

THE QUR'ANIC FAMILY SYSTEM: A COMPARATIVE MAQĀSIDĪ-EXEGETICAL STUDY OF AL-THANAWĪ (D. 1362 AH/1943 CE) AND IBN 'ASHUR (D. 1393 AH/1973 CE)

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Abstract

This study examines the Qur'anic family system through a comparative maqāsidī reading of the Exegetical interpretations of Ibn 'Āshūr (d. 1393 AH/1973 CE) and Ashraf 'Alī Thanawī (d. 1362 AH/1943 CE). It seeks to explore the principles, rulings, rights, responsibilities, and objectives through which the Qur'an establishes and regulates family life, with particular attention to the relationship between specific legal rulings and their underlying legislative purposes and wisdoms. The study distinguishes between objectives explicitly identified by the exegete and those inferred analytically by the researcher. It addresses major dimensions of the Qur'anic family system, including the formation and objectives of marriage, guardianship, the marital contract, witnesses, dower, prohibited degrees, maintenance and mutual rights, marital conduct, polygyny, marital discord, arbitration, divorce, and its consequences. The comparative analysis draws primarily on selected passages from Ibn 'Āshūr's *al-Taḥrīr wa-l-Tanwīr* and *Aḥkām al-Qur'ān*, based on the teachings and interpretive tradition of Ashraf 'Alī Thanawī. With regard to *Aḥkām al-Qur'ān*, the direct comparison is confined to selected passages from *Sūrat al-Nisā'* in the volume authored by Muḥammad Shafī'; the findings are therefore not generalized to all volumes of the work. The study demonstrates that both exegetes give substantial attention to the protection of marital and familial rights and to the preservation of family stability, although they may differ in their interpretation of the legal means through which these objectives are realized. This is particularly evident in their treatment of arbitration in cases of marital discord. The study further argues that identifying the legislative wisdom underlying a Qur'anic ruling does not, by itself, justify transforming that wisdom into a condition of legal validity where the jurist has not stipulated it as such. It concludes that a maqāsidī approach and jurisprudential analysis can function complementarily in understanding the Qur'anic family system, provided that such complementarity is established through textual and analytical evidence rather than assumed as an absolute convergence between the two exegetical approaches.

Keywords: Qur'anic family system; maqāsidī tafsir; family jurisprudence; Qur'anic family law; objectives of the Shariah; Ibn 'Āshūr; Ashraf 'Alī Thanawī; *al-Taḥrīr wa-l-Tanwīr*; *Aḥkām al-Qur'ān*.

INTRODUCTION

The family is a sphere in which financial rights, personal relationships and responsibilities of care intersect. The Qur'an associates marriage with tranquillity, affection and mercy, links the continuation of the relationship to good and equitable conduct, and regulates its termination through kindness and the avoidance of harm. This makes it important to read family rulings in light of the meanings and purposes of the texts, without separating an objective from its ruling or reducing a ruling to an assumed benefit.¹

¹ Muhammad al-Tahir Ibn 'Ashur, *al-Tahrir wa-al-Tanwir*, nuskah iliktruniyyah, al-Bahith al-Qur'ani, tafsir Surat al-Rum, al-ayah 21, tarikh al-ittila' 4 Uktubar 2026, <https://tafsir.app/ibn-aashoor/30/21>.

The research problem concerns how to derive maqasid implications from the interpretation of Qur'anic family verses while maintaining accurate attribution and respecting the boundaries of juristic disagreement. The study asks: which objectives emerge from the selected passages, how do they relate to the rulings, and where do the exegetical treatments agree or differ? It aims to analyse these relationships, clarify the distinction between a legal condition and legislative wisdom, and identify the limits of comparison between the two works.

Al-Tahrir wa-l-Tanwir was selected because the passages examined explain the reasoning behind rulings. Ahkam al-Qur'an in the Thanawi school was selected as a multi-author project combining Qur'anic exegesis and jurisprudence. Its title pages show that associating the project with Ashraf 'Ali Thanawi does not mean that he wrote all its volumes: the fourth volume, which addresses Surat al-Nisa', was authored by Muhammad Shafi'. Accordingly, this study attributes statements in that volume to its author and does not treat mere affiliation with the Hanafi school as evidence of an individual scholar's position.²

METHOD AND SCOPE

The study adopts a descriptive and analytical reading of passages selected according to the topics addressed in this article, examining their wording and identifying the speaker and context. Direct comparison focuses on dower, polygyny, breastfeeding and the treatment of marital discord in Surat al-Nisa'. The remaining sections present their exegetical and jurisprudential context without presuming that a complete textual comparison is available for every topic. Other sources from the legal schools are used for clarification, rather than as substitutes for the author's own text in establishing a position in Ahkam al-Qur'an.

