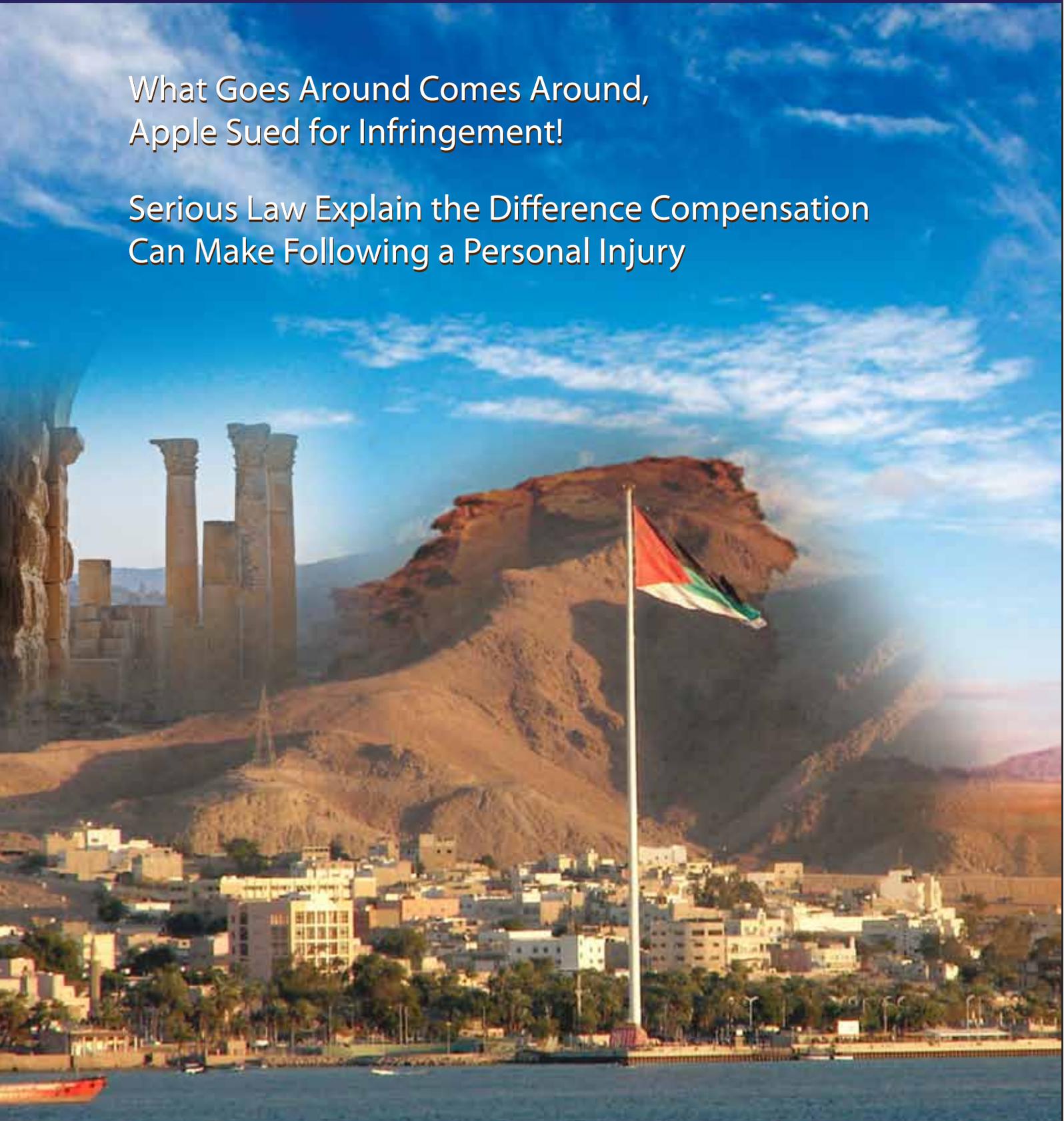


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Apple Sued for Infringement!

Serious Law Explain the Difference Compensation
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News Websites Reject Press and Publications Law Amendments

AMMAN (JT) –“It Harms Jordan’s Image!” .These were the words publishers and editors of certain news websites used to express their rejection related to the electronic media amendments. Their objection came in response to the approval of the Lower House on Press and Publication Law amendments, according to Ammonnews website.

The Publishers called on Senate to reject these amendments as they insist that these amendments do not fulfill the aim of raising the ceiling of press freedoms but impose restrictions on them.

According to the publishers, these amendments do not comply with the international standards of the Internet freedom.

The advantages of the Law cited by the government to urge news websites to “voluntarily” register at the Department of Press and Publications are not real, they charged.

The news websites stressed that is only considered as a “legal” trap to impose prior authorization as stated in the amendments.

Source: Jordan Times



Sellers and Buyers Risk Heavy Fines and Even Imprisonment

ABU DHABI –The Environment Agency in Abu Dhabi is urging UAE residents to respect UAE Federal Law on selling and owning of any endangered species, in line with its international commitment to the protection of threatened animals and plants.

There is strict legislation in place in the UAE governing the importation and ownership of wild and/or endangered animals and plants. The UAE signed up to the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), which is a voluntary international agreement, in 1990. Subsequently national law was strengthened further with the ratification of Federal Law No. 11 of 2002 Concerning Regulating and Controlling the International Trade in Endangered Species of Wild Fauna and Flora, which also mandated the Ministry of Environment and Water as the enforcer of the federal law.

UAE Federal Law specifies that selling, buying or even sheltering an endangered (or indeed dangerous) species, without the necessary documents, is against the law. Punishments range from fines of up to AED 50,000 per offence and to up to six months in prison.

CITES is aimed at protecting species of animals and plants that are endangered by trade. Every year, the UAE submits a report to CITES detailing the number of licences or permits it has granted for the importation,

exportation and re-exportation of animals listed in the three appendices. It also lists the capture or surrender of endangered animals, alive or dead.

