

[Assessment of the status of the Bible and the Quran under intellectual property law, with emphasis on traditional knowledge and cultural expression]

Submitted in partial fulfillment of the requirements of the Bachelor of Laws Degree, Strathmore University Law School

By

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Prepared under the supervision of

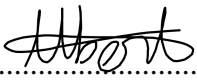
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[January 2021]

Word count (8892)


Declaration

I, [ALBERT MWANGI MURIITHI], do hereby declare that this research is my original work and that to the best of my knowledge and belief, it has not been previously, in its entirety or in part, been submitted to any other university for a degree or diploma. Other works cited or referred to are accordingly acknowledged.

Signed: 

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This dissertation has been submitted for examination with my approval as University Supervisor.

Signed:  20-8-21

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ACKNOWLEDGMENTS

I acknowledge the exceedingly helpful and vital guidance and advice of my supervisor, Dr Isaac Rutenberg. I am thankful for the support and accountability given by great friends Ashley Obondo, Athena Ekorot and Gennette Omondi. I dearly appreciate the constant encouragement, accountability, and advice given by my mother, Mercy Mukiria, and sister, Angela Muriithi, in writing this dissertation.

ABSTRACT

This paper critically examines the intellectual property law surrounding the Scriptures of the Abrahamic faiths: The Bible- consisting of the Old Testament and the New Testament- and the Quran. Despite being revered throughout the world and having some measure of influence on a possible majority of the cultures of the world, these Scriptures are still the product of specific cultures that wrote them down and first held them as their own cultural treasures. That ideally would entitle them to some form of protection under the law of traditional knowledge and cultural expression. Additionally, the texts have been subject time and again to cultural and personal reinterpretations by different persons and groups of persons, often with detrimental consequences to the ideal cohesion of society. This includes but is not limited to manipulation of persons for the personal benefit of others, factionalism, and conflict both within and among religious groups.

The purpose of this dissertation is to analyse the legal sphere behind the cultural preservation of the Scriptures in question, to discover the steps that can reasonably be taken to place these Scriptures under at the protection of a cultural authority to preserve the original cultural expression and doctrinal interpretation of the original authors and their primary audience. Hopefully, this may provide a legal dam to protect the original cultural meaning from being permanently lost in translation and transmission.

LIST OF CASES

Donaldson v. Beckett, 1 Eng. Rep. 837, 842 (1774).

Qimron v Shanks (2000) Israeli Supreme Court.

LIST OF LEGAL INSTRUMENTS

Berne Convention for the Protection of Literary and Artistic Works, 28 September 1979.

Title 17 of the United States Code (United States of America).

Treaty of Waitangi (1840).

Treaty of Waitangi Act (1975) (New Zealand).

The Constitution of the Arab Republic of Egypt (2014).

Antiquities' Protection Law (Egypt).

Basic Law: Israel - the Nation State of the Jewish People (Israel).

The Constitution of Greece (2001).

Basic Law of Saudi Arabia (1992).

Chief Rabbinate of Israel Law (Israel).

LIST OF ABBREVIATIONS

BCE- Before Common Era

CE- Common Era

COVID-19- Coronavirus disease 2019

CHAPTER 1: INTRODUCTION

1.1.Introduction and Background

The Bible and the Quran are arguably the most influential religious texts ever produced, and the primary sources of doctrine, practice and belief to almost 4 billion people around the world. However, despite the international cross-cultural significance and ongoing importance of the 2 books, the fact remains that the books are centuries old and were written in a time and place very different from the world that currently reveres, studies and follows them, and in languages with distinct and unique literary traditions.

The Bible is divided into 2 groups of documents. The first is the Old Testament, also known as the Hebrew Bible, which was written by the Jewish community of the ancient world. The commonly accepted range for the authorship of these books is from c.1400BCE to c.200BCE. These books were written, edited and compiled by various Jewish writers and religious scholars who lived in the Levant, Mesopotamia and Egypt, under the governance of a multitude of governments, most of them foreign conquerors. These books were first written in Hebrew before being translated into Greek in the 2nd century BCE.

The second group is the New Testament, that was written by believers in Jesus Christ in the 1st century CE. These men lived in and travelled among various cities in the Hellenic Eastern Mediterranean during the early Roman Empire. The books were first written in Greek before being circulated around the Christian communities in the region and translated into other languages such as Latin, Syriac and Coptic.

The Quran is a collection of revelations given to the Prophet Muhammad, who lived in the Arabian Peninsula from 570CE to 632CE. The revelations of the Quran were given to Prophet Muhammad in the cities of Mecca and Medina from 610CE until his death, after which they were compiled into central texts by his followers under the Rashidun and Umayyad Caliphates. The Quran, despite its translation into numerous languages, is still revered in its original Arabic language.¹

In the near 2 millennia of the existence of the complete Biblical corpus and the 14 centuries of the existence of the Quran, the 2 books have been repeatedly translated by the numerous cultures that

¹ Fisher M, "Living Religions: An Encyclopaedia of the World's Faiths," Tauris Publishers, 1997, 338.

came to accept them as spiritual truth. However, the texts, in their adaptation, fell subject to the inherent flaws that arise from the translation of a text. The problem is well placed by Steven Voth that no translation of any text is ever “neutral” or objective. This means that translations of texts never take place in a vacuum. They are produced in specific places, at specific times, under specific conditions. Thus, a number of factors play into the exercise of translation. Among these factors, I suggest that the more critical are realities of race, class, gender, life histories, theological persuasions, political alliances, distinctive cultural features and, last but not least, marketing issues. All of these factors contribute to the “ideology” of any given translator or team of translators: Ideology is that systematic body of concepts that exist, characterize, and define human life or culture. In one sense, ideology can be compared to “world view.” It has to do with the way an individual or group understands and defines reality.²

This is further compounded by the issue of interpretation that is commonly the duty of the religious leaders. The weakness arises when, in the interpretation of passages in the texts, ideas that are contemporary to the faithful of the time but were foreign to the writers are imposed onto the texts, either out of subconscious error or deliberate planning. John Walton states in his primary field of Old Testament study that the fact that the Old Testament is an ancient document means that we cannot read it as if it were a modern Western document. Its words are laden with cultural content that its audience intrinsically understood but is often opaque to a modern reader. In reading a text written by and for a different cultural audience, the modern reader automatically and unconsciously imposes their own cultural ideas and beliefs upon the text being read.³

When carried out unintentionally, such cultural eisegesis has served to create numerous factions and denominations in each religious group. These denominations vary in degrees of departure from what is considered orthodoxy and, while most of these denominations manage to peacefully coexist and still consider each other fellow believers, many are still branded as heretics and shunned from the global religious community that they claim to be a part of. In more severe

² Voth S, ‘Toward an Ethic of Liberation for Bible Translation: A Work in Progress’ in Arnold B, Erickson N and Walton J (eds) *Windows to the Ancient World of the Hebrew Bible: Essays in Honor of Samuel Greengus*, Eisenbrauns, 2014, 216-217.

