

**Preference by Linguistic Signification in Ibn Rushd al-Hafid
A Study of Bidayat al-Mujtahid wa Nihayat al-Muqtasid: A Foundational and Applied
Study in Islamic Legal Theory**

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Abstract: This study reconstructs the method of Abu al-Walid Ibn Rushd al-Hafid (d. 595/1198) for preferring one linguistic signification over another, as it operates in his *Bidayat al-Mujtahid wa Nihayat al-Muqtasid* — a work that combines comparative jurisprudence with a theoretical analysis of the causes of juristic disagreement. The problem addressed is to uncover the rules Ibn Rushd employed when linguistic significations conflict or when several linguistic possibilities compete, and to test the coherence between his juristic applications and the theoretical framework set out in the book's introduction and in *al-Daruri fi Usul al-Fiqh*. The research adopts an inductive method in gathering applications, an analytical method in dissecting the structure of preference, and a comparative method in weighing his choices against the positions of jurists and the doctrines of legal theorists especially al-Ghazali, whose *al-Mustasfa* Ibn Rushd abridged. The study concludes that Ibn Rushd built his linguistic preference upon an interconnected system whose principal rules are: giving priority to explicit wording over the argument from silence (*dalil al-khitab*); giving priority, in principle, to general wording over that argument, while noting that both general terms and implied meanings vary in strength; acting upon the apparent meaning until a diverting indicator appears; preferring literal over figurative usage at the outset, while allowing the figurative to prevail when usage and context render it more apparent; taking morphological forms, particles, technical religious usage and context into account; and refusing to apply mechanically the rule that an unqualified text is to be construed in light of a qualified one when stronger indicators oppose it. It further shows that the objectives of the law and the removal of hardship do not function for him as substitutes for signification, but as preferential indicators or disciplined diverters of the apparent meaning, and that he suspends judgement when significations are evenly balanced a methodological suspension, not an inability. The study proposes a "Rushdian ladder" of linguistic preference in eleven procedural steps, compares it with the frameworks of the legal theorists, and indicates its usefulness for teaching *ijtihad* and for contemporary studies in legal semantics.

Keywords: Ibn Rushd al-Hafid; *Bidayat al-Mujtahid*; preference (*tarjih*); linguistic signification; homonymy; literal and figurative usage; general terms; argument from silence; unqualified and qualified texts.

Introduction

Praise be to God, who sent down the Book in clear Arabic speech and made the understanding of its address a path to knowledge of the rulings; and blessings upon Muhammad, who conveyed his Lord's message, and upon his family and companions. A large part of juristic disagreement goes back to differences in understanding the significations of the texts: is a term general or specific? unqualified or qualified? to be construed literally or figuratively? Does what is left unsaid carry a ruling contrary to what is stated? And at what degree of probability does a term move from being explicit (*nass*) to being merely apparent (*zahir*) or indeterminate (*mujmal*)? These are not purely linguistic questions, for

practical rulings touching worship, transactions and personal status depend upon them.

Bidayat al-Mujtahid wa Nihayat al-Muqtasid is among the foremost works to have exposed the theoretical structure of juristic disagreement. Ibn Rushd did not merely record opinions and proofs; he sought to identify the cause of each disagreement, to analyse the basis of each opinion, and then to state a preference where an indicator appeared, or to declare the question open to *ijtihad* where the significations were close. In his introduction he states that he intends to establish the agreed and disputed questions together with their evidence, to draw attention to the crux of the disagreement, and to lay down principles and rules serviceable for new cases; he then lists among the causes of disagreement homonymy, the ambiguity of command and prohibition, generality and specificity, the argument from silence, literal and figurative usage, ellipsis, and inversion of word order [1].

This study therefore goes beyond collecting linguistic passages to reconstructing Ibn Rushd's method of preference among them: when does explicit wording prevail? when does a general term gain strength? when is the figurative more apparent than the literal? how does he weigh the apparent sense of a morphological form against the apparent sense of avoiding ellipsis? and what role do the Sunna, analogy, custom and purpose play in preferring one linguistic possibility over another? It then tests whether his practice is faithful to his own theory in *al-Daruri fi Usul al-Fiqh* [2].

Research Problem

Studies on Ibn Rushd have been divided among homonymy [3], particles [4], the argument from silence [5], and preference by the objectives of the law [6]; but they have not — so far as the researcher has found — gathered the principles of preference by linguistic signification into a single framework linking the theory set out in the introduction of *Bidayat al-Mujtahid* and in *al-Daruri* with the applications scattered across the chapters of substantive law. The principal question is thus: What is Ibn Rushd's method of preference among conflicting or competing linguistic significations in *Bidayat al-Mujtahid*, and to what extent are his applications consistent with his theory?

Research Questions

- What is preference by linguistic signification, and what is its place in the craft of *ijtihad* for Ibn Rushd and for the majority of legal theorists?
- Which types of linguistic signification did Ibn Rushd treat as causes of juristic disagreement?
- Which rules and indicators does he rely upon in giving one signification priority over another?
- To what extent are his juristic applications consistent with his theory in the introduction and in *al-Daruri*?
- How does his method differ from those of the theorists whose heritage he engaged, especially al-Ghazali?
- What scholarly features may be drawn from his method, and how may they serve contemporary *ijtihad*?

Aims

- To survey inductively the passages in which Ibn Rushd preferred one linguistic signification or discussed conflicting significations.
- To clarify the concepts of explicit wording, apparent meaning, indeterminacy, generality, argument from silence, literal and figurative usage, and unqualified and qualified texts in his method, and to weigh them against the formulations of the legal theorists.
- To extract a ladder of preference setting out the ranks of significations and indicators in his practice.
- To analyse selected applications, connect them with theoretical rules, and test the coherence of theory and practice.
- To evaluate the method, identify its strengths and limits, and situate it within the discipline of legal theory.

