Editor's Note

When the first issue of the *Arab Law Quarterly* appeared in 1985, its esteemed editors noted that there was no similar publication to it, despite the long connection of the English-speaking world to the Arab world, from the plays of William Shakespeare, to the exploits of Colonel T.E. Lawrence, to the travels of Wilfred Thesiger, to the highly influential and deeply underappreciated contributions of Gertrude Bell to Arab law and politics, and beyond. In the intervening thirty-three years of the life of the *Quarterly*, that problem has scarcely been remedied. While a handful of high quality journals have arisen that address topics related to and inclusive of the law of the Arab world, there are virtually none, other than the *Quarterly*, that are dedicated exclusively to the study of Arab law and Arab legal systems.

To say therefore that the *Quarterly* has filled a void in the world of legal scholarship is to understate the matter considerably. Its work has been instrumental in casting a much-needed light on a less understood and underappreciated legal typology that was, at the time of the inception of the *Quarterly*, just barely coming into its own as a field of study separate and distinct from the premodern Islamic law that had long ruled throughout much of the region. Enid Hill's pathbreaking work on al-Sanhuri's contributions to Arab law,¹ W.M. Ballantyne's thorough descriptions of the evolution, and indeed revolution, of constitutional, civil, and commercial law in the Gulf states,² Mark

- 1 E. Hill, 'Al-Sanhuri and Islamic Law. The place and significance of Islamic law in the life and work of 'Abd al-Razzaq Ahmad al-Sanhuri Egyptian Jurist and Scholar 1985-1971, 1', *Arab Law Quarterly* 3(1) (1988): 33-64; E. Hill, 'Al-Sanhuri and Islamic Law. The place and significance of Islamic law in the life and work of 'Abd al-Razzaq Ahmad al-Sanhuri Egyptian Jurist and Scholar 1985-1971, 2', *Arab Law Quarterly* 3(1) (1988): 182-214, reprinted by permission from the Cairo Papers in Social Science, vol. 10, Monograph 1, Spring 1987 (Cairo: American University in Cairo Press, 1987).
- 2 W.M. Ballantyne, 'The States of the GCC: Sources of Law, the Shari'a and the Extent to which it Applies', *Arab Law Quarterly* 1(1) (1985): 3-18; W.M. Ballantyne, 'The Constitutions of the Gulf States: A Comparative Study', *Arab Law Quarterly* 1(2) (1985): 158-176; W.M. Ballantyne, 'Arbitration in the Gulf States: "Delocalisation": A Short Comparative Study', *Arab Law Quarterly* 1(2) (1985): 205-215; W.M. Ballantyne, 'The New Civil Code of the United Arab Emirates: a Further Reassertion of the Shari'a', *Arab Law Quarterly* 1(3) (1985): 245-264.

Hoyle's research into the origins of Egypt's mixed courts,³ and Ann Elizabeth Mayer's account of credit agreements in the Sadat era⁴ have appeared in this *Quarterly*, as have countless other works of lasting influence.

If the need for study of Arab law was acute at the time of the *Quarterly*'s founding in 1985, then it is even more so today. This past decade has seen tumultuous political change reverberate throughout the Arab world, with profound consequences for every state in the region, including those whose political systems remain largely intact. These political upheavals have brought about renewed demands for social change as well, from women's movements, religious minorities, and others, seeking a reordering of sorts within Arab societies. The power of Islam as both a political and social force has reasserted itself within the Arab legal order as well, in a manner that does not so much restore the historic legal primacy of a transnational juristically defined *shari'a* so much as it domesticates the idea of *shari'a* into disparate national legal systems. Finally, in connection with the foregoing, the opportunities for political, social, and legal cross-fertilization of ideas have grown exponentially in recent times through the facilitation of technology, from satellite television to social media platforms. Those who lamented that the Arab world would never again collectively sit by their radios on every Thursday evening to hear the performances of Umm Kulthum could scarcely have envisioned the hundreds of millions of Arab viewers who came together to watch the 2017 season of Arab Idol, or the frenzied celebrations that followed in Nativity Square in Bethlehem, and indeed throughout all of Palestine, when a Palestinian Assyrian was named its winner.

All of these have led to important legal consequences and developments, including the rise of Islamic constitutionalism, the explosion of a transnational practice of Islamic finance centred largely in the states that comprise the Gulf Cooperation Council, and renewed (if often rebuffed) calls for family and criminal law reform aimed squarely at upending traditional tribal and patriarchal hierarchies. There is no scholarly publication better placed than the *Quarterly* to provide a forum for the dissemination of knowledge related to these and other developments in the Arab world. In my efforts to do this, I am deeply indebted to the initial editors of the *Quarterly*, and in particular to Professors Ballantyne and Hoyle, for their work not only in establishing the *Quarterly*,

3 M.S.W. Hoyle, 'The Origins of the Mixed Courts of Egypt', *Arab Law Quarterly* 3(2) (1988): 220–230.

4 A.E. Mayer, 'Islamic Banking and Credit Policies in the Sadat Era: the Social Origins of Islamic Banking in Egypt', *Arab Law Quarterly* 1(2) (1985): 32–50.

but also in bringing it to the place of prominence and respect in which it finds itself among Arab scholars the world over. I am also grateful to the esteemed scholars and practitioners who have agreed to serve on a new and thoroughly revamped Board of Editors, and thus to set aside some of their valuable time to work with me on carrying forward the mission of the *Quarterly*. Without their contributions, any efforts of mine would be entirely fruitless.

Finally, in terms of the future direction of the *Quarterly*, it would be premature for me in this first issue under new leadership to articulate a complete vision for the *Quarterly*, and in particular one that departs in substantial ways from those that brought it so much success over the past three decades. Nevertheless, I might offer here—in all humility and awareness of my own limitations to forecast what is possible and what will be necessary—some initial observations. First, from its inception, the *Quarterly* has cast a wide net, seeking articles of academic value advancing important theoretical ideas as well as those offering a more doctrinal focus of greater interest to the practicing lawyer than to the scholar. It is certainly not my intention to change this. At the same time, it might be said that at least in recent years, the near ubiquity of the latter, relative to the former, suggests an imbalance that might require some recalibration. At the very least, there may well be some need to classify and distinguish within the pages of the *Quarterly* as between, for example, a full research article that explores the influence of Islamic law on al-Sanhuri's Civil Code on the one hand, and a well-written paper on the practical legal implications of a new, important Arbitration Law enacted in a given Arab state. Second, in light of the panoply of legal developments that have occurred and are occurring across the Arab world, there may well be value in special issues dedicated to one or more topics of importance published more regularly by the *Quarterly*, in particular because there are so few other publications that might be willing to approach such topics with a primary focus on the Arab world. Finally, the dangers of conflation as between *shari'a* on the one hand, and Arab law on the other, remain ever present in our particular field of study. It is therefore important that the *Quarterly* maintain its emphasis on work that is of relevance to the legal systems of the Arab world—which of course includes significant consideration of *shari'a*—rather than allow itself to be drawn into debates of pure Islamic jurisprudence, whose impact on contemporary law, much less Arab law, is a matter of some question.

Again, I offer such observations to our readers only as general signposts of future direction rather than as detailed roadmap, aware as I am that many ideas do not survive the test of hard experience, and that other ideas may arise in the future which prove better conceived and more effective in operation.

Most of all, I look forward to working with our new Board to take the *Quarterly* to the next stage of its development, and welcome ideas and contributions in connection therewith from all of our loyal readership.

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