



*Islamic Laws of Computer
& Internet*

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Introduction

Praise be to Allah, the Master of the Universe and Peace be upon Mohamed and his Purified Progeny

Islamic jurisprudence, especially of the Shia school of thought, is distinguished by its comprehensive theories and by the depth of its branching which makes it able to fulfil the needs of the progressive time and its complications in various fields of science.

The jurists of the Ahlul Bayt school of thought -as they are known by their scientific depth and wide experience in the process of deriving Islamic law - have presented the Muslim society, throughout the history of Islam, with legislated answers that correspond to the theories of Islamic jurisprudence.

In your hand, dear reader, is an example of this endless spring. It pours into a progressively advanced scientific field, with the answers of one of the greatest contemporary scholars of the jurisprudence of the Ahlul Bayt school of thought. He is known to have scientific precision and reasoned jurisprudence. He has enriched the Islamic library with various books on current issues. He is the great religious scholar, his eminence Sayyid Muhammad Saeed al-Hakeem (may Allah prolong his life). He answered - from the neighbouring shrine to “the gate of the Prophet’s city of knowledge”, Imam Ali bin Abi-Talib in the holy city of Najaf - questions presented by devotees in the fields of computers and the internet.

We have decided to publish them in an attempt to publicize their benefits.

Copying And Distributing Programs

Your eminence, the religious leader the Grand Ayatollah Sayyid Muhammad Saeed Al-Hakeem.

Q1: We ask your eminence about the religious rulings about computers, since dealing with the computer programs is widespread. Many non-Muslim companies that produce them prohibit their exchange except with certain guidelines that those companies specify. However, there is a way to duplicate these programs and even operating systems like “Windows” and the like. Some people copy them into a non- original disk and sell them at reasonable prices without the permission of the production companies. The said companies consider this action as stealing the programs and violating the copyrights.

The questions about this are the following:

1. For the person who deals with these international companies directly, is this condition considered religiously binding?

In the name of Allah, the Most Gracious, the Most Merciful and Grace be to Him.

Answer:

Apparently the mentioned condition is a religious obligation, since it is a kind of covenant. Verses and traditions confirm the binding nature of the covenant. Almighty Allah said:

“And fulfill the covenant; verily the covenant shall be questioned about”(17:34).

In the tradition narrated by Hussain bin Mus’ab that Imam al Sadiq (peace be upon him) said: “Three (things) have no excuse: returning the trust to the duteous and the dissolute, fulfilling the covenant to the duteous and the dissolute and to be dutiful to one's parents whether they were duteous or dissolute”.

Similar in meaning to this tradition is the tradition narrated by Mus’ab bin ‘Ambasa. However, if the companies themselves broke the covenant by not following some of the conditions, then this condition is not binding anymore.

If the mentioned prohibition was not a condition during the transaction, then it would not be binding from the beginning.

2. Is it considered a binding duty on the person that bought the original copy not to duplicate it in the following cases:

(i) There was a specific condition to that effect.

(ii): There was a general prohibition but not a particular one directed to the person whom they dealt with.

(iii): There was an oral warning but not by the original company.

(iv): There was an understanding in the policies of the programming and production companies.

(v): There was none of the above and a prohibition was not conveyed.

Answer:

It is obligatory not to duplicate it if the mentioned prohibition was a condition, whether explicit or implied, during the transaction in all the mentioned scenarios. Otherwise, it is not obligatory to bind oneself to the said conditions.

3. What are the rulings for all the previous cases based on duplicating from the non- original copy?

Answer:

It is prohibited to duplicate from the non-original copy if this was part of a condition in the transaction of the original copy, but this prohibition is limited to the person who formed the transaction. Therefore, he is not allowed to let others do so.

It is not prohibited to duplicate from the non-original copy if it was done without being allowed by the person who formed the original transaction.

4. Based on the fact that a person obtained the original program or the non-original copy, is he obligated by the Sharia to find out the source of the programs or the way they were obtained before using them, although these companies sometimes advise their consumers to check the source and sometimes oblige them to do so. Is usage of such products prohibited assuming that the source is unknown? What is the ruling if the person knows that the production company does not accept such usage? It is prohibited to use them?

