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# **Chapter 9: Miscellaneous Questions**

## The Question of Imprecation

#### Question

In "AI-Tafsir al-Mizan" you say that even in this age any believer who encounters the appropriate situation may perform imprecation [mubahalah]. Can just any believer undertake this grave task?

#### **Answer**

There are indications in the Qur'anic verse in which the issue of imprecation is mentioned (3:61) from which we may deduce that it is a general practice, not a one–time event that happened between the Prophet and the Christians of Najran. Moreover, there are *hadith*s narrated from the Imams that clearly indicate that all believers may perform imprecation when the circumstances call for it.

In a debate that Imam al-Baqir had with 'Abd Allah ibn 'Umayr Laythi on the question of temporary marriage, the Imam invites his opponent, when neither succeeded in convincing the other, to engage in mutual imprecation. In another *hadith*, the Imam advises a Shi'ah, who had been engaged in theological debates with some Sunni scholars, to call his opponents to enter upon mutual imprecation. Thus we can conclude that imprecation is a general solution that God has established in support of the defenders of truth.

# The Inviolability of the Qur'an

#### Question

What is your view on whether the Qur'an has been distorted or not? Considering the fact that a certain Shi'ah scholar has written a book, contending that the Qur'an has been distorted, there are two questions that I would like you to address. One, what can we say in response to the Sunnis who condemn us for such issues? Two, how can the *hadith*s recorded in that book—averring that the Qur'an

has been distorted—be justified?

#### **Answer**

The *hadith*s regarding the distortion of the Qur'an are numerous, relayed through both the Sunni and Shi'ah chains of transmission. Some traditionists [*ahl al-hadith*] have accepted these *hadiths*. The problem with these *hadiths*, however, is that they are self-defeating: to accept them would lead to rejecting their validity. For, the authenticity of *hadith* presupposes that the Imams are valid Islamic authorities. That in turn depends on the authority of the Prophet's words (as we believe that the Prophet appointed the Imams as his successors).

The authority of the words of the Prophet derives from the Qur'an as the most fundamental proof of his ministry. Now, to compromise the authority of the Qur'an by questioning its authenticity based on the possibility of its being distorted (whether that means extraneous material has been added to it or that certain parts of it have been deleted) would undermine the authority of the Prophet, the Imams, and finally the *hadith*s narrated from them. Thus, such *hadith*s are self-defeating.

## The Infallibility of the Prophet

#### Question

A certain contemporary scholar, drawing on the works of Saduq, has written a treatise on the "Prophet's mistakes" [Sahw al-Nabi]. What is your opinion concerning this question? Moreover, why are such unnecessary topics even published?

#### **Answer**

Obviously, the Prophet is the perfect example, both in his speech and conduct, for every Muslim. For the Prophet to commit a mistake, considering his position, would be a grave error as it would jeopardize his mission and undermine his credibility as the guide chosen by God. This in turn would deprive the Qur'an and the prophetic *hadith*s of their authority, for there would be no guarantee that he did not err in relaying the Qur'anic verses nor in his sayings.

# The Logic of Istikharah

#### Question

Is there a legitimate source on which the practice of *istikharah* (whether by the Qur'an or by the *subhah* [i.e., *tasbih*]) is based? Doesn't this practice degrade the Qur'an to the level of a book of soothsaying? Or how is it conceivable that the beads of the *subhah* could determine one's fate? Furthermore, why do some believers resort to *istikharah* before consulting with others [*istisharah*]? Would you not consider

the prevalence of this practice a defect of the popular religious culture?

#### **Answer**

Regarding the practice of *istikharah* there are a number of *hadith*s related from the Imams. There is no rational or religious reason for discounting such *hadith*s. Furthermore, the logic of *istikharah* is very clear. When we decide to take an action, the first step is to contemplate its pros and cons. If we reach a conclusion, we act accordingly. But if our thinking doesn't produce a satisfactory conclusion, we then turn to others for consultation.

If consultation succeeds, we take the appropriate action. But if even after consultation, we remain undecided, it is only then that we may resort to *istikharah*. Holding the Qur'an in our hands, we ask God to help us. We then open the Qur'an at random and focus on the first verse that catches our attention. The option that the content of the verse points to is the one we take up.

