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# THE HISTORICAL DEVELOPMENT OF THE LEGITIMATE RIGHT OF SELF-DEFENSE IN PUBLIC INTERNATIONAL LAW

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## ABSTRACT

It should be noted that the historical development of the rights exercised by states toward one another represents the true foundation of these rights within the framework of public international law. No right emerged independently or came into existence spontaneously; rather, every right has undergone a historical evolution over centuries and decades. One of the most significant of these rights is the right of legitimate self-defense exercised by states when subjected to aggression by other states or groups. This right has existed in practice among nations since the beginning of human existence, arising from the law of the jungle – the rule of force – applied by powerful states against weaker ones. It continued to evolve through various civilizations, during which its features transformed, and later through religions and legal traditions, until it was eventually codified in contemporary international law by the League of Nations. After the League's collapse, this codification process continued under the United Nations up to the present day. The main problem addressed here concerns the accuracy of the historical development attributed to the right of legitimate self-defense, particularly since some historical documents may contain errors or inconsistencies. This issue forms the basis of our sincere call for members of the international community to prepare a comprehensive historical document tracing the evolution of the right of legitimate self-defense as reflected in state practice – whether in general state interactions or specifically within the United Nations framework.

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**KEYWORDS:** legitimate defense – public international law – League of Nations – United Nations – international judiciary

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## 1. INTRODUCTION

It is important to note that the state, by virtue of its prominent position within the international community as a full member of the family of nations, possesses rights and obligations similar to those accorded to individuals under private law. However, the nature of public international law has profoundly influenced these rights and obligations, even before the emergence of the modern state, dating back to the era when communities existed merely as tribes or groups of individuals.

Among the most significant of these rights is the right of legitimate self-defense exercised by states when they are subjected to aggression from other states. This right has faced numerous historical challenges and experienced notable development even before the formation of organized states—during times when societies consisted only of tribes or groups governed by the law of the jungle, where force served as the sole mechanism for repelling aggression or resolving disputes.

With the rise and evolution of civilizations, this perspective gradually changed, even before the advent of the Jewish and Christian legal traditions. The right retained its distinctive character until the emergence of Islamic law, which provided a comprehensive and well-defined concept of legitimate self-defense as articulated in the Qur'anic text.

Nevertheless, positive law continued to play a decisive role in shaping the historical development of this right, particularly following the establishment of the League of Nations, and later, after its failure to achieve its goals, through the creation of the United Nations—continuing to the present day. The events and developments of this historical progression will be elaborated in the main body of this study.

### 1.1. Importance of the Study

The significance of this study lies in examining the evolution of the concept of the right of legitimate self-defense before the emergence of divine religions, and then after their appearance. It highlights how Judaism regarded war as permissible and even glorified it, placing no restrictions on its practice. It also explores how Christian ecclesiastical thought shifted in its perception of war—from the principle of loving one's enemies and showing kindness to them, to the notion of holy war and the establishment of inquisitorial courts. The advent of Islam, moreover, played an undeniable role in emphasizing the prohibition of aggression and the rejection of military force as a means of resolving disputes, while affirming the legitimacy of self-defense as a right, ultimately leading to the prohibition of unjustified violence.

### 1.2. Research Problem

The core problem of this study emerges from the conflicting events and international incidents in which states invoked the right of legitimate self-defense. Some legal, historical, and religious writings on this subject contain inconsistencies or confusion, which necessitates clarifying all these obstacles in order to uncover the true historical development of this right.

### 1.3. Research Questions

The study raises several key questions, including:

- How was the right of self-defense organized in ancient eras, given that societies passed through various stages of development?
- Did divine religions or sacred laws address the right of legitimate self-defense, and does its regulation in Islamic law differ from that of other religions?
- Did the Covenant of the League of Nations provide an effective regulation of legitimate self-defense?
- How does the United Nations Charter regulate the right of self-defense, and are there essential differences between this regulation and that contained in the Covenant of the League of Nations?

### 1.4. Scope of the Study

The scope of this study is limited to examining the historical development of the right of legitimate self-defense among states. It therefore excludes the development of this right within domestic laws or the regulation of any other rights granted to states.

