

An Analytical Study of the Methodology, Intellectual Style, and Salient Characteristics of *Ta'sīs al-Nazar*

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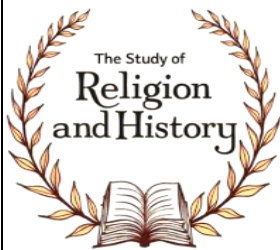
Abstract

This article presents an analytical study of Ta'sīs al-Nazar by Imām Abū Zayd al-Dabūsī (d. 430 AH), focusing on its methodology and distinctive scholarly features. The study emphasizes the importance of legal maxims (al-qawā'id al-fiqhiyyah) and principles of juristic disagreement (uṣūl al-khilāf) as essential tools for understanding Islamic jurisprudence and resolving complex legal issues. It argues that al-Dabūsī's work occupies a unique position in the intellectual history of Islamic law by systematically identifying the foundational principles that underlie juristic differences. The article highlights the author's distinctive method of presenting each rule under the heading of "aṣl" (principle), avoiding lengthy theoretical explanations and direct citation of evidences, while instead clarifying concepts through multiple applied legal examples (furū'). It further examines the structured organization of the book into eight major categories of disagreement, covering differences among leading Ḥanafī jurists and between the Ḥanafī school and other prominent legal authorities such as Mālik, al-Shāfi'ī, and Ibn Abī Laylā. Moreover, the study demonstrates that Ta'sīs al-Nazar preserves valuable material from extinct legal schools, thereby contributing to the protection of early Islamic legal heritage. The article concludes that this work represents one of the earliest systematic contributions to the science of juristic disagreement and remains a significant reference for scholars of Islamic legal theory and comparative fiqh.

Key Words: *Ta'sīs al-Nazar*, *Abū Zayd al-Dabūsī*, Islamic Legal Maxims (*Qawā'id Fiqhiyyah*), Juristic Disagreement (*Ilm al-Khilāf*), Comparative Islamic Jurisprudence

1: Introduction

No branch of knowledge is devoid of benefit, particularly those disciplines that are directly connected with Islamic jurisprudence (fiqh) and the injunctions of the Shari'ah. Fiqh provides comprehensive guidance for every aspect and moment of a Muslim's life, clarifying what ought to be done and what ought to be avoided under varying circumstances. The



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foundation of fiqh lies in the discipline of Uṣūl al-Fiqh (Principles of Islamic Jurisprudence), which encompasses the methodological discussions pertaining to the Qur'ān, Sunnah, Ijmā' (consensus), Qiyās (analogical reasoning), and other legal sources through which juristic rulings are derived.

Closely related to fiqh is another significant and intellectually engaging discipline known as al-Qawā'id al-Fiqhiyyah (Legal Maxims). This field received considerable attention from the early jurists and has continued to attract scholarly interest in the modern era. In particular, the Arab academic world has produced a substantial body of literature on this subject. In contrast, scholarly contributions in the English and Urdu language have remained largely confined to translations of legal maxims and their practical applications.

The science of legal maxims constitutes one of the three fundamental pillars of Islamic jurisprudence. Scholars have emphasized that a profound understanding and mastery of fiqh cannot be attained unless its study and application are grounded upon three essential foundations:

1. *Uṣūl al-Fiqh* (Principles of Islamic Jurisprudence)
2. *Uṣūl al-Iftā'* (Principles of Issuing Legal Verdicts)
3. *Al-Qawā'id al-Fiqhiyyah* (Legal Maxims)

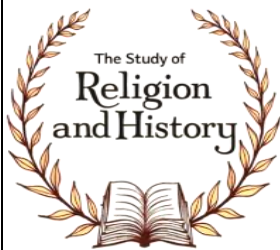
The significance of legal maxims is evident to every serious student of Islamic law. Given the vast and innumerable juristic particulars and subsidiary rulings, it is virtually impossible to encompass every individual case. However, through the comprehensive and concise legal maxims formulated by jurists, one can not only determine the ruling of newly emerging issues but also derive rulings for hundreds of analogous cases that share the same effective legal cause (*'illah*).

