

Religious Minorities and the Question

of Religious Freedom:

A Comparative Analysis of American and Egyptian Political System

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ABSTRACT: This paper aims at examining the way religious minorities groups have been treated either in Egypt or in the United States of America. The paper highlights the fact that minorities rights have been taken into account of international community since the 17th century. It also points out that after the World War I onward, minorities suffer extreme violation of their basic rights. The paper emphasizes that in the time being, providing minorities with sufficiently effective means to protect their rights because there is more conflict than it was before the 9/11 terrorist attacks. It is ended by making an obvious conclusion that minority in Egypt and in the United States of America are discriminated against to a variety degree.

Keywords: Religious Minority, Discrimination, Religious Rights, United States of America, Egypt.

ملخص: تهدف هذه الورقة إلى دراسة الطريقة التي تُعالج بها قضية الحرية الدينية كحق من حقوق مجموعات الأقليات الدينية عبر العالم، وقد أخذت هذه الورقة كمثال على ذلك المقارنة بين طريقتين لنظامين: نظام الولايات المتحدة الأمريكية ونظام مصر. وبينت الورقة بأن الاهتمام بقضية مجموعات الأقليات الدينية يرجع إلى القرن السابع عشر. لكن بعد الحرب العالمية الثانية - كما تذكر الورقة - فإن الأقليات الدينية عبر العالم قد عانوا كثيراً في مجال حقوقهم الأساسية. وتختتم الورقة باستنتاج واضح هو أن الأقليات الدينية في كل من مصر والولايات المتحدة الأمريكية يتعرضون للتمييز وإن كان ذلك بطريقة مختلفة.

كلمات المفاتيح: الأقليات الدينية، التمييز، الحقوق الدينية، الولايات المتحدة الأمريكية، مصر.

Introduction

It is a fact that “almost all States have one or more minority groups within their national territories, characterized by their own ethnic, linguistic or religious identity which differs from that of the majority population¹”. Recently, minorities around the world, especially in non-democratic nations like Egypt need serious international mechanism and instruments to guarantee them their basic rights. To give this phenomenon what is deserved scholarly “the protection of minorities has been the subject of a number of studies commissioned by the United Nations since the 1960s which were undertaken principally by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities²”. In the same context, significant efforts have been made by non-dominant groups in order to “preserve their cultural, religious or ethnic differences emerged with the creation of nation States in the eighteenth and nineteenth centuries³”. Minority rights have been taken into account of international community since the 17th century. In this regard, Halida Nasic asserts that “International norms on the protection of the rights of persons belonging to minorities can be traced back to the 17th century, in particular provisions in the 1648 Peace of Westphalia Treaty and rules applicable in Transylvania⁴”. After the World War I⁵ onward, however, minorities sufferer extreme violation of their basic rights. For example, Copts in Egypt, I hypothesis, are facing sever suppressing once the raising of radical Muslim groups began to be noticed and remarked. Muslim minorities in the United States, on the other hand, experience lower level of discriminations even after 9/11 terrorist attacks.

In the time being, it is highly recommended to provide minorities with sufficiently effective means to protect their rights because there is more conflict than it was before. As Kofi Annan puts it “It is in times of fear and anger, even more than in times of peace and tranquility, that you need universal human rights, and a spirit of mutual respect⁶”. In addition, there have been many attempts to make minority rights being recognized and protected on the basis of international legal framework. From 1945 onward, several international covenant and declarations on various rights for persons who belong to “national or ethnic, religious and linguistic minorities⁷” have been enacted on the purpose of protecting fundamental rights for minorities. This is only a short introduction to an overview on historical background of debating minority rights in the courses

¹ Miodrag A. Jovanović, “Recognizing Minority Identities Through Collective Rights.” *Human Rights Quarterly* 27, no. 2 (May 2005): 630. <http://www.jstor.org/stable/20069799> (625–651)

² Marc Weller, *The Rights of Minorities in Europe* (Oxford: Oxford University Press, 2005), 80. (pp. 77–96).

³ United Nations, *Minority Rights: International Standards and Guidance for implementation*, New York Geneva, 2010, p.1.

⁴ Halida Nasic, “Minority Rights Instruments and Mechanisms Minority Protection along the Conflict Continuum,” *Human and Minority Rights in the Life Cycle of Ethnic Conflicts*, 7007: 5, p.5

<http://www.eurac.edu/en/research/institutes/imr/Documents/ReportonHRinstrumentsWEB> (accessed 10 December).

⁵ Around this period, the idea of “the Ideological principle of antagonism” between West and Islam had been emerged. Samuel Huntington addressed this idea through his theory ‘the clash of civilization’. He argued that in the post-Cold War world, most conflicts will be between different civilizations, which are defined mostly along religious lines and highlights Western-Islamic tensions as among the highest” Samuel P. Huntington, *The Clash of Civilizations and the Remaking the World Order* (London: Simon & Schuster, 1996), 10. Such theory will help us understand the nature of relationship between Muslims and Western citizens in general and American citizens exclusively.

⁶ Kofi Annan, UN Secretary General, June 2004.

⁷ United Nations, *Minority Rights: International Standards and Guidance for implementation*, New York Geneva, 2010, p.1).

of World Wars I and II and other tragic conflicts in the world like 9/11 which created worldwide concerns toward minorities' rights, in particular in authoritarian countries like Egypt. Onward

This paper will mainly examine the way religious minority groups have been treated either in the US or Egypt. It will be emphasizing on what is known as special rights for minorities such as freedom to practice their religion individually or in community in the US as well as Copts Community in Egypt. I hypothesize that minority in the US and Egypt to a variety of degrees are discriminated against. In other words, Egypt engages in almost all types of religious discriminations. In quite to contrary, Muslim minorities suffer from the lowest levels of religious discriminations. This paper, in addition, will give a special attention to what extent that American and Egyptian governments deal with minority rights issues referring to "International Human Rights Law" as a legal standard to see if those countries continually exacerbate minority rights abuses or not. Does affiliation to a given religion like Christianity and Islam affect negatively the rights of religious minority groups in the United States and Egypt? Are Muslim and Christian minorities discriminated against, and what types of restrictions are placed on them because of their religious affiliation? Finally, how outside observers see the position of minority in America and Egypt.

