

Opinion

Commentary on the Al-Azhar Declaration in Support of the Arab Revolutions

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Introduction

Al-Azhar,¹ one of the first universities in the world,² is traditionally considered the chief centre of Arabic literature and Islamic learning in the world. As the world's oldest and most prestigious Sunni institution³, al-Azhar has for a very long time played an important role, not only in the religious sphere, but also in different aspects of Muslim life. It has been a bastion of moderate Islam in the Sunni world; however, its influence has been waning since previous governing regimes have tried to use its authority to their advantage.

After the January 25, 2011 Egyptian Revolution, al-Azhar seized the opportunity to participate in the political debate concerning the future of Egypt and the Arab revolutions commonly referred to as the Arab Spring. Until now, it has issued two important documents in this regard: the al-Azhar Document on the Future of Egypt of 21 June 2011⁴ and the al-Azhar Declaration on Support of the Arab Revolutions of 31 October 2011⁵.

Both documents are the fruit of several meetings and consultations between the Grand Imam of al-Azhar, Sheikh Dr Ahmed el-Tayyeb⁶, and al-Azhar scholars on the one hand and intellectuals representing different intellectual trends and spectrums of thought on the other. Both documents should have an influence on the constitutional structure of the emerging Egyptian regime and the legal rules governing the right to protest and revolt against

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¹ Al-Azhar Mosque was founded in 972 in Cairo by Gawhar al-Sekelly, an important military commander who conquered Egypt in 969, founded Cairo as the new Fatimid capital, and established the al-Azhar mosque. He ruled Egypt until 972. More information on al-Azhar Mosque is available at the official website of Egypt State Information Service: <http://www.us.sis.gov.eg/en/Story.aspx?sid=1385> (accessed on 25 August 2012).

² In 975, after the establishment of al-Azhar Mosque, the first step in university studies started when Yacoub Ibn Kalas, the Minister of Caliph al-Aziz Billah, began organising scholarship circles in al-Azhar. These circles had the characteristics of university life and they became the basis of university education and traditions that later became known both in the East and the West.

³ According to article 8 of Law No. 103 of 1961 on re-organizing al-Azhar and its institutions, al-Azhar comprises the following institutions: the Supreme Council of al-Azhar, the Islamic Research Academy, the Department of Cultural and Islamic Envoys, al-Azhar University and other teaching institutions.

⁴ The English translation of this document is available at the official website of Egypt State Information Service: <http://www.sis.gov.eg/En/Story.aspx?sid=56424> (accessed 25 August 2012).

⁵ The English translation of this document is available at: <http://www.dur.ac.uk/resources/ilm/AlAzharDeclaration.pdf> (accessed 25 August 2012).

⁶ Ahmed al-Tayyeb holds a PhD in philosophy from France's prestigious Sorbonne University. He was appointed Grand Imam of al-Azhar in March 2010.

authoritarian regimes throughout the Arab world. The main focus of this paper will be on the second document, exploring Islamic Shari'a principles in relation to people's right to oppose, protest and demonstrate against tyrannical rulers.

I. Al-Azhar Document on the Future of Egypt

The first document issued by al-Azhar after the January 25 Revolution contains 11 clauses on the future of Egypt, in which al-Azhar declares its official position towards the prospective Egyptian political order by examining the January 25 Revolution ramifications and the nature of the new regime, its relationship with religion, and relationships between Christians and Muslims in Egypt. The document asserts that the future of Egypt should be built on a set of comprehensive and sound principles and guidelines to be debated by different parties of Egyptian society in order to reach a framework of good governance. It also aims to provide guidelines for the writing of the new constitution.⁷ It is evident from the document that al-Azhar envisions a 'modern' and 'democratic' Egypt based on a constitution that ensures full separation of power between the different branches of the government and guarantees equality for all citizens. The document calls for the separation of al-Azhar from the governing regime⁸ and for respecting freedom of thought and opinion. It also voices support for human rights, including children's and women's rights. The document represents a more revolutionary institutionalised and conceptual change. It anticipates a new relationship between al-Azhar as the leading Sunni religious institution and other state institutions as well as a new relationship between religion and public life. Noticeably, the document refers to the general principles of *Shari'a* rather than the strict injunctions of *Shari'a*. By referring to general principles of *Shari'a*, the document leaves considerable room for a modern interpretation of Islamic concepts and values rather than citing specific provisions in the traditional Islamic rules⁹. As stated in its preamble, the document seeks to protect the Islamic

