The Lebanese Legal System

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Introduction

Lebanon was established in its present borders in 1920, in the wake of World War I and the collapse of the Ottoman Empire. It acquired the main elements of its judicial and legal systems under the French mandate (1920-1943), and has retained most of them to date. The system is dominated legally by the centrality of codes, following the pattern of the so-called "civil law family," as opposed to common law as in the United Kingdom and the United States.

The Lebanese equivalent of the French Civil Code is the Code of Obligations and Contracts of 1932, and there are similar pieces of comprehensive legislation in such fields as civil and criminal procedure, commercial and criminal law.

Other areas are also codified, notably land law, where the statutes are less comprehensive. As in France, a special area of administrative law involves most rules dealing with the administration as *puissance* or *pouvoir public,* and is developed by a separate system of tribunals known as administrative tribunals. Hence, there are two judicial systems in the hierarchy of courts: the civil (*'adli*) system, which includes criminal, commercial, and civil courts, and which is crowned by the Court of Cassation; and the much smaller but important administrative system, at the core of which sits the *Conseil d'Etat* (*majlis al-shura*).

There is generally a separate jurisdictional system for family law. Areas which are considered matters of 'personal status' are regulated by different codes and fall under religious jurisdictions. Jurisdictional conflicts within the system of personal status courts are generally decided by the Court of Cassation, the higher civil court, as is the system of review on points of law for all civil and criminal cases.

Alongside these courts is the military judicial system, which was traditionally confined to matters involving military personnel in the call of duty. Military tribunals must, in theory, deal with cases involving the armed forces.

Thus, for a long time Lebanon had a fragmented system of courts which presided over a local version of the rule of law, with an attention to due process which all but disappeared in neighboring Arab countries. In comparison to many Arab states, Lebanon even succeeded in outshining Egypt, where law and the legal professions had, until the military take-over of 1952, been a paragon for most of the Arab world.

When the Lebanese war started in 1975, the judicial system was the first victim of the collapse of law and order. Under the reign of the militias judges and lawyers were humiliated. Paradoxically, the entire period of the war saw Lebanese citizens expressing unanimous attachment to the concept of 'legitimacy' (*al-shar'iyya*) and the rule of law. While this legitimacy has been slowly reasserted since 1990, it did also emerge intermittently during the war in periods when fighting was briefly interrupted.

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In the ill-fated period of peace lasting from October 1982 to June 1983, the search for legitimacy, and the concomitant effort of the judiciary to catch up with changes in society, resulted in the rapid redrafting and passing of numerous "decree-laws." Several of Lebanon's central codes – notably in civil and criminal law – date from that period. The rest must be assessed against a longer period of time, with particular attention given to the crucial postwar period after 1991.

Following the long war (1975-1990) in Lebanon, major constitutional revisions adopted at Ta'if ushered in a period of stability. Ta'if represented the first important revision of the constitution since independence in 1943. As regards the judiciary, the most remarkable change brought about at Ta'if was the creation of a Constitutional Council (*al-majlis al-dusturi*).[1] The hankering for 'legitimacy' in the dark days of the war had given way to a thirst, at all levels of society, for proper implementation of the rule of law under the general umbrella of the constitution. The search for constitutional legitimacy became an increasingly central concern for the Lebanese.

1. See below.

The legal system in theory

The diagram at the end of the article offers a general sketch of the legal system as it stands today.[2] As mentioned earlier, the judiciary is generally divided, in the French fashion, into a main civil court system, known in Arabic as *qada' 'adli* (judicial jurisdiction), and administrative (*idari*) courts, which generally involve the state or its branches as a full party. Criminal courts are part of the *'adli* jurisdiction. There is only one degree in administrative jurisdiction, with a *Conseil d'Etat* comprised of six chambers. Some administrative tribunals deal with narrowly-defined matters such as taxation. Summer recess is enjoyed by the judiciary from mid-July to the end of September, but some courts continue to sit according to a publicized schedule.

