

Abdul Hamid Abu Sulayman. *Towards an Islamic Theory of International Relations: New Directions for Methodology and Thought.* Virginia, US: International Institute of Islamic Thought, 1993. Pp. 192. Paperback. ISBN. 0-912463-71-6. Price: Not given.

*Mr. Zahid Jalaly**

Introduction

Towards an Islamic Theory of International Relations is the first book in the Islamization of Knowledge series initiated by the US-based International Institute of Islamic Thought (IIIT). The Institute undertakes and promotes research focused on reconciling traditional Islam with the modern world and its realities.

The book mentioned above was originally submitted to the University of Pennsylvania as a doctoral dissertation. IIIT first published it in 1987 as The Islamic Theory of International Relations. They however published it again under the new title in 1993 after a series of editing and subsequent modifications.

The learned author, Abdul Hamid A. Abu Sulayman (b. 1936) is a Saudi born prominent Muslim scholar who studied and resides in the United States of America. Since he was influenced by the Muslim Brotherhood (*Ikhwan al-Muslimin*) Movement in his young age, the *Ikhwani* approach is evident in his writings. Perhaps the present book is one best academic example of this approach.

The book contains a detailed and scholarly introduction by Professor Ismail Raji al-Faruqi (1921-1986). He wrote this introduction before his assassination at his home in the USA.

Prof. Faruqi pinpoints failure of the modern World Order and asserts that the very existence of our world is under threat from this World Order. He exposes some fundamental flaws in the ruling world order and concludes that there is a dire need for an Islamic World Order. Prof. Faruqi responds to the question of

* Head of Department, Political Science, Kardan University, Kabul Afghanistan.

what is Islamic World Order by providing details about various aspects of the same.

The current work of Abu Sulayman is an attempt to reconcile the traditional Islamic thought with requirements of the modern world. In doing so, he commences his analysis with re-defining and re-interpreting some fundamental concepts of Islam and Islamic law and jurisprudence. He declares at the very outset that *taqlid* (following a particular school of thought) and *talfiq* are the two factors for caused all this trouble and retreat of backwardness in the Muslim world. This is perhaps the rationale for authoring this book and he keeps on repeating this notion as a motto.

***Siyar*: Law or a Source of Islamic Law?**

In his first chapter, the author differs with the general and commonly accepted opinion that *siyar* is Islamic International Law. He declares that it is a source of Law and not a law per se. He specifically names and criticizes Dr. Muhammad Hamidullah (1908-2002) and Majid Khadduri (1909-2007) for considering *siyar* a law. The fact however is that Hamidullah and Khadduri are not alone in this, instead, all Muslim *fuqaha* (jurists) treated it as a law and Muslims followed this tradition for centuries. The author however disagrees.

It is noteworthy that treating *siyar* as a law or a source of law is not a simple issue and has far-reaching implications for this field of Islamic law. For those scholars who deem it a law, the Muslim jurists expounded the principles of *Siyar* from the Qur'an and Sunnah of the Prophet (peace be on him) and hence Muslims are still bound to follow these principles.

The author however tends to deny legitimacy of this law and denies deeming it a "law". He in contrast contends that Muslims are not obliged to follow the principles of *siyar* in the modern times. They could only benefit from them as a secondary source of law while they will have to devise a law for themselves according to the needs of the contemporary world. Taking this premise forward, the author believes that the entire *fiqh* (Islamic Law and Jurisprudence) heritage

is a secondary source of law. He asserts, “We are attempting to show that the real role assigned to *fiqh* and *siyar* in the mechanism of the classical social system was to provide a basic source of law for the Muslim society”.

Another corollary of the above provided opinion of the author is that he believes in a unified *fiqh*. He is of the view that the schools of thought in Islamic Law or *madhahib* are not different schools with different principles, connotations and rules of interpretation. Hence, he argues, Muslims are not required to follow one specific school of thought. In other words, he does not believe in *taqlid* even for ordinary Muslims. He concludes that the entire heritage of *fiqh* could be used as a source of law for modern Muslims.