The science of legal maxims developed into an independent discipline whose origins can be traced back to the Prophetic era. It was subsequently nurtured and refined during the periods of the Companions, the Successors (*Tābi'ūn*), and the Successors of the Successors (*Taba' al-Tābi'in*). Nevertheless, during these early centuries the discipline had not yet undergone systematic codification, nor had it assumed the form of a distinct scholarly field. Rather, legal maxims existed in a dispersed manner throughout the classical works of fiqh.

The fourth century of the Hijrah witnessed the formal codification of this discipline, during which legal maxims passed through several important stages of development. Abū al-Ḥasan al-Karkhī (d. 340 AH) is generally regarded as the first scholar to compile a dedicated treatise in this field. In his renowned work, *Uṣūl al-Karkhī*, he collected thirty-seven legal maxims, making it the earliest known independent composition on the subject.¹ Thereafter, scholarly writing in this discipline flourished, resulting in the production of numerous valuable works. Among these is the celebrated *Ta'sīs al-Nazar* of Imām Abū Zayd al-Dabūsī, a seminal contribution that forms the focus of the present study.

2: Review of Previous Scholarship

According to the present researcher's investigation, no comprehensive academic study has yet been undertaken on the methodology (*manhaj*) of Imām Abū Zayd al-Dabūsī's *Ta'sīs al-Nazar*, either at national or international universities. Likewise, no research article specifically



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examining the methodological framework of this work has been published in any peer-reviewed academic journal.

It is true that Dr. Muṣṭafā b. Muḥammad al-Qabbānī al-Dimashqī has appended brief critical annotations to selected passages in the margins of his edited edition of *Ta'sīs al-Nazar*.² However, these notes are limited in scope and do not satisfy the standards of contemporary academic research. More importantly, they do not address or analyze the methodological structure of the work itself.

Similarly, Muftī 'Ināyat Allāh Pālanpūrī, Professor of Ḥadīth and Fiqh at Dār al-'Ulūm Chhāpī (India), produced an Urdu translation of *Ta'sīs al-Nazar*, which was published by Al-Amīn Kitābstān, Deoband, India.³ While this translation has facilitated access to the text for Urdu readers, it is neither accompanied by a critical commentary nor supplemented with scholarly analysis. Furthermore, it offers no discussion of the book's methodology or its distinctive juristic approach.

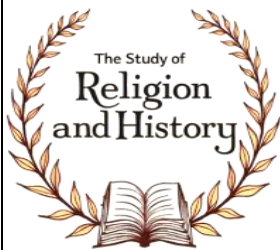
A clear understanding of a scholarly work's methodology is indispensable for its proper appreciation and effective utilization. Familiarity with an author's methodological framework enables readers to comprehend the objectives, organization, and analytical approach of the work, thereby allowing them to benefit from it more effectively. Since no independent scholarly study has yet been devoted to the methodology of *Ta'sīs al-Nazar*, the present study seeks to fill this gap by undertaking a systematic analysis of the book's methodological framework.

3: Introduction to Imām Abū Zayd al-Dabūsī (d. 430/432 AH)

Imām Abū Zayd al-Dabūsī (may Allah have mercy on him), whose personal name was 'Ubayd Allāh, was commonly known by the kunya Abū Zayd. His father was 'Umar and his grandfather 'Īsā; thus, his full name is Abū Zayd 'Ubayd Allāh ibn 'Umar ibn 'Īsā al-Dabūsī. Although the classical biographical sources do not explicitly record his date of birth, Ibn Khallikān states that he passed away in 430 AH at the age of sixty-three,⁴ from which his birth may be estimated to have occurred around 367 AH. He was born in Dabūsīyyah, a town situated between Bukhārā and Samarqand in the region of Mā Warā' al-Nahr (Transoxiana), historically belonging to the province of Sughd. His appellation al-Dabūsī is derived from this place of birth.

