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BENEFITS OF SECTARIANISM

Egypt's Regime and the Marginalisation of Coptic Christians

Author: Lavinia Spennati
Supervisor: Vincent Durac

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ABSTRACT

Since the rise of the military elite to the highest ranks of power, Egyptian Copts have seen their role progressively diminished in society and in the principal decision-making processes. The marginalisation of the Coptic community was influenced in particular by the collective shift to the centrality accorded to religious belonging. The division of society on sectarian lines has been strategically manipulated by the Egyptian regimes, which made use of the weak position of the religious minority in its relations with other key actors.

The thesis analyses the socio-political processes that determined the marginalisation of Coptic citizens from the public sphere. In particular, the analysis investigates the mechanisms put in place by the Egyptian regime to consolidate its *status quo* and the consequences its policies had on the integration of the Coptic minority within the Egyptian system.

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INTRODUCTION

Egyptian Copts represent six to nine per cent of the population of Egypt¹. The vast majority of them are adherents of the Coptic Orthodox Church, the biggest Christian Church in Egypt and in the Middle East². Having resisted the gradual conversions to Islam that followed the Arab conquest of Egypt in 641 A.D.³, Copts lived under Muslim rulers until the British occupation in 1882⁴. At that time, their position within Egyptian society was regulated by Islamic law, which separated religious communities from each other and granted semi-autonomy to religious minorities in the management of internal affairs⁵. Christians were also integrated in limited areas of the state bureaucracy, notably in financial offices⁶. Therefore, when in 1923 they were integrated into the political system, a Coptic elite, which emerged under Muslim rule and was reinforced by the British, possessed the means to influence the political sphere. The Coptic intelligentsia played an active role in the ideological and political development of the independence movement, together with its Muslim counterparts, while the Christian community contributed to its realisation with popular uprisings. Indeed, the unanimous rejection of the British protectorate built the basis of the national unity process that led the country to independence. However, since the Republic was founded in 1952, the rise of the

1 Copts are the largest minority in Egypt, though their exact numbers remain uncertain. Figures range between 4.7 and 7.1 million, comprising between six and nine per cent of the population. International Crisis Group and CIA World Factbook estimates, cited in Minority Rights Group International (MRG), World Directory of Minorities and Indigenous Peoples: Egypt, at <http://www.minorityrights.org/?lid=3937> (consulted on 30 June 2014).

2 Copts are distributed quite homogeneous on the national territory, with higher concentrations in Upper Egypt and in some neighbourhoods of Cairo and Alexandria. They are present in all layers of social hierarchy, and their political orientation may vary greatly, although a majority of them generally tends to support political parties able to contain the raise of political Islam. Guirguis, Laure, 'Contestations Coptes Contemporaines en Egypte', pp. 139-161, in *Revue Tiers Monde*, 5, 2011, p.139.

3 Marsot, Afaf Lufti Al-Sayyid, *A History of Egypt: From the Arab Conquest to the Present*. Cambridge University Press, 2007, p.2.

4 *Idem*, p.88.

5 Carter, Barbara Lynn, *The Copts in Egyptian politics*. London: Croom Helm, 1986, p.3.

6 Marsot, op.cit., p.23.

military elite at the very upper echelons of the political hierarchy pushed the country towards an order based on authoritarian bias, supported by the creation of a powerful security apparatus⁷. Since then, the Coptic minority has been gradually marginalised from the decision-making process and has gone through a progressive communitarian isolation, influenced both by the collective shift to the centrality accorded to religious belonging, and by the role of mediator acquired by the Coptic Orthodox Church⁸ to the detriment of the Coptic laity.

Despite the authoritarian bias, liberal reforms along with a democratic rhetoric were sporadically adopted by the government in order to maintain legitimacy and a democratic façade. However, the regime also favoured the re-emergence of an important role for Islam, which fostered the progressive segregation of religious minorities in the political and social sphere. At the legal level, discrimination against Copts appeared small but substantial, and was reinforced by increasing institutional and public discrimination. Indeed, progressively since the 1970s Copts have been subject to religious-motivated violence and other forms of discrimination.

In recent years, the “Coptic question” has attracted growing attention among human rights networks, scholars and religious activists. Many aspects related to their minoritisation have been explored, especially in relation to a supposed “democratic transition” the country is said to be undertaking. However, although most of the literature recognises the link between the marginalisation of the Coptic community and authoritarian rule, none of them have analysed in an *ad hoc* work the reasons that connect the power of the regime with the sectarian question from the perspective of maintaining the *status quo*. Such a connection is of utmost importance to understanding the problems of applicability in Egypt of a delicate set of human rights such as freedom of religion and minority rights as well as the principle of non-discrimination. Indeed, the

7 Hence, the word “regime” is here used to refer to the body of governmental actors and institutions serving the underlying authoritarian cause and enabling its perpetuation.

8 The Coptic Orthodox Church, founded in the 1st century A.D. by Saint Mark, is the largest Christian Church in Egypt, and is represented by the Patriarch of Alexandria, generally indicated as “Pope”. Religiosity in Egypt being deeply rooted in most layers of society, the Church and its head exert a significant influence on the entire Christian community, and enjoy a good degree of visibility in the public sphere. For more information on the Coptic Orthodox Church see, *e.g.*, Kamil, Jill, *Christianity in the land of the Pharaohs. The Coptic Orthodox Church*. London: Routledge, 2002.

lack of implementation of these human rights is to be analysed not only in a strict legal sense, but in the broader socio-political context and in the institutional practices that oriented it over time.

My argument seeks to demonstrate that the reason for the regime encouraging discrimination and favouring the isolation of the Coptic community are the benefits it draws from the marginal position of citizens belonging to this religious minority. The central question that will be addressed is: to what extent did the regime make use of the sectarian divide to reinforce its position within Egyptian society to the detriment of the Coptic minority? In other words, did the Egyptian regime take advantage of discrimination against the Copts? Also, how did state policy and practices participate in fostering the sectarian division of society, which recently escalated into worrying civil violence?

In order to answer these questions, my argument is developed on a multi-disciplinary approach that draws on history, politics and sociology. In my analysis I adopted a deductive method consisting of two critical phases that are applied throughout the work: by looking at the measures and discourses adopted by the regime towards the Coptic religious minority, I subsequently assess whether the consequences corresponded to a positive outcome for the regime in both the short and the long term. The analysed period runs from the beginning of the 20th century up to the latest developments, while it pays particular attention to Mubarak's era (1981-2011) as a crucial phase due to the urgency of maintaining order on one hand and the construction of its refutation on the other.

The argument is mainly supported by the use of secondary data drawn from academic works, newspaper articles, NGOs and international organisations as well as governmental reports. In the second part I also employed official legal sources. The information collected provided me with the historical, political and sociological insight through which I developed my critical-interpretive argument.

The thesis is structured around three constitutive chapters looking at three different and complementary aspects of Egypt's structural order: identity, legal norms and politics. The reason for choosing these three intertwined elements is that they constitute,

together, some of the fundamental pillars that state power is built on and exerted upon citizens. By studying the process of Copts' marginalisation in these three fields, we can identify the pressure applied by different actors to favour or discourage the positioning of various groups, according to their strategic needs. Consequently, the outcome of this power-negotiation will see some actors emerge positively, while others lose weight.

In the first chapter, I take into consideration the manipulation of the different markers of Egyptian identity employed by the regime and by other crucial actors, and how discursive practices and media narrative, combined with political developments, have contributed to creating a gap between the social perception of Egyptianness and the official narrative of national unity promoted by the regime. In this section I adopt a socio-political approach while taking into consideration the historical phases that determined the process of transformation of auto-identification of Egyptian society, i.e. from the end of the 19th to the second half of the 20th century.

In a second chapter, an analytical-descriptive method is applied to outline the legal framework and the informal practices of the Egyptian state in relation to Copts' civil and political rights from the 2000s up to the present. In particular, I address here the gap between constitutional and national law, quite significant in line with international human rights standards, and its lack of implementation caused by discriminatory structural practices of the state apparatus. Also, I describe and analyse the contradictory aspects of the constitutional framework, with regards to those articles challenging equality and principle of citizenship.

Finally, in the third chapter, I address the management of the political scene by the regime, in order to determine the extent to which Coptic citizens have been allowed to take part in it and which possibilities they possessed to negotiate political decisions both in the political institutions and through spontaneous and associative political activity. In this section I focus in particular on the 2000s and on the contemporary situation.

By following this reasoning, I outline the socio-political process that determined the positioning of the Coptic minority within society through different phases and in various fields. As I will argue, the regime emerges as principal actor in the negotiations behind this process, having a privileged role in fostering the Copts' discrimination in order to

take advantage of it in its relations with other key actors.

In my analysis, the role of actors others than the state and the Church is only marginally taken into consideration. Indeed, the critical examination of political groups active in Egypt during the analysed period is beyond the scope of this work, and their position is only considered in relation to their involvement in the Coptic question. Also, marginal attention is accorded to the context of international politics overlying Egypt's political developments. This complex aspect has been excluded from the analysis due to the prominence accorded to crucial elements of the national dimension.

CHAPTER I

SHAPING THE EGYPTIAN IDENTITY

“One upon a time, a pan-Arab ideology superseded factionalism in Egypt. Today, this has been replaced with an amalgam of contradictions - a schizophrenic state. Egypt is a nation for all faiths but Islam is the official religion, it is a republic but there is no true transition of government, it is an Arab nation but has largely disowned its commitments to Arab causes, it is civic yet doctrinal, and neo-liberal yet illiberal. Perhaps out of this New Year’s cataclysm, the nation may find its bearings and create a novel paradigm for a truly plural identity.”⁹

INTRODUCTION

It is extensively argued that one of the main pillars power lies on in a modern nation-state is the general consensus built around a specific national identity which is expected to tie together the rulers with society in all of its diverse aspects¹⁰. The manipulation of the concepts and symbols on which national identity is constructed over time is a means for the ruling elite to convert, shift or reaffirm identity markers in order to obtain legitimacy and justify its policies. Conversely, in order for an elite to access institutions, the ideology it proposes has to correspond or relate to the general idea of belonging with which the society identifies itself. In other terms, the identification of society with the power in place is essential for the legitimisation of its leaders and government, and therefore for the support of the political projects involving the country. Consequently, it is of utmost importance for government stability to ensure that the idea of national identity it promotes through its activities and discourses is shared by the majority of the

⁹ Iskandar, Adel, 'Coptic exodus from Disneyland', *Egypt Independent/Al Masry al-Youm*, 6 January 2011, at <http://www.egyptindependent.com/opinion/coptic-exodus-disneyland> (consulted on 4 July 2014). The “cataclysm” the author refers to is the bombing of the Two Saints Church in Alexandria on New Year's Day in 2011, that left twenty-five people dead and over two hundred injured.

¹⁰ For more information on the role that national identity plays in constructing nation-states see, for instance: Breuilly, John, *Nationalism and the State*. Manchester: Manchester University Press, 1993; Gellner, Ernest, *Nations and Nationalism*. Cornell University Press, 2008.

society it represents.

Many scholars have affirmed that identity is constantly reproduced and renegotiated among social actors¹¹, and that “storytelling reworks and remodels subject-object relations in ways that subtly alter the balance between actor and acted upon”¹². However, in order to assess the impact of a religious minority on such a negotiation, it is essential to understand who has the legitimacy to construct authentic discourses of belonging, outside and inside the community, and whether or not there are spaces that individuals are able or encouraged to access in the public arena in order to publicly remodel identity. Consequently, our argumentation will seek to assess the position that the Coptic minority occupies in the society and in relation to the state. The tendency of Egyptian regimes over time has appeared to be to silence or minimise the presence of Copts in identity-negotiations, as much as it did with other groups or actors who were not likely to share the official discourse shaped on the majority's vision. If, for instance, we consider the strict control applied on freedom of expression, freedom of assembly or political participation in the period 1952-2005, we can have an idea of the extent to which the regimes prevented access to the participation to the public discourse in a broad sense.

In the Egyptian context, the identity question has been a highly delicate one throughout its modern history. According to Charles Wendell there were three different markers of auto-identification of Egyptian identity that an “educated” native Egyptian could simultaneously regard himself in at the time of the emergence of the idea of a nation-state in the 19th century:

« *He was a citizen of Egypt, that almost independent province of the Ottoman Empire, a citizen of an Islamic “world-state”, represented in current history by*

11 E.g., Galal, Lise Paulsen, 'Coptic Christian practices: formations of sameness and difference', pp.45-58, in *Islam and Christian-Muslim Relations*, 23:1, 2012; Henderson, Randall P., 'The Egyptian Coptic Christians: the conflict between identity and equality', pp.155-166, in *Islam and Christian-Muslim Relations*, 16:2, 2005. For an analysis on the relationship between nationalism and identity-negotiations of different ethno-national groups see, e.g., Howard, Judith A., 'Social Psychology of Identities', pp.367-393, in *Annual Review of Sociology*, Vol. 26, 2000.

12 Jackson, M., *The politics of storytelling: violence, transgression and intersubjectivity*. Copenhagen: University of Copenhagen and Museum Tusulanum Press, 2002, p.16.

the same Ottoman Empire, and a member of a large, vaguely defined entity which could be called "Arabdom", consisting of all those varied peoples from the Persian border to the Atlantic, who used Arabic as their native language, and shared in its proud literary tradition. (...) Only by clarifying this point could the native intellectual go on to define what he meant by "Egyptian state, society, and culture", and declare precisely whether he interpreted these from the universalist or exclusive, from the most traditionalist or modernising viewpoints »¹³

The challenge represented by the radical changes the country experienced before independence in the first half of the 20th century made the development of a strong national ideology central for the new elite in search of independence. In less than fifty years time Egypt went from being an essential part of a multicultural Muslim empire reuniting most of the Arab people, to a period of foreign colonisation under Great Britain, before becoming an independent nation-state. The constitutive elements built around each of the three different configurations of power strove to reconcile with the antecedent one. The rupture was notably represented by the colonial phase which imposed "modern" elements to the institutional structure while it caused a deep wound in the self-esteem of all the Arab populations that went through it. The colonisation caused a crisis in the pan-Islamic identification, that Islamness inherited from the long Muslim rule on the Egyptian territory¹⁴, and Egyptian scholars started to question themselves on the compatibility of Muslim tradition, inherently related to religious bounds overcoming national borders, with the idea of a modern Egyptian nation-state. Egyptianness, meaning the fact of belonging to a specific territory with a unique history and a particular heritage, different from other Arab and Islamic countries constituting

13 Wendell C., *The evolution of the Egyptian national image from its origins to Ahmad Luffi al-Sayyid*. Berkeley: University of California Press, 1972, p.7.

14 Egypt has been conquered by the Arabs in the 7th century, when Arab Muslims invaded its territory, at that time part of the Byzantine Empire. The Islamisation of the indigenous Coptic Christians took place gradually and involved a large part of the population but was never completed. Since then, Egypt has always been governed by Muslim rulers except during the French (1798-1801) and the British occupation (1882-1922). For more information on Egypt's history see, e.g., Marsot, Afaf Lufti Al-Sayyid, *A History of Egypt: From the Arab Conquest to the Present*. Cambridge University Press, 2007.

the Muslim community, was a concept developed by Egyptian intellectuals since the 19th century, which sought to tie together traditional identity with modernisation to justify a new structural order. However, in absence of proper diffusion and education, this modern vision of national identity conciliating the various marks of Egyptian past and culture could not be easily absorbed by the uneducated layers of Egyptian society, which remained generally attached to an Islamic vision of social ties. This created a gap between the secular-liberal conception of Egyptian identity which comprehended religious difference, as promoted by the educated elite on one hand, and the lower and middle class affiliation to religion as a symbol of community belonging, on the other. With the 1952 revolution, the discussion of identity and the relation between state and religion shifted towards the third of the main markers of the Egyptian state: Arabness. The solidarity and affinity within the Arab world, instrumental to the changed regional balance of power and to renew the centrality of Egypt under the leadership of Gamal Abd al-Nasser, was strategically presented as an ideology going beyond religious affiliations. Within Egypt, this meant the strong affirmation of equality between citizens on the basis of the fight for independence that united all Egyptians against the foreign colonial power. The mythical unity of Christians and Muslims in the 1919 revolts would have become the privileged symbol evoked by the regime in support of the presumed impartiality in treatment of citizens and in the constant exercise of denial of religion being a reason of structural division. Such a strategy was allegedly set from the top, and although contributed in the short term to keep together the different components of Egyptian identity, it did not resolve the compatibility question. In the long term, as we will see, this political *escamotage* appeared to be detrimental, and tensions would have sprang with political instability. Since the 1952 revolution, and until the 2000s, the space in which to discuss or challenge the Islamic, Arab and Egyptian nature of the state have diminished along with the scope for society to renegotiate the weight that each of the components possesses on national identity. Both the regimes of Anwar Sadat and Hosni Mubarak, issued from the same authoritarian order imposed by Nasser, made use of the sensitive identity markers to improve their power and to keep under control the political and social life. The way in which the three components of the identity are

entwined but contradictory, indeed, did not prevent official voices to reaffirm and reinterpret them according to their needs. By allowing only some selected voices and narratives, the different regimes which dominated Egypt until 2011 have created the mechanisms for the official discourse to remain undisputed and incontestable. Such an exclusive approach to the national identity question made it easy for the regimes to manipulate the blurred identity markers and their limits, assigning them different meanings, twisting and turning them depending on the context.

As part of the discourse on the religious identity of the nation, the Coptic question has always had a crucial role in the narratives of the different regimes. With the growth of the role of Islam and the increase in sectarian incidents in the 1970s, the ghost of sectarianism threatening the mythical national unity of Copts and Muslims became particularly tricky for the regime to manage, because it suggested the necessity to deal with the crystallised relationship between identity markers sticking society together in a precarious balance. Those incidents indicated indeed the risk that some parts of the society were close to rock the boat.

What we seek to prove in this chapter is that the progressive exclusion of the Copts from the Egyptian public arena has passed through authorised identity narratives that made use of the undefined limits of Egyptian identity to maintain their power. As we will see, not only the regime but also the Coptic Church itself had an essential role in monopolising the discourse on sectarianism according to their common needs – denying it, attaching responsibilities to external actors, minimising it – with the aim of preserving or improving their *status quo*. The state-Church mutual support was the main responsible for the perpetuation of the structural sectarian system – as we will also see in chapter III. This manipulation of the official narrative would not have been possible without the tight control on the media that has been in place since Nasser, applied through direct state-ownership of the most important newspapers and televisions and through censorship¹⁵.

In the present chapter of my dissertation I propose an analysis of the different elements

15 Iskander, Elizabeth, *Sectarian conflict in Egypt. Coptic media, identity and representation*. Oxon: Routledge, 2012, p.28.

that characterised the management of the access of the Coptic community to national identity negotiations. The aim is to explain how the identity-shaping-process transformed power relations inside and outside the community and vice versa, by establishing and seeking to impose a role for the Coptic citizens within the Egyptian society. In order to support my argument I analyse the historical and political processes which contributed to the creation of a specific image of national identity, stereotypical and reworked to fit in the regime projects.

