Islam War And International Humanitarian Law

Shows that the shari'a and Islamic law are compatible with contemporary international human rights laws and norms, and appropriate for use in Muslim societies. The purpose and focus of this study are to illustrate the legal basis for nonviolent activism in Islam, as Maulana Abul Kalam Azad promoted. Maulana Azad’s practice of nonviolent activism as a means to expel British colonialism from India provides a potent counterargument against Islamist extremism.

The question of how Islamic law regulates the notions of just recourse to and just conduct in war has long been the topic of heated controversy, and is often subject to oversimplification in scholarship and journalism. This book traces the rationale for aggression within the Islamic tradition, and assesses the meaning and evolution of the contentious concept of jihad. The book reveals that there has never been a unified position on what Islamic warfare tangibly entails, due to the complexity of relevant sources and discordant historical dynamics that have shaped the contours of jihad. Onder Bakircioğlu advocates a dynamic reading of Islamic law and military tradition; one which prioritises the demands of contemporary international relations and considers the meaning and application of jihad as contingent on the socio-political forces of each historical epoch. This book will be of great interest to scholars and students of international law, Islamic law, war and security studies, and the law of
armed conflict. 
Examining some of the huge challenges that liberal States faced in the decade after 11 September 2001, the chapters in this book address three aspects of the impact of more than a decade of military action. This book begins by considering four different expressions of universalist moral aspirations, including the prohibition of torture, and discusses migration and ‘responsibility to protect,’ as well as the United Nations Human Rights Committee’s Concluding Observations about security and liberty in the last decade. International humanitarian law and the problems posed by the territorial character of war and the effects of new technologies and child soldiers are also analysed. Finally, Islamic law and its interface with international law is considered from a new perspective, and contributions in this final part offer a different way of thinking about an authentically Islamic modernisation that would be compatible with Western models of political order. With contributions from international lawyers from diverse backgrounds, this book fills an important gap in the literature on the themes of international human rights law, international humanitarian law and Islamic law. This book examines the development of international humanitarian law (IHL), the protection of the victims of armed conflict, the IHL from a Third World perspective, the principles of distinction, proportionality and precaution under Islamic law and the issues faced in implementing IHL. A riveting investigation of the jagged fault line between the Christian and Muslim worlds
The tenth parallel—the line of latitude seven hundred miles north of the equator—is a geographical and ideological front line where Christianity and Islam collide. More than half of the world's 1.3 billion Muslims live along the tenth parallel; so do sixty percent of the world's 2 billion Christians. Here, in the buzzing megacities and swarming jungles of Africa and Asia, is where the two religions meet; their encounter is shaping the future of each faith, and of whole societies as well. An award-winning investigative journalist and poet, Eliza Griswold has spent the past seven years traveling between the equator and the tenth parallel: in Nigeria, the Sudan, and Somalia, and in Indonesia, Malaysia, and the Philippines. The stories she tells in The Tenth Parallel show us that religious conflicts are also conflicts about land, water, oil, and other natural resources, and that local and tribal issues are often shaped by religious ideas. Above all, she makes clear that, for the people she writes about, one's sense of God is shaped by one's place on earth; along the tenth parallel, faith is geographic and demographic. An urgent examination of the relationship between faith and worldly power, The Tenth Parallel is an essential work about the conflicts over religion, nationhood and natural resources that will remake the world in the years to come.