Imām al-Dabūsī occupies a distinguished position among the eminent jurists of the Ḥanafī school. In *Shadharāt al-Dhahab*, Ibn al-'Imād al-Ḥanbalī describes him as the foremost scholarly authority of Bukhārā, Samarqand, and Mā Warā' al-Nahr. He received his legal education under Imām Abū Ja'far al-Usrūshanī, whose scholarly lineage extended through Abū Bakr Muḥammad ibn al-Faḍl, 'Abd Allāh al-Subadhmūnī, Abū Ḥafṣ al-Ṣaghīr, Abū Ḥafṣ al-Kabīr, and Imām Muḥammad ibn al-Ḥasan al-Shaybānī, ultimately reaching Imām Abū Ḥanīfah, the founder of the Ḥanafī school.

Unlike many contemporary scholars who travelled extensively in pursuit of knowledge, Imām al-Dabūsī did not undertake scholarly journeys to Iraq, the Ḥijāz, Yemen, Egypt, or Syria. His intellectual formation was accomplished entirely within his homeland. Fortune favored him in that the eminent scholar Imām Abū Ja'far al-Usrūshanī, who also served as the chief judge



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(qāḍī) of Uṣrūshanah, was residing and teaching in the nearby city of Uṣrūshanah, located beyond the River Sayḥūn (Jaxartes). Al-Dabūsī remained under his tutelage from the beginning to the completion of his studies, which explains why the biographical sources identify Abū Ja‘far al-Uṣrūshanī as his sole teacher.

Among his most distinguished students was Imām Abū Naṣr Aḥmad ibn ‘Abd al-Raḥmān al-Rīfdamūnī, who played an important role in transmitting his legal thought.

Imām al-Dabūsī served as a qāḍī (judge) in Mā Warā’ al-Nahr and earned widespread recognition for his penetrating legal insight and exceptional ability to derive rulings through juristic reasoning. His judicial methodology was particularly remarkable. Rather than deciding complex legal disputes independently, he frequently convened a panel of six additional judges to deliberate collectively before issuing a verdict. This consultative approach reflects his commitment to judicial prudence, scholarly collaboration, and procedural fairness. He was also renowned for his exemplary moral character and noble personal qualities.

According to the predominant opinion, Imām al-Dabūsī passed away in Bukhārā in 430 AH, although another report records his death on 15 Jumādā al-Thānīyah 432 AH (Thursday). He was approximately sixty-three years of age at the time of his demise.

Imām al-Dabūsī authored numerous influential works that made lasting contributions to Islamic jurisprudence and legal theory. His most significant writings include:

1. - *Kitāb al-Asrār* (also referred to as *Asrār al-Fiqh* by Mawlānā Sayyid Manāẓir Aḥsan Gīlānī and as *Asrār fī al-Uṣūl wa al-Furū‘* in *Kashf al-Zunūn*);
2. - *Taqwīm al-Adillah*, a seminal work on the principles of Islamic jurisprudence (uṣūl al-fiqh);
3. - *Al-Amad al-Aqṣā*;
4. - *Naẓm al-Fatāwā*;
5. - *Khizānat al-Hudā*; and
6. - *Ta’sīs al-Nazar*.⁵

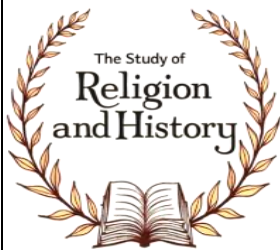
The Syrian scholar Muṣṭafā Muḥammad al-Dimashqī remarks:

وهو اول من وضع علم الخلاف⁶

“He was the first scholar to systematically establish the discipline of ‘ilm al-khilāf (comparative juristic disagreement).”

Similarly, Mawlānā Sayyid Manāẓir Aḥsan Gīlānī observes that the historians of the Islamic sciences are unanimous in acknowledging that Imām Abū Zayd al-Dabūsī was the first scholar to formulate and institutionalize the discipline of ‘ilm al-khilāf.⁷ This branch of Islamic legal theory, also known as Khilāfiyyāt, subsequently developed into an independent and influential field within the broader discipline of uṣūl al-fiqh.

4: Definition of ‘Ilm al-Khilāf (The Science of Juristic Disagreement)



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Lexically, the word *khilāf* denotes disagreement or opposition. Technically, 'Ilm al-Khilāf has been defined by classical Muslim scholars in various ways. Among the most significant definitions are the following:

علم الخلاف علم باحث عن وجوه الاستنباطات المختلفة من الأدلة الإجمالية أو التفصيلية المذهب إلى كل منها طائفة من العلماء⁸

'Ilm al-Khilāf is the discipline that investigates the various methods of legal deduction (istinbāt) derived from both general and detailed evidences, each of which has been adopted by a particular group of scholars.