H.E Razan Khalifa Al Mubarak, Secretary General of EAD, comments: “The UAE is a nation of animal lovers. Certain species are intrinsically linked to our natural heritage and this is something of which we should be rightfully proud. However, we need to understand that there are clear laws in place about how one can own wild and endangered animals and in what circumstances, for the sake of the animal, its human handler and the broader community too.”

According to the report submitted to CITES in 2010¹ illegally-imported or owned animals listed in Appendix I that were captured or surrendered in Abu Dhabi in 2009 included:

- 38 Houbara Bustards found dead
- 65 falcons, including two large Saker Falcons
- 128 tortoises
- 71 parrots
- Five monkeys
- Five bush babies (these are small nocturnal primates)
- A Silvery Baboon

Abdulrab Al Hemari, Deputy Manager, CITES Scientific Authority at EAD, adds: “Unfortunately, keeping exotic animals in the UAE has become something of a status symbol. The solution to this issue is not only through enforcement of the law but through education. People need to understand the consequences of buying wildlife illegally.

Source: EAD

Permanent Job Ban is Irreversible

Dubai -Absconding expatriate employees in the UAE private sector will not be allowed to work again in the country permanently under new labour laws and the ban is irreversible, according to the Ministry of Labour.

The ministry outlined the position during its weekly open-day meeting held in Dubai on Thursday to explain new labour laws introduced early this year and consider applications from workers and employers.

During the meeting, ministry officials rejected several applications to lift a one-year job ban and cancel a permanent ban on some workers who have absconded from their employers or committed other serious job violations.

The ministry's assistant undersecretary for labour affairs, Humaid Dimas, also told many applicants who had got a one-year ban that they must report to the ministry for cancellation of their labour cards during their stay in the UAE.

"Dimas also stressed that all those who have been banned for one year cannot have a job until after that period," the semi-official daily 'Al Ittihad' said.

"As for workers who get a permanent ban on jobs in the UAE because of absconding and other offences, they cannot work again in the country...the ban will not be lifted at any time as it is irreversible."

Source: The Siasat Daily

Senate Approves Municipalities Law

AMMAN (JT) -The Senate endorsed the 2011 municipalities draft law with some amendments implied during a session headed by Senate President Taher Masri and the attendance of Prime Minister Marouf Bakhit.

The law, which was endorsed by the Lower House with a raise of women's quota, allowed any district with a 5.000 population or more to help in establishing their own municipality or disengage from a larger municipality.

Now and after the Senate's approval, deputies are requested to endorse the law and its amendments before passing it to the King and publishing it in the Official Gazette.

During a ceremony to receive plans to present constitutional changes from the Royal Reform Committee, His Majesty King Abdullah II focused on the role of Municipalities' Law in forming a strong base for the legislative infrastructure for an "institutional reform process that ensures an engagement of the grassroots, political parties and unions, Parliament and government that lives up to national ambitions and expectations".

Source: Jordan Times





Agennix Announces Issuance of European Patent Covering Use of Talactoferrin to Treat Cancer

PLANEGG/MUNICH (Germany), PRINCETON, NJ and Houston, TX - Agennix AG (Frankfurt Stock Exchange (Prime Standard): AGX) announced in a press release that the European Patent Office has issued patent number 1507554, entitled, "Lactoferrin in the treatment of malignant neoplasms and other hyperproliferative diseases," covering the use of oral human lactoferrins, including talactoferrin, to treat cancer. It also covers the use of talactoferrin in combination with other therapies, including chemotherapy, immunotherapy, radiation therapy and other treatments. The patent has a term until 2023.

Torsten Hombeck, Ph.D., Spokesperson of the Management Board and Chief Financial Officer, said: "This patent further strengthens our intellectual property position for talactoferrin in the area of oncology. This European patent provides broad protection for talactoferrin in this key market, as it covers the use of human lactoferrin for oral administration, used alone or in combination with other therapies, for the treatment of all cancer types. We also have cancer use patents that were recently issued in the U.S. and Japan, two of the other major markets for talactoferrin, that provide protection until 2025 and 2023, respectively, and include coverage for our lead indication, non-small cell lung cancer."

Talactoferrin is an oral immunotherapy that is

being studied for the treatment of cancer and severe sepsis. Talactoferrin has demonstrated promising activity in randomized, double-blind, placebo-controlled Phase II studies in non-small cell lung cancer (NSCLC) and in severe sepsis. Two Phase III trials with talactoferrin in NSCLC are ongoing. The FORTIS-M trial, which completed enrollment in March 2011, is evaluating talactoferrin in NSCLC patients whose disease has progressed following two or more prior treatment regimens. A second Phase III trial – FORTIS-C – is evaluating talactoferrin in combination with the standard chemotherapy regimen, carboplatin/paclitaxel, in first-line NSCLC patients. NSCLC is one of the most common types of cancer worldwide and the most frequent cause of cancer death. Agennix is also developing talactoferrin for the treatment of severe sepsis and has initiated a Phase II/III trial, called the OASIS trial, in that indication. Talactoferrin has been shown to be very well tolerated in these patient populations.

Agennix AG is a publicly listed biopharmaceutical company that is focused on the development of novel therapies that have the potential to substantially improve the length and quality of life of critically ill patients in areas of major unmet medical need.

Source: ag-IP-news



Jordanian Health Ministry Files Its First Assault Lawsuit

AMMAN (JT) -A lawsuit has been filed by the Ministry of Health against two citizens who assaulted two physicians at Al-Hussein Public Hospital, Al Salt.

Legal action was asked to be taken by Abdul Latif Wreikat, Jordan's Minister of Health, against the two suspects even if the doctors drop charges. These legal measures shall stop this "phenomenon" from now on.