Answer:

It is not prohibited and the person does not have to check the source.

5. All these questions were based on the fact that the companies were owned by non- Muslims. Now, assuming that the programs - whether they were computer operating systems or other kinds - were produced by companies owned by Muslims, Shias or even if the company is under the supervision of one of our scholars (may Allah protect them). The question is: what are the rulings in all the mentioned cases in the previous questions about Muslim owned companies?

Answer:

There is no difference between Muslims and non-Muslims in these cases in all the previous rulings.

6. If Shia-owned companies are generally satisfied regarding the usage and reproduction of their products but without declaring it, is it allowed? It is noticeable that some of the reproducers are merchandising and making profits from trading with non-original copies without giving away some of the profits to the production or programming companies or establishments. What is the ruling if we are not certain that satisfaction existed?

Answer:

If they were satisfied, there is no prohibition to reproduce or trade.

7. If there are negative effects, due to duplication, on the program's efficiency or its ability in such a way that the company's reputation is tarnished, or if it affects the essentials of the program's quality as a product; what is the ruling?

Answer:

This does not prohibit the merchandising or the usage if it was after informing the owners of the company and getting their approval. If it was without their approval, then it is only unlawful for the person who accepted the condition of not duplicating. So he is not allowed to reproduce or allow others to do so. There is no prohibition for others, even with the existence of such a condition.

Q2: Some Shia establishments produced computer programs comprising of books to make it easier for the researchers to benefit from them. They wrote a sentence on the program stating that it is not allowed to duplicate the program or reproduce it.

A. Is it prohibited to copy the program?

B. Is it prohibited to give it to someone who wants to copy it?

C. What is the ruling in both cases if the establishment was not Shia?

Answer:

If this was actually a condition in the contract of the sale or the gift, then it is prohibited for the buyer or the gift receiver to copy the program or permit others and make it accessible for them to do so, as per the mentioned condition. This ruling does not differ between Shia establishment and others since the mentioned condition is a covenant that should be binding to everyone.

If this was not a condition in the contract but was covered by the legal copyright laws of the country, then reproduction is not prohibited by the Sharia, but one will bear the legal responsibility if violating them.

Religious Rulings For Using The Internet

Q3: What is the religious principle law regarding what is permitted and prohibited in visiting websites on the internet? As their aims and what is being presented vary; some of them are cultural and educational material that strengthens the religion and similar subjects; others are for entertainment and the like, while some others consist of debauchery and slandering scholars and the right path.

Answer:

It is permissible to visit all websites except in two cases:

(i) When learning what is being presented on the internet results in committing the forbidden, like when the presented material leads to misguidance or debauchery such that the viewer is affected by it and may react to it. If it was feared that this is happening, then it is rationally prohibited to proceed in visiting them, as avoiding them prevents probable harm.

(ii) If visiting the site is considered as encouragement of falsehood or the forbidden and spreading them, like if:

(a) the person has social rank or respect - even within a small group of people - in such a way that visiting such websites encourages others to do so, who might commit sins because of such visits; or

(b) if the person's visit would be a reason for an increase in the importance of such a website and its esteem or the esteem of the launchers of the website, even by merely increasing traffic; or

(c) if the avoidance of the person would be considered as forbidding of evil with respect to the website, its sponsor and with respect to other websites or others who visit the sites.

Visiting a website in other than these two cases is not prohibited by itself since it is not prohibited to learn about falsehood, the forbidden or any other material.

Dialogue Over The Internet

Q4: What is the religious principle ruling about dialogue over the Internet? Such dialogue may be with people who are injurious to the followers of the Infallible Imams of the Ahlul Bayt (peace be upon them), whether their harm is by deliberate insult to them, or by creating doubts in the dignity of their great scholars such as al- Tusi and al Kulayni, and the like.

Answer:

There is no doubt that the dialogue with people from which good is expected is recommended. It might even be mandatory since it is promoting the truth and raising its esteem, or defending it and preventing the attacks of the offenders against it.

The dialogue with one from which good is not expected is not prohibited by itself; the fear is that it could cause religious obstacles such as:

(i) Increasing the propagation of falsehood as a reaction to conducting the dialogue.

