

DESCRIPTION OF ISSUES RELATED TO INTERNATIONAL RELATIONS IN THE WORKS OF IMAM AL-SARAKHSI

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Abstract

This article provides a comprehensive analysis of the scholarly contributions of Imam Shams al-A'imma al-Sarakhsi (d. 1090) to the discipline of Islamic international law (siyar). Focusing primarily on his renowned commentary *Sharh al-Siyar al-Kabir*, the paper explores how al-Sarakhsi elaborated on the foundational legal principles laid down by earlier Hanafi scholars such as Abu Hanifa, Abu Yusuf, and especially Muhammad al-Shaybani. The study delves into al-Sarakhsi's treatment of international relations, including the conduct of war (jihad), the terms of peace treaties, the legal status of non-Muslim citizens (dhimmis), the role of envoys and diplomacy, and the ethical constraints on warfare and treatment of prisoners.

The article also addresses the historical significance of *Sharh al-Siyar al-Kabir* as one of the most detailed and structured works in the field of siyar, and evaluates its influence on both classical Islamic jurisprudence and contemporary comparative legal thought. Special attention is given to how modern scholars, such as Najib Armanazi and Khalid Ramadan Bashir, have assessed the relevance of al-Sarakhsi's jurisprudence in the context of international legal theory. Furthermore, the article draws parallels between al-Sarakhsi's legal reasoning and that of Western thinkers like Hugo Grotius and Thomas Aquinas, demonstrating that many legal norms found in modern international law were already articulated in classical Islamic legal texts.

Through textual analysis and historical contextualization, this study establishes Imam al-Sarakhsi's pivotal role in shaping Islamic perspectives on international relations and underscores the enduring relevance of his thought for current debates in legal ethics and the laws of war and peace.

Keywords: Imam al-Sarakhsi, Islamic international law, siyar, *Sharh al-Siyar al-Kabir*, jihad, treaties, dhimmi, Hanafi school, Muhammad al-Shaybani, Islamic jurisprudence, comparative legal studies, Grotius.

INTRODUCTION

The works authored and commentated upon by Imam Shams al-A'imma al-Sarakhsi (d. 1090 CE) have made an incomparable and enduring contribution to the development of Islamic civilization, culture, and legal science. As one of the most prominent jurists of the Hanafi school, al-Sarakhsi dedicated his life to systematizing and clarifying the legal methodology and doctrines of his madhhab. Through his numerous writings and commentaries, he not only advanced the understanding of Hanafi jurisprudence but also facilitated its dissemination across various regions of the Islamic world.

His scholarly legacy is particularly significant in the context of the region of Transoxiana (Mavara' al-Nahr), a vibrant center of Islamic scholarship during the 11th century. Al-Sarakhsi's efforts to elucidate the foundational texts of the Hanafi school played a critical role in the intellectual and legal development of the area. His magnum opus al-Mabsut, written during his imprisonment, and his comprehensive commentary on al-Siyar al-Kabir are regarded as pivotal references in Islamic legal literature.

In particular, al-Sarakhsi's commentary preserved the intellectual contributions of Muhammad ibn al-Hasan al-Shaybani – a principal disciple of Abu Hanifa and one of the founding figures in the articulation of Islamic international law (siyar). Many of al-Shaybani's original works, especially those addressing issues of warfare, diplomacy, treaties, and the conduct of Muslims toward non-Muslims, have survived primarily through al-Sarakhsi's commentaries. His ability to interpret and expand upon these complex legal topics not only ensured their transmission to later generations but also provided a framework through which the principles of siyar could be systematically analyzed and understood within both classical and contemporary legal contexts. This study explores how Imam al-Sarakhsi's works – especially Sharh al-Siyar al-Kabir – have shaped the discourse of Islamic international law and contributed to the formation of a coherent legal doctrine regarding war, peace, and cross-cultural relations in the Islamic tradition.

