

GIANLUCA P. PAROLIN\*

## AL–AZHAR (?) ON FUNDAMENTAL FREEDOMS

SUMMARY: Al–Azhar has played an influential role in Egyptian politics throughout the millennium of its existence, and has kept playing one during the recent transition. After Mubārak’s ousting and with the rising of actors broadly associated to various colors of political Islam, the head of al–Azhar, *šayḥ* Aḥmad al–Ṭayyib, decided to spend the institution’s name to steer the domestic (and regional) debate towards a moderate, centrist reading of Islam, in particular on politics and issues of state/Islam relations. In the year that followed the first uprising (25 January 2011), al–Ṭayyib selected a number of intellectuals and Azhari scholars who drafted three statements to that effect. Signed in January 2012, the last of the three statements – the one analyzed here – outlines a system of fundamental freedoms that offers insights into the political bargaining of religious and intellectual elites on the eve of a new political order, and into a particular moderate, centrist reading of Islam.

Regime changes in North Africa triggered heated debates on institutional design and the (re)definition of fundamental freedoms in a post–authoritarian context. Islam was often referenced—each faction laying claims that a correct interpretation of Islam would support the faction’s position. The head of one of the most revered and influential religious institutions in the region, the *šayḥ al–Azhar*, decided to enter such debates and throw in his institution’s weight behind a particular, centrist reading<sup>1</sup>. When analyzing the statement of al–Azhar and Egyptian intellectuals on the system of fundamental freedoms, one needs neither shy away from the consideration of the domestic, political dimension of the statement, nor ignore the significantly broader insights that the statement offers into the centrist understanding of the world and its underlying conception of man on the wider horizon.

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\* Gianluca P. Parolin is assistant professor of law at the American University in Cairo, adjunct at Cairo University and visiting at PISAI. He is currently a Global Law Fellow at New York University, School of Law. Parolin’s main interests lie in comparative constitutional law and Islamic law. Among his main publications is *Citizenship in the Arab World*, AUP, Amsterdam 2009.

<sup>1</sup> The role of al–Azhar in Egyptian politics (and beyond) is unparalleled in the region. Even at a local level, the Tunisian al–Zaytūna did not play a comparable role in the Tunisian transition. On al–Zaytūna, see: Samy Ghorbal, *Orphélins de Bourguiba & héritiers du Prophète*, Cérés, Tunis 2012.

### 1. *The political dimension*

The statement of al-Azhar and Egyptian intellectuals on the system of fundamental freedoms (*Bayān al-Azhar wa-l-muṭaqqafīn ‘an manẓūmat al-ḥurriyyāt al-asāsiyya*), signed on 8 January 2012, is but the third of a series of statements issued under the auspices of the *ṣayḥ al-Azhar* Aḥmad al-Ṭayyib after the ousting of President Mubārak. The *ṣayḥ al-Azhar* started in the spring of 2011 to invite “a constellation of Egyptian intellectuals of different ideological and religious affiliations” (in the number of twenty-two) and “a number of the more prominent scholars and thinkers at al-Azhar” (in the number of nine, including the *ṣayḥ*) to convene and discuss fundamental issues that were at the heart of the public debate in the light of what followed the Revolution of 25 January<sup>2</sup>. In approximately one year, this group (with some minor adjustments in its composition)<sup>3</sup> produced three statements signed by all the participants invited by the *ṣayḥ al-Azhar*: the first “on the future of Egypt” (19 June 2011), the second “on Arab revolutions” (30 October 2011), and the third “on the system of fundamental freedoms” (8 January 2012)—only the latter will be analyzed here<sup>4</sup>.

Two preliminary remarks are in order before considering the statement’s political dimension: (1) just as the previous two, the statement on fundamental freedoms is not the product of al-Azhar as an institution (Azharī scholars even feature as a minority

