45671 - Is it haraam to cut down lote trees?

the question

Is it haraam to cut down lote trees? I am the one who planted it, but now I do not want it in that place. Is it permissible for me to cut it down?.

Detailed answer

Praise be to Allah.

The prohibition on cutting down lote trees has been narrated in several ahaadeeth concerning whose isnaads there was some debate among the scholars. Some of the scholars classed them as saheeh. The correct view concerning this prohibition – after establishing that the reports are sound – is that it applies only to two things: cutting down trees that provide shade, and cutting down lote trees within the limits of the Haram (the Sanctuary of Makkah). With regard to any other trees that a person may have planted in his home or garden, there is no sin in cutting them down.

Ibn al-Qayyim said, under the heading of Kulliyyaat fi'l-Mawdoo'aat:

"An example of that is the ahaadeeth which praise celibacy, all of which are false, and the ahaadeeth which forbid cutting down lote trees. Al-'Aqeeli said: There are no saheeh reports about cutting down lote trees. And Ahmad said: There is no saheeh hadeeth concerning that."

Al-Manaar al-Muneef, p. 117, 118

But Shaykh al-Albaani classed some of these ahaadeeth as hasan, such as the following:

1 – It was narrated that 'Aa'ishah (may Allaah be pleased with her) said: The Messenger of Allaah (peace and blessings of Allaah be upon him) said: "Those who cut down lote trees will be thrown headfirst into Hellfire."

Narrated by al-Bayhaqi, 6/140; classed as hasan by al-Albaani in Saheeh al-Jaami', 1696.

2 – It was narrated from Mu’aawiyah ibn Jaydah that the Prophet (peace and blessings of Allaah be upon him) said: “The one who cuts down a lote tree, Allaah will throw him headfirst into Hellfire.”

Narrated by al-Bayhaqi, 6/141; classed as hasan by Shaykh al-Albaani in al-Silsilah al-Saheehah, 615.

He said – following the hadeeth quoted above:

Abu Dawood interpreted it by saying: this hadeeth is concise, and is what it means is that whoever cuts down a lote tree in the open desert that wayfarers and animals use for shade, merely for sport and to wrong others unlawfully, then Allaah will throw him headfirst into Hellfire.

Al-Tahhaawi was of the view that this is abrogated, and he quoted as evidence the fact that it was narrated that ‘Urwah ibn al-Zubayr – one of the narrators of this hadeeth – cut down a lote tree.

I say: the most likely interpretation in my view is that this applies only to cutting down the lote trees in the Haram, as is explained by the comment added by al-Tabaraani to the hadeeth of ‘Abd-Allaah ibn Habashi: “i.e., the lote trees of the Haram.” This dispels any confusion; praise be to Allaah.

Then I learned that al-Suyooti had reached this conclusion before me, in his essay Raf’ al-Hadhr fi Qat’ al-Sidr (Dispelling confusion concerning the prohibition on cutting down of lote trees) (al-Haawi li’l-Fataawi, vol. 2, p. 212). Those who wish to learn more may refer to this essay, in which other isnaads of the hadeeth are mentioned.

In conclusion: the ahaadeeth which forbid the cutting down of lote trees are either da’eef (weak) hadeeths which are not valid, or they are hasan and may be interpreted as referring to two things:

1 – cutting down lote trees that people use for shade, for sport and for no useful purpose.

2 – Cutting down the lote trees in the Haram.

Based on this, there is no sin on you if you cut down this tree that you had planted, so long as you

did not plant it by the road for people to use for shade.

And Allaah knows best.