An objective is treated as explicit when the exegete states the purpose or wisdom of the ruling, and as inferred when the researcher derives it from the ruling's meaning and context. The latter is identified through expressions such as "the study infers". This reading does not claim to survey all Qur'anic family verses or all relevant passages in the two works. The electronic version of al-Tahrir wa-l-Tanwir is cited by surah and verse, while scanned pages of the fourth volume of Ahkam al-Qur'an are cited by volume and page. Pagination from different editions is not treated as interchangeable.

Relevant prior scholarship includes Ahmad Husayn Isma'il Husayn's thesis on the contributions of Ashraf 'Ali Thanawi's students to Ahkam al-Qur'an. Its abstract indicates that it addresses the authors, their methods and their sources. The present article confines its purpose to analysing examples concerning family matters and comparing them with passages from al-Tahrir wa-l-Tanwir, without claiming absolute research priority or an exhaustive review of previous studies.³

THE OBJECTIVES AND PURPOSES OF MARRIAGE

Marriage is a legally recognised relationship that gives rise to rights and obligations; its effects cannot be adequately described merely in terms of permitting sexual enjoyment. Qur'an 30:21 associates marriage with tranquillity, affection and mercy, and Ibn 'Ashur explains its implications for family formation, procreation and good treatment. From this, the study infers that family stability is an objective supported by the wording of the verse, and that an assessment of family rulings should consider the mutual care they secure. This does not make every psychological or social benefit a legal condition for the validity of marriage.⁴

The rulings on marriage proposals reflect the boundaries that precede the contract. In his commentary on Qur'an 2:235, Ibn 'Ashur links the rules on indirect proposals to respect for the waiting period, distinguishing appropriate speech from contracting a marriage before that period ends. Here the ruling relates to regulating the transition between two marital relationships, without erasing the distinctions between the circumstances of women observing a waiting period.⁵

² Zafar Ahmad al-'Uthmani wa-akharun, Ahkam al-Qur'an, 'ala daw' ma afadahu Ashraf 'Ali al-Thanawi (Idarat al-Qur'an wa-al-'Ulum al-Islamiyyah, 1413H/1992M), j. 1, safahat al-'unwan wa-bayanat al-nashr, https://files.quranpedia.net/attachments/documents/BOOK_25731_1.pdf, Muhammad Shafi', Ahkam al-Qur'an, 'ala daw' ma afadahu Ashraf 'Ali al-Thanawi, t. 1, j. 4 (Idarat al-Qur'an wa-al-'Ulum al-Islamiyyah, 1414H/1993M), safhata al-'unwan wa-bayanat al-tab'ah, https://files.quranpedia.net/attachments/documents/BOOK_25731_5.pdf.

³ Ahmad Husayn Isma'il Husayn, «Juhud Talamidh al-Shaykh Ashraf 'Ali al-Thanawi fi Kitab Ahkam al-Qur'an» (risalat majistir, Jami'at al-'Ulum al-Islamiyyah al-'Alamiyyah, 2010), al-mulakhkhas al-Injlizi, https://wikiquran.nyc3.digitaloceanspaces.com/attachments/documents/BOOK_15923_1.pdf.

⁴ Ibn 'Ashur, al-Tahrir wa-al-Tanwir, tafsir Surat al-Rum, al-ayah 21, <https://tafsir.app/ibn-aashoor/30/21>.

⁵ Ibn 'Ashur, al-Tahrir wa-al-Tanwir, tafsir Surat al-Baqarah, al-ayah 235, <https://tafsir.app/ibn-aashoor/2/235>.

