

# Counter Implicature Or Mafhum Al-Mukhalafah As Applied To Quranic Verses Through Tafssir Adwa Al Bayan By Al-Shanqiti

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## ABSTRACT

This paper focuses on one of the most central concepts in Principles of Jurisprudence from which several legal rules, related to commands and prohibitions, are derived, i.e. the principle of counter implicature or divergent meaning (mafhum al-mukhalafah). This concept may also be subjected to some hindering factors restricting its role as a source of legislation. Jurists only consider it as a source of legislation with the absence of such hindering factors. Relying on Muhammad al-Amin al-Shanqiti 's Quranic exegesis, Adwa' al-Bayan, this research addresses the following questions: what is counter implicature or mafhum al-mukhalafah? What are the hindering factors nullifying it? What are examples from Adwa' al-Bayan in which the author applied counter implicature to some verses?

**Keywords:** Quranic exegesis. counter implicature, mafhum al-mukhalafah, Adwa' al-Bayan, al-Shanqiti

## INTRODUCTION

The Science of Principles of Jurisprudence is among the unique sciences which are mainly occupied with the jurisprudential rules. It is the jurist who is primarily concerned with observing the Sharia. Hence, he is often engaged in using ijthihad and deductive analogy in order to compare cases and search for solutions for the unprecedented incidents. This paper focuses on one of the most central concepts of the principles of jurisprudence from which several legal rules, related to commands and prohibitions, are derived, i.e. the principle of counter implicature or divergent meaning (mafhum al-mukhalafah). This concept may also be subjected to some hindering factors restricting its role as a source of legislation. Jurists only consider it as a source of legislation with the absence of such hindering factors. Relying on Muhammad al-Amin al-Shanqiti 's Quranic exegesis Adwa' al-Bayan, the research addresses the following questions: what is counter implicature or mafhum al-mukhalafah? What are the hindering factors nullifying it? What are examples from Adwa' al-Bayan in which the

author applied counter implicature to some verses?

## Defintion of Counter Implicature

The term counter implicature is a compound noun; therefore, it would make more sense to separate the two nouns in order to grasp the meaning of each one and then explain the conceptual meaning associated with the concept and distinguish it from similar concepts.

## DICTIONARY DEFINITION

### a. Mafhum (implication)

According to Al-Khalil, the origin of the word mafhum (implication) is derived from two primary meanings. "Fahimtu al-shai' (I understand something) means I know it and fathom it. Fahimtu fulanan (I understand someone) means to know someone. Rajulun fahmun (a smart man) is a man who has a sharp understanding.<sup>1</sup>"

Thus, to know something and discern it is to understand its own common meaning. Another expression conveying this meaning is aqaltu al-shay' (I grasp something). Understanding (fahm) is defined as knowing (ma'rifah) and grasping

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<sup>1</sup> Kitab al-'Ayn, entry: f.h.m

(a'ql) because these reveal the extent to which the receiver reacts with the message sent by the sender. The speaker sends his speech for a communicative purpose to influence the listener. Therefore, the interaction between the parties engaged in the process of communication is essential for successfully delivering the message.

However, al-Zabid argues that there is a semantic difference between the words 'ilm and fahm, even though they both convey the meaning of perceiving something. He states in Taj al-Arus that "the difference between 'ilm and fahm is that 'ilm is the general understanding while fahm is the quick transition of mind from apparent meanings to deeper ones. It is also argued that fahm is understanding the meaning throughout the word."<sup>2</sup> This is about the definition of the first part of the compound noun, mafhum al-mukhalafah. We address below the second part.

#### **b. Al-Mukhalafah (Divergence)**

Al-mukhalafah (divergence) is masdar of verb khalafa. According to Ibn Faris, the root 'kh,l,f (khalafa) denotes three meanings: (a) when something comes after something else, (b) the opposite of in front of , and change.<sup>3</sup> "Almukhalafah is when you are disagreed with<sup>4</sup>". It can also be used to mean deviation from the classical language usage of a word. He said: "Almukhalafah is when the word is used in a way incongruent with the proper rules derived from observing classical language usage."<sup>5</sup> When we put the meanings of the two terms together (mafhum and mukhalafah) we can give the following primary definition of this compound noun: understanding the meaning of a word based on the meaning opposite of the apparent meaning.

