RELIGIOUS DIFFERENCE
IN A SECULAR AGE

A Minority Report

SABA MAHMOOD

Chapter 1

MINORITY RIGHTS AND RELIGIOUS LIBERTY: ITINERARIES OF CONVERSION

This chapter provides an account of political secularism in the Middle East by tracking the career of two of its signature concepts—religious liberty and minority rights—across the nineteenth and early twentieth centuries. Less a chronological history than a genealogy, it seeks to capture key shifts in the meaning and praxis of these concepts in order to understand how relations between Muslims and non-Muslims were reconfigured in the modern period. Because I am interested in how religious difference has come to be regulated and remade under conditions of modern secular governance, I focus on the problem of religious minorities rather than groups defined by ethnic, linguistic, or other attributes. This chapter tracks broader international and regional developments that are crucial to how religious difference has come to be imagined and lived in modern Egypt. In doing so, I go back and forth between European and Middle Eastern history because I firmly believe that no analysis of secular political concepts and institutions in the latter is complete without simultaneously accounting for their evolution in the former. Consequently, this chapter does not so much offer an "indigenous genealogy" of the concepts of religious liberty and minority rights as it highlights the overlapping histories that have shaped their modern trajectory.

There are three historical shifts around which this chapter is organized. I start in the nineteenth century, when the concepts of religious liberty and minority rights gained traction in the region with the expansion of European power into the territories ruled by the Ottoman Empire. Christian European states systematically used the discourse of religious liberty and minority rights to undermine Ottoman sovereignty in the name of safeguarding the interests of "Eastern Christians," as they were called at the time. Eventually, a weakened Ottoman Empire adopted religious liberty and minority rights within its governing apparatus in order to shore up its territorial sovereignty and harness the fractious loyalties of diverse irredentist groups. The adoption of these legal concepts did not simply level old religious hierarchies but recalibrated

them to a new calculus, opening up certain forms of political belonging for non-Muslims while closing others.

A second historical shift in the meaning of religious liberty and minority rights came about with the institutionalization of the nation-state as the globally dominant form premised on the principle of popular sovereignty and formal equality. From instruments of imperial patronage, religious liberty and minority rights became part of the broader vocabulary of civil and political rights. While in Europe, the transition from imperial to popular sovereignty was a fait accompli by the end of the nineteenth century, this was not the case in the Middle East; there, popular sovereignty had to be developed institutionally and discursively within the context of expanding missionary activity and (direct or indirect) colonial rule. International law, which was supposed to institute a global political order based on the doctrine of sovereignty, readily accommodated the exceptional nature of colonial and mandatory rule. As a result, the meaning and praxis of religious liberty and minority rights in the Middle East were forged in the context of differential sovereignty between Europe and the Middle East, a context that, as I hope to show in this book, remains relevant to how the minority issue is debated in Egypt today.

A third shift that I track in the concept of minority rights belongs to the interwar period. Under the auspices of the League of Nations, an authoritative definition of "national minority" was developed and a system of minority treaties was established to track infractions in countries that were, for the most part, subject to European power. This period in the League's history is instructive not only because it exemplifies the logic of differential sovereignty that attends rights discourse in international law, but also for its consistent thematization of an irresolvable tension located at the heart of the concept of *minority*: on the one hand, a minority is supposed to be an equal partner with the majority in the building of the nation; on the other hand, its difference (religious, racial, ethnic) poses an incipient threat to the identity of the nation that is grounded in the religious, linguistic, and cultural norms of the majority. Even though the League of Nations and its minority treaties system were dismantled, eventually replaced by the United Nations and its charter of human rights, contemporary struggles over minority rights continue to reenact this tension in various forms.

This chapter is also an argument for why the discourse on religious liberty and national minorities needs to be urgently rethought outside the framework of rights. It belongs, I want to suggest, to a far broader field of secular political praxis that secures the prerogative of the modern state to serve as the arbiter of religious differences, to remake and regulate religious life while proclaiming its sanctity, in the process fundamentally transforming how people perceive and negotiate religious identity and communal relations. Viewed from this perspective, religious liberty does not simply protect religious belief (or unbelief) from state intervention, but secures the distinction between public and private that is so foundational to secular political rule. Similarly, the legal concept of national minority does not simply signify a predetermined demographic group upon whom the modern state confers rights and obligations. Rather, its institutionalization also produces the kinds of subjects who can speak in its name, transforming how religious differences are lived, recognized, and contested. Perhaps if we can apprehend these dimensions of religious liberty and minority rights we may be able to appreciate the double-edged character of political secularism, which promises religious neutrality even as it remakes the fundamental contours of religious life.

Sovereignty and Religious Liberty

The signing of the Peace of Westphalia treaties in 1648 is often narrated as the foundational moment in the emergence of the concept of religious liberty; it not only brought an end to nearly one hundred years of religious warfare among Christians, but also created a political order in which subjects of a state were allowed to hold religious beliefs that were different from the ruler's. While some scholars view the Peace of Westphalia as an earlier moment in Europe's unfolding commitment to the virtue of religious tolerance, others see it as a far more pragmatic instrument that helped settle long-standing territorial disputes by granting formal independence to polities struggling to be free from the Holy Roman Empire (such as the Netherlands, Switzerland, Savoy, and Milan). In this latter understanding, the Peace of Westphalia is credited with establishing the principle (if not the practice) of state sovereignty, with the sovereign's right to control his territory and subjects free from outside intervention.[1] Writing forty years later, John Locke in his *Letter Concerning Toleration* (1689) made government conduct indifferent to religious truth far beyond the parameters of the Peace of Westphalia, further consecrating religious liberty as a foundational element of liberal political rationality and raison d'état. What I want to highlight here is that in European historiography, the birth of the concept of religious liberty is deeply intertwined with the establishment of the principle of state sovereignty, securing regional peace, and the creation of an intrastate protocol for handling what used to be called religious dissenters but later came to be regarded as "religious minorities."[2]

---

[1] Challenging the conventional story that the history of religious liberty in Europe and America is a progressive march toward increasing toleration, there is a significant body of scholarship that emphasizes the multiple, discontinuous, and competing trajectories since the principle was initially founded. See, for example, Bhuta, "Two Concepts of Religious Freedom"; Dunn, *The History of Political Theory*; Haefeli, *New Netherlands and the Dutch Origins*; Hunter, "Religious Freedom in Early Modern Germany."

[2] While the principle of nonintervention in sovereign states is associated with the Peace of Westphalia, it was in fact not institutionalized until well into the late eighteenth century. The term *Westphalian sovereignty* is therefore somewhat of a persisting misnomer. Krasner, *Sovereignty*, 20.

While this foundational relationship between religious liberty and state sovereignty in European history is widely acknowledged, far less appreciated are the exceptions this narrative enacted as the discourse of religious liberty traveled to non-European shores. Notably, the introduction of the principle of religious freedom to non-Western lands often violated the principle of state sovereignty, instead of consolidating it. Consider, for example, the repeated attempts by Christian European rulers to assert their right to protect Christian minorities within the Ottoman Empire, beginning in the seventeenth century and only escalating over time. As long as the Ottoman Empire was strong, it could accommodate these pressures without compromising its sovereignty; but once Ottoman power started to decline, it could not resist Western European incursions on behalf of Ottoman Christians.

As early as the sixteenth century, Ottoman rulers granted special privileges—known as "capitulations"—to Western European traders, ensuring a considerable degree of self-government in matters of criminal and civil jurisdiction as well as freedom of religion and worship. Capitulations were legal instruments that a range of empires employed at the time to give extraterritorial jurisdiction to subjects of another state in order to bolster trade and strategic relations.[3] Malcolm Evans, in his magisterial history of the global career of religious liberty, notes,

> [The capitulations] were originally bestowed at a time when the Western States were economically and politically inferior to Ottomans but, as the balance of power shifted in their favour, they became a potent means of furthering their strength and the enfeebled Empire was unable to resist. Within this framework, the role of the Western European States as protectors of the religious freedom of their subjects within the Ottoman domains easily elided into a claim entitling them to champion the liberties, religious and otherwise, of *all Christians in the Empire*.[4]

Over time, the capitulatory privileges came to apply to European missionaries and, eventually, to indigenous Ottoman Christian communities as well, who were placed under

the protection of European Christian rulers. This amounted to a de facto revocation of Ottoman law in relation to many of its Christian subjects.[5] Notably, no parallel privileges existed for Ottomans in relation to non-Christian subjects of European empires.

As the nineteenth century progressed and the Ottoman Empire started to lose large portions of its Christian-dominated territories to breakaway states, the European powers deployed the claim of religious liberty for non-Muslim minorities to expedite this dissolution and secure their geopolitical interests in the region. The Treaties of Paris (signed in 1856) and Berlin (signed in 1878) both contained religious-liberty provisions for non-Muslims, which the Ottomans and the newly independent states were forced to adopt under European pressure.[6] The Treaty of Berlin, signed following the Russo-Turkish War, required that religious liberty be extended to minority subjects in the newly emergent states of Romania, Bulgaria, Montenegro, and Serbia. None of these states had the political power to negotiate similar terms from Europe. In the words of an influential scholar of the period, at the end of the nineteenth century the Ottomans "operated under severe constraints, the main constraint being the claim of Great Powers to be the protectors of Christians in the Ottoman Empire. This claim made the representatives of the Great Powers major actors in the domestic affairs of the Ottoman state."[7]

Religious Inequality under the Ottomans

The status of non-Muslims under Ottoman rule varied widely in part because of the empire's territorial scope and long duration. Not only did the Ottoman Empire rule over an immense diversity of faiths (including Judaism, various forms of Christianity, and heterodox Islamic sects) in a territory that extended across Asia, Europe, and Africa for over six hundred years, Ottoman policy also differed depending on the density of the non-Muslim population in a given region, the contracts negotiated at the time of Ottoman conquest, and the proximity of the conquered to the imperial center of the state. Historians, however, have tried to describe key features of Ottoman rule in regard to the status of non-Muslims. A striking feature of Ottoman rule was that it did not aim to politically transform difference into sameness (through

---

[3] Capitulations were part of a world in which the principle of "territoriality" accommodated the principle of "personal law" (the law of the community to which a person belonged). As a result, states often allowed people to abide by their own communal laws even when they traveled across state boundaries and jurisdictions. Özsu, "The Ottoman Empire."

[4] Evans, *Religious Liberty*, 61–62, emphasis added. A key example of the treaties that accorded European Christian sovereigns the right to act as protectors of Ottoman Christians while the Ottoman Empire was still strong is the Treaty of 1615, signed between the Habsburgs and the Ottomans, which recognized Austrian interests in securing the freedom of Catholics to worship and repair churches. As Ottoman power declined, other treaties were signed, such as the Treaty of Kutschuk-Kainardji (signed in 1774) between Russia and the Ottoman Empire, which recognized the tsar's right to intercede on behalf of Orthodox Christians, and the Treaty of Passerowitz (signed in 1718), which granted the Austrian emperor the right to intercede on behalf of Roman Catholics residing in Ottoman territories. For the privileges accorded to French Catholics in Palestine, see Maïla, "The Arab Christians."