This first chapter is structured in two chronological sections. In the first I examine the transition phase from the colonial period to the establishment and consolidation of the republic, with particular reference on the process of gradual exclusion of Coptic citizens from the public scene. The inclusion of Copts within the state structure in the first half of the 20th century was consistent, with a significant participation of Coptic laity on the political and social spheres, underpinned by a privileged status within the economical elite. The chances to contribute to the secular-liberal political tendency that the country privileged in that period dramatically decreased with the Free Officers revolution in 1952, when the newly established authoritarian regime cut on the resources the Coptic elite lied on to support its political activity and the power was centralised in the president's hands. Since then, the possibility for Copts to intervene in identity-negotiations was proportional to their progressive political and social exclusion, which saw the Church emerging as exclusive political actor in negotiations between community and state. As I analyse in the second section, under Mubarak's rule this tendency was enhanced through an attentive control of media which loosened only in the 2000s. The tension between the identity markers described above, worsened by the emergence of Islamist groups which gained increased popularity since the 1970s, broke into violent clashes targeting Christian minorities. The unwillingness of the regime to deal with the identity question, however, resulted in the management of the sectarian problem as a security issue. Consequently, the repression against Islamist groups became tighter and religious minorities remained the easiest target to attack compared to the state apparatus.

PART I
RISE AND DECLINE OF THE UNIFIED IDENTITY

The territorial entity that today we identify with Egypt has been part of a much broader Muslim *dominium* since its conquest by the Arabs in the seventh century. Under Muslim rule, the religious minorities' status, rights and duties were regulated by the Qur'anic legal concept of *dhimma*, applied in particular to Christians and Jews, the '*ahl al-kitāb*' i.e. the "people of the Book". Although protection and a certain degree of tolerance were granted to the minority communities falling under this status, the revolution of the new Islamic religion shifted ties from tribal ones to religious, introducing the concept of *umma* as a family of peoples belonging to the same faith. This meant that all those who were not leaving their religion for Islam would live in a subordinate position to the Muslim majority. However, the rigidity in the application of some particularly strict and discriminatory rules varied widely depending on the ruling dynasty and period¹⁶.

The *dhimma* for the monotheist non-Muslims in Egypt lasted until 1855, when, under the Muhammad 'Ali dynasty, their main mark of inferiority, the *jizya* tax¹⁷, was lifted¹⁸. This symbolically powerful reform happened in tandem with a concrete improvement of the Copts' conditions and participation in the public sector, starting with their drafting into the army. The reforms introduced by Muhammad 'Ali and his successors contributed to a good degree of integration, backed by a conception of identity based on a collective solidarity which linked various people within Egypt by dismissing the notion of fundamental and abiding homogeneity¹⁹. Although not breaching the

16 There were a few Muslim rulers who treated the Copts quite severely, the most infamous of which is al-Hakim bi-'Amr Allah. See, e.g., Tagher, Jacques, *Christians in Muslim Egypt: an Historical Study of the Relations between Copts and Muslims from 640 to 1922*. Oros Verlag, 1998, pp.100-109.

17 The *jizya*, according to Islamic law (*sharī'a*), is a tax that male members of non-Muslim communities under Islamic rule have to pay in exchange for the protection provided to the community as well as for the exemption to serve in the military forces. On a symbolic level, it used to represent the material proof of the acceptance of non-Muslims to be submitted to Islamic rules. For more information on Islamic law and on the legal state of non-Muslims in Islamic countries see, e.g., An-Na'im, Abdullahi A., 'Religious Minorities under Islamic Law and the Limits of Cultural Relativism', pp.1-18, in *Human Rights Quarterly* Vol. 9, No. 1, 1987.

18 Carter, *op. cit.*, p.9.

19 Ibrahim, Vivian, *The Copts of Egypt. Challenges of modernisation and identity*. London: Tauris Academic Studies, 2011, p.40.

fundamental social order, these reforms challenged the sectarian tradition in the name of a conception of the state inspired by the western model.

This period also corresponded with the emergence of the concept of national identity, illustrated in the writings of Rifā'a al-Ṭaḥṭāwī, where the nation appears as an alternative focus of loyalty over and above the traditional one represented by religion²⁰. The new focus on Egypt as a territorial entity, included in but distinguished from the Ottoman empire for its historical and human particularities, appears to be the root of the ideas characterising the discourses around Egypt as a nation-state in the first half of the 20th century.

There is disagreement among scholars on the question of whether the British colonisation, which started in 1882, favoured the position of the Copts in a divide and rule logic. Ibrahim offers as an argument to support this view the disproportion of the Coptic population, 7% of the entire country in that period, compared with their over-representation in the education system, in the bureaucratic system, as well as their prominent role as some of the major land-owners²¹. Although the majority of Egyptian historians agree with her claim, Carter and Hasan question it²², affirming that the discrimination of one group or the other was the result of community perception, which varied depending on inter-communal relations, rather than a real strategy enforced by the colonial power. However, the open support of the Coptic community for British rule appeared firm and indisputable in Christian-owned newspapers which dominated the press scene during the British occupation – Al-Waṭan and Miṣr. The division between pro- and anti-occupation newspapers represented a divide between Muslim and Christian-owned, and the debates often used religion to undermine each other²³. The Copts at first were in fact generally cautious towards independence which would have implied an alliance with their Muslim counterparts. The scepticism, expressed by some authoritative members of the community, came from a belief that the Muslim majority

20 Mondal, Anshuman A., Nationalism and post-colonial identity. Culture and ideology in India and Egypt. London: Routledge Curzon, 2003, p.150.

21 Ibrahim, *op.cit.*, pp.44-49.

22 Carter, *op.cit.*, pp.58,59; Hasan, S.S., *Christians versus Muslims in Modern Egypt. The century-long struggle for Coptic Equality*. Oxford University Press, 2003, p.138.

23 Iskander, *op.cit.*, p.25.

would not have respected the principle of equality, essential for Copts to reach an accord. Only after the Great War, and not long before the 1919 revolution, did the Coptic community appear to reach consensus around independence. The hardship suffered during the war, along with Muslims, reinforced their discontent against the occupation, and fostered unity among them, setting the stage for nationalist movements. At the political level, the Wafd party established in 1919 mirrored and encouraged the renewed sense of unity, joining Copts and Muslims together in an upper class ensemble where the national ideal had priority over everything else. Nevertheless, a deep-rooted mutual suspicion still existed below the surface, and it took the 1919 two-months-revolution to remove any lingering doubts about Coptic loyalty for Muslims²⁴. The fall of the Ottoman empire after the loss of the war temporarily froze the supremacy of pan-Islamic feelings in Muslim culture and there was a shift towards the wave of liberation and the principle of self-determination affirmed by Woodrow Wilson. Egyptians in that moment in history are depicted as one ethnic group, with, as expressed by Ahmad Lufti Al-Sayyid:

«one religion for the majority... and virtually the same blood running through our veins. Our fatherland has natural boundaries... We have an ancient history... We are the Pharaons of Egypt, the Mameluks of Egypt and Turks of Egypt. We are Egyptians!»²⁵

Nonetheless, this affirmation belongs to one of the most important and idealised representatives of the secular ideology, and such a portrayal tends to simplify the context, just as the narrative of sameness adopted by the republican regimes did in the process of reshaping the past²⁶.

In fact, the question of the relationship between *turāth* (identity heritage) and modernity, which occupied Egyptian intellectuals from the second half of the 19th century during the so-called *Nahḍa* period, did not lose its urgency. The problem of the role of religion

²⁴ Carter, *op.cit.*, p.60.

²⁵ Ahmad Lufti Al-Sayyid quoted in Mondal, *op.cit.*, p.152.

²⁶ Galal, *op.cit.*

in the state was easily solved for the secular-liberals by adopting a model of state close to that of the West, providing for a division of the two spheres. However, despite the prominence of the latter's vision at the time of the formation of the Wafd – that can be explained by the initial important numerical presence of Copts – other important tendencies were represented in Egyptian society, with strong actors advocating for them. Inside the Wafd itself, the party's position progressively shifted to the *ijmā'*-modernist vision, which was also shared by rich urban classes, theorising a modern state based on safeguarding Arab peoples' traditional heritage with an important role for reformed Islam. At the same time, traditional Islamic tendencies, embodied by Al-Azhar and the '*ulamā'*', coexisted with Islamic-romantic nationalist stances, very popular in the middle-to-lower semi-westernised classes along with the Islamic-fundamentalism of the middle and lower non-westernised classes²⁷. This gives a picture of the way in which nationalist ideas were absorbed into the social fabric through different paths of auto-identification, depending on the perceived relation with modernity that cannot overlook social extraction, i.e. access to different information and/or education.

In the aftermath of independence the Wafd party suffered from internal tensions and fragmentation that resulted in the progressive marginalisation of secular-liberal voices. This persuaded many Coptic personalities to abandon the party. The loss of influence of the Coptic elite was further accelerated with the revolution of the Free Officers in 1952, promoted by lower middle class individuals, whose cultural mooring was religious, hence Islamic²⁸. The land reform introduced by Nasser under the aegis of the new philosophy of the revolution, Arab socialism, redistributed many of the lands owned by rich Copts to Egyptian *fallāḥīn* (peasants), depriving them of their feudal revenues. Simultaneously, the nationalisation of the economy lowered their chances of promotion within state-run enterprises, and also in those sectors where Copts used to be privileged (bank, finances etc.). The loss of political power due to the suppression of the multi-party system was one of the main reasons for their disadvantage, and their opportunities to influence politics through financial means or other key sectors were undermined by

27 Binder, L., *The ideological revolution in the Middle East*. New York: John Wiley & Sons, 1964, p.154.

28 Hasan, *op.cit.*, p.169.

the new socialist reforms. Also, the censorship of the media, in clear contrast with the “golden age of the Egyptian press” under British occupation, impaired the second key channel the Copts relied on for representation in the public sphere. The sudden alteration of the balance of power towards the centralisation instituted by the new republican government had an incredible impact on the internal dynamics of the Coptic community as well as on relations between community and state. The progressive sidelining of the Coptic elite along with the general limits imposed on participation and expression hindered opportunities for identity-negotiations. In the new environment established by the widely supported regime of Nasser, narrative discourses were the prerogative of the state which held a monopoly over information²⁹. This constituted a crucial instrument for Nasser to build consensus over the passage from a nationalist Egyptianism adopted in the first years – in line with the past and thus essential for gaining legitimacy – to the pan-Arab ideology embraced from 1958. It was in fact mainly through information that the ideological grounds of the revolution could reach the population, and the reduction of the complex polemical structure on the debate around identity could take place³⁰. The historically constructed narrative tended to impose the representation of a specific genealogy of the 1952 revolution where Muhammad 'Ali and the Wafd preceded the Free Officers, final interpreters and realisers of the nationalist tension. Here we notice the creation of “banal nationalism” as theorised by Billig, according to which the connection between the nation and its people is taken for granted and national unity is seen as inevitable³¹. The process of rewriting past narratives in order to justify the necessities of the regime was aimed in this period at building a stereotype around Copt-Muslim unity by freezing their relation on the 1919 symbolic picture of unity. The loss of the Coptic elite's *status quo*, the sudden isolation that the community started to experience, along with the programme of homogenisation of Egyptian society which left behind – or inside jails – the major dissidents, pushed many upper class Copts to leave the country, while it hugely limited

29 Iskander, *op. cit.*, p.28.

30 Roussillon, Alain, 'Égyptianité, arabité, islamité : la recomposition des référents identitaires', pp.77-136, in *Égypte/Monde arabe*, Première série, 11, 1992, p.83.

31 Billig, M., *Banal nationalism*. London: Sage, 2004, p.61.

the community's participation³². Furthermore, Islamic identity in particular accorded legitimacy to the emerging pan-Arab ideology. It was in fact the fulfilment of the divine promise transmitted to the Arabs by Muhammad to reunite believers in the *umma* founded by the Prophet³³. The identity markers of Egyptians in Nasser's dialectic are interchangeable and tactically convertible depending on context and needs. But space for the Coptic minority in such an ambitious plan, where Islam is one of the most important elements of identification for the Arab peoples' community, appears to be small and uncomfortable, in contrast with the initial rhetoric of unity.

The gradual drift towards religiosity also meant a return to the Coptic Orthodox Church as central fulcrum for the Coptic community. This change has to be looked at in the light of the entire context: the failure of the Coptic elite pushed the Church to intervene to fill the gap. Since the 1940s the Church had started to develop new strategies, in parallel with the trend towards reviving Islamic socio-political activism and the growth of the Muslim Brotherhood movement³⁴.

Under Sadat's presidency, this trend became even more marked. With the *infitāḥ* and the reopening to Islamic forces, Sadat encouraged those groups to mobilise themselves to act as counterweight to leftist movements³⁵. The result was the exclusion of Coptic voices through the construction of a national consciousness that relied more heavily on Islamic identification than Nasser's Arab socialism had done. Additionally, the increasing space given to Islamic groups, such as the Muslim Brotherhood, enabled them to become more prominent in the media³⁶. The improved visibility of Islam in the state media along with the publications of the Islamist groups promoting Islamic hegemony also conveyed discriminatory claims against the Coptic Church suggesting that it was preventing Egypt from becoming an Islamic state³⁷. The establishment of violent jihadist groups, such as the Islamic Jihad or the Gama'a Islamiyya, helped to ignite sectarian tensions that would have exploded later.

32 Hamam, Marco, 'I copti si aprono al nuovo Egitto', pp.43-53, in *Limes*, 1, 2013, p.44.

33 Roussillon, *op. cit.*, p.112.

34 Henderson, *op. cit.*, p.163.

35 Carter, *op. cit.*, pp.76-79.

36 Iskander, *op. cit.*, p.35; Hasan, *op. cit.*, p.173.

37 Hasan, *op. cit.*, p.106.

In 1971 the Islamic nature of the Egyptian state was confirmed in Article 2 of the Constitution, amidst protests from Copts. Open tension arose between Sadat and the Copts' new “religious president”, the recently elected Pope Shenouda III, and broad recourse to religious language for conducting Muslim-Christian relations meant sectarian division invaded public discourse. Shenouda's status as political actor and spokesman was affirmed during this period by such a dialectic with the state, as his confrontational behaviour, very dissimilar from his predecessor's, was seen by the community as necessary and giving voice to everyone's concerns. In order to counteract the increase in the use of Islamic discourse to express Egyptianness, he used the power of the media and he “fashioned himself as a media superstar”³⁸, gaining, both within and outside the community, the role of exclusive holder of the legitimate discourse over Copts' demands.

With the intensification of religiosity at all levels of society, government and party leaders competed with each other in expressions of Islamic zeal that masked their manipulation of religion to consolidate power³⁹. Although these appeals to religion succeeded for a while in diverting hostility from the regime's real problems, the outcome was the intensification of the sectarian divide that unleashed primordial emotions, erupting in violence⁴⁰. The first of a series of serious episodes of sectarian violence took place in 1972 in a Delta village, Khanka, where protests following the burning of a small church escalated into anti-Coptic street demonstrations costing the lives of 48 people⁴¹.

Many have identified the reason for the generalised shift of Arab countries towards political Islam as the gradual failure of pan-Arab ideology to be successful in its concrete application. The union of Egypt and Syria in the United Arab Republic was declared failed in 1961. In 1967 the Arab armies lost the war against Israel, and a few years later

38 *Idem*, p.239.

39 Ansari, Hamied, 'Sectarian Conflict in Egypt and the Political Expediency of Religion', pp. 397-418, in *Middle East Journal*, Vol. 38, No. 3, 1984, p.397.

40 Zeidan, David, 'The Copts—equal, protected or persecuted? The impact of Islamization on Muslim-Christian relations in modern Egypt', pp.53-67, in *Islam and Christian-Muslim Relations*, 10:1, 1999, p.55.

41 Farah, Nadia Ramsis, *Religious Strife in Egypt: Crisis and Ideological Conflict in the Seventies*. Oxon: Routledge, 1986, p.2

the pan-Arab undisputed leader Nasser died⁴². All this caused a collective delusion within Egypt that was cleverly interpreted by the new president, Anwar Sadat, who turned to a religious-oriented policy line. The strategic interpretation of the changed context, and the awareness of the role that Islam would play in the future, became the key for him to gaining legitimacy.

The growth of sectarian incidents perpetrated by Islamist groups against Christians and the “passivity and inaction” shown by the state⁴³ reinforced the message outside and inside the community that the country, its president and the state apparatus were, as Sadat himself asserted in a famous speech on 14 May, 1971, “the Muslim president of a Muslim country”. Strategy or not, the incidents increased, the violent groups grew and hatred against the Coptic Church mirroring the Sadat-Shenouda tensions was echoed in the state-owned and Islamic media⁴⁴. During Sadat's regime Islamic identity was transformed in the principle of totalisation of the Egyptian collective entity, subject of its proper historical course and support of its values and legitimacy. The head-to-head between the two leaders culminated in the exile of the Pope, a measure which was loaded with symbolic meaning. By demanding respect of the principle of citizenship, the Pope was challenging the incontestable supremacy of Islam, and denying the legitimacy of what had become the pivotal value of Egypt, its Islamic identity⁴⁵.

PART II

CONSOLIDATION OF THE ALLEGORY OF UNITY

With Mubarak and the “fight against terrorism” the construction of sameness assumed renewed importance in light of the common enemy to blame. The Islamist groups that thrived in the 1970s due to Sadat's policies came to be seen as a threat to the “safety and

42 Halliday, F., *The Middle East in International Relations: Power, Politics and Ideology*. Cambridge: Cambridge University Press, 2005, p.116

43 Tadros, Mariz, *Copts at the Crossroads. The Challenges of Building Inclusive Democracy in Egypt*. Cairo: American University in Cairo Press, 2013, p.67.

44 Iskander, *op. cit.*, pp.35-39.

45 Tadros, *op. cit.*, p.68.

unity of the nation” after the president's assassination. The serious attacks of tourist sites risked endangering one of the key sectors of the Egyptian economy, and the pressures coming from the West – especially the USA, Egypt's biggest funder after the Camp David agreement – expected a trenchant intervention from the new president against the “extremists”.

The technique put in place by the new president was the promotion of an official vision of the role of religion that was declared to be in sharp contrast with that promoted by those groups the previous presidency left free to prosper. In an effort to strengthen the role of the state, which the Islamist groups were seeking to de-legitimise, the regime put all its efforts at broadening its control over religious spaces and discourses, by mobilising every persuasion mean at its disposal to contrast the groups expansion. Not much changed in practice in the approach Mubarak adopted towards national institutions like Al-Azhar, but the control over mosques became tighter as a response to the “extremist threat” and the government encouraged the formation of a committee of respected Islamic scholars to refute extremist ideas⁴⁶. Furthermore the “war against terrorism” justified the renewal of the state of emergency in place since 1958 but suspended by Sadat.

Hasan describes the difference between moderates and extremists saying that “no more than a hairline separated the two”. He cites as an example the trial for the murder of the eminent secular writer and human rights activist Faraj Fawda⁴⁷, assassinated by al-Gama'a al-Islamiyya in 1992, when Sheikh al-Ghazali, considered a moderate, said that the presence of an apostate inside the community constituted a threat to the nation, and that the crime of killing an apostate was such only in front of the state, but it was not a sin against God⁴⁸.

