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The Role of Pragmatics in Jurisprudential Controversy in Islamic Law (Shari'a)(A requirement for completing a Master's degree in Linguistics at Soran University, Faculty of Arts, English Language Department)

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دور التداوليات في الخلاف الفقهي في الشريعة الإسلامية (رسالة مقدمة استكمالاً لمتطلبات الحصول على درجة الماجستير في اللسانيات - جامعة سوران - كلية الآداب - قسم اللغة الإنجليزية)

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ملخص البحث:

تتناول هذه الدراسة كيفية توظيف الفقهاء الإسلاميين التقليديين للاستدلال العملي، وتحديدًا مفهوم المخالفة وأنواعه المختلفة، بما في ذلك مفهوم الشرط ومفهوم الصفة وغيرها، لاستخلاص الأحكام الشرعية من الآيات القرآنية والأحاديث مع الحفاظ على النص الأصلي. يستند التحليل الذي يبيّن منطق الاستدلال التعاوني للفقهاء في إطار تعاون الكلام الإلهي إلى تسع دراسات حالة، منها: زكاة المواشي، ونفقة المطلّقة غير الحامل، وطهارة الماء، وصلاة الجنازة على السقط، ونجاسة غير المسلمين، وحضور الجمعة، وأحكام النكاح، والمسح على الجوارب، وكفارة القتل العمد. تكشف الدراسة أن الاختلافات بين المذاهب السنية الأربعة تعود في الأساس إلى توازن كل مذهب بين السياقية واللفظية: فالحنفية تُعطي الأولوية للأدلة الصريحة، والمالكية تُركّز على العرف، والشافعية والحنبلية تُعطيان أسبقية للنص بمنطوقها ومفهومها مراعة للسياق والقرينة. وتبيّن الدراسة أنه منذ زمن طويل – قبل أن يعرّف الباحثون الغربيون التداوليات رسميًا – أظهر علماء الإسلام معرفة عملية ملحوظة بمبادئها. وعلى اختلافاتهم، تُوظِّف جميع المذاهب أنواع المفهوم، خصوصًا مفهوم المخالفة، في ممارسات أصول الفقه بطريقة قانونية منهجية، مع استثناء بارز للحنفية الذين يميلون إلى تجاهل هذا النمط من الاستدلال والاعتماد أكثر على المنطوق. تعكس هذه المناهج نظريات اجتماعية ولغوية سابقة متصلة بالتداوليات، مثل قواعد غرايس، والنظرية النيوغرايسية، ونظرية الصلة، مما يدل على أن التفكير الفقهي الإسلامي تطوّر فيه عناصر ما قبل–التداوليات. ومن خلال تفسير أسباب التعددية المذهبية، يحافظ المنهج التداولي أيضًا على الأمانة للنص الشرعي، ما يمكّنه من التكيُّف مع التغيرات الاجتماعية والتاريخية مع البقاء متجذّرًا في مصادره المقدسة. تُجسر هذه الدراسة الهوّة بين الفقه الكلاسيكي والتداوليات الحديثة، مُبرِزةً النطاق التداولي الدائم للاستدلال في الفقه الإسلامي.**الكلمات المفتاحية:** الإسلام؛ الفقه؛ الخلافات الفقهية؛ الشريعة الإسلامي؛ أصول الفقه؛ تداوليات؛ التلويح.

Abstract

This study examines how classical Islamic jurists employed practical reasoning, specifically counter-implicature (mafḥūm al-mukhalāfah), and its various types, including conditional inference (mafḥūm al-sharṭ), attribute-based implicature (mafḥūm al-ṣifah), and others, to derive legal provisions from Qurʾānic verses and ḥadīth while preserving the original text. The analysis showing jurists' cooperative inference reasoning within divinely inspired

speech cooperation draws from nine case studies, including zakāt on livestock, water purity, Maintenance for Divorced Non-Pregnant Women, funeral prayer for miscarried infants, impurity of non-Muslims, Jumuʿah attendance, marriage rules, wiping over socks, and kaffārah for intentional killing. The study reveals that differences among the four Sunni madhāhib are attributed more to each school's balance between contextualism and literalism: the Ḥanafīs give priority to explicit evidence, the Mālikīs focus on custom, while the Shāfiʿīs and Ḥanbalīs give precedence to the text in both its explicit and implicit meanings, taking into account the context. It also finds that Long before Western researchers formally defined pragmatics, Islamic scholars and educational institutions demonstrated remarkable practical knowledge of its principles. Ranging in differences, the madhāhib schools of thought all apply implicatures, particularly counter-implicature (mafḥūm al-mukhalāfah), in their usūl al-fiqh practices in a very legalistic manner, except for Ḥanafīs, who tend to disregard such reasoning by relying more on mantūq (explicit meaning). These approaches reflect earlier social and linguistic theories of pragmatics, Grice's maxims, neo-Gricean theory, and Relevance theory, demonstrating that Islamic legal reasoning has developed proto-pragmatic elements. By explaining doctrinal pluralism, the pragmatic approach also preserves fidelity to the text of Islamic law, allowing it to adapt to social and historical changes while remaining grounded in its sacred sources. This work bridges the gap between classical jurisprudence and modern pragmatics, illustrating the enduring, pragmatic scope of inference in Islamic law.Keywords: Islam, Jurisprudence, Controversy, Fiqh, Islamic law, Usul al-Fiqh, Pragmatics, Implicature.

1. **Introduction** Islamic jurisprudence, or Fiqh, is a comprehensive field of Islamic sciences that deals with the implementation and understanding of Islamic laws (Shari'a) derived from the Qur'an and Sunnah, the practices of the Prophet Muhammad [PBUH] (Vogel, 2000). Fiqh is dynamic and coupled with a high level of intellectual controversy. It has developed over time in response to scholarly input influenced by a methodological system known as Usul al-Fiqh, the Principles of Islamic Jurisprudence – a set of methodological principles applied by Islamic scholars to derive the rulings of Islamic law (Dahlen, 2003). However, jurisprudential controversy (ikhtilaf) is a common aspect of interpreting sacred texts and applying them to new situations. This research examines the role of pragmatics – the study of context in determining meaning – in comprehending and implementing legal texts within Islamic law, by combining insights from language pragmatics with traditional Islamic legal theory. It bridges strict textualism and adaptable reasoning in the theory of Islamic law.

1.1 Research Problems/Questions

- How do the analyses of Islamic jurists correlate with pragmatics, and how is their understanding of the implicit meaning deeply rooted in what is now known as pragmatics?
- How do Islamic jurisprudential schools (madḫāhib) interpret and understand legal terms and statements based on pragmatics?
- What is pragmatics' role in resolving or triggering legal controversies?

1.2 Methodology

Considering the method, this thesis will employ a descriptive analysis, which is the most suitable approach for studying legal texts such as the Holy Quran, Sunna, and fatwas, as well as their interpretation by different Islamic schools of Shari'a, with a focus on pragmatics. It also adopts the contrastive Pragmalinguistics Method for comparing the main Islamic schools of jurisprudence (including Hanbali, Maliki, Shafi'i, and Hanafi). Lastly, it examines some case studies to analyze particular examples in the Islamic jurisprudential controversies when the pragmatic principles play a role.

2.Literature Review

2.1 The Need for Pragmatics in Linguistic Analysis

It is well-known in pragmatics that we must distinguish literal meanings from what is communicated (Levinson, 2000). In other words, the relationship between what is said and what is meant is not always direct. To understand the intended meaning of an utterance, we should rely on different kinds of context. For a better understanding, look at the following examples introduced by Huang (2014, p. 8):

- You and you, but not you, stand up!The three deictic expressions of the pronoun you in this example can only be deciphered and understood by the sentence's direct physical elements. Deictic expressions are only understandable in utterances augmented by extralinguistic physical contexts like eye contact and pertinent gestures.This example in real-world language indicates that many linguistic phenomena can only be comprehended pragmatically, considering relevant factors and extra-linguistic features such as real-world knowledge, context, and inference. By distinguishing literal from communicated meanings, pragmatics is crucial in understanding how languages are used daily.