2. See Appendix I.

The civil jurisdiction takes the form of a pyramid as follows:

Depending on the pecuniary importance of a case, first-degree courts consist either of one judge or of a bench of three judges. There are five chambers in Beirut plus one or more chambers in each of the five *muhafazats*, or governorates. There are two or more appellate chambers in the Court of Appeal (*mahkamat isti'naf*) in each *muhafaza*.

One Court of Cassation (*mahkamat al-tamyiz*), composed of eight chambers, sits in Beirut. The Court of Cassation is the highest court for all civil cases, 'civil' being understood *lato sensu* to include criminal and commercial law, and some personal status matters for the non-Muslim communities in Lebanon. In rare cases of jurisdictional uncertainty or conflict between administrative and civil jurisdictions, a tribunal of conflicts composed of judges from the Court of Cassation and from the *Conseil d'Etat* solves the issue of competence. The Court of Cassation also provides the judges for a newly-activated court known as the Judicial Council (*al-majlis al-'adli*), which operates as an original and final jurisdiction for especially sensitive criminal offenses of a political nature. Four trials of the head of the dissolved Lebanese Forces party, Samir Geagea, were conducted by the Judicial Council.

Criminal expertise is otherwise included under 'civil' jurisdiction in special chambers which deal with crimes (*jinayat*). The state is represented by the public prosecutor's office (*niyaba 'amma*), together with investigative judges (*qudat tahqiq*). There is no jury system in Lebanon.

Special tribunals include military courts (of First Instance and Cassation), labor tribunals, and personal status courts for matters of family law, which are the prerogative of each of Lebanon's recognized religious communities. For the Muslim communities – including the 'Alawi community, which was recognized after Ta'if – these tribunals deal with questions of marriage, divorce, custody, and inheritance and wills.

For non-Muslims, personal status jurisdiction is split: the law of inheritance and wills falls under national civil jurisdiction, while Christian and Jewish religious courts are competent for marriage, divorce, and custody. All these courts have more than one degree, and Catholic communities enjoy a special and unusual extra-territorial right of appeal before the Vatican Rota court.

Although they are not binding, some opinions of the heads of Sunni and Shi'a Muslim communities are issued by the *Mufti* of the Republic (*mufti al-jumhuriyya*), who is Sunni, and the Ja'fari Mufti (*al-mufti al-ja'fari*), who is Shi'a. Both are official government appointees. The equally elaborate structure of the other religious communities is decided internally.

A superior judicial council (*majlis al-qada' al-a'la*) is presided over by the first president of the Court of Cassation, and is responsible for the smooth internal functioning of the judiciary. It does not include administrative judges.

In 1993 a Constitutional Council was established to look, upon the request of a specified number of officials, into the constitutionality of legislation, as well as into challenges against the results of parliamentary and presidential elections. The council has ten members, half elected by parliament and half appointed by the government. The members elect a president and vice-president. The council's competence is defined in the constitution: constitutional challenges are restricted to a small number of officials, including the president, the prime minister, and the speaker of parliament, or to at least ten deputies – as well as, exceptionally for matters regarding personal status law, the heads of the religious communities. To date all challenges to the constitutionality of laws have been lodged by deputies, who must introduce their plea within a few days from the entry of a given law into force.

The first decision of the Constitutional Council was rendered in February 1995, but the Council became a central focus of concern on two major occasions: when the electoral law regulating the 1996 parliamentary elections was challenged; and when the council's president resigned in April 1997 over the handling of appeals pending before the council presented by losing candidates challenging the results of the 1996 elections.

Legal professions

How does one join the legal professions in Lebanon? The three main branches of the legal profession are the notary public (*kateb al-'adl*), the lawyer (*muhami*), and the judge (*qadi*). All three must have completed a four-year degree of law (*ijaza*, or French *licence*) in one of the recognized law schools in Lebanon.

A typical law degree will include mainstream law courses during the three first years – constitutional law, procedure, personal status law, civil law, administrative law, etc. – and a specialization in either a civil or a public branch during the fourth year. Civil, commercial, and administrative law are generally taught for more than one year.