### 1.5. Objectives of the Study

This study pursues several key objectives, which may be outlined as follows:

- To shed light on the regulation of the right of self-defense in ancient eras, including the legal systems of Pharaonic Egypt, the Babylonian and Assyrian civilizations, and finally the Greek and Roman civilizations.
- To highlight the regulation of the right of self-defense in divine religions and sacred laws, beginning with the Jewish tradition, then Christianity, and ultimately addressing the Islamic perspective.
- To provide a detailed examination of the regulation of the right of self-defense during the era of the League of Nations and prior to its establishment, particularly given the fundamental transformation in international relations before and after the League's creation.
- To analyze the position of the United Nations and the San Francisco Charter regarding the regulation of the right of self-defense, and to

determine whether the Charter succeeded in establishing an effective regulatory framework.

## 2. RESEARCH METHODOLOGY

This study adopts the descriptive-historical method, as it is the most precise and suitable for the subject matter. The descriptive method, when applied, reveals the true nature of the right of self-defense as a unique international doctrine. It is followed by the historical method, which uncovers the various developments and events that shaped the regulation of self-defense—from the period when the international community operated under the law of the jungle (i.e., force), through the evolution of religions and ancient civilizations, up to its contemporary codification in international law.

### 2.1. Structure of the Study

Chapter One: Legitimate Self-Defense in Ancient Civilizations and Divine Religions

Chapter Two: Legitimate Self-Defense within the Framework of Contemporary International Law

## 3. CHAPTER ONE

### 3.1. Legitimate Self-Defense in Ancient Civilizations and Divine Religions

It is important to note that the right of legitimate self-defense was not a right that emerged suddenly; rather, its development was the result of various historical stages and eras, each characterized by its own specific features. In this chapter, we expand upon the historical overview of this right, dividing the discussion into two sections as follows.

#### 3.2. Section One

##### *Legitimate Self-Defense in Ancient Civilizations*

Resorting to war has been an inherent part of human history—beginning with the earliest stages of human existence and continuing to the present day. In reality, war will likely persist as long as human civilization itself endures. Historically, armed conflict has represented one of the primary features and mechanisms shaping relations among states.

In ancient times, the use of force was a right available to every member of the international community, exercised at any time and for any purpose—even to resolve international disputes, or to enslave and colonize peoples, territories, and other nations. The use of force among states was therefore common and viewed as a natural phenomenon associated with humanity since its earliest beginnings, a practice commonly referred to as the law of the jungle.

As a result, the sphere of international relations was governed by rules established by the dominant and victorious powers. The right of states to wage

war was considered absolute, serving as a tool to secure their interests and guarantee their survival. Under this absolute right to warfare in ancient times, legitimate self-defense was regarded as a theoretical notion of little value or practical significance (Khalaf, 2003, p. 144). This is reflected in the positions adopted by several ancient civilizations, as follows:

#### 3.2.1. The Pharaonic Civilization

In ancient Egypt, war was the primary—and often the only—means of resolving disputes with other nations, without any restrictions or limitations. The concept of military alliances emerged during this period, and one of the earliest examples is the treaty concluded between Ramses II of Egypt and the King of the Hittites in 1272 BCE—more than three thousand years ago. Under this treaty, both parties committed to assisting one another in the event of external aggression.

#### 3.2.2. The Babylonian and Assyrian Civilizations

The history of the ancient Middle East witnessed considerable development in relations among its peoples, as evidenced by the archaeological findings from Babylon and Assyria. These findings reflect established methods for declaring war, concluding armistices and peace agreements, and negotiating commercial treaties (Al-Dharab, 2006, p. 186 ff.).

In 3100 BCE, the first recorded peace treaty was concluded between the Sumerian city-states of Lagash and Umma in present-day Iraq. The treaty stipulated respect for the boundary trench and boundary stone erected by the ruler of Kish. It also included an arbitration clause to resolve any future disputes over territorial borders (Sultan, 2005, p. 34 ff.).

#### 3.2.3. The Greek Civilization

The Greeks developed rules governing warfare among their city-states, including prohibiting the pursuit of enemies who sought refuge in temples. They also required payment of compensation when war was initiated without just cause. Arbitration was recognized as a peaceful mechanism for resolving disputes within Greek cities, and they criminalized attacks on specific locations during war, such as places of worship and sites of sporting events (Al-Dharab, p. 187).

The concept of legitimate self-defense gained considerable importance in Greek society, especially following the Peloponnesian War (431–404 BCE), during which Athens and Sparta each justified their military actions by invoking the right of self-defense in protection of their respective city-states.

