

Arab & Islamic
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Egypt and Its Laws

Edited by
Nathalie Bernard-Maugiron and
Baudouin Dupret



Egypt And Its Laws Arab And Islamic Laws Series

Rachel M. Scott



Egypt And Its Laws Arab And Islamic Laws Series :

Egypt and Its Laws Nathalie Bernard-Maugiron, Badouin Dupret, 2021-12-28 Egyptian law is the main representative of the Arab civil law family and its influence largely extends beyond its national borders Foreign elements have mixed with Egyptian legacies to build up a new and original legal system Egypt and its Laws is the first book in a Western language to present in a comprehensive systematic and concise way contemporary Egyptian law case law and judicial organization Egyptian law professionals law faculty professor high rank magistrates attorneys have contributed to this project by outlining each branch of law or judicial order in a synthetic way This includes constitutional law administrative law civil law personal status law criminal law commercial law company law tax law labor and social law land law press law procedural law commercial arbitration public and private international law as well as civil criminal administrative and constitutional adjudication These contributions are preceded by a substantial introduction and followed by an English Arabic glossary an index and tables of cited laws and cases *State Law as Islamic Law in Modern Egypt* Clark Lombardi, 2006-01-01 This volume explores the decision by the government of Egypt in the 1970s to constitutionalize Islamic shar a and discusses its impact on Egypt s constitutional jurisprudence The author who is trained in Islamic intellectual history and comparative law begins by examining the evolution of Sunni Islamic legal theory and describes competing theories of Islamic law that co exist in modern Egypt The book then explores how the Supreme Constitutional Court of Egypt has developed its own approach to interpreting shar a one that permits the Court to argue that shar a principles are consistent with international human rights norms The book concludes with a discussion of the public reception of the Court s theory This book will be essential for anyone interested in the evolution of Islamic law the development of constitutional thought in the Middle East or the relationship between Islam and human rights **State Law as Islamic Law in Modern Egypt** Clark B. Lombardi, 2006 Explores the decision by the government of Egypt in the 1970s to constitutionalize Islamic Shar a and discusses its impact on Egypt s constitutional jurisprudence Yearbook of Islamic and Middle Eastern Law Eugene Cotran, Martin Lau, 2002-01-01 The Yearbook of Islamic and Middle Eastern Law is the flagship publication of the Centre of Islamic and Middle Eastern Law CIMEL of the school of Oriental and African Studies SOAS in London It is increasingly regarded as the leading international forum for commentary on and analysis of emerging issues in a field of study of everincreasing global significance There is no more useful and thorough pricis of what has happened in Islamic and Middle Eastern law over the last year With Volume 8 and the advent of Martin Lau as co editor with Eugene Cotran the Yearbook begins an expansion of its purview into non Arab Islamic countries beginning in this volume with essays covering issues in Afghanistan and Kenya The Yearbook will continue to be an authoritative source of insightful commentary and scholarship on relevant developments wherever the influence of Islamic law is felt Islamic Law Ahmad Atif Ahmad, 2017-10-12 Introducing undergraduate students to Islamic law this accessible textbook does not presume legal or technical knowledge Drawing on a comparative approach it encourages

students to think through the issues of the application of Islamic law where Muslims live as a majority and where they live as a minority including the USA Saudi Arabia Egypt Pakistan The book surveys the historical development as well as the contemporary contexts of Islamic law In distilling the history of Islamic law for non specialists the author covers important topics such as the development and transformation of Islamic institutions before and after colonialism Coverage of Islamic law across contemporary contexts draws on real case material and allows for discussion of Islam as a legal and a moral code that is activated both inside and outside the court Readers will learn about rituals dietary restrictions family contracts and property lawful and unlawful gain criminal law and punishments and what makes a government legitimate in the eyes of Muslim individuals and authorities

Arbitration in Africa Lise Bosman, 2021-09-02 The Second Edition of this unprecedented volume assembles an updated and expanded country by country analysis both practical and insightful of how arbitration is conducted in forty nine African countries providing essential information about legislative provisions treaty adherence and arbitral procedure Contributors include sought after African arbitrators distinguished practitioners academics and institution builders all of whom are active in promoting the use of arbitration as a viable means of dispute resolution in Africa Five sections representing the main regions of the continent each with a substantive introductory chapter covering the major trends within that region offer country overviews addressing issues such as the following adherence to the key arbitration conventions modernity of a State s arbitration legislation and its compatibility with the UNCITRAL Model Law particular features of arbitral practice in that jurisdiction including responses to the COVID 19 pandemic access to and where available statistics from local and regional arbitral institutions significant arbitration related national case law and enforcement of foreign arbitral awards A sixth section focuses on treaty based investor State arbitration against African States under the ICSID Convention providing an empirical analysis of the experience and record of African States with investor State arbitration in the period between 2010 and 2020 Useful tables and graphics of intra African bilateral investment treaties a list of ICSID proceedings involving African States a list of treaty accession by African States and other tabular features round out the volume The first edition of this volume was welcomed by arbitration practitioners and legal academics everywhere as an essential guide to an emerging and important area of international arbitration practice This second edition tracks the significant developments in treaty accession reform of arbitration legislation and developing case law that have taken place over the past decade and confirms that arbitration as a preferred method of dispute resolution is now firmly entrenched on the African continent

