Monica Duffy Toft Egypt Memo for Georgetown Religious Freedom Project April 25, 2011

As the heady days of public demonstrations fade into history, key questions about Egypt's future remain. Will Egypt move towards a more open democratic system? Will the rights of religious minorities (e.g. atheists, Copts, non-Muslims, secularists) be respected? Or, will Egypt move toward a restriction of rights and freedoms for those who wish to practice a faith other than one the state chooses to privilege? In particular, what will be the status of Egypt's Coptic community?

Egyptian Copts are a special case in that their presence in Egypt precedes that of Muslims. Thus, the inclusion of "Egyptian" before Copt is not just a regional marker, but an indication of a deeply historical and ancient tie to Egypt. This explains why, in a speech in Tahrir Square during recent demonstrations, Sheikh Yusuf al-Qaradawi, a popular television Muslim cleric with millions of followers, discarded the customary opening "Oh Muslims" and replaced it with "Oh Muslims and Copts;" alluding to the latter's help in the overthrowing of the government and standing with fellow Egyptians.<sup>1</sup>

It's an important point because Egypt's Copts see themselves as integral to Egypt, and Egyptian society recognizes their unique position. Yet, as we know, the Copts have also experienced (and continue to experience) severe discrimination in Egypt.

How then is Egypt likely to move forward regarding religious freedom?

Generally speaking there are three possible trajectories or models for Egypt, each of which leads to differing levels of religious freedom (and by extension, differing levels of domestic, regional, and international stability).

A first model provides for the equal rights for all citizens regardless of religious orientation. In essence this is the American model, which, as codified in US Supreme Court interpretations of the First Amendment to the US Constitution, prohibits the US government from either privileging or discriminating against individuals or groups on the basis of religion.

A second or hybrid model allows a particular faith to be modestly privileged; by, for example, allowing a given faith to count as one of two or more sources of law in the state. In Pakistan, for example, Sharia law shares authority with a civil code and judiciary separate from Islam. In this model, non-Muslims and secularists might be at a disadvantage in that Muslims would have their values more readily aligned with the state and be freer to practice their faith as a result. The question is whether *in practice*, such states protect minority religious and civil rights and treat them equally. Such systems of

<sup>&</sup>lt;sup>1</sup> David D. Kirkpatrick, "After Long Exile, Sunni Cleric Takes Role in Egypt," *The New York Times*, February 18, 2011.

modest religious privileging do not rule fairness out.

A third model is when a state adopts a given religious system as *the* law of the land. This is the case in Saudi Arabia, whose Constitution is based on strict interpretations of the Qur'an and Sunnah. Regardless of religious orientation, Islamic law applies to everyone within the country. For non-Muslims, this model is highly discriminatory. Religious freedom is non-existent.

The likelihood of each model being adopted by Egypt remains foggy, but since the lion's share of reformist fury was directed at Mubarak's authoritarian style of governing, we should not expect radical change from the past.

Model 1 is therefore very unlikely. Egypt has always privileged Islam. Even before January's demonstrations, religious minorities such as Egypt's Copts faced and continue to face a difficult situation.

Model 3, however, is also highly unlikely, for two reasons. First, we can think of no examples of a co-existence between a more open political system (including multi-party representation) and strict Sharia law. Given the passionate desire among Egyptians of all faiths for a more open political system, the third model is therefore not likely to be adopted. Egyptians appear unwilling to replace a police state bent on maintaining one man's rule with another police state bent on maintaining one faith's rule, even when they admire or share that faith. Second, Egypt's ties to the West remain strong, and Egyptian stability and prosperity depend on continued Western aid and diplomatic support. A harsh imposition of Sharia law, and repression of religious minorities would make such support increasingly precarious.

For these reasons, assuming Egypt's post-Mubarak transition remains relatively stable, we should expect some variation on the second, with Islam being privileged but the political system being more open, and some protections for minority religious and civil liberties. Importantly, this model is consistent with what the Muslim Brotherhood appears to want, and it would also result in some modest improvement for Egypt's Copts as well as its atheists and other religious minorities (albeit not strict secularists).

A liberalization of Egyptian politics should result in groups being able to use the Egyptian state—not to dominate others with their own visions of sin and salvation—but to lessen the burdens of discrimination in access to offices, education, employment, and healthcare which characterized Mubarak's Egypt. This is a good thing.