

Section 6: Penal Regulations against Offenders

To seek means to approach Allah –To strive in the way of Allah – Hypocrisy of the Jews.

Surah Al-Ma'idah, Verse 35

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَابْتَغُوا إِلَيْهِ الْوَسِيلَةَ وَجَاهِدُوا فِي سَبِيلِهِ لَعَلَّكُمْ
تُفْلِحُونَ

35. "O' you who have Faith! Be in awe of Allah, and seek the means (of nearness) to Him; and strive hard in His way, that you may be prosperous."

Imam Amir-ul-mu'mineen Ali (as) has said that the best means by which seekers of nearness to *Allah*, seek nearness, is the faith in *Allah* and His Messenger, striving in His way, (to believe) in the expression of Divine purification, the establishment of performance of Hajj (pilgrimage) of the House (i.e. Ka'bah) and 'Umrah ' (lesser pilgrimage), regard for kinsfolk, almsgiving secretly and openly, and extending benefits (to people). 1

Therefore, in order to reach felicity, we must both stop committing sins and perform kinds of worship.

In the meantime, doing goodness are wholly the means toward felicity, if we ourselves do not waste them through our own sins.

However, Ahlul-Bayt (as) are the very firm cord and means of nearness to *Allah* (s.w.t.).

In Islamic literature, narrated from the Immaculate ones (as), the term /wasilah/ (means), mentioned in this verse, has been rendered into Imam (as) (At-Tafsir-u-Safi). In this regard, it is also cited in some traditions: "They are the firm cord and the means to *Allah* (s.w.t)." (At- Tafsir-u-Safi)

Supplication is a subject about which there has been cited in the books of many Sunnite scholars, such as: Sawa'iq, by Ibn- Hajar; Sunan-i-Bihaqi; Sahih-i-Darami; and also in Wafa'-ul-Wafa, vol. 3, p. 1371. Surah An-Nisa", No.4, verse 64, Surah Yusuf, No.12, verse 97, and Surah At-Taubah, No.9, verse 114 can be taken as some authentic references for supplication, too.

Surah Al-Ma'idah, Verses 36 - 37

إِنَّ الَّذِينَ كَفَرُوا لَوْ أَنَّ لَهُمْ مَا فِي الْأَرْضِ جَمِيعًا وَمِثْلَهُ مَعَهُ لِيَفْتَدُوا بِهِ مِنْ عَذَابِ
يَوْمِ الْقِيَامَةِ مَا تُقْبَلُ مِنْهُمْ وَلَهُمْ عَذَابٌ أَلِيمٌ

يُرِيدُونَ أَنْ يُخْرَجُوا مِنَ النَّارِ وَمَا هُمْ بِخَارِجِينَ مِنْهَا وَلَهُمْ عَذَابٌ مُّقِيمٌ

36. "Certainly those who disbelieve, if they had what is in the earth all together and the like of it with it, to ransom themselves with it from the punishment of the Day of Resurrection, it shall not be accepted from them, and for them there will be a painful chastisement."

37. "They would desire to get out from the Fire but they shall not get out of it, and for them there is a permanent chastisement."

To pursue the subject matter of the previous verse in which the believers are enjoined upon piety, holy struggle, and preparing the means, this verse, as the statement of reason for that commandment, points to the fate of unbelieving and filthy persons when it says:

"Certainly those who disbelieve, if they had what is in the earth all together and the like of it with it, to ransom themselves with it from the punishment of the Day of Resurrection, it shall not be accepted from them, and for them there will be a painful chastisement."

The only possible way to delivery is through Faith, piety, struggle, and good deeds.

Then, in the second verse (verse 37), the perpetuity of this retribution is referred to. It says:

"They would desire to get out from the Fire but they shall not get out of it, and for them there is a permanent chastisement."

However, in the Hereafter, all the ways of deliverance are shut to the unbelievers. They enjoy neither the grace of *Allah*, since it is specific to the pious ones, nor the intercession, because it relates only to those with whom *Allah* is pleased. There is no death therein for the disbelievers. They are permanently alive in the Fire of Hell, and their request for death is not accepted.

