

**LEGAL DEVELOPMENT IN ARABIA: A SELECTION OF ARTICLES AND ADDRESSES ON THE ARABIAN GULF.** By W.M. Ballantyne. London: Graham & Trotman Ltd. 1980. £18.50.

The Arabian Peninsula has been the recent focus of billions of dollars of investment and development by foreign firms. Due, however, to a dearth of applicable and up to date references there has been a continuing ignorance of the legal ramifications of activity in the area. This new work by W.M. Ballantyne<sup>1</sup> might properly be described as a response to this problem.

As the title indicates, Ballantyne's work is composed primarily of papers presented to a wide variety of business and legal organizations and conferences throughout the world during the period from 1957 to 1980. As such, the text offers a fascinating view of the rapid legal development that took place in the area from the time the British began their withdrawal from the Arabian Gulf in the late 1950's to the present. As Ballantyne points out, the British withdrawal ended a period of legal uniformity in the area and resulted in a divergence of legal form and substance among the countries of the Arabian Gulf. Ballantyne's papers reflect these changes vividly.

In addition to this historical background, Ballantyne emphasizes several topics of crucial interest to both the international lawyer and businessman. These topics include the limits and proper role of arbitration and choice of law clauses in public and private contracts as well as the scope and role of taxation in the area. Ballantyne also surveys the range of available business entities through which to operate, many of which are familiar to the Western businessman. Finally, Ballantyne repeatedly stresses the importance of using the Arabic language in business and legal dealings. Arabic is the spoken and written language of the region and any legal conflict will be decided in favor of the proper Arabic version. In fact, only officially approved translations from Arabic are of any use.

Although Ballantyne does not provide a detailed examination of the laws and codes of the area, he does thoroughly discuss the role of

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1. Ballantyne is described by Sir Norman Anderson, former director of the Institute of Advanced Legal Studies in London, as the Englishman most knowledgeable and competent in dealing with commercial and business law in the Arabian Gulf. He has practiced law in the courts of Kuwait, Bahrain, and the United Arab Emirates.

“Shari’a” law in the emerging legal systems. Islamic “Shari’a” law<sup>2</sup> plays an important but varied role in the legal structures and codes that have been adopted by the countries of the area. Some countries, such as Saudi Arabia, regard it as *the* principal source of legislation whereas others, such as Kuwait, view it as only *a* principal source and relegate it to non-commercial areas such as personal relationships. Despite this variation, Ballantyne contends that the area’s legal development has been greatly influenced by a *reassertion* of Islam as opposed to a revival or revivification. Certainly it will play an important role as these new legal approaches are developed.

Ballantyne’s goal in arranging this work was to give to those involved commercially and legally in the area a basic understanding and perspective which would allow them to avoid the pitfalls that some have encountered. From this perspective, his work can be highly recommended for both the international lawyer and businessman.

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2. There are actually four different schools of interpretation and there is divergence of adherence in the area. For instance, Saudi Arabia adheres to the fundamentalist “Hanbali” school while Kuwait adheres to the “Hanafi” school.