

# WARNING AGAINST PLAGIARISM AND INTELLECTUAL THEFT<sup>1</sup>

Indeed, all praise is due to Allāh, we praise Him, we seek His aid, and we ask for His forgiveness. We seek refuge in Allāh from the evil of our actions and from the evil consequences of our actions. Whomever Allāh guides, there is none to misguide and whoever Allāh misguides there is none to guide. I bear witness that there is no god worthy of worship except Allāh and I bear witness that Muhammad is the servant and messenger of Allāh.

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ حَقَّ تُقَاتِهِ وَلَا تَمُوتُنَّ إِلَّا وَأَنتُمْ مُسْلِمُونَ﴾

“O you who have believed, fear Allāh as He should be feared and do not die except as Muslims (in submission to Him).”

{*Āli-Imrān* (3): 102}

﴿يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا

رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا﴾

“O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allāh through whom you ask things from each other, and (respect) the wombs. Indeed Allāh is ever, over you, an Observer.”

{*an-Nisā* (4): 1}

<sup>1</sup> Study prepared by: Aboo 'Ubayd Khālid ibn Fitzroy ibn George Knight, Aboo Ameenah 'AbdurRahmān as-Salafi and 'AbdulHaq ibn Kofi ibn Kwesi Addae ibn Kwaku al-Ashanti. The three also represent other research contributors to the site who are concerned with plagiarism of their material which has been placed on SalafiManhaj.com

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَقُولُوا قَوْلًا سَدِيدًا﴾

﴿يُصْلِحْ لَكُمْ أَعْمَالَكُمْ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ فَقَدْ فَازَ فَوْزًا عَظِيمًا﴾

“O you who have believed, fear Allāh and speak words of appropriate justice. He will amend for you your deeds and forgive your sins. And whoever obeys Allāh and His Messenger has certainly attained a great attainment.”

{*al-Abzāb* (33): 70-71}

To proceed:

We have been contacted by some publishers who have highlighted that an author (who has not mentioned her/his name) has apologised for plagiarism of our material. We thank our Salafī brothers for coming forward and addressing the problem and we ask Allāh to reward them. They came forward and acknowledged this and likewise,



we come forward and acknowledge this noble deed. Therefore, in light of this we make the following remarks:

Firstly, to acknowledge the wrongdoing is praiseworthy as is to testify against one's own self, this is the honourable and just action for any Muslim to do, Allāh says:

﴿إِلَّا الَّذِينَ تَابُوا وَأَصْلَحُوا وَبَيَّنُوا﴾

“Except those who repent, rectify and manifest (the truth)...”

{*al-Baqarab* (2): 160}

Allāh says,

﴿يَتَأَيُّهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ وَكُونُوا مَعَ الصَّادِقِينَ﴾

“O you who have believed, fear Allāh and be with those who are true.”

{*at-Tawbah* (9): 119}

Allāh says,

يٰۤاَيُّهَا الَّذِيْنَ ءَامَنُوْا كُوْنُوْا قَوّٰمِيْنَ لِلّٰهِ شُهَدَآءَ بِالْقِسْطِ  
وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلٰٓى اَلَّا تَعْدِلُوْا  
اَعْدِلُوْا هُوَ اَقْرَبُ لِلتَّقْوٰى وَاتَّقُوا اللّٰهَ  
اِنَّ اللّٰهَ خَبِيْرٌۢ بِمَا تَعْمَلُوْنَ

“O you who have believed, be persistently standing firm for Allāh, witnesses in justice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And fear Allāh; indeed, Allāh is Acquainted with what you do.”

{*al-Mā'idah* (5): 8}

Allāh also says,

خُذِ الْعَفْوَ وَأْمُرْ بِالْعُرْفِ وَأَعْرِضْ عَنِ الْجَاهِلِيْنَ

“Show forgiveness, enjoin what is good, and turn away from the ignorant.”

{*al-A'raf* (7): 199}

As a result, we do not condone any Salafīs using this as an opportunity to slander, abuse and defame other Salafīs, or to take this as a chance to fulfil vendettas and grievances against any Salafīs just in order to “name and shame” them. For there are those who themselves use false names, identities and disguises yet at the same time want to try to condemn those who also do the same!? This is an inadequate approach which necessitates a Muslim to check her/his own self, Allāh says,

يٰۤاَيُّهَا الَّذِيْنَ ءَامَنُوْا لِمَ تَقُوْلُوْنَ مَا لَا تَفْعَلُوْنَ  
كَبْرٌۢ مَّقْتًا عِنْدَ اللّٰهِ اَنْ تَقُوْلُوْا مَا لَا تَفْعَلُوْنَ

“O you who have believed, why do you say what you do not do? Great is hatred in the sight of Allāh that you say what you do not do.”

{*as-Saff* (61): 2-3}

Secondly, we must highlight that plagiarism is a severe affair for it is no less than theft, and theft in Islām has decisive consequences. Keeping this in mind, for a writer to approach another text in a calculated and intentional way and purposefully steal research and not acknowledge this, and in fact act as if the original work is non-existent, while taking large sections of it, is a gross infringement of both Islamic and academic ethics. Hence, we exhort publishers to implement stringent checks so as to ensure such surreptitious plagiarism does not occur in future. It is indeed a calamity of the era that the Muslim Ummah has declined in its standards, honesty, integrity and ethics that some publishers have succumbed to such a travesty of professionalism.

Thirdly, there remains the issue of the actual identity of the “compiler” or “author”, as by Allāh, it is neither from the Salafī Manhaj nor from the hallmarks of a Salafī project, to hide the author from the readers and be hesitant in disclosing the identity of the author to the readership. This is inappropriate behaviour, for the truth is apparent and manifest with the manhaj of the Salaf, consequently there is no need for the one who adheres to the methodology of the Salaf to conceal his name. Indeed, such concealment is of the distinguishing hallmarks of the *Hizbi* (bigoted partisan) movements in order to hide from criticism and observation. Thus, we exhort publishers to follow the manhaj of the Salaf in this affair and fully disclose and reveal the identities of their authors, compilers and researchers and not fear the blame of the blamers. The Prophet (*sallallāhu ‘alayhi wassallam*) stated:

«لا تزال طائفة من أمتي على الحق، منصوره، لا يضرهم من خذلهم ولا من خالفهم حتى يأتي أمر الله.»

*“There will not cease to be a group from my Ummah manifest upon the truth. Those who forsake them will not harm them, until the command of Allāh takes place.”*

Due to the growing problem of plagiarism this study will remain up so as to provide guidelines for translators, authors, researchers and compilers and to encourage the implementation of thorough and rigorous checks which safeguard academic honesty, integrity, ethics and professionalism to which Islām exhorts.

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**IMPORTANT NOTE:**

*Some of the information within this paper is deemed by the SalafiManhaj.com Research Team to be sensitive and as a result there are a couple of instances where details have been blacked out. If at any time there is a need from us to make public these details we will do so in an updated version of this paper.*

It has come to our attention that a particular book has been recently published which has utilised research from the salafimanhaj.com research team yet no references, citations or sourcing has been made to material palpably obtained from us. This is evident as not only are references made to facts which could only have been obtained except via our research but also full names of specific individuals are mentioned which could only have been obtained via our work, as we know the specific individuals hence mentioning them in our writings and such facts are neither common knowledge nor within the public domain. Moreover, such a work is being sold at extortionate and exorbitant prices under the banner of being **“unique and the only book of its kind in English”**. But there is nothing ‘unique’ in plundering other works and failing to cite them. To make matters even worse the name of the author, compiler or researcher is not mentioned on the cover, making it impossible to know who the compilers, authors or researchers are- which contravenes academic and Islamic responsibility and trust. Some bankrupt translators (‘bankrupt’ being the operative word here as it applies in more ways than one (!) judging by the hostile tactics employed in order to poach our ideas) have even boldly testified to the SalafiManhaj.com team that they will plagiarise works and place their own names on the covers. While in one case even the same rare type-font as a book we published in 2009 was also used and replicated in a book which may as well have had SalafiManhaj.com written on it!

We therefore warn readers to be careful of publications which employ unscrupulous marketing methods for business and monetary gain, utilise unethical and poor research standards and lack academic integrity and honesty. Such plagiarism is harām as has been noted by the Mujaddid of the era Imām al-Albānī (*rahimahullāh*). We therefore advise researchers and writers to stand on their own two feet and conduct their own research, if they are able, and if they are unable and choose to refer to our material then they must fully reference, cite or source our work as this is only fair and to be expected.

## Plagiarism Tutorial



Allāh says

لَا تَحْسَبَنَّ الَّذِينَ يَفْرَحُونَ بِمَا أَتَوْا وَتُحِبُّونَ أَنْ تُحْمَدُوا بِمَا لَمْ يَفْعَلُوا  
فَلَا تَحْسَبْنَهُمْ بِمَفَازَةٍ مِنَ الْعَذَابِ وَلَهُمْ عَذَابٌ أَلِيمٌ ﴿١٨٨﴾

“And never think that those who rejoice in what they have perpetrated and like to be praised for what they did not do – never think them [to be] in safety from the punishment, and for them is a painful punishment.”

{*Āli 'Imrān* (3): 188}

Ibn Kathēer in his tafseer states in regards to this noble *ayah*:

It refers to those who show off, rejoice in what they do and claim to do what they have not done. The Two Saheehs recorded that the Prophet said,

«مَنْ ادَّعَى دَعْوَةً كَاذِبَةً لِيَتَكَثَّرَ بِهَا، لَمْ يَزِدْهُ اللَّهُ إِلَّا قِلَّةً»

“Whoever issues a false claim to acquire some type of gain, then Allāh will only grant him decrease.”

The Saheeh also recorded:

«الْمُتَشَبِّعُ بِمَا لَمْ يُعْطَ، كَلَّابِسِ ثَوْبَيْ زُورٍ»

“He who claims to possess what he has not been given, is just like a person who wears two robes made of falsehood.”

Imām Ahmad recorded that Marwān told his guard Rāfi' to go to Ibn 'Abbās and proclaim to him, “If every person among us who rejoices with what he has done and loves to be praised for what he has not done will be tormented, we all will be tormented.”

The importance of knowing who has brought and relayed a certain aspect of knowledge is firmly rooted in Islamic tradition as evident from the epoch of the Salaf. The Tābi'ī Imām, Muhammad ibn Sīrīn (*rabimabullāb*), is famed for saying, as recorded in the *Muqaddimah* of Saheeh Muslim, vol.1, p.15:

«إن هذا علم الدين، فانظر عمن تأخذون دينكم»

**“This is the knowledge of your religion, so look to whom you take your religion from.”**

Imām Muslim (*rabimabullāb*) also recorded in his the *Muqaddimah* of his *Sabeeh* (vol.1, p.15) that Muhammad ibn Sīrīn said:

لم يكونوا يسألون عن الإسناد فلما وقعت الفتنة قالوا سموا لنا رجالكم فينظر إلى أهل السنة

فيؤخذ حديثهم وينظر إلى أهل البدع فلا يؤخذ حديثه

They had not used to ask about the Isnād (chains of narration) but when the Fitnah arose they said, “Name your men to us!” so they looked to Ahlus Sunnah and they took their narrations and they looked to the people of innovation and they did not take their narrations.

