

**THE COPTIC QUESTION:
PROTECTING MINORITIES DURING PERIODS OF UPHEAVALS**

<p>The Fordham Law School Institute on Religion, Law and Lawyer's Work and SUNSGLOW - Global Training in the Rule of Law (CLE Credit)</p>	<p>Keynote Speaker: Dr. Yassin El-Ayouty Esq. April 10, 2014</p>
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<p>U.S. Courthouse, Southern District of New York Court Room of US District Judge, Hon. Paul G. Gardephe, Room 705 40 Foley Square, New York</p>

In my view, the most effective presentation of a case, is one that begins with the conclusions. Most education in U.S. law schools, especially in Year One, the horrible year, begins by briefing cases, not by study guides. Invariably I do the opposite. Begin by defining the terms and the issues, then go to the 60-page case and you will quickly find the holding.

The same here tonight in studying “the Coptic Question” in Egypt. It is vastly complex, and I hope that, through the principle of “start with the conclusions,” the details, which follow, shall be made clearer.

When I began my research on this question, I was fortunate to have among the resources brought to me by my friends from Cairo in Arabic, especially Mr. Wagdy Rizk of the U.N., a seminal report dated November 1972. The significance of that report is that it was drafted by a blue-ribbon committee called **Al-Etaiffi Committee**. It was made up of members of the Egyptian House of Representatives, Muslims and Copts. The Committee was instructed by Parliament, and guided by a decree issued by the **late President Anwar Sadat**, to investigate terrible events of communal clashes in a town called **EI-Khankah** in the **Province of Qalyubiyah** north of **Cairo**.

The central event was an attack by Muslims on Nov. 6, 1972 against the Headquarters of the **Holy Bible Society**, a Coptic organization, which was used as a Church without a government license. The building was torched by a group which started from a mosque called **Al-Ashraf mosque**. Six days later, in a show of coptic solidarity, a large group of Coptic Clergy and Coptic civilians, travelled from various places to **EI-Khankah** and held prayers at the attacked site. Counter Muslim demonstrations approached the site; a Copt is said to have fired a weapon in

the air to ward off the approaching angry mob. The result was torching his and his neighbor's homes. There were no human casualties. End of **EI-Khankah** episode of 42 years ago.

Studying this incident of communal clashes, one finds in it a typical example of the Coptic question which reveals, in a repetitive though more severe fashion, conclusions which I am now able to present:

1. The two issues involved in the Coptic Question are: Licensing to build churches, and the right to advocate and teach Christian orthodoxy;
2. The Muslim/Coptic confrontation incidents are usually described by the authorities, not as a "sectarian conflict," but as threats to "national unity;"
3. Institutional responses to these incidents, from 1970s till the present, aim at containment, not at eradication of root causes;
4. These responses, whether effectual or ineffectual, involve the entirety of institutional Egypt. This means from the top of the pyramid, Presidential decrees, through parliamentary committees of investigations, through the provincial levels (Governors, rural leaderships...etc), all the while guided by an advisory and reconciliation combination of **Al-Azhar**, the citadel of mainstream Islamic learning, and the **Coptic Church**;
5. The legal systems which impact upon the Coptic Question have their roots in the **Ottoman system** since 1517. It is called the **Millet system**: namely each religious community, in matters of marriage, divorce, wills and charitable contributions, is governed by its own internal **Canon Law** and **Sharia Law** and **Mosaic Law** based on the Old Testament;
6. After the collapse of the old Parliamentary system, the rise of dictatorship in Egypt caused the concomitant rise of sectarianism. The monolithic ruler, from **Nasser** in 1952

to the fall of **Mubarak** in 2011, tried at to govern through “Divide and Rule;”