According to another definition:

هو علم يعرف به كيفية إيراد الحجج الشرعية ودفع الشبه وقوادح الأدلة الخلافية بإيراد البراهين القطعية وهو الجدل الذي هو قسم من المنطق إلا أنه خص بالمقاصد الدينية⁹

*'Ilm al-Khilāf is the science through which one learns the proper methods of presenting legal proofs, refuting objections and ambiguities, and responding to the counterarguments advanced by opposing jurists through conclusive and definitive evidence. In essence, it is a branch of *Jadal* (dialectical reasoning), distinguished by its exclusive concern with religious objectives and legal discourse.*

In summary, 'Ilm al-Khilāf is a science that critically examines divergent legal evidences and the methodologies employed in deriving rulings from them. It also studies the arguments advanced by opposing juristic schools and demonstrates how such arguments may be evaluated and answered on the basis of authoritative textual and rational proofs.

5: Introduction to *Ta'sīs al-Nazar*

Ta'sīs al-Nazar is a seminal work by 'Allāmah Abū Zayd 'Ubayd Allāh ibn 'Umar ibn 'Īsā al-Dabūsī (d. 430 AH/1039 CE), composed in the early fifth century AH. Two manuscript copies of the work are preserved in the Khedivial 'Āmiriyyah Library in Syria. The book has subsequently been published by several institutions across the Muslim world. The edition consulted in the present study is the one published by Dār Ibn Zaydūn, Beirut, Lebanon, comprising a total of 178 pages.¹⁰

Ta'sīs al-Nazar occupies a distinctive position in the discipline of Islamic legal maxims (*Qawā'id Fiqhiyyah*). Al-Dabūsī adopts a methodology that differs significantly from that of other scholars in presenting legal principles. Rather than merely compiling juristic maxims, he identifies the foundational legal principles and methodological rules upon which the juristic disagreements (*ikhtilāf*) among Muslim jurists are based. For this reason, 'Allāmah Nawwāb Ṣiddīq Ḥasan Khān, in his *Abjad al-'Ulūm*, describes al-Dabūsī as the founder of the discipline of 'Ilm al-Khilāf—the science that examines the legal principles and methodological foundations underlying the differences of opinion among jurists.¹¹

Al-Dabūsī himself explains in the introduction to the book that he composed this work to facilitate students' understanding and retention of disputed juristic issues. By tracing each disagreement back to its underlying legal principle, students are enabled to comprehend not only

the existence of juristic differences but also the methodological basis upon which those differences rest.

According to Mufti Shād Muḥammad Shād, the methodology and subject matter of this work closely resemble those of Imām al-Samarqandī's *Ta'sīs al-Nazar*.¹² In this treatise, al-Dabūsī compiles numerous universal legal maxims and juristic principles while simultaneously clarifying the underlying causes and methodological foundations of disagreements among the leading jurists.

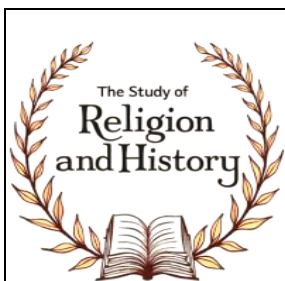
The author organizes the book into the following eight sections:

- (1) *Khilāf* between Abū Ḥanīfah and his two eminent disciples (Abū Yūsuf and Muḥammad ibn al-Ḥasan).
- (2) *Khilāf* between Abū Ḥanīfah and Abū Yūsuf on the one hand, and Muḥammad ibn al-Ḥasan on the other.
- (3) *Khilāf* between Abū Ḥanīfah and Muḥammad ibn al-Ḥasan on the one hand, and Abū Yūsuf on the other.
- (4) *Khilāf* between Abū Yūsuf and Muḥammad ibn al-Ḥasan.
- (5) *Khilāf* between Abū Yūsuf, Muḥammad ibn al-Ḥasan, and al-Ḥasan ibn Ziyād, and Zufar.
- (6) *Khilāf* between the Ḥanafī school and Mālik ibn Anas.
- (7) *Khilāf* between the Ḥanafī school and Ibn Abī Laylā.
- (8) *Khilāf* between the Ḥanafī school and al-Shāfi'ī.

