

CHARACTERISTICS OF ORGANIZATION OF INTERNATIONAL RELATIONS IN THE WORKS OF MUHAMMAD SHAYBANI

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ABSTRACT

The article provides information about the life and scientific heritage of Muhammad ibn Hasan Shaibani, one of the leading jurists of Islamic law. It also reveals the role of Muhammad Shaybani in the formation and development of Islamic international law. In particular, information is provided on the works of Muhammad Shaibani on Islamic international law and the jurisprudential issues discussed in them. In addition, the importance of Muhammad Shaybani in ensuring religious tolerance and solidarity among Muslims and non-Muslims is highlighted. In particular, one of the important contributions of Muhammad Shaybani to the development of Islamic international law is that he showed the concept of territory, that is, ways to enter into peaceful relations with countries inhabited by people of other religions. At the same time, the article says that Muhammad Shaybani was awarded the title of "father of international law" for his contribution to the development of international law, and that Shaybani's scientific heritage is still valued.

KEYWORDS: *Zahir ar-Rivaya, international Islamic law, international relations, Sunnah, Fiqh, territory, Dar al-Islam, Dar al-Harb, Dar al-Islam, mazhab, creed, morality, agreement*

INTRODUCTION

Muhammad Shaybani, a disciple of the Great Imam, played an important role in the formation of the Hanafi school of jurisprudence, one of the most widespread schools of jurisprudence in the Islamic world and the majority of Muslims, as a single sect. Imam Muhammad was one of the leading faqihs of the Hanafi school and had a great influence on the systematization and dissemination of Hanafi with his works.

In the sources the full name of the scholar is given as Abu Abdullah Muhammad ibn Hasan ibn Farqad Shaibani (Zamiriya, 1999). Muhammad ibn Hasan's father was from the Harasta clan in the village of Ghuta near Damascus. There is no dispute when Muhammad Shaybani was born in 132/749 in the village of Wasit in Iraq (Subki, Sayis, Barbari., 2006). However, in some sources it is mentioned as 122/739. Nevertheless, most historians have accepted the first idea. He grew up in Kufa and Baghdad. He became a student of Abu Hanifa (d.150/767), learned from him, followed his path in fiqh, and sat in his circle until he was 18 years old. After the death of Abu Hanifa, Muhammad ibn Hasan al-Shaybani became a disciple of Abu Yusuf. According to

Professor Zamiriya, Shaybani also learned from Misar ibn Kidam, Malik ibn Miqwal, Umar ibn Zarr Hamadani, Malik ibn Dinar (Zamiriya, 1999).

Muhammad Shaybani was very talented. At the age of 20, Shaybani gave a lecture on fiqh in the main mosque of Kufa. Muhammad ibn Hasan, unlike Abu Hanifa and Abu Yusuf (d.182/798), paid close attention to writing books. He has written books on almost every field of jurisprudence. According to some sources, he wrote 990 books (Shaibani, 1986). The word «book» here refers to a work on a particular subject. For example, a prayer book, a zakat book, and so on. Later, the faqihs compiled all his books into one play (Zaydon, 2001). Muhammad ibn Hasan Shaybani is rightly considered to be the transmitter of Abu Hanifa and Iraqi jurisprudence to the next generation. Most of Imam Muhammad's books have survived to the present day. According to Professor Muhammad Dasuki, a doctor at Cairo University, he was the first faqih to turn Islamic jurisprudence into a book in a scientific style (Muhammad, 1987).

METHOD

Muhammad Shaybani succeeded in finding solutions to various legal issues that arose in his time. Unlike his two teachers, Abu Hanifa and Abu Yusuf, he focused on writing books in addition to scientific discussions and practical activities, and for centuries his works, especially «Zahir ar-Rivaya», have been rare in the study of classical sources and methodology of Hanafi jurisprudence. is becoming a source.

«Zahir ar-Rivaya» is one of the main sources of Hanafi jurisprudence. That is why the scholars paid great attention to these books and commented on them. «Zahir ar-Rivaya» is valued for conveying the views, opinions and principles of the founders of the sect through the narrations of trustworthy people. In some works, the phrase «Zahir al-Mazhab» is used instead of «Zahir al-Rivaya», which means «a reliable doctrine narrated from Abu Hanifa, Abu Yusuf and Shaybani and passed on to the next generation through reliable and qualified jurists» (P.J.Bearman, 2002).

Below is a detailed look at each of the works of «Zahir ar-Rivaya»:

Al-Mabsut. This book is also called al-Asl. The reason for this is that the book was first written (Muhammad, 1987). It is the largest book of Muhammad ibn Hasan Shaybani, in which he summarizes the fatwas issued by Abu Hanifa as well as the issues of alliance and disagreement between Abu Yusuf and Muhammad Shaybani.

Imam Muhammad originally wrote each chapter of this book in the form of separate books. In particular, he wrote a book on prayer and called it «kitab-us-salat» (prayer book). He finished a book on trade and named it «kitabul-bay» (trade book). In this way, he wrote books on a number of jurisprudential issues and compiled them into one book. As a result, it became a mabsut (meaning «broad», «detailed»). Therefore, it was also called Mabsut (Sultonkhojaev, 2018).

