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A Socio-pragmatic Study of the Speech Act of Divorce in Religious and Legislative Discourse

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ABSTRACT

Linguistic studies attempt to cover all issues, whether social, legal, linguistic, medical or even technological. Since social issues are the most important issues that need to be focused on, this study is devoted to analyse one distinctive social issue i.e., divorce. Hence, divorce, as a main important social issue, is a controversial topic, since it varies among religions and cultures, in addition to its different legislations among countries. Therefore, this study attempts to analyse socio-pragmatically the speech act of divorce in religious and legislative texts, namely, the Quranic and Biblical texts and legislations of both Iraq and Britain. This study aims to examine the socio-pragmatic factors that influence divorce in religious and legislative texts and to compare between the two languages in terms of divorce socio-pragmatically in religious and legal laws. The researchers use a qualitative method of research. The model employed in this study is that of Austin's felicity conditions (1965) and Grice's cooperative principle (1975). The results of this study reveal that socio-pragmatic factors have an essential role on affecting, performing and expressing divorce across religions and cultures. It is also found that the same speech act is performed differently across cultures employing different felicity conditions while submitting to the same maxims with different results.

Keywords: divorce, pragmatics, felicity conditions, cooperative principle

دراسة تداولية اجتماعية لخطاب الطلاق في النصوص الدينية والتشريعية

المستخلص

تحاول الدراسات اللغوية تغطية جميع القضايا ، سواء كانت اجتماعية، قانونية، لغوية أو طبية أو حتى تكنولوجية. لذلك ، بما أن القضايا الاجتماعية هي أهم القضايا التي يجب التركيز عليها فإن هذه الدراسة مخصصة لتحليل قضية اجتماعية واحدة. ومن ثم ، فإن الطلاق ، باعتباره قضية اجتماعية مهمة و رئيسية وهو موضوع مثير للجدل، لأنه يختلف بين الأديان والثقافات ، بالإضافة إلى تشريعاته المختلفة بين البلدان. لذلك ، تحاول هذه الدراسة تحليل البعد الاجتماعي - التداولي لافعال الطلاق في النصوص الدينية والتشريعية ، أي النصوص القرآنية والتوراتية وتشريعات كل من العراق وبريطانيا. تهدف هذه الدراسة الى دراسة العوامل الاجتماعية - التداولية التي تؤثر على الطلاق في النصوص الدينية والتشريعية ، والمقارنة بين اللغتين بخصوص الطلاق اجتماعيا وتداوليا اضافة الى القوانين الدينية والقانونية. يستخدم الباحث طريقة البحث النوعية لفحص ووصف البيانات المختارة في هذه الدراسة. النموذج المستخدم في هذه الدراسة هو ظروف السعادة في أوستن (١٩٦٥) ومبدأ جريس التعاوني (١٩٧٥) لإظهار الاختلافات بين الثقافات من نفس الكلام الكلام. تكشف نتائج هذه الدراسة أن العوامل الاجتماعية - البراغماتية لها قاعدة أساسية في التأثير على الطلاق عبر الأديان والثقافات وأدائه والتعبير عنه. ووجد أيضاً أن إجراء الكلام نفسه يتم تنفيذه بشكل مختلف عبر الثقافات التي تستخدم ظروف السعادة المختلفة والخضوع لنفس القواعد مع نتائج مختلفة.

1. Introduction

Language is universal and it is a recognisable feature of human faculties and human behavior (Robins, 1964). Because of its importance, language should not only be studied syntactically but also contextually. Thus, pragmatics, i.e., one of the linguistic fields, deals with studying language use in context and context dependence of a variety of linguistic interpretation. In this context, one can state that a sentence can reveal different meanings and underlie different propositions from one context to another. The ambiguous sentence might be interpreted by more than one meaning, either because one of its component words includes more than one meaning or because more than one syntactic analysis is admitted by the sentence (Audi, 1999).



Moreover, pragmatics is described as a science deals with what is performed in interaction that is negotiable among interactants in action and reaction (Weigand, 2008).

