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Al-Azhar's Document on Basic Freedoms: an Islamic Aggiornamento?

The growing influence of the Islamic forces, the Muslim Brothers and the Salafists in Tunisia and Egypt in the last two years has raised doubts over the direction the Arab spring is taking, and if it will lead to democratic regimes that

respect human rights or not. Some conservative religious statements on the role of Islam in state and society after the Arab spring brought back into public debate old questions, such as: Is Islam compatible with Human Rights? And is the "Arab spring" transforming into an "Islamic winter"?

The problem with these types of questions is that they often perceive Islam as one homogenous sphere, and ignore the fact that Islam, like all religions, is a sphere where multiple ideas and actors are interacting. Speaking of an "Islamic winter" overlooks the interaction within the religious sphere itself in Tunisia and Egypt between various religious actors over the notion of human rights and its relation to Islam.

Human Rights and the Catholic Church

In that sense, comparing the Islamic experience with the Catholic one is instructive because, like Islam today, Catholicism, in the past, witnessed a long debate concerning the compatibility of Human Rights and Christianity. From the time of the French Revolution in 1789 until the second Vatican council in 1962-1965, the attitude of the Catholic Church vis-à-vis human rights was overwhelmingly hostile. Soon after the French Revolution and the Declaration of the Rights of Man in 1789, Pope Pius VI denounced liberty and equality as unchristian values in the *Quod aliquantum*, issued in March 1791. In December 1864, Pope Pius IX, throughout his Sylla-

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bus Errorum harshly condemned religious liberty and freedom of the press. However the 1960s brought change to the attitudes of the Catholic church towards Human Rights, in what has become known as the Catholic Aggiorna-

mento. In 1963, Pope John XXIII wrote his encyclical letter *Pacem in Terris*, in which the Vatican endorsed human rights for the first time. Two years later in 1965, Pope Paul VI wrote his encyclical *Dignitatis Humanae*, in which he endorsed religious liberty. The shift in the Catholic attitudes towards Human Rights is best illustrated by Pope John Paul II's own words: «I am not the evangelizer of democracy; I am the evangelizer of the Gospel. To the Gospel message, of course, belong all the problems of human rights; and if democracy means human rights, it also belongs to the message of the Church.» Consequently, the relation between religion, any religion, and Human Rights cannot be settled conclusively by referring only to holy texts, because such texts lend themselves to conflicting interpretations. Instead the focus should be on the religious authorities that give effect to the text, transmit, and even construct Islamic knowledge for their followers.

One example of this very competitive and vivid religious sphere is the struggle between the different religious groups in Egypt after the 25 January "revolution" over the limits of personal and public freedoms, and the role of religious actors in enforcing these norms in broader society. While some religious groups tried to enforce religious rule within certain neighborhoods, using the Islamic requirement "of commanding the right and forbidding the wrong (*al-amr bil-ma'ruf wal-nahy*



'*an il-munkar*), Al-Azhar, Egypt's oldest religious institution founded in the 10th century, stood strongly against these initiatives and insisted that no group should impose its visions on society. Moreover, Al-Azhar's Grand Sheikh, Ahmad al-Taib invited a group of Egyptian intellectuals and a number of senior religious scholars to discuss the common intellectual assumptions that guarantee freedoms and human rights. The meetings discussed the basic freedoms that should be protected for all Egyptians, their religious foundation, and how to protect and ensure their development. The dialogue resulted in a document called the Al-Azhar document on the system of basic freedoms (the full document in Arabic is available at: <http://www.onazhar.com/page2home2.php?page=3&page1=5&page2=2>). The document tried to define the relationship between the principles of the Islamic Shari'a and the set of basic freedoms that are adopted by international conventions. These basic freedoms include the freedom of belief, the freedom of expression, the freedom of scientific research, and the freedom of literary and artistic creativity.

The Basic Freedoms

First, Freedom of Belief: The document considered the freedom of belief to be the cornerstone of the modern social structure, and insisted that this freedom is protected by both the religious texts as well as constitutional and legal principles, and has hence condemned any measure of compulsion, prosecution or discrimination on the basis of religion.

To strengthen their position, the 'ulama and the intellectuals quoted two Qur'anic verses:

{There shall be no compulsion in the religion. The right course has become clear from the wrong...} (Al-Baqarah (2): 256)

{So whoever wills – let him believe; and whoever wills – let him disbelieve...} (Al-Kahf (18): 29)

The document guarantees the freedom of every individual to perform his rituals, and insists that no one should harm what the others hold as holy, whether by words or actions. It also affirms the principle of equality among all individuals on the basis of citizenship. Moreover, it rejects religious discourse that excludes others, condemns their religious beliefs and labels them as disbelievers, quoting the Prophetic *hadith* that says: «Would you inspect his heart?» to justify its position.

