



Article

The Objectives of Islamic Law and the Effect of Lexical Polysemy Upon their Derivation: Qur'anic Marriage Terminology as a Case Study

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Abstract: This study examines the relationship between lexical polysemy in the vocabulary of the Qur'an and the derivation of the objectives of Islamic law (maqasid al-shari'a), taking the terminology of marriage as its applied field. It opens with a concise account of the objectives — their definition, kinds and divisions — as established by al-Ghazali, al-Shatibi and Ibn 'Ashur, and then applies a uniform five-step procedure to the principal marriage terms: nikah, zawj, saduqat together with nihla, ujur, ihsan, and al-mithaq al-ghaliz. For each term it cites the Qur'anic verse, establishes its meaning from the classical Arabic lexicons, consults the commentaries that attend to the objectives of the law — chiefly Ibn 'Ashur's al-Tahrir wa al-Tanwir — derives the legal objective and states the rank of its establishment, and concludes by setting out the effect of polysemy upon that objective and upon the juristic ruling founded on it. The study concludes that polysemy in the terminology of marriage is not a defect of expression but a resource for purposive derivation. Its effect follows four patterns: a complementary polysemy that constructs a composite objective, as in saduqat with nihla and in al-mithaq al-ghaliz; a contested polysemy settled by the clarification of the Sunna, as in nikah and ujur; a dual polysemy, contested in its particular rulings yet complementary at the level of the overarching objective, which is then derived from what the senses share, as in ihsan; and a polysemy whose two senses realise the objective equally, so that preference falls outside the competence of the objective and reverts to linguistic and transmitted indicators, as in qur'. It further establishes that the derivation of objectives from terms proceeds along a three-stage path that may not be reordered — lexical, contextual, then purposive — and that preference by the objective is conditional upon the two senses differing in realising it and upon its being supported by context or by the Sunna.

Keywords: Objectives of Islamic law; lexical polysemy; homonymy; marriage terminology; nikah; ihsan; purposive exegesis; Ibn 'Ashur

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1. Introduction

Praise be to God, who sent down His Book in clear Arabic speech and made the understanding of its address a path to knowledge of its rulings and objectives; and blessings upon His Prophet, who conveyed his Lord's message. Among the characteristics of the tongue in which the Qur'an was revealed are its semantic richness and the multiplicity of the senses of its terms. Our scholars treated this phenomenon under the heading of 'homonymy' (al-mushtarak al-lafzi) among the lexicographers and legal theorists, while the scholars of Qur'anic studies devoted to it the discipline of 'aspects and parallels' (al-wujuh wa al-naza'ir), which reached its classificatory maturity in such works

as Ibn al-Jawzi's *Nuzhat al-A'yun al-Nawazir* [1]. The phenomenon is not an accident to be passed over but a resource of derivation, for upon determining the intended sense of a polysemous term depend both the extraction of the ruling and the derivation of the objective; and polysemy has been among the systematic causes of juristic and exegetical divergence [2,3]. The study selected the terminology of marriage as its field of application for two reasons: first, the chapter of marriage is among the richest in polysemous terms, so that its questions — such as *qur'*, *nikah* and *ihsan* — became standard examples of homonymy in the works of lexicography, legal theory and the causes of disagreement; and second, the objectives of this chapter are among the most clearly established, since the Qur'an states some of them explicitly by a particle of purpose, making the field an ideal testing ground for the relation between signification and objective across differing ranks of establishment.

1.1 Research Problem and Questions: The problem may be stated as follows: how does lexical polysemy in the Qur'anic terminology of marriage affect the derivation of the objectives of the law from it, and what is the effect of this upon the juristic rulings founded upon them? From it follow these questions:

- a. What are the objectives of Islamic law, and what are their kinds and divisions according to the legal theorists and the scholars of *maqasid*?
- b. What are the lexical significations of the marriage terms studied, and in what respects are they polysemous?
- c. How did the commentators concerned with the objectives — especially Ibn 'Ashur — treat these terms?
- d. What legal objective is derived from each term, and what is the rank of its establishment?
- e. What are the patterns of the effect of polysemy upon objective and ruling: when is it complementary and when contested, and by what is it settled?

