Citizenship and Social Components in the Arab region

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Introduction

In the Eye of the Storm: Citizenship and Social Diversity in the Arab region

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Many are confused by the senseless wars now spreading like wildfire throughout the Arab region. Some think that these conflicts have deep-rooted internal causes, such as the tension between Islamists and liberals. Others look at these conflicts from a sectarian and ethnic perspective and consider them rooted in fundamental disputes between religious or sectarian ideologies or between tribes and provincial regions. There is yet a third group that sees this as a crisis of old regimes that want to forestall the political changes initiated by the Arab revolutions and the foreign interventions that caused chaos in the region. There is no doubt that each of these different characterizations of the current conflicts in the Arab region has evidence to support its interpretation and its own proposals on whether these conflicts can be tackled and if so, how. Nevertheless, none of these characterizations are sufficient to understand the complex dynamics causing the current political divisions in Arab societies, especially in those states that are experiencing fierce conflicts such as Syria, Iraq, Yemen and Libya. For these places, the tendency towards over-simplification in explaining the causes of strife has a profound effect on policy making and the practical solutions necessary to end this strife. Furthermore, some of the recommendations put forward in Western capitals, such as the division of these states into sectarian cantons, could lead to even more violent wars in the future.

Perhaps the most important missing element in these explanations is the long history of social pluralism in this region, for this area has long been known as the "cradle of civilization"

and the birthplace of monotheistic religions. Arab societies are not a monolithic block of different sects and ethnicities. They are, rather, a part of the social fabric woven by the historical contexts of different states, that have interacted with the ideological structure of their ruling regimes and with the legal frameworks governing all aspects of citizenship – political, economic and cultural – and the societal manifestations of citizenship, and they have given rise to horizontal relationships between individuals brought together by their shared interests. Citizenship, as noted by Mohamed Elagati in his chapter, is centered around the concept of the equality of all before the law, not only at the level of texts and practices, but also in the area of political rights, fairness in economic opportunity and the practice of religious and cultural rites.

From this starting point, the authors of the chapters in this book attempt to consider the many facets of the relationship between dynamic societies and different political systems in an endeavor to clarify the link between the sense of belonging to one's homeland, as embodied in the concept of "citizenship," and the ethnic or sectarian identity of various individuals or groups. The importance of these efforts is obvious in a historical period during which this region is undergoing radical changes in its social and political structures, reexamining even its geography. This is a moment in which, as Samir Morcos notes, "Historical memory...is influenced by the facts on the ground. It is embellished so as to serve reality and its battles and then re-marketed. This is what contributes to the creation of confused identities."

Despite the differences in the processes of formation and development of the various Arab states and societies, a common thread among them is their governments' failure, once freed from the chains of colonialism, to establish social contracts making all their citizens equals on the basis of a concept of citizenship that fosters diversity. In the era of independence, successive Arab

governments had promised their citizens a prosperous future based on social justice and equal citizenship. Yet, soon after, they worked instead to entrench discrimination among their citizens on religious, ethnic and even ideological bases. They deliberately persecuted all those that disagreed with them politically, whether they were Islamists or liberals. The Kurdish experience in Iraq and Syria is a flagrant example of this discrimination. Successive Baathist governments in both of these countries worked towards entrenching Arab Nationalism as a crucible in which to forge their societies. To this end, they put in place policies in various sectors based on a painful, multifaceted societal re-engineering that obliterated cultural particularities, language among them, restricted political participation and changed the social structures as lived by the Kurds. The goal of this was to control the Kurds and their natural resources, such as oil, and to Arabize them, to expel most of the inhabitants of these regions – Kurds, Yazidis, Turkmen and Assyrians – from their lands while offering material aid and building social housing units for Arabs. In Iraq, Saddam Hussein's regime carried out the Al-Anfal campaign, a campaign of genocide in Halabja that affected thousands of Iraqi Kurds, and, after that, a campaign against the Marsh Arabs, most of whom are Shiite Muslims, in which thousands of them were executed. As Rustam Mahmoud notes in his chapter, "Baathification" caused a structural defect in the consciousness of the various ethnic groups where the term "citizenship" came to mean "in the Kurdish imagination, for example, 'the inevitability of Arabization' and 'the acceptance of Arabization.'"

In a parallel manner, as shown by Youssef Laaraj, Abbas Al-Murshid and Georges Fahmi, the Amazigh of Morocco, the Shiites of Bahrain and the Copts and Nubians of Egypt were deprived of many of their rights. Despite the differing methods, the result is one and the same. For example, the Amazigh were prevented from exercising their rights to political participation and

from practicing their religious customs. The Shiite majority faced oppression in Bahrain, where popular demands to enact constitutional reforms ran up against a campaign of repression and intimidation against all those who disagree politically with the government, whatever their religion may be. In Egypt, the cultural and religious rights of the Copts and the Nubians were also infringed upon. Furthermore, the Nubians were repeatedly forced from their homes because of irrigation projects on the banks of the Nile. What facilitated these policies is the strong centralizing tendency of most Arab states, as well as a legal framework that allowed these abuses to occur under the cover of law.

Since 2011, we find ourselves facing a scene that is evolving at an accelerated pace and that is open to various possibilities. Many of the fundamental pillars that the Arab regimes were built upon have been shaken. These regimes are now trying actively, in various ways, to contain the repercussions of the Arab revolutions' demands for bread, freedom and social justice. Some rulers begrudgingly abdicated their thrones, others tried to offer a bundle of "social benefits" in the hopes of assuaging the people's anger, while those rulers that chose to hold on to their fleeting power faced the demands of freedom and social justice with brutal ferocity, indifferent to the damage inflicted on the land and people. Thus the value systems and customs that once governed the fabric of societal relationships have been shaken up and the states themselves are at risk.

Collectively, these policies had a significant effect of emptying politics of its content. The nation-state has lost its power to govern society and the concept of "universal citizenship" no longer plays a role in guiding the interactions of citizens among themselves. Other absolute concepts, such as ethnicity, religion and sect, that have monolithic visions of society and culture, have taken the place of citizenship and consider all those that disagree with them or are different from them to be an existential threat that must be disposed of. The savage brutality

towards particular communities is justified with a barbaric logic that looks with contempt on any difference, no matter how big or small. Moreover, identity is used, in Walid Haddouk's phrasing, as an "historical narrative," as a tool in political conflicts that has recently led to the militarization of ethnic, sectarian and tribal elements within Arab societies. As Saad Salloum shows in his chapter, this is exactly what occurred in Iraq and is now a major obstacle to rebuilding a single national space based on universal citizenship. The employment of ethnic, sectarian and tribal identities in political conflicts is the main obstacle to formulating a safety net for Arab societies on the basis of the principles of universal citizenship and openness to diversity.

Despite the politics of persecution, the interaction of elements of society with the national frameworks of various Arab states has had a profound impact on the collective imagination and transnational awareness. Because of their distinctive historical characteristics, and specifically the political developments following the First and Second Gulf Wars, the Kurds of Iraq won an important amount of autonomy and the ability to manage their own affairs. Syrian Kurds, though, were deprived of this autonomy and, as Rustam Mahmoud shows in his chapter, they are now in the process of trying to extend their control over geographic regions with high Kurdish populations and to foster a Kurdish national identity. These experiences of struggle for political and real power among the Iraqi and Syrian Kurds created differences in their political and national consciousnesses due to the political events within both countries. This has become evident in the recent disputes and political divisions among different Kurdish actors on the bases of regional and social issues.

This leaves us to ask: How do we escape the current bottlenecks, build a bright future and solve the sectarian conflict causing chaos in the region while these societies are stuck in a cycle of repression and extremism? What form will the new social

contracts take? What role will the central state play in different Arab countries? Will they succeed in building frameworks for universal citizenship created to allow co-existence among individuals and groups? Will a Tunisian political consensus model, based on equality and parity among the different political groups, a model that was recently honored with the Nobel Peace Prize, be propagated on the path to political reconciliation in countries that are currently experiencing deadly conflicts, such as Iraq, Syria, Libya and Yemen? Will the model be that of Egypt: political polarization and the militarization of society, which may pose a real danger to Egypt's future. or will it be a Lebanese model based on power-sharing along sectarian lines? This model, though, could undermine a concept of citizenship based on rights and duties and legislate a sectarian relationship between the citizen and the state. Also, in the medium term, it could increasingly empower sub-identities, opening the door for political domination by the majority or military groups and for the devastating practice of clientism, as in Iraq.

There is no way to rid ourselves of the present plagues without dismantling obsolete cultural and religious legacies and building a concept of citizenship that is universal and open to diversity, that guarantees security for all as individuals, not as members of a group, whether or not they are in the political or numerical majority. There are no paths to a different future without a radical shift in Arab politics towards protecting social diversity and rehabilitating the Arab citizen and the values of citizenship that foster both political and social pluralism.

Prefatory Chapter

Citizenship and Social Components in the Arab region Following the Arab Revolutions: A Completion of the Structure or a Change in Course?

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The Arab revolutions began as a spontaneous popular movement towards democracy, citizenship, human rights and social justice for all citizens, without differentiation between them. They were caused by the grave violations of social, political and economic rights experienced by the citizens of these countries and many citizens were motivated to participate in the protests in order to reclaim their various violated rights. This is, in turn, closely linked to the concept of "citizenship" in a context where there exists disparate awareness and understanding among the participants in the revolutions of the link between these rights and the concept of citizenship. The people placed their hopes in the Arab revolutions in order to achieve a state based on citizenship in all of its dimensions. The mass demonstrations that took place are evidence of such a collective inclination in that they reflected the variations within the societies of the region along various axes (qualitative, cultural, social and economic). At their core, the Arab revolutions aimed to dismantle authoritarian political regimes and to address those that had been disadvantaged. The demands of these uprisings for "dignity, freedom and social justice" were an incentive to start conversations about citizenship as the basis of, at one level, the relationship between the state and the citizen and, at another, the relationship between the state

and society and to ask questions about the possibility of achieving a citizenship-state based on equality and the law.[1]

In the period before the Arab revolutions, Arab governments had spared no effort to exploit all the structural variables in these societies, especially the primary variables such as religion and racial, ethnic, and cultural diversity in general. They did so in order to consolidate their grip on the public sphere and to ensure their own continuity through a primitive formula for governance and for the relationship between society and the citizens, on the one hand, and the regime or authorities, on the other. This allowed them to remain in power, to control the public and political spheres and to attempt to justify this formula for the relationship of governance between the two sides as the sole formula for governance and the maximum ceiling available for the sake of the continued survival of citizens and various communities within the country. Hence, the Arab revolutions were a catalyzing factor and a major challenge to both youth movements and political parties to engage with these demands and to be an effective actor in helping to re-imagine the relationship between society and the authorities and between the citizen and the state.

Citizenship: Its Origins and Historical Development

The first appearances of citizenship as a concept and a topic for philosophical and intellectual treatment emerged, as is often the case, in Greek political thought. The concept of citizenship was considered – as in the writings of Aristotle – as the individual's status of legal capacity within Athens society. This definition focused mainly on the political aspect, and this

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[1] Carnegie Middle East Center, "Citizenship and Social Justice: Exploring New Frontiers." http://carnegie-mec.org/2014/06/12/citizenship-and-social-justice-exploring-new-frontiers/hcua

was not a right for all segments of society but was instead a right reserved for the elites. Others, such as women, slaves and foreigners were not allowed these rights, as they were limited to men of Athenian blood. On the other hand, Athenian democracy stressed the moral aspect: everyone is equal but this is from a moral standpoint only, without practical ramifications. Because of this, many of those that study and write about citizenship have characterized the Athenian concept of citizenship as deficient. After the Middle Ages in Europe, with the beginnings of the social movements that accompanied the Industrial Revolution and the appearance of the theorists of the social contract (Thomas Hobbes, John Locke and Jean-Jacques Rousseau), the concept of citizenship developed in accordance with these thinkers' perspectives on the development of humanity and human societies. Hobbes, for example, viewed man's suffering as a result of the conditions of the pure state of nature, whereas Rousseau saw it as a result of man's evil nature. From this period comes the idea that individuals have a collective interest in coming to a state of agreement for the sake of society's survival. The social contract is a form of agreement between individuals or forces within society to protect the common interests and particular interests of each individual for the sake of the common good. It is an agreement that does not affect the freedom of individuals and it gives rise to the formation of a political community. Within the framework of the concept of the social contract, these thinkers came to distinguish between two categories of people: the citizen and the subject. In their view, if individuals participate in governance, they are citizens, but if they give up such participation, they are merely subjects.[2]

These thoughts by the theorists of the social contract shed light on the concept of the "citizen" as a theme in political

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[2] Samir Morcos, *Citizenship and Change*. Shorouk International Bookshop: Cairo, 2006, 30.

discourse and action. They also shed light on the citizen as treated by the law, including the consequent rights and practices codified for the citizen in the political sphere of "the state and civil society" as two spheres in which to obtain and exercise these rights within the framework of the state. The emergence of democratic models within Europe (the English model, the French model and the German model) and the linkage of the concepts of democracy and citizenship, following many experiments and attempts, worked as a motivation to continue developing the foundations of the relationship between society and the state in the manner that it is now established in these states and experiments. However, the development of this concept spread into many other arenas of society, such as the economic, cultural and social domains, and is no longer limited to the political realm.[3]

In this regard, we find that societies in the Arab region have not experienced such a development in its social and class structures. This has an effect on the modes of relationships with authority and society, and on the regulation and protection of society's interests. These are ideas produced by the modern system and its support of the values of individualism and secularism as somehow linked to citizenship. These are lacking in the Arab context, where individualism does not have much historical basis, where there is a heritage of religious thought dealing with the group and the community but none that treat the individual in isolation. Accordingly, the rights of political influence and participation were not given to individuals but were restricted to certain circles, known as *shura* councils. These are made up of the elites and other influential people that aspire to play a large role in the management of public affairs, not the citizens or the public. This is incompatible with the concepts of citizenship and democracy based on the values of individualism and the equal

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[3] Morcos 30.

right of all citizens to participate in the political process.[4] Furthermore, the style of governance in these societies was based for a long time on religion – as is the case with the *shura* council – and was characterized for a long time by a certain amount of continuity on the basis of the Islamic Caliphate that brought together many different communities on the basis of a shared creed or religion. This logic is incompatible with the basic premises of the European modern nation-state, which is based on specific geographical boundaries, within which the relationship between the citizens or the individuals and the state has been regulated, and, furthermore, that the individuals in these states were once subjects.

The Nation-State as a Factor in the Development of the Concept of Citizenship:

One of the most important historical steps in the evolution of citizenship was the genesis of the modern nation-state as a factor that forged and developed this concept. The emergence of the nation-state occurred in the Western European context following a series of social and economic developments. These developments pushed consistently in the direction of developing the relationship with and the regulation of political power. They were reflected in the development of some legal rights[5] for citizens, though others were still missing at this stage. As development progressed, citizens acquired further civil rights and, in a later stage, political, economic and social rights,

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[4] Mahmoud Bin Shukr al-Sharif, "Between the Shura Council and Democracy," Al-Bayan Magazine, May 21, 2013. http://www.albayan.co.uk/Article2.aspx?id=2812

[5] This refers to the legal status of individuals in the context of the legal and political system of the state. For example, this individual is either a citizen or a subject according to the law of his country. What is meant by this in the context of the above paragraph is the status of "citizen" acquired by the individual in the European context, through which the individual was able to enjoy certain political and civil rights, such as the right to vote and to run for office.

followed by further cultural rights in the wake of these developments.[6] These evolutions produced, in the end, a new entity comprised of individuals/citizens known as the nation-state. They began with the emergence of the concept of citizenship in the writings of Rousseau and Hobbes and came to create a link between the citizen and the state that was even more powerful and modern than Rousseau and Hobbes had imagined, with a certain amount of reciprocal rights and obligations shared by the citizens and this newly-created entity. The beginning of the French Revolution led to the need to transform the people from citizens under the care of a king with divine right to govern into republican citizens. This was the first appearance of the modern concept of citizenship. The previously prevailing system changed into a culture of citizenship, with all of its rights and obligation, and, from there, the concepts of citizenship and freedom spread to the rest of Europe and to the world as a whole.[7] Here, we should note one of the phases of the development of the concept of citizenship, a phase in which the slogan "citizenship for all" – for all groups, segments and classes of society – appeared as a right and not a privilege given to one group over another. This phase has become a barometer of a given political system's progressivism: its ability to integrate citizens and their interests in accordance with its definition of citizenship, what tools it has to achieve this integration and whether all citizens and communities have the same opportunity to exercise the rights of citizenship without distinction among them, without causing social tensions and that allows the principle of citizenship to expand to even the very lowest in society's ranks (vertically) instead of monopolizing this principle

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[6] Muhammad Othman Elkhosht, "Modernity and Its Democratic Manifestations during the Enlightenment," Democracy Magazine. October 21, 2013. http://is.gd/1TYBZ9

[7] Tawfiq Mujahid Salem, "Working Paper: The Concept of Equal Citizenship - Its Parameters - Its Conditions for Achievement," http://is.gd/yoUm6C.

among the elites (horizontally), giving it a repressive character.[8] The efforts to develop the concept of citizenship would not have been effective without citizens' movements, as the concept of citizenship had been associated only with the state's economic aspect. The concept of citizenship evolved and expanded only with the influence of social dynamics, such as labor movements seeking workers' rights and feminist movements seeking equality between men and women.[9]

- **Citizenship and the Problem of the Arab State**

The emergence of the nation-state in Western Europe was an important factor in shaping and developing the relationship between the authorities and the citizens and in the citizens obtaining their rights and having their interests protected. Thus, an attempt to observe the problems of citizenship in the Arab region requires us to trace the path of the emergence of the nation-state entities in this region, which followed a path contrary to the natural and traditional emergence of the nation-state. In the case of Egypt, we find that the development of the national entity was primarily the result of accelerated plans by the authorities at that time to modernize the society in the framework of what can be called a "process of social engineering" (an authoritarian modernization from above). This was not accompanied by the foundation of social, class and economic developments necessary for the political and legal development of society and for the development of the relationship between the citizen and the state in a natural and smooth manner.[10] Often, instead, the authorities deliberately weakened certain social classes and created new ones that worked in service of the authorities' vision for this national identity and their project of

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[8] Morcos 19.

[9] Ibid. 32.

[10] Ali Barakat, "Parliamentary Families in Contemporary Egypt," *Journal of Democracy*, Al-Ahram Center for Political and Strategic Studies, http://is.gd/4rOX7H.

modernization. This weakening of some traditional classes was not accompanied by spontaneous social interactions. This is what accompanied the state, in the framework of the modernization project, granting legal status to groups of people,[11] just as the description "citizen" was granted to the Christians of Egypt at this time. This is a legal status contrary to what was prevalent during the Ottoman Empire, which dealt with the Christians through the Millet system or as subjects. This was done in service of marketing Muhammad Ali Pasha's project externally, in order to win the support of the European powers, such as France, Britain and Austria, so, in service of this purpose and authority by subordination, he gave the residents of Egypt some civil and political rights. Thus, we see that the logic of power, at this time, was not to deal with individuals as citizens as much as it was to deal with them according to their social position and class, which, in turn, determined the nature of the political and civil privileges granted to them by the authorities.[12] This could be described as a state of elitism in political rights which, throughout the following periods, survived in this manner, despite attempts at political change, especially in regard to rights and demands, which were restricted to the upper classes and the bourgeoisie, as in the case of the 'Urabi Revolt.[13]

As for the experience of the state in Morocco, it seems close to the case of Egypt, in terms of a degree of survival, historically, of what could be called the traditions of the "state" entity in these two experiences and the presence of some continuity in the ruling authority that governs society as represented by the institution of the monarchy. This is not

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[11] Khaled Fahmy, *The Body and Modernity: Essays in the History of Medicine and Law in Modern Egypt*, Cairo: Dar al-Kutub, 2004, 78.

[12] Tamim Barghouti, *Benign Nationalism: Nation State Building Under Occupation, the Case of Egypt*, Cairo: Egyptian National Library, 2008, 39.

[13] Azmi Ashour, "Between the Political Elite and the Societal Elite," 1 January 2009, Al-Ahram Newspaper, http://is.gd/dbBuSI.

incompatible, though, with emphasizing that the experience of Morocco's development as a national entity was a product of the colonial experience of modernization and the interaction of the broad and socially diverse national movement with this experience of modernization, not to mention the monarchy's own interaction with this same experience.[14] The formation of the nation-state in Morocco reflected the dominance of a vision of singularity on the basis of a single language and culture and an Islamic background. The ideological thought of Arab nationalism and its Islamic background were dominant, resulting in a reduction of all other cultural expressions and their cultural standardization into what is termed "popular culture." This is what led to the marginalization of the cultural and linguistic rights of the rest of the societal elements.[15] The Tunisian case is also similar to both the Egyptian and Moroccan cases in that the national entity was developed in the modernist pattern in the wake of independence and, also, in the emergence of the authoritarian modernization project of Bourgiba in this regard. This project deliberately weakened specific classes with the modernization and foundation of other institutions and the groups and citizens that are linked to them.[16]

On the other hand, we find that there are other experiences in the Arab region in which the experiences of creating the national entity was a result of larger colonialist policies, linked to the balance of power between the colonial states. Here, the process of drawing the borders of national

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[14] Seyid Ould Bah, "The Arab State between the Crisis of Foundation and Transition," Al-Ittihad Newspaper, 6 December 2014, http://is.gd/qHLtQK.
[15] Youssef Laaraj, "Citizenship and Cultural Diversity: The Amazigh of North Africa, a Case Study on the Kingdom of Morocco," chapter in this book, 2015.
[16] Hmida Ennaifer, "The Secular Experience and the Relationship between Religion and the State in Tunisia," Mominoun without Borders, February 2013, http://is.gd/scqewQ.

entities was linked to larger colonialist considerations related to the balance of interests and power among the colonial powers, without there being a natural and progressive path for the various social groups and communities in the establishment of this new national entity. This created a state of imbalance in the relationship between society, its elements and the authorities in a way that was detrimental to the growth of these elements. It further created a degree of alienation between the citizens and the authorities or the newly-founded entity, as was the case in both Iraq and Syria.[17] However, the essence of the crisis is not at the moment of the creation and foundation of these countries per se, some of which were old and predated the occupation (in the Levant, for example). Instead, the essence of the crisis related to citizenship is found in the poor colonial planning and management of these countries and in the management of the relationship between social and cultural diversity in these countries and the associated policies that discriminated between the various social elements, which created a state of alienation, on the one hand, between the citizens and the various communities and, on the other, between the citizens and the state and its bodies.

In the Syrian experience, the colonial administration pursued a policy of discrimination by empowering some specific social groups or sects and not others, enabling these chosen groups to obtain their political rights and giving others of them more opportunities to enter and access the state apparatus and the privileges associated with this. This was the case with the recruitment of minorities, like the Alawites, by the security and military apparatuses that were established at that time. This also had a role in deepening the primary considerations of the communities within the state against one another, so as to

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[17] Fadl Shalak, "The Arab Revolt and the Problems of the State: Towards a Non-Nationalist Nation," *Bidayat*, Issue 8-9, 2014, 170.

facilitate the management of diversity in these countries. In return, there was a decline in citizenship as a value and practice to benefit class conditions and configurations and a self-interest began to take shape, in which primary considerations grew, various rights were curtailed for some groups and sects and not others[18] and the larger social bases were deprived of them, and, thus, there was a range of deep social injustices.

The colonial factor as an instrument for the development of the national entity (the state), through what could be called "geographical engineering," as seen in the experiences of Iraq and Syria, is similar to the case of Algeria, in that it had only experienced the authority of *deys*, an authority accompanied by a great deal of distribution of powers among themselves,[19] in addition to the fact that there was no national entity that had developed at that time. What had developed at that time were merely the intellectual beginnings of the attempt to develop rights and mental perceptions on individuals' rights and the state and its authority, for example at the hands of historical leaders such as Abdelkader El Djezairi, El Hassan Ben Azzouz and Hamdan Khodja.[20] However, the emergence of the nation-state in Algeria as a national entity distinct from a perspective of geographical engineering and the associated modernization of institutions and bodies mainly developed at the hands of the colonial authorities. This was accompanied by the development of an Algerian national identity of resistance in this regard, in which the National Liberation Front played a distinct role, which was based on Islam as a way to differentiate this group (Algerian nationals, the

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[18] Amir Taheri, "Syria: A Return to Old Colonial Games," Al Arabiya, 21 November 2014, http://goo.gl/djs7ZW.

[19] Seyid Ould Bah, "The Arab State between the Crisis of Foundation and Transition," Al-Ittihad Newspaper, 6 December 2014, http://is.gd/qHLtQK

[20] Yassine Khedairia, "University Professors' Perceptions of Citizenship in Algerian Society," 2005/2006, http://is.gd/Uzziov.

Algerian state) from the foreign French colonizers.[21] This was a movement dominated by a popular character and that played a key role in shaping the national identity both during the war of liberation and in the subsequent period of independence. This is an emergence in which religion strongly interfered with the development of the modernist entity (the state), these being considerations and factors that contributed to the lack of spaces of separation between the state and a number of these classes that were linked to it, eventually reaching the point of symmetry between them. This deprived wide social sectors of society from having the ability to express their social, economic and values-based interests, pushing this sector to create alternative channels and spaces for movement and organization far removed from the state, increasing the separation between these classes and the state and creating a state of constant instability in society and the political regime. These interests would always find moments to come out and to announce themselves in time along with a wider group of considerations, such as the incapacity of these countries to make economic and social achievements and the erosion of their legitimacy, in a way that, in the end, contributed to the weakening of the national entity (the state) as a value and as a universal umbrella for citizens and the various communities, even if the political regimes of these countries were characterized by force or brutality, as elaborated by Dr. Nazih Ayubi in the ideas he poses on the Arab state.[22]

In this context, we find that a few neighboring countries are similar in certain aspects of their foundation to certain Arab countries, seeing as they are brought together by a shared history. For example, the foundation of the Turkish state occurred

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[21] First communiqué by the General Secretariat of the National Liberation Front to the Algerian people, November 1954, http://is.gd/T8RpuP.

[22] Georges Fahmi, "The Weak State and Democratic Transformation in Egypt: The Necessities of Institutional Reform," Arab Forum for Alternatives, December 2011, 4.

in the context of the settlement of World War I, in accordance with the Treaty of Lausanne. This treaty was a reference point for the foundation of the Turkish state and, at the same time, a reference point for the rights of citizens.[23] In the case of the historical foundation of the Iranian nation, it occurred in accordance with the experience of authoritarian modernization following the rise of the imperial Pahlavi dynasty and the 1905-1911 Persian Constitutional Revolution, whose discourse included vocabulary centered around the idea of the citizen. The society and the state entered into a process of modernization by reinventing the Iranian nation, which did not include space for individual and cultural freedoms on the grounds that these threatened the idea of the nation and its unity.[24]

This confirms that the case of "engineering from above and authoritarian modernization" is the product of a historical stage in the emergence of the modern nation rather than a specifically Arabic historical or cultural case.

Citizenship and the Conceptual and Situational Problem:

The concept of citizenship is considered one of the most complex and complicated concepts in the political and social sciences. This is not only because of the historical development that followed this concept and continues to the present moment in a manner complicating the task of dealing with and studying this concept, but also because of the fields and dimensions that overlap with this concept. These dimensions accumulated and intersected due to the historical development and the actual development on the ground this issue underwent and motivated both the attempt to pursue it on the theoretical level in order understand and analyze these developments and the process

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[23] Fulya Atacan, "The Right of Citizenship for Ethnic Minorities in Turkey: The Case of the Kurds," chapter in this book, 2015.

[24] Nouran Sayed Ahmad, "The Issue of Citizenship in Iran between Context and Demands," chapter in this book, 2015.

that occurred through it as well as the attempt to codify the process, developments and gains that it had achieved for individuals and communities in a state or society. In this regard, we can observe more than one aspect that would explain the complexity of the assemblage that characterizes the concept of citizenship. The **first** is that citizenship, as a concept, is included among that group of concepts that are called "structural concepts," which means that they intersect with and are linked to another group of values and concepts due to their normative nature, and that has procedural dimensions, as is the case with concepts such as the rule of law, democracy, human rights, equality, etc.. This, in turn, may pose challenges in some cases to the possibility of reconciling the underlying values of these concepts with the procedures resulting from them. For example, the concept of citizenship approaches and intersects with human rights and women's human rights, especially on the subject of ending discrimination for all citizens, whatever their religion, creed, sect or ethnicity.

The complexity that characterizes this concept extends, on the other hand, to **the manifold nature of this concept**. This is because this concept contains a values-based and philosophical level, this being the level on which this concept was dealt with in the early stages of its development but, in later stages, this concept began to take on a dynamic and movement-based dimension in the context of the struggles of citizens and individuals in order to obtain their political rights within their societies with the same degree of equality for all. This clashed with the competing societal and class values and interests in European societies and the attempt to translate this concept into real and operational gains in a direction that strives for balance, accommodation and integration.

On the other hand, the concept is characterized by a degree of overlap with other concepts, as mentioned above. This overlap has often caused some amount of confusion between

citizenship and other concepts, such as democracy, or has led to us dealing with citizenship as a synonym for the process of political socialization and the creation of a good citizen. In another respect, there is a great deal of deficiency in the definition and treatment of citizenship as a concept, in that it seems that there are trends that focus on one of the approaches to citizenship without the others. However, the concept has many approaches and dimensions associated with it, that benefit from one another and that represent the accumulation and development of one another in the historical context of the development of the concept of citizenship, as follows:

1. **The Legal Approach:** The legal approach to citizenship is defined in terms of the equality of all individuals before the law, without discrimination among them. This equality is found at the level of legal texts and the actual practice of applying "equality in the law and before the law" in what is known as legal citizenship. This is the first of the levels and approaches on which the other rights associated with citizenship in other areas were built. Due to the civil equality among all citizens as individuals that are equal before the law and due to the status of civil independence, meaning the emancipation of the citizen from any links not desired by him, the state guarantees him his rights as an individual and member of the society. Considering the Iraqi situation, we find that there is some progress in the drafting of the 2005 Constitution, which indicated the multiple social elements that were given a wide range of civil and political rights. This is the basis for establishing the values of citizenship in society.[25] It should be noted that the experiences of neighboring countries set a precedent for this, as was the case of Turkey's 1924

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[25] Saad Salloum, "Iraq: Pluralism and the Future of Citizenship Given the Current Changes," chapter in this book, 2005.

Constitution, which ensured the right to nationality for all those residing in the republic, regardless of their religion or race. Here, citizenship was based on belonging to the state.[26]

2. **The Political Approach:** This is what is known as political citizenship and it results from the effect of equality in the legal capacity of all citizens. It involves a greater base of citizens obtaining their political rights, such as the right to parliamentary representation.[27] This approach views the citizen through the political process, meaning through the role of the citizen and his rights and duties carried out within the political framework — voting in elections, the right to join political parties and freedom of organization and expression — in other words, his general participation in the management of the country's affairs. The constitutional experience of Iraq also indicates an attempt to create equality between society's entities and to broaden the different societal elements' base of political participation. However, there remain some problems related to minorities' – the various elements – exercise of their political rights in Iraq.[28] In this regard, we can also refer to the 2014 Egyptian Constitution, which included texts that expanded the base of political participation of groups that had long been marginalized, such as women, young people and Copts, and emphasized the need for these groups to have a specified amount of representation

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[26] Fulya Atacan, "The Right of Citizenship for Ethnic Minorities in Turkey: The Case of the Kurds," chapter in this book, 2015.

[27] Nouran Sayed Ahmad, "Chapter 1: The Structural Crisis of Civil and Political Rights and Women: A Reading of the Reality of Egyptian Citizenship," *Citizenship and Women's Rights in Egypt after the Arab Revolutions*, the Arab Forum for Alternatives, 2014, 19-20.

[28] Saad Salloum, "Iraq: Pluralism and the Future of Citizenship Given the Current Changes," chapter in this book, 2005.

in the elections and in a number of official structures and bodies, as seen in Articles 180 and 244 of the Constitution.

3. **The Economic Approach:** This sees the need for equality among individuals in opportunity and the need to end the marginalization of vulnerable social groups, such as women and low-income people. This approach aims to achieve stability and social satisfaction for all individuals and to strengthen the capabilities of the most vulnerable groups in society. This is the most recent approach; however, the historical development of this concept essentially began with the Industrial Revolution and the consequent development of society and patterns of ownership and the attempt to delineate the relationship between the state and these classes and property owners. These groups demanded this in return for the regulation of their relationship with the state in the context of the famous slogan, "no taxation without representation," without trading their economic rights for their social rights or vice versa. As an example of this, we find that Syrian law, especially the Labor Law, presents a progressive construction by trying to achieve equality of opportunity and economic equality between the sexes. The Labor Law, for example, confirms in most of its articles equality between women and men and takes into account women's health needs related to their biology, which anchors economic equality in society.[29]

4. **The Cultural Approach:** This approach considers that every citizen has the right to maintain his sub-identity, the right to believe and practice his religious rights freely and the right to embrace whatever ideas he desires. This

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[29] Sabah Al Hallak, "Citizenship and the Rights of Women in Syria," chapter in this book, 2015.

approach looks at cultural diversity and the rights associated with identity as the basis for this concept. This is a concept that has benefitted from the process of redrawing the relationship between religion and the secular state in Europe and each religious group being allowed to embrace what it believes and to practice it. These rights have gained new dimensions in light of the emergence of cultural and subsidiary variations and the emergence of many nationalities.

These trends are matched, on the other hand, by attempts to develop an integrative and comprehensive idea of the concept of citizenship, such as defining it as: full and equal membership among individuals in society, including in their resulting rights and duties, regardless of religion, race, economic level or political and ideological affiliation[30]. This is one of the definitions that characterize citizenship as a set of mutual rights and duties between the citizen and the state to which the citizen owes his allegiance and membership.[31] The Amazigh struggle in Morocco is one of the experiences that combined the various approaches of studying the concept. Their struggle began in an attempt to preserve their cultural identity, thus cultural rights and the cultural approach were the beginnings of advocating for citizenship and the establishment of the Moroccan Association for Research and Cultural Exchange, in Rabat in 1967, was a starting point for this trend. In the 1970s and 1980s, after their demands had been limited to the defense of their culture and folk arts without any direct political or rights-based demands or rhetoric, the movements evolved and a rhetoric of demands with cultural and political dimensions emerged. This led to the signing of the

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[30] Mohamed Elagati, *Citizenship: Concept and Practice after the Egyptian Revolution*, currently under publication.

[31] Basheer Nafi et al., *Citizenship and Democracy in the Arab Countries*, Centre for Arab Unity Studies, 2001.

Charter of Agadir in 1991 and of a memorandum on the cultural rights of the Amazigh.[32]

However, the reality of the situation in Arab countries proves that all of these four approaches to citizenship mentioned above suffer from significant gaps when compared to the theory and the ideal image that the rights of each of these approaches should be present. We can see this on more than one level:

First, the **legal approach**: the constitutions and legal systems of the majority of Arab countries contain texts that indicate their adoption of the value of equality of all citizens, their status and their legal capacity before the law. These values developed due to the Arab constitutions, in particular those that were subject to amendments, which were an opportunity to reveal the large gap in this regard. This is true especially in light of a spate of laws and legislation that discriminate between citizens and their legal capacity and positions, even if this is only implicitly. This is evident in the case of women and the laws related to the regulation of their rights in all spheres,[33] not to mention the violations of these rights, which is contrary to what is written in the constitutions.[34]

From another perspective, we find some similarity between the status of the **political approach** and the legal approach. It seems there is a gap between the two sides: even in cases where there is an emphasis on the equality of civil rights, the situation is entirely different when it comes to application of this in the field of political rights. This is evidenced by some models, for example the case of Iraq, where despite the fact that it stipulates legal equality among societal elements, many minority elements are excluded from official and representative

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[32] Youssef Laaraj, "Citizenship and Cultural Diversity: The Amazigh of North Africa, a Case Study on the Kingdom of Morocco," chapter in this book, 2015.
[33] Sabah Al Hallak, "Citizenship and the Rights of Women in Syria," chapter in this book, 2015.
[34] Ibid.

structures and bodies of the system due to the Iraqi political system being based on political and sectarian quotas.[35] On the other hand, we find that, in practice, some models of the exercise of political rights deny a large sector of the citizens the ability to exercise their full set of political rights, for example the right to run for office and to be elected. This is seen in the various laws and regulations that govern the right to run for office and to be elected to representative institutions that impose a set of conditions and restrictions. These make competition difficult, thus limiting representation to specific circles. The Egyptian parliamentary elections law is an example of this. Therefore, we can say that the political systems' way of dealing with the realization of these rights is characterized by a great deal of maneuvering.