MAIN PART

In addition, Imam al-Sarakhsi was able to articulate the author's intended objectives in a clear and accessible manner within his commentaries. This is especially evident in his treatment of the Zahir al-Riwaya texts. It is well established that the Zahir al-Riwaya corpus constitutes one of the principal sources within Hanafi jurisprudence. Therefore, scholars from early periods paid great attention to these texts – offering detailed commentaries, identifying their methodological foundations, and classifying their legal issues into specific branches (furu').

Over time, there were multiple efforts to compile these dispersed texts into a single comprehensive volume. One of the most notable efforts came in the early 4th century AH, when Abu'l-Fadl Muhammad ibn Muhammad ibn Ahmad al-Marwazi undertook the task of eliminating redundancies and compiling the content into one book, which he titled al-Kafi. Later, this work was extensively commented on by Shams al-A'imma al-Sarakhsi, resulting in his magnum opus al-Mabsut.

The Zahir al-Riwaya texts are especially valued because they faithfully transmit the legal doctrines, opinions, and principles of the founders of the Hanafi school—namely, Abu Hanifa,

Abu Yusuf, and Muhammad al-Shaybani—through reliable chains of narration. In some sources, the expression Zahir al-Riwaya is replaced with Zahir al-Madhab, a term denoting the “authorized doctrine reliably transmitted from Abu Hanifa, Abu Yusuf, and al-Shaybani, and conveyed to later generations through competent and trustworthy jurists”¹.

Imam al-Sarakhsi played a pivotal role in preserving and transmitting al-Siyar al-Kabir, a work that provides a detailed exposition of Muslim relations with adherents of other faiths during times of peace and war. His commentary on this foundational text has been instrumental in ensuring its transmission to the present day.

It is appropriate to briefly outline the key issues addressed in the work. The book elaborates on the foundations of international relations in both wartime and peacetime, explicating the legal basis for military campaigns, the meaning, significance, and objectives of jihad. It also outlines the conditions under which jihad is considered legally valid, as well as the principles governing relations with foreign states during armed conflict.

Moreover, the work addresses the legal rulings concerning dhimmis—non-Muslim residents under Muslim protection—and the nature of their interactions with Muslims. It also explores the legitimacy of state territorial boundaries and treaties, and their applicability in terms of time and space. The book further analyzes military policy in Islam, the classification and selection of combatants, the announcement of mobilization prior to the commencement of warfare, and the impact of war on civilian populations and private property.

The work also addresses a range of issues that continue to be actively discussed by contemporary international law experts and legal scholars. These include the definition of neutral territories as objects of study in international relations, the regulation of neutrality through treaties, and the rules governing diplomatic envoys. As such, this treatise—alongside other works commented upon by Imam al-Sarakhsi—serves as a key source for the study of international relations and the juridical principles within Islamic law that govern them.

DISCUSSION

This great and invaluable book has earned the praise of numerous scholars due to the continued relevance of the issues it addresses and the clarity of the legal solutions it provides. As Imam al-Samani notes, the work encompasses a vast number of legal questions: “In Sharh al-Siyar al-Kabir, nearly four thousand issues are discussed. The author explains these matters by providing detailed reasoning based on both rational and transmitted (textual) principles.”

Therefore, this book must rightfully be considered among the most esteemed legal works.

Among contemporary scholars interested in international law, Dr. Najib Armanazi remarks the following in his book *Principles of International Law in Islam*:

"Sharh al-Siyar al-Kabir is an extremely valuable work that provides a wealth of information concerning international relations. The author demonstrates a deep understanding of this discipline and explores its most intricate issues. Moreover, the book does not confine itself

¹ The encyclopaedia of islam. Edited by P. J. Bearman, Th. Bianquis, C. E. Bosworth, E. Van Donzel and W. P. Heinrichs. Volume XI. W — Z.- Leiden: “Brill”, 2002. – P.388.

solely to the theories upheld by the scholars of the Hanafi school; it also engages in critical discussion of evidences and arguments from other madhhabs"².