This study investigates the socio-pragmatic aspects of the act of divorce and how its felicity conditions are used differently cross-culturally. Furthermore, it is concerned with examining the socio-pragmatic features employed in religious and legislative texts. Generally, sociolinguistics deals with language in society that reflects its culture and thoughts, whereas pragmatics deals with language in use to reflect the implied meanings in religious and legislative texts.

The study of divorce has fascinated the consideration of a number of scholars in different fields of study such as religion, sociology, anthropology, and linguistics. This is because divorce is closely related to human social life that can be viewed linguistically, religiously and legally. The issue of divorce has been mentioned many times in the divine books, (e.g. the glorious Quran and the Holly Bible), in different ways such as encouraging, ordering and prohibiting by depending on certain context. However, divorce is expressed directly or indirectly as a pragmatic and a social issue in the glorious Quran and the Holy bible as seen in these religious verses:

1.

وَإِنْ عَزَمُوا الطَّلَاقَ فَإِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ (البقرة: ٢٢٧)

227 But if their intention is firm for divorce, Allah heareth and knoweth all things. (Ali, Trans., 1937,p 16)

2.

31“It has been said, ‘Anyone who divorces his wife must give her a certificate of divorce.’ 32 But I tell you that anyone who divorces his wife, except for sexual immorality, makes her the victim of adultery, and anyone who marries a divorced woman commits adultery. Matthew 5:31-32

Thus, the glorious Quran and the Holy Bible refer explicitly and implicitly to divorce using very expressive words to reflect how sacred



relation the family is. Divorce is stated directly as an explicit word in the glorious Quran as (الطلاق) and in the holy bible as (divorce). Hence, because of the importance of these issues, the glorious Quran and the holy Bible focus many times to state them with their detailed instructions.

The current study attempts to investigate the same issue but in different cultures. The comparison between two languages is described by Khalil (1999) as “concerned with comparing two or more languages for the purpose of identifying similarities and differences that hold between the languages compared” (p.2). One can say that religion has a strong effect on culture and the relation between religion and culture is difficult to be answered. Sometimes, religion and culture are really integrated that it is difficult to know which influenced the other. For example, the Asian cultures are recognised for having family values and proper decorum that are totally influenced by the Islamic decorum (McGoldrick, Pearce, & Giordano, 1982).

In addition, Putz and Aertselaer (2008) state the intercultural communication is an aspect of globalization. Moreover, Samovar, Porter and McDaniel (2010) state that “intercultural contact occurred whenever people from one tribe encountered members of another tribe and discovered that they were different” (p.2). These differences, elicit the human tendency to respond malevolently in the absence of multicultural tolerance and awareness.

Furthermore, Paltridge (2012) states that culture is “a historically transmitted and systematic network of meaning that allow us to understand, develop and communicate our knowledge and beliefs about the world” (p.243).

Moreover, Cudon, et. al (2013) state that the study of culture is “one of the most difficult words to define. This is because it has today several different though related meanings which have emerged at particular moments throughout its long history” (p. 179). Moreover, Wardhaugh and Fuller (2015) describe culture as “knowledge about how a society works, its values and practices”(p.402).



Therefore, these cross cultural differences serve to examine the same issues differently. That is, what is regarded as a speech act in one culture may not be so in another and the felicity conditions of the same speech acts might be different from one culture to another. This may be attributed to the differences of cultural, social, religious, and legal systems. Thus, the current study is employed to reflect the pragmatic implied meanings in divorce verses which are stated by ordering, prohibiting, stating, or asserting, whereas the sociolinguistic study attempts to reflect cross cultural aspects of divorce between the two religions and two countries. Therefore, this study attempts to fill in the gap by investigating socio-pragmatically the acts of divorce from religious and legislative perspectives to reflect the similarities and differences between Islam and Christianity socially and linguistically as well as investigating how a legislation of one country contradicts or shares similarities with the legislation of the other country.

