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RESEARCH ARTICLE / ARAŞTIRMA MAKALESİ

Exploring the Function of *Dhihn/Zihin* (Cognitive Link) in *Majāz* in Islamic Legal Theory[*]

İslam Hukuku Teorisinde Majāz'da Dhihn / Zihin (Bilişsel Bağlantı) İşlevini İncelemek

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Abstract

Simon Udo and Michiel Leezenberg point to the cognitive traces in the works of 'Abd al-Qāhir al-Jurjānī (d. 1078), named *Asrār al-Balāgha* and *Dalā'il al-i'jāz*. However, neither Simon nor Leezenberg provide an insight whether these traces can be found in other classical sources, where majāz and isti'āra are discussed.

This paper argues that Simon's and Leezenberg's argument that the awareness of the cognitive elements in the classical Islamic approach to majāz and isti'āra cannot be reduced in 'Abd al-Qāhir al-Jurjānī's works. Rather, that the Hanafi legal theorists were aware of the function of *dhihn*/mind in the mechanism of majāz. Due to presenting a remarkable theoretical examination of the tropes and metaphors, 13th and 14th century Hanafi *uṣūl al-fiqh* sources are chosen. To clarify my argument, I will mainly focus on the analysis of the terminology, which expounds the relationship between majāz and mind: Such as, *ittiṣāl (ilink/connection), dhihn (mind,) maḥal* (space/domain).

Keywords

Uṣūl al-fiqh, Majāz, Isti'āra, Ittiṣāl, Dhihn

Öz

Simon Udo ve Michiel Leezenberg, Abd el-Kahir el-Cürcani'nin Esrar el-Belağa ve Delailü'l-İcaz adlı eserlerinin mecaz ve istiare bahsinde bilişsel dil bilimin izlerinin bulunduğunu iddia etmişlerdir. Ancak, ne Simon ne de Leezenberg iddia ettikleri bu izin, mecaz ve istiare konusuna yer veren başka klasik eserlerde bulunup bulunmadığına değinmez. Bu çalışma, Simon ve Leezenberg'un iddia ettiği bilişsel izlerin sadece Abd el-Kahir el-Cürcani'nin eserlerine hasredilemeyeceğini, aksine Hanefi usûlcülerin zihin ve mecaz ilişkinden haberdar olduklarını ortaya koymayı hedeflemektedir. Çalışmanın savını sınırlandırmak için ve tartışmaya sundukları önemli kavramlar ve örnekler sebebiyle ağırlıklı olarak 13. ve 14. yüzyıl Hanefi usul eserlerinden yararlanılmıştır. Bu çalışmada Hanefi usûlcülerin mecaz ile zihin arasındaki ilişkiyi açıklamak için kullandıkları ittisal, zihin ve mahal kavramları ele alınacaktır.

Anahtar Kelimeler

Fıkıh usulü, Mecaz, İstiare, İttisal, Zihin

Introduction

Modern scholarship on Arabic linguistics and philosophy of language has overlooked the discussions in *uṣūl al-fiqh* (legal theory for Islamic law), in Vishanhoff's words: "has focused mostly on non-linguistic dimensions of legal theory"[1]. In effect, there was a reciprocal contribution between Islamic legal theory and Arabo-Islamic linguistics, and an exchange of conceptualisation, terminology, and reasoning since the post-formative period of Islamic law.[2] One of the important junction points between these disciplines is *majāz* (figurative speech, non-literal meaning of a word) that has received limited scholarly interest compared to what it deserves. Udo Simon and Michiel Leezenberg's two studies on *majāz* attract attention in terms of pointing to how *majāz* is approached in classic Arabic linguistics. In relation to the contemporary discussions about metaphor, they argue that *majāz* in classical Arabic linguistics was discussed significantly related to the mind. Relying on this, this article argues that not only linguists but also legal theorists were conscious of the constitutive function of mind in *majāz*.

In the Muslim world, from the ninth century onwards, works were composed to explore the figurative characteristics of the Arabic language. Within this period, the Aristotelian model of metaphor took also the attention of the Muslim philosophers and linguists. The Muslim scholars did not take the theory of Aristotle for metaphor as bare fact.[3] But, they developed their account of types of *majāz*; including metaphor based on Aristotelian metaphor.[4] In comparison to Aristotle's metaphor, *majāz* has undergone a distinguished development process in Islamic intellectual history. *Majāz* as a linguistic concept was not confined to the province of rhetoric or to the aesthetic evaluation of language, but rather, to understand the Qur'ān. Thus, *majāz* has been engaged in profound theological, philosophical, and legal debates as a consequence of what gives the divine text (the Qur'ān) and human language[5]. Over the course of this evolution, *majāz* became a significant subject for *uṣūl al-fiqh*.

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1   David R. Vishanoff, *The Formation of Islamic Hermeneutics How Sunni Legal Theorist Imagined a Revealed Law* (New Haven, Connecticut: American Oriental Society, 2011), xiii.

2   Nora Kalbarczyk, *Sprachphilosophie und der Islamischen Rechtstheorie: Zu avicennischen Klasifikation der Bezeichnung bei Faḫr ad-dīn ar-Rāzī* (Leiden, Boston: Brill, 2018), 1-2.

3   Kamal Abu Deeb, "Al-Jurjānī's Classification of Istiara with Special Reference to Aristotle's Classification of Metaphor," *Journal of Arabic Literature,* no. 2 (1971): 48, 62.

4   Balqis Al-Karaki, "Dissimilar Premises, Similar Conclusions: On the Partial Rationality of Metaphor- a Comparative Study," *Journal of Near Eastern Studies* 70, no. 1 (April 2011): 89.

5   Hadith became later a source for grammatic reasoning (Simona Oliveri, "Early Arabic grammar: sources and codification," in *Dal Medio all'Estremo Oriente,* eds. Marina Miranda and Raffaele Torella e Mario Casari (Roma: Carocci Editore, 2018), 63).

Another, fundamental difference in discussing the equivalent of *istiʿāra* (metaphor) and *majāz* (figurative speech) stems from how Muslim intellectuals expound this linguistic content based on the relationship between *lafẓ*/vocal/form/utterance and *maʿnā*/meaning/content/idea.[6] As Adamson and Key put in words, this pairing "was the predominant model used to relate mental content to linguistic content, and it was in play across all available genres, from poetry to exegetical hermeneutics and legal theory".[7] As a result, this model became a theory in the philosophy of Arabic language.[8]

Related to this model that used to relate words to mental content, Simon and Leezenberg argue that in the 11th century, ʿAbd al-Qāhir al-Jurjānī (d. 471 /1078) referred to a specific relationship between figurative language and mental content - both prefer to name this content "cognition". Simon and Leezenberg direct that some cognitive elements can be found in the theory of *majāz* in al-Jurjānī's books titled *Asrār al-Balāgha* and *Dalāʾil al-iʿjāz*.[9] Previously Simon and Leezenberg, Modaressi mentioned that al-Jurjānī and al-Sakkākī (d. 626/1229) explained how *istiʿāra* indeed is reflected in the mind of the speaker.[10] Modaressi focuses on explaining the concept of *majāz,* therefore there is not much information given on how mind/cognition functions in the process of *majāz*.