[5] For the abuse of the concessions granted to Europeans to extend the protégé system, see Sonyel, "The Protégé System in the Ottoman Empire"; and McEwan, "Catholic Copts, Riformati and the Capitulations."

[6] The Treaty of Paris was signed at the culmination of the Crimean War, which itself was precipitated by Russia's claim to speak on behalf of all Orthodox Christians living in Ottoman territories. Its ostensible aim was to recognize the territorial integrity of the Ottoman Empire and bring an end to foreign (particularly Russian) intercessions. In exchange the Ottomans passed the sweeping Hatt-i Hümayun decree, which dismantled distinctions based on religion.

[7] Deringil, *Conversion and Apostasy*, 25.

forced conversion or assimilation) but allowed diverse religious communities to exist contiguously within a system where Muslims occupied the highest status.[8] Thus, unlike Christian empires that forced nonbelievers to convert in order to save their souls, this was not a part of Ottoman imperial policy.[9] This distinctive feature of Ottoman rule has led one scholar to characterize it as the "empire of difference."[10] Under the pact of *dhimma* (literally, pledge of security), non-Muslims (*ahl al-dhimma*) were accorded state protection and the right to practice their religion, maintain their places of worship, and have communal courts as long as they recognized the supremacy and primacy of Islam.[11] Christians and Jews, as "People of the Book" (*ahl al-kitab*), a Quranic concept (9:29), had special status in comparison to non-Muslims who did not belong to the Abrahamic faiths.[12] The *ahl al-dhimma* communities were required to pay an additional poll tax (*jizya*), and Christians were regulated through sartorial markers and restrictions placed on the performance of religious rituals and church construction.[13]

In comparing the Ottoman treatment of religious minorities with the Christian empires of Europe during the Middle Ages, Benjamin Braude and Bernard Lewis note that, unlike the Jews in Europe, Jews and Christians under Muslim rule were not forced to live in ghettos and their movement and occupation were not restricted; while at times subject to violence, they were neither exiled nor killed for their faith.[14] Najwa al-Qattan's work shows that despite their lower legal status, when non-Muslims used Muslim courts (which they often did, particularly regarding issues of marriage and inheritance), they "had a fair chance of prevailing," even against Muslim adversaries.[15] For the modern reader it is hard not to translate these observations into a

calculus of greater or lesser tolerance, of equality versus persecution. Yet, as a number of historians argue, these terms are anachronous for describing the premodern Ottoman world, where *inequality* was the norm; just as women were unequal to men and slaves unequal to masters, non-Muslims were not equal to Muslims. The fundamental question that occupied Ottoman rulers was how to manage religious diversity while maintaining Islamic supremacy. As Anver Emon puts it, the pact of *dhimma* was a legal instrument for the political inclusion of non-Muslims into the empire as much as an expression of their lower doctrinal and legal status.[16] The freedom of worship granted to non-Muslims, therefore, did not mean that the Ottoman state was neutral in regard to religion or sought to treat its subjects equally; the universality of the truth of Islam was indeed presumed, as was the imperial sovereignty of the sultan over his subjects, even as "People of the Book" had a (limited) space of autonomy over their religious and legal affairs. In this sense, the Ottoman state was quite open-handed in proclaiming Islam's religious and political hegemony.

Consider, for example, the case of Coptic Orthodox Christians, who regard themselves as the indigenous inhabitants of Egypt. They suffered brutal repression for two hundred years at the hands of Byzantine emperors for their dissent at the Council of Chalcedon (451 AD). The Egyptian Church, as it was known then, broke with the Chalcedonian consensus and embraced instead its own version of hypostatic Christology (for a resonance of this history in the present, see chapter 5).[17] Over time, the Egyptian/Coptic Church developed a fiercely independent ecclesiastical structure and theology, as well as a strong sense of agonistic autonomy from the rest of Christendom (including Eastern Orthodox Christianity). With the arrival of Muslim conquerors in 639 AD and the subsequent consolidation of Muslim rule, the Copts went from being a persecuted community at the hands of Christian rulers to a subordinated group in relation to Muslims, who quickly gained a large number of converts in Egypt.[18] As "People of the Book," Coptic Orthodox Christians came to be governed under the system of *ahl al-dhimma* as a separate, protected, and unequal community in relation to Muslims.[19] Over the centuries, the Coptic condition varied dramatically

---

[8] This system has been anachronistically described as a "millet system." But, as Benjamin Braude's work shows, it was only in the nineteenth century that the term *millet* came to denote "a non-Muslim protected community." Prior to this period, and sometimes even during the period of late Ottoman reforms, "*millet* could mean the exact opposite—the community of Islam in contradistinction to the non-Muslims under Islam's protection." Braude, "Foundation Myths of the *Millet* System."

[9] In comparing the Ottoman Empire to the Spanish *reconquista*, Deringil notes, "There was no formal Spanish equivalent of *dhimmi* (non-Muslim subject) status for the conquered Muslims" since the aim of the *reconquista* was to expel Islam from the Iberian Peninsula. Deringil, "There Is No Compulsion in Religion," 551.

[10] Barkey, *Empire of Difference.*

[11] The legal concept of *ahl al-dhimma* was developed in the ninth century and did not exist in early Islamic history. See Papaconstantinou, "Between Umma and Dhimma." For a discussion of the historical and regional variations in the implementation of the *dhimmi* system, see Emon, *Religious Pluralism and Islamic Law.*

[12] Emon, *Religious Pluralism and Islamic Law*, 73.

[13] These restrictions were similar to those imposed on non-Christians in other empires, such as the imposition of a poll tax on Jews under the Byzantine and Sassasin empires, or clothing restrictions imposed on Jews and Saracens under canon 68 of the Fourth Lateran Council in 1215. Ibid., 73, 132.

[14] Braude and Lewis, "Introduction," 6.

[15] al-Qattan, "*Dhimmis* in the Muslim Court."

[16] Emon, *Religious Pluralism and Islamic Law*, 69.

[17] Strictly speaking, the Coptic Orthodox Church as we know it today is distinct from the Egyptian Church of the fifth century, which, as historians show, comprised multiplicitous theological strands. For a nuanced analysis of the historical process by which the Coptic Orthodox Church came to consolidate itself, see Papaconstantinou, "Historiography, Hagiography, and the Making"; and Mikhail, *From Byzantine to Islamic Egypt.*

[18] Some suggest that the Copts welcomed their Arab conquerors at the time because of fierce Byzantine persecution, while others contest this story. For the debate around Coptic reaction to Muslim conquest, see Davis, *The Early Coptic Papacy.*

[19] This system of rule for non-Muslims is often referred to as the "Pact of 'Umar" among Copts, and is supposed to date back to the conquest of Egypt under the second caliph, 'Umar ibn al-Khattab (634–644 AD). Historians suggest, however, that there is no evidence of its existence before the ninth

with the vicissitudes of the Islamic empires that ruled Egypt. The Mamluk era (1250–1517) is often cited as the worst, marked by a decline in the Coptic population, losses due to conversion to Islam, and its subjection to harassment.[20] When the Ottomans conquered Egypt in 1517, they continued to regard the Copts as *ahl al-dhimma* but were markedly less persecutorial than the Mamluks. Coptic Christians were allowed to select their religious leaders, administer religious courts, own property, and ascend to important positions within the bureaucratic and economic structure of the empire. Physical segregation based on religious affiliation and prohibitions on the public display of Christian religiosity continued.[21]

The relative improvement in the status of Coptic Orthodox Christians was in part a result of Egypt's peripheral location to the Ottoman Empire. Largely ruled through local proxies, the Sublime Porte's policies, as one historian suggests, "were open to arbitrary interpretation of regional and local rulers, and non-Muslims had to be prepared for both leniency and rigidity in their enforcement."[22] One unexpected consequence of this proxy rule was the emergence of a lay Coptic elite class, the archons (*arakhina* in Arabic), who gained prominence over the course of the eighteenth century by serving in the upper echelons of the Ottoman administrative and financial sector. This accorded them unprecedented power over ecclesiastical affairs, including the nomination of Coptic patriarchs and oversight of the Church's financial resources.[23] The center of gravity effectively shifted from clerics to lay elites, who came to play a significant role in mediating the relationship between the community and the state for 150 years.[24] According to Magdi Guirgis, Coptic laymen have not exerted this kind of influence over ecclesiastical affairs in any other period of Egyptian history, with the possible exception of the short-lived and highly contested experiment with the *Majlis al-Milli* (Coptic Communal Council, est. 1874; see chapter 2).[25] The archons' prominent role

in the life of the Coptic community came to an abrupt end when Muhammad Ali rose to power in 1805. He introduced a number of secular reforms in Egypt, including dissolving the *dhimmi* system and granting political equality to non-Muslims.[26] Ironically, however, the story of Egypt's secularization is also the story of the consolidation of ecclesiastical power and the steady ascendance of the Coptic Orthodox Church as the sole representative of Copts.

Over the course of the nineteenth century, the Ottoman system of governance that was based on the twin principles of religious pluralism and inequality slowly dissolved. European campaigns waged on behalf of Christian minorities living in Ottoman territories played no small role in the eventual dissolution of the empire (in 1922).[27] These campaigns, however, also helped disseminate the ideals of religious equality, liberty, and minority rights among the rulers and ruled alike. In 1856 the Ottomans passed the sweeping Hatt-i Hümayun decree (right before the Treaty of Paris) that dismantled distinctions based on religion, language, and race, as well as forms of legal hierarchy, granting non-Muslims full civil and political rights.[28] Historians argue that such measures were not simply politically expedient ways for the Ottomans to yield to European pressure; rather, they were the crucial means for consolidating an increasingly fragmented polity and modernizing the state. As Bruce Masters points out, "Many in the generation of the [Ottoman] reformers genuinely wanted to transform the political landscape of the empire in order to create Ottoman citizens who could hold the line against the empire's dissolution."[29] Similarly, Donald Quataert suggests that granting political equality to Christians was a useful strategy to "bring Christians who had become protégés of foreign states back under the jurisdiction of the Ottoman state and its legal system."[30] One might say that at this point in history, the discourse of religious liberty and minority rights provided the grid of

century and that it was likely compiled from a variety of different legal sources. See Cohen, "What Was the Pact of 'Umar?"

[20] Armanios, *Coptic Christianity in Ottoman Egypt.*

[21] Behrens-Abouseif notes that these restrictions applied more to urban Copts than to those residing in rural areas, where the differences between Muslims and Christians were much less thematized and pronounced. Behrens-Abouseif, "Political Situation of the Copts," 186. Guirguis makes a similar argument in the opening pages of Guirguis and van Doorn-Harder, *The Emergence of the Modern Coptic Papacy.*

[22] Armanios, *Coptic Christianity in Ottoman Egypt,* 17.