2. Literature Review

The discussion of the relationship between various functions of language in society or language and society should be stated by attempts to clarify what these terms are. Therefore, society is defined as any group of people who live together for certain purpose or purposes whereas, society is a concept that reflects different kinds of societies. Language is what members of a society speak. The definitions of society and language are not independent as one depends on the other and in the definition of language there is a reference to society. If to look at the history of linguistics, it is rare to find language which is entirely cut off from current investigations in the history of that language, or of its social and/or regional distributions, or of its relationship to ideas, objects, events and actual speakers and listeners in the real world. Language is thus, a set of items. The arrangement of these items and their status is what language theorists concern themselves with. While social theorists, especially sociolinguists, attempt to investigate how societies are structured and how people manage to live together. To do so, they try to use such concepts as 'identity', 'power', 'class', 'solidarity' 'accommodation' 'status' 'face' 'politeness' 'gender' (Wardhaugh , 2010).



Moreover, Holmes (2013) describes sociolinguistics as studying the relationship between society and language and explaining why people speak differently depending on different social contexts. She (2013) describes it as “concerned with identifying the social functions of language and the ways it is used to convey social meaning” (p.1).

Lyons (1977) states that in order to produce any utterance it is important to be involved in a specific kind of social interaction. The idea of speech act theory is described by Taylor (1987) as reflecting the power of language that does not make the world “mirror it”(p.357). It is regarded that any sentence expresses states of affairs (Sweetser, 1990). Kess (1992) states that people’s speech is not only a transmission of information, but they convey their intention with it. Rankema (1993) states that the speech act theory shows the language as a form of acting. Parker (1986) states that speech acts depends highly on the context of their use especially the relation between the speaker and the hearer. Bachman (1990) states that the speech acts in communication cases are closely related to the functional scopes of language.

Speech acts are not the same among cultures. Fraser (1981) states that the idea that all indirect speech acts that hold illocutionary force are sharing similarities across languages; however, their function ,frequency of occurrence and their distribution show differences. In addition, Blum-Kulka and Olshtain (1984) declare that there are differences in using speech acts inter-culturally and crossculturally.

Certain conditions must be found for performing any act. Therefore, these are the necessary conditions that must be fulfilled for a speech act to be appropriately performed (Cruse,2006). Ellece and Baker, (2011) state that, these conditions are the circumstances that are “required for a PERFORMATIVE to be successful; they often involve the rights, obligations, beliefs or abilities of participants” (p.46). Wardhaugh and Fuller (2015) describe the felicity conditions as “the situation necessary for a particular speech act to be successfully performed”(p.405).

Austin (1962) suggests four conditions for an action to be performed felicitously. These circumstances are essential for a performative utterance to go happily (felicitous). He calls these circumstances as the felicity conditions and if any of these conditions is violated, the speech will be regarded as infelicitous. These procedures are (Austin, 1962 p.14 -15):

- A.1 There must exist an accepted conventional procedure having a certain conventional effect.
- A.2 The particular persons and circumstances in a given case must be appropriate for the invocation of the particular procedure invoked.
- B.1 The procedure must be executed by all participants both correctly and
- B.2 Completely.
- T.1 Where, as often, the procedure is designed for use by persons having certain thoughts or feelings,....., and the participants must intend so to conduct themselves, and further
- T.2 Must actually so conduct themselves subsequently.

Therefore, the expression of saying I now pronounce you husband and wife is regarded as felicitous if it is uttered by a priest to a couple of man and a woman in certain place, that is church with the existence of people for celebrating the wedding ceremony. The intended action must be regarded and taken for granted by all the participants as the priest and the couple; otherwise, pronouncing the act would be regarded as unhappy or infelicitous. When an act does not conform to the essential conventions, the action would be described as being misfire, whereas when the action was done insincerely by all the participants it is described as abuse (Austin ,1962).

Furthermore, Petrus (2010) mentions that Grice (1913- 1988), the British philosopher, is regarded as an eminent representative for ordinary language philosophy and is famous for his contributions in the philosophy of language. His two papers 'Logic and Conversation' (1967) and 'Meaning' (1975) participate much in textbooks related to language, philosophy of language and communication or even cognitive sciences.

In addition, Cruse (2006) and Blutner and Zeevat (2004) state that there are four maxims that are considered as rules for conversations. People

try their best to follow these maxims and assume their conversational partner to follow. The maxims express a rational basis and not mere conventions.

3. Speech Act of Divorce in Islam

Divorce is the breaking of the ties of marriage. Islam is the merciful religion that designs all its laws and rules for the human's sake. It does not forbid divorce but it discourages it. Since the laws of Muslims are taken from the glorious Quran, most Quranic verses encourage marriage and discourage divorce. It permits divorce only for necessary cases.