This work includes chapters on prayer, funerals, fasting, marriage, divorce, sacrifice, compensation for killing or injuring someone, lost property, and more.

Each chapter of the book begins with the «asaar»'s (hadiths in the sense of message) that are accepted in Hanafi. Then the questions are given and their answers are given.

RESULT

It is noteworthy that in the play you can find some jurisprudential issues related to international relations. In particular, the entry of a person belonging to the «Dar al-Harb» into the land of Islam and the safety of security, zimmi, that is, the testimony of members of other religions and their responsibility for their crimes, as well as the responsibility of a Muslim for trading in the «Dar al-Harb» area and for committing a crime in that area.

However, these issues are often discussed in general jurisprudential sections such as the «chapter of trade», «chapter of crime», and «chapter of testimony». For this reason, al-Asl has been recognized by the jurists not as a book on international relations, but as one of the most authoritative works on general jurisprudence.

Among the books included in this work are «as-Siyar al-kabir», «as-Siyar as-sagir», which are aimed at regulating international relations. These books are important sources on Islamic international law and contain norms on various objects of international relations.

In this work, Muhammad ibn Hasan sheds light on the legal aspects of international treaties, wars, and embassy relations based on Islamic principles. According to sources, after writing the book, Muhammad ibn Hasan said to copy it to the sixty notebooks and load it on a cart and take it to the caliph's palace. The caliph was astonished when he was told that Muhammad ibn Hasan had written a book and that he could only carry it in a chariot. Seeing him, the caliph was even more amazed and sent his children to the classes of Muhammad ibn Hasan to study this book.

An interesting aspect of the narration of the book and its transmission to us is that Ishmael ibn Tawba Qazvini, the educator of the children of the Caliph, used to come to class with them to supervise the children and listen to the book. One of the narrators of the book is Abu Sulayman al-Juzjani, and the other is allied to be the tutor of the princes (Sarakhsi, 1997).

Shamsul Aiima Muhammad Sarakhsi (d. 483/1090), who lived and worked in Movarounnahr, commented on this work in his book Mabsut. Thanks to Sarakhsi's work, this work has survived to the present day. According to the information, the great jurist Abdurahman Awzai, who was one of the first to write a book on the subject of Siyar, received the work of Muhammad Shaybani «as-Siyar as-sagir». Then Al-Awzai asked: «Whose is this book?» (i.e. who is its author?) «Mohammed al-Iraqi's (Shaybani's)», was the reply. He then said: «Is it the task of the Iraqis to write on this subject? They do not know the siyar». Later, when Muhammad Shaybani wrote «as-Siyar al-kabir», Awzai, who also read it, praised the work, saying, «If there were no hadiths in this book, I would have thought that he himself would have created science».

Since «as-Siyar al-kabir» is the last book on jurisprudence written by Muhammad Shaybani, it was narrated not from Ahmad ibn Hafs al-Bukhari, but from Abu Sulayman al-Juzjani and Ismail ibn Sawaba. Abu Hafs, who narrated most of Muhammad Shaybani's books, had left Iraq at that time and reached Bukhara.

DISCUSSION

It is useful to briefly describe the issues discussed in the play. The book reveals the basics of international relations in times of peace and war, military campaigns, the meaning, significance and purpose of jihad. It also sets out the conditions for the legitimacy of jihad and the foundations of a state of war with the enemy. It also covers the relationship of dhimmis with

Muslims and the rulings that apply to them. It also analyzes the territory of the state and the legitimacy of the treaties and their extent in terms of time and space, military policy in Islam, selection of fighters, declaration of mobilization before the start of the war and the impact of the war on the population and property.

The play also deals with neutral areas that are the object of study of international relations and other issues discussed by international jurists, such as the definition of relations with them, treaties regulating the state of neutrality, rules related to ambassadors.

This work, like all other books by Imam Muhammad, will be a major source for studying international relations and the rules of jurisprudence in them. This great valuable book has been praised by many scholars for the urgency of the issues raised in it and the accuracy of the solutions presented. In particular, according to Imam as-Sam'ani (113-1166), it covers a wide range of issues: «as-Siyar al-kabir» contains about four thousand issues, and Muhammad Shaybani explained their solutions with intellectual and narrative rules. That is why this book should be included in the list of the most valuable works» (as-Sam'ani, 1976).

Another scholar, Dr. Muhammad Dasuqi, says in his book «Al-Imam Muhammad ibn al-Hasan al-Shaybani and asaruhu fil fiqhil Islam»:

«As-Siyar al-kabir is a unique work on international relations, and no jurist before or after Imam Muhammad has written such a book on Siyar» (Muhammad, 1987).

Admittedly, Imam Muhammad was not the founder of Siyar, a science of international relations, that is, before him, in the Muslim world, jurists such as Imam Abu Hanifa, Awza'i, and Abu Yusuf were also active in the siyar. However, Muhammad Shaybani's work on Siyar, which deals with issues of international relations in a comprehensive and detailed manner, set him apart from others and made him a leader in this field. That is why he deserves to be the «father» of international law.