[23] Guirguis and van Doorn-Harder, *The Emergence of the Modern Coptic Papacy,* 34–51. On the power of the archons, also see el-Leithy, *Coptic Culture and Conversion in Medieval Cairo.*

[24] According to Armanios, "By the seventeenth century, patriarchs were almost always elected by the highest lay leaders" instead of "electoral synods that included laity, bishops and priests." Armanios, *Coptic Christianity in Ottoman Egypt,* 34–35. This stands in contrast to the present, where the role of the Coptic laity has been progressively narrowed in the election of the Coptic patriarch, securely placed in the hands of the Holy Synod and clerical elite. For a discussion of contemporary opposition to this arrangement, see EIPR, "Dimuqratiyya al-'Iklirus!"

[25] Seikaly, "Coptic Communal Reform." Also see Guirguis and van Doorn-Harder, *The Emergence of the Modern Coptic Papacy.*

[26] Guirguis and van Doorn-Harder, *The Emergence of the Modern Coptic Papacy,* 51. This was not the first time, though, that discriminatory practices against Coptic Christians were lifted. After his invasion of Egypt (1798–1801), Napoleon Bonaparte revoked "legal restrictions and discriminations against Christian minorities," which were reinstated and in place until the ascension of Muhammad Ali to power. Behrens-Abouseif, "The Political Situation of the Copts," 188.

[27] On this, see Deringil, *Conversion and Apostasy,* as well as Rodogno, *Against Massacre.*

[28] According to Bruce Masters, Hatt-i Hümayun "reiterated the principle [initially formulated in the Gülhane decree of 1839] that the sultan's subjects were equal, but went much further in outlining what that equality entailed. Freedom of the practice of religion was guaranteed. No distinction would be made on the basis of language, race, or religion among the sultan's subjects. Mixed tribunals, consisting of members of different religions, would replace shari'a courts for any commercial or criminal suits involving Muslims and non-Muslims. There would be no discrimination in admission to government schools or service. . . . Symbolic of the radical transformation in the relationship between the state and its non-Muslim subjects, the framers refrained from employing either *ahl al-dhimma* or *reaya* when referring to them in favor of a neutral neologism, *gayrimüslimler* (other than Muslims)." Masters, *Christians and Jews,* 138.

[29] Ibid., 137.

[30] Quataert, *The Ottoman Empire,* 66.

intelligibility for understanding, contesting, and making certain claims in the national and transnational geopolitical space against one's adversaries and with one's allies.

Saving Ottoman Christians

For the non-Muslims of the Ottoman Empire, the transformations ushered in by Hatt-i Hümayun were complicated. Despite the letter of the law, formal and informal discrimination against non-Muslims continued.[31] Furthermore, political equality came at a cost for non-Muslims in that their communal autonomy was drastically curtailed when they were subjected to the laws of the centralized state. As Kemal Karpat points out, this "stemmed not from the [Ottoman] government's express desire to curtail freedoms of its Christian subjects but from a logical and unavoidable incompatibility between the concept of a centralized unitary form of government and the idea of corporate autonomy which the reformed *millets* desired to retain."[32] Political equality in the eyes of the law also meant that non-Muslims could now be recruited into the military and other forms of national service, which they actively resisted.[33] The European powers, for their part, eager to see the Ottoman reforms fail, continued to back "Ottoman Christians' complaints, [and] . . . allowed them to evade the provisions of the new laws and their responsibilities as citizens."[34]

The challenges involved in instituting political and civil equality for religious minorities in the late Ottoman Empire need to be understood in the framework of the rights that the modern secular state promised to its subjects and the privileges it withdrew. The parallels with the Jewish struggle in Europe are instructive. In charting the protracted history of Jewish emancipation in Europe, David Sorkin points out that even though "conditional tolerance" was extended to Jews as early as the eighteenth century, substantive political and civil equality remained elusive for them.[35] When it was granted in parts of Europe (in 1879 in France and 1871 in Germany), not unlike the case with non-Muslims of the Ottoman Empire, formal and informal discrimination against them did not end. Furthermore, in exchange for political equality, the Jews lost their corporate status and communal autonomy, not unlike the non-

Muslims under Hatt-i Hümayun.[36] Jewish communal autonomy in Europe had meant variable things, including the right to have religious courts, the exercise of juridical autonomy (over personal status law and at times civil and criminal law), and the right to collective taxation and political bargaining.[37] As various historians of this period note, Jewish political integration into Europe was predicated upon the dissolution of various forms of Jewish self-government and their collective subjection to the centralized state and its national laws, which came to apply homogenously to all its subjects. This dissolution of communal autonomy was also meant to weaken religious ties, realigning Jewish fealty to the nation-state that now laid claim to the life and resources of all those it governed.[38]

In contrast to Western European Jewry's loss of communal autonomy in the nineteenth century, religious/*millet* identity was often strengthened by Ottoman reforms (*tanzimat*) (see my elaboration of the term *millet* below).[39] As the besieged state tried to incorporate religious minorities into its morphing political machinery, it encountered stiff resistance. This was especially true of Christian communities who had powerful European allies, which enabled them to resist collective inscription into the statist project, particularly in the wars the Ottomans were fighting against various encroaching powers (including Russia). The struggle between the crumbling Ottoman center and its dissenting Christian subjects not only resulted in the secession of Greece, Bulgaria, and Montenegro, among others, but also led to a series of massacres of Christians in Mount Lebanon and Syria (1860), Crete (1866 and 1896), and Armenia (1894–96). The European press and governments widely represented this conflict as an object lesson in the essential barbarity of the Ottomans, using their mistreatment of Christians as an excuse to stage "humanitarian interventions" on behalf of Christians and further truncating Ottoman sovereignty.[40] While the Armenian genocide received broad attention from Europeans, there was a deafening silence around the

---

[31] Masters, *Christians and Jews*, 130–68.
[32] Karpat, "*Millets* and Nationality," 165.
[33] Masters, *Christians and Jews*, 138.
[34] Rodogno, *Against Massacre*, 46.
[35] David Sorkin argues that it is only after state recognition was extended to Catholicism, Lutheranism, and Calvinism with the Peace of Westphalia that it slowly "began to spill over" to Jews and other dissenting Protestants in Western Europe. Ironically, it was Joseph II's "enlightened absolutism" that made this possible. His Edict of Toleration extended first to Lutherans, Calvinists, and the Orthodox (1781), was later applied to the Jews of Vienna, Silesia, Moravia, Hungary, and Galicia (1782–89), and came to serve as a model for similar edicts adopted in France. Sorkin, "Religious Minorities."

[36] Sorkin shows that the process by which Jews were emancipated was checkered and piecemeal. Thus, even though Jews were granted political equality in 1790–91 in France, Napoleon "demoted the Jews of Alsace to a form of conditional emancipation in 1808 modeled on Joseph II's edict." Ibid., 9. Furthermore, in Britain, Jews "achieved civic and some political rights on an *ad hoc* basis either through the gradual removal of disabilities or the confirmation that they did not exist, often through court decisions that established unassailable precedents" (8).
[37] Katz, writing about eighteenth-century German Jewry, reports, "Personal matters like marriage, divorce, inheritance, and so forth came under the jurisdiction of Jewish institutions . . . [which] dealt with these matters on the basis of Jewish, that is Talmudic, law. Talmudic law also served as a source of authority for Jewish courts dealing with litigations between Jew and Jew." Katz, *Out of the Ghetto*, 19.
[38] See, for example, ibid., and Vital, *A People Apart*.
[39] See Davison, "*The Millets* as Agents of Change" and "The Advent of the Principle of Representation." I thank Bruce Masters for pointing me to these works.
[40] Despite the immense public outcry in European cities over the massacre of Armenian Christians between 1894 and 1896, European powers did not intervene to halt the genocide. For an interesting account why the Europeans desisted, see Rodogno, *Against Massacre*, 185–211.

massacres that the Belgian King Leopold II was committing in the Congo between 1891 and 1908, in which as many as eight to ten million Congolese died.[41] In commenting on the "humanitarian interventions" that European powers launched in the Ottoman territories during this period, Davide Rodogno notes that they chose to overlook "the fact that equality before the law and religious freedom in their own states, let alone colonies, did not exist. European diplomats and experts wanted the Ottoman government to legislate for equality and citizenship while, in a former Ottoman territory like Algeria, French authorities ruled in a far more intolerant, discriminating, and despotic way than the Ottomans had ever done."[42]

Despite its stated aim to uphold a political order grounded in the principle of mutual respect for state sovereignty, international law continued to authorize European violations of Ottoman sovereignty. Nineteenth-century European jurists decided to exclude the Ottoman state from membership in the "Society of Nations" (la société des nations) on the grounds that it was an "uncivilized" and "barbaric" polity, most clearly evidenced by the Ottoman mistreatment of its Christian subjects.[43] This was part of a broader European policy that excluded most if not all non-Western states from the ambit of international law. As Rodogno points out, while it was assumed that "uncivilized states" could offend European morals and values, "the opposite was not even contemplated as a working hypothesis."[44] Antony Anghie, in his analysis of the history of the emergence of international law, argues that this exclusion of non-Western states from la société des nations was enabled by a broader epistemological shift in international legal theory from natural law to positive law; the latter made a distinction between civilized and uncivilized states that the former had not. Anghie writes,

> The existence of a distinction between the civilized and uncivilized was so vehemently presupposed by positivist jurists, that the state of nature—and therefore naturalism—[became] epistemologically incoherent because it lack[ed] this central distinction. . . . In crude terms, in the naturalist world, law was given; in the positivist world, law was created by human societies and institutions. Once the connection between "law" and "institutions" had been established, it followed from this premise that jurists could focus on the character of institutions, a shift which facilitated the

racialization of law by delimiting the notion of law to very specific European institutions.[45]

The "law of humanity" (droits de l'humanité), drafted to authorize humanitarian interventions against Christian massacres in the Ottoman territories, was premised on this structure of reasoning internal to international law.

Prominent secular jurists of the time, including Richard Cobden (1804–65), advocated European interventions on behalf of Ottoman Christians throughout the nineteenth and early twentieth centuries. Cobden argued that the principle of nonintervention applied only to European affairs and not to the Sublime Porte because it did not qualify as a member of the community of civilized nations. Similarly, John Stuart Mill categorically rejected even limited interference by a "civilized state" in the internal affairs of another, while he strongly supported the adoption of far more extensive and intrusive measures in the affairs of uncivilized nations in order to teach them enlightened behavior.[46] It is important to note that even as international law became secular in its language, rationale, and stipulations, it also came to root itself in Europe's unique Christian heritage, understood to be unparalleled in its humanism, especially when measured against the barbarity of Islam. As Rodogno shows, key legal and political figures argued that even though European humanitarian interventions had been secularized since they were undertaken at the time of the Crusades, Christian solidarity was so strong among Europeans that "le droit des peuples and le droit de l'humanité" were thought to accommodate "the old Christian ideal."[47] It was this sentiment of Christian fraternity that reinvigorated European support for Christian missions around the world in the mid-nineteenth century, even as the West came to understand itself as resolutely secular. Thus, just as France was issuing a full-throated call to laïcité in the 1840s, it witnessed a Catholic revival that reignited popular French zeal to establish new missions in the Middle East.[48] Similarly, the United States and Britain at the time were undergoing their own Protestant awakening, which led to an expansion of Anglican and Presbyterian missions in the region. To be sure, there were important conflicts between the colonial administrators and missionaries, which have generated much historical debate among scholars of imperial France and Britain.