Islam discourages divorce. Many procedures under sharia law exist for performing divorce. Both parties have their own rights. That is, the husband's rights are different from the wife's. Men are permitted to divorce their wives under a process named talaq. Talaq is performed when the husband intends to divorce his wife during the menstruation. Moreover, in Islam divorce differs depending on different schools so that some men can simply divorce their wives by only uttering I divorce you three times (cited in Lepore, 2012).

Murdock (2018) states Islam contradicts Christianity in permitting divorce since it is not considered as a contract, not a sacrament as opposed to Christianity which regards the marriage tie as a marital unbreakable union, whereas Islam in its first legislations legalises permission for divorce. However, during the pre- Islamic Arab society, divorce existed. That is, the rights for divorce during that period were for husbands to repudiate their wives at any moment they wish and in any procedure they claim fit.

Alhussaini, Abbas and Abed (2017) state that most Muslim societies follow the Islamic rules (Shariah) in performing the issue of divorce. However, there are differences in performing procedures of divorce from one Islamic school of jurisprudence (Fiqh) to another, such as Ja'fary, Maliki, Shafi'I and Hanafi. However, most of them share certain conditions, and without which divorce is invalid.

Moreover, Muslim women are permitted to divorce their husbands under Islamic sharia law in four ways. Firstly, women can employ delegated talaq. That is, husband and wife must be secured by a contract of marriage preceding the marriage which permits both parties to divorce unilaterally. Secondly, the wife can simply use a way called khul which means that a

woman can give something for her freedom and mostly that thing is her dowry. The husband is not permitted to reconcile unless wife's consent after khul. Thirdly, the wife can divorce her husband through judicial intervention which is when the wife states the maltreatment, harm, desertion or absence for one year or more and inability to maintain marriage. Fourthly, the wife has the right to get divorce when the man breaches the agreed-upon marital contract (cited in Lepore ,2012).

4. Divorce in Christianity

Divorce is the separation of a married couple. All religions do not encourage divorce. It varies across cultures and across religions. Therefore, divorce in Islam differs from Christianity. Christianity forbids divorce and regards it as committing adultery sin. In King James, the issue of divorce is stated as a man is allowed to divorce his wife if he finds uncleanness in his wife, then the man can write his wife a divorcement bill. The holy Bible discusses the divorce and considers it as "Every divorce is due to human sin" (Deuteronomy 24:1-4; Matthew 19:8). Divorce in Christianity reflects negative consequences and brings much misery (24 -3).

Laws for divorce are changed over times especially in western countries and even rates are growing up. Changes in rates result in changes in the society itself (Katz, 2003). Rappoport (2005) states that there are many reasons for increasing number of divorce like the desertion of family values that lead for divorce.

Many causes for divorce in the court are stated by Conway (2007) including desertion, separation, adultery or unreasonable behaviour. The separation means one of the couples departs his couple for a period of times from two years or more without agreement. Adultery means the illegal sexual relationship between a man and a woman who are not legally married. The unreasonable behavior reflects values and habits of the other partner that lead the partner to hardly live with. In addition, the grave financial is when the wife gets her grave financial poverty because of divorce (Conway, 2007).

Davis (2015) states the word for divorce is derived from Latin origin. Moreover, divorce is revealed in the holy Bible in the Old Testament and in



the New Testament to mean that the legal or the customary that the marriage is melt.

Moreover, Wild (2006) states divorce decree occurs only when the termination of marriage is done by the court. Many shapes for divorce exist such as: divisible divorce, divorce from bed, divorce received by the mail, divorce gained by one party who travels to obtain it, divorce granted at the parties' demand, or divorce based on that the marriage never existed.

