CHAPTER FOUR

A STUDY OF THE BOOK OF MUHAMMAD BIN AL-HASAN
AL-SHAYBANI - AL-JAME AL-SAGHEER

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An Appraisal of the Work

After a study of the books which mention his life and works I reach the conclusion that all of them have described a book entitled 'al-Jame al-Sagheer' written by him. The name of the book and its author is written in all the manuscripts of the world and in all the editions of the printed books found in India, Syria and Egypt. All of them declare Muhammad as the author of the book under discussion. It may be kept in mind that this work is one of the preponderant narrations (Usul).

All the manuscripts and editions of the printed books show that the title of the book is attached with the contents. This title with the given text was popular among commentators.

Reason for Composition

Shamsul Aimmah Abu Bakr Muhammad Al-Sarakhsi in his commentary of al-Jami al-Saghir has said, that the reason for composing the book under study was a demand on behalf of Abu Yusuf. When Muhammad completed writing all his books Abu Yusuf demanded to compose a* book in which he would collect all the narrations from Abu Hanifah. He on this request wrote
down the book. Abu Yusuf complemented after the compilation of the book, 'what a perfect memorization; but it faulters on three issues. 'Muhammad replied', I did not commit any wrong, you have forgotten the narration'.(1)

Sources of the Book

Imam Muhammad in his book al-Jami al-Saghir relied upon his narration on the authority of Abu Yusuf. This is the first source which consisted of collection of informations that he narrated on the authority of Abu Yusuf. This is the reason why he begins every chapter with the following words:

"Muhammad on the authority of Yaqub (Abu Yusuf) on the authority of Abu Hanifah."

It is mentioned in the book of Ibn al-Bazazi entitled 'al-Manaqib' Muhammad was asked once 'Have you heard this book (al-Jami al-Kabeer) from Abu Yusuf? He replied, By Allah, I did not hear it from him. I have heard only 'al-Jame al-Sagheer' from him.'(2)
Academic Importance of the Book

Ali al-Qummi has mentioned that Abu Yusuf inspite of his deep and profound knowledge did not disassociate this book al-Jame al-Sagheer with him any time. Ahmad bin Ali Al-Razi used to say, 'whosoever understood this book he would be most intelligent among us. One who memorized it would be of sharpest memorization among us. Our predecessors did not appoint any person as the judge till they examined him. If the person had memorized it they would select him for the post otherwise they would order him to memorize it.'

This is the reason why scholars received it with joy and pride and wrote a number of commentaries on it.

Methodology

The book contains one thousand five hundred thirty two problems and is chapterized into forty. The number of problems in a chapter has increased or decreased according to requirements. Every chapter begins with the following:

"Muhammad on the authority of Yaqub on the authority of Abu Haneefah".

The book lacks any juristic explanation and has no evidence from the holy Quran, traditions of the Prophet, consensus of opinions or qiyas. The author has mentioned the differences of opinion with regard to one hundred seventy problems. The book is armed with 'Qiyas' and 'Istihsan' only in two problems. Al-Shaykh al-Halwai used to say 'Most of his problems are discussed in al-Mabsut.' The problems of the book under study are divided into three.

1. The problems narrated only in this book.
2. The problems discussed in other books also but there is no reference to the answer or solution given by a qawl or tradition of Abu Hanifah or any other scholar. Here Abu Hanifah has been quoted as a source in each and every answer.
3. The problems he repeated in this book with the changed words. This change has been useful to deduct some other points.

The book is narrated on the authority of Imam Muhammad, Isa bin Aban and Muhammad bin Samaah. It seems that the informations of the book though collected by Muhammad were not arranged and chapterized. This is why the preface of the book clarifies:
"Muhammad bin al-Hasan composed a work on jurisprudence and called it 'al-Jame al-Sagheer'. He compiled the jurisprudence into forty books in this work but did not divide it into chapters as he did in his al-Mabsut. The jurist Abu Tahir al-Dabbas chapterized it later on and arranged it in a systematic way to facilitate for the readers and students".

It is mentioned in the book Al-Fawaid Al-Bahiyyah fi Tarajim Al-Hanafiyyah that Hasan bin Ahmad al-Zaafarani was a trustworthy scholar. He compiled al-Jame al-Saghir of Muhammad bin Al-hasan al-Shaybani in a good way. He demonstrated the specialities of the problems of Muhammad which he had narrated on the authority of Abu Yusuf. He chapterized the book for it was not chapterized previously.

Notes and References

(1) Abdul Hai Lucknawi, Muqaddamah al-nafe al-Kabeer, p.32.
(2) Al-Kardari, op.cit., Vol. 2, p.150.
(3) Lucknawi Muqaddamah al-Nafe al-Kabeer, p.32.