This practice is actually a form of reliance on God, which is an indication of faith. For, from the various alternatives that we have before us, we choose the one toward which we think God has directed us. This practice is in no way unorthodox, and it is in no way harmful to the religious spirit. (This also holds in regard to *istikharah* by *subhah*.)

### The Scripture of Fatimah [Mushaf Fatimah]

#### Question

Regarding the putative Scripture of Fatimah some Shi'ahs have published material in Kuwait in which the author describes the book as being several times larger than the Qur'an and in fact on a par with it. This has angered many Muslims around the world. What is your view concerning this issue?

#### **Answer**

In the corpus of Shi'ah *hadith* there is mention of a book which comprises Fatimah's sayings recorded by the Master of the Faithful. But to believe that such a book exists is not an article of the Shi'ah faith. It has never been regarded by the Shi'ahs as one of the religious sources that might rival the Qur'an and the Sunnah. Neither an Imam nor a Shi'ah scholar has ever adduced it in support of a religious position. According to the related *hadiths*, the book in question tells of the secrets of the world and foretells future events. As such, to accept the existence of such a book is an innocuous belief. But it should definitely be underscored that no one considers this book as a rival of the Qur'an.

# The Impermissibility of Exaggerating the Status of the Imams

#### Question

According to Shi'ah jurists, exaggerating the status of the Imams is heresy and those who hold such beliefs are heretics and thus *najis* (canonically impure). But what exactly does this ruling mean? How do we determine what constitutes "exaggerating the status of the Imams"?

#### **Answer**

To perceive the Imams as anything but God's servants would constitute exaggeration of their status: to ascribe to them attributes that are exclusively God's (such as creation and the governance of or interference in the existential affairs of the cosmos *independently*). Such a belief is heretical regardless of any other factor.

The point however that deserves to be emphasized is that it is the *independence* factor that is problematic. That is, to attribute Divine qualities to a creature, believing that it possesses them independently is heretical. However, to consider a creature as possessed of *existential authority* and thus an intermediary of Divine effusion (as we all believe that the Angel Mika'il is entrusted with providing sustenance to creatures, the Angel Jibra'il with the conveyance of Revelation, and the Angel Izra'il with the task of extracting souls at death) is another issue that does not constitute exaggeration.

# The Occurrence of "Li Allah-I Darr-U Fulan" And "Kana Li Allah-I Rida" In Words of the Commander of the Faithful

#### Question

In a few instances in the "*Nahj al-Balaghah*" we come across such contradictory phrases as "*li allah-i darr-u fulan*" ("It is upon God to reward Him")—which is complimentary—and "*li allah-i bala'-u fulan*" ("It is upon God to assail him with an affliction")—which is condemnatory—in reference to the *khulafa*'.

Further, in a letter to Mu'awiyah, Imam 'Ali refers to pledging allegiance to the *khulafa*' as "*kana li allah-i rida*" ("Therein was God's satisfaction") whereas in other instances, specifically in his Shaqshaqiyyah speech, he denounces the *khulafa*' as unrightful rulers. What are we to make of these contradictory statements?

#### **Answer**

First of all, it should be noted that the connotation of "kana li allah–i rida" ("Therein was God's satisfaction") is different from that of the other two statements you have mentioned. 1 The former can be interpreted in one of two ways. First, it is possible (since it is in a letter addressed to Mu'awiyah) to say that the Imam does not really mean it; rather, he is saying this in line with the prevalent view of the day.

Second, it is very likely that it means that although the Imam disagreed with what took place after the Prophet's death, but he conceded in order to preserve the unity of the *ummah*, for otherwise the very existence of the nascent Islamic state would have been compromised; it was this unity that God pleased although the usurpation of Imam 'Ali's authority was indubitably in violation of God's command.

