



## The Peaceful Settlement of Conflicts according to Islamic Jurisprudence and International Law

Review of *'Islamic Law and International Law: Peaceful Resolution of Disputes'* by Emilia Justyna Powell, Oxford University Press, 2020.

Author	Abstract
<p>Fatimah Zuhrah</p> <p>Badan Riset dan Inovasi Nasional (BRIN), Jakarta, Indonesia</p> <p><b>Corresponding Author:</b> ✉ fati005@brin.go.id</p> <p>DOI: 10.24090/el-aqwal.v4i2.15259</p>	<p><i>This review examines Islamic Law and International Law: Peaceful Resolution of Disputes (Oxford University Press, 2020) by Emilia Justyna Powell, a groundbreaking interdisciplinary study that explores how Islamic legal traditions influence the engagement of Muslim-majority states with international dispute resolution mechanisms. Drawing from original empirical data and classical Islamic jurisprudence, Powell argues that domestic legal structures—whether secular, Islamic, or hybrid—significantly shape states' preferences for international conflict resolution methods. The book highlights both the consonance and dissonance between Islamic law and international law, particularly in the context of peaceful settlement. Powell challenges prevailing assumptions of uniformity among Islamic Law States and demonstrates the importance of legal pluralism in international relations. Through critical analysis, this review assesses the strengths of Powell's approach—her empirical rigor, legal-philosophical insight, and contribution to debates on global justice—while also noting the limitations, including the need for a more nuanced understanding of hybrid legal systems and broader geopolitical factors. Overall, the book is a significant scholarly contribution that bridges comparative law, Islamic studies, and international legal theory, offering valuable insights into the evolving dynamics of legal identity and interstate conflict management.</i></p> <p><b>Keywords:</b> Islamic law, international law, resolution, settlement</p>

### Introduction

Emilia Justyna Powell's *Islamic Law and International Law: Peaceful Resolution of Disputes* (Oxford University Press, 2020)<sup>1</sup> is a landmark contribution to the fields of international law, Islamic legal studies, and political science. Through this work, Powell undertakes the important task of exploring the interface between Islamic legal traditions (*sharī'a*) and the modern framework of international law, with a special focus on how Muslim-majority states approach the peaceful resolution of disputes. Her central argument challenges the often binary assumption that Islamic law and international law are incompatible or antagonistic systems. Instead, she presents a more nuanced narrative that highlights areas of convergence and principled divergence, grounded in doctrinal, historical, and empirical evidence.

Powell's academic background as a political scientist specializing in law and religion allows her to take an interdisciplinary approach to this complex subject. Drawing from legal theory, comparative jurisprudence, and empirical political analysis, she constructs a framework that integrates both normative and behavioral dimensions of law. The book not only considers the theological and

<sup>1</sup> Emilia Justyna Powell, *Islamic Law and International Law: Peaceful Resolution of Disputes* (Oxford: Oxford University Press, 2020).

philosophical underpinnings of Islamic law but also investigates how Muslim-majority states engage with international legal institutions such as the International Court of Justice (ICJ) and various arbitration mechanisms. This methodological rigor enables Powell, an Associate Professor of Political Science and Law at the University of Notre Dame, to provide a holistic understanding of how legal identity and religious values inform state behavior in the international arena.

A major innovation in Powell's work is the introduction of the concept of Islamic Law State (ILS), a theoretical construct that measures the extent to which Islamic legal principles shape a state's legal identity and policy preferences. Through this lens, Powell categorizes Muslim-majority states based on how deeply embedded Islamic law is within their legal and political systems. She then systematically examines how this orientation correlates with different approaches to dispute resolution – particularly the preference for negotiation, mediation, and conciliation over adversarial litigation. This model not only brings analytical clarity but also facilitates empirical testing using a combination of case studies, statistical analysis, and elite interviews.<sup>2</sup>

What distinguishes Powell's analysis is her careful attention to the intellectual and historical depth of Islamic legal traditions. Drawing from classical Islamic jurisprudence, including the works of foundational jurists such as al-Shaybānī and al-Māwardī, she demonstrates that concepts akin to modern principles of international law – such as treaty obligations, the protection of non-combatants, and third-party arbitration – were present in early Islamic thought and practice. These insights complicate simplistic narratives that portray Islamic law as anachronistic or inherently hostile to the international legal order. Instead, Powell shows that sharī'ah has long contained its own rich tradition of regulating inter-state conduct and promoting justice and peace.<sup>3</sup>

Ultimately, *Islamic Law and International Law* is a significant scholarly achievement that contributes meaningfully to current debates about legal pluralism, religious normativity, and the universality of international law. Powell's work not only encourages greater recognition of Islamic law within international legal discourse but also calls for a more inclusive understanding of the diverse legal cultures that constitute the global order. In doing so, she opens new pathways for intercivilizational dialogue and cooperation, grounded in mutual respect and informed legal analysis. This book is essential reading for scholars, jurists, and policymakers seeking to understand the complex but promising intersections between religion and international law.

