

Privacy and the Path to Faith and Practice

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I. Introduction: The notion of Privacy abounds the modern, secular, democratic state. It could be thought of as a bedrock value of an individualistic society and secularism. Muslims and others from Asia to Africa and Central to South America appear to be following this model willy-nilly. Will they, in particular the Muslims, be in for a shock after having transformed themselves completely following this paradigm? Are they destined to find the rainbow of emancipation further away than when they started this march?

Privacy, sometimes synonymous with secrecy, is a vital part of any sound society, government and economy regardless of its religious orientation. Once understood, this concept introduces various individual and collective moral and legal obligations and duties. It is interesting how a breakdown, via misreading or misuse, of privacy in matter of private discourse causes a huge amount of rift in Islamic centers and mosques, how understanding Privacy completely will further underscore efforts at Da'wah by promoting the inherent continuity of value in Muslims' abstinence from intoxicants and gambling, how misreading the notion of Privacy is affecting the adoption of dress-code by young Muslimah in the West and how the right to privacy is used by some to distance themselves from spiritualism, sometimes from religion altogether, or from practicing some of its edicts.

II. Definition & Boundary: Let us, as a starter, examine various definitions and norms of Privacy. Webster's¹ carries various complementary meanings of privacy or private: Not belonging to or controlled by the state or the public but to or by oneself or group, be it family, club or business, of self, property or thought; not conducted openly; not known generally to all; acting alone; etc. Examples of private domain abound in the form of right to choose one's faith, dispose off one's property, vote one's conscience, form associations as in

marriage, club or business; one's right to knowledge and opinion, pursuit of a career, personal space, and keep documents such as health, school, police, or bank report secret.

The Shari'ah² specifies five things that are inviolable or protected: Life, Property, Honor, Religion and Intellect. It means these are not common property for sharing at will. They are privately owned and subject to private rights of usage and disposal. The Qur'an³ says: There is no compulsion in the way of life (a person chooses). That relates to intellectual, emotional and physical freedom. Those, too, then are of the private domain.

In recent times, the paparazzi have wreaked havoc with the lives of the rich and famous. Gossip is good business. Only voluntary adherence to an unenforceable moral law of behavioral ethics can stop it. Of course, in the modern media circus turned entertainment, what goes around comes around. Celebrities and hopefuls, at different stages of their careers, seeking any and all forms of exposure possible, manipulate the media⁴. It is happy to oblige. However, news draughts, sensationalism, drive for market share, etc. lead the media to "find", "extract", or even "manufacture" news to the utter dismay and sometimes detriment of the same players. Whether all of this is an utter violation of privacy is not clear. Now, sometimes it may even be libelous, and, if proven to be at fault, could lead to hefty fines for the perpetrators⁵. Beside Hollywood and Bollywood, today's versions of Reality TV and Talk Shows⁶ are also not at all squeamish about the content of Privacy. All they appear to care about is assent by the participants. They appear unconcerned about the viewers and the listeners for they have figured out that they are the leaders and the audience is the follower, simply silly-putty in their hands even as they cite surveys after surveys about viewer demand! Privacy, in this very modern rendering, has had a populist appeal because it frees the prurient interests within human beings; fairly or unfairly it challenges the hegemony of

moral ethics. It appears to champion popular rebellion! Clearly, it is driven by a two-sided and symmetric opportunism, the conflict arising from the occasional difference in the referral time frames. However, the modern rendition cares for preservation of Privacy as much as in the past. Only the affected set of areas that constitute as Private has been curtailed, both in personal behavior in public space and in the display of one's person⁷. Besides, media reporting and cinematic, theatrical and sports culture, advertising, business and health care breakthroughs as well as devolution of faith owing to grand socio-economic and scientific treatises of the 19th century have joined hands to make the rebellion into a revolution!⁸

In order to better understand the predicaments underlying the definition and the defense of Privacy, albeit its role in the context of the Muslim experience, the following section resorts to examining four cases.

III. Four Case Studies:

The Islamic Center. It is easy to recount the typical problems that an Islamic center is likely to be mired in besides building, membership and money. Whatever the problems are, they need solutions. Here we will check two issues relating to Privacy that directly or indirectly lend to these problems: Failure to Maintain Confidentiality and Conflict of Interests.