The main law schools include the Lebanese University, which has several branches throughout Lebanon, the Arab University in Beirut, and the Université Saint Joseph, where teaching is in both Arabic and French. French legal tradition still influences Lebanese lawyers and judges: while court decisions and pleas are now invariably in Arabic, references to French decisions and authorities are still common.

The notary public processes official papers and registration, wills, legal summons, and commercial books. A competitive exam is organized, and the profession is limited to some 50 individuals in the country, most of whom operate in Beirut.

After receiving a law diploma, a lawyer must go through a three-year apprenticeship (*tadarruj*) in a recognized law office, and must attend apprenticeship lectures organized by the Bar. Only then can he or she be granted a power of attorney to litigate before the Court of Appeal. In the past, no exam was needed after law school, but the Bar recently established an entrance exam as the numbers of legal professionals expanded. The Beirut Bar includes more than 4,000 lawyers covering all of Lebanon. That is excepting the members of the much smaller Tripoli Bar Association, whose 800 or so members are drawn from north Lebanon.

After sitting for a competitive exam following law school, judges must spend three years in the Judiciary School (*ma'had al-durus al-qada'iyya*). Appointments thereafter are supervised and organized by the Supreme Judicial Council with input from the Ministry of Justice, particularly for the top jobs. The independence of the judiciary is guaranteed in principle under article 20 of the constitution. There are some 400 judges in the justice system and the Ministry of Justice has been actively recruiting – including from the Bar – to fill positions and alleviate heavy backlog.

"Judicial suffocation": the legal system in practice

The Lebanese legal system is riddled with problems and bottlenecks at all levels. This is amply illustrated by a report commissioned by the World Bank and published by the Minister of Justice in November 1994 under the title "Judicial Suffocation in Lebanon" (*al-ikhtinaq al-qada'i fi lubnan*).

On the basis of that report and other studies, as well as on evidence from daily practice, there are two major problems facing the legal system: a fragmented, understaffed, underpaid and overworked judiciary, and the marginalization of the basic constitutional rights of citizens.

The Lebanese judicial system is thoroughly fragmented: given the emergence of the Constitutional Council and the overbearing expansion of the military tribunal system, which has in recent years brought under its jurisdiction various cases allegedly posing a 'threat to state security,' the citizen is faced with four or five separate orders of jurisdiction.

While the expansion of military jurisdiction is abnormal and should be reined in, Lebanon's legacy of judicial fragmentation was inherited from France: the separation between public law jurisdiction, such as the *Conseil d'Etat*, and the private judicial order, in the shape of the pyramid headed by the Court of Cassation, is no longer warranted in France, let alone in Lebanon. The public lawyer does not function according to a different methodology from his colleagues in private law, and the old prerogatives of the state are not recognized as nec-

essary any more for the separate protection of state rights by the *Conseil d'Etat*. There is therefore no particular reason why administrative courts should remain outside the framework of the normal judicial hierarchy. In addition, the *Conseil d'Etat* remains a one-degree jurisdiction, at a time when absence of the right to appeal has become the exception rather than the norm in advanced countries.

Similarly, the Constitutional Council has been grafted onto the justice system by hasty plagiarism from the French system. As in France, the council appears outside the normal frame of the judiciary in both the way its competence is asserted and its members are appointed. The fact that only political actors can appeal to the body undermines *ab initio* the required distance from political affairs which should be the hallmark of the judiciary.

The judiciary is by definition neutral and stands above the political fray. As soon as political questions are thrown into the judicial process, judges find themselves operating in an atmosphere which is highly charged, and in which their decisions become eminently political.

The line between politics and law is by nature difficult to define. However, the danger in countries where courts are heavily solicited to arbitrate political issues, is that the judicial system will collapse, or worse will shy away from detached ruling. This was particularly evident during the constitutional crisis in Lebanon provoked by the 1996 elections. However, political interference in the judiciary is not an exclusively Lebanese problem. Similar experiences are occurring in Iran, with the Council of Guardians, in Israel, at the level of the Supreme Court, and in Egypt, with the Supreme Constitutional Court.