## Summary of the Book

The book is structured into eight chapters: 1. Introduction; 2. International Law, Islamic Law, and Islamic Law States; 3. Islamic Law and International Law: Similarities and Differences; 4. A Theory of Islamic Peaceful Resolution of Disputes; 5. Islamic Law States and Peaceful Resolution of Territorial Disputes; 6. Islamic Law States and the International Court of Justice; 7. Legal Schools and Regions; and 8 Conclusion. The book is framed around a central question: how do Islamic legal traditions influence the behavior of Muslim-majority states in their engagement with international legal institutions, particularly in the resolution of inter-state disputes? To address this, Powell draws on a rich array of

<sup>2</sup> Emilia Justyna Powell, "Islamic Law States and Peaceful Resolution of Territorial Disputes," *International Organization* 69, no. 4 (2015): 777–807.

<sup>3</sup> Alexander Niedermeier, "Review of Powell, Emilia (2020): *Islamic Law and International Law: Peaceful Resolution of Disputes*, Oxford and Others, Oxford University Press," *Review of Economics and Political Science* 5, no. 4 (2020): 335–55.

sources, including treaties, judicial records, Islamic legal texts, and extensive interviews with Islamic legal scholars (‘*ulamā*’), diplomats, and jurists.

The introductory chapters establish the theoretical and methodological framework, highlighting the conceptual distinctiveness of Islamic law compared to Western legal systems. Islamic law, Powell argues, is both a divine and juristic construct that carries normative authority beyond the state-centric framework typical of Western legal systems. This dual character has profound implications for how Muslim-majority states perceive and interact with international law.

In the core chapters, Powell presents compelling evidence showing that states with a high Islamic law orientation are more likely to favor negotiation, mediation, and conciliation — mechanisms that resonate with Islamic legal traditions — rather than adjudication through international courts. However, this preference does not amount to wholesale rejection of international law; instead, it reflects a selective and principled engagement based on religious, legal, and cultural rationalities.

The book also provides a historical account of dispute resolution practices in classical Islamic jurisprudence, tracing how principles such as *ṣulḥ* (amicable settlement), *taḥkīm* (arbitration), and *shūrā* (consultation) underpin the Islamic legal ethos of peace and justice. Powell carefully juxtaposes these Islamic principles with international legal norms enshrined in the UN Charter, the ICJ Statute, and various international treaties, demonstrating areas of convergence and divergence.

Emilia Justyna Powell emphasizes the importance of identifying both areas of conflict and convergence between Islamic law and international law, particularly within the context of states she refers to as Islamic Law States (ILS). According to Powell, this comparative analysis is crucial for promoting an understanding of the plurality within international law and for challenging the prevailing notion of a singular, Western-centric legal framework.<sup>4</sup> By engaging in this legal pluralism, she argues, the international community can better accommodate diverse legal traditions and enhance cooperation among states with different legal identities. Powell contends that such recognition of normative diversity contributes to the broader objective of fostering global peace and mutual respect across legal cultures.

Powell further explains that Islamic Law States are far from monolithic; they exhibit varying degrees of integration between religious legal norms (*sharī‘a*) and secular legal systems. This spectrum of incorporation reflects the dynamic and evolving nature of Islamic legal identity within state structures. Much like international law — which has developed over time in response to shifting political, ethical, and institutional conditions — the relationship between religious law and state governance in these countries is continually renegotiated.<sup>5</sup> Powell’s framework acknowledges this legal and institutional fluidity, highlighting that Islamic Law States operate within a hybridized legal paradigm, one that is neither purely secular nor entirely theocratic.<sup>6</sup>

In her comparative analysis, Powell identifies striking similarities between traditional Islamic dispute resolution practices and contemporary international legal mechanisms. She notes that classical Islamic law has long emphasized reconciliation, apology, and constructive dialogue as preferred methods for resolving conflicts. These principles align closely with international legal tools such as mediation, conciliation, and other non-binding third-party mechanisms designed to promote

<sup>4</sup> Powell, *Islamic Law and International Law: Peaceful Resolution of Disputes*, 6.