The early *fuyaha* as well as a vast majority of Muslim jurists and scholars reject this sort of treatment of *fiqh*. They believe that the schools of thought or *madhahib* are actually schools of interpretation and each one of them have reached their opinions by applying those principles. Using these opinions without regard to which school do they belong to will lead to inconsistency, incoherence and lack of integrity in the system.

Islam’s *Jus Ad Bellum*

The Author then moves to discussion on some hot topics, such as Jihad and the *jus ad bellum* (cause of war). He holds that Imam Abu Hanifa (699-767) and Imam Thawri (716-778) agree that Muslims will only wage *Jihad* when there is *Muharabah* (aggression) against them. Imam Shafi‘i (767-820) however is of the view that Muslims shall opt for Jihad based on disbelief (*kufir*) of the opposing party; hence they may go for Jihad even when they are not under aggression. All the jurists, without any disagreement, have reported this and hence it is an accurate account of opinion of these schools.

He however erroneously claims that Imam Sarakhsi (d. 500 AH), the Hanafi giant, agrees with Shafi‘i in holding disbelief as *jus ad bellum*. He infers from the following paragraph of Imam Sarakhsi:

To sum up, injunctions about *jihad* and fighting (to Muslims) were revealed in stages... (the final stage being) the absolute command to fight (non-believers). This signifies an obligation, but an obligation that is meant to exalt the religion (of Islam) and to subdue the associators.

This paragraph is not sufficient to deduct the stance of Imam Sarakhsi related to the ratio of war. Imam talks about the order of the revelation of the verses related to efforts for promoting Islam (*jihad*) and actual war (*qital*). He has not claimed that the later revealed verses have abrogated the previously revealed verses. Instead, he merely mentioned the order.

Hanafi jurists have discussed the order of revelation of the verses related to Muslim non-Muslim relations in different issues and have upheld the view that the *hukm* (rule) of the last verse on *Qital* was confined to the Arab pagans. This is therefore not a general rule. Imam Jassas (d. 370 AH), another Hanafi jurists and exegete, while discussing the issue of *jizya* (poll tax), says that the verse where Muslims are instructed to wage war is confined to the Arab Pagans and therefore Muslims are allowed to take *jizya* from all other non-believers.

More specifically, Imam Sarakhsi is one of those jurists that have asserted on numerous occasions that aggression, and not disbelief, is the *jus ad bellum* of Islam. It therefore appears that the author has missed the other parts of Imam Sarakhsi's work where he explains his position more clearly and in concrete terms. For instance, describing the position of his *Madhab*, Imam Sarakhsi says:

The purpose [behind *jihad*] is securing and protecting Muslims and enabling them to do protect their worldly and religious interests.

On methodological grounds, Imam Sarakhsi is from the category of *Mujtahidin fi 'l Masail* (mujtahid in cases where there is no explicit rule provided by the

earlier categories) which in fact is a category of *muqallidin* (followers) and based on this designation, he is not entitled to disagree with the views of the Imam of the *Madhab*, or the decrees of the famous disciples of the Imam, i.e. the first and second category of the jurists in the Hanafi school of thought.

In the next stage, the author discusses the *Ikhtilaf* (disagreement) of Imam Abu Hanifa and Imam Shafi'i related to application of Hudood (fixed punishments) in case of *Harbis* (non-Muslim aliens entering the territory of Islam). He also discusses the case of punishment of a Muslim who kills a non-Muslim. The issue of *Jizya* follows. It is interesting that the author ignores the opinion of Imam Abu Hanifa related to *jizya* and instead relies on the views of Imam Shafi'i and Imam Awza'i. Lastly, he ponders upon the issue of justified targets in Islamic international law.

He concludes his chapter by saying:

Putting the pieces together, we may say that *fiqh*, as a whole, was an integral part of classical Muslim thought during the height of Islamic civilization known as the High Caliphate, generally considered to extend from 750 to 1100 AC. *Fiqh* was the most unifying and articulate element of the traditional way of life, serving to develop and regulate a highly successful society and civilization in terms of economic, political, social, moral, and legal needs. *Fiqh* and *siyar* were part of the methods and attitudes of the policy-making process, and it is as such that they should be considered *major sources* of Islamic law, but *not the law itself*. [Emphasis added].