MARRIAGE GUARDIANSHIP AND THE ESSENTIAL ELEMENTS AND CONDITIONS OF MARRIAGE

A study of guardianship must distinguish between the recognition of the guardian's role, the limits of his involvement in concluding the contract, the woman's consent and the prohibition of obstructing marriage. These are related questions, but they do not constitute a single ruling reducible either to the claim that a guardian's permission is always merely recommended or to the claim that all forms of guardianship are agreed upon.

In his commentary on Qur'an 2:232, Ibn 'Ashur combines recognition of guardianship with the woman's right to consent, and discusses Abu Hanifah's disagreement over making guardianship a requirement. He also connects the prohibition of obstructing marriage with preventing the frustration of a marriage to which both parties agree on proper terms. He expressly states that compulsory guardianship is not the subject of this verse; the discussion therefore cannot be generalised to all its forms. The maqasid implication here is the regulation of guardianship so that it does not become an arbitrary obstacle, while leaving the disagreement over its legal characterisation intact.⁶

THE ESSENTIAL ELEMENTS AND FORMULA OF THE MARRIAGE CONTRACT

Offer and acceptance must be examined in the context of concluding a marriage. A statement made about sale and the option to rescind during the contractual session does not suffice to establish a specific view on the conditions of marriage. In explaining Hanafi doctrine, al-Kasani states that the essential element of the contract is offer and acceptance, and links the fulfilment of witnessing to hearing the contracting parties' words. This is a statement from an independent Hanafi source, rather than an attribution of that detail to the author of *Ahkam al-Qur'an*.⁷

From a maqasid perspective, regulating the contractual formula identifies the commitment through which the contract arises and distinguishes it from a promise or proposal. This is the researcher's inference from the function of the formula, rather than a claim that the legal schools agree on the number of essential elements or all their conditions. Comparison between the exegetes remains confined to what each text expressly states about marriage itself.

WITNESSING THE MARRIAGE

It is inaccurate to state without qualification that witnessing is recommended in the Maliki school without explaining its timing. In Minah al-Jalil, 'Illish distinguishes between its being recommended at the contract and obligatory before consummation. Al-Kasani, meanwhile, affirms witnessing as a requirement for the formation of marriage in Hanafi doctrine, but does not make the witness's uprightness a condition for its formation. He also states that the marriage may be contracted in the presence of one man and two women. Requiring two upright men therefore cannot be presented as the sole Hanafi formulation.⁸

This distinction shows that documenting the relationship and protecting it against denial do not require jurists to agree on the conditions and timing of proof. The study infers this maqasid aspect from the legal function of witnessing, without treating a statement about witnesses to debts as a text about marriage witnesses, or attributing a school's rules to an exegete whose own statement on them has not been established.

DOWER

Ibn 'Ashur explains that dower is a woman's right and relates its designation as a gift to distinguishing it from purely financial exchanges. He states: "Dowers were called a gift to distinguish them from the various forms of consideration." For him, the contract establishes marital companionship and mutual rights; it does not make the woman an object of sale.⁹

In his commentary on Qur'an 4:4, Muhammad Shafi' likewise affirms that dower belongs to the woman and that her willing consent matters when she relinquishes it.¹⁰

The combination of the command to pay and the requirement of willing consent indicates the protection of a financial right against appropriation or coercion. This is a specific aspect of the objective. Establishing it does not require a

⁶ Ibn 'Ashur, *al-Tahrir wa-al-Tanwir*, tafsir Surat al-Baqarah, al-ayah 232, <https://tafsir.app/ibn-aashoor/2/232>.

⁷ Abu Bakr ibn Mas'ud al-Kasani, *Bada'i' al-Sana'i' fi Tartib al-Shara'i'*, j. 2 (al-Maktabah al-Habibiyyah, d.t.), 255, nuskah iliktruniyyah, Maktabat Ahl al-Bayt al-Raqmiyyah, tarikh al-ittila' 4 Uktubar 2026, https://ablibrary.net/book_content/b/1879/255.

⁸ Muhammad 'Illaysh, Minah al-Jalil sharh Mukhtasar Khalil, Bab al-nikah, sharh al-ishhad 'inda al-'aqd wa-qabl al-bina', nuskah iliktruniyyah, Islam Web, tarikh al-ittila' 4 Uktubar 2026, <https://islamweb.net/ar/library/content/24/2303/الكاحباب>, al-Kasani, *Bada'i' al-Sana'i'*, 2:255.

