



Expression of *Wa al-Sāriq wa al-Sāriqah* in *al-Hidāyah wa al-‘Irfān fī Tafsīr al-Qur’ān bi al-Qur’ān* by Muḥammad Abū Zayd al-Damanhūrī

Lafaz Wa al-Sāriq wa al-Sāriqah dalam al-Hidāyah wa al-‘Irfān fī Tafsīr al-Qur’ān bi al-Qur’ān karya Muḥammad Abū Zayd al-Damanhūrī

Abur Hamdi Usman ^{1*}, Mohd Farid Ravi Abdullah ¹, Azwar ²,
& Muhammad Aizat Syimir Rozani ¹

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[Lafaz Wa al-Sāriq wa al-Sāriqah dalam al-Hidāyah wa al-‘Irfān fī Tafsīr al-Qur’ān bi al-Qur’ān karya Muḥammad Abū Zayd al-Damanhūrī]

Abur Hamdi Usman  ^{*}, Mohd Farid Ravi Abdullah  ¹, Azwar  ², & Muhammad Aizat Syimir Rozani  ¹

¹ Faculty of Islamic Civilisation Studies, Universiti Islam Selangor (UIS), Bandar Seri Putra, 43000 Kajang, Selangor, MALAYSIA.

² Institut Agama Islam STIBA Makassar, Jl. Inspeksi PAM Timur, Manggala, Kec. Manggala, Kota Makassar, Sulawesi Selatan 90234, INDONESIA.

* Corresponding Author: Assoc. Prof. Dr. Abur Hamdi bin Usman. Department of Dakwah and Usuluddin (JDUS), Faculty of Islamic Civilisation Studies (FPPI), Universiti Islam Selangor (UIS), MALAYSIA.  aburhamdi@uis.edu.my.  (+60) 11-1907 0551.

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Thieves, Adulterer, Deviant Interpretation, al-Damanhūrī, *al-Hidāyah wa al-‘Irfān*.

ABSTRACT

Muḥammad Abū Zayd al-Damanhūrī, a controversial Egyptian Quranic exegete, presents interpretations in *al-Hidāyah wa al-‘Irfān fī Tafsīr al-Qur’ān bi al-Qur’ān* that significantly diverge from traditional scholarship, leading to a publication ban by al-Azhar University. One of his contentious views involves the expression *Wa al-Sāriq wa al-Sāriqah* (WSS) in surah al-Mā'idah [5] verse 38, which he interprets as referring only to habitual thieves (*al-ta'awwud*). According to him, an occasional or one-time act of theft does not merit the *ḥadd* punishment of amputation. He argues that this severe penalty, resulting in permanent disability, should only be applied after all preventive measures have failed and when theft has become an ingrained habit. This study employed a qualitative method to examine al-Damanhūrī's interpretations in *al-Hidāyah wa al-‘Irfān fī Tafsīr al-Qur’ān bi al-Qur’ān*. The findings indicated that his interpretation of the Arabic morphological form *ism al-fā'il* is inconsistent with the consensus of Muslim scholars and indicative of *al-tafsīr al-ilḥādī* (deviant exegesis), due to its implicit rejection of the *ḥudūd* law. Such a view risks misleading the public into believing that initial offenses carry no legal consequences, thereby undermining the deterrent function of Islamic law.

Contribution: This study critically re-examined the claim that the Arabic morphological form *ism al-fā'il* necessarily implies repetition or continuity, an assumption central to al-Damanhūrī's interpretation. It highlights the necessity of adhering to established hermeneutical principles developed by authoritative scholars to safeguard the integrity of Quranic interpretation and uphold the ethical and legal foundations of Islam against distorted or ideologically driven readings.

Kata Kunci:

Pencuri, Penzina, Pentafsiran
Menyeleweng, al-Damanhūrī, al-
Hidāyah wa al-'Irfān.

ABSTRAK

Muhammad Abū Zayd al-Damanhūrī, salah seorang penulis tafsir al-Quran warganegara Mesir dalam karya tafsir kontroversinya, al-Hidāyah wa al-'Irfān fī Tafsīr al-Qur'ān bi al-Qur'ān memberikan pentafsiran baharu yang dinilai menyeleweng daripada pentafsiran muktabar. Kitab ini telah diharamkan penyebarannya kepada masyarakat awam oleh Universiti al-Azhar di Kaherah. Sementelah itu, pada lafaz ayat "Wa al-Sāriq wa al-Sāriqah" dalam surah al-Mā'idah [5] ayat 38, al-Damanhūrī berhujah bahawa lafaz tersebut memberi maksud "al-ta'awwud" atau kebiasaan yang berulang-ulang. Dalam perkara ini, perbuatan mencuri telah sebati ke atas diri si pencuri. Oleh itu, ayat ini menunjukkan bahawa sesiapa yang mencuri sekali atau dua kali tetapi tidak berterusan jenayah itu dilakukan, maka tidak boleh dikenakan hukuman dengan dipotong tangannya. Hukuman potong tangan itu pada asasnya menyebabkan individu terbabit menjadi hilang keupayaan dan perkara (hudud) tidak boleh dijatuhkan melainkan (pemerintah) telah berputus asa menyekatnya. Sehubungan dengan itu, artikel ini menganalisis pentafsiran al-Damanhūrī pada lafaz ayat "Wa al-Sāriq wa al-Sāriqah." Dengan menggunakan metode kualitatif, kajian ini mendapati pentafsiran al-Damanhūrī sangat berbeza dengan yang selama ini difahami dan diamalkan oleh umat Islam amnya dan masyarakat Islam di Malaysia khususnya. Pentafsiran sebegini menjurus kepada "al-ilhādī" (menyeleweng) dan amat jelas penolakannya terhadap hukum hudud. Malah membawa impak yang amat serius kepada masyarakat, kerana dikhuatiri mereka akan memahami bahawa hukuman tidak akan dijatuhkan jika hanya melakukannya sekali. Oleh itu, dalam pentafsiran al-Quran disarankan mengikuti kaedah betul yang telah digariskan oleh ulama agar menutup ruang penyelewengan. Apatah lagi jika memang ada niat buruk ketika menafsirkan al-Quran sehingga menyelewengkan maksud ayat itu dan menjadikannya sandaran terhadap pandangan yang terpesong daripada maksud sebenarnya.