To discuss these items in detail, this paper will be divided into three parts. It will start with clarifying the concept of property right and providing a short overview on religious freedom in the light of international legal framework, followed by examining the levels of religious discriminations against Muslim minorities in Christian majority countries in compare to the levels of discriminations against Christian minorities in Muslim majority states, and conclude by restrictions and limitations placed on Muslim minorities in the United States and Christian minorities in Egypt.

Part I: Concepts Definition and International Legal Framework of Religious Freedom

This part will elaborate two subareas. It will start with defining key concept, followed by discussing legal framework of religious freedom.

A-Definitions of Minority According to Human Rights Documents

Before going any further, the term minority should be defined. The discussion on minority rights could not be comprehensive without analyzing the connotation of minority concept. So, what is a minority? It is extremely hard to come up with definition that globally acceptable; therefore, many studies have been conducted on the purpose of diminishing intensity of a long-running controversial debate about definition of minority. Although there is a difficulty to arrive on a definition that universally accepted, it should be taken into account various characteristics of minorities on the basis of different situations in which they live. These factors are clearly stated in the first article form the United Nations Minorities Declaration, which has been adopted consensually in 1992, and article 27 of the 1966 International Covenant on Civil and Political

Rights; therefore, it can be safe to draw a conclusion about the main elements that must be included in it. Consequently, these essential elements can be summarized as national, linguistic, cultural, religious, ethnic identity.

One definition that may fit, to some extent, into both the case of minority in the United States and Egypt can be “summed up a non-dominant group of individuals who share certain national, ethnic, religious or linguistic characteristics that are different from those of the majority population⁸”. This definition is slightly more narrowed down than the one had been offered in 1977 by Francesco Capotorti, Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities. It defines minority as:

“A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members—being nationals of the State—possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.”⁹

Although the last definition emphasizes on the combination between subjective criteria¹⁰ and objective ones, it does not apply to some groups who might be in the position similar to the situation of minority. One of these groups, for instance, is migrant workers, which is the case of Muslims minorities in the United States. These migrant workers do not share some characteristics of being a minority such as national, ethnic, and linguistic identity with the majority; however, they are in fact a minority since they are not a dominant group in the country. Such minority groups, who may characterize as non-nationals, are theoretically “protected against discrimination by the general provisions of international law, and have additional rights guaranteed in, for example, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; the Convention relating to the Status of Stateless Persons; the Convention relating to the Status of Refugees; and the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live¹¹”. For some, the absence of a universal acceptable definition of minority may work for some countries as a legal excuse in order not to deal with minority issues by declaring that they are not minority; and therefore, they have no valid claim to enjoy special rights. This is one serious flaws of non-having a clear definition.

⁸ Halida Nasic, “Minority Rights Instruments and Mechanisms Minority Protection along the Conflict Continuum,” Human and Minority Rights in the Life Cycle of Ethnic Conflicts, 7007: 5, p.8
<http://www.eurac.edu/en/research/institutes/imr/Documents/ReportonHRinstrumentsWEB> (accessed 10 December).

⁹ UN Office of the High Commissioner for Human Rights, “Minority Rights: International Standards and Guidance for implementation,” United Nations, New York Geneva, (Mars 2010): 3 <http://www.unhcr.org/refworld/docid/4db80ca52.html> (accessed 10 December 2012)

¹¹ Halida Nasic, “Minority Rights Instruments and Mechanisms Minority Protection along the Conflict Continuum,” Human and Minority Rights in the Life Cycle of Ethnic Conflicts, 7007: 5p.8
<http://www.eurac.edu/en/research/institutes/imr/Documents/ReportonHRinstrumentsWEB> (accessed 10 December).

B-Religious Freedom for Minorities and International Legal Framework

The issue of protection the right of religious groups has been a subject of matter within Western powers since the 16th, 17th, and the 18th centuries once the religious conflicts emerged. Some may argue that the “political strife and conflicts during above mentioned centuries mostly caused by religious group rivalries in Europe and America, especially Muslim minorities”¹². In the mid of nineteenth century, it became a universal concern when it became a fundamental subject of a wide range of agreements, conventions, and declarations. The most important development has occurred concerning the prohibiting of all kinds of discrimination against minorities since with the United Nations as an alternative of the League of Nations has been established. With the founding of the United Nations, modern international legal standards have been established on the purpose of protection minority rights in general and religious minority groups exclusively.

For example, in 1966 UN International Covenant on Civil and Political Rights ((ICCPR) guarantees persons belonging to minorities the right to practice their own religion. This international covenant “did include minority rights, but in the form of individual rights that applied in the areas of language, culture and religion, either individually or in community with other individuals¹³” The article which has previously mentioned that "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language".¹⁴ Similarly, the article 18 of “Universal Declaration of Human Rights (1948, henceforth ‘Universal Declaration’) asserts that religious freedom is an individual right, like all human rights: individuals are entitled to practice their religion, on their own and in community with other individuals.¹⁵” These are international legal systems that have been established on the basis to protect and guarantee religious minority groups to freely express, manifest, and practice their own religion.

Part II: Religious Discrimination Against Muslim Minorities in Christian Majority Countries and Christian Minorities in Muslim Majority States

In this part, I will be dealing with the issue of religious minorities being single out based their religious identity in Christian majority countries and in Muslim majority nations.

¹² Yasmine Akbar and Jonathan Fox, “Religious Discrimination against Muslim Minorities in Christian Majority Countries: A Unique Case,” *Politics and Religion Ideology* 12, no. 4 (December, 2011): 450. (449-470)

¹³ Johannes A. van der Ven, “Religious Rights for Minorities in a Policy of Recognition,” *Martinus Nijhoff, religion and human rights* 3, no. 2 (September, 2008): 158

¹⁴ Halida Nasic, “Minority Rights Instruments and Mechanisms Minority Protection along the Conflict Continuum,” *Human and Minority Rights in the Life Cycle of Ethnic Conflicts*, 7007: 5, p.13
<http://www.eurac.edu/en/research/institutes/imr/Documents/ReportonHRinstrumentsWEB> (accessed 10 December).