### 3.3.4. *The Roman Civilization*

A number of scholars maintain that the Roman state understood the right of legitimate self-defense in a comprehensive and detailed manner. In Roman Egypt, the governor served as the supreme commander of the military forces retained by Emperor Augustus to ensure Egypt's subordination to Roman authority and to repel any external aggression. These military forces were strategically distributed throughout the Empire to maintain security and preserve public order (Mohamed, 2019, p. 220).

The Romans also established specific rules governing peace and war in their relations with other states, though these rules were heavily influenced by religious principles. A sacred religious law established a council of twenty priests whose duties included declaring war and negotiating peace (Fouad, 2017, p. 63). This council determined whether certain acts committed by foreign nations constituted aggression against Rome, and if so, authorized the declaration of what was known as a *just war*.

### 3.3. Section Two

#### *Legitimate Defense in the Heavenly Religions*

We divide our discussion into two parts. In the first part, we address legitimate defense in the Jewish and Christian laws, and in the second, we examine the position of Islamic law, as explained below.

#### 3.3.1. *Legitimate Defense in Judaism and Christianity*

Our discussion here is divided into two aspects: In the first, we explain legitimate defense and its regulation in Judaism; In the second, we present the position of Christianity, as follows:

##### 1. *Legitimate Defense in Judaism*

In its early stages, Jewish law was tolerant and prohibited all forms of killing. The Ten Commandments state: "Killing a human being is hatred of God, for God created humans in His image." The sixth commandment also reads: "You shall not kill." Thus, killing was considered a grave sin and a major transgression against God, as He is the One who grants life to every human being. Therefore, no one is permitted to take another person's life or shed innocent blood.

Moreover, Judaism did not limit the concept of killing to its literal meaning. Rather, it expanded it to a broader understanding. The Ten Commandments explain (Al-Jubair, 2007, p. 7 ff.) that whoever hates his brother is considered a murderer. What many overlook is that God judges a person not only for what he has done, but also for what he intends to do;

thus, hatred and killing are regarded as equal (Duwairi, 2014, p. 289 ff.; Ghali, 1969, p. 9 ff.; Ruzayq, 2010, p. 11 ff.; Nasir, 1990, p. 3 ff.).

However, after the death of Moses (peace be upon him) and the succession of Joshua, the Jews entered the land of Canaan, where these tolerant principles changed. The Jews adopted the notion of "holy war," and warfare transformed from a means of achieving legitimate objectives into an end in itself. Consequently, when a nation or state was invaded, fierce resistance became natural—which is what occurred when the Jews entered Canaan.

Because Judaism does not recognize the concept of multiple national identities, a person was seen as either Jewish or non-Jewish. Thus, the Jews believed they had no choice but to annihilate the land of Canaan entirely. They spared neither men nor women, nor even children; the destruction extended to animals as well, leaving cities in ruins.

##### 2. *Legitimate Defense in Christianity*

It is evident in the history of Christianity that there were significant transformations in the perception of war—from loving one's enemies and showing kindness to them, to the concept of holy war and the Inquisition. This shift occurred because the teachings of the Gospel did not always correspond to the realities on the ground (Sultan, p. 36). A group of Christians attempted to reconcile the Gospel's teachings with the needs of the state by formulating what they termed "legitimate" or "just war." Supporters of this approach sought to establish a moral justification for labeling certain wars as "just," viewing them as acts of righteous retribution necessary to secure peace or protect allies. In contrast, unjust wars included wars of plunder, wars motivated by the desire for domination or revenge, or wars waged merely for military or political glory.

The distinction between just and unjust wars became particularly prominent among church scholars, especially Saint Augustine. He believed that no injustice is inflicted upon the one who engages in a just war. Augustine's body of religious rulings legitimized war under specific conditions, such as distinguishing between defensive and retaliatory wars, and ensuring that the declaration of war occurs only in cases of necessity.

Throughout Christian history, the regulation of legitimate defense in Christian states relied on diverse religious and legal concepts, grounded in the teachings of the Church and the doctrines that shaped political and social life during the Middle Ages. After the division of the Roman Empire, the Church provided a religious framework governing all aspects

of life, including self-defense and the defense of the homeland.