This part is very important:

«سموا لنا رجالكم»

**“Name your men to us!”**

As this shows the importance of knowing those who come with narrations, knowledge and information. Shaykh, Dr Abū Anas Hamad bin Ibrāheem Āl 'Uthmān from Kuwait stated in his book *an-Nubadh fī Ādāb Talab 'Ilm* in regards to referencing knowledge to the one who says it:

There is no doubt that the student of knowledge takes on knowledge either by hearing it from his Shaykh or via reading it from a book and he admits to the virtue of his Shaykh over him in teaching him and he should not be proud and reject referencing the knowledge that he mentions to people to those from whom he took it from.<sup>2</sup>

Then Shaykh Abū Anas Hamad al-'Uthmān says:

**Likewise, whoever intends to author has to reference words that he comes across, and has been guided to, unto those whom he learnt it from and the topic in which he found it as this is from trust.**

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<sup>2</sup> Dr Hamad bin Ibrāheem al-'Uthmān, *an-Nubadh fī Adāb Talab il-'Ilm* ('Ammān, Jordan: Dār ul-Athariyyah, 1428 AH/2007 CE), p.299.

Imām as-Suyūṭī stated:

From the blessing of knowledge and being thankful for it is to reference it to whoever says it. al-Hāfidh Abū Tāhir as-Silafī said: I heard Abu'l-Hasan as-Seerfī say: I heard Abū 'Abdullāh as-Sūrī say: 'AbdulGhanī bin Sa'eed said to me: when my book reached Abū 'Abdullāh al-Hākim he responded to me with thanks and mentioned that he dictated it to people. In his letter to me he included recognition of the benefit he derived and that he does not mention the benefit except that he gained it from me. **Al-'Abbās Muhammad bin Ya'qūb al-Asamm narrated to them saying: from the thankfulness of knowledge is that when you benefit from something and this is mentioned to you that you say: "such and such was hidden from me and I had no knowledge of it until fulān benefitted me with such and such" – this is thankfulness for knowledge. I say (i.e. as-Suyūṭī): for this reason you will not see me mention any letter within my works except that I reference it to the one who said it from the 'Ulama along with mentioning his book wherein he mentioned it.**<sup>3</sup>

Ibn ul-Jawzī stated when discussing the virtues of al-Wazeer ibn Hubayrah: **"If he benefitted from anything he would say: 'fulān benefitted me with this'."**<sup>4</sup> Refer to Shaykh, Dr Abū Anas Hamad bin Ibrāheem al-'Uthmān for further benefit in this regard.<sup>5</sup> Dr Muhammad bin Sāmīl as-Silmī, the former head of the College of Sharee'ah and Islamic Studies at Umm ul-Qurā University in Makkah, mentions in his book *Manhaj Kitābat ut-Tārikh al-Islāmī* [The Methodology of Writing Islamic History] some characteristics of the Islamic academic method. He notes that these features include utilising evidences after authenticating them; sound deduction, *īmān* in all that has been relayed in the Qur'ān and Sunnah; trust in presenting evidences and then he notes:

**Explain the sources (Masādir) and references (Marāji') which have been taken from along with precise detail when transmitting statements and referencing them to who said them.**<sup>6</sup>

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<sup>3</sup> Imām as-Suyūṭī, *Muzhir fī 'Ulūm il-Lughah*, vol.2; Ibn ul-Jawzī, *al-Muntadham*, vol.7, p.291; adh-Dhahabī, *Siyar*, vol.17, p.270; Ibn Katheer, *al-Bidāyah wa'n-Nihāyah*, vol.7, pp.8-12.

<sup>4</sup> *Adh-Dhayl 'ala Tabaqāt il-Hanābilah*, vol.1, p.255.

<sup>5</sup> Hamad bin Ibrāheem al-'Uthmān, *op.cit.*, pp.299-300.

<sup>6</sup> Dr Muhammad bin Sāmīl as-Silmī, *Manhaj Kitābat ut-Tārikh al-Islāmī: Ma' Dirāsāt li't-Tatawwur it-Tadween wa Manāhij ul-Mu'arrikheen Hatta Nihāyat il-Qarn ath-Thālith al-Hijrī* [The Methodology of Writing Islamic History: With a Study of the Development of the Codification and Methods of the Historians Up Until the Third Century After Hijrah]. Dammām, KSA: Dār Ibn ul-Jawzī, 1429 AH, pp.124-125.

Dr Muhammad bin Sāmīl as-Silmī then states, when discussing the conditions of what a Muslim historian should have as highlighted by as-Subkī in *Tabaqāt ush-Shāfi'iyyah*, the second condition is:

**That the historian names the source from which he took his information, in this way his sources become clear and known.**<sup>7</sup>

Henceforth Shaykh, Dr Nāsir bin Muhammad bin Mushri al-Ghāmidī (Associate Professor in the Judicial Ethics Department at the Sharee'ah and Islamic Studies College, Umm ul-Qurā' University, Makkah) mentions in his paper *Himāyat ul-Malikīyyah al-Fikriyyah fi'l-Fiqh il-Islāmeey wa'l-Āthār al-Iqtisādīyyah al-Mutarattibah 'Alabā* [The Protection of Intellectual Property in Islamic Law and its Economic Effects and Implications]:<sup>8</sup>

وعرف المسلمون أصول مبدأ حفظ الحقوق الفكرية وحمايتها منذ القِدم، وإن لم تكن معروفة بهذا المصطلح الشائع الآن، أو بهذه الطرق الحديثة :  
أ- فقد نصَّ أهل العلم على الأمانة العلمية في مجال العلوم، ونسبتها لأصحابها، من خلال توثيق النصوص بالإسناد، وهذا يتجلى في تراث الإسلام العظيم في كتب السنة والأثر، الدائرة قبولاً ورداً على الإسناد الموثق بمعايره الدقيقة المدونة في علم مصطلح الحديث، وتخريج النصوص والنقول بدقة، بمعنى نسبة القول إلى قائله، وذكر المصادر المعتمد عليها، ومن نظر إلى كتاب من كتب أهل العلم المسلمين السابقين - خصوصاً - رأى معاناتهم الدقيقة في ذلك، حتى إن بعضهم إذا نقل نصاً يشكُّ أن فيه تصحيفاً أو تحريفاً، نقله كما هو، ونوّه عنه بقوله : (كذا وجدته، وهو تصحيفٌ، مثلاً، صوابه، كذا)

The Muslims have known about the principle of preserving and protecting intellectual rights since long ago, even though it may not have been known by the term of reference which is widespread today or by these modern routes:

A – the people of knowledge have documented academic trust within the arena of different sciences and ascribing this trust to those who possess it by authenticating texts via the chains of transmission. This is abundantly clear in the great Islamic heritage within books of Sunnah and narrations which are within the fold of either acceptance or rejection based on chains of transmission which are authenticated with detailed criteria which have been documented within the science of hadeeth terminology. This also includes verifying texts and reports with detailed precision. **This means: referencing the statement to the**

<sup>7</sup> Ibid., p.250.

<sup>8</sup> See p.45 of the paper which can be accessed Online, see for example: <http://www.kantakji.com/>

one who said it and mentioning the sources which have been depended upon. Whoever looks at a book from the people of knowledge of the past in particular will see their detailed meanings of that. To the extent that some of them if they transmitted a text which was doubtful due to either *tas-beef* (misplaced diacritical marks, incorrect spellings and textual errors) or *tabreef* (textual distortion) would still transmit it as it has arrived and add a note saying: “this is how I found it and it is due to *tas-beef*...” for example “...and what is actually accurate is such and such...”<sup>9</sup>

Dr Nāsir al-Ghāmīdī then states in the conclusion of his paper:

أَنَّ التَّعْدِيَّ عَلَى الْحَقُوقِ الْفِكْرِيَّةِ يُعَدُّ فِي نَظَرِ الْإِسْلَامِ سَرَقَةً، وَخَدِيْعَةً، وَغِشًّا، وَاعْتِدَاءً عَلَى  
أَمْوَالِ النَّاسِ وَحَقُوقِهِمْ وَاخْتِصَاصَاتِهِمْ، وَأَكْلٌ لَهَا بِالْبَاطِلِ ؛ وَهَذِهِ كُلُّهَا جَرَائِمٌ عَظِيمَةٌ  
وَخَطِيرَةٌ، تَوْثِّرُ عَلَى الْمَجْتَمَعَاتِ وَالْأَفْرَادِ، وَتَقُودُ إِلَى الْمَفَاسِدِ وَالزُّوَالِ .

Infringing on intellectual rights according to the view of Islam is considered theft, deception, fraud and transgression against people’s property, rights and specialisation, and consuming it in falsehood. All of these are serious and dangerous crimes which impact societies and individuals leading to harms and major events.<sup>10</sup>

In regards to taking people’s property Allāh says,

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ  
لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

“And do not consume one another’s wealth unjustly or send it [in bribery] to the rulers in order that [they might aid] you [to] consume a portion of the wealth of the people in sin, while you know [it is unlawful].”

{*al-Baqarab* (2): 188}

Imām al-Qurtubī in his tafseer of this ayah mentions:

This includes all the Ummah of Muhammad (sallallāhu ’alayhi wassallam) and it means: do not consume each other’s property without right. This includes

<sup>9</sup> See Shaykh Bakr Abū Zayd, *Fiqh un-Nawāzil* (Beirut: Mu’assasat ur-Risālah, 1416 AH, 1<sup>st</sup> Edn.), vol.2, p.128.

<sup>10</sup> Ibid., p.54.

gambling, fraud, usurpation and taking people's rights without the consent of the person who is the owner.<sup>11</sup>

The Prophet (*sallallāhu 'alayhi wassallam*) stated:

«لا يَحِلُّ مَالٌ أَمْرِي مُسْلِمٍ إِلَّا بِطَيْبِ نَفْسٍ مِنْهُ»

“A Muslim's property is prohibited (to take) except with his consent.”<sup>12</sup>

The Prophet (*sallallāhu 'alayhi wassallam*) stated:

«إِذَا لَمْ تَسْتَحْ، فَاصْنَعْ مَا شِئْتَ»

“If you have no shame then do as you wish.”<sup>13</sup>

Bukhārī and Muslim both report that the Prophet (*sallallāhu 'alayhi wassallam*) stated:

«مَنْ ادَّعَى دَعْوَةً كَاذِبَةً لِيَتَكَثَّرَ بِهَا، لَمْ يَزِدْهُ اللهُ إِلَّا قَلَّةً»

“Whoever issues a false claim to acquire some type of gain, then Allah will only grant him decrease.”