Within these eight chapters, al-Dabūsī presents a total of seventy-four foundational legal principles. The details of these principles are summarized in the table below.

Table 1

No	Principles	Series of Principles	Total
1	Between Abū Ḥanīfah and His Two Companions	From 1 to 22	22
2	Between the <i>Shaykhain</i> and Muḥammad	From 23 to 26	4
3	Between the <i>Tarafain</i> and Abū Yūsuf	From 27 to 29	3
4	Between Abū Yūsuf and Muḥammad	From 30 to 33	4
5	Between the Three Imams, Ḥasan ibn Ziyād, and Zufar	From 34 to 41	8
6	Between the Ḥanafīs and Imām Mālik	From 42 to 43	2

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7	Between the Hanafis and Ibn Abī Laylā	From 44 to 48	5
8	Between the Hanafīs and Imām al-Shāfi‘ī	From 49 to 74	26

6: Al-Dabbūsī’s Methodology in *Ta’sīs al-Nazar*

As noted earlier, Imām Abū Zayd al-Dabbūsī (d. 430 AH/1039 CE) adopted a distinctive methodological approach in *Ta’sīs al-Nazar*. The work differs significantly from conventional juristic writings in both its organization and presentation. The principal features of his methodology are outlined below.

6.1. Introducing Legal Principles with the Term *Aṣl* (Fundamental Principle)

Classical Muslim jurists employed different stylistic conventions in formulating legal maxims (*qawā'id fiqhiyyah*). Some scholars introduced every legal maxim with the word *kull* (“every” or “all”), as seen in al-Subkī’s *al-Ashbāh wa al-Nazā'ir* and al-Zarkashī’s *al-Manthūr fī al-Qawā'id*. Others, particularly when discussing disputed juristic principles, adopted an interrogative style by beginning with the word *hal* (“whether”), while principles on which jurists agreed were expressed in affirmative declarative form. This method is exemplified in Ibn Rajab al-Ḥanbalī’s *al-Qawā'id fī al-Fiqh al-Islāmī* and Ibn al-Laḥḥām’s *al-Qawā'id wa al-Fawā'id al-Uṣūliyyah*.¹³ In contrast, al-Dabbūsī consistently introduces every juristic principle with the term *Aṣl* (“fundamental principle”), thereby giving the work a distinctive and systematic structure.

6.2. Avoiding Detailed Exposition of the Principles

Whenever al-Dabbūsī states a juristic principle, he expresses it in highly concise and comprehensive language, deliberately avoiding unnecessary elaboration. At the same time, he refrains from providing a direct explanation or commentary on the principle itself. In the introduction to *Ta’sīs al-Nazar*, he explicitly states that he adopted this concise style in order to avoid excessive length.

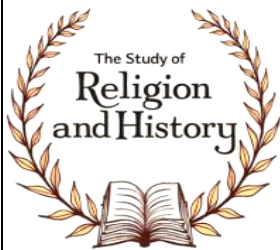
For example, he writes:

الاصل عند ابي حنيفة ان الانسان يجوز ان لا يملك الشئ بنفسه قصدا وملكه بتفويضه الي غيره ويجوز ان لا يملك الشئ قصدا وملكه حكما.¹⁴

“According to Imām Abū Ḥanīfah, the fundamental principle is that a person may not intentionally acquire ownership of a thing through his own direct action, yet may become its owner by delegating its acquisition to another. Likewise, a person may not intentionally own a thing, yet may nevertheless be deemed its owner as a matter of legal judgment.”

6.3. Refraining from Citing Evidences for the Principles

Throughout *Ta’sīs al-Nazar*, al-Dabbūsī consistently refrains from citing textual proofs for the legal principles he presents. Although he carefully records the divergent foundational principles of the leading jurists, he does not explain the evidentiary basis upon which these principles rest, nor does he indicate whether they are derived from the Qur’ān, the Sunnah, or other legal sources.