Classical Theory of *Siyar*: Reinterpreted

In his second chapter, the author discusses some expressions of the *siyar* and the nature of this field of Islamic law. Based on his perception that *siyar* serves as source of law, he interprets these expressions in a novel manner to support his own views.

In this chapter, he claims that the “conceptual confusion” in understanding Islam is due to the “failure to identify the function of *fiqh* as a source of law”. As explained above, the author believes that the work of earlier jurists serves as secondary source of Islamic law, while the Qur’an and the Sunnah of the Prophet (peace be on him) are the only primary sources. He reiterates “*fiqh* did not represent the actual policies or regulations of the Muslim State”.

This claim does not hold ground when one analyzes the reality of earlier centuries of Islam. *Fiqh* was in fact the law for Muslim Caliphate and Muslim rulers felt bound to follow the same. For instance, when Abu Yusuf, the disciple of Imam Abu Hanifa, served as the Chief Justice, he was the main source of all decrees issued by the State in relation to the foreign policy and other matters. To substantiate this point, we need to refer to *Kitab al-Kharaj* (Book of Taxation) of Abu Yusuf, which he authored, as a legal decree, on the request of the Caliph Haroon al-Rashid (d. 809) and the Caliph pursued the same as a binding code of law.

The author also deliberates on the issues of *jihad*, *Dar al-Islam* (the domain of Islam), *Dar al-Ahd* (the domain of covenant), *Dar al-Harb* (the domain of war) and other related terms. There, he refutes Majid Khadduri’s theory of perpetual war between Muslims and others. He holds that according to Imam Abu Hanifa and others, term of peace treaties can be extended to more than ten years, which therefore denotes that an enduring peace is possible between Muslims and non-Muslims thereby negating the need for a permanent war. During the discussion on peace treaties and its termination, he writes: “because of their attitude toward *jihad* as a means of spreading Islam, some Hanafis would advise the political authority to renounce a truce unilaterally whenever circumstances change to the Muslim’s favor.”

The fact however is that Hanafi jurists generally mention this view at the time when Muslim State is weak enough and the adversary imposed severe conditions on *Dar al-Islam*, at this time the Muslim State believes that war is a better option for Muslims when compared to peace, it can end the truce.

Provided that, in doing so, they shall properly inform the other party of its decision to withdraw from the treaty and that peace is over.

He also discusses *jizya* and the concept of *dhimma* in a manner that is consistent with the classical views of Muslim jurists. After this discussion of classical Muslim thought, the writer says that Muslim thought collapsed after European colonial powers confronted Muslims and Muslims lost the touch of reality and they remained incapable of answering new developments. He continues that after colonialism, that Western thought or Marxist theory of liberation influenced the Muslims so much that they failed to respond to and conform with needs of time.

Reforms in the Methodology

In his third chapter, the author focuses on reforming the methodology. To pave the ground for expounding his theory, he quotes some writers such as Malik Bennabi to argue that modern Muslim thought lacks *usul* (principles) and methodology. He emphasizes historical importance of methodology for Muslims and its lasting impacts. It is very difficult, he maintains, for an idea to have acceptance for Sunni scholars, unless to pass test of the *usul*.

He mentions reformist decrees of Rashid Rida (d. 1935) to prove that lack of methodology failed him and others to gain a general acceptance among Muslims. The book mentions two *fatwas* (religious decrees) of Rida, one on bank interest, which he based on the principle of *darura* (necessity), and the other on apostasy, in which he discarded *ijma* (consensus) on the ground of “contradiction” with an explicit text of the Qur’an. He argues, “Jamal al-Din al-Afghani, Rashid Rida and the grand Imam of Azhar, Shaltut, none of them could settle the issue of interest based on *darura*”.

To elaborate Muslim *usul* or methodology, the author elaborates the foundations of *usul*. He first defines Qur’an and the *Sunnah*, refutes the views of Joseph Schacht (1902-1969) on *Sunnah*, and then explains *qiyas* (analogy). He presses the issue of space-time aspect of the *Sunnah*. He argues that since

Sunnah was practiced in the medieval period, the social system of that particular time is undeniable evident in the same.