⁹ Ibn 'Ashur, *al-Tahrir wa-al-Tanwir*, tafsir Surat al-Nisa', al-ayah 4, <https://tafsir.app/ibn-aashoor/4/4>.

¹⁰ Shafi', *Ahkam al-Qur'an*, 4:37–38.

detailed account of dower amounts or deferred payment, nor does it justify overlooking juristic disagreement over some of their restrictions.

MARRIAGE PROHIBITIONS

Qur'an 4:23 sets out categories of prohibited marriage arising from blood relationship, breastfeeding and affinity, and prohibits being married to two sisters simultaneously. This section is confined to those categories and does not claim to encompass all impediments to marriage within a twofold classification.¹¹

PROHIBITIONS ARISING FROM BLOOD RELATIONSHIP AND BREASTFEEDING

Ibn 'Ashur connects the prohibition of marriage between close relatives with the dignity of family bonds and the protection of honour. He also explains the nursing woman's association with motherhood through breastfeeding's effect on the child's life and relationship with her. These meanings are expressly stated by the exegete; presenting them together as the protection of the family structure is the researcher's analytical synthesis.¹²

Regarding the amount of breastfeeding that establishes a marriage prohibition, Ibn 'Ashur discusses the disagreement between accepting whatever qualifies as breastfeeding and requiring five feeds. Muhammad Shafi' holds that both a small and a large amount of breastfeeding suffice.¹³

PROHIBITIONS ARISING FROM AFFINITY AND CONCURRENT MARRIAGES

Ibn 'Ashur distinguishes between the prohibition of marriage to a wife's mother upon the marriage contract and the prohibition of marriage to a stepdaughter upon consummation with her mother. He does not treat the stepdaughter's being under the husband's care as a necessary condition of the prohibition. He relates the rules of affinity to facilitating social interaction and removing causes of jealousy. It is therefore necessary to distinguish a description occurring in the verse, a condition that affects the ruling, and the wisdom derived from it.¹⁴

Identifying this wisdom does not justify creating a marriage impediment beyond the meaning of the text. Nor does the shared objective of preserving family bonds eliminate juristic disagreement over particular questions of breastfeeding and affinity. The objective explains the rationale of the ruling; it does not dispense with determining the circumstances in which it applies and its limits.

MAINTENANCE OBEDIENCE AND GOOD MARITAL CONDUCT

The rules of maintenance and good marital conduct provide a framework for organising married life. The Qur'an mentions financial support in the context of *qiwamah*, and Ibn 'Ashur explains taking charge of something as attending to its affairs and putting them in order. This connection alone, however, does not justify an unqualified ruling that *qiwamah* automatically ceases whenever maintenance obligations are breached; the legal consequences require separate examination.¹⁵

In his commentary on Qur'an 65:7, Ibn 'Ashur presents maintenance as meeting the costs of living according to means, with due regard to what is reasonable and to the circumstances of the recipient. Maintenance thus relates to the objective of care, while the standard of reasonable provision guides its assessment without fixing a single sum for every family and situation.¹⁶

Good marital conduct governs the fulfilment of rights within the family. It is insufficient to affirm one party's authority without considering that party's obligations and the prohibition of harm. From this connection, the study infers that an orderly relationship combines rights with responsibilities, and that protecting the family is not achieved merely by keeping the contract in force while rights are abused.¹⁷

POLYGyny

A reading of polygyny must distinguish its permissibility and restrictions from the social wisdoms mentioned in its explanation. Mentioning a social benefit does not mean that a particular necessity is an agreed condition of validity.

¹¹ Ibn 'Ashur, *al-Tahrir wa-al-Tanwir*, tafsir Surat al-Nisa', al-ayah 23, <https://tafsir.app/ibn-aashoor/4/23>.

¹² Ibn 'Ashur, *al-Tahrir wa-al-Tanwir*, tafsir Surat al-Nisa', al-ayah 23, <https://tafsir.app/ibn-aashoor/4/23>.

¹³ Ibn 'Ashur, *al-Tahrir wa-al-Tanwir*, tafsir Surat al-Nisa', al-ayah 23, <https://tafsir.app/ibn-aashoor/4/23>, Shafi', *Ahkam al-Qur'an*, 4:115–117.