1.2. Aims

- a. To give a concise account of the objectives of Islamic law, their kinds and divisions, as a foundation for the applied study.
- b. To analyse the marriage terms lexically, exegetically and purposively according to a uniform procedure.
- c. To derive the legal objective of each term and to state the rank of its establishment.
- d. To identify and classify the patterns of the effect of polysemy upon the objectives and the rulings.
- e. To establish the disciplined methodological path for deriving objectives from terms and the conditions of preference by them.

1.3. Significance and Originality

The significance of the study lies in joining three fields often studied apart semantics, exegesis and the objectives of the law — upon a living field, the rulings of marriage, which touch every household and upon which the articles of personal-status codes are built. Disciplining the relation between signification and objective is, moreover, an urgent methodological need in contemporary *ijtihad*, since error arises from two directions: a literalism that halts at the term short of its aim, and an unrestrained purposivism that leaps to the aim beyond the admissible signification. The originality of the study lies in two matters: adherence to a uniform five-step procedure applied to the terms of a single chapter one by one, which permits controlled comparison; and the derivation of a fourfold classification of the patterns by which polysemy affects the derivation of objectives including the pattern of equivalent senses, which delimits the competence of purposive preference from within the application itself.

1.4. Previous Studies and the Position of this Research

Table 1. Previous Studies on Homonymy, Context, and Purposive Interpretation in Ibn 'Ashur

Study	Subject and relation to this research
Bin Zayd, "Homonymy and its Effect on the Divergence of Qur'anic Exegetes" (2018)	Established the role of homonymy in exegetical divergence in general terms; the present study confines the inquiry to the terms of a single chapter and moves from the fact of divergence to the mechanism of purposive derivation.
Qasim, "The Homonymous Term and its Effect on the Divergence of Jurists" (2022)	Treated the juristic effect of homonymy; the present study adds the purposive level and the classification of the patterns by which polysemy operates.
Qa'id and al-Atrash, "Qur'anic Context and its Service to Purposive Exegesis in Ibn 'Ashur"	Established the role of context in purposive exegesis, which the present study employs as the second stage of its derivational path.
Jab Allah and Bulahmar, "The Purposive Dimension of the Rulings of the Family System in Ibn 'Ashur"	Treated the objectives of the family chapter in Ibn 'Ashur; the present study differs in proceeding from the term to the objective rather than from the ruling to the objective.

The table 1. List position of this study among them is that it moves from the demonstration that polysemy causes divergence to the analysis of how it participates in producing the objective itself, and that it formulates the outcome as a classification open to testing in other chapters.

1.5. The Procedure and Criteria for Selecting the Terms: Each term is studied according to five uniform steps:

- Citation of the Qur'anic verse in which the term occurs, and of its other occurrences where required.
- Exposition of the meaning of the term from the classical Arabic lexicons (Ibn Faris's *Maqayis al-Lugha* and Ibn Manzur's *Lisan al-'Arab*).
- Exposition of the verse from the commentaries concerned with the objectives of the law, chiefly Ibn 'Ashur's *al-Tahrir wa al-Tanwir*, with recourse to al-Tabari, Ibn 'Atiyya, Ibn al-'Arabi and al-Qurtubi where they serve purposive clarification.
- Statement of the legal objective derived from the term and of the rank of its establishment (stated in the text, established inductively, or derived by appropriateness).
- Statement of the effect of lexical polysemy upon that objective and upon the juristic ruling founded upon it.

The terms were selected according to three criteria: that the term be genuinely polysemous in the usage of the Arabs, not merely susceptible of interpretation; that its polysemy have borne fruit in a recognised juristic disagreement or in a distinct purposive reading; and that the sample together cover the principal stages of the marriage relationship — its contract, its financial effects, its protective purpose and its solemnity.

1.6. Referencing Policy

References are given in footnotes numbered consecutively from (1) to the last number in the study; the full bibliographic details of a source appear at its first occurrence and an abbreviated form thereafter. Dictionaries are cited by entry and commentaries by sura and verse, these references being stable across editions, while the two *Sahihs* are cited by book

or hadith number. All sources are in Arabic; the bibliography is arranged in order of first occurrence in the text.

