

THE CONCEPT OF FREEDOM OF BELIEF AND ITS BOUNDARIES IN EGYPT: THE JEHOVAH'S WITNESSES AND THE BAHÁ'I FAITH BETWEEN ESTABLISHED RELIGIONS AND AN AUTHORITARIAN STATE

Johanna Pink

A number of new religious communities have been emerging in Egypt since the second half of the nineteenth century. The most important of them—both numerically and in terms of the attention they attract—are the Baha'i Faith and the Jehovah's Witnesses. Both groups have been officially dissolved and face strong opposition from the established religions as well as a number of legal problems. Egyptian courts have dealt with Baha'is and Jehovah's Witnesses in a number of contexts, and have on these occasions had to discuss the question of how the principle of freedom of belief, which has been part of all Egyptian constitutions since 1923, affects the status of religious minorities not recognised by the state. Their arguments allow interesting conclusions not only about the prevailing understanding of the principle of freedom of belief, but also about the relationship between Islam, the Coptic Orthodox Church and the state.

KEYWORDS Egypt; Jehovah's witnesses; Baha'is; Islam; Copts

The Islamic world has always known the presence of minority religions, and the status of polytheistic and post-Islamic religions has always been a contested issue. However, the twentieth century has confronted the Islamic world with new challenges. Modern human rights concepts rival traditional values, in the legal systems as well as in public consciousness. Constitutions of Muslim countries often follow Western models with the result that they have incorporated the principle of freedom of religion and belief; additionally, most Muslim states have signed international human rights treaties. However, traditionalist hegemonic forces prevailing in these countries frequently seek to protect the interests of

the dominant, traditional religions and are unwilling to grant the same rights to what they perceive as 'intruder' religions.

The case of Egypt illustrates well the way in which legal practice is shaped by cultural perceptions of the 'dangerous' religious other. These negative perceptions are commonly generated by and circulated via the popular press. For example, Egyptian courts have often drawn upon the concept of 'public order' to protect the interests of the established religion. They have furthermore consistently interpreted the constitutional right of 'freedom of belief'¹ in a way that limits the rights of adherents of 'heretical' religious communities to holding certain beliefs in private, without granting them the right to express or even spread these beliefs. The most recent example is a judgement of 1987, in which a Criminal Court in Cairo sentenced 45 Baha'is to three years of prison. The Court decided that Article 46 of the Constitution, which stipulates that 'the state grants freedom of belief and the freedom to practice religious rites', does not protect the Baha'i Faith, as the freedoms mentioned in the Article do not extend to religious beliefs or practices that pose a threat to public order or good morals. This reservation is not mentioned in the Constitution, but the Court was convinced that the legislator only omitted it because it was so obvious (al-Wafd, 17 May 1987, 11). The Baha'is were later acquitted for purely procedural reasons.

The present paper will describe the historical and current situation of new religious communities in Egypt, especially of Baha'is and Jehovah's Witnesses. Before coming to the central issue of the understanding of freedom of belief prevailing in Egypt, exemplified in the case of the Baha'is of Cairo already mentioned, it will discuss the public discourse about those religious communities and their legal status.

Traditional and New Religions in Egypt

The religious spectrum in Egypt is wider and more diverse than official statistics convey. These usually describe Egypt as a predominantly Muslim country with a Christian minority that counts for about 6 per cent of the population. Ninety-seven per cent of the Christians are Copts (Courbage and Fargues 1997, 209). The Jewish community is very small nowadays and does not have more than a few hundred members. What official statistics do not reveal, however, is the existence of a number of religious groups that are not officially recognised, but are nevertheless present in Egypt.

In the nineteenth century, Iranian Baha'is came to Egypt, and at the same time the large foreign communities in Cairo and Alexandria attracted evangelistic Christian missionaries, among them the Seventh-Day Adventists who extended their proselytising efforts to Upper Egypt during the First World War (Neufeld 1996, 501). The Ahmadiyya Movement, recognising Egypt's central role in the cultural and religious development of the Arab World, sent missionaries from India during the 1930s (Ahmadi 1935).² Jehovah's Witnesses arrived around the year 1950 and became very active among Egyptian Christians and those of other nationalities.

However, the Nasser era with its massive attempts to submit all sectors of society, including the religious domain, to state control, meant a setback to religious pluralism in Egypt. The Baha'i communities were dissolved in 1960, and the Watchtower Society, in which the Jehovah's Witnesses were organised, was likewise banned. Ahmadiyya missionaries had to leave the country.³ The Adventists 'nationalised' their organisation under political pressure; the number of Adventist churches dropped from 22 to 15 in only two years between 1959 and 1961 (Neufeld 1996, 501).⁴

All of these new religious communities survived, although their growth has been stopped or strongly slowed down. They have been joined since the 1970s by a number of other, mostly American, religious groups that were imported either by employees of foreign companies or by Egyptians who had studied abroad—examples are the Church of Jesus Christ of Latter-Day Saints (Mormons) and the Unification Church (Pink 2003, 72–74, 88–90).

The most important of the new religious communities present in Egypt today—both numerically and in terms of the attention they attract—are the Baha'i Faith and the Jehovah's Witnesses. Both communities face a number of legal problems, not only caused by the laws of 1960 ordering their dissolution, which are still in force, but also by the lack of status in a legal system in which many important areas of law, especially family and inheritance law, are governed by religious law and dependent on a person's religious affiliation.

Egyptian courts have dealt with Baha'is and Jehovah's Witnesses in a number of contexts, and have on these occasions had to discuss the question of how the status of religious minorities not recognised by the state compromises the principle of freedom of belief that has been a part of all Egyptian constitutions since 1923. Their arguments allow interesting conclusions not only about the prevailing understanding of the principle of freedom of belief, but also about the role of Islam and the Coptic Orthodox Church in relation to the state and the way in which an authoritarian and anti-individualistic concept of public order influences the treatment of minorities.

This essay will first give a short overview of the history and current situation of the Baha'is and Jehovah's Witnesses in Egypt. It will then briefly deal with the attitude of the established religions towards these two new religious communities. A subsequent section will discuss widespread allegations of a connection between Zionism and the Baha'i Faith, or Zionism and the Watchtower Society. This is necessary to understand some of the cultural assumptions on which the legal status of the Baha'i Faith and Jehovah's Witnesses is based in Egypt.

Baha'is in Egypt

The first Baha'is in Egypt were Iranian immigrants who settled in Cairo and Alexandria in the 1860s. There was a limited amount of Baha'i activity for several decades.⁵ Around the year 1894, the eminent Baha'i Abu al-Fadl al-Gulpayagani,

a former Muslim theologian, was sent to Egypt in order to win converts among the Egyptian Muslims. He did not reveal his adherence to the Baha'i Faith, but taught Islamic theology at Al-Azhar mosque. After he had gathered a circle of disciples around himself, he started talking to them about the Baha'i Faith. He won between 15 and 30 converts this way. After a few years, his adherence to the Baha'i Faith became publicly known. Subsequently, the Islamic journal *al-Manar* and Al-Azhar, Egypt's highest Islamic institution, opposed al-Gulpayagani and his publisher, an Azhar student, which led to the latter's expulsion from Al-Azhar (Cole 1983, 280 f., 285).⁶

The Egyptian Baha'i community was still small and little-known when 'Abd al-Baha', Baha' Allah's son and the leader of the world-wide Baha'i community, first came to Egypt in 1910. During his travels between the Middle East, Europe and America, he stayed in Alexandria several times between 1910 and 1913 (Shoghi Effendi 1970, 280 f.) and received a considerable amount of attention.⁷ Egyptian Intellectuals met with 'Abd al-Baha', and some liberal journals praised him as a great and enlightened scholar, whereas the religious press reacted with hostility (Pink 2003, 206–208). Al-Azhar's rector (*shaykh al-Azhar*) declared 'Abd al-Baha' an unbeliever in 1910 (Fadil 1986, 373), and in 1911 the first polemical book against the Baha'i Faith by an Egyptian author was published (Fadil 1986).