Sufyān ath-Thawrī stated:

Ascribing the benefit to the one who brought the benefit is from truthfulness in knowledge and its thankfulness. Keeping quiet about that is lying in regards to knowledge and its ingratitude.<sup>14</sup>

Ibn 'AbdulBarr stated in *Jāmi' Bayān ul-'Ilm wa Fadlihi*, vol.2, p.89:

(إن من بركة العلم أن تضيف الشيء إلى قائله)

*It is to be said that: from the blessings of knowledge is to ascribe the thing to the one who said it.*

Plagiarism as an act of intellectual theft has been in existence for centuries and it is also found even within Islamic history for as-Sakhāwī concludes in a chapter that he transmits from the

<sup>11</sup> See p.4 of the fatwa prohibiting intellectual theft from Dār ul-Iftā' al-Misriyyah: [http://www.acbpub.org/cms/FormUpload/10\\_07\\_141279101625Fatwa.pdf](http://www.acbpub.org/cms/FormUpload/10_07_141279101625Fatwa.pdf)

<sup>12</sup> Saheeh, reported by Ahmad, ad-Dāraqutnī, al-Bayhaqī and others; the narration of Ahmad contains 'Ali bin Zayd and he is da'eef, but the hadeeth is authentic due to other supporting narrations which authenticate it. Imām al-Albānī authenticated the hadeeth in *Saheeh ul-Jāmi' as-Sagheer*, no.7662 and in *Irwā' ul-Ghaleel*, no.1459.

<sup>13</sup> Reported by Bukhārī, Abū Dāwood, Ibn Hibbān and Ahmad.

<sup>14</sup> Reported by Abū 'Abdullāh Muhammad bin Muhammad bin 'Abdurrahmān al-Maghribī al-Hattāb in *Mawāhib ul-Jaleel li Sharh Mukhtasar il-Khaleel*, vol.4, p.1; also reported by as-Sakhāwī in *al-Jawāhir wa'd-Durar*, vol.1, p.120.

handwriting of his Shaykh Ibn Hajar entitled *Fī man Akhadha Tasneef Ghayrabu fādḍa'ahu li Nafsibi wa Zāda fihī Qaleelan wa Naqasa minhu wa Lakin Aktharahu Madbkūr bi Lafdh al-Asl* [Regarding Those Who Take Works of Others and Claim it for Themselves Adding More to it or Decreasing from it, However Most of it is Mentioned Within the Original Wording Which is Has Been Taken From]:

*Al-Babr* by ar-Rūyānī, he plagiarised it from *al-Hāwī* by al-Māwardī; *al-Abkām us-Sultāniyyah* by Abū Ya'lā is plagiarised from the book by al-Māwardī however Abū Ya'lā based his one on the Madhhab of Ahmad;<sup>15</sup> *Sharh ul-Bukhārī* by Ismā'eel bin Muhammad at-Taymī is plagiarised from the Sharh of Abu'l-Hasan bin Battāl; *Sharh us-Sunnah* of al-Baghawī is based on the Sharh of al-Khattābī's Sharh on al-Bukhārī and Abū Dāwud; *al-Kalām 'ala Tarājim il-Bukhārī* of al-Badr bin Jama'ah is plagiarised from *Tarājim ul-Bukhārī* by Ibn ul-Munayyar; *Ikhtisār 'Ulūm ul-Hadeeth* by Ibn Abi'd-Damm is plagiarised from 'Ulūm ul-Hadeeth by Ibn as-Salāh exactly word for word with much addition to it; *Mabāsīn ul-Isṭilāh wa Tadmeen Kitāb Ibn Salāh* by our Shaykh al-Bulqīnī, despite adding to what Ibn as-Salāh mentioned is still based on *Islāh Ibn as-Salāh* by al-Maghlatā'ī; *Sharh ul-Bukhārī* by our Shaykh Ibn Mulaqqin is a compilation and the first part of it is from a number of Shurūh, as for the second half of the book then he did not surpass transmitting from the Sharh of Ibn Battāl and Ibn ut-Teen (even the section on Furū' al-Fiqhiyyah) as I heard from the biographers.<sup>16</sup>

Shaykh Mashhūr bin Hasan Āl Salmān mentions:<sup>17</sup>

Abū Bakr Muhammad ibn al-Anbārī was accused of plagiarising the book *aḥ-Zābir* from the book *al-Fākbir* of al-Mufaddal bin Salamah. Lisān ud-Deen bin al-Khateeb accused his contemporary Khālid bin Muhammad 'Īsā al-Balwī of plagiarising his travels *Tāj ul-Mafriq* from the book *al-Barq asb-Shāmī* which was authored by al-'Imād al-Asfahānī. As-Sakhāwī accused al-Maqrīzī of plagiarising *Kbutat Misr* from a *Kbutat* which was authored by al-Awhadī.<sup>18</sup> Shaykh Zakariyā al-Ansārī was also accused of plagiarism.<sup>19</sup> Yet whoever throws

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<sup>15</sup> Refer to Hurvitz's study of these two texts published within the Occasional Papers of the Islamic Legal Studies program of Harvard Law School, October 2007: <http://www.law.harvard.edu/programs/ilsp/research/hurvitz.pdf>

<sup>16</sup> See Shaykh Abū 'Ubaydah Mashhūr bin Hasan Āl Salmān, *Kutub Hadhara Minhā al-'Ulama* [Books which the 'Ulama Have Warned Against], Riyādh, KSA: Dār us-Samī'ī, 1426 AH/2005 CE, 3<sup>rd</sup> Edn., vol.2, pp.376-377.

<sup>17</sup> Ibid., vol.2, p.382

<sup>18</sup> As-Sakhāwī, *ad-Daw' al-Lāmi'*, vol.1, p.358

<sup>19</sup> Ibid., vol.3, p.236

stones at people will have them thrown back at him and as-Suyūṭī accused as-Sakhāwī of plagiarism and stated in *al-Kāwī 'ala Tāreekh is-Sakhāwī*:<sup>20</sup>

...he (as-Sakhāwī) took from *Fath ul-Bārī* and relayed it in his own words and most of which he (as-Sakhāwī) authored in hadeeth and narration are drafts which were left by al-Hāfidh Ibn Hajar.

As-Suyūṭī himself was not safe from accusation and as-Sakhāwī, al-Baqā'ī and others accused as-Suyūṭī of plagiarism.<sup>21</sup>

Ibn ul-Qayyim in his classic work *I'lām ul-Muwaqqi'een* mentioned those who “steal with their hands” along with those who “steal with their pens”. Ibn ul-Qayyim stated:

The chicanery of the thieves involves taking people’s property and wealth in falsehood and such people are of different innumerable types. There are those who steal with their hands, those who steal with their pens, those who steal with their trusts and those who steal on account of what they manifest openly in terms of religion, poverty, righteousness and zuhd, when in actuality they are internally opposite to that. There are also those who steal on account of their plots, deception and cheating.<sup>22</sup>

Contemporary scholars of fiqh have also discussed the issue of plagiarism and a variety of fiqh councils around the world have highlighted the infringement involved. Muhammad bin Ibrāheem states in his book *al-Heel al-Fiqhiyyah fi'l-Mu'āmalāt il-Māliyyah* [Islamic Legal Strategems in Financial Dealings], p.170:

Whoever looks at these words (of Ibn ul-Qayyim) will think it is as if the writer is talking about what takes place in Islamic society today! As there are many who steal with their pens, tongues and trusts and their false religiosity in which they manifest righteousness and zuhd in a way which is particular to treachery, plotting and cheating in every dealing, except for whoever your Lord protects and they are a small number.<sup>23</sup>

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<sup>20</sup> Within *Maqāmah* of as-Suyūṭī.

The above work was mentioned by Hajjī Khaleefah in *Kashf udh-Dhunūn*, vol.2, p.1785; al-Baghdādī, *Hidāyat ul-'Arīfeen*, vol.1, p.541. *Al-Kāwī* was edited by Sameer bin Mahmūd ad-Durūbī entitled *Sharh Maqāmāt Jalāluddeen as-Suyūṭī* (Beirut: Mu'assasat ur-Risālah, 1989).

<sup>21</sup> See *al-Kawkab ud-Durī al-Mutalālī*, pp.128-129.

<sup>22</sup> Ibn ul-Qayyim, *I'lām ul-Muwaqqi'een* (Dār Ibn ul-Jawzī, ed. Shaykh Mashhūr Hasan), vol.5, pp.298-299.

<sup>23</sup> Muhammad bin Ibrāheem, *al-Heel al-Fiqhiyyah fi'l-Mu'āmalat il-Māliyyah* [Islamic Legal Strategems in Financial Dealings], Cairo, Egypt: Dār us-Salām, 1430 AH/2009 CE, p.170

Shaykh, Dr Abū Anas Muhammad bin Mūsā Āl Nasr states in his book *Jareemat ul-Ghish: Ahkāmahā wa Suwarihā wa Āthārihā al-Mudammirah* [The Crime of Fraud: Its Rulings, Manifestations and Destructive Effects]:

**The manifestation of plagiarism, which has to be agreed upon, is when an author takes distinct academic research from other books without mentioning either the sources from which he took or the author. He (the plagiariser) then presents his book to the readers as if the words, which he merely transmitted from the original author, are his words** when in reality he has no connection whatsoever the meanings of those letters or the arrangement of those words. Another manifestation of plagiarism, which is more prominent than this, is to transmit an entire book and only change the title of it and place a different name on it other than the name of the real author. Then if the plagiariser is a claimant to knowledge he may add to it as he wishes or merely leave it as it is without changing anything from it, in doing so deceiving the readers in this way.<sup>24</sup>

Shaykh Mashhūr Hasan stated:

**This is plagiarism, as for a researcher working to gather academic material from a number of sources and connects them together (to formulate his own research) then this is authoring (ta'leef) linguistically and technically. However, every statement has to be referenced to those who said it and every benefit has to be referenced to its original source.**<sup>25</sup>

Shaykh, Dr Muhammad Bāzmūl stated, as relayed and translated by Mūsā Richardson, that (bold type ours):

What is apparent from the words of the people of knowledge, those who have studied this issue, is that this is an established right owned by the writer, translator, or the one who provides any type of service (to some knowledge). He legitimately owns the right of the work that he has done. So then others do not have the right to quote him from the work he has done, that which he has exhausted himself doing, that which he has exerted himself in, that work he has performed and then published on his website. No one has the right to take it from his website without providing a reference to him, and without seeking his permission. For this is a kind of transgression against the rights (of others). **However, some of the people of knowledge have pointed out something else, and that is:**

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<sup>24</sup> Shaykh, Dr Abū Anas Muhammad bin Mūsā Āl Nasr, *Jareemat ul-Ghish: Ahkāmahā wa Suwarihā wa Āthārihā al-Mudammirah* [The Crime of Fraud: Its Rulings, Manifestations and Destructive Effects]. Dubai, UAE: Maktabat ul-Furqān, 1429 AH/2008 CE, p.172.

<sup>25</sup> Shaykh Mashhūr Hasan, *op.cit.*, vol.2, p.372.