2. Materials and Methods

2.1 Chapter One: The Objectives of Islamic Law — Definition, Kinds and Divisions

2.1.1 The Objectives Defined Lexically and Technically

Maqasid is the plural of maqsid, from qasd, whose root in the language denotes straightness of path, reliance, purpose and direction toward a thing [4,5]. Technically, the earlier scholars did not single the objectives out for a comprehensive definition, since with them they fell under the discussions of interests, causes, appropriateness and wisdoms. The best known of the later definitions is that of Ibn 'Ashur: the meanings and wisdoms observed by the Lawgiver in all or most states of legislation, such that their observation is not confined to a particular class of the law's rulings [6]; and 'Allal al-Fasi defined them as the aim of the law and the secrets placed by the Lawgiver within each of its rulings [7]. The upshot of both definitions is that the objectives are the aims and meanings for whose realisation the rulings were prescribed, in the securing of benefits and the averting of harms; their basis being al-Shatibi's inductive conclusion that the law was laid down for the interests of God's servants in the immediate and the ultimate alike [8].

2.1.2 The Kinds and Divisions of the Objectives

The objectives are divided by several considerations, the best known of which are three:

The first division, by their intrinsic strength: al-Ghazali and after him al-Shatibi divided them into the necessary, without which the order of religion and worldly life cannot stand — the preservation of religion, life, intellect, lineage and property; the needed, required for the removal of hardship and for amplitude, such as dispensations and the facilitating principles of contracts; and the improving, which follow the course of noble character and fair custom, such as the etiquette of betrothal and of the wedding feast [9]. Each objective is preserved from two sides: positively, by establishing its pillars and consolidating its foundations; and negatively, by averting actual or expected disruption of it [7].

The second division, by their scope: Ibn 'Ashur divided them into general objectives observed throughout the legislation, such as tolerance, the removal of hardship, equality and the preservation of order; objectives particular to a chapter of the law, among them the Lawgiver's objectives in the rulings of the family, to which he devoted an independent section; and partial objectives, which are the wisdoms and causes of individual rulings [6]. The subject of this study belongs to the latter two classes: the objectives of the chapter of marriage, and the wisdoms of its individual terms.

The third division, by the path of their establishment: some are stated expressly in the texts, as where an objective is given with a particle of purpose or other instruments of justification; some are established by induction from the totality of the rulings and the tracing of their occurrences; and some are derived by allusion and appropriateness. The highest are those stated in the texts, then those established inductively [10]. The practical effect of this division will appear in the differing ranks of the objectives derived from the terms studied: the objective of tranquillity in the verse of spouses is stated in the text, while the objective of protection in the root of ihsan is established inductively from what its several senses share.

2.1.3 The Objectives of the Law in the Chapter of Marriage

Scholars have established inductively that the contract of marriage has particular objectives, the sum of which is: the chastening of the self and the protection of the private parts; the preservation of progeny and of the human species within a framework establishing lineage and ordering rights; the realisation of tranquillity, affection and mercy between the spouses; the founding of the household, which is the nucleus of society; and the ordering of the financial and social effects consequent upon a manifest

and publicly declared contract. Ibn 'Ashur devoted to the objectives of the law in the rulings of the family a section whose substance is the consolidation of three bonds: the bond of marriage, the bond of lineage and the bond of affinity [6]. These particular objectives are branches of the two necessities of preserving lineage and honour, and are connected in certain respects with the preservation of religion and of property; they form the framework within which the terms of the chapter will be read.

2.1.4 The Relation between the Signification of a Term and the Derivation of an Objective

An objective is not derived from a vacuum but through paths, the first of which is the term itself: its lexical root, its morphological form, its context and its justification. Where a term is polysemous, derivation becomes at once more complex and more fruitful: more complex, because determining the objective is subordinate to determining the sense; more fruitful, because the several senses of the term may disclose complementary dimensions of a single objective. Hence the correct path is threefold and fixed in its order: a lexical analysis delimiting the possibilities; a contextual and exegetical analysis filtering them [11]; and a purposive consideration that either exploits what remains or adjudicates between the surviving possibilities. It is not sound to leap to the objective before the first two stages are complete — that would be arbitrary — nor to halt at them short of the legislative aim, which would be a deficient literalism. This path is the one observed by the five-step procedure of the following chapter.

