

1. Record Nr.	UNINA9910485586303321
Autore	Sabuj Mohammad Z.
Titolo	The legitimacy of use of force in public and Islamic international law // Mohammad Z. Sabuj
Pubbl/distr/stampa	Cham, Switzerland, : Palgrave Macmillan, [2021] ©2021
ISBN	3-030-77298-5
Descrizione fisica	1 online resource (207 pages)
Disciplina	341.6
Soggetti	War (International law) Just war doctrine War (Islamic law) International law (Islamic law) Conflict of laws
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di contenuto	Intro -- Preface -- Note on Periodization -- Acknowledgements -- Contents -- List of Figures -- Table of Cases -- Introduction -- Scope of the Book -- Challenges Posed to Public International Law on the Use of Force -- Why Comparative Approach? -- Contribution of the Book -- Structure of the Book -- References -- Chapter 1: The Legitimacy of Public International Law on the Use of Force -- 1.1 Introduction -- 1.2 The Legitimacy Issue in Public International Law on the Use of Force -- 1.3 The Legitimacy Arguments Made by the Expansionists and the Realists -- 1.3.1 Challenges Posed by the Realists' Attack on the Prohibition of the Use of Force -- 1.3.2 Challenges Posed by the 'Expansionists' on the Prohibition of the Use of Force -- 1.3.3 Challenges Posed by the Extra-Charter Practices of the Powerful States -- 1.4 The Effect of Extra-Charter Use of Force on the UN Charter and Customary International Law -- 1.4.1 The Effect of Extra-Character Use of Force on the UN Charter -- 1.4.2 Use of Force in Customary International Law -- 1.5 Conclusion -- References -- Chapter 2: Responses to the Legitimacy of Use of Force -- 2.1 Introduction -- 2.2 Legitimacy: Meaning and Significance -- 2.3 Legitimacy of Anticipatory

and Preventive Use of Force -- 2.4 Foreign Intervention Without Authorization from the Security Council -- 2.5 Legitimacy Deficits in the Descriptive Sense -- 2.6 Sovereignty of the Muslim States and the Legitimacy of Use of Force -- 2.7 Conclusion -- References -- Chapter 3: Use of Force in Islamic International Law -- 3.1 Introduction -- 3.2 What Is Islamic International Law? -- 3.3 Islamic International Law on the Use of Force -- 3.3.1 The Origin and Development of Islamic International Law on the Use of Force -- 3.3.2 Islamic Law on the Use of Force Against Oppressive Regimes. 3.3.3 The Role of Treaties in Islamic International Law on the Use of Force -- 3.3.4 Fundamental Principles of Islamic International Law on the Use of Force -- 3.4 Jihad: Meaning and Significance -- 3.4.1 Meaning of Jihad -- 3.4.2 Evolution of the Meaning of Jihad -- 3.5 Who Can Authorize the Use of Force in Islamic International Law? -- 3.6 Conclusion -- References -- Chapter 4: Legitimacy of Use of Force in Islamic International Law: The Legal-Political Legacies -- 4.1 Introduction -- 4.2 The Role of Political Islam in the Formation and Evolution of the Legitimacy of Use of Force -- 4.3 The Legal Framework of Use of Force in Islamic International Law -- 4.3.1 Justification of the Use of Force by States -- 4.3.2 The Justification of the Use of Force by Armed Non-state Actors -- 4.4 The Legal-Political Legacies of Use of Force: A Dilemma Leading to Reconciliation -- 4.5 The Legitimacy of an Islamic Caliphate in the Modern World -- 4.6 Conclusion -- References -- Chapter 5: Answer to the Legitimacy Question: A Coherent Approach -- 5.1 Introduction -- 5.2 The Coherent Approach -- 5.3 The Process Legitimacy of Ijtihad from the Lens of Shari'a -- 5.3.1 Maqasid al-Shari'a -- 5.3.2 Pragmatic Eclecticism -- 5.3.3 Public Welfare (Masalahah) -- 5.4 The Place of Islamic International Law in Public International Law on the Use of Force -- 5.4.1 General Principles of Law Recognized by Civilized Nations -- 5.4.2 Sovereign Equality and the UN Collective Security System -- 5.4.3 Islamic International Law in the International Courts and Tribunals -- 5.5 Conclusion -- References -- Chapter 6: Conclusion -- Glossary of Non-English Terms -- Index.