<sup>2</sup> The wording is that of the first *Bayān* of June 2011. *Among the ‘Ulamā’ al-Azhar*: the *ṣayḥ* Aḥmad al-Ṭayyib, Aḥmad Kamāl Abū l-maḡd, Ḥasan al-Šāfi‘ī (head of the technical office of the Grand Imām), ‘Abd al-mu‘ī Muḥammad Bayūmī, Muḥammad Šābir ‘Arab, Muḥammad ‘Abd al-faḍīl aldīn Imām, Maḥmūd Ḥamdī Zaqqūq (former Minister of Religious Endowments), Maḥmūd ‘Azab; *among the Muṭaqqafūn*: Ayman Fu‘ād Sayyid, Bahā’ Ṭāhir, Ġābir Aḥmad ‘Aṣfūr, Ġalāl Aḥmad Amīn, Ġamāl al-Ġīṭānī, Ḥilmī al-Namnam, Ḥamdī Ḥasan Abū al-‘aynayn, Sāmīḥ Fawzī, Samīr Marqūš, Al-Sayyid Yāsīn, Šalāḥ al-dīn al-Ġawharī, Šalāḥ Faḍl, ‘Amr ‘Abd al-samī’ ‘Abd allāh, Laylā Taklā, Muḥammad Ḥafīz Diyāb, Muḥammad ‘Afrīfī, Muḥammad Fāḍīl, Muṣṭafā Farīd al-Fiḳī, Muṣṭafā Farīd al-Razzāz, Nabil ‘Abd al-fattāḥ, Ni‘am al-Bāz, Yūsuf al-Qa‘īd. Source: al-Namnam 2012: 267 (and official website of the *mašyāḥah*).

<sup>3</sup> *Among the ‘Ulamā’ al-Azhar*: Maḥmūd ‘Azab no longer figures as a signatory, whereas ‘Alī Ġum‘ah (official muftī), Ra‘fat ‘Uṭmān (former Dean of the School of Šarī‘a and Law), and Naṣr Farīd Wāšīl (former official muftī, and member of the Academy) appear; *among the Muṭaqqafūn*: Ayman Fu‘ād Sayyid, Ġalāl Aḥmad Amīn, Ḥamdī Ḥasan Abū al-‘aynayn, Laylā Taklā, Muḥammad Ḥafīz Diyāb, Muḥammad ‘Afrīfī, Muḥammad Fāḍīl, Muṣṭafā Farīd al-Razzāz, Nabil ‘Abd al-fattāḥ, and Ni‘am al-Bāz no longer figure as signatories, whereas Hālah Muṣṭafā, Muḥammad Salmāwī, Munā Makram ‘Ubayd, ‘Abd al-raḥmān Mūsā, and Maḥmūd ‘Abd al-ġawād appear. Source: *OnIslam.net*. On the official website of the *mašyāḥah* only the *ṣayḥ*’s name appears as a signatory to the third statement.

<sup>4</sup> There are different versions of the text in circulation. The version analyzed here is the one published on the official website of the head office of al-Azhar (*al-mašyāḥa*), available on: [http://www.onazhar.com/page2home2.php?page=3&page1=5&page2=2&pageNum\\_Recordset1=3](http://www.onazhar.com/page2home2.php?page=3&page1=5&page2=2&pageNum_Recordset1=3) (last accessed on 30 November 2012). The statement is included in the section “Charters and Decisions” (*waṭā‘iq wa-qarārāt*); it is referred to as a “Charter” (*waṭīqa*), but the heading in the text still refers to it as a “Statement” (*bayān*). Moreover, it only carries the signature of the *ṣayḥ al-Azhar*.

in the group of signatories), but rather the product of a group of public figures selected by the head of the institution<sup>5</sup>; and again, just as the previous two, (2) the statement is not legally binding – the signatories did not represent but themselves and the statement itself was not even issued by the head office of al-Azhar (*al-mašyaha*). However, the *šayh* publicly presenting the document in a press conference certainly bestowed on the statement a sense of institutional Azharī backing. Moreover, a subtle move to boost the statements' significance can be traced in the vanishing of the exhortatory language calling on all political parties and orientations to commit to the framework proposed and the disappearance of the list of signatories; the second and third statements employ a more assertive language and signatories are not listed in the closing line, which just mentions place (*mašyaha* al-Azhar) and date, somehow suggesting fuller Azharī institutional backing.

The pivotal figure both in the initiation of the process and the selection of the team has been one of the last of Mubārak's appointees, the *šayh* al-Azhar Aḥmad al-Ṭayyib<sup>6</sup>, who, after the President's ousting, had to confront the legacy of his quite divisive appointment<sup>7</sup>. When appointed *šayh* al-Azhar after the death of Muḥammad Ṭanṭawī, in March 2010, Aḥmad al-Ṭayyib was member of the ruling party's Policies Committee chaired by the President's son and heir designate, Ġamāl. Upon appointment, al-Ṭayyib immediately resigned from the Committee and withdrew from the National Democratic Party. His strong connection with the ruling party, however, was never forgotten. During the Eighteen Days of the Revolution, the *šayh* issued declarations calling for an end of violence, bloodshed, and *fitna* (sectarian strife) – al-Ṭayyib certainly adopted a milder stance than 'Alī Ġum'ah's, the official *mufīṭ*; the latter went as far as declaring it allowed for Egyptians not to participate in the Friday prayer in mosques on 28 January 2011 in order to avoid mass concentrations possibly dangerous for the regime, but the former unquestionably did not show wholehearted support for the Revolution.