In this volume, Ahmed Al-Dawoody examines the justifications and regulations of warfare in both international and domestic armed conflicts under Islamic law. He studies the various kinds of use of force by both state and non-state actors in order to determine the nature of the Islamic law of war.
Traditionally, much of the work studying war and conflict has focused on men. Men commonly appear as soldiers, commanders, casualties, and civilians. Women, by contrast, are invisible as combatants, and, when seen, are typically pictured as victims. The field of war and conflict studies is changing: more recently, scholars of war and conflict have paid increasing notice to men as a gendered category and given sizeable attention to women's multiple roles in conflict and post-conflict settings. The Oxford Handbook of Gender and Conflict focuses on the multidimensionality of gender in conflict, yet it also prioritizes the experience of women, given both the changing nature of war and the historical de-emphasis on women's experiences. Today's wars are not staged encounters involving formal armies, but societal wars that operate at all levels, from house to village to city. Women are necessarily involved at each level. Operating from this basic intellectual foundation, the editors have arranged the volume into seven core sections: the theoretical foundations of the role of gender in violent conflicts; the sources for studying contemporary conflict; the conflicts themselves; the post-conflict process; institutions and actors; the challenges presented by the evolving nature of war; and, finally, a substantial set of case studies from across the globe. Genuinely comprehensive, this Handbook will not only serve as an authoritative overview of this massive topic, it will set the research agenda for years to come.

How China is using the US-led war on terror to erase the cultural identity of its Muslim minority in the Xinjiang region. Within weeks of the September 11 attacks on New York and
Washington, the Chinese government warned that it faced a serious terrorist threat from its Uyghur ethnic minority, who are largely Muslim. In this explosive book, Sean Roberts reveals how China has been using the US-led global war on terror as international cover for its increasingly brutal suppression of the Uyghurs, and how the war's targeting of an undefined enemy has emboldened states around the globe to persecute ethnic minorities and severely repress domestic opposition in the name of combatting terrorism. Of the eleven million Uyghurs living in China today, more than one million are now being held in so-called reeducation camps, victims of what has become the largest program of mass detention and surveillance in the world. Roberts describes how the Chinese government successfully implicated the Uyghurs in the global terror war—despite a complete lack of evidence—and branded them as a dangerous terrorist threat with links to al-Qaeda. He argues that the reframing of Uyghur domestic dissent as international terrorism provided justification and inspiration for a systematic campaign to erase Uyghur identity, and that a nominal Uyghur militant threat only emerged after more than a decade of Chinese suppression in the name of counterterrorism—which has served to justify further state repression. A gripping and moving account of the humanitarian catastrophe that China does not want you to know about, The War on the Uyghurs draws on Roberts's own in-depth interviews with the Uyghurs, enabling their voices to be heard.

What makes a war just? What makes a specific weapon, strategy, or decision in war just? The tradition of Just War Theory has provided answers to these questions since at least 400 AD, yet each shift in the weapons and strategies of war poses significant challenges to Just War Theory. This book assembles renowned scholars from around the world to reflect on the most
pressing problems and questions in Just War Theory, and engages with all three stages of war: jus ad bellum, jus in bello, and jus post bellum. Providing detailed historical context as well as addressing modern controversies and topics including drones, Islamic jihad, and humanitarian intervention, the volume will be highly important for students and scholars of the philosophy of war as well as for others interested in contemporary global military and ethical issues.

Migration and Islamic Ethics, Issues of Residence, Naturalization and Citizenship contains various cases of migration movements in the Muslim world from ethical and legal perspectives to argue that Muslim migration experiences can offer a new paradigm of how the religious and the moral can play a significant role in addressing forced migration and displacement.

International Law and Islam: Historical Explorations offers a unique opportunity to examine the Islamic contribution to the development of international law in historical perspective. The role of Islam in its various intellectual, political and legal manifestations within the history of international law is part of the exciting intellectual renovation of international and global legal history in the dawn of the twenty-first century. The present volume is an invitation to engage with this thriving development after 'generations of prejudiced writing' regarding the notable contribution of Islam to international law and its history.

A three-part investigation on the origins and evolving roles that Islamic law and international humanitarian law have played in regulating conflict and violence, War and Law in the Islamic World brings to light legal and policy complexities that plague modern-day armed conflict in the region.

Islam and International Law explores the multi-faceted relationship of Islam and international
law. Current debates on Sharia, Islam and the “West” often suffer from prejudice and platitudes. The book seeks to engage such self-centrism by providing a plurality of perspectives, both in terms of interdisciplinary research and geographic backgrounds. The goal of this book is to minimize the misunderstandings and conflicts between International law and Islamic law. The objective is to bring peace into justice and justice into peace for the prevention of violations of human rights law, humanitarian law, international criminal law, and impunity.

