Introduction to Egyptian and Islamic Law (POLS 4375):

Dr. Nesrine Badawi  
Email: nbadawi@aucegypt.edu  
Office Hours: UW: 1:00-2:00 (But you need to book an appointment 24 hours in advance)

Course Description:

This course offers an overview of the Egyptian legal system. It traces historical development of the Egyptian legal order in modern times and examines the different legal systems and socio-political factors that helped shape the legal system. For example, it looks at the role played by sharī’a in pre-colonial and post-colonial Egypt and assesses the different theoretical positions about the prominence/absence of sharī’a from the current legal framework. It also examines the role of colonialism and the influence of European legal regimes on the so-called ‘secularisation’ of the Egyptian legal system.

Additionally, the course also addresses the relationship between law and politics in Egyptian society. It offers special emphasis on the development of Egyptian constitutional law and offers analysis of recent developments in this area, but also examines other areas of law such as criminal law, civil law, labour law and personal status law. In examining these different areas of law, the course attempts to critically examine the role played by the legal framework in shaping and reiterating existing social structures through examination of gender, socio-economic structures, the rights of religious minorities…etc.

Assignments:

- Midterm: 25% (16/03/2015)
- Reaction Papers: 20%

Each student is expected to submit 5 reaction papers. Reaction papers are analytical/critical thoughts on the set of readings assigned to a particular session. You have freedom in the choice of the sessions you wish to comment on. Papers should be 1000 words each and must be submitted before the session starts.

Reaction Papers must be submitted both in print and by email before their due time. There are no excuses for failing to submit the required number of reaction papers by the end of the semester (including sickness, car accidents and any other reasons).
- **Participation**: 10%. University Attendance policy applies, but if you do not attend, you will not get any participation grades. However, attending does not guarantee any of the 10% allocated for participation. The primary benchmark will be your participation in class.

  Participation Criteria:
  - Digestion of the reading material
  - Critical Engagement with the reading material
  - Critical Engagement with comments made by the instructor and your colleagues.
  - Positive and Respectful Demeanor.

  If you do not participate in class, expect to get ZERO in the participation grade.

- Research Project: 15%
  
  Due: May 4th, 2016. No excuse for late submission.

- **Final**: 30%.

**Grading Policy**

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<thead>
<tr>
<th>Grade</th>
<th>Percentage</th>
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<tr>
<td>A</td>
<td>93-100</td>
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<tr>
<td>B+</td>
<td>87-89</td>
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<tr>
<td>C+</td>
<td>77-79</td>
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<tr>
<td>D+</td>
<td>63-67</td>
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<tr>
<td>F</td>
<td>&lt;50</td>
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<tr>
<td>A-</td>
<td>90-92</td>
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<tr>
<td>B</td>
<td>83-86</td>
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<tr>
<td>C</td>
<td>70-76</td>
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<td>D</td>
<td>50-62</td>
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<tr>
<td>B-</td>
<td>80-82</td>
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<tr>
<td>C-</td>
<td>67-70</td>
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**Behaviour:**

Students are expected to abide by the *Student Academic Conduct Code* and assist in creating an environment that is conducive to learning and that protects the rights of all members of the University community. Incivility and disruptive behaviour will not be tolerated, will certainly lead to a low participation grade, if not a fail, and may result in a request to leave class and referral to the Office of Student Affairs for discipline.

**Plagiarism/Cheating:**

Plagiarism and cheating of any kind will not be tolerated. Any assignment which shows evidence of either will receive an immediate fail. See the University guidelines for more details: [http://www.aucegypt.edu/academics/integrity/Students/Pages/default.aspx](http://www.aucegypt.edu/academics/integrity/Students/Pages/default.aspx)

**Primary Textbook:**


**N.B.** The schedule of classes may change in the course of the semester (some classes may have to be cancelled or rescheduled), and reading assignments may be either changed, edited or moved from one week to another week. Announcements to that effect will be made in class a week in advance. Students are assumed to attend and therefore be informed of such changes. In addition, students are assumed to read their e-mail messages regularly, to be informed of possible last-minute cancellations due to unforeseen circumstances.
<table>
<thead>
<tr>
<th>Sessions:</th>
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<tbody>
<tr>
<td><strong>Session 1 (31/01/2016): Introduction to the course</strong></td>
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<tr>
<td><strong>Session 2 (03/02/2016): Introduction to Shari’a</strong></td>
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<tr>
<td><strong>Session 3 (07/02/2016): Introduction to Shari’a II</strong></td>
</tr>
<tr>
<td><strong>Session 4 (10/02/2016): Sunni Schools of Jurisprudence</strong></td>
</tr>
<tr>
<td>Melchert, Christopher, <em>The Formation of Sunni Schools of Law</em>, 9th-10th Centuries C.E., Brill: 1999. Read Chapter Two and Conclusion</td>
</tr>
<tr>
<td><strong>Session 5 (14/02/2016): Modern Islamic Legal Approaches</strong></td>
</tr>
<tr>
<td>Layish, Aharon ‘Transformation of shari`a from jurists’ law to statutory law in the contemporary Muslim world,’ 44 (1) <em>Die Welt des Islams</em> (2004). Skip references to countries other than Egypt.</td>
</tr>
<tr>
<td><strong>Session 6 (17/02/2016): Modernization of the Egyptian Legal System</strong></td>
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<tr>
<td>Egypt and Its Laws: Introduction</td>
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<tr>
<td><strong>Session 7 (21/02/2016): Modernization of the Egyptian Legal System II</strong></td>
</tr>
<tr>
<td><strong>Session 8 (24/02/2015): Modernization of the Egyptian Legal System II</strong></td>
</tr>
</tbody>
</table>
- Shalakany, Amr, ‘Between Identity and Redistribution: Sanhuri, Genealogy and the Will to Islamise’, Islamic Law and Society, Vol. 8, No. 2 (2001), pp. 201-244
- Civil Law, in Egypt and its Laws

**Session 9 (28/02/2016): Modern Egyptian Law**


**Session 10 (02/03/2016): Constitutional Law**

- Egypt and its Laws: Chapter 16 & 17.
- 1971 Constitution

**Session 11 (06/03/2016): Egyptian Constitutional History**


**Session 12 (09/03/2016): Islamic Law and the Constitution**


**Session 13 (13/03/2016): Comparing the last three Egyptian Constitutions**

- Reading TBA
Session 14 (16/03/2016): Midterm

Session 15 (20/03/2016): Marriage in Classical Jurisprudence


Session 16 (23/03/2016): Divorce in Classical Jurisprudence


Session 17 (30/03/2016): Personal Status Law I


Session 18 (03/04/2016): Personal Status Law II


Session 19 (06/04/2016): Personal Status Law for non-Muslims


Session 20 (10/04/2016): Criminal Law in Islamic Jurisprudence


**Session 21 (13/04/2016): Egyptian Criminal Law I**

• Egypt and its Laws, Chapter 3.

**Session 22 (17/04/2016): Egyptian Criminal Law II**


**Session 23 (20/04/2016): Exceptional Justice Systems in Egypt/Freedom of Assembly**

• Egypt and its Laws, Chapter 19.
• Further Readings TBA.

**Session 24 (04/05/2016): Treatment of Non-Muslims under Islamic Law**

• Selected readings from the jurisprudence on Jihad

**Session 25 (08/05/2016): Religious Minorities in Egypt**


**Session 26 (11/05/2016): Public International law in Egypt**

• Readings TBA

**Session 27 (15/05/2016): Administrative law**

• Readings TBA

**Session 28 (18/05/2016): Anti-terror laws**