

Rules and Rights in the Middle East

Democracy, Law, and Society



Edited by Julia Christensen,
Hassan Kassarjian, and Joel S. Migdal

Rules And Rights In The Middle East

Chibli Mallat



Rules And Rights In The Middle East:

Rules and Rights in the Middle East Ellis Goldberg, Reşat Kasaba, Joel S. Migdal, 1993 As a whole the book demonstrates that neither the region's overgrown state structures nor the corresponding weakness of autonomous societal organizations can be explained by referring to cultural characteristics of the people in the Middle East or to the precepts of their religions. True explanations the authors argue should be framed historically. They pay special attention to the relations among the various groups and regions of the Middle East and to those between the Middle East and western Europe. The authors emphasize the important role played by economic issues and constraints in broadening or narrowing the scope of democracy at various points in time and finally they are in agreement in seeing religion and culture of the Middle East not in static and essentialist terms but as dynamic phenomena that grow independently and even in opposition to existing political authorities.

BOOK JACKET **Introduction to Middle Eastern Law** Chibli Mallat, 2007-07-12 This book provides an introduction to

the laws of the Middle East defining the contours of a field of study that deserves to be called Middle Eastern law. It introduces Middle Eastern law as a reflection of legal styles many of which are shared by Islamic law and the laws of Christian and Jewish Near Eastern communities. It offers a detailed survey of the foundations of Middle Eastern Law using court archives and an array of legal sources from the earliest records of Hammurabi to the massive compendia of law in the Islamic classical age through to the latest decisions of Middle Eastern high courts. It focuses on the way legislators and courts conceive of law and apply it in the Middle East. It builds on the author's extensive legal practice with the aim of introducing the Middle Eastern law's main sources and concepts in a manner accessible to non-specialist legal scholars and practitioners alike. The book begins with an exploration of the depth and variety of Middle Eastern law introducing the concepts of shari'a and qanun which all mean law and dwelling on Islamic law as the common law of the Middle East. It provides a historical introduction to the contemporary Middle East exploring political systems constitutional law judicial review the laws of tort and obligations commercial law including Islamic banking company law capital markets and commercial arbitration and examines legislative reform in family law and the position of women in the legal system. The author considers the interaction between Islamic and Western laws and includes a bibliography designed for further research into the jurisdictions and themes explored throughout the book.

Property, Social Structure, and Law in the Modern Middle East Ann

Elizabeth Mayer, 1985-01-01 For too long the study of law and society in the modern Middle East has been left to specialists in narrow subcategories of law or the social sciences. *Property Social Structure and Law in the Modern Middle East* lays the groundwork for a new field of scholarship in which analysis of the social dimensions of law and the legal dimensions of social structure are integrated. It offers the stimulus of a variety of new models of scholarship by a distinguished international group of contributors whose work shares a common focus on regimes of property in the societies of the modern Middle East. The case studies examine the regulations of many kinds of property in relation to the social structures of selected Middle Eastern

communities from the eighteenth century to the present. Most of the societies studied are subjected to pressures for rapid modernization and adjustment to major economic transformations. The book features comparisons of property rights and relations under regimes of Islamic and customary law as well as modern statutory law. Highlighted are new patterns of intervention by modern Middle Eastern states to alter traditional regimes of property and to transform the accompanying social structures. Their implications for development are also considered. The book's notes and bibliographies constitute a valuable resource for anyone interested in further research.

Constitutional Politics in the Middle East Said Amir Arjomand, 2008-01-17. This book is the first comparative and interdisciplinary study of constitutional politics and constitution making in the Middle East. The historical background and setting are fully explored in two substantial essays by Linda Darling and Said Amir Arjomand placing the contemporary experience in the contexts respectively of the ancient Middle Eastern legal and political tradition and of the nineteenth and twentieth century legal codification and political modernization. These are followed by Ann Mayer's general analysis of the treatment of human rights in relation to Islam in Middle Eastern constitutions and Nathan Brown's comparative scrutiny of the process of constitution making in Iran, Afghanistan and Iraq with reference to the available constitutional theories which are shown to throw little or no light on it. The remaining essays are country by country case studies of Turkey, Afghanistan and Iraq, the case of Iran having been covered by Arjomand as the special point of reference. Mehmet Fevzi Bilgin examines the making and subsequent transformation of the Turkish Constitution of 1982 against current theories of constitutional and deliberative democracy while Hootan Shambayati examines the institutional mechanism for protecting the ideological foundations of the Turkish Republic, most notably the Turkish Constitutional Court which offers a surprising parallel to the Iranian Council of Guardians. Arjomand's introduction brings together the bumpy experience of the Middle East along the long road to political reconstruction through constitution making and constitutional reform, drawing some general analytical lessons from it and showing the consequences of the origins of the constitutions of Turkey and Iran in revolutions and of Afghanistan and Iraq in war and foreign invasion.

Land Law in Middle Eastern Countries Oleg Igorevich Krassov, 2022. The monograph focuses on the basic features of the legal systems of the Middle Eastern countries: land law in force in these countries, Islamic land and water law, Bedouin tribal land ownership, customary water rights. The monograph contains a description of the regime of property and land in Jewish law. The author analyzes the current state of land law in the Middle Eastern countries including title to land, title to other natural resources, types of rights to land, correlation of formal law and conventional land tenure systems. For students, graduate students and teachers of law schools, employees of legislative, executive and judicial authorities as well as for all those interested in issues of land, civil law and comparative jurisprudence.