As the Minister mentioned earlier,

this is the first time in the history of the Ministry it is filing such a lawsuit against citizens. He also added that if the citizens, who are currently in custody, have pled guilty, they will be imprisoned for one to three years in accordance with law.

Two doctors were assaulted and attacked as well at Al-Bashir Hospital and Al-Jafer Health Centre in the last week of July but no complaints were registered against the attackers.

As these attacks took place within the few last weeks, the Jordan Medical Association (JMA) issued a statement threatening to escalate measures if nothing is done to stop the "phenomenon".

According to JMA figures, 38 cases of physical assaults against doctors were recorded in 2010, compared to 26 in 2009, 43 in 2008 and 40 in 2007.

Source: Jordan Times

What Goes Around Comes Around, Apple Sued for Infringement!

TAIPEI -A new patent complaint has been filed against Apple by the Taiwanese smartphone manufacturer HTC Corp. accusing their iPhone of infringing a range of mobile devices functions.

In their latest lawsuit filed against Apple, as it was not the first one, HTC claimed that Apple's Mac computers, iPhone, iPad and iPod products had violated the

Taiwanese patents and that this legal action was only taken to protect HTC's IP, commercial partners, consumers and products.

The patent was over, but not limited to, the Wi-Fi capability that allows users to connect multiple devices through a wireless network, and the processor communication technology that integrates a PDA and a cellular phone into a single

device.

"The move looks like part of HTC's counterattack against Apple, HTC may try to disrupt and impede its rival, forcing Apple to put more resources into the legal battle," Joey Yen, a senior analyst at International Data Corp. (IDC), told CNA.

Source: Focus Taiwan

1.23 Million Fine for HARBIN Group to Pay

Harbin Pharmaceutical Group Co, one of biggest drug manufacturing companies, has been fined 1.23 million Yuan for using unchecked energy-saving facilities and emitting waste gas.

Harbin's General Pharmaceutical Operating Factory was fined 1.05 million Yuan by the Heilongjiang Provincial Environmental Protection Agency for using its energy-saving tools before passing checks.

While a fine of 180,000 Yuan was imposed on the General Factory by Harbin's Environmental

Protection Bureau for emitting waste gas, storing hazardous and burning wastes with hydrogen sulfide levels more than 1,000 times the allowed amount, causing serious earth pollution for years.

While an approval must be received from the Environmental Protection Bureau to continue working on the projects suspended for being involved in the polluted areas. The bureau will also urge the company to improve facilities to meet national standards.

Source: Shanghai Daily

LG and Sony Patent Settlement



A total of 24 patent-infringement lawsuits of Electronic Giants LG and Sony have been dropped after reaching a mutual settlement agreeing to cross-license each other's patents.

This agreement is to put an end to legal battles between the Korean and Japanese companies. It allows both parties to use others intellectual properties without paying additional royalties and

a number of shared technologies to be announced later this year.

"We know that reconciliation is better than fighting, even though we would gain much from a lawsuit. We've tried to settle the cases and now we have reached an agreement," said LG Electronics.

Source: The Next Web

Logo Ban for Unauthorized Apple Stores



BEIJING -“It can take a long time to establish a good reputation, but damaging it is much easier”. Gao Zhu, authorized Apple reseller.

Although unauthorized Apple stores were informed to cover up the Apple logo placed on their gates, the response to the ban was not taken seriously and not as expected. Some owners merely covered part of the logo while others used blank paper sheets.

An official at Beijing’s quality and technical supervision bureau stressed that the unauthorized Apple stores will be prohibited from using the Apple logo or any brand name associated with Apple as an attempt to control over the distribution of Apple products.

Source :China Daily

One Month for Joint Stock Companies to Reorganize

AMMAN -Jordan’s Companies’ Control Department has finally addressed the joint stock corporations to inform them of a one-month time limit to adjust their issues through re-registering their land properties under the name of the corporation itself instead of the name of Chairman of Board (COB).

A professional supervision unit was established to ease their administrative duties and to practice a more effective supervisory role over public and private joint stock companies.

Legal action will be facing the companies who refuse to abide by this decision.