#### **Technical Definition of Mafhum Al-Mukhalafah**

There are various definitions of mafhum al-mukhalafah. Although these definitions vary in

terms of quantity, they all agree on the common meaning that comes to mind when this concept is used. One of these definitions proposes that "it is when the implied meaning is different from the pronounced meaning of the ruling."<sup>6</sup> This definition emphasizes the importance of focusing on the unintended meaning; this is the implied meaning, and it is deduced from the counter implicature meaning.

When studying meaning, jurists differentiated between two types of words, depending on the context surrounding the overall meaning of a text. "There are two types of meaning (implicature): harmonious meaning and divergent meaning (counter implicature). The first occurs when the implied meaning has the same ruling as the stated, pronounced meaning. This is also known as fahwa al-khitab (superior meaning). In the second type, divergent meaning, the implied meaning has a different ruling to the stated one. The second one is also known as dalil al-khitab<sup>7</sup>." Are all schools of the view that mafhum al-mukhalafah is valid? Or is it disputed? According to Zuhaili, "Muslim theologians (al-mutakalimun) treat mafhum al-mukhalafah as one of the word indications (dalalat) used to deduce legal rulings. The Hanafis, on the other hand, hold that mafhum al-mukhalafah is absolutely invalid. They forbade the use of this concept to deduce rulings."<sup>8</sup>

Muhammad al-Amin al-Shanqiti, commenting on Verse 5:5 (and chaste women from among those who were given the Scripture<sup>9</sup>), states that 'chaste women' refer to free women as some exegetes contended. The implication is that it is unlawful to get married with non-believing female slaves, even if they were from among those who were given the Scripture. Abu Hanifah, on the other hand, had a different view. He argued that it is lawful to marry the non-believing slave girl and he also argued that it is lawful to marry slave girls by those who can [find] the means to marry free,

<sup>2</sup> Taj al-Arus, 33/224

<sup>3</sup> Maqayis al-Lughah, 2/210

<sup>4</sup> Al-jeem, 2/144

<sup>5</sup> Al-Ta'rifat, p.206

<sup>6</sup> Al-Durar al-Lawami' fi sharhi Jam' al-Jawami', 1/445

<sup>7</sup> Ghayat assoul 'ila 'ilm al-Usul, p.120

<sup>8</sup> Al-wajiz fi 'usul al-fiqh 'al-islami, 2/155

<sup>9</sup> Quran, Verse 5:5

believing women. This is because Abu Hanifa did not consider counter implicature.<sup>10</sup>”

Abu Hanifah, therefore, rejects deducing the ruling through counter implicature because words do not indicate the unspoken meaning. As a result, we should only consider apparent discourse aspects when analyzing the text. This is more relevant to extracting the components of the communicative message and is less likely to lead to distorting it. We, however, do not agree with Abu Hanifah and his followers. We just want to interpret the text through the text itself and without resorting to external factors imposed on the text.

The implication, according to Al-Shanqiti, is strictly divided into two types. He states that “there is consensus on the fact that implication can only be divided into two types. It can either be harmonious or divergent. There is no third type.<sup>11</sup>”

### Types of Counter Implicature

Scholars considered *mafhum al-mukhalafah* a procedural indication through which textual implications can be extracted through the induction approach with the aim of revealing the rulings implied in this concept. They developed signs and branches of this concept. Taking into consideration the various words constituting the text, they developed sub-divisions of counter implicature and divided it into six types. The author of *Adwa al-Bayaan* referred to this when he investigated the term and its possible implications. “As for the fact that it cannot be considered part of the counter implicature, it is evident that it is implied in the implications of limitation (*hasr*), extent (*ghayah*), number, attribute, or adverb (*dharf*). The only implications it could supposedly be understood from are condition and epithet (*laqab*).<sup>12</sup>” These are the terms through which rulings are deduced not

directly through the apparent meanings, but rather through the other meaning, the opposite meaning.