Law and Society Today Riaz Tejani, 2019-08-20 Law and Society Today is a problem oriented survey of sociolegal studies with a unique emphasis on recent historical and political developments Whereas other texts focus heavily on criminal procedure this book foregrounds the significant changes of the 2000s and 2010s including neoliberalism migration multiculturalism and the large influence of law and economics in law teaching policy debates and judicial decision making Each chapter presents key concepts real world applications and hypothetical problems

that allow students to test comprehension With an integrated approach to theory and practice and written in an accessible tone this text helps students recognize the dynamic forces that shape the way the law is constructed and implemented particularly how law drives social inequality *The Late Ottoman Empire and Egypt* Elizabeth Shlala, 2017-07-31 Law and identification transgressed political boundaries in the nineteenth century Levant Over the course of the century Italo Levantines elite and common exercised a strategy of resilient hybridity whereby an unintentional form of legal imperialism took root in Egypt This book contributes to a vibrant strand of global legal history that places law and other social structures at the heart of competing imperial projects British Ottoman Egyptian and Italian among them Analysis of the Italian consular and mixed court cases and diplomatic records in Egypt and Istanbul reveals the complexity of shifting identifications and judicial reform in two parts of the interactive and competitive plural legal regime The rich court records show that binary relational categories fail to capture the complexity of the daily lives of the residents and courts of the late Ottoman empire Over time and acting in their own self interests these actors exploited the plural legal regime Case studies in both Egypt and Istanbul explore how identification developed as a legal form of property itself Whereas the classical literature emphasized external state power politics this book builds upon new work in the field that shows the interaction of external and internal power struggles throughout the region led to assorted forms of confrontation collaboration and negotiation in the region It will be of interest to students scholars and readers of Middle East Ottoman and Mediterranean history It will also appeal to anyone wanting to know more about cultural history in the nineteenth century and the historical roots of contemporary global debates on law migration and identities **Women's Rights in Authoritarian Egypt** Hiam Elgousi, 2016-04-20 During the uprisings of late 2010 and 2011 which took place across the Middle East and North Africa women made up an important part of the crowds protesting Women's rights were central to the demands made However despite this in the ensuing social and political struggles these rights have not progressed much beyond the situation under previous governments Hiam El Gousi's book offers an examination of the status of women under Egypt's various authoritarian regimes In exploring the role played by religious scholars in helping to define women's status in society she focuses on personal status laws and health rights In examining the issue of women's rights El Gousi begins with an account of feminism in Egypt the centre of feminist thought in the Middle East at the end of the nineteenth and beginning of the twentieth century Based on extensive research in the country especially at grassroots level El Gousi goes on to analyse the constitutional and legislative rulings which have affected the lives and rights of Egyptian women This book will become a vital primary resource for those studying feminism in the wider Middle East and North Africa Islamic Public Law - Islamic Law in Theory and Practice Ahmed Akgunduz, 2011-11-01 Islamic law contains explications and divisions that imply a classification in terms of public and private law In this book we will explain the outlines of Islamic public law e.g. First Chapter Islamic constitutional law al siy saḥ al shar'iyyah and administrative law al siy saḥ al shar'iyyah Second Chapter penal law al uq b t Third Chapter

