
Ruling on excavating the graves of Muslims or disbelievers

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Question: Is it permissible to excavate the graves of the Muslims and the graves of the disbelievers?

Answer: Shaykh al-Albaanee (رَحْمَةُ اللَّهِ)¹. There is a difference, naturally, between excavating the graves of the Muslims and excavating the graves of the disbelievers. Thus, excavating the graves of the Muslims is not permissible except until after the corpse has deteriorated and become decay. This is since excavating the grave would expose the buried cadaver and its bones to wreckage, and the Prophet (صلى الله عليه وسلم)² said: "**Breaking the bones of a deceased believer is like breaking his bones if he were alive.**" So the believer has sanctity after his death, just as he used to have sanctity during his lifetime. However, this sanctity is of course within the legislated bounds.

As for excavating the graves of the disbelievers, then they do not possess this (same) sanctity. Therefore, it is permissible to excavate them based on what is established in Saheeh Al-Bukhaaree and Muslim that when the Prophet (صلى الله عليه وسلم) migrated from Makkah to Madeenah, the first thing he instituted was the construction of the Prophet's (صلى الله عليه وسلم) masjid, which is still in existence today. But (at that time), there used to be a garden there that belonged to a group of orphans from the Ansaar, in which were graves of polytheists. So he (صلى الله عليه وسلم) said to these orphans: "**Give me a price for your land.**" He meant by this, "Sell me your land for its price." They responded: "It is for Allaah and His Messenger. We do not want any price for it." And there was found old ruins and graves of polytheists on that land. So the Messenger (صلى الله عليه وسلم) put someone in charge of the graves of the polytheists and so they were levelled (and the bodies were taken out). And he (صلى الله عليه وسلم) put someone in charge of the old ruins and they were flattened. Then the Prophet's (صلى الله عليه وسلم) masjid was established on the ground of that garden.

So therefore, the excavation of the graves is from two perspectives. As for it being done to the Muslim graves, then it is not permissible. And as for it being done to the disbelievers' graves then it is permissible. I have indicated in the response, that it is not permissible to excavate the Muslims' graves until the bodies first deteriorate and become dust, but when is this? Indeed, it differs according to the different types of land. There are arid desert lands, in which corpses can remain for as many years as Allaah wills. And there are moist lands, which expedite the decaying of the bodies buried in them. Thus, it is not possible to put a regulation that would determine the specific time it takes for the bodies to decay. So just as it is said: "The inhabitants of Makkah are the most knowledgeable about its mountain trails", then those individuals who bury people in that land know best the approximate time it takes for the dead buried in the graves to decay.

¹ (رَحْمَةُ اللَّهِ) (rahimahullaah) May Allaah have mercy on him

² (صلى الله عليه وسلم) May the peace and blessings of Allaah be upon him