Source: jordanzad

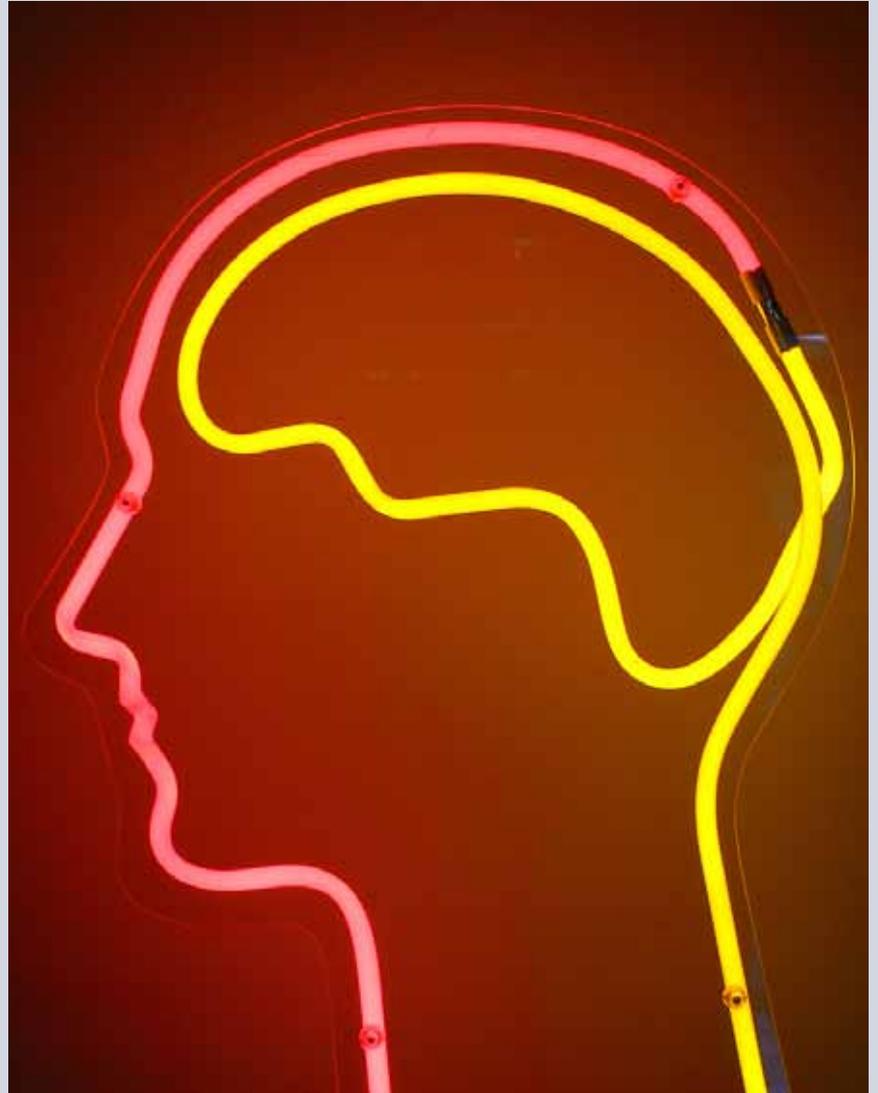


Serious Law Explain the Difference Compensation Can Make Following a Personal Injury

If you have been injured as a result of an accident that was not your fault, you will be entitled to claim compensation, and for many taking part in personal injury claims the entire process can be a daunting one. This puts many people off making a claim, and being awarded what is rightfully theirs.

Your greatest asset in a personal injury case is having the right solicitor on your side. Serious Law has over 20 years experience in this area and can offer you the best help and advice during this difficult time.

A solicitor who specializes in your particular injury, for example brain injury claims or spinal injury claims, will also have contacts you may find useful, such as medical experts or charities dealing with such injuries.



If you're unable to work due to your injury, you must submit evidence of any loss of wages. This will increase the compensation you receive in order to factor this in. Compensation can allow you to concentrate on recovery by alleviating the stress of money worries.

Source: Responsesource

ISLAMIC THEORY OF PROPERTY, NATURAL RIGHTS THEORY AND UTILITARIANISM

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III. PROPERTY RIGHTS IN QURAN:

This section aims to explain theory of property right in Islam, inspired by Quran. I will first discuss theory of “rights” in Quran, generally. Then, I will apply it to “property rights”. My theory is that system of “property rights” in Islam is a unique combination of both natural rights theory and utilitarianism. However, there are clear distinctions between Islamic theory of property and the two aforementioned theories.

i. Right in Quran

a) Categorical justice and natural rights

Quran believes in existence of categorical justice and

natural rightness. This may be inferred from many of its verses.

Here we briefly explore the terminology of the word “right” in Quran. The word “Hagh” in Quran denotes several meanings, among which is “right”:

1. Right, in contrast to duty¹ :
2. Justice and rightness, in contrast to injustice²
3. Definiteness³
4. Truth, in contrast to Falsehood⁴

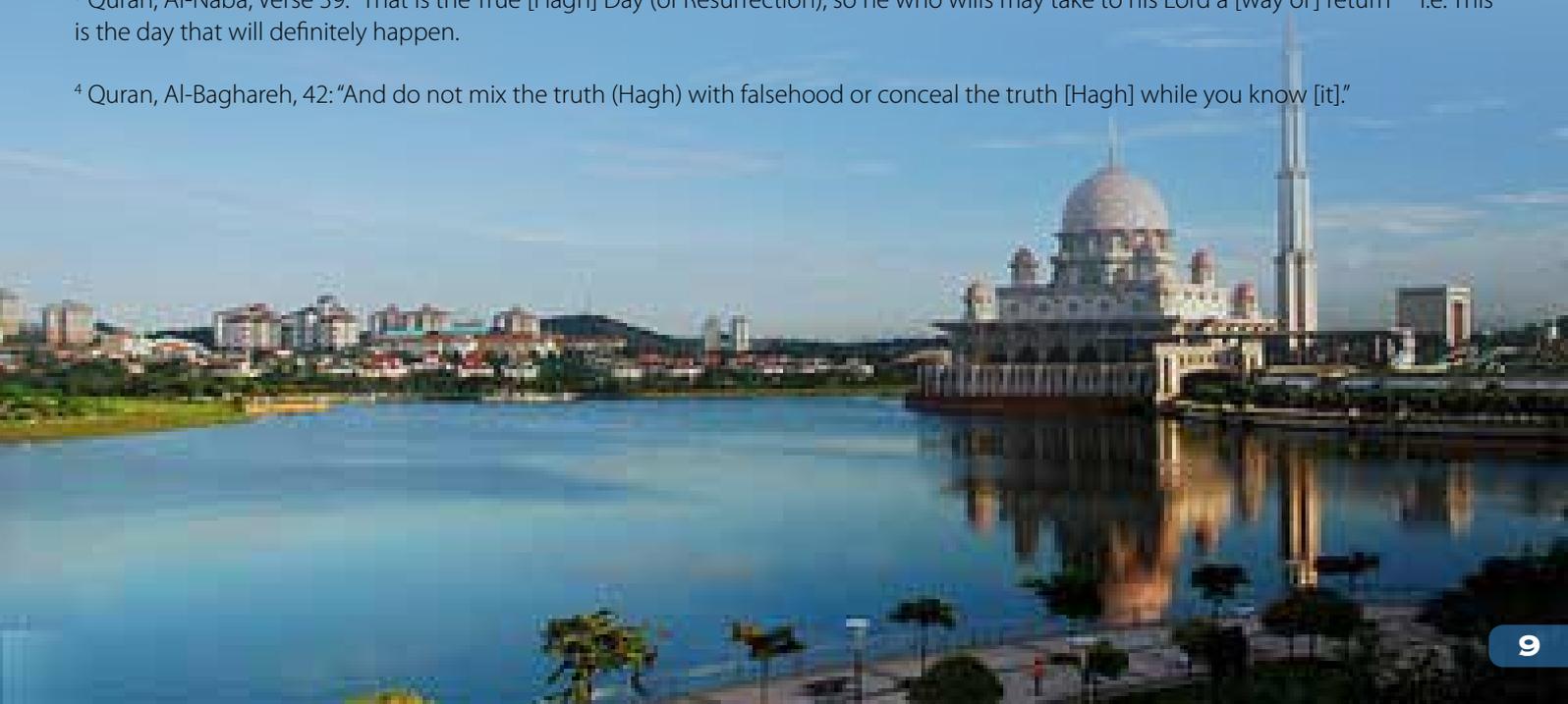
The fact that same word is used for all of these meanings interchangeably indicates an internal connection between them: First, justice is definite, namely, there is no change in its nature; it exists