---

[41] Not only did the international legal community and institutions at the time ignore the mounting evidence of the Congolese genocide, but prominent jurists actually defended King Leopold for abiding by the "humanitarian wishes of the Conference of Berlin." Koskenniemi, The Gentle Civilizer of Nations, 161.

[42] Rodogno, Against Massacre, 11.

[43] Ibid., 62–63. See also ibid., chaps. 1 and 2.

[44] Ibid., 55.

[45] Anghie, Imperialism, Sovereignty, and the Making of International Law, 55.

[46] Ibid., 50.

[47] Rodogno, Against Massacre, 62.

[48] Tejirian and Spector cite 1843 as a critical year when a renewed commitment to missionary work reemerges in France, evident in the establishment of Jesuit missionary schools in Syria, the reconstituted French mission in Mount Lebanon, and the Oeuvres des écoles d'Orient (est. 1855) that spearheaded the Catholic missionary enterprise. Tejirian and Spector, Conflict, Conquest, and Conversion, 98–99.

Nonetheless, from the point of view of those who were subjected to their transformative power, the interdependence of these two projects, as I show below, was enormously consequential to the articulation of religious identity and intrafaith relations.

Freedom to Proselytize

The largest expansion of Christian missionary activity in the Middle East was also the period of the consolidation of colonial rule in the region.[49] Europeans (Catholics, Anglicans, Episcopalians, and Lutherans) had dominated the missionary scene up to the end of the nineteenth century, when American Presbyterians began flooding the region to establish missions in Anatolia, Eastern and Central Turkey, Armenia, Persia, Iraq, Syria, Lebanon, and Egypt. The Protestant missionaries came armed with the Enlightenment critique of ecclesiastical authority, espousing a privatized conception of religion whose proper locus was the individual, his conscience, and personal experience.[50] Their call to religious liberty differed from the one issued by the Christian European rulers of the seventeenth century whose proper addressee was the collectivity of Eastern Christians who needed to be brought under the patronage of European sovereigns. In contrast, the Protestant missionaries conceived of religious liberty as an individual's right (indeed, a moral duty) to break from the weight of custom, tradition, and clerical authority to embrace the higher truth of an enlightened religion. Their individualized call to religious liberty was also a powerful antidote, or so they hoped, to local interdictions (Muslim, Christian, Jewish) against interreligious conversion.[51]

Despite inter-denominational rivalry, all Christian missionaries of the nineteenth century shared the belief that the Oriental churches represented a heretical and arcane form of Christianity that was in desperate need of redemption. The Protestant critique of ecclesiastical power easily accommodated Orientalist stereotypes that populated

the European imaginary at the time (see chapter 5). Commenting on the American Presbyterians, Ussama Makdisi writes:

> From America the missionaries had come to save those whom they described as religiously "mingled" peoples of the East. Their awareness of what they believed to be the waning power of Islam, and what they regarded as the corruption of Eastern Christian churches, galvanized the missionaries. They believed themselves to be at the vanguard of the liberation of the world and the heirs to the Protestant Reformation.[52]

Orientalist and colonial scholarship was a key site for the reproduction of the missionary lore about the degenerate character of Eastern Orthodox Christians. Take, for example, the following remarks that the well-known lexicographer Edward William Lane made about Coptic Christians in his book *An Account of the Manners and Customs of Modern Egyptians*, published in 1836:

> One of the most remarkable traits in the character of Copts is their bigotry. They bear a bitter hatred to all other Christians; even exceeding that with which the Muslims regard the unbelievers in El-Islam. . . . They are, generally speaking, of a sullen temper, extremely avaricious, and abominable dissemblers; cringing or domineering according to the circumstances. . . . [They] are generally ignorant, deceitful, faithless, and abandoned to the pursuit of worldly gain, and to indulgence in sensual pleasures.[53]

Several decades later, Lord Cromer, who served as the British Consul-General (from 1883 to 1907) echoed Lane's judgment, differing only over the reasons for Coptic moral degeneracy:

> It is true that the Coptic Christian has remained stagnant, but there is this notable difference between the stagnation of the Moslem and that of the Copt. . . . The Copt . . . has remained immutable, or nearly so, not because he is a Copt, but because he is an Oriental, and because his religion, which admits of progress, has been surrounded by associations antagonistic to progress.[54]

The American Presbyterians, along with the Catholics and Anglicans, viewed Egyptian Christians as a damaged community that was both heroic for having survived Islamic rule and degenerate for having assimilated Muslim customs. As a result, in the words of Tejirian and Simon, "the Presbyterians joined the three-way competition for

---

[49] On this history of Christian missions in the Middle East, see ibid.

[50] This stood in contrast, for example, with the efforts of the Roman Catholic Church to lobby the Coptic patriarchs over the course of the sixteenth century to accept the Chalcedonian creed, denounce their heretical beliefs, and accede to the sovereignty of the Catholic pope. Even though the Coptic Church united with Rome briefly (from 1586 to 1601 AD), these efforts failed in large part because of the Catholic Church's arrogant attitude and ignorance of Coptic history and beliefs. See Hamilton, *The Copts and the West*, chaps. 3 and 6.

[51] If Muslim apostasy laws were one significant source of grievance for the missionaries, Jewish opposition to their projects was another. Arab Jews, for example, strongly opposed the recruitment of Jewish children in missionary schools. As a result, L'Alliance israélite universelle was founded in 1860 in Paris to provide Judaism-inflected education to the Jews living in the Middle East and the Balkans. By the end of the nineteenth century, their network of schools extended to Iraq, Morocco, Syria, Egypt, Iran, Libya, Lebanon, and Tunisia as well as Turkey and the Balkans. Tejirian and Spector, *Conflict, Conquest, and Conversion*, 149.

[52] Makdisi, *Artillery of Heaven*, 3.

[53] Lane, *Account of the Manners and Customs*, 551.

[54] Quoted in Hamilton, *The Copts and the West*, 283, from Baring, *Modern Egypt*.

the Copts' souls."[55] The period of the British occupation of Egypt (1882–1918) was the heyday of missionary activity, during which American Presbyterians enjoyed the protection of British colonial authorities.[56] Notably, the Ottoman capitulations proved to be crucial for the European and American missionaries during this period, allowing them to buy property, travel along the Nile to proselytize, and build and run schools in which Christianity was openly taught to Muslim and non-Muslim children alike.[57] Thus the Ottoman capitulations were not simply a thing of the past but continued to have a transformative effect on non-Muslims and Muslims well into the early half of the twentieth century.

The consistent failure of the Protestant missionaries to gain converts from Christians and Muslims alike eventually prompted them to focus their energies on reforming the purportedly derelict and moribund character of Oriental/Eastern Christianity. Key to this reform was the inculcation of natives into a different understanding of religion that was privatized, individualized, and grounded in a personal experience of the divine. The individual's right to religious liberty was the most powerful expression and vector of this Protestant conception of religion, combining its various predicates in one pithy formulation: belief, conscience, and individual choice. It was bound up with the moral judgment that religion, in order to square with freedom and enlightenment, must be chosen freely by a rational, deliberate agent. The natives' stubborn hewing to their own faith was understood never as an act of will but as a product of either clerical coercion or servile cultural compulsion.[58]

The missionaries made ubiquitous use of international diplomacy and the colonial and foreign offices of Anglo-American governments to enforce their conception of religious liberty in the Middle East. As Sharkey notes, Andrew Watson, a founding figure of the American Presbyterian mission in Egypt, advocated for the adoption of religious liberty in forums as diverse as the League of Nations, the Paris Peace Conference, the US State Department, and the British Foreign Office.[59] His son, Charles R. Watson, a leading figure who helped establish the American University in Cairo, doubted the efficacy of Christian proselytization in Egypt but continued to promote religious liberty as an individual's right to freely choose his faith—particularly for "Egyptian Muslims to embrace Christianity and profess it in public."[60] In reflecting on this global campaign that Euro-American missionaries, educators, and colonial officials launched, it is hard to separate the religious elements of the campaign from

secular ones. Indeed, it is difficult to even imagine how one would secure such a separation epistemologically, politically, and historically.

Despite strident Anglo-American advocacy, the individualized concept of religious liberty failed to gain much traction among ordinary Muslims and Christians of the Middle East even as it became ensconced in the laws of the region. As anticolonial resistance mounted against the British in Egypt, for example, the issue for Muslim and Christian nationalists was how to secure the right to freedom *from* Christian evangelicalism rather than how to embrace its individualizing call.[61] By the 1930s, there was an organized backlash against the missionaries in Egypt; its most effective expression was found in the tracts the Muslim Brotherhood published against the missions, which often represented Christians tout court as agents of foreign powers. Eventually the power of the missions faded as European and American support for them declined; and as Egypt was decolonized, a whole host of restrictions and regulations were applied to them, including mandatory Islamic instruction in missionary schools.[62] In 1937, with the signing of the Montreux Convention, the legal and fiscal privileges that the missionaries had enjoyed in Egypt were also finally revoked.[63]

The transformative effect of the missionary project in the Middle East should be measured not in the number of converts they gained but by the dissemination of Protestant ideas about religion and education, which in turn fomented reform in the churches of the region, including in the Levant as well as in Turkey, Persia, and Iraq.[64] The Protestant belief that the Bible should be read in the vernacular in order to develop a personal relationship with God was crucial to the Bible's circulation in Arabic-language translation and to the adoption of Arabic in the rituals and liturgies of Middle Eastern churches. The schools and colleges the Anglo-European missionaries established are perhaps their next most important legacy, which produced a generation of national bourgeoisie and church leadership at the forefront of the anticolonial struggle. Historian Paul Sedra's work shows in great detail how the Coptic Orthodox Church in Egypt, under Protestant influence, came to adopt a series of educational reforms and a more service-oriented theology.[65] He also documents the role Protestant ideas played in fostering an elite Coptic consciousness that was highly critical

---

[55] Tejirian and Simon, *Conflict, Conquest, and Conversion*, 108.

[56] Sharkey, *American Evangelicals*, 30–31, 37.

[57] Ibid., 4.

[58] On this point, see Deringil, "There Is No Compulsion in Religion," 567.

[59] Sharkey, *American Evangelicals*, 161.

[60] Ibid., 5. On Charles Watson's changing position on Christian proselytization, see ibid., 156–62.

[61] To this day, the Coptic Orthodox Church conceives of religious liberty as a collective right of the Christian minority to protect itself against the corrosive effects of any kind of proselytization—Muslim, Catholic, or Protestant (see chapter 3).