The exact same situation applies to the case of **cultural rights**. Despite these rights being included in many Arab constitutions or, at least, there being nothing in the legal text that limits or deducts from these rights, the legal regulations governing these rights are surrounded by uncertainty. The absence of any specific details as to how these rights should be governed makes them susceptible to a broad range of violations on the part of the political authorities. Here, we can cite the example of the *hussayniyya*s in some Arab countries, which, despite the absence of laws banning citizens from attending these, in reality, both the citizens and the activities that take place in the *hussayniyya*s experience a great deal of surveillance and persecution by the authorities. Or, they are omitted from the scope of legal regulation and, thus, it is not known precisely whether they are houses of worship or educational institutions,

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[35] Saad Salloum, "Iraq: Pluralism and the Future of Citizenship Given the Current Changes," chapter in this book, 2005.

making their surveillance and persecution easier.[36] Furthermore, it seems that cultural rights are experiencing a number of challenges due to the changes and developments in the Middle Eastern region and its countries and demographic structures, which appear to be moving towards a more exclusionary and singular model. This has been the case in the experience of Iraq and the entry of the Islamic State in Iraq and Syria into this issue due to their terrorization, killing, displacement and exclusion of minority communities, for example in the Nineveh plains and Sinjar. This is a situation that transgresses the legal and constitutional provisions included in the Iraqi context, which, as previously noted, can be described as being progressive in this regard but that were not accompanied by an implementation of these rights in the field of education and culture or parallel efforts to change the typical popular culture towards these groups and their rights.[37]

On the **economic level**, there appears to be a structural defect in the distribution of resources and capabilities in Arab countries. This explains the impoverishment that many citizens of Arab countries suffer from. This takes on an even deeper dimension in the cases in which poverty aligns with specific social communities or elements, especially in areas where there is a concentration of minorities that suffer from poverty, a lack of resources and a high unemployment rate. This may be accompanied by the exploitation of natural or economic resources by the authorities without this accruing to the citizens or communities of the area or by systematic policies of impoverishment.[38] However, even in cases where there are

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[36] Abbas Al-Murshid, "Deferred Integration: The Shiite Situation in the Gulf and Citizenship Policies," chapter in this book, 2015.

[37] Saad Salloum, "Iraq: Pluralism and the Future of Citizenship Given the Current Changes," chapter in this book, 2005.

[38] Youssef Laaraj, "Citizenship and Cultural Diversity: The Amazigh of North Africa, a Case Study on the Kingdom of Morocco," chapter in this book, 2015.

elements and members of minority groups that enjoy some of the resources and wealth, this fact is sometimes exploited by the authorities to demonstrate the extent of their tolerance, openness and the freedoms that they allow. At the same time, they use this as a pretext for their denial of the presence of any minority issue or demand in this context by arguing that some enjoy wealth and riches. However, this is an image that conflicts with the reality that most other less-fortunate members of this social element often suffer economically.[39] This leads to an important aspect of the issue of economic rights and the associated issue of resources: the internal relationships of the social elements and the distribution of wealth among them in an equal manner. This is another challenge that these groups and their rights are experiencing.[40]

Second: Minorities and the Arab Spring

- **Minorities and Citizenship as Complementary Concepts:**

In connection with the system of concepts that intersect with and are related to the concept of citizenship there is also the concept of minorities. Lately there has been an escalation of attention paid to both of these concepts in many international forums, creating a large degree of linkage between them. This has led to the emergence of cases where some specific groups reduce the concept of citizenship to a process intended to enable minorities that have cultural, religious or ethnic aspects. This attention is a companion to a number of international concepts, such as human rights and democracy.

The historical path of this concept's origins and evolution shows that it is associated with the emergence of intellectual and

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[39] Abbas Al-Murshid, "Deferred Integration: The Shiite Situation in the Gulf and Citizenship Policies," chapter in this book, 2015.
[40] Rustam Mahmoud, "The Future of Citizenship and the Kurdish Question," chapter in this book, 2015.

philosophical ideas that sought to strengthen the concept of democracy. These same attempts sought to reference, one way or another, the concept of minorities – even if this was in the sense of political minorities and not that of a cultural or ethnic minorities. This can be seen in the writings of John Stuart Mill, who indicated the possibility of a dictatorship of the majority and that minorities should be protected in the democratic process.[41] However, in the 19th century, conceptual ideas and foundations began to appear about concepts such as human rights and the right to self-determination. This was the catalyst, among other factors, for the growing debate and discussion about cultural rights on the part of various ethnic and religious groups to equality and the right to express their rights. In this context, the issue of minorities is one of the most serious issues in the international arena today as it threatens the survival of the state and its cohesion. Researchers date the beginnings of the interest in minorities to the early 19th century with the 1814 Congress of Vienna's text on religious freedom and political equality. The interest further developed with the emergence of Jewish movements in the first quarter of the 20th century that wanted to protect the Jewish minority and for them to gain equal civil and political rights in the countries that denied them these rights. This interest grew further following President Woodrow Wilson's 1918 announcement of the new principles governing international relations, one of which was the right to self-determination.[42] This was followed by the treaties that settled World War I, such as the 1919 Versailles Treaty, which referred to the cultural and national rights of minorities; the United Nations' 1948 Declaration of Human Rights, which stipulates that there should be no discrimination on the basis of race, religion, color or political

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[41] Pablo Simon, "La democracia según John Stuart Mill," trans. Yassin Sweiha, Al-Jumhuriya, 8 July 2014, http://is.gd/D1ibQj.

[42] Wilson's "Fourteen Points," http://is.gd/Q5q2QH.

leaning;[43] and, finally, the United Nations' 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.[44]

The concept of minorities faces a fundamental problem in the attempt to define it. Here, we can point to a number of interpretations that attempt to provide a definition of what constitutes a minority, each according to its own focus of attention. Some take note of the context that the minorities are situated in and others are interested in the function that these minorities carry out. Some definitions include:[45]

- **The International Encyclopedia of the Social Sciences defines a minority as:** "a group of people—differentiated from others in the same society by race, nationality, religion, or language—…[who] are relatively lacking in power and hence are subjected to certain exclusions, discriminations, and other differential treatment."

- **The *Encyclopedia Americana* treats minorities as:** "Groups that have a social status within the community that is lower than the status of the dominant groups in that same society, have less power and influence and exercise fewer rights in comparison to the dominant groups in society. Often, members of minorities are deprived of their full enjoyment of the privileges of first-class citizens."

- **A draft of the European Council's Framework Convention for the Protection of National Minorities defines** minorities as: "a group whose numbers are less than the population than the rest of the country's

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[43] The United Nations' 1948 Declaration of Human Rights, http://is.gd/AyEtVp.

[44] Text of the United Nations' 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, http://is.gd/DaQUqk.

[45] Jad Al Kareem Al Jeba'i, "The Matter of Minorities," http://is.gd/MKpEa2.

population, whose members are differentiated from the rest of the population in terms of ethnicity, language or religion from the rest of the members of society and who are eager to maintain their culture, traditions, religion or language."

- **The United Nations' Sub-Commission on the Promotion and Protection of Human Rights defines a minority as**: "A group…whose members - being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language."

Thus we can reach the following conclusion: that the standard of the percentage or numerical weight of a group does not necessarily serve as a decisive criterion in characterizing a group as a minority and is not a necessary requirement in describing a group as a minority. For example, despite being described as a minority, the Shiites are a numerical majority in Bahrain: they are around 60-65% of the population.[46] Also, Christians are considered to be a sub-group with a relatively small number that live within a larger society and that this group links or unites its members by ties of race and culture, and that the elements of language, religion and customs fall under the fixed components of ethnicity.[47]

With the worsening of minorities' problems and the growing conflicts in many countries and societies that have had international repercussions against the backdrop of cultural and social differentiations, between groups that have a larger relative weight and groups with a smaller one, the United Nations

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[46] Abbas Al-Murshid, "Deferred Integration: The Shiite Situation in the Gulf and Citizenship Policies," chapter in this book, 2015.
[47] Samir Morcos, "Arab Christians," chapter in this book, 2015.

recognized the risks of the problem of minorities in the world and its consequences. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, issued by the Commission on Human Rights and the Sub-commission on the Prevention of Discrimination and Protection of Minorities was ratified on 18 December 1992 by the United Nations' General Assembly. This was the peak of international legal cover for the issue of minorities.[48] Following this, the 1993 Vienna Declaration on global human rights stressed, in its final statement, the need for full and effective commitment on the part of the states to human rights, political freedom, legal coherence and complete organic interdependence between the rights of minorities and peoples and the rights of individuals.

These two declarations are an effective and essential step towards solving the problem of minorities in the world and the establishment of greater democracy and societal development. However, there remain to this day global problems in the integration of minorities into society, meaning that these declarations have not yet achieved their aim. From a theoretical perspective, these are considered two of the most important declarations directed at the rights of minorities but, from another perspective, they have not been widely applied.[49] The importance of citizenship lies in the fact that it is a social, legal and political concept that significantly contributed to the development of human society and encouraged the state to embrace equality, justice, fairness, democracy, transparency, partnership and to ensuring the individual's rights and duties. In particular, citizenship for minorities will involve opening paths to reconnect and reintegrate them, based on equality with the rest

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[48] Essam Abdallah, "The Future of Minorities in the Middle East," Alhewar Almutamaden, 25 December 2007, http://is.gd/QByjS4.
[49] Ibid.

of the elements of society, without exclusion for those that have suffered oppression and tyranny by the ruling majority, especially with their conversion into a political, cultural and social minority, and the monopolization of governance and political and economic resources by another group. This could lead to a strengthening of the state structure, the opposite of some people's claims about the dangers of this concept as a gateway to the division of the state. Instead, the historical experiences in several cases, the closest being East Timor and South Sudan, demonstrate that an absence of the concept of citizenship and the sense of persecution by a particular group in society is the real way to threaten the unity of the state. This proves the soundness of the experience of the modern European state, in which citizenship was a factor in accommodating groups of people and in guaranteeing the unity of the state and its survival.

From another perspective, citizenship as a practice and concept can help achieve greater democratization and societal development. This is because citizenship aims to make all citizens equal and recognizes racial and ethnic diversity. There is no democratization without citizenship, in the sense that it accommodates all and protects the rights of minorities and the majority through the concept of citizenship, just as it entrenches an understanding of equality among citizens. Each citizen has all of his rights and duties and, for this reason, citizenship achieves social justice, popular satisfaction and greater democracy. To realize democratization, we must achieve greater human rights, establish the concept of citizenship along with the consequent integration of the marginalized and minorities and achieve social justice in order for us to arrive at greater democracy and social and political stability.[50]

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[50] Abdel Aziz Quraysh, "The Concept of Citizenship and the Rights of the Citizen: Part Three," OudjaCity, 9 July 2008, http://is.gd/mnNnRE.

- **Citizenship and Minorities in the Arab region: The Situation and Its Problems**

The Arab region is characterized by the richness of its social elements. This is a diversity on more than one level: racial, ethnic, religious and sectarian. It is also a diversity that suffers from mismanagement and the absence of any institutional and structural rules to accommodate it at the social, cultural, political and institutional levels. For this reason, minorities in the Arab region have suffered decades of oppression and marginalization, this being a part of the malfunction and imbalance societies in the Arab region have suffered for decades in their relationships with the successive authorities that governed these societies and countries. However, the amount of suffering experienced by minorities in this regard is greater and deeper because of their status of having unequal power and ability to influence the larger social environment. This was accompanied by a growing self-awareness among many communities that, because of their identity and their differentiation from the larger societal environment, can be classified as minorities in the Arab region. These minorities have begun to call for the recognition of their identities and rights. However, the oppressive totalitarian regimes in the Arab region, before the Arab revolutions, feared that, if they recognized the rights of minorities or if they were asked to implement greater democratic reforms and to reintegrate minorities into society in order to ensure the equality of all citizens in their rights and duties, this would weaken their strength.[51]

In this regard, we can refer to a number of factors that can be described as problematic in connection with the issue of minorities and their rights and that lead towards worsening conditions for minority groups:

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[51] Graham Fuller, "Minorities in the Arab region," Al Jazeera, 3 October 2004, http://is.gd/XWHTwh.

1. The Structure of the Arab State: In this regard, we can note the fact that the construction of the Arab state, as mentioned earlier, lacks, in large part, the modernist links and progress in the societal, class and professional structure of citizens and communities, on which the modern nation-state model was built on in Europe. In contrast, in the Arab region, there are other overlapping and separate traditional links within the infrastructure of the state and its structures and institutions. These range from tribal and clan links in some cases, as in Saudi Arabia, to sectarian links in other models, such as in Syria and Iraq. These factors lead to the monopolization by some traditional elements of the state, political, economic and cultural capabilities for the benefit of the state and what it represents without other social elements having a part in this. For example, the social fabric of the states of the Arabian Peninsula consists of ethnically diverse structures and a variety of communities, yet they depend on the tribal system of governance, etc.[52]

2. The Nature of the Governing Political Regimes in These Countries: These are characterized by a problematic nature on more than one level. The first is the nature of the administrative organization predominant among Arab states, which tends to be centralized. The political center monopolizes all powers and capabilities without any going to the geographic regions of the state. In a number of cases, this coincides with the presence of minority groups in the outer regions, far from the political center and the capital. This is clearly demonstrated by the Gaddafi regime in Libya, which was characterized by extreme centralization along with what could be described as a

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[52] Sabah Al Hallak, "Citizenship and the Rights of Women in Syria," chapter in this book, 2015.

sectarianism that was exploited to tighten control over the state through the use of force and, in some cases, violence by the police. For this reason, the issue of decentralization and renewing the administrative structure occupied an important position during the revolution.[53] From another perspective, we can refer to the model of management or the relationship adopted by the regimes of these Arab states. This is a technique that intended, in large part, to exploit the cultural diversity in society in order to ensure the survival of the regime. This was done by creating a close relationship with particular groups at the expense of others. Each country has a system of citizenship that points to an approach followed by the state of mechanisms to include or exclude certain individuals, groups or communities.[54] This is why a number of sensitivities and deep social injustices are found among the excluded groups. This pushes minority groups to close in on themselves, to return to their primary ties and to seclude themselves. This leads to a large segment of them resisting the concept and practice of citizenship, believing it to be what they have long been accustomed to due to the image promoted by the regimes that this form of governance of the social elements was the most appropriate and that this was the maximum available for them to receive. This is a form of governance that enabled these regimes to survive, being deemed the only force capable of protecting and ensuring the survival of these minority groups in the societal environment of the majority

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[53] Walid Haduq, "The Dynamics of Societal Fragmentation in Libya after the Revolution: Minorities and the Stakes of Citizenship," chapter in this book, 2015.

[54] Fulya Atacan, "The Right of Citizenship for Ethnic Minorities in Turkey: The Case of the Kurds," chapter in this book, 2015.

and due to the importance of the security mechanism's position in the administration of the public and political spheres.

3. The lack of the spirit of pluralism and the absence of incentives for creativity, innovation and competition at the political, cultural, scientific, economic and social levels in the Arab region significantly contributed to complicating the problem of minorities. A society that is not creative or innovative is a society that does not believe in pluralism, in general, but, instead, believes in monopoly and denies competition. Only creativity and innovation give all members of society opportunity.[55] Women's issues are an example of this, as those who work on and are interested in women's issues are returning to the heritage of enlightened *fiqh* and support the movements for reform among the various sects that declare that the basis of religion is justice and equity and, thus, we should reject any other sources of legislation or social organization.[56]

4. The political culture of the citizens and the masses, which can be likened to the public and popular mood, demonstrate a great deal of sensitivity towards linking the concepts of citizenship and minorities in some cases. This is because these concepts are used as a pretext by international parties that allow them to impose their will on the process of national decision-making, leading to a threat against the material sovereignty of the Arab countries. Many Arab regimes were able to take advantage of and exploit this for many years in an attempt to preemptively end any entitlements for minorities from its side and general citizenship for all citizens. Although

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[55] Ibid.
[56] Sabah Al Hallak, "Citizenship and the Rights of Women in Syria," chapter in this book, 2015.

this was particularly prevalent in the years before the Arab revolutions, it has not stopped even after the outbreak of the Arab revolutions.

5. On the other hand, we cannot overlook the problem of internal developments that rippled through the various minority groups. For many minority groups, the domestic scene is experiencing a kind of competition and differing visions on the management of the struggle with the current regimes. At the same time, the broader societal surroundings in which the minority groups live are experiencing a struggle between the traditional or older actors and their visions, as is the case with some experiences such as Egypt that accept formulas that are not linked to the values of citizenship in the regulation of the relationship between society and the state, and new actors that are more progressive in their ideas and perceptions about the regulation of the relationship with the state and that are more open to the values of citizenship and equality, as in the case in the experience of the Maspero Youth Union in Egypt and the Assyrian Human Rights Network in Syria. For example, Shiite groups in the states of the Arabian Peninsula are experiencing this contradiction as they vary greatly in their ethnic characteristics as well as in their social and economic status. Thus, we can say that there is diversity within societal elements and, therefore, it is not correct to make generalizations about them.[57]

6. There remains one very important factor related to the problem of minority citizenship: the emergence of a number of regional and foreign actors on the scene in a number of Arab countries or, in other cases, minority

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[57] Abbas Al-Murshid, "Deferred Integration: The Shiite Situation in the Gulf and Citizenship Policies," chapter in this book, 2015.

groups in one of these Arab countries being considered affiliated with one of these powers. This is exploited by regimes to preemptively end any potential movement or practice by these minority groups towards achieving their citizenship, on the grounds that such claims threaten the unity and survival of these states. We can use, here, the example of the relationship between the members of a societal group living within their homeland and the diaspora communities belonging to this same group. A good example of this is the Berber Academy formed in Paris to defend Amazigh rights in the mother country, Morocco.[58] On the other hand, the geographical extensions of some social elements play a role in determining how the regimes deal with the different social elements and how these social elements struggle in order to gain their various rights. The experience of social elements in Iran[59] and the Shiite situation in the Arabian Peninsula are examples of this.

The issue of religious, ethnic and linguistic minorities in the Arab region is rarely discussed by the Arab political and intellectual elite. Therefore, we can say that the concept of minority is a flexible and dynamic concept that is constantly changing due to many factors, such as emigration and other demographic changes taking place within societies, self-awareness of identity within the various social elements and the extent to which these elements enjoy their rights and freedoms.[60] However, when a writer belonging to one of these minorities, or not belonging to one of them, raises this issue, he faces much

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[58] Youssef Laaraj, "Citizenship and Cultural Diversity: The Amazigh of North Africa, a Case Study on the Kingdom of Morocco," chapter in this book, 2015.
[59] Nouran Sayed Ahmad, "The Issue of Citizenship in Iran between Context and Demands," chapter in this book, 2015.
[60] Abbas Al-Murshid, "Deferred Integration: The Shiite Situation in the Gulf and Citizenship Policies," chapter in this book, 2015.

criticism and questioning. This is because the issue of minorities has long been ignored by governments, leaving behind ethnic, social and economic problems. Rather than the political systems of these countries trying to integrate minorities in some way into the system or with the rest of society, they ignored the issue, letting it worsen until it got to the point where it is today. For centuries, authoritarian, totalitarian regimes were prevalent in the Arab region. These left behind an ignorance in how to deal with major issues, such as minorities, democracy and social justice, allowing these issues to return again with the Arab Awakening beginning in 2011 and lasting until this day.[61]

It seems that Arab countries are not alone in experiencing societal agitation for the improvement of rights and freedoms and for progress towards citizenship. Neighboring countries are also experiencing agitation and similar demands for the rights of citizenship from their societies. Only the future will tell what the scale of the influence and encounter between these two parties in their struggles to push the issues and demands of citizenship forward in these countries. This confirms that the process of citizenship and its relationship with social elements in the state is a result of the circumstances of its emergence. It is not a fixed measure and the system as a whole can be developed by changing the governing structure.

In the context of the various levels of citizenship and the problems of social elements referred to in this chapter, this book tries to describe the crisis of citizenship among various societal elements in the Arab region and the evolution of their status after the ongoing Arab movements. This book is divided into an introduction, three main parts and a conclusion:

Part 1: Case studies of various types on Libya, Egypt, Syria and Iraq.

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[61] Muhammad Mahfouz, "Minorities and the Issues of Democracy in the Arab region: A New Vision," Democracy Magazine, http://is.gd/IZiwxX.

Part 2: Models from neighboring countries: Turkey and Iran.

Part 3: Different models of cases that traverse countries in the region: Shiites, Christians, Kurds and Amazigh.

This is an attempt to search for the essence of the crisis and prospects for its solution.

First Section: Case Studies

The Dynamics of Societal Fragmentation in Libya after the Revolution: Minorities and the Stakes of Citizenship

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While the prevailing analyses of the transitional paths in Egypt and Tunisia have been characterized by the binaries of revolution vs. the old regime or Islamists vs. secular forces, and the Syrian situation has moved from the revolution/crisis binary into what appears to be an open-ended sectarian conflict in the Levant, Iraq and Yemen, within which local, regional and international determinants intersect, the Libyan situation appears to be unique. It represents a middle example: it lies at the intersection of an incomplete political transition and a form of civil strife that is complex in terms of the multiplicity of conflicts and the diversity of its causes, all taking place in the absence of a clear national agenda.

This paper addresses the issue of citizenship in Libya, shedding light on the dynamics of societal fragmentation and the political and military context for this fragmentation. Indeed, if co-existence is a prerequisite for the existence of citizenship, it is one of the most important factors in the current travails. This paper focuses on all levels of internal fragmentation in isolation from the constantly changing political scene: regional divisions and the upheaval of local identities for ethnic or artificial reasons as well as the militarization of this division and the inability of the state to assert its monopoly over legitimate violence. If the idea of co-existence is a necessary prerequisite for the concept of citizenship, then the deployment of cultural, ethnic and historical identities in the current political conflict is the main obstacle to building citizenship in Libya.

In the first part of this essay, I will attempt to shed light on the dynamics of the fragmentation of Libyan society, its political causes and its local factors. In the second part, I will address the militarization of the fragmentation of Libyan society and the attempts by the state to recover its control over the security situation in the period before the collapse of the state's legitimacy due to the split between the General National Congress in Tripoli and the House of Representatives in Tobruk. Finally, the third part of this essay examines the state of the south of Libya, an area of conflicts and tensions of an ethnic or cultural character that mirror those within the rest of Libya and its regional neighbors.

It is possible to claim that that Libya is, in terms of its socio-political reality, a group of various "minorities," or that it is not possible, within the Libyan context, to find a clear "majority" with the same political vision and that are linked together by a minimum of organization or administration.

The various municipalities have played an important role since the beginning of the Libyan revolution. With the escalation of military repression at the hands of the Gaddafi regime, the municipalities formed councils at the local levels that sought to protect civilians and everyday life. In cities across the northwest of Libya, such as Misrata and the Nafusa Mountains, armed revolutionary battalions were formed to repel pro-Gaddafi forces. With the collapse of the regime and the large amount of seizures of weapons from the regime's stores, there is an increasing number of groups that call themselves "revolutionary brigades," even in areas that experienced little violence, for example in some areas of Tripoli. Though dynamics may vary according to local and regional factors, what is common among the cities and the areas well-known for their role in toppling the Gaddafi regime – Misrata, for example – is the local solidarity forged by the February 17th Revolution and the formation of local self-government councils with military backing.

In western Libya, military conflict began between cities and tribes that engaged early on in armed conflict against the regime on the one side and cities and tribes affiliated with the "former regime" on the other. In the north-east of Libya, the Cyrenaica region, NATO's intervention and the protection that offered made the battles less severe. For this reason, armed revolutionary battalions were not formed. However, after the fall of the Gaddafi regime this region experienced conflicts between Islamists who had been involved in the February 17th Revolution and soldiers and security forces that had worked for the Gaddafi regime, in addition to conflicts caused by the issues of federalism and administrative decentralization. In the south, the Fezzan region, which joined the revolution in the last month, the militias that formed after the fall of the regime serve mostly ethnic and tribal concerns.

Despite a "Council of Elders" being formed to mediate local conflicts, the military and security weakness of the central state and thus its inability to provide enforcement mechanisms for the Council of Elders' decisions means that it often fails in these disputes.

From Political Fragmentation over the February 17th Revolution to an Upheaval of Identities:

This fragmentation began in the wake of the fall of the Gaddafi regime. At first, it was divided into two camps:[62] a first camp that was aligned with the revolution and a second camp that had benefitted from the Gaddafi regime. Gradually, with the emergence of a new configuration of interests, alliances began to change, causing a change in the map of identities and in their different narratives, alongside changes in the political map.

This first camp is the cities and regions that played important roles in the revolutionary battles against the Gaddafi

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[62] For further information about the elements associated with the revolution and those associated with the regime, see http://is.gd/n66EDx.

regime, for example Misrata, Zintan, Zawiya and some neighborhoods of Tripoli, such as Souq al Jum'aa and Tajura, as well as the Berber cities in the Nafusa Mountains. In most of these regions, the elites who represent local interests play a major role in shaping the role and direction of the "revolutionary forces" in Libya's transitional path and national equation.

The second camp includes all of the elements that the Gaddafi regime depended on in order to establish and perpetuate its security grip. These are the elements that fought against the revolution after it erupted on February 17th. The most important of these elements are the Qadhadhfa tribe in the vicinity of Sirte and Sabha, the Warfalla tribe and their stronghold, the village of Bani Walid, and the Maqarha tribe in the southern Fezzan region, in addition to ethnic groups from Sub-Saharan Africa. All of these elements are accused by the rebels of being loyal to the former regime and face harassment from the revolutionary battalions. Perhaps the most well-known of the tribulations faced by these areas is a military operation known as Resolution No. 7 in which the General National Congress authorized, in October of 2012, a military strike on Bani Walid in order to eliminate the remnants of the former regime. Sheikh Sadiq Al-Ghariani issued a fatwa ruling that this process was permissible and the Misrata and Zintan revolutionary brigades, in particular, played a key role in this military strike. This led to the formation of militarized groups in the areas affiliated with the former regime in order to repel what was seen as a threat to their existence.

Though this split between these two camps was, in the early stages of the revolution, tied to their position towards the regime, it gradually took on a tribal, regional character. The subsequent political conflicts relating to the struggle for influence are based now more on identity and in these struggles recent and distant history are brought back to the fore.

One of the most important features of the Libyan political divide is its connection with what could be called the

"manufacturing of historical narratives" leading to a conflict of identities. Unlike in other countries, identities in Libya are not always stable or linked to ethnic identities. For this reason, historical events and narratives are often evoked so as to create a kind of identity-based "cover" for the ongoing political struggle.

In addition to the historical geographic divide between the regions of Cyrenaica in the east, Tripoli in the west and Fezzan in the south and the ethnic specificities in the southern region, other identity-based narratives evolve alongside changes in political alliances.

Identity as a Narrative for the Struggle for Influence: The Examples of Misrata and Zintan

Misrata began to play a military role in the very beginning of the February 17th Revolution by forming a local military council and the Federation of Rebels in Misrata, both of which continued to function in the months following the fall of the Gaddafi regime, during which the Misrata brigades seized the arms depots between the cities of Sirte and Tripoli. The military importance of Misrata is demonstrated by the amount of registered fighters, whose numbers reached 40,000 in a city whose population is no more than 300,000. Furthermore, the city's political elite and central institutions worked to form alternative security institutions such as the Supreme Military Committee and the Libya Shield Forces. These were formed under the auspices of important figures from Misrata such as current Chief of Staff of the Libyan Ground Forces Yousef Mangoush.[63] All of this served to enhance the political role of Misrata within the "revolutionary camp."

Zintan, another of the revolutionary strongholds, differs from Misrata due to its tribal nature. The tribal elites that are representatives in the local Shura Council play an important role in shaping political and military courses of action. The military importance of Zintan began more in the stage after the fall of the

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[63] International Crisis Group Report on Libya, 2012, http://is.gd/1sS6iR.

Gaddafi regime, with the success of its battalions in seizing weapons stores[64] – like the battalions in Misrata. Gradually, Zintan succeeded in expanding its influence through its control of the border and other strategic sites in the north-west.

Despite the alliance that brought the cities of Misrata and Zintan together in the revolution against the Gaddafi regime, the conflict between them, within the context of the already existing division between the "Libya Dawn" and "Operation Dignity" coalitions, led to the creation of a narrative of a historic conflict between Arabs and Turks. According to this narrative, the people of Misrata are descended from the Karaghla who came to Libya during the Ottoman era, whereas the people of Zintan are descended from people who came from the Arabian Peninsula. This historical background draws on the reality of current alliances and regional ties. For example, the Misrata leadership has become close with Turkish politics and leaders in Zintan are close with what is known as the "Saudi-UAE alliance."

The Militarization of Libya's Fragmentation: Militias and the State's Attempts to Extend Its Influence

If the fighting in Libya between the rebels and the forces loyal to the regime formally ended with the battle to liberate Tripoli in August of 2011 and the capture of Gaddafi on October 20th of the same year, then the military and security ramifications of this bloody course of events did not end once the fighting had served its purpose. Shortly after the fall of the city of Tripoli to the rebels, reports by human rights organizations[65] began to shed light on the abuses and kidnappings that had been taking place since the first months after the fall of the regime. Most of these were attributed to armed groups that had underwent an important

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[64] For more information on the extent of the control over weapons stores and their role in strengthening brigades in Misrata and Zintan see, "After the Fall: Libya's Evolving Armed Groups," Brian McQuinn, Small Arms Survey, http://is.gd/ftPQbA.

[65] Reports by Human Rights Watch about Libya from 2011.

structural development after the fall of the regime and their seizure of main arms stores.

In the context of the military trajectory of the February 17th Revolution, Libya experienced the formation of many military groups, both in the "strongholds of the revolution" such as Misrata and Zintan as well as in those areas that did not witness any military confrontations before the fall of the Gaddafi regime. In both cases, the dynamics of the formation of these battalions and militias are tied up with the security situation and the relationship between "the political" and "the military" both before and after the fall of the regime. In general, the armed groups in Libya can be divided into the following three categories:[66]

1. The Revolutionary Battalions

These were formed in the context of violent confrontations with military brigades loyal to Gaddafi and took the form of groups meant to protect neighborhoods and other populated areas. These battalions gradually attracted fighters from elsewhere,[67] especially after calls for jihad as a religious duty by well-known muftis such as Sheikh Sadiq Al-Ghariani. In Misrata, for example, by virtue of the necessities of battle, numerous geographically disparate military groups moved slowly towards organization within the framework of the Federation of Rebels in Misrata. After the fall of the regime, this group registered combatants and their information and formed groups in various regions of Libya that served the leadership of this federation that became known as Libya Shield.

With the end of the fighting and the rise of local councils to run the daily affairs of security and services as well as political representation, the issue of the subordination of these fighters

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[66] This classification is based on a Small Arms Survey report about military groups in Libya, http://is.gd/ftPQbA.

[67] It should be noted that in the case of Misrata, for example, many fighters joined from Benghazi and nearby cities such as Tawergha. Ibid 20.

and their weapons to the authority of these councils was raised. Some of the military groups submitted to the control of the local councils and handed over their weapons according to the procedures meant to consolidate weapons under a unified central civilian authority. Others, though, refused to hand over their weapons and became known as irregular revolutionary battalions.

2. Irregular Revolutionary Battalions

These groups are branches of the revolutionary brigades that fought battles against the Gaddafi regime. They differ, though, in the fact that they refused to hand over their weapons and to coordinate with local councils. Though common estimates of the size of these battalions in terms of numbers and equipment put them at around 5% of all fighters and weapons, their importance stems from their association with important local and family networks, for example the "Sowaihili brigade" in Misrata that comprises 400 fighters.[68] The character of this relationship between these battalions and the local councils has led to tensions and violence as well as a mutual suspicion between the military and political leaders who came to power after the fall of the regime and who want to extend their influence over the armed groups.[69]

3. Military Groups Formed after the Revolution

These include battalions that were formed in cities and areas traditionally loyal to Gaddafi after the Battle of Tripoli. Their primary objective is to protect the people of these areas from the possibility of reprisals. After the revolution, Libya began to experience confrontations between these groups and the armed battalions from the revolutionary strongholds: the Mashashia

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[68] Ibid. 26.
[69] Some field commanders of armed groups complain about the striving of some political leaders such as Abdelhakim Belhadj to extend their influence over the real revolutionaries. Ibid. 28.

tribes and the revolutionary battalions in Zintan and the Berbers in the Zuwarah region and the neighboring Arab tribes traditionally loyal to Gaddafi like Jumayl and Regdalin.[70] Though these groups were formed with a local agenda with political rather than security aims, they acquired a legitimacy similar to the revolutionary battalions that serve the state by virtue of their links to the local councils and representatives of the areas considered, to varying degrees, loyal to the former regime.[71]

In the Libyan context, the security stakes and what is considered "armed chaos" is a key factor in the building of the state and the entrenchment of its monopoly over the armed forces and legitimate violence. For this reason, successive central governments have made multiple attempts to integrate the fighters and revolutionary brigades into a formal, organized framework. However, these attempts have been no more than episodes in a series of struggles between the security and military structures set up before the revolution and the fighters and rebels that came together after February 17th and their tribal and regional identity structures. In order to clarify this point, we can distinguish two attempts or major projects that occurred within Libya: the Supreme Security Committees and Libya Shield.

The Supreme Security Committees

After the fall of Tripoli, brigades affiliated with the revolution worked to form a supreme security committee in order to calm the security situation and to deter the abuses experienced by some neighborhoods in Tripoli. A group of fighters from the Souq al Jum'aa and Tajura neighborhoods formed the first nucleus of this committee, whose central leadership moved to the Ministry of the Interior in Tripoli in 2011 with the goal of establishing branches in various Libyan cities

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[70] Ibid. 30.
[71] International Crisis Group Report on Libya, cited previously.

through the use of financial incentives. Though this committee succeeded in attracting the revolutionary battalions that emerged in the fight against the regime and the militias that arose after the seizures of weapons stores, the degree of control that the central organs of this committee have remains weak, if not non-existent.

In the various Libyan cities, these committees play the role of the police in addition to pursuing members of the Gaddafi regime and bringing them to trial. Often though, they are subject to the control of local forces. In 2012, their cadres numbered 23,000 in Tripoli and 160,000 across Libya as a whole.[72]

Due to the central leadership's failure to extend its influence over these forces, the Supreme Military Committees have become façades for the armed brigades and local council in what resembles government funding of irregular armed forces. In this context, the Ministry of Defense issued a decree in December 2012 to dissolve the Supreme Military Committees. This led to protests by the leaders of these committees, who opposed the decision to integrate these committees into the official police force. These disturbances are ongoing despite the current division between the General National Congress in Tripoli and the House of Representatives in Tobruk. From a practical perspective, this led to the absence of the basic components with which to build a general security or military force within Libya.[73]

The Libya Shield Forces

The announcement of the gathering of military battalions from various regions of Libya into a single force called "Libya Shield" subject to supervision by the Ministry of Defense was a bright spot in the chaos caused by the security situation and the militias. At the beginning of 2012, the military councils from

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[72] Ibid.

[73] For more information on the reactions to this decree and the councils' refusal to join with the police force see http://is.gd/B0MDPq.

Misrata, Zliten, Zuwarah, Zawiya, Al Khums and Bani Walid met in Misrata to form what was called "the central unit of Libya Shield." In the east, a group of military battalions from Benghazi joined the Libya Shield forces after their intervention to resolve the dispute between the Toubou and Zuwayya tribes in Kufra in February of 2012. Gradually, other military units began to join Libya Shield, whose forces numbered 13,000 in 2013.