I am aware that Modaressi's, Simon's and Leezenberg's arguments are embryonic. Their claim requires more explication than what they point to. Particularly, qualification is needed on what Simon and Leezenberg mean regarding cognition and cognitive elements in *majāz*. The borders of the definition of cognition have changed with the contribution of cognitive linguistics and scientists.[11] On the philosophical level, al-Karaki approaches with caution on comparing cognition in traditional and contemporary philosophy of language theories. She argues that

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6 Ibrahim Özdemir, *İslam Düşüncesinde Dil ve Varlık Vaz' İlminin Temel Meseleleri* (Istanbul: İz Yayınevi, 2006), 37; Lara Harb, "Form, Content, and the Inimitability of the Qur'an in 'Abd al-Qahir al-Jurjānī's Works," *Middle Eastern Literatures* 18, no. 3 (2015): 301-16.

7 Peter Adamson and Alexander Key, "Philosophy of Language in the Medieval Arabic Tradition," in *Linguistic Content: New Essays on the History of Philosophy of Language,* eds. Margaret Camoran and Robert J. Stainton (Oxford: Oxford University Press, 2015), 74.

8 Adamson and Key, "Philosophy of Language," 75-77.

9 Udo Simon, "Majāz", *Encyclopaedia of Arabic Language and Linguistics* (Leiden: Brill, 2008), 118; Udo Simon, "*Istiʿāra*", *Encyclopaedia of Arabic Language and Linguistics* (Leiden: Brill, 2008), 442; Michiel Leezenberg, *Contexts of Metaphor* (1st Edition, Oxford: Elsevier Science Ltd, 2001), 51, 56.

10 Hosseini Modaressi, "Some Recent Analyses of the Concept of majāz in Islamic Jurisprudence," *Journal of the American Oriental Society* 106, no. 4 (Oct.-Dec. 1986): 788.

11 Al-Karaki, "Dissimilar Premises," 83.

this discussion requires sufficient evidence or bases for their comparability.[12] In addition to al-Karaki, in his book named *Sprache, Handlung und Norm*, Tahsin Görgün argues that maybe not comparing but that many discussions and subjects in the classical Islamic intellectual history (*Geistesgeschichte*) can be expounded and compassed with the contribution of contemporary linguistic theories and philosophy of language.[13]

Even though the differences in the traditional and contemporary understanding of metaphor, and in understanding and conceptualizing *dhihn*/mind or cognition (in the simplest form), I believe that there are valid reasons in the Arabo-Islamic literature for searching for how *dhihn* was conceptualised[14]. To discuss my argument on solid ground, I mainly focus on the analysis of metaphors and the terminology, which expounds the relationship between *isti'āra* and mind/*dhihn* in post-formative Hanafī *uṣūl*. The terms that I put under scope are *ittiṣāl (link/ connection), ṣura (image), ma'nā (abstract, meaning, content), dhihn (mind/ cognition),* and *maḥal* (space, domain). These terms grant us an insight into how the Hanafī legal theorists understand the mechanism of *majāz*. In this regard, this article aims to be a preliminary to an intriguing discussion on the relation between *majāz /isti'āra* and mind in Hanafī *uṣūl al-fiqh*.

To confine the study, I will mostly rely on *Uṣūl al-Sarakhsī* by al-Sarakhsī (d. 1090), *Sharh al-Manār wa Hawashiyya min 'ilm al-uṣūl* by Ibn Malak (d. 1418) and *Al-Kāfī sharh al-Bazdawī* by al-Sighnāqī (d. 1314), due to presenting remarkable theoretical examination of *majāz*. The confined nature of this article, which only focuses on a few Hanafī sources, should not delimitate the borders of this discussion. For instance, Jāhiz (d. 869) claims that metaphor is the core of the language- similar to Lakoff.[15] Or, Taftāzānī (d. 1390) or Sayyid Sharīf al-Jurjānī (d. 1413) suggests that if there is a shared property between the two things (two domains), mind/*dhihn* surely creates a relation between them.[16]

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12 Al-Karaki, "Dissimilar Premises," 82.

13 Tahsin Görgün, *Sprache, Handlung und Norm: Eine Untersuchung zu "Uṣūl al-Fiqh" und "Kitāb as-Siyar" des Šams al-A'imma Muhammad b. Abī Sahl Aḥmad as-Saraḫsi (1009-1090 n. C.)* (Istanbul: İSAM Yayınevi, 1998), i.

14 Al-Karaki, "Dissimilar Premises," 81-82, 89; Zeynep Gemuhluoğlu, "İslâm Düşüncesine Özgü Bir Poetikadan Söz Edilebilir mi?: İlk Dönem Kelâm ve Dil Âlimlerinde Din Dili-Mecâz/Şiir-Mecâz İlişkisi Üzerine Bir İnceleme," *M. Ü. İlahiyat Fakültesi Dergisi* 36, no.1 (2009): 122-23.

15 Mohammad Salama, *The Qur'an and Modern Literary Criticism: From Taha to Nasr* (London: Bloomsbury Academic/ Bloomsbury Publishing, 2018), 106.

16 Ömer Türker, "*Seyyid Şerif Cürcani'nin Tevil Anlayışı: Yorumun Metafizik, Mantıki ve Dilbilimsel Temelleri*" (PhD diss., University of Marmara, 2006), 182; Modaressi, "Some Recent Analyses," 788.

As a final note, the Ḥanafī legal scholars sometimes called *istiʿāra* "*majāz*". The reason for this usage is elucidated below. To avoid any intricacy and not to drift away from the focal point of this study, in this article, I will follow the use of the *uṣūlis* and will not engage in the identification process of *majāz* and *istiʿāra* in the current texts; and sometimes I will call both of them metaphor.

A Brief History on the Theory of Majāz

In metaphor studies, Aristotle's theory of metaphor (350 BC) is widely accepted as the start of discussing figurative use in the language. Aristotle in his definition describes the mechanism of metaphor by paying attention to the categories of metaphor and to the relation between genus and species, and analogy:

> "*a 'metaphorical term' involves the transferred use of a term that properly belongs to something else; the transference can be from genus to species, from species to genus, from species to species, or analogical.*"[17]

Although, Aristotle's theory of metaphor profoundly impacts the development of the classical art of poetics and rhetoric, his theory did not receive a major challenge from western philosophers, during the post-Aristotelian period and Middle Ages in Christian Europe. Thereupon, the discussions were mainly unattended for centuries.[18] In the meantime, starting from the 9th century in the Arabo-Islamic literature, *majāz* (including metaphor as the sub-category of *majāz)* was widely discussed by Arab and non-Arab philosophers, theologians, linguists and legal theorists.