Significance

The significance of the study lies in its connection to a central question of legal theory — understanding revealed address when its possibilities are multiple — and in its treatment of a scholar who combined law, legal theory, language and rational inquiry, and who abridged al-Ghazali's al-Mustasfa [7] with critical revisions in al-Daruri [8], so that his place in legal theory is that of a critical practitioner rather than a transmitter. Reconstructing his method also helps transform Bidayat al-Mujtahid from a record of disagreement into an applied laboratory for teaching ijthad, since it displays the movement from wording to ruling, the testing of the strength of signification, and the combination of text, context and purpose without infringing the authority of language.

Method, Limits and Sampling Criteria

The study employs four complementary methods: inductive, in gathering the relevant applications; descriptive, in defining terms and the structure of the book; analytical, in dissecting the modes of preference; and comparative, on two levels — weighing Ibn Rushd's choices against the bases of the schools he presents, and weighing his theory against the doctrines of the theorists in al-Mustasfa, al-Ihkam, Sharh Tanqih al-Fusul and al-Bahr al-Muhit [9].

The applied study is confined to ten questions drawn from the chapters on purification, menstruation and prayer, together with related questions of unqualified and qualified texts. These were selected according to three controlled criteria: first, semantic variety, so that the sample covers nearly all types of signification (homonymy in nouns and particles, literal and figurative usage, ellipsis, generality and implication, unqualified and qualified texts, and morphological forms); second, explicit preference, giving priority to passages in which Ibn Rushd disclosed the ground of his preference or of his suspension of judgement over those in which he merely named the cause of disagreement; and third, analytical density, since the questions of worship in the book are richer in semantic analysis than many questions of transactions, where transmission predominates. The study does not claim to exhaust the passages of the book, but to build an explanatory model open to testing and extension in other chapters.

Previous Studies and the Position of this Research

Table 1. Previous Studies and Their Relevance to the Present Research

Study	Subject and relation to this research
'Uthman and Tarshani (2019)	Examined Ibn Rushd's method of preferring among homonymous terms in the Book of Prayer, concluding that he gives priority to texts and reports, then to the rules of Arabic, then to custom and the principles of the law, suspending judgement when the proofs are equal. The present study widens the scope to the remaining types of signification across several chapters and tests coherence with al-Daruri.
Mustafa, Hananu and Oglu (2021)	Devoted to homonymy in particles and its juristic effect — an important resource for the applications of <i>ila</i> , <i>min</i> and the conjunction <i>wa</i> . The present study differs in focusing on the process of preference rather than on the mere role of homonymy in generating disagreement.
Zahir (2012)	An MA thesis on the argument from silence in Bidayat al-Mujtahid, broader in enumerating its applications, whereas the present study places it within a wider hierarchy balancing explicit wording, generality, apparent meaning and implication.
Al-Mutayri (2025)	Studied <i>dalil al-khitab</i> in theory and application through al-Daruri and Bidayat al-Mujtahid, highlighting the role of contextual indicators in the varying strength of implication and the agreement of theory with practice. The present study builds on this finding and extends the test to the remaining significations.
Sila (n.d.)	Treated linguistic signification and its effect on juristic disagreement in Ibn Rushd — closest to the general field of this research, though the

	present study is confined to the mechanisms of preference and to formulating an ordered ladder of preferential indicators.
Khuwailidi (2019)	Studied preference by the objectives of the law in Ibn Rushd, which helps in understanding how the removal of hardship and considerations of benefit direct the apparent meaning. The present research treats purpose as an indicator within the system of linguistic signification rather than as an independent subject.
Ahmad (2024); Braf (2024); Idrisi (2017)	Studied Ibn Rushd's position on literal and figurative usage, his juristic criticism, and his method of presenting opinions; these inform Chapters Two and Four without repeating their discussions.

The Table 1. Shows the position of this study among them is determined by three matters: it gathers all types of linguistic signification into a single preferential framework after they had been treated separately; it tests the coherence of Bidayat al-Mujtahid with al-Daruri beyond the argument from silence; and it formulates the results of the survey as a procedural ladder usable in teaching and research.

Research Plan

The study comprises a preliminary section and four chapters. The preliminary section offers a brief biography of Ibn Rushd and the features of his book; Chapter One establishes the concept of preference and the divisions of signification, with comparison to the legal theorists; Chapter Two analyses the controls of the Rushdian method; Chapter Three is devoted to the juristic applications; Chapter Four evaluates the method, proposes a ladder of preference and compares it with the theorists; the conclusion presents the findings and recommendations, followed by the bibliography.

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 are given at its first occurrence and an abbreviated form thereafter. The edition of Bidayat al-Mujtahid relied upon is that of Dar al-Hadith, Cairo, 1425/2004, in four volumes; where a reference is given by book and chapter without a page, the volume and page are to be supplied from that edition in the final redaction. Dictionaries are cited by entry, the two Sahihs by book, and works of legal theory and objectives by book or chapter, since such references remain stable across editions.

Preliminary Section: Ibn Rushd and Bidayat al-Mujtahid

Ibn Rushd al-Hafid

He is Abu al-Walid Muhammad b. Ahmad b. Muhammad b. Rushd al-Qurtubi al-Andalusi, known as Ibn Rushd the Grandson, born in Cordoba in 520/1126 into a household of learning and judgeship — his grandfather, Ibn Rushd the Elder, being among the leading Maliki jurists. He combined law, legal theory, medicine and philosophy, served as judge in Seville and then Cordoba, and died in Marrakesh in 595/1198 [10]. His juristic personality appears in his independence of judgement, his ability to present the schools from within their own principles, and his refusal to be bound to the Maliki position when another school's evidence proved stronger [11].

