



# Religions and Freedom of Expression

## The Predicament of Freedom in Different Societies

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Human Rights Debates (10)

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**Cairo Institute for Human  
Rights Studies (CIHRS)**

9 Rustom st. Garden City, Cairo, Egypt

Mailing address: **P.O. Box 117**

**(Maglis el- Shaab), Cairo, Egypt**

E-mail address: **info@cihrs.org**

Website: **www.cihrs.org**

Tel: **(+202) 7951112- 7962514**

Fax: **(+202) 7921913**

Layout Cover designer:

**Hesham EL Sayed**

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# Cairo Institute for Human Rights Studies (CIHRS)

CIHRS Is A Professional, Non-Governmental Research center Specialized in the study of human rights in the Arab world. CIHRS was founded in April 1993 and has started its activities in April 1994. the institute views itself as part of the international and Arab human rights movement.

CIHRS does not affiliate with any kind of political activities, and cooperates with other institutions on equal basis in all matters pertaining to human rights.

CIHRS activities include conceptual, and applied research educational programs, seminars, periodical and non-periodical publications as well as providing research facilities and consultations to interested researchers.

**Programs Director**

Moataz El fegiery

**Academic Advisor**

Mohammed EL Sayed Said

**Director**

Bahey el-din Hassan

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## Introduction

The program of "Freedom of Opinion and Expression across Cultures" is the outcome of joint cooperation between a number of Arab and international organizations. It has been carried out thanks to the initiative of the Cairo Institute for Human Rights Studies (CIHRS), in cooperation with the International Media Support in Denmark, and in coordination with the Euro-Mediterranean Network for Human Rights, the Moroccan Organization for Human Rights, the Damascus Center for Human Rights Studies, and Article 19 Organization.

The aim of the program was to support a dialogue between Egyptian and Danish journalists on problems associated with freedom of opinion and expression in both European and Arab contexts, in the light of the repercussions of the Danish cartoon crisis; identify expertise and lessons drawn on both sides in terms of supporting freedom of expression; and strengthening understanding and



cooperation between cultures on both sides of the Mediterranean. Social and cultural tensions between European countries and Arab countries have recently been highlighted and intensified by a series of socio-cultural crises. In this context it is important that civil society in the Southern Mediterranean countries should increase efforts at communicating with its Northern counterpart. The purpose of this program was to endeavor to build bridges of cooperation, mend relations between both sides, study the impact of diverse cultural and political contexts on freedom of expression, and raise awareness regarding problems of freedom of opinion and expression from a human rights perspective.

### **The First Stop: Copenhagen:**

The first stop of the program was the Danish capital Copenhagen. This part of the program took place from 1-5 November 2006, and involved the participation of journalists from Egypt, the larger Arab region and Denmark.

In Copenhagen several meetings were held between these journalists and (1) the Editor-in-Chief of the Danish newspaper Politiken; (2) members of the Democratic Islamist Organization in Denmark, with the Director of the Scandinavian Islamic Endowment Program; and (3) the Egyptian ambassador to Denmark. The schedule of the program also included setting up teams of Egyptian and Danish journalists to meet with a number of Danish officials and journalists, civil society activists, citizens and members of Muslim communities in Denmark. The program targeted different categories, particularly young journalists in Egypt, who exchanged views with their Danish counterparts and cooperated together in writing a number of articles on freedom of opinion and expression. These articles were published in various Danish newspapers, and constitute a major success for the program.

A workshop was also held within the framework of the program in which participants discussed different practical means to enhance

mutual understanding and dialogue across and between Arab and European cultures. Also, Egyptian journalists participated in the annual conference of the Danish Journalists' Federation; one of the sessions of this conference was dedicated to a discussion of the situation of Arab journalism.

### **The Second Stop: Cairo:**

The proceedings of the second stop of the program "Freedom of Opinion and Expression across Cultures", took place in Cairo on 6-8 December 2006, with the participation of media personnel, artists, writers, jurists and academics from Egypt, Lebanon, Syria, Morocco, Denmark and France.

On the 6<sup>th</sup> of December, a delegation of Danish and Arab participants in the program visited and held meetings with officials in the Egyptian Mufti Office, the Mary Girgis Church, the Journalists' Syndicate, and the Al-Misri Al Youm (The Egyptian Today), an independent newspaper. The purpose of the visits was to exchange expertise and opinions on obstacles to freedom of opinion and expression in Egypt.

The debate between the delegation and officials in the aforementioned institutions and organizations explored a number of issues related to freedom of expression. The delegation explored viewpoints of Egyptian religious establishments (both Muslim and Christian) in relation to the Danish cartoon crisis, as well as problems that religious minorities endure, including freedom of worship and freedom of religious choice.

The method that some newspapers adopted to address the crisis of Danish cartoons was discussed, as well as problems facing journalists in expressing their opinions, in particular their ongoing struggle against the government-drafted law that supports the imprisonment of journalists. The discussion also covered the coercive powers the government uses to apply pressure on private newspapers, including the governments sway over print houses, distribution companies, and

the ability of government-owned newspapers to utilize and manipulate resources that independent newspapers lack.

The two following days (7<sup>th</sup> and 8<sup>th</sup> December) included a workshop, which dealt with the attitude of the judiciary regarding freedom of expression in both Egypt and Europe, the sanctity of Christianity in the media and Egyptian education curricula, religious tutelage on freedom of literary and artistic creativity and academic freedom, as well as the repercussions of the crisis of the Danish cartoons that disrespected the Prophet Mohamed, and how the Egyptian media reacted thereto.

The Cairo workshop included a series of testimonials given by people who have been subject to limitations on their freedom of opinion and expression in Egypt. Participants presented a number of research papers that formed the focus of discussions.

The workshop witnessed a highly critical evaluation of the control imposed by religious establishments on different forms of artistic production (novels, poems, movies, and other forms of art) and Islamic jurisprudence sources that differ from the religious views of the current religious institutions. Intellectuals and academics have also been subject to censorship at Egyptian universities. In this context, discussions revealed that, though the Arab region shares a common cultural context, the borderlines of freedom of opinion and expression vary from one country to the other, depending on political, legal and social denominators. This is clear from the fact that books and novels that are prohibited in Egypt are printed and distributed in Syria, a country which enjoys a greater margin of freedom of cultural and religious expression; Egypt on the other hand has a greater margin of freedom in the domain of political expression.

The workshop was also an arena for debates between the representative of the Islamic religious establishment and a number of participants regarding how curricula and mass media in Egypt deal with the Christian religion.

A legal researcher from the European Court of Human Rights participated in the workshop, and added valuable insights to workshop discussions concerning freedom of opinion in two different frameworks, namely the Egyptian and European contexts, and how the judiciary in each of these settings deals with this right. This is a right which is subject to controversy, not only among different civilizations but even between very similar cultures.

The following report provides a review of the program proceedings, starting with the Copenhagen workshop, and then moving to on to the Cairo workshop.



# **The Relations between Religions and Societies across the Mediterranean**

## **Questions in need of answers**

### **(Background Paper)**

**Bahey El-Din Hassan\***

The nature of the relations between religions and societies has for long constituted a root-cause for tension in the southern and eastern Mediterranean communities. During the past few years, this relation has even become a source of tension in northern Mediterranean communities, as well as between northern Mediterranean societies on the one hand, and eastern and southern Mediterranean ones on the other hand.

The Danish cartoons crisis was only the last leg. It had been preceded by other significant steps, such as the novel by Salman Rushdi "Satanic Verses", the ban of hijab (head cover) in French schools and the assassination of the Dutch director Theo van Gogh for a movie considered by his killer to be offensive to Islam. These are

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\*Director of the Cairo Institute for Human Rights Studies.

but a few of the significant milestones that have attracted the attention of media and public opinion. Yet, there is a huge number of less famous incidents that have played a vital role in fostering permanent tension that never ceased between the most famous incidents.

No much difference can be noticed in the southern Mediterranean, even at the levels of symbolical or physical violence. It could be sufficient in this snapshot to refer, for example, to the assassination of the secular Egyptian intellect, Farag Fouda, the attempted assassination of the Nobel Prize Laureate in literature Naguib Mahfouz, the fact that a number of secular authors and intellectuals in Egypt had to seek the protection of their place of residence by the security forces, or that others had to leave their countries and live abroad (such as the professor of Islamic studies Dr. Nasr Hamed Abu Zeid). Another author, namely Sayed Al-Qemny was forced to declare his repentance and has publicly recanted all his books, in response to the warning levelled at him by a religious group. Otherwise, he would have been killed. It is worth noticing that the accusation levelled at all the abovementioned is "offending Islam", which is the same accusation levelled at the Danish cartoonists.

If this high religious tension in the southern Mediterranean societies can be attributed to their disability to solve the problematic relation between religion and the state, the new tension patterns in northern Mediterranean societies - which had for long succeeded in solving this equation - as well as those tensions between northern and southern Mediterranean, could be explained by their failure to integrate Muslim immigrants and by EU foreign policy towards some Middle Eastern issues. It could also be due to globalization dynamics that have eventually caused European embassies in the southern Mediterranean to be set on fire for cartoons drawn in the extreme northern Mediterranean.

This context poses a number of questions for all those concerned with the relation between religion and community/state within the framework of the dialogue between cultures. These questions include the following:

**First:** Are we facing a clash of civilizations (north/south ... west/Islam) or are we, in fact, facing acute tension within each civilization on both banks of the Mediterranean, which might have certain common features and results, like not having a unanimous stance as regards these events within each community in both the north and the south (such as the cartoons, hijab, etc)?

**Second:** The mounting aggravation of such kind of tension raises a question/challenge as regards the future of the Barcelona process which was aiming to transform the Mediterranean into a lake of communication and dialogue between cultures. Along the course of this process, which has exceeded a decade, cultural/religious tension has mounted across the Mediterranean. Such tension has taken more and more violent forms, which have reached their peak in the Danish cartoons crisis. This crisis has also proved that certain governments, northern and southern the Mediterranean, which are signatories to the Barcelona Declaration, failed to honour their signatures. Worth even, they were ready to let go of the course of events, which should not have reached such a state of violence. Especially that other offences, rather more injuring to religious feelings and emotions that took place months earlier, did not give rise to the same results led to by the Danish cartoons.

**Third:** Five years have lapsed since the tragic 11/9 events and the waging of a global war in the north and the south against terrorism, using weapons, legislation, administrative, security and media restrictions. Yet, the dangers of terrorism are aggravating in both the north and the south, to the extent that a similar operation to 11/9 was almost successful, if it was not for the British authorities to have managed to discover it.

The range of recruited terrorists is getting wider, as it includes immigrants born in Europe and raised in its culture. This eventually poses a rather big question, not only as regards the correctness of the anti-terrorism strategies in the north and the south, but also about the wholesomeness of the strategies followed to integrate immigrants in European societies, and about the role governments, religious



institutions and civil society NGOs should play in the south in this regard.

**Fourth:** The contact line between religions and the freedom of literary and artistic creativity is the most tensioned point in the relation between religions and societies. Most incidents are closely related to this contact line, whether within the framework of the Mediterranean societies, each separately, or within the course of the cross-Mediterranean relations between the north and the south. This problem is even aggravated by the fact that it meets the accusation pointed by the south to the north of double standards. For instance, many people could not understand how the Danish cartoons illustrating the Prophet of Islam in a sarcastic manner could be defended, as a matter of freedom of expression, where the same values of freedom of expression could not protect those picking on a cartoon of a Jewish character? Why could not the former be considered as a provocation of religious hatred and racism, while the latter was considered as such ?

Yet, double standards in this context is extended to the communities of southern and eastern Mediterranean, where other religions are offended, or where special religious concepts are imposed, including in arts and literature, such as questioning the right to illustrate other prophets in the movies and other artistic genres.

**Fifth:** The contact line between religions and the freedom of scientific research is also considered as a blazing issue southern the Mediterranean, particularly in the field of research in crucial and sensitive areas of the history of religions, or in the field of explanation and interpretation of sacred texts. The victims in these fields throughout the history of southern Mediterranean until the twentieth century are too many for such a brief working paper to tackle. It has been, and still is, impossible to strike demarcation lines between the sacredness of religions and academic freedom: where should the first end, in order for the second to start, or vice versa?!