During this period, the Church played a major role in organizing wars by issuing indulgences and considering wars waged by the Church against the “enemy” (often Muslims or non-Christian peoples) as a form of legitimate defense. These wars became known as the Crusades, regarded as sacred battles aimed at defending the Christian faith. They were typically organized by popes and the Catholic Church, which promoted the belief that fighting for religion was a sacred duty. Christians were encouraged to participate in these battles to defend Christian territories or reclaim holy sites such as Jerusalem.

Later, Christian theological thought developed regarding the Church’s stance on self-defense. In the Middle Ages, there was alignment between the Church and monarchies concerning the defense of Christian lands. Clergy justified warfare as part of the duty to protect the faith and doctrine. The Church affirmed the right to use force against those who threatened the Christian faith. Within this framework, legitimate defense was considered part of the “just war” recognized by Christian doctrine – a type of warfare permitted under legitimate church-sanctioned conditions, such as defending the faith or the Christian homeland.

These frameworks remained in place until the formation of military orders in many Christian states. These included specialized military groups

### 1. Qur’anic Evidence

قوله تعالى:

{فَمَنْ أَعْتَدَىٰ عَلَيْكُمْ فَأَعْتَدُوا عَلَيْهِ بِمِثْلِ مَا أَعْتَدَىٰ عَلَيْكُمْ...}

(البقرة: 194)

This verse establishes the legitimacy of repelling aggression in all its forms, whether against an individual or a community, based on the principle of equivalence – responding to prohibited aggression

with lawful defensive action. God referred to the defensive act as “اعتداء” metaphorically, as a form of linguistic parallelism (Al-Qurtubi, p. 260).

قوله سبحانه وتعالى:

{وَالَّذِينَ إِذَا أَصَابَهُمُ الْبَغْيُ هُمْ يَنْتَصِرُونَ...}

(الشورى: 39–41)

This verse emphasizes that defending oneself against injustice is praiseworthy, although forgiveness is virtuous when dealing with honorable

individuals. However, for persistent aggressors, self-defense is preferable (Al-Qurtubi, p. 39 ff.).

قوله تعالى:

{وَلِلَّهِ الْعِزَّةُ وَلِرَسُولِهِ وَلِلْمُؤْمِنِينَ...}

(المنافقون: 8)

This verse indicates that pardoning honorable

individuals is commendable, but pardoning the

established to protect the Christian state and society, such as the Knights Templar and the Knights Hospitaller (Knights of Malta), who were responsible for defending Christian territories in Europe and the Middle East. These knights believed in their sacred duty to protect the Church and Christian rulers. (Al-Yami, 2022, p. 322 ff.; Al-Mousawi, 2018, p. 603 ff.; Al-Haidari, 2011, p. 692 ff.)

In summary, the regulation of legitimate defense in Christian states was based on the intersection of religion and politics. The Church viewed wars as part of a religious duty to protect the Christian faith, and although the use of force was limited, it was religiously justified in contexts involving the defense of doctrine or Christian lands.

### 3.3.2. Islamic Law’s Regulation of the Right to Legitimate Defense

It is important to note that Islamic law established an organized framework for this right. Islam prohibited the killing of the soul, yet permitted self-defense when aggression occurs. The early Muslim society encountered several threats in which the Prophet defended the city of Madinah. Historical evidence confirms this, including the Battle of Badr in the year 2 AH, when Quraysh attacked Muslims who were on their trade route. The Muslims confronted the aggressors, making this battle the first military act of defense in Islam.

There is abundant evidence affirming the right to self-defense in Islam, including:

wicked encourages them to persist in wrongdoing (Al-'Imadi, Vol. 8, p. 34).

## 2. Prophetic Evidence (Sunnah)

Among the most explicit hadiths regarding repelling aggression is the Prophet's saying:

“من قتل دون ماله فهو شهيد، ومن قتل دون دمه فهو شهيد، ومن قتل دون دينه فهو شهيد، ومن قتل دون أهله فهو شهيد.”

(النسائي، ج7، ص116؛ الألباني، ص1100، رقم 6445)

This hadith indicates that a person may fight an aggressor, and if he is killed, he is considered a martyr (Al-Ansari, Vol. 4, p. 166).