Despite attempts by the Ministry of Defense and the Chief of Staff to legitimize Libya Shield as the foundation for a future national army, several factors prevented that from happening. These can be summarized in two main points:

- The revolutionary battalions that successive central governments have tried to integrate into a structured military refuse to work with the former leaders of the military establishment from the Gaddafi era. Although many units of the former military, such as the Special Forces, were a part of the revolution from its beginnings in Benghazi, many revolutionary leaders consider these officers to be "henchmen of the former regime." In this context, Chief of Staff Yousef Mangoush has been accused, since assuming office, of favoring rebels at the expense of the regular forces in the east[74] and the marginalization of traditional military leaders, such as General Khalifa Haftar. In western Libya, because of the violent fighting that the region experienced and the absence of a regular military presence during the Gaddafi era, when brigades loyal to him were used instead, the scene seems more complex. Some of the fighters loyal to the regime joined the revolutionary brigades to form

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[74] For more information about the steps taken by Yousef Mangoush that caused a controversy in the east and Libya as a whole, see http://is.gd/ri8fNQ.

armed groups because of their local loyalties, and these groups joined Libya Shield.[75]

- Most of the military battalions that joined the Libya Shield forces serve local considerations as well. For this reason, disagreements have arisen between the central, eastern and western battalions that have had a negative effect on the coordination and harmony necessary to military action. During Libya Shield's intervention to resolve the dispute between the Toubou and Arab tribes, the eastern battalions were more violent in favor of the Arab elements in Kufra (the Zuwayya tribes), whereas the central battalions, dominated by Misrata, were neutral towards the Toubou.

The security issue and the associated need for a state monopoly on weapons and violence represents one of the key steps in the process of building the hoped-for state in Libya and a major cornerstone that may be resolved in the Skhirat talks taking place under the auspices of the United Nations.

Though other priorities dominate the agenda for discussion within the U.N.-mediated talks, most of these are connected to the conflict of legitimacy between the General National Congress in Tripoli and the House of Representatives in Tobruk and the shape of future political institutions. The foci of the disagreements and tensions between these elements before the "Libya Dawn" and "Dignity" operations have not been given enough time in these discussions. Some of these seem to be almost absent from the negotiations. The most important of these being the southern Libya issue, which can be seen as a mirror for the interaction of different ethnic and cultural elements within Libya with the state-building process.

Societal Fragmentation, Citizenship and Minorities in Libya

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[75] For example, the brigades of loyalists in Tarhuna that later joined the 138th Infantry Battalion in Libya Shield. http://is.gd/5JA4nH.

Due to the growing importance of local and regional factors since the beginning of the Libyan revolution, as opposed to the excessive centralization of the Gaddafi regime, the issue of decentralization and administrative restructuring has occupied an important place in the political proposals circulating in the "new Libya." Furthermore, due to the historical legacy in the eastern Cyrenaica region, its playing of a primary role within the federalist system that existed during the monarchy and the associated nostalgia for the role of the Benghazi, Derna and Sakhat elites who were repressed by the Gaddafi regime, calls have surfaced for the establishment of a federal system so as to enhance the political and economic role of the Cyrenaica region.

The Issue of Federalism[76]

In March of 2012, eastern Libya saw an attempt to form a council devoted to seceding from the capital under the banner of federalism. However, the local councils and their military wings, in addition to the Muslim Brotherhood, who have a strong influence in the region, thwarted this attempt and instead facilitated the election of candidates described as "separatists" to the General National Congress.

The movement in support of federalism may be based on the support of administrative and educated elites as well as some opposition figures previously in exile, but its main support comes from tribal elements, such as the Al-Abidat, the Al-Awaqir and the Magharba, despite the differences between them.

Though a wide range of political actors in the Cyrenaica region stress the need for political decentralization and the moving of some institutions of sovereignty to the city of Benghazi, they distinguish between these demands and calls for federalism. Some of them even consider these calls something

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[76] For more information on the issue of federalism and it being raised as a possible system of government after the fall of the Gaddafi regime, see http://is.gd/n66EDx.

that weakens their quest to legitimize a fair and balanced decentralization.

From the perspective of minorities, such as the Tuareg, the Toubou and the Amazigh, the political process in Libya has caused many problems. The Tuareg believe that the Integrity Commission has weakened their political representation under the pretext that their representatives were involved with pro-Gaddafi battalions. The Toubou are demanding their right to citizenship in the Kufra region and point the finger of blame at the Zuwayya tribes. The Amazigh, as well, continue to accuse the elite within the large cities of trying to marginalize their culture and language. This "crisis of minorities" was reflected in the elections of the 60th commission or the Constituent Assembly for the drafting of the constitution, during which there was a significant boycott – compared to the elections for the General National Congress – on the part of the minorities in what appeared to be a protest against continuing, rampant marginalization.

Ethnic and Tribal Causes of the Crisis in the South: The Example of Sabha

The southern region of Libya, on the border with Chad and Niger, and the city of Sabha in particular, is a major hotspot for the crises that Libya has experienced along its way. Because this region is a crossing point between Sub-Saharan Africa and Arab North Africa, it is a point of intersection between different tribes, ethnicities and experiences, in addition to the deep conflicts it faces that extend throughout the region and the world both directly and indirectly.

This region witnessed an extraordinary military escalation in December of 2013 and the beginning of 2014 due to of clashes between different Libyan tribal and ethnic elements. This led to an intervention by forces affiliated with Misrata and Zintan by

recommendation of the General National Congress,[77] spurred on by international reactions.[78]

The roots of the conflict in Sabha go back to the complexity of the ethnic and tribal elements and their related historical legacies during the Ottoman and colonial eras,[79] as well as each group's tug-of-war relationship with the Gaddafi regime and the relationship between Gaddafi's Libya and its African neighbors such as Chad and Niger.

In this emerging conflict, we can pinpoint two major players: the Toubou, who are of African descent, and the local tribal militias. As opposed to past conflicts, this conflict is not between the Toubou and the Arabs, but, rather, includes confrontations between the Arab militias themselves due to reasons related to the particularities of the Libyan revolution and other recent events. It is similar, in this way, to the recent fighting in the region between the Qadhadhfa and groups of Warfalla against the Awlad Suleiman.

The Toubou Tribes

The Toubou have a population of around 350,000 scattered throughout Libya, Chad and Niger. The particularities of their placement within Libyan society are tied to their spread along the entire southern border of Libya, from Kufra in the far east to Qatrun in the south of Sabha, as well as the wealth of petroleum in this region and its historical importance for trade between Arabs and Africans.

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[77] For more information on the actions of Misrata rebels in the recent events in Sabha by decision of the General National Congress, see http://is.gd/TceoxV.

[78] For more information on the international reaction, see the statement by the French Chief of Staff about the possibility of international intervention to protect the southern borders of Libya, http://is.gd/C8Vy1h.

[79] In the late nineteenth century and during the Italian occupation at the beginning of the twentieth century, southern Libya and the Sabha region experienced the migration of Arabs to Niger and Chad and African – particularly Toubou – migration into Libya.

During the decades of Gaddafi's rule, the Toubou people played the role of a "Trojan horse" in the regime's conflicts with neighboring Chad. Through an alliance with Libyan and Chadian Toubou, Gaddafi hoped to gain their loyalty in his dispute with the Chadian government in N'Djamena over the Aouzou strip border area in the 1970s. Gaddafi gave them citizenship and encouraged Arab migration – especially Qadhadhafa and Warfalla migration – to the southern regions in order to "Arabize" them.

During the Libyan revolution, Gaddafi offered the Toubou people settlement of their legal status in exchange for them switching loyalties away from the rebels, whom they had supported since the beginning of the movement. In May of 2011, Tripoli issued a decree that would grant Libyan nationality to Toubou people in the Aouzou region if they assisted Gaddafi's battalions in southern Libya. In reaction to this, the Libyan National Transitional Council granted the Toubou and their leaders – such as Issa Abdel Majid in Kufra – the right to control the southern borders in the name of the revolutionaries. This meant that they had effective control over all trade and smuggling routes, and thus control over the economic nervous system of the area. This angered many competing Arab elements in the region, who do not recognize the Libyan citizenship of the Toubou.

Tribal Militias

The tribal elements in the Fezzan region and southern Libya played a major role in supporting the pro-Gaddafi battalions. With the fall of the regime, they formed a part of the fighters previously loyal to the Gaddafi regime that seized weapons and who organized themselves into military groups on the basis of clan and tribal loyalties. The Awlad Suleiman are another influential element in Sabha. Members of this tribe, both rebels and those who worked under the banner of the regime, gathered together to form military battalions of varying size after

the fall of the regime. Perhaps the most important of these are those led by Badr Al-Din Al-Rifi Al-Sharidi who was accused of selling arms and drugs during the Gaddafi era.

In addition to the Awlad Suleiman, there are militias in Sabha affiliated with the Qadhadhafa, the Warfalla, the Hassawna and the Mahameed tribes. The presence of some of these elements is due to their earlier alliances with the Gaddafi regime and their flight to the south after the fall of the regime. The presence of others of these elements is due to the phenomenon of "returnees," most of whom are Libyans descended from these tribes that settled in Chad and Niger in the beginning of the twentieth century that Gaddafi summoned back during his "Arabization of the South" and placed in key positions within the military-security system.

The Main Axes of Conflict in Sabha and the South

As in the rest of the regions in Libya, control in the southern region of Fezzan is divided between multiple tribal and armed groups and the smuggling routes to and from Niger are a hotspot for conflict between all of these elements. While the Toubou control the route between Qatrun and Niger in the south of Sabha, the Tuareg control Ubari and the Adrar road, where armed conflicts often occur with competing Arab groups. These desert roads are a conduit for arms and drug trade as well as goods worth millions of dollars and are routes for illegal immigration.

Because of the importance of the sources of petroleum in this region, armed groups often compete to control the oil wells and the extraction complexes. This is exactly what happened in Sabha in September of 2013. The Toubou prevented the extraction of oil from the "Elephant Field," demanding the proceeds of oil revenues and Zintan groups intervened in order to protect the field with the support of the central authorities.

In addition to control over the roads, cities and oil fields, the issues of citizenship and federal or local rule have emerged as main axes of conflict.

The Toubou and Tuareg people believe that the National Transitional Council and the central agencies had promised to recognize them as citizens. Thus, the cancelling of the plan to issue a million identity cards to these groups as well as Paragraph 29 in the draft of the constitution, which allows the withdrawal of citizenship of those that were given citizenship for political or military purposes in the Gaddafi era has led to acts of unprecedented violence and closures of oil fields in the vicinity of Sabha.

Though the southern region of Fezzan has seen multiple calls for federalism, this often causes discord within the Arab tribal groups and between those groups and the Tuareg and the Toubou peoples. As each party is keen to impose its dominance over Sabha and the rest of the south, this could preclude a decentralized or federalist administrative division in a region in which demographics and the balance of power are perpetually changing and where Libyan identity is unclear for hundreds of thousands of residents.

Conclusion

The Libyan scene is often characterized in the public mind as a rift between forces supporting radical revolutionary change and forces affiliated with the previous regime or that were beneficiaries of a special status before the revolution. Nevertheless, the nature of these forces, their fragmentation due to their serving of local and regional (east-west) interests and the militarization of the militias has caused this rift to lose its political nature in that they have dismantled the map of conflicts and caused them gradually not to serve political disputes or visions concerning state building or the future of Libya.

In this sense, the military conflict in Libya during and after the revolution did not lead to confrontation between just two

segments of society. Rather, it produced multiple local and regional forces whose interests may be similar or that one could classify simplistically as being within the same spectrum, along the lines of "Libya Dawn" or "Operation Dignity," but these coalitions are no more than political titles for a group of various actors and local forces.

After more than four years have passed since the February 17th Revolution, the "new Libya" seems resistant to peace and to building a state based on citizenship. As soon as any two parties agree, they compete over representative legitimacy for considerations of legal procedure. The Libyan transitional path and the balances of power that it has produced have revealed a large degree of complexity, in which political positions in the background mix with tribal, local, regional and sometimes personal considerations.

Because of the disintegration of the Libyan situation and the fragmentation of its societal elements, the challenges of state building in Libya will be difficult to overcome: distributing power and wealth without falling into strife; establishing a national military force that has a monopoly on violence in the interests of the state; and anchoring modern traditions of political struggle based on projects and visions and removed from ethnic, tribal and regional influence.

The Crisis of Citizenship in Egypt:

Why Did the Youth Movements Calling for a State Based on Citizenship Fail?

The Case of the Maspero Youth Union and the Nubian Democratic Youth Union

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A large segment of Egyptian society came out to protest on 25 January 2011 to express their rejection of the rules that had governed the relationship between the state and society over the course of the three decades during which the Mubarak regime was in power. Despite the variation among the political, social and economic demands coming from within Tahrir Square, they were mostly unanimous in their call for the principle of citizenship to govern the relationship between political authorities and the Egyptian people in order to guarantee citizens their economic, political and cultural rights. A number of youth movements emerged from the January 2011 uprising, taking advantage of the "liberated" public sphere, that worked to disseminate their ideas and to put pressure on the transitional authority in order to achieve their demands. The Maspero Youth Union and the Nubian Democratic Youth Union were two such groups that strove to defend the religious and cultural rights of Christians and Nubians as Egyptian citizens.

A large segment of Coptic youth rejected the state's manner of interacting with the Coptic community through the Church as the political representative of the Christians. They demanded, instead, equal rights on the basis of a concept of

citizenship that makes all Egyptians equal regardless of religion. This group founded the Maspero Youth Union as a way to express their demands. Some Nubian youth, as well, rebelled against their traditional leadership, demanding their full social and cultural rights. They joined the Nubian Democratic Youth Union, a group that had been formed before January 2011, as a way in which to continue their struggle. Though the groups differed in their goals and the nature of their activities, they both agreed on the necessity of reformulating the relationship between the Egyptian state and the different elements of Egyptian society, whether that be the defense of the freedom of worship and equality before the law as in the case of the Maspero Youth Union or the recognition of cultural rights as in the case of the Nubian Democratic Youth Union.

However, despite the fact that the goals of these movements were similar to the calls for change coming from demonstrators in Tahrir Square, they failed to transform their goals into the formulation of new rules governing the shape of the relationship between society and the state. These movements not only failed to put pressure on the authorities to change these rules, they also failed to mobilize support within the Christian and Nubian communities. Over the past two years, they began to gradually decline until their voices disappeared completely.

This paper seeks to analyze the experiences of the Maspero Youth Union and the Nubian Democratic Youth Union to determine why these groups failed to disseminate their ideas throughout society and to build effective movements capable of pressuring the political authorities and what their failure means for the future of the issue of citizenship in Egypt. This paper is divided into three sections. The first attempts to understand the evolution of the concept of citizenship in Egypt. The second section records the emergence and the activities of the Maspero Youth Union and the Nubian Democratic Youth Union. The third

section attempts to understand the factors that led to the failure of these two groups to achieve their demands.

First: The Crisis of the Culture of Citizenship in Egypt

There are four main aspects to the concept of citizenship. The first is the legal meaning of citizenship and equality before the law. The second is political citizenship, which refers to the right to political representation, either by electing or running for representative bodies, and the right to participate in the management of the country's affairs. The third is socio-economic citizenship, which guarantees equality of opportunity for all citizens and ensures their social and economic rights in the production and distribution of resources. The fourth aspect of citizenship is the cultural dimension, which protects the cultural and religious rights of all elements of society. This particular aspect has been emphasized in recent decades with the rise of cultural identities, both ethnic and religious, that seek to claim their religious and cultural rights.

In Samir Morcos's attempt to provide an inclusive definition, citizenship is "an expression for people's daily activity, participating and struggling in order to gain their civil, social, cultural, political and economic rights on the basis of equality with all others without discrimination for any reason and the integration of citizens in the process of production, allowing them to share public resources and national wealth with others that live with them within the same nation."[80]

In practice, since the nineteenth century, Egyptian society has struggled to build a state based on the four main aspects of citizenship mentioned above. While Egyptians were able to achieve legal citizenship by building a national legal system and ensuring the equality of all Egyptians before the law without discrimination, the struggles for the political, socio-economic and

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[80] Samir Morcos, *Citizenship and Change: Rooting the Concept and Activating its Practice*. Shorouk International Bookshop: Cairo, 2006.

cultural dimensions of citizenship have faced many setbacks. This is due, in particular, to the political system founded after the 23 July 1952 revolution and the attempt by this system to tighten its control over society. Despite the progress made by Nasser's regime at the social level, a series of measures undermined political citizenship, such as the decision to dissolve political parties. In addition to this, the regime refused to recognize the cultural rights of Egypt's various social elements, preferring to integrate them into the ideological framework of Arab nationalism as advocated by Nasser. However, with the failure of Arab nationalism and Nasser's regime, the 1970s saw the rise of cultural and religious identities. During this period, the voices of Christians and Nubians grew louder, demanding their religious and cultural rights as Egyptian citizens.

The problems of the Nubian people in Egypt date to the beginning of the last century, when they suffered successive waves of displacement. The Nubians were displaced four times in the last century – in 1902, 1912, 1932 and 1964 – because of irrigation projects on the Nile river. The most recent of these was the Aswan High Dam project, the creation of which caused the flooding of Nubian villages and the displacement of their residents to other regions far from Nubia. The Nubian people's demands revolve around their right to return to the areas of Nubia that were not flooded, the reopening the issue of compensation for Nubians following their displacement and encouraging interest in the Nubian culture and language.

Christians in Egypt have long struggled to obtain their religious rights, such as the right to build houses of worship, and to end discrimination against them in state institutions. Although they achieved some of these goals during the nineteenth and twentieth centuries, the rise of political Islam in the 1970s and the policies of Anwar Sadat and Hosni Mubarak, both of whom sought to Islamize the country in order to delegitimize the demands of political Islam, saw further restrictions being placed

on the Copts by political authorities and the forces of political Islam. This period also saw a rise in sectarian conflicts, in most cases against the Copts and their property.

Although Christians and Nubians have faced many problems relating to their religious and cultural rights, they have managed their relations with the state through their religious and ethnic organizations, such as the Coptic Church in the case of the Christians or the General Nubian Club and other Nubian associations in the case of the Nubian people. However, these organizations' management of their communities' problems has not led to a solution. They sought only to relieve problems temporarily without proposing a radical vision for a long-term solution. The role of these institutions was limited to coordinating with the political regime in order to contain the tension. Because of the dominance of the security services during the Mubarak era, Copts and the Nubians failed to emerge from their narrow religious and ethnic circles into the public sphere or, as Samir Morcos calls it, "the overarching framework." This led them to withdraw to secondary demands, instead of asserting their fundamental demand: drafting new rules for the relationship between their communities and the state which respect their religious and cultural rights. It seemed, though, that there was a chance for the Christians and the Nubians to put pressure on the government in order to achieve their demands. A group of actors emerged from within these two groups to demand that the Transitional Authority change its policies towards these issues. The most prominent of these voices were the Christian and Nubian youth movements, especially the Maspero Youth Union and the Nubian Democratic Youth Union.

Second: The Rise and Decline of the Maspero Youth Union and the Nubian Democratic Youth Union

1. Their Emergence and Rise to Prominence

The emergence of the Maspero Youth Union dates to the months preceding the revolution, specifically after incidents of

repeated attacks against churches in Nag Hammadi (January 2010), Omrania (November 2010) and the attack on the Saints Church (December 2010). To a large segment of Coptic youth it seemed that the regime was responsible for these crimes, either through incitement or lax security. The conduct of the leadership of the Coptic Church and their handling of the issue further shocked the Coptic youth, who rejected the Coptic Church's accommodation of the regime and demanded that the Church take a firmer stance. During this period, an awareness began to form among Coptic youth about the need to change the existing regime as a necessary first step to changing the situation of the Coptic community and a large segment of these young people participated in the January 2011 Revolution. With the fall of the regime in February 2011, much of the youth thought that the time had come to change the situation of the Copts in Egypt. However, in the few months that followed the toppling of the Mubarak regime, the Coptic community experienced incidents of violence that perhaps even exceeded those that they suffered during Mubarak's rule in their ferocity and frequency. The village of Sool witnessed the first of these sectarian clashes in March 2011 that ended with the destruction of the church in the village and an attempt to expel the Christian families. Following this incident, a group of young Coptic revolutionaries called for a sit-in of Copts in front of the Maspero Radio and Television Building. During this sit-in, the idea to form a movement called the Maspero Youth Union to defend the rights of Copts crystallized. The union introduced itself on its Facebook page as follows:

"The sit-in in Maspero for Copts' demands for justice was a watershed moment for both Egyptian and Coptic history. We, a group of activists that organized the sit-in, decided during those days to form a union for all the youth that had participated in

Maspero and even for those who were not able to join in, but that believe in the just cause of the Copts."[81]

The Military Council tried to contain the crisis in Sool and promised to rebuild the church, at the Armed Forces' expense, in the same place where it had stood. However, barely two months had passed since this incident when sectarian clashes flared up in Imbaba in May 2011. Because of this, the Maspero Youth Union returned to the Maspero Building for another sit-in. The union rejected the use of Customary Reconciliation Sessions to solve the crisis and demanded, instead, that the political authorities implement the law. The Prime Minister at the time, Essam Sharaf, responded by forming the National Justice Committee, which included among its members representatives from the Maspero Youth Union.

The first test for this committee was unrest in September 2011 in the village of Marinab in Aswan, during which some people attacked a church, claiming that it was unlicensed. The National Justice Committee formed a separate fact-finding committee that went to Marinab in order to determine the facts of the situation. They returned to Cairo with a set of recommendations, chief of which was a recommendation to dismiss the governor of Aswan, whose remarks had contributed to provoking the crisis. However, the government delayed implementing these recommendations, causing the Maspero representatives to withdraw from the committee and to return to protesting in the streets.

The union organized a protest in front of the High Court of Justice and threatened escalation if the government failed to respond to their demands. After the Marinab crisis, the pace of events accelerated in a tragic manner. On October 4th, a march by the Maspero Youth Union was attacked by military police in

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[81] The official page of the Maspero Youth Union on Facebook, http://is.gd/DInpFp.

response to which the union organized a mass demonstration on 9 October 2011 to stress the demands of the Copts. However, the military officers responsible for protecting the Maspero Building met the Coptic protesters with violence. More than 27 protesters were killed, having been either run over by tanks or shot with live ammunition. This incident marked a turning point for the Maspero Youth Union, who turned all their attentions to demanding the punishment of those that had perpetrated violence and murder on 9 October 2011.[82]

The Nubian Democratic Youth Union was founded following the demonstrations on 6 April 2008. This marked the first time in decades that Nubian youth had rebelled against the approach for dealing with the Nubian crisis by trying to join together with other youth movements demanding political change, like the April 6 Youth Movement. Previously, Nubian youth had been divided into two camps: those that focused entirely on the Nubian cause without engaging with political developments and those that were involved in general political activities without any focus on the Nubian cause. The Nubian Democratic Youth Union attempted to find a middle ground between these two currents. The idea of the union was formed by the Nubian activist Mazen Alaa Eddine who decided to participate in the 6 April 2008 strike in the name of the Nubian people. The union worked to educate Egyptian society about the Nubian cause and their demands. They also strove to link up with other political forces, such as the April 6 Youth Movement and the National Association for Change, in order to put the Nubian cause on their lists of priorities. Before the revolution, the union did not have a strong presence, although it was almost the only politically-active Nubian group on the scene, as most Nubian groups had avoided political work because of security restrictions

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[82] Personal interview with Mina Samir and Bishoy Tamry of the Maspero Youth Union, Cairo, 16 November 2013.

that impelled them to focus on social and charitable work on the grounds that it was safer.

As was the case with the Coptic youth, a large segment of Nubian youth participated in the 25 January 2011 revolution, believing that "if Mubarak fell, 50% of Nubia's problems would be over."[83] Following the January 25 Revolution, the union experienced an "awakening" both in terms of activities and membership. Many new groups of young people joined the union, hoping to use the political climate after January 25th to find an equitable solution to the problems of Nubians in Egypt. At this time, the Nubian Democratic Youth Union stressed that it was happy to work with any person, entity or party that supported the Nubian cause, regardless of whether or not they were Nubian. The union defines itself as an organization that seeks to put forward different visions and solutions for the Nubian issue through a national and democratic vision. Its goals are as follows:

1. To defend the Nubian culture and identity from attempts to assimilate it.
2. To emphasize a national framework for the Nubian cause and the Nubian people's belief in their right to live as Egyptian citizens that have a different cultural and ethnic background.
3. To study the issue of the return of Nubians to their lands in an insightful and realistic manner.
4. To raise interest in the Nubian language as one of the main sources of Egyptian culture.
5. To study the problems faced by the Nubian community and to participate in putting forward solutions for these problems, bearing in mind the national reality.

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[83] Personal interview with Yahia Zaied, a member of the Nubian Democratic Youth Union, Faiyoum, 7 December 2013.

6. To stress the need for democracy and its active role in nation-building .[84]

The Nubian Democratic Youth Union also rejected calls for it to form a Nubian political party in Egypt. They emphasized in one of their statements, "The Nubian community contains multiple different ideologies and views, making it impossible to gather them all together under one party." In this same statement they also stated that it is better for the Nubian cause to continue to work to disseminate their demands through "all national parties and perspectives, to the extent that their principles and ideologies do not conflict with the outlines and fundamentals of the issue." The union further stressed that it was better for the Nubian cause not to limit the struggle to political parties, but to move beyond political parties to work with non-party entities such as unions, NGOs and civil society organizations.[85]

2. Strategies for Action

With respect to strategies for action, the Maspero Youth Union preferred to put pressure on the Transitional Authority through demonstrations and protests in order to make the authorities respond. They also worked to communicate with other political movements to ensure their support for the union's demands. The Maspero Youth Union participated in many marches and was careful to release statements clarifying its position towards the various political upheavals during the transitional period, especially those that affected the rights of the Coptic community.

Following demonstrations by Salafists on 29 July 2011, in what the media called "Kandahar Friday," the union joined other civil forces in expressing their fears about the Salafist

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[84] The founding statement of the Nubian Democratic Youth Union, http://is.gd/2APj6j.
[85] Nubian Democratic Youth Union statement regarding the developments on the national and the Nubian stage, http://is.gd/89242K.

demonstrations and the flying of Saudi Arabian flags that accompanied them. In a statement, the Maspero Youth Union announced, "Egypt was and will remain a home for pluralism and a symbol of acceptance of the other." They rejected the idea of a religious state and stressed the need for a civil state governed by civil laws that promote equality among all of its citizens. The statement further condemned the flying of any flag in Egypt other than the Egyptian flag, demanding that the state "keep track of all those who dare to fly any flag other than the Egyptian flag, declaring an identity contrary to an Egyptian identity, trying to tamper with the unity of the Egyptian people and their national security" and stressed that "Egypt is for all Egyptians."[86] The union also tried to join the Revolution Youth Coalition, comprised of representatives from each of the revolutionary forces, but the coalition refused the Maspero Youth Union's request after objections by some members on the basis of their religious identity.

For its part, the Nubian Democratic Youth Union did not depend solely on youth mobilization to achieve its demands; it backed the mobilization of Nubians and called for the Transitional Authority to respond to its demands. The union supported the sit-in demanding the dismissal of the governor of Aswan, Mustafa al-Sayed, the same governor that the Maspero Youth Union charged with responsibility for the sectarian crisis in Marinab, because of his many issues with the Nubian people. The Nubian Democratic Youth Union declared its support for the demands of the protestors and condemned the presidency and the cabinet for ignoring the protesters' demands for his removal from office. They issued a statement stressing the need for the state, represented by the Transitional Authority, to recognize the Nubians' historical right to return to all of their villages on the

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[86] "Maspero Youth Union: Egypt Is a Country for All, without Discrimination," Al-Shorouk 12 August 2011.

banks of Lake Nubia by beginning with making planning for this right a top priority for the government and the next president. They rejected the attempt by security forces to forcibly end the sit-in. The statement stressed the Nubian peoples' rights as the following:

1. The right to return to 44 Nubian villages with full facilities, schools and hospitals through a well-thought-out, comprehensive plan for development of the Lake Nubia region.
2. The immediate dismissal of the governor of Aswan.
3. To separate the Nasr El Nouba directorate from the Kom Ombo directorate, as it had previously been before the era of former president Anwar Sadat.[87]
4. The reformulation of Egyptian curricula to include Nubian history and civilization as an integral part of the history of Egypt.[88]

In addition to their support for putting pressure on the Transitional Authority through protests and sit-ins, the Nubian Democratic Youth Union worked to educate Egyptian society about the Nubian cause through campaigns and initiatives, such as the "Son of Nubia" campaign that worked to raise awareness about the Nubian cause by reminding Egyptians of well-know Nubians like Zaki Naguib Mahmoud and and Ahmed Mounib. Furthermore, they commemorated their displacement with two celebrations in April 2012 in order to raise awareness about the issue of displacement and the accompanying problems and in April 2013, the union launched the "Day of Blogging about Nubia" initiative. The union also sought to connect with other movements and political parties to press them to include the Nubian cause within their priorities. They worked with Nubian youth from

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[87] This is exactly what happened in the 2015 parliamentary elections.
[88] Nubian Democratic Youth Union statement on the Aswan sit-in, 5 September 2011, **http://is.gd/fGb8CF**

displaced villages in order to develop their political abilities and to form General Secretariats for each village and from which would form a political office, which one of the youths would assume responsibility for. The union also strove to work with other Nubian youth movements, such as Nubian Youth for Change, Nubia Unity First, Nubia January 25, and the Right of Return.

3. The Stage of Decline

The activities of these two movements began to gradually decline over the course of the past three years, especially after Mohamed Morsi was elected president in June 2012, until they became completely absent from the public sphere. The rise of the Muslim Brotherhood in Egypt changed the public sphere from a space for all political forces and societal elements that wanted to defend their interests and goals, as was the case with the Nubian and Christian movements, into a state of acute polarization between supporters and opponents of the Muslim Brotherhood. Because of this polarization, the opportunities for the Nubian or Christian movements vanished. With Morsi's taking of measures to increase his power and the attempt by the Muslim Brotherhood to tighten its control over state institutions, the polarization increased. This caused negative reactions within institutions like the army and the courts, as well as calls by opposition forces and political movements for early presidential elections, calls that Morsi rejected. For this reason, on 30 June 2013 massive demonstrations took place in several Egyptian cities and, on July 3rd, the Armed Forces intervened to remove Mohamed Morsi and to put forward a new political direction.

This new political direction under the leadership of the Egyptian Armed Forces sought to maintain the cohesiveness of the state and to restore their control over the public sphere as a top priority. This prevented youth movements, like the Maspero Youth Union and the Nubian Democratic Youth Union, from continuing their work in the streets by staging protests and

awareness campaigns. Furthermore, restrictions were put on their demands as they were seen as a threat to the state's cohesiveness at that critical stage.

During the period following July 2013, the Maspero Youth Union strove to continue their work by focusing on the violence suffered by Christians, especially in the period after the dispersal of the Rabaa al-Adawiya and al-Nahda sit-ins in August 2013 held by supporters of the former president Mohamed Morsi. During this period, several Egyptian governorates, especially in Upper Egypt, witnessed a wave of violence against the Copts and their property, as supporters of the Muslim Brotherhood considered them participants in the operation to overthrow Morsi. The Maspero Youth Union took advantage of the fact that it had members in most of the Egyptian governorates and asked them to write reports on the violence experienced by the Copts, trying to spread these reports to the greater public.[89]

For their part, the Nubian Democratic Youth Union tried to take advantage of the political climate following 3 July 2013 to put pressure on the Committee of Fifty, which was formed to amend the constitution adopted during Mohamed Morsi's presidency, in order to achieve the demands of the Nubian people. They further worked to support the Nubian representative on this founding committee to amend the 2012 constitution, Haggag Oddoul, by establishing an advisory committee in which some members of the Nubian Democratic Youth Union from different backgrounds participated, trying to achieve their goal of including Nubian rights in the Constitution.

And, indeed, Oddoul and those aiding him were able to wrench out a package of rights for the Nubian people, such as the right to the development of remote areas of Nubia, development that would include residents in the decision-making

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[89] Personal interview with Mina Samir and Bishoy Tamry of the Maspero Youth Union, Cairo, 16 November 2013

process. Furthermore, the Constitution also stipulated respect for cultural diversity, allowing the Nubians to recognize and to conserve their culture, and made discrimination on the basis of color or ethnicity illegal.

However, the hopes of the Maspero Youth Union and Nubian Democratic Youth Union to change the legal structure are still far from being achieved. Incidents of violence against the Coptic community continue and the state persists in holding Customary Reconciliation Sessions to resolve the problems that arise between the two parties, without addressing the root of the problem: the need for legislative amendments to protect the rights of citizenship for the Copts. The situation has remained the same in the case of the Nubian people, as well. In November 2014, the President of the Republic issued Decree No. 444, which declared the lands of sixteen Nubian villages within the area 110 kilometers east of Lake Nasser and 25 kilometers west of Lake Nasser to be military border land, further frustrating the Nubians' demands to return to their original homeland.[90]

Third: Why Did the Youth Movements Fail to Change the Rules that Govern the Relationship between the State and Social Elements in Egypt?

Despite the momentum that accompanied the rise of the Christian and Nubian youth movements in the first months of the January 25 Revolution and the hopes that researchers had that they would change the shape of the relationship between the Egyptian state, the Copts and the Nubians, they soon lost their popularity. This was due to their failure not only to put pressure on political authorities in order to achieve their demands but also to mobilize support within Christian and Nubian circles. The failure of the youth movements to defend their demands in the face of the political authorities and to advance their discourse

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[90] Fatma Emam, "Resolution 444," *Mada Masr*, 12 February 2015, http://is.gd/8cZJUm.

concerning citizenship is due to two sets of reasons. The first relates to the rules that governed the administration of the state and its relationship with society after 25 January 2011. The second concerns the choices that these movements themselves made.

1. The Continuation of the Old Rules by Wresting One's Rights through Demonstrating

Despite the success of the popular uprising on 25 January 2011 in overthrowing Hosni Mubarak, the rules that governed state institutions and their relationship with society during the Mubarak era have for the most part remained unchanged. It seems that the only gain made by the popular uprising was the seizing by force of the right to demonstrate and to operate in the public sphere. The state and the rules that govern its administration, though, remained the same. While the political climate after 25 January 2011 allowed for Christians and Nubians to form organizations and movements and to protest in the streets, the rules that govern the state's administration of Nubian and Christian issues did not undergo any change.

The Nubians arranged many sit-ins and protests in Aswan and Cairo to demand their rights. The Christians did the same, choosing the Maspero area to be the focal point of their sit-ins during the transitional period. Many thought that the climate after 25 January 2011 would bring an end to the problems of the Nubian and Christian peoples; however, because the old rules of the game remained in place, the same problems that Christians and Nubians have known for decades soon reappeared. For example, with regard to the relationship between Christians and Muslims, most of the incidents of sectarian violence are due to either the right to build churches or to issues arising from people converting from one religion to the other. These can often develop into wider confrontations between these two groups. After the revolution, calls were raised to find a solution to these problems through drafting a unified law for building houses of

worship and another law against discrimination in all its forms. However, the Transitional Authority avoided issuing these laws, leading to the flare-up of sectarian problems less than a month after the fall of the Mubarak regime, for example in Sool (March 2011), Imbaba (May 2011) and Marinab (September 2011), among other incidents.

The same applies to the Nubian cause. The Nubian people continued to deal with the same problems, such as marginalization, the refusal of the Transitional Authority to deal with the demands of the Nubians, as was the case during the reign of Hosni Mubarak, and accusations directed at them of trying to secede from Egypt. This prompted the Nubians to organize several protests in Aswan and Cairo, demanding their political and cultural rights. Despite several meetings being held between Nubian activists and representatives of state institutions, these meetings did not make any headway towards a solution. Instead, the Nubians' anger increased after the Military Council approved the merging of Aswan into one electoral district for the 2011 elections, including the regions of Edfu, Kom Ombo and Nubia. This deprived the Nubians of the opportunity to have their own representative in Parliament, though this law was later changed for the 2015 elections.