International Law and Islam: Historical Explorations offers a unique opportunity to examine the Islamic contribution to the development of International Law in a historical perspective. This book contributes to a long-standing but ever topical debate about whether persons fleeing war to seek asylum in another country – ‘war refugees’ – are protected by international law. It seeks to add to this debate by bringing together a detailed set of analyses examining the extent to which the application of international humanitarian law (IHL) may usefully advance the legal protection of such persons. This generates a range of questions about the respective protection frameworks established under international refugee law (IRL) and IHL and, specifically, the potential for interaction between them. As the first collection to deal with the subject, the eighteen chapters that make up this unique volume supply a range of perspectives on how the relationship between these two separate fields of law may be articulated and whether IHL may contribute to providing refuge from the inhumanity of war.

Understanding Islamic law is crucial not only for Muslims, but for non-Muslims who work with Muslims in legal contexts as well as for anyone wanting to understand the role of Islam in the world today. For unlike western legal systems where religious and legal spheres are kept
separate, Islamic law is all-encompassing, directing all human actions. Legal scholar Hisham Ramadan brings together articles to give an excellent overview of the formation of Islamic law and its role in contemporary Islamic and Non-Islamic states. Following an overview of Islamic Law, chapters cover Islamic criminal law, International Humanitarian Law, contract law, & family law. A concluding essay offers an explanation of the legal value of Islam and appendices include original Islamic legal documents from Muhammad's time until today. Religious actors are unique in international governance due to the theological context in which they operate. This book demonstrates that while their role and actions may be distinct, they rely on international law to add legitimacy to their actions, and are bound by international legal rules and norms in the same way as other actors.

Hague Academic Press, a T.M.C. Asser Press imprint Since the attacks on the World Trade Center in September 2001, Jihad has become the symbol of the confrontation between Muslims and the West. The concept of Jihad has been central to many modern conflicts, including that of resistance to US occupation of Iraq and the Palestinian struggle for self-determination. According to the most popular view, Jihad ideology represents a religiously sanctioned aggressive war to propagate or defend faith. However, the meaning of Jihad is not as straightforward as proponents of the clash of civilisations would like it to be. The aim of this book is thus to clarify the meanings of Jihad and the manipulation of its sense since the rise of political Islam during the 1960s. It aims also at understanding the relationship between Jihad, Islam and national and international law.

American geopolitical interests and the potential threats to those interests are both on the rise in East Africa. The author places the spread of militant Islamism and the development of
radical Islamist networks in East Africa in the broader context of the social, economic, and political factors that have shaped the region's security environment. Al-Dawoody examines the justifications and regulations for going to war in both international and domestic armed conflicts under Islamic law. He studies the various kinds of use of force by both state and non-state actors in order to determine the nature of the Islamic law of war. In the wake of 9/11 and the 'War on Terror', transnational Muslim NGOs have too often been perceived as illegitimate fronts for global militant networks such as al-Qaeda or as backers of national political parties and resistance groups in Palestine, Afghanistan and elsewhere. Yet clearly there is more to transnational Muslim NGOs. Most are legitimate providers of aid to the world's poor, although their assistance may sometimes differ substantially from that of secular NGOs in the West. Seeking to broaden our understanding of these organisations, Marie Juul Petersen explores how Muslim NGOs conceptualise their provision of aid and the role Islam plays in this. Her book not only offers insights into a new kind of NGO in the global field of aid provision; it also contributes more broadly to understanding 'public Islam' as something more and other than political Islam. The book is based on empirical case studies of four of the biggest transnational Muslim NGOs, and draws on extensive research in Britain, Kuwait, Saudi Arabia, Lebanon, Jordan and Bangladesh, and more than 100 interviews with those involved in such organisations.