¹⁵ Johannes A. van der Ven, “Religious Rights for Minorities in a Policy of Recognition,” *Martinus Nijhoff, religion and human rights* 3, no. 2 (September, 2008): 158

Discrimination in general is "imply any distinction, exclusion, restriction or preference which is based on any ground such as race, color, ..., language, religion, ..., national or social origin, ..., birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms¹⁶". Discrimination is banned universally on the basis of affecting negatively religious minority rights so that they cannot enjoy their guarantee special rights economically, socially, politically, and religiously. But religious discrimination has been described by a current study as "state restrictions placed on the religious practices or institutions of a minority group that are not placed on the majority religion"¹⁷ the same study claims that Muslim minorities in majority Christian counties (including the United States) "do not suffer from disproportionate levels of discrimination"¹⁸ the same as other minorities in the same country. This means that the treatment of Muslim minorities is better than the treatment of other religious minorities.

This claim apparently is valid since this study draws this conclusion after covering 590 religious minorities in 175 states with special attention has been given to 24 kinds of religious discrimination.

One vital reason that could be given as an explanation to this low degrees of religious discrimination against Muslim minorities in the United States and other Western Christian majority states is that "A number of international and regional treaties and documents to which most Western states subscribe, as well as the constitutions of most Western states ban religious discrimination and/or guarantee religious freedom"¹⁹ . On the other hand, this does not mean that the issue of religious discrimination against Muslim minority in Western states (including the United States) is not a serious problem which needs to be resolved as soon as possible.

One can easily think of the headscarf issue as example of religious discrimination against Muslims in variety Western counties between 2003 and 2008. This was a heated debate and captured the media attention. The issue was noticeably conceived by many law's critics as "a serious limitation of the freedom to manifest religion within an important set of public spaces"²⁰ . It is also worth noted that "25% of Muslim Americans have been victims of anti-Muslim discrimination"²¹. This kind of treatment towards Muslim minorities indicates that there is a lack

¹⁶ General Comment 18 of the Human Rights Committee on non-discrimination under the Covenant on Civil and Political Rights, United Nations document HRI/GEN/1/Rev.2 of 29 March 1996.t

¹⁷ Yasmine Akbar and Jonathan Fox, "Religious Discrimination against Muslim Minorities in Christian Majority Countries: A Unique Case.," *Politics and Religion Ideology* 12, no. 4 (December, 2011): 449-450

¹⁸ *Ibid.*, 449-450.

¹⁹ Jonathan Fox, *A World Survey of religion and the State* (New York: Cambridge University Press, 2008) 23

²⁰ Micheal Iprave, *Religion in a Democratic Society': Safeguarding Freedom, Acknowledging Identity, Valuing Partnership*, in Nazila Ghanea-Hercock, Alan Stephens, and Ralph Walden (eds) *Does God believe in Human Rights? Essays on Religion and Human Rights* (Leiden, Boston: Martinus Nijhoff Publishers, 2007), 45.

²¹ Dictus Publishing, *EU-MIDIS, European Union Minorities and Discrimination Survey: Main Results Report* (Dictus Publishing, 2012), 170

of tolerance and may negatively depict Western countries whose people have a strong belief in democracy.

On the other hand, many studies emphasize on the state policies towards Christian minorities in Muslim majority country and draw a conclusion that religious discrimination is a rising problem. One current study shows that “Muslim majority states engage in the highest levels of discrimination against nearly all minorities except Muslim minorities²²”. This simply indicates that Christian minorities in Muslim majority states are treated poorly and differently in the context of practicing and manifesting their own religion when compared to majorities. Muslim majority nations which engage in almost all types²³ restrictions placed on Christian minorities include both states that are located Middle East and North Africa. Egypt is one of these countries which engage in religious discriminations against Copt minority.

Based on what I have shown above, it can easily predict that “Christian minorities are treated worse than Muslim minorities when comparing the treatment of Muslims in Christian majority states to the treatment of Christians in Muslim majority states.²⁴” One of a wide range of possible answers that can be provided concerning the issue of the highest levels and lowest levels of specific types of religious discriminations against religious minorities is the matter of the state being a democratic or not. This can be considered the main difference between Western democratic states, America is placed on the top of them, and non-democratic states, and Egypt is one of them. The issue of religious discriminations against Muslim minorities in Christian majority countries and Christian minority in Muslim majority nations has come to the forefront of protecting human rights debate since major events took place in almost Western countries. Well-known example is the 9/11 terrorist attacks. Such events “influence both Christian views of Muslims and Muslim views of Christians, and thereby, the relations between Muslims and Christians across the globe²⁵”.

Part III: Religious discrimination in the United States and Egypt

This part will be dealing with two main points. It starts with discriminations against Muslims in the United States and followed by the case of Christian minority in Egypt.

1- Religious Discrimination Against Muslims in the United States

²² Yasmine Akbar and Jonathan Fox, “Religious Discrimination against Muslim Minorities in Christian Majority Countries: A Unique Case,” *Politics and Religion Ideology* 12, no. 4 (December, 2011):466.

²³ There is a study that lists 24 types of restrictions placed on religion of minorities. Here are Some examples, “1-Restrictions on building, leasing, repairing and/or maintaining places of worship, 2-Restrictions on public observance of religious services, festivals and/or holidays, including the Sabbath, Restrictions on the wearing of religious symbols or clothing. This includes presence or absence of facial hair, Mandatory education in the majority religion, 3-Restrictions on conversion to the minority religion” Yasmine Akbar and Jonathan Fox, “The Religion and State-Minorities dataset,” *Journal of Peace Research* 48 no. 6 (2011): 807

²⁴ Yasmine Akbar and Jonathan Fox, “Religious Discrimination against Muslim Minorities in Christian Majority Countries: A Unique Case,” *Politics and Religion Ideology* 12, no. 4 (December 2011), 467.

