

Declaration by al-Azhar and the intellectuals on the legal ordinances of fundamental freedoms

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In the name of God, the Merciful, the Compassionate

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Following the liberation revolutions which opened the path to freedoms giving new impetus to the spirit of Rebirth (nahda) in all spheres, the Egyptians and the Arab-Islamic umma turn to the ‘ulamâ’ of the umma and to its intellectuals for them to define the relationship between the general principles of the noble Islamic sharî‘a and the system of fundamental rights, agreed upon by international treaties and from which the experience of civilisation of the Egyptian people originated. They are called upon to lay the foundations, to confirm the constants and to define the conditions that will guarantee progress and open up the horizons of the future. These rights include the freedom of credo, the freedom of speech and expression, the freedom of scientific research and the freedom of artistic-literary creativity, all founded on the solid basis of the protection of the noble aims (maqâsid) of the sharî‘a, the understanding of the spirit of the modern constitutional legislation and the needs of man’s cognitive progress. In this way the spiritual strength of the umma will become a fuel for the Rebirth, a stimulus for progress and a way for material and spiritual development, in a continuous effort in which the well-directed cultural discourse will harmonise with the enlightened religious one and the two elements will coincide in a future fruitful order. It is in this order that shared ends and objectives will find their unity.

On this basis, the group of al-Azhar’s ‘ulamâ’ and Egyptian intellectuals who drafted their first document under the aegis of al-Azhar, and which was followed by a declaration of support for the mobilisation of the brother Arab peoples for freedom and democracy, pursued their activity debating the general intellectual principles in the ordinance of freedoms and human rights. They thus reached a set of principles and norms which regulate these rights starting with the needs of the present historical moment and safeguarding the substance of the social agreement, bearing in mind the common good during the phase of democratic transition, so that the umma might build its constitutional institutions peacefully and moderately and with success from God Almighty. This should

hinder the spread of tendentious appeals which use the principle of ordering good and forbidding evil as an excuse to interfere in public and private rights, something that is not befitting the civil and social progress of modern Egypt, especially in a moment in which the country has the greatest need to found itself united in a common word and a correct understanding of religion. Such is indeed al-Azhar's religious mission and its responsibility towards society and the homeland.

First point: freedom of credo

Freedom of credo and the right connected to it of full citizenship (muwâtana) for everyone, based [in turn] on absolute equality in rights and duties, is considered the cornerstone of the modern social order. This freedom is guaranteed by diriment and ever valid religious texts and by explicit constitutional and juridical principles. The Omnipotent in fact says, be He exalted and magnified: 'No compulsion is there in religion. Rectitude has become clear from error' (2:256); 'so let whosoever will believe, and let whosoever will disbelieve' (18:29). It follows that any form of compulsion in religion, persecution or discrimination in its name, is condemned as a crime. Each individual in society has the right to embrace the ideas he prefers, provided it does not harm the right of the society to preserve the heavenly faiths. In fact, the three divine religions have their own holy character (qadâsa). Individuals are free to practise their own rites without offending the sensibility of others, violating the sacredness (hurma) of the three religions in word or in facts, and without making an attempt on public order.

Since the Arab fatherland is the cradle of the heavenly Revelation and the protector of the divine religions, it is particularly committed to safeguarding their holy character, to respecting their rites and to protecting the rights of their faithful, in freedom, dignity and brotherhood.

From the right to religious freedom derives the recognition of the legitimacy of pluralism (ta'addud), the protection of the right to difference as well as to each citizen's duty to respect the sensibility of others and their equality, on the solid basis of citizenship, participation and equal opportunities in rights and duties.

Similarly, from the respect of religious freedom derives the refusal of intolerant tendencies that are always ready to accuse others of disbelief (takfîr), like also the rebuttal of attitudes condemning other doctrines and the attempts to investigate into the consciences of the faithful. This standpoint finds foundation in the constitution ordinances, but before that in the explicit diriment norms formulated by the Muslim 'ulamâ' and established by the noble sharî'a on the basis of the illustrious prophetic tradition [summarised in the expression] 'Have you opened his heart?' . The Imam Mâlik of Medina and the other imams have established that, on the basis of this saying, 'If a person is heard to make a statement which is unbelief in a hundred respects and belief in just one, that person must be judged for the point of faith and cannot be accused of disbelief'. The imams that used to practice the interpretative and legislative effort gave great importance to reason in Islam and have left us the golden rule, which

says: 'If a conflict rises between reason and tradition, let reason be preferred and tradition be interpreted', in favour of public interest and according to the aims of sharî'a.

Second point: freedom of speech and expression

Freedom of speech is the mother of all freedoms and is manifested in freely expressing one's own opinions by all means of expression: from writing, oral expression, to artistic production and digital communication. It represents that aspect of social freedoms that goes beyond the single to include other subjects, for example through the formation of parties and associations of civil society. Furthermore, it includes the freedom of the press, radio, television and digital information and the freedom to acquire the information needed to form an opinion. This must be guaranteed by the constitutions so that it may be above ordinary laws, which are subject to change.

The Egyptian Constitutional Court resolved to broaden the concept of the freedom of expression to include constructive criticism, even when this takes on strong expressions, and it declared that 'the freedom of expression in public affairs cannot be bound to the need not to raise the tone, but on the contrary tolerance is required in this field'.