He is of the considered opinion that overlooking space-time context would mislead. He holds in relation to the Qur'an that it is not of the same nature as *Sunnah*, nonetheless, one must bear in mind the space-time context while interpreting the Quran in the modern times. He concludes that *Ijma* is no longer possible due to the different time and space we live in.

Lack of empiricism and systematization is also a problem in the Muslim thought, the author adds. His opinion is that use of reason is vital and fundamental while dealing with the Qur'an and the Sunnah, something that the traditional Muslim thought lacked according to him. To substantiate his point of view, he refers to the discussion of jurists on the legality of burning trees in military campaigns. He quotes the debate taking place between the jurists on why had the prophet (peace be on him) had brunt some trees at the battle of Banu Nadir, while Abu Bakr (d. 634), the first Caliph, prohibited this act. He believes that these issues were discussed due to lack of empiricism. The following deserves regard as summary of Chapter Three of this book in the author's own words:

The lack of systematization and empiricism is a problem when Muslim students today use *usul* in the old way, while the old intellectual atmosphere and implicit assumptions are no longer valid or present. This situation is at present as much a problem for modernists as it is for the traditionalists. The imitation of historical systems is just as wrong as the imitation of foreign ones, because both reflect a lack of comprehensive understanding of the existing realities of contemporary Muslim peoples and the Muslim world.

The author repeatedly criticizes the methodology adopted by the jurists and blame them for lack of empiricism and systematization. At least in respect of empiricism, this opinion is flawed. The fact is the jurists, especially Hanafis, left the door open in many places for the ruler to decide matters as he would deem fit and appropriate. In addition, the principle of reciprocity operates as

one of the fundamental principle in *siyar* and international relations.

The Reformed Methodology

In his last chapter, the author presents his solution to the problem faced by Muslims. This solution, he argues, is based on the early sources of Islam for it will only attain legitimacy if it is based on these settled sources. Prior to presenting his ‘solution’, the author tries to provide a “rational” interpretation of the life of the Prophet (peace be on him), his wars and humanitarian attitude which the Muslim jurists failed to understand it, according to him.

Here he discusses four cases; Prisoners of War (PoWs), the issue of apostasy, *naskh* (abrogation) and *jizya*. In case of PoWs, he argues that their decapitation was an extreme exception. In case of Banu Qurayzah, he maintains that Muslims wanted to ensure that no more treachery would take place. In case of Quraysh for instance, he argues, the Prophet (peace be on him) opted for a lenient and flexible approach since Muslims were secure and in safe.

He dedicates ample space to discuss the matter of *Riddah* (apostasy) and *Jizya*. The author holds that freedom of religion and belief was acknowledge in Islam while reaction to apostasy was in reality a response to the Jewish hypocrites who apparently embraced Islam and refuted the faith merely to frustrate other Muslims and undermine their faith. He concludes that the punishment awarded to apostates had a time-space impact, which the “Muslim jurists failed to understand”.

In his attempt to understand the Qur’an, he generally believes that method of interpretation of the Quran should change for the traditional method is not appropriate. He evaluates the issue of *naskh* (abrogation) and claims that the jurist treatment of *naskh* was inaccurate. “Naskh should be applied only in cases that are clearly suitable for the concept of *naskh*, such as the changes of *qiblah* once and for all from the direction of *Bayt al Maqdis* (in Jerusalem) to Makkah.” This indicates that he strictly minimizes the usage of *naskh* to very limited events and cases.

After a critical analysis of the above-mentioned issues, he provides his theory of international relations. In doing so, he relies on some principles that are general and can be applied in each and every case and situation.

The first principle he uses is that of *tawhid* (monotheism). Further, justice, peace, mutual support and cooperation form the basis of the new theory of international relations. He, while describing his theory, says that former Soviet Union (USSR) or the European Union and others provide insight for a new Islamic vision. In his view, *jihad* (not in mere military concept) and respect and fulfilment of commitments base the foundation of his new theory. He draws principles for his methodology, which, in his view, is based on empiricism, systematization and the early sources of Islam:

Three major policies should be analyzed, and their achievements in the service of Muslim States in the field of international relations should be examined. The first policy, already analyzed, is the abandonment of war as the basis of foreign relations with non-Muslims. The second and third are the adoption of diplomatic reciprocity and alliances with non-Muslim States and the principle of positive neutrality.

