

The Quran and its Message

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Salamun Alaikum (Peace be upon you)

CUTTING THE HANDS OF A THIEF - NO ORDINARY THIEF

Joseph A Islam

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Unfortunately, much is made of this verse and its perceived 'barbarism' by those unduly critical of Quranic passages.

Let us note the verse in full:

005:038

“As for the male thief and the female thief, cut off (Arabic: fa-iqta'u) their hands (as) a recompense for what they have earned: a punishment by way of example (Arabic: Nakalan) from God and God is Exalted in power”

Many Muslims and apologetics advance explanations to draw away from what the cutting of the hands actually imply in this verse and attempt to soften its interpretation to slit, partially cut etc.

Others explain their position with lengthy references to societal and cultural norms in antiquity, their particular conditions and where, when and why this kind of punishment would have been appropriate.

THE QURAN'S OWN CONTEXT PROVIDES THE INTERPRETATION

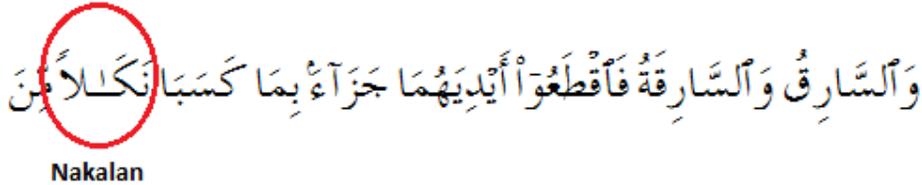
We will note how the Quran explains this verse within its own context and by cross referencing it with other passages.

Firstly, the Arabic word (Fa'iqtahu) in this verse is derived from its root word Q-T-AYN **which means to cut, sever or separate.**

Qaf-Tay-Ayn = to cut/sever/disunite/separate/detach, to disable in prosecuting, unable to proceed in, withdrew, break down, perish/cease/finish/fail, cut short / stop, intercepted/interrupted, put an end/stop to, a piece/bit/part/portion cut off from a whole, herd, distinct portion

However, we note that the verse itself informs us of the context and when to apply such a punishment. This being:

“...a punishment by way of example (**Arabic: Nakalan**) from God and God is Exalted in power”



The Arabic word used is ‘**Nakalan**’ which means an example or in the context of this verse, ‘as an exemplary punishment to act as a deterrent’.

If we study the references of ‘Nakalan’ and how this term is used in other parts of the Quran we note the following:

NAKALA(N) EXAMPLE 1

With regards those from the Children of Israel that transgressed by breaking their solemn covenant that they had ratified with God and violating the Sabbath. God despised and rejected them and made of them an example:

002:066

“So We made it an example (**Arabic: Nakalan**) to their own time and to their posterity and a lesson to those who fear God”

NAKALA(N) EXAMPLE 2

As an example of Pharaoh who transgressed all bounds

079:025

“But God did punish him, (and made an) example of him (**Arabic: Nakala**), in the Hereafter, as in this life”

We have noted the usage of the word ‘nakalan’ elsewhere in the Quran to denote an ‘**exemplary punishment**’ for serious transgressions and crimes. Therefore, we immediately have the context for the nature and extent of the ‘theft’ as referenced by the verse 5:38 and how to interpret it as one dealing with serious transgression.

NAKALAN (AN EXAMPLE) FOR FASAAD-FIL-ARD (MISCHIEF IN THE LAND)

This interpretation is further supported if we read this verse in the context of the previous verses where we note the references to **MISCHIEF IN THE LAND (Fasaad fil ard / ardi-fasaadan)**

005.033-4

“The punishment of those who wage war against God and His Messenger, and strive with might and

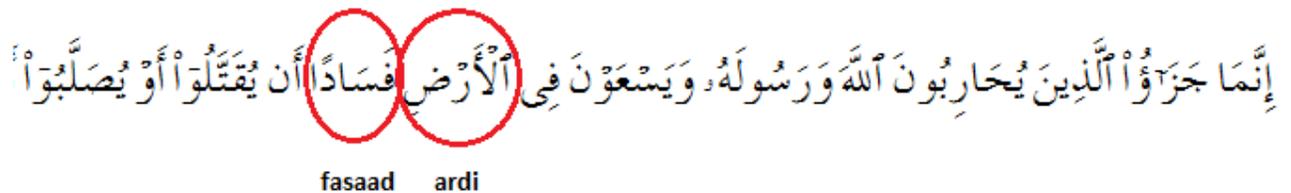
main for mischief through the land (Arabic: ardi-fasaadan) is: execution, or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land: that is their disgrace in this world, and a heavy punishment is theirs in the Hereafter; Except for those who repent before they fall into your power: in that case, know that God is Oft-forgiving, Most Merciful”

