Is there 'Islamic International Law' and Should it be Taught?

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The modern international system today encompasses the entire globe and exists in a complex, dynamic relationship with international law. The tension between the realities of power and the discipline's ideational aspirations derived from its axiomatic methodological and normative postulations –chiefly sovereign equality, proscription of violence, territorial inviolability– have marked the field's often uneasy coexistence with those disciplines either directly concerned with power, or with Austinian, sanction-backed, institutionalised law 'properly co-called.'

Within the discipline itself, a different tension has been paramount, namely the increasingly contested two notions of international law's universality and homogeneity as a coherent system of thought. From one end, it is feared that the increasing fragmentation of the discipline into specialised 'managerial' regimes developing in rigidly separated institutional structures will bring about rules potentially at odds across their original distinct intellectual silos. From the other end, the general insistence on identity politics with its insistence on cultural 'authenticity' combined with the relative material weakening of the Northern centre of the international system has led to attacks on the logical, ethical and historical coherence and legitimacy of the current system of international law.

These attacks have been formulated form a variety of intellectual and political traditions, most prominent of which perhaps the various 'third world approaches' to international law, as well as the rainbow coalition subsumed under the banner of 'critical legal studies' claiming to speak for a broad range of deliberately ill-defined alternative, hitherto insufficiently heard voices. United primarily in their rejection of the legitimacy of the dominant discourse and the historical genesis of the contemporary international legal system as Eurocentric, these disparate criticisms have chipped away at the very *idea* and desirability of a homogenous system of *one* public international law.

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One key criticism has been the claim that the dominant discourse insufficiently validated the experience and contribution of those on the periphery of power, both physical and intellectual, whether colonial people's whose histories and global relations were deliberately marginalised, or whether from individuals deemed to be 'deviant' in one way or another. One of the most forceful such claims has been made by those who lament the missing role attributed to Islamic civilisation in the genesis of international law. Given the large number of Muslim-majority states in the contemporary system and the extremely strong role played by an assertive political Islam, alternative conceptions of Islamic governance both domestic and international have become increasingly important in the public imagination both in the East and the West.

How to meet the justified demand for greater pedagogical recognition of diversity, with an intellectually honest critical engagement with non-Western cultural and legal traditions has become one of the defining challenges of teaching international law in the global classroom. It appears evident that accepting facile claims derived from a selective and highly idealised reading of dogmatic texts cannot do justice to our understanding of the actual operation of pre-modern, non-Western international legal relations. More importantly, such a selective, idealised, often hortatory reading of the dogmatic and historical record does not prepare us to evaluate the possibility, indeed desirability of alternative systems of international law, as claimed for instance by the so-called tradition of an 'Islamic law of nations', *siyar*.