This issue has, recently, become a source of additional tension across northern and southern Mediterranean, because many people in

the south cannot understand why Europe draws an iron curtain on the Holocaust, i.e. on the right of those who try to raise “scientific” doubts as regards a horrendous and painful historical incident, or as regards the exact number of its victims. This could not be understood by many, including those in the southern Mediterranean who believe that academic freedom should be absolute, regardless of the considerations of religious sacredness, or those who do not question the Holocaust, or the number of its victims.

It is an additional source of the accusation of double standards or selectivity as regards freedom of expression. In all cases, it constitutes additional wood for the fire pits of trans-Mediterranean tension. This question, like other issues previously referred to, needs deep, serious and responsible dialogue before the trans-Mediterranean public opinion. This is the main target of this conference.

Within this context, we should not disregard the point that there exists a no less urging need, namely conducting an open dialogue with no borders or taboos within the societies of southern and eastern Mediterranean as regards the same issues. A matter which will face severe restrictions on freedom of expression in this part of the world.



## **The Program of Freedom of Opinion and Expression Across Cultures**



## **COPENHAGEN – DENMARK**

1-5 November 2006

### **PARTICIPANTS**

- 1- Salah Issa – Editor-in-Chief of Cairo Newspaper (Egypt)
- 2- Nabil Abdel Fattah, Expert, Al-Ahram Center for Political and Strategic Studies (Egypt)
- 3- Hazem Abdel Rahman, Journalist, Al-Ahram Daily (Egypt)
- 4- Dr. Radwan Ziade, Damascus Center for Studies on Democracy and Human Rights (Syria)
- 5- Dr. Mohammed Al Nashnash, Vice President of the Moroccan Organization for Human Rights
- 6- Karim Al Rabei, Iraqi Association for Human Rights (resident of Denmark)

- 7- Ali Diwan, Iraqi Association for Human Rights (resident of Denmark)
- 8- Rola Moawad, Al –Nahar Newspaper (Lebanon/Denmark)
- 9- Sara Rishani, Article 19 Organization, London
- 10- Jihan Shahine, Al-Ahram Weekly (Egypt)
- 11- Wael Ali, Al-Misri Al Yaoum (The Egyptian Today) Daily (Egypt)
- 12- Ahmed Moustafa, Al Hayat / London (Egypt)
- 13- Mahmoud Bassiouni, Nahdat Misr (The Revival of Egypt) Newspaper, Egypt
- 14- Khaled Salah, Arabic News Agency (ANA) (Egypt)
- 15- Mounir Al Majed, Al-Quds (Jerusalem) Newspaper/ London (Denmark)
- 16- Moataz El fegiery, CIHRS Programs Director, (Egypt)
- 17- Sayed daifoullah, CIHRS (Egypt)
- 18- Lotte Dahlmann, Program Director of International Media Support (IMS)
- 19- Susanna Inkinen, International Media Support (IMS)
- 20- Hans Drachman, Politiken Newspaper (Denmark)
- 21- Filomenitamh Hogshum, Nairobi Club (Denmark)
- 22- Mahmoud Issa, Kuinfo (Denmark)
- 23- Vinter Olessen, Jyllands Posten (Denmark)
- 24- Dr. Thomas Alling, Danish Broadcasting Company
- 25- Kristian Ruby, Freelance Journalist (Denmark)
- 26- Jesper Lasvenbulh Hersen, Dcegbluelet Information (Denmark)
- 27- Hatrce Ucar, Student ALBORG (Denmark)
- 28- Melihat Zengin, Ekstra Bladeb Newspaper (Denmark)

## MEETINGS

Participants met with Mr. Toger Seidenfaden, Editor-in-Chief of the Politiken daily newspaper. In his debate with the audience, he indicated that the main purpose behind publishing cartoons in the newspaper (Jyllands Posten) was to convey a message to Danish Muslims who reject the Danish civil society and refrain from integrating. This state of affairs had led to increasing fears on the part of the Danes, and the West in general, concerning the changing demographic configuration and the cultural and social map of those countries, due to the growing presence of Muslim communities, most of whom rejecting to integrate with the Danish society on the basis of citizenship.

Mr. Seidenfaden expressed his bewilderment at these comments, as the cartoons were first published in September 2005 and did not stir up any angry reaction in the Muslim World at the time. His interpretation was that those cartoons have been politically manipulated by Arab regimes and Islamic groups to serve their narrow political ends in the first place, regardless of the subsequent deterioration of the dialogue between cultures and the restriction of the margin of freedoms, especially freedom of expression.

On the other hand, the Editor-in-Chief of the Politiken Newspaper criticized the irresponsible attitude of the Danish government toward the first crisis, when it refused to engage in a dialogue with Arab ambassadors. However, it soon redressed the situation in the second crisis stirred up by the video tape filmed by the youth of the Danish People's Party. He stressed two issues: firstly, that his newspaper is opposed to any infringement upon freedom of expression. Secondly, that he rejects both the content of the cartoons and the editorial material associated with them. He also expressed support to the rights of Muslims in Denmark on the basis of citizenship without any discrimination because of race, religion or language.



Regarding the attitude of the Danish government vis-à-vis the Muslim community, Mr. Toger explained that there are two standpoints within government. The first is the official position of the government and the ruling party, which supports the rights of all migrants and citizens of non-Danish origin. The second is reflected by the Danish People's opposition Party, which tries to boost its popularity by increasing xenophobia among the Danish. Mr Toger also explained the economic situation of Muslims living in Denmark; most of them are poor or seeking asylum, and few are successful economically speaking; the economically-successful Muslims prefer to move to London, given the prevailing atmosphere.

Concerning the position of the Danish government on building mosques, he explained that there are many mosques in Denmark, yet they are incomparable with the huge mosques in the Arab World. They are house-like buildings. However, there are neither political nor administrative obstacles to building larger mosques. The problem is always related to funding, because the Danish government does not provide financial assistance to any places of worship, be it churches, mosques or synagogues. The role of government is restricted to granting authorization for building such places, which is not subject to either political or administrative controversy.

In a meeting with Mr. Ahmed Abou Laban (Palestine), Director of the Scandinavian Religious Endowment in Copenhagen, he reviewed activities of the endowment, such as raising awareness about Islam among non-Muslims on a day they call "open house". The Endowment also offers services to the elderly, women, and provides general information in Arabic on political life in Denmark. Abou Laban was keen to deny the illusion prevailing in the Arab World that Europeans are embracing Islam in "throng", and said that this is a fallacy, as there is a growing detachment from the idea of religion in general, especially in Scandinavian countries.

Participants probed a significant development of Abou Laban's discourse, which reflected a change regarding the method for dealing with the crisis and the purpose of raising it in the media. He seemed

quite realistic in his discourse when he dealt with the necessity of resorting to the jurisprudence of minorities because, in spite of their different doctrines and intellectual trends they are not under an obligation to do what their mother community in their countries of origin does, namely, the establishment of an "Islamic Caliphate", let alone when they are in Denmark! He also emphasized his acknowledgment of the Danish Constitution.

In a meeting with the Democratic Muslims' Organization, established after the crisis, Mr. Fathi Al Obeid said that he has been living in Denmark for 18 years. He is a Palestinian who sought asylum after two Arab states denied him. Since he came to Denmark, no one has asked him about his religious affiliation. He explained that prior to the establishment of the Organization, Muslims were represented by one voice, namely, Sheikh Abou Laban of the Scandinavian Endowment, regardless of their diverse intellectual and racial origins. Due to the departure of a large group of Danish Muslims from his line of thinking, the Organization was established to represent the opinion of democratic Muslims, who acknowledge the Danish Constitution and seek to integrate themselves with the Danish society as full citizens, possessing rights and fulfilling obligations. This was not in contravention with additional efforts to serve the Arab cause, particularly the Palestinian cause.

Mr. Ibrahim Ramadan, from the Danish Muslims' Organization agreed with Abou Laban. Mr. Ramadan is an Egyptian who owns a tourist company in Denmark which he manages successfully. However, he could trace the influence of the radical Muslim trend, which was actually pervasive in Denmark and even represented the sole voice of Muslims, and thus he decided to join the Organization. The latter expressly claims that it is a secular institution within a secular society, and recognizes that religion is a personal relationship between the individual and god. Thus the main condition for membership is to be a Muslim in the broadest sense of the term without being involved in doctrinal and racial controversies. The conditions for membership include, inter alia:

1- Danish citizenship and Danish Constitution are the framework that defines rights and day-to-day rights and obligations in a democratic way;

2- Freedom of expression, the right to equality, and other human rights are preserved;

3- 50% of the Board of Directors of the Organization should be women;

4- Members oppose capital punishment.

Members include high-ranking individuals in Danish society, politicians, scientists in the domain of cloning, academics, businessmen, and students. This organization helps Muslims in Denmark find employment opportunities, through periodic employment forums.

However, Mr. Ibrahim Ramadan raised an important point concerning the relationship between some Islamic groups in Denmark and the Wahhabi puritan Movement in the Arab Peninsula. This relationship was so potent that some individuals in the Danish city of "Oaogshos" tended to imitate the "Mutaween" or official proctors of proper moral behavior, a system that prevails in Saudi Arabia. They called themselves 'the group commanding good deeds and forbidding wrongdoing'. They actually forbade people from casting their ballots and ordered them to pray by force!

Participants received an invitation for dinner from the Egyptian Ambassador to Denmark, Mrs. Afaf Al Mazariqi. Mr. Ahmed Al Khadem, Head of the Tourist Promotion Authority attended the meeting, as he was on a business trip in Denmark. The discussion broached the negative impact of the Danish cartoons on tourism in Egypt and the measures that should be enacted by the Egyptian government to avoid such negative consequences. Most of the attendees criticized the method of polling undertaken by the Egyptian Council of Ministers, namely that it posed the question: Which countries are friendly and which are inimical to Egypt? The results placed Denmark second on the hierarchy of countries most inimical to

Egypt after Israel and before Britain and the United States. Furthermore, the results of the opinion poll were published in the media, which had a multiplied negative effect on the efforts exerted to overcome the cartoon crisis at all levels. This state of affairs raises many question marks regarding this poll.

## Trends of Debate in the Workshop

In her opening address, Lotte Dahlmann, Program Director of International Media Support (IMS) Institute in Denmark, explained that the main purpose of this joint activity with CIHRS was to provide an opportunity for the minorities to express their opinions, for hearing viewpoints of different parties, and for initiating a debate among the Danish and international communities. Mr. Moataz El fegiery, CIHRS Programs Director clarified in his opening speech that such cultural crises are exploited by non-democratic societies to bestow legitimacy on their continued violation of human rights. He indicated that it is necessary to express widespread condemnation of the lack of responsibility behind the publication of those cartoons. However, this should be associated with a confirmation of the existence of double standards in the Arab World. While the expression of wrath was granted against freedom of expression on religious matters in Europe, to such an extent that instigated the anger of Muslim minorities in those countries, we are faced with heedlessness and even acceptance of the attack of regimes and Islamic groups on freedom of religious minorities in the Arab World, such as Baha'is and Shiites. On the other hand, El fegiery stated that European civil organizations are playing a role in support of reform and democracy in the Arab World. Nevertheless, there are some trends of thought in Europe that do not pose a threat to minorities as much as they threaten European modernity itself. He stressed that a radical solution to issues of European security and migrants lies in further support of reforms, democracy, human rights and development in the Arab and Muslim World.

On the first session of the workshop, dedicated to hearing testimonies of working teams composed of both Egyptian and Danish journalists, Mr. Hans Drachman, from Politiken Danish Newspaper, indicated that the dialogue he has had with his Egyptian colleagues urged him to raise questions on the possibility of the Danish law coming to grips with the idea of respecting different faiths and religious doctrines. He explained that the journalistic team which he was part of, specified two main questions and attempted to draw answers from different Danish and Muslim personalities and institutions interviewed. Those two questions were: Are there genuine attempts to bridge the gap between human societies in various parts of the world?