But as for the other two statements—"*li allah–i darr–u fulan*" and "*li allah–i bala'–u fulan*"—they are clearly in reference to the *khulafa*' and the rulers appointed by them. As regards the second statement (i.e., "It is upon God to assail him with an affliction"), which is condemnatory, the meaning is evident. But as regards the first statement (i.e., "It is upon God to reward Him"), which is complimentary, it should be understood in light of Imam 'Ali's effort to maintain unity and peace in the Muslim *ummah* (for which purpose he abstained from voicing his opposition and discontent for 25 years), not as a frank statement of his view. For, according to the thousands of *hadith*s related from the Imams—one of which is Imam 'Ali's Shaqshaqiyyah speech—the true successor of the Prophet, designated by God, was 'Ali, but his position was usurped.

## A Call to Unity and Brotherhood

#### Question

It is a historical fact that Imam 'Ali, in the interests of the Muslim *ummah*, pledged allegiance to the *khulafa*'. Considering this fact is it appropriate to curse those who ruled the Islamic state in its formative period? Is it not being more Catholic than the Pope to feed the sectarian tension? No doubt, we encourage serious scholarly discussions on questions of faith, but to maliciously provoke the religious emotions of our Muslim brothers is not religiously justifiable.

In fact we have seen the founding of the Center for the Union of the Islamic Confessions [Dar al-Taqrib bayn al-Madhahib al-Islamiyyah] in Cairo, Egypt, which is supported by such eminent Shi'ah scholars as Ayatullah Burujerdi and Ayatullah Kashif al-Ghita'. It has produced significant results, such as Shaykh Mahmud Shaltut's 2 fatwa, recognizing the Shi'ah confession as one of the orthodox denominations of Islam.

Would it not be better to pursue this path, holding scholarly discussions between the highest authorities, rather than to condone the unchecked activities of radical groups, whether Shi'ah or Sunni, which are manipulated by our common foes?

#### **Answer**

Let me first make this point that unity in the sense of neglecting one's religious doctrines and erasing the confessional distinctions is unreasonable. Nevertheless, we must strive to achieve unity on the common grounds that exist. In the early history of Islam, Muslims succeeded in pervading a great part of the civilized world in less than a century after Islam's inception. But unfortunately that magnificent power

gradually faded as the result of a lack of unity and forgetting the social aspect of Islam. Of course, the role of the enemies who relentlessly struggled to create strife between the two main branches of Islam should not be overlooked.

To regain that power, we should emphasize that the differences that separate the two confessions are in the minor practices; we all agree on the main doctrines of faith and the main practices: *salat* (canonical prayer), fast, *hajj*, *jihad*, etc.; we all pray facing the Ka'bah and read the same Qur'an.

It was in this spirit that the Shi'ahs of the early period of Islam remained alongside the majority Sunnis, contributing to the common interests of the Islamic state and giving advice and counsel where needed. So too today it is incumbent on all Muslims to bear in mind their common beliefs, realize the oppression to which the imperialist powers have subjected them, and lay aside their sectarian quarrels, thus forming a united front against the common foes of Islam.

Fortunately Muslims are awaking. Thus, the idea of Islamic unity was put forth by the Shi'ah *maraji'*3. It was welcomed by a strong support from the honorable Shaykh of Al-Azhar, who introduced to the world the fundamental unity of the Shi'ah and Sunni. We, Shi'ahs, must be thankful of him for this great, and no doubt sincere, service.

As you [i.e., the questioner] have also pointed out, scholarly discussions between Sunni and Shi'ah scholars are in no way detrimental to this unity. Such discussions should persist so as to eradicate the darkness of ignorance and shed light on the truth, such that all would realize it—this is not dogmatism.

We beseech God that He guide the malevolent characters who strive to spread corruption and that He aid the Muslims in consorting their efforts so as to reclaim their past superiority. "Verily He is All-hearing, answering those who beseech Him."

## The Concentration of the Prophets in the Middle East

#### Question

Why are all the prophets from the Middle East region: Arabia, Egypt, and Shamat? Why there were not prophets in other regions of the world—say, in Europe or Australia?