5. Research Methodology

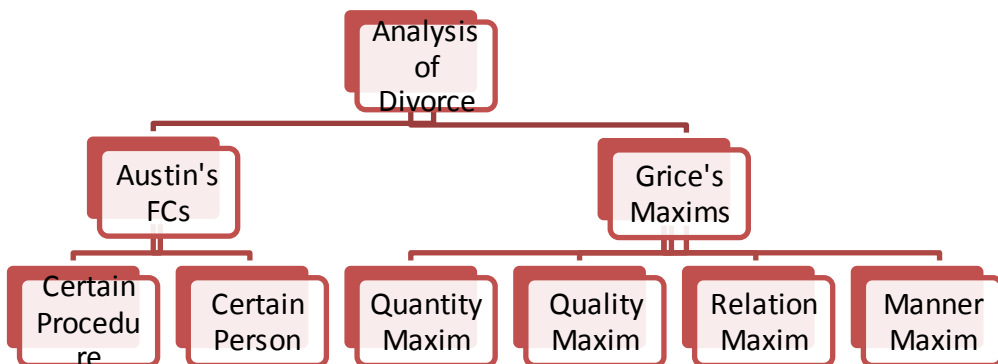
The cross cultural differences in the speech acts are a well-known phenomenon. Therefore, divorce is speech acts that hold the spirit of differences between cultures and religions. Following a qualitative research method, the present study investigates and examines the social and pragmatic aspects of divorce. This is because; the qualitative method presents statements that offer a broad diversity of perspectives and opinions on the investigated phenomena. Qualitative method can set items that can be gathered from variety of sources (Kitzinger, 1987). Moreover, qualitative study is described as a process of inquiry that is based on methodological traditions to explore human or social problem (Creswell, 1998). The methodology type depends on the research questions and objectives (Crabtree & Miller, 1999; Denzin & Lincoln, 2000). Furthermore, the qualitative research investigates several research strategies that have shared characteristics (Bogdan and Biklen, 1992). In addition, the qualitative research is the only research that provides a stronger interpretation and analysis since it is grounded on the normal environment of the phenomenon (Collis, Hussey & Hussey, 2003).

Thus, the qualitative method is employed for analysing the religious (Quranic and Biblical) and legislative texts socio-pragmatically. The researchers employ Austin's (1962) felicity conditions. The felicity conditions are: *certain procedure* and *certain person*; whereas Grice's (1975) maxims are: *quantity maxim*, *quality maxim*, *relation maxim* and *manner maxim*.

The researcher will analyse four texts: one from each holy books: the glorious Quran and the holy Bible, and one from the legislations of two different cultures from Iraq and Britain. The legislative texts are taken from the Iraqi personal status laws and the British family law; since Iraqi and British legal laws are absolutely get their inspiration from the Quranic and Biblical legislations that have the same values to be obeyed. In addition, Iraqi and British laws are a reflection of completely different cultures that help in producing an analysis of the same issues by applying the same models and coming with different results.

Since this study is a pragmatic study, an attempt to show the pragmatic aspects of divorce in both religions and cultures is made. The researcher selects these data since they reflect a deep understanding of the differences between Islamic and Christian religions. Furthermore, it reflects the cross cultural differences of the same speech acts of divorce. Two stages of analysis are adopted: firstly, contextual analysis and the pragmatic analysis. The pragmatic analysis is done by following Austin's classifications of felicity conditions (1962) and Grice's maxims of the cooperative principle (1975).

Figure 1: Proposed theoretical framework for pragmatic analysis[adopted from Austin's classification for Felicity Conditions (1962) and Grice's Maxims of Cooperative principle (1975).



6. Data Analysis

In this section, the data will be analysed according to Austin's classifications of felicity conditions (1962) and Grice's maxims of the cooperative principle (1975).

6.1 Analysis of Divorce Speech Acts in Islamic Culture

This section is devoted for the analysis of divorce texts. It examines Islamic texts, Christian, Iraqi and British texts. The analysis is divided into parts: Contextual analysis, then pragmatic analysis.

6.1.1 Text (1)

Surat Al-Talaq (Divorce), (65: 1)

يُهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ وَالْتَقُوا اللَّهَ رَبَّكُمْ لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيَّنَةٍ وَتِلْكَ حُدُودُ اللَّهِ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا

الطلاق (١)

1. "O Prophet! When ye do divorce women, divorce them at their prescribed periods, and count [accurately], their prescribed periods: And fear Allah your Lord: and turn them not out of their houses, nor shall they [themselves] leave, except in case they are guilty of some open lewdness, those are limits set by Allah: and any who transgresses the limits of Allah, does verily wrong his [own] soul: thou knowest not if perchance Allah will bring about thereafter some new situation" (Ali, Trans., 1937,p.288).

