

Letter to the Editor: Copyrights and Islam

Dear Brother or Sister:

Assalamu-Alaikum. Regarding the question that was answered on copyrights in the Jan. 1992 issue of Ar-Raya (page 2), I would like to bring to your attention some details. The intention of the copyright laws in the United States is not to prevent the dissemination of knowledge, but prohibit abuse and provide the author a fair return on his works, especially if it is a source of his livelihood. (I don't see this as Haram.) Moreover, the doctrine of "fair use," Section 107 of the Copyright Laws, was established to allow a person to use the works for purposes such as criticism, comment, news reporting, teaching (multiple copies for classroom use), scholarship and research. This clause was specifically established to promote the dissemination of knowledge and ideas. For example, when we write a research paper, we can use various materials as long as we cite the source. I don't see much of a difference from this and your statement that ".,.,any part of the magazine can be reproduced by mentioning the source of the article." However, if someone reproduced your magazine and sold it without your permission, this would be a violation of US copyright laws.

I would also like to bring to your attention another detail in the same Jan. issue (page 7) in the Aqeedah Corner regarding the statement: "Moreover the Quran repeatedly and forcefully attacks the beliefs of the pagan Arabs, the Christians and the Jews and condemns their way of life. It considers them ignorant and stubborn without reservation." This is an unqualified and absolute statement which contradicts the Quran. First of all, in the Quran, the Christians and the Jews are not lumped together with the pagans. The People of the Book, according to the Quran, are the Muslims, the Christians, and the Jews. Although Allah certainly attacks both the Christians and the Jews, he does have reservations about attacking them in their entirety. Please refer to Sura 2, Ayah 62 and Sura 5, Ayah 69, both Ayahs that are nearly identical. Certainly, each and every Ayah has a great deal of significance and it could be no coincidence that Allah has chosen to repeat it:

Those who believe (in the Quran)

Those who follow the Jewish (scriptures),

And the Sabians and the Christians-

Any who believe in Allah

And the Last Day,

And work righteousness-

On them shall be no fear

Nor shall they grieve.

Thank you for the opportunity of allowing me to express my views. I look forward to the next newsletter.

Sincerely yours,

Seema Ahmad.

New York

Response to the Letter:

In response to your inquiry regarding copyrights in Islam, I would like to bring to your attention the following:

1) Copyright restricts a person in using what he/she possesses through lawful means. Specifically it prohibits one to reproduce all or part of what he/she has acquired legally, without permission. In Islam legal acquisition may occur by purchasing, inheriting, accepting a gift or possessing for more than a year something (lost) that was never claimed. In other words ownership is established in one of the above mentioned ways. Since ownership gives one the right to the usage of what he/she owes, any external restriction on the owner would violate his /her Shara'i (legal) rights.

2) However reproducing any text under a different name than its author's, would be perjury and therefore Haram. It would be considered a lie according to the Shari'ah.

Hence the Shari'ah considers it Halal to reproduce any material without permission of its author as long as you have acquired its ownership. The intention of US copyright laws is irrelevant when the issue is Islamic legality.

As you correctly point out that each and every Ayah has a great deal of significance, let me begin by explaining the Ayah that you bring forth. We must always keep in mind that the understanding of any verse in the Quran should come out of its meaning as well as the context of that particular verse. Moreover, since Quran delivers a coherent message, a correct understanding of any verse must take into account all other verses related to any one subject. Referring to Ayah 62 of Sura Baqarah, we note that it occurs to remove the self-delusion of the Jews that salvation was their sole monopoly, irrespective of their creeds and deeds. In this verse, their misunderstanding has been removed. Allah declared that salvation does not depend upon one's connection with any group but on one's right beliefs and good deed. Therefore they should accept the guidance (i.e., Islam). Incidentally, it is clear from the context in which this verse occurs that the Quran is not laying down here the details of the creed and the essential practices for salvation. These things have been described in detail in their proper places. Please refer to following Suras:

'O people of the Book! There hath come to you Our Messenger, revealing To you much that ye Used to hide in the Book, and passing over much (That is now unnecessary): There hath come to you from Allah a (new) light And a perspicuous Book, Wherewith Allah guideth all Who seek His good pleasure To ways of peace and safety, and leadeth them out Of darkness, by His Will, Unto the light, -guideth them To a Path that is Straight. They disbelieved indeed Those that say That Allah is Christ The son of Mary Say: "Who then Hath the least power Against Allah, if His Will Were to destroy Christ The son of Mary, his mother, And all-every one That is on the earth? For to Allah belongeth The dominion of the heavens And the earth, and all That is between. he createth What He pleaseth. for Allah Hath power over all things." (Both) the Jews and the Christians Say: "We are sons Of Allah, and His beloved. Say: "Why then doth He Punish you for your sins? Nay, ye are but men, - Of the men He hath created: He forgiveth whom he pleaseth. And He punisheth whom he Pleaseth: And to Allah belongeth The dominion of the heavens And the earth, and all That is between: And unto Him Is the final goal (of all)." O people of the Book! Now hath come unto you, Making (things) clear unto you, Our Messenger, after the break In (the series of) messengers, Lest ye should say: "There came unto us No bringer of glad tidings And no warner": But now hath come Unto you a bringer Of glad tidings And a warner. And Allah hath power Over all things.' Al-Maidah : 15-19

You may also refer to following Suras 7:157,158 21:107 25:1 33:40 and 4:150,151. Which are relevant in understanding what is required from a person to earn the pleasure of Allah. Therefore in the verses that you quote Allah (swt) is not praising the Jews or Christians or even pagan Arabs but informing them of His criteria for their salvation. In Sura 2 verse 88-89, Allah curses the Jews for their corruption and stubborn attitude, towards the Messenger. This is done with no reservation whatsoever.

Also the Messenger of Allah (saaws) said to Umer when he saw him searching Torah for a rule: "Haven't I brought it pure and white, if my brother Musa (saaws) were alive he would have had to follow me."

You also referred to Muslims as "People of the Book". The term "People of the Book" refers only to the Jews and Christians. This is seen from its occurrence in the Quran. It is not the Quran's way to address Muslims as "People of the Book". Moreover in relation to the People of the Book, Muslims can eat their slaughtered meat and Muslim men can marry their women. This order would be redundant if your understanding of the term "Ahlil Kitab" is assumed correct.

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