Sumbangan: Kajian ini menilai semula secara kritis anggapan bahawa bentuk morfologi "ism al-fā'il" dalam bahasa Arab secara inheren membawa makna pengulangan atau kesinambungan, iaitu asas utama dalam hujah al-Damanhūrī. Kajian ini menekankan keperluan untuk berpegang kepada prinsip-prinsip tafsiran yang telah digariskan oleh para ulama yang berautoriti, bagi mengelakkan penyelewengan dalam penafsiran al-Quran serta memelihara keutuhan kerangka hukum dan etika Islam daripada pengaruh pentafsiran yang tersasar atau didorong oleh ideologi tertentu.

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I. INTRODUCTION

The scholars have since long been in privy of the problem of deviations in Quranic interpretation (Stewart, 2009). Among whom was Muḥammad Ḥusayn al-Dhahabī (b. 1915) the author of *al-Tafsīr wa al-Mufasssīrūn*. He reveals several deviations in interpretation after having scrutinized the contents of interpretation books both old and new wherein he discovered that the studied books support deviant trends in understanding the text of the Quran as well as false interpretations. Some of which are made up interpretations, some are inconceivable, incompatible with knowledge and in discordance with the high standard of Quranic literature. In fact, several of which are not in line with religious methods resulting in the interpreter or commentator deviating from the foundation of Islamic teachings (Al-Dhahabī, 1986).

The conclusion observed by al-Dhahabī is justified considering the sectarian fanaticism in the Abbasid period whereby a group of Muslims played a role of disseminating school of thoughts which gives emphasis on the conventional aspects of reason and intellects (*'aqlī*) that prevailed over revealed knowledge (*naqlī*) (Soleimani, 2016). To the extent that, the disparity is very prominent in their books, notwithstanding the passages of (Quran and hadith) texts which they quote as authorities, particularly relative to the reasons and occasions (*asbāb al-nuzūl*) of the revelation of the Quranic verse or other textual evidence that are quoted from generation to generation (*ma'thūr*) (Usman, Ahmad, & Possumah, 2024).

The errors and distortions in the interpretation opens opportunities for other interpreters to criticize resulting in different interpretations (Motzki, 2001). In the book *Asbāb al-Khaṭa' fī al-Tafsīr: Dirāsah al-Ta'ṣīliyyah* by Ṭāhīr Maḥmūd Muḥammad Ya'qūb several mentions are made on the causes of the errors, among which, engaging *ijtihād* on a particular verse despite the availability of other verses that have given sound interpretation of the former. Likewise with interpretations articulated from weak, false hadiths and *isrā'iliyyāt*, prevailing the meaning of language (textual concern) over authentic *āthār*, reason over authentic passages, referring to heretics (*ahl al-bid'ah*) and followers of desire (*ahl al-hawā'*) (Ya'qūb, 2005). The term *isrā'iliyyāt* applies to the traditions and reports that contain elements of the legendary and religious literature of Jews and Christians, but more inclusively and more commonly it also refers to Zoroastrian and other Near Eastern elements, including folklore (Albayrak, 2012). In other words, all foreign (non-Islamic) elements used to interpret the Quran are called *isrā'iliyyāt*.

A potential source of misinterpretations of the Quran is the way it discusses different issues (Hasanzadeh & Renani, 2023). The interpretation of Jaringan Islam Liberal (JIL) (Liberal Islamic Network) for example, often resorts to perverted intellectual approach, also known as the method of *al-Tafsīr bi al-Ra'y al-Madhmūm*. The JIL activists boldly interpret Quranic verses according to their interests which conveniently corresponds to that of Western orientalist. In interpreting, they do not use the methods and conditions that have been set by the commentator scholars (Abdul Kadir et al., 2007). It is apparent that the interpretation made by JIL of the Quran by engaging superficial knowledge has ulterior motives. The debate over JIL's interpretation of the Quran is a microcosm of a much larger global struggle within religions, the conflict between traditional, text-centric orthodoxy and modern, principle-centric liberalism. For JIL, their approach is a necessary evolution for survival and relevance in the modern world. For their critics, it is a dangerous deviation from divine truth, motivated by a desire to appease secular modernity rather than to submit to God's will as traditionally be understood. JIL reinterprets the Quranic verse *{There is no compulsion in religion...}* (Al-Baqarah [2]: 256) to argue for full religious pluralism, including permitting Muslim women to marry non-Muslim men, a position that contradicts orthodox Islamic law. Their stated motives to modernize Islam by making it compatible with contemporary values like gender equality, human rights and pluralism through context-sensitive reading. Thus, critics' view of their motives to impose Western secular values, undermine Islamic orthodoxy and weaken the religion by prioritizing modern liberalism over divine text and tradition. Besides, the strong support accorded by the orientalist speaks volumes of their motive to destroy Islam and everything related to it (Fakih, 2015; Kersten, 2009; Majestya & Prayoga, 2022).