The pre-Islamic Arab community (*Ahl al-ʿarab*) had a syntactic sense of figurative language and had their own terms for it such as *mathal* (*tamthīl*- analogy, similarity-based metaphors) and *tashbīh* (similar to *istiʿāra* [metaphor]). [19] After the revelation of the Qurʾān and with the rise of the Islamic intellectual activity, the theological and literary discussions around the concept of *majāz* were developed. The theological debates on the existence of *majāz* in the language were primarily motivated by an attempt to gain an accurate understanding of the verses in the Qurʾān (Q 12:2; 43:3; 20: 5); for instance, God's hand (Q 5: 64; 48: 10). Specifically, the anthropomorphic and figurative features of some *ayah* in the Qurʾān provoked theological debates mainly between the two well-known theological schools- Muʿtazilites and Ashʿarites.[20]

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17 Samuel R. Levin, "Aristotle's Theory of Metaphor," *Philosophy & Rhetoric* 15, no. 1 (Winter 1982): 24.

18 Raymond W. Gibbs, "When is Metaphor? The Idea of Understanding in Theories of Metaphor," *Poetics Today*, Aspects of Metaphor Comprehension 13, no. 4 (Winter 1992): 575.

19 Wolfhart Heinrichs, "On the figurative (majâz) in Muslim interpretation and legal hermeneutics," in *Interpreting Scriptures in Judaism, Christianity and Islam: Overlapping Inquiries,* eds. Mordechai Z. Cohen and Adele Berlin (Cambridge: Cambridge University Press, 2016), 265.

20 Salama, *The Qurʾan,* 97.

Meanwhile, this process should not make one think that the theory of *majāz* was developed purely from a religious impetus. As argued by Heinrichs, the subject of *majāz* has a non-religious side (the philological aspect).[21] For Arab scholars, *majāz* was a linguistic concept to be taken into consideration with the concern to protect the language of the linguistic community (*Sprachgemeinschaft*).[22] Likewise, Mustafa Shah voices that even though *majāz* as a subject of debate was motivated by theological questions, this did not prevent *majāz* also from becoming a mere matter of linguistics.[23]

The earliest appearance of the word *majāz* can be found in the work of the Basran philologist, Abū ʿUbayda (d. 824-5), in his book *Majāz al-Qurʾān*.[24] In the introduction of this work, there are examinations of 38 instances of *majāz* from the Qurʾān[25] without mentioning *ḥaqīqa* as the counterpart of *majāz*. After Abū ʿUbayda, al-Jāhiz (d. 869) contributed to the development of the theory by describing the contrast between *ḥaqīqa* and *majāz*.[26] Because of al-Jāhiz's contribution, Ibn Qutayba (d. 889) was able to point clearly to *ḥaqīqa* as the opposite of *majāz,* and introduced *majāz* as 'way of saying' (similar to Abū ʿUbayda) and as the counterpart of *ḥaqīqa*. Also, Ibn Qutayba is known to be the first to set apart a chapter for *majāz* and *istiʿāra*, which is one of the essential subcategories of *majāz*.[27]

After *al*-Jāhiz, one of the major contributions to the theory of *majāz* was made in the 11th century by ʿAbd al-Qāhir al-Jurjānī (d. 1078 or 1081) with his two works *Asrār al-Balāgha* (*The Mysteries of Eloquence*) and *Dalāʾil al-ʾijāz* (*Proofs*

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21 Wolfhart Heinrichs, "On the Genesis of the *Haqīqa-Majāz* Dichotomy," *Studia Islamica*, Maisonneuve & Larose, no. 59 (1984): 112.

22 Oliveri, "Early Arabic grammar", 66-7.

23 Mustafa Shah, "The Philological Endeavours of the Early Arabic Linguists: Theological Implications of the *tawqf-iil* Antithesis and the *majz* Controversy/Part 1', *Journal of Qurʾanic Studies*," Edinburgh University Press 1, no. 1 (2002): 28.

24 Muhammad Fuad Sezgin, Abū ʿUbayda. *Majāz al-Qurʾān* (Cario: Maktabat al-Khānjī, 1954), 8; Heinrichs, "On the Genesis", 119; Adem Yerinde, "Mecâzʾul Kurʾânʾı Cercevesinde Ebû Ubeydeʾnin Tefsirciligi," *Sakarya Üniversitesi İlahiyat Fakültesi Dergisi*, no.19 (2009): 151-189.

25 John Wansburgh, "Majaz al-Quran: Periphrastic exegesis," BSOAS, no. 33 (1970): 248.

26 Ahmad Sakhr Achtar, "*Contact between theology, hermeneutics and literary theory: The role of majāz in the interpretation of anthropomorphic verses in the Qurʾān from 2nd AH/ 8th CE until the 7th Ah/13th CE*" (PhD diss., SOAS University of London, 2012), 60-66.

27 Achtar, "Contact between theology*,"* 154; Selim Türcan, "Mecâz Teriminin Gelisim Surecinde el-Ferrâʾnın Yeri," *Gazi Üniversitesi Çorum İlahiyat Fakültesi Dergisi* 2, no. 4 (2003): 89-93; İsmail Aydın, "Hakikat ve Mecazʾın Terimleşme Süreci," *İslami İlimler Dergisi* 8, no. 1 (Bahar 2013): 23-29.

of Inimitability).[28] He offered a new dichotomy for the theory, which is *majāz al-lughawī* (a single word used beyond its conventional meaning) and *majāz al-'aqlī* or *ḥukmī* (which occurs in the sentence).[29] Al-Jurjānī's other important contribution to the concept of *majāz*, and in particular to *isti'āra* (metaphor), is his attribution to the immediate relation, or possibly blending between two mental images.[30] There is no tangible evidence that shows whether al-Jurjānī directly influenced the legal theorists. Also, Ibn Malak in his work gives place to the views of the linguists to explain the divergence between legal theorists and linguists. Accordingly, it can be certainly argued that some of the legal theorists were aware of the relation between mind and *majāz*, and they incorporated this relation into the discussion in legal theory works.

What is Majāz?