Political interference has not only affected constitutional cases in Lebanon, however. In criminal and administrative trials too, the judiciary is often requested to arbitrate in cases where the state is involved. This is particularly true when a case has a strong political component, notably when political figures may be involved.

It is generally believed that courts are unable to confront political pressures, hence the abnormal situation of a single-degree jurisdiction as when the Judicial Council sits as a criminal court. The reason why a second-degree jurisdiction is not allowed in criminal cases which go directly to that council is that a young and relatively inexperienced judge sitting in a first-instance criminal trial is often ill equipped to withstand political influence. What this singular phenomenon expresses – or hides – is the overall fragility of judicial independence in Lebanon.

How to deal with political imperatives is one of problems which any judiciary faces, but the problem is particularly acute in countries in transition, as in Lebanon. This is not helped by the fragmented legal system, where separation between various courts weakens the overall cohesion and impact of the judicial corps. It offers a breach which the executive can use to set up one branch against another.

Another problem typical of the Lebanese judiciary, which is well documented in the World Bank report, is the fact that the system is overstretched and understaffed. There is a large number of cases accumulating in dockets, owing to the backlog of the war years. While this may be an inevitable hurdle of the postwar period, new cases are not being dealt with any more promptly. There are simply not enough judges to respond to public demand for the rule of law. It was noted recently by the minister of justice that the *Conseil d'Etat* had filled only 32 out of 63 legally-assigned positions. The civil judiciary counts 359 judges for 515

earmarked positions.

Cases accumulate for several reasons. Although it is not uncommon for a case which was introduced before the courts in 1970 to reach the supreme administrative or civil courts in 1997, the collapse of law and order during the civil war was not the sole cause of this. Because of the misuse of the procedural code, a defendant to a trial is generally in a much more comfortable position than the plaintiff. Lawyers often use delaying tactics which courts have not been able to confront effectively, and loopholes in the code, as well as the propensity of an overworked judge to postpone audiences, have been used extensively to delay justice. Any concept of pre-trial proceedings, which could considerably alleviate the process, remains alien to the system. Absence of computerization and the slowness and corruption of the administration in general, add to the woes of honest judges who can only be frustrated by cases litigated before them which can involve settlements dozens of times the value of their paltry annual salary.

Judges, by definition, should be the best and most detached legal experts in the country. However, given the resistance of the better qualified lawyers in private practice to join the bench, the system sits clearly on its head. The problem for the judiciary is how to increase both the salary and reputation of judges, and how to attract the best jurists to the courts, especially in a country with Lebanon's budgetary problems.

There are other, more specific, problems weakening the rule of law in the work of criminal courts. Criminal cases always deal with basic human rights issues. The problems of delay in the civil system are reproduced in the criminal and administrative system, except that the role of the state is naturally more prominent in the latter. Here, executive interference – or, most often, the interference of powerful political figures – acquires a more notable dimension as the prosecution is in direct need of executive support in the form of police and other security forces, or may simply fear opposing the political authorities. There has been a long string of judicial anomalies in recent years which have weakened the reputation of the judiciary as a whole. These have culminated in almost farcical prosecutions in recent months, with suspects taken into custody and indicted on charges that had nothing to do with the initial arrest.

One can add to this the sorry state of the Lebanese prison system, and, more dramatically, the treatment of individuals under arrest in the phase preceding their indictment: illegal use of force by police against prisoners in the early days of arrest is not uncommon. The prevailing feeling that justice is not being fulfilled has been augmented by the double standards inherited from the war years, with former militia leaders sitting comfortably in government, while others are in exile or in jail. Whatever the reasons which might explain this, they can only weaken the hope that the judicial system will act impartially.

In a small country like Lebanon which is prone to outside interference, any attempt to invest the judiciary with the task of establishing minimal standards for the rule of law faces huge odds. But even if Syria, Israel, or Iran, each in a different way, did not carry the weight they do within the country, lawyers and judges would be confronted with pressures difficult to sustain, particularly political interference. These take the form of what an acting minister has referred to as an official's notorious (and naturally elusive) 'phone call' to a sitting judge.