Among his principal works are Bidayat al-Mujtahid [12] and al-Daruri fi Usul al-Fiqh, in which he abridged al-Ghazali's al-Mustasfa with critical revisions [13]. What concerns us is that his training in logic did not separate him from the craft of law but rather assisted him in ordering possibilities, uncovering points of homonymy and indeterminacy, and distinguishing degrees of apparentness — so that he possessed instruments of inquiry not available to many who wrote on disagreement.

The Book Bidayat al-Mujtahid wa Nihayat al-Muqtasid

Ibn Rushd composed his book as a training instrument for the aspiring mujtahid, not as an epitome of a single school. He states in the introduction that he intends to establish the agreed and disputed questions with their evidence, to draw attention to the causes of disagreement, and to establish rules

functioning as principles for newly arising cases [14]. His presentation accordingly proceeds in four stages: determining the points of agreement and dispute; attributing the opinions; naming the cause of disagreement; and analysing the evidence, followed by preference or suspension [15].

The value of the book lies in returning the derivative questions to their principles: when jurists disagree over whether the elbows are included in washing, he does not treat the dispute as merely doctrinal but traces it to the homonymy of the particle *ila* and the noun 'hand'; when they disagree over the substance of dry ablution, he traces it to the homonymy of *sa'id* and to the relation of unqualified and qualified texts; and when they disagree over what the imam and the follower say on rising from bowing, he weighs explicit wording, generality and the argument from silence. The book thus becomes an applied record of the principles of signification.

The Centrality of Linguistic Signification in Explaining Disagreement

In his introduction Ibn Rushd holds that a legal ruling is derived from the Lawgiver's utterance, act or tacit approval, and then treats utterances as varying in signification: some general and some specific; some explicit, some indeterminate, some apparent and some merely possible; and some commands, prohibitions or arguments from silence. He then states that disagreement arises from homonymy in nouns and particles; from the hesitation of a command between obligation and recommendation and of a prohibition between prohibition and reprehension; from literal and figurative usage, ellipsis and inversion; and from the conflict of general and specific, unqualified and qualified [16]. This classification establishes that the "cause of disagreement" for him is not a historical description but a theoretical diagnosis preparing for the stage of preference; whoever knows the origin of a disagreement holds the key to judging its opinions.

The Theoretical Foundation of Preference by Linguistic Signification

The Concept of Preference and its Conditions

Tarjih derives linguistically from *rujhan*: inclination, increase and weight [17]. In the terminology of the legal theorists it is to show the superiority of one of two conflicting proofs over the other in a way that requires acting upon it. Al-Amidi defined it as the conjunction of one of two probable proofs, both fit for conflict, with something requiring its priority; [18] al-Qarafi established principles for giving priority to explicit wording over the apparent, and to the apparent over the interpreted; [19] al-Ghazali treated the ranks of clarification and the degrees of signification; [20] and al-Zarkashi expounded the questions of conflict and preference and the ranks of implication [21]. Where the conflict lies between two possible senses of a single term — the subject of this study — preference becomes the disclosure of the more apparent sense by way of lexical assignment, context, morphological form, another text, or a recognised purpose. Preference is realised only after both possibilities are in principle admissible, for a remote possibility unsupported by usage or indicator does not oppose the apparent sense.

The conditions of linguistic preference are: the soundness and authenticity of the proof; the possibility of reconciliation before discarding; unity of subject, time and respect; that the preferential indicator be independent of mere assertion; that it not clash with a stronger text; and that Arabic usage, technical religious usage and context be observed. Although the theorists stated these conditions in theory [22], they appear in Ibn Rushd's practice, for he frequently returns an alleged conflict to a weak hadith, to an indeterminate elided element, or to a linguistic extension not covered by the term. Thus the theory of the theorists meets the practice of the comparative jurist in a way that makes *Bidayat al-Mujtahid* an applied witness to the rules rather than a mere transmitter of them.

The Ranks of Signification in Ibn Rushd

The ranks of signification may be inferred from his introduction and his applications (*see Table 2.*): he describes a term admitting only one sense as explicit, one whose senses are equal as indeterminate, and one in which a sense preponderates while another remains possible as apparent [23]. This is close to al-Ghazali's division of the ranks of signification [24], except that Ibn Rushd employs the division dynamically rather than taxonomically: an indicator may strengthen an implied meaning until it approaches explicit wording; frequency of usage may render the figurative more apparent than the

literal; and a general term may be weakened by prior specification or by a merely possible context. The ranks are thus starting points for weighing, not fixed compartments for classification [17-23].

Table 2. Hierarchy of Significations and Rules of Preference.

Rank	Rule	Applied example
Explicit wording	The strongest signification in its place; not abandoned for an implication or a weaker possibility.	The hadith of Ibn 'Umar on the imam saying 'Our Lord, to You be praise'
Strong general wording	Given priority in principle over the argument from silence, though general terms vary in strength.	'Whatever you catch, pray; and whatever escapes you, complete'
Apparent meaning	Must be adopted until an indicator points otherwise.	The form tatahharna as indicating an act of the person obliged
Implication / argument from silence	Authoritative but of varying strength; below explicit wording and, in principle, below generality.	The implication of 'when he says sami'a Allah li-man hamidah, say rabbana wa laka al-hamd'
Indeterminate	Yields no specific ruling when the elided possibilities are equal.	'He has caught the prayer', with the elided element hesitating between merit, time and legal status
Remote possibility	Discarded when the term does not cover it or usage opposes it.	Including lime, arsenic and grass under the name sa'id

The Principal Types of Linguistic Signification

Homonymy in Nouns and Particles

A homonym is a term assigned equally to two or more senses, comprising nouns such as *qur*', 'hand' and *sa'id*, and particles such as *ila*, *min* and the conjunction *wa* [24]. Homonymy produces indeterminacy unless an indicator specifies the intended sense. Ibn Rushd treats it in a composite manner: he surveys the possible Arabic senses, then tests them against the texts of the chapter, the morphological form, custom, analogy and purpose, and does not rest content with announcing that homonymy exists — for him its diagnosis is the beginning of inquiry, not its end [24].

