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The Theories of Taswib and Takhti'ah in Usul al-Fiqh The Perspective of Syihab ad-Din al-Qarafi

Article

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Abstract

This article examines the theories of taswib and takhti'ah in usul al-fiqh through the perspective of Shihab al-Din al-Qarafi, one of the most influential Maliki jurists and legal theorists of the classical Islamic tradition. The study aims to analyze al-Qarafi's position regarding the epistemological status of ijtihad, the plurality of legal opinions, and the relationship between legal certainty and juristic disagreement. Employing qualitative library research with a normative-philosophical approach, the study critically examines al-Qarafi's principal works, particularly al-Furuq, Sharh Tanqih al-Fusul, and al-Ihkam fi Tamyiz al-Fatawa ʿan al-Ahkam, alongside classical and contemporary scholarship on Islamic legal theory. The findings demonstrate that al-Qarafi develops a nuanced synthesis between the doctrines of taswib and takhti'ah. While affirming the existence of an objective divine ruling (ḥukm Allah) in every legal case, he recognizes that qualified mujtahids who exercise rigorous legal reasoning are rewarded despite arriving at different conclusions due to epistemic limitations. Consequently, legal disagreement should be understood as a legitimate outcome of methodological diversity rather than a contradiction of Islamic legal truth. Al-Qarafi's approach offers a balanced framework that preserves doctrinal objectivity while accommodating interpretive plurality, thereby contributing to contemporary discussions on legal pluralism, tolerance, and the dynamic development of Islamic jurisprudence in responding to evolving social realities.

Introduction

The question of whether different ijtihād conclusions can simultaneously be regarded as correct has long occupied a central position in the epistemology of Islamic legal theory (uṣūl al-fiqh).[1] As Islamic law developed through juristic reasoning, scholars encountered numerous legal questions for which no explicit textual evidence existed or where the available evidence admitted multiple interpretations. These circumstances inevitably generated divergent legal opinions

[1] Abu Ishaq Al-Syatibi, "Al-Muwafaqat Fi Ushul Al-Syari'ah," *Vol. II (Beirut: Dar Al Kutub Al Ilmiyah, Tt)* 1 (2003): 290.

among qualified mujtahids. Such diversity raised a fundamental theoretical problem: does every qualified exercise of ijtihād lead to a valid legal truth, or is there only one objectively correct ruling intended by God while all other conclusions are erroneous? This debate extends beyond technical jurisprudence and touches upon the philosophical foundations of legal certainty, divine authority, and the nature of human reasoning in Islamic law.[2]

Classical Muslim jurists responded to this problem by developing two influential yet contrasting theories, namely taswīb and takhti'ah. The proponents of taswīb (al-musawwibah) maintain that every qualified mujtahid who sincerely exerts maximum intellectual effort (ijtihād) reaches a correct conclusion in relation to his epistemic capacity.[3] Their famous maxim, kullu mujtahid muṣīb, reflects the belief that legal plurality is not a defect but a legitimate consequence of interpretive reasoning within the framework of Islamic law. According to this perspective, divergent legal opinions represent equally valid attempts to discover divine guidance and therefore deserve legal recognition.[4]

In contrast, the proponents of takhti'ah (al-mukhaṭṭi'ah) argue that for every legal issue there exists only one objectively correct ruling (ḥukm Allāh) intended by God. Although all qualified mujtahids are rewarded for their sincere efforts, only one actually reaches the correct legal judgment, whereas the others remain mistaken despite their diligence. This doctrine is based upon the principle that divine truth is singular rather than plural and that legal disagreement reflects varying degrees of success in uncovering that truth rather than the coexistence of multiple equally correct rulings.[5]

The disagreement between these two schools originates from a deeper epistemological question concerning the existence of divine law prior to human interpretation. One group argues that God has already determined a specific legal ruling (ḥukm muʿayyan) for every conceivable legal issue before any juristic reasoning takes place. The opposing view maintains that, in matters open to ijtihād, no definitive ruling is assigned until qualified jurists exercise legal reasoning through the recognized methods of uṣūl al-fiqh. Consequently, the debate over taswīb and takhti'ah concerns not merely the evaluation of juristic opinions but also the relationship between divine omniscience, legal revelation, and human epistemic limitations.[6]