7. Islamism in Egypt, a country which historically is secular, was bolstered unofficially by **Wahhabi** extremism, the radicalization of the **Muslim Brotherhood**, the rise of the religious state in the Middle East such as **Saudi Arabia** in 1932; **Pakistan** in 1947, **Israel** in 1948, and the **post-Shah** Iran in 1979;
8. The aggression against Coptic churches and establishments was met by laws which were unenforced, especially as regards the principle of equality before the law;
9. There is hope that Egypt, which got rid of Mubarak through a direct and solid amalgam of Muslims and Copts, promises to deal with the transgressions against the Copts through a robust legal and security system. This is the dividend accruing from the victory in **June 30, 2013** of secular Egypt over the **Muslim Brotherhood** which had promised a reign of anti-Coptic terror because of Coptic support of the ouster of Morsi; and
10. The term Egypt means “**the land of the Copts.**” The roots of the Copts in Egypt could be traced religiously to the establishment of the first Christian Church only 200 years after **Christ**. However, civilizationally, these roots go back 5000 years to Ancient Egypt where the **ankh**, the key-like cross symbolizing enduring life, was described by the great Chicago University historian, **Breasted**, as the direct predecessor of the **Cross**. The Arab roots go back to the year 640 A.D. when Egypt came under Muslim control. That was during the reign of Omar, the 2nd Caliph after Muhammad.

These are 10 basic conclusions of my presentation which now goes into the area of forensic analysis of the on-again, off-again eruptions of the Coptic crisis in the largest demographically Arab country Egypt whose best description was offered by the **great late Shenouda**, the **Pope of Alexandria**. In a dialogue, two years before his death, that highly learned leader told me that “**Egypt is not a country in which we live. It is a country that lives in us.**” Now let us see

how this country, whose map I am now holding in my hand, lives in the heart of all Egyptians, both Christians and Muslims.

There are five areas that are worthy of probing. These are: **(a)** The demographics and the geography; **(b)** The anti-Coptic ideology; **(c)** The broad expanse of the anti-coptic attacks; **(d)** Containment: the historic, legal, and religious frameworks; and **(e)** What can be done?

(A) The Demographics and the Geography:

As in the case of Lebanon, there has not been a census determining the exact percentage of the number of Christians in Egypt. We say “Christians,” because, in Egypt, there are Copts (orthodox); Catholics; and Anglicans. The rank and file of Egyptian Muslims lump all of those denominations together as “Copts.” In my case, having been raised in a Coptic neighborhood in eastern Egypt, and belonging to a family which historically has been the administrative link between minorities and the seats of powers, I have always been interested in, let us say for ease of reference, “the Coptic Question.”

The percentage of Christians is generally considered to be anywhere from 10% to 15% of a population which now numbers approximately 90 million.

The geography of Coptic residence is not limited to one area of this country of nearly one million square kilometers. The Christian population lives all over Egypt with the villages, especially in southern Egypt, housing Copts and Muslims side by side. This factor is important in two ways: The absence of a Coptic region makes security a very local issue, but with national repercussions; and the Copts, being generally better educated, have a better understanding of

the outside world than most of their Muslim neighbors. In the job market, in a country with 40% illiteracy, the recruiter, if a Muslim, would generally be inclined to favor a Muslim applicant, especially that no Copt is called Muhammad, and no Muslim is called Guirgis (George).

In this regard, we exclude the composition of the Egyptian Cabinet, which invariably and by tradition, has included 2 Copts, neither of them occupies “**sovereign portfolios**” such as Defense, Foreign Affairs or Justice. No Copt has ever been a President of Egypt. This is although Copts have always been in the forefront of national movements for independence and national defense.

When the British granted Egypt self-rule in 1922, the Declaration of that status contained 4 reservations, including the right of Great Britain to intervene for the protection of minorities (i.e. largely the Copts).

(B) The Anti-Coptic Ideology:

Never in the history of Egypt has there been a horrific scene of what nowadays is called ethnic/religious cleansing, or generalized inter-communal hatred like what we see between Muslims and Christians in **Nigeria** or in the **Central African Republic**. Or what we have witnessed in the case of **Serbia vs. Bosnia Herzegovina**, or are witnessing now in **Syria, Iraq and Pakistan** between **Sunnis and Shiis**.

