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## **Christians in the Arab Mashreq: Towards a State of Citizenship for All**

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This paper presents the key ideas from a new book of the same name forthcoming soon from Dar el Machreq. This book was made possible by support from the Arab Reform Initiative's Arab Research Support Program.

## Introduction, Main Arguments, and Summary

*Christians in the Arab Mashreq: Towards a State of Citizenship for All* investigates religious freedom, the integration of religious minorities, and the challenge of establishing democracy in the countries of the Arab Mashreq, particularly Syria, Lebanon, Egypt, and Jordan. It analyses the political and legal aspects of Islamic *sharia* and human rights principles, the impact of policies implemented by today's ruling regimes, and the effects of various historical, international, regional, and national factors.

This book offers an objective analysis of the issue of religious minorities, particularly Christians in the Arab Mashreq. It presents an overview of their legal and political status, and identifies the challenges they face and their underlying causes. It explains the principle factors that would enable Christians to integrate in their home countries in the Arab Mashreq, particularly if certain effective reforms are undertaken. In sum, the book aims to promote principles of human rights, protect the religious and cultural identity of diverse minorities in the Arab Mashreq, and further understandings of citizenship and democratic transition.

This book arrives as the countries of the Arab Mashreq are undergoing vast political transformations and experiencing a significant decrease in their Christian populations, whose flight from the region may signal an end to diversity in the Arab Mashreq. This region was the cradle of Christianity, yet it may soon be emptied of its original inhabitants. Today, the issue of Christians in the Mashreq is more critical than ever, given the outbreak of armed conflicts in the region and the growth of extremist *takfiri*<sup>1</sup> movements who do not stop at simply disavowing Muslims. Ongoing changes in the region push us to consider the future of its Christians, and whether they will be able to endure these transformations. Many Muslim intellectuals are aware of how important a Christian presence is in the Mashreq, and know that if they leave, it will not only be a blow to cultural richness and diversity, but also a drain on the region's skills and capabilities. Such a resurgence of isolationism projects an image of Islam as a religion that refuses to deal with others, and will only encourage Islamophobia.

The book advocates respect for human rights and equal citizenship, and promotes the principles of religious freedom, equality, good governance, and the regular peaceful transfer of power.

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<sup>1</sup> A Muslim who declares another Muslim as an infidel, i.e., disavows others as unbelievers. [Translator's note]

These elements are necessary in order to ensure freedom and dignity for all citizens, without exception. The author does not advocate for the rights of Christians or other minorities at the expense of the rights of the rest of society; the rights of all citizens are interconnected, and all individuals—regardless of their religion, race, or ethnicity—must have equal rights. However, Christians in particular are subjected to religious-based violations of their rights. This book differs from others in which authors argue that Christians have been the victims of constant and uninterrupted persecution by Muslims and Islam. Such a view does not correspond with reality, and prevents us from objectively, scientifically, and systematically understanding the position of Christians, the role they play in their home countries, and contributions they have made.

The author explains how the situation of Christian minorities in the Arab Mashreq has varied according to social, political, and historical conditions. The concerns of ruling regimes about their own stability and legitimacy continue to affect the situation of Christians in the Mashreq. Their status has varied not only according to the time period, but also by country, given different legislation, judicial interpretations, and political, social, and legal specificities. While there are certain common denominators, the degree of respect for principles of equality and religious freedom varies by country in the Arab Mashreq. This difference is particularly striking in terms of the ability to practice different religions, apply separate personal status laws for different recognised religious communities, and issue court decisions regarding individuals who belong to different sects or religions. The situations in different countries deserve to be studied individually before they can be contrasted or compared. The judicial and legislative approach followed in one country might be close to the Arab Charter on Human Rights, while neighboring countries might have a more religiously dogmatic and discriminatory approach. In such cases, the author advocates for the Charter to be implemented. Factors that reinforce the process of integrating minorities in each country must be identified, and a comparative analytical approach taken, including a description of the legal status of Christian minorities and their impact on the regimes in general.

This book sheds light on different problems faced by Christians in the Mashreq, and their direct and indirect causes, before proposing a series of recommendations to help solve these issues. The first section of the book deals with various legal measures that safeguard the rights of minorities at the national, regional, and international levels. The second section identifies the degree to

which these measures are respected and implemented in the countries of the Arab Mashreq, and explores whether Christians have naturally integrated or were forcibly assimilated.

## **Chapter One: Protecting Minority Rights**

This chapter focuses on legal protections of minority rights, particularly religious minorities, and international, regional, and national instruments. The first section concerns the system of protection put in place by the international community, particularly instruments adopted under the framework of the United Nations. The second section concerns the protection of minority rights under regional organisations, particularly the League of Arab States and the Organisation of Islamic Cooperation. These have developed human rights instruments that are parallel to, if not competing with, the key international ones. The third section concerns national protection of minority rights, how they are influenced by the international and regional instruments mentioned above, and includes discussion of different legislative guarantees.