⁷ More guidance on drafting the new constitution is conceptualised in the 'Basic Freedom Document', a third document issued by al-Azhar and the group of intellectuals on 10 January 2012. An English translation of this document is available at: <http://www.onislam.net/english/shariah/contemporary-issues/islamic-themes/455396-al-azhar-basic-freedoms-document.html> (accessed 25 August 2012). This document serves as the basis for the new constitution. It covers the values of Islam that embody basic human rights as recognised in modern instruments. It calls for freedom of belief, opinion, expression, scientific research, and the arts. It asserts that all citizens have the right to freedom of belief and that all citizens must take the feelings of others into account. The document considers the freedom of opinion and expression as 'the mother of all freedoms', and underscores that all media institutions along with all political, religious, and civil movements have this right. According to the Grand Imam, the document states that the right to obtain information is necessary to express views with full respect of the three heavenly religions and their rituals in order to protect both national fabric and security and avoid sedition under the pretext of freedom of expression. The statement of the Grand Imam is available at the official website of Egypt State Information Service: <http://www.sis.gov.eg/en/Story.aspx?sid=59863> (accessed 25 August 2012). This document should be considered as another positive step that will complement the demands and goals of the Egyptian revolution, as it calls for the unification of the revolutionary forces. It also constitutes a significant foundation for building national consensus and a step towards ensuring the adoption of basic human rights in the new Egyptian constitution. It should be noted that not only the Islamic Institution in Egypt has embraced this document, but so have the Egyptian Orthodox, Catholic and Evangelical churches and many prominent Christian figures.

⁸ According to article 3 of Law No. 103 of 1961, al-Azhar is placed under the jurisdiction of the Ministry of Endowments. Further, according to articles 5, 18 and 41 of this law, the President of the Republic came to control important appointments in the institution, including the appointment of the Grand Sheikh of al-Azhar, members of the Islamic Research Academy, the Chancellor of al-Azhar University. To guarantee its independence from the executive authority, the Document calls in its tenth clause for the re-establishment of the Board of Senior Ulama (Scholars), which shall be responsible for the nomination and election of the Grand Imam of al-Azhar.

⁹ Yet many Islamic movements in Egypt call for Shari'a to be the principle source of legislation in the new constitution.

ideals against neglect, distortion, exaggeration and misinterpretation, as well as against misuse by deviant parties who may raise ideological or extremist sectarian slogans, deviate from moderate norms, violate the essence of Islam (freedom, justice and equality), and defy the tolerant teachings of all heavenly religions. Conspicuously, the document calls for a leading role of al-Azhar in crystallising moderate Islamic thought. This will mainly be done by reviving and renewing religious sciences following the doctrine of *Ahl al-sunnah wal jama'a* (People of the Sunnah and the Community), which reconciles reason with tradition and elucidates the rules of interpreting religious texts.¹⁰

The ultimate goal of the document, as provided in its preamble, is to “set down the principles that stimulate the nation’s march towards the path of development and progress, ensure the transition to democracy and guarantee social justice, usher Egypt into the world of science and knowledge production, and promote peace and prosperity, while maintaining human and spiritual values and cultural heritage”¹¹.

II. Al-Azhar Declaration in Support of the Arab Revolutions

The second document is al-Azhar Declaration on Support of the Arab Revolutions. In this document al-Azhar turns its attention to the Arab world; it addresses the plight of the Arab people suffering under authoritarian regimes and elaborates on the sets of principles derived from Islamic thought and the aspirations of the Arab nations with regard to the Arab Spring.