We clearly note from the above verse that exemplary punishments including severing of the hands are meted out to those who wage war against God and His messenger and who strive with might to cause mischief, violence and spread corruption in the land (Fasaad-fil ard).

We are then informed that for evil of this magnitude, the punishment is either execution, crucifixion, cutting of the hands and feet from opposite sides or exile from the land. The exception is given to those that mend their ways before they are captured (then they are forgiven).

Hence the mischief makers are those that have no intention to repent and continue in their evil ways.

UNDERSTANDING THE MEANING OF ‘FASAAD FIL ARD’



[Illustration - Joseph Islam](#)

Fasaad-fil-ard (MISCHIEF in the LAND) or those who strive in the earth to cause corruption (Arabic: Fil-ard fasaadan) are guilty of a very serious crime.

This Quranic term has been utilised for serious evildoers such as the likes of Pharaoh who transgressed all bounds (89:11-12) by slaughtering children (7:141), oppressing people (28:4), by heaping on and multiplying iniquities causing outright corruption in the land. Other communities such as the Thamud or the people of Aad (89:1-9) have been similarly described as those who seriously transgressed. All these transgressors were utterly destroyed (89:13).

089.010-12

“And with Pharaoh, lord of the ‘Awtad’. (All) these transgressed beyond bounds in the lands, And heaped in it mischief (on mischief) (Arabic - fiha fasaad)”

We also note other verses that deal with corruption in the land such as:

002:205 A type of man that causes corruption by destroying crops and cattle

007:085 People of Prophet Shoaib (in Midian) that created **mischief** in the land and were warned by the messenger (and later utterly destroyed)

Exemplary punishments have been meted out to such transgressors.

Also, it is clear from the very next verse in **5:39** that the punishment for the thief is prescribed for **the repeated criminal** that has no intention to mend his or her ways or indeed, to repent. If however, one repents after their crime and reforms, God is forgiving towards them.

005.039

“But if (the thief) repents after his crime, and amends his conduct, God turns to him in forgiveness; for God is Oft-forgiving, Most Merciful”

FINAL THOUGHTS

We have noted the context of the verse which deals with an ‘exemplary punishment’ (**Arabic: Nakalan**) meted out to the repetitive thief who remains intent on transgression (as indicated by other Quranic verses). We also note that previous verses refer to serious transgressions in the land such as ‘fasaad fil ard’ where such exemplary punishments (cutting of hands and feet) are explicitly mentioned.

Therefore, it seems untenable that we interpret the verse dealing with ‘theft’ in isolation of its previous verses where a theme is being addressed and the context being imparted as referencing those that create mischief in the land (fasaad fil ard). This is also strengthened by the verse’s own context when it refers to an ‘exemplary punishment’ (Arabic - Nakalan).

The concept of 'mischief in the land' is also noted in a verse where the brother’s of Prophet Joseph exclaim that they were not mischief makers in the land when accused of theft (12:73).

- Therefore given the above discussions, the type of theft indicated is that of the repeated criminal who intends to cause MISCHIEF in the land (fasaad fil ard) with no intention to mend his or her ways. As examples, this may include repeated thefts, robbery, indiscriminate raids, serious embezzlement of funds of people’s property or assets, piracy, serious swindlers, or any manner of theft which causes permanent and indiscriminate deprivation to others.
- This is very unlikely a reference to the poor beggar, forced by straightened circumstances that takes a loaf of bread to feed himself due to hunger and to keep himself alive. (Note - Islam instructs and encourages a society to feed and support the destitute)
- One must never lose sight of the underlying principle of the Quranic philosophy of just retribution for a crime which need not be elaborated here as this is a matter well attested from the Quranic narratives. The verse with regards the thief should also be understood with this Quranic philosophy in mind.

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