

Discourse Eleven: Why Must the Hand of a Thief be Severed?!

The principle of severing the hand of a thief, which is a punishment in accordance with the Islamic sharī'ah, may be broken down and analyzed according to two basic propositions:

First: thieves must be punished for the wrong acts they commit;

Second: the befitting punishment is severance of the hand.

Respecting the rights of others

The first issue, i.e. punishment of a thief, is not specific to the holy religion of Islam. According to the known history of humankind, various human societies—including primitive familial communities, tribal societies, feudal societies, and also great and small dictatorships, democracies, and theocracies—assigned punishments for thieves, which were and still are carried out.

It is evident that this decision in the human world is based upon the principle that according to realism, the most important and valuable thing understood by humans is life, and they know no duty more necessary than attaining happiness in life.

They collectively toil and struggle in the society to earn their basic needs—i.e. various types of possessions and wealth—and use them. In truth, as per sociology, humans spend half of their life pool, for which no finite value may be maintained, to procure living capital for the other half.

It is also evident that the value of preservation and protection of an article is equal to that of the article itself. An object that has no protection against termination is considered to be worthless. Consequently, we must conclude that perseveration of the products of human efforts generally has an equal value to half of a person's life, just as the value of mortal safety is equal to that of a person's entire life.

Moreover, breaking or ruining the fence erected around the products of a society is equal to destroying

half the life of that society; just as taking away the mortal security of a society is equal to massacring all the people of that society. For this reason, the Qur'an states:

﴿...مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا...﴾

“Whosoever kills a person unless to retaliate for a murder or for corruption done in the land, it shall be as if that person has killed all people...”¹

Of course, in view of this a thief that strips the society of its property and security must experience severe punishment, the visualization of which will prevent them from encroaching upon the sanctity of the society's property.

Must mercy be shown with regard to punishment of a thief?

The second issue is Islam's decree that the hand of a thief must be severed. That which is understood from Islamic decrees regarding retaliation or retribution in kind [qisās] is that, regarding punishment, the harm inflicted by an offender upon the offended is appraised and inflicted upon the offender, in order that it be a penance for their act and a lesson for others.

Surely, a felony, the essence of which is ruination of half the life of the victims (the effort put in to secure one's livelihood), cannot be resolved with a fine—great or small—or a few months in prison. The best testimony to this fact is that execution of such punishments has not had the least effect in preventing this corruption.

In Islam—as per the real value—one hand of a thief, which is approximately equivalent to half their life efforts, is severed.

This shows the baselessness of a series of criticisms by our own alleged intellectuals. Unfortunately, just as theft has completely ruined economic security in our country like a contagious disease, this blight has deeply rooted itself into our intellectual environment and correct intellectual concepts are being stolen from us!

These highbrows ask, “Why should a human individual who must struggle for their own welfare using their God-given hands until the final moment of their life and must solve their problems by their own able hands, be rendered helpless to the end of their life by losing their hand because of a mistake necessitated by economic need?”

The essence of this criticism is acquiescence to the offence and solving the problem by arousing pity and human sympathy. In other words, “It is true that the thief has committed a felony; however, seeing that economic pressure usually forces this offence upon noble humans, pity and compassion prevents us from making them wretched forever by cutting off their hand.”

The mistake in this logic is abundantly clear. It is true that there is no problem in abiding by one's emotions regarding personal rights. As per various Qur'anic verses, Islam encourages people to overlook their individual rights in matters such as qisas (retribution in kind) and financial rights, and refrain from causing their brothers pain and hardship.

However, in regard to social rights, compassion regarding a felon and overlooking their punishment is, in truth, a transgression against an entire society in absolute cruelty. Freeing a thief and preserving the honor of a criminal is equivalent to entangling millions of innocent people and shredding their honor.

ترحم بر پلنگ تيزدندان ستمكاري بود بر گوسفندان

Mercy upon the sharp-toothed tiger,
becomes oppression upon the sheep.

Must the society be sacrificed for the individual or vice versa?

In any event, the problem is that the legal decree legislated for punishing an offender must consider the society and a salve must be applied to the wound inflicted upon the body of the society rather than merely training thieves and victims.