46 Hasan, *op. cit.*, p.176.

47 Farag Foda, shot down in October 1992, was a famous Egyptian intellectual with secular ideas. His assassination, whose responsibility has been claimed by the jihadist organisation al-Gama'a al-Islamiyya, came shortly after al-Azhar accused him of blasphemy. In his writings he criticized the Islamist project and contested the monopolisation of interpretation of Islam for political aims. For more information on his ideas and the circumstances of his murder, see e.g., Soage, Ana Belén, 'Faraj Fawda, or the Cost of Freedom of Expression', pp.26-33, in *Middle East Review of International Affairs*, 11 (2), 2007. Available at <http://www.gloria-center.org/meria/2007/06/Soage.pdf>.

48 Hasan, *op. cit.*, p.176.

Although the measures adopted by Mubarak did not put aside the religious principles reaffirmed in the previous decade at all (mainly in Article 2 of the Constitution), he managed to find an agreement with the Coptic Church and to put an end to the tensions that characterised his predecessor's rule. By adopting the narrative of the “us” and “them” – “moderates against extremists” or “foreign forces conspiring against united Egyptians” – he sought to revive the evergreen nationalist feeling particularly sensitive for the Coptic community.

The *entente* he offered to Pope Shenouda represented a strategy of pragmatic compromise which was very useful for both. The efforts of both leaders to avoid animosity was dictated by the double interest to hold onto power and maintain the *status quo*, while avoiding sectarian conflict and the raised profile of Islamism that characterised the Sadat years⁴⁹. Their mutual interests, however, produced on the Church's side a dangerously blind support for the government's policies, and on the government's the quasi-total disengagement from the internal affairs of the community.

McCallum describes it as a “quasi-*millet* relationship”⁵⁰, similar to the Ottoman model of management of religious minorities, where the religious leader was recognised as the representative of a delineated community over whose affairs he had authority. The structure of such a relation appears to contradict the unity discourse that entailed an equal treatment of citizens beyond religious difference. By preferring a religious representative as exclusive interlocutor, whose authority is not established through a participative or democratic process within the community, the state not only legitimises the Pope's *de facto* role, but also it eludes its own *de jure* responsibility towards its Coptic citizens. In a way, by deciding to limit its intervention within the community under an informal agreement, it treats Coptic citizens as a separate entity on whose internal affairs it has limited grip.

This system of exclusive relations between state and Church in the management of Coptic affairs (whose political implications will be examined in depth in the third

49 Iskander, *op. cit.*, pp.79-83.

50 McCallum, Fiona, 'Muslim-Christian relations in Egypt : challenges for the twenty-first century', pp. 66-84, in A. O'Mahony, E. Loosley (eds), *Christian Responses to Islam*. Manchester: Manchester University Press, 2008, p.78.

chapter) contributed to enhancing the feeling of isolation of the Copts, to strengthening ties within the community and, to a certain extent, to distancing the community from the national space. With the increase in verbal and physical violence reported in the media or experienced in everyday life, the national sphere began to be perceived increasingly as a hostile space to negotiate the place of Coptic identity within the national one⁵¹.

The main source of unity among Copts being common religious belonging and their cultural heritage, the religious values that connect the community represent the main bases of their Coptic identity. Galal argues that simultaneously to the “narrative of sameness” expressed by Copts outside the community's boundaries, a “formation of difference” takes place within the protected space of the community, and conveys “behind the church walls” the discourse on Coptiness⁵². In such a context, the Church offers a space, a *counter-public sphere*, to tell the story of being different, of being Christians⁵³. Furthermore, the transmission of the sense of martyrdom and sacrifice, omnipresent in Coptic historical narrative, creates a link between past, present and future persecutions. The more the sectarian order threatens the community, the more the sense of collective persecution pushes the devotees to search for protection within the religious sphere⁵⁴. Coptiness prevails as identity perception within the community when Egyptianness is perceived as not felt or respected by the Muslim majority.

The contradiction between the above described *entente*-system and the official rhetoric of the authorised voices emerges on the tough question of sectarian incidents, which despite the regime's efforts against jihadist and Islamist groups continued to occur, resisting state repression. Under Mubarak the official national unity discourse is exacerbated in a constant denial of the existence of any sectarian divide⁵⁵. The rhetoric constantly adopted was to stress that the re-established normalised relationship between the representatives of state and Church was the guarantee that the regained harmony

51 Iskander, *op. cit.*, pp.77.

52 Galal, *op. cit.*.

53 *Idem*, p.48.

54 *Idem*, p.56.

55 *E.g.* Iskander, *op. cit.*, p.102; Galal, *op. cit.*, p.49; Ibrahim, *op. cit.*, p.6.

could not be threatened by what were defined as “minor incidents”. Hence the system tended to reiterate the message that peace between the communities was immune from any sectarian threat.

By dealing with the attacks of Muslims on Christians as a security issue, the official narrative sought to consolidate the unity rhetoric, claiming that those attacks were targeting Egyptian security, trying to undermine a long-lasting Egyptian stability and unity. This discourse was aimed at protecting the *status quo* at any cost: the possibility of facing the internal contradictions in order to re-discuss the unequal system was not taken into consideration. It would have meant opening Pandora's box.

A collective complex was created around the ghost of the *fitna ṭā'ifiyya*, communal or sectarian strife. This complex was fostered by the existence of more or less ancient taboos on the Coptic community whose sensitivity can be found in the official public discourse. A case in point, for example, is the unconditional refusal to use the word “minority” to define the Coptic community⁵⁶. Another example is the impossibility of publishing content suggesting that Church and state were at odds on any matter concerning Coptic affairs⁵⁷. Therefore, the discourse of national unity was almost uncontested and the description of sectarian incidents, very rarely covered by the media, would not have gone against the official narrative.

The first decade of the 21st century witnessed a sudden, radical change in the emergence of new voices contesting the orthodoxy, particularly due to increased access to media technology in the country. The progressive loosening of the grip of the state on sources of information due to the increase in electronic media technology, especially blogs, as well as the establishment of satellite television channels along with the emergence of a new generation of independent newspapers, contributed to the creation of a climate that enabled the press to begin to cross the “red lines”⁵⁸.

Sectarian clashes started to be covered by the press, starting from Alexandria in 2005, when Muslim-Copt violence was reported for the first time by Egyptian press and television, as well as by international media, showing a growing interest in Coptic

56 This element will be further examined in chapter II.

57 Iskander, *op. cit.*, p.85.

58 *Idem*, p.38.

affairs⁵⁹. As noted above, before 2005 it was very difficult to publish articles on sectarian violence or Coptic issues – nonetheless the publication of some aspects that were previously taboo and kept invisible did not prevent the security apparatus from continuing to arrest journalists: “red lines” could only be crossed very carefully.

Furthermore, the decision taken by Mubarak in February 2005 to amend article 76 of the Constitution in order to allow more candidates to run for presidential elections encouraged the public expression of long-contained grievances and demands⁶⁰. The so-called “spirit of 2005” saw the expansion of spaces for activism and the formation of new opposition groups such as Kefaya and the Al-Ghad Party. These and other groups (analysed in chapter III) became particularly important because they spoke up regarding the need to establish citizenship, with what it implies in terms of political, civil and religious rights.

One year later, in 2006, article 1 of the Constitution was amended as follows: “The Arab Republic of Egypt is a state with a democratic system that is based on citizenship” (*mabda' al-muwāṭana*). The amendment, which was introduced to satisfy the pressures of democratisation that were becoming more and more insistent, and also strategically aimed to further create distance from the discourse of extremism, was however in blatant contradiction of Article 2 as amended by Sadat's government in 1980 which sanctioned *sharī'a* as the main source of legislation (for more details see chapter II).

The principle of citizenship covers a pivotal idea in this argument because it could allegedly represent a “neutral” compromise among the different elements of national identity – Arabness, Egyptianness and Islamness – and of these with the modern state, aimed at the realisation of a national unity based on equal rights, not any more on romantic memory⁶¹.

The debate on citizenship emerged under the positive atmosphere of the willingness of the regime to promote a renewed respect for equal rights for religious minorities.

59 *Idem*, p.41-42.

60 Guirguis, Laure, *Les coptes d'Egypte. Violences communautaires et transformations politiques (2005-2012)*. Paris: IISMM – Kharthala, 2012, p.23.

61 For an Islamic theory of the compatibility between citizenship and Islamic tradition see, *e.g.*, Scott, Rachel M., 'Contextual Citizenship in Modern Islamic Thought', pp. 1-18, in *Islam and Christian-Muslim Relations*, 18:1, 2007.

However, it also reopened the dated and neglected question on the role of religious minorities in a state defined as Muslim by its Constitution. Despite the Church's official position, formulated by Pope Shenouda, firmly stating the untouchable status of Article 2, polemics arose that denounced the incompatible nature of the two constitutional articles. The Church confirmed its loyalty to the regime, and refrained from bringing into question the constitutional principle that formed the legal basis for the Egyptian system to discriminate the Coptic minority⁶².

Whether the Pope's considerations originated in the experience of the violence that erupted in the 1970s or from awareness of the social context of the country, where Islamist political groups were very popular among large parts of the population, in his statements he appeared to prefer the isolation of his community to an uncertain future of change. The national character of Egypt was evoked once again as a principle that no Egyptian should ever challenge. Also, the Church was discouraged by the Pope from intervening in those debates, in the name of social stability⁶³.

In effect, the authorities' intention was to further postpone the state-identity question, in a national context where the demands for concreteness and solutions to this and other major problems were gaining both virtual and physical space.

CONCLUSION

In the present section we have sought to outline the position that the Coptic community and the sectarian question assumed in the national discourse from the point of view of the historical process and the political evolution. The outcome of the analysis identifies a marginal role for the Copts in identity-negotiations that define citizens' perception of Egyptianness or national unity. The exclusive authority gradually assumed by the Pope as mediator of Coptic expression from the community tended to suffocate the latter's opinions and participation in the public sphere by homogenizing them under the

62 The legal aspects of the Coptic question will be further analysed in chapter II.

63 Iskander, *op. cit.*, p.82.

overwhelming and monopolised pro-regime discourse. The marginalisation of Coptic laity from the prominent role they played before independence resulted in the perfect opportunity for the Church to “fill the gap” of their lost power and to replace them in the role of political negotiator.

This strategy appears to have favoured the stability of the regime itself in the sense that it guaranteed that the Church held tight control on communication and was able to discourage the discourse over the improvement of the community's conditions, hence the discourse over discrimination and communal division in contrast with the official unity narrative.

On the regime side, the discourse of national unity was absolutely necessary and incontestable, hence the room left to opposition discourses was almost cancelled through control of the media and the generalised repression of counter-opinion, except for some forms of criticism tolerated in order to give an impression of a free press⁶⁴. Here too, the monopolization of the narrative prevented the social negotiation of the identity markers that compose national identity. This became particularly urgent in the presence of clear contradictions and clashes among the different components of Egyptian society. The blatant imbalance between Islamic identity and the national unity narrative was deliberately not discussed because it was exactly on that blurred contradiction that the regime's power was founded. The increased influence exerted on society by Islamist groups was a reason for the regime to maintain that contradiction as long as possible, with the awareness that any step towards an effective recognition of equality for religious minorities would have cost it the decisive support of “moderate Islamists” as well as the dangerous opposition of the “extremists”, and hence would have caused the fall of the entire regime structure.

The serious increase in levels of sectarian violence that has been witnessed in recent years is an expression of underlying tensions that have existed for too long around the nature of the state and the role of religion and which have been denied and neglected by the authorities. The discriminatory nature of the Egyptian state was not eliminated by the introduction of the principle of *muwāṭana* in the Constitution because this was, in

⁶⁴ Iskander, *op. cit.*, p.39.

short, nothing but a “fig-leaf” impossible to apply to the system as it was structured. The changed context of the decade after the year 2000 and the 2011 revolution permitted for a moment the free participation of more voices to the debate that challenged the hegemonic narrative of sameness. The minorisation of the Coptic community, powerfully disclosed during the last years of open violence, was mature enough to be addressed.

CHAPTER II

LEGAL FRAMEWORK AND STATE PRACTICE

“The ‘crescent and the cross’ has served as the logo of Coptic utopia, affirming the commitment of all members of Egyptian society, officials and citizens, to equality under the law. Any attempts to call to question this myth are barred completely.”⁶⁵

INTRODUCTION

The inconsistencies between identity, narrative and practice in Egypt have had a serious impact on the life of religious minorities. The gradual identity shift towards a central role for religion, outlined in chapter I, has been mirrored by the renewed role of Islam in the legal framework and in social practices. In chapter I, I also analysed the simultaneous phenomenon of “unity narrative” put in place under Mubarak's rule, and how such a mechanism was vital for the regime to maintain a façade of impartiality. In this chapter, I will investigate the practical aspects of the question, in order to assess to what extent structural discrimination against Copts is substantial in the legal framework and in state practice. The purpose of the analysis is to support the discourse over the gap between the narrative promoted by the regime and the actual situation on the ground. As we will see, the unity narrative permeating the official discourse is mirrored in the legal sphere by a set of democratic façade articles present in the Constitutions, granting sufficient rights for the Coptic minority to be treated equally. At the same time, however, the lack of implementation of the constitutional principles is at the basis of a diffused discriminatory practice, that relies on both state and non-state action.

This chapter will outline the relationship between state and Coptic minority under a legal perspective related to international human rights law. In a first part we will outline the legal commitments Egypt bears in particular in relation to equality, freedom of religion and minority rights, and their domestication in constitutional law, notably with

⁶⁵Iskandar, Adel, *op.cit.*.

regards to the three last Egyptian Constitutions of 1971 as amended in 2007, and of 2012 and 2014. In the second part, I will investigate the problems related to the implementation of constitutional principles, as contained in national law and translated into state practice – particularly with regards to the judiciary and security apparatus. By taking into consideration the period 2007-2014 this chapter also aims to assess to what extent there has been a constitutional evolution and whether it has been mirrored by an improvement in implementation.

PART I CONSTITUTIONAL FRAMEWORK

I - INTERNATIONAL HUMAN RIGHTS LAW INSTRUMENTS

Egypt's commitment to the international human rights system is discretely strong, with most of the core treaties ratified⁶⁶. As a member of the United Nations, Egypt has committed itself to the obligations found in the International Bill of Human Rights (IBHR), which includes the Universal Declaration of Human Rights (UDHR)⁶⁷, the

⁶⁶ International Convention on the Elimination of All Forms of Racial Discrimination, G.A. Res. 2106 (XX), Annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, *entered into force* Jan. 4, 1969, *accessed by Egypt* on May. 1, 1967; International Covenant on Civil and Political Rights, G.A. Res. 2200A, (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976, *accessed by Egypt* on Jan. 1, 1982; International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, *entered into force* Jan. 3, 1976, *accessed by Egypt* on Jan. 1, 1982; Convention on the Elimination of All Forms of Discrimination against Women, G.A. Res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, *entered into force* Sept. 3, 1981, *accessed by Egypt* on Sept. 18, 1981; Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, G.A. res. 39/46, Annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), *entered into force* June 26, 1987, *accessed by Egypt* on Jun. 25, 1986; Convention on the Rights of the Child, G.A. Res. 44/25, Annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), *entered into force* Sept. 2, 1990, *accessed by Egypt* on Jul. 6, 1990; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, G.A. Res. 45/158, annex, 45 U.N. GAOR Supp. (No. 49A) at 262, UN Doc. A/45/49 (1990), *entered into force* Jul. 1, 2003, *accessed by Egypt* on Feb. 19, 1993; International Convention for the Protection of All Persons from Enforced Disappearance, A/RES/61/177; 14 IHRR 582 (2007), *not entered into force, not accessed by Egypt*; Convention on the Rights of Persons with Disabilities, A/RES/61/106, Annex I, *entered into force* May 3, 2008, *accessed by Egypt* on April 14, 2008.

⁶⁷ G.A. Res. 217 A (III), U.N. Doc. A/810 (Dec. 10, 1948) [hereinafter UDHR].

International Covenant on Economic, Social and Cultural Rights (CESCR)⁶⁸, the International Covenant on Civil and Political Rights (CCPR)⁶⁹ and the Optional Protocol to the International Covenant on Civil and Political Rights⁷⁰. This part focuses primarily on Egypt's obligations under two of these instruments: the UDHR and the CCPR. By signing up to these legal instruments Egypt has made a strong and binding commitment to respect, protect and fulfil the civil, religious and political human rights of its citizens. This means that the state has a negative obligation to limit itself from intervening in the freedom of its citizens to enjoy any right (respect) and positive obligations to a) make sure that third parties do not impair the enjoyment of rights by its citizens (protection) and b) put in place all necessary measures to make it possible for citizens to realise their rights (fulfilment)⁷¹.

Some of the provisions embedded in the UDHR and CCPR are particularly significant for religious minorities. With regard to the UDHR, Article 2⁷² on equality in the enjoyment of rights, Article 7⁷³ on equality before the law, Article 18⁷⁴ on freedom of religion and Article 21⁷⁵ on political participation are particularly important because

68 G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, *entered into force* Jan. 3, 1976 [hereinafter CESCR].

69 G.A. Res. 2200A, (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976 [hereinafter CCPR].

70 G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 59, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 302, *entered into force* Mar. 23, 1976.

71 General Comment No. 31 [80] Adopted by the Human Rights Committee on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13, May 26, 2004.

72 UDHR, art. 2 "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty."

73 UDHR, art. 7 "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."

74 UDHR, art. 18 "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance".

75 UDHR, art. 21 "(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (2) Everyone has the right of equal access to public service in his country. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and

they set the civil and political standards on which the rest of human rights mechanisms have been later built on. The UDHR, being a Declaration adopted through a UN resolution, does not have the same binding value as treaty law which passes through direct state ratification. However, the history following the adoption of the UDHR proves that the UDHR possesses incredible “legal weight” above that of normal United Nations resolutions, and hence assumed with time the value of customary law⁷⁶.

The other international human rights instrument which guarantees fundamental provisions of equality and freedom of religion relevant to our discourse is the CCPR. Here we refer in particular to Article 2⁷⁷ on the positive and negative obligations of the state to protect and ensure the enjoyment of Egyptian citizens' rights without any discrimination, Article 18⁷⁸ on freedom of religion, Article 20(2)⁷⁹ on the prohibition of incitement of sectarian hatred, Article 26⁸⁰ on equality before the law without any

shall be held by secret vote or by equivalent free voting procedures.”

76 Brown, Scott Kent II, 'The Coptic Church in Egypt: A Comment on Protecting Religious Minorities from Nonstate Discrimination', pp.1049-1098, in *BYU Law Review*: Vol. 2000: Iss. 3, p.1066.

77 CCPR, art. 2 “1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. 2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant. 3. Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) To ensure that the competent authorities shall enforce such remedies when granted.”

78 CCPR, art. 18 “1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”

79 CCPR, art. 20(2) “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”

80 CCPR, art. 26 “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to

discrimination in equal legal protection, and Article 27⁸¹ on minority rights. In this case the binding nature of the treaty ratified by Egypt in 1982 is out of discussion, and the consensus over the principle of *pacta sunt servanda* is complete and granted by the Constitution⁸².