<sup>5</sup> Powell, 8.

<sup>6</sup> Powell, 24.

peaceful settlement without resorting to formal adjudication.<sup>7</sup> Powell supports her arguments with robust qualitative methods, including interviews with legal experts, reviews of international caselaw, and engagement with both Western and Islamic legal scholarship.<sup>8</sup> This interdisciplinary and empirically grounded approach strengthens her central thesis that Islamic legal traditions are not only relevant but also potentially enriching to the international legal system.

Specifically, Powell investigates how the incorporation of Islamic law within the domestic legal systems of Islamic Law States shapes their perceptions and approaches to international mechanisms for dispute resolution.<sup>9</sup> She argues that the extent to which Islamic legal principles influence a state's legal identity has a direct impact on its preference for certain dispute resolution forums. States with a stronger Islamic legal orientation may show reluctance toward binding judicial mechanisms such as the International Court of Justice, instead favoring more conciliatory and dialogical forms of conflict resolution that resonate with traditional Islamic jurisprudence. This legal orientation, Powell suggests, is not merely symbolic but has practical implications for how these states interact with the international legal order.

Powell places particular emphasis on the principle of peaceful resolution of disputes, a norm upheld by both Islamic legal tradition and international law. She draws attention to Article 33 of the United Nations Charter, which enumerates a diverse set of peaceful dispute resolution mechanisms – including negotiation, enquiry, mediation, conciliation, arbitration, and judicial settlement. By highlighting this plurality, Powell argues that international law itself is flexible and pluralistic in nature, allowing space for diverse legal cultures and preferences. This pluralism mirrors the Islamic emphasis on amicable settlement and mutual understanding, creating a common ground where Islamic law and international law can converge. In doing so, Powell presents a vision of international legal engagement that values both normative diversity and procedural flexibility.

Powell's discussion of Islamic international law highlights its distinct structure and epistemological foundations in comparison with the modern system of international law. Rather than constituting a formalized or codified system, Islamic international law is described as a flexible body of principles grounded in the interpretive work of Muslim jurists. These jurists evaluate whether the actions of Muslim states conform to Islamic norms, particularly within the framework of *sharīʿa*. Unlike international law as defined by treaties and intergovernmental agreements, Islamic international legal thought is more theological and moral in orientation. It is rooted in the divine law and thus prioritizes consistency with God's will over empirical state practice or consensus among nations.

A key historical foundation for Islamic international law is the classical doctrine of *siyar*, which Powell compares to the Roman concept of *jus gentium*, or the law of nations. However, while *jus gentium* is grounded in human reason and customary practice, *siyar* carries spiritual and religious authority. This body of law historically governed the conduct of Muslim states in areas such as treaty obligations, maritime exploration, and the treatment of envoys and diplomatic agents. Powell draws upon the influential work of Muhammad ibn al-Hasan al-Shaybani, particularly his *Kitāb al-Siyar al-Kabīr* (The Book of Great Legal Doctrine on International Law), which was composed in the

<sup>7</sup> Powell, 11.

<sup>8</sup> Powell, 19.

<sup>9</sup> Powell, 25.

Middle Ages. Al-Shaybani's contributions mark a formative moment in Islamic legal thinking about the international order and demonstrate the long-standing concern in Islamic jurisprudence with justice, order, and peaceful engagement with non-Muslim entities.

Building on this foundation, Powell references the work of contemporary scholar Mohammad Fadel, who emphasizes that Islamic rules of international law are designed to regulate a Muslim state's conduct in the absence of formal treaties with non-Muslim states. According to Fadel, these principles enable peaceful and ethical relations even when no formal diplomatic commitments exist. Powell notes, however, that Islamic conceptions of justice are not based on the positivist idea of observing patterns in state behavior. Rather, Islamic justice entails submission to divine authority, and thus, any practice—even if widespread among states—must be assessed against the higher standard of divine will.<sup>10</sup> This fundamental difference in legal reasoning further complicates the integration of Islamic law into the international legal system but also reveals a deeply principled foundation for Islamic engagement in global affairs.

Powell then addresses the significant variation among contemporary Muslim-majority states in terms of how Islamic law is incorporated into domestic legal systems. She cautions against assuming a homogenous definition of an "Islamic Law State," arguing that such states differ markedly in the degree and manner of legal pluralism they exhibit. In many cases, Islamic law is confined primarily to matters of personal status, such as marriage, divorce, and inheritance, while secular law governs areas like criminal justice, commerce, and torts.<sup>11</sup> For example, Saudi Arabia integrates shari'ah extensively across its legal system, while Indonesia and Qatar adopt more hybridized models. This legal diversity within Islamic Law States presents challenges for comparative analysis but also demonstrates the adaptability of Islamic legal principles within varying political and institutional frameworks.