**That there should be some lenience when it comes to affairs of the Religion, affairs of the Sharee'ah, so as to benefit a larger number of people, and there are conditions to this:**

- a) To ascribe any point of benefit to its source;**
- b) To fulfill *{sic}* the trust of quoting someone precisely and referring to the quoted source properly;**
- c) To seek and gain permission (from the provider of the source material) when possible, utilizing the manner of seeking permission that is from Islam.**

So the meaning of these statements of the scholars is that we should be lenient when it comes to any financial compensation regarding these intellectual property rights (copyrights) on material related to the Religion. Actually, this position is one outlook, and Shaykh Sālih Al-Husayyin, the Executive Chairman of the Presidency of the Two Sanctuaries, has singled out this topic in a fine piece of research, dealing with the *fiqh* rulings on these matters. Also, other research has been done in this field previously by Dr. Fat-hi Ad-Duraynee. He researched the issues related to intellectual property rights (copyrights). There are also a number of other things written about this issue, and all of them conclude that:

- a) Intellectual property rights and copyrights are legitimate and are owned by the researcher, worker, or translator;
- b) It is not proper to transgress against his rights;
- c) If there is some financial benefit related to such work, then he is more entitled to it than anyone else;
- d) No one may use his work except after obtaining his permission, and they must then relay everything precisely, and reference it to the owner;
- e) Others may only publish it in a way that is pleasing to the owner (of the copyrighted material).<sup>26</sup>

Shaykh, Dr Muhammad al-Bāzmūl then states, as per the translation of Mūsā Richardson (bold type ours):

No doubt, the blessings of such actions will be deficient or wiped out completely. And the early people of knowledge, may Allāh have Mercy on them, said, as has been reported from Aboo 'Ubayd Al-Qāsim ibn Sallām and others, "*From the barakah (blessings) of knowledge*

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<sup>26</sup> Refer to the article entitled 'Copyrights and Intellectual Property Rights in Islam' translated by Mūsā Richardson here, accessed 15 August 2010: <http://www.bakkah.net/interactive/q&a/āmb080-copyrights-translations-intellectual-property.htm>

is referencing each statement to the one who said it." So if you gained a benefit from someone, then you say, "This benefit is something that I was ignorant of, and I learned it from So-and-So," or, "So-and-So taught me this benefit." So when this is the case, what do you say about someone who approaches the hard work of another person, something that he worked on for months, for long days and many hours, and he takes this work exactly as it is, and places it on his website, even without any reference or mention of the owner of the work!? Is this something permissible? Is this something befitting? The answer which is apparent: It is not permissible and he has done an action that requires that he hasten to:

- a) Make *tawbah* (repentance) *{sic}* from this action;
- b) Apologize to the owner of the copyright;
- c) Seek his permission.

And it is upon the owner of the copyright to be cooperative with his brother, as perhaps he was ignorant, or perhaps he was acting upon emotion and did not take heed of this matter. So then it is upon him to be gracious and cooperative with him. And it is upon all of us to work hard to teach the people these affairs. And every person should respect the rights of others, so that this kind of affair does not take place, as it is a form of transgression against the rights (of the people). Islam calls to the preservation of these kinds of rights, to uphold them, and to not transgress (against others) or commit crimes like these, and Allāh knows best.

Shaykh Sālih Al-Husayyin states in his work, which was referred to above by Shaykh Muhammad Bāzmūl, entitled *Hal li't-Ta'leef ash-Shari' Haqq Māli?* [Do Shari' Writings Have Legitimate Islamic Financial Rights?],<sup>27</sup> p.4, that:

( إنَّ أول قانون صدر بحماية هذا النوع من الحقوق، القانون الفرنسي الصادر في عام 1791م وقد اقتصر على حماية الحق المالي للمؤلفات المسرحية ثم صدر القانون الفرنسي في عام 1792م يمدّ تلك الحماية إلى جميع المصنفات الأدبية والفنية، ثم تتابعت القوانين الأخرى في البلدان المختلفة ) ( الوسيط 282/8 ).

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<sup>27</sup> It can be accessed from [www.islamselect.com](http://www.islamselect.com) accessed Online by SalafiManhaj.com research team on 15 August 2010.

The first law passed to protect these kinds of rights was the French law of 1791 which was restricted to protect the financial rights of Theatrical works. Then French law in 1792 issued an extension of that protection to all literary and artistic works, and this was then followed by a series of other laws in different countries. See al-Waseet, vol.8, p.282.

Hamūd bin Muhsin ad-Da'jānī, of the Comparative Fiqh Department, Imām Muhammad bin Saud Islamic University in Riyadh stated in a paper entitled *Babth Huqūq al-Malikiyyah al-Fikriyyah* [Research into Intellectual Property Rights],<sup>28</sup>, p.17, dated 1429 AH/2008 CE, supervised by Shaykh, Dr 'AbdurRahmān as-Sanad, in regards to the rights based on intellectual property:

ثالثاً – الحق العام :

وهو حق الأمة في الاستفادة من هذا المصنف والاعتباس منه بشرط الأمانة في نسبه القول والفائدة لقائلها .

**Thirdly: a general right – which is the right of the Ummah to benefit from this work and quote from it with the condition of referencing the statement and benefit to the one who said it.**

Dār ul-Iftā' al-Misriyyah stated in their fatwa on the prohibition of transgressing against intellectual rights and the forbiddance of publishing crimes and fraud, dated 6 June 2010 CE:

Based on this the Islamic Fiqh Council at the Organisation of Islamic Conference in Kuwait from 1-6 Jumāda al-Olā 1409 AH ruled that: “thirdly: rights of authorship and invention are preserved in the Shar’...it is not permitted to transgress against these rights. Allāh knows best.”<sup>29</sup>

Muhammad Mis’ad Yāqūt, an Egyptian researcher, stated in a paper entitled *as-Sariqāt al-’Ilmiyyah: Muskilah Mutafāqimah* [Plagiarism: a Growing Problem]<sup>30</sup>:

A growing phenomena in recent times is plagiarism of research and writings, whether within the academic community (universities or research centres) or outside of academia in newspapers and publications.

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<sup>28</sup> It can be accessed from [www.alsaber.net](http://www.alsaber.net) accessed Online by SalafiManhaj.com research team on 15 August 2010.

<sup>29</sup> Accessed Online by SalafiManhaj.com research team August 2010: [http://www.acbpub.org/cms/FormUpload/10\\_07\\_141279101625Fatwa.pdf](http://www.acbpub.org/cms/FormUpload/10_07_141279101625Fatwa.pdf)

<sup>30</sup> Dated 13/11/1429 AH corresponding to November 11 2008 CE, see: [http://yakut.blogspot.com/2008/11/blog-post\\_7326.html](http://yakut.blogspot.com/2008/11/blog-post_7326.html)

Then Yāqūt says:

As for Iqtibās (quotation) then it means: the literal or non-literal transmission of a text or idea from one book to another. Iqtibās is divided into Shari' and non-Shari', as for Shari' then it is transmitting a text or idea along with referring to the source (mentioning the name of the author and the title of the book). If the quote is a direct literal quote then there must be quotation marks around the borrowed text. If the quote is non-literal or relaying an idea then there does not need to be quotation marks but there is the necessity in both cases to mention the source on the same page and not sufficing with mentioning the source in the bibliography. Some transmit from here and there without mentioning the sources except in the biography at the end of the research and this is incorrect. Rather, the sources have to be mentioned whenever they are transmitted from.

Yāqūt continues:

**The Iqtibās (quotation) which is not Shari' is that which transmits without mentioning the source, when a writer transmits a sentence or an idea from someone else and presents it in his article as if it came from his own ideas. This is theft and clear transgression against the intellectual property of others and in this case the one who has had his work plagiarised has the right to chase up the plagiariser.**

Yāqūt also states:

**However, let us reflect on the reasons why people steal other peoples intellectual property:**

**Intellectual bankruptcy: the plagiariser is usually a weak-minded person with poor understanding and little knowledge and thus views that his inability will be unable to produce an idea or a sentence, so he plagiarises one instead! Plagiarising it is much easier and less work than producing the like of the original.**

**Moral bankruptcy: the plagiariser has been afflicted by moral sicknesses such as lying and fraud and the desire for profit even if it is via doing the harām, and the craving to obtain degrees and awards on the shoulders of others. Plagiarists are opportunists and oppressive, not to mention the fact that they are people of evil and sin. How could this not be the case when they have made permissible the rights of innocent people who have spent that which is precious and stayed through the night producing their ideas?**

**Faith bankruptcy: most plagiarists who have weak souls and religious deficiencies as evil has overcome the good within their souls leading to their hearts becoming hard, neither knowing good nor rejecting evil.**

'Isām Taleemah stated in an article in 2009 for the Kuwaiti Awqāf and Islamic Affairs Ministry's Arabic journal *Majallat ul-Wa'i al-Islāmī*, no.525 entitled *as-Sariqāt al-'Ilmiyyah: Dhābirat ul-'Asr, Asbābuhā wa Hukmuhā wa Wājibunā Nahwuhā* [Plagiarism: A Manifestation of the Era, Its Reasons and Ruling, and Our Obligation Towards It]:

As for the ruling on this manifestation and action which has become widespread to disturbing proportions of late, then there is no doubt that it is harām for sure and in reality it is both a religious and moral crime. Likewise, it includes a number of crimes such as:

1. Theft: even though it is another form of theft and not theft of money, it is in fact more dangerous than the theft of money. This is because if money is stolen it can be replaced, but if an idea is stolen it becomes the property of the thief and does not return to the owner.
2. Ascribing that which is not his to himself, also ascribing a virtue to himself which he does not have the least role or right in having, Allāh says: **“And never think that those who rejoice in what they have perpetrated and like to be praised for what they did not do – never think them [to be] in safety from the punishment, and for them is a painful punishment.”** {*Āli 'Imrān (3): 188*} The Prophet (*sallallāhu 'alayhi wassallam*) said: “He who claims to do that which he has not done, is just like a person who wears two robes of falsehood.” (an-Nasā'ī).
3. Taking that which he does not deserve and owning that which is not from his right and possessing that which he has no right to possess. Likewise, he adds it to his credit and the credit is not from his own sweat and toil, rather it is from the sweat and toil of others.
4. Exploiting the needs of students of (Islamic) knowledge, and in most cases their needs have become limited in regards to their livelihood. Thus, plagiarism resembles consuming interest and exploiting people's needs is censured in the Shar' and condemned in Islām.
5. Deceiving people and readers: just as this crime combines between deceiving people and tricking them that the author is a prominent person and an authoritative author and prolific research in terms of writing and authoring. Yet there is no link between this research and the (plagiarising) writer, thus he deceives people.

Also al-Azhar University in Egypt issued a fatwa on intellectual property and highlighted:

The committee is of the opinion that quoting portion(s) of a book, a magazine, or any other piece of writing is lawful on the condition that the original authors of these writings are cited. Copying others' writings and presenting them as one's own thoughts is a kind of plagiarism that is unlawful both in the Shari`ah and in man-made laws. As for using others' thoughts by way of paraphrasing them and mingling them with one's own thoughts, there is nothing wrong about that. This applies also to using religious and scientific opinions and theories, but citing the original thinker or inventor in these cases is also a condition.