6.1.1.1 Contextual Analysis

This Quranic text is extracted from surat Al- Talaq (divorce) to state the law of divorce according to Islamic legislations. Allah addresses his prophet Mohammad (pbuh) as a generalisation technique for all Muslims to follow and obey. Therefore, the order is legalised as in case the prophet

intends to divorce, a period of divorce must be existed and that period is called (Idda). This verse consists of two orders: the first is if a Muslim man intends to divorce his wife, he must divorce her for certain period and count that period. The second order is that men are prevented from firing their wives unless they commit a sin. These borders are drawn by Allah and should not be crossed. However, Allah states the reason behind that rule which is that good things might happen as they might get off their decision. However, lexically this verse addresses the Prophet explicitly, but implicitly it addresses all Muslims. In addition to that, the word (women) is used in its plural form to convey a generalisation based for all Muslim women. The sentence is expressed in a conditional form to state a condition that if man intends to divorce, period of time must be found to offer ways of reconciliation.

6.1.1.2 Pragmatic Analysis

This part is devoted for the pragmatic analysis to investigate the implied aspects in divorce texts by adopting Austin's felicity conditions (1962) and Grice's cooperative principle (1975).

(A) A.1 Conventional Procedure

Islamic conventions for divorce are the same even across countries, since the legislator is one. For that, the divorce act must be followed with a period of divorce to prove its workability. Therefore, Allah states that condition for divorce to reflect firstly His mercy and secondly to let partners think once again or get their decision off. The divorce cannot be sincere unless there is a period of time. The period of divorce is specified by three menstruations. The woman should not be divorced unless she is clean from menstruation. This is the main conventional procedure that obliges all Muslims to obey and follow for making a sincere divorce.

(B) A.2 Certain Person

The application of a 'certain person' in this verse is two folded: Allah, the legislator, who is the only one who is permitted to put laws for Muslims to follow and the men are the only people whom in case intend to divorce



must divorce their wives for a certain period (Idda). That is, Allah has the authority to legalise any rule and divorce cannot be done unless it is said by the husband to his wife without the use of an agent and only the woman is asked to wait for a period of time not the man. This limitation on gender frees the man and controls the woman.

6.1.1.3 Grecian Maxims

1. **Quantity Maxim:** This verse violates the quantity maxim in stating the lexical word (Idda) without stating that period. However, the period of time is known in other verses in Quran as (ثلاثة قروء). Thus, that verse is not as informative as required specifically when it leaves it for the reader to conclude and determine how many days that period is.
2. **Quality Maxim :** This verse is worthy to be believed in since it comes from a religious source and is uttered by Allah.
3. **Relevance Maxim:** This verse is relevant in stating one subject. All its parts convey one main idea which is divorce.
4. **Manner Maxim:** This verse violates the manner maxim in one point which is the ambiguous period (Idda) that controls divorce from being workable. However, it is ordered in stating actions. It starts first with the intention of divorce (اذا طلقتم) to show a condition that is intended only. Second, it states the order which is stated by the imperative letter (ف) in (فطلقوهن) to order for the action. Then, it states a rule that they should not go out of the house unless they commit a sin.



6.2 Analysis of Divorce Speech Acts Data in Christian Culture

6.2.1 Text (1)

Corinthians 7:11

But and if she depart, let her remain unmarried, or be reconciled to her husband: and let not the husband put away his wife. (King James Bible)

6.2.1.1 Contextual Analysis

Christianity forbids divorce, yet if the wife departs her husband, she must remain unmarried. This Biblical text is said by Jesus Christ to state the law of divorce in the Christian religion. It focuses on a condition when a woman feels discomfort with her husband and decides to depart, her departure does not lead to divorce. This strict rule is stated in the Christian religion to forbid divorce and consider it as an adultery sin. If a woman does not feel comfortable and decides to depart, her contract of marriage remains as a married woman and is forbidden from getting married to another man. The wife is let to decide either remain unmarried or be reconciled to her husband and the husband is ordered to (let not put) away his wife. Christian contract of marriage declares that divorce runs against the will of God. Divorce violates the promise that spouses commit and conventional character of marriage (Brueggemann, 1997).

