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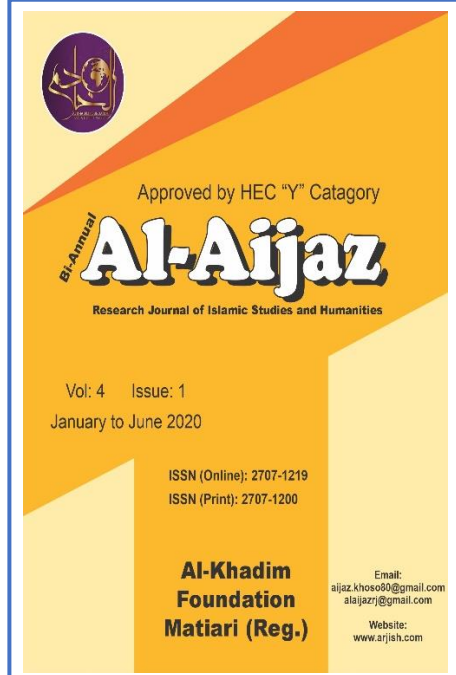
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TOPIC:

Glimpses of Economic Thought of Muhammad bin Al-Hasan Al-Shaibani:
An introductory study

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Glimpses of Economic Thought of Muhammad bin Al-Hasan Al-Shaibani:
An introductory study

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Abstract

Noman ibn Saabit (R.A) known as Imam abu hanifa is the great scholar and the founder of hanafi school of jurists. One of his greatest students is Muhammad ibn ul hasaan alshaybani along with Imam abu yousaf R.A. Apart from his impact in other aspects of Islamic jurisprudence, he is pioneer of Islamic international law and have great contribution in the field of Islamic commercial law. In this paper, brief introduction and his academic history along with his scholarly contribution to ummah is discussed. Glimpses of important thoughts of imam Muhammad al shaybani R.A related to economics is also envisaged. It is observed that the economics thoughts of Imam R.A will have a great impact on the modern day economics practices if appropriately implemented.

Keywords: Imam Muhamad Sybani, Islamic economics, Islamic jurisprudence.

1.1. Introduction

Muhammad ibn al-Hasan al-Shaibani, was a great personality, jurist, Mujtahid and A great scholar of Islamic jurisprudence, student of Imam Abu Hanifa R.A and a Teacher of Imam Muhammad bin idress Al-Shafi'I R.A.He got expertise in both Madni and Iraqi jurisprudential approaches. He served as the Chief Justice of the Abbasid era, which enabled him to spread methodology, ideas and thoughts of the Hanafi School of thought.

Imam Al- Shaibani was the first one ever who wrote the law of inheritance in detail and the law of jihad, the doctrine of international law (siyar)," as well. He Launched law of treaties, treatment of diplomats, hostages, refugees, prisoners of war and rights of asylums.

1.2. Brief biography of Imam Muhammad Al-shaibani

Al-shaibani was born in Wasit (a city of Iraq) f in 132 AH or 135 AH His family has immigrated from a village of Harasta, Damascus or Ramla, Palestine,¹ He had joined Imam Abu Hanifa R.A when he finished his primary education and continued his studies for four years. After the great demise of his teacher Imam Abu Hanifa R.A, Muhammad bin Al- hasan joined his senior student, chief justice Abu Yusuf until graduation. He travelled to Holy city Medinah and apprenticed under Malik bin Anas.² Due to this, the reflections of Al- Madinah school could also be seen in jurisprudential approaches of Imam Muhammad Al- shaibani in his books.

Muhammad Al- Shaibani as a Judge of Raqqah!

Imam Muhammad ibn al-Hasan al-Shaibani was appointed judge in the Syrian city of Raqqah

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after graduating with the advice of his teacher, Abu Yusef. He was suspended from the post due to a rift with Caliph Al-Rasheed, but Caliph Al-Rashid soon realized his mistake, he apologized and reinstated him to his position. Later on, he promoted to the position of Chief Justice of Abbasid realm.³ In the year 189 A.H, Imam Muhammad ibn al-Hasan al-Shaibani passed away.

According to some narrations, Imam Muhammad and imam al- Kisai died on the same day, so that the caliph Haroon deeply saddened and said: "Today I have buried jurisprudence and Nahwu together!"⁴

(May Allah Almighty confer his blessings upon him)

1.3. Contributions of imam Al-Shaibani to Islamic law,

Imam Muhammad made invaluable contributions to Islamic jurisprudence, and his books undoubtedly deserve to be considered as the backbone of Hanafi jurisprudence. Imam Muhammad's contribution built the moral and image of Hanafi jurisprudence that gained the fame and acceptance around the world. If this jurisprudential heritage does not exist, it would not have been easy for Hanafi school of thought to gain such a great reputation and popularity.