Finally, Powell links the domestic legal configuration of religious and secular law to the behavior of Islamic Law States in the international legal system. She argues that a state's internal legal architecture influences its selection of conflict management venues in international disputes. Specifically, states with stronger incorporation of Islamic principles may prefer informal or non-binding mechanisms—such as negotiation, mediation, and conciliation—over formal adjudication before international courts.<sup>12</sup> This choice reflects not only legal tradition but also theological orientations toward justice and reconciliation. Powell's exploration of the "consonance and dissonance" between Islamic law and international law thus reveals a dynamic interaction between domestic legal identities and global legal engagement. Her work calls for greater recognition of the diversity and internal logic of Islamic legal systems as part of a broader effort to understand and accommodate legal pluralism within international relations.<sup>13</sup>

## Critical Analysis

In *Islamic Law and International Law: Peaceful Resolution of Disputes*, Emilia Justyna Powell contends that the structure and characteristics of domestic legal institutions in Islamic Law States significantly

<sup>10</sup> Powell, 42.

<sup>11</sup> Powell, 52.

<sup>12</sup> Powell, 47-48.

<sup>13</sup> Niedermeier, "Review of Powell, Emilia (2020): *Islamic Law and International Law: Peaceful Resolution of Disputes*, Oxford and Others, Oxford University Press."

influence their preferences for resolving territorial disputes. Rather than adopting a uniform approach to international dispute resolution, these states demonstrate a spectrum of behaviors shaped by the extent to which Islamic or secular principles dominate their legal systems. Powell's central claim is that the legal identity of a state—whether leaning more toward secularism or infused with Islamic legal doctrine—correlates with its choice of peaceful resolution mechanisms at the international level.<sup>14</sup>

To substantiate this argument, Powell introduces a rich set of original empirical data detailing the domestic legal features of Islamic Law States. She categorizes these states based on the presence and strength of Islamic legal principles within their legal systems, identifying how deeply *shari'a* is embedded in their constitutions, courts, and legislative frameworks. Alongside this, she identifies secular elements such as constitutional references to education, the existence of a supreme court, and explicit provisions for peaceful dispute settlement. These variables form the foundation of her comparative analysis, which connects domestic legal structures with choices made in the realm of international law.

Powell then systematically compares the principles and procedures of international dispute resolution with relevant aspects of Islamic legal tradition. She explores how classical Islamic legal mechanisms—such as conciliation (*sulh*), reconciliation, and informal negotiation—share conceptual similarities with international methods like mediation and conciliation. However, she also shows that formal legal proceedings, such as arbitration and judicial settlement, are often less favored by states where Islamic law dominates, due to concerns about binding outcomes and jurisdictional authority that may not align with Islamic values or sovereignty norms.

Importantly, Powell's empirical analysis reveals that Islamic Law States are not a monolithic group in their attitudes toward international legal institutions. States with more secular legal systems tend to be more amenable to formal venues like international arbitration and adjudication. For example, where constitutional provisions support judicial independence, peaceful dispute settlement, or international engagement, such states are more likely to trust and utilize binding international mechanisms. Conversely, states with legal systems strongly influenced by Islamic precepts exhibit a preference for less formalized, non-binding, and dialogical methods of dispute resolution, consistent with the Islamic tradition's emphasis on compromise, justice, and communal harmony.<sup>15</sup>

Through this nuanced and data-driven examination, Powell contributes significantly to our understanding of how legal pluralism operates within the international system. Her findings challenge assumptions of legal uniformity among Muslim-majority countries and demonstrate how domestic legal configurations—both secular and religious—shape states' behavior in international legal arenas. By linking the internal dynamics of legal identity to external practices in dispute resolution, Powell provides a compelling model for analyzing the interaction between domestic law and global legal institutions, particularly within the complex and diverse world of Islamic Law States.

One of the most impressive aspects of Powell's work is its methodological sophistication. Her combination of qualitative and quantitative methods — including elite interviews, content analysis,

<sup>14</sup> Niedermeier.

<sup>15</sup> Ioannis Konstantinidis, "Islamic Law and International Law: Peaceful Resolution of Disputes," *International Review of Law* 9, no. 1 (2020): 246.

and large-N statistical data — lends empirical weight to her theoretical claims. The Islamic Law State typology is particularly useful in providing a spectrum of legal-religious engagement that avoids reductionist or essentialist assumptions about Islamic states.