³ Walton J and Walton J, *The Lost World of the Torah: Law as Covenant and Wisdom in Ancient Context*, Inter-Varsity Academic, Downers Grove, 2019, 9-14.

circumstances, these heretical denominations would go through and still go through various levels of suppression or persecution, some carried out under government approval.

When the imposition of meaning into the texts is done with purposeful and/or malicious intent, it has led to multiple leaders using people's belief in these texts to motivate their own self-serving agendas. Throughout history, incidents like the Salem Witch Trials, the Holocaust, the Spanish Inquisition and the Armenian Genocide have been motivated by a unique meaning of the text that seemed to imply the validity of the political wishes and desires of the leaders at the time. In a large scale, this has led to the deaths of millions of people and the destruction of societies.⁴ This has the further effect of creating backlash by the rest of the world, not just against the leaders who commanded such atrocities, but also against the religious texts that were used to inspire such acts. This has led to a general disregard and even opposition to these texts, which still carry worldwide significance and are still the most influential books in human history. In light of the historical problems that have arisen in such cases that still threaten to tear many societies apart, it is the responsibility of the international community to employ international law to ensure that such acts are denounced as wrong and as misinterpretations of the texts, and to protect the original meanings of the texts to keep the culture under which they originated alive for posterity.

1.2.Statement of the Problem

The religious texts of the Bible and the Quran were written under a specific culture and have unique cultural context that, ideally, should be understood without the knowledge of the cultures in which they originated. In the exercise of scripture interpretation in the relevant religious circles, the beliefs and the worldviews of the original writers should be considered. However, in reality, the interpretation of passages in these books has, for centuries, been based on the prior beliefs and interests of the specific interpreters. This has led to multiple cases of vastly contradicting meanings being read into any particular passage in each book. Not only has this led to massive factionalism and deep, sometimes violent divisions within the respective theologies, but this has also been used to condone grave vices over the centuries that has corrupted, shattered and sometimes completely

⁴ Nolan C, *The Age of Wars of Religion (1000-1650) Volume 1, An Encyclopaedia of Global Warfare and Civilization*, Greenwood Press, Westport, Connecticut, 2006, 445-447.

destroyed families, communities and nations. A possible solution to this problem would be to have the works recognized as the traditional knowledge and/or cultural expression of the people under whom they were written. They are to have the power to determine the proper and intended meaning of the books in question and are to be recognized by international law as the holders of the rights and freedoms that arise from ownership of traditional knowledge.

1.3.Rationale of the Study

A saying that is attributed to George Santayana states that those who do not learn from history are doomed to repeat its mistakes. For almost 2 millennia, the religious texts of the Bible and later the Quran have been at the mercy of the interpretation of whoever seeks to gain from the reverence and authority afforded to the books by the adherents of the religions of Christianity, Judaism and Islam. This has driven many of those in power to read their desired interpretations into the text to justify their own personal goals. This has led to atrocities such as acts of violence and genocides, book burnings, acts of discrimination, ignorance and slavery that are still remembered today and many of which are still practiced today. The study seeks to show that the most efficient way to denounce such acts of the past and to prevent the repeat of the same in the future is to entrust the legacy of these works to the protection of international law on traditional knowledge and cultural expression.

1.4.Significance of the Study

The targeted beneficiaries of this study include laypeople, religious authorities, sceptics and scholars within Christianity and Islam. Laypeople and religious authorities stand to gain from a proper understanding of the cultural context and meaning of their central religious texts, which would prove very valuable to them for following the doctrines and teachings of their religions in their daily lives. Sceptics would stand to gain from a proper understanding of these religious texts to sufficiently answer the questions that they seek answered in their analysis of the religious texts. Scholars within both religions as well as historians and anthropologists shall benefit from a proper understanding of the texts; in this, a proper reading of the ancient texts shall enhance their

usefulness in the study of the cultures and times under which the texts were first created, codified, edited and compiled.

1.5.Aims and Objectives

The aim of the study is to preserve the original culture and tradition of the Bible and the Quran in their original languages by placing them under the protection of cultural expression law.

1. To evaluate the current status of the Bible and the Quran under intellectual property law.
2. To analyse the impact of translations on the cultural expression law concerning the Bible and the Quran.
3. To discover suitable religious or cultural authorities in whom to vest the traditional knowledge rights embodied in the Biblical and Quranic traditions.

1.6.Research Questions

1. To what extent are the texts of the Bible and the Quran, as well as the cultural expression embedded within them, protected under intellectual property law?
2. Which religious or cultural authorities, as per WIPO standards of traditional knowledge protection, are best suited to hold any traditional knowledge rights embodied in the Biblical and Quranic traditions?⁵

1.7.Research Methodology

The key methodology used in this study is doctrinal research as well as analysing the works of scholars on the law surrounding traditional knowledge and cultural expression. This should establish the strengths and weaknesses of the current system in the extent to which intellectual

⁵ Robinson D, Abdel-Latif A, Roffe P, 'Protecting Traditional Knowledge: The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, traditional Knowledge and Folklore' Routledge, London, 2017.

property law is used both in protection of the Bible and Quran and compare them to the protection of other forms of cultural expression. From there, the law can then be applied to the specific cases of the Bible and the Quran to establish to what extent the texts can be protected under this branch of the law.

1.8.Hypotheses

This study is based on the following hypotheses, which may be proven or disproven by the study.

1. The texts of the Bible and the Quran, and especially translations of the same, are protected under copyright law.
2. The descendants of the cultures under which the texts were written are close enough to their cultural ancestors to establish a suitable authority under which to place the traditional knowledge and cultural expression rights.
3. Despite the unique status of these books as texts that transcend times and cultures and thus are the property and heritage of all mankind, they still qualify as the traditional knowledge and cultural expression of specific cultures in the world today.