One of them is, his competent students who had higher degree of knowledge, even some of them got the level of independent legist (mujtahid Mutlaq) such as Imam Al-Shafi'i.

In appreciation of his jurisprudential contributions, Al-Haskafi said:

الفقه زرع ابن مسعود، وعلقمة ... حصاده، ثم إبراهيم دواس
نعمان طاحنه، يعقوب عاجنه ... محمد خابز، والأكل الناس!

"The discipline of fiqh was planted by Abdullah bin Mas'ud (RA), watered by 'Alqamah, harvested by Ibrahim Al- Nakha'ie and trampled by Hammad and then grinded by Abu Hanifah, Abu Yusuf has kneaded it and Muhammad bin Hassan turned it to bread which is eaten by all of the human beings".⁵

1.5. Categorization of Imam Al-shaibani's books

This is quite true that the books of Imam Al- Shiabani are considered as backbone for Hanafi School and put a foundation for future research and advocacy for later jurists of Hanafi school of thought. it can be divided in three categories as below:

A. Category.

Al-usul & zahir AL- riwaya (manifest narrations)

Those books which have been transmitted from Al-Shaibani to us through numerous reliable narrators or well-known chain of his students. This kind of books is called Al-Usul&Zahir AL- Riwaya (manifest narrations). These are six books as below:

1. Al-Jami 'Al- Kabir
2. Al-Jami'Al-Saghir
3. Al-Siyar Al-Kabir
4. Al-Siyar Al-Saghir
5. Al-Mabsut (also called Al-Asl)
6. Al-Ziyadat

B. Books that can be given the status of Usul/ Zahir AL- riwaya

There are three books of Imam Al-shaibani that can be given the status of Usul/ Zahir AL- riwaya, for their fame and importance, where the method and face/position of Hadith is more prominent than the jurisprudential side. The reader can observe through his reading the characteristics of independent legist (Ijtihad mutlaq) of Imam Al-shaibani as follows:

1. Muwatta

In this book, the personality of Al-Shaibani has emerged, as Muhaddis and narrator, along with his jurisprudential approaches, because after hearing Al- Muwatta from Imam Malik, he incorporated other narrations to show the difference of opinion with Malik's Madhab and sometimes with his own teacher Abu Hanifa.

2. Al-Hujjah 'alaa Ahli-l-Madeenah

There have been debates and discussions between Imam Muhammad and Imam Malik and other scholars of the holy Madina during his stay in Madina, where Imam Al shaibani brought up arguments and proofs, later on he collected them and gave them book-shape and named it Al-hujjah ala ahlimadina.(Arguments against Madni scholars).

When he returned to Iraq, his pupils had narrated it .The most famous one is the narration of Isa bin Aban.

3. Kitab ulAasar

This book is equal to his book Al-Muwatta, in which he narrated hadiths from Abu Hanifa. Many ahadiths are Marfu (a hadith attributed to the Messenger of Allah (صلى الله عليه وآله وسلم)), "Mawquf (موقوف) (a narration attributed to a companion, whether is it the statement of that companion, an action or otherwise and Mursal (مرسل) (a report whose sanad (chain of transmission) was interrupted).

Some scholars argue and refuse to count two siyars in this list, Al-Usul&zahir AL-riwaya(manifest narrations) while others opine that although both of siyars are written by imam when he was in Baghdad, and later on transmitted through numerous sources from his students in Large number which precludes possibility of fabrication, therefore, these two books should be counted among them

C. Category, (Kutub Al-Nawadir)

These books are called Nawadir, namely

Al-Kaysaniyyat

Al-Haruniyyat

Al-Jurjaniyyat

Al- Raqqiyyat.

These books are transmitted through singulars. So, Fuqaha or Mufties of Hanfi school of thought, prefer the first category when they face a contradiction among the jurisprudential texts.⁶

1.6. Advertencies of Al-Saibani's work with Economics.

1. Compiling a book namely "AL-KASB (Earning) before a few days of his death, indicates Imam Al-shaibani's keen interest to economy, and undoubtedly he was the first who understood the importance of this topic which led him to do such a great work. Although , there is a debate among scholars about Al-kasb, whether it belongs to Imam Al-shaibani, and his pupil Muhammad ibn Samma'ah or Al-sarakhsi.