¹⁴ Ibn 'Ashur, *al-Tahrir wa-al-Tanwir*, tafsir Surat al-Nisa', al-ayah 23, <https://tafsir.app/ibn-aashoor/4/23>.

¹⁵ Ibn 'Ashur, *al-Tahrir wa-al-Tanwir*, tafsir Surat al-Nisa', al-ayah 34, <https://tafsir.app/ibn-aashoor/4/34>.

¹⁶ Ibn 'Ashur, *al-Tahrir wa-al-Tanwir*, tafsir Surat al-Talaq, al-ayah 7, <https://tafsir.app/ibn-aashoor/65/7>.

¹⁷ Ibn 'Ashur, *al-Tahrir wa-al-Tanwir*, tafsir Surat al-Nisa', al-ayah 19, <https://tafsir.app/ibn-aashoor/4/19>.

Ibn 'Ashur explains justice as equal treatment in matters within a person's control, including maintenance, clothing, marital companionship and avoidance of harm, and distinguishes it from emotional inclination. He discusses benefits of polygyny while explaining that a failure of justice may disrupt the family order. For him, its social wisdom is therefore linked to regulating its consequences, rather than to permission detached from restrictions.¹⁸

Muhammad Shafi' discusses the limit of four wives and the obligation of justice in rights within a person's control, distinguishing emotional inclination from matters subject to choice.¹⁹

MARITAL DISPUTES AND THEIR RESOLUTION

A distinction must be drawn between a wife's nushuz, a husband's nushuz and discord between them; family disputes cannot be reduced to a single situation. Qur'an 4:34 addresses the treatment of nushuz, 4:35 addresses arbitration in cases of discord, and 4:128 addresses a husband's nushuz or withdrawal. This variety reinforces the need to read each ruling in context before generalising the means of addressing disputes.

In his commentary on Qur'an 4:34, Ibn 'Ashur discusses gradual measures, their regulation and the need not to exceed the bounds of reform. He does not permit abandonment or striking merely because nushuz is anticipated before it occurs. He also allows the authorities to prevent husbands from using physical discipline where its misuse results in harm. The maqasid reasoning here concerns the consequences of a means and the limits of authority; it does not turn injury into a legitimate objective.²⁰

Muhammad Shafi' discusses restrictions including avoiding injury and the face, and reports the prohibition of striking with a whip and slapping. An unqualified permission to slap should therefore not be attributed to him.²¹

As for arbitration in cases of discord, Ibn 'Ashur holds that appointing the two arbitrators to deal with the spouses is the responsibility of the judge or governing authority, and that calling them arbitrators indicates adjudicative authority rather than mere agency. He affirms the effectiveness of their decisions to maintain the marriage, separate the spouses or arrange khul', and discusses the requirement of the spouses' consent as a far-fetched interpretation.²²

In Ahkam al-Qur'an, Muhammad Shafi' presents the Hanafi position that the arbitrators cannot independently separate the spouses without their authorisation, while also mentioning the opposing position.²³

This comparison reveals a disagreement over the means of resolving discord: do the arbitrators possess the power to order separation, or is their authority restricted by delegation? Agreement on the aim of reconciliation does not remove this disagreement. Preserving the family in this context therefore does not mean retaining every marriage regardless of its consequences. It means considering reconciliation or ending the dispute according to the rules adopted by each approach.

DIVORCE AND RELATED RULINGS

Divorce is a lawful means of ending a marital relationship, and the Qur'an surrounds it with rules that prevent the manipulation of rights. In his commentary on Qur'an 2:229, Ibn 'Ashur highlights how limiting revocable divorce prevents repeated divorce and resumption of marriage from being used to harm the woman. The objective derived here is to regulate the power to terminate and resume the relationship, rather than to reduce all divorce rulings to necessity alone.²⁴

The effects of separation vary according to its form. The possibility of resuming marriage during the waiting period is distinct from the possibility of returning through a new contract, while a third divorce is subject to its own restriction in Qur'an 2:230. Ibn 'Ashur explains this ruling in the context of deterring a casual attitude towards divorce and discusses juristic disagreement over marriage intended for tahlil, that is, enabling remarriage to a former husband. This discussion cannot be reduced to a claim of absolute agreement that every arrangement involving such an intention is invalid.²⁵

¹⁸ Ibn 'Ashur, al-Tahrir wa-al-Tanwir, tafsir Surat al-Nisa', al-ayah 3, <https://tafsir.app/ibn-aashoor/4/3>.

