissible (*mubāḥ*) if the purpose behind it is a public good, as mentioned above, but detestable (*makrūh*) if it is done for other than good, such as pride in having a large, impressive turnout for the funeral and so forth.

5. Kissing the Deceased

a) ‘Ā’ishā narrated that the Messenger of Allah (ﷺ) kissed ‘Uthmān bn Maz‘ūn when he died until she saw tears rolling down his face (Reported by Aḥmad, Ibn Mājah, & at-Tirmidhī).

b) Ibn ‘Abbās narrated that Abū Bakr kissed the Prophet (ﷺ) when he died (Reported al-Bukhārī, an-Nasā’ī, & Ibn Mājah).

6. Mourning the Deceased

a) The Prophet (ﷺ) said, “Whoever is mourned and wailed over is punished with the same” (Reported by al-Bukhārī & Muslim).

b) “The deceased is punished with the crying of the living” (Reported al-Bukhārī & Muslim).

c) It is narrated Abū Mūsā was overcome with pain and fainted. A woman of his family began to shout and wail and nothing was able to control her. When he regained consciousness, come to he remarked,

Rights of the Deceased

“I am blameless from the one whom the Messenger of Allah is blameless. Indeed, he (ﷺ) was free from the responsibility of *as-ṣālaqa* (“a woman who shouts when a calamity strikes”), *al-ḥāliqa* (“a woman who shaves her head because of a misfortune”), and *al-Shāqqa* (“a woman who rends her garments during a calamity”) (Reported by al-Bukhārī & Muslim).

The above *āḥādīth* confirm that uncontrollable bewailing, lamentation, and bemoaning (*an-Niyāḥa*) is prohibited (*ḥarām*).

NB: The mourning period of a widow is 4 months and 10 days, as found in the Qur’an: “*Those men who have died and left spouses, they are to wait four months and ten days (before they can marry again)*” (Q. 2:234).

7. Regarding Crying over the Deceased

a) The Messenger of Allah (ﷺ), when he returned from the battle of Uḥud, he heard some women of Abdul Ashhal crying over their relatives who were killed. He said, “But Ḥamza (the Prophet’s (ﷺ) uncle who was also slain) has no criers!” So the women of al-Anṣār went and cried over Ḥamza. When he learned about it, he (ﷺ) said, “*Woe unto them! Let them not cry over a dead person after this day*” (Reported by Aḥmad & Ibn Mājah).

b) The eyes of the Prophet (ﷺ) flowed with tears when he brought his dead son Ibrāhīm into his room. When asked about his crying, he replied, “*It is mercy (from Allah). The eyes water and the heart grieves, but we do not say except what pleases our Lord*” (Reported by al-Bukhārī /Muslim).

Some scholars have reconciled these apparently contradictory *āḥādīth*. They

interpret the absolute prohibition of crying by restricting it to what leads to the *ḥarām*, namely, uncontrollable mourning, shouting, etc as mentioned previously, and to the *mubāḥ*, if it is merely tears from the eyes and what is impossible to suppress.

8 (A) Condolences to the Bereaved

i) The Prophet (ﷺ) said, “*Whosoever offers condolences to someone, he gets the same reward as the person*” (Reported by Ibn Mājah & at-Tirmidhī).

ii) “*No believer offers condolences to his brother in his misfortune, except that Allah clothes him with a dress of honor on the Day of Judgment*” (Reported by Ibn Mājah).

8 (B) What is said at the Time of Calamity or Misfortune

Umm Salmah said, “I heard the Messenger of Allah (ﷺ) say: ‘*No servant who is afflicted with a calamity sad says, Innā lillāhi wa innā ilayhi rāji’ūn. Allahumma uḥurnī fī muṣībatī. wakhluḥ lī khayran minhā (‘Verily, we belong to Allaa and to Him shall we return, O Allah! Requite me in my misfortune and compensate me with better than it’), except that Allah rewards him in that and recompenses him in that and recompenses him with better than that*” (Reported by Aḥmad, Muslim, & Ibn Mājah).

8 (C) Also Patience and Resignation to Allah’s Will at the Death of a Relative

The Prophet (ﷺ) passed by a women who was crying next to a grave and said to her: “*Fear Allah ad be patient (sabr).*” She retorted, “*Away from me! You are not afflicted with my calamity and you know nothing of it!*” It was

said to her: “*He is the Prophet (ﷺ)!*” Afterwards, she came to him and said, “*I did not know it was you. O Messenger of Allah!*” He (ﷺ) replied, “*Verily, patience is at the first shock*” (Reported by al-Jamā’a).

8 (D) How Is Condolence expressed?

Consolation or condolence (*ta’ziya*) in Arabic means patience and good behavior, so that whatever of speech or gesture conveys it, the objective is achieved. Better, however, is what the Prophet (ﷺ) expressed in the following *ḥādīth*. Usāma bn Zayd narrated, “*We were with the Prophet (ﷺ) when one of his daughters sent a messenger to inform him that a child of hers had died. He (ﷺ) said to the messenger: ‘Return to her and inform her Lillāhi mā akhadha wa lillāhi mā atamma wa kullu shay’in ‘indahū bi ajalīn masammā (‘To Allah belongs what He takes and what He gives and everything with him has an appointed time’) and tell her to be patient and resign herself to His will*” (Reported by al-Bukhārī and Muslim).

9. Supplying the Bereaved with Food

When news was announced that Ja’far had been killed, the Prophet (ﷺ) said, “*Prepare food for the family of Ja’far because there has befallen them that which will preoccupy them*” (Reported by Ibn Mājah and other).

10. Heretical innovations are to be Avoided (bida’)

Jarīr bn Abdullah al-Bajlī narrated “*We used to consider gathering at the home of the deceased for food after the*

Rights of the Deceased

burial as part of *an-Niyāḥa* (Reported by Aḥmad; see section no. 6 above).

That it is *bid'a* is clear, since such gathering burdens the bereaved family, preoccupies them, and instills in their minds thoughts about the calamity. It is contrary to the *Sunna*, which orders that visitors bring food for the family.

In the *ḥadīth* is also proof (*dalīl*) that what is traditionally observed in our community and elsewhere after the death of a relative and manifests as 'three days,' 'forty days' (a gathering at the house of the deceased to recite al-Qur'an, make supplications, etc), and the like also fall under this category of heretical innovations that should be avoided.