1.7. The book 'Al-kasb'

Al-shaibani's book Al-Kasab gained the interest of scholars worldwide. Although there is an issue that is widely discussed amongst scholars about this book. some scholars claim that one of the pupils of Imam Al-shaibani, namely Muhammed ibn Samma'ah, has summarized the book Al-kasb and gave it title "Al-Iktissab" (Earning an honest living) as had stated by Muhammad bin Samma'ah himself. another group of scholar is of the view that the name of the book or essay was drawn up by the imam Al-shaibani himself, and narration of this book is done by Ibn Sama'ah .

Likewise, the book attributed to the Imam is the same book found in Al-Mabsut Al-Sarkhasi. There are many discussions and opinions, but the thing that scholars are agreed upon is that the origin of the book belongs to Imam Muhammad. Also it is a consent point among the scholar that Muhmmad bin Samma'ah has summarized this book, and later on Al-sarakhsi had written a commentary of it, but the question is that the book which is in our hands, is it the book of imam Muhammad or the summary of Ibn Samma'ah or Sharh al-Sarakhsi?

It is impossible to be said something categorically but it can be claimed and argued that: The book of Muhammad bin Al-hasan Al-shaibani, was summarized by his pupil Muhammad Ibn Sammaa'ah and explained by Al-Sarakhsi, without specifying the words and their definitive attribution to one of them. However, it is quite true that this book as Sabri Oraman wrote- has covered almost all aspects of economic like acquisition of wealth, its types, different kinds of economic activities, their levels, labour relations, need and its degrees, accumulation of wealth etc.⁷ hence it is a giant and deep economic thought of Imam Al-shaibani.

2.0. Some economics theories of Imam Muhammad R.A

2.1 Theory of Money and Imam Muhammad Al-shaibani

Imam Muhammad had a special viewpoint about money, as he was one of the pioneer who said it is not necessary for money to be gold and silver. Rather, everything used in transactions can be called money, including what was known in ancient times as *fulus* (Pennies) .This was made of less expensive metals like copper. He held the same view about money that has adopted by modern economists. He emphasized that these currencies have the same value of gold or silver as long as people used it as a legal tender in their financial transactions.

So, according to Muhammad ibn al-Hasan al-Shaibani it is not allowed to sell a penny (*fulus*) for two or more pennies, because these are money as dirham and dinars. Secondly prices of commodities were estimated by dirhams and dinars was determined by pennies As well, it

means that money have value.⁸

2.2. Monopolization and Imam Muhammad Al-shaibani

Imam AbuYusuf- teacher of Muhammad al-shaibani stated that the monopoly takes place in everything that harms the public regardless of foods and the person who uses monopoly shall be compelled by law to sale the commodities that he has monopolized. If he does not abide by the law, he will be punished but government agencies are not allowed to sell his good without his permission.

But Imam Muhammad took a special position regarding monopoly. According to him monopoly does not take place except in the foods of people and feed of animals like wheat, barley, and straw. The authority and state must control it. According to him, the state can compel monopolists to sell monopolized food and animal feed, because it causes harm to people.⁹

2.3. Theory of Kasb (Earning)

Kasb, literally means Earning is a livelihood, the Almighty said:

{134/2} تِلْكَ أَمْثَلُ قَدْ خَلَقْتُمْ لَهَا مَا كَسَبْتُمْ وَلَكُمْ مَا كَسَبْتُمْ وَلَا تُسْأَلُونَ عَنْهَا كَانُوا يَعْمَلُونَ

Those are peoples, who have passed away. For them is what they earned, and for you what you earned, and you shall not be questioned about what they have been done.¹⁰

Idiomatically Al-Kasb means seeking provision and endeavoring to achieve it.¹¹

Al-Shaibani defined Al-kasb as an “acquisition of wealth with legitimate ways.”

Earning is one of the important reason for acquisition of honest money (Halal) So its importance does not need to be discussed in detail. So the book Al-kasb discusses:

" Earning is an obligation on every Muslim, such as seeking knowledge... even choosing a profession that is despised in a society is also a kind of worship and that it does not negate the concept of *Tawakkul*. (And then the author brought evidences from the holy Quran, Hadith and the opinions of the Sahabah and Tabi'in. (may Allah be pleased with them.)

According to Al-kasb, Imam Al- Shaibani has categorized endeavors for provision into three categories.