The *šayh*'s heavy association with the regime and his position during the Eighteen Days that followed 25 January 2011 became a matter of contention after Mubārak's ousting on 11 February 2011. Demonstrations by al-Azhar's employees added to the mounting pressures from Azharī scholars and students, but the *šayh* skillfully navigated the turbulent waters of the post-Mubārak juncture. With two airtight moves, the

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<sup>5</sup> On the early post-revolution politics around al-Azhar, see: Nathan Brown, "Post-Revolutionary al-Azhar", *Carnegie Paper* (Washington: Carnegie Endowment for International Peace, October 2011), available on: [carnegieendowment.org/files/al\\_azhar.pdf](http://carnegieendowment.org/files/al_azhar.pdf) (last accessed on 30 November 2012). On the role of Azharī scholars in contemporary Egypt, see: Malika Zeghal, *Guardiens de l'Islam*, Presses de la Fondation nationale des sciences politiques, Paris 1996.

<sup>6</sup> Presidential Decision 62 of 20 March 2010.

<sup>7</sup> Ḥilmī al-Namnam, one of the signatories of the charters, recently published a monograph tracing al-Azhar's (and in particular the *šayh* al-Azhar's) role in politics across the centuries, which culminated with the incumbent *šayh*'s navigation of the turbulent post-Revolutionary waters and the drafting of the three charters. See H. al-Namnam, *al-Azhar: al-Šayh wa-l-mašyaha*, Madbūlī, Cairo 2012.

consummated *šayḥ* managed to dismiss criticism and claim renewed legitimacy. The *šayḥ* first submitted his resignation to the Head of the Supreme Council of the Armed Forces, who rejected it expressing utmost appreciation for the *šayḥ* and the nation's need for his guidance during "these difficult times". To strengthen his position even further, al-Ṭayyib proceeded with the second move: resigning from his position as head of the Islamic Research Academy (*Mağma' al-buḥūt al-islāmiyya*). The members of the academy, however, unanimously rejected al-Ṭayyib's resignation, even if it was dubious that they were legally entitled to do so.

As for the three statements drafted after the reassertion of the *šayḥ*'s legitimacy, the *šayḥ* was not only the promoter of the initiative, but also the authority selecting and inviting participants, both among the intellectuals and the religious scholars. Personal invitation as a form of selection coupled with elusive selection criteria contributed to the creation of a group that had to – first and foremost – assert its legitimacy. Moreover, the group appeared much more cohesive in its ideological or political orientation than declared. Appeal to an overarching societal consensus was therefore somehow compromised by the group composition, which explains why the statements constantly refer to external sources to substantiate their credentials.

The statements seem to have been precipitated by the appearance on the Egyptian political scene of forces questioning the current arrangement of state–Islam relations. The political rise and enhanced visibility of currents of political Islam collectively referred to as Salafiyya induced liberals and non–Salafī Islamists to resort to the *šayḥ al-Azhar* against Salafīs, from Muḥammad Badī', the Supreme Guide of the Muslim Brotherhood, to Nağīb Sāwīris, the Coptic businessman and founder of the Free Egyptians Party. The Muslim Brotherhood also apparently put behind its back the animosity that ran against al-Ṭayyib when the latter was appointed President of al-Azhar University in 2006.

## 2. Consolidating, using and refusing authority

The statements—at times also referred to as charters (*waṭā'iq*) – consistently open with tributes to the role of al-Azhar that betray an earnest need to reassert and consolidate the authority of the institution, in particular in the domain of politics. The presence of an overwhelming number of non–Azharī signatories buttresses such a claim but at the same time betrays another earnest need: that of secular elites to find in the head of a prestigious religious institution a powerful ally in the plight to entrench fundamental freedoms against the potential redefinitions of such freedoms that new political forces could advance.

