

Copts and the Power over Personal Status

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When President Mubarak introduced amendments to the 1971 Constitution in the year 2007, the always contested issue of the status of *sharia* in Egyptian law reemerged in public discourse. Among the most unexpected contributions to the debate that ensued was that made by the Coptic Orthodox Patriarch, the late Pope Shenouda III.

In **stark contrast to positions** he had adopted in the 1970s, at the height of his struggle with President Anwar Sadat over the 'Islamization' of Egyptian society, the position that Shenouda adopted in 2007 was strikingly conciliatory towards Islamists. Indeed, the Pope ventured so far as to repudiate a statement made by one of his bishops, to the effect that Article 2 of the Constitution, which declared *sharia* the principal source of Egyptian legislation, should be eliminated.



[Pope Kirolos VI and President Gamal Abdel Nasser. Photo from author's personal archive.]

The immediate rationale for Shenouda's step was his declared fear that such a move to eliminate Article 2 might well provoke sectarian violence. But interestingly in the context of the debates surrounding the current draft constitution, Shenouda likewise insisted that, if the importance of *sharia* was acknowledged in this way in the constitutional text, Copts should have the primacy of their communal law vis-à-vis the personal status affairs of the Christian community acknowledged in the text. The statements Shenouda made on this subject in 2007 became the basis for this year's encomium to the Pope by Shaykh Yusuf Qaradawi, who insisted, upon Shenouda's passing, that the Patriarch had a great respect for the *sharia*.

Of course, as readers of the draft constitution are now well aware, the concern that Shenouda voiced in 2007 regarding the acknowledgment of Coptic communal law in the Egyptian constitution is addressed explicitly in the document upon which Egyptians will vote on **15 December**. Immediately following Article 2, which again acknowledges the principles of Islamic law as the principal source of Egyptian legislation, is an unprecedented Article 3, which reads: "The canon principles of Egyptian Christians and Jews are the main source of legislation for their personal status laws, religious affairs, and the selection of their religious leaders."

Article 3 is widely touted by members of the Constituent Assembly and supporters of the draft constitution as a "concession" to the sensibilities of the Coptic community. Those who have expressed concern about the provision largely cite the document's failure to acknowledge members of faith communities apart from Muslims, Christians, and Jews, or those who practice no faith.

However, neglected in this debate about Articles 2 and 3 and their implications for Egyptian society is how these provisions will influence the *internal* dynamics of the Coptic community. For make no mistake: The Constituent Assembly's decision to include Article 3 in the draft constitution may well end up having a significant impact on the balance of power within, and political development of, the Coptic community.

To discern just how the provisions might impact Copts, it is instructive to return to the statements made by Pope Shenouda in 2007. Why indeed would Shenouda, who had so vociferously campaigned for the equality of all Egyptians before the law throughout the 1970s, apparently alter his stance and embrace Article 2 in 2007?

To my mind, one can only reckon with this shift in Shenouda's position by examining the approach to Church

governance that he adopted after his return from house arrest in 1985. Having spent forty months between 1981 and 1985 confined to a monastery at the behest of the Egyptian state, Shenouda opted to abandon the activism in which he had engaged through the 1970s in favor of an approach to governance that his predecessor, Pope Kirolos VI, had pioneered. This was an approach that favored cooperation with the Egyptian state, on the assumption that the state would acknowledge the Coptic Patriarch as the sole legitimate representative of the Coptic community in both spiritual and temporal affairs.

This approach had proved a remarkable boon to both Pope Kirolos VI and President Gamal Abdel Nasser, for it had permitted them to dispense with an adversary they held in common – the Coptic lay elite. For his part, the Patriarch would no longer have to deal with the incessant interference of the Coptic laity in Church affairs – a Coptic laity that, for the most part, looked down upon the clergy as purportedly corrupt and wasteful. And for President Nasser, marginalizing the landowners, lawyers, and liberals of the Coptic elite dovetailed ideally with his effort to rid Egypt of the remaining vestiges of the parliamentary era and redistribute the country's wealth.

For Pope Shenouda in 1985, the attractions of this approach were similarly clear: The Patriarch could continue to build an ever widening network of social, cultural, and educational institutions within the framework of the Coptic Orthodox Church, leaving the Church as the central point of reference in the everyday lives of most Copts. The state would stave off Islamist threats and guarantee Shenouda's authority within Church and community, as long as Shenouda's loyalty to the regime remained intact. And as is well known, though now rarely discussed, that loyalty indeed remained intact through the January 25 Revolution, with Shenouda professing his support for Mubarak on state television during the eighteen-day uprising.

Within this political context, Shenouda's comments from 2007 make sense. To acknowledge the *sharia* and call for recognition of Coptic personal status law was simply to reinforce the status of the Church as the central institution in Copts' daily lives, as well as his own status as the sole legitimate representative of the Coptic community. Insofar as the power over personal status afforded the power to define the Coptic community, he was determined to retain that power exclusively on behalf of the Church.

Now that the Constituent Assembly proposes to vest this power over personal status in the Church on a formal, constitutional basis, in a sense codifying the triumph of clerical forces over their rivals in the Coptic laity for control of the Church and community, one cannot help but wonder what roles Coptic laypeople will find for themselves in communal and national politics. In the face of determined Church efforts to marginalize them, as well as the state's support for these efforts, are Coptic laypeople who want a meaningful say in their community's and nation's future, destined to become apostates and insurgents?

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