Powell's insistence on taking Islamic law seriously as a legal tradition in its own right, rather than as a cultural artifact or obstacle to modernity, is a crucial corrective to prevailing stereotypes in international legal scholarship. She demonstrates that shari'a is not inherently opposed to international law but rather possesses a rich and complex tradition of legal reasoning about peace, justice, and inter-state relations. This stance opens up space for what she calls "intercivilizational dialogue" — a normative commitment to building mutual understanding between Islamic and Western legal traditions.<sup>16</sup>

However, the book is not without its limitations. While Powell extensively discusses Sunni traditions, the treatment of Shi'i jurisprudence is comparatively thin, despite the geopolitical significance of Shi'i-majority states like Iran. Additionally, although the book emphasizes state behavior, it could further explore how non-state Islamic actors, such as transnational movements or Islamic NGOs, engage with international legal norms.

Moreover, while the emphasis on peaceful dispute resolution is well-placed, the book could more critically assess cases where Islamic legal rhetoric is instrumentalized by authoritarian regimes to resist international accountability, especially in cases of human rights violations. This would nuance the overall picture of Islamic law's role in shaping international legal behavior.

Powell's analysis in her book presents a novel and empirically grounded examination of the relationship between the domestic legal structures of Islamic Law States and their preferences for international dispute resolution mechanisms. While her work is undoubtedly a valuable contribution to the literature on legal pluralism and international legal behavior, it also invites critical reflection on the assumptions, methodological choices, and broader implications of her argument.<sup>17</sup>

One of Powell's major strengths lies in her interdisciplinary methodology, which combines empirical data collection with doctrinal legal analysis. By mapping domestic legal features—such as constitutional references, judicial frameworks, and the integration of Islamic precepts—onto foreign policy behavior in international legal settings, she provides an innovative framework for understanding how internal legal identity influences external legal engagement. However, while her empirical rigor is commendable, one might question the degree to which the identified correlations reflect causation. Legal culture is deeply embedded within broader political, economic, and historical contexts, and the decision to engage in international arbitration or adjudication may also be influenced by geopolitical strategy, leadership preferences, or institutional constraints not fully accounted for in her analysis.<sup>18</sup>

Furthermore, while Powell rightly emphasizes the diversity among Islamic Law States, her framework arguably overemphasizes the binary between "secular" and "Islamic-infused" legal systems. In reality, many Muslim-majority states function within hybrid systems where the

<sup>16</sup> Cecilia M Bailliet, "Islamic Law and International Law: Peaceful Dispute Resolution," *Manchester Journal of Transnational Islamic Law & Practice* 18, no. 1 (2022): 284–88.

<sup>17</sup> Beth A Simmons, "Islamic Law and International Law: Peaceful Resolution of Disputes. By Emilia Justyna Powell. New York, NY: Oxford University Press, 2020. Pp. Xiv, 314. Index.," *American Journal of International Law* 114, no. 4 (2020): 791–96.

<sup>18</sup> Niedermeier, "Review of Powell, Emilia (2020): *Islamic Law and International Law: Peaceful Resolution of Disputes*, Oxford and Others, Oxford University Press."

boundaries between Islamic and secular law are blurred and fluid. A more nuanced typology that recognizes the dynamic and sometimes contradictory nature of these legal systems might have deepened the explanatory power of her analysis. For instance, Indonesia—one of Powell’s examples—has a secular constitution yet accommodates substantial Islamic legal influence at the local level, which complicates any neat categorization.

Another area that merits critical engagement is Powell’s portrayal of Islamic legal tradition, especially in its relationship to informal dispute resolution. While it is true that classical Islamic jurisprudence values conciliation (*ṣulḥ*) and non-confrontational mechanisms, Powell’s analysis could be enriched by a deeper exploration of how contemporary Islamic legal scholars and institutions interpret these traditions in modern state contexts. The risk here is that the depiction of Islamic law as primarily informal and non-binding may inadvertently reinforce orientalist or essentialist narratives that underplay the capacity of Islamic legal systems to evolve and engage with formal legal institutions on equal terms.<sup>19</sup>

Finally, Powell’s work raises important normative questions about the nature and desirability of legal pluralism in the international system. By highlighting the preferences of Islamic Law States for certain dispute resolution mechanisms, she implicitly challenges the dominance of Western legal norms in shaping the architecture of international law. Yet, the analysis could go further in interrogating whether current international legal institutions are sufficiently flexible or inclusive to accommodate the normative preferences of non-Western legal traditions. A more critical engagement with the power dynamics underlying the structure of international legal forums—such as the International Court of Justice—might have strengthened her call for greater legal pluralism.

