

## Volume 70

### The Promise of Constitutionalism in the Arab Gulf (Special Issue)

This new special issue of *Al-Abhath* (70, 2022) is devoted to the theme of constitutionalism in the Arab Gulf region, focusing on the six monarchies of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates. Guest-edited by Chibli Mallat and Mohammed Abdulrahman, the volume steps into a territory that remains largely unexplored in recent scholarship, bringing to the table a range of thought-provoking, innovative and promising scholarship.

The volume includes seven chapters, written by specialists on—as well as *from*—the Gulf region. After the general introduction by Elham Fakhro and Chibli Mallat, Chapters One to Six provide individual case studies on the six countries under focus, while Chapter Seven is a comparative study of constitutional courts in Kuwait and Bahrain. As Fakhro and Mallat explain, the volume “hopes to integrate the constitutions of the region into the universal study of constitutionalism, including its two key rubrics of constitution-design, and constitutional review. It sets the constitutions of these states against three historical and geographic circles: the global constitutional realm, the regional Middle Eastern system, and the localized Gulf context.”

The introduction is more than a mere outline of the volume’s content: it reviews the state of the art, offering a theoretical framework and an historical overview. It helps us approach the topic of constitutionalism at the backdrop of the Arab Gulf’s modern history as well as of regional and global events, such as the rise of Western constitutional systems since the eighteenth century, Western colonialism, the Universal Declaration of Human Rights in 1948, the political conflicts in the region and Brexit, to cite only a few.

Throughout its seven chapters, the volume adopts a perspective that is as much diachronic as synchronic: the integration of a number of states allows for drawing comparisons between different constitutional models and judicial systems as well as for contrasting strategies for the implementation of state policies, power-sharing and political legitimacy. As the volume’s chapters demonstrate, the six neighboring states—which are also the members of the Gulf Cooperation Council (GCC)—were continually looking at, and modelling themselves on, one another. Thus, questions of identity, state sovereignty and negotiation of power cannot be tackled by sticking only to nationalist boundaries.

This becomes clear in the volume’s opening chapter on Bahrain (Chapter One), written by Elham Fakhro and Bader Al-Noaimi. The chapter takes an historical trajectory to shed light on the intricacies between historical-political events and constitutional texts. It underlines the influence of Kuwait’s 1962 constitution on Bahrain’s 1973 constitution.

Kuwait was not only the first of the six Gulf states to clinch its independence from British rule (in 1961), but it also represents “The First Arab Gulf Constitutionalism.” This is the title of Chapter Two of the present volume, which is the product of a dual endeavor by Tahani Alterkait and Shafeeq Ghabra, Professor of Political Science at Kuwait University who passed away in 2021 and to whom this special issue is dedicated.

“Oman: Constitutionalism Unrealized” is the title of Chapter Three, written by Basma Mubarak Said, an Omani lawyer and researcher. The chapter is a thorough survey of Oman’s constitutional history—a history of crises, protests, concessions and unfulfilled promises. Thus, it represents another account on the role of constitutions as a site of political contestation as well as a tool for governance and negotiation.

In Chapter Four, Hassan Abdulrahim Al-Sayed turns to Qatar's "Constitutional Challenges." The chapter is no exception to the three preceding ones in following an historical course. Tracing Qatar's political history lays the ground for examining an array of domains that relate to constitutionalism: the separation of powers, democratic representation and the judicial system.

Chapter Five, written by Chibli Mallat, is a thoroughgoing overview of the theme of constitutionalism in Saudi Arabia. Drawing on his previous research on Saudi law (some of which appeared in *Al-Abhath*, vol. 65–66, 2017–2018), Mallat conveys the complexity of the subject as well as its many bifurcations. The chapter provides interesting discussions of a number of actual cases, and is rich with primary and secondary references, including court records, Youtube videos as well as travel literature, such as Ameen Rihani's *Muluk al-'Arab* (1924).

Chapter Six covers the sixth Gulf state, the UAE, by looking mainly at its federal system. The author, Faris Nasrallah, draws on his "own legal practice experience in the UAE." As he explains, his contribution is especially "relevant for lawyers and other legal professionals practising in the UAE."

Salma Waheedi closes the volume (Chapter Seven) with her comparative study of constitutional courts in Kuwait and Bahrain.

Lastly, this special issue of *Al-Abhath* is a seminal scholarly reference on constitutionalism in the Arab Gulf. Its chapters, however, go often beyond constitutionalism in the strict sense, engaging in historical, geopolitical and epistemological discussions. In fact, the volume reads as an overview of the political history of the Arab Gulf, covering a broad span of subjects that encompass (post)colonialism, democracy, modernity, human rights, governmentality, policy making, political economy and constitutional thought. This makes *Al-Abhath*'s present volume of interest also to a general, non-specialized readership.