²⁵ *Ibid.*, 455-456.

First, I will be discussing religious discrimination against Muslims in the United States, second, I will be exploring religious freedom in the light of American law, third, I will be explaining American Muslim minorities, and finally, I will be examining manifestations and cases of religious discriminations against Muslim minorities in the United States.

A-Religious Freedom under American Public Law/Constitution

At the beginning, it should be noted that one of fundamental differences between the United States and Egypt is the legal framework. The United States legislative body provides strength legal tools in regard with the protecting of religious freedom rights to all citizens and fighting the problem of religious discrimination against minorities. In the United States, therefore, Muslim minorities enjoy much more religious freedom than Copt minority in Egypt. Scholarly speaking, (Akbaba and Jonathan fox, 2011) conclude that “Muslims, with a few exceptions, are treated similarly to non-Muslims in the Western democracies, in particular in the United States²⁶” since it is, I do believe, the well-known country in the world that gives particular attention to the issue of human rights in general and religious freedom exclusively. However, this does not mean that Muslims are treated in the United States the same as Christian Americans, especially in regard to religious freedom.

In the following, I will discuss the concept of “religious freedom” in the context of American legal system. Followed by exploring the historical background of Muslim minorities in the United States, or simply who are minority in America? And finally, I will analyze some real cases that clearly show religious discrimination against Muslims. In this point, it would be good for evaluating the level of tolerance towards Muslim minorities to look at how does American government apply its law and polices to them? By doing so, I will be able to determine which types of limitations, concerning religious practices and institutions, are placed on them? All these should be done on the purpose of being able to draw, with confidence, a conclusion whether Muslim minorities is a depressed community in the best democratic country in the world or not.

Religious freedom has been enacted by Congress since 1998. This law has been cited as the “International Religious Freedom Act of 1998”. In addition, religious freedom has been conceived in this law as universal value which must be protected in favor of all citizens. This public law was passed on the purpose of promoting religious freedom either in the United States or foreign countries in which individuals may suffer from persecuting on the basis of religion. Moreover, this law adopted the connotation of religious freedom as it is articulated in the article 18 of the Universal Declaration of Human Rights and the article 18(2) the International Covenant on Civil and Political Rights. The two articles recognize religious freedom as the right of citizens to study, believe, manifest, change religion, and “freely practice religious faith of their choice”²⁷.

²⁶ Ibid., 466.

²⁷ One Hundred Fifth Congress of the United States of America (sec .2) January 1998: 1, <http://www.opm.gov/insure/archive/life/hr2675.pdf> (accessed 10 December 2012).

To provide a serious protection for this universal value, the law suggests that “Governments have the responsibility to protect the fundamental rights of their citizens and to pursue justice for all. Religious freedom is a fundamental right of every individual, regardless of race, sex, country, creed, or nationality, and should never be arbitrarily abridged by any government²⁸.” The law goes beyond the boundaries of the United States when it clearly identifies the task of foreign policy of the America. It says “To condemn violations of religious freedom, and to promote, and to assist other governments in the promotion of the fundamental right to freedom of religion²⁹.” In addition, the language of the introduction of 1998 Act was full of governmental mechanisms and instruments to equally guarantee the right of religious freedom for all citizens. Since the language of this introduction does not differentiate between national citizens and non-nationals or Christian majority and minorities including Muslims, it clearly indicates that both majority and minorities have been guaranteed to practice their own religion without any kind of restrictions.

Moreover, the concept of religious freedom was repeatedly praised by many politician leaders, religious figures, and intellectuals. For example, in January 2002, George W. Bush said:” religious freedom is cornerstone of our Republic, a core principle of our Constitution, and fundamental human right. Many of those who first settled in America; such as the pilgrims, came for the freedom of worship and belief that this new land promised”³⁰ This is a very powerful statement made by a politician leader concerning democracy and religious freedom. Such statement, with this level of confidence, cannot be made by any Egyptian politician. This is how does American public law introduce the concept religious freedom into American community. Based on these recognized legislative texts and the international obligations of the United States, American people should understand religious freedom.

In this regard, it is worth noted that religious freedom in Egypt is, to a great extent, different from what it in the United States. In Egypt is conceived in the light of Islamic Sharia principles which considers changing religion for Muslims is a great sin, whereas in the United States is understood in the light of human rights international standard legal framework. This means that American Christians by law can convert to Islam without any religious or legal consequence, while Egyptian Muslims cannot convert to Christianity. Religious freedom will be discussed in more detailed in the light of Egyptian constitution in order to have a valid comparison.

B-Who are American Muslim Minorities in the United States?

²⁸ Ibid. 1.

²⁹ Ibid. 1.

³⁰ Jeremy Gun T., “Religious Freedom and Laïcité: A Comparison of the United States and France,” Brigham Young University Law Review (2004): 429-430.

Muslim society is the largest religious minority in the United States. It has been assumed by many scholarly researches as “the most quickly growing religious minority in this country”.³¹ Some may rank Islam today as “the second largest religion in the United States surpassed only by Christianity... A major world religion³².” Islam has a remarkable contentious present in America since a long time. For some scholars, Islam has, to some extent, successfully maintained its noticeable present for five centuries³³. Others might refer to the existence of Muslims in American community as a real visible; therefore, they link its presence with the 19th century when the participation of Muslims to the American public affairs becomes important and noticeable. This is what marks them a new minority. As Akbaba Yasmine and Jonathan Fox put it: “Due to their increasing visibility, Muslim minorities are perceived as being relatively new minorities in the United States.”³⁴

Since the demographic map of Muslims in the United States is very complicated, it is extremely hard to identify their population and distribution based on their original nations. For this and other reasons, the population of Muslims in America is still unknown precisely. For instance, “Federation of Islamic Associations in America put the number at 1.2 million before 2000. The American Religious Identification Survey estimated in 2001 that there were approximately 1.1 million adult Muslims in the U.S. The 2005 Britannica Book of the Year reported the total number of Muslims to be 4.7 million. Several leading national Muslim groups cite estimates of 6-7 million, or more in 2010”³⁵. More than half of this population makes up of Muslims who born into Muslim families, but the rest are American citizens who convert to Islam. This rate is affirmed by Pew Research Center (2007) when it says “More than three-quarters (77%) of Muslim Americans say they have always been a Muslim, while 23% say they converted to Islam³⁶”. The difficulty to count the population of American Muslims is associated with the divers nature that is characterized this population because it comes from over 60 countries.