#### **Answer**

There is no evidence that could prove that the prophets lived only in the Middle East region to the exclusion of other parts of the world. That the twenty-odd prophets mentioned in the Qur'an were in this region does not mean that other parts of the world did not have prophets. In fact, verse 24 of *Surah Fatir* affirms that all nations have had their prophet:

مِنْ أُمَّةٍ إِلَّا خَلَا فِيهَا نَذيرٌ...

"...and there is not a nation but a warner has passed in it."

# **Difference in Capabilities**

#### Question

Creatures differ, from the very start of their existence, in their capabilities and capacities. For instance, one is blessed with the capacity to receive the grace of prophethood; another is granted the privilege of *wilayah*; this, while the majority of creatures lack such special blessings. What is the reason for these differences?

#### **Answer**

All creatures have some potential, which is realized in a variety of manifestations depending on the circumstances. Elemental matter has the potential of becoming vegetative; plants, in turn, have the potential to bear fruit; fruit possesses the potential to grow and become a full–grown plant; semen, after resting in the female reproductive organ of an animal, has the potential to grow and take the form of that particular animal. Now, as to the agent that affects these potentials, it is without question an immaterial being.

As to the question posed above regarding the difference in the potentials of various creatures, that question should be sought in connection with the topic of final causality. Thus, to state the question more accurately we must ask, what is the *purpose* for creatures' being endowed with different capabilities, thus receiving the Divine effusion in various degrees?

Why did not God create the world such that His Effusion would encompass all creatures equally, leaving no room for evil, corruption, and imperfection? The answer in a word is: the cosmic purpose of the universe is that the most perfect creature, the human being, should come into existence.

"...It is He who created for you all that is in the earth..."4

"And He has disposed for you whatever is in the heavens and whatever is in the earth..."5

Human nature pursues perfection. In order to achieve perfection, he must undergo many trials and

tribulations. This in turn requires that there be differing potentials in the world, for otherwise there would be no tribulations.

## Some Questions Regarding the Story of Moses and Khidr

#### Question

The story of Moses and Khidr related in the Qur'an raises several questions. One, how can Khidr's destruction of another's property—where he made a hole in the bottom of the boat they were traveling in—without permission be justified? Two, was his slaying of the young boy not an instance of prosecution before the commission of crime? Three, what was the treasure buried under the wall? Four, what made Khidr eligible to act as teacher to Moses, the bearer of prophethood of his time and the locus of Divine knowledge on earth? (The same question arises with regard to the story of Rubil the Shepherd's counsel to Jonah and the replies of the woodpecker and the ant to Solomon.6)

#### **Answer**

Such incidents as death and destruction of property happen regularly in accordance with God's decree. These incidents are not crimes when considered in relation to God. For, He is the owner of the entire creation and the legislator and as such is not bound by what He legislates; what He does is certainly out of justice and for good. Khidr's statement,

#### "... I did not do that out of my own accord... "7

clearly indicates that his actions, whose purpose he revealed to Moses, were executed in submission to God's existential decree, not His legislative decree, and thus were not subject to religious law. Furthermore, although Moses was superior to Khidr, there was no wrong in him learning certain things from Khidr who was inferior to him.

The same case holds true with regard to Rubil the Shepherd's counsel to Jonah. As to the woodpecker's reply, it only suggests that the woodpecker had directly witnessed the court of Sheba whereas Solomon had not; there is nothing wrong in that. Finally, the ant's warning to the colony was only to save them from being trampled on by Solomon's army, and that the ant was blunt was of no harm.

## **Legislative Authority**

Legislative Authority [Al-Wilayah Al-Tashri'iyyah]

#### Question

What is the legislative authority [al-wilayah al-tashri'iyyah] of the Prophet and the Imams you mention in "Tafsir al-Mizan" in commenting on verse 55 of Surah al-Ma'idah.

#### **Answer**

Legislative authority is the authority to govern human society and manage the affairs of the Muslim nation in accordance with Islamic law. In a word, it is the authority to head the Islamic state.

# The Meaning of Indhar (Warning) in Reference To Animals

#### Question

"...There is no animal on land, nor a bird that flies with its wings, but they are communities like yourselves..."8

"And there is not a community but a warner has passed in it..." 9

Considering the above two verses together, one may infer that animals also have warners and thus are duty-bound [mukallaf]. Is this inference valid?