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6.4. Explaining Principles through Juristic Applications

Rather than defining or elaborating upon the legal principles themselves, al-Dabbūsī clarifies their meaning by presenting numerous subsidiary legal rulings (*furū'*) derived from each principle. These practical applications effectively illustrate the scope and implications of the underlying principle and enable the reader to understand its operation within substantive jurisprudence.

For example;

الأصل عند أبي يوسف أن الشيء يجوز أن يصير تابعاً لغيره وإن كان له حكم نفسه بانفراده وعند محمد إذا كان له حكم نفسه لا يصير تابعاً لغيره ، وعلي هذا مسائل منها:

أن الجدة إذا ورثت من وجهين تبعت أحد الجهتين الأخرى عند أبي يوسف وعند محمد وزفر لا يصير تابعاً وترث من الحالين جميعاً إذا أوجب الرجل المشي علي نفسه لبيت الله الحرام ثم حج من عامه ذالك حجة الاسلام سقط ما وجب بإيجابه عند أبي يوسف وعند محمد لا يسقط لأن إيجاب العبد يقوم بنفسه فلا يصير تبعاً لغيره
أن المهر يدخل في الدية في مسألة الإفضاء عند أبي حنيفة وأبي يوسف وعند محمد لا يدخل لأن كل واحد منهما له حكم نفسه فلا يصير تابعاً لغيره فلا يدخل فيه¹⁵

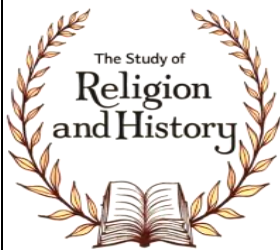
“The fundamental principle according to Abū Yūsuf is that a legal matter may become subsidiary (tābi‘) to another matter, even though it possesses an independent legal status when considered in isolation. In contrast, according to Muḥammad al-Shaybānī, if a matter has an independent legal ruling of its own, it cannot become subsidiary to another. The following juristic cases are based upon this principle:

First, if a grandmother inherits through two different lines of kinship, Abū Yūsuf maintains that one basis of inheritance becomes subsidiary to the other, and she therefore inherits through only one line. However, according to Muḥammad and Zufar, neither line becomes subsidiary to the other because each has an independent legal basis; consequently, she inherits through both lines.

Second, if a person vows to undertake the journey on foot to the Sacred House of Allah and, during the same year, performs the obligatory Ḥajj (Ḥajjat al-Islām), Abū Yūsuf holds that the obligation arising from the vow is discharged by the performance of the obligatory pilgrimage. Muḥammad, however, maintains that the vowed obligation is not discharged, because an obligation voluntarily assumed by the individual possesses an independent legal status and therefore cannot become subsidiary to another obligation.

Third, in the case of ifḍā‘ (a form of bodily injury giving rise to financial liability), Abū Ḥanīfah and Abū Yūsuf hold that the dower (mahr) is incorporated into the compensation (diyāh). Muḥammad, on the other hand, argues that the dower is not included in the compensation, because each constitutes an independent legal entitlement and, therefore, neither can become subsidiary to the other.”

Al-Dabbūsī proceeds to cite a series of legal cases concerning inheritance, pilgrimage, and dower, demonstrating how this foundational disagreement between Abū Yūsuf and Muḥammad al-Shaybānī produces different juristic rulings.



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6.5. Identifying the Sources of Juristic Applications

Another notable feature of al-Dabbūsī's methodology is that, while discussing the subsidiary rulings associated with each legal principle, he frequently identifies the authoritative source from which those rulings are drawn.

For instance, he writes:

ماذكر في الجامع الكبير لو حلف ان لا ياكل اليوم سوي رغيف واحد فاصطبخ بزيت او بخل لا يحنث بالاجماع ولو اكله مع اللحم او مع الجوز حنث عند محمد لان كل واحد منها يقوم بنفسه فلا يصير تابعا لغيره وعند ابي يوسف لا يحنث¹⁶

“As stated in al-Jāmi‘ al-Kabīr: If a person swears an oath that he will eat nothing during the day except a single loaf of bread, and he eats that loaf with oil or vinegar, he does not violate his oath according to the unanimous agreement (ijmā‘) of the jurists. However, if he eats the loaf together with meat or walnuts, Muḥammad al-Shaybānī maintains that the oath is violated, because each of these items possesses an independent legal status and therefore cannot be regarded as merely subsidiary to the bread. Abū Yūsuf, on the other hand, holds that the oath is not violated, as those accompanying items are considered subsidiary to the principal food and do not constitute an independent breach of the oath.”