During the 1920s, the Baha'i community started to flourish. The new converts came from different national and religious backgrounds, but most were middle-class academics (Shoghi Effendi 1970, 302).⁸ A Baha'i publishing house in Cairo printed sacred writings and religious literature for the whole Arab world, and in 1924, a National Spiritual Assembly, the third one world-wide, was elected. The National Spiritual Assembly collected and codified the Baha'i laws of marriage, divorce, inheritance and personal status for the first time and started taking care of family matters and funerals. In 1940, it purchased a piece of land in Cairo where it built a nine-sided *Hazirat al-Quds*, as the Baha'is call the building that acts as the centre of Baha'i administrative activity on a local, regional, or national level (*Akhir Sa'a* 29 March 1972; Bint al-Shati' 1986, 21–23; Pink 2003, 33 f.; Shoghi Effendi 1970, 302).⁹

In 1960, there were 13 Local Spiritual Assemblies in Egypt and 11 further communities without an institutional status.¹⁰ In that year, the Baha'i communities were dissolved by Law No. 263/1960, issued by President Nasser. The community's property was seized; in 1972, the *Hazirat al-Quds* was demolished, and a mosque was built in its place (*al-Ahram* 24 August 1971, 19 March 1972). The enactment of the law did not come entirely unexpected, as Nasser's regime generally attempted either to bring religious institutions under state control or to dissolve them. Still, it was a massive setback to the Egyptian Baha'is, who are bound by their faith to respect the laws of the land they live in. Law No. 263/1960 has not been revoked until the present day, so that the Egyptian Baha'is lack any form of institutionalisation.

Baha'i membership has not been registered since 1960, and estimates on the number of Baha'is currently living in Egypt vary. There are probably at least 1,000, maybe even around 5,000 (Pink 2003, 38 f.).

The Jehovah's Witnesses in Egypt

The Egyptian Branch of the Watchtower Society came into being in 1951 or a little earlier (Jabrah 1977a, 66, 68; *al-Midan* 28 July 1998, 3).¹¹ The first president was Panayotis Constantine Spiros Paulos, a Greek from Cairo. In 1955, the function was transferred to Anis Fa'iq, an Egyptian. At that time, the community had an office in Cairo and branches in Alexandria and Port Said (*Ruz al-Yusuf* 25 February 1957, 17 f.). According to newspaper reports and court judgements of the time, the Jehovah's Witnesses imported books and proselytised among Christians. Many of their new members came from the large foreign communities in the big cities and spoke Greek or French. Their missionary work seems to have aimed at smaller Christian denominations like the Greek Orthodox Church and the Greek Catholic Church at first (*Akhir Sa'a* 16 March 1955, 14). It was only later that the Coptic Orthodox Church became a target. In the beginning of the 1960s, the Jehovah's Witnesses had probably won about 600 active members (*al-Musawwar* 14 April 1967, 28).¹²

The Jehovah's Witnesses' office was closed by the authorities in 1957, probably due to rumours of a connection with Zionism, and as a first measure taken under Nasser's rule against religious groups that existed outside the government-controlled sphere. In 1960, the Watchtower Society was dissolved by the Ministry for Social Affairs and its property was seized. Unlike in the Baha'is' case, the decree that dissolved the Watchtower Society was, formally, not a law, and the continuation of the activities of the dissolved community was not made a criminal offence. Only in 1964 was the ban on Jehovah's Witnesses really enforced, and foreign missionaries were expelled (*al-Musawwar* 14 April 1967, 28; Jabrah 1977a, 36, 68, 71; *Ruz al-Yusuf* 25 February 1957, 18).

Today, the Jehovah's Witnesses experience no active prosecution and seem to be able to proselytise to a certain extent. Current numbers are not revealed by the group, but are likely to be higher than they were 40 years ago, maybe in the area of 5,000–10,000. Coptic Orthodox estimates of 25,000 or more are almost certainly exaggerated, especially as emigration rates among Egyptian Jehovah's Witnesses are relatively high (*Reformatörisch Dagblad* 16 June 1996, 16; Wadi' n.d., 3, 30).¹³

The Attitude of the Established Religions

A large number of eminent and less important Muslim theologians and religious institutions have opposed the Baha'i Faith publicly throughout the twentieth century, among them Egypt's highest Islamic authorities, the rector of Al-Azhar and the Grand Mufti. The most recent wave of public statements against

the Baha'i Faith had its peak in 1985 and 1986, after the spectacular arrest of about 50 Egyptian Baha'is in February 1985. It started with a declaration by the direction of al-Azhar denouncing the Baha'is as infidels. The statement was published in most of the country's newspapers (for example, *al-Ahram* 15 March 1985, 1, 14; *al-Akhbar* 15 March 1985, 3). Grand Mufti 'Abd al-Latif Hamza told a magazine that he approved of the criminal prosecution of Baha'is, and the former Minister for Pious Endowments and Azhar Affairs 'Abd al-Mun'im al-Nimr agreed (*al-Nur* 3 April 1985, 4; *Uktubar* 10 March 1985, 17–20). In 1986, Shaykh al-Azhar Jadd al-Haqq 'Ali Jadd al-Haqq, in his function as the head of Al-Azhar's Islamic Research Academy, published an extensive and detailed report on the Baha'i Faith in which he again declared the Baha'is infidels (*al-Ahram* 21 January 1986, 6).

In addition to hundreds of newspaper articles condemning the Baha'i Faith, there have been several dozen books that attacked the Baha'i Faith from an Islamic perspective. Although those publishing activities have lessened considerably since 1986, they have not completely died down, and a number of polemical books against the Baha'i Faith are still readily available in Cairo's bookshops. Among the authors was Muhibb al-Din al-Khatib, editor-in-chief of the *Al-Azhar Magazine* from 1952 to 1954, whose essay on the Baha'i Faith has been published in the Magazine and later on as a book (*Majallat al-Azhar* Rajab 1374 H., 659–668; *Majallat al-Azhar* Sha'ban 1374 H., 775–786; al-Wakil 1986, *waw*). 'Abd al-Rahman al-Wakil, head of the Wahhabite *Jama'at Ansar al-Sunna al-Muhammadiyya*, wrote a book on the Baha'i Faith that first appeared in 1962 and saw a second edition in 1986. The second edition also contained an essay on the Baha'i Faith by Muhammad al-Khidr Husain who had been editor-in-chief of *Nur al-Islam*, the predecessor of the *Al-Azhar Magazine*, when he published the essay in 1930 (al-Wakil 1986, *ha'*), and later became rector of Al-Azhar. The eminent theologian 'A'isha 'Abd al-Rahman Bint al-Shati' and the well-known Muslim intellectual Mustafa Mahmud both wrote series of articles on the Baha'i Faith in Egypt's biggest daily newspaper *al-Ahram* during the month of Ramadan in spring 1985, and they both published these articles as books in 1986. These are just some of the most important polemical publications against the Baha'i Faith that argue from a Muslim perspective. The most recent book on this topic that I have been able to obtain dates from 1996 (al-Najjar 1996).

The main argument that the authors deliver against the Baha'i Faith pertains to the Baha'is' belief in the existence of prophets after the prophet Muhammad. Muslim theologians also accuse the Baha'is of elevating their prophets to the rank of Gods. It is true that Baha'i theology is fundamentally different from Muslim dogma with regard to their understanding of the meaning and purpose of revelation and the nature of prophethood. Muslims believe that Muhammad was a human being and the recipient of the last and final divine revelation. This revelation supersedes earlier revelations, which are also of divine origin, but were only meant to be valid for a finite time span and have furthermore been distorted by humans. Islam, however, will not be superseded by any subsequent revelation. Baha'is, on the other hand, believe that prophets are divine manifestations—persons who contain the essence of divinity and

who represent the divine to humans. They are, however, not divine incarnations. According to the Baha'i Faith, the divine truth is revealed in cycles. At the end of each cycle, a new revelation supersedes the old one—not changing it, because both contain the divine truth, but refining it and adapting the religious laws, rites and norms of behaviour to the advancement of human development. The prophetic cycle that was begun by Muhammad ended with the prophethood of the Bab in 1844, whose main role was to predict the coming of another prophet, Baha' Allah (d. 1892). Baha' Allah's message—the Baha'i Faith—is, so the Baha'is believe, the first revelation meant for the whole of humankind and not only for a particular culture or region, due to the improved means of travel and communication and the increasing closeness of cultures. The Qur'an still contains the divine truth, but Islam's religious law has ceased to be relevant after the coming of the Bab. It is quite understandable that Muslim theologians refute these views. They are particularly opposed to the attempts made by prophets and other protagonists of the Baha'i Faith to interpret the Qur'an in a way that makes it compatible with Baha'i beliefs. They draw a parallel to the esoteric interpretations delivered by Islamic mystics or by the Isma'ili branch of the Shi'a. The Isma'iliyya is known by Orthodox Muslims as Batiniyya (derived from the adjective *batin*, meaning 'inner', as in 'inner meaning') and is denounced in Islamic historiography as an attempt by adherents of the ancient Zoroastrian faith to undermine Islam from within. Many Muslim authors, especially the ones with an orthodox theological background, place the Baha'is in this context: They are in truth not a religion, but a political movement designed to undermine Islam and weaken it from within, either as a branch of the Batiniyya, or at the service of Imperialism, or both. This theory, however, has slowly been replaced by the view that the Baha'i Faith is a tool of Zionism, which will be discussed later.