¹ Quran Al-Dhaariat, Verse 19: “And from their properties was [given] the right [Hagh] of the [needy] petitioner and the deprived

² Quran Az-Zumar, 69: And the earth shall beam [on the Day of Resurrection] with the light of its Lord, and the Book shall be laid down, and the prophets and the witnesses shall be brought up, and judgment shall be given between them with justice [Hagh], and they shall not be dealt with unjustly. [Underline added

³ Quran, Al-Naba’, Verse 39: “That is the True [Hagh] Day (of Resurrection); so he who wills may take to his Lord a [way of] return” i.e. This is the day that will definitely happen.

⁴ Quran, Al-Baghareh, 42: “And do not mix the truth (Hagh) with falsehood or conceal the truth [Hagh] while you know [it].”



timelessly. Second, justice is independent from anyone's will, even God's will (see footnote No. 2, Az-Zumar, 69, stating that God will judge with justice. It does not say that God's decision establishes the rules of justice, rather God acts according to justice.). Third, right (in comparison to duty) is also the result of inherent justice; hence existence of natural, definite and independent rights ⁵.

b) Special features of "Rights theory" in Quran

There are particularly two features about Quran's system of rights which sets it apart from any other system:

1. Duty and Capacity of Understanding:

Given that Quran believes in natural rights, one might infer from it the existence of natural duties. However, this is not true. In Quran existence of duty is dependent on satisfaction of two requirements:

First, one's capacity to understand the concept of right from wrong ⁶

Second, one's efforts to utilize and increase her capacity. In fact, the important condition for existence of duty is the individual's capacity to realize justice, not his actual knowledge.

One might better state that duty exists automatically when a right exists; however, it is one's liability which is contingent on her understanding of rightness. Nevertheless, Quran treats duty as though it does not exist at all if the above-mentioned conditions are met.

One's capacity means all the opportunities a person has at stake to increase her knowledge, from her intelligence and inheritance, to her social/political/economic situation. Therefore, each individual should exert her utmost efforts to take the benefit of her capacity and to improve her understanding, otherwise, her lack of understanding is not an excuse⁷.

This is why there are many verses in Quran in which people are encouraged to think and ponder in themselves and the universe and everything that is created by God, as well as the guidance which is

⁵ Apart from the word "Hagh", there is another word in Quran which bolsters the notion of categorical rightness. In Quran the Holy Books of all religions are described as "Forghan." This is an Arabic word which means something which distinguishes and clarifies the truth from false, and just from unjust. It denotes that the Holy Books are not creators of morality and justice, but they are guidance to discovery.

Al-Furqan, Verse 1: "Blessed is He Who sent down the Furqan upon His servant that he may be a warner to the nations;"

Al-Baqarah, Verse 53: "And [recall] when We gave Moses the Scripture and Furqan that perhaps you would be guided." [Quran, The Holy Book]

See e.g. Mahmoud Ayoub, *The Qur'an and its interpreters*, (Albany: State University of New York Press, c1984) P 19: "The furqan is the criterion by which truth could be distinguished from error with regard to religious matters"

⁶ Al-Anaam, Verse 152: "... We do not impose on any soul a duty except to the extent of its ability..."

Al-Araf- Verse 42: "But those who believed and did righteous deeds - We charge no soul except [within] its capacity. Those are the companions of Paradise; they will abide therein eternally."

Other examples of verses in Quran which state the same notion are:

Al-Mumenuon 62: And We task not any soul except according to its capacity, and with Us is a book speaking with truth, and they will not be wronged.

Al-Baqarah, Verse 286: "Allah does not charge a soul except [with that within] its capacity. It [the soul] will have [the consequence of] what [good] it has gained, and it will bear [the consequence of] what [evil] it has earned." [So, Say] Our Lord, do not impose blame upon us if we have forgotten or erred. Our Lord, and lay not upon us a burden like that which You laid upon those before us. Our Lord, and burden us not with that which we have no ability to bear. And pardon us; and forgive us; and have mercy upon us. You are our protector, so give us victory over the disbelieving people."

⁷ Quran, An-Najm, Verse 39: "And that there is not for man except that for which he strives"

An-Nazi'at, Verse 35: The Day [of Resurrection] when man will remember that for which he strove."

Al-Baqarah, Verse 286: "Allah does not charge a soul except [with that within] its capacity. It [i.e. the soul] will have [the consequence of] what [good] it has gained, and it will bear [the consequence of] what [evil] it has earned."[Underline added

offered to them through revelation⁸. Furthermore, people are required in Quran to consult with each other in order to increase their understanding. In fact, religiously speaking it is obligatory for Muslims to spread their knowledge of rightness and wrongness in the society, and to consult about it⁹.