The Muslims therefore have a protocol based on Islamic tradition which expressly rejects plagiarism and the infringement of plagiarism is felt across the globe, showing that the deception of plagiarism is mutually condemned by all peoples. Non-Muslim experts on copyright infringement and plagiarism highlight very similar if not identical academic ethics and etiquettes,<sup>31</sup> for example Judy Anderson states in her book *Plagiarism, Copyright Violation and Other Thefts of Intellectual Property: An Annotated Bibliography with a Lengthy Introduction* (North Carolina, USA: McFarland & Co. Publishers, 1998), p.13:

Ideology and ethical behaviour give philosophical bases to reasons for being truthful and giving credit where it is due, **but money moves the process.**

Bill Marsh mentions in *Plagiarism: Alchemy and Remedy in Higher Education* (Albany, NY: State of New York University Press, 2007), p.11:

In other words, acts of innocuous quoting and borrowing become criminal, or at least unethical, when the debt of one author to another is not properly paid via credit evidently due the receiver...

Laurie Sterns highlights in "Copy Wrong: Plagiarism, Process, Property and the Law" in Lise Buranen and Alice Myers Roy (eds.), *Perspectives on Plagiarism and Intellectual Property in a Postmodern World* (Albany, NY: State of New York University Press, 1999), p.7:

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<sup>31</sup> According to the Oxford English Dictionary 'to plagiarise' is "**to take and use another person's ideas, writing, or inventions as their own.**" According to the Merriam-Webster's Dictionary:

- ❖ to steal and pass off (the ideas or words of another) as one's own.
- ❖ to use (another's production) without crediting the source.
- ❖ to commit literary theft.
- ❖ to present as new and original an idea or product derived from an existing source.

The term 'plagiarism' comes from the Latin 'plagiarius' which means 'kidnapper', in Greek 'plagios' means 'treacherous' or 'crooked', see Rosemarie Menager and Lyn Paulos, *Quick Coach Guide to Avoiding Plagiarism* (Boston, MA: Wadsworth, 2009), p.2.

People despise plagiarism not because it results in inferior works – indeed, by drawing from others plagiarists may produce better works than they could by themselves – but because it is a form of cheating that allows the plagiarist an unearned benefit. This benefit could be either tangible, as when the work is of commercial value or fulfils a requirement for an academic degree or tenure, or intangible, as when it adds to the plagiarist’s personal or professional reputation. The form that the plagiarist’s cheating takes- claiming credit for someone else’s achievements – is particularly abhorrent.

Rosemarie Menager and Lyn Paulos state in *Quick Coach Guide to Avoiding Plagiarism* (Boston, MA: Wadsworth, 2009), p.3:

Generally, any time you use someone else’s work as a source of ideas or inspiration, credit is required. There are a few exceptions, such as when the information is common knowledge.

Eckstein states in his paper *Combating Academic Fraud: Towards a Culture of Integrity* (Paris: International Institute for Educational Planning, UNESCO, 2003):

Plagiarism in academic and professional activity has become more common as the demand for faculty productivity has grown and the volume of publication has increased.

Scott A. Wowra stated in his paper “Moral Identities, Social Anxiety and Academic Dishonesty Among American Students” in the journal *Ethics and Behaviour*, vol.17, no.3, p.306:<sup>32</sup>

The principal characteristic of a moral person is someone who commits to a principled ethic of justice, fairness, and beneficence (Walker, 2004). By logical extension, an immoral person demonstrates low commitment to a principled ethic. This inference does not imply that a person who rejects universal ethical principles is necessarily a nihilist. Instead, he or she endorses an ethic of expediency that justifies duplicity as a necessary evil to reach desired goals (e.g., Kohlberg, 1969; Machiavelli, 1513/2001; Schlenker, 2006).

Failing to acknowledge a source is therefore plagiarism, so if an author takes an idea he read somewhere and uses it in an article or book, or relies on someone else’s research without acknowledging it, it is plagiarism. If the author copies a phrase, sentence or paragraph from somewhere else without saying where it is from, this is plagiarism. If the author changes the words from an original text but keeps the basic idea and does not acknowledge it, it is plagiarism. Bowman and Branchaw highlight:

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<sup>32</sup> Paper can be accessed here:

<http://faculty.mwsu.edu/psychology/dave.carlston/Writing%20in%20Psychology/Academic%20Dishonesty/Gropu%203/moralidentitysocialanxiety.pdf>

The presentation of someone else's information as though it were your own is plagiarism. Plagiarism is the use of another's person's words, ideas or information – whether verbatim, paraphrased, or abstracted – as your own. When you use material from another source, regardless of the form of that source – books, magazines, newspapers, radio or TV broadcasts, public speeches, or even a business report written by someone else – you are obligated to acknowledge the source. Failing to do so is not only a violation of commonly accepted ethical practices but also a crime punishable by law.<sup>33</sup>

The University of Birmingham state in their guidelines for researchers regarding referencing and references:

**Researchers are expected to refer to the work of others in their own written work. This is done to acknowledge intellectual debt; to support facts or claims; to enable readers to explore related material. Whatever the reason, it is important to present references in a way that will communicate the information necessary for the reader to identify the item referenced effectively and easily.**<sup>34</sup>

Rawlins and Metzger note in their book *The Writer's Way*:

**Plagiarism is using a writer's work without attribution thus implying it's yours. You're plagiarising if you use another's words, thoughts, facts, sequence of ideas, or anything else of value, without telling the reader where you found it.**<sup>35</sup>

Adam D. Moore states:

In one sense, plagiarism seems to be a simple example of fraud and not directly relevant to intellectual property violations. Those who plagiarize take credit for something they did not create. **In an effort to pass themselves off as being more intelligent, witty, or engaging, and deserving of more respect, money or a better grade, plagiarizers maintain a false appearance.** On this view, what makes plagiarism morally objectionable is not that someone's intellectual property has been violated, but that the plagiariser is maintaining a lie to obtain some benefit for himself. Nevertheless, those who plagiarize

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<sup>33</sup> Joel P. Bowman and Bernadine P. Branchaw, *How to Write Proposals That Produce* (Westport, CT: The Oryx Press, 1992), p.187.

<sup>34</sup> [http://www.cs.bham.ac.uk/~pjh/modules/2008/06991/06991\\_papers/writing\\_3.pdf](http://www.cs.bham.ac.uk/~pjh/modules/2008/06991/06991_papers/writing_3.pdf) - accessed 10 August 2010.

<sup>35</sup> Jack Rawlins and Stephen Metzger, *The Writer's Way* (Boston, MA: Houghton-Mifflin, 2009, 7<sup>th</sup> Edn.), p.290.

may violate another's rights to control an intellectual work. This is obvious in cases where the individual sells what he has copied – a case where economic rights are violated.<sup>36</sup>

Rebecca Moore Howard highlights that:

Within the category of plagiarism are the failure to cite, the purchase of term papers, and the mixing of one's language with that of a source text.<sup>37</sup>

Mitchell and Jolley note:

Plagiarism is considered an act of academic dishonesty. Indeed, at some institutions, students convicted of plagiarism are expelled. Furthermore, concerns about plagiarism are no longer limited to colleges and universities. More and more, the world economy is based on information. Thus, more and more, businesses and individuals are concerned about the theft of ideas (now called “intellectual property”). Therefore, if you quote someone else's work, use quotation marks; and if you paraphrase or in any sense borrow an idea from a source, cite that source.<sup>38</sup>

Siepmann et al. highlight:

The apparent anonymity of the internet may encourage students who are short of inspiration to simply cut and paste text from a webpage into their term paper. This dishonest practice, which is a form of plagiarism (i.e. the intentional theft of other people's written work and the ideas it contains), has sadly reached such epidemic proportions...<sup>39</sup>

Johns and Keller mention:

**Plagiarism misleads your reader to believe that you are responsible for ideas that are not your own. Even though intellectual “property” is intangible, taking it without asking is still comparable to stealing.**<sup>40</sup>

Then they state:

In today's Web Era, plagiarism is common because it is easy for a writer to copy and paste others' ideas from the Internet, and difficult to properly document sources. It is

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<sup>36</sup> Adam D. Moore, *Intellectual Property and Information Control: Philosophic Foundations and Contemporary Issues* (New Brunswick, NJ: Transaction Publishing/Rutgers University, 2004), p.150.

<sup>37</sup> Rebecca Moore Howard, *Standing in the Shadows of Giants: Plagiarists, Authors, Collaborators* (Westport, CT: Greenwood Publishing Group, 1999), p.139.

<sup>38</sup> Mark L. Mitchell and Janina M. Jolley, *Research Design Explained* (Belmont, CA: Cengage Learning, 2009) p.557.

<sup>39</sup> Dirk Siepmann, John D. Gallagher, Mike Hannay and J. Lachlan Mackenzie, *Writing in English: A Guide for Advanced Learners* (Tübingen & Basel: UTB, 2008), p.32.

<sup>40</sup> Julia Johns and Sarah J. Keller, *Cite it Right: the SourceAid Guide to Citation, Research and Avoiding Plagiarism* (Osterville, MA: SourceAid, LLC, 2006), p.1

unfortunate that writers often plagiarize because they do not understand how to cite sources properly.<sup>41</sup>

Rozakis notes:

To avoid plagiarism you should:

**Never use someone else's ideas without acknowledging the source.**

**Never paraphrase someone else's argument as your own.**

**Never present someone else's line of thinking in the development of an idea as if it were your own.**

Never turn in an entire paper or a major part of it developed exactly as someone else's line of thinking.

Never arrange your ideas exactly as someone else did – even though you acknowledge the source(s) in parentheses.

You present original ideas in an original way. You give credit for any research that is not your own.<sup>42</sup>

Rich states in *Self-Publishing for Dummies*:

**Plagiarism occurs when you steal someone else's words, ideas, or materials and call them your own without giving the person you stole the material from proper credit. In the publishing world this offence is a major no-no and can lead to costly lawsuits and also destroy your professional reputation.**<sup>43</sup>

O'Hara states:

**Plagiarism is when you take someone else's words or ideas and present them as your own. That's why you need to be careful when doing research, making sure you note what you have quoted directly from a source.**<sup>44</sup>

Bailey and Powell state:

**Whenever you use borrowed material, the third step is also essential: crediting your source. You must identify the printed or spoken source of your information. Failure to credit your source is dishonest.**<sup>45</sup>

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<sup>41</sup> Ibid., p.2

<sup>42</sup> Laurie Rozakis, *Schaum's Quick Guide to Writing Great Research Papers* (McGraw-Hill Professional, 2007), p.119.

<sup>43</sup> Jason R. Rich, *Self Publishing for Dummies* (Hoboken, NJ: Wiley, 2006), p.67

<sup>44</sup> Shelley O'Hara, *Improving Your Study Skills: Study Smart, Study Less* (Hoboken, NJ: Wiley Publishing, 2005), p.126

<sup>45</sup> Edward P. Bailey and Philip A. Powell, *The Practical Writer with Readings* (Boston, MA: Cengage Learning/Wadsworth, 2008), p.243.