II - EQUALITY IN THE 1971, 2012 AND 2014 CONSTITUTIONS

In the three Egyptian Constitutions under examination – i.e. the 1971 Constitution as amended by Mubarak in 2007, the 2012 post-revolution Constitution and the 2014 post-Morsi Constitution – the principle of equality and religious rights contained in the UDHR and in the CCPR are sufficiently covered, with an alleged improvement represented by the latest text.

With regard to equality, the Egyptian Constitution of September 1971 granted equality among citizens on the political and juridical level⁸³ and the 2007 amendments introduced at Article 1 the principle of citizenship (*mabda' al-muwāṭana*), elevating citizenship to a fundamental pillar of the Egyptian constitutional system⁸⁴. The amendment of Article 1, which was approved by a referendum on March 26, 2007, in a block with other controversial revisions⁸⁵, was perceived as a provision aimed at favouring equality between Muslim and non-Muslim citizens⁸⁶.

all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”.

81 CCPR, art. 27 “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”. The questions related to the validity of this article will be discussed below.

82 Egyptian Constitution of 1971 as revised 2007, art. 151; Egyptian Constitution of 2012, art. 145; Egyptian Constitution of 2014, art. 151.

83 Egyptian Constitution of 1971 as revised 2007, art. 8 “The State shall guarantee equality of opportunity to all citizens”; art. 40 “All citizens are equal before the law. They have equal public rights and duties without discrimination on grounds of race, ethnic origin, language, religion or creed.”

84 Egyptian Constitution of 1971 as revised 2007, art. 1 “The Arab Republic of Egypt is a democratic state based on citizenship. The Egyptian people are part of the Arab nation and work for the realization of its comprehensive unity.”; on this point see (Mubarak's Constitutional Reforms)

85 Najjar, Fauzi M., 'Mubarak's Constitutional Reforms', pp.7-22, in *British Journal of Middle Eastern Studies*, 38:01, 2011, p.9.

86 Georges, Nael, 'Minorités et liberté religieuse dans les Constitutions des États de l'Orient arabe', in

The 2012 text affirms in the preamble equality between male and female citizens⁸⁷, with Article 33⁸⁸ it provides equality before the law, and political equality is granted by Article 55⁸⁹. However, in the listed articles the text does not specify the basis of outlawed discrimination – thus leaving the door open to possible controversial interpretations on the basis of the role of *shari‘a* established by Article 2. The principle of citizenship in this Constitution is stated in Article 6⁹⁰.

In the 2014 Constitution equality is largely present as a term and as a principle from the preamble, that states “We are drafting a Constitution that holds all of us equal in rights and duties without discrimination of any kind.”. Article 4 affirms that the principles of equality, justice and equal opportunities among all citizens are the basis for national unity. These principles are reaffirmed by Article 9⁹¹ on the duty of the state to ensure equal opportunities without discrimination as well as by Article 53⁹² on equality before the law, which also provides that “discrimination and incitement of hatred is a crime punished by Law” and that “the State shall take necessary measures for eliminating all forms of discrimination”, in accordance with Article 20(2) of the CCPR. Furthermore,

Égypte/Monde arabe, Troisième série, 10, 2013, p.9.

87 Egyptian Constitution 2012, Preamble, para. 5 “Equality and equal opportunities are for all: male and female citizens; for there is no discrimination, nepotism, or favoritism in rights and duties.”.

88 Egyptian Constitution 2012, art. 33 “All citizens are equal before the law. They have equal public rights and duties. There can be no discrimination between them in that regard.”.

89 Egyptian Constitution 2012, art. 55 “Citizen participation in public life is a national duty. Every citizen has the right to vote, run for elections, and express opinions in referendums. The law organizes the direct application of these rights. The state is responsible for the inclusion of the name of every citizen who satisfies the conditions to vote in a voters’ registry and must do so automatically. The state ensures the validity, impartiality and integrity of referendums and elections. Interference in any of the foregoing is a crime punishable by law.”.

90 Egyptian Constitution 2012, art. 6 “The political system is based on the principles of democracy and consultation, citizenship (under which all citizens are equal in rights and public duties), political and multi-party pluralism, the peaceful transfer of power, the separation and balance of powers, the rule of law, and respect for human rights and freedoms. All of the foregoing is as provided in the Constitution. It is prohibited to form a political party that discriminates between citizens, whether on the basis of gender, origin or religion.”

91 Egyptian Constitution 2014, art. 9 “The State shall ensure equal opportunities for all citizens without discrimination.”.

92 Egyptian Constitution 2014, art. 53 “All citizens are equal before the Law. They are equal in rights, freedoms and general duties, without discrimination based on religion, belief, sex, origin, race, colour, language, disability, social class, political or geographic affiliation or any other reason. Discrimination and incitement of hatred is a crime punished by Law. The State shall take necessary measures for eliminating all forms of discrimination, and the Law shall regulate creating an independent commission for this purpose.”.

the 2014 Constitution introduces with Article 180⁹³ and with Article 244⁹⁴ the specific provision to include an “appropriate representation of Christians” and other under-represented groups in local councils and in the first House of Representatives, though failing to indicate how that concept should be construed⁹⁵. The positive discrimination contained in these last articles appears to be a step forward addressing the crisis of Christian participation in the political scene (further examined in chapter III).

In summary, from the evaluation of the three Constitutions, the framework that emerges is that juridical equality, i.e. equality before the law in rights and duties, is ensured in all the texts. Subsequently, the principle of non-discrimination should embrace all Egyptian legal system and state practice, hence all its laws should prohibit any discrimination between Muslims and non-Muslims, as in accord with international human rights law. As we will analyse in greater detail in the second part of this chapter, this has not really been the case in various aspects of state responsibility. The 2014 Constitution, however, appears to be intended to solve some crucial problems by addressing them with specific clauses.

III - RELIGIOUS RIGHTS IN THE 1971, 2012 AND 2014 CONSTITUTIONS

Concerning the religious obligations contained in the UDHR and the CCPR, the three

⁹³ Egyptian Constitution 2014, art. 180 “Every local unit shall elect a local council by direct and secret ballot for a term of four years. A candidate shall be at least twenty one (21) Gregorian years of age. The law shall regulate the other conditions for candidacy and procedures of election, provided that one quarter of the seats shall be allocated to youth under thirty five (35) years of age and one quarter shall be allocated for women, and that workers and farmers shall be represented by no less than 50 percent of the total number of seats, and these percentages shall include an appropriate representation of Christians and people with disability. Local councils shall be competent to follow up the implementation of the development plan, f monitor of the different activities, exercise of oversight over the executive authorities using tools such as providing proposals, and submitting questions, briefing motions, interrogations and others, and to withdraw confidence from the heads of local units, as regulated by Law. The law shall define the competences of other local councils, their financial sources, guarantees of their members, and the independence of such councils.”

⁹⁴ Egyptian Constitution 2014, art. 244 “The State shall endeavor that youth, Christians, persons with disability and Egyptians living abroad be appropriately represented in the first House of Representatives to be elected after this Constitution is approved, as regulated by law.”

⁹⁵ Amnesty International, Public Statement: Egypt constitution draft – Improved text amid ongoing violations, Index: MDE 12/076/2013 , 9 December 2013 , available at <http://www.amnesty.org/en/library/asset/MDE12/076/2013/en/204d78d9-f5f9-438e-a137-3092d1b81212/mde120762013en.pdf> (consulted on 14 June 2014).

Constitutions protect freedom of *belief* under Articles 46⁹⁶ (1971 Constitution), Article 43⁹⁷ (2012 Constitution) and Article 64⁹⁸ (2014 Constitution). In the two latter texts the constitutional engagement that the state should establish places of worship represents a unique improvement for Egypt – although it is only the case for “divine” or “Abrahamic” religions, which exclude religious minorities other than Christian and Jewish. The 2012 and 2014 Constitutions also explicitly affirm that the personal status of Christians and Jews is regulated by Christian and Jewish law, as well as their religious affairs and selection of spiritual leaders⁹⁹. The 2014 Constitution goes a step beyond, by resolving with Article 235¹⁰⁰ the urgency to “issue a new law to regulate construction and renovation of churches, in a manner that guarantees the freedom to practice religious rituals for Christians”. Although these special provisions embedded in the Constitution, targeting Christians in particular, appear to be aimed at improving their overall conditions, they also reflect a tendency to adopt laws based on religious privileges. Some of those provisions seem to add new advantages on religious basis rather than eliminating the existing ones, in a way that tends to foster division instead of promoting inclusion.

IV - THE ROLE OF SHARI'A

The declaration Egypt entered into at the time of the ratification of the CCPR and

96 Egyptian Constitution of 1971 as revised 2007, art. 46 “The State shall guarantee the freedom of belief and the freedom of practice of religious rites.”.

97 Egyptian Constitution 2012, art. 43 “The freedom of belief is inviolable. The state guarantees the freedom to practice religious rites and to establish places of worship for the divine religions. This is as organized by law.”

98 Egyptian Constitution 2014, art. 64 “Freedom of belief is absolute. The freedom of practicing religious rituals and establishing worship places for the followers of Abrahamic religions is a right regulated by Law.”

99 Egyptian Constitution 2012, art. 3 “The principles of Christian and Jewish laws are the main source of legislation for followers of Christianity and Judaism in matters pertaining to personal status, religious affairs and nomination of spiritual leaders”; Egyptian Constitution 2014, art. 3 “The principles of Christian and Jewish Sharia of Egyptian Christians and Jews are the main source of legislations that regulate their respective personal status, religious affairs, and selection of spiritual leaders.”.

100 Egyptian Constitution 2014, art. 235 “In its first legislative term following the effective date of this Constitution, the House of Representatives shall issue a law to regulate constructing and renovating churches, in a manner that guarantees the freedom to practice religious rituals for Christians.”.

CESCR stated that “*taking into consideration the provisions of the Islamic Shari'a and the fact that they do not conflict with the text annexed to the instrument, we accept, support and ratify it.*”¹⁰¹. During the consideration of its combined 2002 third and fourth periodic reports to the Human Rights Committee (HRC), the latter referred to General Comment 24 on the impossibility of entering a general reservation that modifies or renders inapplicable whole groups of rights set forth in the Covenant without infringing the purpose of the Covenant as a whole¹⁰². The Committee noted the “general and ambiguous nature of the declaration” and urged Egypt either to “clarify the scope of its declaration or withdraw it”¹⁰³. The HRC expressed concern that this declaration was confusing and that the committee “needed to be told exactly how far the declaration affected the implementation of the Covenant within Egypt”¹⁰⁴. The representatives of Egypt indicated that this “general reservation (...) was intended to ensure there was no deviation from the principles of Islamic Shari'a law, which according to the Constitution is the principal source of Egyptian law”; stressing, however, that “there was no contradiction between those principles and the provisions of the Covenant”¹⁰⁵. As we can see, the coherence of the Egyptian official discourse is extended to the international arena, where the inconsistencies are constantly denied in an effort to avoid criticism. A similar behaviour is common to a majority of Arab states which share the same policy within the international human rights environment¹⁰⁶.

The “general and ambiguous nature of the declaration”¹⁰⁷ noticed by the HRC consists in the fact that the relation between *shari'a* and human rights law is far from an easy one due to the numerous conflicting principles between the two systems of law, especially with regard to equality and non-discrimination of groups such as women and

101Baderin, Mashood A., 'Islamic Law and the Implementation of International Human Rights Law: A case study of the International Covenant on Civil and Political Rights', in *International Human Rights Law: Six Decades after the UDHR and Beyond*. Baderin, Mashood A. & Ssenyonjo, Manisuli (eds), Farnham: MPG Books Group, 2010, p.349.

102HRC Concluding Observations on the 2002 Combined Third and Fourth Periodic Report of Egypt, UN Doc. CCPR/CO/76/EGY of 28 November 2002, para.5

103*Idem*.

104*Idem*.

105*Idem*.

106Artz, Donna E., 'The Application of International Human Rights Law in Islamic States', pp.202-230, in *Human Rights Quarterly*, Vol.12, No.2, 1990, pp. 227-228.

107^{Supra} note 102.

religious minorities. Indeed, this dynamic reflects the complex relationship between society, state and religion in Egypt. The *dhimma* system that Islamic law provides for some non-Muslim communities (notably Christians and Jews), grants them a sufficient degree of protection and rights in practice. However, this system is inserted in a broader framework, based on Qur'anic dogmas, that establishes the indisputable privileged status of Muslims over any other religious community, making the whole system inherently discriminatory¹⁰⁸. The complete application of the *dhimma* system would contradict *in toto* the constitutional principle of equality among citizens. In practice, however, some parts of this sectarian organisation of society are still in place in the Egyptian legal system (as I will analyse in the second part of this chapter), although contradicting the principle of equality based on national belonging.

The three Egyptian Constitutions approved since 1971 state in Article 2 that “*Islam is the religion of the state and Arabic its official language. Principles of Islamic law (sharī‘a) are the principal source of legislation*”¹⁰⁹. Since the amendment of the 1971 Egyptian Constitution on May 22, 1980¹¹⁰, Egypt has strongly affirmed to be a country markedly defined by its Islamic roots, by re-elevating Islamic law from “*a source of legislation*” to “*the principal source of legislation*”¹¹¹. However, as it has been affirmed by the HRC, “the fact that a religion is recognized as an official or state religion or that its followers constitute the majority of a state’s population, is not a lawful ground for impairing any rights under the [CCPR], including rights under articles 18 and 27, of

108One of the most recalled Qur’anic verses employed to justify Muslims’ superiority is (3:110) where they are defined “the best community that has been raised up for mankind (*kuntum khayra ‘ummatin ukhrijat li’ l-nāsi*). You enjoin good and forbid evil and believe in Allāh. If the People of the Book (*ahl al kitāb*) had believed, it would have been better for them...”, Maghen, Z., ‘The Interaction Between Islamic Law and Non-Muslims: Lakum Dīnukum Wa-lī Dīni’, pp.267-275, in *Islamic Law & Society*, 10(3), 2003, p.238.

109Egyptian Constitution of 1971 as revised 2007, art. 2 (official translation) “Islam is the religion of the state and Arabic its official language. Principles of Islamic law (Shari’a) are the principal source of legislation”; Egyptian Constitution of 2012, art. 2 (International IDEA translation) “Islam is the religion of the state and Arabic is its official language. The principles of Islamic Sharia are the principal source of legislation”; Egyptian Constitution of 2014, art. 2 (unofficial translation on governmental website) “Islam is the religion of the state and Arabic is its official language. The principles of Islamic Sharia are the main source of legislation”.

110Najjar, *op.cit.*, p.7.

111Brown, *op.cit.*, p.1080.

anyone who does not accept the official ideology or even outright opposes it”¹¹². It is not the recognition of the *sharī‘a* 's role itself, but the extent and manner to which it is implemented which risks blocking some parts of the population from a complete enjoyment of the human rights embedded in the UDHR and CCPR. In other words, the inclusion of a prominent role for *sharī‘a* in the Constitution could represent a violation of Egypt's international obligations in the event that it was used to deprive Egyptian citizens of their human rights¹¹³ – a point we will focus on in part II of this chapter.

The growing role of Islam sanctioned by Article 2 achieved its maximum importance with the 2012 Constitution. The Constituent Assembly responsible for drafting the new constitution was made up of many Islamists and only some liberals¹¹⁴, due to the victory of the Muslim Brothers at the 2012 presidential elections. In the Constitution in question other articles were introduced to broaden the application of *sharī‘a* and orientate it towards the new rulers' political aim. The constitutional text, which largely employs religious vocabulary¹¹⁵, introduces with Article 219 the exclusivity of Sunni jurisprudence for interpretation of Islamic law, with Article 44 the prohibition of blasphemy, and with Article 4 it gives exclusive consultative power to al-Azhar. Concerning the discourse over religious minorities, the introduction of specific provisions exclusively formulated for “divine religions” indicates the extent to which Islamic law influenced the drafting process, by implicitly integrating in the Constitution the Qur'anic refusal to accept religions other than Judaism and Christianity¹¹⁶. As mentioned above, the latter articles are also present in the 2014 Constitution. The evolution of the constitutional framework appears to go in the direction of a more marked role for Islamic law in the definition of non-Muslims' position and rights.

112General Comment Adopted by the Human Rights Committee under Article 40, para. 9 of the International Covenant on Civil and Political Rights, U.N. Doc. CCPR/c/21/Rev.1/Add.4, Sept. 27, 1993, 4.

113*Supra* note 102.

114Zaid Al-Ali, 'Egypt's draft constitution: an analysis', in *OpenDemocracy*, 8 November 2012, at <http://www.opendemocracy.net/zaid-al-ali/egypts-draft-constitution-analysis> (consulted on 5 June 2014).

115Georges, *op.cit.*, p.5.

116Judaism and Christianity are considered under Islam to be “heavenly religions”; other religions such as Bahai’sm, Hinduism, Buddhism etc. are considered non-heavenly religions and their followers face serious problems in practising it.

V - THE QUESTION OF MINORITY RIGHTS¹¹⁷

Regarding Article 27 of the CCPR¹¹⁸, considered one of the most important legal bases of minority rights, it is not officially embedded in any of the three Constitutions. Minority rights are a thorny question in Egypt, as in the whole Arab world, and no Arab state recognises the existence of minorities on its territory, nor does the term “minority” appear in their constitutional charters¹¹⁹. The question is an historical and political one, rooted in the divide and rule policies put in place by the colonial powers in the region in the 19th and 20th century and in the overcoming of communal divisions represented by the independence *momentum*. The reinforcement of these differences “left footprints in post-colonial states, where the idea of embracing differences was not seen as a mark of “liberalism” but as an historical hangover of western interference”¹²⁰.

As we have seen in the first chapter, the discourse over minority status has been strongly opposed by authorities on both sides of the sectarian line in the name of “national unity”. This opposition was accompanied by the general reluctance in representing Coptic issues in the public sphere in an attempt to absorb the minority group into the general discourse aimed at marginalising its particular identity and fencing it in a communitarian space. At the same time, some minority rights were *de facto* partially achieved through informal agreements between state and Coptic Church, though they did not rely on any legislative act. The informal benefits accorded to the Copts as a group of citizens sharing the same faith are obviously a legacy of the long-standing *dhimma* system, and of its translation under Ottoman rule in the *millet*

117The basis of the minority rights framework can be found, among other instruments, in the International Covenant on Civil and Political Rights (G.A. Res. 2200A, (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976, *accessed by Egypt* on Jan. 1, 1982) at art.27 “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”.

118^{Supra} note 69.

119Georges, *op.cit.*, p.2.

120Castellino, Joshua & Cavanaugh, Kaathleen A., *Minority Rights in the Middle East*. Oxford University Press, 2013, pp.120-121.

structure, which used to grant large autonomy to religious minorities.

In recent years we have witnessed an evolution in the recognition of the particular characteristics of this community within Egypt, which has been mirrored by the introduction of the use of the term “Copt” and “Christian” in the constitutional texts, representing a step forward in improving their representation as a *community* of citizens. In the Constitution of 1971 and its amendments, the term “Christian” or “Copt” did not appear in any part of the document, and the unitary language was predominant. The 2012 Constitution makes use of the term “Christian” for the first time in Article 3¹²¹. However, the main progress is in the 2014 Constitution: not only does the term “Christian” appear in four different articles, but Article 50 on the preservation of cultural heritage even states that “Egypt's civilization and cultural heritage, whether physical or moral, including all diversities and principal milestones – namely Ancient Egyptian, Coptic, and Islamic – is a national and human wealth. (...) The State shall pay special attention to protecting components of cultural pluralism in Egypt”. The explicit introduction in the constitutive text of the Coptic element as one of the “milestones” of Egyptian legacy is revolutionary at a symbolical level considering the generalised underestimation and under-representation of the cultural contribution of the Coptic period¹²² to the Egyptian heritage.