In the Declaration, al-Azhar backs the will of the people in the Arab countries to reform and modernise their countries. The declaration analyses the historical and critical stage experienced by the people of the Arab nations in their legitimate struggle for freedom, justice and democracy and in pursuing their evolution towards civilisation. It supports the liberation movements against brutal colonisers and tyrannical oppressors and tries to halt oppressive authorities that prevent the Arab and the Muslim community from entering the era of cultural luminescence and knowledge. It also asserts the people's right to peacefully change their societies in line with the constitutional principles and the Islamic *Shari'a* rulings. Meanwhile, the Declaration appeals to the Arab regimes to meet their peoples' aspirations and to seek to achieve economic and democratic reform. As shown below, in addition to discussing the rules of interpretation of Islamic *Shari'a*, the Declaration addresses matters such as the legal characteristics of the rules of governance, the prohibition of violence against peaceful protestors and its consequences, the responsibility of military forces towards civilians, the duties of protestors and concludes by warning the oppressors of their alarming fate and furnishing guidelines for the renaissance of the Arab nations.

II.1 The Declaration and the constitution

In its first clause, from a constitutional point of view, the Declaration affirms that the religious and constitutional legitimacy of authority depends on the public will and the consent of the people¹² through a fair, transparent and democratic public ballot. It also

¹⁰ See the preamble of the al-Azhar Document on the Future of Egypt of 21 June 2011.

¹¹ Al-Azhar Document on the Future of Egypt of 21 June 2011, the preamble.

¹² This idea was further elaborated on in the first clause of the al-Azhar Document on the Future of Egypt by affirming that Islam allows people to administer their societies and choose the mechanisms and institutions that would best serve their interests. It is worth noting that governance in Islamic *Shari'a* is based on the principle of *Shura* (consultation). In this regard, the *Holy Qur'an* states (addressing the Prophet Mohammad) “It was by the mercy of Allah that you were lenient with them. And had you been stern and harsh-hearted, they would have dispersed from around you. So pardon them, and ask (Allah's) forgiveness for them and *consult them upon the conduct of affairs* [emphasis added]. Then when you have taken a decision, put your trust in Allah, certainly, Allah loves those who put their trust (in Him) [Surah Al Emran, 3:159].”

affirms that legitimacy of the ruling power is drawn from the peoples' satisfaction and their free choice. Based on the mechanisms of checks and balances and accountability, the Declaration indicates that the nation is the source of all legitimate powers, that it grants legitimacy and has the power to withdraw it affirming that peaceful protest is an inalienable right of the people.

II.2 Islamic *Shari'a* and Absolute Power

In the same clause, through in-depth interpretation of the *Qur'an*, the Declaration challenges the practice of many rulers who aim to claim absolute power by clinging to an incorrect understanding or interpretation of the *Holy Qur'an*. They used to do so by relying on the *Quranic* verse from *surah al-Nisâ*, which states: "O you who have believed, obey Allah and obey the Messenger [Prophet Muhammad] and those of you who are in authority",¹³ ignoring its clear and obvious contextual meaning in the preceding verse which states: "verily Allah commands you to render back the trusts to whom they are due; and when you judge between people, to judge with justice".¹⁴ The Declaration goes on to assert that a violation of the conditions of good governance provides a valid ground for people to claim justice from their rulers and to resist injustice and tyranny. This reflects the teaching of Islam on the relation between the ruler and his nation. The foregoing clearly provides that according to the principles of Islamic *Shari'a*, obedience to the ruler is not unconditional but rather subject to certain regulations: when corruption and injustice prevail, Muslims are obliged to correct and isolate the ruler.