The lack of change in the old rules and the accompanying return of old problems led to the reemergence of the figures that the Mubarak regime had previously relied on to solve these problems. These figures continued to play a large role in negotiating with the state towards a compromise, while the youth movements had no political weight and played no role in reaching a solution. During the sectarian crisis in Sool, for example, Christian families accepted the efforts of Salafists and the Military Council to resolve the issue, even though they relied on Customary Reconciliation Sessions and the principle of the rule of law was absent. While the Maspero Youth Union rejected the Customary Reconciliation Sessions, the affected Christian

families asked them not to take escalatory steps until the crisis had ended and life had returned to normal. As for the Nubians, the General Nubian Club and the Nubian associations continued to play their roles as representatives of the Nubian cause. In both cases, the conflict continued between traditional players defending their interests in representing the Nubians and Christians and youth movements that sought to take advantage of the revolutionary moment to push their visions. The activist Fatma Emam clearly described this conflict between the old generation, seeking to defend their interests, and the youth movements that were trying to build a new reality. In her testimony about her experience in public work, she says:

"I saw how the older generation was fighting to keep its positions and gains, while the younger generation was trying to win new battles. There are no romantic motives in Nubian society's policies. There is an open battle between the older generation and the younger generation, between the new elites in the society and the old Nubian elites. The Mubarak-era Nubian elite was made up of businessmen and so-called traditional leaders because of their traditional position within Nubian society. These people concluded many deals with the state over the years, deals that went against the interests of the Nubian people. The new Nubian elites, on the other hand, tried to build their legitimacy from within the Nubian community and, at the same time, to maintain a good relationship with the state. All claim that they are doing what is best for the Nubian people."[91]

Strategies for Action

These movements tried to change the rules that governed the relationship between the Nubian and Coptic peoples and the state, but the continuation of the old regime's rules and the resulting outbreak of one problem after another caused these two

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[91] Fatma Emam, "Nubia...Partial Victory and an Ongoing Struggle," *Mada Masr*, 25 December 2013.

movements to work towards their causes in a partial manner, attempting to deal with the successive crises that occurred during the transitional period. For this reason, these two groups were always "reacting" rather than looking, more generally, at the issue of a citizenship that includes all the elements of Egyptian society. As a result of this, the Nubian and Coptic youth did not see the need to work together until much later.

The presence of a public sphere "liberated" from state control alongside the continuation of the rules of the old regime set a kind of trap that both of these movements fell into. Each of these groups rushed to the streets in an attempt to use the public sphere to put pressure on the authorities. However, the continuation of the old rules and networks of interests that backed these rules prevented these popular movements from achieving any noteworthy victories. And thus the youth movements fell into a trap, since instead of the public sphere being a means to put pressure on the Military Council and the Muslim Brotherhood after it, protesting in the streets became a means used by the Transitional Authority to contain the anger of those groups without having to make any changes in the rules of the political game.

These groups gave priority to demonstrating in the streets to defend their demands instead of working with the public to raise awareness about their causes and to build support outside of their religious and ethnic constituencies. For example, the Maspero Youth Union chose to rely on mass mobilization from within the Christian community in order to put pressure on the Transitional Authority to achieve its demands. This strategy used by the Maspero Youth Union caused them two major losses. First, it caused the Maspero Youth Union to lose the opportunity created after 25 January 2011 to work with the Christian public to educate them about their rights. Secondly, the Maspero Youth Union's desire to ensure mass crowds at its demonstrations led it to accept religiously conservative elements among its ranks so

as to ensure larger numbers at its demonstrations. This had an impact, later, on the union's decisions as these conservative groups gained greater influence over the union's decisions and views. The Nubian Democratic Youth Union, on the other hand, did try to break into Egyptian society in an attempt to raise awareness about the Nubian cause, but these attempts were limited.

Conclusion: The Future of Movements Demanding a State Based on Citizenship

Despite the differences between the Maspero Youth Union and the Nubian Democratic Youth Union, what unites them is their common belief in citizenship as the basis for the relationship between Egyptians and the state after the 25 January 2011 revolution. Each of these two movements sees the essence of the January 25 Revolution as citizenship and that citizenship should be the basis on which the state's relationship with society is formulated, moving away from the concept of "subjecthood" that governed this same relationship for many decades. However, these ideas, which reflect the spirit of Tahrir Square during the first eighteen days of the popular uprising, face well-established institutions protected by networks of interests formed over the course of Mubarak's rule and perhaps during the rules of his predecessors as well.

These networks of interests are not represented only by the state institutions, there are also other parties that see these movements' ideas as a threat to their power within the religious and ethnic groups that these movements are affiliated with. For example, the idea held by the Maspero Youth Union that the relationship between the state and the Coptic community should be governed by the principle of citizenship and not Customary Reconciliation Sessions faces opposition not only from the political authorities that used this method to resolve sectarian crises. It also faces opposition from within the Coptic Church, much of whose leadership built their authority on their ability to

resolve sectarian crises without resorting to the law. If the relationship changes its shape and the rule of law becomes the basis of this relationship, then this leadership would lose one of its sources of power. This applies to the Nubian Democratic Youth Union as well. They are not only facing a state adverse to the rights of the Nubian people, but also traditional Nubian bodies, such as the General Nubian Club and other associations that used to work with the state that now see the Nubian Democratic Youth Union and their ideas as a threat to them and to the authority that they built over the decades.

The attempt to change these established rules and to confront the networks of interests associated with them requires these movements to review the strategies that they have pursued over the past five years and to find new organizational forms not based solely upon the Christian or Nubian communities. They should, instead, build organizations and movements whose members include all those that believe in the cause of citizenship and equal rights for all Egyptians regardless of their religious, ethnic and social differences.

Political science professor Sven Steinmo believes that the role of ideas is fundamental in institutional change. Ideas are, essentially, different conceptions of what the contours of these institutional rules should be. If the proponents of these ideas succeed in propagating their ideas as an alternative to existing institutions, then those ideas become themselves the new rules of the game. Steinmo calls this process "the institutionalization of ideas,"[92] the transformation of ideas into institutions. Steinmo believes that ideas derive their strength from the failure of the old institutions to fulfill their functions, creating an institutional crisis,

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[92] Steinmo, Sven (2008) "Historical Institutionalism." In: Della Porta D and Keating M (eds) *Approaches and Methods in the Social Sciences*. Cambridge: Cambridge University Press, 113–138

which allows new ideas to appear as alternatives to old institutions.

The Mubarak-era institutions have failed in their task of managing the relationship between society and the state in Egypt; nevertheless, they continue to resist collapse. Instead, the ideas promoted in Tahrir Square are facing fierce resistance not only from the political authorities that are trying to hold on to what they have gained. They are also facing resistance from various parties, such as traditional Christian and Nubian forces, that see changing the rules of the political game as a threat to their interests. The first wave of revolution succeeded in overthrowing Mubarak, liberating the public sphere and allowing freedom of movement within the public sphere. The youth movements' battle for the "institutionalization of their ideas" is not easy, though, because of resistance by networks of interests. These movements will only be able to continue that battle through:

1. Working via two parallel strategies for change – from above and from below – through raising awareness in society about their ideas and continuing to put pressure on state institutions and political forces.

2. Networking and working together, giving them greater effectiveness and reach. The core of these movements' ideas is one: the restructuring of the relationship between the state and society based on the concept of citizenship. This should make coordination and joint action easy.

Citizenship and the Rights of Women in Syria

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Introduction:

Syria was one of the first Arab countries to recognize the legitimacy of human rights to ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, as well as most other international conventions related to protecting women's rights at work, for leave and for health and social security. Syria adopted the Beijing Platform for Action and ratified accession to the Convention on the Elimination of All Forms of Discrimination against Women on 25 September 2003 with a number of reservations, the most important of which were "Article 2, Article 9, Paragraph 2, Article 15, Clause 4, and Article 16, Clause 1 (c), (d), (f) and (g) and expressed reservations as well about Article 16, Clause 2 on the effect of the betrothal of a child."[93]

Despite this international commitment on the part of the Syrian government, legal discrimination against women still exists in the majority of laws and is reflected most clearly in the "family" personal status laws. These establish the role of Syrian women as "second-class citizens." Herein lies the importance of working towards the concept of "full citizenship" for women. This means their enjoyment of all their rights as citizens, full equality between men and women, the ability to fully exercise their rights and to get equal treatment and respect for their bodies, psychological health and dignity. Achieving equality in the private

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[93] Decree 330 on September 25, 2003.

sphere of the "family" and the public sphere is a condition of full citizenship for all.

1. On Citizenship Rights in Syria:

Citizenship and Gender:

The goal of this paper is to link the two concepts of gender and citizenship, where citizenship is a political, legal and cultural status established by a constitution, governed by laws and protected by values. In order to achieve these goals, there are three requirements:

1. The acquiring of nationality.
2. The ability to enjoy the rights and abide by the obligations stemming from the acquirement of nationality.
3. Participation in public life.

Regarding the issue of gender, it must be emphasized that citizenship will remain incomplete if any one of these three requirements has not been fully realized for all citizens, men and women alike. It will remain incomplete as long as there are citizens in the country, men or women, deprived of their nationality, there is no principle of equality respecting both men and women in and before the law and social participation for both men and women is not available.

Returning to the concept of gender in relation to gender roles, we find that the goal of the redistribution of roles is to provide an equal opportunity for both men and women alike to make use of their inherent abilities and to enable them to benefit from their skills in carrying out new roles beneficial to society. This goal is directly linked to the right to participate in public life.

The relationship between gender and citizenship begins from the principles of citizenship (participation, freedom, responsibility and equality) that can be combined into the following short definition:

"Citizenship is the free participation of equal, responsible individuals"

Citizenship cannot be realized in any country where one of these principles is lacking. There are many countries, though, that lack some or most of these principles.

A gender analysis of men and women's opportunities shows that there are legal and social constraints affecting women in particular. These are demonstrated clearly by the discrimination present in the laws and the prevalence of stereotypes about the roles of men and women based on socially-entrenched norms, customs and traditions. These constraints prevent women from being able to participate fully. They begin in local society where the citizen chooses to live, extend to the place of work that the citizen has been able to acquire, and reach the highest positions in the legislative, executive and judiciary institutions in the country.

A gender analysis also demonstrates that the principle of freedom, more than just being lacking and restricted for all citizens, men and women alike, remains far from being achieved in many fields related to the freedom of women in countries whose laws restrict women's freedom of movement, her ability to choose a spouse, divorce and other legal matters and dominant social norms.

With regard to the principle of responsibility and the extent to which it is achieved, a gender analysis shows that the stereotypical roles of men and women deprive women of her power over herself (that individuals are masters of themselves and their fates). Women are not in control over their own lives; they are prevented from having any amount of responsibility. We find this in the legal systems of countries that, in their legal texts, still support patriarchal authority or tolerate murder, calling it an "honor crime." We find this, as well, in the scarcity of women's access to decision-making positions as a result of their being denied education and married early. This makes them unable to

gain the practical skills that would allow them to enter the labor market, making a large percentage of half the population unemployed in those countries that abandon their responsibility to their citizens, men and women alike, and cedes this responsibility to the Sharia.

2. Problems of Citizenship Specific to the Status of Women in Syria at the Legislative Level:

Discrimination against Women from a Gender Perspective:

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) defines discrimination in Article 1 as the following: "the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."[94]

In order to achieve "citizenship" in any country, all forms of legal discrimination must be abolished. We see the greatest examples of discrimination in personal status laws that refer to religious teachings[95] and adopt the principles of male guardianship over women. This lessens women's rights and means that women are absolutely dependent on the males in the family.

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[94] The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly and was opened for signature, ratification and accession by resolution 34/180 on 18 December 1979. It entered into force 3 September 1981 in accordance with Article 27, Paragraph 1. This translation was taken from http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article1.

[95] We see this in countries like Syria and Lebanon. In Lebanon, there are seventeen Personal Status Laws for the various sects that govern family relations. In Syria there are six laws and, in other countries, just one Personal Status Law whose reference points are Islamic.

For this reason, policies must be found to close the gender gaps between men and women because the fate of the process of women's development specifically, and development in general, depends on the creation and implementation of such policies. We need policies that guarantee a woman's right to manage her own affairs in all fields, that create an enabling environment for them and strengthen their valuable contributions in a comprehensive and sustainable development process. This is due to the interdependence of the development of women's place in the family and her participation in public life and indicators of development and growth in the country at all levels.

First: The Referential Foundations Influential in Formulating Personal Status Laws

The whole spectrum of Syrian society[96] is affected by intellectual references that have governed the Levant beginning from the Phoenician civilizations up to the Ottoman colonization and the French colonization until their withdrawal from Syrian territory in 1946.

In searching for the most important intellectual references that have had an impact on the communal mentality, the researcher finds, unequivocally, that their provisions derive from the chauvinist methodology of the Code of Hammurabi[97] and subsequent laws based on the power of the sacred, making them, in most cases, unchangeable. Proof of this is found in the beginning of the Code of Hammurabi, which reads, "...Anu and Bel called by name me, Hammurabi, the exalted prince, who feared God, to bring about the rule of righteousness in the land..."[98]

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[96] Syrian citizens belong to three religions (Islam, Christianity and Judaism) with diverse sects.

[97] It is thought that the Code of Hammurabi was written in 1780 BC.

[98] Original from the book *The Code of Hammurabi and the Origins of Legislation in the Ancient Near East* written by various authors and translated by Osama Siras 1988, Al Arabi Publishing and Distributing. Translation

The Mosaic laws, as well, derive from a direct divine source. We see this in the introduction to the Hebrew laws, "And the LORD said unto Moses, Come up to me into the mount, and be there: and I will give thee tables of stone, and a law, and commandments which I have written; that thou mayest teach them."[99]

In Christianity, the Bible does not contain divine laws regarding daily lives and the rights of men and women that believers must follow. Instead, "The Church developed laws specific to Christians based on the authority that Christ gave them to do so."[100] For this reason, the laws for the Christians are considered to be "human laws" formulated based on the authority given by Christ to the Church to do so.

Islamic laws are attributed directly to the divine source who revealed them to the Prophet. For example, in Surah An-Nisa, verse 136 it is stated "O you who have attained to faith! Hold fast unto your belief in God and His Apostle, and in the divine writ which he has bestowed from on high upon His Apostle, step by step, as well as in the revelation which He sent down aforetime." "All Scripture is inspired," meaning that it was revealed to the Prophet through divine inspiration as stated in Surah An-Najm verses 3 and 4, "and neither does he speak out of his own desire: (3) that [which he conveys to you] is but [a divine] inspiration with which he is being inspired (4)." [All translations of the Qur'an are taken from *The Message of the Qur'ān*. Trans. by Muhammad Asad. Bristol, England: The Book Foundation, 2003]

Drafting the form of personal status laws while relying on the sacred has continued, as they claim, because they concern

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comes from The Code of Hammurabi, trans. L.W. King, *The Avalon Project*, http://avalon.law.yale.edu/ancient/hamframe.asp.
[99] Exodus 24:12, *The Kings James Bible*
[100] Father Anton Musleh, researcher and judge in the Catholic spiritual court in Syria.

the private affairs of the family. However, other civil laws were created that did not adopt the sacred as a reference point and even transgressed its explicit stipulations by disregarding what the Quran has required and forbidding what it has permitted in cases such as the "[failure to apply] the *hudud* punishment for theft and [abolition of] the practice of slavery…" This leads us to ask the fundamental question, namely:

Why has the sacred remained a reference point for personal status laws when all other laws have eschewed it?

The reasons for this are tied to many matters, the most important of which is the chauvinist mentalities that drafted these laws, relying on fundamentalist religious backgrounds. Successive regimes allowed these laws to remain in place, seeing maintaining the situation as is, without any change, to be in their interests. This ensured the support of clerics and conservative-minded people who, in turn, saw keeping women under their control, under the pretext of protecting them, as a way of guaranteeing the continuation of their guardianship over women. With the passing of the years, there has been little change to most of the personal status laws. For this reason, it is unlikely that the coming years will see any radical changes to these laws, thus confronting us with a thorny dilemma over how to face fundamentalist thought and its supporters.

Second: Problems of Citizenship Specific to the Status of Women in Syria in Terms of Rights:

Proceeding from the variety of religious references to the personal status laws currently in force, eight personal status laws govern family relations in Syria today. These constitute the main strongholds of discrimination against women and enjoy a virtual immunity from being changed because of their relation to the sacred, as mentioned above. These laws are:

- General Personal Status Law[101] No. 59 of 1953.[102]
- The Personal Status Law for the Greek Orthodox denomination No. 23 of 2004.[103]
- The Personal Status Law for the Armenian Orthodox denomination, issued by legislative decree No. 59 of 17 September 1953 and amended by Law No. 234 of 31 December 1975.
- The Personal Status Law for the Syriac Orthodox denomination, passed in 2003.
- The Personal Status Law for the Catholic denomination, amended by Law No. 31 of 2006.
- The Personal Status Law for the Evangelical Courts in Syria and Lebanon.
- The set of religious laws governing personal status for Jews.
- The special provision for the Druze in Article 307 of the General Personal Status Law

All of these laws, without exception, are based, in their provisions, on the concept of guardianship that is reflected in the authority and the custodianship given to the men of the family over the women from the "father, husband, brother, uncle, grandfather, all the way down to the son."

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[101] This law draws upon the following sources: the Ottoman law of family rights and the Egyptian laws that preceded the Syrian law with occasional amendments to the Code of Sharia Rulings on Personal Status by Mohamed Qadri Pasha drafted by Sheikh Ali Al-Tantawi.

[102] Article 305 of the law continues to assume the presence of the Qadri Pasha law, stipulating: "For any matter not set forth herein, the judge shall refer to what is preferable in the Hanafi school as codified by the Qadri Pasha collection."

[103] The legislative decree number was issued 17 September 1953 and modified by Law No. 234 of 31 December 1975 for the Armenian and Greek Orthodox sects – referred to by the Greek Orthodox sect as the Law of Family Rights – which was amended in 2004.

For the sake of discussion, we will present some of the contents of those Syrian laws that detract from the rights of women within the family and society.

Personal Status Laws:

Discrimination against women is most clearly present in the Personal Status Laws for both Muslims and non-Muslims. These entrench male authority within the family and give them rights in all aspects of family relations. In all of these we find an obvious reflection of inherited religious systems of thought. Family relations are not governed in Syria by one law alone. For this reason, we must look within the personal status laws for both Muslims and non-Muslims, especially the provisions that they contain related to the subject of our research. We can also see clearly in these laws discrimination among Syrian women themselves, because of the variety of legal references governing relations between family members in Syria that depend on the religion or sect, despite these various laws' mutual bases in the concept of guardianship and the formulation of most materials in the Syrian personal status laws based on the principles of authority and custodianship given to the men of the family, of all ages, over the women.

This is evident to whoever researches the articles on divorce, custody and the right of the father, or whichever male represents him in the family, to marry off young girls (in Article 18 of the Muslim law). Article 23 of the Personal Status Law of the Jews allows the father, or the mother in the case of his death, to authorize the marriage of their young daughters: "For men, they are permitted to marry after they reach thirteen years of age and, for women, once they reach twelve and a half years of age provided that at least two pubic hairs have sprouted." The matter is similar in the laws for Christian sects.

Third: The Problems of Citizenship Specific to the Status of Syrian Women at the Economic Level

Discrimination against Syrian women exists in all of the personal status laws for each of the sects, detracting from their rights of citizenship and discriminating among Syrian women. This has an adverse effect on the empowerment of women in the "social, political and economic" areas of their lives. This is reflected in their rights as citizens and low indicators of their participation in the process of sustainable development.

Syrian government statistics show a decline in the participation of women in the labor force and women's lack of control over resources. This makes women poor in terms of opportunity, ability and safety, further lowering the indicators of sustainable development for women and their preclusion from their right as citizens to participate in the development of their country.

To this day, the majority of those interested in development issues address the matter of low indicators of women's participation in the process of sustainable development as caused by a number of factors, including illiteracy and customs and traditions. They do so without addressing the issue of discrimination against women in personal status laws whose articles have been formulated based on the concept of guardianship. Syrian women thus become subordinates, not free to make their own choices, hindering their ability to participate in the workforce or in political and social activities. The influence of the concept of stewardship has spread to a number of other laws related to women's lives, such as laws on work, nationality, social security, the Penal Code and the Agricultural Relations Law. We can see, therefore, that this discrimination is the main obstacle that prevents women in Syria from enjoying their rights as citizens.

In the event of divorce, for example, women come out empty-handed. This is despite their contributions to the

development of the family's property and whether or not they worked outside of the home, not to mention that the personal status laws do not prescribe the sharing of family property. Divorce, and its legal and social consequences, is considered to be the issue that has the greatest effect on the family in general, and women in particular. It inflicts misfortunes upon her due to its unfair provisions, its links to the dire economic situation of women and the weight of the prevailing patriarchal mentality. She must leave her house empty-handed, with no shelter and no resources. This further relates to issues of custody and alimony. The situation often demands that the woman return to the home of her relatives who often refuse to take in her children. All together, these issues often compel women to put up with the harshest of conditions in their relationships with their spouses, forcing them to trade their freedom for imaginary stability.

The Personal Status Law for Muslims calculates the material value of only the woman's reproductive function and not the value of other uncompensated functions that women perform. This material compensation is for breastfeeding in the case of khula[104] and for custody in the case of divorce, neither of which are paid if the marriage continues.[105]

In accordance with Articles 269 to 273 concerning each member of the family's share of an inheritance, Muslim women receive half the male's share of the inheritance.

In the laws of the Christian Church,[106] we find articles that affirm the man's ownership of the money within the family's possession. As Article 88 of Greek Orthodox Law of Family Rights states, "All money received by the wife after marriage is

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[104] Article 102 of the Personal Status Law for Muslims. Translator's note: Khula is a divorce initiated by the woman.
[105] Article 143 of the Personal Status Law for Muslims.
[106] The personal status laws of the Orthodox, Catholic, Evangelical, Armenian and Syriac Churches.

considered ostensibly the man's until evidence proves otherwise."

In the Jewish Personal Status Law,[107] Article 74 states, "The wife must serve her husband personally in any service that is not degrading to her." And, according to Article 75 of the aforementioned law, "The man has the right to what his wife earns from her labors, to what she finds, to the yields of her property, and, if she dies, to her inheritance."

It is well known that the amendments made to the personal status laws of a number of Christian denominations occurred under significant pressure from social forces, especially women. However, these amendments did not affect the patriarchal essence of these laws, but were an attempt to mitigate the severity of these texts, as shown in the examples mentioned above.

To what extent are these personal status laws reflected in certain civil laws in terms of discrimination against women? What are the implications of the participation of women in the economy?
The Syrian Labor Law:[108]

In most of its articles, the Labor Law guarantees equality between men and women and takes into account women's special health needs, due to their biology, in Articles 130 to 139. These articles ban employing women in jobs that are harmful to health, give them maternity leave and time to breastfeed, provide nurseries for women workers and ban firing women because of pregnancy or childbirth.

Articles 129 and 140, however, perpetuate the typical patriarchal outlook towards work that takes place within the family by exempting this type of work from the provisions of this

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[107] The personal status laws of the Orthodox, Catholic, Evangelical, Armenian and Syriac Churches as well as of the Jews.
[108] The Syrian Labor Law No. 91 of 1959.

law. Article 129 states, "Those that work in agriculture and household manufacturing in which only family members work under the supervision of the father, mother, brother or uncle are exempted from the provisions of this chapter." Article 140 similarly states, "Women who work in agriculture as well as those that are employed in household manufacturing in which only family members work under the supervision of the father, mother, grandfather, uncle or husband are exempted from the provisions of this chapter."

It is evident that these exemptions affect the ability of women to obtain remuneration for work carried out within the family, as is also the case for minors working in these fields.

The Agricultural Relations Law:[109]

This law contains regulations for agricultural relations and the provisions for women working in agriculture is found under the heading "Women and Juvenile Workers." Article 164, Paragraph (c) exempts the following from the application of the provisions of this law: "Family investments, carried out solely by members of one family, including agricultural investments in which the owner of the agricultural work and members of his family work side-by-side. Family members include: husband and wife, ascendants and descendants, brothers and sisters and the children and in-laws of all of the above." In Articles 16 and 20, this law further exempts "agricultural workers who do agricultural labor in these investments" from its provisions.

The Social Insurance Law:

The Social Insurance Act No. 78 of 31 December 2001, was issued as an amendment to the previous law in order to offer a single insurance umbrella and basic insurance to all workers in the country in the various economic sectors (public, mixed and private). Nevertheless, it exempts from its provisions family members that are dependents of the employer and domestic

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[109] Agricultural Relations Law No. 56 of 29 December 2004.

workers and the like. This is in line with the exemptions contained in the Labor Law and the Agricultural Relations Law referred to earlier.

Articles 61, 88 and 97 state that in the event of the resignation of an insured women because of marriage or the birth of her first child, she is eligible for compensation equaling 15 percent of her average wages, regardless of her years of service,. In the event of the death of an insured man or pensioner, his beneficiaries are entitled to the payment of his pension. These heirs include the man's wife, children, brothers, sisters and parents. This is according to the table specified by Articles 5 and 6. However, the widow of a pensioner who married her after reaching the age of sixty, as well as the children of this marriage, are not entitled to any pension. The lawmakers offer no justification for this exemption in the payment of workers' pensions after their deaths, even though those excluded are also the wives and children of the deceased and his legal heirs.

Legislative Decree on Civil Status:[110]

This decree enshrines the authority of the man over all members of his family, particularly his wife and children under the age of eighteen. This is evident in Articles 20, 23, 36, 53 and 54 that are concerned with the registration of births and deaths and obtaining an identification card. All of these actions require the presence of a guardian and, of course, guardianship is restricted to the males of the family.

In all cases, women are not entitled to obtain independent civil status papers. It does not matter if she is unmarried or has divorced and returned to her family's residence. One of the implications of this is that she is denied some forms of state support for basic materials including "fuel and rationed materials."

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[110] Legislative Decree on Civil Status No. 26 of 2007.

The Penal Code:[111]

The Penal Code allows marital rape in Article 489 by not considering coercion of the wife to have intercourse by threats of violence to be rape or deserving of punishment. In the same vein, the National Population Report reported "that most of the women contracted the infection (AIDS) as a result of its transmission from their husbands. Women are not able to demand that their husbands use a condom in the event that she has doubts that he is practicing unsafe sex nor is she able to reject his coercing her to have intercourse."

Article 548 states that "any man who has caught his wife, ascendants, descendants or sister by surprise in the act of committing illicit sex or other abominable sexual acts with another person and then proceeds to kill or harm both or one of them without deliberation may invoke the same as a justifying excuse."[112] Discrimination against women is further reflected in Articles 473, 474 and 475 regarding the punishment for illicit sex. The punishment for women is double that for men despite the fact that the act and its implications are the same for both parties.

The presence of these articles within the Penal Code represent a constant threat to the lives of women and cripples their free will in making decisions about their lives and their choice of spouse, education, and work or any other public activities. All of these discriminatory articles hinder women's freedom of movement and ability to choose her place of work and prevent her from exercising her right to work and to be an active participant in the process of development.

The Nationality Law:[113]

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[111] The Penal Code - Decree 48 of 1949.

[112] Article 548 exempts the perpetrator of a so-called "honor crime" from any punishment. This article was given a minor amendment in 2009 whereby the punishment is for no less than two years.

[113] The Nationality Law No. 276 of 1969.

The Nationality Law deprives Syrian women married to non-Syrian men of their right to give their nationality to their husbands or children. This is stated in Article 3 and is based on the father's blood right to give nationality to his children, in accordance with the concept of "lineage" as being from the father in the Personal Status Laws. From this premise, Syrian mothers are denied the right to give their nationality to their children. This detracts from the rights of citizenship for women, limits family members' options and causes difficulties for families consisting of a Syrian mother and a non-Syrian father in relation to work, property, education, freedom of travel and other things pertaining to the daily life of the family.

Because of all of the information stated above, I put forth the hypothesis that the Personal Status Laws that discriminate against women and the subsequent articles in some civil laws have a negative effect on the empowerment of women to exercise their rights as citizens and on their effective participation in the development process, which impedes the possibility of achieving the four pillars of citizenship.

Fourth: Governmental Policies and Procedures

Over the course of the past decade, the Syrian government has put in place a number of plans and strategies meant to raise the status of Syrian women. For example, the National Strategy for the Advancement of Women (2007-2011) contained items related to the need to amend or change laws and legislation that discriminate against women, and the Syrian Commission for Family Affairs prepared a draft of the current Family Law near the end of 2006. The most important of these government initiatives, though, was the Tenth Five-Year Plan (2005-2010) which pledged to make radical amendments to various laws. In the chapter on women's empowerment it stated: "National laws and legislation will be updated and developed in line with the Convention on the Elimination of All Forms of Discrimination against Women. A civil family law will be issued

that guarantees the rights of all members of the family, establishes equality between women and men, provides women with protection from violence and contributes to putting an end to outdated traditions and customs that prevent women's participation in building a liberal, modern democratic society."

All the government's plans regarding this matter, though, have remained drafts of projects for which no research has been done as to methods of implementation. Even the mid-term review of the Tenth Five-Year Plan entirely avoided evaluating the pledges to amend the laws and to adopt stimulus policies that would boost women's public participation made in the chapter on women's empowerment.

Despite efforts by some governmental institutions and many women's associations and NGOs aimed at changing or amending a number of discriminatory laws, such as the personal status laws, the Nationality Law and the Penal Code, to this day there has been no real change to these laws.

Fifth: Social Vision and Practice

The positions of Syrian civil society have been monitored by individuals and organizations through studies and articles written by intellectuals, journalists and activists, of both sexes, and through documents published by associations and non-governmental organizations. Consequently, it is worthwhile to mention a number of conclusions regarding the positions of these individuals and organizations as to women's right to equality in Syria.

- There is consensus among them in recognizing that there are forms of legal discrimination against women that are unacceptable and that are in stark contrast with the level of social development and the level of development of women's roles in the family and in society. This impedes women's effectiveness in the sustainable development process.

- There is also a consensus that women's issues affect all of society, not just women.
- We can note three main trends in positions towards the issue of legal discrimination against women. Though they have much in common, their differences lay in their conception of the mechanisms of change and how to begin this change:

1. A significant number of enlightened advocates of religious reform from all sects support the gradual amending of a number of provisions in the personal status laws through the modernization of religious interpretation, especially *fiqh*. This would be undertaken through new readings of *fiqh* that are consistent with the needs of the modern age in order to achieve equality, without causing any contradiction with religious laws, similar to what was done in Morocco. They see in this path a way to guarantee the possibility of proposing and implementing change during a time in which matters are complicated, particularly due to the heightened influence of fundamentalist religious currents that resist any change or amendment to the personal status laws.
2. The second group resorts to formulae that are "free of consequences" and discusses the need to amend the current law in the direction of a single modern family law for all Syrians. They sketch the foundations on which this law should be built and call for this law to be based on the Constitution and the internationally-obligated right to equality without referring to religious references or mentioning the Civil Code. This group does not offer clear solutions for the problem of sectarian pluralism that characterizes Syrian society, and thus does not fully address the problem of having multiple personal status

laws. This group is comprised of a large number of intellectuals, journalist and activists, of both sexes.

3. The third group does not reject moving towards either the first or the second direction, depending on what is possible, but also sees the need to radically change these laws in line with the actual reality of Syrian women and the trend towards development in social mentalities. They base this on the Constitution, the Universal Declaration of Human Rights and the international conventions and covenants that Syria has ratified. They view ensuring the right of equality between the sexes as an aspect of the institution of citizenship that cannot be based, in any place, on religion or a religious community but that can only be formed in the context of a nation of citizens.

   This group unequivocally puts forth the need to adopt a general civilian family law for all Syrians. Their argument for this is that there are several personal status laws instead of one law. Thus, if the Muslim Personal Status Law were amended, its provisions would not apply to the other sects. At the same time, any amendment to the laws of the other sects will not apply to the Muslim law (we know that the Catholic Church has recently made amendments to its own Personal Status Law and that other Christian denominations, not to mention Islamists and others, were not pleased by this). This group believes that the only law that can establish national unity and govern the lives of Syrian families independently of sect or creed is a civil family law that meets these needs. They further believe that it is possible to achieve a compromise, like issuing a general civil marriage law under which individuals are free to choose to have a religious marriage alongside a civil one.

Conclusion:

1. After presenting the most important of the articles that discriminate against Syrian women of different religions and sects, it is evident that Syrian women are still being governed by what Syrian legal authorities envisaged half a century ago. Despite a succession of legislative and executive authorities that achieved much progress towards becoming a culture based on human rights on the economic, political, cultural and social levels, these same authorities did not place any importance, on the legal level, on women. Thus, Syrian women continue to live in an inferior position under the weight of chauvinistic mindsets towards them.

2. Discrimination in personal status laws is very complex as there are a number of laws for the various sects that govern the lives of women, all of which ascribe their provisions to sacred religious laws. This turns all actions or activities for the equality of rights between men and women into a direct confrontation with religion. This is especially true as the influence of fundamentalist religious forces has intensified within the social mentality, causing the non-implementation of general policies regarding women's rights that were passed over the past ten years.

3. Because of Syrian society's general tendency towards religiosity, there is a prevailing trend among a large number of those interested in women's issues, especially enlightened religious activists, and among a large number of advocates of religious reform and Syrian enlightenment activists, both men and women, to look for the possibility to build on the legacy of enlightened *fiqh* and to support the movements for reform that have emerged from the different sects who declare that the foundation of religion is justice and equity. These movements claim that we can achieve "equality" through an innovative but correct way

of reading the sources of religious law. Within these texts we will find what will lead us, only, to amend a number of the provisions that are most discriminatory towards women in order to reduce their impact.

- Provide total harmony between the public and the private spheres in formulating all laws. This includes laws that relate to family life within the private sphere and, in particular, to relations between women and men in the private sphere, as the laws that govern this sphere are still full of provisions that discriminate against women. The Syrian government must be committed to a large number of international conventions and covenants as well as the process of social progress. Each of these requires taking a number of actions based on the principle of equality and the rejection of all that is based on discrimination.
- The formulation of provisions relating to marriage must be based on the principle of partnership and shared responsibility in the relationship between husband and wife. This will anchor each one's commitment to the other in accordance with the principle of free choice and will lay the foundations of interdependence and solidarity between the two partners in relation to spending, the management of all aspects of family affairs and the calculation of women's work within the home as contributing to expenditures. This will eliminate the idea within the minds of women and society that they are supported entirely by their husbands.

Changing the existing laws that discriminate against women requires bringing about a qualitative change in the social mentality, of both men and women alike. Despite the impact of laws and their trends on framing the collective consciousness and the process of change, studies on the influence of customs and traditions have shown their strength and their role in weakening the power

of the laws in many areas. For this reason, the process of change must be accompanied by a number of things that must also be done:

- Develop clear, unambiguous policies to promote a culture of citizenship and equality through all means available: the media, educational curricula, non-governmental organizations, trade unions and political parties and movements.

- The forces of civil society and the forces of enlightenment and renaissance are considered the starting point of fundamental change. We must, then, offer everything necessary to activate these forces, give them freedom of work and action, institutionalize them, stimulate them and cooperate with them in order to achieve change. It should be noted here that, if offered power, influence and protection, feminist democratic organizations could play an important role in pushing forward the desired change.

Citizenship converges and intersects with human rights and "women's human rights" especially in the aspect of non-discrimination among all citizens, men and women alike, whatever their religion, doctrine, sect or ethnicity…"

Moreover, citizenship guarantees:

1. **Freedom of Conscience:** Every person has the right to choose the ethical system and principles that he deems appropriate and according to whose teachings he would like to organize the aspects of his life. He also has the right to practice the beliefs associated with his choice. Of course, freedom of conscience means as well that the individual has the right to choose whatever religion he desires or to not choose any religion and to be without religion.

2. **The Equality of all Citizens, Whatever Their Creed or Sect:** Sectarian or religious affiliation does not give does not give one citizen advantages or precedence over

another, nor can it be an excuse for contempt, disparagement or discrimination. Every affiliation is respected in and of itself. Each citizen can believe in whatever he wants without this affiliation being a cause for disparity of treatment before the law.

3. **The Rejection of Any Religion or Doctrine Having Dominance over the State:** In a state based on citizenship, sovereignty is held by citizens. The state, though, is the seat of sovereignty and it is the state that carries out and ensures the protection of this sovereignty. The dominance of any of the social elements over the state will lead to a disturbance in the sovereignty of citizens and to the emergence of a state that is not for all its citizens.