Based on the previous brief historical background of the existence of Islam in America some similarities and differences can be readily concluded. In this context, a profound similarity is that in both countries there is Christianity versus Islam and vice versa. In addition, by looking at the nature of minorities in Egypt and the United States, it should be remarked as significant similarity that both Copts and Muslims are religious minorities. This means that the most

³¹ Yasmine Akbaba and Jonathan Fox, “Religious Discrimination against Muslim Minorities in Christian Majority Countries: A Unique Case,” 457.

³² Richard Brent Turner, *Islam in the African Experience* (Bloomington: Indiana University Press, 1997), 6

³³ Abdelhmid Lotfi, *Muslims on the Block: Five Centuries of Islam in America* (Ifrane: Al Akhawayn University Press, 2002), 9.

³⁴ Yasmine Akbaba, and Jonathan Fox, “Religious Discrimination against Muslim Minorities in Christian Majority Countries: A Unique Case,” 455.

³⁵ Pew Research Center, “MUSLIM AMERICANS: MIDDLE CLASS AND MOSTLY MAINSTREAM”, May 22, 2007, <http://pewforum.org/newassets/images/reports/Muslimspopulation/pdf> (accessed in 7 December 2012). But another survey has been conducted by the same center in 2009 estimated the population of Muslims in America to around 2.5million. See: Yasmine Akbaba and Jonathan Fox, “Religious Discrimination against Muslim Minorities in Christian Majority Countries: A Unique Cas,”: 451.

³⁶ Pew Research Center, “Muslim Americans: Middle Class and Mostly Mainstream”, May 22, 2007, <http://pewforum.org/newassets/images/reports/Muslimspopulation/pdf> (accessed in 7 December 2012).

important elements of their identity are their religious affiliation. I mean their religion “through its unifying body of doctrines, rituals, texts, practices, and values”³⁷ is the only successful mechanism that can bring them together.

On the other hand, one undeniable difference is that minorities in Egypt are indigenous people, whilst Muslim minorities in the United States are migrant workers and American converters. Moreover, another remarkable difference is that Islam is not indigenous religion, whereas Christianity is the origin religion in the United States. Another significant difference is that minority in Egypt caused by converting people to a new religion which is Islam, whilst in the United States is caused by migrant workers into the country partially because of seeking for freedom of religion and partially because of looking for prosperity by working.

C-Manifestations of Religious Discriminations Against Muslim Minorities in the United States

The 9/11 attacks on the World Center Trade has influenced American society as a whole. The ramifications of this major historical event have affected in deep manner Muslim community exclusively since the terrorists who carried out this unacceptable action associated with Islam. So, American Muslim communities are blamed on others’ unlawful actions. In addition, this event forces American government to review its policies and laws in order to place more constraints and restrictions on immigration of Muslims towards America. This also has been made on the purpose of facilitating deportation of any Imam who may be suspected of being a radical. Consequently, as a matter of fact, there have been a lot of religious discriminations against Muslim communities’ aftermath of 9/11. Based on a Pew report (2007:4) “25 percent of Muslim Americans have been victims of ant-Muslim discrimination³⁸” in this context, Ashley Moore claims that even though Muslims in the U.S. make up two percent of the total American population, they “compose nearly one quarter of religious discrimination³⁹”

Manifestations of restrictions placed on Muslim minorities in U.S. can be addressed at variety levels. At the legal level, between 2001 and 2003 two laws related to the policy of immigration and national security were passed on account of empowering and restricting the surveillance of Muslims. According to Pew Research Center that, “More than half of Muslim Americans (54%) believe the government’s anti-terrorism efforts single out Muslims for increased surveillance and monitoring. And most of those who believe the government gives extra scrutiny to Muslims say this attention bothers them either a lot (40%) or some (34%)⁴⁰”.

³⁷ Abdelhmid Lotfi. Muslims on the Block: Five Centuries of Islam in America ,10.

³⁸ Pew Research Center, “Muslim Americans: Middle Class and Mostly Mainstream” (Washington DC: Pew Research Center, 2007: 18,

<http://pewresearch.org/assets/pdf/muslim-americans.pdf> (accessed 10 December 2012).

³⁹ Ashley Moore, “American Muslim Minorities: The New Human Rights Struggle,” Human Rights & Human Welfare, p. 93.

<http://www.du.edu/korbel/hrhw/researchdigest/minority/Muslim.pdf>, (accessed December 9, 2012).

⁴⁰ Pew Research Center, “MUSLIM AMERICANS: MIDDLE CLASS AND MOSTLY MAINSTREAM”, (May 22, 2007): 36, <http://pewforum.org/newassets/images/reports/Muslimspopulation/pdf> (accessed in 7 December 2012).

Consequently, it has been reported that “Nearly a year after the events of 9/11, the Attorney General announced the introduction the National Security Exist-Entry Registration System (NSEERS). “The special registration” program applied to men ages 16 to 45 who were predominately from Arab/Muslim countries residing in the United States on temporary visas⁴¹”. This kind of policies is regarded by many critics of law as legislative discrimination against Muslim minorities because it has negatively affected one of the most significant principles in the field of civil rights which is religious freedom in a democratic state. These policies, as a result, authorize and allow executive body to question, search, and detain without even a warrant “not on the basis of evidence and reasonable suspicion but on basis of “looking Muslim⁴².” This definitely creates uneasy relation between Muslims, especially those who emigrate from Arab nations, and American societies.