One of their efforts is by way of using hermeneutics approach to reinterpret Islamic laws under the pretext of upholding the principles of *maṣlaḥat* (the of context of human benefit) and *maqāṣid al-sharī'ah* (the higher objectives of Islamic law) (Gillespie, 2007; Muzakki, 2007). According to their view, the *sharī'ah* laws that has been in practice is no longer relevant and even violate human welfare. They even have the audacity to propose new methods of interpretation to replace the ones used by the scholars over the years. The methods in question are *al-'Ibrah bi al-maqāṣid lā bi al-alfāz* (the principle of understanding the verse being based on a benefit not exclusive for the wording of the verses) to replace the method of *al-'Ibrah bi 'umūm al-lafz lā bi khusūṣ al-sabab* (the decisive point is derived from the general expression, not from the specific causes). In addition, they also present a method *Jawāz naskh al-nusūṣ (al-juz'iyah) bi al-maṣlaḥah* (prioritizing *maṣlaḥah* over textual evidence) as well as the method of *tanqīḥ al-nusūṣ bi 'aql al-mujtama' yajūz* (purifying text with logic and common sense of the society is permissible) (Ghazali et al., 2009).

Under the guise of *maqāṣid al-sharʿah*, JIL boldly criticizes Islamic family laws, such as preventing the absolute power to divorce by the husband, prohibiting polygamy, permitting Muslim women to marry non-Muslim men and equalizing the inheritance share of male and female heirs and so on under the pretext of preserving the common good which is the main goal of *sharʿah* (Freedman, 2009). To the extent of which, their resolution reads that *ḥudūd* (Islamic penal code) laws and other Islamic legal system that have been clearly established by virtue of Quranic texts may be reformed to prevail the common good and preserve the *maqāṣid al-sharʿah* (van Bruinessen, 2009). With such fortitude, they claim that they do not destroy shariah, instead, they are preserving the *maqāṣid* (objectives) and its significance without being bound by traditional forms. They are quite satisfied with the concept of *maqāṣid* which tends to be secular in order to re-evaluate all the laws of Sharia. In other words, everything can be justified in the name of *maqāṣid al-sharʿah* (Usman et al., 2023).

In the past decade, distortions in the interpretation of the Quran also occur in the book *al-Hidāyah wa al-ʿIrḥān fī Tafsīr al-Qurʾān bi al-Qurʾān* by an Egyptian commentator Muḥammad Abū Zayd al-Damanhūrī. This monumental masterpiece of al-Damanhūrī's Quranic interpretation book has been banned due to its massive atheistic (distortive) interpretation (*al-tafsīr al-ilḥādī*). This work is meant to be treated as parallel examples of deviant or liberal interpretations. The deviation in question is not in the renunciation of the existence of Allah, but rather in the deviation from the straight path in understanding His words, displacing it from the right place as well as comprehending it with ill-intent as illustrated in Fuṣṣilat [41]: verse 40 (Al-Qaradāwī, 2001). The question is how valid is the interpretation of the Quran offered by the adherents of this deviant belief? Is the interpretation produced by the renowned interpreters irrelevant for the current or future concept of community life? As such, the study of the interpretation methods applied by a commentator is of utmost importance an endeavour to avoid corruptions and errors in interpreting the Quran.

This qualitative study applies content analysis through a book titled *al-Hidāyah wa al-ʿIrḥān fī Tafsīr al-Qurʾān bi al-Qurʾān* on the expression of verse *Wa al-Sāriq wa al-Sāriqah* (Al-Mā'idah [5] verse 38). This study finds that the interpretation of al-Damanhūrī whom negates the punishment of the cutting off of hands for theft committed by non-habitual offender and whom does not make theft as a career; and that the crime is not intrinsic in the offender as well as that the crime is not a recurring crime, is inclined towards *al-ilḥādī*; thus, his rejection of *ḥudūd* laws is transparent.

This article aims to examine the interpretation of al-Damanhūrī on the expression of verse *Wa al-Sāriq wa al-Sāriqah* in Al-Mā'idah [5] verse 38. This article uses descriptive qualitative approach which is an attempt to understand various concepts found in the research process, using content analysis techniques and library research. Qualitative content analysis is one of the several qualitative methods currently available for analyzing data and interpreting its meaning (Schreier, 2012). As a research method, it represents a systematic and objective means of describing and quantifying phenomena (Downe-Wamboldt, 1992; Schreier, 2012). For the prerequisite and successful content analysis, the data of this study reduced to concepts that describe the research phenomenon (Cavanagh, 1997; Elo & Kyngäs, 2008; Hsieh & Shannon, 2005) by creating categories, concepts, a model, conceptual system, or conceptual map (Elo & Kyngäs, 2008; Morgan, 1993; Weber, 1990). While the research library in this article uses the types and sources of secondary data obtained from research results, articles and reference books that discuss topics related to the theme of the research (Creswell & Creswell, 2017; Usman et al., 2022), namely the philosophy and ideas of al-Damanhūrī, a modernist Quranic exegete.

2. AL-DAMANHŪRĪ AND HIS WORK *AL-HIDĀYAH WA AL-ʿIRḤĀN*

Muḥammad Abū Zayd al-Damanhūrī is a well-known figure in the field of Quranic Exegesis circa the 20th century. He was a student at al-Azhar University for a year and pursued knowledge at Dār al-Da'wah wa al-Irshād founded by Rashīd Riḍā (1865-1935) for two years. Al-Damanhūrī once travelled to several Islamic countries from the east to South East Asia, particularly Java, Indonesia. However, his stay was short-lived as he was expelled from the country ('Alī Jumu'ah, 2017).

Since al-Damanhūrī had studied at Dār al-Da'wah wa al-Irshād, he often rode on the name of Syekh Muḥammad 'Abduh (1849-1905) and introduced himself as the latter's student while staying true to his diverged thoughts. After this claim was known to Rashīd Riḍā, he wrote a letter to deny al-Damanhūrī's claims ('Alī Jumu'ah, 2017). According to 'Alī Jumu'ah (b. 1952), the former Grand Mufti of Egypt who held the position from 2003 to 2013, al-Damanhūrī has a different view from *Ahl Sunnah wa al-Jamā'ah* particularly in his opinion on the miracles of the prophets, Islamic inheritance, the prohibition of drinking alcohol and the wearing of hijab. These deviant thoughts are the products of al-Damanhūrī's fascination over the style of modern European philosophy that emphasizes the aspects of the need for empirical evidence in place of the aspect of faith in supernatural things (Al-Khaṭīb, 2021).