The second question was in fact a search for the winning party in the crisis of the Danish cartoons, evaluated in its entirety. Every member of the working team gave answers in their own style which varied according to cultural affiliation,

Ms. Jihan Shahine (Al-Ahram Weekly) concluded several points from her journalistic tours with the working team. The first point was that the way the Youth of the Danish People's Party (Dansk Folkepartis Ungdom) dealt with the video issue revealed that the crisis began to subside, because both the Muslim and Danish sides learnt their lesson quite well. The Danes did not wish to escalate the crisis further; the evidence to this argument is the initiative taken by the Prime Minister, when he declared that this video does not represent the Danish society or government and that the group that produced it was ill-reputed and disgraceful. The Muslim side on the other hand felt that some groups were trying to provoke them to drag them to a trap, so that they would react emotionally and thus provide an opportunity for the intervention of extremist right-wing elements. The ultimate outcome would be to taint the image of Islam, widen the gap between Islam and the West. Consequently, the Arab and Muslim World would lose a Scandinavian ally and a longstanding supporter of the Palestinian cause.

Ms. Shahine's journalistic tours unraveled to her the core of the problem, which lay in a gap in the mutual understanding between the Arab-Muslim World on the one hand and the Danish society on the other. The Danish people are divided into two: a minority, which thinks that there was no offence in the cartoons, and a majority that thought the drawings were "stupid" and "provocative", but also thought that their culture allowed them to say whatever they wanted and to criticize anything and anybody, including the queen and even Jesus Christ! They had no sacrosanct uncriticizable idols. Hence, they could not understand the reasons for Muslims' wrath.

Jihan Shahine pinpointed that in this crisis, ignorance and lack of information were the first and prime enemies to both the Arab-Islamic world and the Danish society. Consequently, there was a positive aspect to the crisis, namely, that it gave the opportunity to both the Arab-Muslim world and the Danish society to review and exchange different viewpoints, and thus understand attitudes. She could feel this in her interviews with Danish journalists and officials.

Mr. Ahmed Moustafa (Al Hayat Newspaper, London), a member of the journalistic team, also gave his testimony. He stressed that he could not feel any difference between Muslims in Denmark and other Danish citizens. Muslims enjoy citizenship rights that the majority of citizens in both Arab and Muslim Worlds are lacking. He indicated that one of the reasons for the eruption and escalation of the cartoon crisis was the supremacy of extreme right trends among many Muslim activists in Denmark, as a result of their intellectual and probably organizational links with a number of political Islamic groups in the Arab-Muslim World. This led him to conclude that this group was the biggest winner out of the crisis, due to the way it has been conducted and escalated in the media.

Meanwhile, Mr. Ahmed Moustafa said that the essence of the problem was not related to Denmark only, but was also linked to the need to merge minorities in general with Western societies; this phenomenon was contingent upon the readiness of those ethnic

minorities to amalgamate with their respective societies according to terms set by secular European states.

The second journalistic team was composed of Mr. Vinter Olessen (Jyllands Posten Newspaper) and Mr. Khaled Salah (Arab News Agency ANA). The Danish journalist gave his testimony, whereby he stressed that he fully agreed with his Egyptian colleague in their joint journalistic tour to observe professionalism, because journalism is an exclusive profession having its own rules and code of ethics. Among such rules, the exposition of all the facts and the objective presentation of various points of views are paramount. Both journalists applied this methodology when they asked their interviewees about the reasons for not building a large mosque in Denmark. Mr. Olessen expressed his feeling that his newspaper was the source of the problem because it published the cartoons. This reinforced his opinion that respecting the rules and ethics of journalism was the solution to the crisis.

Mr. Khaled Salah unmasked many points of concurrence between his opinions and those of his Danish counterpart when they both expressed their respect to and commitment with rules of professional journalism. He substantiated his point of view by saying that when they disagreed on stylistic aspects, such as the Danish journalist's appellation of the crisis, as was prevalent in Denmark, as "the crisis of Mohammed", they were able to reach consensus through dialogue. The Egyptian journalist would explain that a more convenient designation would be "the crisis of cartoons" because Prophet Mohammed is not among us now to stir up any crisis! It was the cartoons and not "Mohammed" who blew up the crisis.

On the other hand, Khaled Salah revealed that the answer to the question on the reasons why a large mosque has not been established in Denmark was not relegated to any legal, domestic, administrative reason or political attitude of the Danish government. The reason lay in the disagreement among the Muslim community regarding either the shape, pattern of the mosque, or provision of funding, because these communities are disunited at the level of doctrine and ethnicity.

The third team was composed of Mr. Jasper Lasvenbulh Hersen, from Information Newspaper and Egyptian journalist Mr. Wael Ali of Al-Misri Al Youm (Egypt Today) Daily newspaper. In his testimony, Mr. Jasper explained that their tours focused on the issue of the video filmed by a group of the Youth of the Danish People's Party (Dansk Folkepartis Ungdom) about the Prophet Mohammed. This video renewed the anger in Muslim countries because it deviated from their well- entrenched cultural principles. They both met a number of officials in the Danish People's Party. The Danish journalist felt the annoyance this video had caused in the Muslim World from his Egyptian colleague's bewilderment to the answers they both received. The matter seemed quite new to the Egyptian journalist's method of thinking about religion. Mr. Jasper suggested to his Egyptian colleague to meet a well-known comedian who's been recently performing in Denmark, and was famous for his scoffing at Jesus Christ.

The Egyptian journalist came up with an almost certain conclusion from his tours: that the crisis of the cartoons won't be the last crisis either in Denmark or the West in general. This was due to the secular nature of the state, its attitude toward religious freedom and to the state of emotional agitation and discontent pervading the Muslim World, aggravated by the conspiracy of some parties that benefited from the crisis. He expounded that those parties, even though having different purposes behind further instigating the crisis, agreed in making use of it to serve their own interests. Despotism ruling regimes in the Arab World fanned the flames of the crisis, organized demonstrations, overlooked the setting of fire in Danish embassies to cover up for their failure in fulfilling the needs of democratic reform and development. On the other hand, Islamic political groups further instigated the crisis because they found in it new credit to be added to their popular appeal as the defenders of Islam.

Wael also indicated that his meeting with the Danish comedian revealed to him a special philosophy behind his mocking of Jesus Christ and the Bible, namely his belief that they should criticize their



well-established religion, before criticizing other religions they were ignorant about.

The fourth working team included Mr. Kristian Ruby, a freelancer, and Mr. Mahmoud Bassiouni (Nahdat Misr (The Revival of Egypt) Newspaper). In his account, Mr. Kristian explained that he could sense through interviews that people in Denmark were bored from the recurrently emerging issue of the cartoon in newspapers. This was such that he had to remind some of them before speaking to them about the crisis. He also pointed out that their meeting with representatives of the The Socialist People's Party (Socialistisk Folkeparti (SF) made him understand further the attitude of his Egyptian colleague who thought that freedom of expression of this group of Danish society reached unrealistic measures.

Egyptian journalist Mahmoud Bassiouni expounded in his testimony that he became convinced that Muslim fundamentalists and hardliners would never find a better time nor better circumstances than the growing phenomenon of "Islamophobia" or fear from Islam, to promote their stringent ideas. Their groups are winning new members every day, while the other group of Muslims, namely, those living in peace with the world, are losing huge numbers from their ranks.

He emphasized that this was the first issue he discerned during his tours. The growing ascendancy of Christian extremism, represented by the Socialist People's Party, turned many members of the Muslim minority in Denmark to rally support for puritan leaders (Imams). The latter are manipulated by global Islamic fundamentalism, contending with highly unpopular regimes in the Arab World to control the Muslim World. Meanwhile, their wrath is flaring up because the world is wrongly portraying them as advocates of violence and terrorism, to such an extent that they were deliberately humiliated, and their sacred symbols abused in numerous countries. Add to which is the 'vigilance' under which they are kept on a daily basis by security guards in airports worldwide.

He maintained that as much as he was shocked by the statements of Kenet Kristensen, member of Parliament and Youth Officer in the

Danish People's Party, which reflected his party's erroneous perception of Islam and Muslims and their plots to eliminate followers of this religion, he was happy though that an ordinary Danish citizen stopped to offer him a lift to the hotel where he was staying when he felt he was lost. Even though this citizen did not know him, and his Mediterranean features betrayed his identity no doubt, yet the man offered to help. This meant that the Danes are removed to a great extent from such extremist thinking vis-à-vis others who embrace different faiths. This in itself gave him a new hope that our attempts to patch up the interrupted dialogue might succeed.

Bassiouni asserted that intergrating into the society is the last resort for Muslims in Denmark. Though there are still fears from second and third generations, which are manipulated by hardliners, the potential threat they pose could be confronted through supporting experiences such as that of the Muslim Democrats Organization in Denmark. Meanwhile, he explained that it is necessary that the Danes reconsider the type of freedom they practice vis-à-vis other religions, that they should show more respect to others' freedom of belief, according to the standards acknowledged by the international community in the Universal Declaration of Human Rights. This document safeguards freedom of belief and provides full freedom of embracers of all religions to build their places of worship and practice their rituals. On the other hand, right-wing extremist trends, that might create new enemies among this peaceful population, should be confronted, in order to prove to all the magnitude of freedom and tolerance the Danes enjoy.

Within the framework of discussions following the journalists' testimonies, Mr. Karim Al Rabei (The Iraqi Association for Human Rights in Denmark) expounded that as a political asylum-seeker in Denmark, he perceived double standards in the Arab World. While Arabs were highly offended by and revolted against the cartoons, they lent deaf ears and winked at what is happening in Iraq and Palestine, namely, the demolition of mosques and churches, the tearing of the Qur'an and the killing of civilians. He stressed that in his capacity as an Iraqi political refugee, he did not benefit from the unacceptable

reactions toward the cartoons in the Arab World, on the contrary, because he came to Denmark, like thousand others, as a political refugee and not as a Muslim, he saw that distinguishing him as a Muslim was some kind of discrimination on the basis of religion. On the other hand, many Islamist political refugees took advantage of the crisis and exploited it to the utmost to achieve personal and factional interests.

Mr. Salah Issa, (Editor in Chief of Cairo Newspaper) expressed his belief that radical religious thought should be criticized. However, it was more convenient, he maintained, that groups of enlightened intellectuals should criticize extremist thoughts in their respective religions, without extending this further to criticize the belief system of other religions, because this line ultimately serves the interests of hard-line groups. The latter finds the atmosphere suitable for their growth in the state of cultural congestion, religious contention and intolerance among religions.

On his part, Mr. Nabil Abdel Fattah, (expert at Al-Ahram Center for Political and Strategic Studies) elucidated that we need to further explore the socio-political map of Denmark, identify the political and organizational background of Islamic activists there, and further review legal and judicial principles governing the freedom of opinion and expression in Denmark. This exercise aims at understanding whether dealing with Islam was actually selective, or general standards were applicable to all minorities and religions without discrimination?

On the other hand, Mr. Jedper Hersen, from Dcegbluelet Information Newspaper, mentioned that a large portion of the responsibility for publishing the cartoons falls on the shoulders of Arabs and Muslims. He underscored firstly that we do listen to each other, but that doesn't mean we understand each other. We cannot always grasp the accurate meaning of the sentences we hear, or put them in their natural context. This is almost what happened with the cartoons, because no one expected those consequences. Secondly, in relation to what was mentioned earlier, the fact that no one expected

the consequences was due to the total absence of the role of Arab and Muslim journalists and media personnel regarding the necessary awareness-raising vis-à-vis the Westerners, with their belief system, principles and culture, especially that the interpretation of principles, values, morals and beliefs varies from one country to another.

In her intervention, Rola Moawad, Journalist at Al-Nahar a Lebanese Daily, expressed her belief that the common practice of reducing the controversy between Arabs and the West to a defense of religious symbols often prevents Arabs from perceiving themselves as anything more than defenders of Islam. On the other hand, Arabs also do not perceive themselves as a group of human beings incapable of defending their rights when violated on a daily basis. She pointed out the double-standards of the West concerning freedom of expression; for while Western countries appear keen to maintain such freedom regarding the use of sacred symbols, none-the-less they dare not portray Israel committing atrocious acts such as putting bombs for children in chocolate candy boxes in Lebanon. She expounded that the perilous yet natural effect of recurrently depicting Muslims as terrorists is that non-terrorists among their ranks could actually be turned into terrorists. That is once they reach such a state of despair of hopelessly attempting to persuade the West to change its policies toward the Muslim World and deal with Muslims as humans of equal value as everyone else and facing the same dilemma, both in terms of having terrorists and victims of terrorists within their societies.