3. Results

3.1 Chapter Two: The Applied Study of Marriage Terminology

3.1.1 The Term *nikah*

First — Citation of the verse: God, exalted be He, says:

“And if he divorces her, she is not lawful to him thereafter until she marries a husband other than him” (Q. 2:230)

And He says: *‘And do not marry those women whom your fathers married, save what has already passed’* (Q. 4:22); the term occurs in many places among the verses of this chapter.

Second — The lexical meaning: *Nikah* in the root of the language denotes joining, interpenetration and mixing; in the speech of the Arabs it is applied both to the contract and to sexual union. Lexicographers and legal theorists differed as to which is its primary literal sense: some held it literal for union and figurative for the contract, others the reverse, and others that it is homonymous between the two [4]. The term is thus among the most celebrated instances of polysemy in the vocabulary of the law, and upon it turn well-known questions in the works of legal theory [3].

Third — Exposition from the purposively oriented commentaries: Ibn 'Ashur explained, on the verse of al-Baqara, that making the marriage of another husband the terminus for the cessation of the prohibition contains a rebuke of laxity in pronouncing the irrevocable third divorce, and that the Sunna clarified what is meant by *nikah* in this setting [6]. On the verse of al-Nisa', the commentators explained that the prohibition of marrying a woman whom one's father had married severs an abhorrent practice of the age of ignorance and safeguards the inviolability of fatherhood and the bond of affinity, which God made a tie like that of lineage [12, 13].

Fourth — The legal objective and the rank of its establishment: The comprehensive objective on which the term turns is the regulation of the lawfulness of intimacy by a manifest contract of determinate elements and public declaration; for the Lawgiver did not make lawfulness depend upon private consent but upon a contract having rules, witnesses and effects, thereby safeguarding the private parts, lineages and the bonds of affinity. This objective is established inductively from the totality of the rulings of the chapter, refers back to the necessity of preserving lineage and honour, and falls under the objectives of family rulings as established by Ibn 'Ashur.

Fifth — The effect of polysemy upon objective and ruling: The term's hesitation between contract and union produced two major disagreements. The first concerns the verse of the intervening marriage: does the second contract alone suffice, or is consummation required? The Sunna settled the polysemy by clarification in the hadith of the wife of Rifa'a: '*until you taste his sweetness and he tastes yours*' (agreed upon) [14], so that the conjunction of contract and consummation was determined; and it emerged that clarification by the Sunna is a recognised path for settling polysemy in a manner realising the objective, since the intended deterrence is not achieved by a formal contract. The second concerns 'those whom your fathers married': whoever took *nikah* as literal for union as the Hanafis did extended the prohibition of affinity to union even without a contract, while whoever took it as literal for the contract as the Shafi'is did confined the prohibition to a woman contracted in marriage; the ruling on affinity through unlawful intercourse thus differed according to the sense determined [15], and each party argued from an objective: the former from protecting the inviolability of the marital bed against every admixture, the latter from the principle that the prohibition of affinity is an honour attaching to the lawful contract and is not attained by an unlawful act. The polysemy here is therefore contested, and the objective itself became the ground of preference between its two senses.

3.1.2 The Term *zawj*

First — Citation of the verse: God, exalted be He, says:

"And among His signs is that He created for you from yourselves spouses, that you may find tranquillity in them, and He placed between you affection and mercy" (Q. 30:21)

Second — The lexical meaning: *Zawj* is the contrary of 'single', and in the speech of the Arabs it applies to each of two partners: the man is called the woman's *zawj* and the woman the man's *zawj* without the feminine ending in the purest usage; *zawj* is also applied to a kind or species [4]. The term is thus polysemous between the human partner and the species, and homonymous, as regards the partner, between male and female under a single word.

Third — Exposition from the purposively oriented commentaries: Ibn 'Ashur treated the verse as among the comprehensive signs of divine favour disclosing the wisdom of legislating marriage, and explained that 'from yourselves' alludes to the congenity and resemblance by which intimacy is achieved, and that the particle in 'that you may find tranquillity' is one of purpose, so that psychological repose is an objective stated in the text as the end of the creation of spouses, affection and mercy being the sustenance of enduring companionship [6]. Al-Qurtubi held much the same in explaining tranquillity and affection [13].