The Jehovah's Witnesses have mainly been opposed by the Coptic Orthodox and other churches in Egypt, but there has been a limited amount of Muslim criticism as well, although its authors are not very influential. More recent attacks by Coptic Orthodox institutions against the Jehovah's Witnesses include a decision by the Holy Council of 1989 to consider the Jehovah's Witnesses and the Seventh-Day Adventists as non-Christian movements and to not recognise their Bible translations (Wadi' n.d., 55), an interview the Coptic Pope Shenouda II gave to the magazine *Ruz al-Yusuf* (7 August 1995, 22), and a later one published in the magazine *al-Musawwar* (5 January 2001, 31). In July 2002, Pope Shenouda addressed the issue in a sermon and declared the conversion of a Copt to the Jehovah's Witnesses a valid reason for divorce.¹⁴ On the Pope's website, several further sermons against the Jehovah's Witnesses and Seventh-Day Adventists used to be available for download.¹⁵ They all contain warnings referring to the Jehovah's Witnesses' increasing missionary activities and depict them as a serious threat to Egyptian Christianity.

Egyptian Christians' criticism of the teachings of Jehovah's Witnesses focuses on the notion of trinity and the divine nature of Christ, which Jehovah's Witnesses reject as unbiblical. Many Christian authors furthermore attack the Jehovah's Witnesses as an offshoot or modern form of Judaism, one proof of

which is, in their opinion, the usage of the Old Testamentarian name 'Jehovah' (Jabrah 1977b; Mikha'il 1986; Riyad 1997; Wadi' n.d.).

Muslim criticism of the Jehovah's Witnesses in Egypt falls into two categories. On the one hand, they are considered to be an extremist and fundamentalist branch of Christianity that aims at spreading the Christian religion over the whole world in a Crusades-type revival (Abd Allah 1997; Ibn al-Shati' 1998); on the other hand, they are rejected as they are held to be servants of Zionism and not a Christian movement, but, on the contrary, a threat to Christianity ('Abd al-Ghani 1995; 'Abd Allah 1991). This second opinion emphasised brotherhood between Christians and Muslims in the context of Egyptian nationalism and is furthermore worried that Muslims might be the next victims after Christians.

Thus, both the Baha'i Faith and the Jehovah's Witnesses are faced with the allegation of working in the interests of Zionism. The following section will deal with this aspect of the public discourse on new religious communities in Egypt in further detail.

The Problem of Zionism

In 1951, several newspapers accused the Baha'i community, which has its World Centre in Haifa, of having strong ties with the state of Israel. The Baha'is refuted that allegation (*al-Ahram* 1 June 1951), but nonetheless this challenge became widespread throughout the 1950s and 1960s, and had such an appeal that it nearly replaced older theories that regarded the Baha'i Faith as an offshoot of the Batiniyya or as an instrument of imperialism. A good example of this transition is 'Abd al-Rahman al-Wakil's book *The Baha'i Faith. Its History, Beliefs and Relation to Batiniyya and Zionism*, written in 1959 and published in 1962, which still contains both the older and the more recent brand of conspiracy theory. The Batiniyya theory, however, never played any role in wider public opinion—for example, it was hardly ever discussed in the press. The reasons for this are apparent. The Batiniyya was nothing but an old *Feindbild* of Islamic theology, whereas Zionism was a current phenomenon that was perceived as a real threat by the majority of Egyptians.

Whereas most of the recent literature on the Baha'i Faith, and nearly every newspaper article, mentions a connection between the Baha'i Faith and Zionism—usually as a given fact—several publications go so far as to strongly focus on this alleged link and to base their whole argument upon it, like Bint al-Shati's book *Reading the Documents of the Baha'i Faith* (1986), Muhammad Thabit al-Shadhili's book *The Baha'i Faith—A Seedling of Christian Imperialism ('Crusaderism'), Oriented towards Israel* (1990) and 'Abd al-'Aziz Sharaf's book *The Absurdities of the Baha'i Faith and the Protocols of Zion* (1993).

The central argument on which this conspiracy theory is based is, as already noted, the fact that the Baha'i World Centre is situated in Haifa.¹⁶ A lot of the other arguments are based on distortion or selective quotations from sometimes

dubious sources. Bint al-Shati' (1986, 259) considers the famous Jewish orientalist Ignaz Goldziher a friend of the Baha'is—she ignores the rather disparaging way in which Goldziher (1910, 304) talks about the 'behâ'ite dreamers'. Her aversion towards Goldziher does not prevent her from using him as a source. She quotes him saying that a number of Jewish women played an important role in spreading the Baha'i Faith in the West (Bint al-Shati' 1986, 117)—in fact, Goldziher (1910, 276) did not make any reference to the women's religion, and they did not have a Jewish background, although one of them married a former Jew. Al-Wakil (1986, 308) claims that the Jews consider Baha' Allah their Messiah, and says: 'The Promised One of Zionism is like a dirty spy!' He bases his argument on several positive comments on Judaism he finds in Baha'i writings—mostly not sacred writings, but, for example, more general works such as Abu al-Fadl al-Gulpayagani's books. He completely ignores negative statements by Baha' Allah like the following:

How many Manifestations of Holiness, how many Revealers of the light everlasting, have appeared since the time of Moses, and yet Israel, wrapt in the densest veils of satanic fancy and false imaginings, is still expectant that the idol of her own handiwork will appear with such signs as she herself hath conceived! Thus hath God laid hold of them for their sins, hath extinguished in them the spirit of faith, and tormented them with the flames of the nethermost fire.¹⁷

Bint al-Shati' (1986, 94, 100) expresses a commonly held view when she writes that the abolition of the notion of Jihad through Baha' Allah, and the Baha'is' pacifist convictions in general, are merely a pretence intended to dampen Muslim resistance to Israel. The magazine *al-Musawwar* (15 March 1985, 94–98) points to the fact that some Baha'is refused to serve in the army during the war of 1967 and draws a connection to Jehovah's Witnesses, for whom the same was true.

The Muslim author Muhammad 'Abd al-Rahman 'Abd Allah deals extensively with the Jehovah's Witnesses' attitude towards war, pacifism and neutrality ('Abd Allah 1997, 299–246). He claims that it serves to weaken Islam in the confrontation with its enemies, and he draws a parallel to the Baha'i Faith and to the Ahmadiyya movement.

The Jehovah's Witnesses had been confronted with accusations of working for the interests of Israel from the beginning of their presence in Egypt. In 1952, the Ministry of the Interior wanted to expel three foreign students after it had been informed by the State Security that they were Jehovah's Witnesses and that their organisation had 'Zionist tendencies' (Jabrah 1977a, 41 f.). In 1955, the magazine *Akhir Sa'a* published a report on the Jehovah's Witnesses under the headline 'Zionist conspiracy in the heart of Cairo', surrounding the two pages of the article with stars of David (16 March 1955, 14 f.). The Christian *Risalat al-Mahabba* followed three months later with a piece entitled 'Beware of the Jehovah's Witnesses!' whose author, the Coptic Orthodox priest Ibrahim Jabrah,

argues that the Jehovah's Witnesses are not a Christian group, but a Jewish group acting as a tool of Zionism (Jabrah 1977a, 63–65). Later on, in 1967, Jabrah was responsible for the arrest of a group of Jehovah's Witnesses whom he denounced as Zionist and criminal (*al-Musawwar* 14 April 1967, 28–32). In 1977, he published two books on the Jehovah's Witnesses, the second of which was entitled 'The Jehovah's Witnesses are the extension of the people Israel'. Later newspaper and magazine articles followed the tendency started in 1955 and described the Jehovah's Witnesses as an Israeli organisation ('Abd Allah 1991, 160, 167; *al-Akhbar* 15 February 1997, 22; *al-Musawwar* 14 April 1967, 28–32; *Ruz al-Yusuf* 4 February 1957, 18–21).

The Muslim author 'Atif 'Abd al-Ghani claims that the Jehovah's Witnesses aim at helping the Jews to achieve world domination—a goal that is, in his opinion, motivated by the Jews' hatred of all other religions ('Abd al-Ghani 1995, 13–15). One of the more absurd narratives trying to situate the Jehovah's Witnesses in a Zionist context is contained in another Muslim author's book ('Abd Allah 1991). He calls the presidents of the Watchtower Society the Messiahs of the Jehovah's Witnesses. At the time of writing, Frederick W. Franz was the fourth president of the Watchtower Society. 'Abd Allah claimed to know that the fifth president would be Michael Jackson. He describes how, after having received this piece of information from a friend living in the United States, he decided to study the singer's life and works, in spite of his strong reluctance to do so. According to 'Abd Allah, Michael Jackson's feminine demeanour and his sexual poses are typical of the moral decadence of the Jehovah's Witnesses. The American press, which is controlled by Freemasons, made Michael Jackson a pop star in order to motivate the youth to adopt his religion. The author points to the copyright warning on the cover of a book about Michael Jackson as a proof for the importance and secrecy of the information contained in it ('Abd Allah 1991, 38–42).