Through this discussion, it has become clear to us that the profound deficiency that followed the absence of a culture of citizenship on the part of the state and the severe lack of any experience in the issues related to a culture of citizenship was among the reasons that have made the situation in Syria what it is today.

This deficiency can be seen in the discrimination between male and female citizens because of their biological identities or because of their religion or sect. This is a clear violation of the system and principles of citizenship, which are based on responsibility, freedom, participation and equality. It can be seen, as well, in the discrimination among women themselves when regimes have retreated from their duties towards their citizens and refer them to clerics and religious authorities. The regime's relinquishment of its duties perpetuates discrimination among the rights and duties of Syrian women, according to their religion or sect. This is what brings activists for the issues of citizenship and women's rights to call for a civil family law that provides for a unified system of rights for all Syrian families, whatever their

religion, leaving to all citizens the freedom to choose to practice their religious rites.

This is the fundamental link between citizenship and gender. Women in a state that protects the rights of citizenship find their purpose in achieving their full citizenship and effectively participating in the sustainable development of their country. Moreover, achieving citizenship necessitates freedom from discrimination based on gender stereotypes, achieving equality between men and women in their rights and duties, empowering women to achieve their full potential, boosting women's contribution to sustainable development, empowering women to make policy decisions, opening opportunities for women to access basic services, such as education and health, and to access the spheres of work, production and decision-making.

Iraq: Pluralism and the Future of Citizenship Given the Current Changes

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Minorities have been one of the main targets of the violence that has swept through Iraq after the American occupation in 2003. With the Islamic State in Iraq and Syria's (ISIS) invasion of Nineveh Governorate, including Mosul, the second largest city in Iraq, and their extending their control over other areas in the Anbar and Saladin Governorates, this violence has reached a pivotal turning point.

In the areas under ISIS control, the world has witnessed unprecedented levels of violent extremism. This is evident in their horrific images of public executions, their violations of freedom of religion and belief by forcing non-Muslim minorities to convert to Islam and the cases of kidnapping, torture, rape, sexual trafficking, looting and destruction of private property belonging to individuals and religious sects.

The critical and clear result of this tragedy is the disappearance of diversity in Iraqi society and the decline of minorities' demographic weight, both because they are fleeing and being killed. This has threatened some minorities with the risk of extinction and has changed the diverse demographic composition of the society as a whole and in some mixed areas in particular.[114]

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[114] Saad Salloum, "End of Diversity in Iraq, History under the Sword: Tracking Cultural Heritage Destruction, Human Migration, and the Dynamic Nature of Conflict in Iraq," Exploratory Seminar at the Radcliffe Institute for Advanced Study, Thursday and Friday, July 9-10, 2015.

Millions of people and large areas of Iraq still remain under the control and influence of ISIS, who continue to commit heinous crimes and human rights violations. At a time in which the country is trying to address ISIS's terrorism and ideological extremism, it is also facing the consequences of a humanitarian disaster as large numbers of civilians have been displaced from their cities, in search of safer areas. This suffering will leave an indelible mark on Iraqis' sense of identity, equality and citizenship, particularly as many have experienced discrimination in the places that they fled to and have often been left helpless to face their fate alone. In August 2014, the United Nations announced that the situation in Iraq had become a "Level 3 Emergency," their highest rating for states of emergency.

Our approach will take into account these developments, which were the culmination of a decade of chaos and rampant violence after the American occupation in 2003 and which have placed Iraq and the other countries of this region on the threshold of a new world, a post-nation-state world in the Middle East. These nation-states were formed directly after the area's liberation from colonial rule based on the model (state/nation), whose foundation is a single, shared identity. This conception of identity, however, did not respond to the nature of diversity prevalent in societies throughout the Middle East, satisfy the ambitions of the members of these societies to achieve equality, or provide a sense of citizenship.

Semantic Struggles in Describing Communities and Its Link to the Socio-Cultural Context

The choice of the term "elements," instead of the terms "majority" and "minority," and the constancy of its use in political and media discourse in Iraq after 2003 reflected a desire to impose some kind of formal equality between the majority and minority groups.

However, at a time when political and religious representatives of minority communities were following the path

of constantly defending themselves against being called "minorities" in rhetoric aimed internally in Iraq, they armed themselves with the immunity and legal protection that the term offers in their rhetoric to the international community, in response to the downsides to the blind quantitative outlook that relegates individuals to second-class citizenship and the treatment that places those communities lower on the hierarchy.

Therefore, these groups realized that they had been branded by the effect of the negatively charged designation, "minority." This led to a bifurcated approach in many cases, to the point where this caution is echoed in the Iraqi Constitution of 2005 which uses the alternative word, "elements," both as a response to demands by minority representatives and as an escapist attempt to offer a linguistic solution to the discrimination present in the Iraqi reality. See Article 2.2 and Article 125 of the Constitution.

Though the desire to end the power and influence of the "majority identities" has the characteristics of a rising up against the policies of the Iraqi state from 1921-2003 of non-recognition, forced integration and assimilation, the re-defining of the community based on an independent ethnic identity also represents the desire to stay out of the conflict between the majority communities (Shiites, Sunnis, Kurds). Among the Yazidis, Kaka'is, Shabaks and Turkmen we find a tendency to recognize their identities as "independent," having no relation to any major group. This is an indication that minority groups would like to free themselves from the power struggle between the majority groups and to avoid being used as a bargaining chip in the Kurdish-Arab or Sunni-Shiite conflicts. This is synonymous to saying: "We are not a part of your struggle. We are satisfied with respect for our special status and culture and do not want to play the game of majorities vs. minorities. We are not a number that you can add to the group that you want to appear as a majority at our expense."

A Map of National, Religious and Linguistic Diversity in Iraq

Compared to the majority groups and their struggle for power and wealth, we find that the almost total ignorance of the composition of national, religious and linguistic diversity in the country has had a major impact on the way that international actors interact with and respond to minority issues. This has led to these international actors approaching the three majority groups (Sunnis, Shiites and Kurds) and their views as a shortcut in dealing with the country. Because of the intersection of ethnic determinants in the identities of minority groups, a number of minority groups have been considered as a part of majority groups (Kurds in the case of the Yazidis, Shabaks and Kaka'is and Shiites in the case of the Turkmen, Shabak Shiites and Feyli Kurds). This matter has become even more complicated in cases where the group in question can be classified within more than one majority group (Feyli Kurds are both Kurdish and Shiite at the same time). Therefore, we find that presenting a map of this diversity that departs from the framework of classifying Iraq's diversity into three majority groups to be a matter of the utmost importance. This must be done in order to determine an appropriate approach for the nature of the international community's dealings with Iraq's rich social structure and to depart from the mold that has left a negative impact on the sense of equality and citizenship felt by these groups over the past years. Briefly, the map of national, religious and linguistic diversity can be drawn as follows:[115]

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[115] For more information on minorities in Iraq, see the following issues of *Masarat Magazine*, Masarat Institute for Cultural and Media Development, Baghdad:
- Issue 2 (2005) on the Yazidis
- Issue 8 (2006) on the Mandeans
- Issue 13 (2009) on the Jews of Iraq
- Issue 14 (2010) on the Christians of Iraq and other minorities

See also:

- **Christians:** Iraqi Christian identity can be defined along ethnic and sectarian lines as they are ethnically diverse. Among the Christians there are Armenians, Chaldeans and Assyrians, and they are divided among different denominations, including Orthodox, Catholic, Protestants and Evangelicals, etc. Though they are spread throughout the different regions of Iraq, they are mainly based in Baghdad, Erbil (in the Ankawa area) and Mosul (in the Nineveh plains).
- **Turkmen:** The Turkmen live in northern Iraq in an arc stretching from Tal Afar, west of Mosul, through Mosul, Erbil, Altun Kupri, Kirkuk, Tuz Khormato, Kifri and Khanaqin. Turkmen are the third largest ethnic group after the Arabs and the Kurds. The vast majority of them are Sunni or Shiite Muslims, while another group of them are Christians (Catholic).
- **Mandeans:** The Mandeans live mainly in Baghdad and southern Iraq (Amarah in particular). They are an ancient culture, having lived through the different challenges, empires and religions that passed through the land of Mesopotamia over the course of more than twenty centuries. They are one of the oldest monotheistic religions in Iraq and the Middle East.
- **Yazidis:** The Yazidis are based in Mount Sinjar, 115 kilometers west of Mosul, and in the Shekhan district, east of Mosul. They are one of the oldest ethnic groups in Iraq and the roots of their faith go back thousands of years to Mesopotamia.

● Saad Salloum, *Minorities in Iraq: Memory, Identity, Challenges*, First Printing, Baghdad-Beirut: Masarat Institute for Cultural and Media Development, 2013.
● Saad Salloum, *100 Delusions about Minorities in Iraq*, Baghdad-Beirut: Masarat Institute for Cultural and Media Development, 2015, 24-45.

- **Shabaks:** The Shabaks are one of the minority groups that have lived in northern Iraq for nearly five centuries. Most of them are Shiite Muslims, while some of them are Sunnis. They speak a language different from both Arabic and Kurdish and live among other minority groups, like Christians, Yazidis and Kaka'is in the Nineveh plains in the Mosul Governorate.
- **Kaka'is:** The Kaka'is are one of the minority groups spread throughout northern Iraq and are based mainly in the villages southeast of Kirkuk. Historians and researchers differ with respect to them because of the mystery, secrecy and symbolism surrounding their beliefs as well as the intersection of religions and creeds in their beliefs.
- **Feyli Kurds:** The Feyli Kurds are spread along the border with Iran in the Zagros Mountains and in areas of Baghdad. They are a minority group with a complex identity having multiple elements. Despite the ethnic elements that group them with the Kurds, they are different in the sense that they belong to the Shiite sect (most Kurds are Sunnis of the Shafi'i school) as well as having a language (Feyli Kurdish and Bakhtiari) that differs from the rest of the Kurdish dialects (Sorani, Bahdiani and Zazaki).
- **Baha'is:** The Baha'is are one of the smaller religious minorities, having one of the newest religions in the contemporary world. They are dispersed throughout different regions of Iraq, but we have no accurate idea as to their numbers because they conceal their identities and are afraid to publicly proclaim their religion.
- **Jews:** Iraq used to contain the largest of the Jewish communities in the Middle East. Today, though, only a very few Jews live in Iraq, specifically in Baghdad. Now they number no more than six people, according to the

latest estimates.[116] They are the last evidence of a disappearing Jewish community in Iraq that lasted for more than 2,500 years.

- **Iraqis of African Descent:** The Iraqis of African descent are an ethnic minority descended from multiple African origins. Their ancestors were brought to Iraq during different periods of Islamic history and they settled in different areas of southern Iraq. There are those that are Nubian (from Nubia), Zanzibari (from Zanzibar, an island in the Arabian Sea across from Yemen), from which the Arabic word for "negro" [*zinjiyy*] is derived, which Blacks were known by during their revolution known as the Zanj Rebellion. There are others from Ghana and from Abyssinia (now Ethiopia).[117] They are concentrated in the Basra governorate and other cities in southern Iraq.

An Analysis of the Constitutional Legal Situation of the Rights of Groups and Individuals

Both before and after the writing of the Constitution, many minority groups expressed their fear of being marginalized in this process. On the Constitution Drafting Committee that wrote the Constitution, there was only one seat for the Chaldo-Assyrians and three for the Turkmen, whereas the Mandeans had no seat on this committee. Minorities like the Chaldo-Assyrians, Turkmen and Arabs of Kirkuk feared being marginalized in the federal regions of Iraq Kurdistan. Religious minorities, facing escalating violence, voiced their concern about the Islamic influence on the

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[116] Personal estimate by the researcher. Ascertained through an interview with Father Andrew White, pastor of the Anglican Church in Iraq, 15 March 2013. There are other individuals in the Basra Governorate, but it is impossible to estimate their numbers because they hide their identities.

[117] Saad Salloum, "Will Iraqi Blacks Win Justice?," The New York Times, 22 July 2014, http://is.gd/Rb0fpy.

Constitution and the dangers this could create for their religious freedoms and ways of life.[118]

However, when it was ratified in 2005, the Iraqi Constitution specified a broad range of rights and ensured a system for recognizing groups through specifying recognized groups by mentioning them in the text of the constitution. Nevertheless, such rights and the recognition of groups, in particular, cannot alone provide an environment that guarantees equality and non-discrimination among citizens if the official structures and institutions do not respond to the rights that are guaranteed by the constitution. Furthermore, the nature of the relationship between religion and the state, in that Islam is the official religion, puts the nation's pluralistic identity at risk of dominance and guardianship by the Muslim majority. This is due to the risks that the dominance of Islamic political parties may create in achieving a civil state based on pluralism that guarantees a balance between the rights of individuals (citizenship) and the rights of different groups. Not to mention there are doubts about the importance and the effectiveness of such a framework in dealing with the grim reality of the country's loss of its pluralism as a result of ongoing violence, ethnic cleansing and migration.

The Legal Framework for the Rights of Citizenship and Minorities

The Iraqi Constitution includes a wide range of civil, political, economic, social and cultural rights. Article 14 provides for the right to equality and non-discrimination and, under Article 16, the state guarantees equal opportunities for all Iraqis and shall undertake effective measures to ensure this. Article 7, with the desire to break away from the legacy of discrimination, addresses any political entity that adopts racial discrimination,

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[118] Faleh A. Jabar, *The Constitution of Iraq: Religious and Ethnic Relations* (London: Minority Rights Group International, 2005), 3.

stating: "First: No entity or program, under any name, may adopt racism, terrorism, the calling of others infidels, ethnic cleansing, or incite, facilitate, glorify, promote, or justify thereto, especially the Saddamist Baath in Iraq and its symbols, regardless of the name that it adopts. This may not be part of the political pluralism in Iraq. This will be organized by law." [Translator's note: the translation of all citations from the Iraqi Constitution were taken from the version published here: http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html]

The Constitution also provides for the right of political participation and the enjoyment of all political rights in Article 20, which states, "The citizens, men and women, have the right to participate in public affairs and to enjoy political rights including the right to vote, to elect and to nominate." It recognizes the right to freedom of religion and belief in Article 42, which stipulates, "Each individual has freedom of thought, conscience and belief." Article 41 states that all Iraqis are free to organize their personal lives according to their religions, sects, beliefs or choices. Article 43 further guarantees the freedom of belief and the state's protection of this right, stating:

"First: The followers of all religions and sects are free in the:

A. Practice of religious rites, including the Husseini ceremonies [Shiite religious ceremonies]

B. Management of the endowments, its affairs and its religious institutions. The law shall regulate this.

Second: The state guarantees freedom of worship and the protection of the places of worship."

These articles enjoy support from Article 2(c), which stipulates that no law can be enacted that contradicts the rights guaranteed in the Constitution. For the reason, in accordance with what is stated in the Constitution and international commitments, the Iraqi legislature must enact laws that ensure the implementation of and respect for these provisions.

1. **The System for Official Recognition of Pluralism, According to the Constitution**

In the Constitution, the system of official recognition includes religious, national and sectarian pluralism. Article 3 of the Constitution indicates, "Iraq is a country of many nationalities, religions and sects." In its official recognition of minorities, the Constitution adopted a compound approach that distinguishes between religious and national minorities. Article 2.2 indicates the rights of religious minorities in saying, "This Constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights of all individuals to freedom of religious belief and practice such as Christians, Yazidis, and Mandean Sabeans."

Article 125 addresses the rights of national minorities, saying, "This Constitution shall guarantee the administrative, political, cultural and educational rights for the various nationalities, such as Turkmen, Chaldeans, Assyrians and all other components. This will be organized by law."

The final part of this constitutional article that refers to "all other components" indicates that the names of those minorities that appear in the Constitution is not an exclusive list of groups that should be offered protection. It states, rather, that all components enjoy protection whether they are religious or ethnic minorities.

However, some minorities that were not mentioned in the Constitution are trying to push for their names to be mentioned in constitutional amendments. The Shabaks[119] in particular are

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[119] The Shabak representative in Parliament, Dr. Hanin al-Qadu, believes that the lack of mention of the Shabak people in the Constitution is due to a Kurdish-Shiite deal during the writing of the Constitution, which the Shabak people are paying the price for by not being mentioned in the Constitution. This was in order for their identity to be lost or to be employed for the benefit by a larger Shiite or Kurdish identity. Personal interview with the researcher, 14 May 2014.

doing so, but this does not preclude demands on the part of other minorities, such as the Baha'is, the Kaka'is, the Feyli Kurds and even those with dark skin (Iraqis of African descent).

Though the federal government and the Kurdistan Regional Government have made some progress in protecting minorities and other groups, they have not adopted the legal or practical mechanisms needed to implement an effective framework for protection. Furthermore, the state has not made any significant progress in reforming those provisions of Iraqi law that have the possibility to be or are discriminatory. Nor has the state adequately provided for the use of the courts, compensation or any alternative arrangements to treat the former and ongoing persecution and discrimination experienced by vulnerable groups within the population.[120]

2. The Nature of the Relationship between Religion and the State and Its Effect on the Rights of Minorities and Citizenship

The 2005 Iraqi Constitution recognized multilingualism and the nature of religious, national and sectarian diversity within Iraqi society. It granted rights to religious and national minorities in more than one article. At the same time, though, it recognized Islam as the official religion of the state and adopted the approach of having a relationship between religion and the state, casting a shadow over the guarantee of pluralism in Iraqi society.

The Iraqi Constitution stipulates that, according to the Constitution, Islam is the official state religion and a fundamental source of legislation.[121] We see this, for example, in Article 2.1

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[120] "Iraq's Minorities and Other Vulnerable Groups: Legal Framework, Documentation and Human Rights," Institute for International Law and Human Rights, Washington, D.C., 2013, 12.

[121] Article 2.1: "Islam is the official religion of the State and it is a fundamental source of legislation." Translation from http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html.

(a) which states that no law may be enacted that contradicts the established provisions of Islam.

An article such as this one makes the rights guaranteed to minorities merely an exception to the rule and opens these rights up to the possibility of being restricted or being stripped of their substance. For example, it is possible to imagine the enactment of a law that protects minorities and stipulates equality for and non-discrimination against religious minorities that may be in conflict with the fundamentals of Islam. This is because "the centrality of Islam may adversely affect a range of rights of non-Muslim minorities and other vulnerable groups, including, for example, rights of religion, expression, equality before the law, the right to participate in government affairs, the right to participate in work of one's own choosing, family rights and women's rights."[122]

One can also raise the issue of the possibility of some religious minorities' rites and beliefs or the individual's right to embrace any intellectual or religious doctrine contradicting the principles of the Islamic religion. Thus arises a conflict with the provisions of Article 43 of the Constitution that guarantees freedom of belief for the followers of all religions and doctrines as well as with Article 42 which guarantees freedom of thought, conscience and belief to all.

The religious commonalities between Islam and other heavenly religions, which often constitute a system of ethics and morals, are a common ground between these religions that was not echoed in Article 2 of the Constitution. For this reason, there is a recommendation to amend this article so it reflects the shared values of all religions in Iraq, becoming Article 2, First (a)

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[122] "Minorities and the Law in Iraq," Institute for International Law and Human Rights, Washington, D.C., 2011, 35.

No law should be enacted that conflicts with the common beliefs and practices of all heavenly religions in Iraq.[123]

The Nature of Minorities' Participation in Public Life

After 2003, minority groups in Iraq tried to ensure their political presence. This took many forms, including the forming of delegations to visit the major political blocs and coordination with the United Nations and other organization to raise the level of their political participation. Even minority groups whose beliefs prohibit political action (such as the Baha'is, Mandeans and Yazidis) participated in these efforts in order to maintain their existence and to demand all of their rights. This was in line with the acceleration of the pace of events on the ground, especially after the majority groups (Shiites, Sunnis and Kurds), who have a strong demographic presence, confirmed the importance of such a demographic presence in the results of the elections that brought their elites to power.

As a result of the failure of the quota system to boost minorities' political participation and the challenges faced by minority representatives due to the struggle between the majority groups and their control over the political scene as well as due to internal reasons related to conflicts within the minority groups themselves, we have seen the trend to create more flexible and universal institutional frameworks grow, in order to strengthen minority participation and to provide them with more prominent and effective representation.

The small number of Mandeans, their dispersal throughout most of Iraq's governorates and the fact that they did not join in any political party or alliance in an official capacity led to them not being able to gain representation in the Council of Representatives during its first session from 2006-2010. This motivated them to demand an increase in their level of participation. For this reason, they gained a single seat in the

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[123] Ibid.

quota system both in the Baghdad Provincial Council during its second session from 2008 to 2012 and in the Council of Representatives during its second session from 2010 to 2014. Mandeans were also able to increase their participation in local governments by obtaining a quota seat in the district of Al-Rusafa within the Baghdad governorate and in the central Amarah district in the Maysan governorate (this will be in effect starting from the next session). Their efforts are still ongoing to obtain a quota seat in the Basra Provincial Council and to increase the number of seats allotted to them in the Council of Representatives from one to two.[124]

In order to raise the level of their political representation, some minorities resorted to the courts. The Yazidis, for example, demanded that their level of political participation be raised. On behalf of the Yazidi independent list, Mirza Dinnayi filed an official suit in the Federal Court on the proportion of Yazidis in the quota system. He won a judgement that took into account the proportion of the Yazidi population and, in light of this decision, the Yazidis were given two representatives in accordance with the quota system.

For their part, the Mandeans also tried to appeal to the courts in order to improve the electoral mechanisms in a way that would increase their political participation. A suit was filed on behalf of the leader of the Mandean community in Iraq and the wider world Sattar Jabbar al-Hulu against the speaker of the Council of Representatives in addition to his function before the Federal Supreme Court. The court was formed on 3 March 2010, headed by the judge, Medhat al-Mahmoud, and issued a verdict considering the seats allocated for the Sabeans in the quota

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[124] Researcher's personal interview with the Baghdad Provincial Council member for Mandeans, Raad Jabbar Saleh, 1 June 2014.

system to be all within one electoral constituency, as is the case with the Christians.[125]

Through these actions, we conclude that the "quota system" has only relative importance, although it was sometimes the only way for minority political representatives to get into Parliament. In effect, it merely offers compensatory quotas to address discrimination against minority representation. Hence, it should not be a ceiling for the participation of minorities nor should it impede efforts by minorities to achieve more balanced representation.

In reality, political representation for minorities has been, in the best cases, symbolic or ineffective amid the struggle between the larger blocks. Minority representatives were appointed to build bridges with one of the larger blocks, especially the two largest (Shiites and Kurds). As a result, minority representatives (except for a few exceptions) remained followers of the political positions of one of the larger blocks more than being representatives for the issues of the minority groups or voices for the minorities' ambitions.

For their part, the large political parties sometimes deliberately tried to prevent minority representatives from reaching the Council of Representatives, despite there being seats allocated for them in accordance with the Election Law. In the 2010 elections for the Council of Representatives, the Kurdistan Democratic Party was able to gain control of three of the seven seats allocated for minorities (one from the Shabaks and two from the Christians). They did so by pushing some of their members to compete for these seats, depriving the independent representatives for these minorities from reaching the Council of Representatives. This is due to the difference in

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[125] The Republic of Iraq, decision of the Federal Supreme Court, 7 - Federal, 2010.

attitudes towards the (disputed areas) and other sensitive issues.[126]

Due to the continuing lack of recognition for the participation of some minorities, Iraqi of African descent activists in Basra founded the Movement of Free Iraqis. Their chances of getting into the governorate council were weak, though, so they demanded to be included in the quota system, like all other minorities. They want to be represented in the parliament and governorate councils and to increase their participation in public affairs.[127]

On 27 April 2013, Jalal Dhiyab was assassinated. He was an activist who had led the Supporters of Human Freedom Association, an association that performed civil work, particularly in Basra, for the betterment of people with brown skin (Iraqis of African Descent), and who had participated in founding of the Movement of Free Iraqis, a political movement with a liberal orientation, whose goal was to raise black awareness of their political rights and their level of political participation. This placed the fate of the movement to defend the rights of Iraqis of African descent before a challenge that weakened it. Furthermore, the results of the investigation into his assassination, which did nothing to identify the perpetrators and portrayed it as only a criminal event, revealed the extent of the structural imbalances in the justice system in Iraq, which minorities are the victims of

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[126] Personal interview by the researcher with Amin Farhan Jejo, a member of the Iraqi Council of Representatives and President of the Yazidi Movement for Reform and Progress 23 March 2014 and a personal interview by the researcher with Muhammad al-Shabaki, Secretary of the Iraqi Minorities Council 15 May 2014.

[127] Personal interview with the activist in defending the rights of Blacks, Jalal Dhiyab, president of the Supporters of Human Freedom Association and Secretary-General of the Movement of Free Iraqis, Basra, 24 December 2012.

and which weakens minority individuals' sense of equality and citizenship.[128]

For some minorities, though, their religious beliefs prevent them from political participation. This is the case with the Baha'is, whose religious beliefs ban them from immersing themselves in political affairs. This is true of the Kaka'is, as well, who have no clear political voice and have been denied the ability to express their identity outside of a Kurdish framework.[129]

The lines of division within some minority groups further weakened their effectiveness and ability to obtain effective political representation. The Feyli Kurds, for example have had multiple political expressions in the form of parties, movements or associations that did not come together in the framework of one representative body. In their voting behavior, they tend to be distributed due to ethnic determinants among the Kurdish parties or among Shiite parties due to sectarian determinants.[130]

Such is the case for the Turkmen as well. They found that moving in step with a centralized authority and allying themselves with the Shiite majority was the best way to achieve recognition as an element beyond their minority position and that gives them a trump card over the Kurd's intractable ambitions in the disputed areas (especially Kirkuk).[131]

As for the Christians, the political parties that represent the various Christian sects have been living in a state of political

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[128] Saad Salloum, "From the Zanj Revolution to the Birth of the Supporters of Human Freedom Movement," Al Mada Newspaper, Baghdad, No. 3346, 25 April 2015.

[129] Interview with Recep Assi, director of the Yarstan Institute in Kirkuk, and interviews with Kaka'i activist in Erbil and Sulaymaniyah on different dates.

[130] Saad Salloum, "Different and Equal: A Plan to Strengthen the Rights of Minorities in Iraq,"United Nations Development Program, Baghdad, 2013.

[131] For more information, see Saad Salloum et al., "At a Crossroad: Iraq's Minorities after the ISIS," Report on Violations of the Rights of Minorities, No. 1, Masarat Institute for Cultural and Media Development, Baghdad, 2015, 87-89.

dizziness amidst the struggles among the majority groups and the lack of a unified political movement for the Christian populace within the political process. For this reason, the Chaldean Syriac Assyrian Popular Council, an attempt to bring together the ethnically diverse Chaldeans, Assyrians and Syriacs and the ideologically diverse Catholics, Orthodox and Protestants under a fanciful label, was the widest attempt to do so among Iraqi groups.[132]

In light of the information presented above, we find that representation for those ethnic and religious minorities not mentioned in the Constitution was incomplete, such as for the Baha'is, Kaka'is and Blacks, or was weak and symbolic, as for the rest of the minorities. For this reason, members of minorities have taken it upon themselves to create institutional frameworks that aim to raise the level of their effectiveness and participation in public life in the following ways:

The Creation of Alternative and Flexible Institutional Frameworks

Because of the poor representation of minorities and in order to overcome the fragmentation of identity, there was a movement to create universal institutional frameworks, such as the Chaldean League along the lines of the Maronite, Syriac and Armenian leagues.[133] There was also the **foundation of the Council of the Heads of Christian Sects** in order to develop a unified body for the Christian presence in Iraq. This was an attempt by the Christian clergy to provide representation that protects the identity of Christians in Iraq, as opposed to the fragmented identity provided by political representation through the various political parties and movements that represent

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[132] Interviews with members of the Chaldean Democratic Platform (Adel Bakkal and Kemal Yaldo), Michigan, United States, 18 August 2015.
[133] Saad Salloum, "Christmas 2015: Signs of the Demise or the Rebirth of the Church of Iraq?," No. 3247, 24 December 2014.

different Christian sects. They also tried to unify attitudes towards the emigration of Iraq's Christians, which, because of its high rates, is a kind of destruction of the Christian community and threatens the future of the Christian presence in Iraq.[134] The founding of the Yazidi Supreme Council was also an attempt to not limit the most important representation for the Yazidis to the sect's religious council and to broaden the base of participation in public affairs to all classes and segments of the Yazidi community.

The **Turkmen Rescue Foundation** was founded on a similar principle: to confront the marginalization of the Turkmen's rights and to lift them out of oppression and injustice. This was especially important as the Turkmen political elites have failed over the course of the past ten years to raise the level of Turkmen political participation and to give the Turkman presence its realistic dimension and its true weight.[135]

All this is in addition to the desire of some groups that have not had their chance or have been absent or marginalized for various reasons during the past years to put back together their dispersed communities. This is especially the case in light of ISIS's crushing blow to the social fabric, causing ethnic and religious cleansing of minorities in pluralistic areas, as in the Nineveh plains or Sinjar. In this context a Supreme Sufi Council was founded in Iraq to fight the challenge of takfirist discourse and to revive a moderate, centrist position.[136] Furthermore, new institutional frameworks were announced for religions to declare themselves publicly for the first time in Iraq, as in the recent

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[134] Personal interview with Avak Asadourian, Secretary of the Council of the Heads of Christian Sects, Armenian Orthodox diocese, Baghdad, 23 April 2015.

[135] Personal interview with Ali Akram Al-Bayati, head of the Turkmen Rescue Foundation, Baghdad, 25 June 2015.

[136] Founding statement of the Supreme Sufi Council in Iraq, 11 May 2015. From a copy in the possession of the researcher who received it by email.

announcement in Erbil of the establishment of the Supreme Council of Zoroastrians in the Iraqi Kurdistan region.[137]

The establishment of such frameworks does not represent an attempt to entrench sectarianism or to challenge a universal Iraqi identity. This is because they aspire to strengthen the various Iraqi groups' participation in public life, to stop further fragmentation by establishing more effective universal frameworks and to not limit the representation of minorities to purely political frameworks. If these frameworks are successful in their missions, they will have a positive impact on minority individuals' sense of citizenship through effective participation in the management of public affairs and through strengthening their presence in public life.

Economic Deprivation and the Challenges of Equality and Citizenship

There are many factors and challenges that can worsen the levels of poverty experienced by minorities, including economic deterioration, ethnic tensions and growing discrimination. In many countries, the lack of equality in the distribution of resources and services and poor infrastructure in areas where minorities live leads to the exclusion of minorities from fully exercising their economic and social rights.

In this context, economic exclusion places members of minority groups in the lowest rank in terms of their sense of citizenship and equality, and this constitutes both a cause and a consequence of discrimination at the same time. Members of minority groups in Iraq often face discrimination when seeking a job and often their level of representation faces obstacles, even in the civil service.

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[137] "Zoroastrian Council in Kurdistan: We Strive to Build Zoroastrian Temples and to Spread Its Concepts in the Region," Alsumaria News - Erbil, http://is.gd/xwNRFp.

Moreover, the regions in which minorities reside are some of the poorest regions or some of the most remote, that provide only limited opportunities for economic growth, for example the Yazidis in the Sinjar district in the Nineveh governorate as well as Christians, Yazidis and Shabaks, among other members of minority groups, in the Nineveh plains, located outside of the capital of the governorate in Mosul. This is true, as well, of the regions in southern Iraq, for example the Az Zubayr region in the Basra governorate, stronghold of the Iraqis of African descent, the Mandean areas on the outskirts of the Maysan governorate and, in the north of Iraq, the villages inhabited by the Kaka'is on the outskirts of the Kirkuk governorate.

Iraq's minorities have also been affected by property disputes dating back to the era of the Baath regime. Many of these lawsuits and the associated claims have remained unresolved because of the wave of massive displacement of minorities[138] as well as the emergence of the phenomenon of individuals taking control over minorities' property. This is an issue that politicians from the executive branch and members of the judiciary have been embroiled in, according to follow-ups and testimonies by organizations concerned with the rights of minorities.[139] Consequently, there has been an impact economically on the interests of minorities due to the chaotic atmosphere, the weak rule of law and impunity throughout the entirety of the country.

Many members of minority groups have noted discrimination in access to public services. This is often the case because their places of residence lay in areas disputed by the Arabs and Kurds. This is true in both the Nineveh plains and

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[138] Researcher's interview with the retired judge, Hadi Aziz Ali, Baghdad, 8 October 2015.

[139] Saad Salloum et al., "At a Crossroad: Iraq's Minorities after the ISIS," Report on Violations of the Rights of Minorities, No. 1, Masarat Institute for Cultural and Media Development, Baghdad, 2015, 53-55.

Sinjar, which, although it falls administratively within the budget for the Nineveh governorate, has only received token amounts of budget allocations. The city of Qaraqosh (Al-Hamdaniya), for example, received only 40% of the budget, thus leading to suspension of infrastructure projects there. Meanwhile, other funds in the budget were allocated for non-existent projects. The Sinjar areas have relied on Kurdistan to assume responsibility for its security situation, although it is managed administratively by authorities in the Nineveh governorate.[140]

Members of minority groups also reported facing discrimination in access to jobs in the fields of security and civil service. A study carried out by the Iraqi Minorities Council in 2011 reported that 38% of those studied reported the existence of discrimination in access to government jobs.[141] In light of the wave of displacement of minorities from the Nineveh governorate after the ISIS invasion, the lack of job opportunities and the lack of sources of income, the majority of members of minority groups that have been displaced now live below the poverty line. For this reason, emigration has become a better option than waiting for an uncertain future while facing levels of poverty and economic discrimination.

Economic discrimination has been mixed with other manifestations of discrimination. According to Majid Hassan, a Yazidi researcher, there is a large-scale movement to build mosques in Kurdistan and to allocate government lands to do so. Because of this, the number of mosques in the three current governorates of Kurdistan has reached more than 5,200. At the same time, the building or reconstruction of Yazidi temples has been completely neglected. For more than five years, although the government has claimed to allocate more than a million

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[140] Preti Taneja, Iraq's Minorities: Participation in Public Life, Minority Rights Group International, London, 2011, 17.
[141] Ibid. 17-18.

dollars from the government's budget to rebuild the Lalish temple (holy to the Yazidis), not a single dollar has been spent thus far.[142]

In Baghdad, Yazidis who own liquor stores have been targeted throughout 2014-2015. This has resulted in the departure of most of these individuals to the Kurdistan region. From the standpoint of the Yazidis, this targeting gives members of minority groups few choices because it deprives them of their sources of income and places restrictions on their jobs and trades that are not performed by the Muslim majority of the population.[143]

The manifestations of social exclusion and deprivation from education results in a sense of despair and the loss of all hope to climb the social ladder. These two factors are often the focus of grievances, a source of tensions and a direct cause of emigration without plans to return.

Promoting Diversity at the Societal Level and Equality at the Individual Level

In order to, on the one hand, promote pluralism and regain diversity on the group level so as to maintain the fabric of society and, on the other, to work to restore the lost confidence so as to promote a sense of citizenship, we believe that it is important to work on the following points:

1. **The Disputed Areas:** It is important to begin the process, authorized by international supervision, over the disputed internal borders that form the regions in the country that are rich with diversity and that have been subjected to the Arab-Kurdish conflict. It is clear that this conflict could push the country into a future internal war. Article 125

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[142] Researcher's communications with Majid Hassan, an academic at the University of Bamberg in Germany and specialist on Iraq's religious minorities.

[143] Interview with Saeb Khadr, advisor to the Yazidi Spiritual Council, Baghdad, 7 October 2015.

must be applied by turning it into legislation that ensures the self-administration of minorities over the disputed areas that they are located in so as to ensure that they are kept out of the conflict between the majority groups and so as to guarantee their right to self-administration of their own affairs, without entailing support for a desire on their part to secede. Self-administration, here, is proposed below the governorate level and includes a distribution of administrative powers that guarantees minorities the extent required to manage their affairs independently. In this context, it is important to urge the international coalition against ISIS, the United Nations and the European Union to push in the direction of finding a suitable approach to launch negotiations so as to guarantee the rights of minorities in their historic regions.

