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Research Article

Talfeeq in Islamic Jurisprudence: A Critical Analysis of its Legality, Scholarly Perspectives and Application

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Abstract. This paper critically examines the concept of *Talfeeq* within Islamic jurisprudence, with a particular focus on its application across different schools of thought. The study explores the various areas where *Talfeeq* is employed in Islamic law, drawing on both classical and contemporary sources to illustrate its use. It assesses the permissibility and impermissibility of *Talfeeq*, providing a balanced analysis of the arguments put forward by its proponents and critics. Additionally, the paper explores the stance of *Talfeeq* within the Sunni schools of thought, considering its legal status and practical implications in contemporary Islamic legal discourse. The research concludes with a critical evaluation of the challenges associated with *Talfeeq*, offering insights into its potential for further scholarly development and integration into modern Islamic jurisprudential frameworks.

Keyword: Talfeeq, Islamic Jurisprudence, Legal Pluralism, Sunni Schools of Thought, Jurisprudential Methodology, Shariah Compliance

INTRODUCTION

Talfeeq is a significant yet often debated concept in Islamic jurisprudence {*Fiqh*}, particularly concerning its application across various schools of Islamic Jurisprudence. It refers to the practice of combining legal rulings from different Islamic legal traditions to address complex issues that do not have a clear resolution within a single school of law. This methodology has gained considerable attention in recent years as scholars and practitioners seek ways to reconcile traditional Islamic law with contemporary legal challenges. However, *Talfeeq* remains a controversial topic, with different interpretations and opinions regarding its permissibility and practical implications.

The development of *Talfeeq* is rooted in the diversity of opinions among the four major Sunni schools of jurisprudence; Hanafi, Maliki, Shafi'i, and Hanbali. Each school has its own set of legal principles, methodologies, and sources for deriving rulings. While these schools share common foundational texts such as the Qur'an and Hadith, their approach to interpreting and applying these texts often leads to differing conclusions. *Talfeeq* emerges as a response to this diversity, offering a framework through which jurists can select opinions from multiple schools to form a cohesive solution to specific legal issues. However, the practice raises concerns about legal consistency, the preservation of doctrinal purity, and the potential for misapplication.

The application of *Talfeeq* in Islamic law is not limited to theoretical discussions. It has practical implications for contemporary Islamic legal systems, especially in contexts where modern issues require a flexible legal response. Examples include financial transactions, family law, and civil rights, where legal uncertainty may prompt the adoption of rulings from different schools to achieve just outcomes. Nevertheless, the permissibility of such a practice has been questioned by some scholars who argue that it could lead to the dilution of traditional legal principles or the erosion of established jurisprudential boundaries.

This paper aims to provide a comprehensive analysis of *Talfeeq* in Islamic jurisprudence, examining its theoretical foundations, its application across Sunni schools of thought, and the ongoing debate surrounding its legitimacy. The study will explore the scholarly arguments both for and against *Talfeeq*, assess its role in contemporary Islamic legal practice, and discuss its implications for the future of Islamic jurisprudence. By critically evaluating these aspects, this paper seeks to offer a balanced perspective on the place of *Talfeeq* in modern Islamic law and its potential to address the evolving legal needs of Muslim communities worldwide.

RESEARCH METHODOLOGY

This paper employs a qualitative, doctrinal research methodology, combining both theoretical analysis and legal interpretation. The approach is designed to explore the concept of *Talfeeq* from multiple perspectives, using primary and secondary sources from Islamic jurisprudence. The methodology consists of the following steps:

1. **Literature Review:** A comprehensive review of existing literature on *Talfeeq* will be conducted, drawing on both classical and contemporary sources. This will include a review of works by renowned Islamic jurists, contemporary scholars, and academic articles. The aim is to establish a thorough understanding of how *Talfeeq* is perceived across different schools of Islamic jurisprudence, as well as the arguments for and against its application.
2. **Doctrinal Analysis:** The study will focus on a detailed doctrinal analysis of the concept of *Talfeeq* as derived from primary Islamic texts (the Qur'an, Hadith, and classical legal texts). The analysis will examine how different schools of Islamic jurisprudence interpret the permissibility of combining legal opinions and its alignment with Shariah principles. This will also involve comparing the methodologies of various Sunni schools of thought to understand how *Talfeeq* is applied across these traditions.
3. **Comparative Analysis:** A comparative approach will be used to evaluate the differences in the application of *Talfeeq* within the Sunni schools of Islamic jurisprudence, particularly the Hanafi, Maliki, Shafi'i, and Hanbali schools. The research will assess how each school views the practice, the conditions under which *Talfeeq* is deemed acceptable, and the extent to which it has been integrated into contemporary legal practice.
4. **Critical Evaluation:** The final stage of the methodology will involve a critical evaluation of *Talfeeq*, examining both its advantages and disadvantages. This will include assessing its potential to foster legal flexibility and address modern legal issues, as well as its potential drawbacks, such as the risk of weakening traditional jurisprudential boundaries. The critique will also explore the implications of *Talfeeq* for the future of Islamic legal theory and practice.

Lexical Meaning of *Talfeeq*.