In the year 1930, al-Damanhūrī published his work revolving around Quranic interpretation titled *al-Hidāyah wa al-'Irfān fī Tafsīr al-Qur'ān bi al-Qur'ān* (Al-Damanhūrī, 1930). As per the title, this work emphasizes on the interpretation of Quranic verses with other Quranic verses and does not depend on hadith interpretation of the Quran ('Alī Jumu'ah, 2017). Hence, al-Dhahabī (1976) categorizes al-Damanhūrī's interpretation as *al-Lawn al-Ilhādī li al-Tafsīr*, i.e. an aberrant form of interpretation.

The publication of al-Damanhūrī's interpretation has sparked controversy amongst the scholars in al-Azhar that the authorities seized the book (Gibb, 1947). Al-Damanhūrī was also criticized by the scholars including Rashīd Riḍā who condemns him as an infidel and apostate. In fact, the scholars in Damanhur, which is his birthplace, took him to court to confirm his apostacy status, thereby seeking an annulment of his marriage to his wife. However, al-Damanhūrī filed an appeal for which the court sided with him ('Alī Jumu'ah, 2017).

The book *al-Hidāyah wa al-'Irfān fī Tafsīr al-Qur'ān bi al-Qur'ān* is akin to poison in the corridor of knowledge that the scholars in al-Azhar reacted with a setting up of a committee comprising of scholars to scrutinize the book and deliver decisions based on the evidence found and presented their resolutions to the Sheikh of al-Azhar at the material time. The resolution contains sharp criticism against the thoughts of al-Damanhūrī and condemns him as, "Worst liar. Shameful to be recognized. There is no one *wasīlah* (connection) more contemptible than him. Its main motive (publication) is to distort religion (religious teaching) by altering the words of Allah from its original intent and purposes meant to keep the public away from the hadiths and reject His Prophet (PBUH) *sīrah* (biography)." By virtue of the said justifications, the publication of this book has been banned and its dissemination to the public prohibited (Al-Dhahabī, 1976).

While reviewing this book, al-Dhahabī (1976) finds that the presentation by al-Damanhūrī in the introductory part has humiliated the commentators and their entire works on interpretation. Al-Damanhūrī (1930, p. b) says, "Truly lies and deception have reached the point of interpretation that you do not find fundamentally from the proposition of the Quran unless you find on its side a false narration to be destroyed and replaced. The commentators have manipulated this matter in their tafsir books without them realizing."

As for al-Damanhūrī method in compiling the book, he relies on interpreting the Quran with Quran per se. He (1930, pp. c, d) says "With the background of all these (i.e. lies and deception in interpretation) have invited me to an interpretation of my own version. The method which I stand firm is by approaching the verse and its expressions as per what is written in its place taken from the verse and the chapter. The result of which is the knowledge of each place (*mawāḍi'*) in Quran. Much so that the Quran itself becomes an example upon itself and strengthens the decrees of Allah (*sunanillāh*) in the creation and management of society. Indeed, I have chosen to match the number of verses in the scripture much so the guidance and the order of arrangement laid by Allah remain intact; so that the researchers of the meaning of the verse find the context or connection (*siyāq*), and able to read what comes before and after the verse. That way, they obtain perfect knowledge and true guidance..."

Subsequent to the above, al-Dhahabī (1976) refutes al-Damanhūrī's claim particularly emphasising on what the latter presents behind his expression, "... until the Quran itself interprets itself as what Allah has intended. It does not require any inappropriate external elements. Much so the Quran itself becomes an example upon itself as well as entrenches the decrees of Allah (*sunanillāh*) in the creation and its management in society..." is to put the association of sunnah and the holy Quran in vain. In addition, al-Damanhūrī denies the position of Sunnah as the explainer; whereas Allah has said: {And We sent down on you (O' Muhammad) Quran which gives warning, so that you may explain to mankind what has been revealed to them} (Al-Nahl [16] verse 44).

According to al-Dhahabī (1976), it is clear to all that al-Damanhūrī's arrogance has vigorously destroyed the sunnah of the Prophet (PBUH), thus the former refuses to acknowledge of the latter's position in the field of Quranic interpretation. This type of view by terminology is known as *Qur'āniyyūn*. Hence, Bakhash (2000) defines this group as individuals who claim that Quran by itself contains everything that Muslims need both in its entirety and in detail. Therefore, there is no need to apply sunnah as source of legislation and to derive sentences from. Sunnah in their views are not revelation that it is suffice for Muslims to rely only on what Allah has revealed (Mahyudi, 2019). In fact, by applying the laws which are derived from the Sunnah, amounts to sharing of laws (the Quran) which is prohibited by Allah in His words: {... only Allah establishes the law...} (Al-An'ām [6] verse 57). This verse establishes that sunnah is not a source of *sharī'ah*, not even by the authority of the Prophet (PBUH). This matter of jurisdiction was understood by the companions that they were forbidden by the Prophet to record it in writing (Ali, 2022).