Law and Islam in the Middle East Daisy Hilse Dwyer, 1990-09-18. Islamic law is the epitome of Islamic thought, the most typical manifestation of the Islamic way of life, the core and kernel of Islam itself, asserts Joseph Schacht, the internationally renowned Islamic law scholar. Indeed, the primary

place of law in Islam as well as the preponderance of the legal over the theological in Muslim thinking has long been recognized by both Muslim jurisprudents and by Western legal scholars At a time when Islamic fundamentalism is flourishing the relation of religion in and to law related behavior needs to be scrutinized In its eight chapters contributed by various experts in the field and with a cogent introduction by editor Daisy Hilse Dwyer that focuses on the sources of law the reasons for its centrality in the Middle East and personal status law this volume considers Middle Eastern law as practiced by Muslims in a diversity of Middle Eastern nations The dynamics of dispute settlement the interaction of court personnel with litigants the content of legislation and the promulgation of public policies about law are detailed here as well as the power dynamics of law s interpersonal intergroup and international sides Focusing on the specifics of contemporary politics and social life the volume provides a baseline for understanding how and the degree to which the legal principles and the legal ethos elaborated in Islam centuries ago continue to provide a vital dynamic in legal behavior and thinking today The first five chapters deal with the on the ground intricacies of personal status law They detail the complex blend of options and constraints that Middle Easterners experience in confronting personal status issues and examine the different approaches to these issues by contrasting regional environments and differentially empowered social groups The last three chapters assess law in the public domain an area in which the most striking recent applications of Islamic law have occurred Law and Islam in the Middle East will be of particular value to international law experts students of Islam comparative law and the Middle East as well as practicing social scientists and others who seek a practical and philosophical understanding of how the spirit and letter of Islamic law constitute and reconstitute themselves with a fine tuned responsiveness to a continuously changing nation and world

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

The Middle Eastern States and the Law of the Sea Ali A. Hakim, 1979 *Women's Roles in the Middle East and North Africa* Ruth Margolies Beitler, Angelica R. Martinez, 2010-04-09 This concise content rich volume provides an overview of women s roles in the Middle East and North Africa from the advent of Islam to the present Recent research shows that women in the Middle East and North Africa have played much larger roles in society than previously acknowledged Women s Roles in the Middle East and North Africa explores these roles from both historical and contemporary perspectives

describing and analyzing the lives of women in the regions from the advent of Islam through contemporary times The book begins with an introduction that examines the pre Islamic Middle East and North Africa The balance of the chapters are organized thematically and provide detailed country studies for 19 nations Chapters discuss work law religion family politics and culture exploring the changes women have undergone over a period of roughly 1 500 years **A Comparative Historical and Typological Approach to the Middle Eastern State System** Lars Mjøset,Nils Butenschøn,Kristian Berg Harpviken,2024-04-19 Showcasing the legacy of Norwegian political scientist and sociologist Stein Rokkan this volume ushers in a new vision in the field of state formation and nation building

This book delves into Rules And Rights In The Middle East. Rules And Rights In The Middle East is a vital topic that needs to be grasped by everyone, ranging from students and scholars to the general public. The book will furnish comprehensive and in-depth insights into Rules And Rights In The Middle East, encompassing both the fundamentals and more intricate discussions.

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 - Chapter 1: Introduction to Rules And Rights In The Middle East
 - Chapter 2: Essential Elements of Rules And Rights In The Middle East
 - Chapter 3: Rules And Rights In The Middle East in Everyday Life
 - Chapter 4: Rules And Rights In The Middle East in Specific Contexts
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6. In chapter 5, this book will draw a conclusion about Rules And Rights In The Middle East. This chapter will summarize the key points that have been discussed throughout the book.

This book is crafted in an easy-to-understand language and is complemented by engaging illustrations. This book is highly recommended for anyone seeking to gain a comprehensive understanding of Rules And Rights In The Middle East.

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Table of Contents Rules And Rights In The Middle East

1. Understanding the eBook Rules And Rights In The Middle East
 - The Rise of Digital Reading Rules And Rights In The Middle East
 - Advantages of eBooks Over Traditional Books
2. Identifying Rules And Rights In The Middle East
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Rules And Rights In The Middle East
 - User-Friendly Interface
4. Exploring eBook Recommendations from Rules And Rights In The Middle East
 - Personalized Recommendations
 - Rules And Rights In The Middle East User Reviews and Ratings
 - Rules And Rights In The Middle East and Bestseller Lists
5. Accessing Rules And Rights In The Middle East Free and Paid eBooks
 - Rules And Rights In The Middle East Public Domain eBooks
 - Rules And Rights In The Middle East eBook Subscription Services
 - Rules And Rights In The Middle East Budget-Friendly Options
6. Navigating Rules And Rights In The Middle East eBook Formats
 - ePub, PDF, MOBI, and More
 - Rules And Rights In The Middle East Compatibility with Devices
 - Rules And Rights In The Middle East Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Rules And Rights In The Middle East
 - Highlighting and Note-Taking Rules And Rights In The Middle East
 - Interactive Elements Rules And Rights In The Middle East

8. Staying Engaged with Rules And Rights In The Middle East
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Rules And Rights In The Middle East
9. Balancing eBooks and Physical Books Rules And Rights In The Middle East
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Rules And Rights In The Middle East
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Rules And Rights In The Middle East
 - Setting Reading Goals Rules And Rights In The Middle East
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Rules And Rights In The Middle East
 - Fact-Checking eBook Content of Rules And Rights In The Middle East
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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