Conclusion

It is very interesting to note that the principles the author presents as the basis for his new methodology have already been treated as such by the classical jurists especially the *Hanafis*. They have long ago proclaimed peace as the normal state of affairs between Muslims and non-Muslims by declaring aggression to be the *jus ad bellum*. They have declared that peace treaties with a validity period of more than 10 years are permissible and binding on Muslims. Finally, the principle of reciprocity has been admitted to cornerstone of the relations between Muslims and non-Muslims.

To conclude, *Towards an Islamic Theory of International Relations* is a great effort in critically analyzing theories and work of traditional Muslims

scholars as well as orientalists and others interested in Islamic law. The author has exhausted himself in covering a wide array of literature, classical and contemporary, for this research. We must admit that such a thorough study is not the trend in Muslim scholars at this point of time and its very unfortunate. The author a special applaud for his critical and unapologetic approach and method.

Having said that, we also must acknowledge that every human effort has loopholes and drawbacks and this book is not an exception. The fact remains, as we highlighted in our last paragraph that most of the conclusions the author has drawn are not very different from what other jurists and scholars have sketched.

Also, it is difficult to understand how come the author believe in the Qur'an and Sunnah as primary sources of Islam, yet he is inclined to believe that the jurists had committed a mistake in understanding the true spirit of these sources during the last 14 centuries. It is against the spirit of Islam to believe that the Qur'an was not understood by the very nation to whom and for whose guidance it was revealed.

This indicates a major glitch in the approach of the author. If he would have analyzed the juristic literature, he would have identified the methodology of earlier jurists just as work has been done in this area by Prof. Imran Ahsan Khan Nyazee in his "Theories of Islamic Law" where he has elaborated the approaches and the system that was followed by the *ahl al-Hadith* and *ahl al-Ra'y* jurists.

Notes and References:

¹. As described by the publisher on backside of the book.

². Biography of Ismail Faruqi. Available online at: <<http://www.ismailfaruqi.com/biography/>> (Last accessed on: 05.04.2018).

³. This paragraph on p. 94 of the book better explains his repeated refutation of the methods of *taqlid* and *tafiiq*: "The imitation of historical systems is just as wrong as

the imitation of foreign ones, because both reflect a lack of comprehensive understanding of the existing realities of contemporary Muslim peoples and the Muslim world.” Abdul Hamid Abu Sulayman, *Towards an Islamic Theory of International Relations* (Virginia: International Institute of Islamic Thought, 1993).

4. Abu Sulayman, *Towards an Islamic Theory of International Relations*, 04.

5. Even title of the book closely relates to the abovementioned issue. The author titled his book as “*Towards an Islamic Theory of International Relations*”, to avoid use of the term “*International law*” when his discussion in the book relates to issues that are dealt with by international law. He holds that what Muslim jurists categorized under the title of *siyar* is not a law proper, instead, it is a strategy which Muslim jurists presented for the State to pursue for welfare of Muslims.

6. Hamidullah defines *siyar* as: “that part of the law and custom of the land and treaty obligation which a Muslim *de facto* or *de jure* State observes in its dealings with other *de facto* or *de jure* States.” [emphasis added] See; Muhammad Hamidullah, *The Muslim Conduct of State* (Lahore: Shaikh Muhammad Ashraf, 2011), 03.

7. *Ibid.*, 08.

8. Following a single *Madhab* is discussed by the early and contemporary *fuqaha*. Ibn Abidin’s, also called “Allama Shami”, *Sharh Uqud Rasm al-Mufti* is one of the best sources to consult. Also Professor Imran Ahsan Khan Nyazee, a contemporary scholar of and authority on Islamic law and jurisprudence, has discussed this issue in details in his *Secrets of Usul al-Fiqh* under the chapter “*Following a Madhab*”. The chapter is available online at: <<http://www.nyazee.org/islaw/theory/madhab.pdf>> (Last accessed: 20.08.2018).

