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#meeting15

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Islam, Constitution and Democracy

Is the Arab Spring enduring?

Rimini, August 22nd 2015 – An high-level conference in Sala Neri at 7 p.m. on Saturday August 22nd around the big question: is Islam compatible with democracy? The relators: Raafa Ben Achour, judge of the African Court for human and peoples' rights; Tania Groppi, Public Law Institution professor at the University of Siena; Constitutional Law professor at Marmara University of Istanbul I'brahim Kaboglu; the Supreme Constitutional Court of Egypt vice-president Adel Omar Sherif. The lecturer is Andrea Simoncini, Constitutional Law professor at the University of Florence.

"What remains of the Arab Spring?" debuted Simoncini "Do we really understand what has happened? Is it still alive or has it turned into the nightmare of an Arab Summer"? "One has the feeling" Groppi spurred in his speech "that, after an openness towards democracy, in free elections those who are favored are those who want the breakthrough in Islamic state". It seems, that is, that only dictators are able to prevent the devastating fundamentalism. The outcome is that "there was a great hope but now we are witnessing just as fragile." What next then for these countries?

Achur criticized the term "Arab Spring", for in his opinion it does not adequately express the complex reality of the Arab countries. "And terrorism" he added, "that you have known in Italy too, has no nationality nor religion. For this reason it is necessary to distinguish Islam as a monotheistic religion from Islam which uses religion politically. I am a Muslim and I fight Islam". The Tunisian Constitution, recalled Achur, has a long history: "Today we can say that it was a difficult progress. Initially, it was thought to have a theocratic constitution; but then, thanks to women and society as a whole, that was not adopted". Some articles of the Constitution, explained the magistrate, state explicitly the freedom of religious belief and conscience and recognize the value of tolerance. "The state protects women's rights" said still Achur "such as equal representation in the electoral lists". According to the lawyer, agreeing in this with Groppi, "in Tunisia, there was a revolution for freedom and dignity that is perhaps unique".

Kaboglu highlighted the long path for human rights that has contributed to the formation of the secular Constitution of the Turkish Republic. He posed then the question of citizenship, that implies a secular-religious relationship. It is a sensitive issue: the Preamble of the 1982 Constitution states the principle of secularism, because "feelings of religion, which are sacred, can in no way be confused with the affairs of state and politics".

To answer the question posed by Groppi, Kaboglu recalled that his country is going in a process of reforms in order to ensure a "freedom from techniques", with human rights "become the common denominator of all the constitutions in a mechanism 'checks and balances'". In this context – said the speaker – the focus is on the presidential system, in order to prevent the personalization of power and ensure the democratization of institutions. Moreover, the religious diversity of the Turkish population puts the need for the principle of freedom of religion expressed in the Constitution: "No one can be forced" says Kaboglu by quoting the constitutional text "to reveal beliefs and convictions, and no one can be blamed or accused because of his religious beliefs or convictions. At the same time nobody can use religion for economic, political or legal purposes." The Constitution – said the speaker – "is a temporal spiritual text; therefore, it is secular by its nature". In this prospect, will religion be looked at from the perspective of human rights? Or, conversely, will the rights included from the perspective of religion? With this question, Kaboglu concluded the report.

"But is Islam a real treat?" Sherif asked by beginning his talk. In Egypt, it is not believed as possible – not after the success of the constitutional process in Tunisia. "Then it came Tahrir Square and immediately after it appeared that the regime could recover everything in hand. The defeat of the Muslim Brotherhood, however, has brought new life to our hope". Egypt – continued Sherif – has suffered for many centuries. The revolution of 1952 creates a kind of democratic system in disguise: "The Constitution was written in an exceptional way; it provided the respect of the rights, but this was only the text – the reality was quite different. The country fell into indifference, but then the miracle happened today: the people have taken over their lives".

A second element that Sherif wanted to emphasize is the complexity of the doctrine of Islam. It is based on the relationship with the divine precepts that indicates – Sharia law – to regulate relations between people, international relations, economics, devotion. "But it is not easy to find these precepts" observed the constitutional, "because the texts does not say everything and not everyone has the titles to interpret them". Ultimately, can we expect a development of democracy in the countries of origin of the three speakers? Sherif replied: "Come to us, feel our pain, and then we can develop a common sentiment. This is what is lacking in many constitutionalists. The struggle for democracy still continues in these countries. There has been progresses, so we have expectations for a better future".

"Reality cannot stand simplifications" concluded Simoncini "and this evening we met three stories, three cultures, and different institutions". It is not enough to deal with the legislation of the various countries, it is necessary to find out what's underneath, the concrete contexts of life of a country. Tonight we could see people living in different countries and who know how to dialogue: this allows you to go to the heart of the problems. We know how great their suffering was; even for that, we thank them".

(A.Cap.)

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