To elaborate on the types of counter implicature, referred to by the author we hereby address them in the following:

### Extent (*ghayah*)

The literal meaning of *ghayah* is “what something leads to while being a result of it.<sup>13</sup>” The technical meaning of *ghayah* is “when a word limited by an aim refers to the opposite ruling once that aim is no longer existent.<sup>14</sup>” It has two forms: *ila* and *hatta* (to, until)<sup>15</sup>” In Shanqiti’s Commentary, this concept is commonly used as a legislative source from which legal rulings are deduced and their objectives intended by the divine legislator are outlined.

An example of Shanqiti’s use of the concept of *ghayah* is his interpretation of Verse 6:152 (And do not approach the orphan’s property except in a way that is best until he reaches maturity)<sup>16</sup>. According to the author, “an incompetent reader may misunderstand the counter implicature in this verse, namely the concept of extent in the phrase until he reaches maturity. He could conclude that the orphan’s property can lawfully be approached in a harmful way once he reaches maturity. This is not what is meant by the verse. The concept of extent here refers to the fact that the orphan should be given his property once he reaches maturity.<sup>17</sup>” The aim of guarding the orphan’s property becomes invalid as soon as he becomes mature enough to understand his interests and what is good and bad for him.

### Implication of Limitation

The implication of limitation refers to “selecting the limited ruling, without limiting it, and attributing the opposite ruling to it.<sup>18</sup>” Discussing the various types of counter implicature, the

<sup>10</sup> *Adwa’ al-bayan fi idah al-Qur’an bil-Qur’an*, 1/238

<sup>11</sup> *Adwa’ al-bayan fi idah al-Qur’an bil-Qur’an*, 7/237

<sup>12</sup> *ibid*

<sup>13</sup> *Al-kulliyat*, p.669

<sup>14</sup> Tayssir ‘ilm ‘usul al-fiqh, p.319

<sup>15</sup> *Al-wajiz fi ‘usul al-fiqh ‘al-islami*, 2/160

<sup>16</sup> *Quran*, 6:152

<sup>17</sup> *Adwa’ al-bayan fi idah al-Qur’an bil-Qur’an*, 1/545

<sup>18</sup> *Al-wajiz fi ‘usul al-fiqh ‘al-islami*, 2/163

author included the implication of limitation. He stated: ‘‘As for the fact that it cannot be considered part of the counter implicature, it is evident that it is implied in the implications of limitation (hasr), extent (ghayah), number, attribute, or adverb (dharf).<sup>19</sup>’’

### Implication of Condition

This occurs ‘‘when a word limiting a ruling, which is contingent on a condition, indicates the presence of its opposite when that condition lapses.<sup>20</sup>’’ In Shanqiti’s Commentary, this implication is used repeatedly. An example of this is illustrated in how he addressed the condition and adverb styles when comparing the two meanings in Verse 4:11. He stated: ‘‘Now you know that the implication of condition in the phrase (and if there is only one, for her is half) is stronger than the implication of adverb in the other phrase of the same verse: But if there are [only] daughters, two or more, for them is two thirds of one’s estate.<sup>21</sup>’’

When accompanied by other types of counter implicature, the implication of condition is given priority because it has a stronger style of indicating the meaning. The author pointed this out citing the opinions of the jurists and what they established when explaining their specialized terms. According to the author, ‘‘It is established in the science of Principles of Jurisprudence that whenever a conflict of implications occurs, priority shall be given to the strongest. It is also well-known that the implication of condition is stronger than the implication of adverb. The only implications that have priority over the implication of condition are the negation (nafy) and affirmation (ithbat), because some scholars argue that these are pronounced, not implied, meanings.<sup>22</sup>’’ The author also stated that the implication of condition is given priority over the

implication of attribute (sifah), be it an adverb or otherwise.<sup>23</sup>’’

### Implication of Attribute

The implication of attribute is when the ruling is contingent on one of the essential attributes (sifat al-dhat)<sup>24</sup>. ‘‘In fact, the word rijal (men) in the verse, even though an epithet in technical usage, denotes an implication of attribute rather than an implication of epithet. This is because it implies a collection of manhood attributes which can be used to differentiate between men and women. The word rijal (men) also entails a set of attributes suitable for establishing the presence of the ratio of the ruling (inat al-hukm), and there is a clear difference between men and women in this regard.<sup>25</sup>’’