Fourth — The legal objective and the rank of its establishment: The objective here is of the highest rank of establishment, being stated in the text by a particle of purpose: tranquillity, affection and mercy are the end of spoushood. Marriage in the Qur'anic conception is thus neither a mere mechanism of procreation nor a contract of utility, but a mutual repose between two congenial partners. It belongs to the objectives particular to the rulings of the family, and from it branches the principle of consorting with kindness.

Fifth — The effect of polysemy upon objective and ruling: The application of *zawj* to each of the two partners by a single word — rather than by two distinct words — carries a rhetorical intimation of correspondence and complementarity: each is the *zawj* of the other, and the tranquillity in the verse is mutual in direction. This bears fruit in directing the rulings of companionship: the rights founded upon the objective of tranquillity are understood as reciprocal and cooperative rather than appropriative, and they illuminate what no specific text addresses in the jurisprudence of marital conduct and the apportionment of rights, in application of '*and they have rights like those upon them, according to what is fair*' (Q. 2:228). The polysemy here is therefore complementary, serving the objective rather than contesting it — a witness that polysemy may be an instrument for clarifying an objective rather than a problem to be solved.

3.1.3 The Terms *saduqat* and *nihla*

First — Citation of the verse: God, exalted be He, says:

“And give the women their dowers as a free gift; but if they willingly remit to you any of it, then consume it in ease and comfort” (Q. 4:4)

Second — The lexical meaning: *Saduqat* is the plural of *saduqa*, from the root s-d-q, which denotes strength in a thing whether in speech or otherwise, whence *sidq* (truthfulness) for its strength in itself; naming the dower *sadaq* thus links it to the truthfulness of desire and the strength of resolve to honour [5]. *Nihla* is from the root n-h-l: a gift given willingly without demand of countervalue. As to the grammatical status of *nihla* and what it qualifies there are transmitted views: a circumstantial qualifier meaning a gift given willingly, or a verbal noun meaning an ordinance and religious institution from God [5].

Third — Exposition from the purposively oriented commentaries: Al-Tabari, Ibn 'Atiyya and al-Qurtubi reported both views concerning *nihla* with varying preferences [12]; Ibn al-'Arabi explained that the verse abolishes the practice of the age of ignorance whereby guardians appropriated women's dowers, and that the annexation in 'their dowers' is explicit that the women own them; and Ibn 'Ashur treated the command to give as a legislation severing customs of encroachment upon women's rights, *nihla* clarifying the manner and spirit of the payment [16].

Fourth — The legal objective and the rank of its establishment: The objective derived is composite, built by the two terms together from two sides: the vesting in the woman of a purely personal financial right, to the exclusion of her guardian an honouring and a security, belonging to the preservation of both property and honour; and the colouring of the payment with the spirit of gift and willing generosity rather than that of exchange and haggling, so that the contract is founded from its first moments upon honouring rather than bargaining.

Fifth — The effect of polysemy upon objective and ruling: The two senses of *nihla* bore fruit in a disagreement over the mode of argument concerning the dower's legal status: whoever gave precedence to the sense of gift inclined to soften its position within the contract, while whoever gave precedence to the sense of divine ordinance affirmed its obligation and bindingness. Purposive analysis joins the two senses complementarily: obligation is established by its own proofs, while *nihla* describes the spirit of payment; so that the polysemy has built for the dower two attributes that do not contest one another a binding right discharged as a generous man discharges a gift. Upon the same objective is founded the ruling of the verse's conclusion: the lawfulness of her willingly remitting or gifting part of it since the right is hers, its remission is hers while, conversely, every remission extracted by coercion or contrived embarrassment is void; the objective that established the right is the very objective that disciplines the manner of relinquishing it.

3.1.4 The Term *ujur*

First — Citation of the verse: God, exalted be He, says:

“So for whatever you have enjoyed of them, give them their compensations as an obligation” (Q. 4:24)

The expression 'compensations' (*ujur*) is used of dowers in other places as well (Q. 4:25; 5:5; 33:50; 60:10) [6].

Second — The lexical meaning: *Ajr* in the language is the recompense for labour and the countervalue for it. Its application to the dower is therefore the application of a term of countervalue to what is due by a contract that is not a purely financial exchange an extension of usage with a legislative import.