9. Abu Sulayman, *Towards an Islamic Theory of International Relations*, 10.

10. This verse, which is called by some as the Verse of Sword (*Ayat al-Sayf*), provides: “Then, when the sacred months have passed, slay the idolaters wherever you find them, and take them (captive), and besiege them, and prepare for them each ambush. But if they repent and establish worship and pay the poor-due, then leave their way free. Lo! Allah is Forgiving, Merciful” The Qur’an, 09:05

11. For details see; Muhammad Mushtaq Ahmad, *Jihad Muzahimat aur Baghawat* (Gujranwala: al-Sharia Academy, 2012), 211-228.

12. Muhammad bin abi Sahl al-Sarakhsi, *Al-Mabsut*, Kitab al-Siyar. Imam Marghinani, another prominent Hanafi jurist, clarifies it further when he says: “Mere disbe-

lieve [in Islam] does not of itself legalize killing [a non-Muslim]. Rather, it is *muharabah* that makes it permissible to kill the *muharib* (aggressor or the combatant). That is why it is not allowed to kill women, children, people of old age, the handicapped and others who do not have the capability to fight.” Burhan al-Din Ali b. Abi Bakr al-Marghinani, *al-Hidaya fi Sharh Bidayat al-Mubtadi* (Beirut: Dar Ihya al-Turath al-Arabi, n.d.) 02: 380.

¹³ For further details: See; *Sharh Uqud Rasm al-Mufti*.

¹⁴ Abu Sulayman, *Towards an Islamic Theory of International Relations*, 14.

¹⁵ *Ibid.*, 18.

¹⁶ It is also evident in the relationship of Shaybani with the Caliph. Once when the Caliph overlooked the law, Shaybani objected to it and rejected his action which lead to his termination as justice by the Caliph. For details of the biography of Shaybani: See; Majid Khadduri, *The Islamic Law of Nations: Shaybani's Siyar* (Maryland: The John Hopkins Press, 1966).

¹⁷ Majid Khadduri is of the view that the division of the world into *Dar al-Islam* and *Dar al-Harb* discloses that the relations between two *Dar* should be based on perpetual war. He says that at least in the theory, *Dar al-Islam* is in war with *Dar al-Harb* and it will continue till the former dominates the later. For a detailed evaluation of this issue: See; Introduction to; Khadduri, *The Islamic Law of Nations*. Muslim Scholars generally refuted this understanding of Khadduri. For details: See; Muhammad Mush-taq Ahmad, “The Notions of *Dar al-Harb* and *Dar al-Islam* in Islamic Jurisprudence with Special Reference to the Hanafi School” *Islamic Studies*, 47: 1 (2008).

¹⁸ Abu Sulayman, *Towards an Islamic Theory of International Relations*, 25.

¹⁹ Al-Sarakhsi, *Sharh al-Siyar al-Kabir* (Beirut: Dar al-Kutub al-Ilmiyah, n.d.), 05: 01-10.

²⁰ He first quotes Sharabi who holds that: “The movement of reform in nineteenth century Islam’s awakening was not an intellectual awakening, but a reaction to the military and political threat of Europe. Even after the European impact had been transformed into a cultural challenge, response to it remained largely defensive and negative.” He also quotes Bennabi who says: “The modern [Muslim cultural] movement in face has no precise understanding of its goals nor of its means. The whole affair is just a passion for new things. Its only way of [generating reform] is to make Muslim imitators and customers of foreign civilization, thus lacking in originality.”

Abu Sulayman, Towards an Islamic Theory of International Relations, 63.

²¹. He is referring to the verse that forbids compulsion in religion.

²². *Ibid.*, 67.

²³. Orientalists generally do not consider Sunnah a source of Islamic Law and raise doubts regarding its authenticity.

²⁴. *Ibid.*, 94.

²⁵. *Ibid.*, 99-114

²⁶. *Ibid.*, 117.

²⁷. *Ibid.*, 128-138.

²⁸. *Ibid.*, 147.