This theoretical controversy has profound implications for the development of Islamic jurisprudence. It influences the legitimacy of ikhtilāf (juristic disagreement), the authority of legal schools (madhāhib), judicial decision-making, and the adaptability of Islamic law to changing social realities. Contemporary discussions concerning legal pluralism, inter-madhhab dialogue, Islamic legal reform, and contextual interpretation continue to rely, either explicitly or implicitly, upon assumptions derived from the classical debate between taswīb and takhti'ah.[7] Accordingly,

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2 Sherman A Jackson, *In Defense of Two-Tiered Orthodoxy: A Study of Shihab Al-Din Al-Qarafi's``Kitab Al-Ihkam Fi Tamyiz Al-Fatawaan Al-Ahkam Wa Tasarrufat Al-Qadi Wa Al-Imam''* (University of Pennsylvania, 1991).

3 Wahbah Al-Zuhaylī, *Uṣūl Al-Fiqh Al-Islāmī* (Suriah: Dar al-Fikr, 1986).

4 Shaikh Mohd Saifuddeen et al., "Maqasid Al-Shariah as a Complementary Framework to Conventional Bioethics," *Science and Engineering Ethics* 20, no. 2 (2014): 317–27, https://doi.org/10.1007/s11948-013-9457-0.

5 Abdul Mufid, "Nahw Wajh Jadīd: Al-Muḥāwala Fī Tarsīkh Maqāṣid Al-Sunna Al-Nabawiyya Bi Indūnīsiyā [Toward a New Perspective: An Attempt in Strenghtening Maqāṣid Al-Sunnah in Indonesia]," *ESENSIA: Jurnal Ilmu-Ilmu Ushuluddin* 22, no. 1 (May 29, 2021): 1–16, https://doi.org/10.14421/esensia.v22i1.2395.

6 Saifuddeen et al., "Maqasid Al-Shariah as a Complementary Framework to Conventional Bioethics."

7 Syafaul Mudawam, "The Uṣūl Al-Fiqh Approach on the Understanding of Islamic Law in Contemporary Era: Source and Contextualization," *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 55, no. 2 (August 31, 2021): 315, https://doi.org/10.14421/ajish.v55i2.1004.

revisiting these theories remains highly relevant for understanding the intellectual foundations of Islamic legal diversity.[8]

Among the classical scholars who made a significant contribution to this debate is Shihāb al-Dīn al-Qarāfī (626–684 H/1228–1285 CE), one of the most distinguished Mālikī jurists and legal theorists of medieval Islam. Living in Egypt during the Mamluk period, al-Qarāfī produced numerous influential works on uṣūl al-fiqh, furūʿ al-fiqh, legal maxims, and judicial methodology. His intellectual legacy demonstrates remarkable analytical depth, particularly in reconciling theoretical rigor with practical legal reasoning. Through works such as al-Furūq, Sharḥ Tanqīḥ al-Fuṣūl, and al-Iḥkām fī Tamyīz al-Fatāwā ʿan al-Aḥkām, al-Qarāfī developed sophisticated approaches to legal interpretation that continue to influence contemporary Islamic legal scholarship.[9]

Al-Qarāfī's treatment of taswīb and takhti'ah is particularly noteworthy because it avoids the rigid dichotomy commonly associated with these two doctrines. Rather than adopting an exclusively absolutist or relativist position, he constructs a balanced epistemological framework that acknowledges the existence of an objective divine ruling while simultaneously recognizing the limitations inherent in human legal reasoning.[10] His analysis distinguishes between the ontological certainty of God's law and the epistemological uncertainty faced by jurists seeking to discover that law through ijtihād. This nuanced perspective provides a more comprehensive understanding of legal disagreement than many earlier formulations.