Mr. Hazem Abdel Rahman (Al-Ahram Daily, Egypt) stated that the cartoonists appear to have had the September 11<sup>th</sup> incidents in their imagination, and perceive the Muslim religion only through the terrorist incidents that occurred in the U.S., Madrid and London. There needs to be a valid perception of facts, and before all else cultures and societies should confront their own societies instead of automatically blaming an imaginary enemy. We need to limit terrorism through democracy and supporting freedom of expression.

Mr. Khaled Salah (Arab News Agency) indicated that the dilemma of supporters of democracy in the Arab-Muslim world is that

they must address the general public and point toward the West as the model of democracy they seek to emulate. However, when some trends of thought in the West are hostile toward Muslims and Islam then Muslim populations become disillusioned with the model of democracy that the West offers.

Mr. Ali Diwan (The Iraqi Association for Human Rights in Denmark) stressed that, in his capacity as an individual who lived through the cartoon crisis, the Danish law respected him as a citizen before the crisis and continued to do so thereafter. The recent crisis has lead Denmark to try and understand the "Other," the Muslims, at home and overseas. He also maintained that the Arab-Muslim world should understand that the Danes' attitude stemmed from defending freedom of expression, but this doesn't mean that there is a consensus on the essence of expression itself, since the majority of Danes rejected the content of the cartoons.

Mr. Nabil Abdel Fattah was earnest in his attempt to remove the ambiguity that might emerge while speaking about the Holocaust in comparison with Western attitude vis-à-vis sacred symbols. He asserted that no one in the Arab and Muslim World was involved in the Holocaust, which we absolutely condemn as a historical fact and a violation on a racial and racist basis, just as much as we condemn Israel's daily violation of Palestinians' rights.

During the second session of the workshop entitled: "Freedom of Expression: Legal Framework and Press Coverage in Conformity with Human Rights", Dr. Radwan Ziade (Director of the Damascus Center for Human Rights Studies) presented a research paper on "Limits to Freedom of Opinion and Expression in the Danish Cartoon Crisis". In his paper, Dr. Ziade broached several theories that discussed the limits of freedom of expression, either in international treaties or American law. He linked this with the historical development of the concept of democracy and rights, and concluded that the limits to freedom of expression vary according to the outcome of the conflict between the three Estates (The Legislative, Judiciary and Executive) over their perception of freedom of expression. Then Dr. Ziade moved to what

he called the case of "cartoons". He discussed the arguments behind the decision of the Supreme State Attorney in Denmark, in light of international, political, religious and economic repercussions of the publication of these cartoons. The paper drew the conclusion that publishing those cartoons overstepped the limits of opinion and expression to create incitement and outrage. Defending freedom of expression, he went on, should not be taken as a pretext to agitate a minority inside the community, especially if this minority does not feel it is properly represented in various social institutions, mainly the media. Protection of the right of minorities to freely express their opinion against the desires of the majority is the right path toward stability and order, and the best guarantor of freedom of opinion and expression.

In his intervention, Klios Ruthstein (Danish chapter of the International League of Journalists and Writers) offered a viewpoint that was close to the former perception. He stressed that international treaties and instruments distinguish between inalienable rights such as prohibition of torture, which is absolute and unjustifiable, and rights that might be derogated from in practice, including the right to free expression, which when abused, can be protested against. He indicated that Danish law is an exception, as it does not allow religious beliefs to be an obstacle to the threshold of freedom of expression it sets. This situation, he explained, provides an important role for the press, especially considering that this profession still must follow many instruments, rules and laws. Such rules and laws are well known in most countries of the world including Denmark, where the role of the press is restricted to imparting valid and honest information in a democratic manner. Parties prejudiced against should not be prevented from abusing freedom of expression, because they are also entitled to use freedom of expression to defend themselves. He stressed that giving the journalist freedom to express his/her opinions and attitudes does not at all imply that society should approve the content of these opinions.

Sarah Rishani (Article 19 Organization, London) presented in her paper the viewpoint of Article 19 Organization concerning the Danish

cartoon crisis. She indicated that Article 19 considers that laws prohibiting religious contempt restrict freedom of expression, because they are exploited widely and inappropriately. Even though such laws exist in many European countries, and even in the United States, they have not been invoked for a long time. Ms. Rishani specified some of the reasons that impelled Article 19 to adopt this attitude and apply it to the cartoon crisis, including the fact that dialogue is the solution to many crises related to religion rather than a law prohibiting religious contempt; such law might be inconsistent with the right to freedom of faith, based on the fact that disrespect for all religions is a belief that some individuals embrace. Freedom of expression includes freedom to expose information, whether desirable or undesirable. Ms. Rishani pointed out also that one would worry about academic and artistic freedoms and freedom of creativity as a result of the use of laws on the prohibition of religious content.

Article 19 Organization relied on the aforementioned arguments to underline its attitude vis-à-vis the Danish cartoons and similar cases, emphasizing the distinction between the so-called laws prohibiting religious contempt, which the Organization rejects and deems as a restriction of free expression, and those which instigate hatred, which the organization accepts as a reason for restricting free expression. Laws prohibiting the instigation of hatred reinforce equality and protect minorities from prejudice and violence. Furthermore, fomenting hatred is a clear and tangible standard, unlike the concept of abuse or contempt, which is undefined and loose, and could be interpreted in a variety of ways.

## CAIRO – EGYPT

6-8 December 2006

On the first day, Wednesday 6<sup>th</sup> of December, the Cairo Institute for Human Rights Studies (CIHRS) organized a program of visits for a delegation of Danish and Arab participants. This program included meetings with officials in the Egyptian Mufti Office, and visits to Mary Girgis Church, the Journalists' Syndicate, and al-Misri al- Youm (The Egyptian Today) independent newspaper headquarters, to exchange expertise and opinion on the obstacles that hinder freedom of opinion and expression in Egypt. The following participated in the visits:



## **Arab Participants:**

- 1-Mr. Ahmed Hessou, Journalist, the German Broadcast Service
- 2-Mr. Abou Bakr Larkou, The Moroccan Organization for Human Rights
- 3-Khaled Salah, Arab News Network (Egypt)
- 4-Rola Moawad, Al-Nahar Newspaper (Lebanon)
- 5-Ahmed Moustafa, Al-Hayat/London (Egypt)
- 6-Wael Ali, Al-Misri Al Youm (Egypt)
- 7-Mahmoud Bassiouni, Nahdat Misr (Egypt Rejuvenation) Newspaper (Egypt)
- 8-Moataz El fegiery, CIHRS
- 9-Ragab Saad Taha, CIHRS.

## **Participants from Denmark:**

1. Henrik Vinther Olsen, Jyllands-Posten
2. Jesper Lówenbalk, Information
3. Kristian Ruby, freelance journalist (Christian Daily, Danish Radio, magazine: Development)
4. Hans Drachmann, Politiken
5. Jacob Svendsen, editor, Politiken
6. Camilla Wass, freelance journalist and editor of Arab Partnership newsletter
7. Lotte Dahlmann, International Media Support

## Egyptian Mufti Office

The delegation met with Dr. Amr Al Werdani, Secretary of Fatwa (religious advisory opinion) and Director of Training at the Egyptian Mufti Office. The dialogue that took place between members of the delegation and Mr. Werdani focused on the issue of the Danish cartoons that disrespected the Prophet Mohammed (PBUH), and the attitude of the Egyptian Mufti Dr. Ali Gomaa toward this issue (the Mufti had issued a press release on the matter prior to his contribution to the debate that encompassed a number of scholars). Mr. Werdani emphasized that a distinction should be made between freedom of opinion and freedom of expression. The individual is free to choose his/her faith, since there is no coercion in religion. However, he continued, human dignity and rights, as well as moral obligations, should be observed when one expresses beliefs and opinions. These should be considered so that the freedom of expression is not used in a way that deeply insults the beliefs and doctrines embraced by others. It was then pointed out that the freedom of expression is also a belief, and many feel offended when it is restricted. Mr. Werdani replied that if we cannot hold people accountable for their expressions we must request them to respect other people's beliefs. He pointed out that cartoons offended Muslims, who are ordered by their Holy Book, the Qur'an, not to insult others, even atheists. Al Werdani clarified that knowing what might offend others will never be possible except by being familiar with their culture. In the West, those who are well versed in the Muslim culture are conscious that religion is a major component in Muslims' life, and that any outrage to their religion or any of its sacred symbols is considered a personal offense addressed to them. Al Werdani criticized the Western value system in its dealing with freedom of opinion and expression, and defended his religious values; he stressed that the entire world is biased. In the same vein, he indicated that religious institutions should stand against the methods adopted by terrorists in expressing their opinion, and called for spreading a culture of tolerance and acceptance of others.

## Journalists Syndicate

Both Mr. Ibrahim Mansour and Mr. Yehia Qallash, Members of the Board of the Journalists Syndicate welcomed the delegation to the Syndicate Headquarters. The dialogue dealt with problems and obstacles to freedom of the press in Egypt, especially the detention of journalists, how the Syndicate copes with such problems, and the role it plays in reinforcing freedom of opinion and expression. Mansour pointed out that the struggle has continued within the Syndicate for several generations against the imprisonment of journalists. The Syndicate is preparing a draft law to be negotiated with the government, to prohibit imprisonment of journalists. The latter have also recently fought against a law put forth by the government which might also lead to their detention. He said that the Syndicate benefits from the presence of six members of parliament on its board. It is thus able, through them, to bring pressure to bear on the government. He added that in the context of the conflict between journalists and the government on the law that supports the imprisonment of journalists – despite the President's pledge to revoke the imprisonment of journalists- 25 newspapers refrained from publication in protest of this law. On the other hand, a number of editors-in-chief and journalists are waiting for court rulings in cases filed against them regarding libel against the President of the Republic. The discussion touched upon the political vitality and activity that Egypt has been witnessing lately. Some journalists and publications have taken considerable risks in dealing with political issues in the belief they can not wait for freedom to be offered to them as a gift from government, but that they must seize it.

## Mary Girgis Church

Bishop Morqos, of Shoubra Al Khaymah District, began his speech by explaining that the Egyptian people have been accustomed since time immemorial to loving religion and respecting their clergy. He emphasized that Egyptians are living in harmony, irrespective of race, religion or language, and that Egypt is now witnessing a great margin of freedom. President Mubarak is publicly criticized in some newspapers, which has not been the case in former eras. Bishop Morqos added that the Egyptian Constitution provides for freedom of religious worship, and that there is no discrimination between Muslims and Christians. However, he asserted that some problems might be related to building places of worship. He warned against restrictions concerning religious freedom: while every Christian is free to embrace Islam, he/she is not entitled to revert to Christianity if he/she realized it was the wrong decision. On the other hand, a Muslim male can marry a Christian female, while a Christian male cannot marry a female Muslim, as Islamic Shari'a prohibits such marriage. If ever such marriage takes place, it is not approved.

In this framework, he maintained that problems of religious background are rarely raised, and can be resolved drastically and not superficially. Then, Bishop Morqos moved to the attitude of the Church vis-à-vis the "Danish cartoons". He explained that he was totally against contempt of any religion, and urged people to react rationally and logically, and to take the cultural context where the contempt for the cartoons took place into consideration. Bishop Morqos also expressed his support for imposing a penalty against any person who would disrespect sacred religious symbols.

## **Al-Misri Al Youm (The Egyptian Today) Newspaper**

The discussion between members of the delegation and Mr. Mohammed Samir, Managing Editor of Al-Misri Al Youm Newspaper revolved around problems faced by independent newspapers, especially in Egypt, through the experience of Al-Misri Al Youm. Mr. Samir expounded that the newspaper adopts the liberal methodology as a framework for its publication policy. Thus, it publishes all brands of opinions: Islamist, nationalist, leftist and liberal, while seeking to offer objective journalism and publish news in their totality without any bias in favor of or against any party. This was clear in its coverage of the crisis of Danish cartoons, whereas it relied on material transmitted by international news agencies and presented the event without attempting to agitate readers, as other newspapers did.

In answer to a question whether the newspaper is facing pressures from the government Mr. Samir said that there is no material evidence so far to rely upon to claim such case. He mentioned that there were problems related to distribution, which is manipulated by Al-Ahram (State-owned) institution. Thus, the newspaper addressed a direct message to Al-Ahram on its pages. The problem was soon resolved and it has not been repeated again since.