(ii) Encouraging the site and increasing its esteem - where such dialogue takes place through websites - even by criticizing it, since having dialogue with them might be the reason for them to feel that the website is so important that the adversary needs to criticize it and try to refute it. It is not the same if they were ignored since this might make them feel their insignificance in such a way that the adversary does not see them worth criticizing or having a dialogue with. This is similar to what the Almighty said:

“And when they hear any vain talk, they withdraw from it, and they say: For us shall be our deeds, and for you shall be your deeds, peace be on you, we don’t desire the ignorant people”.(28:55).

This might make them feel disappointed and it may be the reason for the decrease in their extremism. This is what we recommend usually with respect to people that disfigure the truth with stubbornness and determination outside the borders of logic and common sense.

Q5: Is it permissible for a person to teach another how to use chat programs and websites if they are commonly used by sinners for unlawful purposes like presenting debauchery by words, pictures, exchange of telephone numbers and other kinds of promiscuity? What if the case is that one is sure that the person he is going to teach is dishonest?

Answer:

Teaching by itself is not prohibited; however it is forbidden for other reasons like encouraging and propagating promiscuity. It is then a precaution not to teach, or even to avoid visiting the site and chatting in it. It might be obligatory to avoid it if it serves to forbid the wrong-doing.

Q6: What is the religious ruling regarding participating in internet chatting? What is the ruling regarding listening or seeing forbidden things between the chatters? What if he was subjected to be sworn at, insulted or similar things whether he was known or whether he was anonymous by using nicknames? What is the religious principle for what is allowed and what is forbidden? What kind of participation would be allowed with those kinds of people?

Answer:

Listening or seeing such things by themselves is not prohibited. They might be forbidden for other reasons like encouraging and propagating wrong-doing if the person's visit would result in that and also if it causes sexual excitation.

As for answering the swearing and insults, it is allowed provided that it is equal in proportion without the usage of obscene words. It is better for the believer to walk away from this as Almighty Allah disciplined them when He says:

“And when they hear any vain talk, they withdraw from it, and they say: For us shall be our deeds, and for you shall be your deeds, peace be on you, we do not desire the ignorant people”(28:55)

Or one should respond in the best way as Almighty Allah said:

“And the good deed and the evil deed are not alike. Repel though (evil) with what is the best, when lo! He between whom and thee was enmity, shall be as though he were a warm friend and none are granted it but those who are steadfast, and none are granted it but the owners of great happiness. And if an enticement from Satan entices you, then seek refuge in Allah; verily, he is the All-Hearing, the All-Seeing” (41:34-36).

Forming Contracts

Forming Contracts Over The Internet And Earning Money From Them

Q7: What is the ruling of conducting transactions through the internet using banking card?

Answer:

Performing transactions through such means is valid if other conditions are met, since the mentioned connection is sufficient to form the contract. Therefore, this type of transaction falls under the general laws of validity of contracts making it binding on all parties concerned.

Q8: What is the religious ruling in regards to forming marriage contracts over the internet?

Answer:

It would not be sufficient when forming marriage contracts through the internet, since verbal pronouncement is a condition in them, in such a way that the acceptance (of the man) is based on the offer (of the woman) and this cannot be achieved through such means. It would be sufficient and the contract is valid if the dialogue was live and verbal between the two sides, like a telephone conversation.

Q9: What is the ruling of representing others and mediating between them in transactions over the internet? Nowadays, the individual can propose to one side and link him with the other side and deserve to charge a commission, even if only one side knows that the individual was mediating. Similar kinds of mediation are there throughout the internet. What is the ruling of the financial profit that can be generated this way?

Answer:

There is nothing wrong with all of this and money can be charged in return for this work after agreement with the intended party.

As for the party that does not know, it is not permissible to charge him except if the said party obligated himself to pay whoever finds and connects him to another party of the transaction through the internet, as this is a form of unilateral contracts. Taking money from him in such a case is permissible due to his mentioned obligation.

Q10: What is the ruling on earning money by surfing the internet where the individual creates an account and certain amount of money is deposited in it for each visit he makes to certain websites?