Despite al-Qarāfī's prominence in Islamic legal theory, relatively few contemporary studies have examined his specific position regarding the debate between taswīb and takhti'ah. Existing scholarship predominantly discusses his contributions to maqāṣid al-sharīʿah, legal maxims (al-qawāʿid al-fiqhiyyah), or judicial methodology, while his epistemological reflections on the nature of legal truth and juristic disagreement remain comparatively understudied. Consequently, an important gap persists in the literature concerning how al-Qarāfī conceptualizes the relationship between objective legal reality and interpretive plurality within uṣūl al-fiqh.

This study seeks to address that gap by undertaking a systematic examination of al-Qarāfī's theory of taswīb and takhti'ah through a comprehensive analysis of his primary writings. Rather than merely describing the two competing doctrines, this article investigates the philosophical assumptions underlying al-Qarāfī's legal reasoning, explores the methodological principles informing his arguments, and evaluates the significance of his synthesis within the broader framework of Islamic legal epistemology. Such an approach contributes to a more nuanced appreciation of classical Islamic jurisprudence while demonstrating its continued relevance for contemporary legal thought.[11]

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8 Syihab al-Din Al-Qarrafi, "Syarh Tanqih Al-Fusul Fi Ikhtisar Al-Mahsul Fi Al-Usul," *Mesir: Al-Matbaâ€ Ah Al-Khairiyyah*, 2002.

9 Ahmad Yani Anshori and Landy Trisna Abdurrahman, "History of the Development of Mażhab, Fiqh and Uṣūl Al-Fiqh: Reasoning Methodology in Islamic Law," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 1 (2025), https://doi.org/https://doi.org/10.22373/sjhk.v9i1.25355.

10 Marpaung, "Integrating Usul Al-Fiqh as an Epistemological Foundation of Islamic Economics in Responding to Global Economic Challenges," *Proceeding International Conference on Economic and Social Sciences* 3 SE-Art (2025): 862–67, https://doi.org/10.5281/.

11 Achmad Siddiq et al., "Reconstructing Waqf Share Policies: A Maqashid Sharia Approach with Insights from Indonesia," *El-Mashlahah* 15, no. 1 (June 18, 2025): 79–100, https://doi.org/10.23971/el-mashlahah.v15i1.9029.

This article argues that al-Qarāfī offers an integrative model that preserves the objectivity of divine law without denying the legitimacy of interpretive diversity among qualified mujtahids.[12] His theory bridges the apparent tension between legal certainty and legal pluralism by distinguishing absolute divine knowledge from the probabilistic nature of human reasoning. In doing so, al-Qarāfī provides an enduring theoretical framework capable of explaining juristic disagreement as an inevitable and legitimate feature of Islamic legal development rather than a manifestation of doctrinal inconsistency. This perspective enriches contemporary discussions on Islamic legal theory, promotes greater appreciation of methodological diversity, and reinforces the intellectual flexibility of uṣūl al-fiqh in responding to evolving legal and social challenges.

Method

This study employs qualitative library research using a normative-philosophical approach to examine the theories of taswīb and takhti'ah in usul al-fiqh from the perspective of Shihab al-Din al-Qarafi.[13] The research is primarily based on textual analysis of al-Qarafi's major works, including al-Furuq, Sharh Tanqih al-Fusul, and al-Ihkam fi Tamyiz al-Fatawa ʿan al-Ahkam, which represent his most significant contributions to Islamic legal theory. To enrich the analysis, these primary sources are complemented by classical works of usul al-fiqh discussing ijtihad, legal epistemology, and juristic disagreement, as well as contemporary scholarly studies addressing the development of Islamic legal thought. Data collection was conducted through systematic literature review, source verification, and thematic categorization of relevant concepts concerning legal truth, interpretive plurality, and the authority of mujtahid reasoning. The collected data were analyzed using qualitative content analysis combined with conceptual and comparative approaches. The conceptual analysis focused on identifying al-Qarafi's epistemological framework concerning the relationship between objective divine law and human legal reasoning, while the comparative analysis examined the extent to which his views converge with or differ from the classical doctrines of taswib and takhti'ah formulated by earlier jurists and theologians. The analytical process consisted of data reduction, concept classification, interpretation of legal arguments, and synthesis of findings to construct a coherent understanding of al-Qarafi's legal methodology. This method enables the study to explain not only the theoretical foundations of al-Qarafi's position but also its broader implications for contemporary Islamic legal discourse, particularly regarding legal pluralism, the legitimacy of juristic disagreement, and the dynamic application of usul al-fiqh in addressing modern legal challenges.