Here, the response to another criticism is made clear. The criticism is this: there is an obvious difference between a person who is in desperate need of food, privation and misery forcing them to steal a ewer for instance, and a person whose profession is theft and crime—who abases and cripples a society, everyday afflicting another innocent family with poverty and wretchedness.

Of course, these two have a striking difference whereas Islam considers the two identical and does not differentiate in the manner of their punishment!

The reply to this criticism is made clear by the previous discussion in addition to a short reminder: in Islam, punishment is carried out only for the most extreme instance of acts that are recognized as offences and crimes and necessitate punishment.

For instance, a person who is guilty of fornication is dealt one hundred lashes as punishment. If a person repeats this act several times without the punishment being dealt and is later proven to be guilty, they will only be dealt one penance—i.e. one hundred lashes.

In view of this introduction and the preceding discussion, it is clear that the penance for theft is for the last theft proven by the Islamic executive branch. There is no difference between the greatness or smallness of the theft and the factors and conditions causing the theft are irrelevant. There is no difference between the theft of a veteran thief and the act of a chicken-thief or a ewer-thief in that they

have both harmed a pillar of the society.

Does severing the hand of a thief slow the wheels of the economy?

Critics say, “Upon what rational base is burdening the society by cutting off the hand of a person and harming the production factor of the country?”

These persons must be told that severing the hand of a thief means cutting off four of the fingers except the thumb. In a country naturally containing various healthy and handicapped people and involving thousands of diverse needs, there will be no shortage of work for a person who is only missing four fingers of one of his hands.

The burden of the society will not grow heavier and the production factor of the society will not slow down. For this reason, the punishment for the second instance of theft is not severance of the other hand. After the first time and cutting off the right hand of a thief, the left foot of a thief is severed.

Moreover, even if we consider that dissevering the hand of a few persons will truly lead to increasing the load on the society and slowing down the wheels of economy, is not protecting the economic security of a country by a minuscule addition to the social load a thousand times more important than killing half the life force of the society by exterminating the foundation of financial security?!

Indeed, it is an amusing logic that, “If the hands of thieves are severed, they become burdens upon the society; however, if no one protests against them and they are allowed to continue their profession or are put in jail and provided for, they are not burdens”!!

In our own country in its current palpable condition, are not thieves and pickpockets burdens of the society? Apart from the innumerable individuals who take part in great and small thefts by happenstance, the number of professional thieves and pickpockets is in the thousands!

Among these numbers, those who are free and fearlessly continue their professions obtain their livelihood from the produce of other people’s endeavors. Over and above this, in newspapers we read of other deplorable and abominable events that occur every day in the course of thefts such as mortal and sexual assault.

Prison, the college of thieves

In addition to the enormous expenses taken out of the pockets of the helpless for building and maintaining the institutes related to these crimes and looking after offenders that fall into the hands of the government, the criminals live easily off the products of the nation and even finish courses on techniques of theft as a result of new acquaintances among prisoners!

Detractors say, “If such things are supposed to serve as examples, in America psychologists made and broadcast detective movies in order to provide examples so that people learn their lesson. However, not only did these not serve as deterrents, people learned crime and delinquency from them. Crimes similar to the movies occurred in the cities where the films were broadcast the same night. Additionally, up to now, public executions have not served as lessons.”

There is no doubt that theaters and publishing houses with their romance in detective movies and novels are factors for propagating corruption. They embellish matters such that one supports the antagonist and imagines happiness in life to be dependent upon love affairs and unrestraint.

Even so, the intellect of an intellectual and the conscience of a conscionable person cannot accept that if implemented correctly, education and edification will not have any effect or that public punishments will not serve as examples causing many to conform to the correct path. Of course, like natural causes and factors, social ones also do not always entail the ideal effect—not continuously.

The intended result of an effective legal punishment is for it to mitigate corruption, and make it into an exception rather than completely eradicating it so it never occurs again.²

¹. [Sūrat al-Mā'idah 5:32](#).

². Extracted from the yearbook, “Maktab-e Tashayyu”.

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