A. Obligatory /Fard.

Earning of some amount that would be enough for living and his dependents, and to pay off his debts and people to whom he must spend. This level of earning is mandatory and everyone is supposed to earn.

This provision has been deduced either by Al-shaibani, ibn Samma'ah or Al-sarakhsi (May Allah be pleased with them) from a famous hadith that narrated by Salamah ibn 'Ubayd-Allaah ibn Mihsan al-Khatmi, from his father, who met the Prophet (peace and blessings of Allah be upon him). He said: The Messenger of Allah (peace and blessings of Allah be upon him) said:

"The one among you who wakes up secure in his property, healthy in his body and has the food for one day, it is as if the whole world were brought to him."

And the Narration of Othman bin 'Affan (May Allah be pleased with him) reported: The Prophet (PBUH) said,

"There is no right for the son of Adam except in these (four) things: A house to live in, a

cloth to cover his scared organs, bread and water."¹²

B. Recommendable /Mandub

Earning an amount that accedes the amount that each person must have to live is recommendable (*Mandub*).As the Prophet have given his family their sustenance for a year.¹³

C. Permissible amount.

Earning an amount that accedes the previous amount that we referred to in second category.¹⁴

2.4. Main sectors of the economy according to Al-shaibani

According to the book *Al-kasb* economic activities are divided into four main Sectors.

1. Business
2. Agriculture
3. Industry
4. leasing.

Even the modern division of economic activities does not depart from this division, when Modern economists divide economic activities into three sectors: agriculture, industry and services.¹⁵

Tejvan Pettinger cites:

Main three sectors of economy are as below:

1. Primary sector – extraction of raw materials – mining, fishing and agriculture.
2. Secondary / manufacturing sector – concerned with producing finished goods, e.g. factories making toys, cars, food, and clothes.
3. Service / ‘tertiary’ sector – concerned with offering intangible goods and services to consumers. This includes retail, tourism, banking, entertainment and I.T. services.¹⁶

No doubt the services sector includes trade and other services.¹⁷

2.5. Theory of Need and & perfection

Another important topic in economics is need and perfection. Modern Economists do not categorise needs as Muslim jurists did. According to modern scholar’s need is divided the into two degrees.

1. Need
2. Perfection

While the Muslim jurists divided it in three categories:

Necessities (*daruriyyat*),

Conveniences or Removal of hardship (*hajiyyat*)

Beautifications (*Tahsiniyyat*).¹⁸

According to the book *Al-kasb* needs (*daruriyyat*) are as below:

" Every human being needs food, beverage, clothes and shelter.... He needs to keep himself safe from the harm of hot and cold weather in order to be able to worship Allah swt...If he has earned more than that that he help himself and his family, he is allowed to do so, as Holy Prophet s. a. w (ﷺ) used to provide his family expenses for round the year.¹⁹

2.6. Value-based Marginal Utility & Imam Al-shaibani.

Economists William Stanley Jevons, Carl Menger, and Léon Walras, all individually but simultaneously developed Marginal utility theory which examines increase in satisfaction consumers gain from consuming an extra unit of a good.²⁰

According to Alkasb probably Al-Shaybani perceived valuation based on marginal utility in second century. Though he did not use the term itself, even he recognized the idea of 'disutility' as it is written in book Al-kasb:

“A person eats for his own utility and there is no utility after being full stomach that could be 'disutility'.

The Subjective nature of utility is best described by Ibn al-Jawzi he wrote:

“The extent of pleasure from food and drink will depend on how strong the thirst or hunger is. When a thirsty or hungry person reaches to his initial condition (of satiety or apitite), after that, forcing him to take more of food and drink will be highly painful (of great disutility)”.²¹

3.0. Conclusion

This paper aims to shed light on the some economic thought of Imam Muhammad, which is prevailed in his books. The Study provides some detail about his education, scholarly contributions, jurisprudential services and some of his economic thoughts. it also provided an overview of his book Al-Kasb, while acknowledging that there is a discussion among researchers in determining the original text of the book, although they are agreed upon that the original text is belonged to Imam Muhammad, whether in the form of Ibn Samma'ah's summarization or the interpretation of Al-Sarkhasi. Actually, the economic thoughts of Imam Muhammad Al-shaibani are not confined to this book, except that writing such a book in the last days of his life. It shows his passion for economic interest and contribution to it. It is recommended that more work should be done on the economic thoughts of Imam Muhammad R.A further the modern day economist shall also pay attention to the economic theories of imam R.A. which would be very beneficial to take care of modern day problems of economics.

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