Result and Discussion

The Classical Debate between Taswīb and Takhti'ah in Uṣūl al-Fiqh

The debate between taswīb and takhti'ah constitutes one of the most important epistemological discussions in classical uṣūl al-fiqh.[14] At its core lies the question of whether a definitive divine ruling exists for every legal issue prior to the exercise of ijtihād or whether legal

[12] Diego R Sarrió Cucarella, "Muslim-Christian Polemics across the Mediterranean: The Splendid Replies of Shihab Al-Din Al-Qarafi (d. 684/1285)," 2015.
[13] John Creswell and J David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (Sage publications, 2017).
[14] Mohammad Namazi, "Ijtihad: Takhti'ah or Taswib," *Message of Thaqalayn* 10, no. 2 (2009).

rulings emerge through the interpretive efforts of qualified jurists. This debate not only concerns the validity of juristic conclusions but also reflects competing conceptions of divine knowledge, legal certainty, and the limits of human reasoning. Consequently, the controversy has shaped Muslim understandings of legal pluralism, juristic disagreement (ikhtilāf), and the legitimacy of multiple legal opinions throughout the history of Islamic jurisprudence.[15]

The proponents of taswīb, commonly referred to as al-musawwibah, argue that God has not predetermined a single, specific legal ruling (ḥukm muʿayyan) for matters that are open to ijtihād.[16] Instead, the divine ruling corresponds to the reasoned conclusion (ẓann) reached by each qualified mujtahid after exerting maximum intellectual effort. Accordingly, legal truth in speculative (ẓannī) matters is realized through the process of ijtihād itself rather than existing independently as a fixed and discoverable legal reality. Their famous principle, kullu mujtahid muṣīb ("every qualified mujtahid is correct"), encapsulates this epistemological position.[17]

According to Wahbah al-Zuḥaylī, this view was adopted by several influential scholars and theological schools, including many Ashʿarī theologians, a number of Muʿtazilite scholars, al-Qāḍī al-Bāqillānī, Abū Yūsuf, Muḥammad ibn al-Ḥasan al-Shaybānī, Ibn Surayj, and Abū Ḥāmid al-Ghazālī. Although these scholars differed in various aspects of legal theory, they generally agreed that speculative legal questions cannot be reduced to a single objectively knowable answer during worldly life. Rather, the validity of legal reasoning depends upon adherence to the recognized methodological principles of uṣūl al-fiqh and the sincerity of the mujtahid in seeking God's guidance.[18]

The philosophical foundation of taswīb rests upon the assumption that God does not impose legal obligations without providing an accessible means of fulfilling them. If every legal issue already possessed one objectively fixed answer, then God would necessarily provide unequivocal textual evidence capable of guiding every qualified jurist toward that single conclusion. Since many legal questions involve ambiguous texts, conflicting evidences, or unprecedented circumstances, the absence of absolute certainty suggests that God intentionally allows interpretive plurality within the sphere of ijtihād. Consequently, diversity of legal opinions reflects divine wisdom rather than juristic failure.

From this perspective, legal correctness is closely associated with methodological integrity rather than substantive uniformity. A mujtahid who carefully applies the accepted methods of legal reasoning, evaluates the available evidence, and reaches a conclusion based upon sincere intellectual effort is regarded as having fulfilled the divine obligation, even if another equally qualified jurist reaches a different conclusion. Therefore, each qualified mujtahid is considered to have attained legal correctness relative to the epistemic evidence available to him. The multiplicity of legal opinions is thus understood as an inevitable consequence of the probabilistic nature of human reasoning rather than a contradiction of Islamic legal principles.

