

Transporting a Deceased Person from one Place to Another

Q: Janaa'iz-84: It is a common practice amongst our people to bury their deceased in their hometown and it sometimes happens that they have the body brought from another country as well. What is the view of the Shari'ah in this regard? People say that if this were not permissible, the bodies of some of our eminent saints would not have been transported from other places for burial. Is this correct? Does the law of transporting corpses apply to all people, be they saints or not?

Answer: The best and most preferred (Mustahab) practice is to bury a person in the place where he passes away, regardless of whether he passes away in his hometown or not. While all the Fuqahaa do not object to transporting the body a distance of up to two miles, the majority of them state that it is Makrooh to transport the body for more than two miles. The author of Nahr as stated that this is the accepted opinion (Zaahir Riwaayaah).

While there are those Fuqahaa who permit the transportation of a distance less than the distance of safar, there are those who permit its transportation for any distance whatsoever. It is however best not to transport the body for the following reasons:

1. Transporting the body delays the burial process, which ought to be hurried.
2. The state of the body may be altered during transportation. The body may start to bloat or decay, because of, which people would prefer to avoid it and not accord to the body the reverence it deserves. If the body is transported without being bathed first, it may not be fit to bathe upon arrival and sometimes not even fit for the Janaazah salaah to be performed. Furthermore, there are legal requirements necessary to transport a dead body and fulfilling these will lead to a further delay in the burial.
3. There is always a greater possibility of disrespect being shown to the dead body during transportation. It is handled more than necessary and often frozen. This causes inconvenience to the deceased and is forbidden. It is for this reason that when bathing the deceased the water should not be too hot, but of the temperature that people usually use when bathing. Rasulullaah SAW. stated that the sin of breaking the bone of a dead person is as serious as breaking that of a living person.
4. Because it is Makrooh to transport the dead body about unnecessarily, the expense for the transport may not be paid from the estate. It, however, often happens that the expense is charged to the estate, because of which children not of age are deprived of their full share of inheritance.

The dead body should therefore not be transported about, but buried Wherever death occurs. The deceased then becomes needy of Isaale Thawaab and du'aas, which people should carry out from their homes in the Sunnah manner as much as possible. It is this that will benefit the deceased. Transporting him about will be of no benefit to him.

Durrul Mukhtaar (Vol.1 Pg.840) makes it clear that a person is to be buried where he passes away, just as Rasulullaah SAW. buried the martyrs of the Battle of Uhud at Uhud even though the graveyard of Madinah Jannatul Baqi) was not very far away. Similarly, the sahabah RADI. Martyred during the conquest of Damascus were buried near the gate of the city and emphasis was not placed on burying them all together.

There are those Fuqahaa who permit the transportation of a distance less than the distance of Safar and there are also those who permit its transportation for any distance whatsoever. Imaam Muhammad RAH. states that it is permissible to transport the body a distance of one to two miles because this is usually the distance to the graveyard from a large city. The author of Nahr as stated that this is the accepted opinion (Zaahir Riwaayah).

The author of Kabeeri adds that while transporting the body one or two miles is necessary, any distance more than this is unnecessary and therefore, Makrooh. He also states that those Fuqahaa who permit the transportation of a distance less than the distance of Safar cite as proof the narration stating that when Hadhrat sa'd bin Abi waqqaas RADI. passed away in village located approximately 12 miles out of Madinah, his body was carried to Madinah.

Rasaa'ilul Arkaan quotes a Hadith from Hadhrat Jaabir RADI. stating that when his father was martyred at Uhud, his aunt intended to bury him in their family's graveyard. Rasulullaah SAW. however had an announcement made that all the martyrs were to be brought back to the place where they had fallen. By transporting the body, the burial process will be delayed and the body may start to bloat or decay. because of which people would avoid it and not accord to the body the reverence it deserves. Hadhrat Yusuf ALY. transported the body of his father Hadhrat Ya'qoob ALY. because the bodies of the Ambiyaaya ALY. never decay. There was therefore no problem in his case.

Maraaqil Faraah also makes it clear that a person is to be buried at the place where he passes away because when Hadhrat Aa'isha RADI. visited the grave of her brother Hadhrat Abdur Rahmaan bin Abu Bakr RADI. (whose body was transported after being martyred in Shaam), she said. "Had the matter been in my hands, I would not have transported you, but buried you where you passed away. It states further that the reason why transporting the deceased is Makrooh is the fear of the body starting to decay. However, if there is no feat of this, there will be no harm in doing, as was the case with Hadhrat Ya'qoob ALY. and Hadhrat sa'd bin Abi waqqaas RADI. Both of these personalities are just as alive in the Aakhirah as they had been in this world.

The above makes it evident that there exists a difference in the law of transporting the dead when it concerns saints. It is for this reason that some saints were transported. It is therefore incorrect to apply the ruling of such eminent personalities to the general public. The bodies of the saints do not decay as quickly as others and it often happens that even after burial, their bodies are safeguarded against decay. History bears testimony to the fact that there have been many graves of such saints that had been unintentionally uncovered to reveal bodies that were as fresh as they had been when alive.

A poet says;

"The death of those with Taqwa is really life and not death
Many are those who pass away but remain alive amongst the people?
And Allaah knows best what is most correct.

Fatawa Rahimiyyah vol.3