1.9.Literature Review

A review of the literature relating to the topic heavily relates to the protection of indigenous communities whose forms of cultural expression were taken away during colonial days and displayed in institutions of learning such as museums in the colonial homelands. Jane Anderson uses her extensive background in Intellectual Property Law to argue for the recognition of various forms of cultural expression and traditional knowledge as belonging to the community in which they originate and the return of these forms of intellectual property back into the protection, preservation and active use of those communities. However, her work has little to do with the

property rights in forms of intellectual property that come from outside communities and heavily influenced the civilization in which they were adopted.⁶

Daphne Zografos analyses the traditional method of preservation of traditional cultural expressions through the use of copyright laws compared with the use of intellectual property rights such as trademarks and laws against misrepresentation. Her work focuses on meeting the concerns raised by the holders of traditional knowledge and the policymakers who are tasked with protecting the works through legal means. This includes prevention or control of commercial use of the traditional cultural expressions by third parties, proper attribution and protection from false attribution and offensive use of their traditional cultural expression.⁷

Daniel F. Robinson, Ahmed Abdel-Latif and Pedro Roffe provide the first comprehensive review of the Intergovernmental Committee (IGC) of the World Intellectual Property Organization (WIPO) established in 2000. It provides an in-depth consideration of the key thematic areas within WIPO discussions – genetic resources, traditional knowledge and traditional cultural expressions through the perspectives of a broad range of experts and stakeholders, including indigenous peoples and local communities. However, where the work succeeds in giving a thorough account of the discussions held and the reasoning behind the positions held during negotiations, it concedes that a suitable consensus is yet to be reached in the IGC on the proper protection of such works.⁸

David Simon presents a reasoned analysis of the motivations behind the use of intellectual property laws by religious bodies and institutions. He presents the use of copyright as a way for religious bodies to protect their sacred writings from doctrinal corruption and, in some cases, to censor the words of heretics and critics who may wish to bring the religion into disrepute. His work covers a key idea driving the study and shall prove instrumental in the reasoning behind this study.⁹

⁶ Anderson J, 'Indigenous/ Traditional Knowledge & Intellectual Property' Duke University School of Law, Center of the Study of the Public Domain, 2010.

⁷ Zografos D, 'Intellectual Property and Traditional Cultural Expressions', Edward Elgar, Cheltenham, 2010, 1-2.

⁸ Robinson D, Abdel-Latif A, Roffe P, 'Protecting Traditional Knowledge: The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, traditional Knowledge and Folklore' Routledge, London, 2017.

⁹ Simon D, 'In Search of (Maintaining) the Truth: The Use of Copyright Law by Religious Organizations', 16 Michigan Telecommunications and Technology Law Review 2, 2010.

Terri Janke, on behalf of WIPO, provides an insightful case study into the means used by Aboriginal communities in Australia in the preservation of their existing traditional knowledge and cultural expressions, including art and folklore. Her work is praised by WIPO as a valuable contribution to the development of practical and policy responses to the challenges posed by the protection of expressions of traditional cultures and folklore.¹⁰

Roger Syn gives an in-depth study on copyright in relation to the Bible. He explores the history of the intellectual property rights attached to translations of the Bible, from the earliest days of English translations to the present day. He then explores the economic and moral rights given by ownership of copyright and compares it to past and present views on the Bible, to give an analysis on whether the translations of the Bible being protected under copyright law remains true to the message of the Bible.¹¹

1.10. Limitations and Delimitations

A possible limitation to the study is the deficiency in scholarly attention given to the matter at hand. The main focus of traditional cultural expressions is the protection of communities whose culture is at risk of fading away, being absorbed into the wider world or being disregarded and forgotten. However, this study deals with the original cultures that formed the foundation of both Western and Islamic civilisations. Therefore, there has not been much emphasis placed in its unique preservation outside the culture that exists today.

This study shall be limited to intellectual property rights as pertains the Bible and the Quran in their original cultural setting. This study shall not cover the protection given to translations of the texts that are used in the wider world nor shall it cover the protection of the modern-day Christian and Islamic cultural expression.

¹⁰ Janke T, 'Minding Culture: Case Studies on Intellectual Property and Traditional Cultural Expression', World Intellectual Property Organization, 2003, Foreword.

¹¹ Syn R, 'Copyright God: Enforcement of Copyright in the Bible and Religious Works' 14 Regent University Law Review 1, 2001-2002.

1.11. Definition of Terms

‘Scriptures’ refers to the Bible and the Quran collectively, especially as identified in their original languages and historical contexts.

‘Cultural expressions’, as given by the Protection of Traditional Knowledge and Cultural Expressions Act, 2016, means any forms, whether tangible or intangible, in which traditional culture and knowledge are expressed, appear or are manifested.

‘Context’ means the mode of using traditional knowledge or cultural expressions in their proper framework based on historic and continuous usage by the community.

‘Intangible cultural heritage’ means the practices, expressions, knowledge and cultural spaces associated with that communities and nation recognized as part of their social cultural heritage.

‘Cultural appropriation’ means the unlawful taking of cultural expressions, history, and traditional knowledge.

1.12. Outline of the dissertation

The study shall first go through the laws as they are and analyse the modern-day intellectual property rights that are vested in the Scriptures. The study shall explore various notable jurisdictions and laws concerning cultural expression that, although they do not tie in with the Scriptural traditions, can set up a high enough standard that can be met by the authorities that shall be identified later in the study as best suited to hold the intellectual property rights to the Scriptural cultural expression.

1.13. Summary of conclusions

The Scriptures are granted some measure of protection under various kinds of law in the jurisdictions that they are most suited to. However, with one notable exception, the laws in place fail to live up to the level that is required to meet the standard set in the case studies.

1.14. Chapter Summary

Chapter 1- An introduction to the study, giving the background, literature review, research questions, primary objectives, and methodology.

Chapter 2- The theoretical framework of the study as well as an insight as to the current forms of intellectual property law governing the Scriptures.

Chapter 3- Analysis of case studies on the preservation of legal systems surrounding cultural expressions to provide a suitable standard to be emulated.

Chapter 4- Identification and analysis of the jurisdictions most suited to govern and protect Scriptural cultural expression.

Chapter 5- Conclusion and final recommendations.

CHAPTER 2- THEORETICAL AND LEGAL FRAMEWORK

2.1. Theoretical Framework

The driving theory behind the study is the theory proposed by David Simon in his study done under the Michigan Telecommunications and Technology Law Review. He advances the theory that religious organizations might employ intellectual property law to perform 2 prominent functions: censoring spiritual dissention, denigration, or criticism and maintaining doctrinal purity.¹² The goals of maintaining doctrinal purity and preserving the integrity of the work are the main driving forces behind this study, where the use of traditional knowledge and cultural expressions law serves to preserve the purity and integrity of the original context, meaning and application of the texts, despite the passage of time and the dissemination of the beliefs to various cultures around the world.

Part of the reason a religious organization may seek to employ intellectual property law over its holy texts is due to its belief concerning the text itself. Muslims, for example, hold that the Quran is pure in its entirety, having been preserved and the integrity of the text protected from corruption.¹³ They hold that the integrity of the book is best maintained when distributed in a duplicate. In that case, the Islamic community would find reason to employ intellectual property law to curb unrestricted production of the text, which could lead to either accidental or intentional distortion or change of the text.¹⁴

Once the text is allowed to be copied and disseminated in an uncontrolled and unrestricted manner, the text is prone to abridgements, distortions and rearrangements. These can affect the context of the document itself. If these changes in context are not addressed, they shall lead to changes and corruptions in doctrine, which can have negative consequences on the society. As mentioned in the first chapter, these can lead to misuse of doctrine for selfish means due to distortions of the text that prove favourable to those means.¹⁵

¹² Simon D, 'In Search of (Maintaining) the Truth: The Use of Copyright Law by Religious Organizations', 16 Michigan Telecommunications and Technology Law Review 2, 2010, 359.