Literal and Figurative Usage and Ellipsis

For Ibn Rushd the presumption is that speech is to be construed literally, since positing figurative usage or ellipsis adds an interpretive assumption requiring evidence — a principle established among the theorists generally. Yet the literal sense does not prevail merely by virtue of being literal if the figurative has become, through usage or context, more apparent as the intended sense. Thus in the term 'touching' he preferred the sense of sexual relations while acknowledging it to be figurative, because Qur'anic usage of 'contact' and 'touching' makes it nearer in that setting. The criterion of preference thus shifts from a rigid dichotomy to a functional question: which of the two senses is more apparent in this context? — an approach converging with the theorists' position that a figurative sense preponderant through usage may be preferred to an abandoned literal sense [15].

Generality and Specificity

For Ibn Rushd the general term is among the strongest instruments of argument, and he states in some applications that generality is stronger than the argument from silence by common consent; yet he qualifies this by noting that general terms differ in strength, and that a particular implication may, through its indicators, outweigh a weak general term. This observation prevents the rule from becoming a mechanical ordering: what counts is the actual strength of signification in context, not the name of the category a notion converging with the theorists' recognition that general terms vary according to

their preservation from specification and their occurrence in response to a particular occasion [7].

Unqualified and Qualified Texts

Ibn Rushd presents the theoretical disagreement over construing an unqualified text in light of a qualified one and notes that the well-known position is to let the qualified govern the unqualified; yet he does not adopt it without examination. In the question of the substance of dry ablution he remarked that the rule 'requires consideration', and then tied the outcome to the signification of sa'id and to the variants of the hadith. In the question of blood he reported the effect of applying the rule so as to restrict prohibition to spilled blood according to the majority. The rule thus operates for him within the unity of ruling, occasion and context and the relative strength of the two significations, not as an independent verbal procedure — a critical stance agreeing with the reservations of a number of theorists concerning its unrestricted application [2].

Stated Meaning and Implication

Ibn Rushd distinguishes the direct signification of what is stated from the argument from silence, which transfers a contrary ruling to what is left unsaid. The authority of contrary implication is famously disputed: the majority of Malikis, Shafi'is and Hanbalis affirm it with variation among its types, the Hanafis generally deny it, al-Ghazali reported the positions on its varieties and distinguished the strong from the weak, and al-Zarkashi expounded its ranks. Ibn Rushd regards it as a linguistic signification rather than analogy, since the ruling is understood from the structure of the address and its qualification; yet its strength varies with the kind of qualification and the attendant indicators, so that it may approach explicit wording, the apparent, or the indeterminate. His applications show that he does not abolish implication but places it in its relative position within the network of proofs — a middle position between those who deny implication and those who equate it with what is stated [23].

Command, Prohibition and Morphological Forms

Among the causes of disagreement for Ibn Rushd is the hesitation of a command between obligation and recommendation and of a prohibition between prohibition and reprehension, and he argues from morphological forms to the apparentness of a sense [6]: in tatahharna the majority held the reflexive form nearer to an act of the person obliged, and in the major ablution he held the particle thumma to indicate sequence without lexical dispute. His attention is thus to the syntactic and morphological structure of the construction, not to the lexicon of individual words alone; the form is for him an independently significant preferential indicator [10].

Features of Ibn Rushd's Method of Linguistic Preference

Beginning by Determining the Cause of Disagreement

His first methodological step is to convert a disagreement from a set of separate opinions into a determinate semantic question. Instead of saying that Malik, al-Shafi'i and Abu Hanifa differed over including the elbows, he says the cause is the homonymy of ila and 'hand'; and instead of merely listing opinions on the substance of dry ablution, he identifies the homonymy of sa'id and the conflict between the unqualified 'earth' and its qualification by 'soil'. This step prevents arbitrary preference, since judging the opinions becomes dependent upon judging their bases [3].

Reconciling the Proofs before Preferring

Ibn Rushd does not consider any term in isolation but joins the verse to the hadith, the stated wording to the Prophet's act, and the term to technical religious usage. In the question of what the imam and the follower say he presented three courses: preferring the implication; preferring the explicit wording and the general term; and reconciling by distinguishing imam from follower. In the substance of dry ablution he weighed the variants 'earth' and 'soil' against the hadith of 'Ammar and the Prophet's

performing dry ablution against a wall. Preference is thus for him a stage subsequent to exhausting the possibilities of clarification and reconciliation, in accordance with the principle that giving effect to both proofs is preferable to discarding one [15].

Preferring the Stronger Signification, not the More Prevalent School

Ibn Rushd belongs to the Maliki school, yet he does not treat agreement with the school as an independent preferential indicator: he may declare weak an opinion ascribed to the Malikis if the term does not cover it, as in dry ablution with grass, and may adopt an interpretation contrary to the prevailing view when a stronger context appears. His independence shows in such critical formulas as 'the truth is', 'what I hold is', 'this is weak' and 'this requires consideration' expressions that move the reader from mere presentation to weighing the argument [15].