2.2 Theoretical Framework of this research

This study depends on the notions developed in Grace's theory of conversational implicature and neo-Gricean pragmatics. It focuses on interpreting the inferential aspect of language, which is paramount in legal texts. It also depends on relevance theory as a secondary framework to show additional insights into the context-dependent meanings in Islamic jurisprudential texts.

2.2.1 Gricean Theory of Conversational Implicature

Grice's theory of implicature provides a framework for understanding how meaning is conveyed beyond the literal content of words through the interplay of conversational maxims and contextual cues. The concept of implicature goes back to the work of H. P. Grice. Grice started his theory with the cooperative principle, which shows how language is used to guarantee successful communication. He divided the cooperative principle into four maxims: quality, quantity, relation, and manner. Then, he subdivided them into nine conversational sub-maxims, which, shortly, may be interpreted as truthfulness, informativeness, relevance, and clarity (Grice, 1975).

2.2.1.1 The Cooperative Principles and Maxims

According to Grice (1989), the cooperation principle of conversational implicature is as follows: "make your conversational contributions such as required, at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which you are engaged" (p. 26). Moreover, he specifies cooperation in the following maxims:

- Quality: Try to make your contribution one that's true.

I. Do not say what you believe to be false.

II. Do not say that for which you like adequate evidence.

- Quantity:

I. Make your contribution as informative as required (not less or more).

II. Do not make your contribution more informative than it is required.

- Relation:

I. Be relevant.

- Manner: Be Perspicuous.

II. Avoid obscurity of expression.

III. Avoid ambiguity.

IV. Be brief (Avoid unnecessary prolixity).

V. Be orderly (Grice, 1989, pp. 26-30).

In all these maxims, implicature can occur in two main ways: first, in adherence to the maxims, and second, in flouting the maxims (Huang, 2014).

2.2.2 Neo-Gricean Theory of Implicatures

Despite its significant influence in pragmatics and the scholars' admiration, Grice's theory remains prone to revisions and criticism that need refinement; this is the task of the neo-Gricean theories. Stephen Levinson and Laurence Horn are among the most influential neo-Gricean scholars, and each of them has added some new insights to Grice's theory of implicatures (Horn, 1984; Levinson, 2000).

2.2.2.1 Horn's theory

The contribution of Laurence Horn to the neo-Gracean theory of pragmatics was crucial. He reduced Grice's maxims into two principles: the Q-principle (Quantity) and the R-principle (Relevance and Relation). Originating from Grice's maxim of quantity, the Q-principle states, "Make your contribution sufficient" and "say as much as you can" (Horn, 1984). In the following example, by using the word some, the speaker implies that not all the students passed the exam (Horn, 1984).

- Some of the students passed the exam.

+> Not all the students passed the exam.

Horn's second principle is the R-principle, which he introduced as a replacement for Grice's relation, manner, and some quality maxims. The R-principle means "make your contribution necessary" and "say no more than you must" (Horn, 1984; Horn, 2004). This can be better understood in the following sentence, where the interlocutors can arrive at the conversational implicatures based on the relevant context.

- The room's lights are on.

+> Someone must be in the room.

2.2.2.2 Levinson's theory of presumptive meaning

While Horn's Q- and R-principles reduce the Gricean system to two mutually opposing forces, Levinson (2000) presents a similar but different system that maintains the idea of competing speaker-oriented and hearer-oriented forces in language. Levinson's system consists of three heuristics that regulate the interpretation of utterances. Each of these heuristics has a more general principle derived from it, comprising a speaker's maxim and a hearer's corollary. Here are the Heuristics (Levinson, 2000, p. 31):

I. The Q-heuristic: What is not said is not.
II. The I-heuristic: What is simply described is stereotypically exemplified.
III. The M-heuristic: A marked message indicates a marked situation.

2.2.3 Relevance Theory

This is another theory inspired by Paul Grice's work, which developed into a cognitive theory. It was initially published in 1986 and revised in 1995. Deirdre Wilson and Dan Sperber introduced this theory within pragmatics and cognitive linguistics. In addition, the theory's name was taken from the view that "human cognition tends to be geared toward maximizing relevance," and every utterance transforms some relevant information, in one way or another, to the interlocutor, making it worth some processing effort (Sperber and Wilson, 1995, 2002, 2004).

2.2.3.1 Some Concepts of Relevance Theory

Sperber and Wilson have used some terms in the relevance theory that need to be explained to understand the theory better. One of them is Manifestness, which is defined as follows: "A fact is manifest to an individual at a given time if and only if he is capable of representing it mentally and accepting its representation as true or probably true" (Sperber & Wilson, 1995, p. 39). Another one is Cognitive Effect, which refers to an impact on a person's cognitive environment caused by "outside" information, including messages addressed to the person. This involves the acquisition of new beliefs or facts, reinforcing or weakening the confidence of current beliefs and their rejection, and structuring information into schemas or perhaps other forms to facilitate easier future processing (Carston, 2002, p. 240). One more term is Relevance of a phenomenon; a sentence, or any other phenomenon, is regarded as relevant to an individual if its positive cognitive effect on the individual is large and the processing effort to achieve these effects is small. Relevance is a comparative quality: the more positive cognitive effects and minor processing effort, the more relevant the sentence (Sperber & Wilson, 1995; 2004). Finally, Explicature refers to the content of the utterances that are explicitly communicated and driven by the development of their logical form (Sperber & Wilson, 2012).

3. Medieval Islamic Pragmatics: Overview of Islamic Legal Theory (Usul al-Fiqh) of interpretation

3.1 Uṣūl al-fiqh as a framework for deriving Islamic legal rulings

Uṣūl al-fiqh has a fundamental position in Islamic jurisprudence (Fiqh). It provides the basic structure for extracting a legal decision from the primary sources of Islamic law, the Quran and hadith. It is through these sources that Islamic jurisprudence plays its role. Usul al-Fiqh provides the rules and principles by which the scholars interpret and read these sources to ensure that the rulings align with the spirit of the teachings of Islam. The classical theory of Islamic jurisprudence addresses how the scriptures (Quran and hadith) are to be interpreted from a linguistic and rhetorical standpoint. It also encompasses methods for determining the authenticity of hadith and determining when a scriptural passage's legal force is abrogated by a passage revealed later (Calder, 2009).

3.2 The Methods of Textual Signification on Legal Rulings

There are two common proposals for text-based classification of signification: the majority proposal known as the Shāfiʿī method of textual signification (which is sometimes called the speculative theologians' way (ṭarīqat al-mutakallimīn) of textual signification) and the Ḥanafī one. I shall begin with the Ḥanafī classification as it is historically older.

3.2.1 The Hanafi method of the textual signification

The Hanafis divided the modes by which a word signifies a ruling into four categories:

1. **Dalālat al-'Ibārah (Signification by Expression):** It is the meaning that is immediately understood from the wording, and it is intended either originally or secondarily. It is also referred to as the literal (explicit) meaning of the text (Khallaf, 1942).

2. **Dalālat al-Ishārah (Signification by Allusion):** This meaning does not immediately come to mind from the wording, nor is it intended by the context, either primarily or secondarily; however, it is a meaning that necessarily follows from the apparent meaning of the text. The indication here is established from the wording itself linguistically, but by way of implication (iltizām) of the primary meaning (Al-Sarakhsi, 1973).

3.**Dalālat al-Nass (Signification by inference):** This refers to the indication of the wording (the text) that affirms the ruling given explicitly to a silent case due to both cases sharing the same reason (‘illah) for the ruling, which can be understood purely through the language (Al-Bukhari, 1890).

4.**Dalālat al-Iqtidhā’ (Signification by Requirement):** This is the indication in speech of something unspoken, where the truth or legal validity of the statement depends on assuming (or estimating) this unspoken element (Amir Badshah, 1932).