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15 Muhammad Solikhudin et al., "National Fiqh and Maqasid-Based Ijtihad: Reassessing Ahmad Hasyim Muzadi through Jamal Al-Din 'Atiyyah," *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 2 SE-Articles (n.d.): 383–405, https://doi.org/10.52496/mjhki.v3i2.38.

16 Maskun et al., "Legal Framework Model for Sustainable Solid Waste Management in Indonesia: A Contemporary Environmental Fiqh Perspective," *MILRev: Metro Islamic Law Review* 4, no. 2 (September 1, 2025): 1097–1122, https://doi.org/10.32332/milrev.v4i2.11104.

17 T V Al-Islam, In A Nutshell, and Islamic Supplications, "Ijtihad: Takhti'ah Or Taswib Muhammad Namazi," n.d.

18 M. Rosyid et al., "Revitalization of Uṣūl Al-Fiqh through Iḥtiyāṭī Principles," *Religion, Education, Science and Technology towards a More Inclusive and Sustainable Future*, 2024, 44–49, https://doi.org/10.1201/9781003322054-6.

In contrast, the proponents of takhti'ah, known as al-mukhaṭṭi'ah, maintain that God has already established one definite legal ruling for every legal issue before any process of ijtihād takes place. Human legal reasoning does not create the divine ruling but merely attempts to discover it. Consequently, although different mujtahids may arrive at different legal conclusions, only one opinion actually corresponds to God's intended ruling, while the remaining opinions are objectively mistaken despite being the product of legitimate scholarly effort.

This position is traditionally associated with the majority (jumhūr) of Sunni jurists, including Imām al-Shāfiʿī, Abū Ḥanīfah, Imām Mālik, and many Shīʿī scholars. Their theory is founded upon the principle that divine truth is singular and objective because God's knowledge is perfect, comprehensive, and immutable. Therefore, legal disagreement cannot imply the existence of multiple equally correct divine rulings. Rather, disagreement reflects the differing abilities of jurists to identify the one ruling that already exists within God's eternal knowledge.

Nevertheless, the doctrine of takhti'ah does not imply that jurists who reach incorrect conclusions are sinful or blameworthy. Classical scholars supporting this theory generally rely upon the well-known Prophetic tradition stating that a mujtahid who reaches the correct judgment receives two rewards, whereas one who errs after sincere effort receives one reward. This tradition demonstrates that although only one legal conclusion corresponds to the objective divine ruling, all qualified mujtahids remain spiritually rewarded for their sincere and disciplined efforts in legal reasoning. Thus, epistemological error does not necessarily entail moral culpability.

The practical implication of takhti'ah is that no mujtahid can claim with absolute certainty that his legal conclusion perfectly corresponds to God's intended ruling. Since ultimate knowledge belongs exclusively to God, human legal judgments remain provisional and probabilistic throughout worldly existence. The definitive correctness of any disputed legal opinion will only become fully known in the Hereafter, when divine truth is completely unveiled. Accordingly, scholarly humility becomes an essential ethical principle within Islamic jurisprudence, preventing jurists from absolutizing their own interpretations despite believing that objective legal truth exists.

The distinction between taswīb and takhti'ah reflects two different approaches to balancing divine certainty with human epistemic limitations. While taswīb emphasizes the legitimacy of interpretive plurality by linking legal validity to methodological correctness, takhti'ah safeguards the objectivity and unity of divine law by affirming the existence of one true ruling for every legal issue. Despite their differences, both theories recognize the authority of qualified ijtihād, acknowledge the limitations of human reasoning, and contribute to the rich intellectual tradition of Islamic legal theory.[19] Their continuing relevance demonstrates that classical Muslim jurists were deeply engaged with questions of legal epistemology, interpretive diversity, and the relationship between revelation and human reason—issues that remain central to contemporary discussions of Islamic law.[20]

[19] Syamsul Anwar, "Unified Islamic Calendar in the Perspective of Islamic Legal Philosophy," *Al-Jami'ah: Journal of Islamic Studies* 54, no. 1 (June 25, 2016): 203, https://doi.org/10.14421/ajis.2016.541.203-247.