In conclusion, Powell’s book provides a pioneering and empirically rich account of how domestic legal identity influences international legal behavior among Islamic Law States. However, a more critical engagement with the socio-political context of these legal systems, the complexity of hybrid legal regimes, and the normative implications of legal pluralism would enhance the depth and scope of her contribution. Her work lays a crucial foundation for further interdisciplinary scholarship at the intersection of comparative law, international relations, and Islamic legal studies.

### Contribution to Scholarship

The peaceful resolution of inter-state disputes is a fundamental component of the international legal order. This obligation is explicitly stated in Article 2(3) of the United Nations Charter, which requires all Member States to settle their disputes by peaceful means. Complementing this, Article 33 of the Charter outlines a range of methods available for dispute resolution, including negotiation, inquiry, mediation, conciliation, arbitration, and judicial settlement, among others. These mechanisms reflect the international community’s commitment to maintaining peace and preventing conflict through cooperative legal processes.<sup>20</sup>

Powell’s book is a landmark contribution to several fields. For scholars of international law, it challenges Eurocentric paradigms by foregrounding the legitimacy and agency of non-Western legal

<sup>19</sup> Powell, *Islamic Law and International Law: Peaceful Resolution of Disputes*.

<sup>20</sup> Emilia Justyna Powell, “Islamic Law States and the International Court of Justice,” *Journal of Peace Research* 50, no. 2 (2013): 203–17.

traditions. For Islamic legal scholars, it offers a rare empirical engagement with the contemporary international implications of classical jurisprudential doctrines. For political scientists, it models an interdisciplinary approach that bridges normative theory and empirical analysis.

Furthermore, the book is timely and relevant, especially in a global context where tensions between religious norms and international institutions are increasingly pronounced. Powell's work suggests that dialogue and convergence are possible, provided there is mutual recognition of legal diversity and shared normative commitments.

The relationship between Islamic law (*sharī'a*) and international law has long been a subject of debate among scholars, jurists, and policymakers. While some perceive inherent contradictions between these two legal systems — often viewing Islamic law as traditional and static, and international law as secular and progressive — a more nuanced and scholarly approach reveals substantial compatibility, particularly in the domain of international relations, peace-building, and justice.<sup>21</sup>

Both Islamic law and international law are normative systems intended to regulate human behavior and relationships — among individuals, communities, and states. International law, defined by treaties, customary norms, and judicial decisions, seeks to maintain international peace and security, promote human rights, and regulate interactions among states. Similarly, Islamic law, derived from the Qur'an, Sunnah (Prophetic traditions), *ijmā'* (consensus), and *qiyās* (analogical reasoning), provides comprehensive guidance on all aspects of life, including governance, warfare, diplomacy, and justice.<sup>22</sup>

Classical Islamic scholars like al-Shaybānī (d. 805), a student of Abū Ḥanīfa and one of the founding fathers of Islamic international law (*siyar*), developed sophisticated doctrines on inter-state relations. His works, especially *Kitāb al-Siyar al-Kabīr*, reflect the early Islamic concern for humane conduct during warfare, treaty obligations (*'ahd*), the protection of non-combatants, and the sanctity of diplomatic envoys — all of which resonate with modern international legal principles found in the Geneva Conventions and the Vienna Convention on Diplomatic Relations.

One of the core areas of convergence between Islamic and international law is the emphasis on the peaceful resolution of disputes. The United Nations Charter (Article 33) outlines negotiation, mediation, arbitration, and judicial settlement as primary tools for resolving conflicts. These mechanisms find direct parallels in Islamic jurisprudence.

Islamic law encourages *ṣulḥ* (amicable settlement) as a preferred method for resolving conflicts. The Qur'an commands, "And if two groups of believers fight each other, make peace between them" (Qur'an 49:9). The principle of *ṣulḥ* is not only permitted but often prioritized over adversarial adjudication. Likewise, *taḥkīm* (arbitration) was widely practiced in early Islamic governance, including the well-known case of arbitration during the Battle of Ṣiffīn.