¹⁹ Shafi', Ahkam al-Qur'an, 4:32–36.

²⁰ Ibn 'Ashur, al-Tahrir wa-al-Tanwir, tafsir Surat al-Nisa', al-ayah 34, <https://tafsir.app/ibn-aashoor/4/34>.

²¹ Shafi', Ahkam al-Qur'an, 4:156–158.

²² Ibn 'Ashur, al-Tahrir wa-al-Tanwir, tafsir Surat al-Nisa', al-ayah 35, <https://tafsir.app/ibn-aashoor/4/35>.

²³ Shafi', Ahkam al-Qur'an, 4:159–160.

²⁴ Ibn 'Ashur, al-Tahrir wa-al-Tanwir, tafsir Surat al-Baqarah, al-ayah 229, <https://tafsir.app/ibn-aashoor/2/229>.

²⁵ Ibn 'Ashur, al-Tahrir wa-al-Tanwir, tafsir Surat al-Baqarah, al-ayah 230, <https://tafsir.app/ibn-aashoor/2/230>.

KHUL'

Khul' provides a way out when the spouses fear that they cannot observe God's limits. Ibn 'Ashur prefers to characterise it as divorce, stating: "The correct view is that it is divorce, since a valid marital bond has been established." He presents this preference within a juristic disagreement about its legal characterisation and consequences. A contrast between his position and another cannot therefore be constructed merely from an inadequately established attribution.²⁶

In Ahkam al-Qur'an, al-Jassas argues that khul' is divorce rather than annulment. His arguments include its permissibility without payment and for less than the dower. This is evidence from an independent Hanafi source and cannot substitute for establishing the view of the authors of Ahkam al-Qur'an in the Thanawi school. From the permission to obtain release through compensation where the limits may be exceeded, the study infers a means of addressing the inability to continue married life, without overlooking the restrictions governing receipt of compensation.²⁷

RESUMPTION OF MARRIAGE AFTER REVOCABLE DIVORCE

Raj'ah concerns keeping open the possibility of resuming marital life during the waiting period following a revocable divorce. Ibn 'Ashur interprets the words "if they intend reconciliation" in Qur'an 2:228 as an exhortation to seek reconciliation, rather than a restriction on the ruling. It is therefore necessary to distinguish encouragement to intend reconciliation from making that intention a condition for the validity of raj'ah. The prohibition of retaining a wife in order to cause harm confirms that exercising a right to inflict injury contradicts Qur'anic guidance.²⁸

Ila' and Li'an

Ila' concerns a husband's oath to abstain from sexual relations with his wife, for which the verse sets a period of four months. Ibn 'Ashur discusses juristic disagreement over what follows the expiry of that period: according to Malik and al-Shafi'i, the husband is brought before the judge to resume marital relations or divorce; according to Abu Hanifah, an irrevocable separation occurs when the period expires without resumption. Ibn 'Ashur prefers the first position. Automatic divorce therefore cannot be presented as an agreed ruling.²⁹

Li'an regulates a husband's allegation against his wife in the context of accusations of sexual misconduct and related matters, according to its specific rules. Ibn 'Ashur highlights that its regulation prevents honour and life from being left to individual action; jealousy alone does not justify violence. Here the protection of honour and the regulation of claims and proof become evident, without reducing li'an to any marital dispute in which proof is unavailable.³⁰

BREASTFEEDING AND CHILDCARE

The issue of caring for and nursing a child differs from breastfeeding that establishes a marriage prohibition. In his commentary on Qur'an 2:233, Ibn 'Ashur reads the rules concerning the two-year period, maintenance, consultation and avoidance of harm in the context of childcare and the regulation of parental responsibility. The disagreement over the number of feeds establishing a prohibition has already been addressed. The study infers that continuing care after conflict between the parents is a distinct aspect of family protection: the child's rights do not depend on the continuation of the marital relationship.³¹