Terminologically, *majāz* means *'to go beyond something'*. It is a verbal noun formed from *jāza*: *al-kalimatu al-jā'izatu ay al-mut'aaddiyatu makānahā al-'aliyya*, "a word that goes beyond its original place (i.e. its literal meaning in the language system)"[31]. Sayyid Sharīf al-Jurjānī describes *majāz* as:

> *Ismun lammā urīda bihī ghayr mā wuḍia' lahū li munāsabatin baynahumā.*[32]

> A word that is intended to use in a different meaning- rather than its original/primordial assigned meaning, due to relationship/link/connection/analogy (*munāsaba*) between the two [*humā*].[33]

Isti'āra[34] literally means "borrowing" and corresponds to figure of speech or mode of expression. Although being one of the sub-categories of *majāz*, *isti'āra* has its own demarcation; which is "[i]n the given context means borrowing the

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28 Leezenberg, *Contexts of Metaphor*, 43-4; Soner Gündüzöz, "Klâsik ve Modern Arap Literatürü Açısından İslam Düşüncesinde Hakikat ve Mecaz Tartışmaları," *İslami İlimler Dergisi* 8, no. 1 (Spring 2013): 32.

29 Sedat Şensoy, "Belağat Geleneğinde Aklî Mecâz Tartışmaları," *İslam Araştırmaları Dergisi,* no.8 (1986): 1-37; Simon, "Majāz," 117; Modaressi, "Some Recent Analyses," 788; Abdülkâhir El-Cürcânî, *Delâilü'l-İ'câz,* trans. Osman Güman (Istanbul: Litera Yayınevi, 2008), 257-61.

30 Simon, "Majāz," 118; Simon, "*Isti'āra*," 442; Deeb, "Al-Jurjānī," 62-3.

31 Simon, "Majāz," 116.

32 Sayyid Sharīf al-Jurjānī, *Mu'jam al-Ta'rīfāt,* ed. Muhammad Şiddīq al-Minshāwī (Qāhira: Dār al-faḍīla, 1982), 169.

33 Most of the quotations from the original text are translated into English by the author of the article, otherwise the name of the translator are given in the footnotes.

34 In Arabic linguistics, the comparison in *isti'āra* is not necessarily confined with the relationship between genus and species, or the combination of tenor and vehicle (Simon, "*Isti'āra*," 441-2). Nor is *isti'āra* explained as a fundamental means for rhetoric.

name or an attribute of something to stand for something else".[35] This borrowing can occur in various forms and modes.

At the core of the idea that a word is used beyond its assigned meaning or that a meaning is borrowed, lies the concept of *waḍʿ*. *Waḍʿ* as a linguistics term became a key term in legal theories. For instance, in the *uṣūl* of al-Dabusî, al-Bazdawî and al-Sarakhsī, *waḍʿ* appears as an important constituent.[36] *Waḍʿ* refers to a knowledge coming from the combination of lexicon, grammar, semantics, and *dhihn*. Literally taken, *waḍʿ* means establishing, assigning. As a linguistic term, *waḍʿ* is assigning meaning to vocals (*lafẓ*), in Bernard Weiss words, it is "a sort of name-giving".[37] *Waḍʿ* is one of the key concepts for Arabic linguistics and the philosophy of language. The Mutazilī legal theorist ʿAbbād b. Sulaymān (d. 864) states that "there is an inevitable relationship between *lafẓ*/vocable and *maʿnā*/meaning so that each vocable naturally signifies (*dalāla*) to *waḍʿ*/its primordial meaning".[38] In the definition above, *waḍʿ* simply refers to the established or assigned primordial of a word, which is *ḥaqīqa*. So, *majāz* and *istiʿāra* are a sort of assigning a second meaning, which is temporarily related to the *lafẓ*. For instance, assigning the "lion" to a *lafẓ*. And, *ghayr mā wuḍiʿa lahu* signifies the use for a second assigned meaning, which is the brave man, i.e. *majāz*.

According to al-Jurjānī, during this process, *dhihn* is operative. In Abu Deeb's words, in the process of *istiʿāra*, it is "borrowing the meaning or the attribute of an object to be attributed to another object… it is essential that the meaning should be present in the mind of when *istiʿāra* is formed".[39] To explicate, as in the example "Zayd is a lion", the temporarily borrowed attribute from lion to Zayd is the brevity. Out of its context, the lion indicates again its primary assigned meaning in the outside world, which is the animal. As to al-Jurjānī's argument, the mental content that relates brevity to a lion does already exist in the mind. This existing relation in mind leads to a second meaning assignation. In addition to al-Jurjānī, we can also see that the legal theorists refer to operative function of *dhihn* while explaining the same example. However, the most intriguing point is that the legal theorists employ a set of terminology while explaining metaphoric structures related to legal

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35 Simon, "*Istiʿāra*," 441.

36 Özdemir, *Vazʾ İlmi,* 168-9.

37 Bernard Weiss, "*ʿIlm al-waḍʿ*: An Introductory Account of a Later Muslim Philological Science," *Arabica*, no. 3 (November/1987): 342.

38 Hakime Reyyan Yaşar, "Marriage, Metaphor, and Law: Exploring Wive's Anomalous Legal Status in the Classical Islamic Marriage Contract" (PhD diss., School of Advanced Studies, University of London, 2018), 274; Özdemir, *Vazʾ İlmi,* 37.

39 Deeb, "Al-Jurjānī," 68/n. 3.

provisions. This terminology used in order to explain the relationship between *majāz* and *dhihn* differs notably than al-Jurjānī- as it will be displayed below.

Majāz in *Uṣūl al-fiqh*

After the 10th century, in parallel with the development of *'Ilm al-Balāgha*, *majāz* emerged as an individual sub-heading in legal theories.[40] Whilst the legal theory certainly obtains some linguistic aspects from *'ilm al-Balāgha*, there is also a considerable difference between them in terms of engaging in *majāz* and *istiʿāra*. Two major differences can be observed while reading the chapter of *majāz* in Ḥanafī legal theories. One of them is the way the legal scholars used both concepts*,* and the other is the purpose of analysing figurative speech.

For *'ilm al-Balāgha*, *istiʿāra* is one of the subcategories of *majāz*, due to the inclusive feature of *majāz*. As al-Jurjānī put in words: *Majāz* is a larger category than *istiʿāra/metaphor* … [namely] every *istiʿāra* is *majāz*, but not every *majāz* is *istiʿāra*[41]. Besides, in Ḥanafī *uṣūl al-fiqh*, *istiʿāra* is not openly discussed as the subcategory of *majāz*. Namely, the legal theorists used both terms synonymously/ interchangeably (*mutarādifan*).[42] Another difference, and also the essential one, between the legal theorists and the other disciplines, is the purpose of analysing *majāz*. *'Ilm al-Balāgha* propounds a theoretical analysis of *majāz* in language with aesthetic and linguistic concerns. By contrast, the legal jurists analyse *majāz* for legal interpretation and use *majāz* for legal decision-making*,* which means they are not interested in the artistic or the linguistic debates. According to them, *majāz* is using (*istiʿmāl*) a word beyond its primordial meaning.