It seems probable that widespread allegations of being involved with Zionism were among the reasons for the laws that dissolved the Baha'i communities and the Watchtower society in 1960. Similar measures were taken against Freemasons, who were assumed to be a Zionist organisation (Aldeeb Abu-Sahlieh 1979, 267), but not, for example, against the Ahmadiyya or the Seventh-Day Adventists, which were attacked by Islamic institutions or the Coptic Orthodox church, but have usually not been suspected of maintaining links with Israel.

The Role of the Media

The media have had a key role in spreading images of new religious communities as heresies and servants of Zionism. The following short remarks focus on the print media, as the broadcast media still await further analysis.

In general, the press has mostly mirrored the discourse of heresy and conspiracy theories that has already been described. The Baha'is have received much more public attention than the Jehovah's Witnesses. I have collected about

300 articles on the Baha'i Faith from newspapers and magazines. Since it is impossible to analyse the material in detail here, I will only highlight a few important points.

Newspaper reports on the Baha'i Faith tended to be predominantly neutral or positive until the early 1950s. From then on, the allegations of links with Israel arose and the Baha'is increasingly experienced setbacks in their quest for legal recognition. In the mid-1950s, the tone of the press became much more negative and even polemical. In 1985, a group of approximately 50 Baha'is were arrested in Cairo in late February, and there was a veritable outbreak of dire accusations against the Baha'i Faith. Virtually every newspaper and every magazine dedicated at least one article to the topic, and several of them, including the influential state-owned *al-Ahram*, campaigned against the group (Pink 2003, 231, 275 f.). This was a period in which pressure on the government was high. Islamism had considerable influence on public opinion, and the state repressions against Islamists after Sadat's assassination had made many Egyptians question the legitimacy of a government that did not implement Islamic law. The arrest of the Baha'is is only one example of police action against perceived heresy or immorality in the first half of 1985 that received a lot of public attention. It was clearly an effective government strategy for underlining its determination to protect Islam from its enemies (Pink 2003, 149 f.). After the judgement of the Court of First Instance in 1987, press reports on the Baha'i Faith have been scarce but have maintained their polemical tendency (Pink 2003, 276).

The Jehovah's Witnesses were first exposed to media scrutiny in a number of polemical magazine reports in the mid-1950s, when they were still new to Egypt. After that, the national newspapers have only occasionally paid attention to them. In 1998, the sensationalist newspaper *al-Midan* published an article about the Jehovah's Witnesses that is noteworthy since the information it contained was completely fabricated. It described the Jehovah's Witnesses as a sect spread by young Israelis, especially on the beaches of Sinai, promoting free sex. Here, the Jehovah's Witnesses only serve as a vehicle to express frustration about the open-border policy towards Israel and about the lack of moral restrictions enforced on Red Sea tourism (*al-Midan* 21 July 1998). The Jehovah's Witnesses visited the newspaper's editorial office and protested the article. An interview with them was printed one week later, enabling the reader to form a fairly accurate impression of their point of view (*al-Midan* 28 July 1998, 3), which is a rarity in the Egyptian press. The third and last piece in the series was the most conventional one by Egyptian standards; it was written by a Coptic Orthodox priest (*al-Midan* 4 August 1998).

Generally, the Jehovah's Witnesses seem to be far more present in Coptic newspapers than in the national press. If they appear in the non-Coptic press at all, it is usually in connection with denunciations from the Coptic Pope or another high-ranking member of the Coptic clergy. Thus it can be argued that the Jehovah's Witnesses are relatively well-known as a heretical sect among Copts and probably much less known among Muslims (Pink 2003, 280–287).

The Legal Situation

The dissolution of their communities in 1960 was only part of the legal problems that both the Jehovah's Witnesses and the Baha'is experienced.

The Jehovah's Witnesses made at least two attempts to register their organisation, the Egyptian Watchtower Society, as a corporation (*al-Midan* 28 July 1998, 3; Jabrah 1977a, 24 f., 68, 71). The reasons for which these attempts were unsuccessful are not quite clear. The consequence is that they had no possibility to act as a legal entity and, for example, be a party to a contract.

They filed four actions during the 1950s in an attempt to defend themselves against the hostility they experienced from state agencies and from the media. The courts often tried to evade critical issues by focusing on procedural arguments. For example, when the Jehovah's Witnesses in 1952 filed an action against the Ministry of the Interior, which had withdrawn the residence permits of three foreign students for the reason that they proselytised for Jehovah's Witnesses—allegedly an organisation with 'extremist principles' and 'Zionist tendencies'—the proceedings were delayed until October 1953, enabling the court to declare that a decision was unnecessary because the residence permits had nearly expired anyway (Jabrah 1977a, 41 f.). In two cases, the Watchtower Society brought a libel suit against persons whose negative statements on Jehovah's Witnesses had been published in the press. In the first case they sued the Greek Catholic Archbishop Ilyas Zughbi who had been extensively quoted in a polemical article in *Akhir Sa'a* (16 March 1955, 15). The court acquitted Zughbi in 1957 with the argument that the action should have been directed against the author of the article, not against the person he quoted (Jabrah 1977a, 58–63). In another case that concerned Ibrahim Jabrah, a Coptic Orthodox priest and the author of an article on Jehovah's Witnesses in a Christian magazine, the court argued that the Watchtower Society had not been registered in Egypt. Thus, it was not a legal entity and could not be the victim of libel (Jabrah 1977a, 63–75).

Only in one case, which was decided by the Administrative Court in the State Council in 1954, did a court make an attempt to form an opinion on the legitimacy of the existence of the Jehovah's Witnesses in Egypt, which was, of course, the problem underlying all of these legal conflicts. The outcome was that the court declared the Jehovah's Witnesses a dangerous, destructive organisation that is hostile towards all states, calls for civil disobedience and forbids its adherents to pay taxes (Jabrah 1977a, 42–58). This decision will be further discussed in the following chapter, as it discusses the constitutional principle of freedom of belief at length.

In 1967, 12 Jehovah's Witnesses were arrested during an assembly in a flat in Cairo. They were accused of disloyalty towards the Egyptian state, but apparently, no charges were raised. After a short time, they were released on bail (*al-Ahram* 28 March 1967, 9; *al-Musawwar* 14 April 1967, 28–32). Several months later, during the Seven-Day War, 30 Jehovah's Witnesses were arrested and detained for several months without official charges because of their opposition to serving in the army

and their alleged ties with Israel (Aldeeb Abu-Sahlieh 1979, 267).¹⁸ Since that time, the Jehovah's Witnesses seem to have been largely untroubled, although the ban on their organisation still exists, and many of their current activities have to take place undercover.

The legal situation of the Baha'is is far more complex than the one of Jehovah's Witnesses. The reason for this lies in the fact that parts of the Egyptian legal system are governed by religious law, and in the specificities of Islamic law concerning the apostate's status. Egyptian law has inherited from the Ottoman Empire a system in which a number of religious communities—Islam, several Christian and two Jewish denominations—are recognised by the state as *millas* and allowed to apply their own religious law to matters of marriage, divorce, inheritance and personal status. Cases in which the parties belong to different denominations are ruled by Islamic law. The Baha'i Faith has made numerous attempts to achieve recognition as a *milla*. The Egyptian Baha'is have codified the Baha'i laws on personal status for this purpose (Shoghi Effendi 1970, 366 f.). Their only success, however, was the registration of their National Spiritual Assembly at the Mixed Court of Cairo in 1934, which allowed them to act as a corporation and, for example, purchase an estate for their *Hazirat al-Quds* (Bint al-Shati' 1986, 21–23; Shoghi Effendi 1970, 336). The Mixed Courts had been created for cases in which parties of different nationalities were involved, as opposed to cases that fell into the jurisdiction of the Consular Courts or the Indigenous Courts. They were dissolved in 1949 by the treaty of Montreux (Liebesny 1975, 71–88). The Baha'is did not succeed in registering their community with a National Court.