¹³ Shnizer A, 'Sacrality and Collection' in Rippin A (ed) *The Blackwell Companion to the Qur'an*, Blackwell Publishing, Oxford, 2006, 160-162.

¹⁴ Deroche F, 'Written Transmission' in Rippin A (ed) *The Blackwell Companion to the Qur'an*, 172-185.

¹⁵ Simon D, 'In Search of (Maintaining) the Truth: The Use of Copyright Law by Religious Organizations', 374.

This position was espoused clearly in the case of *United Christian Scientists v. Christian Science Board of Directors, First Church of Christ, Scientist*. In this matter, the United States Congress passed a private law that extended the copyright term of the works held by the First Church of Christ (the First Church). A splinter group, the United Christian Scientists (UCS), disagreed with the First Church on matters of membership and doctrine. In response to the First Church's accusations that UCS infringed its works by distributing them without permission, UCS brought an action seeking a declaratory judgment that the private law was unconstitutional. The First Church explained the necessity for the law, which arose from its concern for doctrinal purity:

*Changes of wording ... are extremely important to members of our church. To others they may seem minor, but, as those of you know who are familiar with matters religious, centuries in the Christian church were devoted to clarifying just such questions of wording. Words, of course, stand for religious positions of vast significance in the lives of thousands of believers.*¹⁶

2.2. Current Intellectual Property Law governing religious texts.

The religious texts under consideration are essentially governed and protected by the laws of copyright. In regard to the Bible, both the Old and the New Testaments, virtually every translation is protected under copyright law as the intellectual property of the persons that commissioned them. That is, with the sole exception of the Authorised Version of the Bible, which consists of the King James Version of the Bible and other prior English versions commissioned by the Crown of the United Kingdom.¹⁷ The reason for this exception occurs in 1774, before the advent of the vast majority of English translations of the Bible known today. In the case of *Donaldson v. Beckett* (1774), the courts wished to establish whether the Crown had the copyright to the Authorised Version as it was the King who had financed the translation of the text. Ordinarily, that would

¹⁶ Simon D, 'In Search of (Maintaining) the Truth: The Use of Copyright Law by Religious Organizations', 375.

¹⁷ Syn R, 'Copyright God: Enforcement of Copyright in the Bible and Religious Works' 14 Regent University Law Review 1, 2001-2002, 1.

make the Crown the owner and copyright holder, if the book in question was an ordinary book. However, the reasoning given by the court was that the Bible was not an ordinary book.¹⁸

*[T]he Bible, and books of Divine Service, do not apply to the present case; they are left to the superintendence of the Crown, as the head and sovereign of the state, upon the principles of public utility. But to prescribe to the Crown a perpetual [copyright to the Bible, upon principles of property, is to make the King turn bookseller: and if it be true, that the King paid for the translation of the Bible, it was a purchase made for the whole body of the people, for the use of the kingdom.]*¹⁹

This meant that the Crown was not the owner of the Authorised Version, but was merely its custodian to ensure that its accuracy was preserved.

Over time, as more Bible translations were produced, it became evident in the case of *Universities of Oxford and Cambridge v. Eyre & Spottiswoode, Ltd (1964)* that the prohibition on copyright in the Bible applied solely to the Crown and in regard to the Authorised Version of the Bible. Other versions were available for copyright protection and were not under the custody of the Crown.²⁰ This opened the door for the application of copyright protection of translations of the Bible and other religious texts that became subject to copyright protection with the global expansion of the common law and civil law systems. These translations enjoy the protection of the Berne Convention that states that translations of a literary or artistic work shall be protected as original works without prejudice to the copyright in the original work.²¹

From then and continuing into the present day, translations of the Bible are regarded as the property of the authors of the translations. The *New International Version (NIV)* is owned by Biblica, Inc., which produced the translation in 1973. The *New King James Version (NKJV)* was released in 1982 by Thomas Nelson, Inc., and thus maintains copyright protection.

In the realm of Islamic scripture, translations of the Quran are subject to copyright protection under legislation such as the Berne Convention. The *Holy Quran: Translation and Commentary* is under

¹⁸ Syn R, ‘Copyright God: Enforcement of Copyright in the Bible and Religious Works’, 7-8.

¹⁹ *Donaldson v. Beckett*, 1 Eng. Rep. 837, 842 (1774).

²⁰ Syn R, ‘Copyright God: Enforcement of Copyright in the Bible and Religious Works’, 11-12.

²¹ Article 2(3), Berne Convention for the Protection of Literary and Artistic Works, 28 September 1979.

the ownership of Abdullah Yusuf Ali, a copyright that was attained in 1946. The *Message of the Quran* is the property of Muhammad Asad, who published the translation in 1980. The *Meaning of the Glorious Quran* is the product of Muhammad Marmaduke Pickthall, who received copyright protection in 1930.²²

2.3. The Unique Case of the Ancient Texts

Modern translations of the Scriptures, many of which are less than a century old, are still well under the protection of copyright law.²³ The original scriptures, however, are multiple centuries old. In each case, their authors have been dead for at least one thousand years; and in most cases, the authors' lives ended multiple millennia ago. This puts these Scriptures well beyond the reach of conventional copyright law.

However, that has not stopped governments and companies from trying to place the original texts under copyright law. In 2010, the Society of Biblical Literature and the Logos Bible Software attained copyright over the SBL Greek New Testament, a Bible written in the original language of Koine Greek. Other notable examples include the Biblia Hebraica Stuttgartensia, a modern copyrighted edition of the Masoretic text of the Hebrew Old Testament; and the Nestle-Aland Novum Testamentum Graece, which is, at the moment of writing, in its 28th edition. These are standard editions of the original Scriptures, results of years of study.²⁴

One landmark case in the field of copyright in regard to the original Scriptures is the case of *Qimron v Shanks (2000)*. This case deals with the famous Dead Sea Scrolls, a set of scrolls discovered in the caves near the town of Qumran in Israel in 1947. These scrolls include all of the books of the Old Testament (except Esther) as well as numerous non-Biblical Jewish works dating from the third century BCE to the first century CE. One of the scholars who set to work on piecing together and deciphering the scrolls, Elisha Qimron, brought charges against Hershel Shanks, the president of the Biblical Archaeology Society, for prematurely releasing the research of Dr Qimron

²² Nassimi D, 'A Thematic Comparative Review of some English Translations of the Qur'an' Unpublished, University of Birmingham, Birmingham, 2008, 53-54, 60.

²³ Chapter 3, Title 17 of the United States Code (United States of America).