Apart from being a tool for embellishment in language, *majāz* are also used to fill the semantic lacuna caused by the semantic deficiency of literal meaning in conveying the intended meaning. That is to say, *majāz* is used if a semantic extension (*ittiṣāʿ*) is required.[43] Semantic extension, for the legal scholars, does not function only with aesthetic and creative purposes, but also it can carry with

40   Wolfhart Heinrichs, "On the figurative (majāz) in Muslim interpretation and legal hermeneutics," in *Interpreting Scriptures in Judaism, Christianity and Islam: Overlapping Inquiries,* eds. Mordechai Z. Cohen and Adele Berlin (Cambridge: Cambridge University Press, 2016), 249.

41   'Abd al-Qāhir 'Abd al-raḥmān b. Muḥammad al-Jurjānī, *Kitāb Asār al-Balāgha*, ed. Maḥmūd Muḥammad Shākir (Jiddah: Dār al-madanī, 1991), 398. Translation quoted from Lara Harb (Lara Harb, "Form, Content, and the Inimitability of the Qur'an in 'Abd al-Qāhir al-Jurjānī's Works," *Middle Eastern Literatures* 18, no. 3 (2015): 309).

42   Ibn Malak, *Sharh al-Manār wa Hawashiyya min 'ilm al-uṣūl* (Istanbul: Othmāniyya Matbaası, 1898), 399-400.

43   Görgün, *Uṣūl al-Fiqh,* 132-37; Muḥammad bin Abu Saḥl Aḥmad al-Sarakhsī, *Uṣūl al-Sarakhsī*, ed. Abu al-Wafā al-Afghānī (Dār al-Kutub al-'ilmiyya: Beirut, 1993), 1: 171.

it the extension of the provisions. The legal theorists focused on explaining the mechanism of *majāz* to extend provisions and how an utterer uses *majāz* in practice. These have been given by examples such as in oaths, words used in concluding commercial contracts, in a marriage contract, in manumission, and in divorce.

Exploring *Majāz* in the Hanafī Legal Theory

Little from the early Hanafī sources have survived to our time. To our knowledge, Abū Bakr Aḥmad b. ʿAlī al-Rāḍī al-Jaṣṣāṣ's (d. 981) *uṣūl 'al-fuṣūl fī al- uṣūl'* is one of the significant sources that introduce a complete work of Hanafī *uṣūl al-fiqh*.[44] Al-Jaṣṣāṣ in his work defines *majāz* as follows:

> *Wa al-majāz huwa mā yajūzu bihī al-mawḍiʿū alladhī huwa ḥaqīqa lahū fī al-aṣl wa summiya bihī mā laysa al-ism lahū ḥaqīqa.*[45]

> *Majāz* is a word, which is assigned to its original meaning, i.e. *ḥaqīqa*, and (later) is named for another name which is not [used] by its *lexical* [meaning] *(haqīqa)*'.

Al-Sarakhsī, the follower of al-Jaṣṣāṣ articulates in another explanatory definition for *majāz* that *majāz* is "a meaning that transits or moves (*taʿdiyya*) from its original meaning to another meaning".[46] For instance, "the lion is coming". Here, the word "lion" moved from the primordial assigned meaning to express "brevity, courage".

With respect to *istiʿāra,* al-Sarakhsī describes it as: "each vocable that is borrowed (*mustaʿār*) for a thing [a meaning] in order to [be used] beyond its primordial assigned meaning". Then, he continues by stating "it [*istiʿāra*] is named *majāz,* because it is used beyond its originally (*al-aṣl*) assigned meaning (*al-mawḍūʿ*) ".[47] As stated before, the Hanafī legal theorists use *majāz* and *istiʿāra* alternately.[48] This alternate employment creates a complicated affinity in the definition. Ibn Malak also expounds the reason why in some cases *majāz* was used instead of *istiʿāra*. He reasons by referring to the similarity in the creation of figurative speech, which is using a word beyond its primordial meaning.[49] After describing *majāz*, the legal theorists suggest that both types are put in operation via the means "*ittiṣāl* (link,

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44 Murteza Bedir, "al-Jaṣṣāṣ (d. 370/981)," in *Islamic Legal Thought A Compendium of Muslim Jurists*, eds. Oussama Arabi, David S. Powers and Susan A. Spectorsky (Leiden-Boston: Brill Publishing, 2013), 153.

45 Ahmad ibn ʿAlī al-Jaṣṣāṣ, *Uṣūl al-fiqh al-musammā bi al-Fuṣūl fī al-uṣūl*, ed. ʿUjayl Jāsim Nashamī, 2nd ed. (al-Kuwayt: Wizārat al-Awqāf wa-al-Shuʾūn al-Islāmīyah, 1994), 1:361.

46 Al-Sarakhsī, *Uṣūl*, 1:170.

47 Al-Sarakhsī, *Uṣūl*, 1:170.

48 Wolfhart Heinrichs, *The Hand of the Northwind*: *Opinions on Metaphor and the Early Meaning of Istiʿâra in Arabic Poetics* (Wiesbaden: Kommisionsverlag franz Steiner GMBH, 1977), 26, 30.

49 Ibn Malak, *Uṣūl,* 399.

connection)". To explain this suggestion, the Hanafī scholars introduce a precise formulation: *tarīq al-istiʿāra ʿinda al-ʿarab al-ittiṣāl-*[50] which means: the tool that establishes metaphor is *ittiṣāl*. Now, we will closely examine, what *ittiṣāl* is and how they related *majāz* to *dhihn/mind*.

Ittiṣāl: The means that constitutes *istiʿāra/metaphor*

Ittiṣāl is derived from the root *w-s-l*, and lexically means to connect, to establish a relation, a link, interlock and *verbindung*. In legal theory, the function of "*ittiṣāl*" varies depending on the focus of the subject. In the context of juristic analogy (*qiyās*), *ittiṣāl* is one of the means that leads to/causes the legal decision. Within the limits of *majāz*, *al-ittiṣāl* is used as a term explaining the mechanism for metaphors. That means, metaphors result by a sort of association (*al-ʿalāqa, al-munāsaba*).

As stated in the beginning, this study focuses on the linguistic dimension of the legal theory. Therefore, we will mainly evaluate *ittiṣāl,* in particular *ittiṣāl al-maʿnāwī,* from the scope of linguistics. In *majāz,* two functions are central to *ittiṣāl*. The first one is the expressive function, which has the major role (the linguistic aspect) and where two ideas are connected to express the intended meaning: for instance literary expressions or metaphors in the ordinary language. The other one is the legal function-predominantly used by the legal scholars to extend a provision (*sabab-musabbab*).[51]

To start with, legal theorists categorise *ittiṣāl* into two: *al-ittiṣāl bayna al-shayʿayni yakūn ṣūratan ʾaw maʿnan* /the link between two things is originated by image or by *maʿnā* (thought, mental, abstract, prediction)*"*.[52] Al-Sarakhsī claims that there is an interaction between two things that constitutes metaphor. Although, al-Sarakhsī defines *istiʿāra* by a borrowing process between two words (*lafẓ*), here, intriguingly, he uses the word "*al-shayʿayn (two things)*" instead of "*lafẓ* (word, form)". According to this preference, the link or the transfer of the meaning does not occur merely between words, but between two *things*. Al-Sarakhsī does not feel the need to explain what he means with the "*two things*", which also connotes that *al-shayʿayn* is open to interpretation. Herewith, the problem of how *al-shayʿayn* should be understood arises. One might argue that *al-shayʿayn* is used randomly. But then one may question: why did Bazdawī, who lived at the same century, similar to al-Sarakhsī, use the word *al-shayʿayn*, instead of *lafẓ/word* -which is the key element for metaphor? [53]

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50   Al-Sarakhsī, *Uṣūl*, 1:178; Ibn Malak, *Uṣūl,* 400.