On the receiving side of the system, the citizen suffers from severe problems of due process. At the most basic level, the postponement of a session in a normal

trial may, not uncommonly, reach six months. Unification of the different branches of the judiciary into one pyramid would seem a logical way to streamline the system and render more coherent the rule of law, but this has remained off the agenda so far.

The tribulations of the Constitutional Council in recent months have the advantage of revealing, for the first time in a practical way since the constitution was established in 1926, that the text of the basic law may be relevant to the ordinary citizen.

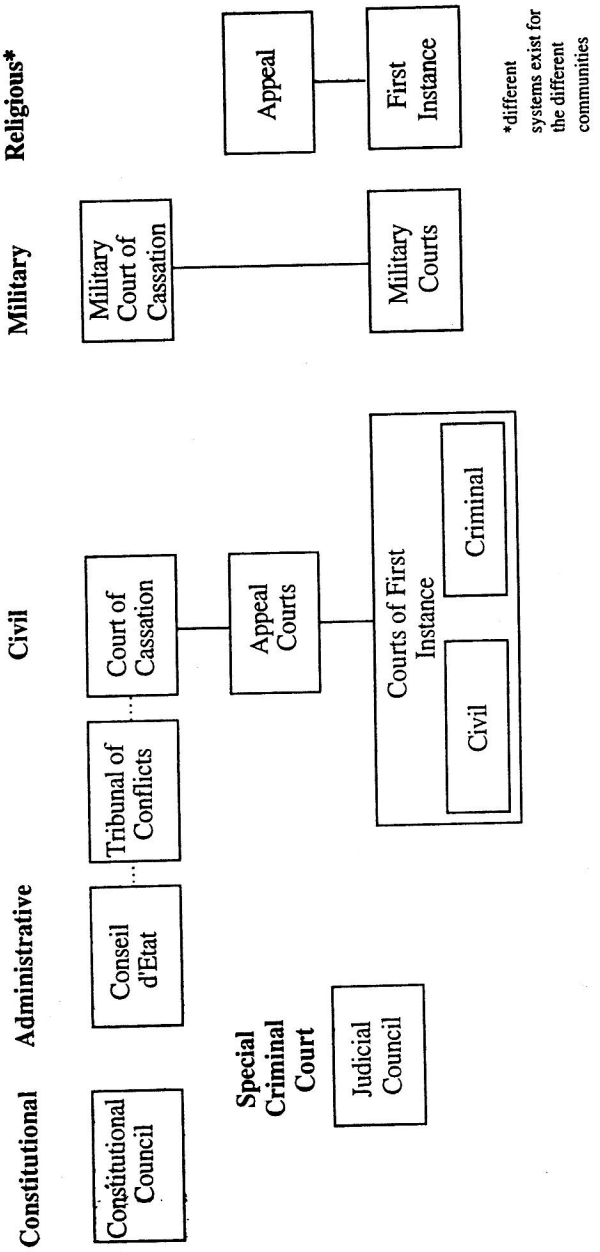
But this is only a timid beginning, which highlights the overall marginalization of the basic rights of citizens. As a matter of principle the Constitutional Council and, despite its name, cannot be seized of a matter to which a private citizen is party. This means that criminal, administrative, and civil courts apply principles which fall outside the pale of rights defined by the basic law. Citizens are therefore deprived from personally arguing their rights under the constitution. Courts will not adjudicate constitutional cases, even if the litigation they are asked to arbitrate has a fundamental constitutional dimension to it, as indeed is often the case in criminal, military and administrative trials. Instead, the Constitutional Council is asked to arbitrate between the executive and legislative branches, or between the minority and the majority in parliament, or in nationwide elections: all issues which are eminently political, and which any court would be poorly equipped to confront.

Conclusion

There are two possible outcomes to the recent constitutional crisis on parliamentary election appeals, which highlighted the yearning of Lebanese for basic rights – including the right to vote freely in a fair election. Either it results in closing the window onto the constitution, which was briefly opened in 1993 when the Constitutional Council was established. Or it allows the direct, and natural, recourse of the citizen to the constitution in order to protect his or her basic rights, including challenging controversial laws which have been passed all too often under the rubric 'for one time only.' Unless citizens can win basic constitutional rights, meaning protection by an independent judiciary, the rule of law will not come of age in Lebanon.

