
Islam War And International Humanitarian Law

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The Islamic Law of War Routledge

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 Bakircioglu 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.

The War on the Uyghurs Edward Elgar Publishing

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.

Islamic Jurisprudence on the Regulation of Armed Conflict
Cambridge University Press

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

Transitional Justice as Reflected in Judgments Martinus Nijhoff Publishers

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.

Islam and International Law Penguin

Christine Evans assesses the right to reparation for victims of armed conflict in international law and in national practice.

A Challenge for the 21st Century Brookings Institution Press

"Furthermore, this comparative study reveals that the word jihad might be one of the most misunderstood terms in the history of Islamic legal discourse. This analysis also claims that the division of the world into dar al-Islam (territory of Islam) and dar al-harb (territory of war), which is not predicated on a state of mutual hostility, was dictated by particular events, and was not imposed by scripture. Moreover, this discussion provides that Islamic humanitarian law regulates conduct during a jihad on the basis of certain humane principles, compatible with those upon which modern international conventions are based. Finally, this thesis concludes that there is a unique relationship between jihad and the notion of just war, a matter which qualifies it as the bellum justum of Islam." --

Revisiting the Geneva Conventions: 1949-2019 BRILL

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.

Convention (III) relative to the Treatment of Prisoners of War Cambridge University Press

The relationship between Islamic law and international human rights law has been the subject of considerable, and heated, debate in recent years. The usual starting point has been to test one system by the standards of the other, asking is Islamic law 'compatible' with international human rights standards, or vice versa. This approach quickly ends in acrimony and accusations of misunderstanding. By overlaying one set of norms on another we overlook the deeply contextual nature of how legal rules operate in a society, and meaningful comparison and discussion is impossible. In this volume, leading experts in Islamic law and international human rights law attempt to deepen the understanding of human rights and Islam, paving the way for a more meaningful debate. Focusing on central areas of controversy, such as freedom of speech and religion, gender equality, and minority rights, the authors examine the contextual nature of how Islamic law and international human rights law are legitimately formed, interpreted, and applied within a community. They examine how these fundamental interests are recognized and protected within the law, and what restrictions are placed on the freedoms associated with them. By examining how each

system recognizes and limits fundamental freedoms, this volume clears the ground for exploring the relationship between Islamic law and international human rights law on a sounder footing. In doing so it offers a challenging and distinctive contribution to the literature on the subject, and will be an invaluable reference for students, academics, and policy-makers engaged in the legal and religious debates surrounding Islam and the West.

Oxford University Press

In this pioneering work Siraj Sait and Hilary Lim address Islamic property and land rights, drawing on a range of socio-historical, classical and contemporary resources. They address the significance of Islamic theories of property and Islamic land tenure regimes on the 'webs of tenure' prevalent in the Muslim societies. They consider the possibility of using Islamic legal and human rights systems for the development of inclusive, pro-poor approaches to land rights. They also focus on Muslim women's rights to property and inheritance systems. Engaging with institutions such as the Islamic endowment (waqf) and principles of Islamic microfinance, they test the workability of 'authentic' Islamic proposals. Located in human rights as well as Islamic debates, this study offers a well researched and constructive appraisal of property and land rights in the Muslim world.

Islam and the Law of Armed Conflict BRILL

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.

Challenges to International and Domestic Law Zed Books Ltd.

Customary International Humanitarian Law, Volume I: Rules is a comprehensive analysis of the customary rules of international humanitarian law applicable in international and non-international armed conflicts. In the absence of ratifications of important treaties in this area, this is clearly a publication of major importance, carried out at the express request of the international community. In so doing, this study identifies the common core of international humanitarian law binding on all parties to all armed conflicts.

The Concept of Jihad in Islamic International Law Oxford

University Press

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.

National Trials of International Crimes in Bangladesh BRILL

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.

Just War, Peace and Human Rights Under Islamic and International Law Routledge

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.

International Law and Islam Cambridge University Press
Argues that the campaigns that fall under "The War on Terror" have exacerbated the already-broken relationship between central Islamic governments and the tribal societies within their borders.

Islamic Law and International Law Edwin Mellen Press
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.

Engaging Self-Centrism from a Plurality of Perspectives BRILL
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.

Text and Context Oxford University Press

"Islamic Law and International Law is a comprehensive examination of differences and similarities between the Islamic legal tradition and international law, especially in the context of dispute settlement. Sharia embraces a unique logic and culture of justice--based on nonconfrontational dispute resolution--as taught by the Quran and the Prophet Muhammad. This book explains how the creeds of Islamic dispute resolution shape the Islamic

milieu's views of international law. Is the Islamic legal tradition ab initio incompatible with international law, and how do states of the Islamic milieu view international courts, mediation, and arbitration? Islamic law constitutes an important part of the domestic legal system in many states of the Islamic milieu--Islamic law states--displacing secular law in state governance and affecting these states' contemporary international dealings. The book analyzes constitutional and subconstitutional laws in Islamic law states. The answer to the "Islamic law-international law nexus puzzle" lies in the diversity of how secular laws and religious laws fuse in domestic legal systems across the Islamic milieu. These states are not Islamic to the same degree or in the same way. Thus, different international conflict management methods appeal to different states, depending on each one's domestic legal system. The main claim of the book is that in many instances the Islamic legal tradition points in one direction while Western-based, secularized international law points in another direction. This conflict is partially softened by the reality that the Islamic legal tradition itself has elements fundamentally compatible with modern international law. Islamic legal tradition, international law, sharia settlement, peaceful dispute resolution"-

Mixed Legal Systems, East and West Princeton University Press
Advancing legal scholarship in the area of mixed legal systems, as well as comparative law more generally, this book expands the comparative study of the world's legal families to those of jurisdictions containing not only mixtures of common and civil law, but also to those mixing Islamic and/or traditional legal systems with those derived from common and/or civil law traditions. With contributions from leading experts in their fields, the book takes us far beyond the usual focus of comparative law with analysis of a broad range of countries, including relatively neglected and under-researched areas. The discussion is situated within the broader context of the ongoing development and evolution of mixed legal systems against the continuing tides of globalization on the one hand, and on the other hand the emergence of Islamic governments in some parts of the Middle East, the calls for a legal status for Islamic law in some European countries, and the increasing focus on traditional and customary norms of governance in post-colonial contexts. This book will be an invaluable source for students and researchers working in the areas of comparative law, legal pluralism, the evolution of mixed legal systems, and the impact of colonialism on contemporary legal systems. It will also be an important resource for policy-makers and analysts.

How America's War on Terror Became a Global War on Tribal Islam Oxford University Press, USA

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.

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