

Muslims in the Post-pandemic World: The Call to Balance Individual Freedom and Community Rights?

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Abstract: Moving into the post-pandemic world, many studies have been conducted to learn the best responses of countries and institutions in dealing with related issues and emerging consequences, and several key areas were investigated such as healthcare, financial and political responses, whereupon numerous factors of their success have been highlighted. There is no doubt, however, that community participation is extremely crucial to remedy the situation in many sectors including politico-economic restoration and education. The conflict between the right to pursue individual freedom and the moral obligation to keep the community safe from the impact of the pandemic has also been the subject of philosophical inquiries. This paper explores the concept of community in Islam in light of the above discussion. It begins with discussing the commonly recognised concepts of the duty of individuals (*farḍ 'aynī*) and the duty of sufficient execution (*farḍ kifā'ī/kifāyah*). The author argues that the concepts do not correspond to the highlighted discussion and the discussion is losing the clear definition of what should be regarded as the constant obligation of the whole community as a single unit and not only “some” of the community as present in the *'aynī-kifā'ī* division. This opinion paper calls for the establishment of the middle space or hybrid space in dealing with the notion of rights and obligations in the post-pandemic world.

Keywords: *Post-pandemic, Community right, Individual freedom, Islamic community, Obligations in Islam.*

1. Introduction

As we are in the third year of the Covid-19 pandemic, many studies have been conducted to learn the best responses of countries and institutions across the world in dealing with related issues and emerging consequences. Several key areas were investigated such as healthcare, financial and political responses, whereupon numerous factors of their success have been highlighted such as early action and aggressive approach to contact-tracing; the willingness of the citizens to abide by policies; an adequate

number of hospitals and intensive care beds; consistent, extensive and transparent public communication; quick and aggressive lockdown measures; monetary support of international efforts; serious vaccination drive; previous experiences with breakouts and epidemics; etc. The Wall Street Journal article published in January 2021 even reports different categories of best responses namely, the best at learning from recent epidemics, crushing the curve, testing, quarantining, economic protection, and public communication [1].

However, debates have also risen concerning the

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implications of certain responses to various aspects of life and civilisation such as the political and economic impact, the fear of a “lost generation” in education, the loss of careers and jobs due to the economic downturn or the shift to digital alternatives. A 2020 Freedom House report produced in partnership with the survey firm GQR titled *Democracy Under Lockdown* concluded that since the coronavirus outbreak began, the condition of democracy and human rights has grown worse in 80 countries. “Our survey found that governments’ responses to the pandemic are eroding the pillars of democracy around the world,” said Sarah Rapucci, Vice President for Research and Analysis at Freedom House [2]. Similar concerns over the potential erosion of democracy and respect for human rights were accentuated in the United States Congressional Research Service 2020 report titled *Global Democracy and Human Rights Impacts of COVID-19: In Brief* [3]. Speaking of the South African context, Sandra Liebenberg, a professor and chair holder in Human Rights Law at Stellenbosch University argues for the human rights-based approach to the pandemic. Human rights, according to her, are fundamentally constructed on the values of human dignity, equality, and freedom. Apart from the government’s efforts, people should have meaningful opportunities to participate in response and recovery programmes [4].

Altogether, these narratives evince the unbreakable connection between the responses to a pandemic and the discourse on individual rights.

2. The need for community participation in politico-economic restoration

Despite the uprise of voices and protests in reaction to the restriction of individual freedom, manifested evidently in the opposition towards contact-tracing, mask-wearing, physical distancing, lockdown order, etc., there is no doubt, however, that community participation is extremely crucial to remedy the situation. Studies have shown that it is not money or political orientation that leads to the successful management of the pandemic, rather the most important factor is leadership, i.e., the ability to create a shared sense of commitment and sacrifice within the community [5]. Hence, one may assume that the underperformance of some of the world’s most prominent democracies in this regard, compared to the more accomplished achievement of the more authoritarian or community interest-driven political systems in East Asia, signifies the incontestable superiority of the community rights-approach over the individual rights-approach embraced in the culture of modern democracy [6], [7].