financial law zakat ushr arj and other taxes Fourth Chapter trial law qa and Fifth Chapter international public law al siyar The fields of especially Islamic constitutional law administrative law financial law tazir penalties and arrangements concerning military law based on the restricted legislative authority vested by Shar'ah rules and those jurisprudential decrees based on secondary sources like customs and traditions and the public good maslahah all fell under what was variously called public law al siyasa al shar'iyyah Shar'ah policy qanun legal code qanun mahorfuq etc Since these laws could not go beyond Shar'ah principles either at least in theory they should not be regarded as a legal system outside of Islamic law But Islamic penal law financial law trial law and international law depend mostly on rules that are based directly on the Qur'an and the Sunnah and codified in books of fiqh Islamic law called Shar'ah rules Shar'i sharf or Shar'ah law Such rules formed 85% of the legal system In this book we will focus on some controversial problems in the Muslim world today such as the form of government in Islamic law and the relation between Islam and democracy Islamic law does not stipulate a certain method of state government nonetheless we may say that the principles it decrees and its concept of sovereignty suggest a religious republic As a matter of fact ulaf al Rashidun the Rightly Guided Caliphs were both caliphs and religious republican presidents We could say that this book has three main characteristics i We have tried to base our explanations directly on the primary Islamic law sources For example after reading some articles on the caliphate or tamar system in articles or books by some Western scholars and even by some Muslim scholars one might conclude that there are different views on these subjects among Muslim scholars This is not true Muslimisms have agreed on the basic rules on legal subjects but there are some conflicts regarding nuances and interpretations If one reads works by Imam Gazzali Ibn Taymiyyah al Mawardi and al Farr one will not find any disagreement on the main rules but there are some different interpretations of some concepts We have tried to discover where they agreed and we have sometimes pointed to where they differed ii We have researched practices of Islamic law especially legal documents in the Ottoman archives For example we explain addi sariqa but also mention some legal articles from the Ottoman legal codes qanunnames and some Shar'ah court decisions like legal decrees ilmi shar'iyyah It is well known that nobody can understand any legal system without implementing and practicing it That also holds for Islamic law because theory alone does not yield a complete understanding of Shar'ah rules iii We have worked hard to correct some misconceptions and misunderstandings about Islamic law That is why we appeal to the primary sources For example some scholars claim that the anaf jurist Imam Sara's did not accept the idea of punishment for apostasy We have studied his work al Mabsut and found this claim to be unfounded The comparison between tamar and fief is another example because the tamar system is different from the fief system Some scholars confuse the concept of sovereignty and governance The Islamic state is not a theocratic state in the sense in which Europeans understand the term

Human Rights Law in Egypt and Malaysia: Freedom of Religion and Expression, Volume 1 Asif Mohiuddin, 2024-12-19 The discourse surrounding freedom of religion and expression in Muslim majority countries is complex and multifaceted shaped

by a myriad of factors including cultural political and legal dynamics This volume examines the complex interplay of these factors within the contexts of Egypt and Malaysia offering valuable insights into the challenges and advancements in safeguarding these fundamental freedoms From the diverse interpretations of Islamic principles to the varying legal frameworks and the influence of global events such as geopolitical conflicts and terrorism on human rights dynamics this volume provides a comprehensive exploration of the complexities involved Moreover it delves into the historical social and political contexts that shape the protection and limitation of these freedoms offering a nuanced understanding of the evolving discourse surrounding human rights in Muslim majority countries Through comparative analyses and discussions on the role of civil society and advocacy groups this volume serves as an invaluable resource for scholars policymakers and activists seeking to deepen their understanding of the multifaceted realm of freedom of religion and expression in Egypt and Malaysia

Religious Liberty in Western and Islamic Law Kristine Kalanges,2012-04-19 Weaves together international and comparative law religion international relations comparative politics and legal history to illuminate and address the theoretical and practical dimensions of a significant human rights problem **A Tale of Two Stories** Björn Bentlage,2020-08-10 No detailed description available for A Tale of Two Stories **The Islamic Law of Personal Status** Jamal J. Nasir,2021-10-05 This new edition of the authoritative English language treatment of Islamic personal status law gives practitioners and courts throughout the world direct access to this important body of law in its most up to date development All Middle Eastern and North African Arab states are covered new to this edition is coverage of recent provisions enacted in Kuwait Yemen and Sudan The chapter on dissolution of marriage has been completely revised to reflect current legal interpretation and judicial practice in this rapidly changing area of Islamic law Also new and especially valuable are English versions for the first time anywhere of fundamental Shiite and Jaafari legal works with the most thorough analysis and commentary available in any non Arabic source Dr Nasir s much appreciated methodology has been continued since the very successful first edition of 1986 For each topic e g marriage dower dissolution of marriage parentage inheritance and waqf he begins with a consideration of the subject in Sharia law and then goes on to present legislation and contemporary views in particular Arab countries This approach while it clearly manifests the continuity of Islamic law respecting personal status is of great practical value to judges and practitioners especially those who must resolve disputes under Islamic law in non Muslim countries **Defining Islam for the Egyptian State** Jacob Skovgaard-Petersen,2021-10-11 This book traces the history of the D r al Ift the Egyptian State Mufti s administration from its inception in the 1890s to the present Often uncomfortably positioned between a state bureaucracy and an emerging Muslim public concerned with the transmission of Islamic values the various State Muftis have been striving to reinterpret Islamic law and demonstrate its relevance in the modern age The history of the D r al Ift thus provides a rare insight into major themes of 20th century Islamic thinking Four case studies demonstrate how fatwas can be used as sources for legal