3.2.2 The Shafi’i Method (Mutakallimūn) to the Textual Signification

The scholars of uṣūl al-fiqh among the Shafi’i method, also called the Mutakallimūn (speculative theologians), adhere to a particular methodology in classifying how a word, or more precisely, a statement in the Qur’ān or Sunnah, signifies a sharʿī ruling. what we mean by the Shāfiʿī method is the approach which is followed not only by the Shāfiʿīs, but also by the Mālikī, Ḥanbalī, and Muʿtazili scholars. This methodology hinges on whether the signification is tied to the literal wording and its context of utterance, or whether it is untied and unspoken (Al-Zuhayli, 2006).

The modes of verbal signification are divided into two main categories:

1. What is Said (Al-Manṭūq): This refers to what the wording signifies in its very place of utterance. In other words, the signification of al-manṭūq indicates a ruling explicitly mentioned in the text and pronounced, whether by equivalence signification, incorporational signification, or implicational signification (Al-Ṣāliḥ, 2008).

2. What is Implicated (Al-Mafhūm): This refers to what the wording signifies, not in its place of utterance, i.e., a ruling for something not mentioned or pronounced in the text, by establishing the opposite ruling of what is left unspoken (Al-Jīzānī, 2006).

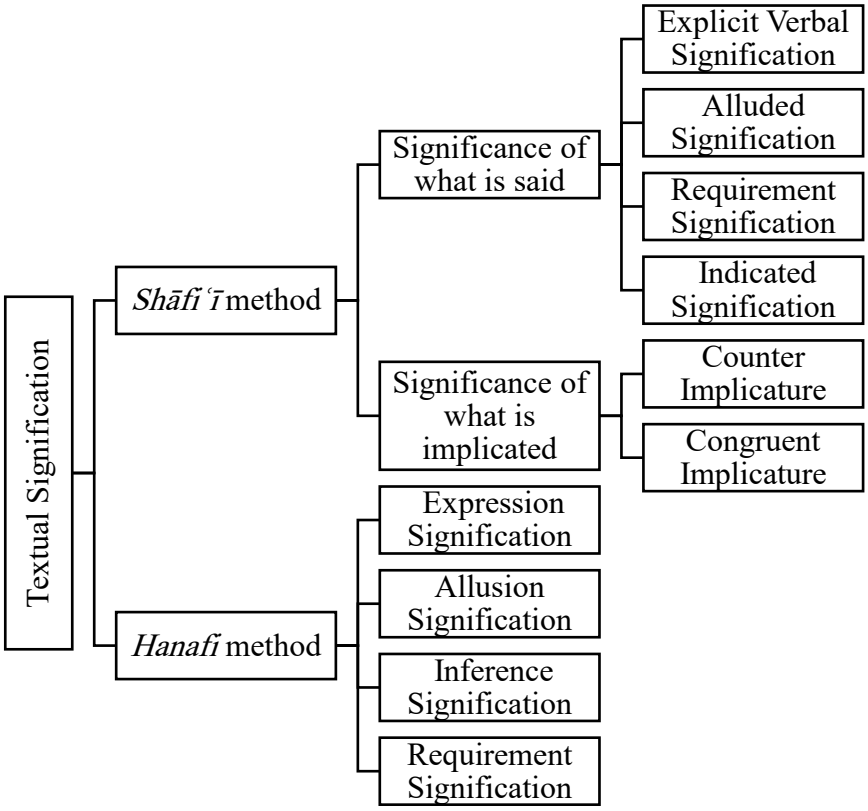

Figure 1 Textual Signification on Islamic Legal Rulings

3.2.2.1 Types of What is Said (Al-*manṭūq*)

The meaning conveyed by an expression, insofar as it is spoken, is of two kinds:

I. *Al-manṭūq ạl-ṣarīḥ* (Explicitly Said): This is when a word or phrase is coined to express a particular meaning, and its indication of that meaning is clear, whether by complete equivalence or by incorporation that covers part of the meaning, and whether the expression is literal (*ḥaqīqah*) or figurative (*majāz*) (Zāhidī,1994).

II. *Al-manṭūq gḥayr ạl-ṣarīḥ* (Inexplicitly Said): This is the meaning that necessarily follows from an expression, that is, the expression indicates this additional meaning beyond what it was originally coined for, through an implicative inference. This type of indication is called “implicative signification” (*dalāla ạl-iạltizām*) (Al-ʾĪjī, 2004).

The (non-explicitly said) signification is further divided into three types:

1. *Dalālat al-Iqtiḍāʾ* (The Required signification): explained in the Ḥanafī method.
2. *Dalālat ạl-Isḥāra* (The Alluded signification): explained in the Ḥanafī method.

3.*Dālālat al-īmāʾ* (The Indicated signification): this is when the speaker's intended meaning in an expression is coupled with a description that marks it as the effective cause (*ʿilla*) of the ruling (Al-Subkī, 1999).

3.3.2.2 Types of What is Implicated (*Al-Mafhūm*)

There are two kinds of *mafʾhūm*:

1.*Mafhūm al-Muwāfaqa* (Congruent implicature)

This is when a term indicates that the ruling affirmed in the wording also applies to the unspoken case, whether in negation or affirmation, by sharing a meaning that is grasped simply through language knowledge, without any need for independent inquiry or effort (Al-Ghazālī, 1993). For instance, the meaning of the verse, "*Inna alladhīna ya'kulūna amwāla al-yatāmā ẓulman innamā ya'kulūna fī buṭūnihim nāran wa-sayaṣlawna saʿīrā*" (Verily, those who unjustly eat up the property of orphans, they eat up only fire into their bellies, and they will be burnt in the blazing Fire!) (Qur'ān 4:10, trans. Al-Hilali & Khan, 1430 A.H.), extends equally to burning orphans' property or causing it any form of damage, since such destruction is tantamount to "eating" it by waste (Qattan, 2000, p. 245).

2.*Mafhūm al-Mukhālafa* (Counter implicature)

This is when the wording indicates the negation of the ruling that applies to the expressed case in respect of the unspoken case, by the absence of a limiting condition present in the expressed case. It is also called *Dalīl al-Khiṭāb* (Proof of Address) (Al-Shūshāwī, 2004)

The *Shāfiʿī* method regards counter-implicature as one of the valid modes of deriving legal rulings from texts. In contrast, the *Hanafīs* categorically reject it in *sharʿī* texts; they neither recognize nor employ it in legal derivation, terming it "special mention" and dismissing all such counter-implicature arguments as invalid. For example, in this verse: "*Wa kulū wa-ishrabū ḥattā yatabayyana lakumu al-khayṭu al-abyaḍu mina al-khayṭi al-aswadi mina al-fajr*" (Eat and drink until the white thread (light) of dawn appears to you distinct from the black thread (darkness of night)) (Qur'ān 2:187, trans. Al-Hilali & Khan, 1430 A.H.), the notion of opposition (*mukhālafah*) implies that eating and drinking become prohibited once the two threads are distinguished. According to the *Hanafis*, however, this is not an implicature (*talwīḥ*), because here (*ḥattā*) has a telic sense. In other words, eating and drinking are permitted up to the point when the two threads are distinguished. Thus, the meaning "the prohibition of eating and drinking after the threads are distinguished" is already carried by the word *ḥattā*. This has led to a significant divergence between the *Hanafīs* and other Sunni schools (Al-Zuhayli, 2006).

3.3.2.2.1 Types of Mafhūm al-Mukhālafa (Counter implicature)

The concept of "Counter implicature" (*mafḥūm al-mukhālafah*) has many varieties, six in all, and its foremost and primary form is the "The implicature of a restrictive attribute" (*mafḥūm aṣ-ṣifah*) (Al-Zuhayli, 2006)

1.The Implicature of a Restrictive Attribute (*mafḥūm al-ṣifah*): It is the implication of a ruling's opposite for what is left unspoken, when the explicit text has constrained the permissibility or obligation of an act by a particular attribute. That attribute is absent in the unspoken case (Al-Ṣāliḥ, 2008).

