



The Shari'a and Islamic Criminal Justice in Time of War and Peace

By *M. Cherif Bassiouni*

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This innovative and important book applies classical Sunni Muslim legal and religious doctrine to contemporary issues surrounding armed conflict. In doing so it shows that the shari'a and Islamic law are not only compatible with contemporary international human rights law and international humanitarian law norms, but are appropriate for use in Muslim societies. By grounding contemporary post-conflict processes and procedures in classical Muslim legal and religious doctrine, it becomes more accessible to Muslim societies who are looking for appropriate legal mechanisms to deal with the aftermath of armed conflict. This book uniquely presents a critique of the violent practices of contemporary Muslims and Muslim clerics who support these practices. It rebuts Islamophobes in the West that discredit Islam on the basis of the abhorrent practices of some Muslims, and hopes to reduce tensions between Western and Islamic civilizations by enhancing common understanding of the issues.

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Editorial Review

Review

"Cherif Bassiouni makes the compelling case that international human rights law and international humanitarian law are part of the "firmament of Islam;" that socioeconomic and educational problems in the Muslim world - not religion and certainly not Islam itself - account for political violence in the name of Islam that is absolutely not allowed under Islam. Bassiouni argues, with clarity and eloquence that will appeal to scholars and lay readers alike, that Muslim societies can and must develop institutions and mechanisms, in full accordance with contemporary international criminal law, to bring to justice those who have committed crimes of political violence under shari'a and Islamic law. This is a courageous and brilliantly reasoned attempt to pry open the gates of rational interpretation closed to Muslims for nearly a millennium. Muslims and non-Muslims alike - whether they agree with Dr. Bassiouni's thesis or not - will be struck by the scope and sheer ambition of his undertaking: an orthodox Muslim scholar taking the best practices of Islam's past to try to shape a new future in which perpetrators of violence in the name of Islam will be brought to accountability and justice by Muslims themselves in Muslim societies." -Ambassador Frederic C. Hof, Atlantic Council, Rafik Hariri Center for the Middle East

"This book on post-conflict justice in Islamic law and international law requirements could not be more timely. It comes during a period when questions about transitional justice are of immediate relevance to the Muslim world after the ongoing revolutions and reforms that sprung up in 2010 in the region. Professor Bassiouni is uniquely positioned to make a lasting contribution to questions of what comes next." - Intisar Rabb, Associate Professor of Middle Eastern and Islamic Studies and Law, New York University School of Law

About the Author

M. Cherif Bassiouni is Emeritus Professor of Law at DePaul University College of Law and President of the International Human Rights Law Institute. He is also President of the International Institute of Higher Studies in Criminal Sciences in Syracuse, Italy. In addition to authoring and editing 71 books, he has authored 266 journal articles. He has been published in numerous languages, including Arabic, English, French, Italian and Spanish. His work has been cited by the International Court of Justice, the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the United States Supreme Court, and other supreme courts.

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