### Implication of Adverb

The adverb here ‘‘refers to adverb of time and adverb of place.<sup>26</sup>’’ The author discussed the implication of adverb in Verse 4:11. He stated: ‘‘thus, you know that the implication of condition in the phrase (and if there is only one, for her is half) is stronger than the implication of adverb in the other phrase of the same verse: But if there are [only] daughters, two or more, for them is two thirds of one’s estate.<sup>27</sup>’’

### Implication of Epithet

The implication of epithet refers to ‘‘the act of not assigning the same ruling to what the text did not address by way of implication, either through a generic noun (ism jins) as in water in the prophetic tradition on ghusl or through a proper noun (ism ‘alam) as in the phrase Zaid is present.<sup>28</sup>’’

Jurists disagreed over the validity of using implication of epithet in legal rulings. Is it like the previous types of implication, or is it different from the rest of implications as it is strictly attached to words? The author is on the side of the

<sup>19</sup> Adwa’ al-bayan fi idah al-Qur’an bil-Qur’an, 7/237

<sup>20</sup> Dirassat ‘usuliyah fil-Qurani al-karim, p. 305

<sup>21</sup> Adwa’ al-bayan fi idah al-Qur’an bil-Qur’an, 1/226

<sup>22</sup> Ibid, 1/227

<sup>23</sup> Ibid, 5/540

<sup>24</sup> Tayssir al-wusul ‘ila minhaj al-‘usul, 3/104

<sup>25</sup> Adwa’ al-bayan, 5/540

<sup>26</sup> Tashnif al-masami’ bi jam’i al-jawami’ 1/355

<sup>27</sup> Adwa’ al-bayan, 1/226

<sup>28</sup> Fussul al-badai’ fi ‘usul al-shara’i, 2/212

argument which rejects the implication of epithet. He says: “Indeed, there is no proof, religious, linguistic, or rational, on the use of implication of epithet, be it a generic noun, a proper noun, a collective noun, etc.<sup>29</sup>”

The main reason the implication of epithet is deemed invalid is because it lacks presumptions indicating its role in analyzing the text and deconstructing its meanings intended by the speaker. Commenting on Verse 3:144 (Muhammad is not but a messenger), the author stated that “if we assume for the sake of argument that this verse is an example of implication of epithet, the majority of ulema have ruled that this type of implication is invalid. It could even lead to disbelief (kufr), such when an interpreter used the implication of epithet in the phrase Muhammad is the messenger of Allah, claiming that the implication is that no one other than Muhammad (Peace and blessings be upon him), was a messenger of Allah. By consensus of ulema, this is considered a clear disbelief<sup>30</sup>.”

Therefore, there is neither a legal proof nor a circumstantial or contextual evidence indicating the permissibility of applying implication of epithet to legal rulings. In fact, this could even lead to dangerous paths like leaving religion unintentionally. Words are deceiving. When analysing religious texts, one should, therefore, rely on the context surrounding it, deconstruct the conceived elements of the structure, and take into consideration the meanings of sharia as well as the dictionary meanings. With both meanings in mind, one can have a full conception of the intended meaning of the text.

The author also discussed the issue of implication of epithet in another occasion, particularly when talking about the Seven Major Sins. He said: “the fact is that they are not just seven. The prophetic traditions specifying them as such did not specifically limit them to this number. In fact, this was understood by way of implication of epithet, which is considered invalid.”<sup>31</sup>

All terms have counter implicature. However, what distinguishes some terms from others is the words constituting the text. The style is considered a dividing line between words and their epithets. Readers and students should, therefore, be aware of all types of styles because scholars removed ambiguity and left no gap. They made the words the basis for defining terms. Thus, the implication of adverb is specifically reserved for adverbs and should not be confused with the implication of attribute or any other implication for it has its own unique words and characteristics.