51   Al-Sarakhsī, *Uṣūl*, 1:180.

52   Al- Sarakhsī, *Uṣūl*, 1:178; Ibn Malak, *Uṣūl,* 399- 400.

53   Al-Sarakhsī, *Uṣūl*, 1:178; Husām al-dīn Husein bin Alī bin Hajjāj al-Sighnākī, *Al-Kāfī al-sharḥ al-bazdawī*, ed. Fakhr al-Dīn Sayyid Muhammad Qānit (Riyād: Maktabatu al-Rushd, 2001), 777.

Intriguingly, Ibn Malak, who refers to al-Sarakhsī a lot, does not only content himself with the use of *al-shay'ayn* but also tries to understand how this interaction occurs between these two things. Ibn Malak explains that the process between the two *things* or *words* occurs by a transfer between genus and species, or between two species, and on the other hand between *sabab* and *masbūb,* or by comparison.[54] In this explanation, Ibn Malak tries to outline what is said about *majāz* before him in the Hanafī legal theories. However, his particularity does not result from this outline, rather how he implicates the role of mind/*dhihn* in this subject. He openly uses the word "*al-dhihn*" to express the determining factor in the transfer from genus to species, *al-ittiṣāl* and other types of figurative use.[55] Ibn Malak, where he discusses the boarders of *majāz,* draws the attention to the fact that that *majāz* is a way of expressing the meaning not only by the means of lexical item, but more by the means of *al-dhihn*.[56] According to him, this also means, both *ittiṣāl* and *al-shay'ayn* are related to mind and thought.

With this statement, Ibn Malak both expounds al-Sarakhsī's work and also diverges from Aristotle's metaphor. Furthermore, unlike al-Sarakhsī, Ibn Malak, does not immure the idea of connection (*ittiṣāl*) in the frame of *isti'āra*. Ibn Malak mainly extends this idea into the whole concept of *majāz*. This also means that as to Ibn Malak, *dhihn*/mind has a primary function in any type of figurative usage.[57] Particularly, the function of mind comes into sight while the legal theorists present the types of *ittiṣāl* in the discussion on metaphor which are *ittiṣāl al-ṣūrī* (a link based on image) or *ittiṣāl al-ma'nāwī* (a predictive link, or non-physical similarity which is abstract, or a link that represents the purpose of *ḥukm*/legal decision).[58]

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54 Ibn Malak, *Uṣūl,* 401.

55 Ibn Malak, *Uṣūl,* 382.

56 Ibn Malak, *Uṣūl,* 380.

57 Ibn Malak, *Uṣūl,* 371, 372. Additional wise, the function of mind or mental representation is not only noticed by Hanafī legal theorists, but also the Shafīī, Zarkashī in his work named *Bahr al-Muhit*, explicitly states that this link is part of the cognitive process (*'alāqa dhihniyyah*) (Muḥammad ibn Bahādur al-Zarkashī, *al-Baḥr al-muḥīt fī uṣūl al-fiqh*, ed. 'Ānī, 'Abd al-Qādir 'Abd Allāh, Ashqar 'Umar Sulaymān (al-Kuwayt : Wizārat al-Awqāf wa-al-Shu'ūn al-Islāmīyah, , 1ˢᵗ Edition, 1992), 2:199).

58 Unal Yerlikaya translates *ittiṣāl al-ma'nāwī* into Turkish as connection based on purpose or function (*amaçsal ilişki*) (Ünal Yerlikaya, "Hanafî Düşüncede Hakîkat-Mecâz İlişkisinin Kavranış Biçimine Etkisi Bakımından Sebep-İllet-Hüküm İlişkisi," *Süleyman Demirel Üniversitesi Sosyal Bilimler Enstitüsü Dergisi* 1, n. 30 (2018): 50). Here, I differ from Yerlikaya. In Islamic legal theory, *ittiṣāl* is designated as a means both for reaching *ḥukm* and for explaining metaphor. Therefore, the function of *ittiṣāl al-ma'nāwī* varies depending on which purpose it is used and on the context. In relation to the focus of this article, I employ *ma'nāwī* in the linguistic framework where it indicates an abstract and mental concept.

Ittişāl al-şūrī

To start with *ittişāl al-şūrī* (image-based link), this link is established on the experience of the physical world or of that can be perceived by human senses (*maḥsūs*)[59],[60] *Ittişāl al-şūrī* is the category to which the legal theorists allocate space to explain how they reach legal decisions, in comparison to *ittişāl al-maʿnāwī*.

One of the main examples given in the Hanafī texts is the expression "*aw lāmastum al-nisā*" in Q 4: 43. The word *lāmasa* (to touch) in the above *ayah* can convey two meanings: the literal meaning 'to touch' and the metaphoric meaning 'sexual intercourse'. A Shāfiʿī scholar in the classical period would translate this expression literally "*do not touch*". In the meanwhile, this expression can be understood figuratively- as the Hanafī tradition did and can be translated as "*intercourse*". For centuries, Hanafī and Shāfiʿī legal schools separately embraced both the meanings of intercourse and touch. Here, the two legal schools, Hanafī and Shafiʿī, are in dispute as to whether *lāmasa* in this context is *majāz* or not. Hanafītes argue that, given the context of this ayah and the relevant hadith[61], the word means "sexual intercourse". This dispute has practical consequences as well as legal. However, apart from the textual indications and interpretational choices, the essential point in this example is that the Hanafī scholars assume that there is an image-based link between "touching" and "intercourse", which is perceptible through senses (*al-maḥsūs*).[62] As the Hanafī scholars use the image-based closeness also as a means for justifying the legal decision they reached (*aḥkām*). Eventually, this link enables the jurists to engage this expression metaphorically and to extend the provision.

Ittişāl al-maʿnāwī

With respect to *ittişāl al-maʿnāwī* (abstract and predictive link or a link established due to a shared legal purpose), the process of this link is different than the former. As explained before, this particular link has two functions: one in the juristic analogy (*qiyās*) and the second one in ordinary metaphors. This article is aimed at analysing the latter function of *ittişāl al-maʿnāwī,* i.e. the linguistic dimension.

