including maritime law, space law and environmental law. The final Part V analyses the implementation of international responsibility, including a detailed examination of the concept of the ‘injured party’, the different modalities of implementing responsibility from claims to diplomatic channels and then finally a comprehensive examination of countermeasures.

It is clear that the book provides a comprehensive examination of, and at points, critique of the ILC’s work in 2001, 2006 and its first set of draft articles on international organizations adopted in 2009. In such a large volume, with as many as 96 contributors, it is inevitable that the quality and focus of the contributions vary greatly. The contributors themselves come from diverse backgrounds, with many doctoral students, some young academics and practitioners, experienced and seasoned academics from diverse international legal backgrounds, as well as those with expertise in the philosophy of law. The richness of the commentary is all the better for this diversity. With contributions from those such as James Crawford, John Dugard and Giorgio Gaja – the commentary gains invaluable insights into how the main architects of the major works in the ILC think critically about specific and important issues in the law of international responsibility.

All in all, it cannot be doubted that some of the works contained in this commentary shall remain of enduring importance.

Sahib Singh

Hatem Elliesie (ed.), Beiträge zum Islamischen Recht VII. Islam und Menschenrechte/Islam and Human Rights. Peter Lang (Leipziger Beiträge zur Orientforschung, Bd. 26), Frankfurt am Main et al., 2010, ISBN 9783631578483, 579 pp., EUR 107,40

The German Association of Arabic and Islamic Law celebrated its 10th anniversary at the occasion of a conference on ‘Islam and Human Rights’ in Berlin in 2007, organized in collaboration with the German Institute for Human Rights. The present volume does not only represent a collection of the presentations held

3 A prime example is Professor Gaja’s contribution entitled ‘The Concept of an Injured State’. In this contribution the author highlights the problematic construction of Article 42(b)(ii), how its roots in the law of treaties work of Gerald Fitzmaurice and Article 60(2)(c) VCLT, has led to a conceptual logical incoherence in Article 42(b)(ii). This critique is of huge contemporary relevance, and has been expanded and extended in regards to the taking of countermeasures in multilateral non-proliferation treaties, see, S. Singh, ‘Non-Proliferation Law and Countermeasures: Their Function and Role in Determining the Status of a Special Regime’, in D. Joyner/M. Roscini (eds.), Nonproliferation Law as a Special Regime (2012).
at that conference in Berlin but also contains further articles which warrant its designation as a ‘Jubilee Edition’, and not merely a ‘Conference Edition’ as the editor, Hatem Ellisie, emphasizes in the Foreword. While at that time of the association’s foundation in 1997 it was uncertain if at all seven people necessary for founding an association under German law could be found, the interest in Arabic and Islamic Law today is widespread and the association flourishes, as Mathias Rohe points out in the Preface and retrospective on the work and achievements of the association. That both Hatem Ellisie and Mathias Rohe are figureheads of German scholarship on Islamic law renders the present book, the seventh contribution to the ‘Leipziger Beiträge zur Orientforschung’ on Islamic law, particularly notable from the outset. However, one caveat must be made: out of the 20 articles, 12 are written in English, the rest in German. However, summaries of all of the articles can be found at the end of the volume, in English as well as in Arabic.


Abdullahi Ahmed An-Na’im opens the first section and provides an introduction to the topic in his article on ‘Islam and Human Rights: Introductory Remarks and Reflections’. He advocates for a well-informed engagement of religion in the implementation of international human rights norms following its strong influence on human behaviour. He criticizes, in a way, the attitude of many human rights scholars and advocates of dismissing religious considerations as irrelevant, insignificant, or problematic. On the other hand, he also underlines the need to interpret the Islamic sources in their changing socio-economic context. He points to the need of distinguishing the divine origin of Islamic norms from their actual interpretation and application by human beings. In this way it would be possible to reconcile the divine and immutable character of religion with changing social, economic, and political circumstances.

The question of the compatibility of Islam and Human Rights as such is, however, deconstructed in the article by Muhammad Kalisch (in German). By means of source criticism, he reaches the conclusion that a contribution of mainstream religions to the philosophy of human rights is non-existent. Assem Hefny, on the other hand, points out that a hermeneutical interpretation of the Qu’ran would lead to an appropriate introduction of human values and rights. This could be effectuated by the so-called ta’wil method which aims for an understanding of texts by considering their historical context. The method, combined with the opening of the ijthihad-gate, would allow for a renewal of Qu’ran