DIVORCE IN ACCORDANCE WITH THE SUNNAH AND IRREGULAR DIVORCE

The wisdom of observing the proper timing of divorce appears in Ibn 'Ashur's commentary on Qur'an 65:1, where he links the commencement of the waiting period to preventing a prolonged wait for the divorced woman. The details concerning periods of purity and menstruation must be read in their jurisprudential contexts and cannot be generalised to every woman's circumstances. A distinction must also be drawn between a pronouncement's departure from the prescribed procedure and the ruling on whether it takes effect and how many divorces it constitutes. In his commentary

²⁶ Ibn 'Ashur, al-Tahrir wa-al-Tanwir, tafsir Surat al-Baqarah, al-ayah 229, <https://tafsir.app/ibn-aashoor/2/229>.

²⁷ Abu Bakr Ahmad ibn 'Ali al-Jassas, Ahkam al-Qur'an, Ahkam Surat al-Baqarah, «Dhikr ikhtilaf al-salaf wa-sa'ir fuqaha' al-amsar fima yahill akhdhuhi bi-al-khul'», nuskhah iliktruniyyah, Islam Web, tarikhi al-ittila' 4 Uktubar 2026, <https://www.islamweb.net/amp/ar/library/content/212/203/أخذهمبالخلع-أحمد-بن-حاجل-أحمد-بن-خلفاء-الأمصار-فيما-يجل-أخذهمبالخلع>.

²⁸ Ibn 'Ashur, al-Tahrir wa-al-Tanwir, tafsir Surat al-Baqarah, al-ayah 228, <https://tafsir.app/ibn-aashoor/2/228>, al-Qur'an al-Karim, al-Baqarah 2:231.

²⁹ Ibn 'Ashur, al-Tahrir wa-al-Tanwir, tafsir Surat al-Baqarah, al-ayah 226, <https://tafsir.app/ibn-aashoor/2/226>.

³⁰ Ibn 'Ashur, al-Tahrir wa-al-Tanwir, tafsir Surat al-Nur, al-ayah 6, <https://tafsir.app/ibn-aashoor/24/6>.

³¹ Ibn 'Ashur, al-Tahrir wa-al-Tanwir, tafsir Surat al-Baqarah, al-ayah 233, <https://tafsir.app/ibn-aashoor/2/233>.

on Qur'an 2:230, Ibn 'Ashur prefers the view that combining three divorces in one pronouncement does not make them three divorces. This preference prevents his position from being reduced to an explanation of wisdom while his juristic choice is overlooked.³²

These questions show that the objective of removing harm may appear in the timing of a procedure and the limits on its use, while its legal effects remain a separate jurisprudential question. A general statement about preserving the family cannot settle disagreement over the number of divorces, the conditions of raj'ah or the form of separation.

Mourning Maintenance and Accommodation

The waiting period ('iddah) must be distinguished from mourning (ihdad): the former is a period of waiting, while the latter concerns abstention from adornment in its prescribed circumstances. The period of four months and ten days cannot be applied indiscriminately to a pregnant woman. Ibn 'Ashur, with the majority, prefers the view that her waiting period following her husband's death ends with childbirth. His explanation concerning precaution in establishing lineage occurs in his discussion of the waiting period and should not be transferred to mourning as though they were the same issue.³³

The various forms of maintenance and accommodation following separation are not equivalent. In his commentary on Qur'an 65:6, Ibn 'Ashur affirms accommodation for divorced women, discusses maintenance for a non-pregnant woman whose divorce is irrevocable, and prefers not to restrict maintenance to pregnant women. The text also discusses payment for nursing a child after separation, which is not identical in every respect to spousal maintenance. Means and reasonable provision are taken into account in assessing financial support.³⁴

The conjunction of the command to provide accommodation and the prohibition of harm shows that providing a dwelling does not fulfil the purpose if it is used to impose hardship. The study infers that preserving rights after separation forms part of regulating its consequences. The rules applying to a divorced woman must nevertheless be distinguished from those applying to a widow, and neither set of rules should be transferred to the other without evidence.

