

Question and Answer: Copyrights and Islam

Q. I am writing this letter to address an issue that has generated much conversation. Ar-Raya and other magazines such as Al-Fajr state that readers are free to copy any part of the magazine as copyrights is prohibited (Haram) in Islam. It seems that there is a confusion about the validity of this statement. Can you please clarify this issue and provide the Islamic proof for why copyright is Haram? I would also like you to distinguish stealing and copyrights as some have expressed that copying from an author's work is equivalent to stealing. Finally, some are concerned with the issue of business especially, if one has made a product, a book or a program for a computer, with the intention of it being a source of income, is it fair for that individual to lose business if any one just can make copies of the item without purchasing it?

Sister from Pennsylvania

A. The topic of copyright has been brought to the attention of Ar-Raya by several Muslims. We do not find it strange that Muslims think that copyright is halal especially since the domination of the Western thought and its penetration into the minds of Muslims.

Before presenting its proof, it is important to make it clear that just because copyright is allowed by the law of the West, it does not make it lawful Islamically. For any person to say it is allowed, a proof (Daleel) from the Quran or Sunna or Consensus of the companions (Ijma'a as-Sahaba) or Qiyas has to be provided. By the same token, if anyone says it is prohibited, a daleel from the above mentioned Islamic sources must be given. As for the daleel of prohibition, it is as follows:

The Messenger of Allah (saaws) says: "The best you could get paid for is the book of Allah," meaning teaching it. All the more reason, then getting paid for other than the book of Allah. Writing, however, is simply recording knowledge. Because giving knowledge that is recorded is just as giving it verbally and it is allowed to get paid for it. The Messenger of Allah made teaching ten Muslim children as a ransom for the prisoners of Badr. This is a proof that it is allowed to hire people for giving knowledge.

Now once the knowledge is given to anybody, verbally or written, then that knowledge the person took becomes his/her own. Thus, he/she has the right to give it to others, verbally or in writing and he/she has the right to get paid for it. So for those who learned reading and writing from the Badr war prisoners, they had the right to teach others what they learned without the permission of those who had taught them.

Moreover, knowledge in general is allowed (mubah). Being allowed means, it is allowed for all people to acquire it, get paid for teaching it (whoever teaches it and not the original teacher only). Knowledge is the ownership of whoever possesses it and not the ownership of the one who taught it only. Thus, as long as a person has the knowledge, it is his/her property, but once it is revealed to others, by any means, it becomes allowed for everyone to use it with or without the permission of the original owner.

Therefore, no one has the right to copyright because whatever is written in that book, for example, is knowledge. As long as that person possesses that knowledge, it is his/hers, but once he/she gives it to people verbally, in writing, or in any means, it becomes allowed for all people. Teaching that knowledge, by these people, to anybody is also allowed. Then, making copyrights on any kind of knowledge is a prohibition to what is already allowed by Allah. Making copyrights is making teaching knowledge, acquiring knowledge haram. Therefore, it is not allowed for anyone to have copyrights. This, however, should not give the impression that one can buy a book or a computer program, for example, and claim that he/she is the author of that material. Claiming such thing is considered a lie in Islam (not stealing) and it is haram.

In addition, if a book or a program acquired through legal means, it becomes the property of that person. Then just as any owned property, it is allowed to be sold, rented, destroyed,...etc. So for somebody to say you own the book or the program but you can not sell it or copy it or destroy it or

give it as a gift (what Islam allows the owner to do with his/her property) is to make something that Islam made Halal into Haram.

As for the issue of stealing, there are three conditions that make an action to be considered stealing: taking the object without the permission of the owner, taking the object from where it is usually kept and the value of the object is more than the minimum that Islam considers theft. So one finds that these conditions do not match the case at hand, and therefore it is not stealing in the Islamic sense of the word.

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