Third — Exposition from the purposively oriented commentaries: Al-Qurtubi and Ibn 'Ashur explained that the dower is here called a 'compensation' because it becomes due in return for a contract by which intimacy is rendered lawful, by way of drawing attention to its bindingness and confirmation, not because marriage is a hire [13]. This is supported

by the fact that the Lawgiver permitted willing remission in the verse of the dower; had marriage been a pure exchange, its dowers would have run the course of ordinary prices.

Fourth — The legal objective and the rank of its establishment: The objective is the confirmation of the bindingness of the woman's financial right and the inviolability of delaying or making light of it; for the term 'compensation' summons in the mind of the addressee the whole system of fulfilling countervalues and their bindingness, and this bindingness is transferred to the dower without turning spousehood into a sale. It serves the objective of the woman's financial security established in the preceding section, and its rank is derivation by appropriateness supported by the word 'obligation' (faridatan) in the same verse.

Fifth — The effect of polysemy upon objective and ruling: The combination of the term with 'whatever you have enjoyed' produced a historic disagreement concerning temporary marriage: some construed the verse of it and found support in a non-canonical reading adding 'for a stated term', while the majority construed it of permanent marriage and took the 'compensation' to be the dower, supported by the Prophet's prohibition of temporary marriage as a permanent prohibition [17]. Here purposive consideration operates as a manifest ground of preference: the objectives of the chapter, both stated and inductively established enduring tranquillity, the establishment of lineage, and the accrual of rights and inheritance are not realised in a temporary contract that departs from the Qur'anic structure of spousehood; so the position of the majority was determined, combining signification, the canonical reading, the Sunna and the objective. It thus appears that an inductively established objective settles polysemy when supported by prophetic clarification, and that it does not settle it independently.

3.1.5 The Term *ihsan*

First — Citation of the verse: The term occurs in closely related places with differing significations, among them:

"And [forbidden to you are] married women, except those your right hands possess" (Q. 4:24)

And: *'And when they are given in marriage, if they commit indecency, upon them is half the punishment of free women' (Q. 4:25); and: 'And those who accuse chaste women and then do not bring four witnesses — flog them eighty lashes' (Q. 24:4).*

Second — The lexical meaning: *Ihsan* is from *hishn* (fortress), its root h-s-n denoting protection, prevention and guarding; it was then applied in revelation and usage to four senses: being married, chastity, freedom, and Islam since each of them is a preventive safeguard for its possessor [4]. It is thus among the most extensively polysemous terms of the chapter, and the scholars of 'aspects and parallels' counted it among the clearest instances of that discipline.

Third — Exposition from the purposively oriented commentaries: The commentators determined the sense in each place by its context: the '*protected women*' in Q. 4:24 are women having husbands, since the verse is set in the enumeration of women forbidden in marriage; '*when they are given in marriage*' in Q. 4:25 hesitates between 'when they marry' and 'when they embrace Islam', on two readings of the verb and a disagreement transmitted from the early generations; and the '*chaste women*' in Q. 24:4 are the chaste, since the context is that of slanderous accusation [12]. Ibn 'Ashur explained that the root turns upon the sense of prevention and that each of its senses is one aspect of being fortified.

Fourth — The legal objective and the rank of its establishment: The comprehensive objective at which the four senses meet is the fortification of the private parts and the safeguarding of honour: marriage is a fortress, chastity is a fortress, and freedom and Islam remove the causes of degradation and strengthen the impediments to indecency. The single term with its several senses thus traces a system of protection from its various sides, and this lies at the heart of the necessity of preserving honour and lineage; its rank is induction from what the senses share an intermediate rank between express statement and derivation by appropriateness.

Fifth — The effect of polysemy upon objective and ruling: The effect of polysemy here is twofold. At the level of particular rulings, the hesitation of 'when they are given in marriage' between marriage and Islam produced a transmitted disagreement over the condition for halving the punishment of a bondwoman, each party preferring one sense with its indicators; and determining the '*protected women*' of Q. 4:24 as women having husbands yielded the ruling prohibiting married women save those whom the right hand possesses, with its known conditions. At the level of the overarching objective, the polysemy is complementary in depth: the unity of the root (prevention) discloses that the Lawgiver builds protection by several mutually reinforcing fortresses, so that the objective is derived from what the senses share rather than from a single sense. This is a distinctive third pattern a polysemy contested in the branches and complementary in the universal teaching the researcher neither to hasten in reducing the senses to one another in the rulings, nor to overlook what unites them in the objective.

