

M. Quraish Shihab's Thought about Adulterer and Thief In *Tafsir Al-Mishbah*: A Critical Analysis

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Abstract: M. Quraish Shihab has emphasized the need of understanding the Koran contextually and having strong language understanding without solely focused on textual meaning, so that the Koranic messages can be applied in daily life. He also gives a lot of motivation to his students, especially at postgraduate level, to be bold in interpreting the Koran, and remains firm on the rules of interpretation that have been taken as guidance. According to him, interpretation of the Koran will never end, in fact time to time; new interpretation will appear in consistent with the knowledge evolution and developmental demand. Therefore, this study aims to critically analyze Koranic interpretation by M. Quraish Shihab on adulterers and thieves, either they must be subjected to the hudud law when doing it repeatedly or to be punished straightaway even if they only committed the sin once. The method used in this study is library research and document analysis. *Tafsir al-Mishbah* is a source of study to get a clearer view about M. Quraish Shihab's interpretation on Surah al-Nur verse 2 and al-Maidah verse 38. The results showed that M. Quraish Shihab has violated many interpreters in interpreting both verses, as his interpretation stating that hudud law is not applicable to any adulterer or thief who did the sin for the first time, but it applies to anyone who did it repeatedly.

Key words: M. Quraish Shihab, *hudud* (limits and punishments set by Allah), thief, adulterer, *Tafsir Al-Mishbah*.

INTRODUCTION

M. Quraish Shihab is an Archipelago commentator who has produced several works of literature. According to Arief Subhan (1993: 9) he was one of the writers who have successfully communicating his ideas to the readers. Many of his works have been reprinted and become best seller, proving a strong people's attention and interest on his works. His works such as *Tafsir al-Amanah* and *Membumikan al-Qur'an: Fungsi Wahyu dalam Kehidupan Masyarakat* have gained recognition as best-selling books in 1993 from the Mizan Publisher.

M. Quraish Shihab's literature works is sufficient to prove the glorious fruit of his hard work and dedication in the field of Koranic interpretation. Unsurprisingly he was chosen to receive the appreciation by Islamic Book Fair (IBF) Award as Tokoh Perbukuan Islam 2009. This recognition is due to his ability in inspiring the development of book publishing in Indonesia through his books. In addition, he is also known as a religious figure, educator and has his own publication house, Lentera Hati Publisher. al-Darraz stated that a scholarly work could not escape seven points, namely: a totally new article, completing the incomplete, explaining the vague and difficult, summarizing the long, updating the mixed, purifying the wrong and collecting the scattered (al-Darraz 1991: 1). According to the author, M. Quraish Shihab did all these things successfully, and even linked the limitations which often happen when someone wants to clarify the terms of Islamic scholarship in Arabic into Indonesian language ideally. Therefore, there is no doubt that he is an Indonesian credible and respected expert in Koranic interpretation.

MATERIALS AND METHODS

This study discusses M. Quraish Shihab's thought on adulterer and thief, focussing on *Tafsir Al-Mishbah* as one of his phenomenal works. He tends to use a linguistic method to elucidation of the effects produced, message and compatibility of the Koranic verses. He states that in order to understand the content of the Koran, in-depth knowledge of the Arabic language is needed. Similarly, is the need to clarify the meaning of a particular statement in more detail. To understand the meaning of each word in a verse, one shall first review the meaning in the word and then set the most appropriate meaning after analyzing all aspects relating to the verse (M. Quraish Shihab 2006: 81).

This method is used consistently in each verse which he analyzed. He was very attentive to the vocabulary meaning or the Koran's expressions with reference to language expert opinion. In addition, his critical

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perspective always questioned how the vocabulary is used by the Koran. By doing so, he sought to understand why the vocabulary is used. Such interpretation method according to Islah Gusmian (2003: 234) is important, because the Koran is often transformed semantic meaning of the words used by the Arabs encountered, giving a different meaning of the word.

Tafsir Al-Mishbah continues to gain ground and being referred by the missionaries, lecturers and students at universities in Indonesia and Malaysia. In fact up until today, it is subjected to the ongoing research by scholars to reveal the secrets contained. In addition, its existence helps in answering all the needs of the environment and conditions of modern society today about the appropriate interpretation. Its existence in a creative, critical and modern community has brought different opinions by various parties. His thoughts on a few things in Islamic law are different from that understood and practiced by Muslims in general and particularly in Indonesia. This is due to his consistency on Koranic vocabulary description in *Tafsir Al-Mishbah* to identify the correct interpretation of a verse, and in fact his tendency to interpret based on the meaning of language. One of the examples is in interpreting the verse 2 of Surah al-Nur and verse 38 of Surah al-Maidah. Therefore, both verses will be discussed in this study comprehensively by adopt library research with critical analysis.