²⁴ Syn R, 'Copyright God: Enforcement of Copyright in the Bible and Religious Works', 1.

to the wider scholarly community. The Jerusalem District Court ruled that Mr. Shanks had infringed on the copyright of Dr Qimron. The attempt by Mr. Shanks to appeal the decision in the Israeli Supreme Court proved unsuccessful. This case marks a first time when a copyright claim for an ancient document has been successful in a court of law.²⁵

Despite the success of the case, the point still stands that such documents are more than just works of literature. These Scriptures are part of living cultures around the world, some of which may have a strong claim to be the descendants to the parent cultures of these Scriptures. To ensure that these documents remain protected long after their copyright has expired, and in a way that preserves their doctrinal purity, it is recommended that they be included in the corpus of cultural expression that is internationally recognised and placed under the jurisdiction of the nations most intimately tied to the culture.

²⁵ *Qimron v Shanks (2000)* Israeli Supreme Court.

CHAPTER 3- CASE STUDIES ON PRESERVATION OF TRADITIONAL KNOWLEDGE AND CULTURAL EXPRESSION

3.1. Case Study- Traditional Knowledge and Cultural Expression of the Māori in New Zealand

The first case study that shall be discussed on the preservation of traditional knowledge and cultural expression is the Government of New Zealand and its protection of the intellectual property rights of the Māori culture. In a speech given to the United Nations Permanent Forum on Indigenous Issues on 23 April 2019, Honourable Nanaia Mahuta, the New Zealand Minister for Māori Development, gives the vital importance of traditional knowledge in the future development of her nation. She posits that this traditional knowledge is fundamentally embedded in the genealogy of the Māori people. It is etched into their language, their genealogies, songs, dance, art and storytelling. She calls the Māori traditional knowledge their inheritance from previous generations, their legacy, and their gift to future generations. She gives that the Government and people of New Zealand must ensure the protection, use and proper stewardship of their traditional knowledge.²⁶

The speech by the Minister gives an accurate summary of the actions taken by the Government of New Zealand in the preservation of its traditional knowledge and cultural expression. In New Zealand, multiple ministries and portfolios are jointly and severally responsible for the protection, preservation and promotion of Māori traditional knowledge and cultural expression. These include the aforementioned Ministry of Māori Development, the Ministry of Arts, Culture and Heritage, and the Ministry of Diversity, Inclusion and Ethnic Communities.²⁷ These portfolios synchronize their tasks to ensure that the cultural expression and indigenous knowledge of the Māori people is kept intact and protected from decay and appropriation. One notable example is by the Minister of Arts, Culture and Heritage, Honourable Carmel Sepuloni, who redoubled her efforts to protect the

²⁶ Hon Mahuta N, 'Traditional knowledge: Generation, transmission and protection' Speech to UN Permanent Forum on Indigenous Issues, 23 April 2019, -<https://www.beehive.govt.nz/speech/traditional-knowledge-generation-transmission-and-protection#:~:text=Traditional%20knowledge%20or%20m%C4%81tauranga%20M%C4%81ori,relationship%20of%20all%20living%20things.-> on 24 April 2019.

²⁷The Official Website of the Government of New Zealand -<https://www.beehive.govt.nz/portfolios->

indigenous knowledge of the various communities in the nation in response to the COVID-19 pandemic. She reasons that COVID-19 brought into sharp focus significant existing risks to the Māori cultural heritage, which in many cases is held by a small number of knowledge holders and arts practitioners who are particularly vulnerable to the global pandemic. In response to the threat, she unveiled a program known as Mātauranga Māori Te Awe Kōtuku to begin in early 2021. Some key initiatives in this program include direct funding for national cultural organisations to deliver training programmes in partnership with communities, as well as contestable funding for specific projects. The programme is set to be carried out by the Ministry in collaboration with 8 other governmental and cultural organisations that have specialist knowledge on the preservation and conservation of Māori cultural expression.²⁸

However, the document that is arguably the most instrumental in ensuring the preservation of the Māori culture is the treaty of Waitangi, signed by the Māori chiefs of New Zealand and Her Majesty Victoria, Queen of the United Kingdom in February 1840. The treaty was drafted in English and then translated into the Māori language before signing. In Article 2 of the treaty, Queen Victoria confirmed and guaranteed to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession.²⁹ There have been observed quite a few differences between the English and Māori versions of the treaty, with the Māori version translating properties to ‘taonga’, which includes all dimensions of a tribal group's estate, material and non-material heirlooms and sacred places, ancestral lore and genealogies, among others. This is according to the footnotes of the Māori texts given by Professor Hugh Kawharu.³⁰ For these and other differences, the Government of New Zealand passed the Treaty of Waitangi Act in 1975, an act that binds the Crown of the United Kingdom.³¹ This act put forth the establishment of the Waitangi Tribunal, whose main purpose would be to make recommendations

²⁸ Hon Sepuloni C, ‘Safeguarding at-risk mātauranga Māori from the ongoing threat of COVID-19’, 15 December 2020 -< <https://www.beehive.govt.nz/release/safeguarding-risk-m%C4%81tauranga-m%C4%81ori-ongoing-threat-covid-19>>-

²⁹ Article 2, Treaty of Waitangi (1840)

³⁰ -<https://nzhistory.govt.nz/files/documents/treaty-kawharu-footnotes.pdf>-

³¹ Section 3, *Treaty of Waitangi Act* (1975) (New Zealand)

on claims relating to the practical application of the principles of the Treaty of Waitangi and to determine the meaning and effect of the treaty.³² Among the milestones reached in the preservation of the cultural expression of the Māori is the report given in 1987 in response to a claim lodged by the Huirangi Waikerepuru and nga Kaiwhakapumau i te Reo Incorporated Society to make the Māori language an official language of New Zealand. The claim was lodged due to a concern that the language would slowly die out if it was continuously ignored in official settings in favour of the English language.³³ After deliberation by the Waitangi Tribunal, it was recommended that the Māori language be made an official language to be used in the government and for official state documents to be translated into the Māori language.³⁴

3.2. Case Study- Traditional Knowledge and Cultural Expression of Egypt

Egypt, as one of the oldest civilisations in the world and one of the first civilisations to develop a literary culture, the nation has a rich cultural heritage stretching back thousands of years embodied in the surviving literature. The most famous of these are the hieroglyphic, hieratic and Demotic texts of the Pharaonic age.³⁵ However, of far greater relevance to the international scene is the Coptic tradition that arose during the Hellenistic and Roman periods of Egyptian history and that flourished in its art and literature between the fourth and seventh centuries AD.³⁶ This tradition forms the cultural backbone of what is now known as the Coptic Orthodox Church. This Christian tradition, that arose in Egypt in the 1st century AD, forms the cultural background for a vibrant and living community of Coptic Christians who live in many nations around the world, in cultures far different from the culture that gave birth to their tradition on the banks of the Nile.³⁷ This literary

³² Preamble, *Treaty of Waitangi Act (1975)* (New Zealand).

³³ Section 1, 'Report of the Waitangi Tribunal on the te reo Maori claim' (Wai 11). 2nd ed, The Tribunal, Wellington, NZ, 1989.