Nonetheless, since the 1970s, after the death of Nasser, an anti-Coptic ideology has been fueled by several factors. Foremost amongst these is the transformation of the **Muslim Brotherhood** from religious advocacy (**DAWA**) to the politics of power through force and coercion. The Coptic

issue was a ready-made Islamist instrument for recruitment and mass appeal. The veil of moderation fell with the Islamists ascending to power in 2012, after the fall of Mubarak. That ascendancy was through the defective mechanism of the Ballot Box, and the “**hate -the Copts**” ideology became structured, propagandizing the following mythology:

- The Copts are the enemies of an Islamic State, not only in Egypt, but anywhere. Their opposition to a **Caliphate** is fueled by their desire to oppose **Sharia**, especially as a principal source of legislation;
- The Copts, in their quest for a secular Egypt see in the gradual and surreptitious conversion of the young Muslims, a path towards arresting that islamization;
- Copts converting to Islam are only seeking to benefit from the liberal divorce practices of the Muslims because the Coptic Church does not permit religious sanctification of divorce of Coptic spouses;
- The Copts, especially those who have immigrated from Egypt, are actively seeking to invite foreign intervention in Egypt through raising the cry of human rights violations, thus weakening the State and, with it, the right of the majority, namely the Muslims, to exercise a dominant nationalistic role.

There are other aspects of that anti-Coptic mythology beyond the enumeration herein presented. Ironically, each one of the enumerated four aspects has a small kernel of factual validity. The ideology of the recently assertive Muslim Brotherhood, and its more virulent allies, like the **Salafis**, became the oxygen keeping that anti-Coptism, not only alive, but entrenched.

Translation: **Attack the Copts!!**

Although January 7, the Orthodox Christmas was made a national holiday by Mubarak, and although the Arab Spring in Egypt was a Muslim/Coptic product, yet the national upheaval was

later hijacked by a Muslim Brotherhood who at first condemned the rebellion then belatedly joined it and unsuccessfully tried to co-opt it.

Protecting the Copts became difficult for the new Egypt to maintain. As of June 2012, **Shafik**, the military general, though supported by the Copts, lost his presidential bid to **Morsi**, the candidate of the **Muslim Brotherhood**. During the turbulence from November 2012 to June 2013, the security of the Egyptian street became a thing of the past.

The Ministry of Interior which controls the Police became the enemy, due to the killing of nearly 900 Egyptian demonstrators and to a prior record of torture. The only institutions which remained standing in a bureaucratic Egypt of 5000 years were: **the army and the judiciary**. To the Copts, the Islamist rule by Morsi from June 2012 to July 2013, was a year of terror. Its gradual evaporation caused by the armed forces, which are based on compulsory draft of both Muslims and Copts, (Coptic generals were in the forefront of the leadership of the war of 1973 under **Sadat**), gave the Copts the hope of a light at the end of the tunnel. Their support for **General El-Sisi**, and of the post-Islamic **Constitution of 2014**, was a natural. Yet a structural damage to Egypt's national unity had already occurred: Brotherhood versus the State; Brotherhood versus the Copts; moderate Islam, the bedrock of Coptic security, versus terrorism. Too many splits; precious little cures. An **El-Sisi** presidency in Egypt, a near certainty, shall be an early Christmas for the Christians in historic Egypt. It shall represent security wedded to, secularity.

(C) The Broad Expanse of Anti-Coptic Attacks

Translating the above into a saga of anti-Coptic attacks has been lucidly expressed by the large

volume of official Coptic material provided to me by the **Secretary-General of the Council of Egyptian Churches**. I was also provided by a large amount of photos to document those sad events which are available for the audience to review, but not to take away after this formal event.

Pastor Dr. Bishoy Hilmy, has provided us with an important document dated **September 5, 2013**, two months after unseating **Morsi** who is now on trial, but three months before the present Government declaring the Brotherhood in December 2013 a terrorist organization. It is an official letter signed by **Pastor Al-Biady**, the **Head of the Anglican Church**; **Patriarch Ishak**, the leader of the **Catholic Copts**; and above all, by the **Pope of Alexandria, His Eminence Pope Tawadros the Second**, who presides over the Coptic Orthodox community.

The letter is addressed to **Field Marshall El-Sisi** and copied to **General Taher Abdullah**, who leads the Corps of Engineers of the nearly one-million armed forces. This Corps has been active in rebuilding, at the cost of the State, Christian establishments damaged by the marauding hooligans affiliated with, or paid by, or Islamically misled by the Brotherhood in Egypt, and by **Hamas and Qatar** outside of Egypt.