The fact that the Baha'i community was not recognised as a *milla* had two consequences that were problematic, especially for the validity of Baha'i marriages. First of all, marriages concluded according to Baha'i rite were not recognised. Second, it was usually Islamic law that governed Baha'i marriages—either because the Baha'is concerned were originally Muslims or came from differing denominations or religions, or because they fit no other category. According to Islamic law, the apostate's marriage is null and void. The majority of the Egyptian Baha'is were of Muslim origin and thus apostates. There were a number of cases in which the validity of Baha'i marriages, or the dissolution of a Baha'i's marriage on grounds of apostasy, were disputed. In at least four cases between 1925 and 1955, marriages between Baha'is who had formerly been Muslims and their non-Baha'i spouses were dissolved (*al-Ahram* 19 January 1955; *al-Balagh* 24 November 1947; *Majallat al-Azhar* Ramadan 1373 H., 1102; Shoghi Effendi 1970, 364 f.). Additionally, in the 1940s, problems with marriage contracts that were set up by the National Spiritual Assembly and followed Baha'i rite came up. Non-Egyptian spouses received no entry visa because their marriage was not recognised.¹⁹ In 1952, the Administrative Court in the State Council decided that a Baha'i employee of the Egyptian railway services was not entitled to a marriage allowance because he was an apostate, and his marriage was invalid (Mansur 1971). Several other courts decided that Baha'i marriage contracts cannot be

recognised by the state (*al-Ahram* 27 September 1958, 7; *al-Nida'* 14 October 1952; *Bint al-Shati'* 1986, 19; *Minbar al-Islam* April 1972, 169). A statement on the law by the State Council of 1977 argued that it is not merely the fact that one or both of the spouses might be apostates that renders a Baha'i marriage invalid. The Baha'i Faith, the court argued, contradicts the shari'ah, which is one of the main pillars of public order, as Article 2 of the Constitution of 1971 makes the shari'ah one of the main sources of legislation. The state cannot forbid any person to believe in the Baha'i Faith, but its public practice violates public order and morals, and thus marriage contracts between Baha'is are invalid, even if both spouses are of non-Muslim origin and thus not apostates, whereby their marriages are not void according to Islamic law (Majlis al-daula, Qisma 'l-Fatwa wa-'l-tashri'. Fatwa No. 544. 13 July 1977. 37/2/202). Although the Baha'is have refrained from bringing family law cases to court after the law of 1960, and the dissolved National Spiritual Assembly has not set up marriage contracts that follow to Baha'i rite any more, the problem of invalid marriages persists.

An even more pressing problem arose with the enactment of Law No. 263/1960, which threatened the continuation of the activities of the dissolved Baha'i communities with a prison term of no less than six months and/or a fine (section 4). According to Article 18 of the Penal Code, the prison term may not exceed a duration of three years. Egyptian Baha'is have been arrested in five cases. The first two happened in the 1960s, and little information on them is available (*al-Ahram* 21 January 1986, 6; *al-Musawwar* 15 March 1985, 98). In 1972, around 80 Baha'is, most of them in the Nile Delta town of Tanta, were arrested. The trial went on for several months, but came to no conclusion for several procedural reasons. However, the case received a certain amount of public attention, and the Baha'is were the targets of widespread hostility (Pink 2003, 143–146). In 1985, around 40 Baha'is from Cairo were arrested (*al-Ahram* 1 March 1985, 1, 14; *al-Akhbar* 1 March 1985, 1, 5). This case received unparalleled attention. The press dealt with the Baha'i Faith in hundreds of articles over a period of months, exclusively in a negative manner. Only one commentator, the eminent journalist Mustafa Amin, dared refer to the freedom of belief as one of the basic human rights (*al-Akhbar* 1 March 1985, 12). In the judgement of 1987, which was mentioned in the introduction to this article, 45 persons received the highest possible sentence, three years of prison and a fine (Fédération Internationale des Ligues des Droits de l'Homme, La Lettre de la F.I.D.H., 27 October 1987). Two of the accused, who had publicly renounced their Baha'i Faith, were acquitted (*al-Wafd* 17 May 1987, 11). The judgement was obviously based on the religious adherence of the accused, rather than on any concrete action on their part. The court did not differentiate between them and did not try to prove any individual infractions against Law No. 263/1960. For this reason, the Appeal Court revoked the judgement in 1988 (*al-Liwa' al-Islami* 25 February 1988, 18; *al-Wafd* 24 February 1988, 6; Mahkamat Junah Qasr al-Nil, verdict of 13 June 1988). The Egyptian Baha'is have remained relatively unharrassed after this for 13 years, until in January 2001 approximately 20 Baha'is were arrested in the district of Suhaj in Upper Egypt. The accusations against them

were not based on Law No. 263/1960 this time, but on a vague provision of the Penal Code, Article 98 (*waw*), which is directed against those who exploit religion in order to sow discord, to weaken national unity or to deride revealed religions. The Baha'is of Suhaj were also accused of immoral acts (*Ruz al-Yusuf* 20 January 2001, 87 f., 27 January 2001, 36). After 10 months in prison, they were released, four of them on bail, and no charges were raised.²⁰

In addition to the central problems of criminal and family law, the Baha'is have experienced various other legal problems that were partly due to their lack of a legal status, and partly due to prejudiced attitudes within the state authorities and other institutions. In 1983, the Administrative Court in the State Council, in its function as an appeal court, decided a case that was relevant for two different legal problems. A young Baha'i, born to Baha'i parents and a student at the Faculty of Education of the University of Alexandria, had been denied an identity card because he insisted on entering his religious affiliation as 'Baha'i'. As a result, he was expelled from university, because, as a male student, he was required to submit an identity card in order to prove that he was not trying to evade military service by not registering with state authorities. The court argued that the plaintiff had not only the right, but also the duty to apply for an identity card that contained an entry about religious affiliation. The plaintiff was required to inform the state about his true religion, even if this religion is not recognised by the state. The state has a substantial interest in knowing the real status of its citizens. The court regarded Law No. 263/1960 as irrelevant in this context, because this law had only dissolved the Baha'i institutions but did not attempt to end the presence of individual Baha'is in Egypt. Even in times of shari'ah rule (i.e., before the beginning of the nineteenth century), the court said, there had always been religious minorities who were neither Muslim nor *dhimmi* (i.e., protected minorities under Islamic law) in Muslim countries, even if they could not claim official recognition or treatment equal to that of *dhimmis*. Thus, the court concluded that the plaintiff legitimately had insisted on receiving an identity card that mentioned his religion as 'Baha'i', and that the authorities had the duty of issuing such an identity card. However, it also held that the plaintiff's expulsion from the university was valid, first because the university was not obligated to consider the reasons why the plaintiff did not possess an identity card, and second because the plaintiff should not be allowed to study at the Faculty of Education since, as a Baha'i, it was not appropriate for him to become a teacher who would teach Egyptian children (*Majlis al-da'ula, al-Mahkama al-idariyya al-'ulya*. Appeal case no. 1109. Judicial year 27, 29 January 1983).

The first relevant question in this judgement is which religious affiliation a Baha'i should enter into public documents. This question has been argued since 1954, when the Ministry of the Interior had advised its subordinate authorities that a straight line should be drawn in the space in which Baha'is were supposed to enter their religious affiliation. This was based on a recommendation by the State Council. One reason given for this recommendation was the fear that the Baha'is might understand it as an official recognition if they were allowed to be registered

as Baha'is. Grand Mufti Hasanain Muhammad Makhluḥ approved of the Ministry's decision (Makhluḥ 1965, 85 f.). The actual practice, however, seems to have been diverse—some Baha'is were registered as Baha'is, and others as Muslims, Christians or with a blank in the space for religious affiliation.

The State Council, in its judgement of 1983, did not follow the Ministry of the Interior's opinion, but held that the state should know about the true religion of its citizens. Whereas the court delivered extensive arguments supporting this opinion, it only delivered a very summary judgement on the second relevant point; that is, the question of the suitability of the plaintiff for teaching at Egyptian schools. With the decision that a Baha'i cannot be allowed to teach Egyptian children, it overruled a statement on the law of 1952, in which the advisory department of the State Council had held a different position. The Ministry of Education had asked it for a statement on the question whether a teacher who adhered to the Baha'i Faith should be dismissed or submitted to disciplinary measures. The State Council, in its answer, referred to the principles of freedom of belief and free practice of religious rites and to the anti-discrimination clause in the Constitution, and concluded that the religious affiliation of an Egyptian citizen bears no relation to his suitability for public service, as long as he/she does not violate public order and morals. The adherence to the Baha'i Faith alone is no such violation; missionary activities would be a different matter (Majlis al-daula, Qism al-ra'y mujtama'an. Fatwa No. 156. 5 March 1952). Neither the later decisions of the State Council nor those of other courts followed this judgement, however. Their interpretation of the relation between public order and freedom of belief was quite different from the one contained in this statement, as the following section will show.

New Religious Communities, Public Order and Freedom of Belief

Since the country's independence in 1923, all Egyptian Constitutions have guaranteed freedom of belief (*hurriyat al-'aqida*)—not freedom of religion (*hurriyat al-din*)—in one form or another. The Constitution of 1923 stated:

Art 12 The freedom of belief is unlimited.

Art 13 The State protects the practice of the rites of the religions and denominations according to the customs followed in Egypt as long as these rites do not violate public order or infringe upon morals.

The relevant articles in the Constitution of 1971 are:

Art 40 All citizens are equal before the law. They have equal public rights and duties without discrimination due to sex, ethnic origin, language, religion or creed.