Khalid Ramazan Bashir, a European lawyer, said: «Muhammad Shaybani's book «as-Siyar al-kabir» deals with every conceivable aspect of international law relevant to his time. In fact, the reader would be able to locate it within today's texts and specialized books on international law. While some think that his book is based on sources of Islamic law and was intended to regulate the international affairs of a Muslim state and is therefore irrelevant to the secular world order we live in today, others observe that such a comprehensive legal work written in the eighth century is undoubtedly a great asset to those specializing in the field of international law. They argue that the contribution of Muhammad Shaybani to this field is too great to be ignored» (Bashir, 2018).

One of Muhammad Shaybani's important contributions to the development of Islamic international relations is that he showed the concept of territory, that is, the ways in which states could enter into peaceful relations with them regardless of their religious affiliations. It is known that initially, according to Islamic international law, it was accepted to divide the world into two territorial parts, «Dar al-Islam» and «Dar al-Harb». «Dar al-Islam» is the area where Islamic rulings are manifested (Vizarat al-awqaf and al-shu'un al-Islamiyya, 1990).

According to Imam Muhammad, «Dar al-Islam» is a country ruled by Muslims, and Muslims in it are free from any danger. All people living in such an area, especially Muslims or members of other religions (dhimmis), are considered equal.

«Dar al-Harb», on the other hand, is an area where the rules of Islam are violated and where Muslims are persecuted for being Muslims (Sarakhsi, 1997).

Muhammad Shaybani further expanded the above views on the international region. He was the first faqih to introduce the concept of «Dar al-Ahd» into the category of territory in his works (Muhammad, 1987). The concepts of «Dar al-Islam», «Dar al-Harb» and «Dar al-Ahd» can be compared with the territories of states in modern international law.

«Dar al-Islam» is the territory of Muslim-majority countries, «Dar al-Harb» is the territory of non-Muslim countries that pursue anti-Muslim policies, and «Dar al-Ahd» is the territory of states under the leadership of other religions and cooperating with Muslim countries.

According to Shaybani, the territories of the countries that were originally «Dar al-Harb» and signed treaties with Muslims will become «Dar al-Ahd». As a result, non-violent attacks on non-Muslim countries that have peace agreements with representatives of Islam will also be discouraged. This is an important step in maintaining peace.

In international relations, the recognition of a territory by another state is its recognition. It should be noted that Muhammad ibn Hasan al-Shaybani's views on the transformation of «Dar al-Harb» into a «Dar al-Ahd» by concluding a treaty were the basis for the establishment of the institution of recognition, albeit a simple one in Islamic international law. On this basis, in Islamic international law, another new concept in the issue of territories has emerged: the views of the treaty states. In return for this service of Muhammad ibn Hasan Shaybani, territories were classified into three types in Islamic international law.

Additionally, it is undeniable that many of the most modern concepts of contemporary public international law, such as the principle of humanitarian treatment of prisoners of war, had been anticipated by Islamic law. Indeed, the treatises of Islamic international law on this specific subject had anticipated by several centuries the first emergence of organized writing in the West on the subject of Public International Law.

Moreover, it should be emphasized that a long with principles now incorporated in the Geneva Conventions, Islamic law books contained other principles not yet incorporated in modern conventions. Referring to international law, the The International Court of Justice Judge Christopher Gregory Weeramantry (1926-2017) adds that the eighth - century treatise of Shaybani had been the subject of a four - volume commentary by Sarakhsi long before the topic became the subject of western juristic writing (Bashir, 2018).

Khalid Ramazan Bashir, in his book «Islamic International Law Historical Foundations and Al-Shaybani's Siyar» focuses on the role of Muhammad ibn Hassan Shaybani in regulating international relations. In particular, the play focuses on the analysis of Muhammad Shaibani's views on international law with the contributions of European thinkers - Aurelius Augustine, Gracian, Thomas Aquinas, Vitoria, Hugo Grotius to the formation and development of international law.

The author emphasizes that Muhammad Shaybani clarified a theory of international law that was hitherto unknown to Europeans, and that his work, as-Siyar al-kabir, was the most comprehensive study of Islamic international law, a product of Islamic civilization. One of his great services is that he has shown different aspects of international law. «In terms of the scope

of international law, this work of Muhammad Shaibani can be compared to Hugo Groti's Law of War and Peace» said Khalid Ramazan Bashir (Bashir, 2018).

CONCLUSION

Muhammad ibn Hasan al-Shaybani's works, such as «as-Siyar as-sagir» and «as-Siyar al-kabir», contain concepts related to international law. Examples include the inviolability of ambassadors, the unconditional observance of international agreements, the separation of civilians and fighters, the special status of women, the elderly and children in human rights, the protection of the environment, and the prevention of violence.

In his works on international relations, written by Muhammad Shaybani, one can see that peace, tolerance, and coexistence and solidarity with different peoples are the main ideas of international relations in Islamic law. In short, in the history of Islam, along with the specific historical conditions and environment in the formation and development of international relations, the role of works written by Muslim scholars has been incomparable. In turn, these works on international relations have also played a significant role in maintaining peace in the Muslim world.

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