Another hadith states:

”لَوْ أَنَّ امْرَأًا أَطَّلَعَ عَلَيْكَ بِغَيْرِ إِذْنٍ، فَحَدَفْتَهُ فَفَقَاتَتْ عَيْنَهُ مَا كَانَ عَلَيْكَ مِنْ جُنَاحٍ“

(البخاري، ج9، ص11)

This indicates the permissibility of defending one's honor without liability.

A man asked the Prophet:

“أرأيت إن جاء رجل يريد أخذ مالي؟”

قال: “فلا تعطه مالك.”

قال: “أرأيت إن قاتلني؟”

قال: “قاتله.”

قال: “أرأيت إن قتلني؟”

قال: “فأنت شهيد.”

قال: “أرأيت إن قتلته؟”

قال: “هو في النار.”

(مسلم، ج1، ص124)

## 4. SECTION TWO

### *Legitimate Defense within the Framework of Contemporary International Law*

In this section, we examine the regulation of this right both by the League of Nations and by the United Nations, as follows:

#### 4.1. First Requirement

### *Legitimate Defense during the Era of the League of Nations*

This requirement is divided into two parts: The first addresses the regulation of legitimate defense before the establishment of the League of Nations; The second discusses legitimate defense after the League's creation, as set out below.

#### 4.1.1. Legitimate Defense before the Era of the League of Nations

It is noteworthy that during the period preceding the establishment of the League of Nations, states began to broaden the conditions and criteria governing the use of this right. Among the most significant incidents reflecting this development are the Caroline, Virginia, and Mary Lowell cases. These

cases exemplify how states interacted with the concept of legitimate defense in international relations before it was regulated within an institutional framework. We address these incidents sequentially as follows:

#### 1. The Caroline Incident

The facts of this incident are summarized as follows: In 1837, Canadian citizens, with the assistance of some Americans, used a vessel called Caroline to transport soldiers and weapons from U.S. territory into Canada to support Canadian rebels against British occupation. The vessel continued this activity for a long period, which threatened both British and Canadian interests. In response, British forces stealthily crossed from Canadian territory into a U.S. port, destroyed the Caroline, and sent it over Niagara Falls, resulting in the death of at least one American citizen.

Britain declared that its attack constituted an act of legitimate self-defense. In a letter to the British Foreign Secretary, U.S. Secretary of State Daniel Webster asserted that a party invoking self-defense must demonstrate that the necessity of such defense was “instant, overwhelming, leaving no choice of means, and no moment for deliberation.” (Al-

Musaddi, 2006, p. 70) He added that even if British forces had acted under a necessity permitting them to enter U.S. territory, they must not have done anything unreasonable or excessive, for any action justified by self-defense must be strictly limited to the necessity itself.

In 1841, the incident resurfaced after the arrest of one of the individuals involved. He was later released due to insufficient evidence. During the trial, Britain argued for his release based on the right of self-defense, affirming that its actions were taken in response to an imminent threat.

## 2. *The Mary Lowell Incident*

The facts of this case relate to the Spanish authorities' seizure of an American vessel named *Mary Lowell*, which had been carrying military supplies and provisions intended to support Cuban revolutionaries. Spain confiscated all cargo aboard the vessel, considering it war booty. The United States condemned Spain's actions and demanded compensation. The dispute was then referred to an arbitral tribunal.

The tribunal rejected the U.S. claim, holding that the actions of the Spanish authorities were legitimate and fell within Spain's right to exercise self-defense. From this judgment issued by the U.S.-Spanish Arbitral Commission, it is understood that—at that time—self-defense was considered the only means by which a state could protect its independence, freedom, and sovereignty over its territory (Al-Musaddi, p. 71 ff.).

## 3. *The Virginius Incident*

This incident occurred in 1873, when Spanish authorities seized an American vessel named *Virginius* that was transporting military aid as well as American and British nationals. The ship was heading to Cuba to support Cuban revolutionaries against Spanish occupation. Spain seized the vessel, arrested several individuals onboard, prosecuted them, and issued death sentences against some of them.

### 4.1.2. *Legitimate Defense during the Era of the League of Nations*

After states witnessed the horrors and devastation of World War I, they stepped back from unrestricted warfare and concluded the Treaty of Peace in 1919 (at the Peace Conference held on 28 July 1919 in France). This treaty represented a new hope for an international system aimed at preventing the use of armed force in resolving international disputes. It also paved the way for the establishment of the League of Nations.