This causes Muslims to face the issue of “prejudice” by American communities. So, at the level, Muslims being seen as terrorists. This issue from Muslims’ point of view is ranked at the top of the biggest problems which they have faced since the 9/11 events. American Popular media plays a key role here in creating misconception concerning Islam which leads to invoke strongly the idea of Islamophobia. In this animosity atmosphere, Muslims are very often viewed as otherness and foreigners. More importantly, literature and popular media create two typical stereotypes about Muslims communities. It portrays Muslim men as Arab terrorists and women as veiled female. Not surprisingly, these images cause them to face difficulties and challenges institutionally, socially, and economically on the basis of their Islamic identity.

For example, “workers report name calling by co-workers, such as “terrorist” or Osama”, and complain that employers bar them from wearing the headscarf⁴³ or participating in prayer times⁴⁴”. Such complains have been raised up by 60% in 2010 compared to 2005. Similarly, “in 2007, CAIR reported receiving about 1,900 complains of abuses and noted that anti-Muslim physical violence increased by 52 percent between 2003 and 2004⁴⁵”.

At the level of Islamic institutions, many Islamic centers and mosques have been a subject of violence, the case of bombing Islamic centers in Texas is well-known examples⁴⁶. Making Islamic spaces like religious schools, centers, and mosques, with a fewer exception, is highly controversial issues among American mainstream. The issue of building Islamic institution

⁴¹ Ibid, p.92.

⁴² Yasmine Akbaba and Jonathan Fox, “Religious Discrimination against Muslim Minorities in Christian Majority Countries: A Unique Case,”: 453.

⁴³ According a Pew Research Center (2007), there is “About one-in-five Muslim Americans (22%) say they are very worried that women who wear the hijab – the traditional Muslim headscarf –will be treated poorly because it identifies them as Muslim; 29% say they are somewhat worried about this”. Pew Research Center, “MUSLIM AMERICANS: MIDDLE CLASS AND MOSTLY MAINSTREAM”, May 22, 2007, <http://pewforum.org/newassets/images/reports/Muslimspopulation/pdf> (accessed in 7 December 2012). p.37.

⁴⁴ Ashley Moore, American Muslim Minorities: The New Human Rights Struggle, 91.

⁴⁵ Ibid, 9.

⁴⁶Ibid, 93.

around “Ground Zero⁴⁷” is one example of many others. These abuses of religious freedom against Muslim communities create fear among them and make them feel that they are detached from the American mainstream. Despite the fact that there are many manifestations of religious discrimination against Muslim in the United States, it is still the best places in the world for Muslims to live with their religious identity. As a matter of fact, Abdelhamid Lotfi clearly states that “today there are over 2100 mosques and Islamic centers throughout the fifty states are found wherever Muslims live, play and work in America, in rural areas, small towns and big cities, in the workplace, on federal army, navy and air force bases, search centers, hospitals and universities.”⁴⁸ So, the United States is much better place for Muslims to live in than Egypt for Copts.

2-Religious Discrimination Against Copts in Egypt

The issue of religious persecution against Copts in Egypt will be addressed through three main points. It begins with the discussion of legal framework, followed by providing explanation to the question of Copts identity, and concluded elaborating on characteristics of discriminations against Copts in Egypt.

A-Egyptian Legal Framework and Religious Freedom Right

It seems that the new constitution of Egypt is full of religious clause and provisions which indicates that “the plan that the founder of Muslim brotherhood movement set out starts to be established using political tools”⁴⁹. Several sections emphasize on Islamic principles such religious endowments (article 44 of chapter 1) and collection of Zakat (article 45 of chapter 1). This is to promote Islamic morality among members of society in order to build citizenship on the Islamic principle. The new constitution sounds to provide, to some extent, strength legal framework that guarantees the right of religious freedom to all Egyptians, including Copt Christians to practice their religion without any harassment. In this course, the article 8 of chapter 2 confirms this right by stating that” The freedom of belief and practice of rituals shall be ensured. The State shall guarantee the freedom to establish houses of worship for the purpose of practicing religious rituals as per the provisions of the law, and without any violation to public order.”⁵⁰ In another further positive step, the draft of constitution officially recognizes the religion of minorities, in particular Copt Christians. This is what the article 3 of chapter 1 has proclaimed. This article stipulates that “Persons embracing Christianity and Judaism shall have the right to

⁴⁷ Ibid, p.93. This issue has special circumstances which should be taken into account to see whether this issue is a good example for religious discrimination against Muslims or not.

⁴⁸ Abdelhamid Lotfi, *Muslims on the Block: Five Centuries of Islam in America*, 81.

⁴⁹ Rebert D. Lee, *Religion and Politics in the Middle East: Identity, Ideology, Institutions, and Attitudes* (Colorado: Westview, 2010), 86.

⁵⁰ Draft of the Constitution of the Arab Republic of Egypt Up to date as of 20 September 2012. Unofficial translation prepared on behalf of International IDEA, pdf, p. 14.

revert to their respective religious laws in matters relevant to personal affairs, the practice of religious (affairs) or (rituals) and the nomination of spiritual leaders”⁵¹.

In addition, some clauses of previous constitutions provided safeguarded religious freedom right to all citizens, especially those their religions are officially recognized by the state such as Christianity and Judaism. At that point, Bureau of Democracy, Human Rights and Labor reported that “Article 46 of the constitution and article 11 of the Constitutional Declaration of 2011, the new provisional fundamental law of the country adopted on March 30 by the Supreme Council of the Armed Forces (SCAF), provide for freedom of belief and the practice of religious rites⁵²”. So, Egyptian government has developed its legal systems in order to guarantee its citizens freedom of religion as one of the most significant individual rights.