Moreover, the provisions described above in the paper, which provide quotas for Christians' participation, special regulation for personal status law, and provisions for their places of worship, indeed constitute minority rights accorded on the basis of the recognised disadvantaged position of a specific group within society. However, the effects of including exclusive rights for minorities – while avoiding defining them as minorities – can be controversial and even dangerous in a society where the division is based on religious lines. Indeed, this could foster the feeling within society that a group of citizens is entitled to privileged treatment compared to others, on religious bases. This could be particularly critical if we consider that other religious minority groups have been totally excluded from the constitutional framework¹²³.

121*Supra* note 99.

122Hasan, *op.cit.*, 169-173.

123Amnesty International, *supra* note 95. Here we refer in particular to the Bahá'í religious minority,

PART II

DISCRIMINATORY TREATMENT

Despite the commitments embedded in the Constitutional framework, the discriminatory behaviour of the Egyptian state towards the Coptic minority has been mediated by both legalised and illegal structural practices. In this section I address the issue of the lack of implementation as well as its repercussions for Coptic citizens' human rights.

I - THE WEAK RULE OF LAW

All three Constitutions fail to provide for the supremacy of international law over national legislation¹²⁴. Also, the charters leave the implementation of many of the rights to be defined by national law, which has historically offered scant protection against religious discrimination¹²⁵. The practice of guaranteeing rights while adding that their enjoyment is regulated by law risks depriving them from their essence, given the Egyptian authorities' regular reliance on repressive legislation. These legal clauses often justify a limitation in the enjoyment of rights¹²⁶.

Although the three Constitutions guarantee the rule of law¹²⁷ and the independence of the judiciary¹²⁸, the amendments to laws relating to the state of emergency and the

whose adherents in Egypt are estimated to be from 1,500-2,000. Source: US Department of State, International Religious Freedom Report 2012: Egypt, May 2013, at <http://www.state.gov/j/drl/rls/irf/religiousfreedom/#wrapper> (consulted on 30 June 2014). For more information see also, Minority Rights Group International (MRG), *supra* note 1.

124Amnesty International, *supra* note 95.

125European Parliamentary Research Service, Egypt's new constitution and religious minorities' rights. Prospects of improvement?, 23 January 2014, at http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2014/140726/LDM_BRI%282014%29140726_REV2_EN.pdf (consulted on 30 May 2014), p.5.

126Saleh, Yustina, 'Law, the Rule of Law, and Religious Minorities in Egypt', in *The Middle East Review of International Affairs (MERIA) Journal*, Vol 8, No. 4, 2004, pp.7,8.

127Egyptian Constitution of 1971 as revised 2007, art. 64; Egyptian Constitution of 2012, art. 74; Egyptian Constitution of 2014, art. 94.

128Egyptian Constitution of 1971 as revised 2007, art. 65; Egyptian Constitution of 2012, art. 168;

recourse to exceptional courts have constantly eroded these principles¹²⁹. The great powers accorded to the executive in the 1971 and 2012 Constitution, and to the military in the 2014 charter¹³⁰, did not create adequate mechanisms or provisions to refrain them from limiting and orienting the judiciary.

In her article on the rule of law in Egypt, Saleh argues that a serious problem in maintaining the rule of law lies in the fact that interpretation of the law is largely dependent on the government leadership of the time¹³¹.

A further difficulty in imposing the rule of law is represented by the nature of Egyptian legislation itself, often formulated in too vaguely in an attempt to make it more general¹³². An example can be found in Article 98(F) of the Penal Code, which prohibits the use of religion to “ignite strife, to degrade any of the heavenly religions or harm national unity or social peace”. This article has often represented the basis for prosecuting human rights activists and homosexuals as well as limiting freedom of expression in general¹³³. Another provision that lacks a precise definition has been widely interpreted by the security apparatus – allowing it to try citizens in military courts – is the state of emergency law, that has been in place, uninterrupted, from 1981 to 2012.

Furthermore, the huge body of Egyptian legislation – 53,237 active laws according to a 1998 study undertaken by the Egyptian Cabinet – coexists with the lack of judicial review to ensure the consistency of those laws. This creates a situation where many laws overlap or conflict¹³⁴.

For what concerns religious minorities, an example of the gap between the written law as it is and its application is in the area of employment. In principle, no limitation against religious minorities reaching senior positions in public office exists, yet in practice the obstacles for these groups are significant. The issue in these cases was the lack of will to respect the existing law and enforce it¹³⁵.

Egyptian Constitution of 2014, art. 184.

129Saleh, *op.cit.*, p.7.

130Amnesty International, *supra* note 95.

131*Supra* note 129.

132*Idem*, pp.8-9.

133Najjar, *op.cit.*, p.18.

134Saleh, *op.cit.*, p.9.

135Minority Rights Group International (MRG), No change in sight: The situation of religious minorities

A similar case is related to the appointment of Christian judges in the Egyptian courts, with Christians making up approximately 1% of the total number of judges in Egypt¹³⁶. The hurdle in this case is the influence of the Qur'anic verse (4:141) “but Allah will judge betwixt you on the Day of Judgement, and never would Allah grant to the Unbelievers a way (to triumph) over the Believers”. The idea that non-Muslim judges cannot judge Muslims is shared by all schools of Islamic jurisprudence¹³⁷.

II - THE SECTARIAN SYSTEM IN THE LAW

The most debated laws regulating Christian issues are those related to personal status and to the building and renovating of churches. Despite the last Constitution of 2014, where Article 235 aims at dealing with the problem represented by the latter question, the sectarian system built around personal status laws, which provides legal pluralism on the basis of religious belonging, is conversely reaffirmed by the unchanged Article 3¹³⁸.

Concerning personal status¹³⁹, the separate courts for different religious rites were abolished by Nasser in 1955 according to Law 462, in an effort to unify the judiciary in Egypt. However, the tradition of having different codes for promulgating laws related to personal status for different religious groups persisted, and the unified national court applies the 1938 Code¹⁴⁰ when dealing with Coptic personal matters, while Islamic law is applied to Muslim citizens. This code had been promulgated by the lay leaders composing the Coptic Orthodox Communal Council (*al-Majlis al-Millī*)¹⁴¹ and

in post-Mubarak Egypt, 2013, at www.minorityrights.org/download.php?id=1314 (consulted on 6 June 2014), p.18.

136Ibrahim, I.H., Study of the Present Egyptian Constitution and the Law Articles that Conflict with Minority Rights, at www2.ohchr.org/english/issues/minorities/docs/11/Al-Kalema-3A.pdf (consulted on 28 May 2014).

137*Idem*.

138^{Supra} note 99.

139The law regulating matters such as marriage, divorce, inheritance and child custody.

140Shaham, Ron, 'Communal identity, political Islam and family law: Copts and the debate over the grounds for dissolution of marriage in twentieth-century Egypt', pp.409-422, in *Islam and Christian-Muslim Relations*, 21:4, 2010, p.412.

141^{Idem}, p. 409. The establishment of the Communal Councils of the non-Muslim minorities was part of

permitted divorce for Coptic citizens under nine conditions¹⁴² – which was considered much too lenient, first by Patriarch Cyril VI and later by Shenouda III, who admitted divorce only under the condition of adultery. Since the abolition of the Communal Council in 1962 several draft Codes that the Church has proposed to the state, aimed at restricting divorce only to the condition of adultery, have been refused. Despite the national courts rulings, still regulated by the 1938 Code, Shenouda issued Decree n.7 in order to prevent Copts who had obtained dissolution-of-marriage judgements (on grounds other than adultery) from marrying a new spouse¹⁴³. In a case in 2010, the Supreme Administrative Court ruled that the Coptic Church was obliged to allow two divorced Coptic men, Hani Wasfi and Magdi Ayyub, to remarry. Pope Shenouda insisted that the Church was entitled to abide by biblical teachings that outlaw divorce, regardless of what the state said¹⁴⁴. In order to be able to re-marry, some Copts have resorted to conversion to Islam as a way out of unhappy marriages¹⁴⁵. In this way, they are subject to the personal status law of Muslims, which allows re-marriage. Conversion is also the only option in the case of union between a Christian man and a Muslim woman, since this option is not contemplated under Muslim personal status law, which is based on *sharī'a* law – while the other way round is allowed. Also, when two Christian partners not belonging to the same rite want to marry, one of the two is supposed to convert to the other's sect or rite, because the law applied to Christian marriages is different for each different religious sect and requires both the spouses to

the Ottoman reforms of the late nineteenth century. It represented an official confirmation by the State of the autonomy enjoyed by these minorities to administer their worship and to adjudicate their personal status disputes according to their own religious laws.

142The nine conditions are: (1) Adultery (Article 50); (2) Abandoning Christianity (Article 51); (3) Absence for a period of five years or more, when the whereabouts of the absentee and the fact of his life or death is unknown (Article 52); (4) Imprisonment for seven years or more (Article 53); (5) Permanent and incurable insanity or a chronic disease that endangers the health of the other spouse and lasts for at least three years; also, the husband's impotence over a period of at least three years, if the wife is still at the age of sexual desire (Article 54); (6) Life endangering or physical harm inflicted by a spouse that prejudices the other spouse's health (Article 55); (7) A spouse's immoral and corrupt way of life that a church functionary was unable to correct (Article 56); (8) Maltreatment or blatant violation of marital rights leading to a state of contempt between the spouses and to physical separation between them for at least three years (Article 57); (9) Assumption of monastic life (Article 58). Shaham, *op.cit.*, pp.416-418.

143*Idem*, p.413.

144Tadros, *op.cit.*, p.89.

145Conversion to more lenient Christian rites is also a phenomenon; see Tadros, 2013, p.85.

be part of the same religious group.

In the above-mentioned cases, the Egyptian state fails, first of all, in respecting the principle of equality, since the rule of law requires an equal treatment of all subjects, which is denied by the adoption of different codes of personal law. Secondly, by not providing a system of religious-mixed marriages, it breaches its citizens' freedom of religion, which provides the right to have or to adopt a religion of his/her choice and no coercion in the enjoyment of this freedom. Also, the sectarian system of personal status law, built on the basis of Islamic law, impairs the citizens' right to marry¹⁴⁶.

Furthermore, conversions of Christians to Islam and *vice-versa* represent a very controversial issue. Despite not being prohibited by a specific law, conversion of Muslim citizens to other religions has been strongly opposed by the Egyptian state, whose courts have often tended to consider it as a violation of public interest or a security issue¹⁴⁷, hence making it extremely difficult to achieve in practice. When a violation of public interest is recognized by the court, the convert can be subject to the nullification of their marriage, preventing them from entering into another marriage, excluding them from inheritance rights and denying their parental rights. Under *sharī'a* law, the crime of apostasy (*ridda*) is considered one of the most serious crimes a Muslim can commit, if not the most serious.

On the Christian side, mechanisms known as the “guidance sessions” existed until 2004 to ensure a person's firm and free will to convert to Islam. These sessions served to address the inequalities prevalent in law and social morality that disfavoured Muslim conversions, and their abolition represented a further step towards religious inequality before the state, since no mechanism is now in place to control Christian citizens' conversions. For the Coptic Church, fearing the loss of devotees, this is an issue of real

¹⁴⁶Both the freedom to have or to adopt a religion of his choice (art. 18 CCPR) and the right to marry (art. 23 CCPR) are not embedded in any of the analysed Egyptian Constitutions.

¹⁴⁷Article 98-F of the Penal Code, introduced by law 29/1982, has been used to imprison converts (Guirguis, *op.cit.*, p.97). In other cases, as indicated in different verdicts of the Court of Appeals for Case No. 20 of 1966, it is deemed a violation of public interest and results in the nullification of the marriage of the apostate, preventing him/her from entering into another marriage, excluding him/her from inheritance rights and denying the person's parental rights (Saleh, *op.cit.*, p.4). This represents not only another violation of freedom of religion (art. 18 CCPR) of its Muslim citizens, but also a blatant violation of art.2(1) of CCPR on the equality in the enjoyment of rights. It indicates that in practice only non-Muslim citizens are free to change their sect, rite, religion.

concern. Various cases of disappearances of young Coptic women¹⁴⁸ – in a society where a family's honour rests on girls' behaviour – have touched at the Coptic community's sensitivity. Cases such as Camillia Shehata's and Wafaa Constantine's are exemplary: these two Coptic women who, in order to escape unhappy marriages, resolved to convert to Islam, allegedly disappeared to be prevented from converting¹⁴⁹. Similar cases have been the source of sectarian tension that has lingered on for years.

According to Tadros¹⁵⁰, 18.33% of sectarian incidents which took place between 2008 and 2011 were triggered by Muslim/Christians gender relations, and 12.22% for reasons related to Coptic converts to Islam. Calls for a civil law on the personal status of non-Muslims¹⁵¹ have risen from various parts of the civil society¹⁵².

The second issue to take into consideration when talking about Copts' religious-based disadvantages is the law on places of worship. The issue is one of major concern since it touches on the exclusive space *par excellence* of the community. In Tadros' study on the sources of episodes of sectarian strife, the construction, expansion, or upgrading of churches is second in the list, with thirty-four cases occurring between 2008 and 2011¹⁵³.

The criteria regulating the construction of new houses of worship date back to the abolition of the *dhimma*, with the Ottoman Decree of 1856¹⁵⁴. The so-called Hatt-i Humayuni established 10 criteria that the construction of mosques and churches had to respect¹⁵⁵, but under the Republic those conditions were applied only to churches. Among the criteria to abide by were a certain distance from the closest mosque and church, the approval of Muslim inhabitants, a majority of Christian population in the area, etc. Until 1998 the construction or renovation required a presidential decree, but

148Tadros, *op.cit.*, p.58; Guirguis, *op.cit.*, pp.71-81

149Tadros, *op.cit.*, pp.55-60.

150*Idem*, p.46.

151Regulated by the state and not by Coptic Orthodox Church.

152E.g. the Center for Egyptian Women's Legal Assistance (CEWLA). For more information see Mokhtar, Yomna, 'Egyptian women's legal center demands personal status law for Copts', *Egypt Independent/Al-Masry Al-Youm*, 02 July 2011, at <http://www.egyptindependent.com/news/egyptian-womens-legal-center-demands-personal-status-law-copts> (consulted on 10 June 2014)

153 Tadros, *op.cit.*, p.76.

154Center for Religious Freedom, *Egypt's Endangered Christians*. Washington, DC: Freedom Center House, 1999, p. 52.

155Tadros, *op.cit.*, p.53.

thereafter the responsibility to issue permits was delegated to local councils. It is important to stress that any type of repair or building of any part of the church, however minor, required a presidential decree at the time, and that it could take years for its issuance. Also, some local councils were reluctant to grant permissions, especially in those areas where Islamists were in power. However, many Coptic churches were built in the 2000s through an informal mechanism: the State Security Investigations apparatus (SSI), which managed church regulation under Mubarak, allowed the Church leadership to establish churches without an official permit in return for its cooperation, in a sort of informal pact¹⁵⁶. Also, in those years many private houses were transformed into churches to obviate the difficulty of obtaining permits¹⁵⁷.

Proposals for a unified law on places of worship were made at different stages, including after the 25 January revolution, but were not successful¹⁵⁸. The 2014 Constitution, however, introduced with Article 235¹⁵⁹ an apparent acceleration in the achievement of a solution for the creation of a law on Christian places of worship; nonetheless, this premise does not seem to aim at moving towards a unified law, which would eliminate discrimination by granting equality between the two religious groups.

Apart from the above-mentioned, very few laws directly relate to non-Muslim Egyptians. The other discriminatory legal practice that it is important to stress is the prohibition a non-Muslim testifying against a Muslim. This rule is established in Egyptian case law, based on Article 280 of the Decree on the Organization of the *Shari'a* Courts. Nevertheless, the opposite does not hold, and Muslims are allowed to testify against non-Muslims, as in accordance with Islamic law¹⁶⁰.

III - SECTARIAN ATTACKS AND IMPUNITY CLIMATE

156*Idem*, p.55.

157*Idem*, p.52.

158*Idem*, p.54.

159*Supra* note 100.

160Saleh, *op.cit.*, p.5.

Violence committed by non-state actors is the most radical form of discrimination against Coptic Egyptians, and Egypt bears a duty to protect religious groups from discrimination by non-state actors¹⁶¹. Sectarian tension in Egypt increased gradually since the 1970s, when under Sadat's mandate religious-oriented groups regained access to the political scene and the sectarian lines dividing society became more marked under the influence of Islamic groups' increased credibility. The first violent sectarian incidents to take place were those in al-Khanka on the 6th of November 1972, when the burning of a small church in a Delta village resulted in a Coptic demonstration. This erupted into anti-Coptic street demonstrations where Muslims burned down Coptic homes and shops. In total, forty-eight people died, but the parliamentary inquiry commission accused foreign agents of instigating violence and did not punish any Egyptian¹⁶². Since then, Egyptian Copts, their property and churches have often been the object of attacks by various non-state actors, although not much has changed in the state's behaviour: the state's discourse has generally sought to accuse external actors, police intervention has generally been inconsistent or weak and, most importantly, only rarely episodes of sectarian violence have been punished¹⁶³.

The scale of the phenomenon decreased under Mubarak, increased again after Morsi's election and reached enormous proportions after the 3rd of July 2013, when the armed forces deposed President Mohamed Morsi and appointed an interim government. The phenomenon is made worse by the unwillingness of the regimes to take a robust approach to the sectarian issue. In fact the incidents were mostly followed by official denunciations shifting the blame to external actors ("terrorists", "extremists", foreigners) and by meetings between top-rank religious personalities. After the fall of President Hosni Mubarak on 11 February, 2011, the successive administrations that

161Brown, *op.cit.*, p.1070.

162Farah, *op.cit.*, p.2.

163Egyptian Initiative for Personal Rights (EIPR), *The Weeks of Killing. State Violence, Communal fighting, and Sectarian Attacks in the Summer of 2013*, June 2014, at eipr.org/sites/default/files/reports/pdf/weeks_of_killing_en.pdf (consulted on 20 May 2014); Amnesty International, 'How Long Are We Going to Live in This Injustice?' *Egypt's Christians Caught Between Sectarian Attacks and State Inaction*, Index: MDE 12/058/2013, October 2013, at www.amnestyusa.org/sites/default/files/mde120582013en.pdf (consulted on 25 May 2014); Minority Rights Group International (MRG), *supra* note 135.

governed failed to institute genuine, far-reaching reforms of the security and justice systems in Egypt to end practices of religious discrimination. This caused reactions of unprecedented violence against Coptic citizens after the overthrow of Morsi. Christians were accused of supporting the ousting of the president and represented the main target of the Muslim Brothers supporters' frustration.