The first statement paid an extensive tribute to al-Azhar's contributions to Egypt, praising its leadership role in the emergence of the correct, centrist Islamic thought (*dawr al-Azhar al-qiyādī fī balwarat al-fikr al-islāmī al-wasaṭī al-sadīd*), and recognizing al-Azhar as the final arbiter in the definition of the relation between the state and Islam (*yuḥtakam ilayhā fī taḥdīd 'alāqat al-dawla bi-l-dīn*). The signatories in particular listed a number of four significant contributions: (1) the jurisprudential

dimension in reviving and renewing religious studies (*al-bu'd al-fiqhī fī ihyā' 'ulūm al-dīn wa-tağdīdihā*), in accordance with Sunnī jurisprudential schools that combine reason and tradition (*tibq<sup>am</sup> li-maḏāhib ahl al-sunna wa-l-ğamā'a al-laḏī yağma' bayn al-'aql wa-l-naql*), and that disclose the established rules of interpretation of legal texts (*wa-yakšif 'an qawā'id al-ta'wīl al-mar'iyya li-l-nuṣūṣ al-šar'iyya*); (2) the civilizational dimension in driving the national movement towards freedom and independence (*fī qiyādat al-ḥaraka al-waṭaniyya nahw al-ḥurriyya wa-l-istiqlāl*); (3) the scientific dimension in leading the social movement and forming Egyptian public intellectuals (*fī qiyādat ḥarakat al-muğtama' wa-taškīl qādat al-ra'y fī l-ḥayāt al-miṣriyya*); and (4) the inclusive dimension (*al-dawr al-ğāmi'*) of science, discovery, renaissance, and culture in the Arab nation and the Islamic world (*li-l-'ilm wa-l-riyāda wa-l-nahḏa wa-l-ṭaḳāfa fī l-waṭan al-'arabī wa-l-'alam al-islāmī*). The statement on fundamental freedoms builds on the same premises as the previous two statements, expressly referencing them as an ongoing enterprise.

The alliance between the *šayḥ al-Azhar* and the secular elite intellectuals appears to come to the benefit of both parties, but establishes the idea that fundamental freedoms need to be rooted in religious principles. Resorting to al-Azhar and using its authority comes to a price that Egyptian intellectuals might have miscalculated. Short-term consequences can be readily identified in the limitations set by the signatories and analyzed below, but mid-to-long term consequences seem to lie in the disentanglement of fundamental freedoms from religious principles.

The statements do not conceal the existence of an identifiable threat, whose authority they try to challenge and refuse. The threat in the eyes of the signatories is an approach to religious texts that is not mediated by an authority that guarantees a centrist reading. In the statement on fundamental freedoms, the threat is identified in malicious appeals (*da'wāt muğriḏa* – playing on the multiple meanings of *da'wa* and its use in the reference to Salafī movements as *al-da'wa al-salafīyya*) that use as a pretext the appeal to command good and prohibit evil (*al-amr bi-l-ma'rūf wa-l-nahy 'an al-munkar*) to interfere with private and public freedoms. This threat is condemned as falling short of the civilizational and social development of modern Egypt (*al-amr al-laḏī lā yatanāsab ma'a al-ṭaṭawwur al-ḥaḏārī wa-l-iğtimā'ī li-Miṣr al-ḥaḏīṭa*), in particular in the historical conjuncture in which the country needs to be united around the correct, centrist understanding of religion (*taḥtāğ fih al-bilād ilā wiḥdat al-kalima wa-l-fahm al-wasaḑī al-ṣaḥīḥ li-l-dīn*).

### 3. The centrist worldview and its underpinnings

From its very introduction, the statement acknowledges the necessity to find a common ground for the definition of fundamental freedoms that could accommodate both the general principles of Islamic law and the conceptual framework of freedoms as set out in international norms or constitutional traditions. References to international norms or constitutional traditions regularly appear also under the individual headings under which the statement elaborates on the content of fundamental freedoms. These

claims are never substantiated throughout the statement, and the interchangeability of the reference to either international norms or constitutional traditions signals that a thorough examination of the content of fundamental freedoms in international or comparative constitutional law did not sit at the heart of the signatories' interests.

The search for the common ground is justified in several ways, including references to the benefits of progress, or the broadening of the future's horizons, where fundamental freedoms convert the spiritual energy of the nation in fuel for a great revival (*nahḍa*) and produce material and spiritual welfare. In this search, the statement acknowledges the commitment of the signing Azharī scholars and Egyptian intellectuals to considerations of the extraordinary current circumstances, the preservation of the core social consensus, and the pursue of the public good in order to build constitutional institutions in peace and moderation (*ilā binā' mu'assasātihā al-dustūriyya bi-salām wa-i'tidāl*), and to obtain God's blessing for their success (*wa-tawfīq min Allāh ta'ālā*).