2. **Societal Dialogue from the Bottom up:** There is no doubt that drawing a roadmap to address the current challenges necessitates conducting a comprehensive societal dialogue and not just meetings between the political elites that take place in the framework of bargaining and maintaining their mutual elite interests. This is necessary especially because of the loss of trust at the political level and the climate of extremism promulgated by some clerics from various elements, thereby reinforcing a loss of trust at the social level. For this reason, launching a societal dialogue from the bottom up is an effective strategy to address the rifts in the social fabric. This means supporting projects that build bridges of dialogue between young people or promoting dialogue between Sunni and Shiite clerics and between Muslim and non-Muslim religious elements in order to put a stop to extremist ideologies.

3. **National Reconciliation Project:** A comprehensive societal dialogue will facilitate the process of mobilizing

civil forces to support a national reconciliation project. Without that, you cannot delegitimize extremist ideologies nor can you encourage the government to begin a package of reforms necessary to achieve reconciliation. Some of these reforms include: fighting corruption, the release of arbitrary detainees, conducting immediate investigations into human rights violations and abolishing legislation that discriminates against or oppresses minorities. Furthermore, the government must join the Rome Statute of the International Criminal Court and accept its jurisdiction during the current conflict, recognize minorities that were not mentioned in the Constitution and abolish all legislation left over from the Baath era that conflicts with the rights contained in the Constitution.

4. **Legislation to Ensure Equality and the Protection of Diversity:** Diversity's place of importance in maintaining the unity of Middle Eastern countries has become obvious and so has the fact that the emigration of minorities leads to the destruction of entire communities, creating ethnically pure groups that cannot be established as a foundation on which to transform "groups" into a "society." Therefore, a package of legislation must be passed that maintains diversity, promotes the preservation of minorities' identities and cultures and protects the pluralistic identity of society, without which it would become easy to divide Iraq into regions based on ethno-sectarian geography. There must also be legislation to address discrimination and to promote equality, as legislation is a critical mechanism for accelerating change and guiding the culture of the society towards fighting all forms of discrimination and social, political and economic exclusion.

5. **Equality of Opportunity and the Impartiality of the State:** We cannot address discrimination, exclusion and

the widespread violence that affects members of all different groups except by affirming the impartiality of state organs and by building a state of institutions. The effect of the institutionalization of the state also extends to its impartiality, as the impartiality of the state is a fundamental basis for a sense of loyalty to the state and a sense of belonging to its universal, national identity. The need for neutrality must apply to all state organs, especially the security services, which should be based on professional considerations and not on narrow sectarian loyalties, in order to boost all citizens' senses of security.[144]

6. **The Balance between Collective and Individual Rights:** The approach that included recognition of pluralism in the Iraqi Constitution did not result in anything other than a formal recognition that had no value on the ground. This is because administrative structures and state institutions remained subject to discrimination through the quota policy. This quota policy is, in essence, nothing less than the institutionalization of discrimination at the level of the whole state. Therefore, it is important to underscore the importance of recognizing diversity on the basis of the rights of citizenship and to adopt a comprehensive approach on the subject. The individual bears fundamental rights and rebuilding social trust can only occur through strengthening the sense of citizenship. However different we are as groups, we are equal as individuals in the end.

7. **School Curricula:** It is important also to inspect the dominant culture by examining curricula and changing or amending them. This is for the purpose of constructing

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[144] Saad Salloum, *Christians in Iraq: Comprehensive History and Current Challenges*, Masarat Institute for Cultural and Media Development, Baghdad-Beirut, 815.

curricula that are appropriate for a society diverse in terms of ethnicities, religions and sects. We believe that the salvation of the future generations whose imaginations are growing up in a culture of polarization and disregard of the other lays in developing curricula that promote knowledge of the other. This will prepare the necessary climate to disseminate policies of tolerance and to promote acceptance of the other. Thereby, the victory of strengthening the acceptance of values of pluralism and citizenship can be achieved in the hearts and minds of the people.[145]

Conclusion: Founding a Model of a State Based on Citizenship

The post-2003 philosophy of "the state made up of various elements" stripped the rights contained in the 2005 Constitution of any practical value. The individual, who is considered the bearer of fundamental rights, has had these confiscated under the banner of the rights of "the element." This is a fictitious idea used politically in the interests of elites who use sectarianism as a strategy to mobilize against others who are different.

The model of the state made up of various elements was based on a deal for the tripartite sharing of power between the three majority groups (Shiites, Sunnis and Kurds) with symbolic representation for minorities. Consequently, the model did not result in a real recognition of diversity and failed to establish a system for the management of diversity.

Therefore, the goal of proposing an alternative model based on a contrasting model that recognizes diversity on the basis of the rights of citizenship remains a necessary goal. The individual is the bearer of fundamental rights and rebuilding

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[145] Saad Salloum, "Creative Diversity: Roadmap to Enhance Pluralism in Iraq," Masarat Institute for Cultural and Media Development, Baghdad, 25-27.

social trust can only occur by strengthening the sense of citizenship. However different we are as groups, we must be equal as individuals in the end.

Second Section: Examples from Neighboring Countries

The Right of Citizenship for Ethnic Minorities in Turkey: The Case of the Kurds

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It is a well-known fact that expansion of the rights of global citizenship to all citizens, regardless of their social and economic status, is considered one of the characteristics of progress in modern societies. However, in the 1980s, a large-scale dispute over this approach arose because of the development of social movements that object to the traditional form of citizenship. The main topics addressed by these movements have been, and remain, differences in gender, ethnicity and race. In addition to this, these new social movements also opposed the idea of granting the same group of rights to all citizens within the framework of a unified concept of global citizenship. These movements claimed that, in practice, only some of these citizens deserve full individual rights.[146]

Since the 1990s, citizenship has also become a topic of extensive discussion because of social and political change in Turkey. Turkey has faced challenges from the new political, ethnic and religious movements. The Kurdish political movement, various Islamist groups, Alevis, women's and LGBT rights advocates and some leftist movements all played an important role in this process. In this context, the founding primary documents of the republic (the Constitution) and the secondary documents (the laws and internal regulations) have

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[146] Kate Nash, Contemporary Political Sociology, Blackwell, Oxford, 2000, 156-158.

become a subject for a debate regarding the right to citizenship. Consequently, the relationship between religion and citizenship, ethnicity and citizenship and gender and citizenship became widely debated in intellectual circles. These attempts to redefine citizenship provoked many reactions from religious and political groups as well as from the state.

In this article, I will focus on the problems of citizenship faced by ethnic groups, especially the Kurds. Despite the fact that the movement to defend women's rights is very important in the process of redefining the rights of citizenship in Turkey, in this article, I will not touch upon their struggle in this regard.

The System of Citizenship in Turkey

Each country has a system of citizenship that indicates what the state's approach is to individuals and communities. In this context, citizenship works as a mechanism to include some individuals, groups or communities or to exclude them.

The concept of global citizenship is a tool used by the nation-state to unite different groups of people within the framework of a single society. As a basis for civil nationalism, global citizenship creates a society in which all are subject to the same legal requirements in order to be members of this society, regardless of their social or economic status or their ethnicity or gender. In other words, global citizenship is considered by the civil republic to be equal representation before the law in the public sphere. In this regard, different experiences of systems of citizenship have emerged throughout history, such as the more liberal practices in Great Britain and the United States and republican practices in France and Turkey.[147]

The system of citizenship in Turkey is generally considered to belong to civil, republican traditions. This concept

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[147] F. Baban, "Community, Citizenship and Identity in Turkey," working paper for the International Political Economy Center at Trent University 04/4, 1.

of citizenship, based on gender, ethnic exclusion and secularism, traditionally gives priority to the duties and obligations of citizens over their rights. This leads to citizens who are subjects rather than active citizens.[148] Thus, the ideal Turkish citizen is defined as a non-homosexual, Sunni, secular Turkish male. Of course, this has led women, religious and ethnic communities, homosexuals, bisexuals and transgender people being placed lower in the social hierarchy.

The Legal Framework

Turkey's first constitution, passed in 1924, granted nationality and thus citizenship to everyone who resided within Turkey, regardless of their religion or ethnicity. The Nationality Law, ratified in 1928, was based on blood right and complemented a regional understanding. Thus, Turkish nationality was available not only to ethnic Turks, but was also available to non-Turkish Islamic groups, as long as they were willing to integrate into Turkish culture. In the present day, though, when studying the founding documents of the Turkish Republic – both the primary (the Constitution) and the secondary (laws and regulations) – it is clear to us that citizenship is not only defined as political citizenship, meaning the legal relationship between the individual and the state, but also as ethnic citizenship. According to the Turkish Constitution, "Every individual living in the Turkish Republic is a Turkish citizen, with no discrimination based on religion, language or ethnicity. Every individual is a Turk." Although this definition meets the requirements of global citizenship, the second part has been much criticized by intellectuals and ethnic groups, especially the

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[148] Ayşe Kadıoğlu, "Can We Envision Turkish Citizenship as Non-Membership" in *Citizenship in a Global World: European Questions and Turkish Experiences*, edited by E. Fuat Keyman and Ahmet İçduygu, Routledge, London, 2005, 105-123.

Kurds. As we will see below, the Kurdish issue is closely related to the system of citizenship and Turkish identity in Turkey.

Religious Minorities

The Treaty of Lausanne is the foundation for Turkey's policies towards minorities. Officials always cite the terms of this treaty in the context of discussions about minorities. This treaty refers to "non-Muslims" as minorities and guarantees their rights, but does not specify sects.[149] The Turkish state continually insists that Christians (only Greek Orthodox and Armenian) and Jews were officially recognized as minorities in this treaty.[150] For their part, the Jews refused to be considered a religious minority and have never used the rights granted to them by the Treaty of Lausanne. Other Christian groups, such as the Assyrians, were excluded from being considered minorities and, consequently, were unable to invoke the rights specified in the treaty. Although some people believe that all non-Muslim groups should be able to enjoy the rights specified in the Treaty of Lausanne, the state counters their demands using the treaty itself.

In other words, the Greek Orthodox and Armenians are the only recognized Christian minorities in Turkey. Based on this treaty, the state has always considered that there are no minorities in Turkey other than the aforementioned religious denominations. It does not recognize the Kurds and Alevis as minorities and their freedom of expression has been restricted because of the political environment. One could say that Treaty of Lausanne is the most important legal document not only in regard to the non-Muslim citizens of the Republic of Turkey, but also regarding policies on minorities in Turkey.

According to the treaty, non-Muslim minorities are to enjoy their own independent legal, religious and educational

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[149] S. Akgönül, Azınlık, Türk Bağlamında Azınlık Kavramına Çapraz Bakışlar, BGTS Yayınları, İstanbul, 2011

[150] S. Akgönül, Türkiye Rumları, İletişim Yayınları, İstanbul, 2012.

institutions and the right to use their own languages in education. This does not mean, though, that these institutions are not subject to political pressures and constraints. For example, all of the primary and secondary schools run by these minorities have a Turkish superintendent appointed by the Turkish government.

The disintegration of the Ottoman Empire; the wars of independence fought by ethnic minorities at that time (Greeks, Bulgarians, Arabs, Armenians and others) with the support of Britain, France, Germany and Russia; and mass migration caused by the Balkan wars and World War I are all factors that played an important role in forming the Turkish national identity and the new republic. In fact, the deportation of Armenians in 1915 and the exchange of Turkish-speaking Greek Orthodox population in Anatolia for the non-Turkish-speaking Muslims in Greece between 1924 and 1925 led to the creation of a population that was relatively homogenous in terms of religion in Anatolia. Minorities were often suspected of "cooperation with foreigners," for example during the fall of the Ottoman Empire.[151] At the beginning of the republican era, the process of Turkification not only included the political and social spheres, it extended to the economic sphere, where, particularly in trade, non-Muslims had previously been dominant. Eventually, the special tax on wealth and profits in 1942[152] led to a decline in the

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[151] For example, in 1941, a special unit made up of non-Muslims in the ranks of the army was formed. Soldiers in this unit were not given arms because they were not trusted. See:

Rıfat N. Bali, Cumhuriyet Yıllarında Türkiye Yahudileri Bir Türkleştirme Serüveni (1923-1945), 3. Edition, Iletişim Yayınları, Istanbul, 2000, pp. 411-423.

[152] Although the goal of this tax on wealth was collection from those merchants who had made huge profits on the black market due to the war, it was mainly non-Muslim minorities who were subject to this tax. In fact, as Bali shows, the Turkish state differentiated between certain groups of people based on their religion. For more information on the tax on wealth, see: Bali, Ibid. 424-495.

numbers of Christian and Jewish merchants and manufacturers in Turkey.

The 1920 Treaty of Sevres, which dissolved the Ottoman Empire, proposed the establishment of an independent state of Kurdistan, but the new republic refused to negotiate on this clause. Any reference to a Kurdish state or homeland was erased in the Treaty of Lausanne in 1923. As mentioned above, only limited religious sects are recognized as minorities and members of ethnic groups were considered "potential Turks" in the context of the newly-established Turkish nation-state and its nationalism. This perception has defined the experiences of citizenship for several ethnic groups. Whereas religious minorities suffer from discriminatory practices, ethnic groups were assimilated. With the passing of time, many members of different ethnic groups were Turkified, such as the Albanians, Bosnians and Kurds, among others. Consequently, it is difficult to claim that this process has always been voluntary or spontaneous.

The "Kurdish Issue" in Turkey

The perception of Kurds as an ethnic group that should enjoy the right to self-rule in the 1921 Constitution changed in 1924. "While the 1924 Constitution continued to recognize the presence of different ethnic groups in Turkey, it also stipulated that these communities would not be granted any kind of special rights. In other words, by 1924, the Turkish Republic began to look at the Kurds as a group that did not deserve collective rights. From the Turkish state's viewpoint, the Kurds became Turks, just like other citizens of the republic."[153]

Ayhan Aktar, "Varlık Vergisi ve İstanbul", Toplum Bilim, Winter 1996, N. 71,Ipp. 97-149; Cemil Koçak, Türkiye'de Milli Şef Dönemi (1938-1945), İletişim Yayınları, Istanbul, 1996; for a novel on this issue see Zaven Biberyan, Babam Aşkale'ye Gitmedi, Aras Yayıncılık, Istanbul, 1998.

[153] Mesut Yeğen, http://209.85.229.132/search?q=cache:Nkf8dLF-IFIJ: http://is.gd/OcpCi5; Mesut Yeğen, Mustakbel Türk'ten Sözde Vatandaşa: Cumhuriyet ve Kürtler, İletişim Yayınları, Istanbul, 2006.

During the 1920s and 1930s, there were a number of prominent Kurdish uprisings in the east and south-east of Turkey. The total number of revolts in the period between 1924 and 1938 was 18, 17 of which occurred in areas where Kurds reside and face repression and violence. In the relatively quiet years between 1938 and the 1960s, this region was more widely included in the Turkish market and in Turkish party politics. Tribal elders and important landowners became delegates in Parliament. As in other parts of Turkey, the Kurds migrated to big cities in search of work and education. This structural change also led to a change in the structure of Kurdish society and the elites within this society. Between 1940 and 1950, the formation of the short-lived Republic of Mahabad in Iran and the recognition of Kurds in Iraq had an impact on Kurdish intellectuals in Turkey. Also, at the end of the 1950s, Kurdish students and intellectuals began to adopt leftist ideas and became a part of the leftist movement, which included the Kurdish cause on its agenda in Turkey. In 1970, the General Conference of the Workers' Party in Turkey adopted a text that criticized the national oppression of the Kurds. Because of this, the Constitutional Court shut down the party. In the second half of the 1970s, the Kurdish movement became more nationalist and distanced itself from the Turkish left.[154]

After the military coup in 1980, the Kurdistan Workers' Party (PKK) became the dominant force in the Kurdish national movement. There is no doubt that the emergence of Kurdish nationalism is directly linked to harsh policies adopted by the military regime in that region and in the country as a whole. Since 1984, the acts of violence that occurred between the PKK and the military have claimed many Kurdish and Turkish lives. They also caused many political and social problems, such as forced

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[154] Delal Aydın, "Mobilizing the Kurds in Turkey: Newroz as Myth," unpublished Master's Thesis, Middle East Technical University, 2005, 16-45.

migration, the adoption of emergency laws and practices in the region, etc. Meanwhile, policies on Kurdish identity became an important component of political life in Turkey.

The PKK was founded in 1978 with the goal of founding a single, independent, unified state called "Kurdistan." The party was organized as any other classic communist party. With the passage of time, the PKK became more diversified and formed many parties and organizations in Turkey, Western Europe, Iran, Iraq and Syria. The PKK founded sister parties and guerilla groups linked to those parties in Iran, Iraq and Syria. It founded the Kurdistan Democratic Solution Party in Iraq in 2002 and the Party of Free Life of Kurdistan in Iran in 2004 to represent the Kurds in those countries. The Kurdistan National Congress is an umbrella organization for the whole of Kurdistan, which includes representatives from the Kurdish community, all political parties from all parts of Kurdistan, cultural and religious institutions, independent political entities, intellectuals and non-Kurdish ethnic groups. (201) In other words, the PKK has become a social movement traversing the homeland that includes many institutions.

In 2005, the PKK and its affiliated institutions were restructured into the Groups of Communities in Kurdistan. That same year, the PKK announced that it now considers the nation-state an obstacle to freedom and that its strategic goal is no longer the establishment of an independent state, but rather the establishment of an interconnected network of councils to form the basis for self-determination and a new way of living together. This goal has turned into a project of radical democracy, one of whose projects is democratic republicanism. The goal of the democratic republic is to separate citizenship and nationality. Its political demand is the drafting of a new constitution, in the context of a republic that has undergone a process of reform, with equal rights for all citizens in Turkey. As for the other two projects, they are a system of democratic confederalism, a model for self-

rule in Kurdistan, and democratic autonomy. Democratic confederalism is a key mechanism for unifying the Kurds and Kurdistan, where the Kurds live.[155]

The PKK began a guerilla war against the Turkish state in 1984, which intensified in the early 1990s. The Kurds in the south-east of Turkey had been influenced by the ideology of the PKK since the end of the 1980s. Furthermore, participating in the legal political process offered the Kurdish movement, in general, new opportunities to institutionalize their work. This process of institutionalization included two aspects. First was developing legal political parties that voiced the demands and interests of the Kurds. Second was putting these demands into practice in local governments.[156]

It should be noted that many Kurdish political parties were established and then dissolved by the Constitutional Court.[157] These parties gave voice to Kurdish identity and their political demands using the discourse of democracy and human rights. They further proposed converting the Turkish political system into a democratic system, in order to recognize Kurdish identity and to end the armed conflict. They insisted that a multi-party, open democratic society in which all groups participate, one that respects human and cultural rights and that accommodates the

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[155] Ahmet Akkaya and Joost Jongerden, "Reassembling the Political: The PKK and the Project of Radical Democracy," European Journal of Turkish Studies, 14 (2012).

[156] N. F. Watts, Sandıkla Meydan Okuma, İletişim Yayınları, İstanbul, 2010.

[157] The People's Labor Party in 1993, the Democracy Party in 1994, the People's Democracy Party in 2003, the People's Democratic Party in 2005, the Democratic Society Party in 2009, the Peace and Democracy Party. These parties dissolved themselves and formed two new parties in 2014. One of these is the People's Democratic Party, a broad coalition of Kurdish political movements, some socialist groups, groups that advocate for women's rights and ones that advocate for various religions (Muslims, Assyrians, Armenians, Alevis and Yazidis). The second is the Democratic Regions Party, which is active in the Kurdish part of Turkey and promotes self-rule.

rights of the Kurds, would solve Turkey's problems. In other words, these parties promoted a political solution to the Kurdish conflict. Despite these parties being largely successful in local elections, winning many seats in municipal councils and mayoral elections in the region, until 2015 they suffered from the 10% threshold stipulated in the electoral law for national elections. These parties were able to advance to Parliament as a partner in elections with the Social Democrats (the Democratic People's Labor Party in national elections in 1991) or as independent candidates (in national elections in 2007 and 2010). They did this in order to surmount the 10% national threshold, later forming an independent group in Parliament. This is to say, despite representing a large number of people in the Kurdish region, the Kurdish parties could not get enough votes at the national level to get past the national threshold. Along with the PKK and the Peace and Democracy Party, which dissolved itself and divided into two new parties, the People's Democratic Party and the Democratic Regions Party, several other Kurdish parties and independent individuals emerged to represent the Kurds. In addition, a number of Kurdish members appeared in the Justice and Development Party (AKP) and the People's Republican Party, among others. The People's Democratic Party or the Democratic Regions Party are distinguished from other major political parties by the links that they have enjoyed, unofficially at least, with the broader Kurdish political movement and the incorporation of demands for the recognition of Kurdish identity and Kurdish rights into their policies. Thus, these two parties have the opportunity to implement in local governments the policies on identity that they have adopted.

In the 2015 general election, the Kurdish political movement decided, for the first time, to participate in elections as an independent political party. The Democratic People's Party, established as a broad coalition between the Kurdish political movement, some socialist groups, women's advocates and

many religious groups (Muslims, Assyrians, Armenians, Alevis and Yazidis), won 13.1% of votes and 80 seats in Parliament. The factor behind the success of this party in the 2015 general elections raises an important question which must be answered by looking at historical context.

This broad alliance between different social and political groups, each one having a long history in the struggle for political and social rights in Turkey, to form the Democratic People's Party has created a new dynamic towards democratic change in the current political system in Turkey. The party succeeded in mobilizing people to demand a more democratic and pluralistic political system. Many say that, now, the party not only represents the Kurds, it represents all less fortunate political and social groups in Turkey. As a socialist party, the Democratic People's Party recognizes the rights of the various religious and ethnic groups and promotes the empowerment of local governments and the transforming of the legal and political system in Turkey into a democratic system. For this reason, the party's representatives in Parliament include Kurds, Turks, Arabs, Sunnis, Alevis, Armenians, Assyrians, Yazidis and others.

As mentioned above, the AKP had received much support from the Kurdish region, but events in Roboski and Kobanî led to a reluctance on the part of many Kurds who had previously voted for the AKP. In the village of Roboski, 34 people, mostly children, were killed in an attack by F-16 fighter jets when two drones, an American Predator and a Turkish Heron, mistakenly identified them as a group of PKK members on 28 December 2011. Those killed in the attack, though, were crossing the border from Iraq for border trade, which is illegal but traditional. It is well-known that people cross the border to buy cheap gasoline and cigarettes from that village. None of those killed had any relationship to the PKK and 27 of them were actually from the village guards, militias set up by the state to address the PKK insurgency. Although the government issued a decree to offer compensation for the loss

of lives, the families of the victims refused to take this money. The people of the village went to court to demand an apology from the state and the prosecution of those responsible for the killings.

The second event has had complex repercussions not only for Turkey but also for the rest of the region. In November 2013, the Democratic Union Party, technically a part of the Group of Communities in Kurdistan affiliated with the PKK, founded three de-facto independent cantons in the Rojava area of northern Syria. Naturally, the situation caused tension within the Turkish government. In September 2014, when the fighting began against the Islamic State in Iraq and Syria (ISIS), many Kurds in Turkey wanted the Turkish state to accept the Democratic Union Party's request to allow Kurdish fighters, with their heavy weapons, to join the fighting across the border in Syria. Though the Turkish president, Recep Tayyip Erdogan, fiercely opposed this request, Turkey has provided a safe haven for the thousands of civilians that have fled there. After the US military transferred arms and ammunition in October to the People's Protection Units, the military arm of the Democratic Union Party, on October 29, the Turkish government agreed to open a corridor to allow Peshmerga forces and their armed vehicles to cross from Iraqi Kurdistan into Syria.

The creation of the three cantons in Rojava, the continued struggle against ISIS and the victory of the Democratic Union Party/the People's Protection Units in Kobanî had an enormous impact on Turkey's Kurds. The sense of solidarity felt on the part of all Kurds with Rojava also caused some tensions in the peace process led by the AKP and the leader of the PKK, Abdullah Öcalan. In fact, official direct talks between the government and the PKK had begun in 2009 in Oslo, but were suspended in 2011 after being leaked. In 2011, direct talks with Öcalan were resumed, implemented by the government, and were called the Peace Process or the Kurdish Opening Process. Shortly after,

the name of the initiative was changed by the government to the "Democratic Initiative Process: Unity and Fraternity Project."

Education in the Kurdish language, general amnesty and constitutional changes, including legal/official recognition of the Kurds, are the main demands of the Kurdish political movement in order to reach a peaceful, democratic solution and to disarm the PKK. Öcalan has also demanded the collective cultural rights of the Kurds and local and regional self-governance.

In fact, publication and broadcasting in the Kurdish language was banned by Law 2932 in 1983, but this law was repealed in 1991. Turkish is still the official language for education and the Constitution prohibits teaching other languages as a mother tongue to Turkish citizens. In the context of Turkey's joining the European Union, though, some changes have been made in this regard. Despite the fact that it is not possible to use the Kurdish language as an official language for education in Turkey, since 2002, it is possible to teach Kurdish language in private courses and, since 2012, as an optional subject in secondary education. Because of this, several institutes for living languages have been founded in universities. Broadcasting and publishing in the Kurdish language has also been authorized. In January 2009, TRT 6, one of the government channels, began broadcasting 24 hours a day in Kurdish. It should also be noted that the names of the villages that were Turkified at the beginning of the republic have been restored to their original names. The state has also recognized the material losses caused by acts of violence in the region and the forced migration of the peoples and has issued a number of laws in order to compensate for these losses. The AKP government is undertaking these changes as key steps towards democratic openness. As mentioned above, the main demands of the Kurdish political movement are the formal recognition of Kurdish identity and their collective rights. For this reason, many Kurds

see the steps taken by the AKP government as a kind of "tolerance without official recognition."

There is no doubt that Kurdish demands for equal rights of citizenship necessitate a redefinition of citizenship in Turkey. This very controversial issue includes a variety of possibilities as much as it carries problems as well. Compared to the early republican era, the Kurds enjoy an official presence and are no longer considered "Turks," but this does not necessarily mean that they have the right to exercise their civil, political or social rights without obstacles. Some Kurds may be satisfied with gaining their personal cultural rights, but many want to demand their collective cultural rights or a kind of political autonomy. Like any other ethnic group in Turkey, the Kurds are not a cohesive ethnic group. Religion and social class play an important role in the formulation of demands. It seems that while religious Kurds tend to defend their personal cultural rights, the nationalists demand their collective rights and others defend the right of the Kurds in Turkey to self-determination. While the Kurdish bourgeoisie is more concerned about economic development in the south-eastern part of Turkey, the lower classes tend to promote cultural and political rights for the Kurds.[158] Moreover, the tensions and power-sharing among and within Kurdish groups are factors that affect their political positions and conflicts.

Kurdish demands for equality in citizenship require the state and Turkish nationalists to redefine their identity and policies. This is not a smooth process and creates new areas of dispute. Moreover, regional developments have a direct impact on this issue. Since 2003, Kurds have become more prominent in international politics and the establishment of the Kurdistan Regional Government in Iraq and the Democratic Union Party's de facto administration of Rojava are two factors that caused the

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[158] Cuma Çiçek, Ulus, Din, Sınıf, Türkiye'de Kürt Mutabakatının İnşası, İletişim Yayınları, İstanbul, 2015

rise of Kurdish nationalism and raised the expectations and demands of Kurds in Turkey. This does not mean that the Kurdish arena is free from conflicts and power struggles.

The long border that links Turkey and Syria, stretching 900 kilometers, is the reason why Turkey has felt the direct impact of the ongoing civil war/proxy war in Syria. First, this long border has made Turkey one of the destinations for refugees.[159] Second, security risks from jihadist groups have risen and terrorist attacks by these groups in Turkey have increased.[160] Third, the establishment of an autonomous Kurdish region in Syria and the rise of the Democratic Union Party are key sources of concern for Turkey, as Turkey sees these developments as a threat to its national security. Given the links between the PKK and the Democratic Union Party, Turkey fears that this could lead to the empowerment of the PKK as a regional party which, in turn, may lead to pressure on parties involved in the peace process in Turkey.

In Iraq, it is well-known that, since 1990, there have been ideological differences and conflicts between the Kurdistan Democratic Party and the PKK. The PKK and the Kurdistan Regional Government are vying for overall Kurdish nationalist leadership and propose two different visions for the future of the Kurds. Since 2005, Turkey has, for its part, improved its economic and political ties with the Kurdistan Regional Government and its president, Masoud Barzani. The conflict over the Iraqi central government's budget for the Kurdistan Regional Government further pushed them to develop economic relations

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[159] It is reported that the number has reached two million Syrians.

[160] These attacks claimed the lives of many civilians. One was carried out by al-Qaeda in Reyhanlı on 11 May 2013, while the Islamic State in Iraq and Syria (ISIS) carried out attacks in Istanbul on 7 January 2015 and in the city of Suruç in Urfa on 25 July 2015. ISIS also took 49 Turkish citizens, including diplomats, hostage after the seizure of Mosul in June 2014, they were released September 2014.

with Turkey. After 2011, the Kurdistan Regional Government supported the unification of Kurdish political groups into the Kurdish National Council in Syria, with the exception of the Democratic Union Party.[161] Although the relationship between the Democratic Union Party and the Kurdistan Regional Government has improved since the ISIS attacks in Sinjar, ideological differences and power-sharing in the region continue to be a major point of contention between the two sides. Thus, taking all these dynamics into consideration, it is clear that the situation is very fragile and open to many configurations. Although it is difficult to evaluate the future, it is evident that the current state of developments will lead to a great loss of life, in Iraq and Turkey as well as in Syria, but it is not yet clear if that will contribute to solving the problems of citizenship in the region.

Conclusions

Citizenship systems are closely linked to both the establishment of the nation-state and the foundation of nationalism. Global citizenship is considered to be a form of progress in modern societies, but it has its own problems which require reconsideration. The redefinition of the rights of citizenship is a challenge for every country. As many social movements have criticized the system of citizenship in Turkey and have demanded equal rights in this regard, Turkey also faces this challenge. Advocates for women, Alevis, Kurds and the LGBT community are the most active players in this process.

This process can be a chance for the Turkish state to improve its citizenship laws and its practices in order to meet the demands of these social groups. In this case, the system of citizenship in Turkey, which belongs to civil republican traditions, must be reevaluated and based on more pluralistic and democratic rights of citizens. Such a process of redefinition will

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[161] Cengiz Gunes and Robert Lowe, "The Impact of the Syrian War on Kurdish Politics across the Middle East," Chatham House, research paper, July 2015.

certainly lead to a reevaluation of the state's position towards its citizens. It would be wrong to expect this process of reevaluation in Turkey to be a smooth one.

The Kurds, like other social groups in Turkey, criticize the idea of giving the same set of rights to all citizens within the framework of a single universal citizenship. They demand formal recognition by the state of their cultural and political rights. Kurdish demands for equal citizenship has forced Turkish nationalists and the state to redefine their identity. This controversial process has also been affected by regional developments, including those Kurds that live in the four neighboring countries. It is noteworthy that current developments in Iraq and Syria directly affect not only the Kurds in Turkey, but also the Turkish state. Thus, it is clear that this situation will complicate the discussion about the subject of citizenship in Turkey.

The Issue of Citizenship in Iran between Context and Demands

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The Middle Eastern region is characterized by great diversity and richness in its social composition. This diversity transcends borders between the countries in this region. This is an issue that has caused a great number of challenges for these countries in regard to dealing with and accommodating these elements, especially in light of the prospects for collaboration and solidarity among these elements, especially given the lack of democratic regimes governing these countries that could serve to achieve the values of citizenship for all social components of these states. The individual and collective rights of these societal elements has become the issue given the most interest, especially due to growing calls from these elements to claim their rights. In addition, the global arena has witnessed a change in the amount of discussion of and interest in values, such as the values of citizenship and the rights of different groups, as global and universal values.

Over the course of the forty years since its revolution, Iran has presented itself as a model of governance that is unique and distinct from the rest of its neighboring Arab states. It presents itself as a system characterized by harmony among masses and citizens in Iran and, at the same time, a model capable of managing the social and cultural diversity that Iran is full of and of managing the interactions among this diverse populace in an effective manner. This stands in contrast to the case in the neighboring Arab countries, in which the issues of different social and cultural elements have been more explosive and chaotic

than in Iran. However, several developments in the past years, beginning with the technology and communications revolution, have allowed the emergence of accounts different from official ones. These new accounts indicate that problems do, in fact, exist in the Iranian context and that there is not as much stability as had been claimed. They further demonstrate that social elements in Iran are in a state of struggle and are making continued demands for the ability to express themselves and to obtain their rights and freedoms, both collective and individual. This is in addition to the nature of regional rivalries between Iran and a number of neighboring Arab countries and both parties' entry into pro- and anti-propaganda skirmishes. This has allowed us to distinguish some features of the social and political situations in Iran, at the core of which are demands made by different cultural and societal groups. This paper attempts to address some features of the nature of this struggle or movement seen among some societal elements in Iran and what demands are being made in the political and social context of Iran. It further addresses how these elements were affected by the surrounding regional changes, such as the revolutionary wave of the Arab Spring, them and the extent of this effect. It specifically examines the case of the Arab and Azeri elements in Iran as models of these social elements.

Introduction to the Iranian Context:

No understanding or awareness of the nature of demands raised by societal elements in any society is complete without addressing the nature of the context in which these elements are found, what problems this context poses for these elements and what obstacles this situation creates for achieving the demands and goals of these societal elements. In this respect, we can point to a number of fundamental determinants that affect the problem of citizenship in the consciousness of societal elements in the case of Iran.

Perhaps one of the most prominent of these determinants is the mosaic-like character of the social map. The social structure in Iran is characterized by a great amount of diversity and a multiplicity of axes and bases along which these social elements are differentiated, such as racial and ethnic determinants or religious and sectarian determinants. The situation becomes even more complex due to the overlap of some of these determinants. In this regard, it should be pointed out that one of the related difficulties of dealing with the social structure in Iran is the scarcity and inaccuracy of estimates about the real percentage of these elements inside Iran. However, there are conjectural estimates. Of the total population of nearly 70 million people, we find that there is a great deal of differentiation among the ethnic and racial composition. The percentage of Persians ranges from about 50-60%, according to some estimates, whereas the Azeris represent 16-18% of the total population, the Kurds 7-10%, Arabs 2-3% and Balochis and other groups represent about 8%.[162] These are distinct elements whose common denominator is that they belong to the Shiite sect (about 90%) but there are also subsets within these groups that belong to the Sunni sect or that have different religious affiliations (Christians, Jews, Zoroastrians, etc.). This is a very diverse structure that poses a fundamental challenge to the nature of the demands made by each one of these groups. Despite the multiplicity of frameworks and entry points that can be invoked in dealing with the issue of citizenship, percentages of social configurations may not be the deepest or most precise way to address the issue of citizenship. A better entry point may be to consider other contextual determinants that might be more able to interpret and explain the outcomes of issues and the state of citizenship.

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[162] The World Fact Book, 2015, http://is.gd/urjq0o.

There is another major determinant linked to the state of this societal map, which is the nature of an issue like Iranian identity as a determinant that is closely related to the issue of societal elements. In the early twentieth century, the process of inventing the Iranian nation was, to a large extent, characterized by secularism and modernity. During this process, the concept of a "Persian" nation was consolidated. This is a concept with historical depth that was, in most of its forms, progressive and posed a universal, single culture and history for all elements of society that could be above ethnicity. This could be called Persian national universalism. However, in the years preceding the Iranian Revolution in 1979, new intellectual currents that strove to interpret the concept of Iranian nationalism more broadly, as an identity not based on Persian-ness alone as a way in which to unite the people, began to gain prominence. These new concepts, though, were based on a very similar idea, "Shiite sectarian universalism," as a unifying and universal factor for the Iranian nation. The most prominent theorist of this new trend was Ali Shariati.[163] This discourse received much support and was very attractive, especially due to the developments and events of the Iranian Revolution and the rise to prominence of Islam within this revolution. This allowed this concept to succeed and thrive, then to find its way into being applied in the interpretation of the question of identity in Iran after the revolution. This is demonstrated by texts from the Iranian Constitution, which was adopted in 1979. The Constitution blends Persian nationalism as one of the factors of continuity from the period of modernization, even after the 1979 revolution, and Shiism. This is seen in the following texts:

Article 12 states, in its first paragraph, "The official religion of Iran is Islam and the Twelver Shiite Ja'fari school. This principle will remain eternally unchangeable."

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[163] Ahmad Ashraf, *op. cit.*, 162.