The person who does not come out from darkness of ignorance and , infidelity in this world, where he has so many clear reasoning and guidance, will not come out of Hell in the Hereafter.

Surah Al-Ma'idah, Verse 38

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جِزَاءَ بِمَا كَسَبَا نَكَالًا مِّنَ اللَّهِ وَاللَّهُ عَزِيزٌ
حَكِيمٌ

38. "As for the thief, both male and female, cut off their hands as a recompense for what they have earned. It is an exemplary punishment from Allah; and Allah is the Mighty, the Wise."

In this verse, at first, the Qur'an refers to the male thief and then to the female thief. But in Surah An-Nur, verse 2, where the ordinance of fornication has been stated, at first, the Qur'an refers to the 'adulteress' and then to the 'adulterer'.

The reason of it may be the fact that the function of man in theft is more effective than that of a woman, and in fornication the function of the woman is more effective.

"As for the thief, both male and female, cut off their hands as a recompense for what they have earned. It is an exemplary punishment from Allah; and Allah is the Mighty, the Wise."

About one thousand years ago, it happened that the Late Sayyid Murtada 'Alam-ul-Huda, a well-known Muslim scholar, once was asked why the hand, which deserves five hundred 'mithghal' (a weight equivalent to 5 grams) gold as 'compensation for an injury', should be cut off because of the theft of one fourth 'mithghal' gold.

He answered: "Trustworthiness promotes the value of the hand, and treachery decreases its value."

According to some Islamic traditions, the standard of cutting off the hand, for this compensation, is four fingers, so that the thumb and palm should be left safe. The amount of finance for which the hand of a thief must be cut off is at least equivalent to the price of one fourth mithghal gold.

That wealth should have been kept in a protected place, not in a common place like an inn, a public bath, a mosque and the like. The wealth ought to be given back to its owner, too, after the execution of the legal decision. Also, the thief should be aware of the law of cutting off the hand.

Otherwise, his/her hand will not be cut off. Again, the hand of a thief will not be cut off if the thief steals the wealth of his/her partner, or steals some food stuff under necessity in the years of scarcity, and the like.

Similarly, the hand of a thief will not be cut off when the theft is done by a father from his child's property, a slave from his master's wealth, a mad and a person not arrived at puberty, or the one who had thought he had the right of taking the property. There are, of course, some other retribution in all these conditions wherein the hand will not be cut off.

The holy Prophet (S) in a tradition said that the worst kind of larceny is stealing from prayer and performing its bowing and prostration imperfect.² In the statements of some Islamic saints, it has also been protested why it happens that some Muslims commit larceny in the holy phrase: /bismillah.-ir-rahman-ir-rahim/ when they recite Surah Al-Hamd.

Cutting off the hand is for the first stage of theft. For the second time, the left leg will be cut off. For the third time, the retribution is life imprisonment, and annihilation is for the fourth time. ³

Explanations

1. To cut off the hand is the only heavy withholding compensation and retribution of theft.
2. In executing *Allah's* bounds, we must not be affected by sympathy and kind feelings.
3. Besides cutting off the hand, the thief is responsible for the property, too.
4. The execution of these ordinances needs: rule, force, system, and organizations. Thus, Islam is a religion of government and policy.
5. Poverty is not all excuse or permission for larceny. Islam, before cutting off the hand, emphasizes on the importance and necessity of job and running the lives of the poor by the way of Muslim public treasury, near relatives, loan without interest, cooperation, and the like. ⁴
6. The Divine retributions are not counted as revenge, but they are to be as withholding.

Surah Al-Ma'idah, Verse 39

فَمَنْ تَابَ مِنْ بَعْدِ ظُلْمِهِ وَأَصْلَحَ فَإِنَّ اللَّهَ يَتُوبُ عَلَيْهِ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

39. "But whoever repents after his inequity and makes amend (his evil deeds), then surely Allah turns to him (mercifully), verily Allah is Forgiving, Merciful."