The document has therefore affirmed that citizens

have the right to believe in any ideas, but without endangering the right of the society to maintain its divine faiths, represented by the three Abrahamic faiths (Judaism, Christianity, and Islam).

Second, Freedom of Opinion and Expression: The document defends the freedom of expression and opinion and describes it as the mother of all freedoms. It has also extended it to include the freedom to form and join political parties and civil society organizations, the freedom of the press and the media, and the freedom to access information. The document insists that the freedom of expression on public issues should not be restricted by any limits, but rather tolerated as argued by the Egyptian Supreme Constitutional Court.

However, the document has also stressed that the beliefs of the three divine religions and their rituals must be respected, as disrespecting them might endanger national cohesion and security. The document has warned also against the use of the freedom of expression to incite sectarian or doctrinal strives.

Third, Freedom of Scientific Research: The document states that scientific research is the motor of human progress, and stresses the fact that the Qur'an urges all humans to contemplate, deduce, conduct analytical reasoning and think to discover the laws of human and universal phenomena. The 'ulama and intellectuals referred in the document to famous Muslim scientists like al-Razi (Rhazes), Ibn al-Haytham (Alhacen) and Ibn al-Nafis, who were the leaders and pioneers of knowledge for many centuries. The document also stated that scientific researchers should enjoy full academic freedom to perform experiments, formulate and test hypotheses and be directed only by the ethics, methods, and unchanging principles of science.

Fourth, Freedom of Literary and Artistic Creativity: The document divides creativity into two types: scientific creativity, included in the freedom of scientific research, and literary and artistic creativity, including lyric and dramatic poetry, stories and novels, theatre, cinema, television, and music. The document underlines the importance of the arts, as they view society with a critical eye, and therefore help to envisage a better one. The group of 'ulama and intellectuals went even further, emphasizing that literary and artistic creativity is one of the most important signs of the blooming of basic freedoms, and is effective in increasing the awareness of society and enriching its conscience. In effect, the



document has insisted that freedom of creativity should be respected as long as it does not hurt religious feelings or clash with the moral values of the society.

Al-Azhar on New Paths

To conclude, Al-Azhar's document on basic freedoms represents a positive achievement in two important respects.

First, it ends a long tension between the 'ulama and Egyptian intellectuals, mainly under the rule of Mubarak. Egyptian intellectuals have often accused Al-Azhar of trying to control the cultural sphere, and to restrict freedom of thought and creativity. Since the Mubarak regime was brought down, Sheikh Ahmad al-Taib ended this tension by inviting Egyptian intellectuals to meet with religious scholars at Al-Azhar. These meetings gave birth to three important documents: Al-Azhar's document on the future of Egypt (June 2011), on the Arab revolutions (October 2011), and the one discussed here on the system of fundamental freedoms (January 2012). Al-Azhar is expected also to issue a new document soon on women's rights.

Second, the document represents an effort to redefine the relationship between the Islamic Shari'a and the set of basic freedoms adopted by international conventions. The discussions between the 'ulama and the intellectuals have pushed the debate from what Shari'a calls for, to what Shari'a might tolerate, and hence has opened a new path for both the religious scholars and the intellectuals to find a middle ground between Shari'a and Human Rights. More than an end in itself, this document should be perceived as a step toward a new path that tries to find common ground between Shari'a and its general objectives (Maqasid al-Shari'a) on the one hand, and Human Rights as defined in the international conventions on the other hand. While the document has been criticized by some secular voices who perceived it as a dangerous step, as it seeks to find religious legitimacy for internationally accepted freedoms, others have celebrated it as revolutionary step to bring together Shari'a and Human Rights. The document is neither a dangerous, nor a revolutionary step, but rather it forges a new path for both religious and secular figures to reconsider their old assumptions, and work on a new understanding of Shari'a and Human Rights.

Norah Niland

Post-2014 Afghanistan: the Strategic Importance of Human Right

2014 is set to be a momentous year for Afghans. They are acutely aware that history is in the making whatever the outcome of various, mostly insipid, peace initiatives that are focused on securing a deal between the government and those who have taken up arms against it.

In 2014, Afghans will also be dealing and the implications of a faltering economy, another round of presidential elections, the drawdown of US and its allied forces and, most probably, a much-changed security situation.

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Opinion on what the future holds, vary. However, there is broad consensus that 2014 is a game-changer of huge significance to regular citizens, to those who hold the levers of power, and to the many external actors who have tried to shape events in Afghanistan since the demise of

the Taliban regime at the end of 2001. This paper is an examination of the ramifications of ignoring the strategic significance of justice and respect for human rights in Afghanistan. It argues that any future peace, democra-