Article 15 further stipulates, "Persian language and writing is the official and shared language of the Iranian people. Documents, communications, official texts and school books shall be in this language and script. However, the use of local and ethnic languages in journalism and the media and the teaching of their literatures in schools alongside the Persian language is allowed." This is in addition to **Article 19**, "All Iranian people – from any ethnicity or tribe – enjoy equal rights. Color, race, language and the like are not considered a grounds for preferential treatment."

After enshrining these foundations for the regime and the Islamic Republic of Iran, the Constitution defines, in another location, the status and position of other religious groups in Iran. This is shown in **Article 13** of the Constitution, which stipulates, "Zoroastrian, Jewish and Christian Iranians are the only recognized religious minorities. They enjoy the freedom to perform their religious rites within the scope of the law." This article clearly and explicitly codifies under the constitution of the status of non-Muslim religious groups as minorities and not as full citizens in a definitive manner. This is why there are prior and final restrictions on the limits of activity of these groups, their influence on their surroundings and the limits on their ability to obtain their rights.

This matter is illustrated more fully in **Article 115** of the Constitution, which regulates the conditions and determinants for the position of the president of Iran. It does so through religious and sectarian affiliation (a Muslim belonging to the Twelver Shiite Ja'fari School).[164] This implicitly blocks access to higher public office to other Islamic sects. Article 13 of the Constitution, which codified the number of seats that these groups can acquire in the Islamic Consultative Assembly, states that only two seats are

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[164] The Iranian Constitution of 1979 and the amendments of 1989, Iranian Ministry of Foreign Affairs, http://is.gd/6wR5y7.

provided for Armenians, one for Chaldean and Assyrian Christians and one for Jews. This is out of a total of 290 seats in the Islamic Consultative Assembly. Besides that, candidates are required to believe in and support the values of the Islamic Republic and the "Supreme Leader."[165]

This point brings us to another very important determinant: the nature of the political system in Iran. The political system in Iran is characterized by being a religious nationalist system but, on the other hand, the basic rights and freedoms, such as the freedom of opinion, expression and organization and civil and political freedoms and rights, especially the ability to elect and to run for office and vote experience significant restrictions. These restrictions put a ceiling on the exercise of these rights that largely consists of not opposing or failing to show loyalty or faith in the political and republican regime in Iran, especially above all in its religious and sectarian aspect and secondarily in its nationalist aspect. This is illustrated in Article 26 of the Iranian Constitution, which stipulates all the freedoms an organization may enjoy, on condition that they do not undermine national unity or Islamic values, the foundations of the Islamic Republic. This situation is further complicated by state institutions that deliberately work to ensure this criterion and they perform examinations on the basis thereof. Foremost of these institutions is the Expediency Discernment Council, whose core mission is to provide an opinion and decide on cases presented to it, in accordance with the principles of the regime and the republic.[166]

This brings us to another feature of the Iranian political system: centralization. The Iranian state does not give the different geographical regions the ability to manage their own

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[165] http://is.gd/9Hnv0u.

[166] Niveen Massad, *Decision-Making in Iran and Arab-Iranian Relations*, Centre for Arab Unity Studies, 2002, 127-129.

affairs, despite the fact that those areas have particular concentrations of ethnic groups and minorities. This crisis is accompanied by the deterioration of services and infrastructure and decline in economic and social standards of living. Alongside this, the Iranian government has deliberately pursued a policy of directing the resources and wealth produced by these regions to other regions or to the capital, depriving these regions of their resources and revenue.

There is, however, another important determinant related to the nature of the system: the growth of the power of the security services – which have an ideological character –,the increase in their sphere of influence within the political system, especially the Revolutionary Guards, and fears about the regime shifting more towards militarization. The importance of this variable is reflected in the growth of security considerations in formulating public policy, especially in the governing of the border regions. These regions are of strategic importance to the Iranian regime and state and, as mentioned before, have a concentration of ethnic groups and minorities. Such is the case in Khuzestan, which faces the Gulf, as well as for the Kurds in the north-east and fears of a similar scenario to the Kurdistan region in Iraq.[167]

Ethnic Groups in Iran: Azeris and Arabs as an Example

Although there are no precise estimates about the numbers of each of the social elements, or even approximate percentages, conjectural estimates indicate that the total Arab population ranges from five million people to eleven million people in the highest estimates. This is a group that mostly lives in the southeastern Khuzestan region of Iran on the Persian Gulf and the border with Iraq. In the best estimates, Azeris represent

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[167] Mehdi Khalaji, "Supreme Succession: Who Will Lead Post-Khamenei Iran," Washington Institute, 15 February 2012, http://www.washingtoninstitute.org/policy-analysis/view/supreme-succession-who-will-lead-post-khamenei-iran.

20% of the total population of Iran and are concentrated mainly in the Azerbaijan region in northwestern Iran. Both of these elements have witnessed ongoing agitation demanding better conditions. This is forcefully shown by the frequent number of protests and demonstrations, such as the 2006 protests in the Azerbaijan region and Iran's major cities and the 2005 protests in the Khuzestan region.

However, these two movements and their associated demands have somewhat of a historical dimension, evidenced by the constant skirmishes between these groups and the central government in Tehran. The Khuzestan region, whose inhabitants are mainly Arab, was made to submit to the central authority in Tehran at the beginning of the modernization experiment in 1925, by the removal of the region's local ruler. This was followed by authoritarian policies that diminished many of the region's rights, particularly its political and cultural rights.[168] This region once again clashed with the central government following the 1979 Iranian Revolution.[169] This situation is similar to the Iranian Azerbaijan region, which submitted to the central authority at that same time. In turn, it suffered the same policies and saw the emergence of a number of popular movements in the region to resist these policies that also called for cultural and political rights for the residents. It has been characterized by a large number of uprisings and movements trying to gain independence from Iran or demanding autonomy.[170] This was the case in the 1920s, in 1945 and in the wake of the 1979 Iranian Revolution.

In addressing both the Arab and the Azeri movements, there are a number of points of convergence between the two

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[168] Ervand Abrahamian, Translated into Arabic by Magdy Sobhy, *A History of Modern Iran*, National Council for Culture, Arts and Letters, Kuwait, February 2014.
[169] Massad 23.
[170] Touraj Atabaki, "Ethnic Diversity and Territorial Integrity of Iran: Domestic Harmony and Regional Challenges," *Iranian Studies*, 38:1, 33.

cases that can be noted. These are, namely, the **nature of the rights and claims** espoused by both of these movements. These begin with demands of a cultural nature, such as giving these elements more space to live and teach in their native languages (Arabic and Turkish) within these regions and their educational institutions. This is in addition to giving space to the artistic and cultural presence associated with these sub-cultures in the public sphere and the right of these communities to manage the cultural sphere and its activities in this regard with greater freedom. Both of these groups also demand that the places and towns of both regions (Khuzestan and Azerbaijan) are re-named in accordance with their original names and the native languages of the regions, as these areas experienced a process of "Farsification" over the course of decades. They further call for an end to the negative image of these two groups broadcast by the official Iranian media and allowing media in their native languages (Arabic and Turkish) to broadcast to the residents of these regions. In addition they demand an end to prosecution and targeting of cultural elements and poets that express their subcultures and campaigns promoting their mother tongues.

As for claims of a political nature, they range from giving the two regions and their residents the right to choose the governors that represent them to the executive authority by election or, at least, for the government to take into consideration candidates that belong to the region when choosing governors, or at any rate, to choose governors that do not clash with the region and its inhabitants. They demand a greater degree of powers for the region and its local self-administration in accordance with the region's needs and requirements, along with the right of the people of these region to serve in public and government office, especially those offices for these regions. This is an issue that appears to be worse in case of the Arab citizens of the Khuzestan region. At the central government level,

there are demands for greater representation for both of these groups in the government and the executive branch.

As for economic rights and development, both of these regions are economically significant for the Iranian government. The Azerbaijan region and its provinces are known to have the largest concentration of industries, trade and financial practices in Iran after the capital, Tehran. Although the region is a key gateway for trade between Iran and the rest of Central Asia, Iran's window to Europe and the location of essential gas and oil pipelines to Europe,[171] the region complains – of course to a lesser extent than its political and cultural demands – about the modest size of revenues and allotments provided by the central government to the region. This colors financial and economic policies towards this region with a great amount of mistrust and injustice.[172] The region of Khuzestan is of enormous economic importance to the regime because of the size of the oil reserves in the region, which provide 80% of total Iranian oil exports.[173] In addition, the region is one of the important sources of water resources in Iran.

However, in the case of the Khuzestan region, the economic and developmental situation seems much worse when considered in the light of indicators such as high rates of poverty and unemployment among the region's Arab population, which reaches 20%.[174] The region blames the central government and the state for this rate, on the grounds that it is pursuing systematic policies designed to impoverish the region. These

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[171] Marat Grebennikov, "The Puzzle of a Loyal Minority: Why Do Azeris Support the Iranian State?," *The Middle East Journal*, 67:1, 2013.

[172] Brenda Shaffer, "The Formation of Azerbaijani Collective Identity in Iran," *The Journal of Nationalism and Ethnicity*, 28: 3, 2000, 450-460.

[173] John R. Bradley, "Iran's Ethnic Tinderbox," *The Washington Quarterly*, Vol 30, 183.

[174] "Ahwazi: Country's Highest Poverty Rate for Arab Ahwazi," Ahwaz News Agency, 6 February 2013, http://is.gd/AqiNdh.

range from depriving the region of the economic returns of its resources and directing them to the rest of the regions in Iran to depriving the people of the region of employment opportunities in economic projects and, more specifically, the oil projects set up by the government in the region. In contrast, they claim that the government is opening doors to employment for citizens of all other regions of Iran, especially those that are predominantly Persian.

As regards the economic policy towards the region, it appears that there are continued complaints on the part of the Arabs in the Khuzestan region that the economic policy is not concerned with them at all. This policy is rather focused on supporting private projects carried out by citizens from outside the region and on facilitating ways to for them to invest in the region. In contrast, private companies coming from this region that want to invest in it are deprived of those facilities and government support.[175] This issue further strengthened citizens' suspicions that there is a tendency within the central government towards re-engineering the demographics of the region/area by bringing in elements from other areas of Iran, especially Persians, and providing them with material aid to this end. Meanwhile, the central government deprives the citizens of the region from the medium and small economic opportunities that they provide to all citizens, such as no-interest soft loans. The charges made by the region and its residents against the central government regarding impoverishment extend also to accusations that the government has tried to change existing river routes in the region, such as the Karun river, to feed into other regions and provinces in Iran, like Isfahan, Yazd and

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[175] Nayereh Tohidi, "Ethnicity and Religious Minority Politics in Iran," in *Contemporary Iran: Economy, Society, Politics*, Edited by Ali Gheissari, Oxford: Oxford University Press, 2009, 306-308.

Kerman. This threatens both human life for the citizens there and environmental life.[176]

In connection with the above demands, there seems to be a historical presence and interpretation in the movements of both of these groups. It appears that both groups have a historical narrative based on the idea of a cultural and civilizational depth present for both groups which is linked to the spatial and geographical area of both regions where each group is concentrated. Activists in the Arab movement promote the narrative that the region was historically a part of the Elamite nation, that it was an Arab nation that was not affiliated with Persia at that time but that was forcibly annexed in the Pahlavi era.[177] Therefore, some activist believe that this historical fact justifies their demands regarding the granting of more management and autonomy to the region and its inhabitants or, in extreme scenarios, demanding secession from Iran. They use language that benefits this purpose, like the saying, "The Iranian occupation of Ahwaz."[178]

For their part, it seems like the Azeri movement has similar features, albeit in the framework of a better situation. Many activists in the Azerbaijani movement and some local politicians in the region have adopted a historical narrative similarly connected to the historical depth of the people and their region, likened to the homeland that points to, as well, their participation in the Iranian nation and civilization. This is used as a form of political propaganda in some events, such as elections and protests, through which they try to build momentum and mobilize citizens to put pressure on the capital in order to improve the

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[176] Ibid.

[177] "Khuzestan or Arabstan? Arabs in Iran and the Search for Identity," *DW.com*, 17 May 2014, http://is.gd/PYRauS.

[178] Rahim Hamid, "Massive Demonstration in Brussels on Anniversary of Iranian Occupation of Al-Ahwaz," *Middle East Monitor*, 19 April 2015, http://is.gd/2bGRqV.

conditions of the region and its inhabitants and to demand, at the same time, more rights and freedoms.

However, there also seem to be a number of points of difference between the natures of the two groups' movements and how each group puts pressure on the government to achieve their rights and demands. This is, in turn, influenced by a number of determinants:

In the case of the Arab movement, it saw, to one degree or another, a role for the relationship between the community in Iran and the communities living abroad, who play an important role in serving the movement and supporting the cause of the region and its residents. It seems that they focused their work on the rights aspect of the Ahwaz cause by identifying violations against the region and its inhabitants, by publishing periodic reports to this end and by events commemorating the struggle of the Ahwaz and the grave violations of the rights of the citizens in the region. Here, we can point to the example of the National Liberation Movement of Ahwaz, the British Ahwazi Friendship Society and the Al-Ahwaz Arab People's Democratic Popular Front. They make use of modern communications tools and technology to communicate with the citizens of the region by launching satellite TV channels to mobilize the citizens of the region and to communicate with them.[179] Despite their partial victory in gaining recognition for the problems of the region and communicating with spheres of decision-making and influence abroad in the hope that these spheres would take control of putting pressure on the regime, it seems that their effectiveness on the ground is not considerable, especially due to the regime's ability to defame, insult and throw doubt on their intentions.

One of the features that appears in the context of the Arab movement in Khuzestan is a conservative, perhaps religious, character in the ways in which some of the currents inside this

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[179] Bradley 183-186.

movement put forward their demands for their rights. This can be seen in the attempt to argue to the regime and its officials that, since the nature of the regime is Islamic and, since the Islamic caliphate was based on the freedom of all Muslim citizens and their equality in access to the same rights and freedoms, this requires the continuation of the same approach by the Islamic Republic in the case of the Arabs and others in Iran.[180] It seems, though, that the growing security policy in the administration of the region and its violent confrontation with the rights movement in the region has caused a backlash and growing waves of conversion among the Arab citizens of the region to Sunni Islam to differentiate themselves from the Iranian regime, as announced by a number of reports and activists in the region.[181]

This is different from the situation in the Azeri movement. This movement is experiencing the rise of currents with a more civil and progressive character in the framework of modernist institutions, such as writers' unions and some cultural leagues. It has an active presence within the student movement in major urban cities, like Tehran and Tabriz,[182] and does not seem to have any conservative or religious character to its arguments. If found, it is most likely to be in the framework of culture and tradition rather than any grounding in *fiqh* or the Islamic heritage.

Throughout the course of history, the Azeri movement and community have been more successful in making use of a number of factors to bargain with the regime to achieve gains in some cases for the region and its citizens. For example, the provinces of this region were able to create a state of popular momentum in the wake of the Iran-Iraq War to demand from the central government changes in the administrative structure of the

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[180] Tohidi 306-308.
[181] Mamon Alabbasi, "Iran's Ahwazi Arab Minority: Dissent against 'Discrimination,'" *Middle East Eye*, 28 February 2015, http://is.gd/OT5aPX.
[182] Ali Afshari and H. Graham Underwood, "The Student Movement's Struggle," *Journal of Democracy*, 18:4, October 2007, 91-93.

region and its cities, towards achieving greater decentralization. They were supported in that by the scale of the material and human contributions and sacrifices made by the region and its people during the war. The regime agreed to reward them for their contribution and that is what it truly was. The movement within the Azeri community was further able to exploit some regional variables to support the community in confronting the central authority and to demand more rights and freedoms. What is specifically meant by this is the declaration of the Republic of Azerbaijan on the border with this region, whose residents are ethnically and racially similar to the Iranian Azeris. This was a factor that gave greater confidence to the Azeri people as to the possibility of achieving more. This was achieved by the Azerbaijani people through bargaining with the regime, who began to fear that the same scenario, the liberation of Azerbaijan, would be replicated in Iran. The Azeri people used this to gain a margin of freedom to announce their demands and to achieve some demands specific to the region of an administrative nature.[183]

Besides this, they took advantage of the economic and industrial importance of the region. This was an important factor in the region demanding more rights and improvement in the economic conditions and infrastructure, especially in light of what the region offers to the state and so as to maintain the size of its economic contributions. Moreover, there is a wide distribution of citizens belonging to the Azeri community in important urban cities such as Tehran and Tabriz. These populations demonstrate a great deal of solidarity with the demands of their group and, at the same time, take advantage of their numerical concentrations in this way to gather together, put pressure on the system and to send the system a message. This is evidenced by the massive demonstrations organized by Azeris in a number of

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[183] Shaffer 459-462.

provinces in 2006, protesting cartoons in some Iranian newspapers that depicted them insultingly. The Arabs of Ahwaz do not enjoy a similar situation. They are unable to move their demonstrations and protests, to the same extent, to the center of power promote them and to embarrass and confuse the system.

As for the determinants in the case of the Arabs of Khuzestan, historically, the direction was not in favor of supporting the movement in Khuzestan and did not offer a large margin for maneuvering with the system like the Azeris or for achieving some gains. This can be traced from the beginning moments of the Iran-Iraq War. This time saw a major split in the Arab community in Khuzestan between those that supported Iran and those that supported Iraq. After the war, one of the consequences of this has been a constant skepticism on the part of the regime about the loyalty of the Arabs of Khuzestan.[184] This skepticism has led to their continued exclusion from important official and governmental circles in the region. In addition, the region is an important source of industries strategic to the regime, such as petroleum and gas. This is accompanied by the growth of security considerations in the administration of the region, ways of dealing with any displays of protest and the lack of tolerance of any displays of protest or disobedience. This is evidenced by the amount of repression and security interventions to break up protests, such as in the 2005 demonstrations,[185] which were dealt with by the regime using great violence, and the 2014 demonstrations. This policy seems to threaten to take the Ahwaz cause down a violent path in the future, especially because of the emergence of the occasional phenomenon of violence and sabotage in the oil facilities in the region which,

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[184] "Khuzestan or Arabstan?: Iran's Arabs and the Search for Identity," http://is.gd/PYRauS.

[185] Hamid, http://is.gd/2bGRqV.

according to media communiqués, have been adopted by some armed elements that want to threaten and repel the regime.[186]

However, during the period of development of revolutionary movement experienced in the neighboring Arab region over the past five years, we cannot easily see a direct interaction or effect between these two groups' movements and these events and developments. Although they all share in the cause of the "struggle for rights and freedoms," the most that can be inferred as to a direct link is certain attitudes towards these current events. It seems that the Khuzestan region and movement's attitude toward these events has been influenced by in its own struggle against the Iranian regime. Furthermore, it appears that the citizens of this region and activists in the rights and political movement sympathize with the citizens and supporters of the Syrian revolution, a struggle against the Iran-backed forces of Bashar al-Assad.[187] However, in general, the developments experienced by Iran's Arab neighbors, like Iraq following the 2003 American invasion and the war taking place in Syria, are more a key determinant in setting a ceiling on the demands and pressures exerted by currents wishing to improve their rights and freedoms in Iran. This is because they fear that if they exert strong pressure, it will reproduce a similar scenario to Iraq and Syria, especially considering the regime's ideology and its lack of hesitation, when faced with similar threats, to use the highest degrees of violence and exclusion. Furthermore, these groups do not have comprehensive and solidified nationalist objectives or visions, as is the case for some Kurdish factions in some countries, like Turkey and Iraq. These factions seek to found a universal or independent entity for the members of their ethnic group. This serves as a basis and a catalyst for them to

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[186] Isabel Coles, "Insight: Iran's Arab Minority Drawn into Middle East Unrest," *Reuters*, 15 August 2013, http://is.gd/r1DckQ.
[187] Ibid.

continue to put the same degree of pressure on the regime until the end. We believe, therefore, that it is more likely that, even if some currents in the two movements under study (the Arabs and the Azeris) have adopted the demand for secession in their rhetoric, it is merely as an attempt to put pressure on the regime and to raise the ceiling of demands in order to wrest the maximum possible from the regime.

What is the Future of Citizenship in Iran?

The historical course of the trajectory of rights and demands that the various groups have adopted and their crystallization reveals the difficulty of predicting a particular path that citizenship will follow in the Iranian context. This is especially true because of the multiplicity of variables and the overlap between regional and internal social variables and the expectations inside the political regime behind the scenes. However, it is certain that the issue of citizenship and the rights of different cultural and social groups, as well as individual rights, will be much debated in Iran during the coming period. We believe this because of a number of indicators, particularly the frequency of talk in Iran's inner corridors of power about the rights of minorities. Even if this is because of the skirmishes between different wings and currents in the regime looking to achieve political gains, it expresses the existence of an issue that needs greater and more serious attention. This can be easily seen in presidential and parliamentary campaigns. In addition, there has been a rise of more reformist and progressive religious ideas that seek to put forward progressive concepts about citizenship, democracy and human rights. They adopt more secular attitudes and visions regarding the political regime. This is a view that seems more welcoming and able to be reconciled with the rights of citizenship and human rights, in contrast to those views previously mentioned that are hostile to all these ideas and view them as an apostasy against the revolution and the nature of the

Iranian state.[188] Furthermore, the Iranian-American nuclear deal will influence the regime's choices about the nature of the impending opening and whether it will be economic alone or will extend to all aspects of life in Iran. All of these factors will answer an important question about the possibility of achieving a comprehensive concept of citizenship in a state that has a religious point of reference and whether the nature and background of the state is the sole decisive factor or if the evolution of the situation and the demands made by societal elements will prevail.

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[188] Brijan DaBell, "Iran Minorities I: Diverse Religions," *The United States Institute of Peace*, 13 September 2013, http://is.gd/9Hnv0u.

Third: Ethnic Cases

Deferred Integration:

The Shiite Situation in the Gulf and Citizenship Policies

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Introduction:

Minorities are not always at the same level in terms of power or social development. "Minority" is a concept with a changing meaning, depending on the political circumstances of the time, and from this it derives its character and social dimensions that begin with demanding equality and end, in some cases, with secession and an independent state. In addition, the construction of the concept of minority differs greatly depending on the perspective by which it is treated. From a numerical or quantitative perspective, minorities are the smallest groups, in terms of numbers, among the population. As for a perspective based on rights or participation in building the political power of the state, though, the numerical majority, like the Shiites in Bahrain, may turn into a political minority because they are excluded to some degree or another from participating in the system of governance.

Therefore, the definition of "minority" remains a flexible and dynamic definition which is difficult to determine exactly, as it is constantly changing. This is due to several factors, such as integration into the numerical majority, migration to other regions, forced displacement, secession from a state to form another or incorporation into a third state. The factor of time (the succession of generations) has a significant impact on the situation of minorities, especially those minorities whose numbers are very small or those minorities who are scattered in an irregular geographic pattern throughout the region without any

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concentration in a specific geographic spot.[189] "Minority" is a complex concept determined by specific elements that differ from one group to another and from one political system to another. These elements meet in one concept and that is extent to which full citizenship or authentic equality is achieved for all individuals contained within the state.

Before 1979, the Shiite situation was not among the development and citizenship problems in Persian Gulf societies. However, after the victory of Iran's 1979 Islamic Revolution, it began to emerge[190] as a real problem among the challenges of achieving citizenship and legitimacy. There is no doubt that the victory of the Shiite revolution in Iran played a key role in pushing the Shiite communities to the forefront of the social and political scene (as happened in Bahrain, Saudi Arabia and Kuwait) as a minority that could cause trouble for the political systems in those countries. Fears also grew about the Iranian Shiite revolution enabling the recruitment of these minorities in their countries to serve the project of exporting the Islamic Revolution. Challenges and fears such as these were based on the ability of the Iranian Revolution to escalate the political demands of the Shiite communities as sometimes oppressed minorities and sometimes minorities driven by a revolutionary political sense.

What has not been well studied in that period, specifically 1979-1985, is the counter-movement to the rise of the Shiites. Here, I speak of the movement within the other societies of the Persian Gulf that confronted this rise against the backdrop of the rise of Iran. This created a complex network of internal counter-strategies as represented by the rise of Salafism, which is hostile to Shiites and Shiite thought. The rise of Salafism helped

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[189] Elnan Ould El Mamy, "Ethnic Pluralism and National Integration in Mauritania," Lecture given 24 April 2010, The Maghreb Center for Strategic Studies and Research, http://is.gd/TAWx70.

[190] "Introduction," *Shi'ism and Social Protest*, Edited by Juan R. I. Cole and Nikki R. Keddie, New Haven: Yale University Press, 1986, 29.

catalyze anti-Shiite trends, in the absence of any obstacles or constraints, and therefore the problem of the Shiite minority in the Arab Gulf region began to take on a doctrinal and sectarian aspect, and was no longer limited to a political dispute. This, in turn, promoted the rise of anti-Salafism as a sub-identity for Shiite communities and strengthened it because of the inability of the national identity to accommodate the concerns and aspirations of the Shiite communities.

This troubled and double-sided situation played a part in stunting the national identity and the principles of citizenship with the rise of sub-identities. The state was content to secure its geographic borders for fear of war and with solidifying its authority over its communities as an authority with a monopoly on the tools of coercion and the use of these tools towards any actor whom it fears or whose its loyalty to the political system it doubts. At the same time, it abandoned developing real policies for diversity that would establish a stable constitutional legitimacy on the basis of full citizenship.

From another perspective, the absence or lack in the Gulf states of a constitutional or legal framework to guarantee policies on diversity to accommodate the sectarian and ethnic variety in the Gulf societies – as is the case with other Arab societies – created fertile ground for the growth and consolidation of sub-identities to the detriment of national identity and citizenship. Instead, they entrenched policies of discrimination and exclusion as effective and beneficial strategies to contain the consequences of sectarian and ethnic problems. This was evident in the policies of the regimes in Bahrain, Saudi Arabia and for a period of time (the 1980s) in Kuwait.

Despite these regimes' ability to accomplish this fragile containment using clear coercive and authoritarian tools, this situation easily explodes and responds to any foreign messages or regional variables. This was the case in the collapse of the system of government in Iraq in 2003 which led to the rise of

Shiite rule and the increasing scope of Iranian influence in the region. This situation became more sectarian with the 2006 Lebanon War and the rise of the Shiite militia Hezbollah. It is clear, here, that there was a sectarian divide before 2003 or 2006, even before 1979, but its increase, severity and societal variation took crucial turns that either strengthened or weakened it. The 2006 Lebanon War was an important event in the escalation and strengthening of the sectarian societal split. The explosive power of this difference would be shown in 2012 after Hezbollah's announcement of its intervention in Syria to support the Syrian regime against what they call takfiri groups.

Historical Accumulation of Citizenship and National Identity

The issue of minorities is not a critical problem if the mechanisms by which the state deals with them work in tandem with the concept of equal citizenship or if the state is able to meet the needs of sub-identities that do not contradict the national identity or the public sphere of the state. Religious or ethnic minorities are present in all human societies. It is not possible to claim that there exists any completely homogenous society devoid of ethnic differences. There are many indications that confirm that minority identities could turn into a destructive force that threatens the state when the state has been unable to create other alternatives to neutralize the social and political effects of identity. The option of political participation may be an effective treatment to absorb the internal protesting elements of the identity.[191] The differences in the patterns of dealing with minorities consist mainly in the level at which that diversity is managed and the existence of political and rights mechanisms that maintain the internal stability of society.

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[191] Jocelyne Cesari, "Islam in France: The Shaping of a Religious Minority," in Yvonne Haddad-Yazbek (ed.), *Muslims in the West: From Sojourners to Citizens*, 2002, Oxford: Oxford University Press, 36-51.

From a general perspective, there are, in all societies, struggles over power – as shown by Foucault and Pierre Bourdieu – that occur between the various societal groups and the state. Societies, in turn, are not fixed configurations. Instead, they are always the product of struggles over social control. Thus, Migdal supposes the existence of a certain struggle over power among the various societal organizations, that the basis of power determines the form or the structure and that the form or structure determines what the element (or agent/representative) wants from the societal organization. In developing this view in the field of minorities, the attitudes of the agents or representatives of minorities can inform us about the path of interaction between minorities and society and the state.[192]

Of course, what characterizes the modern state is the way that it markets the concept of the citizen or citizenship. This is a key concept on which the modern nation-state is founded and the constitutional basis of equality in rights and duties among people of the same state. This concept is anchored in three bases. First, rights, which are linked to equality between citizens. Second, the socio-political, which is related to political participation and sharing in the benefits of development. Third, the abstract and symbolic, which is associated with the meaning of belonging to and association with the homeland.[193] The concept of citizenship is related to how the individual who lives within the state is defined. This individual is not defined by his profession, religion, sex or ethnicity, but is defined socially and legally as a citizen, as a member of society who has rights and duties. The requirement

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[192] Joel S. Migdal, Strong Societies and Weak States: *State-Society Relations and State Capabilities in the Third World*, Princeton: Princeton University Press, 1988, 200-250.

[193] Tarek Abdel Raouf Amer, *Citizenship and Civic Education: Arab and International Trends*, Cairo: Taiba Institute for Publishing and Distribution, 2011, 31.

for full citizenship is full equality in rights and duties, before the law and what is called "constitutional citizenship" by Habermas.

The societies of the Arabian Peninsula[194] are ancient communities that have a historical memory that stretches back to ancient times. The modern state, though, is a recent invention by these societies in terms of the division of power, mechanisms of administration and levels of political modernization. With the exception of Saudi Arabia, which was founded through a process of incorporation, annexation and conquest by the Kingdom's founder, the rest of the Gulf states were British protectorates. Here, we can divide the initial historical stages of state-building in the states of the region according to the following historical sequence:

- The stage of local administration (1820-1920) during which the political regimes relied entirely on the tribal system and societies lacked any form of bureaucratic administration of the state.
- The stage of building a bureaucracy for the state (1920-1965) during which British intervention allowed the imposition of a series of administrative reforms and began to form an administration as the nucleus of the modern state in these societies.
- The stage of independence (1965-1975) during which the Gulf states declared their independence as political entities independent from the British administration.

Until the stage of independence, the population was classified into two groups: foreigners who mainly served the British administration and were directly under its protection and subjects that were subordinate to the ruling sheikh. The concept

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[194] I speak here of the society that certainly existed before the existence of the state. Although they differed somewhat, the features and techniques that they were founded upon seem similar: a shift from the tribal system to the political tribe, in the words of Khaldoun Al-Naqeeb.

of the subject supposes submission and loyalty to the guardian (here the ruler or ruling family). There are not, of course, clear contractual texts that describe the relationship between the subject and the guardian and their rights and authority. This relationship is, instead, determined through existing practices in which the guardian gives the subject what he sees as generous gifts and not rights and entitlements. These are limited to the spheres of life and work and are in exchange for absolute loyalty to the guardian. This is due to the legitimacy of the political systems in the Arabian Peninsula historically being built on integration of the ethical dimension – as represented by Bedouin or tribal ethics, including the concepts of courage, generosity and dignity – with the traditional dimension, heredity in governing.

In other, more profound, words, discussion of the situations of religious minorities in these states is deeply connected in large part with their political legitimacy. They cannot market their traditional legitimacy without being morally protected. In accordance with this concept, any discussion on the ethics of dealing with minorities is a discussion about the survival of existing traditional legitimacies.

Despite the economic wealth that accompanied the process of independence and building the state's legal and social structures, the concept of the national state or the nation-state was not applied on the ground. The project of the modern state experienced many distortions, if not regressions. This is what led to a narrowing in the social base of power and the state becoming linked to the executive apparatus, processes to facilitate matters and the imposition of legal and illegal coercion.

Citizenship and Minority Policies in the Gulf States

The concept of citizenship is a new one in the states of the Arabian Peninsula. This makes it a space of contention and a theoretical concept very far from being materialized in practice. After independence, the states maintained many of the features and structures from before independence. These were based on

the responsibility of the subject to the guardian, whereas political and civil rights were put aside. All movements calling for political reforms and participation, such as the reform movements in Kuwait, Bahrain and Dubai in 1938 and the national movements in the 1950s, 1960s and 1970s, were considered rebellions. These were suppressed and their leaders and cadres were punished, prosecuted, imprisoned and exiled.

With most of these countries gaining political independence, the issue of citizenship came to the fore, as did nationality and whether it has rights and duties other than those that were performed during the period before independence. To resolve this controversy, the states in the Arabian Peninsula adopted policies on citizenship and minorities. These took two opposite paths: the structural path directed towards the constitutional and legal structure and the second track of unwritten strategies based on clientelism and neopatrimonialism. These are the conceptual frameworks along which the state was organized during the period after independence. This led to these policies being a major cause in stirring decades-long political tensions as they caused further marginalization and exclusion for some minorities (especially Shiites) and some minorities' implicit willingness to enter into what are known as "resistance identities." **This is a defensive strategy resorted to by sub-identities to resist the power and dominance of other identities that are usually categorized as a threat to the sub-identity in question.**[195] This is what made the (Sunni-Shiite) sectarian divide into a societal fact that the systems of governance must address and that affects the social systems in these countries. We can discuss citizenship in terms of the system of rights and duties found in the constitutional and legal structure. The legal concept of citizenship is defined in the

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[195] Graham E. Fuller and Rend Rahim Francke, *The Arab Shi'a: The Forgotten Muslims*, London: Palgrave Macmillan, 1999, 38.

constitution and the laws governing the civil, political, economic and social rights and the role of the citizen in state institutions, particularly legislative and oversight bodies. In reviewing to the constitutional system in the states of the Arabian Peninsula, we find that the systems and structures lack legal frameworks governing the affairs of religious and ethnic minorities. For this reason, the problems of ethnic and religious minorities in the states and societies of the Arabian Peninsula have remained concealed and out of sight to cover up the situation of those minorities. Noticeable in most constitutional and legal texts in the states of this region is the absence of regulatory frameworks for religious minorities and simple reliance on open-ended texts whose interpretation is often entrusted to the law. In this regard, we find references to the citizens as:[196]

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[196] The Constitution guarantees the freedom to meet and assemble in public as a fundamental right. Article 28.b stipulates that "public meetings, processions and assemblies shall be permitted in accordance with the terms and conditions as prescribed in the law provided that the purposes and means of the meeting be peaceful and not contrary to public decency." However, the Constitution refers to the law in order to regulate the manner of exercise of this right, as follows:

1. Article 3 requires that the signatories of the notification of the organization of a public meeting, procession or assembly to be no less than three natural persons. This precludes political associations and civil society organizations from exercising this right, thus contravening the Political Associations Law, which grants them the right to openly practice overt political activity in a peaceful and free manner.

2. Article 3 gives the Director of Public Security the authority to determine the time and place of a public meeting, procession or assembly. This is an example of the insistence upon the imposition of guardianship over civil society activity and diminishes the right of organizers to set the time and place of the event or assembly that they intend to hold.

3. This same article includes open-ended and non-specific phrases, allowing the Director of Public Security to prevent the holding of a meeting for reasons that he personally decides. This gives the executive authorities ample room to interpret this article as they see

1. Citizens are equal before the law.
2. Citizens have the right to address the authorities individually.
3. The right of citizens to employment, education, and medical treatment and care.
4. The right of citizens to run for office, vote and to hold a referendum.
5. The right of citizens to hold public office.
6. The right of citizens to own property.
7. The right to exercise certain freedoms, like the right to assemble and protest peacefully and to practice religious rites.

There are references that the people, as the body of citizens, are the source of power, as in the Constitution of the Kingdom of Bahrain. However, in all of these constitutions and regimes, the citizen and his real role are excluded. In these constitutional systems and legal structures, the following rights of the citizen are not specified or established:

1. There is no affirmation that the citizens are the source of legitimacy to govern.

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fit and, therefore, to be arbitrary in the ways in which they apply this law.
4. Article 8 gives the Director of Public Security the right to break up any public forum due to the presence of persons other than members of the specific association that organized the event. It also gives the police the right to order those attending to disperse as well as to criminally prosecute them. Article 9 gives the Director of Public Security, or his representative, the authority to modify the course of a march or demonstration. The last paragraph of this article stipulates that if "a political march is organized on the occasion of a funeral, a declaration issued by public security to cancel the march or to determine the route will be reported to those from the family of the deceased who are organizing of the funeral."