### ***Section One: International Protection of Minority Rights***

The section addresses different international instruments related to the rights of religious minorities. It differentiates between treaties that are legally binding for signatory countries, and declarations that are simply “in principle” and have no legal weight. Towards this end, the book addresses the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Universal Declaration of Human Rights; the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief; and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (the Minorities Declaration of 1992). From these instruments, persons belonging to religious minorities dispose of civil, political, economic, social, and cultural rights, including the right to religious freedom, the right to equality before the law and the judiciary, the right to assume public office and positions in the public sector, and the right to maintain religious and cultural identity. As a whole, these are individual rights: there is virtually no mention of collective rights of minorities in international conventions. This is due to the absence of political will in countries that claim the protection of their national sovereignty as an excuse for non-implementation of these conventions. There has been a noticeable rise in separatism among minorities who suffer from persecution and

discrimination. Protecting and advocating for the rights of persons belonging to religious minorities would help encourage integration in society, achieve political and social stability, and avoid conflicts.

The section also addresses international mechanisms to ensure that rights are respected, noting the lack of mandatory penalties for non-compliers and the lack of legally binding channels of appeal. The only exception is the Second Optional Protocol to the International Covenant on Civil and Political Rights; however, most Arab countries are not signatories. This section concludes by highlighting the fact that though the countries of the Arab Mashreq were involved in creating international human rights mechanisms, their involvement was clearly influenced by religious, ideological, and political considerations. This is evident in their reservations on a number of issues related to religion, such as equality between Muslims and non-Muslims, and between men and women.

### ***Section Two: Regional Protection of Human Rights***

The section confirms that regional efforts to promote human rights in the Mashreq are extremely modest compared to international mechanisms and those in other regions around the world, including Africa. The author distinguishes between two types of regional mechanisms: those within an Islamic framework, and those within an Arab framework. With regards to the former, the variety of ways the provisions and applications of Islam can be interpreted can radically affect the status of non-Muslims in countries with a Muslim majority, either positively or negatively. In particular, the section addresses the general legal status of Christians under Islamic *sharia*, and examines contemporary Islamic documents on human rights adopted by the Organisation of Islamic Cooperation according to the principles of *sharia*. These documents are based on a traditional *fiqh*<sup>2</sup> understanding, to which many Islamic thinkers object. Instead, they advocate for a contemporary reading of Islam and how it treats non-Muslims. Such an approach could help establish principles of citizenship, and full respect for the rights of religious minorities in Muslim-majority countries. Liberal movements face a variety of challenges in the region: authoritarian regimes have quashed a culture of human rights awareness and open political life over the past decades, and this in turn has led to the rise of extremist religious movements. With direct or indirect help from authoritarian regimes, these movements have attracted large sections

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<sup>2</sup> Islamic jurisprudence. [Translator's note]

of society. Poverty and ignorance have spread, while nationalist movements have failed to achieve progress for the Arab world or realise their slogans of unity and freedom. This has allowed religious ideology to gain a foothold, and enabled the growth of Islamist movements—sometimes even violent ones. Furthermore, liberal Muslims suffer restrictions to freedom of opinion and expression, both from authoritarian regimes and extremists. As a result, some have been imprisoned, and even killed or executed.

This section concludes by arguing that regional protection needs to be revised to adopt instruments from the International Bill of Human Rights. This can be done by avoiding literal adherence to religious texts and instead taking a contemporary interpretation to the principles of Islam, as well as overcoming political and ideological factors hindering human rights in the Arab region. The author advocates a series of effective measures in Arab countries, including developing a system for receiving individual complaints, empowering regional courts to monitor respect for human rights, and supporting civil society organisations and their work for democratic transition.

### ***Section Three: National Protection of Religious Minority Rights***

Achieving effective national protection of minority rights is intrinsically related to domestic legislation (constitutional and otherwise) that guarantees citizens' rights, observance of principles of democratic governance, and a strengthened adherence to the rule of law. At the constitutional level, there are two kinds of rights that protect religious minorities: the first is related to freedom of belief, and the second to the principle of equality. Domestic legislation in countries of the Arab Mashreq includes the constitutional guarantees mentioned above, as well as other legal texts that guarantee religious minority rights, particularly the right to equality and religious freedom.

Also important are guarantees of accountability for acts and incitement leading to violence, sectarianism, and religious hatred that violates the fundamental rights of religious minorities. The status of minorities in the region has become increasingly complex as a result of foreign interventions that have undermined national stability. In particular, some nations have used the issue of minorities as a pretext to achieve their own political interests, which ultimately has negatively affected minorities' rights. This section goes on to criticise the fact that provisions of the International Bill of Human Rights have not been implemented at the national level, and are disregarded when they conflict with national legislation. National legislation also does not

contain mechanisms necessary to oversee adherence to legislative guarantees. These countries do not explicitly recognise the supremacy of international law over national laws, and there is no guarantee that international conventions will be effective, or that their provisions will be integrated into domestic legislation or constitutions.