Explicit Wording and Generality against the Argument from Silence

In the question of the invocations upon rising from bowing, Ibn Rushd held that explicit wording is not abandoned for the argument from silence, since the former is stronger, and that generality is in principle stronger than the argument from silence [2] while noting that general terms and implications vary in strength. This rule reveals methodological maturity: it does not deny the authority of implication but forbids equating it with direct statement. His qualification that some implications may be stronger than some general terms means that categorial classification is not the end of analysis: strength may derive from the clarity of the qualification, the predominance of appropriateness, the absence of impediments to implication, or the weak coverage of the general term in that context — a procedure approximating that of the leading theorists, who graded implications rather than judging them uniformly [2,24].

Literal Usage and the Avoidance of Ellipsis, with Regard for Contextual Apparentness

Ibn Rushd repeatedly holds that speech must be construed literally until evidence indicates otherwise, and that ellipsis is figurative while its avoidance is more apparent. Yet in practice he does not treat the literal as a lexical authority divorced from usage: in 'touching' he held the sense of sexual relations more apparent by reason of Qur'anic usage, and in the direction of prayer he accepted construing 'direction' by the evidence of the Sunna, the agreed validity of a long row, and the removal of hardship. The governing rule is to follow the more apparent sense supported by indicators; the literal and the avoidance of ellipsis are the starting point, not the end of inquiry.

Preference by Linguistic and Legal Indicators

Among the indicators Ibn Rushd employs are the morphological form, the particle, the internal context of the verse, Qur'anic usage of the term in parallel places, clarification by the Sunna, the Prophet's act, technical religious usage, sound analogy, the agreement of practice, and general purposes such as the removal of hardship. Indicators may cooperate or conflict; where the apparentness of a morphological form conflicts with the apparentness of avoiding ellipsis — as in the verse on menstruation — he requires the mujtahid to weigh the two apparent senses and act upon the stronger [5].

Suspension of Judgement when Possibilities are Equal

Part of Ibn Rushd's scholarly integrity is that he does not manufacture a preference in every question: he may declare a question open or the two proofs comparable. Such suspension is a theoretical outcome when a sufficient preferential indicator is lacking, not a failure of competence. Examples include his comments on certain forms of the argument from silence in the invocations of prayer and his weighing in the verse on menstruation. 'Uthman and Tarshani have likewise confirmed that suspension when the dispute is strong and the proofs equal is a feature of his method.

The Applied Study

Applications in Purification and Menstruation

The Signification of *ila* and 'Hand' in Washing the Elbows

Jurists agree on the obligation of washing the hands and forearms in ablution but differ over whether the elbows are included. Ibn Rushd traced the disagreement to the homonymy of the particle *ila* — which denotes a limit and may denote 'with' — and to the homonymy of the noun 'hand' as between the palm; the palm and forearm; and the palm, forearm and upper arm.

He does not state an independent linguistic preference here, but establishes an important method: it does not suffice to argue from the apparent sense of a single particle so long as both elements of the construction are homonymous; preference then passes to clarification by the Sunna and the Prophet's practice of passing water over the elbows. An external clarifying indicator thus removes the indeterminacy arising from homonymy — an application of the rule that the indeterminate requires clarification and yields no ruling on its own [7,23].

Literal and Figurative 'Touching' among the Nullifiers of Ablution

Jurists differ over touching a woman: does it nullify ablution by itself, or does nothing nullify save sexual relations or touching accompanied by intent and desire? The origin of the disagreement is the signification of 'or you have touched women' (Q. 4:43). Those requiring ablution argued that touching is literal for contact by the hand and figurative for sexual relations, and that the literal takes precedence. Ibn Rushd, however, discussed this rule in light of frequency of usage, held that the figurative may become more indicative than the literal — citing the example of *gha'it* — and then showed that 'touching' is for him more apparent in the sense of sexual relations in this context, since the Qur'an employs 'contact' and 'touching' as euphemisms for it [4].

The importance of this application is that it shows preference for the literal not to be merely formal: the lexical sense may recede before Qur'anic usage and context. His rule may be formulated thus: the literal takes precedence at the outset, unless predominant usage or a particular context indicates that the figurative is the more apparent — a middle course between rigid adherence to primary lexical assignment and undisciplined interpretive expansion [6].

The Particle *min* in the Verse of Dry Ablution

Al-Shafi'i differed from Malik and Abu Hanifa over the necessity of some dust reaching the limbs in dry ablution, the cause being the homonymy of *min* in 'wipe your faces and hands with it' (Q. 5:6) as between partition and specification of kind. Al-Shafi'i preferred partition by analogy with ablution, but Ibn Rushd set against this the hadith of 'Ammar mentioning blowing, and the Prophet's performing dry ablution against a wall — two indicators weakening the requirement that particles of dust remain on the limb.

The upshot is that analogy does not suffice to prefer one of the two senses of a particle when a sound report and a clarifying act oppose it: preference begins from the possible linguistic signification and is then settled by the legal evidence nearest the point of clarification. Specification of kind remains a strong possibility, since the act of wiping does not entail the transfer of the substance of dust.

The Signification of *sa'id* and Construing the Unqualified by the Qualified

Jurists differ over the substance with which dry ablution is valid: pure soil; whatever appears of the parts of the earth; or what is generated from it. Ibn Rushd traced the disagreement first to the homonymy of *sa'id* as between pure soil and all exposed parts of the earth, and second to the transmission of the hadith in an unqualified form 'the earth has been made for me a place of prayer and a means of purification' and in a form qualified by 'soil'. He then noted that the well-known position is to construe the unqualified by the qualified, and commented: 'this requires consideration'.