The term *Talfeeq* originates from the Arabic root *Lafaqa*, which denotes merging, joining, or combining disparate elements into a unified whole. Its linguistic foundation is exemplified by expressions such as *Lafaq al-Thawb*, which refers to sewing or joining two pieces of cloth. This basic meaning extends metaphorically to the integration of ideas or principles in various contexts.¹ In classical Islamic jurisprudence, *Talfeeq* was primarily understood in its literal sense. Schools such as the Hanafi, Maliki, and Hanbali traditions utilized the concept in specific legal discussions, such as rulings on menstruation. For instance, these schools considered days of purity shorter than fifteen as part of menstruation by combining them with preceding and succeeding periods, reflecting the literal integration inherent in *Talfeeq*. In contrast, the Shafi'i school rejected such combinations in this context. Despite its practical usage, *Talfeeq* was not explicitly recognized as a legal term in foundational Islamic texts.²

¹ Ibn Manzoor, Mohammad ibn Makram, *Lisan al-Arab*, Dar Sadr, Beirut, 10:330, *Lafaq*.

² Razaq, Abdul, Bai Slam mai Talfeeq Baynal Madhaib ki Faaliyat, *IQAN*, Vol.1 {2}, 2019, p.18.

Terminological Meaning.

The term *Talfeeq*, often translated as "combination" or "fusion," holds significant importance in Islamic jurisprudence (*Fiqh*). It refers to the practice of integrating rulings from different schools of thought (*madhahib*) within a single issue or across related rulings.³ Scholars have transmitted various definitions of *Talfeeq*, each reflecting its nuances, while later jurists and *usuliyyun* (scholars of legal theory) have debated its validity extensively. *Talfeeq* is defined comprehensively as:

"The practice of combining jurisprudential rulings from more than one school of thought, either across separate chapters, within a single chapter, or in components of a single ruling."⁴

Forms of *Talfeeq*.

From this definition, three distinct forms can be identified:

1. **Cross-Chapter Combination:** This involves following different *madhahib* for rulings in separate chapters. For example, adhering to the Hanafi school for prayer (*salah*) and the Shafi'i school for zakat.
2. **Within-Chapter Combination:** This entails mixing rulings from different schools within the same chapter, such as adopting the Hanafi method for ablution (*wudu*) while following the Shafi'i rulings on ritual bathing (*ghusl*).
3. **Within-Issue Combination:** In this case, rulings from multiple *madhahib* are combined within the same issue, resulting in a practice that no single school would independently validate. For instance, performing ablution by wiping only a few hairs in accordance with the Shafi'i school while adopting Hanafi rulings for the rest of the process.

The third form of *Talfeeq* has sparked intense debate among scholars, as it raises critical questions about the boundaries of acceptable jurisprudential synthesis. It is often scrutinized to determine whether such combinations are permissible or undermine the integrity of individual *madhahib*.⁵

Significances of the Study

Jurisprudence has evolved continuously as scholars, jurists, and *mujtahids* have adapted it to meet the changing conditions and needs of every era. This ongoing development reflects the dynamic nature of Islamic legal thought and its responsiveness to new challenges. Scholars have often engaged in integrating diverse jurisprudential approaches (*talfeeq*) to address complex issues, a method that has sparked significant scholarly debate and objections regarding its legitimacy.

The complexity and sensitivity of *talfeeq* necessitate a critical evaluation of these scholarly discussions. This study seeks to analyze and assess such debates, determining where integration aligns with Shariah principles and where it may diverge. It also aims to explore practical and legitimate alternatives in cases where

³ Ameen Zainab, *Asr-e-Hazir mai Talfeeq Baynal Madhaib ki zaroorat wa ahmiyat aur iss k Sharayit wa Zawabit*, *Hazara Islamicus*, Vol.3 {1}, 2014, p.89.

⁴ Abdul Razzaq, Mohammad, *Talfeeq Muqqif al- Usuleen min*, Ministry of Enduements and Islamic Affairs, Kuwait, 2012, p.150.

⁵ Razzaq, Abdul, *Bai Slam mai Talfeeq Baynal Madhaib ki Faaliyat*, op.cit, p.3.

talfeeq is deemed unacceptable. By examining the objectives and integrity of Shariah standards, the research will address whether these frameworks genuinely aim to provide principled solutions in accordance with the Quran and Sunnah, or if they inadvertently accommodate convenience at the expense of adherence to core Islamic principles.

Notable Definitions

1. **Mufti Taqi Usmani:** Mufti Taqi Usmani is a leading Islamic jurist, explains the term *talfeeq* as a practice where rulings from two different schools of Islamic legal systems are combined within a single issue, resulting in a hybrid outcome that may not be entirely permissible according to either school. This definition highlights the complexity and caution required when engaging in *talfeeq*, as it risks creating rulings that are inconsistent with the core principles of Islamic jurisprudence.⁶
2. **Wahba al-Zuhayli:** "*Talfeeq* involves adopting a position that no jurist entirely endorses."⁷
3. **Mu'jam Lughat al-Fuqaha' (Dictionary of Jurisprudential Terms):** "*Talfeeq* is an act that combines rulings from multiple schools of Islamic legal thought in such a way that no school would independently validate it."⁸
4. **Kuwaiti Fiqh Encyclopaedia (Al-Mawsu'ah al-Fiqhiyyah):** "*Talfeeq* refers to validating an action by combining rulings from two schools of thought, even though each would independently deem it invalid."⁹

The definition from the Kuwaiti *Fiqh* Encyclopaedia is widely regarded as the most comprehensive, encompassing the conceptual and practical dimensions of *Talfeeq*.