### **Synonyms of Mafum Al-Mukhalafah**

Although the author repeatedly used the term mafum al-mukhalafah (counter implicature), he also used other terms to describe it. When commenting on Verse 2:2 (a guidance for those conscious of Allah<sup>32</sup>), the author stated that “Allah clarified in this verse that the Quran is (a guidance for those conscious of Allah). This implication – i.e. the counter implicature which is also known as dalil al-khitab – is that the Quran is not a guidance for those not conscious of Allah. This implication is explicitly stated in other verses.”<sup>33</sup>

### **Hindrances of Counter Implicature**

The counter implicature is a procedural instrument used to uncover the meanings of the text. It is, therefore, a proof of Sharia (dalil shar’i). However, it could be suspended when a hindering factor is present. In such a case, it is nullified for non-textual considerations. Jurists labelled these considerations ‘hindrances nullifying the counter implicature.’

Using terminology statistics, the paper traced the various types of hindrances of counter implicature in several Quranic verses rulings as used by the author. These hindrances are the following:

### **When the Text Implies the Interrogative Style**

This refers to the style of a question and answer. When analyzing the meaning of junaah in Verse 2:158 (there is no blame upon him for walking

<sup>29</sup> Adwa’ al-bayan, 7/239-240

<sup>30</sup> *ibid*

<sup>31</sup> *Ibid*, 7/77

<sup>32</sup> Quran, 2:2

<sup>33</sup> Adwa’ al-bayan, 1/10

between them), the author says: “the second indication is that if he had meant that meaning he would have said: there is no blame upon him for not walking between them. It is established by jurists that the word which comes as an answer to a question may not have a counter implicature for its purpose is to conform the answer to the question, not to make the implied meaning different from the pronounced one.”<sup>34</sup> The author also stated in another occasion that “it is established in *usul-al-fiqh* that the reply to a question is not considered a counter implicature because the aim of the reply is to give the precise information asked in the question, not to intend a divergent meaning.”<sup>35</sup>

### **Following the Normal Situation**

This refers to understanding the text according to what is commonly understood by people. The least common should, therefore, be treated like the most common without considering the counter implicature. According to the author, “what is commonly understood has no implication. It is particularly mentioned because it is what first comes to mind.”<sup>36</sup>

The author discussed this hindrance on numerous occasions. For instance, when commenting on Verse 2:283 (And if you are on a journey<sup>37</sup>) he stated that this “has no counter implicature because it is following the normal situation. In normal situations, it is not difficult to find a scribe. In fact, this is mostly the case when on a journey. Following the normal situation is a hindering factor nullifying counter implicature, as we explained several times in this book.”<sup>38</sup> The author also discussed this when commenting on Verse 4:23 (Prohibited to you [for marriage] are your mothers... and your step-daughters under your guardianship<sup>39</sup>). He stated that “it is established in *usul-al-fiqh* that following the normal situation is one of the hindrances of counter implicature. Thus, the majority of ulema did not validate the counter implicature in the

phrase under your guardianship, for it is an example of following the normal situation.”<sup>40</sup> When the text uses statements in accordance with the normal situation, no consideration shall be given to the implied meaning. For this reason, jurists suspended the use of counter implicature in this case.

Another example of the cases in which counter implicature ceases to be valid as a result of intending the most common meaning is the author’s discussion of ulema’s disagreement over the obligation (*wujub*) of penalty in acts of mistake and forgetfulness. According to the author, “the obligation of penalty in both [mistake and forgetfulness] is a matter of controversy among ulema. A group of ulema, including the Malikis, the Hanfis, and Shafis, are of the view that paying a penalty is obligatory (*wajib*) in cases of mistake and forgetfulness because of the evidences (*adillah*) that put on an equal footing the payment of a fine for damaging property intentionally or unintentionally. Thus, they did not consider the counter implicature understood from the word intentionally because it is following the normal situation; it is very rare in normal situations for a pilgrim to kill game unintentionally. The counter implicature is not considered when the text follows the normal situation.”<sup>41</sup>

### **Specifying the Text With a Given Incident**

According to the author, “it is established in *usul-al-fiqh* that one of the hindrances of counter implicature is when the revealed text addresses a specific incident. That is why the ulema found no counter implicature in Verse 24:33 (if they desire chastity<sup>42</sup>) nor in Verse 3:28 (Let not believers take disbelievers as allies rather than believers<sup>43</sup>) because each verse addresses a specific incident.”<sup>44</sup>