#### **Answer**

*Indhar* is to warn people against God's punishment. As such, it is part and parcel of the heavenly religions ordained by God. However, an examination of the verses of the Qur'an proves that the verse quoted above pertains to human beings alone.

# **Adam's Deception by Satan**

#### Question

The following two verses seem to contradict the account of Satan deceiving Adam:

"Indeed as for My servants you do not have any authority over them." 10

"Indeed God chose Adam and Noah, and the progeny of Abraham and the progeny of Imran above all the nations."11

How can the content of these verses be reconciled with Adam's being deceived into eating from the fruit of the forbidden tree?

#### **Answer**

According to verse 38 of Surah al-Baqarah

("We said, 'Get down from it, all together! Yet, should any guidance come to you from Me, those who follow My guidance shall have no fear, nor shall they grieve'."),

religion was established after the Fall. Also, the special status that God's special servants enjoy (in being immune from Satanic temptations) as described in verse 15:42 pertains to this world. Moreover, according to verse 122 of *Surah Ta Ha* 

("Then his Lord chose him, and turned to him clemently, and guided him."),

Adam's promotion to the status of the special servants took place in this world. So, since religious law was established in this world and Adam was chosen as one of the special servants again in this world, there is no inconsistency among the verses cited in the question, for Adam ate from the fruit of the forbidden tree prior to this world. Based on this line of reasoning, in eating from the fruit of the forbidden tree Adam did not disobey God; rather, he neglected God's advice.

## A Question Regarding the Incident of The Moon Splitting In Half

A Question Regarding the Incident of The Moon Splitting In Half [Shaqq Al-Qamar]

#### Question

How can the story of the moon splitting in half at the request of the Prophet, recounted in both the

Qur'an and the Sunnah, be rationally explained, especially considering the fantastic details related in some *hadiths*?

#### **Answer**

That such a miracle was performed by the Prophet is beyond doubt as it is attested by both the Qur'an and the Sunnah. As to the details, however, the *hadith*s disagree. Since the *hadith*s that recount the incident are not ascertainable when taken individually, the details provided therein are dubious. What can be said with certainty is that the Prophet pointed to the moon, which caused it to split in half. This much of the story is verified by the Qur'an—

#### "The hour has drawn near and the moon is split." 12

—and is thus indubitable. The Prophet executed this miracle in reply to those who rejected his ministry on the pretext that they needed to see him perform a miracle. As this miracle is confirmed by the Qur'an it is beyond doubt. This is as far as this story is concerned.

As to the general topic of miracle, it cannot be refuted by rational reasoning, though one may be reluctant to accept the possibility of such phenomena. Miracles are executed through the interference of higher agents—of which most of us are utterly ignorant—in the normal function of natural agents.

Some have claimed that the moon's splitting in half was not a miracle performed by the Prophet. They claim that the verse refers to an apocalyptic incident that will occur on the Day of Judgment when God will destroy the material world. This reading, however, is disproved by the context. The next verse (*Surah al–Qamar* 54:2) clearly indicates that the splitting of the moon referred to in the first verse is a miracle that actually took place during the life of the Prophet:

#### "If they see a sign, they turn away and say, 'An incessant magic!""

Clearly enough, if the splitting of the moon referred to in the first verse were to take place on the Day of Judgment, the unbelievers could not reject it as magic.

Still others contend that the verse in question refers to the scientifically confirmed phenomenon of the separation of the moon from the main body of Earth during the primitive stages of its development. They cite this as proof of Qur'an's veracity as it, in their view, told of this phenomenon many centuries before science. This contention, however, is refuted by a lexical consideration of the verse at issue. To signify

the separation of one object from another—whether by way of reproduction or detachment—in the Arabic language, the words *ishtiqaq* and *infisal* are employed, not *inshiqaq*, which signifies specifically the splitting in half of a single object.

Another objection that has been made against the miracle account is that if such an extraordinary incident had occurred, non–Muslims would have also recorded it. This objection neglects the fact that those who record history do so in accordance with the interests of the powers who patronize them.