In Islam, punishments are set beside guidance, godly training, and invitation. Through previous verse, the retribution of a thief was stated. Here, in this verse, there exists the invitation to repentance unto *Allah*, forgiving, and the improvement of one's own vices, which causes that *Allah* returns His grace and mercy to the servant.

For the wrong-doers the gate of returning and improvement is always open. This gate is the very repentance. It should also be regarded that repentance is not only an inner regret, but it must be accompanied with the amends of the past corruptions.

If a thief repents (before being captured and being sent to the court) and gives back the property, he will be forgiven both in the world and the Hereafter. But, when it is after that he is captured, the religious punishment will be fulfilled and the function of repentance is only for the Hereafter.

The verse says:

"But whoever repents after his inequity and makes amend (his evil deeds), then surely Allah turns to him (mercifully), verily Allah is Forgiving, Merciful."

Surah Al-Ma'idah, Verse 40

أَلَمْ تَعْلَمْ أَنَّ اللَّهَ لَهُ مُلْكُ السَّمَاوَاتِ وَالْأَرْضِ يُعَذِّبُ مَنْ يَشَاءُ وَيَغْفِرُ لِمَنْ يَشَاءُ
وَاللَّهُ عَلَى كُلِّ شَيْءٍ قَدِيرٌ

40. "Do you not know that to Allah belongs the Dominion of the heavens and the earth? He punishes whom He pleases and forgives whom He pleases, and verily Allah is All-Powerful over all things."

Allah is not in need of the repentance of servants, because all the existence belongs to Him. So, the sinners and the corrupters should know that there is no way for them to flee, and they ought to return to Allah.

"Do you not know that to Allah belongs the Dominion of the heavens and the earth? He punishes whom He pleases and forgives whom He pleases, and verily Allah is All-Powerful over all things."

Surah Al-Ma'idah, Verse 41

يَا أَيُّهَا الرَّسُولُ لَا يَحْزُنكَ الَّذِينَ يُسَارِعُونَ فِي الْكُفْرِ مِنَ الَّذِينَ قَالُوا آمَنَّا بِأَفْوَاهِهِمْ
وَلَمْ تُؤْمِن قُلُوبُهُمْ وَمِنَ الَّذِينَ هَادُوا سَمَّاعُونَ لِلْكَذِبِ سَمَّاعُونَ لِقَوْمٍ آخِرِينَ لَمْ
يَأْتُوكَ يَحْرَفُونَ الْكَلِمَ مِنْ بَعْدِ مَوَاضِعِهِ يَقُولُونَ إِنْ أُوتِيتُمْ هَذَا فَخُذُوهُ وَإِنْ لَمْ
تُؤْتَوْهُ فَاحْذَرُوا وَمَنْ يُرِدِ اللَّهُ فِتْنَتَهُ فَلَنْ تَمْلِكَ لَهُ مِنَ اللَّهِ شَيْئًا أُولَئِكَ الَّذِينَ لَمْ يُرِدِ
اللَّهُ أَنْ يُطَهِّرْ قُلُوبَهُمْ لَهُمْ فِي الدُّنْيَا خِزْيٌ وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ

41. "O' Messenger! Let not those who hasten in infidelity grieve you, from among those who (hypocritically) say with their mouths: 'We believe', but their hearts do not believe, and from among those of the Jews who listen for (the sake of) lying, listen (with a spy manner) for other people who have not come to you. They distort the (heavenly) words from their places, saying: 'If you are given this, take it, and if you are not given this, beware! (be aloof)'; and whomever Allah desires to punish, you cannot avail him anything with Allah. Those are they whose hearts Allah does not desire to purify; there is a degradation for them in the world, and in the Hereafter, they will have a grievous chastisement."

Prophets Are Sympathetic unto the Misguided

The hypocrites and the Jews pursue the same goal. Their goal is the perversion of religion (Islam). Disbelievers have always some secret agents of influence and spies amongst Muslims. Therefore, religious preachers ought not to consider all their audience as well-intentioned listeners.