On the other hand, for some, constitutional framework dose not respect the principle of religious freedom since it places some limitations on this right when it includes such following clauses “Islam is the religion of the state... Principles of Islamic law (Shari’a) are the principal source of legislation.⁵³” Including such provision in constitution is more likely to threaten the real implement of religious freedom principle because Islam does not allow Muslims to convert to another religion like Christianity. For example, it is impossible a Copt to convert to Islam, and later convert back to Christianity based on Egyptian constitution is since it relies on Islamic principles which prohibit born-Muslims or convert Muslims to change his or her religion. So, for some, like International Religious Freedom Report for 2011, this is a kind of religious discrimination against minority⁵⁴.

One main difference concerning the legal framework is that American law provides many sufficiently effective legal instruments to guarantee its citizens the full and equal right to practice their own religion. Not surprisingly, the United States through its foreign policies attempt to respond positively to those who experience religious persecution individually or in groups in foreign countries. In this context, according to International Religious Freedom Report for 2011 “The United States was active around the world promoting religious freedom, and challenging threats to such freedom. For example, senior U.S. officials, including President Barack Obama, raised deep U.S. concerns about increased religious violence and discrimination against Copts with senior Egyptian officials ... The United States also sponsored programs in Egypt to promote

⁵¹ Draft of the Constitution of the Arab Republic of Egypt Up to date as of 20 September 2012. Unofficial translation prepared on behalf of International IDEA, pdf, p. 5.

⁵² “International Religious Freedom Report for 2011, U.S. Department of States, Diplomacy in Actions, Bureau of Democracy, Human Rights and Labor, (2011) <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dlid=192881> pdf, p. 3. (Accessed 10 December 2012).

⁵³ Draft Constitution of the Arabic Republic of Egypt (up to date as of 20 September 2012) Unofficial translation prepared on behalf of International IDEA, pdf, p.5.

⁵⁴ In my opinion and based on discrimination definition that I have discussed above this is not a discrimination due to this Islamic principle is applied not only Copts, but also to all citizens without exception.

religious tolerance and freedom.⁵⁵” In contrast, Egyptian political system does not equally offer a full religious freedom to its citizens, in particular Copts. When we compare the tools of American law to Egyptian law, we find a huge gap between the two legal systems.

Another distinctive difference between the two systems is the weakness of the legal language concerning the protecting of religious freedom for minorities in Egypt. On the other hand, it worth noted that American legal system is full of clauses which deal with religious freedom issue not only in the United States, but also abroad. This simply indicates that there is a serious intention to guarantee minorities to freely practice, manifest, and express their religious identity. For example, there is a whole chapter/title consists of 8 sections⁵⁶ that deal with the state activities concerning the subject of religious freedom around the world. It provides sufficiently effective legal mechanisms which help guarantee minorities to freely practice and manifest their religious identity.

Based on such policies, as a matter of fact, many serious actions have been taken by American government to evaluate the level of religious discriminations against minorities around the world. For instance, Secretary of State Hillary Rodham Clinton announced her message when she says “on the day the State Department released its annual report on religious freedom around the world the US will be closely monitoring countries in political transition, such as Egypt⁵⁷”. Such statements cannot be ever declared by Egyptian Foreign Minister concerning the issue of Muslim minorities in the United States.

B-Copts and the Question of Religious Identity

The word Copt historically used to refer to all Egyptians. It comes from *Egyptus* which is an ancient Greek word. By the time, the first two letters were eliminated, and the word was *Gypt*. “Since hard g does not exist in Arabic language, the word became Copt⁵⁸”. At that time, the word does not refer to religious identity of indigenous people of ancient Egypt during the pharaonic civilization, which is considered by Muslims portion of Aljahiliya, but it “was used to define all those who lived on the land of Egypt⁵⁹”. Based on this linguistic analysis, the word does not specify any religious identity. So, the identity of Copts is not directly associated with Christianity because it dates back to the era before Christianity was established in Egypt. When, however, Muslims conquer Egypt during the 7th century CE, a new religion has been introduced to Egyptian community. As a result, people of this society can be described as Muslims or Copts.

⁵⁵ “International Religious Freedom Report for 2011,” U.S. Department of States, Diplomacy in Actions, 11.

⁵⁶ “One Hundred Fifth Congress of the United States of America” :6-7.

⁵⁷ Howard LA Franchi, “Religious freedom report: World is sliding backwards, Clinton says, The Christian Science Monitor,” (July, 2011, <http://www.csmonitor.com/USA/Foreign-Policy/2012/07/30>. (Accessed December 9, 2012).

⁵⁸ Abdulmasih Yasiri, the Coptic Language of the Epistle of the Miraculous Saint Mina Alexandria, Arabic), the Society of the Miraculous Saint Mina (1970), 13.

⁵⁹ Ibid, 14.

Those who embraced Islam were known as Muslims⁶⁰, and the rest of people who stuck to the original religion were known as Copts. Now the word has the meaning of religious identity since it becomes referring to Christian Copts minority in Egypt. Most of them (95%) belong to Orthodox Church⁶¹.

Since the issue of religious identity is very overlapping in Egypt, it noteworthy to give a particular attention. This will help understand the nature of relationship between the state and Copts. As I have already shown, the constitution of Egypt in 1979 issued Islamic Sharia is one source of legislation, and its amendments in 1980 proclaimed it a principle source⁶². From these constitutional statements, it is safe to conclude that Egyptian government associates its religious identification with a certain religion which is here Islam. This identification has been a subject of criticisms either by Egyptian citizens or by outside observers. As Robert D. Lee put it: "To identify Egypt with Islam exposes the Egyptian state to criticism not just by its own citizens but by foreign groups and states claiming to represent the universal principles of Islam."⁶³ One reason which probably drives Western scholars to raise such issue with regard to this identity of Egyptian state is that such identification too broad and too narrow. So, this identity does not fit Egyptians because it excludes Copts.