The Scope and Application of *Talfeeq*

Talfeeq operates exclusively within the domain of *ijtihad* (jurisprudential reasoning) and does not extend to definitive Shariah rulings or matters of Islamic belief (*aqidah*). Similar to *taqlid* (adherence to a particular jurist's opinion), *Talfeeq* is rooted in areas where *Ijtihad* and scholarly interpretation are permissible. By its nature, *Talfeeq* involves integrating rulings from different schools of thought within a single issue, highlighting its reliance on *ijtihad*. However, it does not apply to universally agreed-upon principles or definitive rulings in Islamic law, which are beyond the scope of interpretive flexibility. Furthermore, sequentially adopting opinions from different schools for separate issues or contexts is distinct from *Talfeeq*, as it does not involve the simultaneous synthesis of rulings. This distinction ensures the coherence and integrity of jurisprudential practice.¹⁰

⁶ Usmani, Mohammad Taqi, *Usool-ul-Ifta*, Maktaba-e-Maarif al-Quran, Karachi, 2011, p.207.

⁷ Zuhayli, Wahba, *Al-Fiqh al-Islami wa Adilatuhu*, Dar-ul-Fikr, Damascus, 1989, Vol.1, p.85.

⁸ Qalaji, Mohammad Rawas, *Muajjam Lughata ul-Fuqaha*, Dar al-Nafayes, Beirut, 1987, p.144.

⁹ Kuwait Council of Senior Scholars, *Al-Mawsu'ah al-Fiqhiyyah*, Maktab tul Haqaniya, Kuwait, 2008, Vol.19, p.193.

¹⁰ Shah, Muazzam and Yousuf, Ghulam, *Sharie Ahkam mai Talfeeq aur Rukhsatai Talash karny ka Hukum*, *Maarif-e-Islami*, Vol.19 {1}, 2020, p.150.

The Historical Emergence and Development of *Talfeeq* in Islamic Jurisprudence

The term *Talfeeq*, signifying the practice of combining elements from different legal rulings, did not exist during the era of the Prophet Muhammad ﷺ, his Companions (*Sahabah*), or their followers (*Tabi'un*). This absence is attributed to the direct guidance provided by ongoing Quranic revelation and the Prophet's teachings, which addressed legal and religious matters comprehensively, leaving no need for such a concept. The emergence of *Talfeeq* occurred in later periods as scholars, jurists, and judges began addressing novel issues requiring legal opinions. With the codification of Islamic jurisprudence and the establishment of distinct schools of Islamic jurisprudence—such as the Hanafi, Maliki, Shafi'i, and Hambali—the concept of *Talfeeq* gradually gained relevance. It was first introduced into scholarly discussions in the late 4th and early 5th centuries Hijri as jurists sought to explore its applicability and implications.¹¹

Scholars like Jamaluddin Qasmi highlight that early source, including the works of the Imams, and texts authored by their disciples, did not formally employ the term. This indicates that while the functional application of *Talfeeq* was evident, its terminological formalization emerged later as a methodological tool in Islamic legal theory.¹² Similarly, contemporary Muslim scholar and jurist from India Khalid Saifullah Rehmani emphasizes that *Talfeeq* as a formal term is absent in classical jurisprudential texts. However, its conceptual foundations can be inferred from the discussions of early jurists. The term itself gained currency after the 10th century Hijri, when later jurists and scholars of *Usul al-fiqh* began addressing its implications systematically.¹³

Inter-School *Talfeeq* {*Talfeeq Bynal Madhaahib*}

Inter-school *talfeeq* refers to the practice of combining rulings from different Islamic jurisprudential schools (*madhabs*) in a single act or scenario, in a way that neither school would fully endorse as valid. This blending often arises when an individual selectively follows the more lenient or convenient rulings from various schools, leading to outcomes that deviate from the principles of each school.¹⁴

The term *talfeeq* itself means "to stitch or patch together," signifying how rulings from different schools are pieced together. While the intention may be to ease the practice of Islamic law, such combinations can sometimes violate the foundational principles of jurisprudence, as each school's rulings are interconnected and based on their unique methodologies. Islamic jurists have provided illustrative examples to explain the concept of *talfeeq*. Among the most well-known is the following case: A man touches a woman and believes, according to the Hanafi

¹¹ Amini, Mohammad Taqi, *Fiqh Islami ka Tarekhi Pasi Manzar*, Qadeemi Kutub Khana, Aaram Bagh, Karachi, 1991, p.41-52.

¹² Qasmi, Jamal al-Din Mohammad bin Mohammad, *Al-Fatwa fi al-Islam*, Dar ul-Maktab al-Ilmiyyah, Beirut, 1969, p.104.

¹³ Rehmani, Khalid Saifullah, *Qamoos al-Fiqh*, Zam Zam Publishers, Karachi, 2007, Vol.2, p.533.

¹⁴ Mohammad, Sahibzada Baz, *Talfeeq Baynal Madhaib Fiqh Islami ki Roshni mai*, *JQSS*, Vol.1 {2}, 2021, p.4.

position, that this does not invalidate ablution (*wudu*). Later, blood flows from his body, but he follows the Shafi'i position that this does not break ablution either. With this ablution, he then offers prayer.

In this scenario:

1. The man followed the Hanafi ruling regarding touching a woman.
2. He followed the Shafi'i ruling regarding flowing blood.