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59 Al-Jurjānī in his *Asrār al-Balāgha* mentions three types of *istiʿāra* which two of them are based on image similarity and the third one based on abstract meaning. It is essential to note that the terminology used by al-Jurjānī notably differs from the Hanafī legal theorists. *Ittişāl*, which is a term in the Hanafī discourse, is hardly used. Al-Jurjānī has his own terminology to explain *istiʿāra* based image and on abstraction. For further information see: al-Jurjānī, *ʾAsār al-Balāgha*, 66,67, 74; Deeb, "al-Jurjānī," 70-71.

60 Al-Sarakhsī, *Uşūl*, 1: 178.

61 Al-Sighnākī, *Uşūl,* 769-70.

62 Al-Sarakhsī, *Uşūl,* 1:178.

The example for the *ittiṣāl al-maʿnāwī* is the formulaic metaphor "*Zaydun asadun*" (Zayd is a lion). According to the native Arabic speaker and the target, there is a link between the lion and Zayd in terms of being strong and brave (*maʿnā*). This relationship does not stem from an observable similarity, since there is not a common space to compare a human being to a lion. But it is acknowledged that there is a shared meaning between them in terms of brevity. Similar to the example of the lion, the metaphor "the donkey is coming" is also given by the legal theorists.[63] In this metaphor, the donkey, as an animal, is associated with being dull or stupid. The reason for this association cannot be sensed or justified by claiming for an observable similarity. Therefore, the jurists called this semantic shared domain "*maʿnawī (*an abstract and predictive relationship", because the so-called shared domain is an outcome of prediction or assumption.[64]

This link is based on mental representations which have an important role in creating this link. While explaining this particular link in the *Uṣūl*, unfortunately, the legal theorists analyse only one or two examples, which are mostly formulaic. To clarify what the legal theorists meant with this link, I will draw upon Ibn Malak and al-Sighnāqī's works. There are two crucial points in their analysis to this example. One of them is the idea that the link is not between two words, but *maḥal* (domain), which is an abstract concept rather than a physical space. And the second is the idea of composing a similarity between two completely distinctive things in the mind of the speaker. As mentioned before, Ibn Malak states that it is *al-dhihn* which transfers the second assigned meaning to the metaphor (*wa al-murād ʾan yakūn al-maʿnā al-waḍiʿyyu bi haythu yantaqil min hu al-dhihn ilā al-maʿnā al-majāziyyi*[65]). For instance, between stupidity (*balīd*) and donkey (*ḥimār*), there is no essential similarity and familiarity between them. Despite this, it is assumed that there is a shared semantic domain between stupidity and donkey.

So, there is neither physically, biologically, nor lexically, an observable link between "lion and Zayd" and "stupidity and donkey" in the outside world. This link exists in the mind of the utterer and the target. Bazdawī expresses the exigency of the link between the two concepts as: "*ṭarīq al-istiʿāra ʿinda al-ʿarab al-ittiṣāl bayna al-shayʾayn*"[66], i.e. metaphor is composed as a result of the link between two things. Then, al-Sighnāqī in his annotation to Bazdawī's legal theory interprets what those two *things* can be. By utilising from linguistic terminology, al-Sighnāqī states

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63   Al-Sighnākī, *Uṣūl,* 778.

64   Simon, "*Istiʿāra*," 442.

65   Ibn Malak, *Uṣūl,* 409.

66   Al-Sighnākī, *Uṣūl,* 777.

that these two things are indeed *al-mustaʿār ʿanhu* (from which the metaphoric meaning is borrowed) and *al-mustaʿār lah* (that to which the borrowed meaning is given)[67]. In another discussion in the same work, he again recalls the same metaphor and claims that the Arabs see a specific shared *maʿnā* (shared semantic entity) between Zayd and lion.[68] But, this shared semantic entity cannot be sensed, as it has no reflection in the physical world. Later, in a proceeding topic, he states that *ittiṣāl* occurs between the domain of *majāz* and domain of *ḥaqīqa* (*wa al-ittiṣāl bayna maḥal al-majāz wa bayna al-ḥaqīqa*)[69]. Here, al-Sighnāqī does not seem interested in qualifying what these two *things* are and what kind of mechanism relates these two *things* or what he means with "*maḥal*". Nor does he notice how he looks from many different perspectives to the expression "*al-shayʾayn*".

Another remarkable discussion in the text paving the way to comprehend the two *things* is on whether *ittiṣāl* is an association or comparison occurring between all aspects of the compared entities, or whether we can only talk about a correlation of specific domains in metaphor.[70] As explained before, *istiʿāra* is a result of an interaction between two particular domains. The Hanafī legal theorists argue that one of the major features of *istiʿāra* is that there is only a partial link. Ibn Malak explains what kind of theoretical and practical effect the partial and complete link has. He states that if the association occurs between all aspects, it is reasoning (*ʿilla*)- that belongs mainly to the domain of juristic analogy (*qiyās*), and if the association occurs partially, it is a cause (*sabab*)- functions in the metaphoric analogy.[71] To expand on this, the important point is that the link between Zayd and the lion is only carried out in terms of bravery, with all other characteristics of a lion being ignored. Namely, the relationship between Zayd and lion can be activated only by the shared semantic area (*maʿnā*) that is known by its linguistic community.

Up to now, we have presented how the Hanafī legal scholars explained the mechanism of *majāz* and the relation of mind to *majāz*. In the course of the explanation, they used particular terms and concepts, and these are *ittiṣāl, al-dhihn, ittiṣāl al-ṣūrī, ittiṣāl al-maʿnāwī, al-shayʾayn,* and *al-maḥal*. Based upon the terminology and the categorisation of *ittiṣāl,* it can be easily said that the Hanafī scholars were aware of the operative function of mind in *majāz* and some cognitive elements can be found in the Hanafī legal theories. However, it is essential to

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67 Al-Sighnākī, *Uṣūl,* 777.

68 Al-Sighnākī, *Uṣūl,* 801.

69 Al-Sighnākī, *Uṣūl,* 821.

70 Al-Sighnākī, *Uṣūl,* 801.

71 Ibn Malak, *Uṣūl,* 400.

consider Al-Karaki's remark on the pitfall of juxtaposing cognition in the Arabic philosophy of language with contemporary cognitive theory to metaphor. The contemporary approaches to metaphor theories today has dedicated itself to explore the intriguing relationship between cognition and metaphor. But what does cognition mean in contemporary terms and how does it operate in metaphor construction?