They continue:

Certainly unintentional plagiarism can begin with a failure to keep track of ideas and especially words from your original sources. But plagiarism occurs if you fail to document the words or ideas of others when you use them in your writing. So to avoid plagiarism, you need to understand the mechanics of documentation.<sup>46</sup>

Hamp-Lyons and Heasley highlight in *Study Writing: a Course in Writing Skills for Academic Purposes*:

You must acknowledge direct quotation you use from someone else's words that you have seen written down (in a book, journal article, newspaper, on the web etc.). You probably knew that already. But what is harder is figuring out when to acknowledge the influence of other people's words on you when you are not directly quoting from them.<sup>47</sup>

Ruggiero states:

When you are researching a topic, keep your sources ideas separate from your own. Begin by keeping a record of each source of information you consult. For an internet source, record the website the website address, the author and title of the item, and the date you visited the site. For a book, record the author, title, place of publication, publisher, and date of publication. For a magazine or journal article, record the author, title, the name of the publication, and its date of issue. For a TV or radio broadcast, record the program title, channel, and date of transmission.<sup>48</sup>

Warburton mentions in *The Basics of Essay Writing*:

Copying from books without using quotation marks or references to indicate that words are not your own is the traditional form of plagiarism, and it is still quite common.<sup>49</sup>

Winkler and McCuen-Metherell highlight that:

Blatant plagiarism, however, involves the deliberate stealing of someone else's words and ideas, generally with the motive of earning undeserved rewards. A student who copies a friend's paper is guilty of blatant plagiarism. Likewise, a student who steals an idea from a book, rewords it, and then passes it off as original thought has committed plagiarism. **Under the conventions of writing research papers, you must acknowledge the source of any idea or statement not truly your own. This acknowledgement is made in a note specifying the source and author of borrowed material.** All summaries,

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<sup>46</sup> Ibid.

<sup>47</sup> Liz Hamp-Lyons and Ben Heasley, *Study Writing: a Course in Writing Skills for Academic Purposes* (Cambridge and New York; Cambridge University Press, 2006), p.140

<sup>48</sup> Vincent Ryan Ruggiero, *Becoming a Critical Thinker* (Boston, MA, Houghton-Mifflin, 2009), p.111

<sup>49</sup> Nigel Warburton, *The Basics of Essay Writing* (Abingdon, OX: Routledge, 2006), p.55

paraphrases, or quotations must be documented; only personal comments can remain undocumented.<sup>50</sup>

They then state:

The following however, must be accompanied by a citation specifying author and source:

- Any idea derived from a known source
- **Any fact or data borrowed from the work of another**
- Any especially or cleverly apt expression, whether or not it says something new, that is taken from someone else
- Any material lifted verbatim from the work of another
- Any information that is paraphrased or summarized then used in a research paper<sup>51</sup>

Booth et al state:

**You plagiarize when, intentionally or not, you use someone else's words or ideas but fail to credit that person, leading your readers to think that those words are yours.** There are, however, complications, because different draw the line between fair use and plagiarism in different places. In all fields, you plagiarize when you use a source's words or ideas without citing that source. In most fields, you plagiarize even when you do credit the source but use its exact words without using quotation marks or block indentation.<sup>52</sup>

Regardless of the quantity of material plagiarised, be it a sentence, fact, or detail – it is still plagiarism. The amount or quantity does not play a part in defining plagiarism, plagiarism is plagiarism. If a writer fails to cite a source or reference for a fact – this is plagiarism. Brian Martin states:

**Even if plagiarism could be established in what is supposed to be original research, it would be necessary to determine its extent and strategic position before assessing its overall significance. Plagiarism is most serious in what purports to be original scholarly research.**<sup>53</sup>

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<sup>50</sup> Anthony C. Winkler and Jo Ray McCuen-Metherell, *Writing the Research Paper: A Handbook* (Boston, MA: Wadsworth/Cengage Learning, 2009, 7<sup>th</sup> MLA Updated Edition), pp.88-89.

<sup>51</sup> Ibid.

<sup>52</sup> Wayne C. Booth, Gregory G. Colomb and Joseph M. Williams, *The Craft of Research* (London: The University of Chicago Press, 2003), pp.201-202.

<sup>53</sup> Published in *Journal of Tertiary Educational Administration*, volume 6, number 2, October 1984, pp. 83-90. Accessed Online on Sunday 15 August 2010: <http://www.uow.edu.au/~bmartin/pubs/84jte.html>

Dr Roger Clarke, an Information Systems academic, relays in a paper entitled *Plagiarism by Academics: More Complex Than it Seems*<sup>54</sup> that Davison et al define plagiarism as:

**...the use (or ‘appropriation’) of pre-existing material by the author of a new work in such a manner that it appears to be claimed to be an original contribution by that author, in particular because of the absence of a citation of the original work.**

Clarke also states:

**Academic plagiarism occurs when a writer repeatedly uses more than four words [Author’s note: presumably to be understood as ‘more than four successive words’] from a printed source without the use of quotation marks and a precise reference to the original source in a work presented as the author’s own research and scholarship. Continuous paraphrasing without serious interaction with another person’s views, by way [of] argument or the addition of new material [and] insights, is a form of plagiarism in academic work.**

Clarke then emphasises (underlining his):

Analyzing the definitions and usage, I identify several elements of the notion of plagiarism:

1. **publication:** the presentation of another person’s material, work, or idea. A pre-condition for plagiarism is that the new work is made available to others; personal notes are not at issue;
2. **content:** the presentation of another person’s material, work, or idea. A pre-condition for plagiarism is that some part of the new work is derived from someone else’s prior or contemporaneous work;
3. **appropriation:** the presentation of another person’s material, work, or idea as one’s own. A pre-condition for plagiarism is that the claim of originality of contribution is either explicit or implied by the manner of presentation; or the presentation may be such that the reader is reasonably likely to infer the work to be an original contribution; and
4. **lack of credit given:** the presentation of another person’s material, work, or idea as his or her own, without appropriate attribution. A pre-condition for plagiarism is that the reader is not made aware of the identity of the originator, nor of the location of the original contribution.

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<sup>54</sup> Accessed Online Sunday 15 August 2010: <http://www.rogerclarke.com/SOS/Plago602.html>

In assessing the seriousness of plagiarism Clarke states:

**(3) The Extent to Which Originality is Claimed in the New Work**

**The greatest degree of concern arises where an express claim of originality is made, or the context implies it.** The following list is arranged in descending order of seriousness:

1. an express claim of originality;
2. an implied claim of originality;
3. the use of expressions that make it reasonable for a reader to infer a claim of originality;
4. the structuring of the work such that it is unclear which material is merely the reporting of contributions made by others and in what ways value is being added;
5. generic acknowledgement of the contributions of others in circumstances in which specific acknowledgement is more appropriate;
6. a vague implication that the work is a re-presentation of the work of others;
7. an express statement that the work is a re-presentation of the work of others.

**(4) The Nature of the Incorporated Material**

At one extremity, a whole work may be appropriated, and at the other, the appropriation may be of longstanding ideas. The following list is arranged in what I suggest to be the appropriate descending order of seriousness:

1. verbatim or near-verbatim copying of:
  - an entire work (e.g. a book, book chapter or article);
  - a substantial part of a work (e.g. a section; or the diagram, image or table around which an entire work revolves);
  - segments of substantial size (e.g. paragraphs);
  - segments of moderate size (e.g. sentences);
  - novel or significant segments of small size (e.g. clauses, phrases, expressions, and neologisms);
2. copying of ideas that are highly original;
3. paraphrasing of segments of substantial size, without new contributions;
4. paraphrasing of segments of moderate size, without new contributions;
5. verbatim or near-verbatim copying of unremarkable segments of small size (e.g. clauses, phrases, expressions, and neologisms);
6. paraphrasing of segments of small size, without new contributions;

7. copying of ideas that are somewhat novel;
8. paraphrasing of segments of substantial or moderate size, but which include new contributions;
9. copying of the structure of the document, or of the argument, or of the sequence of information presentation or 'plot';
10. copying of ideas that are long standing.

Then Dr Clarke notes (bold type ours):

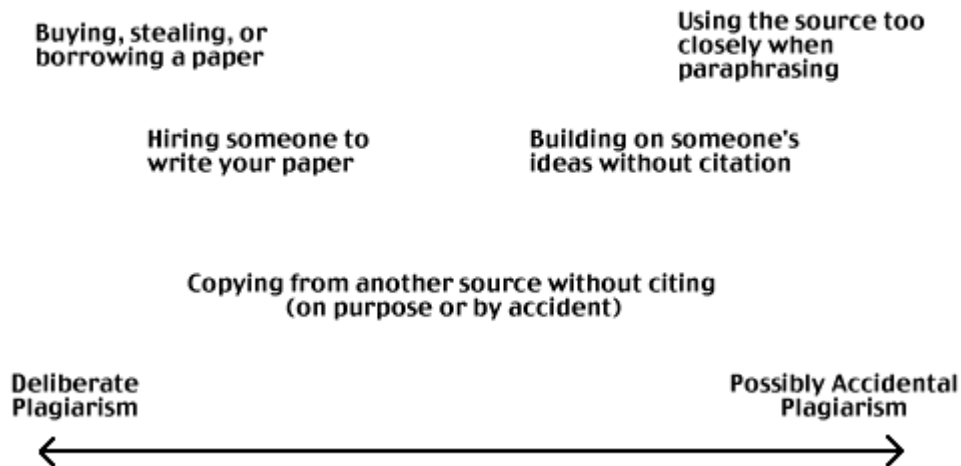
**(5) The Nature of the Attribution Provided**

The final factor is the manner in which the author of the new work draws attention to the earlier work. **Clearly, a great deal of concern arises where no attribution at all is provided;** whereas a specific attribution is of far less concern, even if imprecise. The following list is arranged in descending order of seriousness:

1. **no attribution to the work, but attribution to the sources cited in the work. This is the most serious of all, because it not merely implies originality by the plagiarizer, but actively seeks to deny originality by the author of the uncited work;**
2. **no attribution to the work (which implies a strong claim of originality by the plagiarizer);**
3. **understatement (in particular, a citation early in the incorporated material, thereby implying originality of the remainder of it);**
4. no attribution in the body of the work, but inclusion of details of the source in a distant bibliography, e.g. at the end of the work;
5. no attribution in the body of the work, but inclusion of details of the source in a reasonably adjacent bibliography, e.g. in a recommended reading list at the end of the chapter;
6. generic attribution, e.g. mention of the author at the beginning of the work, chapter or section;
7. specific attribution, e.g. mention of the author at the beginning of the incorporated segment;
8. inadequately precise attribution, e.g. mention of the author, but without sufficient details to facilitate easy discovery of the source;
9. specific, precise attribution.

Figure 1<sup>55</sup>

## ***Actions that might be seen as plagiarism***



We have identified at least six forms of plagiarism within the text in question:<sup>56</sup>

- ❖ Paraphrase plagiarism: where the ideas may be borrowed though the words are slightly changed. Paraphrasing (i.e., stating ideas in your own words) and summarising can be used as long as you attribute the ideas to the authors and cite the sources by supplying both in-text and end-text references. Please note that paraphrasing is **not**: changing just a word or two from someone else's sentence; changing the sentence structure while maintaining the original words; substituting a few words with synonyms.
- ❖ Source plagiarism: Material you gather from one author that he has gathered from another is plagiarized if you do not give the author from whom you took the material credit. This is also known as secondary-source plagiarism wherein original sources are quoted and referred to when the plagiariser did not even look them up himself! Having obtained them via another secondary source.
- ❖ Phrase plagiarism: Sometimes phrases are borrowed without giving credit to the source.