Al-Dhahabī (1986) in his book *al-Ittijāhāt al-Munḥarifah fī Tafsīr al-Qur'ān al-Karīm: Dawāfi'uhā wa Dafu'hā* mentions several examples of distorted interpretations from al-Damanhūrī; such as Āli 'Imrān [3] verse 49 pertaining to the miracles of Prophet Jesus (AS) who was able to physically heal patients. While interpreting this verse, al-Damanhūrī, (1930, p. 45) mentions that the expression of *kahay'ah al-ṭāyr* (as a form of a bird) gives an analogy of how to bring mankind from the weight of ignorance and darkness to knowledge and enlightenment. The expression of *al-akmah* means the one who is unable see, while *al-abraṣ* means colourful that worsens the nature. Did Prophet Jesus (AS) accomplish healing in the sense of perfecting the physical form by way of

performing medical manoeuvres? Or in other words did he perform the perfection of spirituality and mind by conveying religious guidance?

According to al-Dhahabī (1986), when al-Damanhūrī feels doubtful about the meaning of curing blindness and vitiligo whether it means perfecting the physical aspects by way of medical works or the perfection of spiritual form by way of religious guidance; but in truth his doubts are not due to doubting both matters, instead it is clear that al-Damanhūrī is more inclined to interpret the verse from the viewpoint of spiritual healing, and not otherwise. Al-Dhahabī (1986), adds that al-Damanhūrī negates the extraordinary ability of Prophet Jesus (AS) in physical healing when he explicitly clarifies as follows while interpreting al-Mā'idah [5] verse 110.

Through the above verse, al-Damanhūrī, (1930, p. 97) argues that from this point, one can comprehend that Prophet Jesus (AS) is a prophet sent to the children of Israel to heal the souls and revive the deceased hearts of the living. The signs of his truth are in the preaching, life journey and conveyed guidance. Prophet Jesus (AS) lives and dies like other prophets in his human condition. He is not an exceptional human being by nature nor is he a person with a privilege of deity persona that commands worship.

Al-Damanhūrī, (1930, p. 257) makes yet another strange interpretation of verse 79 of al-Anbiyā' [21] where he mentions that the phrase *yusabbiḥna* (they praise) is the expression about what is exposed from the mountains; that is metals malleable enough for Prophet David (AS) to forge into war equipment. As for *al-ṭayr* (fowl): it implies everything that has wings as well as everything that travels fast such as horses, trains and airplanes. Not only that, al-Damanhūrī (1930) also pushes his falsehood when interpreting al-Anbiyā' [21] verse 81 where he elucidates that the expression *tajrī bi amrihī* (blow according to his will) means "Now it blows at the behest of the European nations and its metaphors can be seen in the telegraph and telephone." Subsequently, al-Dhahabī (1986) criticizes such nonsensical interpretation that it is beyond doubt that al-Damanhūrī's interpretation pertaining to the miracles of the prophets stems from his motive to negate the existence of miracles. Based on the construal of al-Damanhūrī there has been instances among western countries which have successfully exploited wind and derive benefits from it through various means such as cloud seedling and air transportation. Therefore, no doubt that such interpretations has fallen out of the intent of the *naṣ* (Quranic verses) presented in the Quran. In fact, it is indeed a rejection of the words of Allah.

In conclusion, by referring to the book (available at the publisher Dār al-Kutub al-Miṣriyyah, Cairo, Egypt. It can be loaned subject to special permission due to its ban and reading prohibition), it is sufficient to be aware of the falsehood and heretic thoughts of the author. Additionally, by examining the decision made by the al-Azhar conference which was organized to reject al-Damanhūrī's interpretations, it is pertinent to pronounce how false his falsehood is and invalidate his heresy (Al-Dhahabī, 1986).

3. ANALYSIS OF THE EXPRESSION *WA AL-SĀRIQ WA AL-SĀRIQAH* (WSS)

Muḥammad Abū Zayd al-Damanhūrī in his book *al-Hidāyah wa al-'Irḥān fī Tafsīr al-Qur'ān bi al-Qur'ān* has interpreted the words of Allah in sura al-Mā'idah [5] verse 38.

﴿وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جَزَاءُ بِمَا كَسَبَا نَكَالًا مِّنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ﴾

Meaning:

As for the thief, both male and female, cut off their hands. It is the reward of their own deeds, an exemplary punishment from Allah. Allah is Mighty, Wise.

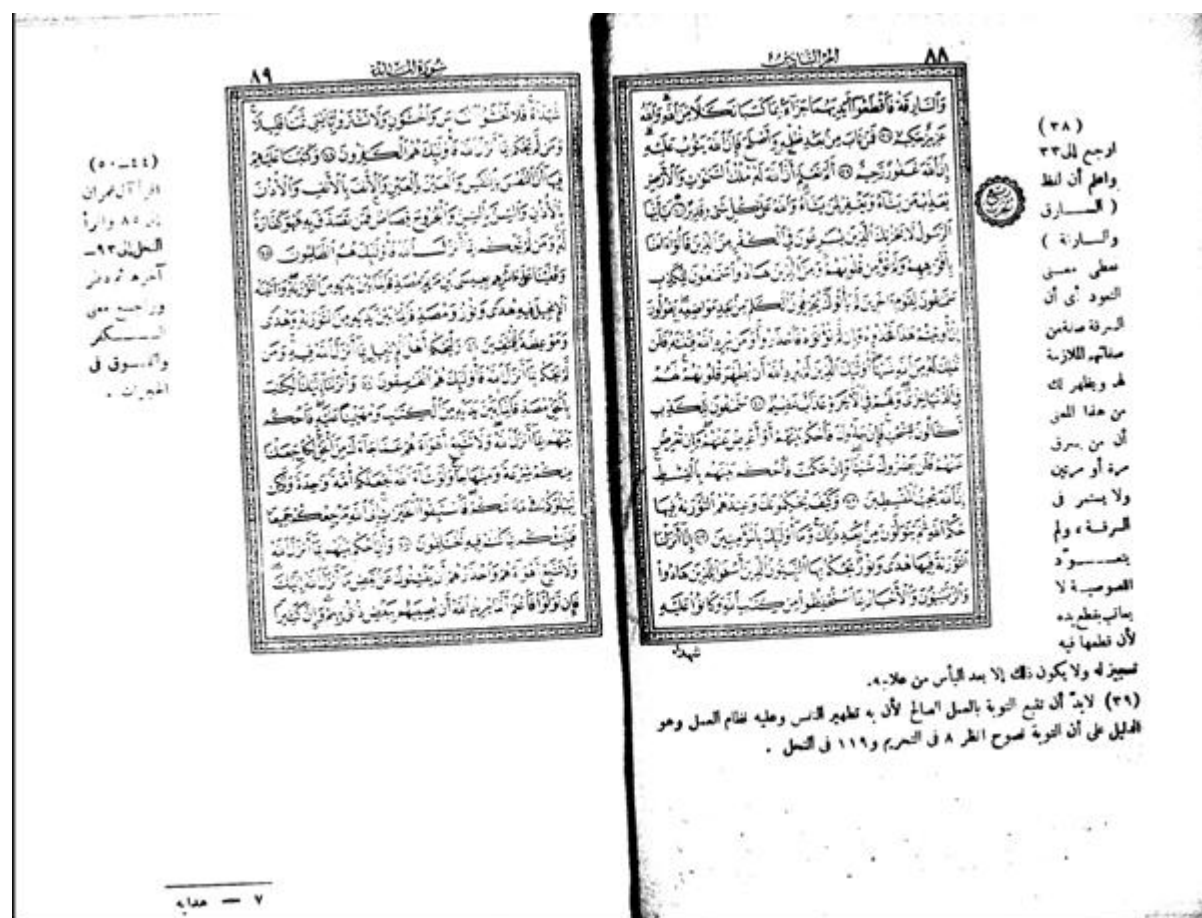
At the expression of phrase WSS, al-Damanhūrī, (1930, p. 88) articulates that:

"And know that the word *al-sāriq* (male thief) and *al-sāriqah* (female thief) impart the meaning of repetition (*al-ta'awwud*). It means that stealing is an inherent trait for them (the thief). And it is clear to you from this meaning that whoever steals once or twice and does not persist in stealing and does not repeat the act of stealing is not to be punished by cutting off the hand. This is because the amputation on him (causes) disability for him. And those things shall not happen unless you have exhausted the means of preventing them. (The expression of) *al-zāniyah* (female adulterer) dan *al-zānī* (male adulterer) are labelled at women and men when both are known for adultery. Even becomes part of their habits and behaviour. Thus, for that reason, both of them deserve to be flogged."

Based on the above passage, it can be understood that al-Damanhūrī rejects the punishment of hand amputation for thieves and flogging for the first and the second time adulterers as illustrated in Figure 1.

Figure 1

Display of the page of interpretation of the expression of the verse WSS in *al-Hidāyah wa al-'Irfān fī Tafsīr al-Qur'ān bi al-Qur'ān*.



The above said opinion is based on the meaning of *al-sāriq* and *al-sāriqah* as is the case with *al-zāniyah* and *al-zānī* which insinuate the meaning of homogeneity of the act in the offenders of theft and adultery. We found that the interpretation with such implication is also echoed by M. Quraish Shihab (b. 1944), a renowned prolific interpreter in Indonesia (Hamdi Usman et al., 2021; Pink, 2010). In *Tafsir Al-Mishbāh*, Shihab (2005) mentions that the words signify the intensity of the crime by the perpetrators. Surely the intensity cannot be obtained except after repeated fornication. If so, does it mean that an adulterer can only be punished after committing repeated adultery? The majority of the scholars are of the dissenting opinion that is, whoever is found or confesses to have committed adultery; subject to the conditions outlined by the religion (even if the act was only committed once), they are liable to be punished accordingly. Nevertheless, why (sura al-Nūr verse 2) use the form of pattern (*ṣiġḥah*) as such?

According to Shihab (2010), the thieves who are caught had actually been repeated offenders. Allah on the other hand, being *al-Ghaḥfār* (the Most Forgiving) has been covering one's faults lest it is known to others. Because the perpetrator does not break his criminal actions, Allah halts covering his crime again, consequence of which, he gets arrested. For the rest who are not in the know, due to the previous crimes being undisclosed, it seems to them that the perpetrator is a first-time offender, but in reality, it is not so. From this anecdote, the above verse names them with the title thieves.

To reinforce the point, Shihab narrates a story of a thief who gets caught and profusely swears that it is his first-time act but caliph 'Alī ibn Abū Ṭālib (RA) orders to sever his hand, quoting: "Allah does not shame a person who commits a sin for the first time." After the sentence is served, the caliph asks him: "How many times have you stolen?" the thief replies: "It has been many times." Based on the arguments, Shihab (2010) concludes that what happens to the thief is also applicable to the adulterers. Notwithstanding, al-Damanhūrī rejects the sentencing for thieves and adulterers who commit the crimes for the first time. His arguments are due to the use of *ṣiġḥah ism fā'il* (noun – the doer) at the expression of *al-zānī* or *al-sāriq* which he understands to convey the meaning of recurrence, habitual, intensity or continuity of the act.