### **When the Text is in the Context of Gratitude**

<sup>34</sup> *Ibid*, 4/429

<sup>35</sup> *Adwa’ al-bayan*, 1/89

<sup>36</sup> *Al-Ghayth al-hami’ sharh jam’ al-jawami’* p.122

<sup>37</sup> *Quran*, 2:238

<sup>38</sup> *Adwa’ al-bayan*, 1/185

<sup>39</sup> *Quran*, 4:23

<sup>40</sup> *Adwa’ al-bayan*, 1/254

<sup>41</sup> *Adwa’ al-bayan*, 1/439

<sup>42</sup> *Adwa’ al-bayan*, 34/33

<sup>43</sup> *Adwa’ al-bayan*, 3/28

<sup>44</sup> *Adwa’ al-bayan*, 1/264

When the meaning of the text is diverted to bestowing gratitude on the person addressed, this is considered a hindering factor of counter implicature. The author addressed this issue when commenting on the prophetic tradition: We have been made to excel (other) people in three (things): Our rows have been made like the rows of the angels and the whole earth has been made a mosque for us, and its dust has been made a purifier for us in case water is not available.<sup>45</sup> According to the author, ‘specifying dust as a purifier in the context of bestowing gratitude implies that other types of earth (sa’eed) are not purifiers. The answer to this claim takes three forms. First, this was mentioned in the context of bestowing gratitude, which is considered a hindering factor of counter implicature, as established by jurists.<sup>46</sup>’

The author also addressed this issue on another occasion. He says: ‘it is established in *usul-al-fiqh* that one of the hindering factors of counter implicature is when the text is in the context of bestowing gratitude. Hence, the word *muqween* (travellers) in Verse 56:73 has no implication for it is in the context of gratitude. It [fire] is also a provision for non-travellers such as city dwellers.<sup>47</sup>’

### Specifically Mentioning the Attribute

According to the author, one of the hindering factors of counter implicature is when the attribute is mentioned to emphasize the meaning. Quoting other jurists, he says: ‘it is established in *usul-al-fiqh* that one hindrance of counter implicature is when the attribute is specifically mentioned in order to match the reality. The text mentions the attribute of what matches reality so that the ruling is applied. The aim of specifying the attribute is not to give the implied meaning a separate ruling different from that of the explicitly stated meaning. Rather, it is specifically mentioned because it matches reality.<sup>48</sup>’. A good example of this is the Verse of Proof (23:117) And whoever invokes besides Allah another deity for which he has no proof -

then his account is only with his Lord. Indeed, the disbelievers will not succeed.) According to the author, the phrase for which he has no proof is an attribute that matches reality, for they do invoke besides Allah another deity for which they have no proof. The attribute was specifically mentioned for it matches reality, and not to give the implied meaning a separate ruling different from that of the explicitly stated meaning.<sup>49</sup>’

### When Counter Implicature Connotes Another Implication

This happens when the text is open to more than two possible meanings due to the existence of a contextual or textual presumption. Because of these presumptions, the significance of counter implicature diminishes. The author discussed this when clarifying why Verse 2:178 (the free for the free) was not specified (*takhsis*) with Verse 5:45 (And We ordained for them therein a life for a life). According to the author, ‘the answer for the second question –why the general ruling in Verse 5:45 was not specified with the details mentioned in Verse 2:178? – is that it is established in *usul-al-fiqh* that counter implicature is nullified if the text has another implication other than the opposite of the pronounced ruling. As the author of *Jam’ al-Jawami’* states: the implied meaning of counter implicature must not be left due to fear or something similar to that ... like what deserves to be specified by mentioning.<sup>50</sup>’

### Intrinsic Attributes

One of the factors nullifying counter implicature is the intrinsic attribute (*al-sifah al-kashifah*). Commenting on the two attributes *rajeem* and *maarid* in Verse 15:17 (devil expelled) and Verse 37:7 (rebellious devil), the author argues that these have no counter implicature as all devils can be described as such. The text, therefore, has no implied meaning. He says: ‘no counter implicature for the words *rajeem* (15:17) and *maarid* (37:7) for such words are considered intrinsic or general attributes (*sifat kashifah*); every devil can be described as expelled and