The Masjid, a public forum, for example, is expected to have a special decorum because it is not only publicly owned and operated but also God's house and a vessel representing the highest ethics, forbearance, fortitude, fair play, mercy, kindness, generosity, forgiveness, humility, sincerity, peace, etc.⁹ Those elected to manage such institutions cannot play favorites, be rushed, arrogant, rumor-mongering or backbiting. There are at least two ways that privacy or "privateness" of such an institution could be and is, in places, routinely violated: i. When Board members divulge internal and confidential discussions, thinking

mistakenly that a democratic process necessitates such revelation for every public persona is subject to scrutiny, it is a violation of trust and breach of privacy. This becomes especially hurtful when a handful of Board members display such proclivity, while others do not do so out of a more mature understanding of the Deen and when the recipients of such information lack the habit of verifying such information. The material value of Suratul Hujurat immediately comes to mind in such matters.¹⁰ ii. Moreover, when a Board member draws his feet on matters of positive change setting his personal, family's or friends' knowledge, understanding, acceptance, or practice of the faith as the standard by which goals or operational procedures should be set, he is guilty of conflict of interests: the supplier of services (the Board member) is also the recipient of services (i.e., buyer). His private preference then overrides his public persona – the role of social representation.

The argument often made is that people will not come. True, harshness drives people away.¹¹ But a question that begs to be answered now is: Are some of the regulations harsh in of themselves? Are they not Islamic to start with? Or, too soon too much is the ground for the reluctance? It is rarely, if ever, made clear as to what is meant when seemingly flawless, utterly comfortable and readily unarguable premise of openness and inclusiveness of the programs of an Islamic center are touted. And there is precious little reference to the goal or maqasid of either the Islamic Center or Islam itself. People are remiss about the goals of such a center and mix it with its process. That it is both a flagship and a ferryboat¹² and that the former role is the primary one is rarely fully enunciated and discussed. Whether this is the consequence of a weak organization, staffing, or both need to be examined separately.

(b) Alcohol and Gambling. With regard to Muslims' abstinence from intoxicants and gambling a lot can be gleaned about the total nature of Privacy. When someone volunteers

time, effort, or resources for someone in need then a right of ownership is being voluntarily surrendered/transferred for the welfare of others. When a Muslim, in addition, abstains from intoxicants and gambling he is voluntarily surrendering the ownership of a right so that those with a weaker mental constitution could save themselves from being hurt abysmally. Many a Muslim could hold down a drink or two or splurge a few dollars in gambling and walk away refreshed and still in control. Perhaps this is what God means when He says that there is some benefit in these items¹³. But the harm, as He continues to address humanity, is greater to all those who would slip up and slide into excessiveness. So, those Muslims endowed with a strong endowment of self-control accept to give up the right to consuming these items altogether because the potential loss to them and others far outweighs any gain they could achieve by defining the environment solely by their own (selfish) necessities. Thus, public welfare overrides private right, taste and mental constitution to ward off potential danger. It is simply a natural progression in the path of giving and serving others who have not!

(c) The Hijaab. Young Muslim women are wearing Hijaab by the droves in the West. But there is something odd about their display of devotion. Does the Hijaab have a practical value in the private and social life of the Muslims or is it just to hide the tresses from getting bleached in the sunlight, blowing in the wind or getting dirty with sand and dust? How much of it is to do with sexuality? After all, a five year old girl with a head full of hair has the same hair when reaching puberty or at 21! So, why hide the hair? Because God says so! While that is good enough for a believer, hiding hair is a part of a scheme of things regarding modesty in choice and usage of clothing. Why are a vast number of our islamically serious young women apparently unaware of the package? And what is that package, anyway? I will define it by saying what it is not: Short blouses and tight pants along with the Hijaab!¹⁴

After all, sexuality and the associated means to modesty start not with the hair but with those body parts that change below the neck-line post-puberty. In Islam, that is what personal Privacy has meant for women over the ages. So, why do our young women not get it or what is preventing them from exercising their decision completely (udhkhilu fis silmi kaaffa)?¹⁵ Perhaps, the adults in their lives have not taken interest in this matter along with them. Hence, proper education is missing! Perhaps the market is guilty of not providing the right skirts and shirts. It is just too much hassle to get multiple ensembles together? Perhaps not everyone is cut out to be a seamstress to make the right dresses for themselves. Perhaps the deductive capacity has been impaired by being exposed to a highly individualistic culture. After all, modesty is about sexuality. First and foremost, sexuality is not primarily resident in the hair.

When one considers women of the Sub-Continental stock, one would note that once the Hijaab goes, they tend not to jump to tight pants and short shirts. The movement away from the Hijaab does have a recognizable or historic process or pattern. After the Hijaab becomes an intermittently used piece of garment, the long scarf, “dopatta”, meant for the bosom slips to hang around the neck. Then it is situated as one long strip on one shoulder or other. Then it completely disappears. Then tight pants and shirt have the scope to move in. So, to get it right, a soon to be mahjubah, in her quest to establish Islamic norms of female personal Privacy, could start by reverse engineering the Sub-Continental sisters who have moved toward a unisex dress code.