[62] Sharkey, "Muslim Apostasy," 148.

[63] Under the auspices of the League of Nations, this agreement was signed between the governments of Egypt and several European countries (France, Britain, Spain, Belgium, and others). It abolished the extraterritorial legal privileges that were granted to foreigners in Egypt.

[64] Tejirian and Simon, *Conflict, Conquest, and Conversion*.

[65] Sedra, *From Mission to Modernity*; and Sedra, "John Lieder and His Mission in Egypt."

of ecclesiastical hierarchy and corruption.[66] It was this elite that led the first Coptic Communal Council, called Majlis al-Milli, created in 1874, to reform the Coptic Church and establish lay control over its endowments and clerical structure.[67] Although ecclesiastical authorities steadily stymied the Majlis's efforts, it was an important lay institution whose members played a leading role in the nationalist movement and in the drafting of the first constitution of Egypt (as I recount in the chapter that follows).

Human-Rights Missionaries

It is common to assume that Christian missions belong to a bygone past, their power replaced by secular values and norms in geopolitics. Yet it behooves us to think carefully about the entwinement of secular and Christian principles in international diplomacy. This entwinement is nowhere more apparent than in the making of Article 18 of the Universal Declaration of Human Rights (UDHR), which was formulated in the 1940s when Christian missions were in decline in the Middle East. The Article declares, "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."[68] At surface, this article appears to prescribe no particular religious content and to accommodate all forms of belief (or unbelief). However, a careful study of the forces that helped shape Article 18 and the assumptions that underlie this much-revered text challenges its apparent neutrality. In a meticulously researched dissertation, Linde Lindkvist shows that the conception of religious liberty that Article 18 enshrines was the fruit of a successful campaign that American evangelicals and European missionaries mobilized in the mid-1940s.[69] While Locke's theory of the separation of temporal power from the question of salvation was an important precedent, the evangelicals and missionaries elevated to a human-right dictum the Protestant idea that religion is about the inviolable sphere

of human conscience (rather than collective forms of religious life).[70] Lindkvist documents the central role the American Federal Council of Churches and the International Missionary Council played in framing Article 18, setting up a Joint Committee on Religious Liberty (JCRL) whose explicit aim was to "work for an international charter of human rights that would have a satisfactory place for the protection of religion and conscience."[71] The United Presbyterian Church—the sponsor of American missions in Egypt and a member of the International Missionary Council—was a key player in drafting Article 18 of the UDHR.[72]

This coalition of evangelists and missionaries viewed Article 18 as central to their fight against "Soviet secularism" and "Orthodox Islam" as well as to their efforts to proselytize freely in the global south.[73] The emphasis Article 18 places on an individual's right to "change his religion or belief" was a victory for these evangelists, one that predictably elicited objections from members of Muslim states who had, indeed, been its primary target.[74] While this opposition is often cast as a clash between Western secular values and Islamic conservatism (particularly the prohibition on apostasy), Lindkvist argues that this interpretation ignores the fear many Muslim states expressed that Article 18 would open up their countries to Christian proselytization at a time when the missions were finally in decline.[75] The Muslim states in their statements focused on how Christian missionaries throughout history had used religious liberty to foment religious conflict and to facilitate projects of colonial and imperial intervention.

Article 18 of the UDHR is striking for its omission of any reference to the institutional conditions necessary for the preservation of collective aspects of religious life (such as religious schools, charities, and other associations). While Article 18 includes language such as "in community with others," the explicit object of protection is the individual and his or her conscience. No reference is made to religious groups deserving of protection. This omission is particularly consequential for religious minorities who, without collective and communal institutions, remain vulnerable to losing their distinct forms of life and to assimilation to majoritarian norms in a given

---

[66] The development of the "Sunday School Movement" from the 1920s to the 1940s was a consolidation of this trend led by Pope Shenouda III (d. 2012) in his early years as a bishop. On this, see also Hasan, *Christians versus Muslims*, 57–102.

[67] Sharkey similarly notes that it was no accident that the Majlis al-Milli "in its conception and scope . . . resembled the Evangelical Church's presbyterial structure." Sharkey, *American Evangelicals*, 45.

[68] Article 18 of the UDHR became the basis for the UN Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief. For the tortured debate that accompanied its passage, see Evans, *Religious Liberty*, 194–226.

[69] Lindkvist, *Shrines and Souls*. See also the article based on the dissertation: Linkdvist, "The Politics of Article 18."

[70] Shorn of its evangelical moorings, conscience has become the defining feature of religious liberty, that which must be guaranteed through legal protection. On a strong argument for why this should be the case, see Leiter, *Why Tolerate Religion?*

[71] Lindkvist, "The Politics of Article 18," 440.

[72] Sharkey, "Muslim Apostasy," 139–66.

[73] Lindkvist, *Shrines and Souls*, 96–108. Two Christian figures who played a central role in shaping the wording of article 18 were Jacques Maritain (a French Catholic philosopher) and Charles Malik (a Lebanese Christian delegate on the Human Rights Commission). On their respective histories and views, see Lindkvist, *Shrines and Souls*; and Moyn, "From Communist to Muslim."

[74] See Mitoma, "Charles H. Malik and Human Rights."

[75] Lindkvist, *Shrines and Souls*, 130–36. Of the states that objected to the clause about freedom to change one's religion, only Saudi Arabia ultimately abstained in the final vote on Article 18. Iran, Egypt, and Pakistan voted for the Article, as did Syria, Yemen, Iraq, Afghanistan, and Lebanon.

polity.[76] Not surprisingly, it was the international jurist Hersch Lauterpacht, familiar with the plight of European Jews during the interwar years, who argued that equality was not reducible to "equal opportunities between individuals," but required a level playing field in which minority institutions and associational life had the same chance of flourishing as those of the majority.[77] Lauterpacht's attempts were robustly rebuffed, and Article 18 as we know it came to pass.[78]

While Article 18 of the UDHR is widely understood to be a secular accomplishment, as is clear from the history I recount above, it enshrines a particular conception of religiosity that is deemed normative and worthy of legal protection. It is therefore not a neutral instrument, as is often claimed, that can equally accommodate all conceptions of religion. Ways of being religious that do not fit this narrow conception either remain illegible or are not deemed worthy of its protection. Furthermore, the history of the passage of Article 18 elaborates the indelible ways in which the secular and the religious are intertwined, an entwinement that does not give the lie to secular neutrality but reveals its true character.

In wrapping up this section, I want to note that even though the narrative I have presented above is familiar to scholars of the Middle East, rarely does it serve as a resource for theoretical reflection on the shape secularism has taken in the region. For the most part, this history is used to demonstrate the incomplete character of secularism or its hijacked promise in Middle Eastern societies. In contrast, I have suggested that various aspects of this history are emblematic of key features of political secularism—such as the idea that religion is a matter of private belief and individual conscience, which now informs the constitutions of almost all Middle Eastern countries. The inhabitants of the region (Muslims and non-Muslims) clearly contest this notion, but their contestations are always located within this discursive frame against which another understanding of religion has to be polemically and rhetorically secured. Similarly, the history I recount above shows that the creation of a unitary and centralized form of government, as a fundamental feature of secularization, has brought religious life under the control of the modern state in a way that is historically unprecedented. One important consequence of this process is that all claims of reli-

gious identity are obliged to engage the state, its sovereign power now an indispensable feature of modern religious life.

In this section I have also charted key transformations in the concept of religious liberty. In the seventeenth century, when European Christian empires used it to claim Ottoman Christians as their brethren, it was primarily associated with communal affiliation. While its valence as a collective right did not entirely disappear, over the course of the nineteenth century, religious liberty came to take on an individualist cast—a formulation that is now enshrined not only in human-rights protocols but also in the national laws and constitutions of the Middle East. It sits in tension, however, with communal aspects of religious life and the rights and protections that this form of life can claim within a national polity. Thus, despite the individualist thrust of the language of political, civil, and human rights, struggles for collective rights persist into the present. Insomuch as liberal secularism enshrines the individual as the fundamental unit of political life, it continues to remain apathetic to communal aspirations. It is this tension, between individual and collective rights, that I analyze below.

What Is a National Minority?

The Versailles Peace Conference (1919) is narrated as a transformative moment in world history: with the dissolution of empires (the Ottoman, Habsburg, and Hohenzollern) that lost World War I, it heralded the creation of a new international order based on the nation-state. While that institutional form was already prevalent in Western Europe and North America, the victorious powers extended nation-state status to those that had broken away from the fallen empires. This privilege was denied, of course, to large parts of the world that were deemed unworthy of self-rule and thus brought under direct or indirect colonial rule. But, for the estimated sixty million people who were granted "a state of their own" in Central and Eastern Europe, this was a momentous development.[79] Despite this new international order, the Versailles peace treaties repeated the old pattern whereby the Allied powers' recognition of the newly independent states was conditional upon a pledge to uphold the rights of religious and ethnic minorities within their boundaries.[80] As was the case with

---

[76] One would imagine that the Christian missionaries who helped draft Article 18 would have been sensitive to communal aspects of religious life. Yet history shows that they remained adamantly opposed to any accommodation of collective or group rights. Lindkvist, drawing on Samuel Moyn's work, argues that the ideology of "personalist humanism" was in part responsible for this. Lindkvist, *Shrines and Souls*, chap. 5; and Moyn, "Personalism, Community, and the Origins of Human Rights."

[77] Lindkvist, "The Politics of Article 18," 434.

[78] A very similar concern had informed the Jewish drafters of the initial version of the Polish Minority Treaty in 1919, which also lost to a thin, individualized conception of religious liberty that was ultimately more amenable to the eradication of Jewish communal life. See my discussion of this point later in this chapter.

[79] Mazower, *Dark Continent*, 41.

[80] As Krasner notes, "The minority rights established after the First World War were set in peace treaties signed with Poland, Austria, Czechoslovakia, Yugoslavia, Bulgaria, and Romania in 1919, with Hungary and Greece in 1920, and with Turkey in 1923; in declarations made as conditions for admission to the League of Nations for Albania in 1921, Lithuania in 1922, and Latvia and Estonia in 1923, and Iraq in 1932." Krasner, *Sovereignty*, 90.

earlier treaties, none of the victorious Western powers (Britain, the United States, Italy, France, and Belgium) accepted similar provisions regarding their own minorities (the Welsh and Irish in Britain, Native Americans and blacks in the United States, the Bretons and Basques in France, and the multinational Tyrol in Italy). Despite having lost the war, Germany was not subject to these conditions because of the trust Western Europeans placed in their own capacity for tolerance.[81] Once the horror of the Holocaust unfolded almost two decades later, the irony of this judgment was not lost on those forced to accept minority stipulations in 1919.