In Civilian or Combatant?: A Challenge for the 21st Century, Anic??e Van Engeland describes how the practice and evolution of warfare have turned international humanitarian law into an enigmatic law that is complex to understand, interpret, and enforce. Van Engeland identifies the challenges that advocates of international humanitarian law face, which range from
genocide, asymmetrical warfare, and terrorism to rape as a weapon. The events of 9/11 and the aftermath have put this branch of international law, in particular, the distinction between civilians and combatants, to the test. Van Engeland describes how some analysts have both questioned whether international law can adapt to these issues and challenged international humanitarian law on the basis that it cannot meet today's warfare realities. Van Engeland responds to these critics, reminding readers that international humanitarian law was not drafted to rule on war, but rather to protect victims of war, in particular civilians. Consequently, Van Engeland demonstrates that this branch of international law is in constant evolution. Through a thorough and illustrated analysis, Van Engeland explains how civilians and combatants are still distinguishable, as well as how international humanitarian has been stretched to meet these challenges.

In Islamic Jurisprudence on the Regulation of Armed Conflict, Nesrine Badawi offers a survey of key Islamic legal texts on the subject and analyses the relationship between their deductive structures and the contexts witnessed at the time of their development. Through the analysis of Al-Shaybani's most prolific work As-Siyar Al Kabier, this book offers a unique insight into the classic Islamic perspective on international law. Despite being recognised as one of the earliest contributors to the field of international law, there has been little written, in English, on Al-Shaybani's work; this book will go some way towards filling the lacuna. International Islamic Law examines Al-Shaybani's work alongside that of other leading scholars such as: Augustine, Gratian, Aquinas, Vitoria and Grotius, proving a full picture of early thinking on international law. Individual
chapters provide discussion on Al-Shaybani's writing in relation to war, peace, the consequences of war and diplomatic missions. Khaled Ramadan Bashir uses contemporary international law vocabulary to enable the reader to consider Al-Shaybani's writing in a modern context. This book will be a useful and unique resource for scholars in the field of Islamic International Law, bringing together and translating a number of historical sources to form one accessible and coherent text. Scholars researching the historical and jurisprudential origins of public international law topics, such as: international humanitarian law, 'just war', international dispute resolution, asylum and diplomacy will also find the book to be an interesting and valuable text. This work is an analytical study of jihad (just war) which helps to focus the attention of human rights and minority groups to a cause that should have been a focal point of their concern for several decades now. The concept of jihad has sometimes been abused by irresponsible leaders within the Islamic world and used to inflame the passions of those for whom the richness of Islamic law is reduced to slogans and billboards. Similarly, jihad has been invoked by Western analysts who are completely ignorant of the Islamic tradition, to justify assertions of evil intent on the part of millions of the Muslim faithful. Zawati analyzes both Western and Islamic legal concepts and attempts to point a way out of this mess. He draws on primary sources, including books, articles and official documents, and his book should be interesting reading for Muslims who seek to better define their relations with the non-Muslim world, and for
anyone wishing to escape the caricature of orientalism and the end-game of clashing civilizations.

The Islamic Law of War: Justifications and Regulations

This book explores a broad range of issues on Islam and international criminal law and justice. Ten authors shed detailed light on the relationship between Islam, Islamic law and Islamic thought and international criminal law.

The book description for the previously published "Introduction to Islamic Theology and Law" is not yet available.

There may be 20 million refugees around the world today. For many, their search for freedom ends in camps in countries of first asylum. There they wait for offers of permanent resettlement in the West. This book explores how two countries traditionally noted for their humanitarian treatment of refugees have responded to the refugee crisis of the 1980s and 90s, how they have recast their admission criteria, developed reception policies and constructed resettlement programmes.

This book deals with the evolution of jihadism in the past centuries and its impact on the world as an existential threat to the humanity in view of worldwide terrorist attacks with its aggression, brutality, and savagery while imperiling the democracy, secularism, plurality, freedom, and security of the civilized world.