The common ground where the signatories intend to define the content of fundamental freedoms is also an ideological middle ground. The statement condemns the biased calls in the name of religion or in the name of modernity for the definition of public and private liberties. In the eyes of the signatories, the polarization of the debate is not consistent with the civilizational and social development of modern Egypt, in a moment where the country needs unity of intent in the correct, centrist reading of Islam, which is the religious mission of al-Azhar as well as its responsibility towards society and the nation (*risālat al-Azhar al-dīniyya wa-mas'ūliyyatuh nahwa l-muḡtama' wa-l-waṭan*). It is along this "correct, centrist reading of Islam" that the essence of fundamental freedoms will be defined, revealing some of the features behind its worldview and its relationship with international norms and constitutional traditions.

The statement identifies four fundamental freedoms: (1) freedom of belief (*ḥurriyyat al-'aqīda*), (2) freedom of opinion and expression (*ḥurriyyat al-ra'y wa-l-ta'bīr*), (3) freedom of scientific research (*ḥurriyyat al-baḥṡ al-'ilmī*), and (4) freedom of literary and artistic creativity (*ḥurriyyat al-ibdā' al-adabī wa-l-fannī*). There are a few, yet significant, differences with the earlier listing on freedoms in the statement "on the future of Egypt". In the first statement, for instance, freedom of belief was not explicitly referenced, whereas freedom of expression was mentioned a first time with freedom of thought (*al-ḥurriyya fī l-fikr*) as the centerpiece of the system of fundamental freedoms (point 3), and a second time with freedom of artistic and literary creativity in the context of freedom of worship (point 6). Moreover, discussing the position of al-Azhar as the ultimate reference on religious matters in the final point, the first statement also mentioned the right of the individual to present an opinion (*al-ḥaqq fī ibdā' al-ra'y*) provided she possesses the scientific qualifications, respects the rules of debate engagement and what scholars have already agreed upon (point 11).

(1) Freedom of belief is considered the cornerstone of the modern social construction (*ḥaḡr al-zāwiyya fī al-binā al-muḡtama'ī al-ḥadīṡ*) and connected to

the citizen's right to full citizenship defined as unconditional equality in rights and duties (*al-musāwā al-tāmma fī l-ḥuqūq wa-l-wāğibāt*). Its foundations lie in clear, stable religious sources (*tawābit al-nuṣuṣ al-dīniyya al-qaṭ'iyya*: an expression used by Muslim modernists – and lately also by state institutions like the Supreme Constitutional Court – to refer to the unchangeable core of Islamic law that does not vary across time and space) as well as in fundamental legal and constitutional principles (*wa-ṣarḥ al-uṣūl al-dustūriyya wa-l-qānūniyya*).

By quoting two Qur'ānic verses (Q. 2:256 “There shall be no compulsion in [acceptance of] the religion. The right course has become clear from the wrong”, and Q. 18:29 “so whoever wills – let him believe; and whoever wills – let him disbelieve”), the statement defines freedom of belief as the prohibition of any compulsion in religion (*tağrīm ayy maḥzar min maḥāhīr al-ikrāh fī l-dīn*), as well as any persecution or discrimination based on it (*aw al-idṭihād aw al-tamyīz bi-sababih*).

The statement also engages in the rather problematic issue of accusations of heresy, condemning all the practices connected to it. One could question the implications of such a stance, in particular when the practices condemned do not incite hatred, but only signal dissent (especially when addressed to religious authorities). The statement in particular identifies as a form of respect for freedom of belief the rejection of any disputes on exclusion from the community of Muslims or the accusation of disbelief (*rafḍ nizā'āt al-iqṣā' wa-l-takfīr*), as well as the rejection of any criticism of others' beliefs (*rafḍ al-tawağğuhāt al-laṭī tudīn 'aqā'id al-āḥarīn*), and of any attempt to enquire into the inner beliefs of believers (*muḥāwalāt al-taftīṣ fī ḍamā'ir al-mu'minīn*). The statement here appeals both to a generic constitutional tradition (*binā'um 'alā mā istaqarr min nuḥum dustūriyya*), as well as to a slightly more circumstantiated *fiqh* tradition by referencing a *ḥadīth* (*hallā ṣaqqaqat 'an qalbih?*, have you opened his chest and tried his heart?) and two quotes from classical Islamic scholars (*idā ṣadar qawl min qā'il yaḥtamīl al-kufr min mi'at wağh wa-yaḥtamīl al-imān min wağh wāḥid, ḥumil 'alā al-imān wa-lā yağūz ḥamluh 'alā l-kufr*, by Mālik [d. 795] on the necessary, extraordinary effort to disregard profiles of disbelief in any statement even when the odds are one hundred to one, and the “golden rule”: *idā ta'araḍ al-'aql wa-l-naql, quddim al-'aql wa-uwwil al-'aql*, on the preference of reason over tradition).