Classical jurists such as al-Māwardī (d. 1058) and Ibn Qudāma (d. 1223) acknowledged the legitimacy of diplomatic missions and the binding nature of treaties between Muslim and non-Muslim states. This reflects the Islamic legal tradition's endorsement of peaceful coexistence and formalized

<sup>21</sup> Mashood A Baderin, "The Evolution of Islamic Law of Nations and the Modern International Order: Universal Peace through Mutuality and Cooperation," *American Journal of Islam and Society* 17, no. 2 (2000): 57–80.

<sup>22</sup> Baderin.

inter-state agreements, comparable to international treaty law under the Vienna Convention on the Law of Treaties (1969).<sup>23</sup>

A fundamental principle in international law is *pacta sunt servanda* — agreements must be kept. This principle is deeply embedded in Islamic legal tradition. The Qur’an enjoins Muslims to fulfill their contracts and covenants: “O you who believe! Fulfill all contracts” (Qur’an 5:1).<sup>24</sup> Classical scholars recognized the obligation of the Islamic state to honor treaties with non-Muslim entities unless they are violated by the other party.

Imām al-Shāfi‘ī (d. 820) and al-Sarakhsī (d. 1090) argued that treaty-breaking without just cause is both sinful and legally invalid. Modern scholars like Wahbah al-Zuhaylī (d. 2015) reiterate this position, arguing that international treaties, when not in direct contradiction with shari‘a principles, are binding upon Muslim states. Thus, Islamic law upholds the sanctity of international agreements, aligning with Article 26 of the Vienna Convention.<sup>25</sup>

Islamic law has long established ethical codes of conduct during warfare that resemble modern International Humanitarian Law (IHL). The Prophetic traditions prohibit the killing of women, children, the elderly, monks, and those not participating in hostilities. The protection of prisoners of war and the environment during armed conflict are also enshrined in Islamic legal sources.<sup>26</sup> The Qur’an states: “And fight in the cause of God those who fight you, but do not transgress. Indeed, God does not like transgressors” (Qur’an 2:190).<sup>27</sup> This verse is frequently cited to emphasize the Islamic principle of proportionality and distinction — cornerstones of IHL as reflected in the Geneva Conventions.

Classical jurists like al-Shaybānī and later commentators like Ibn Taymiyya (d. 1328) laid out rules that closely mirror modern conventions, such as prohibiting mutilation of enemy bodies, the protection of captives, and the offering of asylum. In the modern period, Muslim-majority countries have actively participated in and ratified many international humanitarian instruments, further demonstrating the continuity between Islamic and international legal norms.

In the 20<sup>th</sup> and 21<sup>st</sup> centuries, Muslim scholars, statesmen, and international organizations have increasingly interpreted Islamic legal principles in ways that reinforce global norms. Institutions such as the Organization of Islamic Cooperation (OIC) and the Islamic Fiqh Academy have issued statements endorsing the principles of international law, especially in regard to sovereignty, non-aggression, and peaceful dispute resolution.

Scholars like Muhammad Hamidullah, Taha Jabir Al-Alwani, and contemporary jurists such as Mohammad Hashim Kamali and Khaled Abou El Fadl argue that Islamic legal maxims — such as *lā ḍarar wa lā ḍirār* (no harm shall be inflicted or reciprocated) — provide a moral foundation compatible with modern human rights and international obligations.<sup>28</sup>

<sup>23</sup> Powell, “Islamic Law States and Peaceful Resolution of Territorial Disputes.”

<sup>24</sup> Muhammad Yusuf Ali, *The Meaning of the Holy Qur’an Complete Translation with Selected Notes* (United Kingdom: The Islamic Foundation, 2009).

<sup>25</sup> Nehaluddin Ahmad, Mohammed Hussain, and Pehin Haji Ahmad, “Classical Islamic Legal Account of Modern International Law,” *Manchester Journal of Transnational Islamic Law & Practice* 16, no. 1 (2020): 175–97. Bani Syarif Maula, “Examining the Handling of Rohingya Refugees in Indonesia through the Lens of International Law and Maqāsid Al-Shari‘ah: An Exploration of Islamic Humanitarianism,” *Mazahib: Jurnal Pemikiran Hukum Islam* 23, no. 1 (2024): 1–40.

<sup>26</sup> Anke Iman Bouzenita, “The Siyar: An Islamic Law of Nations?,” *Asian Journal of Social Science* 35, no. 1 (2007): 19–46, <https://doi.org/https://doi.org/10.1163/156853107X170150>.

<sup>27</sup> Ali, *The Meaning of the Holy Qur’an Complete Translation with Selected Notes*.

<sup>28</sup> Bouzenita, “The Siyar: An Islamic Law of Nations?”