2.The Implicature of a Condition (*mafḥūm ash-sharṭ*): This is the implication of the opposite ruling for what is left unspoken when a legal ruling in the text is made conditional upon a certain "condition" (sharṭ), and that condition is absent in the unspoken case (Zaydan, 2006).

3.The Implicature of a Time Limit (*mafḥūm al-ghāyah*): It is the meaning signified by a word that indicates a ruling confined by a limit, so that the opposite of the ruling holds true once that limit is reached (Al-Ḥaṭṭāb, 2023).

4.The Implicature of a Stated Numeral (*mafhūm al-ʻadad*): It is the indication of a text in which a ruling is limited by a specific number, such that this implies a different ruling for what is not explicitly mentioned, due to the absence of that numerical restriction. In other words, when a ruling is tied to a specific number, it implies that anything beyond or less than that number does not share the same ruling, because the numerical limitation excludes it from the stated judgment (Al-Zuhayli, 2006).

5.The Implicature of a Designation (*Mafhum al-laqab*): This is the assignment of a name under a ruling, such that the utterance of the word indicates that the ruling applies to it and does not apply to anything else. The majority of theologians (*mutakallimūn*) and the *Hanafīs* hold that one may not derive legal proof (*ḥujjiyya*) from the concept of *al-laqab* (Khallaf, 1942).

6.The Implicature of Confinement (*Mafhum al-Ḥaṣr*): It is the selection of a ruling that is restricted to what is explicitly specified, and the establishment of its opposite for everything else (Al-Shūshāwī, 2004).

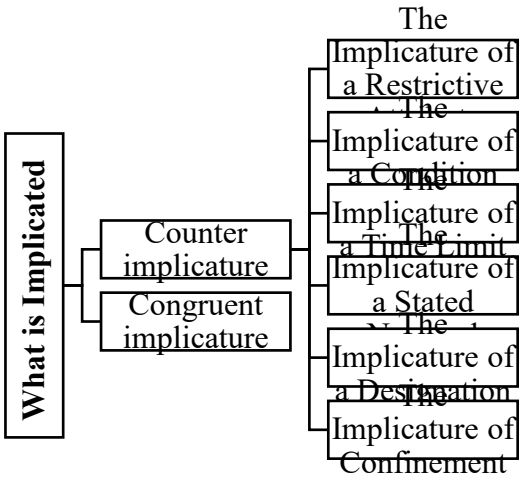

Figure 2 Shāfiʿī method for What is implicated (Al-mafḥūm)

4.Data analysis

4.1 Zakat on Livestock and the Condition of Grazing (ạl-sawm): A Pragmatic Analysis

Companions like Abū Bakir reported the Prophet (PBUH) saying zakāt on sheep applies to sāʾimat al-ghanam (Grazing): "wafī ṣadaqaẗi ạl̊gẖanami fī sāyẏimatihā ạiḍẖā kānaṯ ạå̊rbaʿīnaạilay ʿisẖ̊rīna wamīåẗiⁿ; sẖāẗuⁿ" (As regards the Zakt for the (flock) of sheep {that are sent for pasture (Grazing)}; if they are between forty (40) and one hundred and twenty (120) (sheep), one (1)sheep is to be in Zakat) (Narrated by Al-Bukhari, chapter 38, Hadith 1454, trans. Khan, 1997)[1].Zakāt is a fundamental pillar of Islam, obligating Muslims to give a portion of certain wealth to the poor and needy. Among zakatable categories are bahīmat al-anʿām (livestock, including camels, cattle, and sheep/goats). A longstanding juristic debate centers on whether these animals must be grazed freely (takūn sāʾima) to incur zakāt. The Mālikī school holds that all livestock, whether stall-fed or pasture-fed, require zakāt, relying on general texts of obligation (Al-Shanqīṭī, 1983). They say that the specification of "sā'imah" in the above ḥadīth refers to the prevalent practice among the Bedouin Arabs, so it illustrates the reality rather than establishes a counter implicature (Al-Shanqīṭī, 1983) In contrast, the Ḥanafī, Shāfiʿī, and Ḥanbalī schools require the animals to be predominantly grazing (free-roaming) most of the year, based on specific prophetic reports (al-Kāsānī, 2003; al-Nawawī, 1991; Ibn Qudāmah, 1969)Under Grice's Maxim of Quantity, "be as informative as required", specifying "sāʾima" suggests the speaker intentionally excludes the non-grazing case (Grice, 1989). This supports the majority view (Ḥanafī, Shāfiʿī, Ḥanbalī). The literal inference (used by Ḥanbalī and Shāfiʿī jurists) is that, because the Prophet mentioned only grazing animals, non-grazing ones are excluded through counter-implicature (mafhūm al-mukhālafah) (Al-Zuhayli, 2014). This is exactly the notion of implicature in Grice's theory: the utterance "in a grazing flock" pragmatically implies "not in a non-grazing flock." Maliki jurists challenge this: they treat "sā'ima" as incidental (a descriptive attribute) rather than as a restrictive qualifier. Therefore, the descriptive mention of sāʾima does not negate zakāt on muʿallafa (Al-Shanqīṭī, 1983)Crucially, the Ḥanafīs reject mafhūm al-mukhālafah (counter-implicature) altogether as a method in such contexts (Al-Ghazālī, 1993). They do not base their exclusion of muʿallafa (stall-fed) on a counter-implicature. Instead, they rely on taqyīd al-naṣṣ (explicit specification in text): "fī sāʾimat al-ghanam…". And they apply the principle al-muqayyad yuqayyid al-muṭlaq (specific limits the general), e.g., limiting "fī kulli arbaʿīn shātun" with "fī sāʾima" (Al-Zuhayli, 2014). From a Gricean view, the Ḥanafīs suspend implicature entirely in legal reasoning, where clear wording (al-naṣṣ) suffices; it means they suspend pragmatic inference in favor of textual specification. Neo-Gricean's Q-principle supports the majority view: the Prophet's mention of "sā'ima" provides maxims-level information, so it would be uncooperative not to consider non-mention as meaningful. The Sunni grammarians of the Hanafi, Shafi'i, and Ḥanbalī schools effectively invoke this: by Q, the specific hadith phrasing entails a negative for the unmentioned case. Conversely, the R-principal cuts against needless complexity, and it supports Malikis' point that adding "sāʾima" in a known grazing society doesn't imply exclusion; it's a background detail, not a restriction (Horn, 1984). Under Relevance Theory, each school assesses how naturally the listener would process the mention of grazing: the majority view sees it as direct and context-fitting for the listener's scenario, while Malikis deem broader textual cues more contextually salient (Sperber & Wilson, 1995).In sum, the divergence over zakāt on muʿallafa (stall-fed) livestock is a striking example of how pragmatic reasoning affects fiqh. While Shāfiʿīs and Ḥanbalīs rely on counter-implicature to restrict zakāt to sāʾima (grazing), Mālikīs

override that with contextual reasoning and legal maxims. Ḥanafīs, on the other hand, reject such implicature altogether and insist on explicit textual evidence.