II.3 A Muslim's Right to Correct his Rulers

It is evident that the Declaration supports people's right to correct their rulers. According to the Islamic doctrine, the relation between the ruler and his nation entails serious duties and responsibilities on the part of the ruler. This is reflected in the illustrious inaugural speech by Caliph Abu Bakr El-Siddeeq, the First Rightly-Guided Caliph of Islam, to the Muslim nation: "Oh people, I have been appointed over you, though I am not the best among you. If I am right, help me. If I am wrong, correct me. [...] Obey me for as long as I obey Allah and His Prophet; but if I disobey them, then disobey me."¹⁵ The same approach was followed by Omar Ibn el-Khattab, the Second Rightly-Guided Caliph of Islam. Upon succeeding Abu Bakr as the Caliph, he said to his people: "If I follow the right path, follow me. If I deviate from the right path, correct me so that we are not led astray". A man then shouted: "By Allah I'll correct you with our swords"; so Omar replied saying "Praise be to Allah, Who has created among our people a person who would correct Omar with his sword."¹⁶ These statements demonstrate that Muslims have the right to correct their leaders and hold them accountable for their actions. The foregoing also affirms that the ruler of the Muslim state is considered a representative of the nation; an agent who follows Allah's commands through the implementation of these rules and principles. In my opinion, this is close to the notion of the duties of civil servants, who are responsible for performing the duties delegated to them in the interest of society, as understood in Western democracies. Reference should also be made here to the famous *hadith* by Prophet Mohammad, when a man asked him which form of *jihad* is the best. He answered: "A word of truth to a tyrant ruler".¹⁷ It is worth noting that there is a consensus among Muslim scholars that *jihad* within the nation against tyranny and

¹³ *Qur'an, Surah al-Nisâ*, 4:59.

¹⁴ *Qur'an, Surah al-Nisâ*, 4:58.

¹⁵ For more details see: Abbas Mahmoud al-Aqqad, *al-magmouah al-kamela*, al-'Abkariat al-Islamia, Abkariat Abu Baker, Dar el-Ketab al-Libnani, Beirut: Lebanon 1984, p. 377.

¹⁶ *Idem*, p. 484.

¹⁷ Imam Ahmed, *al-Mosnad*, No. 18828; *Sunan al-Terkozy*, chapter al-Fetan, No. 2174.

oppression comes before other forms of *jihad*, such as *jihad* against foreign aggression.¹⁸ All of this affirms the right to protest against corrupt and unjust rulers.

II.4 The Right to Peaceful Protest

In its second clause, the Declaration asserts the inherent right to protest against their rulers when they do not respond to the legitimate demands of their people who call for freedom, justice and equity. Accordingly, the Declaration does not consider those protestors as committing transgression or *baghi crime*.¹⁹ According to the Declaration the *baghi* offenders are those who were described by Islamic jurisprudence as “having the power that allows them to raise arms against their opponents and spread corruption on earth by force, while separating themselves from the Muslim people and isolating themselves from the nation”. The Declaration affirms that national peaceful movements constitute the core of human rights in Islam, as confirmed by all international conventions. In its fifth clause, the Declaration asserts that the legitimacy of any authority is subject to the will of the people and that the right of unarmed peaceful national resistance is guaranteed by the Islamic rule requiring 'the prevention of harm', in addition to being one of the fundamental human rights enshrined in various international conventions.

II.5 The Use of Force Against Peaceful Protestors

In its third and fifth clause, the Declaration condemns the brutal mechanisms of repression used against peaceful protestors and asserts that confrontation of any peaceful nationalist protest with hostility and violence is considered a breach of the charter of governance between the nation and its rulers. Accordingly, the illegitimate use of force against peaceful protestors deprives authority of its legitimacy and destroys its right to stay in power, which exists only by mutual consent.²⁰

II.6 Consequences of Using Force Against Peaceful Protestors

Turning to its second clause, the Declaration considers that dealing with peaceful protests through force, arms and bloodshed obscure the legitimacy of the ruling authority and deprives it of its right to stay in power. If the government perseveres in its tyranny and transgresses into injustice, oppression and aggression, and ruthlessly sheds the blood of innocent citizens to preserve its illegitimate power - despite the will of the people - the government becomes guilty of crimes that ruin its legitimate claim to rule. Therefore, the oppressed have the right to attempt to oust those tyrannical rulers and hold them responsible, and even change the entire regime despite the pretext that violence is needed to maintain stability or to confront disturbance and conspiracy. The infringement of the prohibition of bloodshed is the deciding line between legitimacy of the governance and its fall to sin and aggression. Thus, the Declaration does not leave the oppressors any room to justify restrictions of the right to peaceful protest in the interest of national security, public safety or public order.