Art 46 The State shall guarantee the freedom of belief and the freedom of practising religious rites.

Several high-ranking Egyptian courts have discussed the meaning of the principle of freedom of belief with regard to jurisdiction on the Baha'i Faith and the Jehovah's Witnesses. In their arguments, the concept of 'public order' played a key role. 'Public order' was defined by the State Council, an important advisory body that also contains the highest administrative court, in 1955 as follows: 'Everything connected to a public interest that is linked to the overall system of society, whether this interest be political, social or economic' (Majlis al-daula, Idarat al-Fatwa wa-'l-tashri'. Fatwa No. 129, 17 April 1955). In 1977, the State Council stated: 'The concept of public order refers to the specific political, social and economic foundation on which the existence of the State rests, which is shaped by the laws applied and the customs followed within it' (Majlis al-daula, Qisma 'l-Fatwa wa-'l-tashri'. Fatwa No. 544, 13 July 1977, 37/2/202).

In a judgement of 1952 that was an important precedent, the State Council discussed the question of freedom of belief with reference to the Baha'i Faith extensively. The plaintiff had filed a suit against his employer, the government-owned Egyptian railway, because it had refused to pay him a marriage allowance. The defendant, the Egyptian state, referred to the plaintiff's invalid Baha'i marriage contract and to the fact that his marriage was null and void due to his apostasy. The plaintiff, on the other hand, claimed that this violated the constitutional principle of freedom of religion. The Court, in examining this claim, went into the history of the Constitution of 1923. The draft for Article 12, which went back to a proposal by the British foreign ministry, had said 'The freedom of *religious* belief is unlimited'. However, the Constitutional Assembly had rejected this proposal because it felt that this wording would protect every religion, including those not recognised by the state, and that it would also protect the free change of religion and inhibit the negative consequences in civil and penal law that a change of religion might entail. This argument was supported by the majority of the Constitutional Assembly, including representatives of the Coptic Orthodox Church. They adopted the final wording that only protected 'freedom of belief' because they wanted the Constitution to protect only the adherence to a religion recognised by the state, and the change of denomination within this religion. The State Council derived from this that Article 12 of the Constitution was not meant to protect the Baha'i apostate, and that Article 13 was only meant to protect those religions recognised by the state. It also argued that, according to Article 149, Islam was the religion of the state, and thus legislation was not allowed to contradict the Islamic shari'ah. The court even asked the government to take measures against 'heretic doctrines that want to elevate themselves to the rank of revealed religions, although they are nothing but heresy and unbelief'. The Constitution, according to the court, does not aim at protecting such heresies, but at protecting the 'public order' from the discord sown by them. Public interests clearly have priority over the individual rights of adherents of new religions not recognised by the state (Mansur 1971, 45–52).

A judgement by the State Council of 1954 concerning the Watchtower Society confirmed this opinion. The Ministry of the Interior had prohibited the

import of the book 'Let God Be True' published by the Jehovah's Witnesses, and the president of the Egyptian Watchtower Society had filed an action asking the State Council to lift the ban on the book. He argued that the Watchtower Society was a religious association and therefore entitled to state protection according to Article 12 of the Constitution of 1923. The Ministry of the Interior followed the opinion of the Coptic Orthodox Church, which claimed that the book in question did not respect the religions recognised by the state, which the Constitution demands, and that it 'seduced simple people'. The Jehovah's Witnesses held that the Constitution, according to its wording, calls for respect towards all religions, not only the ones recognised by the state; and it does not limit its protection of religious groups to those who respect the established religions. The president of the Watchtower Society acknowledged that Article 13 grants free practice of religious rites only under the condition that they do not violate public order. However, he argued that the concept of public order should not be interpreted in such a broad sense that arbitrary violation of the freedom of the individual is the consequence. He further stated that the mere fact that somebody adheres to a belief that contradicts the beliefs of the majority cannot be a violation of public order, or else the Christian churches would have to be banned because they do not accept Islamic doctrine, or the Protestant Church would have to be forbidden because it is not in line with Orthodox teaching. The State Council rejected these arguments, referring to the condition of conformity with public order expressed in Article 13 of the Constitution. Thus, the court said, the Constitution does not protect extremist religious groups, and it does not entitle any group to insult another religion and the law which the court saw articulated in the book in question, as the Jehovah's Witnesses condemned the Christian churches and the national states therein. The court accused the Jehovah's Witnesses of exploiting the Constitution for the seduction of simple people in order to confuse their thoughts and disturb their beliefs. The Ministry's decision to grant higher interests, like the protection of public order, social peace and the respect of religions, priority over the individual right of freedom of belief was thus legitimate. This judgement is remarkable as it shows that it is not specifically Islam the courts seek to protect, but the religious *status quo*, the vested interests of the established religions (Jabra 1977a, 42–58).

In 1969, a decree law created a Supreme Court that had the right of judicial review of laws. This court continued to function after the adoption of the 1971 Constitution and until the establishment of the Supreme Constitutional Court in 1979. A number of Baha'is who had been arrested and accused of violations of Law no. 263/1960 made use of the newly established Supreme Court and filed a case, asking the court to review Law no. 263 and to declare it unconstitutional. The Supreme Court's verdict was issued in 1975.

The Supreme Court rejected the case and maintained the constitutionality of Law no. 263, providing two rules concerning the question of freedom of belief. First, it stated that the law in question does not violate or even touch upon the principle of freedom of belief because it does not inhibit anyone from being

a Baha'i; that is, believing in the truth of the Baha'i Faith. The freedom to exercise one's religion, however, is a different matter; such freedom is granted only to the three religions recognised by Islam, and thus, by the state. Second, the court held that the law in question does not violate the principle of equality, because this principle does not refer to the equal treatment of all individuals, but only to the equal treatment of those individuals who are comparable with each other with respect to their legal status—which means, the court explained, that Muslims should be treated equal to other Muslims, and Christians equal to other Christians or to Jews, but Christians should not necessarily be treated equal to Muslims, or Baha'is equal to Christians (al-Mahkama al-'ulya. Case No. 7, judicial year 2. 1 March 1975).

Thus, the Supreme Court interprets the right of freedom of belief in a way that limits its meaning and validity to religions recognised by Islam, or by the state—it is assumed that there is no difference between both concepts. The court strips the relevant articles of the Constitution of any substantial meaning. The judgement does not address the question of why the legislator should guarantee freedom of belief and at the same time limit the concept to freedom of internal belief, which does not really need to be guaranteed, as it cannot be easily be infringed upon. The court's reasoning with respect to protection against religious discrimination as guaranteed by the Constitution is contradictory, as a provision that is meant to ensure equal treatment only of members of the same religion cannot provide any protection against religious discrimination. However, the Supreme Court's position is in line with the earlier rulings of the State Council and was confirmed by the State Council in 1977 in a statement on the law (Majlis al-daula, Qisma 'l-Fatwa wa-'l-tashri'. Fatwa No. 544, 13 July 1977, 37/2/202).

All in all, the view of Egyptian jurisdiction is that public interest, even as vaguely defined ones as shari'ah, respect of recognised religions, social peace or national unity, have priority over the individual right of freedom of belief, which is interpreted in such a restricted way that it is of little help to anybody but those whose religious belief is not threatened by the state anyway.

There have been no recent decisions on the status of new religious communities in Egyptian law. It would be interesting to see what stance the Supreme Constitutional Court would take towards this issue nowadays, after it has shown an increasing commitment to international human rights norms in the past years. Egypt has ratified the International Covenant on Civil and Political Rights in 1982. Upon ratification, Egypt attached the following statement: '... 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' (Boyle 1996, 93).

Article 18 of the Covenant stipulates:

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.

In the light of this provision, Egypt was criticised by the Human Rights Committee of the Covenant for its treatment of the Baha'is, but responded to that criticism in an evasive way, not mentioning the Baha'i Faith directly (Boyle 1996, 103).

In 1992, the Supreme Constitutional Court decided in a case not related to religious issues that the human rights clauses of the Constitution had to be interpreted in accordance with those norms generally recognised and applied by democratic states, including international standards applicable in those states, and that the legislature had to take international human rights treaty commitments of the state into account. It especially pointed to the Universal Declaration of Human Rights, which had achieved international acceptance. The effect of this decision is that generally recognised human rights principles by democratic states have to be treated as constitutional norms and will be enforced by the Supreme Constitutional Court. The decision also enables the Egyptian judiciary to cite and apply the jurisprudence of the European Court of Human Rights (Boyle 1996, 89–91). In this light, the Supreme Constitutional Court might be open to a new interpretation of the right of freedom of belief. But for the Baha'is or the Jehovah's Witnesses to fight a case up to the Supreme Constitutional Court would mean an enormous amount of public attention and, quite possibly, personal danger.