Furthermore, Emilia Justyna Powell, in her book *Islamic Law and International Law: Peaceful Resolution of Disputes* (2020), provides empirical evidence that Muslim-majority countries often incorporate Islamic legal reasoning into their engagement with international legal institutions. Powell's concept of Islamic Law State illustrates how religious legal traditions influence foreign policy behavior in ways that support — rather than obstruct — peaceful global cooperation.

Contrary to the perception of Islamic law and international law as mutually exclusive systems, a deeper engagement with classical jurisprudence and modern scholarship reveals significant areas of compatibility. Both legal traditions emphasize justice, peace, treaty adherence, and humane treatment in conflict. While their foundational sources and methodologies may differ, Islamic law offers a moral and legal framework that complements the principles of international law, particularly in the domain of peaceful resolution of disputes, diplomatic conduct, and humanitarian ethics.<sup>29</sup>

For the international legal community, acknowledging the compatibility of Islamic legal traditions with global norms is essential for fostering mutual respect, legal pluralism, and intercultural dialogue. For Muslim societies, reaffirming this compatibility provides a powerful basis for active and principled engagement with international institutions in the pursuit of a just and peaceful world order.

## Conclusion

*Islamic Law and International Law: Peaceful Resolution of Disputes* by Emilia Justyna Powell is a groundbreaking and essential work for anyone interested in the intersection of religion, law, and international relations. It transcends disciplinary boundaries and challenges conventional assumptions about the incompatibility of Islamic and international legal norms. With analytical rigor and respectful engagement with Islamic traditions, Powell paves the way for a more inclusive and pluralistic understanding of global legal order.

This book is essential reading for academics in the fields of international law, Islamic legal studies, and international relations. It also serves as a valuable reference for policymakers, diplomats, and legal professionals who aim to understand and engage with the complexities of global legal pluralism in a world that is both highly interconnected and frequently divided.

## Bibliography

- Ahmad, Nehaluddin, Mohammed Hussain, and Pehin Haji Ahmad. "Classical Islamic Legal Account of Modern International Law." *Manchester Journal of Transnational Islamic Law & Practice* 16, no. 1 (2020): 175–97.
- Ali, Muhammad Yusuf. *The Meaning of the Holy Qur'an Complete Translation with Selected Notes*. United Kingdom: The Islamic Foundation, 2009.
- Baderin, Mashood A. "The Evolution of Islamic Law of Nations and the Modern International Order: Universal Peace through Mutuality and Cooperation." *American Journal of Islam and Society* 17, no. 2 (2000): 57–80.

<sup>29</sup> Ahmad, Hussain, and Ahmad, "Classical Islamic Legal Account of Modern International Law."

- Bailliet, Cecilia M. "Islamic Law and International Law: Peaceful Dispute Resolution." *Manchester Journal of Transnational Islamic Law & Practice* 18, no. 1 (2022): 284–88.
- Bouzenita, Anke Iman. "The Siyar: An Islamic Law of Nations?" *Asian Journal of Social Science* 35, no. 1 (2007): 19–46. <https://doi.org/https://doi.org/10.1163/156853107X170150>.
- Konstantinidis, Ioannis. "Islamic Law and International Law: Peaceful Resolution of Disputes." *International Review of Law* 9, no. 1 (2020): 246.
- Maula, Bani Syarif. "Examining the Handling of Rohingya Refugees in Indonesia through the Lens of International Law and Maqāsid Al-Shari'ah: An Exploration of Islamic Humanitarianism." *Mazahib: Jurnal Pemikiran Hukum Islam* 23, no. 1 (2024): 1–40.
- Niedermeier, Alexander. "Review of Powell, Emilia (2020): *Islamic Law and International Law: Peaceful Resolution of Disputes*, Oxford and Others, Oxford University Press." *Review of Economics and Political Science* 5, no. 4 (2020): 335–55.
- Powell, Emilia Justyna. *Islamic Law and International Law: Peaceful Resolution of Disputes*. Oxford: Oxford University Press, 2020.
- . "Islamic Law States and Peaceful Resolution of Territorial Disputes." *International Organization* 69, no. 4 (2015): 777–807.
- . "Islamic Law States and the International Court of Justice." *Journal of Peace Research* 50, no. 2 (2013): 203–17.
- Simmons, Beth A. "Islamic Law and International Law: Peaceful Resolution of Disputes. By Emilia Justyna Powell. New York, NY: Oxford University Press, 2020. Pp. Xiv, 314. Index." *American Journal of International Law* 114, no. 4 (2020): 791–96.