British scholar Professor Khalid Ramadan Bashir, in his work *The Historical Foundations of Islamic International Law and al-Shaybani's Siyar*, seeks to elucidate the content and essence of classical Islamic sources on international law, including the laws of war, the rules of armed conflict, and the principles of peace. A significant portion of the book is devoted to a comparative analysis of Muhammad al-Shaybani's views on international law alongside those of European thinkers such as Aurelius Augustine, Gratian, Thomas Aquinas, Francisco de Vitoria, and Hugo Grotius, who are widely regarded as foundational figures in the evolution of Western international legal thought.

According to Khalid Bashir, *Sharh al-Siyar al-Kabir*, the commentary by Imam al-Sarakhsi, represents one of the most comprehensive studies produced within Islamic civilization. In it, a clear and systematic articulation of international legal theory is offered—one that had remained largely unknown to European scholars until modern times. One of the great contributions of *Sharh al-Siyar al-Kabir*, he argues, is its ability to distinguish international law from other branches of law in both form and function.

Bashir further emphasizes that, in terms of scope and depth concerning matters of international law, *Sharh al-Siyar al-Kabir*, as commented upon by Imam al-Sarakhsi, can be compared only with Hugo Grotius's *De Jure Belli ac Pacis (On the Law of War and Peace)*³.

Furthermore, the translation of *Sharh al-Siyar al-Kabir* into European languages had a distinctive influence on the development of European scholarly perspectives. According to Majid Khadduri, following the publication of its translation in Europe in 1825, the renowned German orientalist Joseph von Hammer-Purgstall referred to the author as the "Grotius of Islam." Similarly, the French scholar Hans Grusse also described al-Shaybani as the "Grotius of Islam" and, in 1955, established an international conference on international law under the name Shaybani⁴.

RESULT

In reality, however, it was in *Sharh al-Siyar al-Kabir* that many core principles related to all branches of international law—both public and private—were articulated in detail nearly eight and a half centuries before the works of Hugo Grotius. These included rules on the conduct of war, norms governing peace treaties, and standards for the treatment of prisoners of war, all of which were discussed comprehensively in this Islamic legal treatise.

Another scholar, Dr. Muhammad Dasuqi, also affirms in his book *Al-Imam Muhammad ibn al-Hasan al-Shaybani wa Atharuhu fi al-Fiqh al-Islami (Imam Muhammad ibn al-Hasan al-Shaybani and His Contributions to Islamic Jurisprudence)*:

² See: N. Armanadzi. *Ash-Shari' ad duwwali fil islam*. – Damascus: Ibn Zaydun Publishing House. 1930. – 212 p.

³ Khalid Ramadan Bashir. *Islamic International Law Historical Foundations and Al-Shaybani's Siyar*. The University of Aberdeen, UK. 2018. – P.320.

⁴ Muhammad Munir. *Islamic International Law (Siyar)* // www.researchgate.net/publication/228298025_Islamic_International_Law_Siyar_An_Introduction

"Sharh al-Siyar al-Kabir is a unique work on international relations. No jurist before or after al-Shaybani has authored a book of such depth and scope on the subject of siyar (Islamic international law)"⁵.

In his book *At-Tashri' wal-Qaza fil Fikr al-Islami*, Shalabi notes that in 1970, in connection with awarding an honorary doctorate to Valéry Giscard d'Estaing, the President of France, by Cairo University, he stated:

"Although Egypt's legal system is largely based on French law, it must be emphasized that Islam was the first to initiate the establishment of the discipline of international law. The world recognizes this fact"⁶.

Indeed, the French head of state was referring to the significant contributions made by Muslim scholars to the development of international law. It must be acknowledged, however, that *Sharh al-Siyar al-Kabir* was not the first work in the Islamic world dedicated to the science of siyar (Islamic international relations). Prior to it, prominent jurists such as Imam Abu Hanifa, al-Awza'i, and Abu Yusuf had already engaged in substantial scholarly activity in this field. Yet what distinguishes *Sharh al-Siyar al-Kabir* from earlier works is its comprehensive and systematic treatment of international legal issues, making it a pioneering contribution and a foundational text in the discipline.