During the workshop organized by CIHRS on 7<sup>th</sup> and 8<sup>th</sup> December 2006, many papers were presented and discussed. The following is a summary of the main ideas included in these papers:

### **"Limits to Freedom of Opinion and Expression in the Crisis of the Danish Cartoons"**

*By Dr. Radwan Ziadeh*

*,Director of Damascus Center for Human Rights Studies*

The author began by asserting that the International Covenant on Civil and Political Rights provided for some regulations to be placed on the freedom of opinion and expression by the Legislative, Judiciary

and the Executive branches of government. The conflicts that might arise between these branches of government might require the right to freedom of expression and opinion and also the limits to the exercise thereof. The author expounded that freedom of opinion was not a mere individual right that existed in isolation, but one that was related to individual self-management and how the community or society governs itself. He indicated in this context that freedom of expression achieves socio-political interests and that the history of societies is replete with various forms of suppression of freedom of opinion and expression through seizure of books, prohibition of their circulation, or even burning them, as was the case in Islamic history with Averroes (Ibn Rushd) for example. Furthermore, modern democratic societies witnessed a censoring of some books, as has happened in the United States of America, in addition to laws enacted in several European countries to restrict freedom of opinion and expression. Ziadeh concluded that freedom of expression and opinion has never been absolute, and requires the protection not of political but rather legal guarantees.

Ziadeh thought that opposing a certain idea does not justify restricting freedom of opinion and expression. Governments should not play the role of the watchdog of this right. It should not choose between ideas, but should be impartial and neutral in its standpoint. Ziadeh raised a difficult question: Should freedom of opinion and expression continue to be guaranteed in the case of expression which aims to foment sedition, hatred, and intolerance of the opinions and beliefs of others?

Then Ziadeh moved to the so-called "cartoons" case. He discussed the arguments leading to the decision of the Supreme State Attorney in Denmark, in light of the international, political, religious and economic aftermath of publishing those cartoons.

The paper concluded that publishing such cartoons surpassed the limits of freedom of opinion and expression to reach the level of inciting outrage and offense. Defending freedom of expression should not be used as a pretext to provoke others against a minority within

society, especially if this minority does not feel it is well represented within different social institutions, mainly the media. Protection of the right of minorities to express their point of view against the wishes of the majority is the best means to stability and order and the best guarantee to freedom of opinion and expression.

**Between Religion, the State and Capital:  
Egyptian Press and the Crisis of the Danish Cartoons**

*By: Khaled Salah  
Egyptian journalist*

The author took off from the premise that the real reasons behind the publication of the cartoons in the Danish Newspaper Jyllands Posten were to increase the newspaper's distribution and reap enormous profit. He also asserted that freedom of opinion and expression was not a priority for the administration of the newspaper – as it alleged later on- when it decided to publish the cartoons. On the other hand, the tumultuous debate about freedom of expression that followed the publication was a mere pretense and a camouflage of the hidden agenda of capital owners.

The author then moved to the coverage of the cartoon crisis by Egyptian newspapers, whereas they adopted the same method as the Jyllands Posten, though using different cards. The winning card in Egypt was not the defense of freedom of expression but rather the defense of Islamic sacrosanct symbols. The ultimate purpose was to win the duel.

The author indicated that ruling regimes in the Muslim world made use of the cartoon crisis to retract their promises of reform and divert the attention of the infuriated populace, mobilize them against external pressures for reform, and deliver them the message that the democracy they aspire for is an act of incitement against sacred symbols, and that unleashing freedom of opinion might lead to chaos and challenges to faith.

The author then referred to several remarks he had recorded on the performance of Egyptian newspapers in their coverage of the Danish cartoon crisis, before concluding that the enraged reaction to cartoons was merely a marginal experience in an ongoing crisis, manipulated by elements of religion, state, politics and capital, giving no room to freedom of the press, democratic values or tolerance.

The author made a recommendation to advocates of freedom and democracy: they should not be a weapon in the hands of politicians and religious men. Their genuine role is to become a tool in the interest of the people, and their end should be tolerance rather than rancor, even if they have to make some compromises.

**Freedom of the Press in the Case-Law  
of the Egyptian Court of Cassation**

*By: Counselor Hesham Al Bastawissi  
Vice President of the Court of Cassation*

The author focused on the relationship between the judiciary, the press and democratic values. He began his paper by emphasizing that a democratic system cannot be established except on the basis of public freedoms. Likewise, public freedoms cannot in turn be based except on two pillars, namely independence of the judiciary and freedom of the press.

He reviewed the genesis of the press in Egypt, and dealt with the first press-related trial in 1896 –under British occupation- that witnessed attempts by the government and the British occupation, to influence and terrorize judges. Up until this moment, no legislation enshrining independence of the judiciary has been enacted.

Even though texts regulating journalism have been recurrently amended and distorted, the author stressed that Egyptian judges dealt with such texts in the framework of freedom and democracy as much as possible. Then he moved to the checks on freedom of the press in the jurisprudence of the Court of Cassation, and how judges dealt with unfair provisions. He offered a definition of the nature and jurisdiction



of the Court of Cassation and how it exercises this jurisdiction, and expounded that freedom of publication in the Court of Cassation – whose competence is to monitor the valid implementation of the law by tribunals- is restricted only by provisions limiting the exercise of rights and preventing their abuse. Even though the Court of Cassation did not put forth a definition of the crime of publication, its rulings reveal a persuasion with the definition of the Belgian Court of Cassation, namely, any form of assault on collective or individual rights, which occurs as a result of abuse of the right to express opinion in an already published printed matter. This definition gives ample room to distinction of crimes committed by newspapers from the same crimes if committed by other parties. Offences of slander, libel, revile, or disdain, if committed outside the realm of journalism, often aim at harming the victim in his/her dignity or sanctity of person, and degrade him/her. On the other hand, if the same offences were committed by newspapers, their motive would more often than not be constructive criticism and public interest, which is above the individual interests of those who were harmed by the publication.

Mr. Bastaoussi asserted that regarding the issue of the freedom of the press and its regulation, the Egyptian Court of Cassation could not preserve the legitimate right of citizens to criticize social, cultural and political matters unless an independent judicial system existed and stood against all the attempts to undermine its independence, which is perceived as the fundamental guarantee of human rights, including freedom of opinion. This freedom is the first necessary step toward a valid democratic life. Freedom of the press cannot be empowered except through raising awareness of the people within a suitable socio-political environment, one that maintains values of tolerance of opposition, the right of others to express their opinions and thoughts, regardless of the differences.

## **Do Education and the Media Respect Religious Beliefs in Egypt: Overview of the Situation of the Christian Faith**

*By: Sameh Fawzi,*

*Egyptian writer and researcher*

The author argued that "citizenship" is a subject that students need to be taught and trained on. The individual learns about citizenship through a cumulative journey starting from school. Therefore, in school students must be allowed to explore the nature of the law, means of communication with institutions of justice, respect of rights and freedoms, and means of participation in the management of public affairs. The educational establishment can not be an arena for discrimination between citizens, on the basis of color, sex, race or religion. In Egypt educational institutions have become a theatre of conflict between the state and political Islamic groups over the right to shape the minds of students. The media is another model of socialization and education in the modern era, as it enjoys more freedom from state hegemony. In the event of political conflict between the state and Islamic movements over religious legitimacy, the media often raises the issue of the religious status of the "other." A more constructive approach would be ask questions of whether religious identities are respected: Do Christians enjoy the right to full citizenship, or is their legal status and right to citizenship subject to review? Does the Christian faith enjoy due respect in the constitution, law and culture?

The author presented a series of legal, political, professional and cultural restrictions imposed on and disrespect for the Christian faith in the media and education curricula. He reviewed several examples of written, audio, and visual materials, which in his opinion constituted an affront to the Christian faith. Then he moved to education, which he perceived as a zone of traditional conflict between the state and Islamic movements to shape the intellect of citizens. He offered a quick reading of the history and manifestations of this conflict, then reviewed his arguments to prove that curricula contain opinions that encourage extremism and offend Christian beliefs.

He discussed Egyptian factors which he thought create an atmosphere that increases contempt of religions in general and Christianity in particular; namely, the absence of the rule of law, the attempt by several Islamist thinkers to politicize Muslim-Christian relations to serve the project of political Islam, the tendency by the media to endow a religious character on global conflicts, and their keenness to involve themselves in doctrinal contention, by criticizing and showing disdain to the beliefs, rituals and religious worship of others.

He maintained that several other examples reveal that Muslim religious institutions do not take firm stands against attempts to defame Christianity. He accused these institutions of deliberately refraining from expressly condemning attempts to set-up a popular social and political substructure through extremism and stringent attitudes toward other religions, which further instigates sectarianism.

### **Religious Tutelage on Publication**

*By: Hafez Abou Saada*

*Secretary General of the Egyptian Organization  
for Human Rights (EOHR)*

At the onset, the author criticized the supervisory role of religious institutions such as al-Azhar, on literary and artistic works, and argued that this role should be restricted to monitoring reprints of the Holy Qur'an and religious books and materials, including the Prophetic sayings (Hadith), in order to verify their validity and authenticity. He indicated that al-Azhar has managed to acquire legal approval for supervision of the opinions and thoughts of artists and thinkers: the State Council issued a legal opinion asserting that al-Azhar had exclusive binding opinion on the Ministry of Culture's ability to authorize or ban audio or audio-visual material. Since al-Azhar acquired this power, as well as the right of seizure, the number of books being confiscated has increased. Not only has al-Azhar prohibited some novels and poetic works it considered as offending

Islam, but it also confiscated products of intellectual endeavor and independent religious interpretation.

His report monitored and documented books, novels and poetic works seized since the twenties up to the nineties of last century, which coincided with the ascendancy of extremist religious movements and the growing censorship role played by al-Azhar. According to the author, Al-Azhar has also lead campaigns that accused many journalists, writers and intellectuals of being atheists. He then moved on to discuss the systematic legitimization of the role played by al-Azhar regarding freedom of creativity, including the the legal opinions (fatwa) on the competences of al-Azhar and the Ministry of Culture to oppose artistic works, and reviewed regulations put forth by the Islamic Research Center to censor freedom of thought and creativity.

The paper then moved on to review different opinions regarding the right of al-Azhar inspectors to perform seizures. Many religious scholars, al-Azhar Sheikhs and members of the Islamic Research Center, argue that al-Azhar's right to seizure does not imply the rejuvenation of inspection courts or banning of creativity. Rather the purpose is to protect religion and Islamic culture from impurities and superstitions. On the other hand many intellectuals, authors and jurists rejected the right of al-Azhar inspectors to seize artistic production, and argue that this practice is an additional restriction of freedom of thought and innovation, and a reversion of the philosophy of the civil state.

Mr. Abou Saada called for launching a campaign to defend freedom of opinion and expression, which should not be subject to any form of censorship by religious institutions. He called upon the Egyptian government to implement constitutional provisions on freedoms of opinion and expression, as well as provisions of international instruments related thereto which Egypt has ratified into domestic law. He also stressed that al-Azhar scholars should "take their hands off" the thoughts and expressions of others, pointing out that al-Azhar is primarily a university and not an inspection court.

**Academic Freedoms and Religious Custody:  
A Reading of the Conditions Producing the Crisis  
(Nasr Abou Zeid as a Model)**

*By: Dr. Ali Mabrouk*

*Professor of Philosophy, Cairo University*

The author explored the arguments of politicians and reform advocates in the last decades of the nineteenth century in Egypt. Many of which reasoned that the way out of the crisis engendered by the reform movement at that time was to establish a modern educational institution. The university, which was born out of the crisis, has become an embodiment of this same problem rather than a means to overcome it. Dr. Ali contended that while the context of the genesis of the university heralded the full collapse of both culture and politics, the birth of the university amidst this collapse deeply influenced it.

The author analyzed the core of the problem underlying the founding of the university, drawing from his experience as professor of philosophy at the Faculty of Arts. He pointed out that this Faculty has produced and is still producing a series of insubordinate academics seeking to change deep-rooted, prevailing fallacies in Egyptian society. He asserted that the failure of this group to effectively influence the structure of this discourse that dominated the university was largely due to the fact that the academics in this group, including the author himself, became victims of the prevailing discourse.