Hence, to analyse the validity of the interpretation, reference needed to be made to a linguist-expert, pertaining to the noun – doer (lat: nomina agens). We found that the noun needs not convey meaning of

continuity. Abū Bishr Amr ibn ‘Uthmān ibn Qanbar al-Baṣrī Sībawayh (765-796 A.D.), one of the formulators of Arabic sciences of grammar for instance, opines that if the noun of the doer is in the form of a common noun, then it contains the meaning of *fi’l al-muḍāri’* (present continuous tense) and if it is in the form of *ma’rifah* (comes with *alif lām*) thus, it carries the meaning *fi’l al-māḍī* (past tense verb) (Sībawayh, n.d., p. 164). This method is used by Aḥmad ibn ‘Alī ibn ‘Abd al-Kāfī al-Subkī (719-773 A.D.) when discussing the terms *al-zānī* or *al-zāriq* with non-continuous meaning due to the existence of *alif lām* that brings the meaning of *ma’rifah* (definite noun) at both expressions (Al-Subkī, 2001, pp. 288–9). In fact, other renowned linguist scholars such as Ibn al-Ḥāḥib (Ibn al-Ḥāḥib, ‘Uthmān ibn ‘Umar ibn Abū Bakr ibn Yūnus was one of the Arabic Linguist scholars and a Fiqh scholar of Mālikī School. Born in Asnā, Egypt in 1174 AD and died in 1249 AD). Kindly refer to his views on *ism fā’il* (the present participle) in *Sharḥ al-Raḍī ‘alā al-Kāfīyah* (Al-Raḍī, 1973, p. 413; Al-Zarkalī, 1986/4, p. 211), Ibn Hishām (Abū Muḥammad ‘Abdullah Jamāl al-Dīn was one of the leaders in Arabic. Born in 1309 AD. and died 1360 AD. (Al-Zarkalī, 1986/4, p. 147; Ibn Hishām, 2003, p. 194), Al-Raḍī (Najm al-Dīn Muḥammad ibn al-Ḥasan al-Astrābādī was one of the experts in Arabic language, died in 1287 AD.) (Al-Zarkalī, 1986/6, p. 86; Al-Raḍī, 1973, p. 431), Al-‘Abādī (Aḥmad ibn Qāsim was one of al-Azhar scholars of Syafiite school, died in 1584 AD.) (Al-Zarkalī, 1986/1, p. 98; Al-‘Abādī, 1983, p. 12), and Al-Ghalāyaynī (Mustafā ibn Muḥammad Sālim was a poet and an expert in Arabic language, born in 1886 in Beirut and died in 1944 in the same state) (Al-Zarkalī, 1986/7, p. 244; Al-Ghalāyaynī, 1989, p. 178) are also of the view that noun-doer does not connote continuousness in meaning.

Several other scholars are also of the opinion that the determination of the meaning carried in the noun of the doer should refer to the context of the language (verse) and the existence of *qarīnah* (indicator) that showcases its meaning (Bisanadī, n.d.). For instance, if it is said *Allāh ‘Ālim* (Allah the Omniscient One), therefore, ‘Ālim is the common characteristic attributed to Allah with a continuous connotation. Or *imra’ah ḥā’id*, because every healthy woman will menstruate periodically (Al-Azharī, n.d.; Yāsīn, 1934). By virtue of the opinion of linguist scholars quoted above, it is apparent that the use of *ṣiḡḥah ism fā’il* is not always to be understood with the meaning of intensity or continuity of actions. However, there are times when it implies a new meaning if the doer is in the form of definite noun.

Shihab (2010, 3: pp. III–3) further argues by quoting the views of al-Ghazālī (Muḥammad al-Ṭūsī Abū Ḥamid was one of the Philosophers and Tasawuf born in 1058 in Khurāsān and died in 1111 in the same state) (Al-Zarkalī, 1986/7, p. 22) pertaining to the attributes of Allah, namely *al-Ghaffār*. This characteristic, according to al-Ghazālī (n.d.) is one which reveals the beauty and hides the vices. Sins are part of the vices which He hides away by way of not exposing them in this world and further discount of its punishments in the hereafter.

Such interpretation is diverse from what has been understood and practised by Muslims in general and the Muslim community in Malaysia in particular. While it is true that one of the meanings of the attribute of *al-Ghaffār* is to cover up faults, it should be cautioned that the privilege is not absolute if the servant takes no efforts to request to Allah in his prayers to hide his sins (Al-Zamakhsharī, 1998). The effort that one can make is to repent and not to repeat the sins, making amends and asking for His forgiveness (Ibn Kathīr, 2000/7, p. 86).

There is a narration quoted by Shihab attributed to ‘Alī ibn Abū Ṭālib (RA) which we found to be inaccurate besides being non-existent in any history books, neither in classical nor modern interpretation books. There is, however, a separate narration which content corresponds to what Shihab intended but narrated from ‘Umar ibn al-Khaṭṭāb (RA), as illustrated by Sheikh al-Bantānī (1997), which reads:

“And it was narrated from ‘Umar (RA) that he ordered to cut off the thief’s hand. Then came his (the thief) mother crying saying: “This is the first time he has committed theft, so forgive him.” So ‘Umar replied “You are lying. Indeed, Allah will not torture His servant the first time (of offence).”

Should the narration be made an authority to support an argument, hence, how to understand hadith (words and action) of the Prophet (PBUH) who imposed a *ḥudūd* punishment against a thief even though it was a first-time offender by a woman? In authentic hadith recorded by al-Bukhārī (1980) Rahimahullah that (See al-Bukhārī, *Kitāb al-Ḥudūd*, *Bāb Karāhiyah al-Shafā’ah fī al-Ḥad idhā rufi’ ilā al-Sulṭān*, hadith number 6406):

“From ‘Ā’ishah (RA) that the Quraysh were disturbed by a woman from Bani Makhzūm who stole. Then they said: “Who can talk to the Prophet (PBUH), and no one dared (to mention this problem) to him except Usāmah ibn Zayd (RA), the beloved of the the Prophet (PBUH). Therefore, Usāmah RA spoke to the Prophet (PBUH), and the Prophet (PBUH) asked: “Do you want to mediate (defend) in one of the matters of *ḥudūd* (punishment) of Allah? Then he stood up and preached: “O people! indeed the people before you were lost. Because indeed, if the thief is someone honourable, they let him go but if the thief is a weak person, they punish him. By Allah, if Fāṭimah binti Muḥammad had stolen, the Prophet (PBUH) himself would have cut her hands.”