After presenting the possibilities he weakened the extension of the name *sa'id* to lime, arsenic, gypsum, snow and grass, since the widest intelligible signification of the noun does not exceed what the noun 'earth' denotes. His preference thus combines three criteria: the lexical limit of the noun; the conflict of unqualified and qualified; and the exclusion of an extension unsupported by usage. The question shows that he does not convert the rule of construal into a mechanical law but tests the unity of the subject, the signification of the noun, the variants of the text, and the practical outcome [9].

yathurna and yattaharna in Intercourse after Menstruation

Jurists differ over the permissibility of intercourse after the cessation of bleeding and before the major ablution. Ibn Rushd held that 'purity' is homonymous in Arabic and in technical religious usage as between the cessation of blood, washing the body, and washing the private part. The majority preferred the major ablution, since the reflexive form in yattaharna indicates an act of the person obliged and is thus more apparent for washing, while Abu Hanifa preferred cessation on the strength of the apparent sense of the verb yathurna [19].

He then offered a precise contextual analysis: the presumption is that two connected terms in the verse be construed consistently, and one may not combine the sense of cessation in the first with washing in the second save by positing an elided element; ellipsis is figurative, and its avoidance is more apparent. Yet he did not close the door of *ijtihad*: he made it the *mujtahid*'s duty to weigh the apparentness of the form yattaharna for washing against the apparentness of avoiding ellipsis in the context, and to act upon the stronger.

This model represents the highest form of linguistic preference in his work: no sound rule confronts an unsound one; rather two admissible apparent senses compete — that of the morphological form and that of contextual consistency and the avoidance of ellipsis. It does not suffice, therefore, to invoke the slogan 'the literal takes precedence' or 'the apparent must be followed'; the strength of each apparent sense must be measured in its context.

The Conjunction wa and the Particle thumma in Sequence and Continuity

Ibn Rushd traced the disagreement over the sequence and continuity of the limbs in ablution to the homonymy of the conjunction *wa*: it may conjoin what is ordered and what is not, what follows immediately and what is delayed; so whoever held it to require sequence or immediacy made them obligatory, and whoever held it to denote mere conjunction did not. He then brought the Prophet's act within the scope of preference: is it to be construed as obligation or recommendation?

In the major ablution he held that the particle *thumma* in the hadith describing it entails sequence without dispute among lexicographers. Comparing the two particles reveals his attention to degrees of signification in particles: *wa* is homonymous and weak for establishing sequence, while *thumma* is lexically explicit for it, though inquiry remains as to whether the prophetic act indicates obligation. Lexical clarity thus does not eliminate the other conditions of derivation, but it strengthens one of its elements.

Applications in Prayer

Explicit Wording, Generality and the Argument from Silence in the Invocations upon Rising from Bowing

Ibn Rushd presented the disagreement over what the imam and the follower say. The hadith of Anas — 'when he says *sami'a Allah li-man hamidah*, say *rabbana wa laka al-hamd*' — yields by the argument from silence that the imam does not say the second and the follower does not say the first. Against this, the hadith of Ibn 'Umar is explicit that the Prophet — himself the imam — combined both, and the general statement 'the imam is appointed only to be followed' requires the follower to imitate him.

Ibn Rushd preferred explicit wording over the argument from silence, holding in substance that explicit wording is not abandoned for implication and that generality is in principle stronger than the argument from silence; he then qualified this by noting that general terms and implications vary in strength, leaving part of the question open to *ijtihad*. Three rules emerge: explicit statement takes precedence over contrary implication; generality takes precedence over it in principle; and categorial ordering is subject to modification by the strength of indicators.

Catching a Unit of Prayer between Generality, Implication and Indeterminacy

Jurists differ concerning one who catches less than a unit of the Friday prayer, and a conflict appears between the general statement 'whatever you catch, pray; and whatever escapes you, complete' and the implication of 'whoever catches a unit of the prayer has caught the prayer'. Ibn Rushd analysed the

elided element in the second: is what is meant catching the merit of the prayer, its time, or its legal status? Since the possible elisions are comparably probable, he treated the expression as indeterminate, yielding no specific ruling, so that the general statement was to be preferred.

He added that even if the apparentness of 'the legal status of the prayer' in the elided element were granted, its opposition to the general statement could only be by way of the argument from silence, and generality is stronger — especially where the implication is built upon a merely probable elision or a non-decisive apparent sense. The effect of semantic analysis prior to preference is thus evident: the term opposing the general statement may not be an explicit text at all, but an implication constructed upon an indeterminate elision; and the more layers of probability accumulate, the weaker the signification — what may aptly be called the rule of the accumulation of probability.

Facing the Ka'ba Itself or its Direction

Jurists differ concerning one distant from the Ka'ba: must he face the structure itself or its direction? Ibn Rushd traced the cause to the positing of an elided element in 'turn your face toward the Sacred Mosque' (Q. 2:149): whoever posited no elision construed the speech literally as intending the structure itself, while whoever posited the sense of 'direction' was satisfied with the general bearing. He first held that speech is construed literally until evidence indicates otherwise [24].

He then argued for the direction on the basis of the hadith 'what lies between east and west is a qibla' in its proper place, the Muslims' agreement on the validity of a long row extending beyond the line of the Ka'ba itself, and the principle of the removal of hardship — for facing the structure precisely cannot be determined without geometrical and observational calculations to which ordinary people are not held, and requiring it leads to the hardship negated by the law. The question reveals how purpose joins signification: the removal of hardship did not abolish the apparent sense of the text from outside language, but became an indicator that 'toward' in the case of the distant worshipper denotes an intended direction rather than a geometrical line to the structure. Purpose here interprets the scope of obligation and determines the intent of the address.