Here, al-Dabbūsī explicitly attributes the legal ruling to al-Jāmi‘ al-Kabīr, thereby identifying the juristic source upon which the discussion is based.

7: Distinctive Features of Ta'sīs al-Nazar

The following are the distinctive features of *Ta'sīs al-Nazar*.

7.1 Extensive Presentation of Juristic Applications (*Furū‘*)

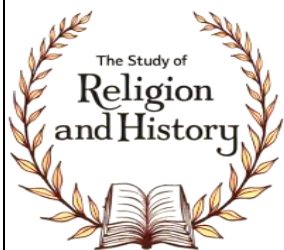
One of the most distinguished features of *Ta'sīs al-Nazar* is that al-Dabbūsī does not confine himself to the formulation of legal principles alone. Rather, under each juristic principle, he presents numerous subsidiary legal cases (*furū‘*), demonstrating their practical application. This method not only clarifies the scope and operation of each principle but also enables readers to understand its application in diverse legal contexts with greater ease.

7.2 Inclusion of the Disputed Legal Principles of Other Schools of Law

Although al-Dabbūsī was a distinguished Ḥanafī jurist, he did not restrict his discussion to the disputed legal principles (*uṣūl al-khilāf*) of the Ḥanafī school. Instead, he adopted a comparative approach by presenting and analyzing the legal principles espoused by the leading jurists of other Islamic legal schools. This broad and inclusive methodology enhances the scholarly value of the work and reflects its significance within the discipline of comparative Islamic jurisprudence.

7.3 Preservation of the Juristic Heritage of Extinct Schools

During the first three centuries of Islam, numerous schools of Islamic jurisprudence flourished throughout the Muslim world. Over time, however, many of these schools gradually disappeared, leaving only a limited number—most notably the four Sunni schools of law, along with several Shī‘ī traditions and a few others. One of the most remarkable contributions of *Ta'sīs al-Nazar* is its preservation of the disputed legal principles and juristic opinions of several now-extinct schools. Through its discussion of subsidiary legal rulings, the work records a substantial



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portion of their legal heritage, which would otherwise have been lost. A notable example is the jurisprudential school of Imām Ibn Abī Laylā, whose legal methodology and rulings have been preserved in part through al-Dabūsī's treatment.

8: Conclusion

Ta'sīs al-Nazar by Imām Abū Zayd al-Dabūsī is a unique and pioneering work in terms of both its subject matter and methodology. Indeed, if *uṣūl al-khilāf* (the principles governing juristic disagreement) is regarded as an independent discipline distinct from *qawā'id al-fiqhiyyah* (legal maxims), *Ta'sīs al-Nazar* may rightly be considered the earliest extant work devoted specifically to this field.

Al-Dabūsī presents each juristic principle with remarkable precision, employing concise yet comprehensive language while deliberately avoiding unnecessary elaboration. At the same time, he does not provide a detailed exposition or theoretical explanation of the principles themselves. Throughout the work, he consistently refrains from citing textual or rational evidence in support of the legal principles he records. Likewise, although he identifies the disputed principles associated with different jurists and legal schools, he does not explain the evidentiary basis upon which those principles rest.

Instead, his primary method is to illustrate each principle through a wide range of subsidiary legal rulings (*furū'*). This application-based approach effectively clarifies the practical scope and operation of each principle, enabling readers to appreciate its jurisprudential implications without lengthy theoretical discussion.

Moreover, *Ta'sīs al-Nazar* is not confined to the legal principles of the Ḥanafī school. It also records the disputed legal principles of jurists from other schools of Islamic law, thereby reflecting a broad comparative perspective. In addition, the work preserves a substantial body of the juristic legacy of several extinct legal schools, making it an invaluable source for the study of the historical development and diversity of Islamic jurisprudence.

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