Attention needs to be drawn to the fact that women (*al-mar'ah al-makhzūmiyah*) as mentioned in the above hadith had committed theft and she did it only once in her life, but punishment was still imposed on her (Al-Juzairi, n.d.). Additionally, upon scrutiny on Shihab's statement that *other people who have not known that Allah has shielded the wrongdoing of the offender speculate that the latter has only committed theft once, but in actuality it is not so*, as if to imply that the four *imāms* (leaders) apart from other authoritative figures in Islamic jurisprudence did not understand the meaning of *al-Ghaffār*, to the extent of which when conducting *ijtihād*. The *ijtihād* literally means "endeavor" or "self-exertion." In legal usage it refers to the endeavor of a jurist to formulate a rule of law on the basis of evidence (*dalīl*) found in the sources (Weiss, 1978) on *hudūd* laws they still imposed punishment on the perpetrator in spite of the offence being committed once. Such premise is far from the truth. We thus far have not come into privy a discussion amongst *mujtahid* (practitioner of *ijtihād*) in connection to this issue (whether the culprit commits once or repeatedly) because they unanimously agree on the imposition of *hudūd* laws even if the offence is committed only once. In conclusion, the interpretation of al-Damanhūrī of the expression WSS has an undertone of his rejection of *hudūd* implementation. For this reason, it is classified as a perverted interpretation (*tafsīr al-ilhādī*) (Al-Dhahabī, 2000).

Despite the fact that examples of Islamic punishment include beheading for murder and robbery, stoning to death for adultery and 80 lashes for public intoxication are regarded as terrible by all parties involved, including the jurists and believers of the Muslim faith, among the societies that actually carry it out. When this occurs, it is no longer considered "unusual" and is naturally accepted as a necessary sanction for deterrence. We see that this is since *sharī'ah* law has a unique combination of the need for a severe deterrent measure, which is exemplified by the practice of hand amputation, and the requirements for reintegration and forgiveness, which are anticipated in cases of *qīṣaṣ* (retaliation) crimes. When these demands are met and the justice process is protected by stringent evidentiary rules and punishments that cannot be negotiated, Islamic justice is not only able to almost completely remove theft, which is the most widespread crime in the history of humanity, but it may also be able to discourage much more serious crimes (Souryal et al., 1994).

4. CONCLUSION

The interpretation of the expression *Wa al-Sāriq wa al-Sāriqah* in the book *al-Hidāyah wa al-Irfān fī Tafsīr al-Qur'ān bi al-Qur'ān* by Muḥammad Abū Zayd al-Damanhūrī is categorized as *al-lawn al-ilhādī li al-tafsīr*, which means interpretation that has a distorted form due to his rejection of *hudūd* laws. This interpretation is peculiar than what has been comprehended and practised by Muslims from around the world. It also renders a negative impact on the society if it is understood that punishment shall not be imposed if the crime of theft or adultery is committed only once.

As for the argument using the interpretation method that states that any sentence which uses the noun-doer form to mean intensity and continuity; based on our study, it is not entirely true. As per our arguments in this article, it is found that the *ism al-fā'il* does not always carry the meaning of continuity. Therefore, in the interpretation of the Quran, it is suggested to always be vigilant in adhering to the correct methods in accordance with the guidance outlined by prominent interpretation scholars to avoid from going astray. This resolution is to shut all deviations in the interpretation of the Quran.

Sura al-Mā'idah verse 38 is among the Quran's most cited legal verses, yet also one of the most misunderstood. A superficial reading risks reducing divine guidance to punitive literalism, while a deeper, contextual approach reveals a sophisticated framework for justice, deterrence and social reform. Classical Islamic jurisprudence never treated this verse as a blanket command. Jurists imposed strict conditions: the theft must involve significant value, occur in a secure place and be proven without doubt. Moreover, the thief must not be driven by hunger, mental illness or systemic deprivation. These safeguards reflect the Quranic ethos of justice tempered by mercy. The verse's legal function is deterrent, not retributive. It signals the sanctity of property and communal trust, especially in societies where theft threatened survival. Yet its application is not mechanical, it demands rigorous judicial scrutiny and moral discernment.

Misreading this verse as a rigid command can lead to grave societal consequences, such as legal injustice. Literal enforcement without context may punish the poor while ignoring systemic causes of theft. Secondly, the human rights backlash. Misapplication fuels perceptions of Islam as harsh, undermining its moral credibility and *da'wah* potential. Thirdly, the social polarization. Weaponizing the verse for political control or moral superiority deepens divisions and erodes trust. Finally, loss of Quranic spirit. The verse's deeper message, ethical accountability, social reform and divine justice is lost when reduced to physical punishment.

Contemporary scholars advocate a *maqāṣid* (higher objectives) approach, emphasizing justice, dignity and public welfare. In this view, the verse invites societies to build systems that prevent theft through economic equity, education and rehabilitation rather than merely punish it.

CONFLICT OF INTEREST

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AI USE DECLARATION

We hereby declare that this article was created and analyzed entirely through our own effort. At no stage in its preparation, writing or evaluation did we employ artificial intelligence (AI) tools, software or systems. The content reflects independent research, analysis and authorship without reliance on AI assistance.

AUTHOR CONTRIBUTIONS

This article is the result of a collaborative effort among four authors. Abur Hamdi Usman led the structural development of the manuscript and conducted the primary exegetical analysis. Mohd Farid Ravi Abdullah provided scholarly review and ensured methodological and theological coherence. Azwar contributed to the critical evaluation of the content, assisted in the editing of the manuscript, and was responsible for the layout and formatting of the article. Muhammad Aizat Syimir Rozani supported the documentation of references, final proofreading, and ensured technical consistency. All authors were actively involved in conceptual discussions and jointly approved the final version of the manuscript.

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