The author enumerated the manifestations of the crisis of this discourse; he also expounded his attitude vis-à-vis modernity, invoking historical legacy as an unquestionable authority. This legacy –with its power- specifies the criteria according to which the permissible or impermissible trend of thought is identified, and, consequently, the aspects of modernity that are either acceptable or unacceptable. Furthermore, the scope of power the legacy exercises has expanded to impose its control on the legacy itself. The author maintained that a partial pattern of the legacy has tightened its grip

over the power of defining the acceptable and the unacceptable, to such an extent that the entire legacy has become subject to the tutelage of this partial pattern. The author found in this thesis an interpretation of the fact that all those who have been targeted by the "arrows" of tutelage in the university arena, were preoccupied with the legacy rather than with modernity!

Dr. Mabrouk pointed out that due to the above-mentioned interpretation, the emancipation from the captivity of guardianship and censorship lies in dismantling the power of the hegemonic pattern within the legacy. Herein emerged the ordeal of "Nasr Abou Zeid" the academic who mentioned in his intellectual project the concept of "emancipation from the power of texts", which was twisted into "the emancipation from the texts".

The author clarified the full controversy between the two formulae: Abou Zeid's intellectual project was not in essence a conflict over sacred texts (whether to accept or reject them), but rather on the nature of the relationship with the texts (consumption and repetitiveness or creativeness and dialogue). The author also maintained that the concept of "power of the text" is in essence a camouflage of another power, namely that of the prevailing pattern. He described Abou Zeid's struggle as one between "reality" and "ideology", since Abou Zeid disclosed "the ideology of hegemony" that underlies the mask of legacy. Thus, he was removed not only from the university but was also banished from his homeland. However, this ideology could not, fortunately enough, extinguish the flickering ember of Abou Zeid's thought. Hence, the door is still wide open to new struggles against tutelage.

**Animosity to Plastic Art: Between the Power of Fatwa,  
Popular Culture and the Attitude of Artists and Intellectuals**

*By: Ezz El Din Naguib  
Egyptian Plastic Artist*

In order to study the history of animosity to the plastic arts in Egypt, artist Ezz El Din Naguib chose to start off his paper with

various reactions to the Taliban's decision in 2001 to destroy the monumental Buddha Statues engraved in the mountains there around two thousand years ago. The decision was based on a fatwa prohibiting statues and sculptures. While al-Azhar attempted to dissuade the Taliban from doing this, and sent a delegation headed by the Mufti to this effect, following the destruction of the statues, al-Azhar did not react in any meaningful manner. The author criticized this acquiescent attitude, which was made apparent by al-Azhar's failure to adopt a conclusive legal opinion on the matter.

Mr. Naguib then attempted to interpret the phenomenon of disrespect to –and resentment of- plastic art, which exists among many Egyptians, and even among some professors of fine arts in Cairo and Alexandria. The latter has advocated the prohibition of portrayals, and called for canceling this class from the faculty of fine arts curricula. This incident made the author wonder on the impact of such a cultural context on the attitude of those among the graduates who are fully convinced that art is impermissible or proscribed, and how they would be able to work in their field of specialization. Furthermore, they would negatively influence their surrounding regarding the concept and essence of art.

The author probed the controversy triggered by the declaration made by the Mufti of Egypt Dr. Ali Gomaa that sculpture and painting are proscribed by religion. Mr. Naguib also drew evidence to prove that the religious movement is controlling the Faculty of Fine Arts, and that the Dean himself is supporting this trend. A faculty professor has resigned in protest of this situation.

The author then discussed what he called the predicament of plastic art in Egypt, and attempted to identify the reasons that allow hardliners to attack arts. He then explained that the plastic arts are often far removed from Muslim preferences because such arts are alienated from the current reality and history of Muslim society. He referred to a book written by an Islamic thinker, Dr. Mohammed Emara, that argues that Islam does not prohibit sculpture or painting. He stressed that the way out of the crisis is not through religious

fatwa, even when they support arts, but rather in building the pillars of mutual affiliation between artists and the public, so that the latter would become a partner in defending his own cause.

### **Poetry, the Opponent of the Cage**

*By: Helmy Salem*

*Poet and Literary Critic*

In his paper, the author attempted to correct a prevalent idea, namely that poetic art enjoyed more freedom in the past than nowadays, and that it was not banned when it dealt with the three well-known taboos: religion, sex and politics. Mr. Salem reviewed a number of historical events that elucidated the fate of poets when they dared broach such taboos, and invoked several examples where poets received punishments ranging between having their tongues cut, being killed or even crucified.

The author indicated that since the Islamic era up to modern times, there have been two prominent schools of thought in dealing with poetic expression, namely, the school of proscription and that of liberalization. The former denies that poetry should embark boldly upon the aforementioned taboos, in order to preserve religion from abrasion, maintain public bashfulness and protect the political regime from rebellion. This "school of proscription" stemmed from the premise that poetry should teach virtue rather than vice, and should be a support to religion in consolidating ethics and encouraging subjugation to God's orders. It should also be the mouthpiece of the ruling regime.

On the other hand, the school of liberalization dealt with poetry in isolation from religion, and considered that likening poetry to ethics is ludicrous. Poetry is a much more complicated phenomenon that has a special nature combining imagination and symbolism. The author stressed that the conflict between the two schools extends beyond the realm of poetry into the philosophical and legislative spheres.



According to Mr. Helmy Salem, the main reason that has allowed poetry to be constantly attacked in Egypt is the Egyptian Constitution of 1971, which includes an article stipulating that Islam is the official religion of the state, and that Islamic Shari'a precepts are the main source of legislation. Moreover, the Islamic Research Center of al-Azhar has been endowed with a wide scope of competences to either prohibit or seize artistic works. "Hisbah" law\* has been revived, according to which any citizen is entitled to file legal action against any artistic or literary work he/she deems as contemptuous to his/her religious beliefs.

The author objected to the screening of enlightened poetry from curricula put forth by the Ministry of Education and the Ministry of Higher Education, and from the media. He warned that the curricula and media panels are replete with poor examples of poetry, which only serves to diminish social, cultural and political consciousness.

The author then enumerated a number of examples of seizure of artistic works, and trials of artists and artistic production. He then criticized "the coalition between the Islamic Research Center of al-Azhar, political will and the People's Assembly" which campaign against freedom of thought and creativity. He also expressed his disappointment that the parliament has shifted from legislation in favor of freedom of expression to legislation that legitimizes the suppression of expression!

### **The Crisis of the "Children of Our Alley" Novel**

*By: Mahmoud Al Werdany*

*Egyptian Novelist*

The author dealt with the relation between religious doctrine and freedom of intellectual and artistic expression in Egypt. He pointed

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\* Hisbah is an Islamic doctrine of keeping everything in order within the laws of God. It is based on the Qur'anic order to "enjoin what is good and forbid what is wrong". In a broader sense, hisbah also refers to the practice of supervision of commercial, guild, and other secular affairs.

out that the religious movement was not the only force that exploited the tool of "takfeer"\* against intellectuals and writers. State apparatuses were also accustomed to using this method. The author related the experience of late writer Naguib Mahfouz when religious scholars attacked his novel "Children of Our Alley" after it had been published in series in the al-Ahram Daily. This reaction was so strong that the late President Jamal Abdel Nasser sent his personal envoy to Mahfouz to ask him to refrain from publishing the novel in Egypt. It was revealed several years later that three religious scholars drafted a report on the novel, upon Nasser's request.

The author reviewed two major documents, the first was a report on the novel issued by the Islamic Research Center of al-Azhar in 1968, which was extremely critical of the novel (from a religious point of view), and recommended it should not be printed in any form, nor transmitted audio-visually. The second document was another report issued by the secretary general of the Islamic Research Center in 1988, where he recommended the prohibition of either the circulation or the publication of the novel in printed or audio-visual form, and also banned its circulation in Egypt.

The author accused the Islamic Research Center of surpassing the limits of its role and mandate, which is restricted to supervising the printing of the Qur'an. This organization was competing with Islamic groups in imposing its doctrine on the creative arts. Mr. Werdany also criticized the law that entitled al-Azhar to assess the stature of Islam in audio-visual materials instead of the Ministry of Culture. He considered that "assessment of the stature of Islam" is a new name for censorship. Mr. Werdany asserted that the state bestowed this role on al-Azhar in its bid to win over religious movements.

Mr. Werdany pointed out that the man who attempted to assassinate Mahfouz for writing his novel "Children of our Alley" had never actually read the novel. He had been inspired to do so by a fatwa of Sheikh Omar Abdel Rahman. This fatwa declared Mahfouz an

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\*In Islamic law, takfir or takfeer is the practice of declaring that an individual or a group previously considered Muslims are in fact non-believers or apostates.

apostate and a renegade. Mr. Werdany did not lay the blame only on the perpetrator and the originator of the fatwa, but also mentioned a list of reasons, namely the poisoned atmosphere inimical to freedom of certain kinds of expression, and the dangerous rhetoric of extremist sheikhs.

In his rejection of Mahfouz's attitude, who insisted on securing al-Azhar's approval of his novel before publishing it, the author asserted that Egypt is a civil state, governed by civil law. He said that people should resist any religious or political custodianship on creative artists and their production.

### **The Confiscation of "The Migrant" Movie Through A Court Ruling**

*By: Salah Issa*

*Editor-in-Chief of Cairo Independent Newspaper*

The author dealt in his paper with the movie "The Migrant", a movie that stirred up one of the major artistic and intellectual debates in Egypt during the second half of the twentieth century. The authoritative confiscation of the movie was the first incident of its kind through court ruling. Ever since cinematographic tapes were introduced in Egypt, it has been mandatory to obtain a license before either showing or shooting the movie. Furthermore, the decrees and law regulating this procedure have always been in the hands of the administrative authority responsible for authorizing the movie for display, or for withdrawing such authorization if the circumstances they were issued there under changed, such as the creation of public opinion opposed to the movie or parts thereof. Hence, it was not necessary for these authorities to obtain a court ruling for confiscation. The tribunal that accepted to review the lawsuit to ban "the Migrant" movie and accepted the prosecution's requests was the first Egyptian court to accept a lawsuit of hisbah in a case related to artistic work. Similar legal actions have been filed over the last fifteen years, which were all turned down by the judiciary based on the Law of Procedures. The latter stipulates that no petition or argument shall be acceptable

whose author has no vested interest therein and which has no precedents in case-law.

The author indicated that a consensus prevailed among Muslim scholars that the personification of Prophet Mohammed (PBUH) on screen was forbidden. However, the scope of this prohibition expanded to include figures such as members of the Prophet's Family, the Rightly Guided Caliphs, the Ten Companions promised Paradise, and all the Companions of the Prophet. Muslim scholars were not unanimous about this forbiddance. The author provided proof of their disagreement, namely, that several Muslim scholars approved the movie called "The Message" while al-Azhar opposed it because it personified Hamzah, the Prophet's uncle.

The author mentioned that the atmosphere surrounding the case of "The Migrant" prevented the issue of personifying prophets in artistic works from being openly discussed because of the extremism of the opinions that called for the movie's confiscation. This view demonstrated an ignorant concerning artistic expression, perception and interpretation; on the other hand, enlightened scholars were reluctant to express their opinion on this issue, due to the atmosphere of intellectual and religious terrorism that hardliners spread within social and intellectual life.

The author criticized al-Azhar's involvement during the appeal to the lawsuit on "the Migrant", which he deemed quite significant in terms of the institutional structure of the state, based on authorities specified by the Constitution. The latter did not consider al-Azhar one such authority, nor did it bestow on al-Azhar the power to censor artistic works. The law instituting al-Azhar considers it as a strictly religious institute. Its involvement in censoring films and other artistic productions can be seen as an attempt by some extremist to impose Islamic theocracy onto state structures.

## Trends of the Debate at the Workshop

### **Motives behind the Publication of Cartoons Disdainful of Prophet Mohammed:**

At the beginning of the workshop, a debate flared up over the motives that impelled Jyllands-Posten to publish the cartoons. Some participants claimed that the newspaper wished to boost its distribution rates and score higher profits, and that enhancing freedom of opinion and expression was not on the newspaper's priority list –as it alleged later on- when it decided to publish the cartoons. The contention over freedom of expression after the publication of the cartoons was accused of mere camouflage for profit-driven owners. This argument was criticized by other participants, who interpreted the publication on the basis of a cultural atmosphere that prevails in the West and fosters animosity toward Islam and Muslims, especially after the September 11<sup>th</sup> events.