4.2 Juridical Opinions and Pragmatic Analysis of Maintenance for Divorced Non-Pregnant Women

The key Qur'anic verse on divorced pregnant women is Surah At-Talaq 65:6:"'Askinūhunna Min Ĥaythu Sakantum Min Wujdikum Wa Lā Tuđārrūhunna Lituđayyiqū `Alayhinna Wa 'In Kunna 'Ūlāti Ĥamlin Fa'anfiqū `Alayhinna Ĥattá Yađa`na Ĥamlahunna Fa'in 'Arđa`na Lakum Fa'ātūhunna 'Ujūrahunna Wa 'Tamirū Baynakum Bima`rūfin Wa 'In Ta`āsartum Fasaturđi`u Lahu 'Ukhrá(Lodge them (the divorced women where you dwell, according to your means, and do not harm them so as to straiten them (that they be obliged to leave your house). And if they are pregnant, then spend on them till they lay down their burden. Then if they give suck to the children for you, give them their due payment, and let each of you accept the advice of the other in a just way. But if you make difficulties for one another, then some other woman may give suck for him (the father of the child)) (Qur'ān 65:6, trans. Al-Hilali & Khan, 1430 A.H.)The juristic debate arises over the case of a bā'in (a woman divorced irrevocably, e.g., by three talaqs) who is not pregnant. Two main opinions developed: those who generalize maintenance beyond the verse (Hanafis) and those who restrict it by condition (Malikis, Shafi'īs, and Hanbalis). This difference will be analyzed below from a pragmatic-linguistic perspective.The Hanafi position (held also by ʿUmar) is that any divorced wife is entitled to maintenance during her 'iddah, regardless of pregnancy (Al-Qurṭubī, 1996). They cite Qur'ān 65:6's broader context – especially the preceding part of the verse, "wa lā tuḍa'irūhunna litudayyiqū `alayhinna" (do not harm them so as to straiten them) and the general notions of preventing harm, to infer a general duty of care. They argue that to withhold support from a non-pregnant bā'in would cause undue hardship and contradict the Qur'anic ethic of luṭf (kindness) and rafq (gentleness) (Al-Māwardī, 1999). They also believe that the verse's conditional clause (e.g., "if they are pregnant) serves only to dispel doubts about pregnant women, not as the Implicature of a condition (mafḥūm ash-sharṭ) to exclude others (Al-Jaṣṣāṣ, 1405 AH). In sum, they override default pragmatic inference (counter-implicature in favor of other hermeneutical principles or broader shari'a objectivesScholars such as Ibn ʿAbbās, Imam Mālik, Imam Shafi'i, Imam Aḥmad ibn Ḥanbal, and most of their followers held that a non-pregnant divorced bā'in does not receive maintenance. They took the verse literally: "And if they are pregnant, then spend on them," implying that if not pregnant, then not (Hwsawi, 2015). The Maliki, Shafi'ī, and Hanbali rationales explicitly invoke mafḥūm al-mukhalafa (counter-implicature): because Allah specifies "if they are pregnant, then spend on them," it is understood by contrast that maintenance ceases if the condition is absent (Al-Zuhayli, 2014). Analyzing these fiqh views through modern pragmatic theories highlights that the dispute is not merely about linguistics, but about which pragmatic cues the jurists took as decisive. The Gricean approach shows how one can derive an implied exclusion from the Qur'anic wording, supporting the Mālikī/Shāfi'ī/Hanbalī stance, but it also shows that such implicatures depend on assumptions of cooperation (Grice, 1975). The Neo-Gricean Q-principle formalizes why the more literal (restricted) reading is a "default" inference (Horn, 1989). Finally, Relevance theory reminds us that interpretation relies on broader context: those who insist on general maintenance do so by appealing to the overall relevance of mercy and care in Islam, effectively overriding the local implicature (Wilson & Sperber, 2002).

4.3 kafārah (an expiation) for intentional killing

The Qur'an states:"Wa Mā Kāna Limu'uminin 'An Yaqtula Mu'uminãan 'Illā Khaţa'an Wa Man Qatala Mu'uminãan Khaţa'an Fataĥrīru Raqabatin Mu'uminatin… Faman Lam Yajid Faşiyāmu Shahrayni Mutatābi`ayni Tawbatan Mina Allāhi…" (It is not for a believer to kill a believer except (that it be) by mistake; and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave… And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allah…) (Qur'ān 4:92, trans. Al-Hilali & Khan, 1430 A.H.)The verse continues to prescribe expiation for accidental killing. However, Islamic jurists diverge on whether kafārah (an expiation) is required for deliberate killing. Two main positions emerge:The Majority view (Ḥanafī, Mālikī, Ḥanbalī) is that no kaffarah is required for intentional murder. Mālikī and Ḥanbalī cite mafhoom al-mukhālafah (counter-implicature); they argue that since Allah explicitly requires expiation for accidental killing (Quran 4:92) but prescribes only Hell for willful killing (Quran 4:93), the omission implies kaffarah is excluded in the latter case (Ibn Juzayy, 2013). The Hanafīs do not accept the concept of mafhoom al-mukhālafah (counter-implicature) as a proof; they rely on other proofs for that (Al-Zaylaʿī, 1314 AH)According to Shāfiʿīs (the minority view), Kaffarah is required even for intentional killing. Their proof appeals to mafhoom al-muwāfaqah (congruent implicature): since the lighter case (unintentional killing) demands kaffarah, then a fortiori the graver case (intentional killing) should also require

it. In other words, if God obliges expiation when a believer is slain "by mistake," He a fortiori obligates it if slain "deliberately" (Al-Nawawī, 1991; Al-Juwaynī, 2007)Here, Allah's speech is treated like cooperative discourse. The explicit mention of kaffarah for accidental killing (4:92) and the omission of any kaffarah in 4:93 is seen as intentional. By Grice's Maxim of Quantity, this silence implicates that kaffarah is not required for intentional murder. In other words, since Allah did not require "kaffarah" in verse 93, the listener infers none is meant (a Gricean implicature). This aligns with the majority's mafḥūm al-mukhālafa reasoning: specifying one case excludes the other by omission (Grice, 1989)According to Horn's quantity implicature (Q-implicature), using a term from a marked scale implies the corresponding unmarked term is negated (Horn, 1984). Thus, the phrasing suggests a scale (mistake < intentional), and mentioning the lesser ("mistake") but not the greater suggests the greater is excluded. Conversely, Shāfiʿī reasoning resembles an a fortiori implicature: stating a rule for the weaker case ("mistake") implies by markedness (I-implicature) that it holds for the stronger case ("intentional") as well (Levinson, 2000). Both views invoke pragmatic implicature but with opposite polarity: the majority reads omission as exclusion (Hornian scalar reading), while the minority reads the stated case as sufficient evidence to generalize to the unstated case.Relevance theory thus highlights that both mafhūm al-mukhālafah and mafhūm al-muwāfaqa are pragmatic enrichments grounded in context and cooperative principles. Indeed, classical scholars recognized that these are not explicit commands but inferred rulings based on context (Sperber & Wilson, 1986).

4.4 Marrying a Slave Woman by a Muslim Man

The Qur'an states:"Wa Man Lam Yastaţi` Minkum Ţawlāan 'An Yankiĥa Al-Muĥṣanāti Al-Mu'uminā̀ti Famin Mā Malakat 'Aymānukum Min Fatayātikumu Al-Mu'uminā̀ti… Dhālika Liman Khashiya Al-`Anata Minkum (And whoever of you have not the means wherewith to wed free, believing women, they may wed believing girls from among those (slaves) whom your right hands possess, … This is for him among you who is afraid of being harmed in his religion or in his body… (Qur'ān 4:25, trans. Al-Hilali & Khan, 1430 A.H.)In this verse, the Quran explicitly permits marrying a believing slave-woman on the condition of (1) lacking the financial means to marry a free believing woman, and (2) fearing hardship or sin (khawf al-ʿanat). Islamic legal theory calls this a conditional implicature (mafhum al-sharţ): the legal permission applies only when the stated condition holds.