³⁴ Section 10, 'Report of the Waitangi Tribunal on the te reo Maori claim'.

³⁵ Bunson M, 'Encyclopaedia of Ancient Egypt' Revised Edition, Fact on File Inc, New York, 2002, 216-217.

³⁶ Farag L, 'The Coptic Christian Heritage: History, Faith and Culture' Routledge, New York, 2014, 183-184.

³⁷ Meinardus O, 'Two Thousand Years of Coptic Christianity', The American University in Cairo Press, Cairo, 1999, 129-130

tradition includes not only Biblical manuscripts, but also hymns and songs, church histories, canon law and liturgical texts that are still used today.³⁸

The effort to preserve the traditional knowledge and cultural expression of Egypt is firstly laid down in the nation's constitution. The Preamble of the Constitution of Egypt states the national pride of having descended from such great civilizations.

In the beginning of history, the dawn of human conscience rose and shone forth in the hearts of our great ancestors, uniting their good intention to build the first central state that regulated and organized the life of Egyptians on the banks of the Nile. It is where they created the most amazing wonders of civilization, and where their hearts looked up to the heavens before earth knew the three revealed religions.

The Preamble goes on to describe the cultural legacy that forms part of the cultural expression of Egypt as an important centre to Judaism, Christianity, and Islam; being the birthplace of Moses, the refuge of the Virgin Mary and the child Jesus, the home for many Christian martyrs and one of the first nations to receive Islam.

The Constitution of Egypt states that the state is committed to protecting Egyptian cultural identity with its diverse civilizational origins.³⁹ Attacks on the monuments of Egypt is a criminal act for which there is no mitigation if one is found guilty. Articles 49 and 50 of the Egyptian Constitution condemn the damage, illegal ownership or trafficking of any cultural and historical artefacts from any era in Egyptian history. It states that the material and moral civilizational and cultural heritage of the Pharaonic, Coptic, Islamic and modern periods as well as modern architectural, literary and artistic cultural stock are a national and human heritage. The state gives special attention to maintain the various components of the Egyptian cultural expression.⁴⁰

The Antiquities' Protection Law demonstrates the dedication shown by the Republic of Egypt in ensuring that the material culture of past civilisations along the Nile are preserved and are not lost to urbanisation or to residential, commercial, or industrial activities. The Antiquities' Protection Law states that a person who owns private property overlying a potential archaeological site may

³⁸ Farag L, 'The Coptic Christian Heritage: History, Faith and Culture', 209-218.

³⁹ Article 47, *The Constitution of the Arab Republic of Egypt* (2014).

⁴⁰ Article 50, *The Constitution of the Arab Republic of Egypt* (2014)

be expropriated from his/her land until the land with fair compensation.⁴¹ In city planning, contractors are legally obligated to observe archaeological sites and buildings of historical importance. Implementation of modern urban expansion is not permitted on such land.⁴²

Additionally, the Antiquities' Protection Law dedicates 8 articles on outlining the punishments to be meted out for the following crimes:

- Smuggling and stealing antiquities for the purpose of smuggling
- Stealing antiquities for private ownership
- Defacing antiquities
- Archaeological activities without a license from the Supreme Council of Antiquities
- Illegal transfer of antiquities and artefacts from archaeological sites
- Damage to archaeological sites⁴³

In addition to the legislation protecting the cultural heritage, the Supreme Council of Antiquities has begun to lay pressure on museums in Europe and North America to return antiquities that were taken out of Egypt during the 18th, 19th and 20th centuries. Artefacts of great importance to the history of Egypt, such as the Rosetta Stone, are on demand to be recalled back to Egypt or for arrangements to be made for temporary loans.⁴⁴ In this, Egypt seeks to consolidate its traditional knowledge under its own protection.

The Bibliotheca Alexandrina, the modern-day incarnation of the ancient Library of Alexandria, has set up the Centre for Documentation of Cultural and Natural Heritage, an organisation dedicated to documenting Egyptian cultural heritage in all its tangible and intangible aspects. Their projects include setting up physical and virtual programmes to involve people and increase their appreciation of Egyptian heritage, documenting Egyptian literary tradition in a way that will be

⁴¹ Article 18, Chapter 1, *Antiquities' Protection Law* (Egypt)

⁴² Article 19, Chapter 1, *Antiquities' Protection Law* (Egypt)

⁴³ Articles 40-47, Chapter 3, *Antiquities' Protection Law* (Egypt)

⁴⁴ 'Egypt, Demanding Artefacts' Return, Cuts Ties with the Louvre, *The New York Times*, 7 October 2009, == <http://www.nytimes.com/2009/10/08/world/middleeast/08egypt.html> on 7 October 2009

accessible to laypeople, preserving and archiving the research of past Egyptologists, documenting contents of museums and preserving the musical heritage of Egypt.⁴⁵

Therefore, in light of these nations' efforts to maintain the cultural heritage they are so intricately tied to, it is a firm possibility that it is possible to establish the nations that are closely enough related to the cultural expressions of the Scriptural traditions that they would fit under the jurisdiction of said nations.

3.4. Conclusion of the case study

On analysis of the laws, regulations and institutions discussed in the chapter, the strength of the legal apparatus set to defend cultural expression rights cannot be understated. Egypt is of noteworthy mention as it bears one key similarity with the Scriptural traditions. Egypt itself has a vast literary culture that is millennia old, and in that case shares one key matter in common that written works are also considered part of cultural expression.⁴⁶ The sheer volume of written cultural expression that is protected under Egyptian law can be a counter to the underrepresentation of literary culture in organisations such as UNESCO, that majorly focuses on intangible cultural heritage.⁴⁷ Furthermore, it can be an example for what should be sought when investigating the most suitable jurisdictions to hold the intellectual property rights of the Scriptural traditions.

⁴⁵ Centre for Documentation of Cultural and Natural Heritage -<https://www.culnat.org/Projects>-

⁴⁶ Lloyd A, A Companion to Ancient Egypt: Volume II, Blackwell Publishing Ltd, West Sussex, 2010, 641.

⁴⁷ Browse the Lists of Intangible Cultural Heritage and the Register of good safeguarding practices - <https://ich.unesco.org/en/lists>-

CHAPTER 4: ANALYSIS OF LIKELY HOLDERS OF THE SCRIPTURAL TRADITIONS

In the previous chapter, the legal systems of various cultures were analysed in regard to their protection and preservation of their traditional knowledge and cultural expression. The one that is more relevant to the research is the Arab Republic of Egypt. Just like the Scriptures in question, the ancient Pharaonic culture is separated from the modern state by thousands of years of history, with much cultural and social change separating the current residents of the Nile Valley from their ancient counterparts. However, the modern state recognizes its cultural connection to the ancient world, despite the changes that have happened since then, and still strives to protect it as the cultural descendants of the ancient kingdom of Egypt. In the same way, the most proper and reliable legal, cultural and political authorities under which to place the Scriptural cultural expressions must have intricate ties to the original cultures, despite generations of change, and can trace their cultural lineages as directly to the original cultures as possible. After which, it would be best to conduct a careful analysis of the legal systems of said authorities to establish the laws they have in place to protect the cultural expressions in question. Let it also be known that for the sake of this analysis, the Biblical tradition shall be divided into two, as was the case in the first chapter; one for the Old Testament and the other for the New Testament.

