Dear Readers,

With the proliferation of expensive computer “packages” and the ease of the “drag and drop” copying technique, the temptations of unauthorized copying are certainly great. Your question is often asked and quite timely.

When you buy a program, the seller can stipulate any condition he wants. For example, he can say “I’m selling this diskette on the condition that you don’t copy it.” If after agreeing to this, you then break the condition and copy it, you have nullified the sale retroactively. It comes out that you have been using a stolen diskette. Similarly, when the seller leases the disk, use is limited to the stipulations of the seller, who in fact owns the disk.

Another consideration is the knowledge itself. Whether or not the Torah recognizes ownership of something intangible such as knowledge is a matter of dispute amongst the Poskim. Since stealing is a Torah prohibition, one should follow the strict opinion.

Furthermore, copying disks damages the seller by cutting profits and infringing on his rightful share of the market.

Another consideration is that of entrepreneurial rights of others. This requirement has the force of a Halachic authority familiar with the particulars of the situation. The temptation to use unauthorized copies of programs may be one of the “tests” of the computer era. It might be helpful to post a copy of this issue of “Ask the Rabbi” near the computer as a friendly reminder.

Speaking of plagiarism I’m reminded of the following true story: A fourth grade teacher noticed little Robby copying from Kevin’s paper during a math test. Breaking the silence she said, “Robby, I don’t want to know what’s written on Kevin’s test.” Thinking about that for a moment, Kevin chimed in and said, “So Teacher, why do I have to take the test.”

Sources:
- Birkat Shlomo, by Rabbi Shlomo Teneh, Choshen Mishpat 24.
- Mishnat Zchuyot Ha’yotzrim by Rabbi Nachum Menahhe Weisfish.

A number of readers submitted the following question in different forms:

Is copying software permitted according to Jewish Law?

The only time copying might be OK is when it can be assumed that the innovator has absolutely no qualms about someone copying his product. I discussed this point with Rabbi Yosef Shalom Elyashiv, shli’a, who limited this to very specific cases where such an assumption is self-evident. Actual cases should be discussed with a Halachic authority familiar with the particulars of the situation.

The Rabbi is Back!

Please feel free to submit questions to Ask The Rabbi again. Submissions can be made via E-Mail, fax or regular mail. Our addresses are listed at the top of the page.

The Rabbi is Back! 9 Sept. 1995