While this might seem convenient, the prayer is considered invalid because neither Imam Abu Hanifa nor Imam Shafi'i would accept this combination of rulings. According to the Hanafi school, flowing blood invalidates ablution, and according to the Shafi'i school, touching a woman invalidates ablution. Thus, the man's actions did not satisfy the requirements of either school.¹⁵

1. The Shariah Ruling on Inter-School *Talfeeq*

As mentioned earlier, this discussion revolves around *talfeeq* or the blending of rulings from different schools of thought. *Talfeeq* refers to creating a combined process by taking rulings from two or more schools in such a way that neither the opinion of the Imam being followed nor the principles of any single school are fully adhered to. Jurists are divided on the permissibility of *talfeeq*. Some allow it, while others prohibit it.¹⁶ The arguments for both positions are detailed below:

2. Arguments of the Proponents

• The Maliki Jurists

Some Maliki jurists have accepted *talfeeq* as permissible, emphasizing the ease and openness it brings to religious practice.

1. **Imam Qarafi's Position** Imam Abu al-Abbas al-Qarafi (d. 1285 CE/684 AH) held that *talfeeq* is valid because religion should offer openness, flexibility, and convenience. In his works, he states: "Combining rulings from two schools in worship is permissible because it allows for latitude in religion, and the religion of Allah is easy." Imam Qarafi asserts that combining rulings in worship promotes the ease and convenience emphasized by Shariah.¹⁷
2. **Shaykh Ahmad al-Dardir** Shaykh Ahmad al-Dardir al-Adwi al-Maliki (d. 1786 CE/1201 AH) also justified *talfeeq*, arguing that it provides relief from hardship and is consistent with the principles of Islamic jurisprudence. He notes: "*Talfeeq* removes difficulty by allowing people to follow easier rulings, and this openness aligns with the foundational principles of Shariah." He permits *talfeeq* in worship within jurisprudential guidelines but advises against its indiscriminate use in other religious matters to maintain legal consistency.¹⁸

According to the referenced text on *talfeeq*, "adopting rulings from multiple schools of thought is not only contextually permissible but, according to some jurists,

¹⁵ Ibid.

¹⁶ Mohammad, Sahibzada Baz, *Talfeeq Baynal Madhaib Fiqh Islami ki Roshni mai*, op.cit, p.5.

¹⁷ Qarafi, Abul Abbas Shihab-ud-Din Ahmad, *Anwar al-Buruq fi Anwa al-Furuq*, Aalam al-Kutub, Beirut, 2013, Vol.2, p.34.

¹⁸ Dasooqi, Mohammad bin Ahmad al-Maliki, *Hashiyyah ad-Dasooqi ala ash-Sharh al-Kabir*, Dar ul-Fikr, Beirut, 2013, Vol.1, p.20.

prioritizing the lesser of two legal inconsistencies may be deemed preferable when navigating conflicting jurisprudential views."¹⁹

• **Some Prominent Jurists from Hanafi School of Jurisprudence and their Argument**

According to the interpretations of jurists, especially the Hanafi scholars, most hold inter-school *talfeeq* to be impermissible. Nonetheless, some scholars have supported the practice in certain situations.

1. **Imam Ibn al-Hammam** Imam Muhammad ibn Abd al-Wahid al-Hanafi (d. 1457 CE/861 AH) held that a layperson may follow rulings that bring ease from different schools. He argued: "A follower may adopt the opinion of any mujtahid whose ruling is easier, as long as this is not inconsistent with the principles of Shariah. The Prophet ﷺ loved to make things easier for his community."²⁰
2. **Allama Ibn Nujaym** Allama Zain al-Din Ibn Ibrahim Ibn Muhammad, widely known as Ibn Nujaym Al-Masri (d. 1563 CE / 970 AH), a prominent and renowned jurist, expressed his endorsement of the validity of integrating rulings across different schools of thought (*talfeeq*). Dr. Wahbah al-Zuhayli cites this position in his analysis, referencing Ibn Nujaym's treatise *Bay' al-Waqf*, where he articulated the permissibility of *talfeeq* within the framework of Islamic jurisprudence. In this context, Ibn Nujaym emphasizes that legal rulings are to be approached with thorough research, underscoring the need for scholarly diligence and jurisprudential reasoning.²¹
3. **Imam Shami** The esteemed scholar, Allama Muhammad Amin bin Umar bin Abdul Aziz, commonly known as Ibn Abidin Shami (d. 1252 AH / 1836 CE), is reported to have permitted reconciliation between different schools of thought (*talfeeq*) in certain cases. This approach allows for the adoption of a composite ruling derived from multiple schools. Supporting this view, Wahba Zuhayli holds that Ibn Abidin endorsed such fusion when justified.

This perspective is evidenced in *Tanqih al-Hamidiyyah*, a collection of Ibn Abidin's fatwas, where a text implies the permissibility of compound rulings. It also cites the opinion of Qadi Tarsusi (d. 758 AH), who similarly upheld the legitimacy of such reconciliation. This indicates that the concept of *talfeeq* has historical support under specific conditions within the Hanafi framework.²²

- **Shah Waliullah Dehlavi.** Imam Ahmad bin Abdul Rahim, famously known as Shah Waliullah Dehlavi (d. 1762 CE / 1176 AH), is also regarded as supporting the legitimacy of *talfeeq*—the reconciliation or synthesis of rulings from different schools of Islamic thought. Shah Waliullah's position is evident in his statement: "And if the tools [of knowledge] are not fully available to him as they are for the absolute *mujtahid*, it is permissible for someone in his position to combine rulings from two schools of thought if he understands their respective evidences."²³

¹⁹ Ibid.

²⁰ Ibn Hammam, Mohammad ibn Abdul Wahid, *Fath-ul-Qadeer Sharah al-Hidayah*, Muktaba Rasheediya, Quetta, Pakistan, 2015, Vol.7, p.757.