The community’s role in restoring the economic health of the nation is increasingly recognised as messages and campaigns start to highlight the importance of starting community businesses, supporting small and local businesses instead of buying online from big-box retailers

and giant companies, buying from local stores instead of megamalls and hypermarkets, donating to social organisations and charities, opting for takeout meals and rotating local restaurants, celebrating and enjoying lives by purchasing new outfits and accessories, checking-in to local hotels and resorts, and many other efforts that may boost spending, create employment opportunities, rebuild networks, and potentially create cash flow in the society. The awareness of the increasing significance of the community’s role in economic development post-pandemic era seems to resemble the sudden realisation of “the tragedy of the common” and “the limits to growth” following economic and social crises, a serious recognition that led to the establishment of the UN Sustainable Development Goals [8], [9]. The randomness of the world’s progression, the coincidental nature of human life, and the fragility of human existence constantly invite us to readjust concepts and approaches following new contexts, or in the language of the Covid-19 discourse, new norms.

3. Covid-19 and the community of learning

Looking at the progress of education, the coronavirus spread has also debunked an initially persistent myth that children are barely affected by the pandemic. Movement restrictions, school closures, the dependence on technological resources, and the limited room for social skill development and interactions during the temporary opening of schools, are amongst the factors that have led to children missing out on learning and the broader gap between the haves and the have-nots. It has created what some are calling the “lost generation” of students and university graduates. UNICEF Executive Director, Henrietta Ford asserted in a press release, “Disruptions to key services and soaring poverty rates pose the biggest threat to children. The longer the crisis persists, the deeper its impact on children’s education, health, nutrition, and well-being. The future of an entire generation is at risk [10].”

Indeed, there are many emerging issues in relation to education [11], [12]. I would like to note here one of the most pertinent to the effectiveness of digital platforms to sustain the aim of education. As the philosopher John Dewey expounded, an educational experience, which he called a community of inquiry, requires a cognitive presence i.e., the learner, a social presence i.e., the learning community, and a teaching presence i.e., the professor. It is concerning to observe that without sitting together with the learning community, viz. classmates and friends, students are losing the sense of competition. Educationists are also noticing that without the sense of competition, students are losing the motivation to learn and the already building up distress due to movement control is simultaneously increasing. Consequently, it creates educational processes that happen, but do not enlighten. Hence, once again we are

looking at the need for the community to be involved for the post-pandemic education system to progress effectively.

4. The post-pandemic community rights in the philosophical discourse.

The conflict between the right to pursue individual freedom and the moral obligation to keep the community safe from the impact of the pandemic has also been the subject of philosophical inquiries. In March 2021, the Royal Institute of Philosophy in London hosted Dr. Heisook Kim, whose talk contrasts the Western against the Eastern philosophies regarding their conception of individual freedom [13]. Her study was evoked by the critical voices of Western societies against national surveillance systems and their belief that movement restrictions are inhibiting individual freedom and that East Asian countries have traditionally neglected individual freedom. Kim brought to our attention the principle of harm forwarded by the English philosopher John Stuart Mill to outline the concept of individual freedom. His famous quote “the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others,” binds individual freedom with the principle of harm. Nevertheless, Kim did not inform us of any elaboration of the concept of harm, whether it can be bifurcated to reflect immediate harm and non-immediate or delayed harm, as well as tangible and intangible harm. Notwithstanding that, the existence of an individual and individuality as a whole being, or an absolute unit, forms the most crucial prerequisite for individual freedom in Western cultures. Although with the recognition of the centuries of struggle in Western philosophy to define individuality, Kim traces the origins of this conception to the belief in the salvation of the soul in Western Christian culture. The ultimate salvation will be granted to the individual soul and the soul could not be shared with others [14]. This has contributed to the construct of an individual as one absolute unit and that freedom can be referred to as an original state of an individual.

We are prompted here by a question on the concept of intercession in the hereafter. Although there was a debate on this subject in the classical period of Islam, the majority has now accepted intercession or in Arabic, *shafā'ah*, particularly the *shafā'ah* of the Prophet as an established theological principle. The Shī'is have extended the intercession to include the mediation of the Twelve Imams and other intimate friends of God, while the Sunnīs, based on the *ḥadīth* traditions, have included the mediation of the chosen believers. It is interesting to learn how intercession was defined and perceived in Western Christianity in light of the discourse on individuality and its relationship to the community.