Any incident or event that is against the interests of the powers would go unrecorded and thus doomed to oblivion. It for this reason that we find no sign of the story of Abraham, Moses, or Jesus in the conventional annals of history, although from the religious point of view there is no doubt in their miracles and accomplishments: Abraham was catapulted at the behest of Nimrod in an enormous fire without being harmed; Moses exhibited his miraculous staff and white hand; Jesus brought the dead back to life. Furthermore, it should be noted that there is a considerable time difference between Mecca, where the miracle occurred, and the Western hemisphere. As such, one cannot expect that this extraordinary lunar event, which appeared for only a very brief time, should have been descried in such Western countries as Rome and Athens.

## **An Unfounded Myth**

#### **Question**

Is the story of Venus alighting on the roof of the Master of the Faithful's house supported by authentic sources?

#### **Answer**

This story is related in a few *hadith*s that are neither *mutawatir* 13 nor ascertainable [*qat'i al-sudur*] and thus are unreliable.

# A Question Regarding the Islamic Penalty of Severing the Hand of the Thief

#### Question

Why does Islam order the hand of the thief to be cut?

#### **Answer**

In examining the Islamic penalty for theft, which is to sever four fingers of the thief's hand, two aspects should be distinguished: first, that in committing a wrong the thief deserves to be punished and, second,

that this punishment should be the severing of the hand. Considering the first aspect, we know that Islamic law is not alone in setting a penalty for theft.

Human societies, as far back as history sheds light on, have invariably condemned theft and punished thieves; this includes primitive human communities, tribal societies, feudal societies, monarchies, theocracies, and finally democracies. This universal consensus is based on the belief that the most valuable asset that human beings possess is life and that the foremost responsibility of the individual is to pursue a felicitous life.

To this end, people work collectively as a society to acquire wealth and secure their welfare. In this way, people expend one half of their life—an invaluable price—to secure the well-being of the other half. 14 As the importance of safekeeping a goods increases in proportion to its value, it should go without saying that to keep our possessions—for which we have expended one half of our life—safe is of utmost importance.

Thus, to leave the possessions of the individuals of a society unprotected is tantamount to destroying one half of the collective life of that society just as leaving the lives of the constituent individuals of a society unprotected is tantamount to destroying the entire collective life of that society:

"...whoever kills a soul, without its being guilty of manslaughter or corruption on the earth, is as though he had killed all mankind..." 15

In this light, thieves as enemies of the financial security of the society must be dealt a severe punishment that would also serve as a deterrent.

As to the second aspect of the question, that is, the punishment that Islam designates for this crime, one can infer on examining the entire body of the Islamic penal code that the rationale that Islam pursues in the punishments it establishes is to inflict upon the criminal the like of which the victim has suffered so that, first, he would receive the justice he deserves and, second, it would make a lesson for other potential criminals.

Obviously, it is not possible to recompense for a wrong that ruins one half of an individual's productive life by monetary fine, whether small or large, or imprisonment. The strongest proof for this is the failure of such measures to achieve their purpose in the so-called advanced countries. Heeding this realistic analysis, Islam orders the hand of the thief, which is more or less equal to one half of his life's work, to be severed.

Unfortunately, the objections that our so-called enlightened thinkers make against Islam's penal code—which have these days become as ubiquitous and ruinous as theft in our country—shows that

they do not realize this very clear logic. Their argument is, why should a man's hand—which God has bestowed to him for the pursuance of his wellbeing and which he has the right to utilize throughout his life for resolving his problems—be severed as the result of a mistake he committed under financial pressure?

What this argument does is in essence to justify the wrong perpetrated by the thief and then to evoke our sense of pity to feel sorry for him. The error in this line of reasoning is very clear. Although it is a virtue in personal issues to be clement and forgiving in treating those who have wronged us (as Islam strongly encourages the victim to relinquish his right to punish the offender), to be sentimental in dealing with social issues is wrong. To be lenient toward criminals is a ruthless injustice toward the society at large; in leaving the thief free and respecting his "human rights" we would be harassing and disrespecting the innocent individuals of the society. In the words of Rumi:

"To pity the sharp-toothed leopard is to oppress the sheep."