²¹ Zuhayli, Wahba, *Al- Fiqh al-Islamiwa Adilatuhu*, op.cit, Vol.1, p.85.

²² Ibid.

²³ Dehlavi, Shah Waliullah, *Hujjat Allah al-Balighah*, Dar-ul-Jail, Beirut, 2005, Vol.1, p.121.

This view implies that even when a scholar does not possess the exhaustive capacity of an *absolute mujtahid* (one qualified to exercise independent juristic reasoning), it remains valid for them to integrate rulings from different schools, provided they are well-versed in the evidentiary bases of those rulings. Building on such statements from Hanafi jurists, some contemporary scholars have argued in favor of permitting *talfeeq*, suggesting that it opens pathways for practical solutions in diverse contexts.²⁴

- **Wahba Zuhayli.** Dr. Wahbah al-Zuhayli (1932–2015), a prominent scholar of Islamic jurisprudence and a distinguished contemporary researcher, supported the legitimacy of *inter-school talfeeq*. His approach reflects his comprehensive juristic insight, deep understanding, and exceptional ability to analyze and reconcile juristic opinions. Dr. al-Zuhayli meticulously gathered statements from classical jurists on this subject and utilized his intellectual and juristic acumen to harmonize their views while upholding the principles of Shariah.

Dr. Zuhayli emphasized that declaring *talfeeq* illegitimate contradicts key principles of Islamic jurisprudence. He referred to the Prophetic tradition that the differences within the Ummah are a source of mercy and argued that prohibiting *talfeeq* undermines this foundational concept. Moreover, he highlighted that Shariah is fundamentally based on ease, tolerance, and the alleviation of hardship. By rejecting *inter-school talfeeq*, one imposes unnecessary difficulty on individuals, which is inconsistent with the objectives of Shariah. Dr. al-Zuhayli asserted that the essence of Islam is to facilitate ease and remove hardship for its adherents, making *talfeeq* a valid and essential tool for ensuring flexibility and practicality in applying Islamic law.²⁵

3. Arguments of the Opponents

The detractors of *inter-school talfeeq* argue firmly against its legitimacy, with the majority of jurists declaring it impermissible (*haram*). They base their position on explicit statements from jurists, asserting that such integration violates foundational principles of Islamic jurisprudence.

- **Shafi'i School**

This view is particularly evident in the works of later Shafi'i scholars, such as the renowned jurist Imam Ibn Hajar al-Haythami (d. 1567/974 AH), who explicitly prohibited *talfeeq*. Ibn Hajar states that while it is permissible for a layperson to follow any jurist from among the recognized schools, this is conditional on not seeking concessions or fabricating rulings that are unsupported by any single school. He underscores that a ruling derived through *talfeeq*—one that combines opinions from different jurists in a manner none of them fully endorse—is invalid by consensus {*Ijma*}.²⁶

To illustrate, Ibn Hajar presents a scenario where an individual performs ablution by wiping only part of the head, following Imam Shafi'i, and then prays

²⁴ Mohammad, Sahibzada Baz, *Talfeeq Baynal Madhaib Fiqh Islami ki Roshni mai*, op.cit, p.7.

²⁵ Zuhayli, Wahba, *Al- Fiqh al-Islamiwa Adilatuhu*, op.cit, Vol.2, p.1155.

²⁶ Al- Haythami, Ibn Hajr, *Al-Fatawa al- Fiqhiyyah al-Kubra*, Al-Maktabat-ul Islamiyyah, Beirut, 2008, Vol.1, p.521.

despite the presence of canine impurity, following Imam Malik. In this case, the prayer is invalid because it does not adhere to the rulings of a single *mujtahid*. Imam Shafi'i would deem the prayer invalid due to impurity, while Imam Malik would consider it invalid due to incomplete wiping of the head. This example highlights the inconsistency and lack of coherence resulting from *talfeeq*, further reinforcing its prohibition in their view.²⁷

- **Hambali School**

The Hanbali school, akin to the Shafi'i stance, firmly opposes the notion Inter-School *Talfeeq* viewing it as impermissible. Allama Ali al-Mardawi (d. 885 AH/1480 CE) elaborates on this in *Al-Insaf*, where he describes a specific scenario: if a man and a woman travel together without the presence of a guardian (*mahram*) or witnesses, and there is a risk of committing adultery, their desire to avoid sin does not justify entering into a marriage that lacks the essential conditions of a guardian and witnesses. This reflects the Hanbali insistence on adhering to the stipulated requirements for a valid marriage.

Al-Mardawi supports this by citing Al-Zarkashi, who affirmed that the presence of a guardian is indispensable. Zarkashi states that, based on the clear positions of Hanbali jurists, even in the absence of a guardian, such a marriage is not permissible. Furthermore, Qadi Abu Ya'la al-Saghir reinforces this by explicitly ruling out the permissibility of such a marriage, even when the intent is to avoid adultery. This discussion underscores the Hanbali commitment to safeguarding the sanctity of marriage by upholding the mandatory conditions, such as the presence of a guardian and witnesses, thereby ensuring that marital contracts are entered into within the prescribed framework of Islamic law.²⁸

- **Hanafi School**

The Hanafi jurists have traditionally been perceived as holding a stringent position against Inter-School *Talfeeq* deeming it impermissible. While certain notable Hanafi scholars, such as Allama Ibn Hammam and Allama Ibn Nujaym al-Misri, are reported to have allowed such practices in specific contexts, the overwhelming majority of Hanafi scholars reject its permissibility outright.