Human rights organisations have reported on many occasions the systematic failure of the Egyptian authorities to prevent the occurrence of sectarian attacks, to handle these situations properly and to effectively resolve the conflicts. The failure to enforce rule of law before, during and after attacks appears to be due to lack of political will or capacity that results in inadequate prevention, prosecution and punishment of crimes related to sectarianism¹⁶⁴. A number of important recurring patterns have been identified in Tadros' analysis on sectarian attacks. One is the inaction of the SSI in cases of premeditated attacks¹⁶⁵ that could have been mitigated or their escalation prevented by security measures; a second pattern is the delay that characterises the intervention of the SSI, ambulance corps and fire brigades alerted to the escalation of violence, which could have prevented casualties¹⁶⁶. The last important pattern is that almost every incident was followed by a “reconciliation session” (*lijān al-ṣulḥ*)¹⁶⁷. The reconciliation sessions are meetings in which the communities of the parties to the conflict are required to reach an informal agreement in order to resolve the issue. While this can be a valuable initiative for reducing friction and has an important role in improving relations between different religious communities, it should not be treated as a substitute for criminal prosecution when death or injury has occurred. The Egyptian authorities, however, have favoured holding reconciliation meetings instead of resorting to justice in the courts. By avoiding the prosecution of the offenders, the Egyptian state not only enhances the Copts' sense of injustice, but also contributes to paving the way for further attacks. Furthermore, these sessions undermine the rule of law in the country as they limit the role of the judiciary in areas that are supposed to be its prerogative.

164 *Idem*, MRG, p.18; EIPR pp.99-102; Amnesty International pp.1-16.

165 Tadros, *op.cit.*, p.108.

166 *Idem*, p.110.

167 *Idem*.

CONCLUSION

The argument I have developed in this chapter seeks to demonstrate that through both legal instruments and informal state practice, the state-apparatus bears primary responsibility for fostering the minority's critical position in Egyptian society. The camouflage put in place by the regime with the support of the Coptic Orthodox Church presented to the Egyptian public the image of a country united against the common threats, without any sectarian division. However, as can be seen from this analysis, the rift separating this representation of society and the citizens' experience appears to be very clear.

In this chapter we have seen that the international treaties that Egypt has ratified have been sufficiently domesticated in the last decade through the constitutional framework, and especially the January 2014 Constitution appears to seriously take into account the authorities' responsibility for the rights and freedoms of Christian minorities. Citizenship and equality, non-discrimination, and freedom of religion are principles strongly affirmed in the three analysed constitutional texts. Nonetheless, the prominent role of Islamic law in the Constitutions has been interpreted in ways that have impaired the effectiveness of these principles by introducing exclusive provisions linked to the status of non-Muslim minorities in Islam, in particular with regards to personal status issues, conversion, access to positions, and construction of places of worship. Although the 2014 Constitution seems to address some of the shortcomings embedded in the previous ones, it does not insert Coptic minority rights in an inclusive framework concerning all citizens but treats them as a separate entity, thus it favours the widespread perception of the Coptic community as “a state into the state”, while it challenges citizenship and equality principles.

Indeed, Egypt's new charter speaks to several specific Christian concerns and grants them more rights. However, the structural, societal, bureaucratic and judicial discrimination that has affected Egypt's Christians over time has always been a consequence of the non-implementation of the different constitutions. The need to

impose the rule of law has been undermined by the weaknesses of enforcement mechanisms, which have exacerbated feelings of injustice within the Christian community. The climate of impunity thrived as a consequence of failed prevention and poor intervention in attacks targeting Christians, along with inadequate resolution mechanisms to solve sectarian issues. This all contributed to fostering the idea that non-Muslims were less entitled to have their rights respected than Muslim citizens.

The set of unfulfilled positive and negative obligations appears to be symptomatic of an endemic discriminatory system which nevertheless barely gets to the point of rupture between the two entities – state and community. With the rise of communal violence, however, the lack of commitment by the regime to the protection of Coptic citizens manifested itself in several situations, along with the incapacity to ensure justice to the victims. As I will examine in chapter III, this drastically contributed to revealing the systemic nature of the inequality, and subsequently to the rise of political activism in response.

CHAPTER III

POLITICAL INCLUSION AND MANAGEMENT OF DISSENT

“We, Egyptians of all faiths and stripes, should insist and ensure that the “crescent and the cross” not be evoked to uphold the status quo but rather, per its original and untarnished purpose in the 1919 revolution, to bring everyone together to advance a new path. Instead, let it be the symbol of a genuinely new Egypt, not the fantastical state-manufactured Disneyland that the Copts are now abandoning en masse.”¹⁶⁸

INTRODUCTION

It is generally argued that political activity is the most direct way citizens can contribute to influence and instigate change in their own country. A pluralistic political system and a vibrant civil society are fundamental to creating a political environment in which the different problems of society are expressed, enter the public debate and, ideally, are resolved through the legislative and executive powers. The restrictions that a government applies to prevent citizens from accessing the political scene determines the extent to which it exerts authoritarian control on civil society and on the democratic institutions, and indicates whether or not it is likely to abuse its authority to avail itself of the executive and legislative powers without collective supervision or assent. Consequently, limitations to political participation could hinder the natural evolution of the state in accordance with the needs of society as a whole, and could create a gap between institutions and population, which in the long term is likely to become detrimental to the *status quo*.

In this chapter we will take into consideration the mechanisms put in place by the regime of Mubarak and by its successors to limit Coptic participation in the political

¹⁶⁸Iskandar, Adel, *op.cit.*.

scene, and in particular to marginalise those voices that contested the sectarian order. As we will analyse more in detail, the effectiveness of these mechanisms relied on two main elements permeating society and particularly felt by minority groups: entrenched sectarian order, and fear. The internal balance of power within the Coptic community, shaped by the role of the Coptic Orthodox Church, was mirrored by the exclusive state-Church relationship dealing with Coptic issues outside of the community. This fostered a feeling of isolation, representing the first obstacle to the emancipation of Copts from their marginal political role. The second element these mechanisms were based on is fear. The Egyptian system tended to maintain the presence of a “threatening element” always present, by favouring a vision of society divided into “friends or enemies”. In this way it conveyed the message that the regime's presence and its repressive actions were inevitable for granting protection to the population against “state enemies” such as “extremists”, “foreigners”, and any other actor supposedly threatening the mythical national unity. This vision, legitimised by the discriminatory behaviour of some parts of society against minority groups such as Christians, implanted fear of the other within the community. This led to the acceptance of restrictions in political life as an unavoidable privation and a necessary instrument to contain the “enemy”¹⁶⁹.

As we have seen in the previous chapters, the religious division permeating society and institutions represented a structural order denied by the state and fundamental to maintaining the *status quo*. The translation of such a division in the political arena was the “political passivity”¹⁷⁰ of those parts of society which, not belonging to the majority, had been gradually excluded from the decision-making process. The Copts' feeling of isolation and the prominent role played by the Church in mediating political demands was added, on one hand, to the insignificant inclusion of Coptic personalities within the governmental party¹⁷¹ – which held the overwhelming majority in democratic institutions until 2000 – and, on the other, to the poor results they generally obtained in elections. As we will further discuss below, the political impact of the Coptic

169Guirguis, *op.cit.*, p.121

170Rizq, Yunan Labib, 'La « passivité » politique des coptes : essai d'explication', pp.259-261, in *Égypte/Monde arabe*, Première série, 12-13, 1993.

171The National Democratic Party [hereinafter NDP]

community and their opportunity to get their voices heard through political means was very limited, and less than encouraged by the system. Vice-versa, the community increasingly tended to rely on the Church to solve any important question between community and state, strengthening in this way the preferred direction of dialogue of the regime. The informal agreement between the Church and the regime represented one of the most crucial strategies the regime had to pilot the political marginalisation of the community from within, thanks to the influence exerted by its spiritual leader, Patriarch Shenouda III.

From the second half of the 2000s, critics called into question the legitimacy of the regime, by laying bare controversial aspects related to privileges and oppression that resulted in a resurgence of the expression of dissent and a renewed political activism. In this context, and because of parallel situations that had also affected the Church's image, Coptic citizens also started to state their doubts on the solid relationship between Shenouda and the regime. These underlying feelings were unleashed by the end of 2010 and exploded after the revolution of 25 January, 2011. The gradual degradation of the day-to-day situation, along with the new militancy of Coptic youth, as well as the growing critics of the Pope's political authority pushed high numbers of Copts to dissent. Despite the Church's initial opposition, many Copts took to the streets, encouraged by the vitality of the revolution, and the demonstrations promoted by new-born Coptic associations and militant groups multiplied during 2011.

The resurgence of activism, which will be analysed in the second part of this chapter, gave new energy to the movements and associations already existing, while driving the establishment of new ones, in a political environment inspiring renewal and expression of claims previously kept silenced. In this context, many Copts joined militant movements active at the national level or created political groups more or less oriented towards the Christian minority's claims.

However, the situation changed drastically shortly after the 25 January revolution, and the space to demonstrate, protest, claim and advocate was gradually reduced by the rulers that took charge of the country since 2011. The entente established between

Supreme Council of the Armed Forces (SCAF) and Islamists¹⁷² created a tense environment for Coptic claims to be expressed that worsened during Morsi's government. Their contribution to the revolution was underestimated if not denied, and the strong politicisation of religion increased the perception that any claim related to religious minorities was a threat to the Islamic state project, supposedly shared by the majority who voted for the Islamic political entities. Since the ousting of Morsi in June 2013, the military has ruled the country, with the former Defence Minister al-Sisi as president. Religious strife exploded in the summer of 2013, with the Muslim Brotherhood supporters widely attacking Christian churches, properties and persons. In this changed context, the use of force became largely employed by the army against Islamist supporters, which in turn vented their frustrations against religious minorities. The brave attempt of the revolution to reopen political participation contrasted with the goals of the rulers, who tore it apart by restoring authoritarian rule while providing it with a democratic façade embedded in the Constitution. The wall of fear of the Egyptian civil society was breached but the state's means to annihilate or neutralise it was stronger.

This chapter is divided into two sections that follow a chronological line. In the first one I analyse the process of marginalisation of Copts in the institutional political scene, and their instrumentalisation in the political game. In a second part of this chapter I take into consideration the relations between government and Coptic civil society engaged in political opposition and advocating for Coptic rights. In this section I also analyse the evolution of some informal political movements involving Copts from the 2000s.

PART I

INCLUSION IN POLITICAL INSTITUTIONS

The marginality of Coptic representation in Egyptian politics is not only important *per se*, in the sense that it indicates the extent to which citizens belonging to a minority group have access to the political institutions through the electoral process, but it plays a

¹⁷²Tadros, *op.cit.*, p.137.

significant role in our discourse due to the fact that it determines the degree of opportunity for the Coptic question to enter the political debate and to be solved through political mediation. In this section we analyse three different aspects of the hurdles hindering Coptic citizens from challenging the sectarian system through the political institutions. The first one is the framework of the Egyptian political system, its inherent lack of openness and the prevailing rejection demonstrated by parties to presenting Coptic citizens as candidates. The second aspect is related to the instrumentalisation of religious divide in the political discourse which inhibits Coptic candidates, affects their electoral results and does not allow them to force the “red lines” but only to respect the rules of the political game dictated by the regime. The third element we will take into consideration is the role of the Coptic Orthodox Church as prominent political mediator of the community, which grew stronger simultaneously to the laity's marginalisation from the political arena. The Church, especially under the leadership of Pope Shenouda III, held exclusive power in relations between community and state, and was the only official actor able to discuss – and often resolve – controversial issues related to sectarian order, without, however, daring to question it.

The decline of the presence of Coptic citizens in the political arena dates back to the 1950s when Nasser abolished all political parties halting the evolution of the national movement and undertook an authoritarian policy based on the centralisation of power and nationalisation of economics. Agrarian reform and nationalisation deprived the Coptic elites of their principal economic revenues which used to underpin their social status in Egyptian society and give them the symbolic and material means to influence the political life of the country¹⁷³.

Since the inauguration in 1976 of a “pluralistic” political system by Anwar Sadat, the inability of the authoritarian regime that resulted from the Free Officers revolution to establish a democratic system accessible to all sectors of Egyptian society, was proved throughout different phases of its long existence¹⁷⁴. The “democratic façade” for Sadat was necessary to gain the support of Europe and the United States, essential to

173Rizq, *op.cit.*, p.260.

174Roussillon, Alain, 'Les coptes à la marge', pp.95-127, in *Égypte/Monde arabe*, Troisième série, 7, 2011, p.95.

launching a new era for Egypt in foreign politics¹⁷⁵. Sadat earned the international community's support presenting to the world the *Infitah* (opening) project of liberalisation¹⁷⁶. The political reforms and the new Constitution of 1971, however, left the internal authoritarianism almost untouched. The legislation on parties was extremely restrictive¹⁷⁷, the opposition coopted by the ruling party – Islamists included – and the Constitution prohibited politicians from questioning the principal pillars of the new policy¹⁷⁸.

Under Mubarak's rule, the situation did improve *de iure*, notably during the 2000s, but *de facto* it remained the same, or even worsened. The coopting of “moderate” Islamists in a first phase and of Nasserists later allowed the regime to keep the political institutions under control while facing the “extremists threat” – which meant the persecution of political actors not aligned with the regime, besides the Islamist groups responsible for terrorist attacks, the repression being in both cases justified by the same law on the state of emergency¹⁷⁹. The controlled plurality of the political scene lasted until the revolution, and the governmental party reigned unchallenged in every election until the second half of the 1990s, when the Muslim Brotherhood “independent candidates”¹⁸⁰ began to gain increasingly significant numbers of seats¹⁸¹. Among the instruments used by Mubarak's regime to maintain its majority in the elected institutions, voter frauds, as well as several kinds of electoral violences such as arrests and harassment of voters, were constantly used¹⁸².

175Halliday, *op.cit.*, p.120.

176Kienle, Eberhard, *A Grand Delusion. Democracy and Economic Reform in Egypt*. London: I.B.Tauris, 2001, p.3.

177A very similar legislation has been applied until 2005. Roussillon, 2011, *op.cit.*, para.2. See also, Kienle, *op.cit.*, pp.19-48.

178*Idem*.

179Kienle, *op.cit.*, pp.89-97.

180The Muslim Brotherhood, as party established on religious basis, was banned by the Egyptian political system by Article 5 of the 1971 Constitution. Its illegal status was alternatively tolerated and fought by the regime according to strategic reasons.

181Abbassi, Amal-Fatiha, 'Les Frères musulmans au sortir de la semi-clandestinité : le parti de la Liberté et de la Justice dans les élections législatives', in *Égypte/Monde arabe*, Troisième série, 10, 2013, para.1.

182Steuer, Clément, “Les partis politiques égyptiens dans la révolution”, pp.181-192, in *L'Année du Maghreb*, VIII, 2012, para.2; Human Rights Watch (HRW), Egypt: Elections Marred as Opposition Barred from Polls. Violence, Arrests, and Fraud Allegations Widespread, 29 November 2010, at <http://www.hrw.org/en/news/2010/11/29/egypt-elections-marred-opposition-barred-polls> (consulted on

Coptic candidates were poorly represented in party lists. The NDP did not introduce any Copt to its list in 1990 nor in 1995, only three in 2000 and two in 2005¹⁸³. The secular-Nasserist parties Tagammu' and Wafd, generally presented a higher number of Copts – and also attracted a substantial portion of the Coptic vote¹⁸⁴, hence had to comply with their voters' expectations, especially considering their limited results in elections. The hidden reason for parties such as the NDP, always prone to counting on the national unity discourse, failing to integrate Copts in their lists, was that “Egyptians don't vote for women and Copts”¹⁸⁵. Indeed, the configuration of the Muslim majority vote tended to minimise the presence of those parts of society perceived as marginal, if not dangerous for the country's stability.

The debate over the introduction of a system of quotas for Copts saw both seculars and Islamic-oriented actors in accord on a firm refusal: in their view Copts could not be treated as a minority nor as an homogeneous social and economic group, and the problem of their poor results in elections should have been solved from a citizenship perspective rather than a sectarian one¹⁸⁶. When in 2009 quotas for women were introduced, the refusal to switch the discourse to Copts was unanimous¹⁸⁷, justified by the symbolic ghost of the separation of national unity – and even fostered by the fact that pressures to introduce quotas came from outside the country, from the Coptic diaspora. In effect, a *de facto* system of representation of Copts was already in place, although limited, and was applied through the nominations system in the People's Assembly (*Majlis al-sha'b*) and in the Consultative Council (*Majlis al-shura*), where the rulers always guaranteed a symbolic number of places for Copts¹⁸⁸. Also, the way to present the results of the elections, with the number of seats obtained by each party followed by the figure of women and Copts in brackets, indicates the extent to which the problem of the integration of Copts in political and social life was formulated in

30 May 2014).

183Guirguis, *op.cit.*, p.211; Roussillon, 2011, *op.cit.*, para.7.

184Roussillon, 2011, *op.cit.*, para.24.

185*Al-Dustur*, 5 August 2009 quoted in Guirguis, *op.cit.*, p.211.

186*Idem*, p.210.

187*Idem*.

188*Idem*, p.211.

terms of representation rather than in terms of structural marginality. This approach was so rooted in the political arena for a precise reason: Coptic numerical representation in the parties' lists, and especially in the battle between NDP and Muslim Brothers, came to embody one of the most important symbolic elements of political confrontation. The NDP, although not putting much effort in introducing Copts in its lists, could rely on the long-standing presence of some Coptic politicians in its ranks. During the past 30 years, the exhibition of Coptic candidates became the privileged card to play for parties to demonstrate their commitment to normative order¹⁸⁹, to publicly display their attachment to national unity or to international standards.

The instrumentalisation of the candidates' religious identity has been constantly used in political competition. During electoral campaigns, far from being a presentation of alternative political projects, the opposition systematically used sectarian antagonism to motivate voters. Both at the national and at the local level, the stigmatisation of religious belonging was cleverly employed by politicians on the basis of an attentive evaluation of public and context¹⁹⁰, and the invitation “not to give the vote to an infidel” was more or less explicit depending on the situation. In some cases, and notably in the case of the post-revolution elections of 2011, characterised by a strong religious connotation, elections became a reason for intimidation and sectarian attacks against Christians¹⁹¹.

According to Guirguis, all Egyptian parties in the 2005 electoral race employed sectarian techniques to obtain consensus¹⁹². The first objective being to win, no party establishes guidelines on how to deal with Coptic candidates, and the alliances generally depended on the local balance of power¹⁹³. Riding the wave of the religious divide and of the communitarianisation of society, religious belonging has not only been employed by Muslim politicians, but it has also increasingly been displayed notably by those Copts who run for elections as independent candidates. These Coptic politicians emerged in

189 *Idem*, p.205.