So the issue is that in the legal code, the legislator must ensure the interests of the society at large, not merely the individual welfare of the thief or even the victim for that matter.

Let us now turn to another objection that is closely related to what has thus fur been elucidated. The objection is that there should be a difference between a thief who is driven to commit a petty theft out of need and desperation and one who has made this crime his vocation, continually offending the public, everyday ruining the happiness of a family.

Why, then, does Islam treat both cases similarly? The answer is, when Islam establishes a certain punishment for a crime, it is enforceable when the judicial authority of the Islamic state has confirmed the commission of the crime. If one commits theft once and is thereafter apprehended and proven guilty he receives the punishment of the severance of four fingers of the right hand; one will receive the same punishment if he is apprehended after having committed theft more than once without being punished.

Furthermore, the Islamic penal code treats all instances of theft, whether grand or petit, equally, for both cases are violations against one of the fundamental elements of the society—namely, financial security. The conditions and circumstances that lead up to the commission of theft make no difference in the execution of punishment.

The detractors of Islam's penal code further argue that by cutting the four fingers of the thief we render him a public burden as he can no longer care for himself, not to mention that one potentially productive member of the society is incapacitated.

These gentlemen should be reminded that in a country with a diverse population with multifarious needs, there will definitely be work for someone missing four fingers; he would not constitute a burden for the society. It is precisely for this reason that the next punishment Islam assigns for one who repeats the crime of theft is not the severance of the other hand but the severance of his left foot.

Moreover, assuming that the incapacitation of a thief does constitute a burden for the society, is this burden not incomparably lighter than the financial insecurity that his offense brings on the society? What a ridiculous argument! Is the incapacitation of a thief more burdensome on the society than leaving him unrestrained or than imposing on the society the heavy costs of keeping him imprisoned?

Are the ever–increasing number of thieves and burglars in our country not a public liability? They continue their evil work unrestricted, preying on the efforts of others. And this is not to mention the murders and other shameful crimes that they naturally inflict on their victims in the process of theft, the accounts of which abound in our newspapers.

Thieves caught under the present law are crowded in prisons. Does imprisonment yield any benefits other than the leisure it affords the criminals at the expense of the society and the opportunity it provides for criminals to enhance their expertise in the company of their more experienced colleagues.

The detractors in turn make the point that such cruel punishments are incapable of advancing the deterrent function that is expected of them. This is clearly demonstrated, in their opinion, by the failure of the American movies depicting the life and fate of criminals in decreasing the crime rate; such movies have only helped to increase the crime rate.

But how could they expect such exciting and sexually provocative movies, which more often than not exonerate criminals and portray as libertinism the happy way of life, to help in reducing the crime rate? The example of such movies should in no way be compared with the punishments established by Islam. Sound judgment definitely rules in favor of such criminal punishments as measures that dissuade those who are tempted to violate the law. Of course, social factors, like natural factors, are not absolute. Thus the advocates of the Islamic penal code do not claim that such punishments would absolutely uproot crime; they would however reduce crime rate to a minimum.

- 1. That is, the connotation is not such that it could be examined in a comparison with the other two statements. [trans.]
- 2. Dean of the Al-Azhar Islamic University in Cairo.
- 3. Maraji: pl. of marja, in the Shiah, the equivalent of the Sunni mufti. [trans.]
- 4. Surah al-Baqarah 2:29.
- 5. Surah al-Jathiyah 45:13.
- 6. See Surah al-Naml 27:18 and 22.
- 7. Surah al-Kahf 18:82.
- 8. Surah al-An'am 6:38.
- 9. Surah Fatir 35:24.
- 10. Surah al-Hijra' 15:42.
- 11. Surah Al 'Imran 3:33.
- 12. Surah al-Qamar 54:1.
- 13. In the science of hadithology, this term refers to a hadith whose chains of transmission are so numerous that it is beyond doubt. [trans.]
- 14. That is, people spend a good part of their life working to procure the necessities and comforts needed to lead a happy life. [trans.]
- 15. Surah al-Ma'idah 5:32.

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