



Islamic Law and the Law of Armed Conflict: The Conflict in Pakistan (Routledge Research in the Law of Armed Conflicts)

Niaz A Shah

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Islamic Law and the Law of Armed Conflict: The Conflict in Pakistan demonstrates how international law can be applied in Muslim states in a way that is compatible with Islamic law. Within this broader framework of compatible application, Niaz A. Shah argues that the Islamic law of qital (i.e. armed conflict) and the law of armed conflict are compatible with each other and that the former can complement the latter at national and regional levels. Shah identifies grey areas in the Islamic law of qital and argues for their expansion and clarification. Shah also calls for new rules to be developed to cover what he calls the blind spots in the Islamic law of qital. He shows how Islamic law and the law of armed conflict could contribute to each other in certain areas, such as, the law of occupation; air and naval warfare; and the use of modern weaponry. Such a contribution is neither prohibited by Islamic law nor by international law.

Shah applies the Islamic law of qital and the law of armed conflict to a live armed conflict in Pakistan and argues that all parties, the Taliban, the security forces of Pakistan and the American CIA, have violated one or more of the applicable laws. He maintains that whilst militancy is a genuine problem, fighting militants does not allow or condone violation of the law.

Islamic Law and the Law of Armed Conflict will be of interest to students and scholars of international law, Islamic law, international relations, security studies and south-east Asian studies.



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