The document reminds El-Sisi of an agreement reached with **El-Sisi** at a meeting in which El-Sisi asked for a comprehensive list of Coptic establishments damaged on August 14, 2013. On that date, the army and the resurrected security forces stormed the militarized sit-ins by the Brotherhood at two locations, **Rabaa** and **Al-Nahda**. After 6 weeks of appealing to the occupants of those armed enclaves to peacefully disband, official Egypt was striking back to assert the legitimacy of its Second Revolution of July 3, 2013 which the Brotherhood and most of

the West, together with Turkey and Qatar and Gaza, dubbed as “**a coup.**”

The letter covered Churches, schools and other Christian facilities either burnt or damaged in whole or in part after August 14, 2013 by arson, molotov cocktails, and firing of various types of armaments. It also documented theft, pillage and desecration in whole or in part. The high-level signatories of this document requested action on El-Sisi’s resolute decision to rebuild and or compensate the Christian Churches and citizens.

It ended with the following phrase: “**We pray for you to be blessed and to attain full success. We ask the same for our beloved Egypt to enjoy security and prosperity. We cherish you and our brave armed forces which constitute Egypt’s shield.**”

We note here that that language by the Christian religious hierarchy reflects both anguish and resilience. It reflects the historic official line which proclaims that “**Egypt is not Iraq. The Egyptian Society has different characteristics. It is unified in the sense that there are no minorities. The Egyptian people, by its own nature, is integrated. Its Muslims and Christians occupy the same neighborhoods everywhere.**”

But official lines and the facts on the ground in post-Mubarak Egypt suffer from a disconnect.

The reports which I have from the **St. Mark Cathedral, thanks to the help of several Coptic friends**, both clerical and laity, shows that in nearly all the Egyptian provinces which number 27, destructive attacks and desecration and theft, were perpetrated. By comparison with Revolutionary Egypt, the reign of Mubarak looked in the rear view mirror to the Copts who brought it down, to have been a relatively golden age in regard to security which in this context

trumps other values.

(D) Containment: The Historic, Legal and Religious Frameworks:

It is axiomatic to say that we live in an age of rage. Law in Egypt suffers at present from an enforcement deficit, has nearly ceased to be a solution. Obviously this affects not only the Copts, but also other important sectors of life in Egypt. It also suffers nearly everywhere from erroneous re-interpretation. Even in an iconic democratic system such as in the U.S., America has refused to apply an important international convention, such as the U.N. Convention on Civil and Political Rights, to situations outside U.S. borders. Prior to this, there was even greater anomalies: discarding the Geneva Conventions of 1949 by the Bush Jr. administration as obsolete in the context of the war on terror, and the abstaining thus far from acceding to the Rome Convention of 1998 which created the International Criminal Court.

In the specific case of Egypt, there is a legal framework in existence since Ottoman times, which should have prevented anti-Coptic aggression. During the reign of **Sultan Abdel-Meguid the First**, an important Ottoman decree was promulgated in February 1856 which regulated the issue of construction of places of worship for all faiths throughout the Empire including Egypt. It went by the name of “**The Hamayooni Line.**” And during the great age of **Muhammad Ali**, the founder of modern Egypt, from **1805 to 1849**, all Ottoman decrees issued with adverse effects on the Copts were rescinded. The Copts were allowed to build new churches, to carry arms, to join the armed forces, and to attain Cabinet ministerial ranks. More importantly, during the reign of **Said**, one of **Muhammad Ali’s** sons (1854-1863), the tax imposed on the Copts, known by its Islamic term as “**geziah**” which was in force since the year 640, was eliminated and replaced by military service. Therefore we have here a solid legal and historical foundation on which

security for Egyptian minorities, whether Copts or Shiis can be rejuvenated.

We also have in Islamic jurisprudence, a non-recognition of the term “**infidel**,” total equality between Muslims and non-Muslims, and the co-existence between Sharia and legislated law. **Muhammad** had married a **Coptic** woman, **Mary**, and the second Caliph after Muhammad, **Omar** had ordered the whipping of the son of his General Amre who conquered Egypt who had whipped a Coptic lad. In this regard, Omar famously said: “**Since when have you enslaved human beings whose mothers have given them freedom through birth.**” The Quran glorifies Mary and the immaculate conception 43 times, the only woman so mentioned by name in the **Quran**, and glorified **Jesus** as the word of God more than 30 times. This is not all for that solid Islamic foundation in cosmopolitan Egypt for the protection of minorities during periods of upheavals.