American political human-rights efforts generally do not seem to have had a beneficial effect on the status of Baha'is,²¹ probably because they often evoke fears of cultural and political hegemonism. The US International Religious Freedom Act of 1998 received a lot of—mostly negative—news coverage in Egypt, but only one, rather sensational, newspaper referred to the possibility that this law might increase the pressure on Egypt to improve the Baha'is' situation (*al-Midan* 16 June 1998). The first US State Department Report on International Religious Freedom, published in 1999, briefly mentioned the Baha'is, but only one newspaper commented on this fact, remarking that the Baha'i Faith was 'not a revealed religion, and nobody could set himself up to be its defender' (*al-Ushbu'* 27 September 1999). In both cases, the public debate focused on the Copts' situation. The US Commission on International Religious Freedom visited Egypt in May 2001 and met several of the Baha'is who had been arrested in Suhaj in January and were still imprisoned. Their situation was mentioned in an addendum to the Commission Report on 14 May, but the Baha'is were only released in November.

International human rights groups like Amnesty International and the Fédération Internationale des Droits de l'Homme have, to a certain extent,

monitored the trial against the Baha'is of Cairo in 1987, which may have had an effect on the outcome of the appeal trial. Egyptian human rights groups have been reluctant to take up the case of unpopular minority religious groups like the Baha'i Faith or the Jehovah's Witnesses. They seem to fear that this might compromise their ability to speak out on other issues which they consider more important.

There have been few outspoken critics of the current human rights situation in Egypt with regard to the rights of minority religious groups not recognised by the state. The only critic who has dealt with the matter in some depth in the past two decades has been Faraj Fuda, a renowned secularist who was murdered by Islamists in 1992. A few weeks before his death, he gave a lecture at a conference of the Egyptian Organisation for Human Rights dealing with issues of religious freedom, in which he addressed the situation of the Baha'i Faith. He said:

The concept that prevails in Egypt, publicly, culturally and in the people, is that freedom of belief means the freedom of true belief (*iman*); that it is guaranteed in one direction, towards Islam; and that it is not subject to any restrictions *within* Islam ...

Defending the Baha'is does not mean defending their faith, but it means simply to defend the concept of freedom of belief as a fundamental pillar of human rights. The majority belonging to one specific revealed religion does not have the right to set itself up to be judges over those who confess their faith in a subsequent religion. It may be true that they do not recognise their faith as a religion, but they have to recognise the right of those who believe in it to practice their religious conviction in freedom ...

Why do we point to what has happened to the Baha'is? Because what has happened to them is a flagrant example of the violation of freedom of belief, and a clear example for our own understanding of this freedom ... Which is really disturbing is the fact that many beware of talking about this case because it only concerns a limited minority of Egyptians. In doing so, they forget that what happens to the Baha'is today may happen to others tomorrow, and that the chain [of events] that starts with the Baha'is will inevitably end with enlightened Muslims, as long as we limit freedom of belief to its religious sense and not to its broader, civilised, human sense ...

It is the opinion of the author of these lines that the text [of the Constitution] should be reverted to its original wording 'The freedom of *religious* belief is unlimited', with a clarification that should not leave the framework of the human rights charta signed by Egypt [the International Covenant on Civil and Political Rights], so that the ambiguity disappears which has been produced by the discussions in the Constituent Assembly and which is attached to the text and its understanding until the present day.

Faraj Fuda ended his speech with the pessimistic prediction that a change of the Egyptian attitude towards freedom of religion would take generations.

In the discussion following the speech, 'Alya' Rafi', professor at the American University of Cairo, criticised Fuda's approach. She argued that the international human rights norms have to be interpreted in a culturally appropriate manner and that many of the freedoms granted to people in the West, for example sexual liberties, are inappropriate in Egypt and threaten to undermine Egyptian values and culture. Freedom of religion should have its limits, or everything, even Satanism, would be allowed, which she did not see as desirable (Fuda 1994, 215). Faraj Fuda answered that the example of Satanism was typical of the Egyptian debate, which tends to counter demands for more freedom with a warning against the exploitation of such freedom by allegedly unacceptable tendencies. Satanism is, according to Fuda, a very good example for his line of argument and a test case for freedom of religion as a whole: 'When we talk about freedom of belief, the underlying question is, do we mean the freedom of people to believe in what they believe is right, or the freedom of people to believe in what we believe is right?' (Fuda 1994, 215)

Conclusions

There seem to be two main factors determining the way in which Egypt deals with new religious communities like the Baha'is and the Jehovah's Witnesses. The first concerns fears of subversion, connected to conspiracy theories involving Zionism; the second factor is the desire to protect the interests of the established religions. This is not, or at least not exclusively, a problem of minority versus majority. Tiny Christian churches like the Ethiopian or Armenian ones are recognised by the Egyptian state, as they have traditional roots. The last Christian denomination to have been legally recognised was the Protestant one in 1902— all Protestant churches, including Seventh-Day Adventists, are included in this recognition.

Legally, the relics of the Ottoman *millet* system still play an important role in the legal situation of minority religions. The *millet* system entailed the public recognition of a certain number of religions and denominations. The scope of this recognition has been limited by Islamic law to Jewish, Christian and Muslim faiths. The *millet* system has been abolished, but the number of recognised denominations has not been changed in Egypt since the country's separation from the Ottoman Empire in 1915. There is no procedure for new religions to be publicly recognised, and the Baha'is and the Jehovah's Witnesses have consequently failed to achieve legal recognition.

However, Egypt has a Constitution today that nominally protects freedom of belief and religious practice. There is an apparent contradiction between the desire to protect traditional values and established religions on the one hand and the wish to demonstrate a certain degree of respect for human rights on the other hand.

In Egypt and other Muslim countries, this contradiction is often solved by using a definition of religion that excludes all groups not recognised as revealed

religions by Islam. According to several Egyptian Courts, the Baha'i Faith is not a religion. Thus, Courts usually state that with respect to the Baha'i Faith, the constitutional right of freedom of belief is not violated, because every Baha'i may privately believe whatever he/she wishes, and that the freedom to practice one's religion is not violated either because it does not extend to the Baha'i Faith, which is not a revealed religion. With respect to the Jehovah's Witnesses, the situation is a bit less clear. The Courts usually avoid addressing the question of whether or not they are a Christian group, but hold that even if their freedom of religion is violated, more compelling interests like public order and the respect of other religions, deserve priority. However, it becomes clear from their choice of words that they consider the Coptic Orthodox church a more legitimate 'religion' than the 'extremist' Jehovah's Witnesses.

This creates problems if we want to include Egypt—and the same goes for many other Muslim countries—in an international comparison of the situation of minority religions. In Egypt, the prevailing understanding of religion is not neutral, as it is usually the case in the international human rights discourse. Christianity is a religion, according to Islamic law; thus, most Christian churches are recognised by the state and have a completely different status from minorities like the Baha'i Faith, which is not considered a revealed religion, or the Jehovah's Witnesses, who are considered an extremist political sect. When a representative of the Arab League and the Egyptian Embassy in Germany was, in the 1980s, confronted with questions about the problematic situation of freedom of religion in Egypt with regard to the recent trial against the Baha'is of Cairo, he simply answered that the Baha'i Faith is not a religion (Sprung 1987, 37). This may have been a diplomat's evasive action, but it certainly reflects a deep-rooted and widespread attitude in Egypt and many—but not all—Muslim countries: the only legitimate religions are Judaism, Christianity and Islam. The difficult question of how to determine, from an Islamic point of view, whether a certain religious group—for example, the Jehovah's Witnesses—might be considered a part of Judaism or Christianity, is generally not discussed. Usually, tradition prevails: those groups that received recognition under the classical Ottoman *millet* system continue to do so until the present day, whereas other religious groups either exist in a grey area like the Ahmadiyya or the Mormons, or are banned like the Baha'is and the Jehovah's Witnesses, depending on whether they are perceived as a threat. Thus the fact that two members of the Church of Scientology were released from custody in March 2002 should not lead to rash conclusions about the general tendency in the treatment of minority religious groups; the two Scientologists in question were not Egyptians, and the Egyptian legal system has always been more lenient with groups who have very few or no Egyptian members and who are judged to be unable to leave a broader impact on Egyptian society.

The standard of religious freedom in a country is always a complex issue and influenced by many factors. Some religious groups may enjoy more freedom than others, and the reasons for this may be many-layered. A single model like the religion-state relationship one presented by Durham (1996) cannot always explain

why certain minorities are discriminated against more than others. Psychological factors and the public discourse have to be taken into account; even with respect to the legal situation, narratives of subversion can be a powerful influence.