(2) Freedom of opinion is labeled as the mother of all freedoms (*umm al-ḥurriyyāt kullihā*), whose outward manifestation is the free expression of that opinion in the different forms of expression, including writing, speech, artistic creation and digital communication (*bi-muḥtalaf wasā'il al-ta'bīr min kitāba wa-ḥiṭāba wa-intāğ fannī wa-tawāṣul raqamī*). The statement embraces a broad reading of freedom of opinion as a form of social freedom (*maḥzar al-ḥurriyyāt al-iğtimā'iyya*) that surpasses the individual to include others, and as such extends to (i) the freedom to form political parties and non-governmental organizations, (ii) freedom of the press and all audio, video and digital media, and (iii) free access to the information needed to articulate an opinion (*ḥurriyyat al-ḥuṣūl 'alā al-ma'lūmāt al-lāzimah li-ibdā' al-ra'y*).

The statement openly calls for the entrenchment of the freedom of opinion and expression, and refers to the established jurisprudence of the Supreme Constitutional Court as a form of extension of the definition of the freedom, whereas a closer look reveals that through this reference a number of limitations are introduced.

References to Islamic texts and tradition are rather scarce in this section, except for a citation of an expression attributed to al-Šāfi'ī (d. 820), conventionally constructed in the sense of exalting the virtues of debate since even in the correct opinion there is a margin of error and in the wrong opinion there is a margin of truth (*ra'yī ṣawāb yahtamil al-ḥaṭa', wa-ra'y ḡayrī ḥaṭa' yahtamil al-ṣawāb*). The citation is introduced after the signatories severely declare that freedom of opinion and expression is the true form of democracy and encourage to bring up and educate the new generations in the culture of freedom, the right to difference, and the respect of others (*'alā taqāfat al-ḥurriyya wa-ḥaqq al-iḥtilāf wa-iḥtirām al-āḥarīn*), while instructing those involved in the religious, cultural and political discourse in the media to consider this fundamental aspect and to strive for the creation of a public opinion characterized by tolerance and broad horizons (*fī takwīn ra'y 'āmm yattasim bi-l-tasāmuḥ wa-si'at al-ufuq*), and the recourse to dialogue and the rejection of extremism (*yahtakim li-l-ḥiwār wa-nabḍ al-ta'aṣṣub*). In the eyes of the signatories al-Šāfi'ī's expression epitomizes the framework of cultural traditions of Islamic thought that sustains freedom of expression, in a context that values the difference of opinions and elaborated a system to confront such different opinions in a procedural ethics of debate (*ādāb al-ḥiwār*).

(3) Freedom of (serious) scientific research (*al-baḥṭ al-'ilmī al-ḡādd*) is viewed as the agent of human progress (*qāṭirat al-taqaddum al-baṣarī*) with a strong basis in the Qur'ānic injunctions to look, consider, deduct, compare and reflect on the natural and human phenomena (*al-ḥaṭṭ 'alā al-naẓar wa-l-tafakkur wa-l-istinbāṭ wa-l-qiyās wa-l-ta'ammul fī l-zawāhir al-kawniyya wa-l-insāniyya*) to discover its laws (*li-kṭiṣāf sunanihā wa-qawānīnihā*). After qualifying thinking in general as a religious obligation (*al-tafkīr fī 'umūmih farīḍa islāmiyya*), the statement asserts that full academic freedom is its most important condition both at the institutional and at the individual level (*al-mu'assasāt al-baḥṭiyya wa-l-'ulamā' al-mutaḥaṣṣiṣūn*): freedom to conduct experiments (*iḡrā' taḡārub*), consider propositions and hypotheses (*wa-farḍ al-furūd wa-l-iḥtimālāt*), and test them according to a precise scientific method (*wa-iḥtibārihā bi-l-ma'āyīr al-'ilmiyya al-daqīqa*).

Besides the instrumental, functional vision of the freedom of scientific research, the statement does not conceal its view of it as tied into a civilizational struggle in a world with no respect for the weak and the left behind (*fī 'alam lā yahtarim al-ḍu'afā' wa-l-mutaḥallifīn*). It is however unclear whether the statement is suggesting Egyptian scholars to make the respect for the weak and the left behind a goal in their contributions to scientific progress, or rather just a reason to propel scientific research.