Appendix I

The Judicial Hierarchy



Bibliographical Essay

Below is a bibliographical essay prepared by Chibli Mallat proposing major references on the Lebanese legal system.

General

For a survey of Lebanese legal developments in English, the reader can consult my "Country Survey: Lebanon," in E. Cotran and C. Mallat (eds.), *Yearbook of Islamic and Middle Eastern Law, 1995,* London, Boston and the Hague, 1996, pp. 163-182; "Country Survey: Lebanon," *Yearbook of Islamic and Middle Eastern Law, 1994*, London, Boston and the Hague, 1995, pp. 204-224. The latter has also appeared in Arabic in the Arabic-language daily *al-Hayat.* In French, see the chronicles of Professor Ibrahim Najjar in the *Revue Trimestrielle de Droit Civil.*

Official sources and statutory compilations

The *Official Gazette* (*al-Jarida al-Rasmiyya*), which is now in its 137th year, is the main source for all decrees and legislation. It is divided into two parts. The first part comprises the laws (*qawanin*), decree-laws (*al-marasim al-ishtira'iyya*) and decrees and decisions by ministries (*al-marasim al-'adiyya wal-qararat*). These include articles of association for companies, by-laws etc. The second part includes official announcements, bankruptcy pronouncements, judicial announcements, property register announcements and public tenders, as well as some private advertising.

The *Official Gazette* is published each Thursday, but it is not indexed, although an annual index is produced privately. There are two major compilations of Lebanese legislation: *Majmu'at al-Tashri' al-Lubnani*, started in 1961, which is edited and updated by Salim Abi Nader and his successors in six volumes, with each volume divided into two tomes; and the eleven-volume *Majmu'at al-Qawanin al-Lubnaniyya*, started in 1968, which is published to date and edited by Antoine Barud and Michel Saleh.

Law reports

A useful thematic index of court decisions was published in March 1992 by IDREL (*Institut de Recherches et d'Etudes sur le Liban*). The *Fahras Ijtihadat al-Mahakem* includes a brief summary and headings for all decisions reported in the four main collections of case reports since the country's independence in 1943: *Al-Nashra al-Qada'iyya* (1945-1977, restarted recently by the Ministry of Justice); *Majmu'at Baz* (*Khulasat 'an al-Ahkam al-Sadira 'an Mahkamat al-Tamyiz al-Madaniyya*) (1950-to date); *Majmu'at Ijtihadat Hatem* (1949 to date, edited first by Hatem and thereafter by Shakib Qurtbawi), and *al-'Adl* (a journal published by the Beirut Bar, 1967 - to date). For the full text of the decisions, it is necessary to go to the collections themselves.

Two other compilations are useful: the journal *al-Muhami*, published from 1935 to 1966, includes several judgements, as does *al-Majalla al-Qada'iyya* (*Revue Juridique*, 1921-1959). The main administrative law decisions were collected in *al-Majmu'a al-Idariyya*, also known after its editor as *Majmu'at Shidyaq*

(1957-1976). The decisions of the *Conseil d'Etat* (*majlis al-shura*) were collected recently in four volumes by the bureau of the court in *Qararat Mahkamat Hall al-Khilafat wa Majlis Shura al-Dawla* 1973-1982, and in *Majallat al-Qada' al-Idari fi Lubnan*, in six volumes covering all the decisions between 1985 and 1993 (Beirut, 1995).

Law journals

Several law journals have been published over the years by the Bar as well as by law universities. Many also include a collection of decisions, sometimes with a commentary. The best known are *al-'Adl*, the aforementioned journal of the Beirut Bar, and *Proche-Orient Etudes Juridiques*, which started in 1944 as *Annales de la Faculté de Droit de Beyrouth*, and which was known as *Etudes de Droit Libanais* between 1964 and 1966. Analytical articles are also published in *al-Nashra al-Qada'iyya* and *al-Muhami*. New journals were recently launched, including the trilingual *Revue Libanaise de l'Arbitrage*.