3.1.6 The Term *al-mithaq al-ghaliz*

First — Citation of the verse: God, exalted be He, says, in the context of forbidding the recovery of the dower upon separation:

"And how could you take it back when you have gone in unto one another, and they have taken from you a solemn covenant?" (Q. 4:21)

Second — The lexical meaning: *Mithaq* is from the root w-th-q, denoting binding, confirmation and tying; *withaq* is that with which a thing is bound, and *mithaq* is a firmly confirmed covenant; *ghaliz* means confirmed and intensified [5]. The construction therefore denotes a covenant of the utmost firmness and confirmation.

Third — Exposition from the purposively oriented commentaries: The views of the early generations concerning what is meant by the solemn covenant were several and closely related: that it is the contract of marriage itself with the witnessing and commitment it involves; that it is what God took upon husbands of retaining with kindness or releasing with beneficence; and that it is the word of God by which the private parts are rendered lawful, alluded to in the Prophet's sermon at the Farewell Pilgrimage: 'so fear God concerning women, for you have taken them by God's security and rendered their private parts lawful by God's word' [17]. Al-Tabari and al-Qurtubi set out these views, and Ibn 'Ashur explained that describing the covenant as solemn is a proclamation of the gravity of the contract of marriage and its elevation above the rank of financial contracts [18].

Fourth — The legal objective and the rank of its establishment: The objective is the magnification of the contract of marriage and its elevation above the logic of bare exchange: it is a documented covenant to which God has been made witness, entailing an inviolability that endures in its effects even at separation. Its immediate fruit in context is the prohibition of recovering any part of the dower when replacement is intended, however great it may be — '*and you have given one of them a great sum, take not from it anything*' (Q. 4:20). Its rank is that of an objective stated in its context, since the covenant is adduced as the ground for denying the taking back by way of a rhetorical question of denial [19, 20].

Fifth — The effect of polysemy upon objective and ruling: The three transmitted senses of the covenant the contract, the commitment to retain with kindness or release with beneficence, and the word of God do not contest one ruling but converge in intensifying inviolability from three sides: the side of formation (the witnessed contract), the side of content (the commitment to kindness in continuance and in separation), and the side of source (a lawfulness conferred by the word of God). The complementary polysemy thus bears fruit in confirming the inviolability of wives' property upon separation, in founding the ethics of divorce upon beneficence rather than contention, and in building for the contract a sanctity upon which the jurists' severity toward its manipulation rests. It is the clearest witness in the sample that the multiplicity of senses may be a cumulative clarification serving a single objective from several sides [20].

4. Discussion

Chapter Three: Synthetic Findings — Patterns of the Effect of Polysemy

Table 2. Polysemy and Its Effect on Objectives and Rulings in Ibn Ashur's Interpretation

Term	Type of polysemy	Means of settlement	Effect upon objective and ruling
nikah	Contested (contract / union)	Clarification by the Sunna in the intervening marriage; the dispute persists in affinity	The ruling follows the sense determined; the objective becomes the ground of preference
zawj	Complementary (both partners under one word)	Requires no settlement	Strengthens the objective of mutual tranquillity and directs the rulings of companionship
saduqat / nihla	Complementary (obligation / gift)	Joining the two senses	Builds a composite objective: a binding right discharged in a spirit of generosity
ujur	Contested (permanent dower / the doubt of temporary marriage)	The prohibiting Sunna together with the inductively established objectives	The objective supported by the Sunna settled the polysemy
ihsan	Dual: contested in branches, complementary in the universal	Context determines each place	What the senses share (prevention) is the overarching objective
al-mithaq al-ghaliz	Complementary (three sides of intensification)	Convergence of the senses	Cumulative clarification intensifying the inviolability of the contract and its effects

The results in table 2. reveals that the effect of polysemy upon the derivation of objectives is not of a single pattern but of four: a complementary polysemy that constructs a composite objective or intensifies it from several sides (saduqat and nihla, zawj, al-mithaq al-ghaliz); a contested polysemy settled by clarification of the Sunna supported by the objective (nikah in the intervening marriage, ujur); a dual polysemy, contested in the branches and complementary in the universal, whose objective is derived from what the senses share (ihsan); and a polysemy whose two senses realise the objective equally, so that preference falls outside the competence of the objective and reverts to linguistic indicators — as appears in the classic instance of qur' in the verse of the waiting period, where both senses realise the ascertainment of the vacancy of the womb, so that the jurists' arguments turned upon linguistic and transmitted indicators rather than upon the objective [16- 20].