The establishment of the nation-state as the dominant political form put into play a new rationale of governance that divided up the governed differently than did the empires. Instead of recognizing parallel and contiguous communities distinct by virtue of their confessional, denominational, or tribal affiliation, the nation-state sought to represent "the people," united by a shared history, culture, and territory. In this system, each individual qua citizen came to be tied to the state through a system of rights and obligations.[82] The terms *majority* and *minority* became a constitutional device for resolving differences that the ideology of nationalism sought to eliminate or assimilate. Since the Versailles Peace Conference, international law has used the concept of national minority to distinguish communities that can lay claim to membership in a national polity from populations that cannot, such as migrant workers or refugees.[83] Since 1919, minority has come to connote "an internationally sanctioned and politically consolidated category whose primary reference [is] to the nation state in which the minority [holds] citizenship, rather than the [group] to whom he/she 'racially' [or denominationally] belonged."[84] Notably, the new nomenclature of minority came to encompass not only religious but also racial, linguistic, and cultural differences. Religion thus became one among other features that was important to differentiating a group from the national majority.

The concept of national minority is built, however, on a fundamental tension. On the one hand, it signifies the membership of a minority group in a national polity; on the other hand, the minority group also represents an incipient threat to na-

[81] Jackson Preece, "Minority Rights in Europe," 82.
[82] In conventional accounts of nationalism, "civic nationalism" is often contrasted with "ethnic nationalism": the former, associated with Western Europe, is supposed to have created a homogenous and inclusive body politic, and the latter, linked with Eastern Europe, Asia, and Africa, is said to be riven with primordial differences. This image of Western European nationalism erases the long history of religious persecution that helped create the homogenous polities of the seventeenth-century (including the violence of Spanish Catholics against Muslims, Jews, and Protestants, of French Catholics against Huguenots and English Protestants, and of English Puritans against French and Irish Catholics). On this point, see Marx, *Faith in the Nation*; and Danchin, "The Emergence and Structure of Religious Freedom."
[83] See Jackson Preece, *National Minorities*, 14–30.
[84] Cowan, "Selective Scrutiny," 91n3.

tional unity, by virtue of its differences from the majority. This threat is intrinsic to the ideology of nationalism because the modern concept of nationhood regards linguistic, ethnic, and cultural characteristics as a legitimate basis for people's claims to self-determination and independent statehood. Under the auspices of the League of Nations (est. 1920) and the Permanent Court of International Justice (est. 1922), the Minority Treaties were instituted precisely to regulate this dual character of "national minorities." Minority-rights infractions committed by the newly created nation-states would be monitored, while irredentist movements that posed a threat to the status quo of the new system would be policed. One begins to get a sense of the magnitude of the problem that the Minority Treaties sought to manage when considering that more than twenty million people acquired the status of a "national minority" in Central and Eastern Europe alone.

Hannah Arendt was among the first to diagnose incisively the irreversible transformation that the globalization of national sovereignty had wrought in the meaning of the term *minority*:

> Minorities had existed before, but the minority as a permanent institution, the recognition that millions of people lived outside normal legal protection and needed an additional guarantee of their elementary rights from an outside body [the League of Nations], and the assumption that this state of affairs was not temporary but that Treaties were needed in order to establish a lasting modus vivendi—all this was something new, certainly on such a scale in European history. The Minority Treaties said in plain language what until then had been only implied in the working system of nation-states, namely, that only nationals could be citizens, only people of the same national origin could enjoy the full protection of legal institutions, that persons of different nationality needed some law of exception until or unless they were completely assimilated and divorced from their origin. . . . They thereby admitted . . . that the transformation of the state from an instrument of the law into an instrument of the nation had been completed; the nation had conquered the state, national interest had priority over law long before Hitler could pronounce "right is what is good for the German people."[85]

In international law, the definition of the term *minority* has proved to be elusive, despite the League of Nations's efforts.[86] It is unclear whether *minority* is an objective designation based on the presence of certain religious, racial, ethnic, linguistic, and religious

[85] Arendt, "The Decline of the Nation-State," 275.
[86] See the discussion of this issue in Jackson Preece, *National Minorities*, chap. 2, esp. 14–29. See also Rehman, "Raising the Conceptual Issues."

markers or a subjective one that registers a group's sense of discrimination based on these characteristics. The fact that there are groups who exhibit signs of difference from the national culture, or suffer from discrimination, but do not claim the term poses difficulties for international law. The jurist J. A. Laponce, for example, in an earlier book on the topic, writes that "a minority is a group of people who, because of a common racial, linguistic or national heritage which singles them out from the politically dominant cultural group, fear that they may either be prevented from integrating themselves in the national community of their choice or be obliged to do so at the expense of their identity."[87] Similarly, in his book on the topic, Inis Claude notes,

> The fundamentally subjective nature of the concept of the nation prevents a precise statement of the scope of our problem. Racial, religious, or linguistic differentiations may be treated as useful clues to the existence of national minorities, but *not as infallible indices*. We can only say that a national minority exists when a group of people within a state *exhibits the conviction* that it constitutes a nation, or a part of a nation, which is distinct from the national body to which the majority of the population of that state belongs, or when the majority element of the population of a state feels that it possesses a national character in which minority groups do not, and perhaps cannot, share. The *problem* of national minorities arises when such a situation exists within the conceptual framework of the national state.[88]

For both Claude and Laponce *minority* is not a demographic term but entails the subjective embrace of a group identity based on a shared sense of collective discrimination. The two entries in the *Encyclopedia of the Social Sciences* (1933 and 1968) also associate the term with a collective sense of economic, political, legal, and social disadvantage shared by a group.[89] These various attempts at defining the term link two disparate processes: the way a group comes to acquire a cohesive collective identity based on certain shared social characteristics, and the process by which the group becomes cognizant of its marginalization in a polity. *Minority* in this important sense is a *political* term in that it registers hierarchized difference (and not simply difference), despite the state's claim to ensure equality for all its citizens.

Given the ongoing ambiguity about who qualifies as a minority, the UN Special Rapporteur on the Protection of Minorities, Francesco Capotorti, tried to close the debate by offering the following definition in 1979: "[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 toward preserving their culture, traditions, religion, or language."[90] Despite this definition, often repeated in UN reports and human-rights protocols, questions persist. Do indigenous people, for instance, qualify as a minority, given that they face collective discrimination based on certain shared genealogical, linguistic, and tribal distinctions?[91] Similarly, do immigrants coming to Europe and America from former colonies who have gained citizenship status qualify as a national minority if they face discrimination based on their ethnic, racial, or religious identity? Answers to these questions depend not on clear definitions but on whether sovereign nation-states are willing to recognize the existence of minorities and grant them rights and liberties distinct from those accorded to the majority populace. This, in turn, often depends on how national belonging is defined and whether that definition is rooted in metaphors of blood, kinship, culture, or nature.[92] International bodies may force the UN definition on the so-called weak states but are helpless when it comes to convincing Western powers like Germany, France, Britain, and the United States to adopt it. France, which has coauthored all the major international treaties since the eighteenth century, continues to insist that no population living within its borders fits the description of the term as stated in the international conventions on civil and political rights.[93]

As is well known, the League of Nations spectacularly failed to curtail the rise of anti-Semitism and protect Europe's Jewish minority from genocide. Furthermore, the minority-rights regime provided the pretext for Hitler's invasion of Czechoslovakia to ostensibly protect the German-speaking minority in Sudetenland. The Euro-American Jewish diaspora had been gravely concerned with the tilt of European politics during the interwar years, before the national socialists ascended to power, and were at the forefront of advocating for minority rights. Their attempts were stymied for reasons that are instructive for understanding how inadequate the individualized conception of religious liberty is for protecting an endangered religious

---

[87] Laponce, *The Protection of Minorities*, 6, cited in Jackson Preece, *National Minorities*, 24.
[88] Claude, *National Minorities*, 2, emphasis added.
[89] Seligman, *Encyclopedia of the Social Sciences*; and Sills, *International Encyclopedia of the Social Sciences*.

[90] Quoted in van der Vyver, "Self-Determination and the Right to Secession," 251. Pursuant to this understanding, South African whites, despite being a numerical minority, do not qualify for this designation.
[91] See Kugelman on how the national minority debate is linked to UN protocols on indigenous rights: Kugelman, "Protection of Minorities and Indigenous Peoples." It is noteworthy that the debate on "national minorities" remains largely a European debate with little resonance in the United States, which continues to shun the term.
[92] There is a vast literature on this topic. For two contrastive treatments, see Brubaker, *Nations and Nationhood*; and Stevens, *Reproducing the State*.
[93] Berman, "The International Law of Nationalism," 40.

minority. The Polish Minority Treaty, passed after intense negotiations in 1919, exemplifies this inadequacy. The Treaty was a product of the labor of British and American Jewish groups who had pushed for proportional representation for Polish Jews at different levels of the government. They also sought communal control over the social, educational, and religious institutions that allowed the Jews to preserve their way of life, which was under the threat of dissolution.[94] These proposals were rejected on the grounds that this would turn the Jewish community into "a state within a state," a threat to Polish sovereignty itself. As a result, the Treaty erased all references to Jews as a nation in favor of "minority" so as to forestall any secessionist claims.[95] What the Polish Treaty did recognize, however, were individual liberties for Polish Jews; this included the free exercise of religion, provided that it did not violate the "public order and public morals" of the nation—a limitation that was enshrined in subsequent European and UN legal definitions of the right to religious liberty.[96] This condition establishes the sovereign prerogative of the state to intervene in the domain of religious practice (*forum externum*) while it sanctified privatized religious belief as a space (*forum internum*) free of coercion. It is important to note that however discredited the Polish Treaty seems from our present point of view for its failure to protect the Jews, its normative precepts and structural contradictions continue to animate the current legal and popular debates about national minorities in Europe and the Middle East. It is manifest in the legally consequential distinction that most national constitutions draw between interiorized belief, which is protected from state incursion, and the public domain of religious practice, which is subject to state regulation. I will return to this point in chapter 4, but suffice it to say that this distinction allows for the secular state to sanction religious *practice* while at the same time claiming to leave religious *belief* untouched.

The political fate of the European Jewry's struggle for equality is instructive for another reason, namely, the idea that only national self-determination could ensure the collective survival of a people. Carol Fink notes that there was a significant split at the end of World War I between Euro-American Jews who sought to secure rights for the Jewish diaspora dispersed across Europe as a "national minority" and Euro-American Zionists who insisted that without a nation-state "a minority without a territory remained

perpetually vulnerable to exclusion, persecution and expulsion."[97] As the Nazi horror unfolded, it was the latter view that eventually prevailed, manifesting in the Zionist consensus that Jews from around the world had to be transferred to Palestine, where they were to become a majority and secure a state dedicated to preserving their collective interests.[98] Ironically, the Zionist solution to European anti-Semitism was enabled by the very discourse of majoritarian nationalism that had victimized the Jews. Mark Mazower astutely points out that this solution to Europe's "Jewish problem" was rooted in what had, by the end of World War II, become a widely accepted principle of "ethnic homogeneity as a desirable feature of national determination and international stability."[99]

Once again, Arendt is useful here for the prescience with which she predicted the victory of the nation over the state. As she put it, once "the whole question of human rights . . . was inextricably blended with the question of national emancipation," it followed naturally that "only the emancipated sovereignty of . . . one's own people [could] insure them."[100] Without citizenship or membership in a national community, human rights were meaningless, Arendt argued. The most tragic proof of this was the mass of stateless people, the "modern pariahs" created in the aftermath of World War I, who could not even qualify as a national minority because they "did not have a right to have rights."[101] This abject condition was a consequence of a world order in which membership in a nation-state had become a necessary condition for the realization of one's humanity. No international charter or institution (such as the Minority Treaties, the League of Nations, or later the Universal Declaration of Human Rights) could ensure this right.