In the meantime, the hypocrites not only have the worldly misfortunes (including: to hear lies, to spy, to pervert the facts, to claim faith for benefits), but also the great punishment of the Hereafter waits for them.

However, we must submit to the Truth and commandments of *Allah* entirely; and do not accept only the religious legislations that correspond to our desires.

The verse says:

"O' Messenger! Let not those who hasten in infidelity grieve you, from among those who (hypocritically) say with their mouths: 'We believe', but their hearts do not believe, and from among those of the Jews who listen for (the sake of) lying, listen (with a spy manner) for other people who have not come to you. They distort the (heavenly) words from their places, saying: 'If you are given this, take it, and if you are not given this, beware! (be aloof)'; and whomever Allah desires to punish, you cannot avail him anything with Allah. Those are they whose hearts Allah does not desire to purify; there is a degradation for them in the world, and in the Hereafter, they will have a grievous chastisement."

Surah Al-Ma'idah, Verse 42

سَمَاعُونَ لِلْكَذِبِ أَكَّالُونَ لِلسُّحْتِ فَإِنْ جَاؤُوكَ فَاحْكُم بَيْنَهُمْ أَوْ أَعْرِضْ عَنْهُمْ وَإِنْ
تُعْرِضْ عَنْهُمْ فَلَنْ يَضُرُّوكَ شَيْئًا وَإِنْ حَكَمْتَ فَاحْكُم بَيْنَهُمْ بِالْقِسْطِ إِنَّ اللَّهَ يُحِبُّ
الْمُقْسِطِينَ

42. "(They are) listeners to (any) lie, and devour the unlawful; therefore, if they come to you, judge between them or turn away from them; and if you turn away from them, they will harm you nothing; and if you judge, judge between them with equity; verily Allah loves the just."

Some of the Jews, who had committed adultery, came to the Prophet (S) to judge. They hoped to escape from the retribution of stoning, which exists in the religion of the Jews,⁵ while the Islamic law for the adulterer is stoning, too. When they saw that the ordinance of Islam was the same as it was in their own religion, they did not accept it.

The Arabic term /suht/, used in this verse, according to the Islamic traditions, means: 'bribery and the gifts given for the fulfilment of an affair. It also means: 'destruction' or 'the thing which causes destruction'.

The verse says:

"(They are) listeners to (any) lie, and devour the unlawful; therefore, if they come to you, judge between them or turn away from them; and if you turn away from them, they will harm you nothing; and if you judge, judge between them with equity; verily Allah loves the just."

Surah Al-Ma'idah, Verse 43

وَكَيْفَ يُحْكِمُونَكَ وَعِنْدَهُمُ التَّوْرَةُ فِيهَا حُكْمُ اللَّهِ ثُمَّ يَتَوَلَّوْنَ مِنْ بَعْدِ ذَلِكَ وَمَا أُولَئِكَ بِالْمُؤْمِنِينَ

43. "And how do they (the Jews) make you a judge, while with them is the Torah, wherein is Allah's judgement? Yet they turn away after that, and those are not believers."

Again, this verse follows the subject of the Jews seeking judgement from the Prophet (S), which was referred to in the previous verse. It surprisingly says:

"And how do they (the Jews) make you a judge, while with them is the Torah, where in Allah's judgement? ..."

It should be noted that the aforementioned decree (i.e. the decree of stoning the man and the woman who have committed adultery) is found in the present Torah, Deuteronomus, Chapter 22, No 21–26.

The verse continues saying:

"... Yet they turn away after that, and those are not believers."

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1. Nahjul-Balagha, Sermon 110
 2. Bihar-ul-'Anwar, vol. 84, p. 257; & Musnad-Ahmad-ibn-Hanbal, vol. 3, p. 56
 3. Majma'-ul-Bayan, vol. 3, p. 192
 4. Fi-Zalal-il-Qur'an, vol. 2, p. 716
 5. The Torah, Deuteronomy, Chapter 22, No.21-26

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