RESULTS AND DISCUSSION

In spite his consistency in Koranic vocabulary description approach in *Tafsir Al-Mishbah* to identify the correct interpretation based on language meanings, the authors found some of his interpretation have violated the recognized commentators view. One of the examples is verse 2 of Surah al-Nur as follows:

The [unmarried] woman or [unmarried] man found guilty of sexual intercourse - lash each one of them with a hundred lashes, and do not be taken by pity for them in the religion of Allah, if you should believe in Allah and the Last Day. And let a group of the believers witness their punishment.

When interpreting the words *al-zani* and *al-zaniah* in the verse above, he stated that both these words show the constancy act by the doer. Of course constancy is not obtained until after repeated adultery. If this is the case, is a person can only be punished after doing the repeated adultery? The majority of Islamic scholars say the opposite, that anyone who found or committed adultery, taking into account the conditions set by the religion (although committing adultery only once) then the punishment is applicable on him or her.

However, why (Surah al-Nur verse 2) using such *sigah* (form)? When interpreting the Surah al-Maidah verse 38 which uses the same *sigah* to refer to men and women who stealing, M. Quraish Shihab answered this question with understanding the nature of Allah, *al-Ghaffar* (the Forgiving). Imam al-Ghazali explained that *al-Ghaffar* is "that reveal the beauty and cover the badness. All sins are part of the many badness covered by Allah by not revealing them in the world and does not take the punishments into account in the Hereafter". Therefore, we can say that a thief who is caught, actually have repeatedly commit theft.

All this time Allah, who is *Al-Ghaffar*, has also repeatedly covered the bad deed, so that it is not known by others. But as he does not stop stealing, Allah does not cover it anymore and that is the time the thief is caught. Others who do not know that Allah has covered the deed previously thought that he is only stealing once, but in fact it is a repeated deed. From here, the verse named them as thieves. In another narration, there was someone who was caught red-handedly stealing but vowed repeatedly that this is the first time he ever stealing. Sayyidina Ali (ra) remains commanded to cut off his hands while stating that Allah did not embarrass someone who committing sin once. After the sentence is carried out, he persuaded the thief by asking "how many times you have been stealing? The thief replied, "it has been a few times". The same goes to the adulterer regardless men or women (M. Quraish Shihab, 2010, vol. 8, p. 471-472).

Based on interpretation of Surah al-Nur verse 2 above, M. Quraish Shihab denied punishment on the adulterers who did it for the first time. The reasoning put forward is due to the language meaning, the use of active participle (*ism fa'il*) on the words *al-zani* dan *al-zaniah* which based on the stability and continuity of the action. As well as the verse 38 in Surah al-Maidah means the stability and continuity of action by thieves. Therefore, to analyze the validity of his interpretation, the following points should be analyzed critically, namely:

i The View Of Language Scholars On Perpetrator Nouns:

The authors found that active participle is not always continuing meaning. al-Sibawaih, for example, states if the active participle is in indefinite noun (*al-nakirah*) it contains the meaning of present tense (*fi'l al-mudari'*), a continuous act. When it is in the form of definite noun (*al-ma'rifah* with *alif lam*), then it contains the meaning of past tense (*fi'l al-madi*) (al-Sibawaih n.d. 1: 164). al-Sibawaih's opinion is also being used by al-Subki, when explaining the meaning of words *al-zani* or *al-sariqu* as discontinuous, as the presence of *alif lam* which means *al-ma'rifah* on both words (al-Subki 2001, v. 1, p. 288). In fact the language scholars such as Ibn Hisham (2003, v. 3, p. 194), al-Radi (1973, v. 3, p. 431), al-Abadi (1983: 12) and al-Ghalayayni (1989, v. 1, p. 178) also stated active participle contains discontinuous meaning. There are also other scholars, such as Bisanadi (n.d.: 6), Yasin (1934, v. 2, p. 146) and al-Azhari, n.d. vol. 2, p. 78) which stated that active participle meaning shall be referred

to the context of the verses and the existence of the *qarinah* that show its relevant meaning. As if it is said that Allah is *Alim*, then *Alim* is common nature attributed to Allah, with constant meaning. The same goes to *imraatun haid* because in reality every healthy woman will have menstruation at particular times, in her life.

