129191 - She makes a summary of the curriculum and sells it to students, and she does not allow them to make photocopies

the question

We have a teacher (outside the college) who summarises our curriculum and sells her summaries to the students for a price that I can afford, praise be to Allah. But I know someone who cannot afford to pay. The teacher does not allow us to make photocopies, and in fact writes on the papers: “I do not allow anyone to photocopy the papers without my permission.” In other words, she wants each student to buy the papers from her. My question is: do we have to abide by this condition? Is it permissible for a group of students to join together to buy one section? Do we have to get her permission to do that? Or is it the case that if she sells it to one student, the student has the freedom to dispose of the papers as she wishes, and get other students to contribute to the cost? Doesn’t the purchaser have a right to dispose of what she purchases? If I get one other student to contribute to the cost of a book, surely that is permissible.

Detailed answer

Praise be to Allah.

This issue has to do with copyright, which is supported by sharee‘ah and Islamic teachings, and it is not permissible to transgress against it, because protecting this right serves the public interest, such as encouraging people to write and making them able to continue doing that, and preventing people from making money by stealing the work and efforts of others. Moreover, it is obligatory to fulfil contracts and adhere to conditions, because Allah, may He be exalted, says (interpretation of the meaning): *“O you who have believed, fulfill [all] contracts” [al-Maa’idah 5:1]*. And the Prophet (blessings and peace of Allah be upon him) said: “The Muslims are bound by their conditions.” Narrated by Abu Dawood (3594); classed as saheeh by al-Albaani in *Saheeh Abi Dawood*.

If the author or publisher states that it is not allowed to make copies, either for sale or for personal

use, then you must abide by that, whilst taking into account the fact that making photocopies for personal use in this case will undoubtedly harm the author, because many students will no longer need to buy the material.

We have discussed the issue of copyright previously and quoted the comments of the scholars concerning it. Please see the answers to questions no. 26307 and 454 .

With regard to students contributing to buy a single copy to pass around among themselves, without photocopying it, there is nothing wrong with that, because there is no reason to disallow it.

And Allah knows best.