190 Roussillon, 2011, *op.cit.*, para.11.

191 Tadros, *op.cit.*, p.230.

192 Guirguis, *op.cit.*, pp.205-206.

193 *Idem*, p.212.

the 2005 parliamentary elections, and are known as “Church's candidates” or the newer term “independent Copt”. These candidates have been accused of conducting an electoral campaign characterised by confessional features, and their failure has been explained exactly on this basis¹⁹⁴. The inability of Copts to form a specific electoral force is due to the fact that even in the governorates where Christians constitute the majority, such as in Upper Egypt or in some neighbourhoods of Cairo and Alexandria, they did not manage to report significant results. One of the main problems is that Christians go to the polls even less frequently than their fellow Muslim citizens¹⁹⁵. Coptic candidates have generally relied on the support of other political forces, notably NDP and Muslim Brothers, which either backed them or did not present any competing candidate¹⁹⁶. The project to establish a party the Coptic community could identify with, one able to politically advocate for the community's interests, has been contemplated¹⁹⁷, but has been opposed by the Patriarch (for reasons that we will analyse in depth below in this chapter) and by all those political actors publicly devoted to the national cause – seculars and Nasserists, Muslims and Copts.

The public discourse over the past 30 years having been overwhelmingly occupied by accusations of supposed conspiracies, links with Western powers, independentist plans, and many other elements igniting hatred against the community as a whole and the Church *in primis*, the exposed Coptic political actors have subsequently tended to minimise their Christian identity in politics and to present themselves to the public as members of the parties they were part of, irrespective of their religious identity. The option of overcoming the national unity discourse by crossing the “red lines” to denounce violations of Copts' rights was not contemplated by their political parties which were, more or less willingly, playing the rulers' game, and it would have represented an extreme political risk at a personal level. Subsequently, the Copts included in parties were just part of the system. They did not challenge it but became

194Hilmî, ‘Âtif , 'Pourquoi les coptes échouent-ils aux élections parlementaires ?', *Rûz al-Yûsif*, 20 November 2005, quoted in Roussillon, 2011, *op.cit.*, para.27.

195*Idem*, para.9.

196*Idem*, para.27.

197*Idem*, para.28.

part of it, accepting, more or less consciously, being symbols of the regime's democratic façade.

The third cumbersome element preventing Coptic citizens from taking part in the political system is the Coptic Church. The informal entente between the Church leadership and the Egyptian president was firstly established under Nasser's rule, went through a crisis with Sadat, and was reinforced under Mubarak. As we have seen, Nasser's reforms weakened the Coptic laity in general, from aristocratic elites to civil society organisations, and their political role in particular, by depriving the laity-led Communal Council (*Majlis al-Milli*) of control over the community's financial resources, and, by eliminating the communal courts, over personal status issues. In this way, it favoured the political rise of a different type of leadership. From the 1950s the Church emerged as the spokesman of the Copts, a role that tended to absorb the community's ideological, political and cultural differences, previously expressed through a large engagement in political life, under the religious identity marker. The personal relationship established between Patriarch Kyrillos IV and Nasser came to be the principal mechanism for resolving sectarian issues¹⁹⁸. The entente was developed over the informal agreement of “the state offering the Church leadership a set of concessions in return for its political support”¹⁹⁹. Thus, for instance, the construction of St. Mark's Cathedral was realised with a government budget granted by Nasser. Other concessions Nasser conceded to Kyrillos IV were the several interventions to facilitate the process of obtaining official permits required to build churches, the security apparatus being terribly inefficient in processing applications²⁰⁰. In return, the Pope granted to Nasser “consistent and unlimited political support, not only as an individual but on behalf of Copts in general”²⁰¹. The almost parallel change of leadership of the state and of the Church at the beginning of the 1970s opened a parenthesis in the accommodative relations between the two. The non-confrontational behaviour of Kyrillos IV was replaced by Shenouda's firm opposition to the Islamic-oriented policy

198 Hasan, *op.cit.*, p.103.

199 Tadros, *op.cit.*, p.65.

200 *Idem.*

201 *Idem.*

of Sadat. The serious consequences he personally paid for such an approach (house arrest, confinement to the Wadi al-Natrun monastery, invalidation of his official signature and prohibition of contacts with the public), combined with the increase in violent attacks against the community encouraged by the tense relations, persuaded the Patriarch to adopt a different strategy with Sadat's successor after his release in 1985²⁰². The personal relations between Shenouda and Mubarak came to be similar to those that Kyrillos and Nasser used to be engaged in. However, the political function of Shenouda became more markedly perceived as based on his person due to his frequent appearance in media and television in the role of Copts' spokesperson²⁰³. The open support of the Patriarch for the president grew stronger over time, as is demonstrated by the open calls upon the community to vote for Mubarak. For instance, before the 2005 presidential elections he issued an official order urging all bishops to vote positively in the referendum for the president's fifth term, and on many other occasions he invited the community to support NDP candidates²⁰⁴. The “rewards” consisted in the government granting the Pope some privileges (that is, the nomination and appointment of Copts in government, responding to some political requests, according permissions for church construction). Also, the SSI was expected to be cooperative in handling the “sectarian file”, which included a wide range of issues, from the management of the internal dissent against the pope to the prevention of the escalation of sectarian violence and similar sensitive subjects related to the sectarian question²⁰⁵. In other words, the extent to which Coptic citizens were allowed to intervene in public life was established by a mediation between Church and state, and their limited representation in democratic institutions was ultimately a positive fact for the Church which did not have to fear any strong rival challenging its role.

This exclusive relationship was therefore strategically essential for both parties. On one hand, for the government, that could maintain a strict control over the community structured around a symbolic, unchallengeable personality, who was charismatic,

202 *Idem*, p.70.

203 Iskander, *op.cit.*, p.36.

204 Tadros, *op.cit.*, p.71.

205 *Idem*, p.75.

historically on the side of the Copts, and head of the religious community. This granted to the regime votes but most of all the reiteration of the official narrative by an internationally authoritative figure, and leader of a religious minority. In this sense the co-opting of the Pope was not very different from the integration of Coptic candidates in the NDP, serving to promote Egypt's democratic image to its Western allies. On the other hand, the Church benefited from the public image that emerged from the entente: a religious leader able to state his discordance with the regime (notably under Sadat) but also to obtain results for the whole community through dialogue and mediation with power. The gradual communitarisation outlined in chapter one, favoured by his personalisation of power, strengthened the control of the Pope over the community. However, this patriarchal approach seriously inhibited the expression, outside the community, of a plurality of voices within the Coptic world.

Such a political environment was highly unfavourable to the emergence of new Coptic political actors or projects not aligned to the sectarian structure. In order to maintain the *status quo* Church and regime relied on their mutual support, and on the powerful means of the security apparatus, at the expense of plurality and practice of citizenship.

PART II

CIVIL SOCIETY, REVOLUTION AND REPRESSION OF DISSENT

The years 2000s witnessed the emergence of a radical change in the political participation of Egyptian citizens. The complex socio-economic context, the mechanisms of repression and control of political activity, and the privileges of the political elite that were brought to light caused increasing intolerance against the regime, and a sense of injustice gained ground among the population. As outlined in chapter one, the resurgence of new independent media and information technology played a very important role in diffusing the message of discontent and in publishing thorny content that cast shadows over the regime. Neither Church benefited from the relative liberalisation of expression of 2005-2007. Critics of the patriarchal authoritarian management of community affairs increased in number and frequency, and relations

between community and state appeared more and more problematic. New actors emerged that began to doubt the legitimacy of the Pope's *de facto* political authority and his right to homogenise Copts' political claims or to silence them. At the same time, associations of advocacy engaged in the struggle for the protection of religious rights, adding to the introduction of human rights law in the language and practice of political activists and state. Demonstrations promoted by new political movements contesting the regime multiplied until the striking rupture of the 2011 revolution overthrew Mubarak and heralded a new era of equality for Egypt. In the changed context of the revolution, the reluctance of Copts to voice their claims was broken thanks to the new vitality that invested the whole of Egyptian society, and their participation in political actions organised by both Coptic associations and mixed ones started to grow.

In this section we will identify the political means that Coptic civil society employed through the different phases of mutation of the authoritarian situation the community went through during the last decade. Our argument is based on the assumption that the reaction of the system (repressive or neutralising) will be stronger against those actors performing activities that could represent a threat to the system and its structure – rather than to the order, in contrast with a securitarian approach. Therefore, in this section we will focus on the gradual emergence of non-institutional groups, movements and associations that denounced and challenged, to different extents, the sectarian order, or at least questioned some of its constitutive elements. By following a chronological line going from Mubarak's years to the most recent developments, we will seek to assess their ability to touch at the heart of the structural order, in order to determine whether the repression the regime exerted on them was dictated and proportional to the threatening content of their claims or not.

Before examining the configuration of Coptic civil society, it is important to stress that the centralisation of attention developed by the Church leadership around religion has been crucial in conveying a large part of groups' activities towards a set of needs structured around the Copts' community. This is an essential point to understand: the Coptic associations that thrived from the 1990s were generally serving the sectarian order because of their introspective nature, and were therefore largely tolerated by the

regime²⁰⁶. Particularly before the revolution, their activities were not targeting the Egyptian community as a whole but the Coptic one, hence the Muslim majority, rarely aware of Coptic civil society activities which did not involve them, was often not given the chance to understand and sympathise with the Copts' concerns. Furthermore, the political weight of these associations was generally poor, rooted in relatively apolitical activities such as social service provision, promotion of Coptic heritage and culture, inter-religious dialogue and peace-building, as well as mild criticisms of the government, that followed the line of the semi-official media²⁰⁷. As Paul Rowe demonstrated in his work on Coptic civil society in Mubarak's Egypt, these Coptic organisations did not pose a problem to the system as they were structured around the solid new-millet organisation²⁰⁸. Therefore they were largely tolerated, and could benefit from the relative liberalisation that took place in the late 2000s, by developing ties with international actors and widening their activities and funding sources²⁰⁹. This was the case, for instance, with associations such as the National Egyptian Heritage Revival Association (NEHRA), founded as a private initiative in 1999 to promote Coptic heritage, or the Coptic Evangelical Organization for Social Services (CEOSS), which promotes economical and cultural development of disadvantaged Christian communities. Indeed, others were the movements and organisations that caused problems for the regime.

The civil society sector in Egypt had prospered during the 1990s as an alternative for activists to express dissent, since the electoral and party scene under the regime's control was seen by a great majority of citizens as not open to real reforms²¹⁰. However, the relative liberality accorded to their activities was punctuated by high-profile repressive actions in which the government sought to crack down upon freedom of speech and the press, public gatherings, and the like²¹¹.

206Rowe, Paul, "Building Coptic Civil Society: Christian Groups and the State in Mubarak's Egypt" pp. 111-126, in *Middle Eastern Studies*, 45:1, 2009, p.117.

207*Idem*, p.124.

208*Idem*, p.115.

209*Idem*, p.122.

210Guirguis, *op.cit.*, p.241.

211Abdelrahman, Maha, *Civil Society Exposed: The Politics of NGOs in Egypt*. New York: I.B. Tauris, 2004, p.197.

In August 2004, a public statement announced the creation of the Kefaya (or the Egyptian Movement for Change)²¹², a political movement that would have challenged the regime's police in the streets until 2006²¹³. The movement broke the barrier of fear that had previously inhibited people from taking to the streets to challenge the regime, while it broke the silence around some important political taboos, such as the inheritance of the presidency from Mubarak to his son Gamal, the use of torture by the security forces, the privatisations, corruption in parliament, the co-opting by the government of some NGOs, etc. This movement brought together people from different orientations, parties and backgrounds, including a significant number of secular Copts²¹⁴. Its coordinator, George Ishak, is a Copt selected through open voting system, which shows the anti-sectarian approach of the movement and its capability to cross class and religious affiliation.

The growing tendency of Egyptians to take to the streets to raise their claims, inaugurated by movements such as Kefaya, occurred at the same time as an increase in socio-economic tensions affecting Egyptian society. This also caused a rise in sectarian attacks against Copts, that pushed the latter to progressively voice their rage with street protests. Although the greatest number of Coptic demonstrations was recorded in 2011 (after the revolution, when seventeen protests/demonstrations took place), protests rose from three in 2008 and in 2009 to six in 2010²¹⁵. Increased Coptic intolerance of the state's failure to protect their personal security and goods from sectarian violence fell back on the Church leadership, accused of supporting a president and a government unwilling to ensure their safety. Already in 2004, Coptic youth during a demonstration:

“brutally assaulted public personalities and launched stones on the security forces. They sought to invade the public space, but the police prohibited them to cross the cathedral entrance. In 2005, they marched on the streets displaying

212For more information on Kefaya, its composition and successes see Shorbagy, Manar, 'Understanding Kefaya: The New Politics in Egypt' pp.39-60, in *Arab Studies Quarterly*, Vol. 29 Issue 1, 2007.

213Steuer, *op.cit.*, p.188.

214Tadros, *op. cit.*, p.162.

215*Idem*, p.164.

crosses. This youth, although still mobilises the symbolic and material elements of the Coptic Orthodox Church, overstepped the communitarian walls and exposed its signs outside of it."²¹⁶

The rapprochement of militant Copts in Egypt with the Coptic diaspora raised awareness, notably among the Coptic youth, of Shenouda's complicity in maintaining the *status quo* at the expense of his community. The associations of the diaspora had indeed been attacking the Pope's authority on many occasions, and their voice was often incongruent with the policies adopted by the Church, which on many occasions did not refrain from criticising their position²¹⁷. For instance, the Pope has been accused by the Coptic-American Union to:

*“have done nothing to protect his flock. He aligned himself with despicable actions perpetrated by the Egyptian government by cooperating also in the cover up of numerous crimes against the Copts. He has also flagrantly compromised the safety and future security of the Copts by shamelessly aiding and abetting the Egyptian government in its forward movement to destabilise and eradicate the Coptic culture in Egypt, through continued persecution, fear and infiltration.”*²¹⁸

The voices of open opposition, however, represented a minority within the laity, which was more oriented toward seeking clerical reforms aimed at limiting the authority of the Pope and at enlarging the community's participation²¹⁹. The confrontational approach adopted by the diaspora, however, became more and more popular among the Coptic youth. The Church being still the pivotal centre of the Coptic community, the dialectic it adopted – reiterated by Coptic politicians – in order to discredit the diaspora was to accuse it of worsening the Copts' situation with its attacks on the regime and on the

216Guirguis, Laure, 'Contestations coptes contemporaines en Égypte', pp. 139-161, in *Revue Tiers Monde*, 5, 2011, p.148.

217*Idem*, p.70.

218*Idem*, p.75.

219Guirguis, 2012, *op.cit.*, p.248.

Pope, rather than improving it²²⁰. This instrument of containment of the diaspora associations' influence, issued from the community itself, was obviously most suited to the regime's needs, due to the threatening nature of the message the Coptic diaspora promoted both in the countries that hosted it – notably the United States – and in Egypt. Indeed, the diaspora militancy tended to adopt the strategy of “third party interposition”, by pressuring the United States Congress to take measures, including economic sanctions such as cutting monetary aid, to stop the violations of Copts' human rights in Egypt. This represented a serious reason for most of the Copts not to support the initiatives of the diaspora, since any repercussion of their pressures on the government would have resulted in an increase in the harassment towards them, following accusations of betraying the national unity.

During the 2000s, numerous advocacy associations were engaged in fighting religious discrimination through human rights legal instruments, the most famous being MARED, (*Misriyûn* Against RELigious Discrimination, founded in 2006) and EIPR (Egyptian Initiative for Personal Rights, founded in 2002). These groups contributed to the emergence of a new form of activism marked by a professional approach to injustice and a certain amount of cooperation with some institutions and governmental actors²²¹. The association MARED, born after the attack on Christians in Alexandria of April 2006, advocates for the criminalisation of religious discrimination, inspired by both the idea of freedom of religion as expressed in the Universal Declaration of Human Rights and on the Qur'anic indication to live in solidarity and brotherhood with non-Muslims contained in the Sura of *al-Baqara*²²². By embedding their struggle in international and national legal apparatus, they address the different spheres where discrimination is structured, such as in law, in education, in official documentation, or in media. Their participation in demonstrations and sit-ins completes the legal assistance they provide to Christians against discriminations by the state apparatus. Several episodes have shown the unpopularity they enjoy among the institutions, mirrored by the increase in the SSI's

220Guirguis, 2011, *op.cit.*, p.145.

221For more information on this subject, see, e.g., Khawaga Al-, D., *Le renouveau copte. La communauté comme acteur politique*. Paris: IEP, 1993.

222Guirguis, 2012, *op.cit.*, p.251.

efforts to block their activities²²³. Indeed it took MARED three and a half years to obtain the legal status of association. As reported by Guirguis, the first meeting they were supposed to hold in 2008 was blocked because of the occupation of the designated building by a group of extreme Islamists claiming that the meeting was a conspiracy of Zionists, Copts of the diaspora and Baha'is. Allegedly, through a telephone call it emerged that the blockade had been orchestrated by the Muslim Brotherhood, and that the SSI had been informed of it but did not intervene to remove the obstacle to the meeting it had itself authorised²²⁴.

In tandem with the growth of vitality of political and associative militancies and with public demands for the implementation of the rule of law and respect for human rights, the regime adopted a technique by which it sought to appear as the first promoter of those claims expressed by critical actors and international institutions²²⁵. The amendment of Article 1 of the Constitution in March 2007 was an expression of the regime's strategy of protection aimed at integrating and neutralising critics by externally conforming to them through the adoption of a specific lexicon and rhetoric, and through measures emptied from their value by the structural lack of implementation²²⁶.

The radical rupture with the “political passivity” of Egyptian society occurred with the 25 January revolution, when Copts participated in large numbers in demonstrations not only in Tahrir square but all around the country since the beginning of the uprising, in spite of the Church opposition declared by the Pope – as well as the Grand Sheikh of al-Azhar – in spite of the fear that Islamists might ride the revolution wave, and in spite of the security crackdown²²⁷. The absence of a precise leadership in the first 18 days of protests allowed Muslims and Copts to state their common grievances and demands with one voice, as nothing more than equal citizens, independently of religious markers. The images of the revolution depicted the climate of solidarity between Muslims and Christians that permeated Tahrir square. The word “madaniya” (civil) became widely

²²³*Idem*, p.254.

²²⁴*Idem*.

²²⁵*Idem*, p.262.

²²⁶*Idem*.

²²⁷Tadros, *op.cit.*, p.119.

circulated, and the slogans expressing religious unity spoke to the idea that it was the government that sought to create divisions between Muslims and Christians, and that without the regime there would be social harmony²²⁸. Such slogans and images aimed at embodying the core value of Egyptianness, betrayed by the regime. However, such an allegory also discloses the awareness of the division and its denial.²²⁹ Only a few days before, the bombing of the Two Saints Church in Alexandria on New Year's Eve had left twenty-five people dead and over two hundred injured²³⁰, giving rise to nationwide protests, in which Muslim citizens also participated. According to Tadros, this event radicalised large numbers of Copts, pushing them for the second time²³¹ to take to the streets, led by Coptic youth, to loudly express their dissent to the regime, blamed for failing to provide security for Copts in general, and in particular at major gatherings²³². The level of police brutality employed to disperse the protests was high, similar to the repression used against non-violent protesters from 2005, and both opposition and state press widely engaged in discrediting the activists and labeling them =extremists. Some intellectuals condemned them for instigating sectarian strife, in a misunderstanding of the seriousness of the facts on the ground that supported the protesters' claims.