By this classification the answer to the research question is comprehensively determined: an objective is derived from a polysemous term to the extent permitted by the structure of its polysemy, and it operates in preference upon two conditions that the two senses differ in realising it, and that it be supported by context or by the Sunna. Where the two senses realise it equally, it is no ground of preference, and the matter reverts to

the balance of language and transmitted evidence. In these two conditions lies the safeguard of derivation against the two errors: a literalism that neglects the aim, and an unrestrained purposivism that encroaches upon signification.

5. Conclusion

The objectives of Islamic law are the aims and meanings for whose realisation the rulings were prescribed; they are divided by strength into the necessary, the needed and the improving; by scope into the general, the particular and the partial; and by establishment into those stated in the texts, those established inductively, and those derived by appropriateness. The objectives of marriage belong to the particular objectives referable to the two necessities of preserving lineage and honour. Also, the derivation of an objective from a term follows a threefold path fixed in its order — lexical, contextual and exegetical, then purposive — and it is not sound to leap to the objective before determining the admissible signification, nor to halt at signification short of its aim. The term *nikah* is polysemous between contract and union; the Sunna settled its polysemy in the verse of the intervening marriage by the hadith of 'sweetness', realising the objective of deterrence, while its effect persists in the disagreement over affinity through unlawful intercourse, where the objective itself became the ground of preference between the two senses. The term *zawj*, applied to both partners under a single word, serves the objective of mutual tranquillity stated in the text by a particle of purpose in the verse of al-Rum — the highest rank of establishment — and upon it are built the rulings of consorting with kindness. Moreover, the terms *saduqat* and *nihla* build by their complementary polysemy a composite objective: a binding financial right belonging exclusively to the woman and discharged in the spirit of a gift; from which follow the validity of her voluntary remission and the invalidity of any remission extracted from her. the term *ujur* confirms the bindingness of the dower without turning spousehood into an exchange; and purposive consideration supported by the prohibiting Sunna settled its polysemy in the matter of temporary marriage, showing that an objective does not settle a dispute independently of clarification. In addition, term *ihsan*, with its four senses (marriage, chastity, freedom, Islam), is the model of dual polysemy: contested in its particular rulings, complementary in its overarching objective, which is derived from what the senses share — prevention and safeguarding.

In the term *al-mithaq al-ghaliz* the three transmitted senses converge in intensifying the inviolability of the contract from the sides of formation, content and source; whence follow the prohibition of recovering the dower upon separation and the founding of the ethics of divorce upon beneficence. The survey yields four patterns of the effect of polysemy upon the derivation of objectives: a constructive complementary pattern; a contested pattern settled by the Sunna; a dual pattern whose objective is derived from what the senses share; and a pattern of equivalent senses falling outside the competence of purposive preference. Preference by the objective is conditional upon two things: that the two senses differ in realising it, and that it be supported by context or by the Sunna; by these two conditions derivation is preserved from both literalism and unrestrained purposivism.

Our recommendation for this study is complete the project upon the remaining terms of the chapter (*talaq*, *sarah*, *imsak*, *'adl*, *ba'l*, *ifda'*) according to the same five-step procedure, so as to build a purposive lexicon of the family vocabulary of the Qur'an. Also to test the four patterns derived here upon the terms of other chapters (transactions, penalties) in order to measure their consistency. Although devote a study to Ibn 'Ashur's method of determining the senses of polysemous terms in *al-Tahrir wa al-Tanwir*, for he is the connecting link between linguistic exegesis and purposive derivation. In addition employ the findings of this study in personal-status codes when interpreting provisions drawn from Qur'anic terminology, particularly the articles on the dower, the waiting period and marital companionship. Finally give attention in the teaching of legal theory and of the objectives, to the pattern of equivalent senses as a discipline delimiting purposive preference, for it is the least noticed of the patterns and the most consequential for methodological restraint.

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