

Preface

Mohammad Al-Shaybani is one of the greatest scholars of *Siyar* (Islamic international law). His book, *Al-Siyar Al-Kabīr*, is an eighth-century textbook on international law. In this work I present and discuss the precise nature of Al-Shaybani's contribution compared to the other great contributions on international law made by Augustine, Gratian, Aquinas, Vitoria and Grotius. I affirm the view that Al-Shaybani made a major contribution to the theory of international law that had been unacknowledged for a long time, and unjustly so, by scholarship.

Al-Shaybani's book was a comprehensive treatise on the law regulating international relations from the Islamic perspective. It was the first attempt to produce such a book on international law as a discipline distinct from other legal fields. In terms of legal complexity, it can only be compared to Grotius's greatest book on the subject, *The Law of War and Peace*. In the area of humanitarian law, the only other writer with whom he can be compared is Vitoria, although even Vitoria does not go into the same depth of complexity. Al-Shaybani dealt with war carefully and limited cases of justified wars in his time to just three categories. He offered many rules restricting cruel practices in the treatment of enemy personnel and prisoners of war. The nature of peace and how it could best be achieved was fully considered. Rules on treaties, diplomacy, travel, trade and more were discussed in a way that would best give rise to the peaceful coexistence between nations. Detailed legal rules with the purpose of guaranteeing the continuity of peace are suggested in his work. In contrast, Augustine, Gratian and Aquinas engaged only in limited discussions on some of the subjects of the law of war. Vitoria's contribution on these matters was more extensive, but even he lagged far behind Al-Shaybani.

The work of Al-Shaybani was certainly as detailed, complex, comprehensive and useful as that of Grotius on international law. Besides the presentation and discussion of the merits of his work, a central purpose of this book is to argue that any future work on the history of international law has to consider Al-Shaybani's contribution for it to be complete.