DOCUMENT SIXTY-SIX

REGISTRATION OF BUS COMPANY AS STOCK COMPANY (AFTER 1959)

Introduction

The document under review is an application to the Registrar of Companies in the West Bank, the Ministry of National Economy in Amman, to grant a concession to a group of five Bedouin of ʿArab al-Taʿāmira, among them Shaykh Muḥammad Sālim al-Dhuwayb, the leader of al-Taʿāmira tribes, a member of the Jordanian parliament and authoritative arbitrator, as well as Shaykh Muḥammad Aḥmad Abū ʿĀmiriyya, a famous arbitrator in his own right, to establish a bus company for transportation of passengers from Tuqūʿ via Zaʿtara in the Judean Desert to Bethlehem, and to register the company as a stock company with a capital of a certain value in the Official Gazette. The five tribal shaykhs request to be registered as shareholders of the company each in control of one share.

This economic enterprise is in fact a kind of partnership of shareholders based on the Jordanian companies law; it has nothing to do with the shariʿa; moreover, shares by their very nature involve risk or hazard (gharar) which is deemed interest (ribā) and hence prohibited under the shariʿa.1

The document demonstrates the Bedouin’s adaptability to changing economic conditions; the loyalty and cohesion of the political tribal leaders is being translated into mutual liability and suretyship2 of shareholders sanctioned by statutory legislation and civil court.

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1 Saleh, 51–52; Layish, Sharīʿa and Custom in Libya, doc. 64, fn. 6; doc. 71, fn. 6.
2 Schacht, Introduction, 156. On the integration of the bus company into another company, see doc. 65 above.
Your Grace, the Honorable Registrar of Companies in the West Bank
The Ministry of National Economy, Amman
The Applicant: Za’tara Bus Company

{5} Subject of Application: Registration of ordinary society under the name of “Za’tara Bus Company.”

Greetings and tributes. Now to the matter at hand. On November 12th, 1959, His Excellency, the Honorable Minister of the Interior confirmed the decision of the Transportation Sub-committee of the Livā’ of Jerusalem concerning the operation of one bus from ‘Arab al-Ta’āmira Taqū via Tall al-Farādis and Za’tara to Bethlehem and back for the purpose of transporting passengers {10} from ‘Arab al-Ta’āmira to Bethlehem and the other way around; the concession (imtiyāz) was granted to: (1) Muḥammad Ṣālim al-Dhuwayb, (2) Ḍhām Muḥammad Abū Ṭāmiriyiyā, (3) Muḥammad Ḍhām Abū Ṭāmiriyiyā, (4) Ḍhām Ṣālim al-Dhuwayb, (5) Ṭāli Muḥammad Abū Ṭāmiriyiyā—[all of them of] ‘Arab al-Ta’āmira, the Qadā of Bethlehem.

On the basis of the aforementioned and given our trust in God, we [hereby] constitute this {15} ordinary company under the name “Za’tara Bus Company,” the value of its capital being two thousand and five hundred Jordanian dinars only, with the proviso that the [number of] the shares (hiṣāṣ al-musāhama) [in the stock company] is limited, [each of the shares] of equal value (bi-nisba mutasāwiya), [to be registered in] our aforementioned names on the basis of five shares (āshum), each of us [the shareholders] having one share thereof.

Therefore we apply to your Grace to be so kind as to see to it that our company is registered {20} under the name “Za’tara Bus Company.” We further request its due registration in the Official Gazette.

Hence, please accept our highest respect.
Muḥammad Ṣālim al-Dhuwayb, Ḍhām Ṣālim al-Dhuwayb, [fingerprints of] Muḥammad Ḍhām Abū Ṭāmiriyiyā, [fingerprints of] Muḥammad Ḍhām Muḥammad Abū Ṭāmiriyiyā, [the signature of Ṭāli Muḥammad Abū Ṭāmiriyiyā is missing].