The most important conclusion which is derived from the aforementioned is that: Quran approves of existence of different systems of right at different times and places, as long as the existent system is the result of people's utmost efforts to realize inherent rightness, and keeps evolving into a better system incessantly.

2. Importance of Devine Source:

Quran emphasizes that people, in their efforts to utilize and develop their capacity, shall take account of the divine source. Therefore, those principles of justice which are clearly revealed in Quran must be observed by people. Below we discuss the most important principles of justice mentioned by Quran, which will directly affect our discussion about Islamic "Property" right:

- Quran strictly forbids "waste", be it waste of time or other resources in a meaningless and purposeless

manner.

- Productivity: this is inherently right and just.
- Poverty and Distributive Justice: Poverty is considered as an inherently unjust situation which must be prevented, and if occurred, rectified. As we will be shown in the next sub-section, there are certain duties imposed by Quran on individuals, the purpose of which is to prevent or rectify poverty in the society.

We will discuss these principles more in the next sub-section. However, so far, we wished to emphasize that according to Quran, humans must take account of the Revelation in their quest for the optimal system of rights.

ii. System of Property Rights In Quran :

We had discussed in previous sections that every system of property should answer both questions of common and private property rights. We were shown how Natural Rights Theories and Utilitarianism respond to these questions. In this section we address these questions in Quran.

a) Common Property:

According to Quran everything in the universe originally belongs to God¹⁰. Then, God has given

⁸ Sad. Verse 29: "[This is] a blessed Book which We have revealed to you, [O Muhammad], that they might reflect upon its verses and that those of understanding would be reminded."

Al-Baqarah, Verse 73: "...Thus does Allah bring the dead to life, and He shows you His signs so that you might reason."

Al-Baqarah, Verse 266: "...Thus does Allah make clear to you [His] verses so that you might give thought"

Al-A'raf, Verse 176: "...So [O Muhammad] relate the stories that perhaps they will give thought

⁹ Quran, Ashoura, verse 48, God applauds "... those ... whose affair is [determined by] consultation among themselves..."

Ali-Imran, 104, 105, 114: And let there be [arising] from you a nation inviting to [all that is] good, enjoining what is right and forbidding what is wrong, and those will be the successful."

Al-Asr 2: Verily Man is in loss, 3: Except such as have Faith, and do righteous deeds, and (join together) in the mutual teaching of Truth, and of Patience and Constancy.

¹⁰ AlBaqarah, Verse 284: "To Allah belongs whatever is in the heavens and whatever is in the earth..."

Luqman, Verse 20: "Do you not see that Allah has disposed for you whatever is in the heavens and whatever is in the earth and amply bestowed upon you His favors, [both] apparent and unapparent? But of the people is he who disputes about Allah without knowledge or guidance or an enlightening Book [from Him]."

Al-Baqarah, Verse 172: "O you who have believed, eat from the good things which We have provided for you and be grateful to Allah if it is [indeed] Him that you worship."

An-Nahl, Verse 12: "He has made subject to you the Night and the Day; the sun and the moon; and the stars are in subjection by His Command: verily in this are Signs for men who are wise."

An-Nahl, Verse 65: "Seest thou not that Allah has made subject to you (men) all that is on the earth, and the ships that sail through the sea by His ...) from failing on the earth except by His leave: for Allah is Most Kind and Most Merciful to man."

everything to the human beings in common to use. According to Quran humans are successor of God on earth, and his trustee in using and management of the world¹¹. A successor is a person who takes over and continues the role or position of another. A trustee is a person who holds the title of the property to the benefit of beneficiaries. That is, he is the owner of the property, but his ownership is subject to certain conditions and fiduciary duties. The beneficiaries are also humans themselves. Therefore:

1st. Humans' common property right over the world is not obtained naturally. Rather, it is a transfer of right from the first owner to the successor

2nd. Human's common property right is subject to conditions and fiduciary duties. These conditions and duties are set by the first owner, i.e. God¹².

b) Private Property:

Qurans states that God is the first owner of everything because he has created everything. In fact, "labor" is introduced as the only source of natural property right in Quran¹³. Therefore, it also permits humans (the successor and trustee of God on earth) to use their labor in order to acquire private property right¹⁴.

When an individual mixes his labor with something, he obtains natural private property right over that thing. However, the "natural" property right exists only with regard to the part which is the result of his labor. With regard to the rest of it, he is merely using a permission-for-private-use which is offered to him through the successor-ship and trust-ship. We will explain this point later, when we talk about special features of Property rights in Quran and the "theft problem"¹⁵ ::

c) Special Features of Property Rights in Quran:

1. Successor-ship and management of resources:

As a successor and trustee of God on earth, humans are to "manage" and run the world according to the terms of Successor-ship and Trustee-ship. That is, humans shall manage the world according to the principles of justice, because this is how God would manage the world had it not transferred the title to humans. As we discussed before, people's understanding of justice, their capacity and their efforts to reach the most just system are what matters. However, in their search for justice, humans should take account of the divine source¹⁶.

¹¹ Al-Baqarah, verse 30: And [mention, O Muhammad], when your Lord said to the angels, "Indeed, I will make upon the earth a successive authority." They said, "Will You place upon it one who causes corruption therein and sheds blood, while we declare Your praise and sanctify You?" Allah said, "Indeed, I know that which you do not know."

Surat Al-'A`raf, 74: And remember when He made you successors after the 'Aad and settled you in the land, [and] you take for yourselves palaces from its plains and carve from the mountains, homes. Then remember the favors of Allah and do not commit abuse on the earth, spreading corruption. [Underline added]

Al-Ahzab, Verse 72: "Indeed, we offered the Trust to the heavens and the earth and the mountains, and they declined to bear it and feared it; but man [undertook to] bear it. Indeed, he was unjust and ignorant of [the responsibility that comes with] it.