The opinion of the Majority (Mālikī, Shāfiʿī, and Ḥanbalī) is that marrying the slave when a free woman is available is not permissible (and if it occurs, it is annulled) (Baḥjī, 2010). These schools interpret the verse by strict counter-implicature (mafḥūm al-mukhālafa): if one can marry a free believing woman, then marriage to a slave is not allowed.By contrast, the Ḥanafī school does not accept the mafḥūm al-mukhālafa (counter-implicature). Hanafīs maintain that the verse's wording is simply a concession, not a strict rule, and they rely on general permissions elsewhere, such as in the verse that Allah says: "Fānkiĥū Mā Ţāba Lakum Mina An-Nisā'" (Marry women of your choice) (Qur'ān 4:3, trans. Al-Hilali & Khan, 1430 A.H.), and his words immediately after enumerating the prohibited women for marriage: "Wa 'Uĥilla Lakum Mā Warā'a Dhālikum" (All others are lawful, provided you seek (them in marriage)) (Qur'ān 4:24, trans. Al-Hilali & Khan, 1430 A.H.). Hence, the Ḥanafīs permit marriage without restricting it by the ability to wed a free woman (Abdallahi & Alhourani, 2022). From a Gricean perspective, stating "If condition C, then permitting marriage" generates the implicature (under the Cooperative Principle) that if lacking C, the permission likely does not hold. By the Maxim of Quantity (be as informative as required), mentioning C suggests it is a real precondition; omitting the unconstrained case implies omission of that case's permission (Grice, 1975). A Neo-Gricean account (Horn, 1989; Levinson, 2000) refines this as a form of scalar implicature. The utterance "Y is allowed only if C" is the strongest claim consistent with the text; by the Q-principle ("make your contribution as informative as possible"), it implicates that "Y is not allowed when C does not obtain." From the standpoint of Relevance Theory (Sperber & Wilson, 1986, 2012), mentioning the two conditions is only relevant if they delineate the rule's scope; the hearer infers that in contexts where these conditions fail, the verse is no longer instructiveThe strongest position is that of the majority—namely, that marrying the believing slave woman is impermissible when one can marry a free believing woman—because the verse's explicit restriction by condition would otherwise serve no purpose, and the texts of the Sharīʿah would not have refrained from stating it plainly.

4.5 Juristic Ruling on Funeral Prayer for a Miscarried Infant

Classical Islamic jurists are divided on offering the Salāt al-Janāzah (funeral prayer) for a miscarried fetus that died in its mother's womb. The controversy is founded on the Mafhūm al-Mukhālafa (Counter implicature), namely mafḥūm ash-sharţ (The Implicature of a Condition), concerning the ḥadīth: "ạịḍẖā ạiṡtahalā ạlṣābīũ ṣilīyã ʿalaẙhi wawurităa" (If a child utters a sound (after being born), the funeral prayer should be offered for him and

(his relatives) may inherit from him) (Narrated by Ibn Mājah, Hadith 1508, trans. al-Khattāb, 2007)[2]. This Hadith implies that if a child dies in its mother's womb and does not utter a sound after being born, the funeral prayer should not be offered for it.The Hanafi, Maliki, and Shāfiʿī schools hold that such prayer is not obligatory unless the child shows a sign of life (e.g., breathing or crying) (Al-Sharnabulali, 2005; Imām Mālik, 1994; Al-Tirmidhī, 1975). By contrast, Aḥmad ibn Ḥanbal (Hanbali school) rules that even an unborn child that dies in its mother's womb is prayed over. Ḥanbalīs rely on other proofs and argue that the fetus, having received a soul (nufūkh al-rūḥ), should be treated like any born child (Ibn Qudāmah, 1969). This is a case of cancellation by means of stronger evidence from their point of view.Grice's maxims of quantity and relevance predict that omitting any alternate condition (here, "if not cry") signals that none exists; the jurists formalize this as mafhum al-sharṭ (Grice, 1975). Additionally, Abdulla (2016) explicitly equates mafhum al-mukhalafah with Neo-Gricean quantity implicatures. Thus, the Maliki/Shāfiʿī inference is fully consistent with Neo-Gricean pragmatics (Horn, 1984). Finally, under relevance theory, one would say the schools differ in which information they prioritize: some exploit the conversational implications of the conditional, others adhere to the straightforward textual meaning (Sperber & Wilson, 1986)This case illustrates how pragmatic reasoning shapes Islamic legal interpretation. The conditional hadith's wording prompts a Gricean quantity implicature (mafhum al-sharṭ/mukhalafah) that Malikis and Shāfiʿīs take as binding. Ahmad ibn Ḥanbal, however, effectively rejects that implicature and enforces a broader command from other narrations. Thus, Gricean and Neo-Gricean theories (scalar implicature) map onto classical principles of mafhum al-sharṭ and mafhum al-mukhalafah, explaining the divergent juristic outcomes. Relevance considerations further clarify why some scholars emphasize the unstated "no-sound" case while others do not: each side invokes the interpretation that, pragmatically, contributes to the intended legal rule in its view.

4.6 Timing of Wiping Over the Khuffayn (Leather Socks)

The issue of the time that one can wipe over leather socks (masḥ ʿalā al-khuffayn) in wudu is derived from the Hadiths of the Prophet (PBUM).For example:"ʿaṅ sẖuraẙḥi ḇn hānīiᵑ qāla: ạåtaẙtu ʿāyiṡẖaẗa ạåṡạåluhā ʿanī ạḷmaṡḥi ʿalay ạḷkẖufāẙni , faqālaṭ: ʿalaẙka biạiḇni ạåbī ṭālibiⁿ , fasaḷhu fāịnāhu kāna yusāfiru maʿa rasūli ạllhi ṣalāȳ ạllhu ʿalaẙhi wasalāma fasāåḷnāhu faqāla: jaʿala rasūlu ạllhi ṣalāȳ ạllhu ʿalaẙhi wasalāma tẖalātẖaẗu ạåyāạmiⁿ walayālīahunā liḷmusāfiri , wayaẘmaⁿạ walaẙlaẗaⁿ liḷmuqīmi."(It was narrated that Shuraih bin HânI' said: "I came to 'Aishah and asked her about wiping over the puff. She said: 'You should go to ('All) Ibn Abl Tâlib and ask him, for he used to travel with the Messenger of Allah. So, we asked him and he said: 'The Messenger of Allah set a limit of three days and their nights (i.e., three nights) for the traveler, and one day and night for one who is not travelling'") (Narrated by Muslim, Chapter 24, Hadith 276, trans. al-Khattāb, 2007)[3].This Hadith indicates that the prescribed duration for wiping over the khuffayn (leather socks) is one day and one night for the resident (muqīm), three days and nights for the traveler (musāfir). This is the view of the majority of scholars (al-jumhūr). The Mālikīs, however, do not differentiate between the resident and the traveler. According to them, there is no fixed time limit for wiping over the khuffayn; a person may continue wiping as long as the khuffayn remain on the feet and in a pure state. This juristic disagreement arises from three narrations (aḥādīth) attributed to the Prophet (PBUH), each of which plays a role in shaping the different opinions.Gricean quantity maxim and its neo-Gricean variant underpin the majority view: the precise numerals in the sahih hadith are taken to imply the exclusivity of that limit (i.e., stop at the number given) (Grice, 1975; Horn, 1984). This is exactly mafhum al-ʿadad in Islamic legal terms. Likewise, mafhum al-mukhalafah operates by explicitly stating a finite period; the converse beyond that period is pragmatically forbidden. Relevance theory reinforces this: if more wiping were truly intended, the Prophet's speech would have yielded that information; since he did not, listeners infer none was meant (Sperber and Wilson, 1986). These pragmatic principles thus shape the juristic argument: the Sunni majority treats the stated limits as legally binding implicatures, whereas the Mālikīs cancel the counter-implicature and give weight to the text "wipe as you wish." Ultimately, the debate hinges on how the linguistic context and inferential norms govern legal interpretation, illustrating that notions like implicature of a number (mafhum al-ʿadad) and counter-implicature (mafhum al-mukhalafah) mirror Gricean reasoning in fiqh.

4.7 The Ruling on Latecomers to Jumu'ah

The hadith in question is: "maṅ ạåḍraka raḵʿaẗaⁿ miṅ ṣalāaẗi ạḷjamʿaẗi ạåẘ gẖaẙrahā, faqaḍ ạåḍraka ạḷṣālāaẗa" (Whoever catches one Rak'ah of Friday prayer or other than it, then he has caught the prayer) (Narrated by Ibn Mājah, Hadith 1123, trans. al-Khattāb, 2007)[4]. This statement's literal meaning (matn) and its mafhum ("implicated meaning") have long influenced juristic disagreement. In particular, the "counter-implicature" (mafhum al-mukhalafah) of the hadith is that whoever does not catch a full rak'ah has not caught the Friday prayer (and so should pray four rak'ahs of noon prayer (Dhuhr) instead).