[20] Nita Triana et al., "Application of the Precautionary Principle in Judge's Legal Considerations for Pollution Cases in Islamic Law Perspectives," *Al-'Adalah* 20, no. 1 (June 19, 2023): 61, https://doi.org/10.24042/adalah.v20i1.16660.

Al-Qarāfī's Reconciliation of Taswīb and Takhti'ah: An Integrative Epistemological Framework

One of the most distinctive contributions of Shihāb al-Dīn al-Qarāfī to the discourse of uṣūl al-fiqh lies in his effort to reconcile the long-standing controversy between the theories of taswīb and takhti'ah.[21] Rather than treating the two theories as mutually exclusive, al-Qarāfī adopts an integrative epistemological approach that accommodates the essential insights of both positions. For him, the apparent contradiction between the two doctrines arises primarily from their different epistemological perspectives rather than from an irreconcilable theological disagreement. Consequently, each theory can be considered valid when understood within its own conceptual framework.[22]

Al-Qarāfī clearly articulates this position in Sharḥ Tanqīḥ al-Fuṣūl[23], where he distinguishes between two possible assumptions concerning the existence of divine law. He writes:

وإذا قلنا ليس لله تعالى فى نفس الأمر حكم معين فليس هناك إلا ماظهر فى ظنون المجتهدين فقد أصابوه، فكل مجتهد مصيب... وإذا قلنا فى نفس الأمر حكم معين وهو ما تضمن المصلحة الخالصة أو الراجحة فمن صادفه فهو المصيب ومن لم يصادفه فهو مخطئ له، فليس كل مجتهد مصيب

This passage demonstrates that al-Qarāfī does not reject either doctrine outright. Instead, he argues that if one assumes that God has not predetermined a specific ruling for speculative legal matters, then every qualified mujtahid who reaches a legal conclusion through valid ijtihād is correct (kullu mujtahid muṣīb).[24] Conversely, if one assumes that God has already established one definite ruling corresponding to the strongest public interest (maṣlaḥah rājiḥah), then only the mujtahid whose conclusion coincides with that objective ruling can be regarded as correct, while the others are mistaken. Thus, the validity of taswīb or takhti'ah depends upon the epistemological premise from which one begins the analysis.[25]

The originality of al-Qarāfī's thought lies in his distinction between the ontological reality of divine law and the epistemological condition of human legal reasoning. Ontologically, God possesses perfect knowledge of the correct ruling for every legal issue. Epistemologically, however, human beings possess only probabilistic knowledge (ẓann), which is inevitably constrained by linguistic ambiguity, evidentiary limitations, and the diversity of interpretive methodologies. Consequently, legal disagreement should not be understood as a contradiction of divine truth but as a natural consequence of the limited epistemic capacity of human reason. Through this distinction, al-Qarāfī bridges the gap between legal objectivity and interpretive plurality.[26]

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21 Shihab al-Din Al-Qarafi, *The Criterion for Distinguishing Legal Opinions from Judicial Rulings and the Administrative Acts of Judges and Rulers* (Yale University Press, 2017).

22 Diego R Sarrio Cucarella, "THE MIRROR OF THE OTHER: SHIHĀB AL-DĪN AL-QARĀFĪ'S SPLENDID REPLIES" (Georgetown University, 2013).

23 Abu Al-'Abbas Syihab Al-Qarafi, "Ad-Din Ahmad Bin Idris. 1973," *Syarh Tanqih Al-Fushul. Kairo: Syarikah at-Tiba'ah Al-Fanniyah Al-Muttahidah*, n.d.