Answer:

Nothing is wrong by taking the money if visiting the particular page is allowed and if there is no religious obstacle against this act - like the propagation of falsehood - whether the money is paid in lieu of visiting the site or like a gift of encouragement.

Uncovering Fallacies

Q11: Is it obligatory for the individual to respond to fallacies posted on the internet especially if they were false accusations against Almighty Allah, the Messenger, the Ahlul Bayt (peace be upon him) or our noble scholars for the sake of decreasing the esteem of truth and its people?

Answer:

There are no specific rules regarding the obligation of responding to fallacies posted on the internet, as it is at the same rules apply with regards to every fallacy against the truth and in any media.

There is no proof for the obligation to confront every fallacy and respond to it. The most that can be said is that the necessity to refute it depends on if it was strong enough to be difficult to answer and was so important that it is going to harm and weaken the religion. Since answering it would protect the religion, it is necessary to do so, as it is a kind of Jihad, which is Wajib Kifai (which refers to an obligation upon all aware Muslims but if some of them undertake it, the rest will no longer bear the religious responsibility).

If it does not reach this level of importance, responding to it is a sort of propagation and service for the religion, and it is undoubtedly recommended, but it is not considered obligatory. The aforementioned details are about the necessity to explain and respond to fallacies initially even without being asked about it. It is so even if the truth is unknown to the individual if he could learn about it in order to explain it to others. However, if the individual was asked about a religious truth that he knows and there is no obstacle or embarrassment to explain it, then it should absolutely be explained, even if it was not very important, since it is prohibited to hide religious knowledge.

Q12: if the individual was asked about addresses to websites that may serve the religious interests of those who asked, such as saving them from committing sins and answering claimed fallacies, and he knows if they - especially this particular group of believers - were not answered, they would definitely be subject to sinning and the like. Can he neglect guiding them to the websites?

Answer:

What appears to be the question is the request of a group of believers to learn how to reach websites on the internet that are beneficial to their religion, help responding to fallacies, explaining truths, reminding about Almighty Allah, approximating to Him and similar aims.

Apparently answering and guiding them is religiously much recommended to whoever can do so, as it is answering the need of a believer and especially this kind of need. It is feared that not explaining would lead to Allah's abandonment of the individual who was asked because such is considered as belittling the response to the believer's need when he is able to do so.

It is obligatory to pass the requested information when it is feared that not doing so and leaving the believers in their ignorance would allow the spreader of falsehood to take advantage of them and misguide them, thus supporting falsehood in a way that harms the religion and weakens it.

Protecting The Websites Of Believers

Q13: What are the religious rules in regards to protecting the believers and their webpages on the internet? For example, if I know that a believer is subjected to disclosure of his personal information and the like by the enemies of the sect of the Ahlul Bayt (peace be upon them) or subjected to disclose of his personal matters. When I have sure knowledge of this, do I have to inform him or not? Also, do I have to inform the website's administrators or owners that someone is intending to destroy the website or steal the information of its visitors? Would the answer differ if the matter is personal or related to the prestige of the truth sect and similar cases?

Answer:

There is no doubt that this is religiously highly recommended, since it is related in some religious texts that the believer is a brother of a believer and he is his eyes, his mirror and his guide, and it is among his responsibilities to defend him if he is not present¹. But this duty does not reach the level of obligation.

Of course, if the harm is greater, it might be necessary to warn him about it. This right should not be neglected if it was generally easy to fulfill, since it is a part of the brotherhood of faith.

If not doing this is considered neglecting the affairs of the believers and not paying attention to them, then it is prohibited, because the religious texts indicate the necessity of paying attention to the issues of Muslims and that whoever is not paying attention to their issues is not one of them².

This is more emphasized if the matter is related to the Shia sect in particular in such a way that it is considered as protecting it from a considerable harm.

Creating Viruses

Q14: What is the ruling regarding creating computer viruses whether the creator will use it or not but they are subject to possible usage by others? What about the creation of spy software for the person to use against others, or subject to be used by others?