The Maliki, Shafi‘i, and Hanbali schools generally treat this counter-implicature as valid evidence, and they hold that a person who catches at least one full rak‘ah (unit) of Jumu‘ah with the imam has caught the prayer and may add one more rak‘ah to complete two; but someone who fails to catch a full rak‘ah is not considered to have caught the Friday prayer and must pray four rak‘ahs of Dhuhr (Ibn Yūnus al-Ṣiqillī, 2013; Al-Shāfiʿī, 1983; Al-Zarkashī, 1993)Whereas the Hanafi school famously rejects it, favoring a different hadith-based approach, which is also a case of implicature cancellation. He maintains that catching any part of the prayer, even less than a full rak‘ah, such as arriving during prostration or the final sitting (ạl-tãsḫahũd), still counts as “catching” Jumu’ah, requiring only two rak‘ahs (Al-Jaṣṣāṣ, 2010). maintain that catching any part of the prayer, even less than a full rak‘ah, such as arriving during prostration or the final sitting (ạl-tãsḫahũd), still counts as “catching” Jumu’ah, requiring only two rak‘ahs (Al-Jaṣṣāṣ, 2010). This view is based on a different Prophetic narration: “Fama adraktum fa ṣallū, wama fatakum fa atimmū” (Whatever you catch up with, pray, and whatever you miss, complete it) (Narrated by Muslim, Chapter 28, Hadith 603, trans. al-Khattāb, 2007)[5]Depending on Grice’s Relation maxim, hearing “one rak‘ah suffices” yields contextual conclusions: since the issue is people arriving late, the most relevant inference is that arriving any later (i.e., after a full rak‘ah is completed) removes that blessing. If the Prophet had meant to include partial entries, that wouldn’t be the most relevant point of the hadith. Similarly, Quantity (Make your contribution as informative as required (not less or more)) pushes listeners to infer only what is needed: mentioning “one” and omitting any mention of less suggests that less would not count (otherwise, why omit it?). Quality (truthfulness) is assumed, so the hadith is accepted as reliably indicating intent (Grice, 1975).The Neo-Gricean view often distinguishes Q-principle (“say as much as you can”) and R-principle (“say no more than needed”) (Horn, 1984; Levinson, 2000). The hadith’s wording likely follows the Q-principle: the imam says exactly “one rak‘ah” and no more, implying by omission that “more” (i.e., two) was not intended here. By the R-principle, stating only that much implies not adding additional implicit conditions.This relevance theory emphasizes that utterances are interpreted to yield maximal contextual effect with minimal effort (Sperber & Wilson, 1986). In this context, the statement about “one rak‘ah” is understood against the backdrop of the legal question, “What should one do if coming late?”. The relevance-driven interpretation is that the speaker intends exactly what is needed to answer that question. Under this view, the extra-logical background (e.g., the existence of another hadith about completing missed prayers) also plays a role: if one considers “fa ma adraktum fa sallu…”, that context might modulate the implicature.

4.8 Impurity of the Kāfir: Juristic Views and Pragmatic Analysis

In Islamic law, the purity of non-Muslims (kāfir) is debated. Abū Hurayra reports the key hadith:“ạånãhu laqīahu ạlnãbīũ ṣalãȳ ạllhu ʿalaẙhi wasalãma fī ṭarīqiⁿ miṅ ṭuruqi ạl̊madīnaẗi, wahūa junubuⁿ fãiṅsalã fadḫahaba fãigḫtasala, fatafaqãdahu ạlnãbīũ ṣalãȳ ạllhu ʿalaẙhi wasulãma falamãạ jāʾahu qāla: ạåẙna kuṅta yā ạåbā huraẙraẗa qāla: yā rasūla ạllhi, laqītanī wāånā junubuⁿ fakariḫtu ạ̊ṅ ạủjālisaka ḥatãȳ ạågḫtasila, faqāla rasūlu ạllhi ṣalãȳ ạllhu ʿalaẙhi wasalãma: subḫāna ạllhi! ạịnã ạl̊mu̇̃mina lā yaṅjusu”(He met the Prophet [PBUH] in one of the streets of Al-Madinah when he was sexually impure. He slipped away and went to perform Ghusl, and the Prophet [PBUH] noticed he was gone. When he came to him, he said: "Where were you, O Abu Hurairah?" He said: "O Messenger of Allah, you met me when I was sexually impure, and I did not like to sit with you until I had performed Ghusl. "The Messenger of Allah said: "Subhân-Allâh (Glorious is Allah)! The believer does not become impure") (Narrated by Muslim, Chapter 29, Hadith 371, trans. al-Khattāb, 2007)[6].Literally, this means that a believer’s state is ritually pure. Early jurists drew opposite conclusions from this Hadith.Scholars of the four Sunni schools split roughly into two camps. Ḥanafīs, many Maliki’s, Shāfiʿīs, and Ḥanbalīs hold that non-Muslims are not impure in body, only in belief (ʿAbd al-Qādir, 1998). They treat “ạl̊-mu̇̃mina lā yaṅjusu” (The believer does not become impure) as context-specific, not a legal definition of kafirs. This majority view limits any mafhum to conceptual impurity: unbelief is spiritually defiling, but physical contact with a kāfir does not ritually invalidate purity. These jurists point to literal evidence: Muslims are allowed to marry and eat with People of the Book (e.g., Jewish, Christian women) without prescribed purification, which can be taken as evidence that the purity in the Hadith is spiritual. By contrast, Imam Malikī accepts a broader implication and holds that non-Muslims are impure in body and belief (Shinqīṭī, 1407 AH).The Malikis' inference could treat the hadith (The believer does not become impure) as carrying a counter-implicature that non-believers become impure, bodily and spiritually, whereas the majority treat general counter-implicature as suspended because of lack of clarity and enough contextual information. Aligning with Gricean terms, they argue the Prophet’s omission of any general statement on non-Muslims is intentional (applying the quality and quantity maxims) – he simply said only what he needed (Grice, 1975). Neo-Gricean analysis similarly shows that Shāfiʿī jurists allow mafhūm al-mukhalafah as a special

kind of implicature, but Hanafīs reject it for divine texts (Horn, 2004). Relevance-theoretic accounts suggest believers' reasons toward the most coherent worldview: since explicit rules permit normal dealings with People of the Book, the best interpretation is that non-Muslims are not physically dirty (Sperber & Wilson, 1986). Thus, pragmatically, those who consider non-Muslims najis rely on counter-implicature, while others, which also reflects the researcher's view, invoke literalism and contextual relevance to deny any sensory impurity.