4.1. Old Testament cultural tradition

The books that we call the Old Testament were written by the ancient Jewish culture, with most of them being written during the Second Temple period. The end of this era was gradual, starting with the Roman destruction of Jerusalem in 70CE during the First Jewish War, and culminating in the final expulsion of the Jewish people from their homeland in the Levant in 135CE during the Third Jewish War. This is the moment when the Diaspora fully begins, when the Jewish people were scattered and fully alienated from their homeland. However, the people still kept their cultural heritage intact, and with it, the books of the Old Testament as a vital part of their cultural expression.⁴⁸

⁴⁸ Schama S, *The Story of the Jews: Finding the Words (1000BCE-1492CE)*, Vintage Books, London, 2013, 166-170.

After the end of the First World War and the subsequent collapse of the Ottoman Empire, the region of Palestine was placed under the control of the British government as the Mandate for Palestine in 1922. Great Britain acknowledged the historical and cultural claim of the Jewish people to the land and planned for the creation of a Jewish state that would not extend east of the Jordan River. A period of increased migration into the region happened in the following decades, and in 1948, the State of Israel was officially proclaimed.⁴⁹ As the recognized home of the Jewish people and culture, the State of Israel would reasonably be recognized as maintaining the best claim to hold the cultural expression rights embodied in the Old Testament.

The legal system of Israel has its foundation in the Basic Laws, a set of 13 legislative documents that, according to many legal analysts, collectively serve as the nation's Constitution. The laws most relevant to the protection of their cultural heritage is Basic Law: Israel - the Nation State of the Jewish People, that was passed on 19 July 2018 by the Twentieth Knesset. Article 1 of the Basic Law recognizes the State as the historical homeland of the Jewish people and recognizes its cultural, religious, and historical right to self-determination.⁵⁰ Article 6 further decrees that the State shall strive to ensure the safety of members of the Jewish people and of its citizens, and expressly includes the preservation of the cultural, historical, and religious heritage of the Jewish people among Jews in the Diaspora.⁵¹ These laws declare that the preservation of the Jewish cultural heritage is one of the key priorities of the State.

Additionally, the Israel Antiquities Authority has been set up to ensure the protection and conservation of the material culture of the nation. This body carries out archaeological expeditions and spearheads conservation efforts to preserve the findings through the Conservation Department. It additionally carries out research projects into many of the discoveries through a variety of established research bodies. One key example, and the one most relevant to the study, is the work they have done to research on and preserve the Dead Sea Scrolls. This includes cataloguing, placing the scrolls in optimum conditions to further increase their longevity, repairing damage

⁴⁹ British Palestine Mandate: History & Overview (1922 - 1948) -<<https://www.jewishvirtuallibrary.org/history-and-overview-of-the-british-palestine-mandate>>-

⁵⁰ Article 1, *Basic Law: Israel - the Nation State of the Jewish People* (Israel)

⁵¹ Article 6, *Basic Law: Israel - the Nation State of the Jewish People* (Israel)

done by human error and the passage of time, and publishing results of study as well as copies of the original texts and translations of the scrolls.⁵²

4.2. New Testament cultural tradition

The books of the New Testament were originally written in Greek, in the various cities of the Eastern Roman Empire. This region, at the time, had enjoyed the gifts of the Hellenic culture, that they had received in bulk during the period of colonization among Greek city states in the 8th century BCE, and again during the conquests of Alexander the Great. This made these cities a large repository of Greek material and literary culture. Additionally, whereas many other regions of the Roman Empire would translate these books into languages like Latin, Syriac, and Coptic to be used locally, it is in these places, the primarily Greek cities, where the New Testament would survive in its original language and be fully adopted into the culture of the people who originally received it.⁵³ The people who read and followed these books formed the Greek-speaking church in the empire, that eventually grew into the Greek Orthodox Church that would define Eastern European Christianity until the present day.⁵⁴ Therefore, it is based on this knowledge that we can declare the New Testament a product of Hellenic civilization and thus part of the primary cultural heritage of the descendants of the Hellenic civilization.

We see the first stages of this culture being actively claimed is in the early 19th century, during the Greek War of Independence. These were times when the spirit of nationalism ran high among the people of the Balkans to attain independence from the Ottoman Empire. During this time, the nation that would eventually become Greece adopted the wholesale recognition of the Hellenic culture as its own, especially adopting the culture that existed in the region prior to the Ottoman and earlier Byzantine Empires. Although some in the nationalist movements pushed to reject and exclude everything that occurred after the Macedonian conquest of the ancient Greek city states from their cultural heritage, the view that would eventually win the support of the soon to be

⁵² Israel Antiquities Authority Official Website -http://www.antiquities.org.il/default_en.aspx-

⁵³ Holy Bible- New International Version (Celebrating 50 Years of Independence) (Kenya), Biblica, 2013, G8-G25.

⁵⁴ Encyclopædia Britannica, 11 ed.

formed Greek government was the adoption of the Greek Orthodox Church as part of the heritage of their people.⁵⁵

The protection of the cultural heritage of Greece is embodied in the nation's Constitution, with special emphasis given to the country's long Christian tradition in the Eastern Orthodox Church. The Orthodox Church of Greece is united in doctrine to the Great Church in Constantinople by law and is declared the prevailing religion in the State. However, more importantly to the question of Scripture preservation is Article 3(3), that states that the text of the Holy Scripture shall be maintained unaltered. The Constitution places the Scriptures under the authority of the Autocephalous Church of Greece and the Great Church of Christ in Constantinople, and rules that the official translation of the text into any other form of language, without prior sanction by the aforementioned authorities, is prohibited.⁵⁶ This may be seen as an answer to the instance when, in 1834, the Bible Society provided a translation of the Old Testament into modern Greek, and was met with heavy pushback from the supporters of the Orthodox Church.⁵⁷

4.3. Quranic cultural tradition

The Quran, through its authorship, is centred on the two Arabian cities of Mecca and Medina. These were the cities in which the Quran was revealed to Muhammad from 610CE to his death in 632CE. Consequentially, these would become the two holiest and most important cities in Islam, with Mecca being the site of the Great Mosque, and Medina being the city in which Muhammad was buried. Therefore, the cultural expression embodied in the Quran would rightfully belong to these cities; and should be protected by authorities that have been granted the right by the governing body of these two cities.⁵⁸

In previous centuries, this governing authority was the sherif, an office held by persons who claimed descent from Muhammad himself and ruled Mecca on behalf of the government of the time, most prominently the Ottoman government. Medina lacked such stable rulership and thus

⁵⁵ Roudometof V, *Nationalism, Globalization, and Orthodoxy: The Social Origins of Ethnic Conflict in the Balkans*, Greenwood Publishing Group, Westport, 2001, 101-103.