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<sup>55</sup> From the Purdue University Online Writing Lab: [http://gongwai.xaufe.edu.cn/englishonline/zhxl/xzmj/owl\\_purdue/r\\_plagiar.html](http://gongwai.xaufe.edu.cn/englishonline/zhxl/xzmj/owl_purdue/r_plagiar.html) - accessed 11 August 2010

<sup>56</sup> For more on this see Colin Neville, *The Complete Guide to Referencing and Avoiding Plagiarism* (Maidenhead, England: Open University Press, 2007). Also refer to Dr C. Baubum, *Plagiarism: A Student's Guide to Recognizing It and Avoiding It* (Valdosta State University, GA, USA, n.d.): [http://www.valdosta.edu/~cbarnbau/personal/teaching\\_MISC/plagiarism.htm](http://www.valdosta.edu/~cbarnbau/personal/teaching_MISC/plagiarism.htm)

- ❖ Word-switch plagiarism: If you take a sentence from a source and change around a few words, it is still plagiarism. If you want to quote a sentence, then you need to put it in quotation marks and cite the author and article.
- ❖ Metaphor plagiarism: Metaphors are used either to make an idea clearer or give the reader an analogy that touches the senses or emotions better than a plain description of the object or process. Metaphors, then, are an important part of an author's creative style. If you cannot come up with your own metaphor to illustrate an important idea, then use the metaphor in the Source Article, but give the author credit for it.
- ❖ Style plagiarism: When you follow a Source Article sentence-by-sentence or paragraph-by-paragraph (as is done in the example below), it is plagiarism, even though none of your sentences is exactly like those in the Source Article or even in the same order.

Why do people plagiarise anyway? Below are some reasons<sup>57</sup>:

- ❖ Lack of academic research and library skills.
- ❖ Lack of linguistic competence to correctly paraphrase and cite sources, common among non-native speakers.
- ❖ The plagiariser has no instruction or training in how to cite sources adequately.
- ❖ The plagiariser has a lack of confidence in her/his own style of writing.
- ❖ Time pressure when dealing with deadlines.
- ❖ Cultural differences: as borrowing others words and ideas may be acceptable in some societies.
- ❖ Lack of real interest in the topic.
- ❖ Financial concerns for earning quick cash!
- ❖ Low self-esteem with quality of one's own work

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<sup>57</sup> Also see: <http://www.academicplagiarism.com/Plagiarism.htm>

### **Plagiarism Checklist for Budding Future Users of Our Material**

Here is a checklist which we have devised for budding writers, to ensure that they do not fall into plagiarism of our material in future specifically and avoid plagiarism generally:

**Figure 2**

<b>Activity</b>	<b><i>Tick as appropriate</i></b>
Every direct quotation from us or our material, whether translations or original work, must be identified by quotation marks or appropriate indentation and must be properly acknowledged by parenthetical citation in the text, in a footnote or endnote.	
When material from our sources is paraphrased or summarized in whole or in part in one's own words, that source must be acknowledged in a footnote, endnote or by parenthetical citation in the text.	
Write notes to capture the idea without looking at the source text. This will encourage you to put the idea into your own words and will prevent you from staying too close to our original work. Hence, when taking notes make sure summaries are not just series of passages copied from our sources.	
In your document, use signal phrases to distinguish between your ideas and those from your sources which you have appropriated from us.  Consider how the idea may relate to those expressed by other writers. Revise your notes	

<p>even further to show the extent of your research and your understanding of the literature on the topic. Remember to insert further in-text references if you have referred to our material.</p>	
<p>In your document, make sure that you have acknowledged your sources and correctly attributed your quotations.</p>	
<p>In your document, make sure you have used a bibliography or references list and clearly identified all sources in some way (using footnotes, endnotes, or in-text citations).</p>	
<p>Make sure that you haven't quoted so much of a source from SalafiManhaj.com that it exceeds the fair use provision guidelines.</p>	
<p>Information gained in reading or research from salafimanhaj.com that is not common professional knowledge must be acknowledged in a parenthetical citation in the text, in a footnote or endnote.</p>	
<p>Is what you have used from our research “common knowledge” and therefore not needing a clear indication of where you sourced it from? If you think it is common knowledge then consider why you think it is and make sure it passes the test questions mentioned under the “Common Knowledge” section below.</p>	

In order to check whether something is “common knowledge” the researcher needs to ask him/herself the following questions:

- ❖ **How do I know this information?**
- ❖ **Did I know this information before embarking on writing this book?**
- ❖ **Is this information widespread or is it specific to a group (if it is specific to a group then it is unlikely to be common knowledge).**

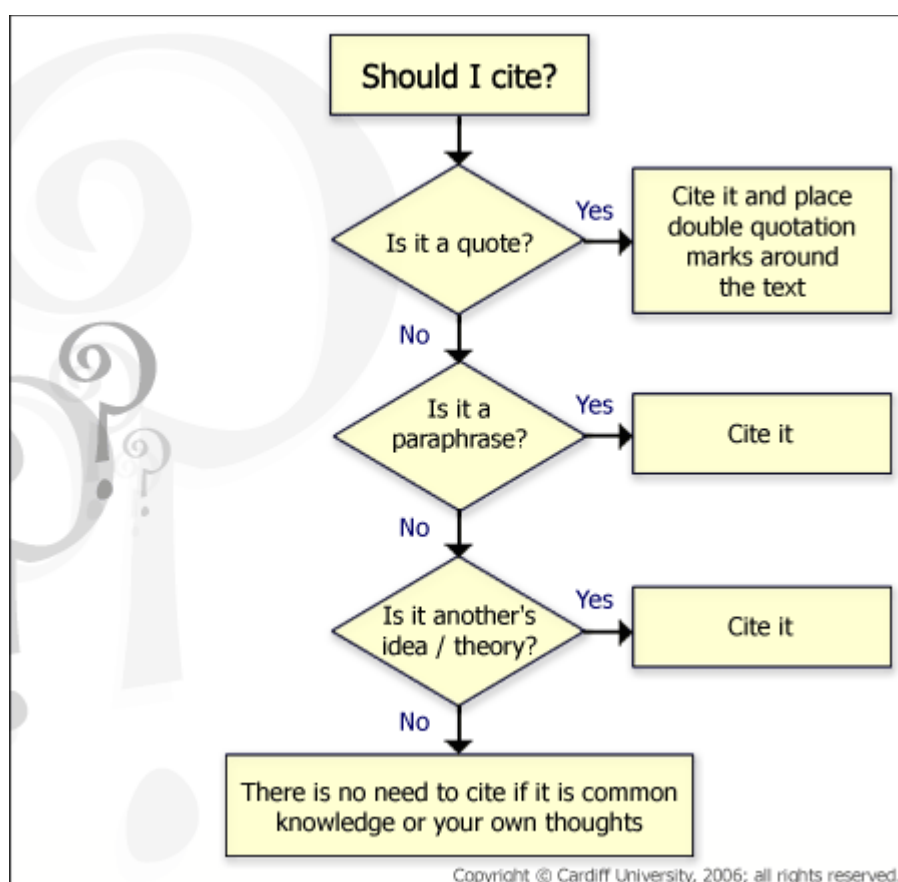
- ❖ Did this information come from my own brain or is it taken from somewhere else? (If it is taken from somewhere else then you will need to provide a clear indication of where it came from).

Clabaugh and Rozycki state in *The Plagiarism Book: A Student's Manual*:

To determine what requires a reference and what doesn't, you first need to decide whether what you are referring to is commonly known. If not, then it requires the authoritative backing of a reference.<sup>58</sup>

Cardiff University in 2006 also devised the following diagram in regards to citation of other authors<sup>59</sup>:

Figure 3



We therefore remind translators, researchers and writers that Allāh will question them for intentionally plagiarising, stealing or copying material and works from their Muslim brothers and sisters and not referencing the original sources for business and monetary gain. Allāh says:

<sup>58</sup> Gary K. Clabaugh and Edward G. Rozycki, *The Plagiarism Book: A Student's Manual* (New Foundations, 2001, 2<sup>nd</sup> Edn.), p.10

<sup>59</sup> <https://ilrb.cf.ac.uk/plagiarism/tutorial/whento1.html>

فَلَا تَحْسَبَنَّاهُمْ بِمَفَازَةٍ مِّنَ الْعَذَابِ وَلَهُمْ عَذَابٌ أَلِيمٌ ﴿١٨٨﴾

“And never think that those who rejoice in what they have perpetrated and like to be praised for what they did not do – never think them [to be] in safety from the punishment, and for them is a painful punishment.”<sup>60</sup>

{*Āli 'Imrān* (3): 188}

Allāh says:

أَلَا يَظُنُّ أُولَئِكَ أَنَّهُمْ مَبْعُوثُونَ  
لِيَوْمٍ عَظِيمٍ ﴿٤﴾

يَوْمَ يَقُومُ النَّاسُ لِرَبِّ الْعَالَمِينَ ﴿٦﴾  
كَلَّا إِنَّ كِتَابَ الْفُجَارِ لَفِي سِجِّينٍ ﴿٧﴾

“Do they not think that they will be resurrected; for a tremendous Day – The Day when mankind will stand before the Lord of the worlds? No! Indeed, the record of the wicked is in sijjeen.”

{*al-Mutaffifeen* (83): 4-7}

And the people of Hellfire say:

مَا أَغْنَىٰ عَنِّي مَالِيَّةٌ ﴿٢٨﴾  
هَلَكَ عَنِّي سُلْطَانِيَّةٌ ﴿٢٩﴾

“My wealth has not availed me. Gone from me is my authority.”

{*al-Hāqqab* (69): 28-29}

<sup>60</sup> The tafseer of Ibn Katheer highlights: Al-Bukhari recorded that Abu Sa’eed al-Khudree said: “During the time of the Messenger of Allah , when the Messenger would go to battle, some hypocrite men would remain behind and rejoice because they did not accompany the Prophet in battle. When the Messenger would come back, they would ask him to excuse them swearing to having some excuse, and wanting to be praised for that which they did not do. So Allah revealed the ayah.

The grave is fast approaching so this is no laughing matter by any means and we will supplicate to Allāh against those who oppress us and take away our rights. The Messenger of Allah (*sallallāhu 'alayhi wassallam*) said to Mu'ādh Ibn Jabal (*radi Allāhu 'anhu*): *“Beware of the supplication of the unjustly treated, because there is no shelter or veil between it (the supplication of the one who is suffering injustice) and Allah, Glory to Him.”*<sup>61</sup> The Messenger of Allah (*sallallāhu 'alayhi wassallam*) also said: *“Three men whose du'a is never rejected (by Allah) are: the fasting person until he breaks his fast (in another narration, when he breaks fast), the just ruler and the one who is oppressed.”*<sup>62</sup> The Messenger of Allah (*sallallāhu 'alayhi wassallam*) also said: *“Three duās are surely answered: The duā of the oppressed, the duā of the traveler, and the duā of the father/ mother (upon their child).”*

Further guidance from the 'Ulama on this topic follows.

