

Rules and Rights in the Middle East

Democracy, Law, and Society



*Edited by Ellis Goldberg,
Reşat Kasaba, 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, fiqh 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

Islam and Human Rights Ann Elizabeth Mayer,2018-04-19 Islam and Human Rights is a probing examination of how the Islamic tradition has been exploited for political ends by regimes and institutions seeking to legitimize policies inimical to human rights Ann Elizabeth Mayer critically appraises Islamic human rights schemes that dilute the human rights afforded by international law comparing them with the complex Islamic legal heritage and international human rights law Challenging stereotypes about a supposedly monolithic Islam inherently incompatible with human rights Mayer dissects the political motives behind the selective deployment of elements of the Islamic tradition by conservative forces seeking to delegitimize demands for democracy and human rights The fifth edition provides an updated consideration of government policies on Islam and human rights activism and how they are affecting developments in several Middle Eastern countries and features a new chapter on the resistance of human rights for sexual minorities by the Organization of Islamic Cooperation OIC project to co opt international human rights law to criminalize defamation of Islam occurring in the West The new edition also analyzes the other most recent and important issues of the region including The burgeoning pressures in the Middle East for human rights leading up to the Arab Spring The ambitious campaign of the OIC to influence the UN human rights system by forging alliances with non Muslim states hostile to human rights The concerted efforts by this cross cultural alliance to subvert international human rights law under pretenses of supporting human rights The intensifying controversies over issues of sexual orientation and gender identity in the Middle East The Danish Cartoons controversy and the OIC project to co opt international human rights law to criminalize defamation of Islam occurring in the West

The Middle East Ellen Lust,2023-02-01 In the The Middle East Sixteenth Edition Ellen Lust brings important new coverage to this comprehensive balanced and superbly researched text In clear prose Lust and her outstanding contributors explain the landscape of this changing region by examining both regional trends and individual countries The Sixteenth Edition adds a chapter on Sudan and other country chapters have been streamlined and fully updated to reflect domestic regional and international changes of the past three years This best selling text offers a wealth of information to help readers not only comprehend more fully the world around them but also recognize and formulate policies that can more successfully engage the vitally important Middle East

Instability in the Middle East Karel Černý,2017-07-01 Middle Eastern instability is manifest externally in

many ways by crises afflicting governing regimes the rise of political Islam terrorism revolution civil war increased migration and the collapse of many states This book examines the roots of this instability using a theoretically original and empirically supported historical sociological comparative analysis Up till now interpretations of the development of the post colonial Middle East have been dominated by two opposing theses The first views the region as backward unchanging and rigid the second as undergoing excessively rapid transformation This book offers an alternative perspective focusing on the highly uneven and unsynchronised pace of change in individual dimensions of Middle Eastern modernisation What we are seeing is

- 1 rapid socio demographic change a sharp increase in the population and the proportion of young people rapid urbanisation and the expansion of the media and education
- 2 slower and unstable economic change dependency on oil exports high unemployment and
- 3 slow or regressive political change erosion of the capacity to govern the absence of democratisation and liberalisation

The theoretical model employed emerged from a critical reading of theories of modernisation and a concept of multiple modernities that also allows for an interrogation of the broader cultural religious and international political context of uneven modernisation in the Middle East This model is then tested empirically using the time series 1960 2010 of dozens of indicators covering the demographic social economic and political dimensions of the modernisation process In general the book does not concentrate on externally monitorable political actors and their rivalries as so often is the case Instead it focuses on the political rivalries of deep long term cumulative demographic social and economic change taking place beneath the surface It looks at changes that are not simply taking place in individual countries of the Middle East but since the end of the Second World War have affected the entire region and are responsible for the emergence of a Middle East completely different to that to which we were accustomed for many decades