If the Zionist founding of Israel as a Jewish state occupied one end of the political spectrum, then Third World people's struggles for self-determination against European colonialism marked the other end. In an important sense, both were distinct instantiations of how a people's hope for emancipation was linked to achieving national sovereignty. Those who could not lay claim to a homeland (or were prevented forcibly from doing so) were destined to inhabit the median status of "national minority." They

---

[94] Evans, *Religious Liberty*, 105. Even though there were other demographically significant minorities in Poland (such as the Ukrainians and Lithuanians), it was the Jewish problem in Central and Eastern Europe that was the motivating force behind the Polish Treaty. For a full discussion of the politics of this treaty, see ibid., chap. 4, 104–24; and Fink, *Defending the Rights of Others*, chap. 4, 101–32.

[95] For similar reasons, Polish Jews were denied the right to bring claims of discrimination to the League, a restriction that is enormously consequential when we consider the fact that very few Jewish appeals were made to the League before its dissolution in 1946. Evans, *Religious Liberty*, 120, 166.

[96] Ibid., 113.

[97] Fink, *Defending the Rights of Others*, 45.

[98] At the end of World War II, population transfer was viewed as a legitimate strategy for consolidating the homogenous character of a nation-state. This was at play not only in the Jewish-only character of the state of Israel but also in the massive transfer of Germans (twelve million), Turks, Poles, Slovaks, Ukrainians, Hungarians, and Albanians to their "true motherlands." The policy of "population transfer" of the indigenous Palestinian population promoted by hardcore Zionists in Israel today belongs to this long genealogy of Jewish nationalism from the interwar period. On population transfer as a strategy of international law, see Berman, "But the Alternative Is Despair." On Eastern European population transfers, see Jackson Preece, "Minority Rights."

[99] Mazower, *No Enchanted Palace*, 141.

[100] Arendt, "The Decline of the Nation-State," 291.

[101] Ibid., 297.

were caught in the interminable struggle of having to fight the state for the guarantees and protections that might ensure their sustenance as a people and a community.

As historians of international law narrate it, minority rights were largely discarded and found no place in the Universal Declaration of Human Rights, which ennobled the individual. At the end of World War II, there was a sense that the emphasis on special protections for minorities had created greater tension, discord, and animosity rather than security for the communities they were meant to protect.[102] An important factor in the demise of the language of minority rights was the emergence of the United States as the dominant power. US national ideology eschewed any notion of community, collectivity, or group rights, instead celebrating the individual as the proper subject of humanity. In the discussion around the drafting of the UDHR, the US Under Secretary of State Summer Wells stated his country's distaste for minority rights explicitly: "In the kind of world for which we fight, there must cease to exist any need for the use of that accursed term 'racial or religious minority.' . . . Is it conceivable that the peoples of the United Nations can consent to the reestablishment of any system where human beings will still be regarded as belonging to such 'minorities?' "[103] Similarly, Eleanor Roosevelt, the UDHR's chief architect, argued that the declaration should not mention minorities. Ironically, even as the American architects of the UDHR championed individual equality as the basis of universal human rights, they refused to grant civil or political rights to African Americans who continued to suffer under the US apartheid regime of racial inequality. When the National Association for the Advancement of Colored People (NAACP) tried to use the UDHR to make its case for racial equality in the United Nations, Eleanor Roosevelt herself rebuffed it, declaring, "The minority question [does] not exist on the American continent."[104] The US State Department was successful in inserting a "national jurisdiction" clause in the UN charter that essentially made it impossible to intervene on behalf of American blacks in what was deemed to be an internal affair of the United States.[105] Though Cold War diplomacy is often cited as the reason why Eleanor Roosevelt blocked the NAACP's attempts, the US domestic-jurisdiction clause was consistent with the long history of Western powers claiming immunity from international law, even as they determined its scope, substance, and implementation elsewhere.

The discourse on the protection of religious and ethnic minorities languished for almost five decades during the Cold War until the fall of the Soviet Union in 1989, when it emerged once again with the creation of new republics and the displacement of peoples across state boundaries in a manner not seen since the end of World War II.[106] With the dissolution of political units such as Czechoslovakia, Yugoslavia, and the Soviet Union and the migration of large numbers of people to countries like Germany, Hungary, Turkey, and Austria, the threat of national minorities became relevant again to inter-European diplomacy. It is in this context that the UN General Assembly in 1992 passed the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities and the legally binding Article 27 of the International Covenant on Civil and Political Rights (ICCPR). Article 27 affirms the right of minorities not only to be protected against discrimination but also to be able to practice their distinct collective identity and participate in local decision-making procedures that affect them, provided they are compatible with national legislation.[107] As before, these minority rights were guaranteed by the successor states of Yugoslavia in return for European recognition in terms strongly reminiscent of the Treaty of Paris and the Treaty of Berlin, a reminder of how geopolitical inequality continues to structure minority-rights discourse today.[108]

The history I have presented here of minority rights and religious liberty is often read as geopolitical powers cynically using otherwise noble principles in service of realpolitik. Or as the subversion of a moral good that Western Europeans discovered for themselves and then slowly introduced to less enlightened cultures, sometimes through imperial force and sometimes through soft power (such as international diplomacy). Seen in this way, the principle itself—its logic, its aim, and its substantive meaning—remains unsullied by the impious intentions of the empires and states that sought to promote or subvert it. This manner of thinking needs to be rethought for at least two reasons. First, it is important to understand that when Western Europeans forced "weaker states" to recognize minority rights, they were not simply bringing their culture of tolerance to non-Western peoples and lands. If this were so, the

---

[102] Mazower, *No Enchanted Place*, esp. chap. 3, 104–48; and Cowan, "The Success of Failure?"

[103] Quoted in Danchin, "The Emergence and Structure," 527.

[104] Ibid., 528. Quoted from the record of the Seventy Third Meeting, in 1948, of UN ESCOR, Committee on Human Rights.

[105] See Somers and Roberts, "Toward a New Sociology of Rights."

[106] Jackson Preece points to the marked absence of any provisions for national minorities in the texts produced by organizations as varied as the United Nations, Council of Europe, and Conference on Security and Cooperation in Europe (subsequently renamed the Organization for Security and Cooperation) during the Cold War period: "Not one of these organizations adopted a separate national minority rights text during the years 1945–1989. Furthermore, while these institutions all included within their various human rights instruments guarantees against discrimination on grounds of national affiliation or membership in a national minority group . . . they did not repeat or carry forward the League of Nations' efforts to provide minorities with language rights and a certain degree of cultural autonomy." Jackson Preece, *National Minorities*, 106.

[107] Article 27 reads: "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." Quoted in Krasner, *Sovereignty*, 99.

[108] For an excellent analysis of how minority-rights politics are lived and contested in Southeast Europe following the fall of the Soviet Union, see Cowan, "The Uncertain Political Limits."

European powers would have accepted similar provisions for their own minorities, which they refused to do throughout history. As this chapter shows, minority rights and religious liberty have been tied from their very inception to raison d'état, regional and national security, and geopolitics. Rather than see them as universally applicable moral principles, they are best understood as strategies of secular liberal governance aimed at regulating and managing difference (religious, racial, ethnic, cultural) in a national polity. Seen from this perspective, neither minority rights nor religious liberty signify a single essence or meaning—both have changed historically, in large part determined by the context of power relations within which they are inserted.

Second, it is also wrong to assume that religious liberty and minority rights are simply neutral legal instruments that protect certain groups or individuals from the exercise of state power and pervasive social inequality. People who are supposed to benefit from these protections are also transformed by virtue of their subjection to the calculus of state and geopolitical power in unique and unpredictable ways. For example, the shift from a group-based understanding of religious liberty to an individualist one in international legal discourse is more than a conceptual shift; it also affects the substantive meaning religion and politics as well as the kinds of subjects who can speak in its name. Similarly, recognizing a group as a minority transforms its self-understanding, its relationship to other religious communities and the state, and its standing in the eyes of the law. In order to fully elaborate this point, in what follows I turn to how the adoption of the category *national minority* has been transformative of religious identity in the Middle East.

From *Ta'ifa* to Minority

The process by which the religious demographics of the Middle East were made to fit the nomenclature of majority and minority identity was a slow and long process. In order to fully comprehend its scope, one must begin with the transformations wrought in the meanings of terms once used to signify group identity. The Ottoman term *ta'ifa* in the premodern period had denoted a social or economic group distinguished by religion, craft, or location; in the modern period, it came to signify primarily a religious group, as it still does today.[109] The Ottoman term *millet*, like the Arabic term *umma*, had been used throughout the sixteenth century to primarily refer to Muslims.[110] With the passage of nineteenth-century Ottoman reforms, its meaning shifted to refer to a non-Muslim community that enjoyed state protection.[111]

Importantly, this change indexes the shedding of the *ahl al-dhimma* system of governance with its connotation of Muslim supremacy and non-Muslim inferiority. Millet eventually became synonymous with the secular concept of the nation, similar to the way the term *umma* was resignified.[112] The Arabic term *aqalliyya* (literally, minority) is of recent coinage and refers not only to religious but also to ethnic and linguistic minorities, along the lines of the League of Nations definition.[113]

The transmutation of the multireligious Ottoman Empire into the Turkish Republic with a distinct Muslim majority population was a gradual and extended process during which the exact meaning of *minority* and *national identity* remained contested. As the Ottoman Empire lost large tracts of its Christian-populated areas in the latter half of the nineteenth century, a new demographic emerged that was overwhelmingly Muslim but ethnically and linguistically diverse. According to Howard Eissenstat, the emphasis on culture and religion slowly gave way to metaphors of blood in the early days of the Turkish Republic; eventually, "race took a greater role within discussions of national identity. . . . A broad and colorful national mythology was developed and propagated, 'proving' the racial unity and continuity of Anatolia."[114] Religious affiliation, however, was not entirely inconsequential to this new national self-image, and non-Muslims often remained excluded from the unifying metaphor of race.[115]

As the nineteenth century progressed, secessionist movements multiplied in the Ottoman Empire and religious dissent against the Sublime Porte came to be increasingly cast in nationalist terms. This was a fundamental shift in the relationship between the rulers and the ruled. Ottoman imperial rule had never claimed to represent the identity or interests of its majority or minority subjects, whereas the disparate secessionist movements in the Empire sought to establish states that reflected and represented the identity of "a nation" (*umma/millet*). The nation was a singular unit united by virtue of a shared history, religion, ethnicity, and language mapped onto a bounded territory called the "homeland" (*watan*). Given that communal identity under Ottoman rule was never coextensive with culture, language, or territory, this collectivity had to be invented anew. The transformation wrought in the identity of Greek Orthodox Christians exemplifies this process. As Benjamin White notes, Greek Orthodox Christians, defined as a religious *ta'ifa*, were spread throughout the Ottoman territories and many spoke Turkish as their language of everyday use. The movement to establish an independent Greece (est. 1832) created

---

[109] Masters, *Christians and Jews*, 61.