National legislation in the region tends to lack many of the rights and freedoms set forth in international conventions. Examples include paragraphs from the International Covenant on Civil and Political Rights, such as protection of persons belonging to minorities (Article 27); individuals' freedom to profess a religion or belief, or convert to one, without restrictions (Article 18); the right to equality before the law (Article 14); equal rights and responsibilities of both spouses in consent to marriage, marriage itself, and divorce (Article 23); and protection of the child without discrimination (Article 24 of the International Covenant on Civil and Political Rights, and Article 2 of the Convention on the Rights of the Child). National legislation also generally omits clear guarantees regarding the separation of powers, principles of democracy, good governance, the rotation of power, freedom of expression, an independent judiciary, and other aspects of democratic governance.

## **Chapter Two: Christians in the Arab Mashreq – between Natural Integration and Forced Assimilation**

In contrast to assimilation, which is often forced, a process of integration can protect the cultural and religious identity of Christians and ensure their right to equality. Christians will be able to integrate fully in the Mashreq when all forms of discrimination against them are eliminated and their right to full citizenship is guaranteed. This section explores the position of Christians in the Mashreq, which has ranged between natural integration and forced assimilation. The first section addresses Christians' impact on the countries of the Mashreq: personal status laws confirm their identities and independence, and they participate in many aspects of life, which continues to help further integration. However, a concept of equal citizenship regardless of religion is lacking. This fact, in addition to policies of ruling regimes, has severely hindered Christian integration in the Arab Mashreq, as the second section demonstrates.

### ***Section One: Christian Minority Impact in the Arab Mashreq***

This section addresses Christians' impact in their own countries through personal status laws that guarantee them legislative and judicial independence. It sheds light on developments that were made historically, particularly the Ottoman and foreign mandate periods, before turning to contemporary judicial and legislative independence. This section highlights the difference between those who support the idea of Christians being subject to secular legislation and those who advocate for Christian laws (which would primarily affect issues of divorce between Christians). It sheds light on church legislation in the Arab Mashreq, which also poses a challenge to human rights and a secular definition of citizenship.

The book also addresses the question of interfaith marriages, conversion, and the rights of women, which includes issues of virginity and obedience. While it is true that a certain element of independence continues to isolate Christians within their own societies, their sense of belonging to their countries motivates them to assert themselves culturally, intellectually, and politically. In particular, they have helped develop ideas about nationalism and Arab-nationalism, and under the rule of current regimes they continue to be politically active. This section highlights Christians' contribution and impact in their countries, shedding light on their role as pioneers in establishing the concept of Arab nationalism (including popular resistance against foreign colonialism), and on Christians' participation in broader cultural and political life.

### ***Section Two: Dhimma<sup>3</sup> Status of Christians in the Arab Mashreq***

The section includes an overview of the status of Christians as a *dhimma* in the Arab Mashreq, subject to a policy of Islamisation and discriminated against by regimes. Islamic religious legislation continues to have a detrimental effect on Christians in the region, while their worsening position today can largely be attributed to authoritarian regimes. Whether directly or indirectly, these regimes have contributed to the rise of extremism, the outbreak of armed conflict, and the growth of terrorist organisations whose victims include both Christians and Muslims. The absence of political freedoms—particularly freedom to establish political parties and freedom of assembly—has contributed to greater insularity along sectarian lines, and

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<sup>3</sup> The *dhimma* designation for Jews and Christians provides them with a “protected” status in areas under Islamic rule. Historically, this status allowed them a certain degree of independence in the practice of their religious and social affairs, as they remained under the physical and legal jurisdiction of their own religious communities. In exchange for official tolerance and legal recognition, free male *dhimmis* were required to pay the *jizya* tax. [Translator's note]



damaged any sense of national belonging. Feelings of discrimination and injustice, and the rise in poverty and unemployment, have provided a breeding ground for extremism. Problems in the educational system are an additional issue. Not only is there no education about other religions, which would lead to more acceptance, the current educational system also lacks a culture of human rights and citizenship. Among other issues, the educational system encourages students to discriminate against non-Muslims, and imposes the ruling regime's ideology.

