PREFACE

For a number of reasons, social, historical, political or legal, a new Egyptian law has progressively taken form over the last two centuries, a law clearly resembling in its characteristics its counterparts in the civil-law tradition. Although the adoption in the last quarter of the nineteenth century of legal codes and judicial institutions inspired by the French model is generally recalled, it must nevertheless be underscored that in nearly two centuries Egypt has developed its own legal system. Reception of foreign law did not entail a mere coexistence of different legal system but gave rise to the creation of a new local legal system. Prestigious jurists, such as Sanhoury, have made brilliant contributions to the construction of a law endeavouring to give thought to the multiplicity of heritages and specificities of the country. It is, moreover, to the vigour of this Egyptian law, its institutions and its representatives, that one owes the wide diffusion of the civil law legal model in the countries of the Middle-Eastern region.

One is therefore justified in speaking of Egyptian law, without disregarding the numerous exchanges which have governed its constitution, quite on the contrary. Egyptian law is certainly the result of continuous contacts between generations of jurists, and it is probably therein that its wealth is to be found. It is also, of course, the product of its history and the changes in Egyptian society. But Egyptian law – legislation and case-law together – is nevertheless in its different branches a law for itself, original and distinct from its sources of inspiration. Whence, the interest in becoming acquainted with it. However, it is difficult to approach because of the absence of works treating of it in a manner which is both detailed and embracing. It is no longer written in French; Western research deals only sparingly with it, and Arab legal literature, however abundant it may be, nevertheless remains dispersed and difficult of access.

The need was thus felt to provide a work which would attempt to explore the entire domain of the law in Egypt in a both complete and integral manner, addressing the layman as well as the jurist in search of a key with which to enter the complexity of Egyptian law and its institutions. This book is the result of a project which aimed at filling this lacuna. Moreover, as it is a question of Egyptian law, the word has been given to Egyptian jurists, to those who, because they have been educated in this law and practice it while contributing to its construction and transformation, have an intimate knowledge of it.

Compiling contributions from some twenty Egyptian specialists, professors, practitioners and magistrates, the chapters of this book reveal, on the one hand, the history, sources and main provisions applicable in each of the large branches of law and, on the other hand, the organization and powers of each order of jurisdiction. As often as possible, this presentation has been accompanied by references to judicial decisions which have applied these provisions. These contributions are preceded by an introduction which undertakes to succinctly present a historical, legal and sociological setting for the
general organization of the system. To this is added an index enabling of a cross-reading, a bilingual glossary introducing the vocabulary of contemporary Egyptian law and tables which recapitulate the legislation and judicial decisions cited in the different chapters.

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