[110] Strauss, "Ottomanisme et 'ottomanité,'" 20. I thank Michelle Campos for referring me to this work.

[111] Braude, "Foundation Myths of the *Millet* System," 69–100.

[112] Strauss, "Ottomanisme et 'ottomanité,'" 21–23.

[113] Shami, "'Aqalliyya/Minority in Modern Egyptian Discourse."

[114] Eissenstat, "Metaphors of Race and Discourse," 250–51. See also Deringil, *The Well-Protected Domains*; and Salzman, "Citizens in Search of a State." I thank Kabir Tambar for pointing me to this literature.

[115] Minority Muslim identity continues to pose a challenge to the Sunni-dominant pluralism practiced in Turkey. See Tambar's excellent analysis of this issue in *The Reckoning of Pluralism*.

a far tighter association between the Greek Orthodox faith, Greek language, and a territorial homeland. The fact that a culturally homogenous citizenry had to be created by force is evident in the transfer of almost two million Greeks and Turks across national borders, an act that retrospectively produced the facticity of the nation-state of Greece and Turkey, each with a distinct Christian and Muslim majority. Selim Deringil charts a similar history across the Balkans, where secessionist movements led to the founding of a plethora of "national churches" that were supposed to substantiate claims of primordial belonging, thereby making it difficult to distinguish whether they were fighting wars of religion or national wars of liberation.[116] This history underscores my point that the process of secularization in the Middle East, far from eliminating religious difference, has subjected it to a new grid of intelligibility and a form of stratification that is compatible with the rationality of modern political rule.

The creation of modern nation-states in what is now called the Middle East, with its correspondent majority and minority demographics, was considerably fraught and varied. The breakup of the Ottoman Empire led to the creation of twenty-two Arab states, most of which were subjected to direct and indirect forms of colonial rule, primarily under the British and the French. Under colonial rule, religious differences did not disappear but intensified and proliferated. For example, during the French mandate period in Syria (1923–43), colonial administrators extended official recognition for the first time to the Druze, Ismailis, and ʿAlawis as distinct Islamic sects (tawaʾif, sing. taʾifa), and they came to be regarded as "national minorities."[117] Under the Ottomans, these groups had no official status because the Sublime Porte did not recognize divisions internal to Islam. Similarly, in mandate Lebanon, the French extended formal recognition to the Shiʿi/Jafari sect for the first time in 1926.[118] While these groups (the Druze, Shiʿa, and ʿAlawis) did have a distinct social profile before, the conferral of minority identity upon them meant something quite different: at times they were granted proportionate representation in governing bodies, at other times territorial autonomy, and at yet other times an equitable share of state resources. In almost all cases, however, once recognized by the state, a taʾifa had the right to command juridical autonomy over their own religion-based family law. In cases where no such law existed, it was invented from scratch, amalgamating various practices, norms, and jurisdictions into one coherent whole supposedly rooted in the religious corpus

of each sect.[119] As White notes, it is only in the mandate period that the concept of religious community (sect/taʾifa) comes to be attached to the community's right to command its distinct and autonomous religion-based family or personal status law. This association persists to this day in that when a religious community receives state recognition it must also be given autonomy over its own personal status law in countries like Egypt, Jordan, and Israel (see chapter 3).

In scholarship on the Middle East, the exacerbation of religious differences under colonial rule is often seen as evidence of its notorious divide-and-rule policy, which exploited confessional rivalries and consolidated communal fissures. While this view is not without merit, it overlooks the ways in which the colonial state also secularized native religious life by instituting the legal division between the public and the private; religion, like family and sexuality, were relegated to the latter, and politics to the former. As I will show in chapter 3, religion-based family law is a modern invention that did not exist in the premodern period; as such, it is a unique expression of the secular conjoining of religion, domesticity, and sexuality. The colonial state's claim that religion had to be separate from politics, therefore, was not an ideological farce; rather, it was a necessary step in the secularization of the Middle East. At times, as in the case of Syria, this process went hand in hand with extending state recognition to religious groups; at other times, as in the case of Lebanon, it went along with mapping religious identity onto other social distinctions (regional, economic, tribal), thereby investing it with new meaning. The consocial model of secularism that the Lebanese state eventually adopted created a patchwork of antagonistic religious communities that are united by virtue of their location within a bounded territory, but fractured by virtue of their autonomy over segments of sociopolitical power.[120] French policy in the settler-colonial state of Algeria was considerably different in that Muslim courts did not have the kind of autonomy that religious sects in Lebanon and Syria did; instead, Islamic law was subordinated to the French judicial system.[121] These varying arrangements of colonial and mandatory rule, therefore, exemplify not only the divide-and-rule policy of the French and the British, but also the double movement internal to political secularism: the simultaneous relegation of religion to the private domain *and* the amplification of religious differences.

In contrast to the Levant, the secularization of Egyptian religious life has followed a different trajectory, one that I track in chapter 2. Under British colonial rule, Egypt did not experience the proliferation of religious minorities (as in Syria) or the

---

[116] Deringil, *Conversion and Apostasy*, 4.

[117] White, *The Emergence of Minorities in the Middle East*, 50–54. After World War I and the partitioning of the Ottoman Empire, the Mandate System was established under the League of Nations and gave the control of most of Ottoman Mesopotamia to the British and the rest of Ottoman Syria (modern Syria and Lebanon) to the French.

[118] Weiss, *In the Shadow of Sectarianism*, 125.

[119] White, *The Emergence of Minorities in the Middle East*, 50. A very similar policy was instituted in Palestine under the British mandate. See Robson, *Colonialism and Christianity in Mandate Palestine*.

[120] For an excellent analysis, see Makdisi, *The Culture of Sectarianism*.

[121] See Christelow, "Transformation of the Muslim Court System."

Balkanization of religious differences (as in Lebanon). Egypt is distinct in that it has always had a large Sunni Muslim population and a significant Coptic Christian numerical minority. At the turn of the twentieth century, Egypt was religiously more diverse than it is today and included a range of small but politically significant communities of Jews as well as Armenian, Greek, and Syrian Christians. Coptic Orthodox Christians resented the British policy of favoring Armenian and Syrian Christians, who were regarded as outsiders, which suggests that by the 1920s there was a strong sense as to which minority was truly "of the nation."[122] Egyptian Jewry was regarded as a local ta'ifa, was part of the economic elite, and was a key player in the drafting of the first constitution of Egypt in 1923. It was with the establishment of the state of Israel in Palestine that Egyptian Jews came under attack and started to emigrate.[123] As chapter 2 will show, Coptic Orthodox Christians have been historically ambivalent about embracing the assignation "national minority" in part because, even though it accords them a special status, it sets them apart from the identity of the nation. The Coptic Orthodox Church continues to shun the term formally to this day, preferring the rubric of "People of the Book" because it allows them, as a state-recognized ta'ifa, to command juridical autonomy over Coptic family law and ecclesiastical resources.

It is commonplace to represent interreligious strife in the Middle East as a product of the failure of the secular project to take root in the region or of Islamic intolerance toward other faiths. Yet as is clear from the history I have presented in this chapter, the modern roots of religious strife belong equally to the history of secularization as to the legacy of Islamic rule. Many of the transformations I describe above are rendered as "local history" and seldom serve as the ground for theoretical reflection on the nature of the secular. The terms *global* and *local* mask the inequality of power relations between Euro-America and the Middle East, wherein "the global" stands for the former (universal and theoretically consequential) and "the local" for the latter (particular and theoretically inconsequential). The challenge is to think through the gap that opens up between universality and particularity, to force ourselves to rethink the globality of modern secular power through its non-Western itinerary.

[122] Behrens-Abouseif, "Political Situation of the Copts," 195.

[123] Joel Beinin describes the Jewish community in Egypt as primarily comprising Karaites and Rabbanites who practiced a Judeo-Arabic culture and lived primarily in Cairo and Alexandria. He argues that the rise of anti-Semitism in Egypt is a twentieth-century phenomenon that commences with the outbreak of the Arab-Israeli War in 1948 when Egyptian Jews and their property came under public attack. A significant portion of Egyptian Jews henceforth migrated to France, Israel, and the United States. Beinin, *The Dispersion of Egyptian Jewry*, 61. For a parallel history of Jews in Iraq, see Bashkin, *New Babylonians*.

Fateful Distinctions

In closing this chapter, I want to revisit the point I made about the precarious position that all minorities occupy within the context of the nation-state. While a minority's ability to flourish within a national polity depends on its integration into the national fabric, its assimilation often requires the attenuation, if not the abandonment, of values and practices that are fundamental to its identity. A minority's hewing to its customs and traditions sets it apart from majoritarian norms and can easily be perceived as a threat to national identity. Even though this tension is a generic feature of the minority condition, the possibilities open to any given minority will depend on its historical constitution, its place in the making of the nation as well as the particular ideology of national belonging embraced by a state. The Jewish experience in Europe has come to be treated as the paradigm through which the minority problem is elaborated; indeed, I have referred to it myself at various points in this chapter. Yet it is important to distinguish the Jewish experience from the plight of other minorities. The fact that Jews were dispersed throughout Europe made them quite distinct from minorities that are territorially consolidated. The creation of the state of Israel was meant to solve the diasporic problem for European Jewry, tragically at the expense of the Palestinians who have been turned into aliens in their own land. Territorially bound minorities are quite distinct from the European Jews in that they have often aspired to carve out their own homeland within the nation where they reside, an ambition that poses a very different kind of threat to state sovereignty. This is evident in the secessionist movements that split the Balkans and Yugoslavia and in the ongoing struggle of the Kurds in Turkey, Iran, and Iraq. Minorities that are not tied to a bounded territory pose a different kind of problem to state sovereignty, which requires a distinct form of political action. First Nations peoples of North America provide an interesting example in that they were once territorially sovereign, but European colonization and genocide have left them bereft of any substantive claim to sovereignty. In the few instances where they have been granted limited autonomy, their way of life has been ravaged to such an extent that they suffer a fate that is perhaps worse than that of other minorities. The term *minority*, therefore, congeals in itself different forms of marginalization and precarity that are historically distinct, which in turn determines the kind of political struggle a minority can pursue in order to ensure its collective survival and well-being. In the chapters that follow, I track the contours of various forms of minority politics (waged by Copts and Bahais) that pose different kinds of challenges to the secular-Islamic character of the Egyptian state.