NOTES

1. Egyptian law differentiates between freedom of belief and freedom of religion; freedom of religion is perceived as a broader concept than freedom of belief. Only freedom of belief is guaranteed in the Constitution (cf. p. 153).
2. Interview with Taha 'Abbas (name changed), Amir of the Egyptian Ahmadiyya community. Interview conducted by the author in Cairo (20 October 1999).
3. Interview with Taha 'Abbas.
4. See http://www.adventiststatistics.org/stats_y_stats.asp?FieldID = C10153 and `view = y_stats` and `StartYear = 1959` and `EndYear = 1961`.
5. Interview with 'Adil Mansur (name changed), Egyptian Baha'i living in Europe. Interview conducted by the author in London (7 September 1999) (<http://bahai-library.org/asia-pacific/country%20files/egypt.htm>).
6. See <http://bahai-library.org/encyclopedia/abulfadl.html>.
7. See <http://bahai-library.org/encyclopedia/abdulbaha.html>.
8. Interview with 'Adil Mansur.
9. Interview with 'Adil Mansur.
10. See <http://bahai-library.org/asia-pacific/country> and `20files/egypt.htm`.
11. Interview with Émile Ra'fat (name changed), head of a community of Jehovah's Witnesses in Cairo. Interview conducted by the author in Cairo (30 January 2000).
12. Interview with Émile Ra'fat.
13. Interview with Émile Ra'fat.
14. See <http://www.hrwf.net/newhrwf/html/egypt2002.html>.
15. See http://www.copticpope.org/Audio/arabic_audio/theology/sabtieen_advantest/sabtieen_advantest.html and http://copticpope.org/Audio/arabic_audio/theology/witnesses/witnesses.html (accessed 16 May 2001). The site (<http://www.copticpope.org>) has been reorganised since, and the audio files have been replaced with more recent sermons. Nowadays, numerous audio files and articles are available for registered users that do not specifically deal with Jehovah's Witnesses, but mention them frequently; for example, in sermons on 'false prophets'.
16. The reason for this is the Ottoman government's decision to banish Baha' Allah to Palestine in 1868.
17. See <http://bahai-library.org/writings/bahauallah/gwb/013.html>.
18. Interview with Émile Ra'fat.
19. See <http://bahai-library.org/asia-pacific/country%20files/egypt.htm>.
20. E-mail by 'Adil Mansur, 26 June 2002.
21. The Jehovah's Witnesses have never been mentioned in this context.

REFERENCES

- 'ABD AL-GHANI, 'ATIF. 1995. *Shuhud Yahwah . . . mamlakat Isra'il 'ala 'l-'ard*. Cairo: Dar al-Diwan.
- 'ABD ALLAH, ABU ISLAM AHMAD. 1991. *Munazzamat Shuhud Yahwah—al-tatarruf al-Masihi fi Misr*. Cairo: Bayt al-Hikma.
- 'ABD ALLAH, MUHAMMAD 'ABD AL-RAHMAN. 1997. *Al-khida' wa-'l-tansir—Shuhud Yahwah wa-khud'at al-tansir al-jadid*. Alexandria: Dar al-da'wa.
- AHMADI, JALAL AL-DIN SHAMS. 1935. *Tanwir al-albab li-ibtal da'wat al-Baha' wa-'l-Bab*. Cairo: Al-Matba'a al-Hindiyya.
- ALDEEB ABU-SAHLEH. 1979. *L'impact de la religion sur l'ordre juridique, cas de l'Egypte: Non-musulmans en pays de l'Islam*. Fribourg: Édition universitaire.
- BINT AL-SHATI', A'ISHA 'ABD AL-RAHMAN. 1986. *Qira'a fi watha'iq al-Baha'iyya*. Cairo: Markaz al-Ahram li-'l-tarjama wa-'l-nashr.
- BOYLE, K. 1996. Human rights in Egypt: international commitments. In *Human rights and democracy: the role of the supreme constitutional court of Egypt*, edited by Kevin Boyle and Adel Omar Sherif, 87–114. London, The Hague and Boston: Kluwer.
- COLE, J. R. 1983. Rashid Rida on the Baha'i Faith: a utilitarian theory of the spread of religions. *Arab Studies Quarterly* 5: 276–91.
- COURBAGE, Y., and P. FARGUES. 1997. *Christians and Jews in Islam*. London and New York: Tauris.
- DURHAM, W. C. 1996. Perspectives on religious liberty: a comparative framework. *Religious human rights in global perspective: legal perspectives*. edited by John, D. Vyver and John Witte, 1–44. The Hague, Boston and London: Nijhoff.
- FADIL, M. 1986. *Al-hirab fi sadr al-Baha' wa-'l-Bab*. 2nd edn. [1st edn 1911]. Jidda and Cairo: Matba'at al-Madani.
- FUDA, F. 1994. Al-aqalliyat wa-huquq al-insan fi Misr. In *Hurriyat al-ra'y wa-'l-'aqida—quyud wa-ishkaliyyat. Mudawalat al-multaqi 'l-fikri al-thalith wa-abhath ukhra*, edited by Al-munazzama al-Misriyya li-huquq al-insan, 198–206, 215. Cairo: Al-munazzama al-Misriyya li-huquq al-insan.
- GOLDZIHNER, I. 1910. *Vorlesungen über den Islam*. Heidelberg: Winter.
- IBN AL-SHATI', TARIQ ABD AL-BAQI MUNINA. 1998. *Jama'at Shuhud Yahwah 2: Al-'aqida—al-ustura—tahrif al-ayat wa-tabdiluha*. Alexandria: Dar al-Da'wa.
- JABRAH, I. 1977a. *Haqiqat Shuhud Yahwah 1. Muhakamat Shuhud Yahwah*. Cairo: Maktabat al-Mahabba.
- JABRAH, I. 1977b. *Haqiqat Shuhud Yahwah 2. Shuhud Yahwah—Imtidat Sha'b Isra'il*. Cairo: Maktabat al-Mahabba.
- LIEBESNY, H. J. 1975. *The law of the Near and Middle East: readings, cases and materials*. Albany: State University of New York Press.
- MAHMUD, M. 1998. *Haqiqat al-Baha'iyya*. 3rd edn [1st edn 1986]. Cairo: Dar al-Ma'arif.
- MAKHLUF, H. M. 1965. *Fatawa mu'asira wa-buhuth islamiyya*. vol. 1, 2nd edn. Cairo: Maktab Mustafa al-Babi al-Halabi.
- MANSUR, 'ALI 'ALI. 1971. *Al-Baha'iyya bain al-shari'a wa-'l-qanun*. Beirut: Al-Maktab al-Islami.

- MIKHA'IL, B. 1986. *Yahwah bain al-Kitab al-Muqaddas wa-'l-mudda'in bi-annahum Shuhud Yahwah*. Cairo: Kanisat al-Ikhwa.
- AL-NAJJAR, 'AMIR. 1996. *Al-Baha'iyya wa-judhuruha al-Babiyya*. Cairo: 'Ayn al-dirasat wa-'l-buhuth al-insaniyya wa-'l-ijtima'iyya.
- Neufeld, D. F., ed. 1996. *The Seventh-Day Adventist encyclopedia*. 2nd edn. Hagerstown: Review and Herald Publishing Association.
- PINK, J. 2003. *Neue Religionsgemeinschaften in Ägypten. Minderheiten im Spannungsfeld von Glaubensfreiheit, öffentlicher Ordnung und Islam*. Würzburg: Ergon.
- RIYAD, Y. 1997. *Shuhud Yahwah*. Cairo: Kanisat al-Ikhwa.
- AL-SHADHILI, M. T. 1990. *Al-Baha'iyya. Salibiyyat al-ghars—Isra'iliyyat al-taujih*. Cairo: Maktabat Wahba.
- SHARAF, 'ABD AL-'AZIZ. 1993. *Abatil al-Baha'iyya wa-Brutukulat Sihyawn*. Beirut.
- SHOGHI EFFENDI. 1970. *God passes by*. Wilmette: Bahá'í Publishing Trust.
- SPRUNG, C. 1987. Die Bahá'í: Geächtet und verfolgt in islamischen Ländern. *Pogrom 137*: 37–41.
- WADI', AMJAD. n.d. [around 1998]. *Shuhud Yahwah—huwat al-halak*. Alexandria: Kanisat al-qiddisayn Mar Murqus al-rasul wa-'l-Baba Butrus khatim al-shuhada'.
- AL-WAKIL, 'ABD AL-RAHMAN. 1986. *Al-Baha'iyya: Tarikhuha wa-'aqidatuha wa-silatuha bi-'l-Batiniyya wa-'l-Sihyawniyya*. 2nd edn [1st edn 1962]. Cairo: Dar al-Madani.

Johanna Pink (author to whom correspondence should be addressed),
Rödelheimer Landstraße 168, D-60489 Frankfurt, Germany.
E-mail: mail@johanna-pink.de