### **Lack of Professionalism in Egyptian Media Coverage of the Crisis:**

The debate delved into an evaluation of the performance of the Egyptian press in its coverage of the cartoon crisis. It was accused of following the same track as the Jyllands-Posten, though the cards of the game differed. The winning card in Egypt was not the defense of freedom of expression but the protection of Islamic symbols. The Egyptian newspapers were not keen to send their journalists to Denmark, in a sheer absence of professional standards; thus wasting the opportunity of establishing a direct dialogue with parties to the crisis. Instead, they relied on a single source of information in Denmark, namely the hard-line Islamic movement. The latter was in the forefront of the scene with two discourses: the first was quite tolerant and was in direct contact with European media; the other was stringent discourse that was used when contacting Arab media. Moreover, Egyptian journalists did not attempt to interpret the

Western cultural context, which was quite different from the Arab-Islamic counterpart. Nor did the Egyptian newspaper attempt to make any serious effort to transmit a real image of the boundaries of freedom of the press in Europe, and how it differed from the difficulties freedom of the press encounters in Islamic countries at both the theoretical and practical levels. Furthermore, those newspapers –with some exceptions- did not indicate how European newspapers deal with sacred religious symbols and how they depict Jesus Christ in sarcastic cartoons. Hence, Danish cartoonists were shown as merely aiming at disdaining the Prophet and Islam.

It was also pointed out that many newspapers exploited the cartoon crisis to foment the anger of the Egyptian rank and file, and exacerbate conflicts between Muslims and the West. They recalled mistakes committed by the West and kept acerbating historical tensions between Muslims and Western countries, yet ignored the attacks and fear Western countries endure as a result of acts committed by some Muslim extremists. In order to guarantee the highest distribution rate, some newspapers deliberately exaggerated in reporting the incident of the re-publication of the cartoons in other European newspapers. Egyptian newspapers ignored the fact that some newspapers have re-published the cartoons to express their solidarity with the right to embrace any opinions, irrespective of their nature or origin, and through any means or media. In this context, some Egyptian newspapers upheld the argument that such cartoons were part of a crusade against Islam, thus capitalizing on the "Islamophobia" phenomenon that pervades the West and making a link between this phenomenon and the American occupation of Iraq. Moreover, some newspapers also deemed acts such as the burning of the Danish flag in demonstrations, and attacks on some Danish diplomatic missions in several Arab countries, as lawful, due to the assault launched on Islam, and a punishment that the Danish government deserved because of its refusal to apologize for the cartoons.

Even though many people and organizations in Denmark and Europe opposed the Jyllands-Posten cartoons, such attitudes were not

sufficiently reported on by the majority of Egyptian newspapers. This in itself consolidated the notion that the West –taken as a whole unit despite its diversity and differences- had a unified attitude and goal, namely, animosity and aggression towards Islam and Muslims.

### **The Impact of Newspapers in the Gulf States:**

Some participants drew the attention also to the fact that some newspapers in Egypt, Morocco and Lebanon published news and commentaries on the cartoons directly after their publication but without stirring up any tumult. Several months later, Gulf newspapers waged a ferocious war on the cartoons. Egyptian newspapers "imported" their campaign against the cartoons from Gulf papers and adopted the same methods, in particular the economic boycott of Danish products. In this context, some participants cast doubts about the validity of the assumption that Gulf newspapers manipulated the Egyptian press, and expressed hopes that journalism in Egypt can overcome any external factors that might undermine its professionalism.

### **Political Use of the Crisis:**

After debating the performance of Egyptian journalism in its coverage of the crisis, participants then discussed the political exploitation of the cartoons by ruling regimes in the Arab World. The reaction of the Muslim World to the cartoons, which was indeed violent and vociferous, was latent though. The ruling regimes were accused of capitalizing on the crisis to retract their promises of reform, and distract and mobilize people against external pressures for reform. Thus sending a message to those internal reform movements that the democratic model they desired is instigative against religions and freedom of opinion leads to chaos and challenges sacred doctrines. This political manipulation of the cartoon crises was also used to divide groups in society and cause contention within society in order to further discourage internal reform.

## **Limits on Freedom of Expression:**

Some participants had a different opinion regarding the reasons behind the cartoons and reactions thereto. According to some, to reduce the publication of the cartoons as a mere money making scheme or the initiative of right-wing extremists is an oversimplification of the situation. They saw the fundamental cause behind the publication the cartoons as arising from post-modern values and absolute relativism, which provide for freedom of the human being to express his/her opinion without any restraints or obligations toward others. They also thought it was imperative to distinguish between freedom of opinion and freedom of expression. They contended that the human being is free to embrace any ideas or notions, but when expressing such ideas or opinions, the right of others should be observed and respected. Others should neither be publicly insulted, nor should their beliefs or sacred symbols be offended in any way.

## **Freedom of Opinion and Expression in the Judgments of the Egyptian Court Of Cassation:**

Deliberations dealt with the history of crimes of publication and trials of journalists in Egypt in the late nineteenth century. At that time, no legislation on the independence of the judiciary had been enacted yet. Freedom of the press, as were other freedoms, followed the ebb and flow of political life in Egypt.

Provisions regulating journalism were amended and dismantled, usually with very little discernable reasons. Nevertheless, Egyptian magistrates dealt with such provisions within the framework of freedom and democracy as much as they could. Some asserted that most of these amendments were an attempt to prevent the judiciary from interpreting legal provisions according to principles and values of freedom and democracy.



The workshop included a presentation on the major cases regarding rulings of the Egyptian Court of Cassation related to freedom of opinion and expression. These rulings illustrated that the judiciary's definition of crimes of publication was largely adopted from the Belgian Court of Cassation, which identified printing any form of assault on the rights of groups or individuals as an abuse of this right. This view opens the door for a distinction between crimes committed by newspapers and the same crimes when committed by parties other than newspapers. Crimes of libel, defamation, or insult, if committed by parties other than newspapers would be deemed as an affront to or degradation of the victim's dignity and sanctity of person. However, if committed by newspapers, the motive would be constructive criticism and the achievement of the supreme public interest of society, which transcends the interests of individuals being harmed by the publication.

Other participants had a different opinion on the laws governing freedom of the press. They thought the purpose of such laws was to cut across the Egyptian judiciary's rulings, indicating that the Court of Cassation had convicted some defendants for criticizing the government. Several examples were given to illustrate that the Egyptian Court of Cassation did not exert any effort to amend the constitutional defects of Egyptian legislation.

### **Freedom of Opinion and Expression in the Precedents of the European Court:**

When analyzing some of the cases related to freedom of opinion and expression in the European Court of Human Rights, it was observed that some formulae of expression were legally unacceptable. Freedom of artistic and journalistic expression is not absolute; such freedom is regulated by certain restrictions. However, restricting this right must be done as an exception and not the other way around.

While reviewing cases related to Article 10 (providing for the protection of freedom of expression), the Court must ensure that the

incident under scrutiny falls within the framework of the article. The Court can then exact conditions for the interference by public authority, provided such interference is legally stipulated, that it serves a lawful aim (such as territorial integrity, guaranteeing the impartiality of administering justice...etc. that are provided for in Article 10, #2), and that the conditions are essential for a democratic society. While the first three conditions are not problematic, the evaluation of the "essentiality for a democratic society" requires further attention. According to Court precedents, the court investigates whether the interference by the public authority was justified, in other words, whether it responded to an urgent public emergency or a pressing social need. In its assessment, the Court provides national authority with a discretionary margin that varies from one case to the other, though it is not always absolute, and runs side by side with European standards.

Though the European Court does not provide a definition of the term "hatred discourse", it refers thereto in some of its judgments as being any form of expression that disseminates, instigates, encourages, or justifies hatred based on fanaticism, including religious fanaticism. It is important to note that this term is an independent concept. The Court does not consider itself under an obligation to adopt the definition of this concept put forth by national courts. Thus, it rejects national court classifications at times, or classifies specific statements under hatred discourse even if national courts decide to exclude them.

When the European Court deals with desecration of religious beliefs, the issue includes an assessment of the contradictory interests of two main freedoms: the freedom to express one's opinion on religious beliefs to the public on one hand, and the freedom of other persons to have their beliefs, cultures, etc, respected by others. It should be noted that the absence of a unified European concept of the requirements of protection of others' rights regarding desecration of their religious beliefs implies that the Contracting Parties do not possess a wider discretionary power regarding issues that might offend the intimate personal beliefs in the sphere of ethics or religion.

The Court justified the existence of a wide margin of state discretionary power by saying that it was not possible to reach a comprehensive definition of permissible intervention in the practice of the right to freedom of expression when this expression was addressed against the religious beliefs of others.

A controversy was raised regarding the Holocaust and the European condemnation of Holocaust denial, the argument being that mainstream historians have established beyond a shadow of doubt that the Holocaust did, in fact, take place. Some participants objected to this condemnation because it represented a restriction of the freedom of scientific research and study of the Holocaust as a historical incident. In this context, the European Court was accused of applying double standards in its regulations and rulings, as these rulings did not provide space for studying the impact of an incident such as the cartoons on minorities in Europe and the expansion of this impact to other continents, yet it did incriminate Holocaust denial. Other participants claimed that the Holocaust issue was not "a matter of our concern" since Arabs and Muslims were not involved in this tragedy and would gain nothing from either stirring it up or denying it.

Some participants criticized several European countries for having laws on contempt of religions which they have used for decades. They also pointed out another dilemma related to the evaluation of whether a statement was contemptuous of religion or not, and how an individual could compromise between his/her right to criticize a certain religion and the wish of followers of this religion to keep it from being insulted.

Several interventions elucidated the difference between criticizing religious doctrines and criticizing religious thinking. It was argued that the core of religions should be respected and ought not be disdained, while religious thinking does not enjoy the same immunity. This process might need to be revised and rectified in many Arab and Muslim societies.

## **Christian Doctrine in Egyptian Media and Educational Curricula:**

Some participants thought that the contention between beliefs should take place among scholars, researchers, intellectuals and theologians behind closed doors. Those who are not specialists in religion should not be involved in these debates or implicated in notions of differences between beliefs, because this would ultimately encourage the exchange of offenses and accusations of apostasy. In this context, the effort made by some intellectuals to draft a charter for mutual respect between parties involved in the Muslim-Christian dialogue was pointed out. This charter provides in one of its items that debates related to faith should be set apart from the general population. Instead, such debates should be behind closed doors between experts who appreciate the differences or similarities between religions.

Several participants disagreed with this premise, as they perceived that denial of debate on matters of belief would further tighten the restrictions imposed on freedom of opinion and expression. This would provide some parties with a pretext to impose laws of contempt of religions, which would become an additional obstacle, deeming anyone who wishes to express opinions against mainstream views as apostates, or threatening them with assassination or imprisonment.

When addressing Egyptian media coverage of matters related to Christianity, some participants stressed that all religions should enjoy due respect and should not be subject to contempt, libel or invalidation. In this context, some participants denounced the Egyptian media's contempt of Christianity, and held that this type of practice contradicts with the Penal Code which outlaws desecration of religions. Furthermore, the Law on Journalism includes an article that outlaws racist disdain of religions. At the practical level, stigmatizing Christians as disbelievers has become widespread in many writings, printed material, TV programs, websites, tapes authorized by al-Azhar, and even fatwa issued by the Office of the Mufti.

The debate also touched upon the method through which Egyptian education curricula deals with Christianity. Some participants stressed that Christianity is marginalized in favor of exalting Islam. They criticized the fact that Coptic students are forced to memorize verses of the Qur'an while no texts from the Bible are included in the curricula. They also indicated that the Coptic citizenship is totally excluded from the curricula, to such an extent that history textbooks describe the conflict of the Egyptian army with Israeli forces in October 1973 as a Muslim triumph over Jews, thus overlooking the efforts of Christians in this war. Several participants argued that Christian discrimination is a result of propaganda that leads Muslims to believe that Christians are part of a global coalition that has waged a crusade against Islam and Muslims.

