

OPEN PEER REVIEW

The Role of Religion in the Conflicts of Inheritance Laws in the Legal Systems of Iran, Egypt, and England

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1. Round 1

1.1. Reviewer 1

Reviewer:

In the introduction, the statement "Given that inheritance and its related matters are a delicate blend of law and religion..." is an important claim. However, it lacks sufficient scholarly support. Provide references to legal texts or academic works that discuss the intersection of inheritance law and religion in these jurisdictions.

The sentence "Given the religious constraints... political constraints (nationality), and alignment with global developments..." is complex. Consider breaking it into two sentences for clarity and adding references to support the claim about global developments influencing inheritance laws.

In Chapter I, section 1-2, the term "characterization" is introduced but not clearly defined. Provide a definition and cite a source from legal literature to help readers unfamiliar with this term.

The discussion on Article 7 of the Iranian Civil Code (Chapter I, section 1-2) is insightful but ambiguous. Clarify why the legislator mentions inheritance separately from personal status and how this impacts inheritance law in practice.

In Chapter II, section 4, the statement "the nationality system for personal matters in the Iranian legal system seems reasonable and just..." is subjective. Include empirical evidence or scholarly opinions to substantiate this claim.

In Chapter II, section 5, the phrase "the law of the place of residence is older than the nationality system..." requires historical support. Cite legal historians or primary sources that discuss the evolution of these legal systems.

The conclusion states, "it seems that the law governing inheritance in Iranian law has superiority..." This claim is strong but lacks empirical evidence. Provide a comparative analysis or reference academic evaluations of these legal systems to support this conclusion.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The introduction mentions Articles 6 and 7 of the Iranian Civil Code and Article 17 of the Egyptian Civil Code but does not provide the exact text of these articles. Consider quoting or paraphrasing key points from these articles to enhance clarity and credibility.

The question posed in the introduction, "if a British Jewish heir... makes a legal claim in Iranian or Egyptian court..." is compelling. However, the hypothetical scenario would benefit from more context, such as previous case law or legal precedents in these countries that reflect similar situations.

In the paragraph beginning "In Britain, however, the Law of Domicile is dominant..." (Introduction), there is a lack of explanation on how historical feudalism shaped the law of domicile. Adding historical context would strengthen the argument.

In Chapter I, section 2-2, the phrase "dominance of the National Law of the residing country" is misleading. National law usually refers to the law of the deceased's nationality, not the country of residence. Clarify this point and ensure consistency with legal terminology.

The explanation of first-degree renvoi (Chapter I, section 3-2) is well-articulated but lacks examples. Add a real or hypothetical example to illustrate how first-degree renvoi is applied in inheritance cases.

In Chapter II, section 1-3, the phrase "basic difference between the characterization of inheritance..." needs refinement. Explain why British law treats immovable inheritance differently and cite British legal sources for support.

The discussion on Article 27 of the Egyptian Civil Code (Chapter II, section 3-3) is detailed, but the figure illustrating renvoi policies is not clear. Provide a brief explanation or caption for the figure to help readers interpret it.

The question posed in Chapter II, section 3-3, about the law applied by an Iranian judge in cases involving foreign religious minorities, is significant. However, provide more legal analysis and reference judicial decisions or academic opinions to support your argument.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.