<sup>45</sup> Sahih Muslim, Hadith No. 522

<sup>46</sup> Adwa’ al-bayan, 1/354

<sup>47</sup> Adwa’ al-bayan, 7/536

<sup>48</sup> Adwa’ al-bayan, 5/364

<sup>49</sup> *ibid*

<sup>50</sup> Adwa’ al-bayan, 1/382

rebellious, even though some are more rebellious than others.’<sup>51</sup>

### **Practical Examples of Counter Implicature**

We address below some examples indicating that counter implicature is an instrument for uncovering the meanings of textual evidences. These examples will be restricted to the following:

#### **Verse 4:25**

Commenting on this Verse (And whoever among you cannot [find] the means to marry free, believing women, then [he may marry] from those whom your right hands possess of believing slave girls<sup>52</sup>), the author states that ‘the apparent meaning of this verse indicates that it is unlawful to marry a slave girl, even with necessity, unless she is a believer. The proof is this part of the verse: from those whom your right hands possess of believing slave girls. The counter implicature of this verse indicates that it is prohibited in all cases to marry non-believing slave girls. This counter implicature can also be understood from Verse 5:5 (And [lawful in marriage are] chaste women from among the believers and chaste women from among those who were given the Scripture<sup>53</sup>). In this verse, chaste women refer to free women, as some scholars argued. Therefore, the counter implicature is that it is prohibited to marry non-believing slave girls even if they were among those who were given the Scripture (kitabiyat). Abu Hanifah had a different perspective. He argued that it is lawful to marry the non-believing slave girl and he also argued that it is lawful to marry slave girls by those who can [find] the means to marry free, believing women. This is because Abu Hanifa rejected counter implicature.<sup>54</sup>’ Based on the role of counter implicature in deducing the ruling, the author came to the conclusion that it is unlawful to marry non-believing slave girls, even though this was not explicitly mentioned in the verse. Abu Hanifah, on the other hand, had a different point of view because he was of the view that

mafhum al-mukhalafah (counte rimplicature) was not valid, as a method of deducing legal rulings.

#### **Verse 24:4 (and Those Who Accuse Chaste Women and then Do Not Produce Four Witnesses - Lash them With Eighty Lashes<sup>55</sup>)**

According to the author, ‘whoever accuses a man or a woman formerly found guilty of sexual intercourse, either though evidence or confession, may not be punished by way of penalty (hudud), for he said the truth and for the chastity of the accused was eliminated by previously committing sexual intercourse. This is evidenced by the counter implicature in the verse (And those who accuse chaste women...). The implication is that whoever accuses non-chaste women shall not be punished by way of had; however, he should be punished by way of ta’zir because he accused him without introducing a proof. The honor of the person who had committed zina is protected; previously committing zina shall not be taken as an excuse for violating the honor of people.’<sup>56</sup> Counter implicature is essential in Sharia. Otherwise, several rulings will be suspended and people’s rights will be violated. One of the principles of Sharia testifying to its tolerance is the idea of taking care of people’s matters and being keen on preserving social cohesion. No aggression or injustice is allowed. Instead, justice is the basis of mankind succession on earth. The basis of justice is applying the legislative texts on individual and societal behaviours, taking into consideration the various textual meanings which scholars made suitable to the interests of people.

**Verse 24:32** (And marry the unmarried among you and the righteous among your male slaves and female slaves. If they should be poor, Allah will enrich them from His bounty, and Allah is all-Encompassing and Knowing.<sup>57</sup>)

Clarifying the meaning of this verse, explaining the general ruling, and interpreting the hidden and apparent meanings, the author states: ‘The verse (And marry the unmarried among you) is inclusive of both male and female, and the phrase among you refers to Muslims. The counter implicature understood from the phrase among

<sup>51</sup> Adwa’ al-bayan, 2/216

<sup>52</sup> Quran, 4:25

<sup>53</sup> Quran, 5:5

<sup>54</sup> Adwa’ al-bayan, 1/238

<sup>55</sup> Quran, 24:4

<sup>56</sup> Adwa’ al-bayan, 5/450

<sup>57</sup> Quran, 24:32



you implies that non-Muslim unmarried are not considered among you.<sup>58</sup> This means that it is not lawful for Muslims to marry the non-Muslim unmarried (ayaamaa). Had the counter implicature not been used, such ruling would not have been deduced. Thus, the sanctity of religion would have been infringed upon, the society misled, and offspring – the end goal of marriage – humiliated.