Answer:

Manufacturing viruses is not prohibited by itself. What is prohibited is using them to harm a Muslim. The same is the case when allowing others to use them for this purpose, which is undoubtedly prohibited.

If it is merely possible for others to use the viruses to harm Muslims without allowing them to do so, then this does not make creating and saving them unlawful. This is similar to manufacturing the whip while it is possible that it might be used to whip a Muslim with.

The same thing is said regarding allowing their usage without knowing for sure that any harm will come to a Muslim; it is similar to selling the whip to someone who might use it to harm a Muslim, because it was not intended to be used for any wrong- doing in all the previous cases.

As for the personal spying programs, if the question is referring to spy programs that are used to look into someone's confidential matters and behavior which he conceals and does not want others to know about, then the prohibition to spy on believers would also apply to whatever is related to him including his confidential information.

And if the question is referring to decoding and hacking the websites in order to obtain its scientific or cultural information, then it is not prohibited since it is not considered spying. There is no religious right for the person to keep such information to himself so no one can access them without his permission. However, if this action involves the usage of others' equipment in order to get this information from it, then this is prohibited to do so without the consent of the owner if the ownership is recognized by the Sharia.

Q15: What is the ruling regarding the creation or the usage of viruses which protect one's computer from being attacked by viruses that may harm the programs in his computer, and to attack the other party's computer when attacked?

Answer:

There is nothing wrong with that whether this was to protect the computer from the virus attack or to prepare a virus to attack the other party's computer when they are attacking his system, because of the absence of the attacker's sanctity due to his transgression. If the question refers to sending the deterrent virus to the other party before the attack takes place to damage his equipment in order to prevent him from

Involvement Of The Courts

Q17: What is the ruling regarding to taking a case amongst believers to the courts, if it has been established that one of them transgressed against the other in a computer hacking matter or where it involved damaging it or its content and there is a possibility that the attacker may be subjected to financial or other kinds of punishment?

Answer:

If the transgressor refuses to have the issue to be brought before the Hakim Shar'i, then it is allowed for the victim to take the case to the courts in order to get the compensation that he is entitled to. If the victim is compensated more than what he deserves, then the excess must be returned to the transgressor.

If this would result in a bodily punishment or financial penalty to be paid to the government instead of the victim getting compensation, then it is allowed if taking the case to the court was in order to receive the compensation, because of the absence of sanctity of the transgressor due to his refusal to pay the compensation.

If this was done in order to only punish him without receiving any compensation in addition to it, then taking the case to court is not allowed if there is a possibility for a believer to be punished, except for if it was for the sake of preventing him from causing harm in the future or in order to forbidding the evil, if this is the only way to achieve these two objectives. However In such a case, one must seek permission from the Hakim Shar'i.

Using The Internet

Q18: What is the ruling regarding visiting internet cafés, even though they have become - in the place where the individual resides - a gathering place for those who seek to commit sins over the internet such as appointments for prohibited meetings and the like? What is the ruling regarding working in it? What is the ruling regarding establishing a business project like this?

Answer:

The above necessitates that visiting the mentioned café amounts to participation in the forbidden or encouraging it, so it is then prohibited, and earning any money this way is prohibited too.

Q19: What are the rulings regarding advertisements placed on the individual's personal websites, whether he accepted them in return for certain financial payments or because the host of the webpage imposed it? Is it mandatory to refuse them, especially when some of them advertise prohibited things like wine, gambling and music or use lewd pictures and the like?

Answer:

Allowing such advertisements is not prohibited by itself, whatever kind it may be, unless it is prohibited because of another reason like encouraging or promoting falsehood. This is similar to some of the previous answers. If it is prohibited then collecting money for it is prohibited too.

Q20: Do some of the internet webpages become subjected to the ruling of books of misguidance - which are prohibited to keep and read - with respect to the individual if he fears its negative effect on his beliefs or behavior and that of his children?

Answer:

Yes, they have the same ruling as the books of misguidance, as what is prohibited is falling in misguidance through any means, books or otherwise.

Religious Students And The Internet

Q21: If a student of religious knowledge is not able to travel in order to continue his studies or teach for reasons that are beyond his control, but he can learn or teach through the internet, is he entitled to receive Khums funds just as other students who actually attend the religious seminaries?