A key text elucidating this is from Allama Alauddin al-Haskafi (d. 1088 AH/1677 CE), a prominent Hanafi jurist, who unequivocally states that any fabricated ruling involving "talfeeq between school of thoughts" is invalid. His assertion is widely cited in Hanafi jurisprudence as the standard position.²⁹ Further reinforcing this view is the analysis of Zafar Ahmad Usmani, a revered 20th-century Hanafi scholar and jurist. He argues in *I'la al-Sunan* that there is broad consensus among the major schools of thought—Hanafi, Shafi'i, and Hanbali—on the invalidity of rulings derived through "*Talfeeq*." While noting that Malik's school has differing narrations, with one permitting such rulings, Usmani favors the consensus of the majority, which

²⁷ Ibid.

²⁸ Mardawi, Ali Inm Sulayman, *Al-Insaf fi Marif tu Raajih*, Republic of Egypt, Cairo, 1994, Vol.1, p.121.

²⁹ Haskafi, Alauddin, *Al-Durr al-Mukhtar Sharh Tanwir al-Absar*, Maktaba Rashdeeya, Quetta, 2002, Vol.1, p.176.

unequivocally deems "inter-madhab talfeeq" invalid. He views this consensus as reflective of the mainstream Hanafi approach and a marker of sound juristic reasoning.³⁰

This dominant Hanafi stance frames "inter-madhab *talfeeq*" not only as impermissible but also as a deviation from Islamic legal principles. Hanafi texts often classify those who engage in such practices as transgressors (*fasiq*), whose credibility in legal and social matters, such as testifying in court, is compromised. This strict position underscores the Hanafi commitment to preserving the integrity and coherence of Islamic jurisprudence, avoiding practices they perceive as undermining its foundational principles.

- **Ibn Taymiyyah's Critique of Selective Legal Mixing (*Talfeeq*)**

Imam Ibn Taymiyyah, strongly opposed the practice of *talfeeq*, where individuals combine rulings from different Islamic schools of thought (*madhahib*) to serve their personal interests or convenience. He viewed this selective approach as a misuse of religion, warning that it creates confusion about what is genuinely *halal* (permissible) and *haram* (prohibited). For instance, someone might adopt a ruling from one scholar to gain an advantage in one situation and then follow a contradictory ruling from another scholar to avoid a responsibility. Such behaviour, Ibn Taymiyyah argued, undermines the integrity of Islamic jurisprudence and disregards the consensus of scholars.³¹ He maintained that *talfeeq* could only be justified if done with sincerity and proper understanding, not out of self-interest or to bypass religious obligations. Otherwise, this practice compromises the consistency and ethical foundations of Shariah, reducing it to a system driven by convenience rather than a sincere commitment to its principles.³²

After thoroughly examining the views of the jurists, it becomes evident that the positions held by Hanafi scholars, along with other imams and scholars, carry greater weight than the arguments used to defend *talfeeq*. The justification for *talfeeq* appears weak, as it relies on the opinions of only a few scholars. It is based on the notion that an individual can consult two jurists (*mujtahids*) on the same matter and merge their conflicting rulings, even though neither jurist would accept such a combination. As previously discussed, this approach leads to inconsistencies and undermines the coherence of Islamic jurisprudence.

***Talfeeq* in Modern Times**

In contemporary times, *talfeeq*—the practice of combining rulings from different Islamic legal schools of thought—has gained importance in addressing the complex challenges of modern life. Jurists recognize that rigid adherence to a single school may not sufficiently address the diverse legal, social, and economic realities of today's world. However, the application of *talfeeq* must follow strict guidelines to

³⁰ Usmani, Zafar Ahmad, *Muqadimah I'la al-Sunan*, Idara tul-Quran wa Uloom ul-Islamiyyah, Karachi, Vol.2, p.200.

³¹ Ibn Taymiyyah, Abul Abbas Ahmad ibh Abdul Haleem, *Al-Fatawa al-Kubra*, Dar al-Maktab al-Ilmiyyah, 1987, Vpl.3, p.123.

³² Ibid.

ensure its alignment with Shariah principles, even as collective *ijtihad* (scholarly consensus and reinterpretation) has also emerged as a significant mechanism for addressing modern issues.³³

While *talfeeq* offers flexibility by drawing on the strengths of different schools, collective *ijtihad* provides a collaborative approach, enabling scholars to develop unified solutions that consider contemporary contexts while maintaining fidelity to Islamic law. Both methods reflect the adaptability of Shariah in responding to evolving societal needs.

1 Adoption of *Talfeeq* as a Methodology by Islamic Fiqh Academies

The methodology of *Talfeeq* has been formally adopted by leading Islamic Fiqh academies as part of their approach to addressing contemporary issues through collective *ijtihad* (*ijtihad jama'i*). Among these institutions, the International Islamic Fiqh Academy of Jeddah stands out as a prominent example. Its membership includes jurists and scholars from diverse jurisprudential traditions, and its decisions reflect a comprehensive, harmonized analysis of various *fiqh* positions. This process ensures that resolutions are grounded in the best interests of the global Muslim community (*ummah*) while remaining faithful to Shariah principles.³⁴

The Academy's objectives explicitly endorse *talfeeq* as a methodology to achieve intellectual integration and cooperation among jurists and experts from Islamic and contemporary fields. The following key points illustrate its commitment:

1. **Integration and Intellectual Harmony:** Academy promotes intellectual harmony among jurists from different schools of Islamic jurisprudence by addressing modern challenges through a unified lens. Its resolutions are crafted to align with the *Maqasid al-Shariah* (objectives of Shariah), ensuring relevance and practicality in addressing the needs of individuals, communities, and states.
2. **Collective *Ijtihad*:** Collective *ijtihad* is central to the Academy's methodology. The Academy convenes scholars to deliberate on contemporary issues, evaluate multiple juristic opinions, and derive resolutions that represent a balanced and well-founded consensus. This approach avoids the rigidity of adhering to a single school and facilitates the adoption of rulings most suited to the *Maslahah* (public welfare) of the *Ummah*.
3. **Coordination and Avoidance of Contradiction:** Recognizing the potential for conflicting opinions, the Academy collaborates with *Ifta* authorities and jurisprudential institutions worldwide to ensure consistency and prevent division, especially on matters of widespread impact. By respecting diversity in *Fiqh* while focusing on shared principles, the Academy enhances unity and mutual understanding within the Muslim world.
4. **Renewal of Islamic Jurisprudence:** Academy actively engages in renewing Islamic jurisprudence by aligning it with the evolving needs of society. This involves revisiting classical jurisprudential principles, rules, and methodologies in

³³ Ameen Zainab, *Asr-e-Hazir mai Talfeeq Baynal Madhaib ki zaroorat wa ahmiyat aur iss k Sharayit wa Zawabit*, op.cit, p.90.

³⁴Hussain, Syed Sabir, Muhammad Abubakar Siddique, and Muhammad Asghar Shahzad, *Talfeeq in Financial Matters in the Resolutions of International Islamic Fiqh Academy: A Critical Evaluation.*" *ICAS Proceedings*, 28 June 2024, p.5.

light of contemporary realities. For instance, its resolutions on commercial matters reflect innovative applications of *Fiqh* principles, demonstrating the utility of *talfeeq* in addressing complex financial and medical issues.³⁵

The Academy achieves these goals through various initiatives, including the publication of *fatwas* and resolutions, organizing international conferences and symposiums, and fostering academic discourse in universities. One of its notable achievements is the development of a comprehensive encyclopaedia of Islamic jurisprudence, which serves as a valuable resource for scholars and practitioners worldwide.

2. The Role of Islamic Fiqh Academy India

The Islamic Fiqh Academy India shares a similar vision and methodology, tailoring its efforts to address the socio-economic and legal challenges of Muslims in the Indian subcontinent. It adopts *talfeeq* to provide nuanced solutions to issues that arise in the multicultural, multi-religious context of India. For example, it has issued resolutions addressing Islamic finance, interfaith marriage, and the legality of certain commercial transactions under Indian law, incorporating rulings from various schools to ensure relevance and compliance with both Shariah and local legal frameworks.³⁶

Through conferences, workshops, and publications, the Islamic Fiqh Academy India fosters collaboration among scholars and practitioners, echoing the collective *ijtihad* model of its international counterpart. Its work underscores the importance of *talfeeq* in bridging gaps between different jurisprudential traditions and addressing the complex realities faced by Muslims in India and beyond.³⁷

3. Contemporary Applications of *Talfeeq*

1. Personal Law and Family Matters

In matters like marriage, divorce, and inheritance, *talfeeq* provides practical solutions tailored to multi-sectarian and multicultural societies. For instance, in a situation where a couple belongs to different schools of thought, *talfeeq* might allow for the combination of rulings to resolve disputes, such as permitting marriage without a guardian (*wali*) as per Hanafi jurisprudence while requiring public announcement as per Maliki views to ensure transparency and societal acceptance.

2. Islamic Finance and Banking

Talfeeq has been instrumental in Islamic finance, enabling the creation of innovative financial products that adhere to Shariah while addressing contemporary economic demands. A notable example is the integration of the *Murabaha* (cost-plus financing) model with *Ijara* (leasing) to develop shariah-compliant home financing options. By combining these principles, Islamic banks can offer practical alternatives to conventional loans while maintaining religious compliance.

3. Legislative and Judicial Contexts

³⁵ Ibid.

³⁶ Islamic Fiqh Academy India. "About Islamic Fiqh Academy India." *IFA India Official Website*. Accessed 13 Dec. 2024. <https://ifa-india.org>.

³⁷ Ibid.

In modern pluralistic states, *talfeeq* is often employed to harmonize differences among various Islamic schools of thought within codified legal frameworks. This practice is particularly evident in countries like Egypt and Pakistan, where personal laws are derived from multiple schools. Judges also use *talfeeq* to deliver fair verdicts, especially in cases where adhering to one school might impose undue hardship. For example, combining rulings may provide flexibility in child custody disputes to prioritize the child's welfare.

4. Globalized Muslim Communities

For Muslims residing in non-Muslim-majority countries, *talfeeq* offers solutions to unique challenges where no single school may provide comprehensive guidance. For example, Muslims navigating modern financial systems in non-Muslim lands might rely on a blend of rulings to invest in ethically aligned stocks or access permissible insurance products.

5. Public Welfare (*Maslahah*)

The principle of *maslahah* (public welfare) often justifies the application of *talfeeq*, aligning decisions with the higher objectives of Shariah (*maqasid al-shariah*). For example, during a public health crisis like a pandemic, *talfeeq* may allow for flexibility in burial rites or congregational prayers, drawing from various schools to balance public safety and religious observance. Similarly, rulings can be integrated to promote sustainable development or environmental conservation efforts.

These examples illustrate how *talfeeq*, when guided by the principles of Shariah, provides practical solutions to the diverse challenges of contemporary life while maintaining fidelity to Islamic jurisprudence.