6.2.1.2 Felicity Conditions

(A) A.1 Conventional Procedure

Conventions of Christianity do not accept nor permit divorce because it regards it as similar to adultery sin. For that, Christianity permits divorce in case of adultery sin. If one of the spouses commits adultery, asking for separation is permitted by one of the spouses. However, the two spouses should not marry again, they must remain unmarried. The word (unmarried) explicitly refers to the strict order for woman in case she departs.

(B) A.2 Certain Person

This verse refers explicitly to the qualified people involved in the divorce act. If a woman finds discomfort in her life with her husband, she is permitted to depart. Hence, this verse shows the existence of uncomfortable wife who demands to depart her husband who is ordered as (must not divorce his wife) in an explicit way to state how divorce is not permitted in Christianity.

6.2.1.3 Grecian Maxims

1. **Quantity Maxim:** This text does not violate the quantity maxim since it states truthful and trusted information. It also, does not state arbitrary or not useful information as informative as required.

2. **Quality Maxim:** This text is true since it is said by a Prophet.

3. **Relevance Maxim:** This text is relevant and expresses a coherent idea.

4. **Manner Maxim:** This Biblical text is clear, organised and ordered although it is brief in stating the rule but it is organised clearly.

6.3 Analysis of Divorce Speech Acts in Iraqi Legislative Texts

6.3.1. Text (1):

الباب الرابع: انحلال الزواج: الفصل الاول الطلاق- المادة السادسة والثلاثون

المادة السادسة والثلاثون: لا يقع الطلاق غير المنجز أو المشروط أو المستعمل بصيغة اليمين

Alwqaqi Aliraqiya(the Iraqi official gazette), Law NO.(188) (1959), issue No. 280 dated December 30, 1959.

Chapter 4 – The Dissolution of Marriage: Section 1 – Divorce: Article 36

(No divorce takes place if it is incomplete, conditional or under the form of an oath).(Translated by American Bar association, Iraq Legal Development Project,2006)

6.3.1.1 Contextual Analysis

This text is extracted from the Iraqi personal status law, law of marriage. It focuses on identifying the conditions that make a void divorce. Divorce is not done if it is incomplete or conditioned by an oath. The implied prohibition is lexically concluded by the negative particle at the beginning of the text (لايفع). However, divorce undergoes certain conditions that govern and rule its workability.

6.3.1.2 Felicity Conditions

(A) A.1 Conventional Procedure

Iraqi law's conventions for divorce assert the existence of unconditional divorce. That is, both spouses must agree upon divorce without a cause of threat, or an oath. Therefore, this law is put for the sake of the oppressed side to protect and provide solutions.

(B) A.2 Certain Person

Divorce in the Iraqi civil law requires the existence of the husband and the wife. The husband is legally permitted to divorce his wife, the wife is able to break the marriage tie but it is not considered as divorce, it is considered as luxation.

6.3.1.3 Grecian Maxims

1. **Quantity Maxim:** This text does not obey quantity maxim since it is not as informative as required. The legislator states conditions of invalid divorce without referring to the detailed conditions as with the condition (incomplete) (غير المنجز) which reflects many and different interpretations.
2. **Quality Maxim:** This text is not violating quality maxim. It states a rule of invalid divorce.
3. **Relevance Maxim:** This civil code expresses relevant information.
4. **Manner Maxim:** This civil text violates the manner maxim in stating ambiguous information about the conditions that make invalid divorce as with the word (incomplete) (غير المنجز) that needs further interpretation.



6.4 Analysis of Divorce Speech Acts in British Legislative Texts

6.4.1 Text (1)

1969 Elizabeth II- chapter 55: Item: 3

(1) Provision shall be made by rules of court for requiring the solicitor acting for a petitioner for divorce to certify whether he has discussed with the petitioner the possibility of a reconciliation and given him the names and addresses of persons qualified to help effect a reconciliation between parties to a marriage who have become estranged.

