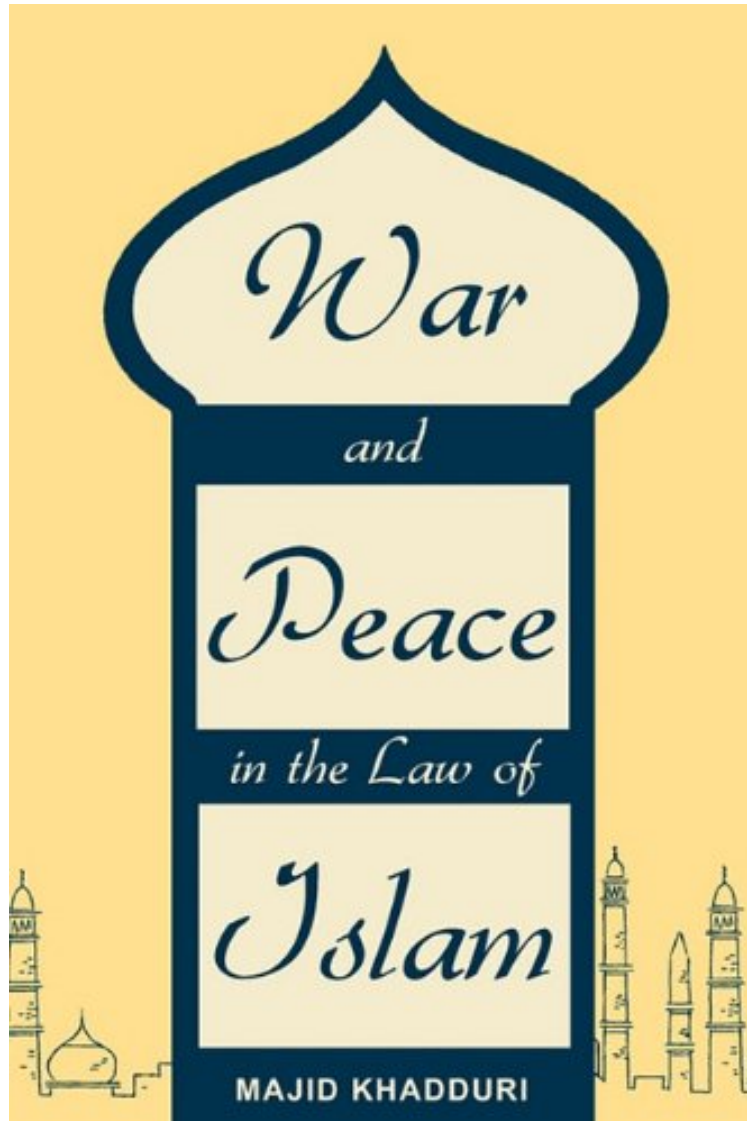


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## War and Peace in the Law of Islam

*Majid Khadduri*

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#1784221 in Books 2010-04-02 Original language: English PDF # 1 9.02 x .75 x 5.981, 1.08 #File Name: 1616190485334 pages | File size: 46.Mb

**Majid Khadduri : War and Peace in the Law of Islam** before purchasing it in order to gauge whether or not it would be worth my time, and all praised War and Peace in the Law of Islam:

5 of 5 people found the following review helpful. An Indispensable Reference By Humble Patriot Professor Khadduri's "War and Peace in the Law of Islam" is an indispensable reference for those who want to understand the immutable doctrine governing the relationship between the Umma (Muslim community) and the kuffar (non-Muslims). In this forthright and candid 1955 edition, Professor Khadduri updated his original 1941 text and examined this relationship at a time when 10 Muslim countries had entered the United Nations, providing context to an otherwise anomalous

development in international relations between Dar al Islam (the abode of Islam) and Dar al Harb (the abode of war). Professor Khadduri provides the reader a clear, concise analysis in eminently readable language that is devoid of dissimulation. His discussion is both legal and historical, and draws from a variety of irrefutable sources. Khadduri's examination will be valuable to historians and diplomats alike, but should rightfully be absorbed by the general public as the lessons of his analysis will be ignored at our peril. I had been hoping to add this excellent manuscript to my library for years, but at nearly \$100 per copy it was beyond my budget. At the rather accessible price of just over \$20 (as of December 2013), this paperback version is a great addition to anyone's library. Highly recommended.<sup>23</sup> of 26 people found the following review helpful. Excellent, Pre 9-11 Scholarship By William Gawthrop

The 1955 edition of "War and Peace in the Law of Islam" provides a pre 9-11 examination of Islam that is refreshingly devoid of the current era of political correctness and academic appeasement. Khadduri's manuscript, written for the Johns Hopkins Press, was reviewed by Professor Joseph Schacht, University of Leiden, Sir Hamilton Gibb, University of Oxford, Professor Phillip K. Hitti, Princeton University, Dean Phillip W. Thayer, School of Advanced Studies of the Johns Hopkins University, and Professor Leo Strauss, University of Chicago. Two quotes both set the tone and give insight to the unvarnished examination Khadduri subjects Islam: "Islam, emerging in the seventh century as a conquering nation with world domination as its ultimate aim, refused to recognize legal systems other than its own." P. vii "In Muslim legal theory, Islam and shirk (associating other gods with Allah) cannot exist together in this world; it is the duty of the imam as well as every believer not only to see that God's word shall be supreme, but also that no infidel shall deny God or be ungrateful for His favors (ni'am)." Khadduri lays out the insights needed to understand a Seventh Century Threat to the 21st Century. His book is organized as follows:

Book I Fundamental Concepts of Muslim Law  
 Chap 1. Theory of the Statea. Society and the Stateb. The Juridical Basis of the Statec. A Divine Universal Nomocracy  
 Chap 2. Nature and Sources of Lawa. Customary Law and Islamic Lawb. Nature of Islamic Lawc. Sources of Lawd. Schools of Lawe. The Shia Doctrine  
 Chap 3. The Muslim Law of Nations  
 Book II The Law of War: The Jihad  
 Chap 4. Introduction  
 Chap 5. The Doctrine of Jihada. The Meaning of Jihadb. Jihad as Bellum Justumc. Jihad as Permanent Ward. The Shi'i and Khariji Doctrines of the Jihade. The Jihad and Secular War  
 Chap 6. Types of Jihada. The Jihad Against Polytheistsb. The Jihad Against Apostasyc. The Jihad Against Baghi (an attempt at dissent)d. The Jihad Against Deserters and Highway Robberse. The Jihad Against Scripturaries (Jews, Sabians and Christians)f. The Ribat (Safeguarding the frontiers of dar al-Islam)  
 Chap 7. Military Methodsa. The Jihadistsb. Command of the Jihadistsc. Conduct of Fighting  
 Chap 8. The Initiation of Wara. The Call for Fightingb. Necessity of "Invitation"c. Negotiation  
 Chap 9. Land Warfarea. Prohibited Actsb. Treatment of Enemy Prisonersc. Spiesd. Treatment of the Dead  
 Chap 10. Maritime Warfarea. Islam and Sea Powerb. Muslim Law and the Seac. Rules and Practices of Naval Warfare  
 Chap 11. Spoils of Wara. Meaning and Nature of the Spoilsb. Division of the Spoilc. Immovable Propertyd. Prisoners of War. Slaves  
 Chap 12. Termination of Fighting  
 Book III The Law of Peace  
 Chap 13. Introduction  
 Chap 14. Jurisdictiona. Persons: Believersb. Persons: Kafirs (Unbelievers) and Murtadd (Apostates)c. The Head of State: The Imamd. Muslim Territory: Dar al-Islame. Classification of Muslim Territory  
 Chap 15. Foreigners in Muslim Territory: Harbis and Musta'minsa. Foreigners and Muslim Lawb. The Harbi (One who belongs to dar al-harb)c. The Aman (Pledge of Security)d. The Musta'min;s Rights and Obligationse. Termination of Amanf. Importance of Aman  
 Chap 16. Muslims in Non-Muslim Territorya. Non-Muslim Territory: Dar al Harbb. Conduct of the Muslim in a Non-Muslim Territory Under Amanc. Conduct of the Muslim in Non-Muslim Territory Without Amand. Muslim Prisoners  
 Chap 17. Status of Dhimmisa. Islam and Non-Muslim Subjects  
 Chap 18. Treatiesa. Treaty Making Powerb. Legal Nature of Treatiesc. Prophet Muhammad's First Treatyd. The Hudaibiya Treatye. Dhimmi Pacts as Constitutional Chartersf. Muslim Treaties Under Muhammad's Successorsg. General Characteristics of Treatiesh. Termination of Treaties  
 Chap 19. Commercial Relationsa. Islam and Commerceb. Non-Muslim Trade with Dar al-Islamc. Muslim Trade with Dar al'Harbd. Significance of Foreign Trade  
 Chap 20. Arbitrationa. Arbitration Before Islamb. Islam and Arbitrationc. Arbitration between Ali and Mu'awiyad. Significance of Arbitration  
 Chap 21. Diplomacya. Muslim Conception of Diplomacyb. Emissariesc. Reception of Emissariesd. Functions of Diplomatic Missionse. Muslim Diplomacy and World Politicsf. Importance of Diplomacy  
 Chap 22. Neutralitya. Islam and Neutralityb. The Status of Ethiopiac. Nubiad. Cyprus  
 Chap 23. Epiloguea. Changes in the Character of Dar al-Islamb. Recognition of Christendom by Islam Under Ottoman Rulec. Christendom's Attitude Toward the Ottoman Empired. The Ottoman Empire and the Modern Law of Nationse. Integration of Islam into the Family of Nationsf. The Secularism of Law and Stateg. Conclusion  
 Glossary of Terms  
 Bibliography (Supplies the original sources and the fundamental "modern" studies that have a direct bearing on the subject of war and peace in Islam)  
 Index

Over all, this 1955 publication, reprinted in June of 2007, will be an invaluable reference for analysts and researchers.

Khadduri presents a lucid analysis of classical Islamic doctrine concerning war and peace and its adaptation to modern conditions. Working primarily with original Muslim sources, he examines the nature of the Islamic state, Islamic law and the influence of Western law on Islam. Other chapters consider classical Muslim attitudes toward foreign policy,

international trade, warfare, treaties and how these have developed during the twentieth century. Majid Khadduri [1909-2007] was a Professor of Middle East Studies at the School of Advanced International Studies of The Johns Hopkins University and Director of Research and Education at the Middle East Institute in Washington, D. C. He was the author of several books in English and Arabic on Middle Eastern affairs. Contents: Fundamental Concepts of Muslim Law I Theory of the State II Nature and Sources of Law III The Muslim Law of Nations The Law of War IV Introduction V The Doctrine of the Jihad VI Types of Jihad VII Military Methods VIII The Initiation of War IX Land Warfare X Maritime Warfare XI Spoils of War XII Termination of Fighting The Law of Peace XIII Introduction XIV Jurisdiction XV Foreigners in Muslim Territory: Harbis and Musta'mins XVI Muslims in Non-Muslim Territory XVII Status of the Dhimmis XVIII Treaties XIX Commercial Relations XX Arbitration XXI Diplomacy XXII Neutrality XXIII Epilogue Glossary of Terms Bibliography Index