In the 20th century, I. A. Richards (1936), with the interest to understand and explore the mechanism of metaphor, introduced his own approach and a set of useful terms. [72] In his approach, Richards first developed the idea of "transference from genus to genus, from genus to species, from species to species or analogy", into the idea of that each metaphor consists of two parts: *tenor* and *vehicle*. In metaphor, *tenor* (Latin for connection) represents a person, place or thing, and vehicle is what tenor represents. In this approach, metaphor was no longer reduced in a passive theory of words or substitution; but rather, it is an active "interaction" between "tenor" and "vehicle". [73]

Later, in the 1960's, Max Black lays another brick on Richards's views by suggesting that the concept of interaction between these two parts should be qualified. Black argues that there is a constructed *commonplace* where the interaction takes place in the semantic area. For instance, in the semantic area of *Zayd* and lion (brevity). In his theory, the idea of "*interaction of commonplaces*" takes place in the semantic area of the language, and through words. [74] Recent experimental results from cognitive linguistics prove that interaction, mappings, and creating relation are the key functions for the mechanism of metaphor. [75] Fauconnier and Turner provide a rich and deep understanding of the process of this mapping that underlies the way we think and how we relate concepts to the metaphor. Meaning giving for metaphor occurs by understanding one experience in terms of another experience through an analogical process.

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72 Andrew Ortony, "Metaphor, language and thought" in *Metaphor and Thought,* ed. Andrew Ortony, 2nd Edition (Cambridge: University of Cambridge Press, 1993), 3.

73 Miriam Taverniers, *Metaphor and metaphorology A selective genealogy of philosophical and linguistic conceptions of metaphor from Aristotle to the 1990s* (Belgium: Academia Press, 2002), 21.

74 Max Black, "Metaphor," *Proceedings of the Aristotelian Society,* New Series, no.55 (1954-1955): 273-294. Max Black, "More about Metaphor," in *Metaphor and Thought*, ed. Andrew Ortony, 2nd Edition (Cambridge, New York, Melbourne: Cambridge University Press, 1993), 21.

75 George Lakoff, "The Contemporary theory of metaphor," in *Metaphor and Thought*, ed. Andrew Ortony, 2nd Edition, (Cambridge, New York, Melbourne: Cambridge University Press, 1993), 203; Gilles, Fauconnier and Mark Turner, *The Way We Think: Conceptual Blending and the Mind's Hidden Complexities* (New York: Basic Books, 2002), 39-57, 278-308; Gilles Fauconnier, *Mappings in Thought and Language* (Cambridge: University of Cambridge Press, 1997), 127-30.

Fauconnier extends this analogical process by introducing various examples showing how this process works. For instance, the word *journey* calls to mind a situation by which physical motion from one place to another occurs. At the same time, one might also notice that *journey* is used to refer to one's experience for state of mind. For instance, Love is a *journey*. In the example of *journey*, while uttering the metaphor, a mapping occurs between the two conceptual domains[76], namely between the abstract experience (such as love) (target domain) and the concept of *journey* which is more a physical activity (source domain). Lakoff and Johnson call it the conceptualisation of metaphors; where one concept/ domain is understood in terms of another concept/ domain.[77] By introducing new useful terms to explain how metaphors operate, Richards, Black and Lakoff and Johnson drift apart from Aristotle's definition of metaphor. Here, we tried to present a small fraction of what kind of concepts and terminology is used today while explaining how the mind operates while using metaphors. Saliently, it can be argued that both *majāz* in Hanafī *uṣūl al-fiqh* and the contemporary approach to metaphor has digressed from Aristotle's definition of metaphor and both have introduced their own terminology to articulate the formulation of metaphor- where *dhihn*/mind/ cognition has its own room in these discussions.

Conclusion

In this article, we have sought to demonstrate the linguistic dimension of Islamic legal theory by focusing on the subject of *majāz* in Hanafī *uṣūl al-fiqh*. In particular, it is briefly pointed out, the relationship between *majāz* and mind and the cognitive elements mentioned in the legal theories. To discuss the argument of this article on solid ground, we have chosen to focus on the terms *ittiṣāl, ṣūrī, ma'nā, dhihn,* and *maḥal*.

The Hanafī legal scholars argue that *majāz* and *isti'āra* are constituted via a particular link named *ittiṣāl. Ittiṣāl* operates in two different types and processes which are *ittiṣāl al-ṣūrī* and *ittiṣāl al-ma'nāwī.* These types explain the relationship between the two different semantic entities that generate figurative expression. Namely, 'making something belong to something else' through claiming a similarity (*ma'nā*) or image-based similarity (*ṣūrī*). As Ibn Malak clearly put forwards, in this process the mind is operative. Namely, *ittiṣāl al-ṣūrī* links two semantic domains by relying on a shared common ground that can be sensed or that can be observed in the physical world. In *ittiṣāl al-ma'nāwī,* it is presumed that there is a shared common ground between two semantic domains.

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76 Lakoff, "Metaphor," 211-13.

77 George Lakoff and Mark Johnson, *Metaphors We Live By With a New Afterword* (Chicago and London: The University of Chicago Press, 2003), 17-21.

On the side of Arabic linguistics, Simon and Leezenberg claim that while discussing *majāz,* al-Jurjānī refers to the cognitive content of *majāz* in his works. There are points to contemplate on this claim. One of them is, unfortunately, as noted by Al-Karaki, is to approach cautiously the term *cognition* in contemporary linguistic theories along with the conceptual field of *dhihn* in Arabo-Islamic linguistics- as modern use of cognition differs from traditional use of cognition (*dhihn*).

The recent studies dedicated to challenging the micro-characterisation of metaphor mainly confine metaphor in transfer, deviance of words and substitution. Instead of using the concepts and terms of Aristotelian metaphor, semantic domains, mapping, interaction, and physical world or conventionalized experience became the means that elaborate and explain the nature of metaphor. The cognitive-semantic theory of metaphor (by Lakoff and Johnson) place experience in the center of his theory and claim that metaphors function mostly in a conceptual system and metaphors are a matter of thought, rather than language.

Reflecting on these explanations of these Hanafī authors, it is not easy to argue that the legal theorists conceptualised cognition in the same way that contemporary metaphor theories do today. But, one can also not claim that the legal theorists approached *majāz* or *istiʿāra* secluded from any mental process or engaged *majāz* in a reduced form of transfer from genus to species or merely a comparison. Indeed, where the discussion on why genus is required for a metaphor takes place, Ibn Malak clearly articulates that genus is required so that *al-dhihn* (mind) can relate it to species. Furthermore, the function of cognition is underpinned by the categorization of *ittiṣāl* as image-based relation and relation based on prediction. This again demonstrates the way the Hanafī legal theorists understand the process of *istiʿāra.* The use of the expression *al-shayʿayn* again is another matter to discuss. It can be claimed that the use of *al-shayʿayn* refers to the two semantic domains. Unfortunately, the Hanafī works do not provide a well-developed theoretical background for us to understand the terminology used for *majāz*. However, there is terminology that enables us to explore and to interpret to what extent the mind is incorporated in the theory of *majāz*.

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