## The Sharī<sup>c</sup>a in the Constitutions of Afghanistan, Iran and Egypt – Implications for Private Law

edited by
Nadjma Yassari

Mohr Siebeck

## **Table of Contents**

Abbreviations
Contributors
Part I: Sharī <sup>c</sup> a in Afghanistan
Jürgen Basedow Introduction
Mohammad Hamid Saboory The Progress of Constitutionalism in Afghanistan
Mohammad Hashem Kamali Islam and its Sharī <sup>c</sup> a in the Afghan Constitution 2004 with Special Reference to Personal Law
Nadjma Yassari Legal Pluralism and Family Law: An Assessment of the Current Situation in Afghanistan
Ali Wardak Building a Post-War Justice System in Afghanistan
Irene Schneider The Position of Women in the Islamic and Afghan Judiciary83
Bashir Munib  Law of Land Tenure and Transfer of Property in Times of War103
Part II: The Iranian Model
Elaheh Kolaei Afghan and Iranian Women: Sharing Experiences
Mohammad Rasekh Are Islamism and Republicanism Compatible? A Theory of the Unchangeable Principles of the Constitution of the Islamic Republic of Iran

Behrooz Ai Iranian Co	khlaghi mmercial law and the New Investment Law FIPPA	123
<i>Nahid Shia</i> Selected A	l spects of Iranian Family Law	141
Part III: Tł	ne Egyptian Way	153
Adel Omar Constitutio	Sherifons of Arab Countries and the Position of the Sharīca	155
Baudouin I A Return t	Dupret o the Sharī <sup>c</sup> a? Egyptian Judges and the Reference to Islam	161
Part IV: Co	oncluding Remarks	179
Martin Ha Summary a	ars and Concluding Remarks	181
Bibliograp	hy	195
Participant	ts in the Conference	203
Appendice	s	207
Annex A:	The Afghan Constitution 1964 (Dari/English)	209
Annex B:	The Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions	261
Annex C:	The Afghan Constitution 2004 (Dari/English)	
Annex D:	Excerpts of the Iranian Constitution 1979 as amended 1989 (Farsi/English)	
Annex E:	Foreign Investment Promotion and Protection Act 2002 FIPPA (Farsi/English)	343

Translation of the contributions in Dari