For Copts, the identification the state with the religion of majority is implicitly allocated them as a minority which is for them just unacceptable. For this reason, Copts decided to fight against the regime. For instance, the leader of Copt church established before 1979 what was known as "millet partnership" with Jamal-Abd-Nasir which characterized them as minority in Muslim community. On the other hand, "when Nazir Gayyid became a patriarch of the Copt church in 1979, taking the title of Pope Shenouda, he broke the "millet partnership"⁶⁴." The constitution of Egypt marks Copts as second-class citizens in terms of religious identity. Playing such role in Egyptian society does not please Copts; therefore, they chose the way of resistance in order to symbolize their existence among Egyptian community as an integral part. Seeking for solution to the problem of identity, many Copt intellectuals see either secularism which may help the state include Muslims and Christians or the identification of the state should be with a "Muslim-Christian religious establishment that reflects underlying Egyptian morality"⁶⁵. The last suggestion "seems more promising than the pursuit of radical separation between the political and religious identities"⁶⁶.

⁶⁰ More to the point, there is a survey which has been taken "in 2000 reported that some 80 percent of Egyptian respondents identified themselves first as Muslims and secondarily as Egyptians" (World Values Survey 9062000, Question G 015, "Which of the Following best Describe You?").

⁶¹ George Ajiby, "Preliminary Sketches on the Church and Human Right in Egypt, Arabic Riwaq," (Arabic), 5 (April 1997), 113.

⁶² Robert D. Lee, Religion and Politics in the Middle East: Identity, Ideology, Institutions, and Attitudes, 88.

⁶³ Ibid. 88.

⁶⁴ Ibid. 90.

⁶⁵ Ibid. 91.

⁶⁶ Ibid. 91.

Identifying the state with religion of majority, like the case of Egypt, drives towards raising the question of identity for Copts. For Christian minority in Egypt, it is fair enough to have such concern because it is related to other important systems like education, economic. This means what type of education that Egyptian government should provide its citizens with. The same question should be asked concerning economic system, especially with Islamist government. So, what is the solution to this problem? Is “the radical separation between the political and religious identities?” an effective solution? According to Robert D. Lee, “Democratization might conceivably open the way for a solution, but democratization requires a regime with sufficient strength and confidence the transition.⁶⁷” To expend his position concerning the validity of secular state, he quoted an interviewee secularist woman Muslim Egyptian who “explicitly saw secularism as a way of including Muslims and Christians in single discourse and single society⁶⁸”.

As many Western observers and scholars argue, adopting secularist political system is almost the only paved way to guarantee equally religious freedom right to all citizens without any restriction placed on religious minority. It is also the solution to avoid what has been known as “Islamic repression” in Muslim majority states including Egypt. For those observers, applying secularist political system in Egypt is a solution to Copt minority not to be differently and poorly treated. This is because, according to Steve Bruce, “Islamic states deny what in liberal democracies is regarded as basic liberty. He added that “Islamic states impose religiously legitimated norms on the entire population; they protect Islam from challenge; they perpetuate a variety of repressive practices on the grounds that Islam mandates; and they elide criticisms of Islam and criticisms of the state and thus treat what in other places would be legitimate disagreements as matters of reason.⁶⁹”

It is noteworthy that the solution which has been suggested by Western literature to the problem of religious minorities in Muslim majority countries, the case of Copts in Egypt is an example, is based on their own interpretation to the connotation of liberty which is somehow different from Muslims ‘point of view.

Based on Western’s understanding of liberty, this is the crucial turning point between Egyptian political system and the U.S. political system since the secularization, which is the case of American political system, is better solution to the issue of minority. As a result, as American government is a federal system, it has serious tendency to please Muslim minorities in terms of enjoying their full religious right in comparison to non-federal government which the case of Egypt. In the context, Bruce introduces a comparison within Islamic states and he concludes that Islamic federal governments, for instance Malaysia, “Have better record of toleration than most Middle East.⁷⁰ In general, from Western’s perspective, whenever there is a state that adopts a

⁶⁷Ibid. 91.

⁶⁸Ibid. 91.

⁶⁹ Steve Bruce, *Politics and Religion*, (Cambridge: Polity Press, 2003), 183-184.

⁷⁰ Ibid.186.

given religion, there are difficulties in terms of relationship between the state and religion. One of these difficulties must be invoked when there are religious minority groups who are not belonging to the same religion which the state adopts.

C-Manifestations of Religious Discriminations Against Copts

Copts in Egypt are discriminated against in almost all aspect of their lives. To more to the point, there are many cases that clearly show Copts being discriminated against. At the level of using violence against religious institution like churches. Manifestations of religious discriminations in Egypt are definitely worse than it is in America. One example can show the level of discriminations they suffer. This example is related to the identification of the state with majority religion which is Islam. So, From Western intellectuals' perspective, the identification of Egyptian state with Islam is to separate Copt Christian "from full identification with the state"⁷¹. This is regarded as an unacceptable image of religious discrimination against Copts. The identification with Islam allows Egyptian state to differently treat Copts as dhimmis who have to pay special tax to the state in return of providing them with a protection.

Conclusion

In conclusion, the issue of religious freedom has been given a particular attention in the second half of last century. Religious freedom is usually associated with special rights of religious minorities around the world in particular in non-democratic nations. This paper attempts to provide a comparative analysis of religious freedom between Western Christian majority countries and Muslim majority state in general. Based on this comparison, the paper concludes that Muslim minorities experience the lowest levels of religious discriminations in Christian majority countries, while Christian minority suffers the highest levels of religious discriminations in Muslim majority nations. Almost the same situation has been concluded for Muslim minorities in the United States and Copts in Egypt. Additionally, in order to have better understanding of in terms of providing a wide range of answers to the question of practicing, manifesting, and expressing religious identity for minorities groups in either the United States Egypt, the paper draws attention to legal framework of the two countries to what extent that the legal system can protect human right. Moreover, the paper prides some real cases that help in having better understanding about religious discriminations against religious minorities in either the United States or Egypt.

⁷¹Robert D. Lee, Religion and Politics in the Middle East: Identity, Ideology, Institutions, and Attitudes, 89.

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