24 Abdul Rahman Mustafa, "Failure Becomes the Law," *Dynamics of Tradition*, 2026, 221.

25 Mohammad Abu Shareea, "Impact of Fakhr Al-Dīn Al-Rāzī's Intellectual Project on His Views on Christianity," 2022.

26 Purnama Hidayah Harahap et al., "Religious Court Decisions Regarding the Revocation of Grant (Hibah) in the Perspective of Islamic Jurisprudence," *Al-Manahij: Jurnal Kajian Hukum Islam*, November 17, 2023, 215–32, https://doi.org/10.24090/mnh.v17i2.9767.

Al-Qarāfī further explains the practical implications of taswīb by emphasizing the binding nature of personal ijtihād. A mujtahid who has reached a legal conclusion through sound reasoning is religiously obligated to act in accordance with that conclusion until compelling evidence demonstrates its invalidity, such as the discovery of a binding scholarly consensus (ijmāʿ). This obligation exists even if the legal conclusion ultimately differs from the objective divine ruling. In this respect, legal responsibility is measured not by the hidden reality known only to God but by the quality of the jurist's methodological effort and the strength of the available evidence.[27]

To illustrate this principle, al-Qarāfī presents the analogy of determining the direction of the qiblah. Suppose ten qualified jurists independently exercise ijtihād and each identifies a different direction for prayer. Although it is logically impossible for all ten directions to point precisely toward the Kaʿbah, every jurist remains obligated to pray according to the direction determined by his own ijtihād. More importantly, none of them is permitted to abandon his independently reasoned conclusion merely because another mujtahid has reached a different result. This analogy demonstrates that practical legal obligation is grounded in one's own valid ijtihād, not in speculative assumptions regarding the correctness of another jurist's reasoning.

This analogy also reveals an important methodological principle in al-Qarāfī's legal theory. He distinguishes between practical legal obligation (al-wājib al-ʿamalī) and ultimate objective truth (al-ḥaqīqah al-ilāhiyyah). From the practical perspective, every qualified mujtahid is considered correct because each faithfully follows the strongest evidence available to him. From the perspective of ultimate divine reality, however, only one legal ruling may correspond perfectly to God's knowledge. Thus, taswīb governs the sphere of legal responsibility, whereas takhti'ah governs the sphere of metaphysical truth. The two doctrines therefore complement rather than contradict one another.

With respect to takhti'ah, al-Qarāfī likewise accepts that if an objective divine ruling exists independently of human reasoning, then only one mujtahid can ultimately coincide with that ruling. Nevertheless, he cautions against transforming this theoretical proposition into a basis for mutual condemnation among jurists. Since no human being possesses certain knowledge of God's hidden judgment, no mujtahid can definitively claim exclusive possession of legal truth. Accordingly, juristic disagreement should be approached with intellectual humility, recognizing both the objectivity of divine law and the limitations of human interpretation.

Another important dimension of al-Qarāfī's reconciliation concerns the ethical status of juristic error. Referring to the well-known Prophetic tradition regarding the rewards of ijtihād, he affirms that every qualified mujtahid receives divine reward: two rewards if his judgment corresponds to the objective ruling and one reward if he errs despite sincere effort. Consequently, legal error does not necessarily imply sinfulness. Only a jurist who fails to exert adequate intellectual effort, neglects the established principles of legal reasoning, or issues legal opinions carelessly may properly be described as both mistaken (mukhtiʾ) and sinful (āthim). Thus, blameworthiness is attached to methodological negligence rather than to sincere epistemic error.[28]

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[27] Muhyar Fanani and Bambang Iswanto, "Critique on Salafibism and It's Significance for Indonesian Islamic Moderation: Study on Khaled Abou El-Fadhl's Thought," *Mazahib* 22, no. 2 (December 17, 2023): 351–98, https://doi.org/10.21093/mj.v22i2.7046.