Based on the views of language scholars quoted, it is obvious that the use of active participle is not always to be understood with the meaning of stability or continuity of the acts attributed to it. But there are times when it contains a new meaning, if it is in the form of definite noun.

ii. Al-Ghazali's view on the nature of Allah, al-Ghaffar:

M. Quraish Shihab (2010, v. 3, p. 111-113) also interweaving his interpretation on active participle on the words *al-zani* and *al-zaniyah* with other verse, Surah al-Maidah verse 38 which uses the same form, namely *al-sariqu* and *al-sariqah*. He argued by quoting the view of Al-Ghazali on a relevant nature of Allah, *al-Ghaffar*. Such nature according to al-Ghazali (n.d.: 76) is showing the beauty and covering the badness. All sins are part of several badness that being covered by Allah and not being revealed in the world and not bearing punishment in the Hereafter.

Based on his quotation, he concluded that the thief was actually being caught after repeatedly doing such deed. Again and again, Allah SWT *al-Ghaffar* was covering up his crime so that it is not known by others. Because he did not stop his bad deed, Allah does not cover it anymore and at this point he is arrested. Other people who had never learned that Allah has covered the deed previously thought that he only stealing once, but in fact it is not so. From here, the verse above named them 'thief'.

This interpretation is very different from what has been understood and practiced by Muslims in general, particularly in Indonesia. It is true that one of the meanings of *al-Ghaffar* is the one who covering badness. However one should remember that it is not going to happen if the devotee does not pray to Allah to cover his or her badness (al-Zamakhshari. 1998, v. 5, p. 279). Efforts that can be done for examples are by repenting and not repeating the sin and asking for His forgiveness (ibn Kathir. 2000, v. 7, p. 86).

Besides, if observed more equitably, M. Quraish Shihab's statement "other people who had never learned that Allah has covered the deed previously thought that he only stealing once, but in reality is not so" seems to indicate that the four *imams* or those who have authority in establishing law do not understand the meaning of *al-Ghaffar*, so when they are performing jurisprudence (*ijtihad*) about limits and punishments set by Allah (*hudud*), those who is found guilty will be punished even if it is his or her first crime. This statement is very far from the truth. The authors do not find any discussion among the *imam mujtahid* about this (whether the doer did the crime once or repeatedly) because they agreed unanimously on *hudud* laws even if it involves first time crime.

iii Narration from 'Ali ibn Abi Talib (ra):

To further strengthen his opinion, M. Quraish Shihab stated about a thief who was caught and vowed repeatedly in his first time crime. But Ali ibn Abi Talib (ra) still ordered to cut off his hands and said "Allah, The Almighty, will not embarrass someone who committing a crime for the first time". Once the punishment is carried out, he asked him, "how many times have you been stealing? The thief replied, "it has been a few times". Based on the arguments, M. Quraish (2010, v. 8, p. 471-472) concluded that what happened to the thief is the same with the adulterer.

As for the narration described by M. Quraish Shihab came from Ali ibn Abi Talib (ra), the authors found out that it is untrue, in fact it does not exist in any book of history as well as any classic and modern interpretation. However there is a narration with the contents as defined by him, but it is narrated from 'Umar ibn al-Khattab (ra), as follows:

Narrated from Umar, he ordered to cut the hand of a thief, then the mother of the thief came in tears and said "this is the first time he ever stole, so please forgive him". Umar said "You lie, surely Allah would not punish his servant if he committed a sin for the first time" (Shaikh al-Nawawi Bantani 1997, v.1, p. 225).

If he wants to use the narration attributed 'Umar ibn al-Khattab (ra) as his reasoning, the question is then how should we understand the hadith (words and deeds) of Rasulullah (pbuh) who sentenced the *hudud* laws to a thief even to his own daughter? In a hadith it is stated that:

Narrated from 'Aishah: The Quraish people became very worried about the Makhzumiyah lady who had committed theft. They said, "Nobody can speak (in favor of the lady) to Rasulullah (pbuh) and nobody dares do that except Usama who is the favorite of Rasulullah". When Usama spoke to Rasulullah (pbuh) about that matter, Rasulullah (pbuh) said, "Do you intercede (with me) to violate one of the legal punishment of Allah?" Then he got up and addressed the people, saying, "O people! The nations before you went astray because if a noble person committed theft, they used to leave him, but if a weak person among them committed theft, they used to inflict the legal punishment on him. By Allah, if Fatima, the daughter of Muhammad committed theft, Muhammad will cut off her hand!" (al-Bukhari 1980, vol. 4, *Kitab al-Hudud, Bab Karahiah al-shafa'ah fi al-haddi idha rufi'a ila al-sultan*, hadith no. 6788, p. 248).

