



Application of Semantic and Pragmatic Principles of Context Theory in the Fiqh Texts on Bay'

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ABSTRACT

Context theory is one of the most well-known approaches in modern linguistics. This approach seeks to employ scientific and common tools in the linguistic domain to understand the speaker's intended meaning in discourse analysis and interpretation. The question is how this aforementioned theory can be applied to comprehend the intent of the sacred legislator (shāri' al-muqaddas) and, so to speak, in the iṣṭinbāt (deduction) of juridical rulings (ahkām fuqahā'). In the present article, the authors, utilizing the common tools and methods of discourse analysis and semantic-pragmatic intention studies, have found certain types of contexts effective in the analysis of iṣṭinbāts derived from fiqh texts on bay' (sale). The results indicate that the majority of conventional methods—including referencing, substitution, and omission within intralingual context, as well as various illocutionary acts by the renowned linguist John Searle in speech acts such as declarative, assertive, commissive, and directive—can be matched with certain foundational principles of the fuqahā''s iṣṭinbāt in the field of bay'. Meanwhile, a few of these acts, such as the emotive act, inevitably did not yield the necessary interpretative results for deriving valid ahkām.

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Introduction

A significant portion of contemporary linguistic research is devoted to the theory of *context*, which has also drawn considerable attention in the field of semantics—so much so that several linguists have treated it as a comprehensive, stand-alone theoretical framework. In semantics, *context* is often equated with *co-text* and classified into *internal* and *external* contexts. The term *context* generally refers to whatever surrounds a given element, encompassing the spatiotemporal environment in which a text—whether oral discourse or written material—exists. Context, as one of the most crucial elements in understanding a text, plays a decisive role in apprehending its intended meaning.

In linguistics, context refers to the space in which sentences are produced; it denotes the network of relations between linguistic form (grammar and vocabulary) and the external world, thereby constituting the extralinguistic meaning of language. This space may lie outside the language (*extralinguistic context*) or within the language itself, manifested as the set of surrounding sentences that precede or follow a given utterance (*intralinguistic context*). Speech context is thus based on a series of internal elements and external factors, each of which plays a role as a meaning-contributing component. For this reason, the meaning of words and expressions must be interpreted in light of their respective contexts.

External textual references often appear as allusions to other texts, including quotations and certain instances of intertextual reference. The term *context of situation* was first introduced by the Polish anthropologist Bronisław Malinowski (1884–1942), who regarded the sentence as a primary linguistic datum and a highly important social tool. Accordingly, he considered language a special type of behavioral phenomenon rather than a mere symbolic counterpart to thought, arguing that the meaning of any utterance can only be determined within its situational context. Malinowski's ideas later influenced the English linguist J.R. Firth (1890–1960), who defined meaning as “function in context.” A key distinction between Firth and his contemporaries is that, unlike other linguists who considered the sentence the fundamental unit of linguistic analysis, Firth treated the *text in its situational context* as the basic unit of analysis, placing special emphasis on prosodic features (tone and intonation) in textual analysis.

In the Islamic scholarly tradition, particularly in *uṣūl al-fiqh* (principles of jurisprudence), the notion of context was formulated centuries before it emerged in Western linguistics. For instance, Ibn Qayyim al-Jawziyya held that context clarifies sentences, resolves ambiguities and polysemy, and guides interpreters toward a single intended meaning.

Methodology

The prevailing methodology in *fiqh* (Islamic jurisprudence) is descriptive–analytical. In classical works on *bayʿ* (sale) and commercial transactions, definitions of sale and *muʿāṭāt* (implied contracts) are typically followed by discussions of their rulings, the qualifications of contracting parties, the conditions for the exchanged items, *bayʿ fuḍūlī* (unauthorized sales), contract stipulations, sales involving invalid contracts, categories of sale, and the various types of *khiyār* (contractual options). If semantic principles were to be addressed according to this sequence, each would have to be examined within each topic, resulting in frequent repetition.

Similarly, the legal methodology—rooted in these jurisprudential sources—shares the same structural shortcomings, with only slight variations in terminology. In legal codes, for example, the definition and rulings on sale begin with Article 338 of the Iranian Civil Code and conclude with Article 463, which addresses the conditions and rules governing *khiyār*.

By contrast, a linguistic approach avoids such repetition by introducing each principle—whether emotional, cultural, situational, or pragmatic—under its own thematic heading, then illustrating it with relevant examples. This allows the presentation of semantic-contextual rules alongside *fiqh* cases that are particularly salient and tangible. In the present study, using standard descriptive–analytical methods of discourse analysis in the humanities, the authors examine several types of context that influence the interpretation of jurisprudential texts on *bayʿ*.

Findings

The results indicate that most common linguistic methods—such as reference, substitution, and ellipsis—fall within the domain of intralinguistic context, while various speech act categories as outlined by John Searle (representatives, declaratives, commissives, and directives) can be mapped onto certain interpretive approaches of jurists in the domain of *bayʿ*. Conversely, some speech acts, such as expressives, do not necessarily yield the jurisprudential or legal implications required for deriving rulings.

Conclusion

An examination of subcategories of context theory as applied to *fiqh* texts on *bayʿ*—ranging from Qurʾānic verses and prophetic traditions to the writings of eminent jurists—reveals that while general categories of context can indeed be identified and explained, not all of them necessarily lead to the derivation of specific legal rulings. By harnessing the extensive resources of modern linguistic and semantic theories, one can identify practical applications that serve legal deduction (*istinbāt*).

This study, among the first to explore contextual analysis in *fiqh* texts on *bayʿ* and its main subset, *khiyārāt* (contractual options), focuses on a limited

selection of cases. Syntactic tools such as reference, substitution, and ellipsis play a particularly significant role in legal reasoning from the perspective of intralinguistic context, which explains why classical jurists—due to their reliance on a textual-interpretive approach—have examined them in detail.

In the realm of extralinguistic context, emotional context has a notable impact on deriving legal rulings, while cultural context corresponds to custom (*‘urf*) and the practice of rational agents (*sīrat al-‘uqalā’*). Situational context—embodied in relevant circumstantial indicators (*qarā’in ḥāliyya*) outside of cases of dissimulation (*taqiyya*)—also plays an indispensable role in the interpretation of *fiqh* rulings on *bay’* and commercial transactions. Among Searle’s speech acts, only representatives, declaratives, commissives, and directives have a direct and substantive function in jurisprudential reasoning in these areas; expressives, by contrast, are excluded due to their lack of relevance to legal derivation.

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