[28] Elias G Saba, "Canonizing Al-Furūq : Shihāb Al-Dīn Al-Qarāfī's Text on Legal Maxims," *Oxford Journal of Law and Religion* 12, no. 3 (October 1, 2023): 344–59, https://doi.org/10.1093/ojlr/rwae016.

Al-Qarāfī further argues that the correctness of ijtihād depends fundamentally upon the proper evaluation of legal evidence. When apparently conflicting proofs (taʿāruḍ al-adillah) arise, the duty of the mujtahid is to identify the strongest evidence (al-dalīl al-rājiḥ) through the principles of tarjīḥ. An erroneous legal conclusion is therefore not simply one that fails to coincide with God's hidden ruling but one that results from defective legal methodology, inadequate analysis of the evidences, or failure to prioritize the stronger proof. This methodological emphasis shifts the focus of legal evaluation from speculative certainty toward disciplined juristic reasoning.

Taken together, al-Qarāfī's treatment of taswīb and takhti'ah represents a sophisticated synthesis that transcends the classical polarization between legal relativism and legal absolutism. By distinguishing between the epistemological validity of ijtihād and the ontological certainty of divine law, he successfully preserves both the objectivity of revelation and the legitimacy of interpretive diversity. His integrative framework demonstrates that legal pluralism within Islam does not undermine the unity of divine truth but rather reflects the complexity of human efforts to understand revelation. This reconciliation remains highly relevant for contemporary Islamic legal theory, providing a balanced foundation for managing juristic disagreement, promoting methodological tolerance, and strengthening the adaptive capacity of uṣūl al-fiqh in addressing modern legal challenges.[29]

Conlusion

The findings of this study demonstrate that al-Qarāfī does not adopt either the theory of taswīb or takhti'ah in its classical form. Rather, he develops an integrative epistemological framework that reconciles the strengths of both doctrines while addressing their respective limitations. With regard to taswīb, al-Qarāfī agrees that every qualified mujtahid who performs ijtihād in accordance with the established principles of uṣūl al-fiqh may be regarded as muṣīb (correct) from the perspective of the strongest probabilistic evidence (ẓann al-rājiḥ) available to him. Nevertheless, he simultaneously maintains that, from the perspective of the objective divine reality (ḥukm Allāh), only one legal ruling ultimately corresponds to God's intended judgment. Moreover, the authority of a mujtahid's conclusion is not absolute; once an authentic and binding ijmāʿ becomes known, the previously held ijtihād loses its legal validity and must be abandoned. This demonstrates that legal correctness is conditional upon methodological integrity and the hierarchy of legal proofs rather than upon subjective conviction alone. Similarly, al-Qarāfī reformulates the doctrine of takhti'ah by rejecting an overly rigid understanding of juristic error. While affirming that only one objective divine ruling exists for every legal issue, he argues that legal error should not be determined solely by whether a mujtahid coincides with that hidden ruling, since such certainty remains inaccessible to human beings. Instead, the validity of ijtihād should be evaluated according to the diligence of the jurist, the proper application of the principles of legal reasoning, and the extent to which the legal conclusion is supported by the strongest and most authoritative evidence (al-adillah al-rājiḥah). Consequently, a mujtahid who sincerely exerts maximum intellectual effort and bases his reasoning upon the most persuasive legal proofs remains entitled to issue and implement his legal opinion, as do those who follow his authority. Through this synthesis, al-Qarāfī successfully bridges the classical divide between taswīb and

[29] Habiba Afridi, "Recalibrating Takāful's Compass to Mālikī Sources: Revisiting Classical Proofs for Modern Claims," *Journal of Islamic Law* 7 (June 2026), https://doi.org/10.53484/jil.v7.afridi.

takhti'ah, offering a balanced theory that preserves the objectivity of divine law while recognizing the legitimacy of interpretive plurality and the epistemic limitations of human legal reasoning. His contribution therefore provides an enduring theoretical foundation for understanding juristic disagreement, promoting methodological tolerance, and strengthening the adaptability of uṣūl al-fiqh in addressing contemporary legal challenges.

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