The great declaration of **Al-Azhar** dated **August 19, 2011**, and endorsed by the **Coptic Church** states the following in its 4th, from among eleven principles:

“Full respect to the view of the others, which implicates the necessity of avoiding declaring others to be apostates and traitors; and the abuse of religion for the purposes of sowing divisiveness and hatred among the citizens. Sectarian conflict and racist advocacy are criminally injurious to the homeland.”

Moreover, the preamble of the post-Islamic Constitution of 2014 states that “Egypt is the birthplace of faith -all faith- and that the Egyptians have embraced the Virgin Mary and her son and offered thousands of martyrs in defense of the Church of Christ”

Its **94th Article** proclaims that **“the Rule of Law is the Basis of Governing the State.”**

The first lines of the great history book on **“The Flight of the Holy Family to Egypt,”** is introduced by **Egyptian Bishop Mataous**. It starts by this phrase: **“The flight to Egypt is one of the most important historic events which took place over the soil of our dear Egypt over its long history.”**

One of today’s great Coptic scholars in the U.S., **Francis Basili**, the son of a luminary from among the clergymen of the Coptic Church, states the following in **“Sawt Biladi” (The Voice of my Homeland)**, the issue of February 2014:

“The conflict between the brethren of Egypt, Muslims and Copts developed only when the Muslim Brotherhood and their affiliations ignited the powder keg of religious militancy as of the 1970s.”

(E) What Can Be Done?

Now is the time to start anew in the new Egypt. The upheavals of the Arab Spring should be followed by the return to Egypt’s roots, especially as regards the Coptic question. I believe that we now have a clean slate in the country which is the engine which pulls the entire Arab train behind it.

Let us start with the process of re-education, to remind Egypt of its true identity. In doing so, we do not need new laws, we need enforcement. We have enough laws except for strengthening the judiciary and its independence, and of teaching the cops that the age of torturing suspects is over.

Both **Al-Azhar** and the **Church** in Egypt have a history of mutual respect, collaboration, and the compulsive need for containment, especially in the area of tormenting the Christians in other Arab Spring countries such as **Libya and Syria**.

By education, the teaching of Islamic law should be cleansed from the aberrations of archaic interpretations of how Islam should deal with non-Muslims. Militant Islam at least in Egypt, I believe, is on the ropes. I do not expect the **Muslim Brotherhood** will have the chance of a comeback. The mosques are now being sequestered by the Government to prevent the pulpit from again becoming a free zone for hate speech. Inter-faith events should be institutionalized. Trials of religious malfeasants should be televised. Compensation for the Copts should be legislated. University education and curricula should stress what the Egyptians so far mouth, but do not practice: **“Faith is for God; the homeland is for all.”**

A final word about what not to do, and then what also should be done: First: any foreign intervention or internationalization of the Coptic question is immensely counter-productive. The ethos of the Arab Spring is that reform and restoration are a home industry. We must look upon these restorative values, especially in the critical area of education, as a cottage industry. The rural areas must become the center; the capital is the periphery. The individual and the local communities are the main actors.

Since we are dealing with faith, an area which is not negotiable, let Egypt, with its unique history of Muslim/Coptic co-existence, show other Arab and Muslim countries the way. **Al-Azhar** which gave my father the way of culturally rearing me, is the focus of teaching Islamic moderation.

This is why Al-Azhar is in the cross-hairs of the **Muslim Brotherhood**. Its influence in Sunni and Shii learning is phenomenal. It was established in the year 975 A.D., together with Cairo, by Shiis. Under **Article 7 of the 2014** post-Islamic Constitution, Al Azhar's independence was restored. Al-Azhar/Cathedral intertwining, through joint educational programs, is a must.

The issues of the laws governing church construction without too much red-tape should be reviewed. The public and private information systems should not muzzle up the events affecting communal relationships. The Coptic community should feel that its impact on legislation, diplomacy, education, social services is assured. Interfaith events should be multiplied and the basics of interpretation of Islamic law (**ijtihad**) should find their way to the textbooks as of the primary school.

The State, all over the world, has been overstretched, thus weakened. Now, individual and communal action have their chance. In that spirit, I am launching this summer in southern Egypt, where Muslims and Copts live together, a pilot project to uplift the level of University education. Thanks-