Thus, while ardently adhering to the normative call to modesty, using a more narrowly or personally defined notion of Privacy involving acknowledging and/or showing respect to third party or tertiary affects or an intrinsic desire to look smart and not to appear dowdy can

and does intervene and prevent the true practice of Privacy! Whether this could delay or even subvert the revivalist movement among young Muslim women needs to be urgently addressed. More importantly, whether the goal of the Hijaab to promote sexual sanity at a personal and social level is being trivialized by such a haphazard drive deserves our attention!

(d) The Adult. At times in the West today, when there is only the history of Islamic civilization to live by, it is very difficult to live an Islamic life without feeling encroached upon, challenged and desperate. The West proudly posits that we are all snowflakes, different.¹⁶ Are we all truly that seeking to be dealt with individually by a different set of rules? Is following rules so hard that adults should be completely free, no questions asked and with no consequences? Do adults never make mistakes? Do they lead their lives without following any law whatsoever? Can it be that being law abiding is like surrendering freedom so much so that one is diminished? Should society's goodwill be a bottomless basket so that the "adolescent" adults might be forgiven and rehabilitated whenever their youthfulness gets better of them?

To all these questions, there is just one answer, "No!" Even snowflakes have the same origin and means of decay, and while they are unique in their crystalline makeup, everything else about them is identical. Indeed, the Qur'an talks about the variations in human beings as a blessing for it allows us to know each other.¹⁷ From that point we are like snowflakes unique along certain dimensions. God expects us to pay attention to these differentials in dealing with each other. But there is also a lot of homogeneity – we are from the same parents that require us to treat each other uniformly. Hence, the need for conformity, to have laws that affect everybody similarly is transparent. Similarly, we cannot shut off water or suffocate

anyone because they affect all similarly. We cannot be generous to one while ignoring others. This will destroy social harmony and peace and be detrimental to all equally. Nobody would like to be singled out to be mistreated. So, anybody who hears of such divisive or uneven actions feels potentially violated for each one of us as an individual can be victimized with impunity. Even in the modern world uniformity is universal. That is why rules abound! Everyone must have a driver's license to drive. All in a country must drive on the same side of the road. None can travel without a passport. And the visa is ubiquitous for this purpose. All adults submit to these rules! Why? Can they not be trusted? Well, are they not the perpetrators of most crimes; violators of many norms? So, there is nothing special about adults that they should not be bound by laws that prescribe things that are good and things that are bad and expect compliance?

Here, the Paradox of Thrift¹⁸ in Economics comes to mind: When everybody saves (which is a very good habit) then everybody loses via recession. Analogously, when everybody is free then nobody is free since anarchy abounds. Thus, should an adult be allowed to whimsically and unilaterally determine what is good and what is bad and not be restricted by rules and expectations?

Also, as another glaring iconic example, one could recall how the famous movie sleuth James Bond's missions appear to surround living up to just ethics of material ownership.¹⁹ No wonder, outside his work, he lives his life with willful abandon because, in his frame of reference, all that is wrong is to be found in the commission of a material loss. Thus, in this universe when rules are set and accepted, the good and the bad are materially organized. But a loss of property is just one type of loss. The loss of trust owing to love betrayed hurts at least as much as any material loss. Then adults could be expected to tread gently on matters

as intangible as honesty, fidelity, etc. Hence, one cannot extend the concept of privacy to protect themselves in such matters by saying, “I won’t submit to such regulations for they infringe upon my right to privacy! I am an adult and as such responsible.” Perhaps so! But not every adult is equally insightful or evenly insightful over a span of time. Moreover, even when one is earnest, there is little guarantee that one is able to read others well and act and react accordingly. Thus, sparing adults spiritual, psychological and social normativeness is an absolutely wrongheaded and disastrous way of assessing and employing the limits of Privacy.

History, as in Suratul ‘Asr²⁰, bears witness to that fact.

Conclusion: Privacy is not a new element in human society. On earth, its manifestation started ostensibly with the progenies of Adam and Hawwa (p), Habil and Qabil.²¹ However, it preceded them in the Heavens when Adam and Eve ingested the forbidden fruit, thereby becoming physically aware and interested in each other. Over time, societies and civilizations have developed a strong sense of its various nuances. These nuances are today universal. People adhere to Divine and popular laws pertaining to Privacy in order to ensure personal and social peace, security and progress. Modern day Muslims need to revisit the idea of Privacy to see how it affects them in new and unfolding ways and situations. They may, thereby, establish whether the time-tested Islamic values are ineffectual because they are out-dated, or because people, even today, do not have a clear grasp of the full range of the concept of Privacy.

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