Main laws and commentaries

Two introductory works on Lebanese law may be consulted: A. Gemayel (ed.), *The Lebanese Legal System*, 2 Vols., Washington, 1985. A similar work was published in French under the auspices of the Université Saint Joseph, but is slightly out of date: P. Catala and A Gervais (eds.), *Le Droit Libanais*, 2 Vols., Paris, 1963. A comprehensive bibliography covering Lebanese law up to the 1950s is A. Nasif, *Bibliographie de Droit Libanais*, Beirut, 1958.

Constitutional law

The Lebanese Constitution came into force on May 23, 1926. A major revision was carried out in the wake of the so-called Ta'if Agreement of September 1989. The Ta'if document, the official title of which is *Wathiqat al-wifaq al-watani* (the National Accord document), was integrated into the constitution in September 1990. The earlier and present text were conveniently published in 1991 as *al-dustur al-lubnani al-sader fi* 23 *ayyar sanat* 1926 *ma' jami' al-ta'dilat allati uqirrat wifqan li-wathiqat al-wifaq al-watani al-lubnani (ittifaq al-ta'if)*, Beirut.

The best commentary on the pre-Ta'if constitution is by the late Edmond Rabbath, *La Constitution Libanaise*, Beirut, 1982. In Arabic, Anwar al-Khatib has published a seven-volume treatise of Lebanese constitutional law: *al-Majmu'a al-Dusturiyya*, Beirut, to 1962.

There is no full book on the new Constitutional Council, but the reader can consult my "Constitutional Law in the Middle East: The Emergence of Judicial Power," in the aforementioned *Yearbook of Islamic and Middle Eastern Law, 1994*, pp. 85-108. The decisions of the Council are published in the *Official Journal* and in the daily press.

Civil law

The Code of Obligations and Contracts (*qanun al-mujibat wal-'uqud*) of 1932 is the main civil code. The most extensive commentary of the Code is by Zuhdi

Yakan, *Sharh Qanun al-Mujibat wal-'Uqud*, in 14 Volumes (to 1969, covering the Code to Art. 939). Textbooks include Khalil Jurayj, *al-Nazariyya al-'Amma lil-Mujibat*, 4 Vol., Beirut, 1957-1960; George Siufi, *al-Nazariyya al-'Amma lil-Mujibat wal-'Uqud*, 2 Vols, Harisa, 1960 (Recently updated by Marcel Sioufi); Elias Nasif, *Mausu'at al-'Uqud al-Madaniyya wal-Tijariyya*, 6 Vols., Beirut, 1986. A comprehensive book on obligations was recently published by the judge Mustafa al-'Awji.

Commercial law

The basic text of the Commercial Code (*al-qanun al-tijari*) dates back to 1942. The classic commentary is by Charles Fabia and Pierre Safa, *Code de Commerce Libanais Annoté*, published in 1961 and regularly updated. The latest update is 1988. Main commercial law textbooks include Emile Tyan, *Droit Commercial*, Beirut, 2 Vols, 1968, 1970. Elias Nasif, Edouard Eid, and Mustafa Kamal Taha have each published in Arabic several books on Lebanese commercial law (e.g. by Nasif, *al-Kamel fi Qanun al-Tijara*, 4 Vols, 1982-1985; Taha, *al-Qanun al-Tijari al-Lubnani*, vol.1, 1975).

Family law

There are several personal status laws. Marriage, divorce, custody, wills, and inheritance, are governed for Muslims by their own codes and their own religious community judges. For Christians, only marriage, divorce and custody are so regulated. All the relevant statutes in this category have been assembled in a useful bilingual (Arabic and French) book edited by M. Mahmassani and I. Messarra, *Statut Personnel: Textes en Vigueur au Liban*, Beirut, 1970. Inheritance and wills are governed for the Christian communities by a law of 1959. A classic commentary of the law is E. Tyan, *Notes Sommaires sur le Nouveau Régime Successoral Libanais*, Paris, 1960.