Based on the narration, it is understandable that a woman from the Makhzumiyah tribe had committing theft. Usama ibn Zaid brought the matter to Rasulullah (pbuh) to forgive her sins. After knowing the truth, he rejected the Quraish's request to grant her amnesty, because she had disobeyed one of the laws that have been established by Allah. Shortly after that, he stood up delivering a sermon and said: "O people! The nations before you went astray because if a noble person committed theft, they used to leave him, but if a weak person among them committed theft, they used to inflict the legal punishment on him. By Allah, if Fatima, the daughter of Muhammad committed theft, Muhammad will cut off her hand!" Such is the guidance of the Prophet (pbuh) who are very firm against any violations of the *hudud*, and even if Fatimah committing theft (na^cuzubillah min zalik), surely he would cut off her hand. Besides that, an opinion of al-Juzairi (n.d. v. 5, p. 9) which states that a lady who committing theft even for the first time, as mentioned in the hadith above, will be subjected to the *hudud* laws.

Based on the three matters mentioned above, the authors found that M. Quraish Shihab's interpretation of *hudud* is deeply affected (and even same hundred percent) by diverging interpretation (*tafsir al-ilhadi*). In the book of *al-Tafsir wa al-Mufasssirun*, there are a few examples of this, which is the rejection of *hudud* laws:

Note that the words al-sariqu and al-sariqah contain habitual meaning (al-taawwud), in which stealing is the attribute that has been deeply ingrained in him. Therefore, whoever committing theft once or twice and not continueing and repeating the act, the doer is not sentence to hudud laws. It is because cutting hand will cause the inability to do works and it can not be done unless there is no other way to control it (the theft). As for al-zaniah and al-zani, the adultery is an attribute of women and men, when they are known to commit adultery and has become their habit, only then the flog sentence is fixed on them (al-Dhahabi. 2000, v. 2, p. 397).

The quotations of al-Dhahabi on diverging interpretation above expresses a very serious impact on the community, as apprehensively they will misunderstand that will not be subjected to *hudud* laws if committing the sin only once. Thus, in relevant context of Surah al-Nur verse 2 and al-Maidah verse 38 above, the interpretation of the M. Quraish Shihab which states that a verse using active participle form means stability and continuity is untrue. As a result, it is untrue that the *hudud* laws does not applicable to any of adultery and theft who committed the sin for the first time, but the offense is charged to those who do it over and over again.

Conclusion:

The consistency in Koranic vocabulary description to find out the authentic meaning of a verse has led M. Quraish Shihab to different interpretations with other authentic commentators. While interpreting the words *al-zani* and *al-zaniah* in Surah al-Nur verse 2 and *al-sariqu* and *al-sariqah* in Surah al-Maidah verse 38, the authors found that he denied the punishment on the adulterer and the thief who committed the deed for the first time. The reasoning put forward among others, is due to the meaning of the language, the use of active participle (*ism fa'il*) on the word *al-zani* and *al-zaniah* which is understood by him the stability and continuity of action by an adulterer and a thief. However, based on the opinion of the language scholars cited here, it is clear that active participle form is not always to be understood as stability or continuity of the acts attributed. But there are times when it contains a new meaning, if it is in the form of definite noun (*al-ma'rifah*).

The second reasoning specified by quoting al-Ghazali's view on Allah attribute, *al-Ghaffar*. M. Quraish Shihab concluded that a thief who is being caught is actually doing such activities repeatedly.

This is a very different interpretation with what has been understood and practiced by Muslims in general, particularly in Indonesia. It is true that one of the meanings of *al-Ghaffar* is covering the badness. However it should be remembered that it is not going to happen if there is no effort from the devotees himself to pray so that Allah will cover his bad deeds. Efforts that can be done for example is by repenting, not repeating the deeds and ask for His forgiveness, as stated by al-Zamakshari and ibn Kathir.

In addition, the authors found that M. Quraish Shihab's statement about *hudud* laws seem to indicate that the four imams or those who have the authority in establishing law do not understand the meaning of *al-Ghaffar* and led to their decision to sentence the *hudud* laws on those who committing the sin for the first time. The authors also found that his interpretation of *hudud* is affected by diverging interpretation.

As for the narration described by him attributed to ^cAli ibn Abi Talib (ra), the authors found that it is untrue, and does not exist in any book of history or any classical and modern interpretation, but is narrated from ^cUmar Ibn al-Khattab (ra). If he still want to use this narration (attributed to ^cUmar) as his reasoning, then the question is how should we understand the hadith narrated by al-Bukhari that Rasulullah (pbuh) would impose *hudud* laws to a thief even if it is his own daughter?

Therefore, the interpretation of Surah al-Nur verse 2 and Surah al-Maidah verse 38 by M. Quraish Shihab which states that every verse that uses active participle means stability and continuity is not accurate.

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