Applications in Generality and in Unqualified and Qualified Texts

Blood between Absolute and Qualified Expression

The prohibition of blood is stated absolutely in Q. 5:3 and qualified as 'spilled' in Q. 6:145. Ibn Rushd reported that the majority let the qualified govern the absolute, restricting prohibition and impurity to spilled blood, while others adhered to the absolute for its greater comprehensiveness. He offers no extended preference here, but placing the question within the conflict of absolute and qualified shows that the ruling rests upon an interpretive rule rather than upon the quantity of blood alone. Read together with the question of dry ablution, it appears that he presents the rule as a matter open to consideration and *ijtihad*, and that the force of construal depends upon unity of ruling and occasion and the absence of an impending indicator.

The General Intended Specifically and the Specific Intended Generally

In his introduction Ibn Rushd noted that speech includes the general intended generally, the general intended specifically, and the specific intended generally (*see Table 3.*). Applying these types requires an indicator, for a term is not transferred from its requirement by mere possibility. His method throughout the book rests on two correlative questions: is the term comprehensive by its assignment? and is there in the context, the Sunna or consensus what specifies it? He therefore does not treat generality as a single rank: a general term preserved from specification is stronger than one with numerous specifications or one occurring in a particular context.

Summary of the Applications

Table 3. Applications of Semantic Preference in Ibn Rushd's Juristic Reasoning.

Question	Semantic focus	Type of conflict	Outcome of preference
Washing the elbows	ila / 'hand'	Homonymy	Clarification by the Sunna removes indeterminacy

Touching women	Literal and figurative	Contextual apparentness	The figurative prevails when Qur'anic usage makes it more apparent
Conveying the dust	min	Homonymous particle	Hadith and prophetic act outweigh bare analogy
Substance of dry ablution	sa'id + absolute/qualified	Homonymy and conflicting variants	No extension beyond the noun's sense; no mechanical construal
Purity after menstruation	yathurna / yattaharna	Form, context and ellipsis	Weighing the form against the avoidance of ellipsis
Sequence in ablution	wa / thumma	Particles	wa does not settle sequence; thumma is stronger
Invocations after bowing	Explicit / general / implication	Conflict of ranks	Explicit wording and generality outweigh the argument from silence
Catching a unit of prayer	General / implication / elision	Accumulated probability	The indeterminate does not oppose the general
The qibla	Literal / ellipsis / purpose	Legal and practical indicators	Removal of hardship and the Sunna direct the apparent sense to direction
Blood	Absolute / qualified	Rule of construal	Qualification counts where context is unified and the link strong

Evaluating the Method, Constructing the Ladder of Preference, and Comparing it with the Legal Theorists

The Proposed Rushdian Ladder of Linguistic Preference

From the foregoing an operative ladder may be proposed describing Ibn Rushd's practice — not as a text he himself set down, but as an inductive reconstruction of his applications:

1. Verify the authenticity of the texts and their attribution, since weakness of authenticity dissolves the conflict before signification is examined.
2. Determine precisely the point at issue and the linguistic cause of the disagreement.
3. Attempt reconciliation and clarification by context, connected texts and the Prophet's act before resorting to preference that discards a proof.
4. Give priority to explicit wording over the apparent and the implied, and to what is stated over the argument from silence in cases of genuine conflict.
5. Give priority to a strong general term over the argument from silence in principle, while examining the strength and indicators of each.
6. Act upon the apparent sense until a diverting indicator appears, and give priority at the outset to the literal and to the avoidance of ellipsis.
7. Move to the figurative or posit an elision when usage, the Sunna, context or purpose renders it more apparent.
8. Prefer among the senses of a homonym first by texts and reports, then by language, morphological form, context, custom and sound analogy.
9. Examine unqualified and qualified texts as to unity of ruling, occasion and context, and do not apply

construal mechanically.

10. Discard a possibility that the term does not customarily cover or that leads to artificiality or unintended hardship.
11. Suspend judgement, or describe the question as open to *ijtihad*, when the apparent senses are equal and no sufficient indicator appears.

Comparing the Ladder with the Frameworks of the Legal Theorists

Set beside the doctrines of the theorists (*See Table 4.*), three observations emerge. First, its overall content agrees with the mainstream of the majority: giving priority to explicit wording over the apparent and the interpreted is established by al-Qaraḥi, and the priority of what is stated over implication, together with the varying ranks of implications, is expounded by al-Ghazali, al-Amidi and al-Zarkashi. The ladder is thus not a departure from the discipline but an applied distillation of it.

Second, Ibn Rushd's distinction lies not in inventing new rules but in two precise points: introducing the degree of actual strength within a single category (not every general term is stronger than every implication), and making technical religious usage and context arbiters over the dichotomy of literal and figurative. Both are affirmed by the leading theorists in principle, but Ibn Rushd practises them question by question, so that theory becomes procedure.

Third, in its final step — treating purpose and the removal of hardship as an indicator rather than a substitute — the ladder converges with what al-Shatibi later elaborated concerning the interdependence of linguistic signification and the objectives of the Lawgiver. Ibn Rushd's practice thus appears as an intermediate link between al-Ghazali's semantic theorising and al-Shatibi's theory of objectives, joining the authority of language with regard for consequences without dissolving either into the other.

Features of the Method

Table 4. Methodological Features of Ibn Rushd in *Bidayat al-Mujtahid*.

Feature	Its manifestation in the book
Causal analysis	He returns opinions to their theoretical causes, so the reader learns how a disagreement arose, not merely what the jurists said.
Semantic gradation	He distinguishes explicit, apparent, indeterminate and implied, and observes the variation of individuals within a single category.
Contextuality	He does not separate lexical assignment from Qur'anic and prophetic usage and internal context.
Integration	He combines language, hadith, analogy, custom and purpose without confusing their ranks.
Critical independence	He does not treat Maliki affiliation as a preferential indicator and states plainly that certain opinions are weak or that a rule requires consideration.
Scholarly caution	He suspends judgement when possibilities are equal and describes some questions as open to <i>ijtihad</i> rather than asserting a forced certainty.