On inheritance and wills, Yusuf Nohra's *al-Irth Lada Jami' al-Tawa'ef*, Beirut, 2nd ed., 1987, covers all the Lebanese communities. I. Najjar's extensive *Libéralités*, 2nd ed. 1983, and *Successions*, Beirut, 1983, are more specific to law applied to non-Muslims. Professor Najjar's books have just been updated and published as the two volumes of *Le Droit Patrimonial de la Famille*.

Books on Muslim family law generally include several treatises by Subhi Mahmasani, *al-Mabade' al-Shar'iyya wal-Qanuniyya*, 2nd ed. Beirut, 1959 (especially for Sunnis), by Muhamad Jawad Mughniyya, *al-Ahwal al-Shakhsiyya*, Beirut, 1964 (especially for Shi'as), and Bashir al-Bilani, *Qawanin al-Ahwal al-Shakhsiyya fi Lubnan*, Cairo, 1971.

Criminal law

The main Criminal Code (*qanun al-'uqubat*) dates from 1943, with important revisions in 1983. A commentary can be found in Mahmud Najib Husni, *Sharh Qanun al-'Uqubat*, 2nd ed. 1975. Extensive criminal treatment can be found in Mustafa al-'Awji, *al-Qanun al-Jina'i al-'Amm*, 13 Vols, Beirut, 1984-5 and Farid al-Zughbi, *al-Mawsu'a al-Jaza'iyya al-Lubnaniyya al-Haditha*, 16 Vols, Beirut, 1979.

Civil and criminal procedure

The Code of Civil Procedure of 1933 (*qanun usul al-muhakamat al-madaniyya)* was replaced by Decree-law 90/1983. Textbooks include the long treatment by E. Eid, *Mawsu'at Usul al-Muhakamat*, 1977-to date, in 20 Vols. The Code of Criminal Procedure of 1948 (*qanun usul al-muhakamat al-jaza'iyya*), and the law on judicial organizations (*al-tanzim al-qada'i*) of 1961 (*qanun al-tanzim al-qada'i*) were amended several times, notably by Decree-law 150, 1983. 'Atef al-Naqib, *Usul al-Muhakamat al-Jaza'iyya*, Beirut, 1986, is a useful treatment.

Property

The main property laws were passed in the 1930s, after the establishment of the property register following the German method known as Torrens. These statutes include *tahdid wa tahrir al-'iqarat*, 1926 and subsequent amendments; *qanun al-mulkiyya al-'iqariyya*, also known as Decision no. 3339 (*qarar raqm* 3339), 1930; Decision no. 188, 1926, amended 1932 and 1933, establishing the register proper (*insha' al-sijill al-'iqari*). A commentary can be found in Zuhdi Yakan, *Sharh Mufassal li-Qanun al-Milkiyya al-'Iqariyya wal-Huquq al-'Ayniyya Ghayr al-Manqula* (*Qarar Raqm* 3339), 2 Vols, Beirut, n.d (ca 1940). Textbooks include Béchara Tabbah, *Propriété Privée et Registre Foncier*, Beirut, 2 Vols, 1947, 1950; E. Eid, *al-Huquq al-'Ayniyya al-'Iqariyya al-Asliyya*, Beirut, 2 Vols, 1979, 1980.

Miscellaneous

Noteworthy books include, Emile Tyan, *Le Droit de l'Arbitrage*, Beirut, 1972, and his *Précis de Droit International Privé*, Beirut, 1966; On conflicts see also, Edmond Na'im, *al-Mujaz fil-Qanun al-Dawli al-Khass*, Beirut, 2nd ed. 1963; On administrative law, Jean Baz, *al-Wasit fil-Qanun al-Idari al-Lubnani*, 2 Vols, Beirut, 1971, 1974. On water law, Fayez Matar, *Nizam al-Miyah al-Khassa fi Lubnan*, Beirut, 1992. On water and environment law, a new book by Hyam Mallat is under press.