**Verse 6:152** (And do not approach the orphan's property except in a way that is best until he reaches maturity<sup>59</sup>)

This verse warned against attacking the orphan's property because he is weak and in need of protection until his mind fully develops and until he becomes physically strong. At this stage, he is given back his property because he is qualified for taking care of his own needs, without the assistance of anyone else. This is what the verse indicates explicitly and implicitly. However, whoever Allah blinds his heart might misunderstand the meaning of the verse, claiming that it is permissible to confiscate the property of the orphan as soon as he reaches maturity. That is why the author seized the opportunity to remove this ambiguity confusing to those lacking competence in Arabic language and *usul-al-fiqh*, clarifying this miraculous anecdote in the Quran. According to the author, "the incompetent might misunderstand the counter implicature here, i.e. the implication of extent in the phrase until he reaches maturity. He might understand that it is lawful to confiscate the orphan's property. This is not what is meant by the verse. The verse implies that the orphan should be given his property back once he is found to be mature."<sup>60</sup> The author's comment implies that those incompetent in the textual indications (*dalalat*) are not allowed to interpret the Sharia texts for their ignorance of various types of implications and their forms could lead them astray by reaching the opposite of what Allah meant. The author, therefore, insisted on explaining the purpose of the text, whether through the apparent meaning of the text

or the counter implicature, which he considers a source of legislation.

**Verse 10:98** (...except the people of Jonah? When they believed, We removed from them the punishment of disgrace in worldly life and gave them enjoyment for a time<sup>61</sup>)

The author discussed two possible meanings of the verse. The first is the apparent meaning which is about how the people of Jonah were rescued by their belief in the worldly life. The second is a hidden meaning that becomes clear when using the concept of counter implicature. According to the author, "the apparent meaning of this verse indicates that the people of Jonah's belief only rescued them in the worldly life for the verse states: We removed from them the punishment of disgrace in worldly life. The counter implicature understood from worldly life implies that this is not the case in the Hereafter. However, they were described as believers, without any condition, in Surat Assafat, and belief is a salvation in both the worldly life and the hereafter."<sup>62</sup>

These above-mentioned practical examples attest to the important status of counter implicature in Islamic legal theory. The reader may also find many other similar examples scattered around in Al-Shanqiti's book. We only focused on few examples because the nature of this paper does not allow for further details. We do hope, however, that this research represents a window for future researchers to contribute to the discussion of this concept in Al-Sahnqiti's book, focusing on scholarly terms, which are considered the backbone of science, especially those terms related to purified shari'a.

## CONCLUSION

This paper addressed the term counter implicature, explaining its definitions in classical dictionaries, analyzing its elements and giving it a technical definition. *Adwa al Byana* commentary is an encyclopaedia addressing a collection of sciences that serve the Holy Quran. Of these sciences the Principles of Jurisprudence was given a special attention, owing to the high

<sup>58</sup> *Adwa' al-bayan*, 5/529

<sup>59</sup> Quran, 6:152

<sup>60</sup> *Adwa' al-bayan*, 1/545

<sup>61</sup> Quran, 10:98

<sup>62</sup> *Adwa' al-bayan*, 2/162

status it occupies as a science that reveals the objectives of sharia texts. In this paper, we addressed the examples in the book in which the author brilliantly used Principles of Jurisprudence, especially when commenting on ayat al-ahkam (Quranic verses concerned with religious rulings) and discussing the relevance of counter implicature.

Quranic verses represent a rich legislative source from which the Muslim can learn about essential rulings. That is why exegesis experts sought to extract these rulings using two methods: what the pronounced meaning indicates and what is implicitly understood from the opposite of the pronounced meaning. The first one is known as the pronounced meaning and the second one is the implication. Our research particularly focused on the implication that is contrary to the apparent meaning of the text, i.e. counter implicature. We addressed types of counter implicature, its synonyms and hindrances. In the end, we selected a number of Quranic verses attesting to the importance of this concept in giving sharia flexibility and diversifying the sources from which sharia proofs (adillah) are derived.

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