⁵⁶ Article 3, *The Constitution of Greece* (2001).

⁵⁷ Roudometof V, *Nationalism, Globalization, and Orthodoxy: The Social Origins of Ethnic Conflict in the Balkans*, Greenwood Publishing Group, Westport, 2001, 103-104.

⁵⁸ Encyclopædia Britannica, 11 ed.

did not have a stable and consistent ruling authority.⁵⁹ However, in 1925, both cities came under the control of the House of Saud, whose leader, Abdul Aziz, formed the modern nation of Saudi Arabia and became its absolute monarch. The office of the sherif was abolished and the cities came under the jurisdiction and protection of the House of Saud. As the modern sovereign state with recognized governance over the two cities, it can be reasonably concluded that Saudi Arabia would be the nation most suited to hold the responsibility to protect the cultural expression rights embodied in the Quran.⁶⁰

The Basic Law of Saudi Arabia grants the Quran supreme political authority in the nation. Article 1 of the Basic Law states that the Quran and the Sunnah shall act as the Constitution of the nation.⁶¹ As the source of legislation, the Quran and the Sunnah have a body called the ulema whose task is to carefully interpret the requirements of Quranic law and tradition to ensure that proper justice under Sharia is carried out.⁶²

As of yet, beyond the Basic Law, specific law relating to the measures taken for the protection of cultural expression in the nation is lacking. However, the Basic Law also allows for the establishment of a Consultative Council to assist the King in the enacting of proper legislation.⁶³ Initially, this council, also known as the Shura Council, was a purely advisory role, but recently there has been some reform where the Council has been granted a measure of legislative authority. It is in this capacity that the Shura Council can be used to enable the body to draft legislation specifically targeting the protection of cultural expression. Out of the 12 committees in the Shura Council, the one most equipped to handle the task would be the Committee of Culture, Information, Tourism and Antiquities. This committee, among other duties, handles issues relating to national and international cultural activities as well as intellectual property rights.⁶⁴

⁵⁹ Encyclopædia Britannica, 11 ed.

⁶⁰ Weston M, *Prophets and Princes: Saudi Arabia from Muhammad to the Present*, John Wiley & Sons, Inc, Hoboken, 2008, 130-139.

⁶¹ Article 1, *Basic Law of Saudi Arabia* (1992).

⁶² Article 45, *Basic Law of Saudi Arabia* (1992).

⁶³ Article 68-70, *Basic Law of Saudi Arabia* (1992).

⁶⁴ Members of the Shura Council according to the Specialized Committees of the Council for the 1st year of the 8th term -<https://www.shura.gov.sa/wps/wcm/connect/shuraen/internet/committees->

CHAPTER 5: CONCLUSIONS AND RECOMMENDATIONS

This research was carried out first of all to establish the extent to which the Scriptures are protected under intellectual property law. In the second chapter, it was shown that the Scriptures mainly enjoy copyright protection. This protection is mainly extended to modern translations of the Scriptures as well as scholarly works that are written in the original language and are the product of textual criticism.

Secondly, the research was carried out to establish the extent to which the literary and cultural aspects of the Scriptural traditions are protected under any form of national cultural expressions law. In the legal systems that have been analysed, the conclusion has been that each of the legal systems that we have seen places some importance on cultural traditions or on the Scriptures most intimately tied to their national culture.

The standards that have been set for the purposes of the study are the legal systems of New Zealand and Egypt. New Zealand has employed nation-wide effort to produce a legal apparatus that protects every aspect of their traditional cultural expression. Egypt, as a nation with a long literary history and a living international religious community that has arisen from its literary heritage, has created numerous effective ways of protecting and preserving the cultural expression embodied in written documents.

Historical analysis of the cultures that produced the Scriptures indicate that their descendant cultures are all alive and well, each with an existing sovereign state most intimately attached to that nation and with a legal system that can be adapted to hold the intellectual property rights that arise from the cultural expression embodied in the Scriptures. The Hebrew Bible is linked with the State of Israel, the Greek New Testament with the Republic of Greece and the Quran with the Kingdom of Saudi Arabia.

Analysis of the Basic Law of Saudi Arabia has uncovered that the legal system of the nation places the Quran as its Constitution, and it can be reasonably concluded that it is very well capable of protecting the cultural integrity of the document through the Committee of Culture, Information, Tourism and Antiquities. However, the nation's legal system does not make the leap from recognizing the Quran as a vital legal document to recognizing the Quran as a part of the material culture of the nation to be protected under the Committee.

The State of Israel, according to the Basic Laws of Israel, place emphasis on preserving the culture of the Jewish people both for the sake of Israeli citizens and for the sake of the Jewish people in the Diaspora. However, research suggests that that is the extent of the legislation on the matter. The research has not uncovered any explicit mention of the literary culture of the people, neither is there any legislation on the protection of the cultural integrity of the Scriptural traditions, beyond the work done on the archaeological findings of the Dead Sea Scrolls in Qumran.

The Constitution of Greece places the New Testament under the authority of the Eastern Orthodox Church and gives the Church the authority and responsibility for maintaining the cultural integrity of the text within the nation. As such it can be concluded that the Eastern Orthodox Church is the authority under which the protection of cultural expression has been vested, thus the legal system of Greece adequately meets the standard that is required under by the study.

The main recommendation of the study is an emulation of the example of Greece. In both Israel and Saudi Arabia, there should be set up an adequate cultural authority under which to vest the power to protect the cultural integrity of the Scriptures.

One authority in Israel has been identified as a viable candidate for the responsibility: the Ministry of Religious Services. This body provides religious services to the population of Israel and deals with all matters related to such provision of religious services.⁶⁵ Under it lies another suitable authority: the Chief Rabbinate of Israel, an office established under the Chief Rabbinate of Israel Law to be the supreme authority of religious law to the population of Israel.⁶⁶

In the Kingdom of Saudi Arabia, a suitable recommendation would be the reestablishment of the office of the sharif, to be the head of a corresponding ministry that is responsible for the preservation of Quranic tradition and held by a person that reports directly to the King. This authority shall exclusively deal with the cultural protection and interpretation of the Quran.

A further recommendation would be an expansion of the already existing office of the ulema. Whereas the current operational jurisdiction of the ulema is limited to legal and judicial

⁶⁵ Israel Cabinet Ministries: Ministry of Religious Services, Jewish Virtual Library - <https://www.jewishvirtuallibrary.org/israeli-ministry-of-religious-services->

⁶⁶ Section 2, *Chief Rabbinate of Israel Law* (Israel).

interpretation of the Quran, the expansion that is theorized would give the ulema cultural and religious authority over the preservation of Quranic tradition.

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