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<sup>61</sup> Saheeh al-Bukhari and Muslim

<sup>62</sup> Musnad Ahmad and at-Tirmidhī, the hadeeth is hasan.

## **Imām al-Albānī**

*(rahimahullāh),*

**Shaykh 'Abdullāh al-Hamūd (Dār ul-Iftā' and Chair of  
Lajnah ad-Dā'imah, Saudi Arabia),**

**Shaykh Wasiullāh 'Abbās, Shaykh 'AbdulMalik ar-  
Ramadānī al-Jazā'irī, Shaykh Mashhūr Hasan Āl**

**Salmān, Shaykh Fahad al-Fuhayd, Shaykh**

**'Abdul'Azeez ar-Rayyis and**

**Shaykh Muhammad al-Mālikī**

*(hafīdhahumullāh)*

# **ON STEALING THE WORKS OF OTHERS AND PUTTING YOUR OWN NAME ON IT (I.E. PLAGIARISM) AND HIDING ONES IDENTITY ON WRITINGS<sup>63</sup>**

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Question to Imām al-Albānī:

**What's the ruling on the one who steals the writings of others and places his own name on it?**

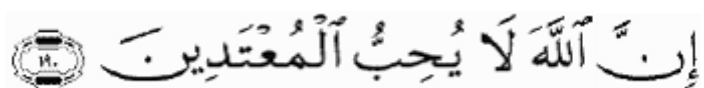
**Answer:**

This type of stealing is a new type of theft and the Muslims of the past did not have this kind of theft. For this reason, it befits the student of knowledge to deduce its ruling from the general texts (regarding theft) and there could be a text which is more specific to this issue. As for the general texts then that is wherein the Muslim is forbidden from transgressing against his brother Muslim, like for example when Allāh says

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<sup>63</sup> From Imām al-Albānī (*rahimahullāh*), *Silsilah Hudā wa Nūr*, no.16, first eight minutes.

**Translator's note ('AbdulHaq ibn Kofi ibn Kwesi al-Ashanti):** questions posed to the five Shaykhs on Thursday 5<sup>th</sup> August 2010 CE.



“Do not transgress, indeed Allāh does not love the transgressors.”

{*al-Baqarah* (2): 190}

Transgression is a general text which includes any type of transgression whether this is in regards to wealth, honour, character or in any matter in life which a person goes through. As for the text which is more specific to our issue then it is the well-known hadeeth in the *Muwatta'* of Imām Mālik and others that the Prophet (*sallallāhu 'alayhi wassallam*) asked his companions about the thief. They answered with what is known in regards to the one who steals the wealth of others and the Prophet (*sallallāhu 'alayhi wassallam*) responded by saying that the thief is the one who steals from his prayer. The Sahābah asked: “and how does he steal from his prayer O Messenger of Allāh?” He replied: “By *not completing the prayer's Rukū' and Sujūd.*” We take from this hadeeth that the Prophet (*sallallāhu 'alayhi wassallam*) broadened the meaning of “theft” from the meaning which is replete among the people which is restricted to theft of people’s material possessions such as wealth and property and the likes. The Prophet (*sallallāhu 'alayhi wassallam*) brought to the attention of the Muslims that there is another form of theft, which is even worse than the type which is well-known among all peoples, which is stealing something from the pillars and obligations of the prayer. The Prophet (*sallallāhu 'alayhi wassallam*) mentioned, as is found in some other narrations of the hadeeth, that: “*the worst form of theft is when one steals from his prayer not completing its Rukū' or Sujūd.*”

From this hadeeth we know that from prohibited theft is the kind which was mentioned in the question when a Muslim steals the knowledge of others and then ascribes that to himself (as the author or compiler). Enough as a threat against the one who does this is the saying of the Prophet (*sallallāhu 'alayhi wassallam*): “*The one who claims to have that which he has not been given is like the one who wears a false garment.*”<sup>64</sup> Meaning: the one who manifests that he is rich what does he do? He wears the clothing and attire of a rich person and goes in front of people making out as if such attire is from his own profits and wealth, when the reality is not so. The Prophet (*sallallāhu 'alayhi wassallam*) said: “*The one who claims to possess that which he has not been given is like the one who wears a garment of falsehood.*” **Due to this then, it is not permissible for a Muslim to take knowledge from a book and ascribe it to himself (as being the author or compiler) whether it is a piece of research or an edit of a work, then what about if it is a whole**

<sup>64</sup> **Translator’s note:** from Ā’ishah (*radi Allāhu 'anhā*) and Asmā’ (*radi Allāhu 'anhā*) in Saheeh Bukhārī and Muslim, *Kitāb ul-Libās wa’z-Zeenah* [Book of Clothes and Adornment].

**book?** He takes it from someone else and ascribes it to himself? May mercy be upon those who said: **“From the blessing of knowledge is to ascribe every saying to the one who said it.”**<sup>65</sup> For this reason, it is prohibited for a Muslim to steal a book which is not his and then attribute the book to himself. This is what I have in answering this question.

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Question to other Shaykhs:

**“A book was printed recently in our country and in some instances within the book the author used research from a book which we published without making reference to our original source. In addition to this, the actual author did not put her/his name on the book.”**<sup>66</sup> What is the ruling on this kind of behaviour, especially given the fact that we contacted the publishers and requested the name of the author however they turned down our request?”

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**Answer from Shaykh 'Abdullāh al-Hamūd (Dār ul-Iftā' and Chair of Lajnah ad-Dā'imah, Saudi Arabia):**<sup>67</sup>

It is not permissible for anyone to infringe on authoring and printing rights and each land has regulations in regards to this. **No one rejects benefitting from a book or quoting from a book but it is not permitted in any situation for one to ascribe a book to himself which he did not author. In regards to hiding the name of the author then this is plagiarism as they have placed their own name on it – this is incorrect.** I do not understand what the person intends by this nor do I understand why they hid the author's name and it is upon you to find out the reasons for this behaviour.

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<sup>65</sup> **Translator's note:** this from the Islamic tradition is important in Islamic academia just as it is in Western academia wherein plagiarism is also prohibited and censured.

<sup>66</sup> **Translator's note:** The book in question, in its conclusion, switched its tone and began utilising first person singular personal pronouns and first person singular possessive pronouns. This would be understandable if there was a clear author mentioned on the book, but in the absence of the author's name this is very odd indeed.

<sup>67</sup> Dated: 7 Ramadān 1431 AH/Monday 16 August 2010 CE.

**Answer from Shaykh Mashhūr Hasan Āl Salmān (hafidhahullāh):**

This is just a business venture and this is not knowledge, for knowledge is not ascribed to a majhool and from the barakah of 'ilm is to ascribe it to the one who speaks with it. **So doing this (plagiarism and hiding the name) removes the barakah and if there was any trust in the matter they would not do this.** So it is to be said that those who did that are transgressors and they transmitted without explaining (the sources) and knowledge is a trust and is to be ascribed to those who speak with it, Allāh knows best.

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**Answer from Shaykh Wasīullāh 'Abbās (hafidhahullāh):<sup>68</sup>**

**This (plagiarism and name-concealing) is incorrect and this is from their foolishness to claim that they produced all of the work as they must mention all sources within their references and as a result this book is not trustworthy, this book is not trustworthy, barākAllāh feekum, because they did not mention the author.** Do not take from this book as it neither mentions the author nor who they took from. Did they mention statements of other people within the book?

**Questioner:** yes.

**Shaykh Wasīullāh:** if there are things which are not in opposition then the book can be benefitted as long as they benefitted from you; however it has to be said to them that this is plagiarism and it has to be spread that this is (intellectual) theft from them. Yes.

**Questioner:** what about them hiding the name of the author? What is the ruling on this?

**Shaykh Wasīullāh:** this is impermissible, this is impermissible. **If it was compiled by a number of individuals then this has to be mentioned.** Write to them and tell them that is incorrect and that this is plagiarism and that you want the name of the author of the book from the publishers as otherwise it appears that the publishers did all the research. Plagiarism is not permissible.

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**Answer from Shaykh Muhammad al-Mālikī (hafidhahullāh):**

If you view that this is your right then you have the right to legally seek your rights in this regard, even by the British court system, this is your Shari' and financial right as you are the ones who tired yourself in conducting the research. In regards to hiding the name then

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<sup>68</sup> Dated: 1 Ramadān 1431 AH/Wednesday 11 August 2010 CE.

this is from the Hizbee movements, for a person to hide his name on a work is not from the actions of the Salaf and their hiding the name is for a political intent as they do not want to be known and criticised. This is like the problem with Ikhwān ul-Muslimeen as they are famous for this method.

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**Answer from Shaykh 'AbdulMalik ar-Ramadānī al-Jazā'irī (hafidhahullāh):**

Why did he hide his name?

**Questioner:** because the book was [REDACTED]<sup>69</sup> so this was possibly the reason, but in our book we used our full names on the cover.

**Shaykh 'AbdulMalik:** so he just took from some of the book, but not from the entire book?

**Questioner:** just portions of our research were used from our book.

**Shaykh 'AbdulMalik:** in honesty this is found in some writings, within *Fath ul-Bārī* itself Ibn Hajar transmitted from some authors without indicating them.<sup>70</sup> If you allow for him to do this then (there is no problem) leave it.

**Questioner:** what about the author hiding her/his name?

**Shaykh 'AbdulMalik:** did he use another name?

**Questioner:** s/he did not use any name at all, it just has the name of the distributors and publishers.

**Shaykh 'AbdulMalik:** (maybe) he fears for himself.

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**Answer from Shaykh 'Abdul'Azeez bin Rayyis ar-Rayyis (hafidhahullāh):**

So let me repeat this 'AbdulHaq: they benefited from your book and did not indicate this? My advice in regards to this is that you should be happy with this behaviour from them! Because this spreads the knowledge which you yourselves authored! Because a person may get hold of my book and not your book! In Saheeh Muslim is the hadeeth of Sa'd ibn Abī Waqqās (*radi Allāhu*

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<sup>69</sup> **Translator's note:** we have classified this information here so as to not expose the full details and also so as not to cause a scandal at this particular time.

<sup>70</sup> **Translator's note:** Ibn Hajar however at least mentions the names of who is transmitting if he does not mention the full reference.

'*anbu*) that the Prophet (*sallallābu 'alayhi wassallam*) said: “*Allāh loves the pious, pure and hidden servant.*”

Me personally I would be happy with this because it spreads knowledge, Allāh knows best.

**Questioner:** what about the author hiding her/his name?

**Shaykh 'Abdul'Azeez ar-Rayyis:** maybe the man did not want to be held to account later for taking from you that's why he did not put his name on it, but in any case his book may reach people who your book doesn't reach and you will get the reward for it with Allāh!

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**Answer from Shaykh Fahad al-Fuhayd (hafidhahullāh):**

'Ilmī (academic) trust necessitates that all information be referenced, yes.