Beiträge Zum Islamischen Recht VII Gesellschaft für Arabisches und Islamisches Recht. Jahrestagung, 2010 Dieser von der Gesellschaft für Arabisches und Islamisches Recht GAIR veröffentlichte und von Hatem Elliesie herausgegebene dreisprachige Band basiert auf einer in Kooperation mit dem Deutschen Institut für Menschenrechte 2007 in Berlin veranstalteten Tagung anlässlich des 10 jährigen Jubiläums der GAIR Thematisch widmet sich der Band dem Thema Islam und Menschenrechte wozu Wissenschaftler und Praktiker aus den unterschiedlichsten Fachgebieten und Ländern beigetragen haben This trilingual volume published by the Gesellschaft für Arabisches und Islamisches Recht GAIR and edited by Hatem Elliesie is based on a conference on the occasion of its 10th Annual Anniversary 2007 in Berlin carried out in cooperation with the German Institute for Human Rights The publication addresses the issue of Islam and Human Rights to which academics and practitioners of various areas of expertise and countries have contributed

China's Changing Role in the Middle East Chuchu Zhang, 2025-03-04 This book considers China's recent engagement in the Middle East to what extent its approach has fundamentally changed and how this role change has been received by regional and other actors Based on content analysis qualitative interviews and archival records analysis the author examines the evolution of Beijing's involvement in the region Analysis of first hand and full sample data

contributes to the role theory literature and has important policy implications as it points out the main difference between established powers such as the United States and EU and rising extra regional powers and sheds light on what China's growing economic political and strategic clout means for the geopolitical landscape of the Middle East This text will be of interest to scholars and students of politics international relations China's foreign policy and Middle Eastern and North African studies along with journalists researchers of think tanks analysts of investment banks and transnational enterprises and policymakers

Gender and Citizenship in the Middle East Suad Joseph, 2000-11-01 The essays in this work illustrate the various ways in which women in the Middle East fall short of being vested with the rights and privileges that would define them as fully enfranchised citizens They offer an examination of national legislation on personal status penal law and labour

Yearbook Islamic Middle Eastern Eugene Cotran, Chibli Mallat, 1996-02-14 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

Arab and Middle Eastern Sport Adam Ehsan Ali, Umer Hussain, 2025-09-11 This timely edited collection responds to an ongoing need for a critical Muslim studies approach to sport and physical cultures in the Arab World the Middle East and North Africa illuminating and legitimizing the sporting knowledge and experiences of those from physical cultures in these regions

Psychosocial Impact of Polygamy in the Middle East Alean Al-Krenawi, 2013-11-19 Psychosocial Impact of Polygamy in the Middle East is the first to deal with polygamy in the Middle East in a comprehensive way This book fills a gap in the literature by addressing the question of the psychosocial impact of polygamy on all members of polygamous families by offering a new way of examining family structure such as father mother father children mother children relationships and the relationships between offspring from different mothers It introduces a model for intervention with polygamous families for scholars and practitioners This book also explores Islam's role in polygamy as well as the social and economic consequences of the phenomena

Women's Rights in the Middle East and North Africa Sanja Kelly, Julia Breslin, 2010-07-16 Freedom House's innovative publication Women's Rights in the Middle East and North Africa Progress Amid Resistance analyzes the status of women in the region with a special focus on the gains and setbacks for women's rights since the first edition was released in 2005 The study presents a comparative evaluation of conditions for women in 17 countries and one territory Algeria Bahrain Egypt Iran Iraq Jordan Kuwait Lebanon Libya Morocco Oman Palestine Palestinian Authority and Israeli Occupied Territories Qatar Saudi Arabia Syria Tunisia United Arab Emirates and Yemen The publication identifies the causes and consequences of gender inequality in the Middle East and provides concrete recommendations for national and

international policymakers and implementers Freedom House is an independent nongovernmental organization that supports democratic change monitors freedom and advocates for democracy and human rights The project has been embraced as a resource not only by international players like the United Nations and the World Bank but also by regional women s rights organizations individual activists scholars and governments worldwide Women s rights in each country are assessed in five key areas 1 Nondiscrimination and Access to Justice 2 Autonomy Security and Freedom of the Person 3 Economic Rights and Equal Opportunity 4 Political Rights and Civic Voice and 5 Social and Cultural Rights The methodology is based on the Universal Declaration of Human Rights and the study results are presented through a set of numerical scores and analytical narrative reports

Reviewing **Rules And Rights In The Middle East**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is truly astonishing. Within the pages of "**Rules And Rights In The Middle East**," an enthralling opus penned by a very acclaimed wordsmith, readers set about an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve in to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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Rules And Rights In The Middle East Introduction

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