Other participants attempted to provide an interpretation for the deterioration of aspects of liberality in Egypt. They blamed what they called "the Bedouin petro-assault": the return of many Egyptian teachers and technocrats that had migrated to the gulf. These migrants returned to Egypt with a religious non-liberal ideology and began accusing others of atheism. Some participants severely criticized this thesis, which was perceived as an over-simplification of the phenomenon. Problems of political Islam in Egypt began prior to the waves of migration to the Gulf; sectarian conflicts have existed in Egypt since the Mamluk era. It is also unfair to overly simplify and decontextualize complex human phenomenon while attempting to interpret them.

The representative of the Muslim religious establishment instigated a sharp controversy in his rebuttal. He accused proponents of the former thesis of paralogism and of "shuffling cards". He defended a number of Islamist thinkers who relentlessly used the term "crusaders" in their writings, asserting that they do not mean Christians in general. Crusaders –according to him- are those who shed Muslim blood in Andalusia, and are still shedding Iraqi blood in a war that was deemed "a crusade" by those who waged it. He also criticized discussions that focused on the sanctity of only Christianity. The sanctity of Islam was very often offended in movies; in other

words, Christianity is not the sole victim. He also criticized the research paper because it relied on a fatwa issued in the early years of the twentieth century, and called for a correct reading of facts and for putting the fatwa in its proper historical context. He indicated that jurisprudence has developed a great deal, and that old fatwa are made available on the Internet by the Office of the Mufti to benefit researchers who wish to review the history of the development of jurisprudence.

Some participants were wonder-stricken that the representative of al-Azhar remarked that the session focused on the sanctity of Christianity, indicating that while Islam might have been offended by some media panels, no other panels discussed the offense and affront made to religious beliefs embraced by minorities. TV and radio programs and entire newspapers are dedicated to Islam, while the margin of freedom left for minorities to express problems they endure is restricted. This is true even in state-owned mass media that are funded by the public treasury, which lack neutrality and professionalism. They also denounced his statements about using the term "crusaders", and maintained that the term is religiously and not politically used.

Some of the participants pointed out that when religious scholars are portrayed in artistic works this doesn't imply an infringement upon the sanctity of religion. They warned that a differentiation should be made between the two notions. Other participants criticized the al-Azhar representative's disregard of the discussion on the expansion of the scope of attack on Christianity in several media and newspapers, which also contained pages of Islamic thought, while they do not give the opportunity to followers of other religions space to express their opinions and ideas.

## **When Religious Scholars Exercise their Tutelage over Creativity:**

Several questions were raised regarding the relationship between religion and innovation, and why innovators and religious establishments are always clashing? Are there justifications in the structure of the religious texts that allow Muslim establishments to believe they are the guardians of religion and sanctified symbols, to impose their tutelage on innovation and authors of creative works? Is there a contradiction between innovative tools and respect for religious beliefs?

## **Religious Jurists in the Service of Rulers:**

Some participants used the term "humanitarian setback" to refer to the state where followers of a religion constantly speak about freedom of belief and tolerance while assassinating or banishing those who do not share their beliefs. The reason is the tight relationship between power and religious beliefs. Even Islam which has no clergy system has its own religious men or so-called scholars. Those who are skilled in memorizing religious texts, sayings of the ancestors, but do not exercise any reasoning, nor observe differences of time and space. Throughout the history of Islamic civilization, freedom of opinion and expression had a negligible standing, except outside the boundaries of the clash with the ruling authority. At the practical level, Ibn al-Nafis, Jabir ibn Hayyan (in Latin Geber), and others are but a few examples. The jurists used religion to support the power of the ruler on different occasions and in various epochs and eras. For instance, religious scholars in Egypt promoted Islamic socialism in the era of Nasser, and then turned against it in the era of Sadat in favor of capitalism and an economic open-door policy, all under the banner of Islam. Many scholars are still following this pattern today, which exposes the grave extent to which the authority monopolizes the interpretation of sacred texts, and highlights the political and economic interests shared by scholars and authorities.

## **Al-Azhar's Tutelage over Creativity:**

Several questions were raised regarding the reasons that impelled al-Azhar to become a censoring institution of literary and artistic production. Its original role was restricted to supervising the printing of the Qur'an and books on Prophetic sayings. Some of the participants pointed out that al-Azhar established legal justifications for this role in State Council opinion stipulating that al-Azhar was the sole and exclusive authority having a binding opinion on the Ministry of Culture to either authorize or ban audio or audio-visual materials. Not only has al-Azhar banned novels and poetic collections that were deemed as offending Islam, but it also banned non-fiction books including independent religious opinions and judgments.

A number of participants perceived that the ascendancy of extremist Islamic movements and the growing expurgation that al-Azhar has practiced has led to an escalation of campaigns accusing all innovators, opponents to mainstream opinion of the religious establishment, and radical groups as apostates. Participants to the workshop unanimously and categorically rejected the right of al-Azhar inspectors to seize literary works, as this practice represented an additional constraint on freedom of thought and creativity and a fallback from the philosophy of the civil state.

The representative of the religious establishment denied that al-Azhar possessed such a right, and asserted that there was not a single incident where al-Azhar confiscated a book. He indicated that al-Azhar does not have any authority to seize any books, except reprints of the Qur'an and books containing sayings of the Prophet which have been subject to corruption or falsification. Meanwhile, he was astonished at the request by some participants that al-Azhar refrains from giving its opinion –when it is asked to do so- regarding books whose content might contravene Islamic Shari'a.

The representative of the religious establishment commented on some arguments regarding the ascendancy of extremist Islamic movements that coincided with the growing supervisory role of the al-Azhar institution. He described such arguments as "a shuffling of



cards." He also denied that al-Azhar possesses "a black list" of books. He also asserted that al-Azhar has never exercised religious restriction on creativity, and argued that the religious establishment is not responsible for other parties' statements that deem others as apostates. He also pointed out that al-Azhar respects and values the dialogue with those who stand in opposition to its opinions.

Several participants intervened to denounce al-Azhar representative's statements, and confirmed that it plays the role of the guardian in the name of religion, and that its role as censor is not restricted to seizing copies of the Qur'an and books of "Hadith" containing misprints or false information. Reports issued by the Islamic Research Center most often lead to seizure of books. Those participants called for an end to this role and to al-Azhar tutelage over freedom of thought. In the same vein, several questions were raised over the reasonable legal grounds for the existence of the al-Azhar institution in Egypt, whereas no such parallel institution exists in countries with a Sunni majority?

Participants also called upon al-Azhar to confront the proliferation of publications promoting superstitions that threaten the foundations of the Muslim doctrine, instead of concentrating on screening intellectual and literary books to seize whichever is deemed contravening to Islamic Shari'a.

## **Is Religion the Enemy of Creativity?**

Some participants indicated that religion has an inherent structure that makes it an enemy to or antithesis of innovation. This explains the unceasing conflict between innovators on the one hand and religious scholars on the other. This thesis was criticized by other participants who argued that this assumption isolates the innovator from the recipient public. The latter performs religious rituals and in the meantime supports artistic works. Several interventions asserted that the problem does not lie in Islam itself, but in the absence of intellectual endeavor and reasoning, and the prevalence of an

atmosphere that fosters extremism and undermines the value of the intellect while dealing with sacred texts. Some participants were critical of the fact that speakers overlooked the role of the Church in suppressing innovative thinking. A case in point was the movie entitled "I Love the Cinema" and the "Da Vinci Code". On the other hand, speakers overly highlighted the role of different Islamic religious establishments in suppressing various forms of art and thinking. They also indicated that creativity in the Arab world does not suffer from the intervention of religious men alone; parliaments in many countries also seize artistic and intellectual productions. In this context, some participants called for a study of the role of the religious heritage in shaping consciousness, in order to determine the flaws in the structure of our modern nation-states which turned parliaments into tools for suppressing freedoms and circumventing innovation. In that sense, the legislature is comparable to religious institutions that many perceive as an obstacle that should either be reformed or demolished altogether.

### **The Role of the Intelligentsia:**

A number of interventions emphasized that the way out of the crisis of freedom of opinion and expression is to struggle to entrench democratic and liberal concepts in our societies, the establishment of the state of law not that of lawful and proscribed acts, the demolition of religious authority, the consolidation of the pillars of the civil state, and the formulation of a constitution whose provisions guarantee and ensure freedom of opinion and expression. Some of the participants claimed that these types of methods come from an intelligentsia preoccupied by procedural methods of change. Some argued that intellectuals often believe that crises can always be overcome through procedural tools, and thus fail to address a more important question related to effecting changes within the cultural environment. Procedural action is not always productive; for example Arab world constitutions contain articles to protect rights. However, they are not put into effect because the cultural context is inimical thereto. The

predicament of freedom of opinion and expression is in essence a socio-cultural issue. If art and its branches (poetry, music, literature, painting, etc) were integrated in people's daily life, neither the religious establishment nor political power would be able to suppress innovation unless the artistic work directly attacked religious texts. There is ample space for agreement and meeting points between the two sides, instead of enmity and clashes. However, the problem is the division between the public and the intellectuals; therefore, channels of communication should be built. The intellectuals bear the largest and most important part in bridging the gap and joining hands with the public.

## **Conclusions and Recommendations**

Discussions and deliberations among participants in both the Copenhagen and Cairo Workshops concluded by making the following recommendations:

1. Individuals and groups must stress the importance of global values common to all cultures, and resist movements and trends inimical to human rights values and tolerance which prevail in the South Mediterranean and are rising powerfully in the European Continent under the banner of the extremist right wing.
2. Individuals and groups, especially the media, should strive to remedy the lack of diversified and exchanged information between South and North Mediterranean, as this was the main element in instigating the cultural crises' between Europe and the Arab world.
3. A documentary should be produced, with subtitles in as many languages as possible, including Arabic and Danish, with the purpose of highlighting the relation of Islam and Muslims to any image of the Prophet Mohammed

4. People in Denmark and the Arab World should cooperate and interact in the cultural, social and political domains; including holding common book fairs, monument exhibitions, artistic and cultural festivals.

5. Institutions should be created in the Arab- Islamic countries on the one hand and in Denmark/Europe on the other, to foster accuracy in imparting information and respect for freedom of communities, groups and individuals.

6. A forum for Danish and Egyptian cartoonists entitled "Freedom of Expression and Cultural Particularities" should be convened; such event would help in dissipating the confusion and blurred limits between freedom of expression and prejudice to cultural specificity and freedoms of others.

**The participants urge:**

1. The Danish society (including the government, civil society organizations, and political forces) to translate their websites into Arabic and English to facilitate the task of media personnel and persons concerned in exploring the Danish culture, politics and society.

2. The launching of a website to exchange viewpoints and express different perspectives on common issues and crises between Arabs and the Occident.

3. The convening of a research program for Arab journalists, magistrates and young district attorneys to cover the European judiciary system (case law, jurisprudence) as it relates to freedom of opinion and expression; and to establish an similar program in the Arab world for Europeans that would analyze the legal and religious discourse, study the attitude of the judiciary and religious institutions in the Arab-Muslim World regarding issues of freedom of opinion and expression.

4. Organizing training courses on the media and journalism in both the Arab World and Denmark interchangeably that would allow for exchanging journalistic knowledge, and advocate for the

reporters to be assigned to areas and countries that they are knowledgeable about.

5. Reforming educational institutions in Egypt and the Arab-Muslim World in order to strengthen freedom of opinion and expression, in both taught material and the methods of teaching. Often education in the Arab world fosters an environment that does not foster a tolerant atmosphere in which individual initiatives and free thinking are promoted.

6. Striving to establish full independence of the Judiciary. The existence of adequate legal texts without an independent Judiciary to implement them is pointless. The independence of the judiciary is important to guaranteeing the widest possible interpretation of laws in favor of freedom of opinion and expression.

7. Responding to the urgent need of young Egyptian journalists to acquire necessary skills, in particular proficiency of the English language, as these skills would reinforce their ability to communicate with their colleagues in the West and help them acquire the knowledge they need.

8. Providing and adopting a follow-up mechanism of recommendations and ideas produced by the program.

Den danske regering har vedtaget at indføre en række nye tiltag for at styrke den offentlige sektor og sikre et bedre arbejdsmiljø for de ansatte. Dette er en vigtig del af vores økonomiske og sociale politik, og vi forventer, at disse tiltag vil have en positiv effekt på den danske økonomi og samfundet i de kommende år.