The application and interpretation of the four Geneva Conventions of 1949 and their two Additional Protocols of 1977 have developed significantly in the seventy
years since the International Committee of the Red Cross (ICRC) first published its Commentaries on these important humanitarian treaties. To promote a better understanding of, and respect for, this body of law, the ICRC commissioned a comprehensive update of its original Commentaries, of which this is the third volume. The Third Convention, relative to the treatment of prisoners of war and their protections, takes into account developments in the law and practice in the past seven decades to provide up-to-date interpretations of the Convention. The new Commentary has been reviewed by humanitarian law practitioners and academics from around the world. This new Commentary will be an essential tool for anyone involved with international humanitarian law.

'This is a timely volume that sheds authoritative light on an often misunderstood topic in Islam. The strength of the volume is in the inclusion of materials from both established traditional and contemporary scholars on the subject. It provides a much needed enlightenment on the question of armed conflict and the use of force under Islamic law, especially at this time. I will recommended it highly for anyone interested in a better understanding of the subject.' - Mashood A. Baderin, University of London, UK

The relationship between modern international law and Islamic law has raised many theoretical and practical questions that cannot be ignored in the
contemporary study and understanding of both international law and Islamic law. The significance and relevance of this relationship in both academic and practical terms, especially after the terrorist attacks of 11 September 2001, is now well understood. Recent international events in particular corroborate the need for a better understanding of the relationship between contemporary international law and Islamic law and how their interaction can be explored and improved to enhance modern international relations and international law. The articles reproduced in this volume examine the issues of General Principles of International Law, International Use of Force, International Humanitarian Law, International Terrorism, International Protection of Diplomats, International Environmental and Water Law, Universality of Human Rights, Women's Rights, Rights of the Child, Rights of Religious Minorities, and State Practice. The essays have been carefully selected to reflect, as much as possible, the different Islamic perspectives on each of these aspects of international law.

Khaled Abou El Fadl's book represents the first systematic examination of the idea and treatment of political resistance and rebellion in Islamic law. Pre-modern jurists produced an extensive and sophisticated discourse on the legality of rebellion and the treatment due to rebels under Islamic law. The book examines the emergence and development of these discourses from the eighth to the
fifteenth centuries and considers juristic responses to the various terror-inducing strategies employed by rebels including assassination, stealth attacks and rape. The study demonstrates how Muslim jurists went about restructuring several competing doctrinal sources in order to construct a highly technical discourse on rebellion. Indeed many of these rulings may have a profound influence on contemporary practices. This is an important and challenging book which sheds light on the complexities of Islamic law and pre-modern attitudes to dissidence and rebellion.

The protection of civilians is a highly topical issue at the forefront of international discourse, and has taken a prominent role in many international deployments. It has been at the centre of debates on the NATO intervention in Libya, UN deployments in Darfur, South Sudan, and the Democratic Republic of the Congo, and on the failures of the international community in Sri Lanka and Syria. Variously described as a moral responsibility, a legal obligation, a mandated peacekeeping task, and the culmination of humanitarian activity, it has become a high-profile concern of governments, international organisations, and civil society, and a central issue in international peace and security. This book offers a multidisciplinary treatment of this important topic, harnessing perspectives from international law and international relations, traversing academia and practice.
Moving from the historical and philosophical development of the civilian protection concept, through relevant bodies of international law and normative underpinnings, and on to politics and practice, the volume presents coherent cross-cutting analysis of the realities of conflict and diplomacy. In doing so, it engages a series of current debates, including on the role of politics in what has often been characterized as a humanitarian endeavour, and the challenges and impacts of the use of force. The work brings together a wide array of eminent academics and respected practitioners, incorporating contributions from legal scholars and ethicists, political commentators, diplomats, UN officials, military commanders, development experts and humanitarian aid workers. As the most comprehensive publication on the subject, this will be a first port of call for anyone studying or working towards a better protection of civilians in conflict.

An evaluation of the importance of reciprocity in considering states' legal obligations in armed conflicts.

The influence of the Muslim religion in humanitarian aid / Jamal Krafess. Encountering perceptions in parts of the Muslim world and their impact on the ICRC's ability to be effective / Andreas Wigger. Governmental donor agencies and faith-based organizations / Anne-Marie Holenstein.

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