FINDINGS

- Enhanced Flexibility in Legal Rulings:** *Talfeeq* provides jurists with the ability to combine different legal opinions in situations where a single ruling may not be sufficient. This flexibility allows for solutions that are more suited to contemporary issues, ensuring that the law remains relevant and applicable in diverse societal contexts.
- A Tool for Promoting Legal Pluralism:** In countries with legal systems that recognize multiple Islamic schools of thought, *Talfeeq* helps in promoting legal pluralism. It ensures that Muslims from different sects can live under a legal system that respects their diverse interpretations of Islamic law, while also ensuring harmony and unity in the community.
- Pragmatic Approach to Socio-Economic Challenges:** *Talfeeq* is increasingly used to address socio-economic challenges in Muslim-majority and minority countries. By incorporating rulings from various schools, scholars can formulate policies and economic solutions that respond to modern challenges, such as poverty alleviation, financial inclusion, and social justice, all while maintaining Shariah compliance.
- Reconciliation of Sectarian Differences in Modern Contexts:** In contexts where Muslims from different sectarian backgrounds may have conflicting practices, *Talfeeq* serves as a method for reconciling these differences. By

combining opinions from different schools, *Talfeeq* fosters unity and understanding, minimizing sectarian strife and promoting social cohesion.

5. **Role in Islamic Education and Research:** Institutions like the International Islamic Fiqh Academy and the Islamic Fiqh Academy of India are incorporating *Talfeeq* in their research to explore new dimensions of Islamic law. These institutions promote collective *Ijtihad* and the integration of various schools of thought, facilitating academic cooperation and enriching the discourse on Islamic jurisprudence.
6. **Accommodation of Contemporary Gender Norms:** *Talfeeq* is increasingly used to address contemporary gender issues, especially in relation to women's rights. It allows scholars to merge views on topics like inheritance, marriage, and guardianship from different schools, enabling solutions that better align with modern understandings of gender equality while remaining within the boundaries of Shariah.
7. **Adaptive Legal Framework for Global Muslims:** For Muslims living in non-Muslim-majority countries, *Talfeeq* allows for the adaptation of legal rulings to meet the demands of living in a globalized world. Whether it's engaging in modern economic systems, participating in global markets, or dealing with interfaith interactions, *Talfeeq* helps Muslims navigate these challenges while adhering to Shariah principles.

These findings illustrate how *Talfeeq* has evolved into a crucial tool for reconciling Islamic jurisprudential diversity and ensuring that Islamic law remains applicable and effective in addressing contemporary challenges across various global contexts.

Suggestions for Further Research in the Field of *Talfeeq*

1. **Exploration of *Talfeeq* in Modern Legal Systems** Future studies can investigate how *Talfeeq* can be systematically applied within codified legal systems in Muslim-majority and non-Muslim-majority countries. This includes examining its potential for harmonizing diverse interpretations of Islamic law in pluralistic societies and addressing conflicts between Shariah and secular legal frameworks.
2. **Ethical Boundaries and Methodological Guidelines for *Talfeeq*** Research could focus on developing comprehensive ethical and methodological frameworks for the application of *Talfeeq*. This would involve identifying acceptable limits to prevent misuse, defining conditions under which *Talfeeq* aligns with *Maqasid al-Shariah*, and ensuring consistency with the principles of collective *Ijtihad*.
3. **Impact of *Talfeeq* on Emerging Issues** Scholars could explore the application of *Talfeeq* to contemporary challenges such as artificial intelligence, genetic engineering, and climate change. Research in this area would assess how *Talfeeq* can provide innovative solutions grounded in Shariah to address ethical and practical dilemmas in these fields.

CONCLUSION

The concept of *Talfeeq* represents a dynamic approach within Islamic jurisprudence, reflecting the flexibility and adaptability inherent in Shariah. By

allowing the integration of rulings from different schools of thought, *Talfeeq* addresses the complex legal, social, and economic challenges of contemporary life without compromising the foundational principles of Islamic law. Its application, however, requires strict adherence to Shariah objectives (*Maqasid al-Shariah*), the avoidance of selective cherry-picking for personal convenience, and a commitment to ensuring justice, public welfare (*Maslahah*), and unity within the Muslim community.

In the modern era, *Talfeeq* has demonstrated its value across various domains. In personal and family law, it facilitates harmonious resolutions for diverse sectarian contexts, while in Islamic finance, it has enabled the creation of innovative and Shariah-compliant financial instruments. Legislative and judicial systems have employed *Talfeeq* to harmonize pluralistic legal frameworks, ensuring fairness and reducing conflicts. Furthermore, it has emerged as a pragmatic tool for Muslims living in globalized and non-Muslim-majority contexts, providing solutions to unprecedented challenges without departing from Islamic principles.

Institutions like the International Islamic Fiqh Academy and the Islamic Fiqh Academy of India have institutionalized the use of *Talfeeq* within collective *Ijtihad*. By bringing together scholars from different jurisprudential backgrounds, these academies exemplify how *Talfeeq* can promote intellectual harmony, address pressing global issues, and foster a spirit of cooperation and unity among Muslims.

While *Talfeeq* remains a method for addressing contemporary concerns, it must be guided by scholarly rigor and ethical constraints to prevent misuse or the erosion of traditional jurisprudential integrity. Properly implemented, *Talfeeq* is not merely a concession but a reflection of the vitality and universality of Islamic law, bridging the gap between classical jurisprudence and the demands of modernity, and ensuring that Shariah continues to serve as a comprehensive guide for all aspects of human life.

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