6.4.1.1 Contextual Analysis

This text is extracted from the British civil law, family law; law of divorce. It focuses on the provisions used to encourage reconciliation. However, this text investigates one certain provision for reconciliation which is the requirement of a solicitor who helps for reconciliation. The solicitor is required to advise the petitioner by offering him names and addresses of qualified people to affect the divorce decision and encourage reconciliation. The legislator states this law and admits that the petitioner must require a solicitor to advise him/her with names and addresses of qualified people to affect the petitioner reconcile marriage.

6.4.1.2 Felicity Conditions

(A) A .1 Conventional Procedure

The conventional procedure in British court determines certain provisions. This text states one provision which is related to the requirement of a solicitor to help for reconciling the bond of marriage. The solicitor, further, offers the petitioner names and addresses of qualified people to help for reconciliation. This procedure is determined and must be done before making divorce.



(B) A .2 Certain Person

This text ensures the existence of specific people to complete the divorce act as with the petitioner, solicitor, both parties and the court. All those people are involved in this text to help for reconciliation or for completing the divorce act. Thus, the petitioner is either the husband or the wife who is required to deal with a solicitor, who in advance helps for reconciling the marriage in the court with the judge's authority.

6.4.1.3 Grecian Maxims

1. **Quantity Maxim:** This text violates the quantity maxim by being more informative than is required
2. **Quality Maxim:** This text does not violate quality maxim. It is true and for society's benefit.
3. **Relevance Maxim:** This text is relevant to its topic.
4. **Manner Maxim:** This text does not violate the manner maxim in being ordered as starting with provisions that assert the existence of a solicitor, then solicitor's contribution in offering names and addresses of qualified people to help for reconciliation.

7. Conclusion

Divorce reveals certain similarities and differences in Islam and Christianity religious and legislative texts. Concerning the similarities, divorce as an act is not encouraged in both religions and civil laws. However, the Iraqi and British legal laws permit divorce. Moreover, both Islamic and Biblical declarations are stated in a generalised form that address all their followers. In addition, both religions express the wisdom and mercy of Allah in legalising any law for human's sake. Furthermore, the issue of divorce is expressed explicitly by words related to divorce in Quranic, Biblical and legal texts. Furthermore, there is a correspondence between the religious texts with respect to the use of speech acts in expressing moral instructions.

Points of differences in divorce are massive as compared to similarities. Thus, in Islam divorce is permitted but with certain conditions, rights and duties as in stating a period for divorce while in Christianity divorce is not encouraged and it is regarded as equal to adultery sin.



Furthermore, divorce in Christianity is permitted for reasons of adultery. In addition, Islam sets rules for divorce before sexual intercourse as in stating half the dowry for the wife and this right is not revealed in Christianity. In addition, in Christianity, Moses law of divorce explicates the fact that if a woman marries for a second time and gets divorce, her former husband is not permitted to get her back again, While in Islam a law of divorce is legalised based on divorcing the woman three times with a permission to get the wife back again.

Furthermore, Islam contradicts the Iraqi civil law of divorce in not stating the age of the spouses and required only maturity, while the Iraqi civil law sets a condition of divorce when one of the spouses gets married before completing eighteen years old without the judge's permission. In addition, the British civil law of divorce contradicts Christianity in permitting divorce but under certain conditions as under causes of adultery, bad behaviour, short period desertion and long period desertion.

In addition, in Islam a divorced wife is permitted to marry again, while in Christianity the wife is prevented from marrying again even if the wife feels discomfort with her husband. The husband is also prevented from getting his divorced wife again; whereas in Islam the husband is permitted to get his wife three times after divorcing her.

Pragmatically, the Quranic and Biblical texts are expressed in different forms such as order, prohibition or even declaration with different pragmatic functions, that is, as a directive speech act and assertive speech act.

Austin's felicity conditions are applied to Quranic and Biblical texts so as to reflect the socio-pragmatic aspects since Austin's first two procedures of felicitous speech acts are concerned with *conventional procedures* and *certain person* that reveal society's conventions related to divorce to provide the societal aspects of this study. Grice maxims proved that they are applicable on religious and legislative texts in examining the communicative implied ways that the religious and legislative texts employ. Furthermore, it is found that Quranic and Biblical texts less violate Grice's maxims as



compared to the legislative texts and the most violated maxims are quantity and manner.

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