¹² E.g. Al-Baqarah, Verse 188: "And do not consume your property unjustly ...while you know [it is unjust].

¹³ Al-Maideah, Verse 17: "And to Allah belongs the dominion of the heavens and the earth and whatever is between them. He creates what He wills, and Allah is over all things competent".

Al-Anaam verse 73: And it is He who created the heavens and earth in truth. And the day He says, "Be," and it is, His word is the truth. And His is the dominion [on] the Day the Horn is blown. [He is] Knower of the unseen and the witnessed; and He is the Wise, the Acquainted. [Underline added]

¹⁴ Quran, An-Najm, Verse 39: "And that man hath only that for which he maketh effort

¹⁵ In previous sections, we had explained what "theft problem" is. Simply put, the theft problem is: when John Locke introduced his labor theory, he did not provide a compelling reason why humans have 100% property right over what they earn through their labor, whereas there is always a small proportion of that which is NOT the result of their labor. While he tried to solve this problem by "need" theory, many (mostly Marxists) continue to believe that any form of private possession is always a "theft" from the common property. In fact, there is no justification for such private possession, be it "need", or "compact", or anything else.

¹⁶ E.g. Al-Baqarah, Verse 188: "And do not consume your property unjustly ...while you know [it is unjust].

2. Productivity and waste:

As we mentioned before, in Quran, “productivity” is introduced as an inherently right (just) characteristic, whereas “waste” is an inherently wrong (unjust) thing. Therefore, every system of property, which is supposed to be envisaged in the light of Quran’s guidance, shall take this fact as an underlying principle. That is, (instead of maximization of pleasure and minimization of pain), the system of property shall lead to maximization of productivity in the society, and minimization of waste (of resources, e.g. land, wealth, time, etc.).

This is the main reason why “interest” and “Gharar (Excessive risk)” and “gambling”, are forbidden in Quran. Usury is anything earned in return and in excess of what is loaned to another person. For instance, when person “A” lends 1 kilo of rice to person “B” with the condition that B returns 1 kilo and a half at the end of a period. the excess of 1 kilo is considered interest/usury and is forbidden. This is because A has not produced anything thereby. Increasing the amount of rice (or money, or any other thing) by merely lending it to another person is not

considered production¹⁷.

Furthermore, activities which involve Qomar (Gambling) and Qarar (Excessively risky activities such as a leveraged buyout (LBO)) are prohibited in Quran too. They expose resources to too much risk the outcome of which is too vague. This is considered waste and is inherently wrong because the resources could be managed in a less risky activity with more chance of actual production

3. Poverty and distributive justice

Every system of property shall put the notion of “distributive justice” as one of its frontier goals. In several verses Quran talks about the indigents’ right in the rich’s property. For instance, in Adh-Dhāriyāt, verse 19 Quran explains the characteristics of virtuous people among which is “...from their properties was [given] the right of the [needy] petitioner and the deprived”[emphasis added]. In fact, Quran acknowledges that there is a residual right in the property of the rich for the needy. Because of this right, there are two kinds of obligatory charities that Quran talks about: Zakat¹⁸

¹⁷ One of the questions that arise is that: Does it mean that renting one’s land for a specified monthly rate is not allowed? This is a controversial issue among Muslim scholars. Most of them believe that it is allowed to seek rent for land provided that the landlord makes some improvements on it. It means when a person occupies a land he has to cultivate it or use it in a kind of productive way. If instead he prefers to rent it he should have already added some labor to it, otherwise he can not have a property right over the land by having merely occupied it. Furthermore, if he makes improvements and rents the land, then, the rent that he seeks should be the cost of the depreciation plus the expenses he has incurred for the improvements. See, e.g. Behdad, Sohrab. “Property rights in contemporary Islamic economic thought: a critical perspective.” *Review of Social Economy* 47.2 (1989): 185+. Expanded Academic ASAP. Web. 4 June 2010
Nevertheless, this condition does not preclude trade-related modes of financing in Islam. It is acceptable to purchase goods for the purpose of selling them at reasonable mark-up, or to lease them (without imposing undue conditions on the buyer and renter). Even though these transactions do not give rise to production directly, they are necessary to distribute the resources for the ultimate purpose of production. So, they are allowed. This is why, for instance, in Islam it is considered ‘Makrooh’ for a person to solely work as a ‘money exchanger’ or ‘gold seller’. Makrooh are types of work in Quran which are not forbidden, but people are recommended to avoid such works unless they have to. See Donaldson, William J. *Sharecropping in the Yemen: a study in Islamic theory, custom and pragmatism*. Leiden ; Boston ; Köln: Brill, 2000, P 83-84

¹⁸ Zakat (also called Sadaqeh) is money or any other kind of property which is given to the poor and few other groups of people that Quran names them. This is not a voluntary act, but a religious obligation. At-Taubah, Verse 60: “Zakah expenditures are only for the poor and for the needy and for those employed to collect [zakah] and for bringing hearts together and for freeing captives and for those in debt and for the cause of Allah and for the [stranded] traveler - an obligation [imposed] by Allah . And Allah is Knowing and Wise. Also: (About the quantity of Zakat) Al-Isra’, Verse 29: “And [in charity] do not make your hand [as] chained to your neck [i.e. stingy] or extend it completely and [thereby] become blamed and insolvent.”

and Khoms¹⁹. However, other than, Zakat and Khoms, people do not HAVE to pay their money for charity, even though it is applauded if it is done sincerely and thoughtfully.

iii. Overview of theory property in Quran, and its

comparison with other systems of property:

a) Common and private property; mixture of “grant” and “natural rights”

We said that in Quran the source of natural property right is “labor”. Therefore, God has natural property right over everything, as the Creator. However, he has appointed humans on earth as his successor and trustee to manage the world, as God would do, i.e. justly. So, humans own the world in common as the result of this transference of title. Nevertheless, by using one’s labor, humans can obtain natural property right over what they create. With regard to the percentage which is not the result of his labor, one remains a trustee who is permitted to privately possess that thing. Two questions of “theft problem” and “charity problem” are well responded by this theory:

Theft problem [see footnote 15]:

We said that with regard to the percentage which is not the result of one’s labor, one remains a trustee who is permitted to privately possess that thing. What does it mean?