Answer:

This is not a general religious ruling that we can present. Rather, it depends on each individual case that is addressed by the jurist or whoever represents him in managing these funds.

Q22: If the student of religious knowledge spends part of his time in teaching or learning to make programs to be used on the computer and he creates them to make religious research accessible to the students of the religious knowledge, makes the subjects easily accessible and helps students in writing on subjects in response to the fallacies. Does this affect his entitlement to receive the stipends given to the religious students in return for his efforts in this way?

Answer:

The answer to this question is the same as the last one.

Q23: If an individual launched a website on the internet that specializes in the affairs of the students of religious knowledge, to propagate their activities, to present their articles and research, to allow them to have dialogue with each other and similar services, does he need a special permission from the Hakim Shar'i?

Answer:

There is no need for permission from the Hakim Shar'i in this case, since it is a recommended action by itself, unless this would lead to certain other obstacles, like when some participants in dialogue use this opportunity to insult whoever does not deserve to be insulted, exaggerate problems in such a way that leads to the discouraging of others from serving the religion etc. It is required to take extra care when allowing communications amongst them and have good control, in order to avoid such obstacles and problems.

Scandals Over The Internet

Q24: Is it permissible to propagate scandals against scholars - we seek the refuge from Allah - between believers on the internet and justify that by considering it as an opinion and that everybody is entitled to present his opinion? What if such defamation of scholars is exposed to non-believers on the internet?

Answer:

It is not permissible to disgrace a regular person's flaws which he has, let alone flaws which he does not have in order to slander him. So how can this be allowed with respect to scholars especially if it was based on rumors and false statements?

However, it is allowed to disgrace the people who added to the religion what does not belong to it and the callers towards misguidance in order to alienate people from following them and to save people from their evil. As for listening to or reading the statements of whoever is slandering others, it is forbidden if they are aware that their audience is such that their objective will be fulfilled. The same can be said with regards to dialogue with them; in fact, it is obligatory to turn away from them in order to condemn their actions.

If listening to them is based on learning about what they are saying without them knowing that you are listening, without having dialogue with them or it is for the sake of responding to their accusations, to comment about the slanders or to know the level of crime that they are committing, then it is allowed in all the mentioned cases. When this causes an increase in the number of listeners that would be an encouragement to the slanderers and propagation of their statements then it becomes unlawful.

Managing Dialogue Sites

Q25: If the person was a manager of a chat site or a moderator on the internet, what is his role with regards to what is happening on these forums? What should he do when dealing with issues like belittling and insulting the sect of the Ahlul Bayt, the noble scholars and the believers and the like? What is the ruling regarding receiving wages in return for moderating and administrating these pages and sites, or even voluntarily? What is the ruling regarding being silent when dealing with such issues? Is deleting such statements obligatory if possible and within his powers?

Answer:

All people who participate in managing, implementing, moderating or doing anything else, would share in the rewards of whatever is happening on the site if it consisted of obedience to Almighty Allah and his work was with the intention to seek closeness to Him. Likewise, all participants would deserve a share of the punishment if what is happening on the site consists of disobedience to Almighty Allah, since this is not only supporting the sins or supporting the righteousness; it is participating in them as running of the website cannot be done without a group of people involved in it. Almighty Allah said:

“And help you one another unto righteousness and piety. Help not one another unto sin and aggression, but keep your duty to Allah. Verily, Allah is severe in punishment”(5:2).

Because of this, it is mandatory to delete the forbidden materials or stop working for the website, in order not to participate in its burden.

We ask Almighty Allah to guide us, you and all believers. We also ask Him for protection from misguidance after being guided. We seek refuge in Him from misguiding seductions, from our evil and the sins in our deeds. Almighty Allah says:

“And upon Allah rests the direction of the right way, and (some) of them are deviated; and had He willed He would guide you all aright”(16:9).

He is sufficient for us and most excellent is He in Whom we trust.

Notes

1. Wasaail Al-Shi'a, Vol. 8, p. 542.
2. Wasaail Al-Shi'a, Vol. 11, p. 559.

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