(4) Freedom of literary and artistic creativity is probably the most sensitive part of the statement, and one of the most contentious. Hence the statement vigorously

underlines that literary and artistic creativity sits at the heart of the entire system of fundamental freedoms providing a test of its health (*min ahamm mazāhir izdihār manzūmat al-ḥurriyyāt al-asāsiyya*), while being the most effective in generating public awareness and enriching society's existence (*wa-ašadduhā fa“āliyya<sup>am</sup> fī tahrīk wa‘ī al-muḡtama‘ wa-itrā‘ wiḡdānih*). References to religious sources and constitutional traditions are scarce on this point, with only a hint to the Qur‘ān as the apex of Arabic eloquence and inimitability (*fī al-dīrwa min al-balāḡa wa-l-i‘ḡāz*) and a casual, generic mention to the fact that many ancient scholars were at once scholars and literates (mainly poets – *inna kaṭīr<sup>am</sup> min al-‘ulamā‘ al-qā‘imīn ‘alā al-taqāfa al-‘arabiyya wa-l-islāmiyya min šuyūḥ wa-a‘immah kānū hum min ruwāt al-ši‘r wa-l-qīṣaṣ bi-ḡamī‘ aškālih*).

The statement needs to assert the function of literature and the arts first. A last minute addition to the beginning of the paragraph also spells out what is to be considered art – and adopts the broadest possible definition. Signatories affirm that all the arts advance the awareness of reality (*tanmiyat al-wa‘ī bi-l-wāqi‘*), stimulate imagination (*tanšīṭ al-ḥayāl*), elevate the aesthetic sense (*tarqiyat al-iḥsās al-ḡamālī*), educate human senses and expand their faculties (*taṭqīf al-ḥawāss al-insāniyya wa-tawsī‘ madārikihā*), deepen the experience of man in life and society (*ta‘mīq ḥibrat al-insān bi-l-ḥayāt wa-l-muḡtama‘*). At times arts also engage in social criticism (*naqd al-muḡtama‘*) and prospecting what is finest and best in it (*wa-l-istišrāf li-mā huwa arqā wa-afḡal minh*). In all these laudable activities, arts however always need to consider the supreme religious values and moral virtues (*ma‘a murā‘āt al-qiyam al-dīniyya al-‘ulyā wa-l-faḡā‘il al-aḥlāqiyya*).

#### 4. Limiting freedoms: the saving clauses

The largely liberal definitions of freedoms provided in the statement encounter a number of significant limitations in the form of saving clauses. I argue that unpacking these saving clauses is key to an accurate assessment of the common ground advanced by the signatories, aside from the largely inconsequential general definitions.

(1) The freedom of the individual to embrace whatever beliefs she chooses is promptly balanced by the right of broader society to maintain adherence to the three celestial religions (*dūn an yamuss ḥaqq al-muḡtama‘ fī l-ḥifāz ‘alā al-‘aqā‘id al-samāwiyya*), on grounds of their sanctity (*fa-li-l-adyān al-ilāhiyya al-talāta qadāsatuḥā*). The possibility of embracing a non-celestial religion or refusing to embrace a religion at all seem to be at odds with the strong preference for celestial religions, and the statement does not offer indications as to how to solve potentially explosive conflicts between the two – the phrasing apparently suggesting, however, that considerations of public interest should prevail over the individual's choice.

The freedom to practice one's religion is restricted to the followers of celestial religions, and protected from anyone attacking or defiling – in words or actions – the sacredness of such practices (*dūn ‘udwān ‘alā mašā‘ir ba‘ḍihim aw masās bi-*

*hurmatihā qawl<sup>an</sup> aw fi<sup>l<sup>an</sup></sup>*). A crucial restriction to the freedom to practice one's religion can be further found in the breach of public policy (*dūn ihlāl bi-l-niẓām al-‘āmm*); this rather obscure clause seems to point at the traditional restrictions imposed on non-Muslim religious practices.