For the Copts, the shift from the earlier years was also very significant from a spatial point of view: most of the demonstrations which took place up to then had occurred on the premises of the Patriarchate or in a church, and for security reasons the police prevented protesters from crossing the community areas. The message until then had to be heard by the Patriarch, the spokesperson who would have relayed their anger to the authorities²³³. The youth pioneered this important change, refusing to protest within the church fences and to devolve their message to an entity, the Church, which in their

228 *Idem*, pp.133-134.

229 Guirguis, Laure, 'The Copts, the Nation, and the Revolution', occasional paper, Center on Democracy, Development and the Rule of Law Stanford University, July 2013, p.1.

230 Tadros, *op.cit.*, p.121.

231 The first one being in November 2010 in 'Umrianiya (governorate of Giza) in reaction to the demolition by the central security forces of a church built without permission. The 'Umrianiya protest is considered as symbolically significant due to the fact that the Coptic youth in that occasion mobilised against the regime and out of the community's space, refusing the Church's patronage over their political claims.

232 Tadros, *op.cit.*, p.107.

233 *Idem*, p.165.

vision was not designated to convey a political message. Beginning to demand their rights in front of the state also meant facing its security forces and the subsequent moral discredit put in place through the mobilisation of its media and political network. It was indeed breaking the fear barriers. The first, that kept the community segregated behind the Church institution, and the second, that persuaded them that the *status quo* was unchallengeable.

The Christian neighbourhood of Maspero, in Cairo, only a few hundred meters from Tahrir square, came to symbolise the area where the rights of Copts were claimed. The Harakat Shabab Maspero (Maspero Youth Movement – hereinafter MYM) held its first protest on 5 March, 2011, in response to the burning of a church in Sol²³⁴. This social movement gained political weight in the revolutionary scene gradually, since in a first phase the religious terms it employed to frame its demands highlighted its Coptic-oriented and sectarian focus, which did not favour an open participation of non-Coptic layers of society. In fact the aim of the movement in a first stage was to be a pressure group to encourage Copts to engage politically, and to reunite them around the common concerns and against the threat represented by the rise of political Islamist groups – which were legalised shortly after the revolution. In a second phase, however, the MYM strengthened its ties with other Egyptian youth movements which came to take part to its demonstrations, where national questions such as the opposition to military trials or the advancement of liberal citizenship began to be voiced along with Coptic concerns²³⁵. Both the SCAF (Supreme Council of the Armed Forces), which took power after the ousting of Mubarak on 11 February 2011, and the Church hardly contrasted the movement in different ways. The newly established informal agreement between Islamists and SCAF²³⁶ left room for the previously outlawed Muslim Brothers to freely exercise political activity, while in exchange the Islamists had to keep the protests of their supporters under control. Coptic protests, however, as well as those of the secular Egyptian youth movements, not willing to comply with the Islamists' demands for silence, continued in a moment that had opened the doors to a supposedly renewed

²³⁴*Idem*, p.167.

²³⁵*Idem*, p.168.

²³⁶*Idem*, p.138.

freedom of expression. The main targets of SCAF repression directed at restoring order, hence, became youth movements. The failure of the Church leadership to control the MYM, which recognised the Church as a religious authority though not as a political one, led to requirement of repressive measures to stop the protests²³⁷. The Maspero Youth Movement with its activities touched not only at the past regime's responsibilities on religious discrimination, but also at the complicity of Islamist actors, aiming at monopolising the Islamic message for their political goals which included the manipulation of minorities. Also, it advocated for the need for a radical change in the position of religious minorities in the changed political environment, that in their view had to be strongly affirmed at the structural level and had to be, first of all, rebuilt with a renewed participation of minority members.

In 2011, half of the 17 protests/demonstrations organised by Copts had been promoted by the MYM. These political actions saw the participation of both Muslims and Copts, with a cross-class representation²³⁸. The infamous “Maspero demonstrations”, that witnessed the assault by Egyptian forces on a demonstration organised by the MYM on 9 and 10 October 2011, left between 27 and 40 people dead (mostly Christians), resulting as the single worst assault against a Christian minority perpetrated by Egyptian authorities. The perpetrators have all been cleared of the charges²³⁹. The SCAF, instead, accused the movement's iconic figures (Father Matthias and Father Philopateer Summoned) of incitement to violence for the Maspero Massacre, at a time when the movement had just joined other political groups for a nationwide civil disobedience day²⁴⁰.

In the uncertain post-revolutionary context, it was clear that all those actors previously excluded from public participation, but whose ideas had thrived under the authoritarian rule of Mubarak, had every interest in pushing as far as possible their presence in the public space, in order to be finally heard by Egyptian society and to possibly create new solidarity networks, with the goal of reshaping the power configurations in their favour.

²³⁷*Idem*, p.170.

²³⁸*Idem*, p.164.

²³⁹Hamam, *op.cit.*, p.47.

²⁴⁰Tadros, *op.cit.*, p.171.

The resistance opposed by the reacting forces (in this case the Church and the army), inherently conservative, was proportionate to the risk represented by the rise of the marginalised actors for the maintenance of their *status quo* within the new order. Holding on to power and to the exclusivity of the use of violence, the SCAF had the material instruments to reimpose an order very similar to the previous one, by re-opening the political scene to a plurality of new actors while repressing threats to its position. Indeed, the army truly did re-establish a regime based on its leadership when on 3 July, 2013, it ousted the Muslim Brotherhood elected president Muhammad Morsi, closing the Islamist rule parenthesis in Egypt – after a year of explosion in sectarian violence and religious discrimination that almost reached the level of persecution.

With the post-revolution parliamentary elections of 2011-2012 a large majority of parliamentary seats were obtained by the Muslim Brotherhood-affiliated Freedom and Justice Party's (FJP) block (235 seats, 47.2%) and by the Islamists' block led by the Salafist party *al-Nûr* (121 seats, 24.3%)²⁴¹. The tension against religious minorities was extremely high, due to the space gained in the media for these groups' rhetoric as well as their wide popular support, shared by influential religious personalities, who frequently and openly stated it²⁴². There was a large increase in the number of Copts tried for religious crimes²⁴³, many aspects related to their freedom of religion and their political participation became less tolerated by the Muslim population, and the space for Copts to renegotiate their position within post-revolutionary Egypt narrowed in a tense political environment.

The initial vitality brought by the revolution to Coptic civil society drastically diminished to fall back on inefficient institutional politics, where the parties most of the Copts voted for (Free Egyptians and New Wafd)²⁴⁴, could not adequately influence the Islamist majority decisions. Furthermore, the election of the FJP candidate Muhammad Morsi as president confirmed the country's Islamist character.

241Abbassi, *op.cit.*, para.1.

242*Idem*, para.17,22.

243Human Rights Without Frontiers International (HRWF), 2012 Freedom of Religion or Belief – Newsletters: Egypt, 2012, at <http://www.hrwf.net/images/forbnews/2012/Egypt%202012.pdf> (consulted on 28 May 2014)

244Steuer, *op.cit.*, para.23.

The death of Shenouda III in March 2012 opened a power vacuum that would last until the election of the new pope Tawadros II in November 2012. The new Pope, in the first instance, sought to improve the Coptic Orthodox Church's image, in urgent need of reform after severe criticism from the Coptic community and other Christian denominations²⁴⁵. Although at first Tawadros, in contrast with his predecessor, avoided directing Coptic votes in political elections, his unofficial political role was still important for many Copts²⁴⁶. The Church's tacit support for the Tamarrod campaign in 2013²⁴⁷, contrary to the position adopted in the January 2011 uprising, made Coptic engagement in the protests easier. Indeed, the anti-government and secular character of the Tamarrod movement, reaping the legacy of the Kefaya movement, managed to be appealing for Coptic activists and regular citizens, who participated in the demonstrations in large numbers in a spirit similar to that which pushed them to the streets at the beginning of 2011²⁴⁸. However, this massive participation became an opportunity for Islamist media channels to exaggerate the Christian presence and warn of a “Christian conspiracy against Islam”²⁴⁹.

The pervasive and aggressive campaign addressed against Christians by Islamist-owned or controlled media and politicians, after the military coup led by Morsi's Defence Minister, General Abdel Fatah al-Sisi, following the impressive anti-government protests inspired by Tamarrod, justified the most massive escalation of sectarian attacks against Christians ever experienced by this Egyptian minority. The severe repression of pro-Muslim Brothers demonstrations, which left hundreds killed by the Egyptian army, pushed the Morsi supporters to give vent to their anger against those who claimed responsible for the government's fall²⁵⁰. In the summer of 2013 Christians experienced

245Hamam, *op.cit.*, p.50.

246Nina Hubinet, 'Egypte: les coptes pris dans la toumente', *L'Express*, 3 August 2013, at http://www.lexpress.fr/actualite/monde/proche-moyen-orient/egypte-les-coptes-pris-dans-la-toumente_1270470.html#frMP7oP8rKK6bhFs.99 (consulted on 30 June 2014).

247For more information on Tamarrod see, e.g., Barbary, Caroline & Adib Doss, Maria, 'Tamarrod («rébellion») : une autre lecture de l'action politique dans le processus révolutionnaire égyptien', pp.155-169, in *Confluences Méditerranée*, vol.88, 2014.

248Tadros, Mariz, 'The Brothers and the Copts', *Middle East Institute*, 12 August 2013, at <http://www.mei.edu/content/brothers-and-copts> (consulted on 25 June 2014).

249*Idem.*

250Egyptian Initiative for Personal Rights (EIPR), *supra* note 163, pp.92-98.

an incredible wave of sectarian violence which left 9 Coptic citizens dead and 43 churches completely destroyed or partially damaged, during assaults that, according to the Egyptian Initiative for Personal Rights (EIPR) “took place in the near complete absence of security forces, fire-fighters and civil defence, or army forces.”²⁵¹.

Following these episodes, the government initiated a crackdown on the Muslim Brotherhood, banning its activities in September 2013, striking it from the list of approved non-governmental organizations one month later, and, according to Amnesty International, closing at least 1,055 associations affiliated with the movement without separately investigating their activities²⁵². In December 2013 the movement was declared to be a “terrorist organization”, without the government producing evidence linking it to specific episodes of terror²⁵³. In March 2014, the criminal court in Minya sentenced 529 people to death for actions that followed the army's dispersal of the pro-Morsi demonstration in Raba'a – one that had the most consequences for Christian communities. According to Human Rights Watch, this sentence amounts to the largest mass death sentence in recent years anywhere, in a trial lacking basic due process protections²⁵⁴.

251 *Idem*, extract from p.6: “From 30 June to 17 August (...) 43 churches came under attack. Of these, 27 of were looted and burned almost or entirely to the ground, while 13 churches were partially looted and their doors and windows vandalized or destroyed; shots were fired at three churches. The attacks also struck seven schools and six Christian associations, including two medical centers and an orphanage. In addition, seven church service buildings were torched, and the homes of ten Christian clerics were attacked. In the six weeks following Morsi’s removal up to the morning of the dispersal of the Raba'a sit-in, 9 Coptic citizens were killed in various governorates: four in Luxor, two in North Sinai, and one person died in Minya, Sohag, and Cairo. All of these assaults on citizens’ lives and property and religious facilities took place in the near complete absence of security forces, firefighters and civil defense, or army forces.”. For detailed account of the incidents see also Human Rights Watch, Egypt: Sectarian Attacks Amid Political Crisis. Scant Protection As Christians Attacked in Several Cities, 23 July 2013, available at <http://www.hrw.org/news/2013/07/23/egypt-sectarian-attacks-amid-political-crisis> (consulted on 19 June 2014).

252 Amnesty International, Document - Egypt: Key human rights concerns ahead of presidential elections, Index: MDE 12/028/2014, 23 May 2014, at <http://www.amnesty.org/en/library/asset/MDE12/028/2014/en/f149bccf-8056-4281-8edf-13e19f0670f2/mde120282014en.html> (consulted on 12 June 2014).

253 *Idem*.

254 “The specific charges include killing a police officer and attempting to kill two others, damaging public property, seizing weapons, illegal public assembly, and membership in a banned organization, according to the official court judgment obtained by Human Rights Watch.” extract from: Human Rights Watch, Egypt: Shocking Death Sentences Follow Sham Trial. 529 Denied Right to Meaningful Defense, Face Capital Punishment. March 25, 2014, available at <http://www.hrw.org/news/2014/03/24/egypt-shocking-death-sentences-follow-sham-trial> (consulted on

Throughout the analysed period of time, and in particular with the resurgence of a militant political scene, what emerges is that the logics of repressive action put in place by the state in order to maintain under control activities or actors that could have challenged the structural sectarian order was constantly structured around two main axes:

- 1) *Instrumentalisation of the sectarian question that exacerbates tensions.* This means entailed the use of official and semi-official media, public discourse, or legal state actions, that touched on the religious sensitivity of the communities. The reactions of non-state actors that this method produced, often violent, were manipulated to justify the management of the excess of violence of non-aligned actors as a security question.
- 2) *Physical repression.* This informal instrument was a means for the state to calm down the oppositional positions of militants of any political orientation with measures such as arbitrary arrest, torture, military trials, unfair imprisonment, use of force in demonstrations and elections.

Such a systematisation of state control affected both Coptic and Muslim civil society, since the authoritarian security approach held the whole Egyptian community under a collective feeling of fear of engaging in political activity. However, Coptic citizens, being the main target, along with the other religious minorities, of the exacerbation of sectarian tension, they found themselves under an even stricter control than their Muslim counterparts.

CONCLUSION

During the decades 1970-1990 the persistence of discrimination, added to sectarian segregation and to attacks against candidates and voters, contributed to the Copts'

withdrawal from political life. However, this context also stimulated the renewal of practices of dissent and the re-appearance of the question of the Copts' participation in political life that emerged since the late 1990s.

*“The political action represents the mean of maintenance or of transformation of political and normative order. While governmental actions tend to maintain the political order, other social and political actors work to reshape it.”*²⁵⁵

If we apply this general concept to the context analysed above, we can conclude that, indeed, social actors others than the government worked to reshape it, although the government did not make it easy for them. The democratic institutions being far from renegotiating the structural sectarianism of society, other social and political actors emerged powerfully with the revival of political activism that gradually rose in the 2000s. The opportunity to reshape the political and normative order in a direction that would respect the constitutional principle of citizenship, however, was in hands other than the Coptic civil society movements. The sectarian system did not reproduce itself mechanically, but political projects oriented it by establishing institutional and discursive practices deeply rooted at all levels of society.

The authoritarian nature of the Egyptian state stands on the power held by the army and the security forces – each Egyptian president apart from Morsi issued from this institution. The system is structured around a securitarian approach applied to every type of crisis, whether social, religious, political or identitarian.

Coptic political participation was, in this sense, the more or less direct victim of this securitarian approach: in order for the majority to be kept under control, the religious minority could be sacrificed. Therefore, its participation in institutional life was subject to the game of power between the state and the Muslim Brothers, and the few Coptic candidates introduced became the favoured symbol of commitment to democratic values exhibited by these parties, while these politicians' weight and popularity was inversely proportional to their expression of Copts' discrimination.

²⁵⁵Guirguis, p.241.

Out of the institutions, while Coptic civil society in a first phase tended to oppose a mild reaction to state policies, thanks to the control applied on it by the Coptic Church, whose interest in not opposing the state was consistent, in a second one the community started to oppose resistance, and gradually become an important target of the state's use of force, especially with the emergence of Coptic youth movements. By denouncing the religious discriminations exercised by governmental actors, these militant entities touched at the heart of the political and normative order.

Furthermore, they went beyond seeing the Church as mediator between them and the state in addressing their demands and rights as citizens. For this reason, they caused firm defence reactions seeking to maintain order.

Simultaneously, the manipulation of the sectarian divide let anger against Christians increase, in a way that allowed the power, and al-Sisi in the final instance, to repress Islamist movements without putting the state under threat. This divide-and-rule logic was not only crucial for the army to take solid control of power, but also justified both in the eyes of Egyptians and international observers, the need for a governor able to bring order and security back to Egypt.

FINAL CONCLUSION

The marginalisation of the Coptic community has been the result of a set of intertwined socio-political and historical processes that fostered the communitarianisation of Egyptian society rather than the development of an inclusive system. The loss of means and popularity of those actors promoting a complete integration of Copts into the Egyptian fabric, on one hand, and the emergence of other actors encouraging the public exhibition of religious marks on the other, diminished over time the grip of the ideal of Egyptianness within the society.

Therefore, it would be misleading to affirm that the regime *produced* the shift itself. Indeed, the external ideal of the united Egyptian nation was constantly reiterated by all regimes in an attempt to contain the growth of political groups that challenged the rulers' position. However, the simultaneous phenomenon of re-Islamisation of Egyptian society, which spoke to the traditional roots of its identity, could not be contrasted *in toto* by the regime, which recognised the weight of this process and re-integrated its principles and practices in the institutional structure.

As I argued in the first chapter of this thesis, this resulted in a deep gap between the historical and ideological bases of the regime as it was established in the 1950s, and its evolution in parallel with an increase in Islamic tendencies. The regime found in the Coptic community the ideal instrument to deny the gradual failure of the national unity ideal on which relied its *status quo*. Indeed, the Copts had the same interest as the regime in opposing the raise of Islamic movements, for obvious reasons related to the marginal role these groups accorded to religious minorities. However, while supporting the national unity discourse of the regime, Copts were actually experiencing a similar treatment to that theorised by Islamist groups. Hence, by submitting themselves to this logical façade, they contributed *in primis* to widening the gap between exhibited

narrative and denied practice. The co-opting of the Coptic Orthodox Church in such a mechanism was fundamental: the communitarianisation of society benefited the Church, which employed its influence on the community to promote the maintenance of the *status quo*.

However, on the ground, Coptic citizens were indeed suffering from the re-Islamisation of society, which had been translated into state practices and some discriminatory laws that contradicted the constitutional and international principles the regime had committed to. As I described in the second chapter, the state, regardless of its human rights commitments, constantly violated the principles of equality and, to some extent, freedom of religion. In this way, it strengthened the perception within the Coptic community that the state treated them as second-class citizens.

As I discussed in the third chapter, the securitarian approach the regime applied in the management of Egyptian social and political life inhibited the public participation of actors that denounced the inconsistencies of the above-mentioned mechanism. By ensuring that its security apparatus along with the Church would control dissent, the regime was free to exploit the symbolism of the Copts' religious otherness in different ways. This manipulation was demonstrated to be widely used in politics, public discourse, and, in general, in the public sphere. This was also possible because of the small size of the Coptic population, which did not represent a decisive figure in the regime's political games. Also, by officially excluding Islamists from the political scene and alternatively adopting repressive measures towards them, while allowing them to invade the public sphere and to ignite hatred towards Christians, it allowed discrimination to gain significant ground. This resulted in worrying displays of violence against Christian citizens, properties, and churches.

The divide-and-rule policy undertaken by the regime, as I sought to prove throughout my argument, was responsible for widening the distance between Coptic and Muslim citizens, and segregating their relations within the borders of religious belonging, while it granted to the state apparatus the degree of stability necessary to maintain its *status quo*.

Although the 25 January revolution questioned the structural order put in place by the

sixty-year-old regime, the recent developments show that the authoritarian approach has been completely restored, leaving scholars and human rights networks active in the field with significant doubts on the future of harmony of Christian-Muslim relations in Egypt.

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