Given that we are successors and trustees of God on earth, and we are supposed to run the world justly,

humans are permitted to take private possession of their commonly shared property, as long as it is necessary to maximize productivity and minimize waste. In fact, every productive activity entails and necessitates an amount of private possession of an already existing thing. Otherwise, it would lead to waste of resources, which is inherently unjust.

Duty of Charity

As we said before, in Quran, poverty is introduced as a phenomenon which is inherently unjust, and leads to excessive waste of resources. Therefore, a system for “distributive justice” is prescribed by Quran the purpose and effect of which are to redistribute the wealth in the society. Unlike other naturalist theories, Quran does not try to justify this duty based on an “implicit compact” or “need”. Rather, Quran introduces “poverty” as an inherently unjust phenomenon which must be prevented and/or rectified. Therefore, it is inherently right for a person to give away part of his private property to charity. Given that humans are supposed to manage the world (and their common and private property) justly, they shall take account of the divine guidance when it is clearly revealing a principle of justice (i.e. necessity of charity).

b) We had discussed that Naturalists believe in existence of natural rights, and thus, existence of a universal property right. To the contrary, Utilitarianists believed that Rights are granted by the State, and thus, they may vary by time and place.

However, while Quran believes in existence of natural

¹⁹ Khoms is the same as Zakat with the only difference that the recipient of the charity – in Khoms -- is the Prophet and his relatives. In fact, as the Prophet explained the rule later, Zakat must not be paid to the Prophet and his relatives even if they were in need of help. See: Quran, Anfaal verse 41: “And know that anything you obtain of war booty - then indeed, for Allah is one fifth of it and for the Messenger and for [his] near relatives and the orphans, the needy, and the [stranded] traveler, if you have believed in Allah and in that which We sent down to Our Servant on the day of criterion - the day when the two armies met. And Allah, over all things, is competent.” Although the verse talks about War booty, Muslim scholars – particularly the Shiit scholars—have explained that it applies to any kind of property which is the result any activity other than farming and the like.

As a matter of policy this separation makes sense because:

First, absent a ban on spending Zakat for the Prophet and his relatives people might have felt pressure/or might have been inclined to help this group more than other people. This might result in an undesirable discrimination in the society among the needy. And this would be against the distributive policy of Islam.

Second, the amount and the source of payment of Khoms are specified to make sure that people do not spend too much in order to please the Prophet and his relatives. Thus, people pay to the needy members of this group only from the extra part of their property (i.e. a saving which has not been used for a year)

All in all, the nature of Khoms is not that different from Zakat, and it has the same property policies as that mentioned before (with regard to Zakat). The difference lies merely between the subjects of the spending and its amount.

rights (and natural property rights), it approves of existence of different systems of property right in different times and places. In this particular notion, Quran diverges from both theories this way:

- Unlike Naturalists, Quran distinguishes between existence of rights and existence of duties. The mere existence of natural rights in Quran does not necessitate natural existence of duty. Rather, "duty" is the result of one's capacity and efforts to understand. [See page 2, Duty and Capacity of Understanding]
- Unlike Utilitarianism, Quran does not approve of a system of property right which is tailored by the State solely on the basis of "maximization of pleasure and minimization of pain". Given that Quran believes in existence of inherent justice and natural rights, it approves of different systems of property rights only and as long as they are the result of utmost efforts of the society to realize how they may "maximize productivity, minimize waste and poverty".

c) We saw in the first section, that among the naturalists, proponents of "compact theory", believed in existence of an implicit compact in the society which (theoretically) paves the way for gradual changes in the property system. However, the problem with this notion was that "compact theory" was wholly based on a "natural-rights-approach". Therefore, it would be an internal conflict to believe in natural rights on one hand, and to leave the fate of the property system to the wills and whims of negotiators, on the other hand.

However, in Quran, even though it approves of

gradual evolution of property system according to people's understanding of justice, it does not pose an internal conflict. This is because:

1st. as we explained before, the gradual evolution of property system is hinged on the notion of "duty", which is treated differently by Quran than "rights".

2nd. In the compact theory, the implicit compact refers to the result of people's negotiation, which on its own, is the result of people's bargaining power. However, in Quran, this gradual evolution should be result of two things:

one) discussion and consultation in order to obtain a better understanding of justice: Religiously speaking, it is obligatory for Muslims to spread their knowledge of rightness and wrongness in the society, and to talk and consult about it. This is called the duty of "Amr be Maroof va Nahy az Monkar"²⁰.

two) self-educating: according to Quran, every person, before engaging in "Amr be Maroof va Nahy az Monkar", must do her best to educate herself about right and wrong²¹.

3rd. most important, this gradual evolution in Quran is supposed to be real, conscious and deliberate, as opposed to the "implicit" compact which is suggested by opponent of compact theory.

*This paper was originally prepared as a thesis in 85 pages. It has been summarized in order to fit into the requirements for an article.

²⁰ Ali-Imran, 104, 105, 114: "And let there be [arising] from you a nation inviting to [all that is] good, enjoining what is right and forbidding what is wrong, and those will be the successful."

Al-Asr, 2 & 3: "Verily Man is in loss;" "Except such as have Faith, and do righteous deeds, and (join together) in the mutual teaching of Truth, and of Patience and Constancy."

²¹ Al-Baqarah Verse 44 "Do you order righteousness of the people and forget yourselves while you recite the Scripture [in which right & wrong is clarified]? Then will you not reason?!".

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