Nonetheless, attention must be drawn to the need to respect the creed of the three divine religions and their rites owing to their importance for the fabric of society and public security. Nobody has the right to fuel religious tensions (fitan tâ'ifiyya) or sectarian fanaticism in the name of the freedom of expression, even if the right to practise the interpretative effort (ijtihâd) is guaranteed, according to scientific opinion supported by evidence, in specialised contexts and away from tensions, as mentioned before with regard to the freedom of scientific research.

The authors of this declaration state that freedom of speech and expression is the true expression of democracy and invite to educate the young generations in the culture of freedom, the right to diversity and the respect for others. They urge those working in the context of religious, cultural and political discourse within the media to remember this important dimension during their activity and to stick to wisdom in the forming of a public opinion characterised by tolerance and broadmindedness, inclined to dialogue and opposed to fanaticism. In order to realise this objective it is necessary to draw the attention to the cultural traditions of tolerant Islamic thought. The greatest champions of the interpretative effort used to say: 'My opinion is a right one that could be wrong, the opinion that differs from mine is a wrong one that could be right'. Having said this, there is no way to protect freedom of speech unless through the confrontation of proof and counter-proof, according to the habits of dialogue and the customs of civilisation characteristic of advanced societies.

Third point: freedom of scientific research

Serious scientific research in the human, natural and mathematical sciences etc. stimulates human progress and is a means whereby to discover the customs (sunan) of the universe and to know its laws, so as to put them to humanity's service. Research cannot bear fruits, either theoretical or practical, if the umma does not dedicate its energies to it

and does not set its potential in its favour into motion. The texts of the Noble Quran urges people to observe, think, deduce, proceed by analogy and to meditate on the phenomena of the universe and humanity in order to discover its customs and laws. They have paved the way to the greatest scientific movement in the history of the East, which has stretched to the level of practical applications contributing to men's happiness, both in the East and the West. The 'ulamâ' of Islam have led this scientific movement and transmitted its flame so that it could enlighten the western Renaissance, as is known and demonstrated. If reflection in general on the various branches of knowledge and the arts is an Islamic precept, as the legal experts claim, theoretical and experimental scientific research is the instrument of this reflection. The most important condition for it to take place is for the research bodies and the specialists to enjoy total academic freedom in their experiments, the formulation of hypotheses and suppositions and in putting them to the test according to precise scientific standards. It is the right of these institutions to make use of the creative imagination and of the [teaching of] experience that guarantees the achievement of new results, for the enrichment of human knowledge. In this scientific investigation the scholars are only guided by the ethics of science and by its methods and principles. The great Muslim 'ulamâ' like al-Râzî, Ibn al-Haytham, Ibn al-Nafîs, etc... were the greatest exponents of scientific knowledge of their age, pioneers in the East and West for many centuries. The time has come for the Arab-Islamic umma to return to be competitive entering into the era of knowledge. Science has become the source of military and economic power, the means of progress, growth and prosperity; free scientific research has become the heart of the Rebirth of education, of the hegemony of scientific thought and the flourishing of production centres. Considerable funds are reserved for this and work groups are set up and important projects are proposed, which requires that scientific and humanistic research be guaranteed maximum cover.

The West was on the point of taking control of all scientific progress and to monopolise the course of science, had it not been for the rebirth of Japan, China, India and south-east Asia. These countries have offered enlightening models of the capacity of the East to break this monopoly and to enter into the age of science and knowledge on a large scale. It is time that the Egyptians, Arabs and Muslims also entered this scientific and cultural competition. They in fact have the spiritual, physical and human energy needed for progress, in a world that has no respect for the weak and for those who get left behind.

Fourth point: freedom of artistic-literary creativity

Creativity can be divided into scientific creativity (linked as said above to scientific research) and artistic-literary creativity, which finds expression in various literary genres: lyrical and dramatic poetry, narrative and novels, theatre, autobiographies, the visual and plastic arts, cinema, television and music and other recently created forms in almost all these spheres.

Altogether literature and the arts aim at making the conscience of reality grow, stimulating the imagination, elevating the aesthetic sense, educating the human senses,

widening intellectual ability and deepening the experience of life and society distinctive of human beings. Sometimes literature and arts criticise society by referring to more elevated and better realities. All these noble functions lead to the enrichment of the language and culture, stimulate the imagination and let thought grow, while protecting the supreme religious values and moral virtues.

Arabic language distinguished itself [from its very origins] for its literary richness and its renowned eloquence. The descent of the Noble Quran, inimitable peak of eloquence, increased the beauty of Arabic and highlighted its genius. Poetry, prose and sapiential reflection (hikma) drew inspiration from the Quran and poets and writers were inspired by it – of all the peoples who professed Islam expressing themselves in Arabic. They freely excelled in all the arts for a great number of centuries, without obstacles. Many of the sheikhs and imams who laid the foundations of the Arab-Islamic culture were themselves transmitters of poems and narrations (qisas), in all shapes and sizes. Nonetheless, the fundamental rule regulating the limits of the freedom of creativity is the receptiveness of society on the one hand and the capacity to take on elements of tradition and renew them through literary and artistic creativity on the other, without external interference as long as the established religious sentiments or moral values are not affected.

Literary and artistic creativity continues to be one of the most important aspects of a fruitful ordinance of fundamental rights and one of the most efficient means by which to mobilise social awareness and enrich the conscience. The extent of well-directed freedom is indicative of the level of civilisation achieved, since literature and the arts are a mirror of societies and a faithful expression of the stable and changeable elements making them up. They offer a lively picture of the aspirations for a better future. And God is He who confers success to what is good and just.

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