II.7 Responsibility of Military Forces

¹⁸ Sheikh Youssef el-Karadawy, *fekh el-jihad* (jurisprudence of jihad), Wahba Library, 2009-1, p. 173.

¹⁹ *Baghi* in the Arabic language and Islamic *Shari'a* refers to the transgression or rebellion against the legitimate leader through the use of force. The crime of *baghi* includes the outset of the ruler by the use of force and violence and acts of destruction of public property, for example [added by the translator].

²⁰ For more details on the prohibition of violence in Islamic *Shari'a* see A. Maged, 'Arab and Islamic Shari'a Perspectives on the Current System of International Criminal Justice', *International Criminal Law Review* 2008-8, pp. 477-507.

Also in its third clause, the Declaration examines the responsibility and duties of the military forces towards the peaceful protestors and the civilian population in general. It declares that the organised armed forces should be committed to their constitutional duties to protect the homeland from external threats and should not transform into an instrument of oppression and intimidation to citizens. It should not stoop to shedding civilian blood, since “[i]f anyone killed a human being — unless it be [in punishment] for murder or for spreading corruption on earth —, it shall be as though he had killed all humankind; whereas, if anyone saves a life, it shall be as though he had saved the lives of all humankind”.²¹

II.8 The Duties of the Protestors

According to the Declaration, the revolutionary, renewal and reform forces should avoid anything that could lead to bloodshed entirely. It should also refrain from fortifying themselves with external powers, no matter what their sources are and regardless of the excuses or justifications given for interference in the affairs of their countries and nations. Otherwise, they would be considered to be committing *baghi* and betrayal to their nation. In this case, it is the authorities' duty to lead them back to national unity, which is their primary religious duty and supreme obligation. In its fourth clause, the declaration stresses that the forces of the revolution and reform should unite in order to achieve their dream of justice and freedom. They should also avoid sectarian, ethnic, doctrinal and religious conflicts in order to preserve their national fabric, and respect civil rights. Furthermore, they should combine all their powers to achieve a democratic transformation for the benefit of everyone, in a framework of national consensus and harmony that aims to build a future based on equality and justice. In the same clause, the Declaration reiterates that it is also the duty of the revolutionary forces to prevent the uprising from being exploited by sectarianism or denominationalism and not to provoke religious sensitivities. As such the Declaration prohibits the advocacy of ‘national, racial or religious hatred’ by the protestors during civil uprising - as elaborated in Articles 20-21 of the International Covenant on Civil and Political Rights.²² The Declaration calls upon the protestors to protect the institutions of their countries and to avoid wasting their wealth or being compromised in favour of intruders. It calls upon them to avoid falling into the traps of disputes and rivalries, and not to accept reinforcements from different powers that aim at exploiting and depleting their countries' resources. As stated in the fifth clause of the Declaration, based on these Islamic and constitutional principles that illustrate the essence of civilised consciousness, the drafters of the Declaration express their full support of the will of the Arab people in reform and modernisation, and in building societies based on freedom and justice of the kind that triumphed in some Arab countries and are still struggling in some others.

II.9 Advice for the Arab Rulers

In the sixth and last clause, al-Azhar scholars and the group of intellectuals working with them implore the Arab and Islamic regimes to work towards voluntarily achieving political, social, and constitutional reform, and to begin the process of transformation to democracy. They declare that the uprising of the oppressed people is inevitable. Thus, no ruler can now obscure the sun of freedom from his people. Further, they declare that it is a shame that the Arab region, along with some Islamic states, are still in a stage of underdevelopment, oppression and tyranny, unlike other countries in the world, and unjustly and falsely attribute all of that to Islam and its culture, which is innocent of this. Those countries

²¹ *Qur'an, Surah Al-Mâ'idah*, 5:32.

²² UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <http://www.unhcr.org/refworld/docid/3ae6b3aa0.html> [accessed 25 August 2012].

should immediately and expeditiously endeavour to take full part in the scientific renaissance, technological progress and the process of knowledge production, and invest their human and natural resources to serve their citizens and achieve prosperity for all mankind. The Declaration goes on to say, in an affirmative manner:

None of those sponsoring oppression and tyranny should presume that they are immune from the fate of the oppressors or that they could mislead the people. The era of free communication and the explosion of knowledge, the supremacy of luminous religious and civilized principles, and the models of sacrifice and struggle which are witnessed in (different areas) of the Arab world; all of these made a glowing flame that awakened the people, raised a banner for freedom, and kindled the hope of the oppressed people that will lead them through a tedious struggle to victory²³.

The Declaration warns those who use Islam for achieving illegitimate personal interests by stating:

And let those ignorant of the religion and those who distort the teachings of Islam, and proponents for tyranny, injustice and oppression, cease this worthless absurdity. "And Allah is predominant over His affair, but most of the people do not know".²⁴

The Declaration concludes with the following prayer:

Oh God, we ask you to grant us mercy to guide our hearts, unite us and prevent sedition Oh our God.²⁵

Conclusion

This article has avowed the role of al-Azhar in establishing the rules of governance on the one hand, and supporting the revolutionary movements against brutal colonisers and tyrannical oppressors and the democratic transformation in the Arab region on the other. It is illustrated in this commentary that, according to the al-Azhar Declaration, consultation is the pivot of the political system of Islam. This means that no human should have absolute power, not even the ruler. The ruler's powers are governed by the rules of legitimacy and law, as defined in Islamic Shari'a, and if he deviates from the those rules, he has no right to be heard or obeyed. Further, it is evident that the al-Azhar Declaration upholds the right to protest and even to launch campaigns of nonviolent civil resistance against tyrannical regimes in order to support democracy and bring an end to dictatorship and authoritarian regimes. At the same time it identifies the limitations and boundaries of protest and resistance. According to the Declaration, people have a right to protest peacefully. This illustrates that Islam rejects violent protests and movements that cause loss of life and property. Thus, the Declaration calls upon the Muslim and the Arab community to implement decisive and effective initiatives to ensure the success of its uprising with minimal losses, while affirming the absolute right of people in choosing and correcting their rulers in order to prevent tyranny, corruption and exploitation.

It is clear that al-Azhar has done so not only through its scholars, but particularly through the voice of its head, the Grand Imam, Sheik Ahmad al-Tayyib. The al-Azhar Declaration demonstrates that Islamic *Shari'a* opposes tyranny and the use of violence against peaceful protestors and confirms that the uprising of oppressed people is inevitable. It also presents

²³ Al-Azhar Declaration on Support of the Arab Revolutions of 31 October 2011, pp. 4-5.

²⁴ *Qur'an, Surah Yûsuf*, 12:21.

²⁵ Al-Azhar Declaration on Support of the Arab Revolutions of 31 October 2011, p. 5.

the al-Azhar vision for reforming the Arab countries and implementing democracy on the basis of social justice and the equal distribution of wealth. Thus, the statements included in the Declaration clearly suggest that progress will only be made in the Arab and Muslim countries by pursuing economic reform and establishing democracy and the rule of law. As such the Declaration not only supports the right to protest against oppression and tyranny, but also upholds other important rights included in international human rights law.

The documents discussed in this piece suggest that al-Azhar has regained its prominent role, not only in Egypt, but also in the whole Arab and Muslim world; a standing which the Egyptians and their Arab brothers have been lacking in recent years. Egyptian society's appreciation of those documents reveals that al-Azhar has managed to assert itself as the voice of moderate Islam at a time when more conservative Islamic groups are ascendant.