4.9 The Hadith and Juristic Opinions on Water Purity

The relevant Prophetic traditions state: "ạḏẖaa^{n} kāna ạl̊māʾu qulãtaẙni lam̊ yaḥmil̊ ạlkẖbatẖa" (If the water is two Qullah, it will not become impure) (Narrated by Abū Dāwūd, Hadith 63, trans. al-Khattāb, 2008)[7] Its counter-implicature (mafḥūm al-mukhalafah) is that if the water is less than two qullahs, it carries impurity. The jurists, may Allah have mercy on them, estimate the two qullahs to be approximately five hundred Iraqi ratl. As for the measurement of two qullahs in liters, contemporary scholars have various views regarding its determination. In one view, it is estimated at 192 liters (Hertali, 2009). In another, it is seen to be approximately 160.5 liters (Islamweb. (2002, fatwa. 16107).Scholars agree that if impurity changes a water's color, taste, or smell, it renders the water impure (Ibn Qudamah, 1969). Beyond this, jurists split into two views:First view (quantity-based impurity): Water that touches impurity remains pure only if it is abundant (two qullah or more) and its qualities remain unchanged. Thus, little water (less than two qullah) becomes impure even if it does not visibly change. This is the classical Hanafi position and the mainstream Shāfiʿī and Ḥanābilī stance (Al-Kasani, 1328 AH; Al-Nawawi, 1347; Ibn Qudamah, 1969).Second view (absolute purity unless changed): Even small quantities of water that touch impurities stay pure so long as they show no perceptible change. This view is attributed to Imām Mālik (via a report) (Ibn Rushd al-Hafid, 2004) and one version from Imām Aḥmad (Ibn Qudamah, 1969), and was endorsed by Ibn Taymiyya and others (Ibn Taymiyyah, 2004). This view is based on the saying of the Prophet, "ạl̊māʾu ṭahūru^{n} lā yun̊jisuhu sẖaẙʾu^{n}" (Water is pure, and nothing impurifies it) (Narrated by Abū Dāwūd, Hadith 66, trans. al-Khattāb, 2008)[8]. This includes both small and large quantities of water.In Grice's terms, the Prophet's different phrasings invite different conversational implicatures (Grice, 1975). By Ali's analysis, a statement "If P then Q" often pragmatically implies "if not P then not Q," i.e., an if-and-only-if reading; this is called Conditional implicature (mafḥūm ash-sharṭ) (Ali, 2000). Thus, the hadith "If the water is two Qullah, it will not become impure" is naturally read as "if water does not reach two qullah, then it will become impure". This is exactly how the view (Hanafīs, majority Shāfiʿīs, etc.) interprets it. Horn's neo-Gricean Q-principle ("say as much as you can") leads the hearer to infer that the Prophet withheld mention of smaller quantities only because they were meant to be excluded from purity. In other words, specifying "two" triggers the implicature that anything less has the opposite ruling (Horn, 1984). This reasoning aligns with the juristic notion mafḥūm al-sharṭ (implicature of a condition). Under Relevance theory, each statement is taken as chosen to maximize contextual effects: one group interprets that the Prophet's reference to two qullah was meant to imply a reverse case (impurity in small water), while the other group sees the generalizing hadith as more relevant and uses it to qualify the special case. The Principle of Maximal Relevance implies each inference (small water impure vs. small water pure) is made because it yields the best balance of informativeness and effort in that juristic context (Sperber & Wilson, 1986).

5.Findings

Based on the Islamic texts analyzed, some key findings are:

1.Islamic jurists' analyses have been intertwined with pragmatics in the sense that they use implicit meaning (dalālah al-mafhūm) to issue legal opinions. This mirrors what contemporary pragmatics views as implicature and interpretation through context. Principles mafḥūn al-mukhalafah, mafḥūn al-sharṭ, and mafḥūn al-ṣifah are also noted as Grice's maxims of Quantity and Relation, in which jurists reason unstated meanings out of what is explicitly put in a certain statement (text). Their methods of interpreting show a deep understanding of the pragmatics involved in language. How jurists exercise implicit meaning confirms modern theories of pragmatics, refraining from time-bound frameworks that came much later.Ranging in differences, the madhāhib schools of thought all apply implicatures in their usūl al-fiqh practices in a very legalistic manner. Shafiʿīs and Maliki jurists often rely on counter-implicature reasoning (mafḥūm al-mukhalafah) to frame legal rules from axioms. On the other hand, Ḥanafīs tend to disregard such reasoning by relying more on mantūq (explicit meaning). Furthermore, Ḥanbalīs tend to lean towards implicature reasoning but will defer if there is greater evidence to the contrary. Each school engages systematically with pragmatics concerning the conditions, numeric limits, and descriptive attributes of a ruling, which proves that, regardless of the interpretation methods of the different schools, all are context-sensitive and pragmatically oriented.Long before Western researchers formally defined pragmatics, Islamic scholars and educational institutions demonstrated remarkable practical knowledge of its principles. The

application of principles akin to implicature, context-based inference, and relevance in legal reasoning throughout the different madhāhib demonstrates that early scholars possessed an intuitive understanding of the broad scope of meaning beyond literal wording. The systematized treatment of mafḥūm al-mukhalafah, dalārat al-nass, and the hierarchy of explicit and implicit meanings in usul al-fiqh portrays embracing communication's cooperative nature. Islamic scholars did not label such methods as 'pragmatics,' but their legal reasoning, grounded on Islamic frameworks, shows an enduring intellectual legacy that modern linguistics now formally classifies as pragmatic reasoning.Pragmatics is equally important in initiating and settling controversies in Islamic law. Disputes among jurists and scholars regarding the interpretation of the hidden meaning, counter-implicature, and context often lead to differing decisions over the same texts, for example, in zakāt on livestock, water purity, and funeral prayer cases. Disagreement stems from how mafḥūm al-mukhalafah is applied, its application prioritizing literal wording instead of a broader context, reflecting different pragmatic assumptions across schools. At the same time, pragmatics offers methods to settle disputes that need explaining, for example, applying conditions, adjectives, and numbers, which enables the formulation of systematized reasoning for the ruling made. The controversies in fiqh disputes are not only rooted in texts but also in the underpinning assumptions and legal reasoning that are pragmatically understood, drawing the tension between implicature and context in Islamic legal reasoning.

Conclusion

This article shows how the analyses conducted by Islamic jurists practice the principles of modern pragmatics, specifically through the methodical application of counter-implicature (mafḥūm al-mukhalafah) and context-based reasoning in legal interpretation. Throughout the nine case studies, the juristic approach to interpreting conditions, adjectives, and numerals demonstrates awareness, even pre-Gricean, of the non-literal meaning, aligning with cooperative principles of communication. These frameworks of pragmatics, to a great extent, explain, shape, create, or resolve disputes in the jurisprudence of different madhāhib and, therefore, answer the question of why identical texts lead to different rulings. This work draws on modern pragmatic approaches such as Gricean, Neo-Gricean, and Relevance Theory, and juxtaposes them with Islamic law, thereby revealing the relationship of deep interdependence that exists among the use of language, implicit meaning, and reasoning in law in Islamic jurisprudence and ascertaining that the classical fiqh systematically harnessed the principles that contemporary pragmatics rest upon.

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هوامش البحث

[1] Narrator: Abū Bakr al-Ṣiddīq, Hadīth Scholar (Muhaddith): al-Bukhārī, Source: Ṣaḥīḥ al-Bukhārī, Reference (Hadīth No. 1454), Grading by al-Bukhārī: Ṣaḥīḥ (Authentic).
[2] This Hadith is: Authentic, Narrator: Jabir ibn ʿAbd Allāh, Source: Ṣaḥīḥ Ibn Mājah, Number: 1508
[3] Narrator: ʿAlī ibn Abī Ṭālib, Hadith scholar (muḥaddith): Muslim, Source: Ṣaḥīḥ Muslim, Page or Number: 276, Summary of the scholar’s ruling: Authentic (Ṣaḥīḥ)
[4] Source: Sunan Ibn Mājah, Narrator: ʿAbd Allāh ibn ʿUmar, Hadith scholar (muḥaddith): Ibn Mājah, Hadith number: 1123, Summary of the ruling: Ṣaḥīḥ (Authentic) or Ḥasan (Good).
[5] Narrator: Abū Qatāda al-Ḥārith ibn Ribʿī, Hadith scholar (muḥaddith): Muslim, Source: Ṣaḥīḥ Muslim, Page or Number: 603, Summary of the scholar’s ruling: Authentic (Ṣaḥīḥ)
[6] Narrator: Abu Hurayrah | Hadith Compiler: Muslim | Source: Ṣaḥīḥ Muslim, page/number: 371, Summary of the compiler’s ruling: Ṣaḥīḥ (Authentic).
[7] Narrator: Abdullah ibn Umar, Hadith Scholar: Al-Albani, Source: Ṣaḥīḥ Abi Dawud, Page or Number: 63, Summary of Scholar’s Ruling: Ṣaḥīḥ (Authentic).
[8] Narrator: Abu Sa’id al-Khudri, Hadith Scholar: Al-Albani, Source: Ṣaḥīḥ Abi Dawud, Page or Number: 66, Summary of Scholar’s Ruling: Ṣaḥīḥ (Authentic).