Nevertheless, Kim continues to explain that the cultural traditions of East Asian Countries such as Korea and

Taiwan were heavily influenced by Buddhism, Taoism, and Confucianism with the latter having more influence on ethics and moral norms of ordinary everyday life conduct. Individuals, according to Confucianism, always exist to serve certain functions in a larger network, for instance, the family and the community, and hence, can never exist as an absolute unit [15]. Consequently, individual freedom is perceived according to the extent to which a member of a network has fulfilled given and expected roles within the network. Any claims of interest and rights that lead to the corruption of the community are regarded as selfish and the infringement of individual freedom is measured by the oppression, injustice, or discrimination inflicted upon the community. Hence, public happiness is considered an indicator for individual happiness and the public is given higher ‘value’ than the private in most cases. The modern Western idea of individual freedom came to East Asia with the introduction of Western democracy and Kim concluded that the East Asian concept of individuality provides a fertile ground for collectivist behaviour.

5. The Muslim concept of individuality and community

The author does not intend to penetrate and delineate the philosophical expressions on the notion of individuality as explored in the vast literature of Islamic philosophy. This paper will only point out here the commonly recognised concepts of the duty of individuals (*farḍ 'aynī*) and the duty of sufficient execution (*farḍ kifā'ī/kifāyah*). The former refers to the obligations that must be carried out by all Muslim individuals. The latter is typically translated as “communal” or “collective” obligation although these translations may imply that the duty must be carried out by every single individual in a certain community [16]. In fact, some scholars were said to have not differentiated between the two categories of duty, amongst them al-Āmidī and Ibn Burhān al-Baghdādī. Most Muslim legal theorists, however, distinguished between the two by explaining *farḍ kifā'ī* as an obligation placed upon the shoulder of every single member of a community, but if “some” of them executed it, the obligation is lifted from the rest. The Arabic formula for this is “*idhā qāma bihi al-ba'd, saqata 'an al-bāqīn*. The origin of this term is traced to as early as during or slightly before the time of al-Shāfi'ī. The problem here lies in the use of the word “some” in the formula and this will be explained later. Another formula for distinction is the application of the *maṣlahah* principle (beneficial outcome). According to al-Qarāfi, actions are of two types: the one whose beneficial outcome is repeatable and the one whose beneficial outcome is non-repeatable. This is the key to differentiating between *farḍ 'aynī* and *farḍ kifā'ī*. This view is seconded by Ibn al-Najjār as he said: “Acts of *farḍ 'aynī* are those whose beneficial outcome is repeatable such as the five daily prayers. Its beneficial result is the submission

to God, the glorification of Him, and the intimate conversation with Him ... Acts of *farḍ kifā'ī* are those whose beneficial outcome is non-repeatable such as saving a drowning person, preparing a deceased for the funeral, etc. al-Shātibī, on the other hand, forwarded a new formula by correlating between the two categories and different degrees of *maqāṣid* (the objectives of the law).

Nonetheless, the problem with the word “some” as noted earlier is its Arabic counterpart *al-ba'd* may also refer to a single person. Hence, *farḍ kifā'ī* could have also been accomplished by a single person, and thereupon the rest are released from the obligation. It is not necessarily an obligation of the community then, although the whole community is considered sinful if there is no “some” taking the responsibility. This has also been highlighted by Adnan Zulfiqar in an entry on Islamic Law Blog. According to him, “it is difficult to determine what exactly the boundaries are, geographic or otherwise, that define the collective that is duty-bound to carry out *kifāyah* acts. Does this collective include the population of a particular neighbourhood, a town, a city, a larger geographic area, or the entire Muslim community that existed at the time?” Adnan, however, argues that this vagueness in the definition is purposeful and it had never gotten in the way of premodern Muslim scholars [17]. We may as well conclude that these concepts do not contrast the individuality to the communality, rather it addresses the matter of accomplishment, and by extension the benefit of that accomplishment. Some accomplishments must be repeated by everyone; hence, they fall into the category of individual obligation. Some accomplishments are sufficient once their aims are met, or the tasks are completed. Hence, they must be sufficiently executed regardless of whether the task is carried out by an individual or a group. In the midst of this, we are losing the clear definition of what should be regarded as the constant obligation of the whole community as a single unit and not only “some” of the community.