The section focuses on the primary problems resulting from the system of separate personal status laws, and the resulting violations of Christians' fundamental rights. It also sheds light on the process of Islamisation via the judiciary and legislature. Most often, Christians formally convert to Islam to obtain a divorce, win custody of a child or choose the child's faith, or to marry a Muslim woman. The author notes that these issues are dealt with quite differently depending on the country. In Lebanon, equality between different religious groups is a pillar of the regime, while in Syria, Islamic law and Muslims are explicitly given priority. Jordan combines two principles difficult to reconcile: neutrality of the state, and primacy of Islamic law. Egypt is an exception in the Arab world in its severe Islamisation of a pluralistic system: Christian courts have been abolished, and provisions of Islamic *sharia* are applied to various Christian communities and denominations.

A system in which there are many separate personal status laws is not the only tool of Islamisation and discrimination against Christians; they are also treated as inferior in other areas of life, particularly in politics and the public sphere. During heights of persecution, Christians have also been targeted and killed (the massacres of Christians in Damascus in 1860, organised terrorist attacks against Egyptian Copts, and attacks against Christians in Syria and Iraq by terrorist groups today). Oppression takes other forms as well, including discrimination in the workplace, violations of the right to pray and practice one's religion, social and political pressure, and problems in governance and political participation. The book discusses the different ways in which Christians' situation has deteriorated in various countries, and offers an overview of events, particularly political ones, which have contributed to this.

## **Conclusion**

In the conclusion, the author focuses on the importance of taking steps to ensure religious and political pluralism in the region, which will improve the legal and political situation for Christians and other citizens. The author explains the disadvantages of the current religion-based personal status system and in particular the texts incompatible with human rights. The legislators of these laws are religious figures, rather than state representatives of the people who are supposed to have a fundamental and exclusive right to create legislation. The author advocates for drafting personal status laws that are free of any form of discrimination and take international conventions into account (particularly the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child). He also calls for passing a law that would enable civil marriage for citizens regardless of their religious affiliation.

The conclusion also focuses on the importance of revising educational curriculums, which would help promote tolerance, democracy and a culture of human rights, particularly the values of justice, equality, and freedom for all. It also calls for greater efforts towards interfaith dialogue, which can contribute towards improved religious co-existence and encourage people to renounce violence and extremism. Religion can be a source of strength rather than a means of discrimination that can tear people apart. It can help spread values of love, justice, reconciliation, and peace in order to reduce religious, sectarian and racial tensions in the Mashreq. Towards this end, we must reread or reinterpret religious legislation in Islam in a way that furthers human rights. The author also stresses the importance of secularism, and considers it essential to liberating the Arab Mashreq. He also highlights the absence of democracy and adherence to the rule of law in the region, which has caused economic, social, and political conditions to decline, and caused the rise of Islamic extremism, terrorism, and violence, which has claimed the lives of Christians and other citizens. Democracy is the best guarantee for peace and justice in the region, and the best way to put an end to violence, in order to establish political life based on equality. The author criticises authoritarian regimes that have not supported aspects of citizenship for Christians, and not established the idea of citizenship regardless of religion. Democracy is the basic foundation for ensuring integration and constant protection for Christians.

The author rejects the separatist trend among some Christian groups in the Middle East, such as some Copts, Assyrians, and Maronites. These types of projects are supported by some Western powers who see these divisions and unrest as a way to maintain their control over the region. Christians are searching for greater independence from Islamic authorities, but connecting them to the nation is also important. A country cannot be truly democratic if it is built upon a particular ideology or identity, whether racial or religious; this will inevitably destroy the fundamental principle of equal citizenship—which is the only element able to protect against discrimination in society and ensure respect for all citizens, irrespective of their background.

Finally, the author concludes that Christians are not alone in the battle to liberate the Mashreq; there are also Muslim intellectuals who do not want the region to be emptied of its Christians. Modernity has clearly influenced Muslims and Christians alike. The struggle for modernity, secularism, public and political freedoms, equality, universal personal status laws, and civil marriage serves not only Christians' interests, but the interests of all citizens, particularly vulnerable groups like banned religious minorities and women.

### **About the author**

Nael Georges is a legal expert and holds a PhD in human rights from the University of Grenoble. He works with human rights organisations and regularly publishes articles in scientific journals and Arab revues.

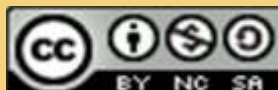
### **About ARSP Round I**

In December 2011, ARI launched the Arab Research Support Program (ARSP), which aimed to promote through financial grants quality research in Arab countries in order to guide policy debates and empower individuals and new institutions. In the first round of the ARSP program, a total 28 individual researchers and 9 organisations were funded through the program. The research undertaken by individual grantees focused on the themes of democratic transformation and its obstacles in various Arab countries. The research also touched upon topics that have long been neglected, including feminist movements and comparative religious orientations. The research supported by the ARSP program in its first round includes articles, research papers, and scientific books across the social sciences, dealing with sensitive issues rarely investigated by Arab scholars. Grants also benefited community-based initiatives in countries currently undergoing transformation processes, as well as pioneering initiatives with regards to cultural policies.

### **About ARI**

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