(2) While depicting the established jurisprudence of the Supreme Constitutional Court (SCC) as expanding the notion of freedom of expression, the statement introduces formidable limitations to such freedom. According to the signatories, freedom of expression extends (read: is restricted) to constructive criticism (*al-naqd al-bannā*'), albeit sharp. Citing the SCC, the statement clarifies that while debating public issues, the ordinary limits to freedom of expression can be exceeded and the excess must be tolerated (*lā yağūz an takūn hurriyyat al-ta'bīr fī l-qaḍāyā al-‘amma muqayyada<sup>an</sup> bi-‘adam al-tağāwuz, bal yata‘ayyan al-tasāmuḥ fīhā*). However, the statement underscores the necessary respect for the beliefs and rites of the three divine religions (*wuğūb ihtirām ‘aqā'id al-adyān al-ilāhiyya al-ṭalāṭa wa-ša'a'irihā*) when disrespect would generate a threat to the national fabric and state security (*li-mā fī ḍālīka min huṭūra 'alā al-nasīğ al-waṭanī wa-l-amm al-qawmī*). Furthermore, no one can invoke freedom of expression when fuelling sectarian strife (*al-fītan al-ṭā'ifiyya wa-l-na'rāt al-madhabīyya*, embracing also possible internal strife within Islam); here the statement clarifies that even the full scientific freedom cannot be invoked when the communication is directed to the general public – it can be invoked only when supported by evidence and constrained within its narrow specialized circles (*al-muqtaran bi-l-dalīl wa-fī l-awsāṭ al-mutaḥaṣṣiṣa*).

(3) The statement does not identify general limitations to the freedom of scientific research, but refers to the ethics of each individual science, its methods and tenets (*aḥlāqīyyāt al-‘ilm wa-manāhiğuh wa-ṭawābituh*). This might seem at once a very liberal position and one of constraining scholars within the established tenets of any particular science.

(4) On the limits to the freedom of literary and artistic creativity, the statement identifies on the one hand society's inclination (*qābiliyyat al-muğtama'*), and on the other hand its capacity to embrace elements of tradition and renewal in literary and artistic creativity (*quḍratuh 'alā isti'āb 'anāṣir al-turāt wa-l-tağdīd fī l-ibdā' al-adabī wa-l-fannī*). Moreover, the fundamental limit of respecting established religious sentiments or moral values is iterated (*al-mašā'ir al-dīniyya aw al-qiyam al-aḥlāqīyya al-mustaqirra*).

## 5. The wider horizon

The statement appears to advance the centrist worldview in two ways. On the one hand, the statement denounces and rejects the authority of malicious appeals (*al-da'wāt al-muğriḍa*, read: Salafīs) by establishing the centrist reading as the only

acceptable reading in Islam. On the other hand, it provides a practical example of the application of the centrist reading; content and limitations of fundamental freedoms in the statement point to a mid-ground centrist worldview where freedoms need to be grounded in religious texts which are in turn interpreted considering international and constitutional law traditions. This approach seems to closely follow the tenets of Islamic modernism. Whether the mediation is guaranteed by the state or by a religious institution like al-Azhar is left undetermined – celebrations of al-Azhar's accomplishments and contributions to Egyptian life are extensive in the document, but seem to serve a more immediate need to reassert the institution's authority.

The statement carefully avoids any reference to articles, sections, or any other legal designation, but is otherwise replete with legal jargon. The choice seems to suggest that the statement claims neither legal force nor immediate enforceability, aspiring however to a much higher status in the realm of the supra-constitutional principles that have dominated the debate in the Egyptian transition ever since Mubarak's ousting: a super-entrenched status that would transcend the transient constitutional provisions. Similar aspirations have led to the drafting of several such documents in the early phases of the constitutional transition, but all met with tepid receptions. The fate of the statement largely depends on the acceptance of the document in the wider Egyptian political and social context.

#### RÉSUMÉ

Al-Azhar a joué un rôle important dans le paysage politique égyptien durant le millénaire de son existence et il a continué à le faire au cours de la transition récente. Après l'élimination de Mubarak et la venue d'acteurs assez largement associés aux diverses tendances de l'islam politique, le *šayḥ* al-Azhar, Aḥmad al-Ṭayyib, a décidé de mettre à profit le nom de l'institution pour favoriser le débat domestique (et régional) vers une lecture modérée et centriste de l'islam, en particulier en ce qui concerne la politique et les relations entre l'État et l'islam. Durant l'année qui a suivi la première révolte (25 janvier 2011), al-Ṭayyib a choisi un certain nombre d'intellectuels et de spécialistes qui ont préparé trois documents dans ce sens. Signé en janvier 2012, le dernier de ces trois documents – celui que l'on analyse ici – définit un système de libertés fondamentales qui éclaire les négociations politiques des élites religieuses et intellectuelles à l'aube d'un nouvel ordre politique, selon une lecture modérée et centriste de l'islam.