social intellectual and mentality history Defining Islam for the Egyptian State will be of great interest to students of Islamic law and social and intellectual history of the modern Middle East The Sanhuri Code, and the Emergence of Modern Arab Civil Law (1932 to 1949) Guy Bechor, 2007-09-30 Dr Abd al Razz q al Sanh r 1895 1971 is one of the most prominent jurists to emerge to date in the Arab world His alarm at the growing social gap in his country Egypt during the first half of the twentieth century fueled his vision of establishing moral social order by means of a new civil code Although Sanh r s chosen tool was the legal text this book argues that his vision was essentially a social one to introduce the principles of compassion solidarity and fairness alongside progress and pragmatism into polarized Egyptian society whereby property laws acquired a social function the laws of partnership were perceived as having an educational value and contract law was activated as a balance favoring the weaker members of society Accordingly this book examines the drafting of the Egyptian Civil Code exposing the hitherto unknown sociological strata of this act of legislation *Yearbook of Islamic and Middle Eastern Law, Volume 13 (2006-2007)* Eugene Cotran, Martin Lau, 2008-12-23 Practitioners and academics dealing with the Middle East can turn to the Yearbook of Islamic and Middle Eastern Law for an instant source of information on the developments over an entire year in the region The Yearbook covers Islamic and non Islamic legal subjects including the laws themselves of some twenty Arab and other Islamic countries The publication s practical features include articles on current topics country surveys reflecting important new legislation and amendments to existing legislation per country the text of a selection of documents and important court cases a Notes and News section and book reviews Global Contract Law in the Middle East and North Africa Mohamed Ismail, 2024-08-01 This book comprehensively covers the interplay between cultural and legal globalization and the impact this has on contract law with a particular focus on state contracts within the MENA region The book discusses the roles assumed by Supreme Courts in Egypt and MENA countries in creating unified principles of international contract law in states contracts which are consistent with international commercial contracts principles It makes a powerful argument for further harmonization of contract law in the area and how this can be achieved The book forms a case study of how international harmonization can be achieved through a number of routes such as codification digitalization of processes and contracts private public arbitration and further use of international instruments It also considers the implications of comparative European law convention law and other legal domains particularly international standards on contract law in the MENA region The book suggests how international legal standards can be integrated within contract law and how a harmonious contract law framework can thus be achieved Through analyzing ICSID case law the book argues that unification of contract law principles in the MENA region is a considerable step towards achieving legitimate expectations of foreign investors It argues further that global contract law is underway The book will be of interest to students and scholars in the field of international contract law public law and international law in Egypt and MENA countries Recasting Islamic Law Rachel M. Scott, 2021-03-15 By examining the intersection of Islamic law state

law religion and culture in the Egyptian nation building process Recasting Islamic Law highlights how the sharia when attached to constitutional commitments is reshaped into modern Islamic state law Rachel M Scott analyzes the complex effects of constitutional commitments to the sharia in the wake of the Egyptian Revolution of 2011 She argues that the sharia is not dismantled by the modern state when it is applied as modern Islamic state law but rather recast in its service In showing the particular forms that the sharia takes when it is applied as modern Islamic state law Scott pushes back against assumptions that introductions of the sharia into modern state law result in either the revival of medieval Islam or in its complete transformation Scott engages with premodern law and with the Ottoman legal legacy on topics concerning Egypt s Coptic community women s rights personal status law and the relationship between religious scholars and the Supreme Constitutional Court Recasting Islamic Law considers modern Islamic state law s discontinuities and its continuities with premodern sharia Thanks to generous funding from Virginia Tech and its participation in TOME Toward an Open Monograph Ecosystem the ebook editions of this book are available as Open Access volumes from Cornell Open cornellpress.cornell.edu/cornell-open and other repositories Islamic Legal Revival Leonard Gustavus Harrison Wood,2016 In this meticulously researched volume Leonard Wood presents his ground breaking history of Islamic revivalist thought in Islamic law Islamic Legal Revival Reception of European Law and Transformations in Islamic Legal Thought in Egypt 1879 1952 brings to life the tumultuous history of colonial interventions in Islamic legal consciousness during the nineteenth and early twentieth centuries It tells the story of the rapid displacement of local Egyptian and Islamic law by transplanted European codes and details the evolution of resultant movements to revive Islamic law Islamic legal revivalist movements strove to develop a modern version of Islamic law that could be codified and would replace newly imposed European laws Wood explains in unparalleled depth and with nuance how cutting edge trends in European legal scholarship inspired influential revivalists and informed their methods in legal thought Timely and provocative Islamic Legal Revival tells of the rich achievements of legal experts in Egypt who disrupted tradition in Islamic jurisprudence and created new approaches to Islamic law that were distinctively responsive to demands of the contemporary world The story told bears important implications for understandings of Egyptian history Islamic legal history comparative law and deeply contested and highly transformative interactions between European and Islamic thought

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