CONCLUSION

In conclusion, Imam al-Sarakhsi's scholarly contributions, particularly his commentary on *al-Siyar al-Kabir*, represent a cornerstone in the intellectual architecture of Islamic international law. Through his methodical exposition of the works of earlier Hanafi authorities, most notably Muhammad al-Shaybani, al-Sarakhsi not only preserved a significant portion of classical Islamic legal heritage but also enriched it with his analytical depth and juristic reasoning. His ability to engage with complex issues—such as warfare ethics, diplomatic protocols, legal treatment of non-Muslims, and principles of treaty obligations—demonstrates both the sophistication of Islamic legal thought and its relevance to the study of international relations. Moreover, al-Sarakhsi's works go beyond mere transmission of legal doctrines; they reflect a conscious effort to articulate a coherent and morally grounded framework for interactions between Muslim and non-Muslim entities. His interpretations offer a nuanced balance between legal rigidity and contextual flexibility, rooted in ethical considerations and the *maqasid* (higher objectives) of Islamic law.

The relevance of his writings continues to be acknowledged by contemporary scholars, both within and outside the Islamic world, many of whom recognize *Sharh al-Siyar al-Kabir* as a text that can be meaningfully compared to foundational works of Western international law, such as Hugo Grotius's *De Jure Belli ac Pacis*. As demonstrated by modern academic discourse, the enduring value of al-Sarakhsi's work lies in its ability to engage timeless legal and ethical questions that transcend historical boundaries.

⁵ Dasuqi M. *Al-Imam Muhammad ibn al-Hasan al-Shaybani wa asarahu fil fiqhil Islam*. - Doha: Dor as-Saqafa publishing house., 1987. - P. 399.

⁶ Shalabiya. *At-Tashri'u val qazo fil fikr ilislami*. - Cairo: Dar al-Nashr publishing house, 1989. - P.273.

Therefore, his contributions remain not only a testament to the intellectual vitality of the Hanafī tradition but also a vital resource for contemporary discussions on the intersection of religion, law, and international order.

References

1. Bearman, P. J., Bianquis, Th., Bosworth, C. E., Van Donzel, E., & Heinrichs, W. P. (Eds.). (2002). *The Encyclopaedia of Islam* (Vol. 11: W–Z). Leiden: Brill.
2. Armanadzi, N. (1930). *Ash-Sharī‘ ad-Duwalī fī al-Islām*. Damascus: Ibn Zaydun Publishing House.
3. Bashir, K. R. (2018). *Islamic International Law: Historical Foundations and al-Shaybani’s Siyar*. Aberdeen, UK: University of Aberdeen.
4. Munir, M. (n.d.). *Islamic International Law (Siyar)*. Retrieved from https://www.researchgate.net/publication/228298025_Islamic_International_Law_Siyar_An_Introduction
5. Dasuqi, M. (1987). *Al-Imām Muḥammad ibn al-Ḥasan ash-Shaybānī wa Atharuhu fī al-Fiqh al-Islāmī*. Doha: Dār al-Thaqāfa Publishing House.
6. Shalabiya. (1989). *At-Tashrī‘ wal-Qaḍā’ fī al-Fikr al-Islāmī*. Cairo: Dār al-Nashr Publishing House.
7. al-Sarakhsi, Shams al-A’imma. (1997). *Sharḥ as-Siyar al-Kabīr* (Vols. 1–5). Beirut: Dār al-Kutub al-‘Ilmiyya.
8. Abul Hasan Movardi. *Al-Haviyul al-kabir*. - Beirut: Darul Kutub Ilmiya, 1994.
9. Ahmad al-Dowudi. *The Islamic Law of War*. – New York: Macmillan, 2011.
10. Ahmad ibn Husayn al-Bayhaqi, Sunan al-Bayhaqi. – Makkah: Maktaba Dor al-Boz, 1994.