The Coherence of Theory and Practice

A clear coherence appears between the introduction of *Bidayat al-Mujtahid* and its applications: he counted homonymy, the argument from silence, and literal and figurative usage among the causes of disagreement, and then employed them in the washing of the hands, in touching, in menstruation and in prayer. What he established in *al-Daruri* concerning the varying strength of the argument from

silence is supported by his applications giving priority to explicit wording and generality over it, while acknowledging that some implications may be strong through their indicators; al-Mutayri concluded that theory and practice agree in the argument from silence, which the present study confirms over a wider range including literal and figurative usage and unqualified and qualified texts.

Nevertheless, the book is not a systematically arranged work of legal theory; he may therefore name the cause of a disagreement without preference, or prefer juristically without detailing all the premises. Reconstructing the method is thus an inductive exercise requiring caution against converting examples into absolute rules he did not state.

Critical Discussion

To Ibn Rushd's credit, first, he distinguishes the possibility of a sense from its preponderance: not every lexical sense is admissible as intended, and not every homonym remains indeterminate once indicators appear. Second, he ties interpretation to practical ruling: language for him is an instrument for determining obligation, not ornament. Third, he acknowledges the variation of proofs within a single category — a more precise view than rigid scholastic rules.

Three observations may be made on the method. First, some of his judgements on hadiths and variants require independent verification of transmission, since preference of signification is subordinate to the authenticity of the proof. Second, his concise expressions may leave the reader to complete the ground of preference. Third, the intervention of purpose — as in the qibla — requires continual discipline lest the removal of hardship become an override of the apparent sense of the text without indicator; yet Ibn Rushd himself avoids this excess by joining purpose to the Sunna, established practice and reality rather than invoking it alone.

From the standpoint of contemporary research, his method can be converted into an analytical model for religious and legal texts: identify the type of signification; determine the possibilities; weigh the indicators; test coherence with other texts and with purpose; and state the degree of certainty. These steps are useful for building curricula in teaching *ijtihad*, for designing databases of juristic disagreement, and for computational models that interpret rulings, since they distinguish the outcome from the path of reasoning [22,24].

Conclusion

After surveying and analysing the models of preference by linguistic signification in *Bidayat al-Mujtahid* in the light of Ibn Rushd's own theory and in comparison with the doctrines of the legal theorists, it emerges that the book offers a composite method of understanding the text that cannot be reduced to a single rule: it begins from lexical assignment without stopping there; it adopts the apparent sense and admits a diverting indicator; it argues from implication without equating it with explicit wording; it gives precedence to the literal yet may prefer the figurative when context and usage render it more apparent; and it employs purpose while joining it to textual and practical indicators. Ibn Rushd treated linguistic significations as among the foremost causes of juristic disagreement and offered in his introduction a map covering generality and specificity, explicit, apparent and indeterminate wording, command and prohibition, the argument from silence, and literal and figurative usage. We are found that his method rests on determining the cause of disagreement before preferring, which converts doctrinal dispute into a theoretical question open to analysis. Explicit wording is for him stronger than the argument from silence, and direct statement is not abandoned for a weaker contrary implication. Generality is in principle stronger than the argument from silence, with the caveat that general terms and implications vary in strength; the rule is thus not mechanical. The apparent sense must be followed until evidence indicates otherwise, and the indeterminate does not by itself yield a specific ruling. The presumption favours the literal and the avoidance of ellipsis, though frequency of usage and context may render the figurative more apparent, as in the term 'touching'. In preferring among the senses of a homonym he relies on texts and reports, then on morphological form, language, context, custom, analogy and purpose. He does not mechanically accept construing the unqualified by the qualified, but examines unity of context, the signification of the terms and the indicators, as in the substance of dry ablution. Morphological forms and particles are effective elements of preference: the reflexive form and *thumma* signify more strongly than the homonymous conjunction *wa*. He also

employs the removal of hardship as a disciplined interpretive indicator, as in accepting the direction of the Ka'ba for the distant worshipper, and does not treat it as an absolute substitute for the text. His applications in *Bidayat al-Mujtahid* are broadly coherent with his theory in *al-Daruri*, especially concerning the varying strength of the argument from silence. Suspension of judgement when apparent senses are equal is a methodological feature indicating scholarly integrity rather than weakness of preferential competence. His method agrees in its principles with the mainstream of the majority; its distinction lies in introducing the degree of actual strength within a single semantic category and in making usage and context arbiters over the literal-figurative dichotomy. His method represents an intermediate link between al-Ghazali's semantic theorising and al-Shatibi's theory of objectives, and serves as a practical model for teaching *ijtihād*. Our recommendation, prepare an inductive encyclopaedia of all occurrences of the 'cause of disagreement' in *Bidayat al-Mujtahid*, classified by the chapters of linguistic signification, as a doctoral project or team undertaking. To conduct a textual comparison between *al-Daruri fi Usul al-Fiqh* and the applications of *Bidayat al-Mujtahid* in the chapters on transactions and marriage, testing the proposed ladder beyond the sample drawn from worship. To devote an independent study to the criterion by which the figurative attains the rank of apparentness in Ibn Rushd: what governs the 'frequency of usage' that reverses preponderance? Is it a specifically Qur'anic usage or general linguistic custom?

Moreover, collect and verify the passages in which he says 'this requires consideration' regarding unqualified and qualified texts, since they indicate a critical stance toward the rule that has not been studied separately. To employ the eleven-step Rushdian ladder in applied courses of legal theory, training students on the questions of the book itself: identifying the type of signification, its degree of strength, its indicators, and the ground of preference. To build a digital database linking each question in the book with its cause of disagreement, type of signification and ground of preference, as a basis for comparative research and for computational models that interpret rulings.

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