The League's Covenant contained several

important principles and obligations, reflected in the Preamble and later provisions. In 1919, the victorious powers met in Paris to negotiate peace settlements. The Covenant was adopted during the Paris Peace Conference, and the League of Nations officially commenced its activities on 10 January 1920, when the Treaty of Versailles entered into force.

Articles (11) and (12) of the Covenant emphasized the renunciation of violence and encouraged peaceful settlement of disputes.

Article 11 stated that any war or threat of war threatened the entire League; thus, any matter affecting international peace required the Secretary-General, at the request of any member, to convene an emergency meeting of the Council.

Article 12 obliged states to resort to arbitration, judicial settlement, or Council inquiry, and prohibited recourse to war until three months had elapsed after the conclusion of these procedures.

Additionally, Article 14 called for the establishment of a Permanent Court of International Justice.

It is notable that the Covenant did not absolutely prohibit the use of force to settle disputes; rather, it imposed restrictions, making such use conditional on first exhausting peaceful settlement methods. The Covenant required member states to comply with several obligations.

Thus, although Article 12 required members to submit any dispute likely to endanger peace to arbitration, judicial settlement, or the Council, it also stated that members agreed not to resort to war until three months after the arbitral award, judicial decision, or Council report. It further obliged members not to go to war against any state that complied with such decisions.

Similarly, Article 15 required disputes not resolved by arbitration or judicial means to be referred to the Assembly or the Council. If the Council issued a unanimous report (excluding the votes of the disputing parties), members were bound not to resort to war against any party that accepted the report.

From this, it follows that recourse to war was permissible during the League of Nations era in the following circumstances:

1. After three months had elapsed following an arbitral award, judicial decision, or Council report.
2. Against a member state that failed to comply with an arbitral or judicial decision.
3. Against a member state that refused to implement the results of a Council report.

Despite these restrictions, the League ultimately failed to achieve its objectives for several reasons. Chief among them was that it did not prohibit war outright, but merely imposed procedural conditions

before resorting to it—conditions outlined in Article 12. This contributed to the outbreak of World War II, which effectively ended the League's existence (Salah al-Din, 2002, p. 35). The Covenant collapsed entirely, giving way to a new organization: the United Nations, established in 1945. The UN's founders strived to address the shortcomings that had caused the League's failure (Salem, 2023, p. 160 ff.; Al-Sudani, 2001, p. 121 ff.; Attar, 1991, p. 95 ff.).

#### 4.2. SECOND REQUIREMENT

##### *Legitimate Defense in the Era of the United Nations*

The Briand-Kellogg Pact, which was concluded in Paris in 1929 and signed by more than 15 states, is considered, for the first time in history, the first serious international step toward the prohibition of recourse to force, as the use of armed coercion in international relations was regarded as an unlawful act. This was followed by efforts to establish the United Nations, after the world had suffered from chaos and armed conflicts. Thus came the United Nations Charter, which aligned with what was stated in its Preamble and in Article One regarding the Organization's pursuit of creating a state of global peace in which force is absent.

After the establishment of this Charter, the international reality was in urgent need of the existence and emergence of a new international system that would be more effective in avoiding acts of aggression that give rise to the right of legitimate defense, especially since World War II (this conference was held from 21 August to 7 October 1944 at Dumbarton Oaks in Washington, and it was held among the Allies during World War II to lay the foundations for establishing an international organization entrusted with maintaining peace) had created immeasurable destruction. From that moment, international reality progressed historically through preliminary declarations and preparatory conferences, leading to the establishment of the United Nations.

Two declarations were referred to: The first is the Atlantic Charter issued in 1941 (the Atlantic Charter of 1941 is a historical document issued on 14 August 1941, resulting from a secret meeting between U.S. President Franklin Roosevelt and British Prime Minister Winston Churchill during World War II, held aboard a warship off the coast of Newfoundland, Canada).

Following this declaration came the Declaration by the United Nations issued in 1942 (Hassan, 1976, p. 2020 ff.; Abbas, 1981, p. 67 ff.).

This stage was then followed by several conferences, beginning with the Moscow Conference

of 1943 (known as the Conference of Allied Foreign Ministers, an important meeting held in the Soviet capital Moscow from 19–30 October 1943 during World War II, aimed at strengthening cooperation among the Allies to continue the war against the Axis Powers and laying the foundations of a new world order for the post-war period. Participants included: Soviet Foreign Minister Vyacheslav Molotov, U.S. Secretary of State Cordell Hull, British Foreign Secretary Anthony Eden, and the Chinese Foreign Minister).