As discussed above, the Covid-19 pandemic has made it inevitable to engage in the discourse of community rights. The individual freedom to move and socialise is no longer expressed without considering the community's right to safety and immunity from contagious diseases. With more and more areas revealing the crucial role of community in containing and combating the pandemic, is the apparatus of *farḍ kifā'ī* as highlighted above sufficient to address the duties of the community while encompassing all members of the community and not “some” of them? If it is not, should we then request the scholars, the clerics, and the leaders to initiate the discussion on the spheres or levels of rights or a new categorisation of obligation for the Muslim community locally and globally? If we now, in light of the recent observation during the pandemic, differentiate between the state and the community, how do we taxonomise the obligations of the state, the community, and

the individuals? To make it clearer, let us imagine certain scenarios. If there is the right for each community to decide its affairs, to what extent the state can interfere in the decision of the community? If some people view that the community should be left to decide whether to open the mosque during the pandemic and whether they can manage the situation in the community or not, should the community *shūrā* be subjected to the general order to close the mosques by the state or government? Does Islam categorise rights in this instance according to the state-citizen narrative? On a more serious implementation level, is *fatwā* for the whole country relevant and applicable for every single community in the country? To what extent the *urf* (custom) of a particular community can be considered to construct the narrative of community rights?

I believe these are valid questions and some of them have been the concern of many observant Muslims. It illustrates how, from a historical perspective, the private-public narrative has been developed and embraced in Muslim thought. The distinction between private and public sin is a perfect outcome for this narrative. We should note that it may have been derived from the *ḥadīth* that mentions the Prophet as saying, “Everyone from my nation will be forgiven except those who sin in public. Among them is a man who commits an evil deed in the night that Allah has hidden for him, then in the morning he says: O people, I have committed this sin! His Lord had hidden it during the night but in the morning, he reveals what Allah has hidden [18], [19].” The two categories are also correlated with inner sin and outer sin. The basis for this may have been taken from the Quranic verse that translates: “Say, “My Lord has only forbidden indecencies—both outward and inward—and sin, and tyranny without right, and that you should ascribe partners unto God, for which He has sent down no authority, and that you should say of God that which you know not [20].”

Nevertheless, the modern condition of human interaction has brought many changes. Once again, we must appreciate the issue raised by Heisook Kim while discussing individual and community rights. Kim pointed out surveillance capitalism and the fact that it has become nearly impossible for humans to live without participating in the network of digital platforms. Marketing and social networks make it difficult for individual desires to escape from the networks of other people's desires. Individuality, then, could not possess its absolute value and is always linked to a particular larger network. If we take watching pornography as an example. This may be regarded as a private sin if one does not carry the act in public. However, increasing the number of viewers of certain production, contributing to the advertisement rate on the website, and other related web functions have somehow located the act between private and public sins. The act has effects on the desires of others and can be prolonged from one to another continuously.

This may demand a reconsideration of the binary division to include, perhaps, a middle category.

Another issue that has caused a heated debate is the state of close proximity (*khalwat*) between a male and a female who are not married to each other in a secluded place [21]. Some have viewed this as a private sin and that raids by religious authorities are considered an infringement on individual rights and privacy. While others have taken the act as extending immoral behaviour to the community. The act of *khalwah* must involve, at least, two individuals where the second party is certainly a member of a community. Hence, it is not strictly private, and it is neither a public sin. However, it involves the dignity of a part of the community.

One final subject that can be related to this discussion is the blaming of rape victims by certain overzealous religious individuals. The victims are often condemned if their attire is revealing or inviting based on the parameters of the critics. However, the responses have always highlighted that amongst the rape victims are children, senior citizens, and even women who cover their whole body completely per certain religious views. Both sides seem to ignore that amongst the factors that may have contributed to sexual offenses is the culture of hyper-sensuality that has been normalised by “the community.” Hence, sexual offenses do not necessarily take place due to anything exhibited by the victims, but the omnipresence of hyper-sensualised elements in the community. It contributes to the instances where individual rights to certain attitudes and attire must be construed in light of the community’s right to dignified sensuality. In other words, the *maqṣad* of the preservation of human dignity that constructs the essence of human rights in Islam can only be achieved by maintaining an Islamic dignified community.

6. Conclusion

Finally, although the following instance does not own any links to the above discussion, we may derive some helpful lessons from the classification of spaces in the management of urban planning. Traditionally, there were only two categories which are private and public spaces. However, the recent development has revealed the loss of a clear distinction between these two categories. Urban spaces of hybrid character are increasingly emerging and this middle space, whether it is called a hybrid space, a semi-private space, a semi-public space, or a shared space, is challenging the way people view the notion of rights regarding the consummation of space. Perhaps, extrapolating from this development can contribute to the effort of balancing individual freedom and community rights amidst and post Covid-19 pandemic. Should we retain the binary division, or should we explore the category between the private and the public?

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