MAQASID IMPLICATIONS FOR CONTEMPORARY READINGS OF FAMILY RULINGS

The preceding topics allow a contemporary reading concerned with rights and the consequences of applying rulings. This is an analytical application by the researcher, rather than the attribution to the exegetes of direct responses to particular contemporary movements. Evaluating a specific objection also requires a documented account of its content before it is discussed; a general description of critical discourses is no substitute.

DISTINGUISHING THE RULING FROM PRACTICE

In matters of dower, guardianship and marital conduct, discussion should distinguish the ruling as stated in its source from a practice that may exceed its limits. Application is assessed against the relevant text: a coerced financial waiver does not satisfy the requirement of willing consent, and arbitrarily preventing marriage does not become lawful merely by being called guardianship. These are examples of application derived from the preceding analysis, rather than judgements about all practices or societies.

MAQASID CONSTRAINTS ON INTERPRETATION AND APPLICATION

A disciplined reading requires that not every wisdom be turned into a condition of validity and that jurisprudential detail not be discarded in the name of welfare. Discussing the benefits of polygyny does not dispense with explaining the requirement of justice, just as encouraging reconciliation in raj'ah does not necessarily make it a condition for its legal establishment. Determining the legal effect remains dependent on the evidence and the method by which it is derived.

Such a reading also requires that differences over means not be concealed. Disagreement over the arbitrators' authority is more than a difference in expression: it has consequences for resolving the dispute. The suitability of contemporary application therefore requires clarification of both the ruling and procedural authority; it cannot be inferred from general slogans about the flexibility of the Shariah.

³² Ibn 'Ashur, al-Tahrir wa-al-Tanwir, tafsir Surat al-Talaq, al-ayah 1, <https://tafsir.app/ibn-aashoor/65/1>, Surat al-Baqarah, al-ayah 230, <https://tafsir.app/ibn-aashoor/2/230>.

³³ Ibn 'Ashur, al-Tahrir wa-al-Tanwir, tafsir Surat al-Baqarah, al-ayah 234, <https://tafsir.app/ibn-aashoor/2/234>.

³⁴ Ibn 'Ashur, al-Tahrir wa-al-Tanwir, tafsir Surat al-Talaq, al-ayah 6, 7, <https://tafsir.app/ibn-aashoor/65/6>, 65/7.

THE LIMITS OF METHODOLOGICAL COMPLEMENTARITY BETWEEN THE TWO WORKS

The passages examined show an overlap between maqasid reasoning and jurisprudential inquiry. They do not permit a sharp division that assigns one work exclusively to objectives and the other exclusively to rulings. Moreover, identifying the second work as a multi-author scholarly project requires caution against generalising the characteristics of one volume to all the others.

Complementarity is understood here as a possibility offered by comparative reading: analysing wisdom helps explain a ruling's rationale, while clarifying the ruling prevents an objective from being extended beyond its limits. Juristic agreement, however, is not established by this methodological benefit; it requires comparing positions on each question. The findings are confined to the sample defined in the methodology and do not claim to establish a comprehensive history of maqasid-oriented exegesis.

CONCLUSION

The study concludes that the maqasid implications of family rulings cannot be derived merely by assembling expressions of welfare and dignity. They require analysis of the relationship between a ruling, its evidence and its consequences. The passages examined reveal the protection of financial rights, the prevention of abuse of family authority, and the regulation of the effects of separation and childcare. The extent to which each objective is attributed to the exegete remains dependent on whether it is explicitly stated or inferred by the researcher.

The study also shows that agreement on an aim does not eliminate disagreement over legal means, and that maqasid reasoning does not independently establish a condition of validity. The examples therefore do not warrant a comprehensive judgement that the two works coincide, or that one is devoted exclusively to objectives and the other to jurisprudence. The result remains a partial comparison of specified passages, capable of expansion through verification of additional texts.

RECOMMENDATIONS

The study recommends documenting comparisons of Qur'anic family verses at the level of the particular passage and the author of the relevant volume, distinguishing direct quotation, summary and inference, rather than relying solely on attributing the book to the overall project.

It also recommends linking each objective to its evidence and limits, and observing the distinction between agreement on an aim and disagreement over means, as well as between conditions of validity and legislative wisdoms.

It proposes extending the comparison to the remaining volumes of Ahkam al-Qur'an once their texts and editions have been verified, and studying contemporary applications in family matters through specific questions and documented sources.

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