This was followed by the Tehran Conference of 1943 (a historic meeting held between the main Allied leaders—U.S. President Franklin Roosevelt, British Prime Minister Winston Churchill, and Soviet leader Joseph Stalin. The conference was held in Tehran, the capital of Iran, from 28 November to 1 December 1943, marking the first meeting of the "Big Three").

Then came the Dumbarton Oaks Conference of 1944, and finally the Yalta Conference of 1945 (held between the three major Allied leaders in the city of Yalta on the Black Sea in the Crimean Peninsula from 4–11 February 1945), during which the major outlines of the United Nations Charter were established, including the structure of the Organization, its main organs, and its final details, until the San Francisco Conference was held.

With these influential words, the Preamble of the United Nations Charter began, announcing the beginning of a new era in the history of international relations and signaling the start of a new age of peace and prosperity among the various peoples. The Charter included many important principles, particularly concerning the prohibition of the use of armed coercion or the threat thereof in international relations, while also providing several exceptions to this rule, including the case of legitimate defense. Among these cases is what is stated in Article (51) of the United Nations Charter, which affirmed the right of self-defense.

In 1970, the General Assembly issued Resolution No. (2625) in the form of a declaration on friendly relations and cooperation among states, at a time when the world was living in the atmosphere of a Cold War between the United States and the Soviet Union. The declaration emphasized the illegality of the use of force against the territorial integrity or political independence of any state, or in any manner inconsistent with the purposes of the Organization.

Given that the right of legitimate defense is historically established, the historical development and the efforts reached by states and institutions played a prominent role in this regard, particularly the work undertaken by the United Nations Security Council. Historical reality has shown that events related to the use of the right of legitimate defense

coincided with many international resolutions. Among these resolutions are those affirming the importance of Article (51) of the United Nations Charter, which was invoked and referenced twelve (12) times during the Council's deliberations across three different sessions. In addition, the right of self-defense was discussed in many of these sessions related to thematic items or items concerning specific countries or regions. See, in this respect: (S/PV.8805) (Mexico), regarding the item titled "The situation in the Middle East"; (S/PV.8909) concerning the Islamic Republic of Iran, regarding the item titled "Small Arms"; (S/PV.8910) regarding the item titled "The situation concerning Iraq."

The question therefore arises: Has this historical development leading to the United Nations resulted in stable international practice regarding legitimate defense?

Or does the present situation, marked by ongoing armed conflicts, require the establishment of a new international system?

This is what history will reveal in the days to come.

## 5. CONCLUSION

It is worth noting that the right of legitimate defense exercised by states against one another has passed through several successive stages, moving from ancient civilizations and eras, through the emergence of religions, to the appearance of this right in contemporary international law—beginning with the establishment of the League of Nations, the events that led to its creation, its eventual collapse, and the rise of the United Nations. In each of these stages, the right evolved and was used differently. Accordingly, we have reached the following findings in light of what we have addressed in this research:

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## 5.1. Results

1. The right of legitimate defense has been regulated in the manner established by the United Nations; however, at certain times, fairness is absent regarding the relative balance in the exercise of defense between states.
2. Despite the incidents that occurred and the emergence of the Christian and Jewish religions, they did not significantly influence the right of legitimate defense in the way regulated by Islamic law.
3. The regulation of the right of legitimate defense under the League of Nations differs from that under the United Nations, especially since, during the League's era, war was not prohibited. This diminished the value of legitimate defense in practice, as it was applied at times in a lawful manner and at other times in ways inconsistent with the concept of legitimate defense, depending on inclinations, desires, and interests.
4. The right of legitimate defense has developed significantly, transitioning from the era of the jungle and the use of force, through numerous civilizations and legal systems, until its regulation within the framework of Article (51) of the United Nations Charter.

## 5.2. Recommendations

1. We propose that states draft clear historical instruments regulating international rights, whether related to the right of legitimate defense or other rights.
2. We propose that the United Nations prepare a historical document addressing the practice of the right of legitimate defense among states, the obstacles that led to its emergence, and its regulation in a clear manner.

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