2. There is no affirmation of the right of citizens to change their government, regime or legislation by democratic means.
3. There is no affirmation of the right of citizens to many civil, political, economic and social rights that are now internationally recognized and stipulated in global human rights conventions.
4. There is a lack of affirmation of equal rights between men and women. This is exemplified by the fact that, until recently, women lacked the right to vote and to run for parliamentary and municipal councils in all GCC countries. In Saudi Arabia, they still do not have these rights. A further example is that women do not have the right to give their nationality to their children or to hold sovereign or judicial offices in the state.

This confusion in defining citizenship makes the concept of "the citizen" a hypothetical concept, not materialized in reality. Instead, through the privileges given to the ruling elites, such as power, wealth and lack of accountability, the concept of "the subject" has materialized. A hierarchical system, on which citizens are placed according to their power, wealth and rights, has been constructed. This hierarchical system takes the shape of a pyramid, with the ruling elites at the top, their partners in the allied families and the merchant class in the middle and, finally, the rest of the citizens at the bottom. Based on their position in this hierarchy, individuals receive offices in the state, the privileges of these offices and economic and social status.

It is against this backdrop of constitutional and legal confusion in defining and actualizing citizenship in both theory and practice that the various ruling regimes' strategies for dealing with the reality of religious and sectarian diversity emerge. These strategies are in line with the nature of the mode of governance and the extent to which the regimes view minorities as a threat to the fabric of the nation or to authority and the distribution of power

and wealth. Some regimes' policies view minorities as a zero-sum game (in the end, one party wins and the other party loses) that they would like to finish so that it is no longer present. The policies may necessitate ending or hiding the threat of minorities either through political coercion or through integration and assimilation.[197] Other regimes consider minorities an important and key element of society that can be controlled through pursuing clearly-defined policies of pluralism. Furthermore, this volatile legal situation causes repercussions that hinder the success of coexistence and national integration. Among the most prominent of these repercussions are:

- Increasing cases of disengagement from the national identity and a rise in sub-identities as a safe haven for communities.
- The possibility of trans-national political use of the minority issue, either to impose other policies or to use them as a source to pressure to create internal instability.
- Causing a rift in the social cohesion in these societies and re-establishing them on the basis of conflict, therefore draining the nation of social cohesion.

Shiite Groups and Opportunities for Access to the Public Sphere

According to Habermas, the concept of the public sphere refers to a set of rules governing public behavior and, through this, the public sphere becomes an area that regulated and controlled. This means that those in power define the behaviors that are acceptable, lawful and compatible with the dominant culture. This is consistent with the nature of the prevailing monarchies in the states of the Arabian Peninsula, where the

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[197] See the text of the United Nations' Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 18 December 1992.

public sphere operates according to the principles of requests and favors more than it is derived from the law and the constitution. Like any institution based on the foundations of a monarchy, the public sphere in the states of the Arabian Peninsula is restricted and subject to censorship. This explains why constitutional provisions and legal codes lack binding restriction and why only general texts are used that refer to the law for subsequent organization – the very law that is formulated by the executive authorities, without the help of legislative authorities, who found out that they had limited powers.

Regarding Shiite communities, they are the minority group that is the most subject to surveillance and to having to prove their compliance with the prevailing cultural code, despite enjoying much freedom to practice their religious rituals. However, that practice is not based on clear legal texts: *hussayniyya*s in Kuwait are still not registered officially and there is controversy over their definition and their legal status and whether they are places of worship, educational institutes or private *diwaniyas* (reception halls). This results in historical norms and practices being the source of authority, not the law or citizenship. To a certain extent, the authority of norms enables Shiite communities to perform their religious rituals; however, the lack of a legal structure denies them their rights and duties and makes them somehow separate from other groups.

On the other hand, the public sphere that is subject to surveillance is fundamentally not based on accommodation and individualism, the liberal bases of freedom that consider the individual the center around which the system of rights and duties revolves. It is based more on an integration or assimilation in which the collective exerts control over the choices of the individual (the individual person and groups as individuals). This means that, on the one hand, minorities must be distant and separate from the prevailing culture because of their special characteristics and, on the other, governed by sectarian

characteristics. This hinders the construction of a full citizenship that accommodates cultural difference and sectarian distinction without limiting or abolishing them. This trend can be seen in the problems that Shiite communities in Saudi Arabia face because of the Hanbali code of conduct imposed on them by Saudi society. It can even be seen among Shiite groups in Bahrain. Shiites in Bahrain enjoy almost complete freedom to practicing their religious rites; however, tensions arise from time to time when there is a call to end these practices and to abide by the general vision of the authorities. This causes Shiite groups in Bahrain to have to struggle to maintain the public character of their rituals. In Kuwait and the rest of the countries of the Arabian Peninsula, these rituals are isolated and confined to institutions and open houses.[198]

Another aspect of the public sphere is related to participation in activities and events. We can clearly observe semi-exclusionary policies towards the conditions of minorities in the official, state-owned media. These media rarely offer Shiite minorities the opportunity to appear as communities, given that they are supposed to appear within the general, prevailing format based on the ideas of integration and assimilation.[199] Even the Shiite members of the Shura Councils who are appointed or employed in the highest ranks must comply with the official nature of the public sphere, where it is not permissible for them to speak about their community or their rights. This behavior is falls under what is termed the "policies of tolerance," derived from the principles of favors, wishes and demonstrating loyalty to the ruler or authorities.[200]

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[198] Regarding Bahrain, see Abdallah Saif, *Ma'tam in Bahrain*. In Kuwait, see Falah al Mudairis, *The Shiite Movement in Kuwait*, Dar Qurtas, 1999.

[199] Graham E. Fuller and Rend Rahim Francke, *The Arab Shi'a: The Forgotten Muslims*, London: Palgrave Macmillan, 1999, 35, 47, 56.

[200] See, Abdulhadi Khalaf, *Unfinished Business: Contentious Politics and State-Building in Bahrain*, English original, Research Report in Sociology,

Therefore, we are not surprised to observe the dominance of the Sunni community over all public religious activities. This represents both the overt and covert chauvinism of the pattern of societal alliances[201] (religion and politics), whereby the official media do not transmit the events and activities of the Shiite minority. Instead, the media eagerly keeps abreast of Sunni events, such as the Friday prayers, the *tarawih* prayers and religious programs, and broadcast them to the televisions of the countries of the region. Chauvinism, here, is considered an added value that allows the genesis of social capital. This explains the sectarian representation circumscribed mainly by determinants from outside the sectarian context, such as the political history of the family and affiliation with authorities. Consequently, what we could call a "moral economy based on clientelism" is founded.

However, the senior Shiite elites have not dedicated themselves to changing this reality. Instead, we see them employ these policies to strengthen their political and social position. In fact, Shiite groups in the Arabian Peninsula have benefitted from the historical legacy of their ancestors and from inheriting their businesses. This has enabled much of the Shiite elite to directly benefit from oil wealth and the rapid transformation of the economies of Gulf societies into capitalist economies. They did so by taking advantage of bilateral trade and commercial agencies, unlike other groups who tended to construction. However, this discussion of the presence of groups of businessmen within the Shiite community does not mean that these include all Shiites or even most: there are no precise statistics and figures for this matter. However, in Bahrain and the

No. 1, Lund University, 2000. Translated into the Arabic, Beirut, Lebanon: Dar al-Kunuz al-Adabiya, 2004. See also, Fuad Ishaq Khuri, *Tribe and State in Bahrain*, English original, Chicago: University of Chicago Press, 1980. Translated into the Arabic, Beirut, Lebanon: Maʿhad al-Inmāʾ al-ʿArabī, 1983.
[201] Talal Asad (1986: 3)

Eastern Province of Saudi Arabia, the numbers of the unemployed within Shiite communities are greater than their Sunni counterparts. Similarly, the average income for the Shiite worker in Bahrain does not exceed 400 Dinars for more than 80% of the total labor force.[202] Thus, wealth and dominance of Shiite notables is extraneous to the discussion, except to prove that there is internal inequality among Shiite communities in the Arabian Peninsula. Such social inequality parallels political inequality.

What distinguishes Shiite communities from other communities, then, is the historical accumulation of political and societal factors and their relationship with the state and the state's political systems. It could even be said that this difference in historical accumulation affects Shiite communities differently, depending on the society in which they live and its political system. The historical accumulation for the Shiites in Bahrain and the Eastern Province of Saudi Arabia differs completely in its social trajectories and political choices from the rest of the Shiite communities in Kuwait, Oman or Qatar. Thus, in dealing what could be called a "plurality of Shiite communities," there are a plurality of policies as a result of the different historical accumulations of Shiite communities and groups. This promotes, as we will see, a growing sense of alienation of Shiite communities within their societies, surrounded by a Sunni majority.

Shiites have emerged as a popular force seeking to influence the public policy of the states of the Arabian Peninsula and striving for a more important role for them in political, economic and social life and to take advantage of everything that could be available to them. We see this in the new situation in Bahrain, where "reforms" allowed for them to have a greater role

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[202] See social insurance statistics for the second half of 2014, issued by the Social Insurance Organization for the state of Bahrain.

in all aspects of public life or in Kuwait, where Shiites benefited from the state of "political openness" and now have representatives in parliament, with five seats allocated for Shiites in the Kuwaiti National Assembly. Economically, Shiites have sought to play an important role in the acquisition of important economic and technological projects in the Arabian Peninsula, as Shiite traders occupy an important place in the trade of certain types of goods in the region.[203]

These various Shiite communities have different ethnic characteristics: some are of Arab origin, some Iranian and some are of various other origins. They also vary greatly in their social status: some are of a very wealthy class, some are from the middle classes and others from the lower classes. Similarly, their levels of education vary, as they do generally in the societies of the Arabian Peninsula. This means that the Shiite minority in these countries is socially and ethnically diverse and that it would be wrong to make generalizations about these communities. This perspective also precludes putting forward unacceptable justifications for dividing up Shiite communities politically according to the politics of the main regional actors by considering them to be an extension of what is termed the "threat of Iranian expansion."

However, the paths to the formation of the Shiite communities in the states of the Arabian Peninsula have not been the same, just as the Shiites, like other religious minorities, are not a homogenous bloc. This means that the large minorities, in their composition, resemble the composition of the society as a whole in terms of dominance of the distribution pattern of economic resources and political power. The have various ethnic/national origins, including Arabs, the "Baharna" of Bahrain and the Al-Hasa and Qatif in Saudi Arabia; Iranians or Persians,

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[203] Mohammad Sadiq Ismail, "Minorities in the Arab Gulf...a Reflection," 8 August 2007, http://is.gd/4X5jdz.

most prominently the Aryans and Ashkanians; and Indians, among them the Al-Lawatia who migrated centuries ago from the Hyderabad region of India to the Sultanate of Oman and, from there, to Dubai and Sharjah.

Most Shiites (Twelver Shiites) are concentrated in the capitals of Kuwait, Qatar, the United Arab Emirates, Oman and the Eastern Province of Saudi Arabia. In Bahrain, as they are the majority of the population, there are very few areas that are not populated by Shiites.

As the Shiite presence is concentrated in the capitals and cities, this has contributed to Shiite communities being regarded as urban and lacking the tribal chauvinism common among the Sunni communities throughout the Arabian Peninsula. This presence also enabled many members of the Shiite communities to be among circles close to centers of political power, and thus represent groups of dignitaries and notables that exert control over other members of the Shiite community. This wove relationships of clientelism between many rulers and Shiite notables. On the other hand, the atmosphere of the cities helped to grow a Shiite middle class due to their involvement in the process of modern education and their mastery of commercial assets, especially in supply. Similarly, most of the Shiite communities benefitted from the oil boom. For example, Shiites in the Eastern Province of Saudi Arabia were involved early on in Aramco and its economic programs and, as the majority of them are considered immigrants (Al-Lawatia, Persians and Baharna), the Shiites in Oman[204] and the United Arab Emirates established for themselves economic assets that benefit from the economic nature of those communities.

The importance of the interconnectedness of the Shiites in the Arabian Peninsula through economic/political migration

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[204] J.E. Peterson, "Oman's Diverse Society: Southern Oman," *Middle East Journal*, 51:1 (Winter 2004), 32-51.

and the emergence of what is known as the "Bahraini diaspora" should be noted here as well. This led to the founding of Shiite communities in many states of the Arabian Peninsula, such as the Baharna emigration to Kuwait, Dubai, Qatar, Oman and even Qatif and Al-Hasa in the Eastern Province of Saudi Arabia. The Baharna are still known as Baharna Shiites in distinction to the Persian Shiites coming from Iran and the Shiite Arab tribes.[205]

These Baharna migrations also allowed some Shiites to gain economic and financial positions that helped them to develop business relationships and alliances with the ruling families in those societies. Through these alliances, they were offered many facilitations for founding specific Shiite institutions, such as mosques, tolerance of the practicing of Shiite rites in an inconspicuous manner, and even permission to build what are known as *hussayniyya*s.

Shiites generally maintain their financial independence through the establishment of economic networks that provide the necessary economic resources for the management and expenditures of religious institutions with agreement from the government through Shiite dignitaries or intermediaries. On the one hand, this autonomy gives the Shiite community a sense of independence. On the other hand, it gives the Shiite notables the power to control the choices and approaches of these institutions. This is particularly true as these notables sometimes make generous donations, sometimes due to charitable motives and sometimes for social status and prestige, as Weber calls it.[206] This turns Shiite notables into traders in relationships and

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[205] On the number of Baharna immigrants to the states of the Arabian Peninsula, see Abbas Al-Murshid, *Bahrain in the Gulf Gazetteer*, Dar Faradees, 2014. The book sums up all material on Bahrain in the Lorimer's *Gazetteer of the Persian Gulf*.

[206] On this usage, see Fuad Ishaq Khuri, *Tribe and State in Bahrain*, English original, Chicago: University of Chicago Press, 1980. Translated into the Arabic, Beirut, Lebanon: Maʿhad al-Inmāʾ al-ʿArabī, 1983.

alliances. The rulers also desire to utilize them to impose policies of political and social control through them over Shiite communities rather than by invoking the foundations of citizenship.

All Shiite mosques and *ma'tam*s, their religious institutions, are considered private property and receive no legal funding from the governments, except through special assistance donated by the rulers. Governments do not intervene in the appointment of imams or preachers in the *hussayniyya*s, though there have been many cases where governments prevented preachers from being brought in from abroad or deported preachers that were residents.[207] In recent years, most Shiite communities in the Arabian Peninsula, except Saudi Arabia, were able to establish for themselves official religious bureaus overseeing Jaafari religious endowments. In Oman, despite their small numbers, Shiites of various origins are at the top of the economic pyramid, own their own large economic projects and enjoy preference in some of the state's economic projects. In the United Arab Emirates, Shiites are present in both Dubai and Sharjah and the merchants from these communities enjoy close relationships with the rulers of those Emirates, especially in Dubai, because of the desire on the part of the rulers to advertise the tolerance and integration present in their Emirates.

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[207] For example, the Kuwaiti government deported some preachers under the pretext that they were provoking sectarian issues that caused sectarian strife, see the following newspaper coverage:

Al-Watan (Kuwait): "Domestic: Al-Qazwini Banned from Entering the Country for Profaning the Companions of the Prophet" (video), 18 March 2013.

Al-Watan: " Al-Shalami: 'We Warn' of the Consequences of Allowing the Qazwini to Enter Kuwait and of Insulting the Companions of the Prophet,'" 16 March 2013.

"Shiite Cleric Jaafar Al-Ibrahimi Angers Kuwaitis and Demands to Deport Him," AlKhaleej Affairs, visited 22 June 2015.

The Shiites of Qatar are a perfect example of the above. The ten most important Shiites in Qatar have the following positions: a member of the Consultative Assembly, a member of a municipal council, a member of the Chamber of Commerce, a director of a shipping company, a judge, two businessmen and two merchants. This is impressive compared with the fact that the Shiite population is estimated at about 10% of the citizens of Qatar.

Government Policies towards the Shiite Communities

Shiites in the states of the Arabian Peninsula are a dilemma for the political regimes, which have trouble managing the issue of minorities. The Shiite community is not like the other minorities, who were small or very small and were thus easily accommodated and their demands contained. The Shiite minorities in some countries in the region, such as Bahrain, constitute a numerical majority or a large minority, such as in Kuwait. The fundamental difference that distinguishes the Shiite minority from other religious or sectarian minorities is that many of its members are not immigrants. They are, rather, among the ancient, indigenous peoples of the region.[208] This makes the Shiite minority an essential component of Gulf society and a key element in a state where they make up 12% of the indigenous population. The proportion of Shiites varies from one country to another. In Bahrain they are about 60-65% of the total population, followed by Kuwait at 30%, in Saudi Arabia they range between 15-20%, in Qatar 16%, 16% as well in the United Arab Emirates and no more than 10% in the Sultanate of Oman.[209]

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[208] Juan Cole, *Sacred Space and Holy War: The Politics, Culture and History of Shi`ite Islam*, London: I.B. Tauris, 2002.

[209] See the International Religious Freedom Report issued by the US Department of State.

See also Graham E. Fuller and Rend Rahim Francke, *The Arab Shi'a: The Forgotten Muslims*, London: Palgrave Macmillan, 1999, 155.

It is not certain that the policies of these political regimes pursue a sectarian attitude towards the Shiite communities; however, these regimes have long been wary of the Shiites and their demands for equality and political participation.[210] For example, Shiites were banned from running for the Legislative Council in 1938 and were only allowed to vote. This ban was lifted after the issuance, in 1962, of the Constitution of Kuwait, which made all citizens equal in political participation. By contrast, Bahrain's Shiites have been participating in the municipal elections that have been held since 1919, participated in the 1972 Constituent Assembly and the in the 1974 National Assembly.[211] Meanwhile, the situation of Shiites in the United Arab Emirates is the most successful case of assimilation in the Arabian Peninsula. Throughout its history, the United Arab Emirates has not experienced the "Shiite question" as have other Gulf societies.[212]

In this regard, we can say that, despite variation in the ruling regimes' levels of openness to minorities and the nature of their views on minorities, they are similar in the fact that they are apprehensive about the attitudes and demands of some minorities, especially Shiites.[213] In the case of very small religious minorities the fears that minorities will not support the ruling

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[210] British Library, Asia, Pacific and Africa Collections, File 5/22 ShaikhKhalafibn Ahmad al-Usfur, Shi'ite Qadi; career and dismissal IOR/R/15 February 112 22 Aug 1928-31 Dec 1931.

[211] See Abbas Al-Murshid, *Political Openness and Party Democracy in Bahrain*, Kuwait: Dar Aafaq, 2014.

[212] About the Shiite issue in the Arabian Peninsula, see: Najib alKhonaizi, "The Political Activity of Shiites in Saudi Arabia," *Al Jazeera*, 3 October 2004, http://is.gd/m7bemD.

See also: Mohammed Al-Sadiq, "The Shiite Question in Saudi Arabia," *Al-Araby Al-Jadeed*, 12 November 2014.

[213] Shehata Mohammed Nasser, "Ruling Regimes in Bahrain, Kuwait and Saudi Arabia and Their Policies on Dealing with Shiite Demands," Center for Arab Unity Studies, Beirut, 2011, 18.

regimes have almost disappeared. Turning to the field of government policies towards religious minorities, we can see that there is evident variation within them in how they deal with religious minorities. This depends on the size of the minority and their policy towards the state or the ruling authorities. In addition, ruling regimes often adopt a different model for their policies towards each different minority. They may pursue a model of tolerance or inclusion with one minority and, with another, resort to a model of forced integration or a model of limited openness.

In order to define the policies towards minorities, we will rely here on the following classifications of policies and their models:

First Model: Tolerance and Making Use of Minorities

This model is one of mutual policies between minorities and the ruling regimes based on the implicit recognition on the foundations of social and political accommodation. It is a model for very small religious minorities, as is the case of the Shiites in Qatar, the United Arab Emirates and Oman. The ruling regimes follow a policy of inclusion of very small minorities and even work to support them socially and religiously. This policy is not without political goals, though. These goals consist of the desire of the ruling authorities to strengthen their political legitimacy through being supported by small religious minorities and preventing these minorities from allying with political groups of an oppositional nature. At the same time, small religious minorities, or even small ethnic minorities, often tend to ally themselves with the authorities, considering them the actor most able to protect them from the tyranny of the majority. Therefore, there is a mutual benefit for these small religious minorities and the ruling authorities.

The best models for such policies are the Qatari model and the Dubai model.[214] In these models, we find that the ruling regime is attentive to the Shiite communities and allocates for them a seat in the Shura Council because of political tensions that could have a large impact on society with other political groups, for example the Muslim Brotherhood in Dubai. The case of Kuwait and the political alliance between the ruling elite and most Shiite communities, considering them an influential minority, is another example of the extent of the penetration of the policy of inclusion of religious minorities within the ruling elite and its connection to the ethical dimension of political legitimacy.

However, these small religious minorities are not entirely content with the outcomes of the policy of inclusion. They realize that the results of this policy are dependent on the balance of power between the authorities and the opposition. Therefore, they aspire for their relationship with the state to be a fixed, constitutional one that makes them equal with the religious or sectarian majority.

This pattern of policies leads to small religious minorities following a different developmental trajectory from large minorities and is also reflected in their economic and social activity. For example, in the states of the Arabian Peninsula, the activities of the small minorities are directed towards trade and lucrative economic activities, benefitting from the rentier nature of the economies of the states in the region and employing the mechanisms of the market economy in a way that is consistent with the particularities of a minority economy. This model of policies of tolerance towards minorities also stabilizes the religious behavior of minorities, preventing them from moving

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[214] Bahrain is seen as a model of religious tolerance in the region. In 2008, the government appointed Houda Nonoo as ambassador to the United States, the first Jewish ambassador of a state in the Arabian Peninsula to the United States

from personal religiosity to a religiosity at the sectarian level or, at even more advanced levels, creating a religious ideology.

Second Model: Forced Integration and Exclusion

This is a pattern that is prevalent in dealing with minorities in general and, in particular, large minorities. In this model, the ruling regimes impose a set of restrictions and draw up policies characterized by marginalization and exclusion of those minorities. This is the model for most religious minorities in Saudi Arabia. As opposed to the model of tolerance and making use of minorities directed at small religious minorities, this one of forced integration of large or medium-sized minorities and even political minorities (having a numerical majority). This also often results in the failure to build a modern social base of power, meaning that the relationship has not led to all parts of society rallying around a political entity based on a social contract. It also leads to a failure in developing this into a state with a representative government, whereby the parts of society are represented in the central government, particularly in the administrative apparatus of the state. This would lead to the completion of the process of integration of all parts of society in the emerging structure of the state and, consequently, the creation of a general national identity through the complex and wide-ranging process of fusing and integrating the special identities. In the opinion of Fouad Ibrahim, "The central authority has reached the parts of society and administratively imposed its dominance over them. The process of forced assimilation of the parts of society has occurred under the weight of the heavy presence of the central authority in the administrative structure of the annexed parts and in their cultural, social and legal systems. Consequently, the state imposed a particular identity, synthesized from components of the dominant group. In the end, the new state has imparted is own cultural, religious and political identity over the entire area on which the process of erasing cultural, religious and social diversity is staged."

Third Model: Limited Openness

This pattern represents a model in which the character of the social structures of the state are differentiated, formed by social groups and units not linked by a comprehensive system of symbols or central values. This leads to the authority of the state not being sufficient to achieve social control. As a result, conflict over social control arises between the state and the powerful groups that spearhead the social units, which are often unwilling to give up their special privileges. This pattern is often seen in the situation of Shiite communities in Kuwait and Bahrain, as Shiite communities form the numerical majority in Bahrain and the largest minority in Kuwait.[215] According to Migdal, this set of policies falls under the heading that he calls, "the politics of survival."[216] This calls for the state to open channels that provide mobilization and that insulate it from risks arising from the rebellion of semi-autonomous social units, including religious minorities, in an attempt to prevent the formation of independent centers of power, where minorities participate, to a limited extent, in state administration in order to mitigate potential threats and to regain legitimacy.

This highlights some of the details in the policies of this model, whereby we see that, in some policies related to complex conflicts, the state resorts to allying itself with some groups against other groups or trends within a minority. The state guarantees them high positions in the state in order to utilize them to impose social control or to implement state policy over the members of the minority. Despite the efficacy of this model in preventing the secession of large minorities or, at least, ending

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[215] On the policies of these regimes towards the Shiite communities, see the reference cited above.
[216] Migdal 200-250.

their ambitions to do so, as Migdal indicates, these policies impede the process of building a modern state.[217]

Conclusion

There are two perspectives that form the core conflict in the idea of citizenship in the states of the Arabian Peninsula. The first is the sheikhdoms and the modern sultanates and antagonistic authoritarianism that they generate. The second is constitutional citizenship and universal democracy that combines procedural instrumentalism with quality of democratic practice. While the first perspective focuses on developing the rights and duties of citizenship by linking the current authority with the ancient legacy of the state, the opposite perspective says that the modern state is still incomplete. This remains unfinished business due to the stalled construction of citizenship and the inability of the political regime and its system of knowledge to transition to democracy. For decades, this perspective has believed that the way out of this current crisis is through a vision of rights and duties via a clear social contract that entrenches constitutional citizenship. The dominance of citizenship in crisis, the retreat of constitutional citizenship because of the absence of consensus around its foundations and the inability of the political regimes in the Arabian Peninsula to develop a public sphere that would allow all groups and segments equal representation and that guarantees their freedom and that they will not be exploited or fall victim to traditional practices such as clientelism and dependency, all of these are the causes of the prevailing political tension and the inability to confront the claims of the current political struggle.

Thus, the reality of minorities, especially Shiite minorities, remains potentially explosive. Despite a state of complacency in some of these countries, the emergence of some Shiite political forces, for example in Bahrain and Saudi Arabia, is an indication

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[217] Ibid. 241.

that there is a defect in the management of sectarian diversity in the states of the Arabian Peninsula. This places these states before a dangerous challenge that threatens to disrupt the political and security situation at any moment during this time of regional tension.

Arab Christians

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Introduction:

The first wave of popular revolutionary youth movements carried the hopes of moving beyond the pain and concerns of the past. We – as citizens who participated in this movement, without discrimination – hoped to find "creative responses" to confront the challenges experienced over the decades. However, the transitional period and the hurdles and "crises" that marred it posed more questions than it answered. Although I am among those that say that there have been "major shifts," on the other hand, the transitional period also posed "dangerous impediments." This hope prevailed among all those that feel that they are marginalized, suffer from discrimination, are excluded or subjected to subjugation for reasons relating to social status, wealth, sex, religion, color, etc. Thus, the societal "movements" were a chance to recover a presence, gain their rights and establish a "real" citizenship – not a citizenship granted by anyone, but a "real" citizenship of all and for all. It is in this context that I discuss the Christians of the region, so it is no surprise that, when we try to describe the "Christians," we find ourselves in a conceptual research dilemma. How do we describe the Christians among us? According to geography, history, ethnicity, language or nationality? Or, according to more than one of these elements at a time? Is religion, in and of itself, enough of an element for us to rely on to understand the reality of the Christians in the region? In a historic moment during which the region is witnessing a process of radical change in geography, political regimes and community structures, Arab Christians have experienced kidnappings, the forced payment of tributes and

mass slaughter. They have been targeted recently in a manner unprecedented in the history of their presence in the region. This does not mean that they had not experienced repeated ordeals throughout history, rather that, this time, what they are experiencing raises panic and spurs the need to take practical actions to prevent the region from losing its diversity.

The biggest problem is that this major ordeal comes after people's hopes were raised, by the citizenship "movements" witnessed in our societies, that everyone would be engaged on the bases of national partnership, equality, and citizenship in building nations that overcome the decades of tyranny, servitude, impoverishment, monopolization of power, dependency and patriarchy… However, the consequences of change – although they are not all sinister – led to exactly what had been warned about during the last two centuries: that there could be a day when pluralism, and all the cultural, spiritual, intellectual and historical wealth that it bears, disappears from the Arab region. Christians' deep roots were always under discussion in this period. However, there is a difference between a cautionary discussion supported by the certainty that the opportunity has not yet been lost and that the matter can be rectified by integrating Arab Christians and overcoming any suffering, and the volatile reality in which some work to empty the region of Arab Christians in favor of a closed and narrow project that sees only itself, or that at best, puts forth abhorrent choices for them: either they are separated from their reality, their movements restricted and they are isolated in closed ghettos, or they must leave the area entirely.

Ironically, historical readings of the shared life between Christians and Muslims in the region do not result in ends like this. It is true that the relationship was subject to cycles of ups and downs, it was never entirely rosy nor entirely bloody, but there were realistic and objective components that allowed what is called a "realistic pluralism" to come about through "societal

interaction" in all aspects of life and especially in confronting dictators. This is especially true as tyranny caused suffering for all those marginalized, without discrimination. This led to a fundamental solidarity and, from there, to a common struggle.

On the above basis, I will try to approach the present problem of the Arab Christians and its future in the light of history. I will do so without digression and by setting out from a methodology that is based on societal context, which is controlled by many overlapping and intersecting elements.

(1) The Problem Is More Than Just a Religious One:

First, I emphasize that I am setting out from a vision that goes beyond but does not neglect the religious aspect as it includes economic, social and cultural factors in its assessment of the problem faced by the region's Christians. This could be called a "societal" or "contextual" view. Constantin Zureiq was right when he, early on, set a framework for the issue and I believe that it remains true and valid to this day. He said that the fundamental problem when we discuss the Christians of the region and their future is not between *"Christianity and Islam or between Christians and Muslims entirely. It is between reactionaries and liberals on both sides. The problem becomes more complicated, the future becomes blacker and danger intensifies when reactionary forces on one of the sides, or both, become stronger. On the other hand, the problem grows smaller, the danger lighter and the future brighter, when liberal forces on one side, or both, becomes stronger and when liberals come together, crossing the barriers between them, and commit themselves to the common struggle."*

In this sense, we cannot assign the cause of "the disappearance of the Christian presence" (to use our dear friend Dr. Tarek Mitri's phrase) to one cause, as some attempt to do. There are those that say that the problem is due to:

- The growth of political Islam movements of both types, violent and nonviolent, in a defining moment in the history

of the Arab region, namely, following the defeat of 1967. These movements reexamined the legal status of non-Muslims after decades of common struggle towards independence and there are some that began to use physical violence because of this.

- The impact of totalitarian regimes that failed to anchor the concept of citizenship as meaning full equality and to establish a sound democratic way of life. This led to a political dead-end and it meant that the practice of politics was limited to, on the one hand, the few who had great wealth and, on the other, to whoever controlled the public sphere – both the political and the civil sphere – by religion. This can also be called "imposing the sacred on the public sphere."

And finally, there are those who point to:

- The impact of bad choices on the part of the Christians themselves.

I, however, tend towards viewing all of this together. Accordingly, in light of the above, I will show how Christians in the region have alternated between presence and absence according to the societal context. In a contextual sense, we can affirm that what happened to Christians in the region affected Muslims, too. This means that the problem is more complex than just a religious issue. However, it affected Christians more, due to their smaller numbers, so they were sometimes absent sometimes and often made to be absent both "voluntarily and forcibly."

(2) ***Christians in the Region: What Question Must We Answer?***

With respect to the Christians in the region, we cannot exclude their religious links as one of the main elements of an analysis of their reality and future. However, is an analysis that relies on that alone correct or must any analysis accept that there are unified, universal ethnic factors in this context among the

Christians of the region? This hypothesis is based on the recognition that Christians in the region are population groups, sub-groups or relatively small in number, that live in a larger society and that members of this group are linked – or united – through ties of race and culture. It further assumes that, besides the fixed element of ethnicity, the elements of language, religion and customs are also unified.

In truth, the reader of the historical, social, economic, political and cultural/religious trajectories of Christians in the region cannot rely on the ethnic approach completely. This is because of the differences in their trajectories, the details that distinguished each community's trajectory from the others', the relationship that emerged, to one degree or another and whether or not it was desired, with the emerging and newly-independent modern nation state and with modernity in general.[218] There is a difference, as well, in the horizontal relationships that emerged during periods of national advancement among individual/citizens that hold the same nationality, belong to the same social class and share the same political and social interests, despite religious differences.[219]

We cannot ignore the ethnic elements that distinguish some Christian communities, where language and nationality intersect, or the gathering together in a common geography, as

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[218] Consult:
   a) Ratcliffe, Peter (ed.), *Race, Ethnicity and Nation: International Perspectives on Social Conflict*, London: UCL Press, 1994.
   b) Banks, Marcus, *Ethnicity: Anthropological Constructions*, London: Routledge, 1996.
   c) Eriksen, Thomas, *Ethnicity and Nationalism*, London: Pluto Press, 2010.
[219] Consult:
   a) Kymlicka, Will and Wayne Norman (eds.), Citizenship In Diverse Societies, Oxford: Oxford University Press, 2000.
   b) Torres, Rodolfo et al. (eds.), Race, Identity, and Citizenship: A Reader, Oxford: Wiley-Blackwell, 1999.

is the case for the Armenians in Lebanon and the Chaldeans in Iraq. However, this did not prevent persistent attempts at general national integration, even if it was the wrong bet, like the almost total joining of the Baath party's policies in Iraq or being contented with an economic presence without a political presence, etc.

In sum, the historical context, and many factors, caused a bias towards citizenship, in principle, and leaving this to circumstances and the balance of political power on the ground, in practice. In this context, it is no wonder that ethnicity was employed in the defense of existence.

There are, of course, some communities that succeeded due to geographical reasons to have to a certain extent their own geographical territory and to have their own institutions, but without political organization as a state and without separating from general institutions and the link with the greater political entity. At the same time, we cannot ignore the approach that, I believe, political Islam, the colonial, orientalist and neo-orientalist West and the systems of governance after 1967 are responsible for. This is the approach that considers Christians as homogenous religious groups and that deals with their leaders in a reprise of the communitarianism that Christians had escaped – relatively according to the individual case – in the era of the Nahda and independence.[220]

However, everyone is in agreement that the Christians are indigenous residents, a mix of ethnicities that were a part of the historical evolution of the region and who participated in forming the features of the culture, civilization and identity. They fought battles against the Crusaders, Zionists and Orientalists of both

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[220] See Samir Morcos, *Protection and Punishment: the West and the Religious Question in the Middle East; from the Sectarian Protection Law to the American Religious Freedom Law*, Cairo, Egypt: Dar Merit, 2000. (A second edition is forthcoming).

old and new stripes. They were at the forefront of those fighting for national independence and, most importantly, the region was the site of the Christian revelation and they preserved it, gave it to the world and Arabized it.

Accordingly, my approach will be what can be called "the question of societal context" or questioning the Christians' societal movement: their *"presence and absence."* It is based on two criteria:

● The extent of societal interaction.
● The acceptance and rejection of actual pluralism.

The shared life between Christians and Muslims in the region was not simply an expression of a physical presence as much as it was an embodiment of complex interactions ranging from partnership to tension, antagonism and violence, depending on the historical context and the multiple, overlapping elements of the economic system, political system, conflict with the West, etc. Hence, we see either the tendency towards integration and assimilation or the return to isolation and retreat.

In this context, we see that there is a dialectical relationship between the complex binary of societal interaction and acceptance of actual pluralism. During periods of national advancement, a single society forms with a complex ethnic identity that does not tyrannize sub-identities. It does so through ethnolinguistic (commitment to speaking the same language), ethnocultural (the acceptance of a complex cultural interaction as a higher system for the nation) and ethnopolitical factors (acceptance of a single ruling legitimacy that is constitutional and based on consensus and loyalty and that governs citizenship on the basis of equality, within the framework of a single state.

In contrast, societal interaction/acceptance of actual pluralism declines along with periods of national decline and, accordingly, the foremost groups emerge at the expense of the universal national group. Consequently, I am observing the activity of Christians on the ground in their societal context and

historical moment: this is the general idea of the question that I am trying to answer about the Arab Christians. Thus, our research is based on the answer to the question of societal context, a complex question that includes the past, present and future.

In light of the above, we can say that the societal context is governed by many factors that depend on the extent of the development of society, elements affecting the prevailing cultural order, shared historical heritage and the acceptance or rejection of all of the above during a given period of time. It is also governed by the role that the state and its methods play in controlling the various conflicts and the general and shared position in confronting foreign domination and its colonial policies, or, after independence, its foreign policies, in addition to the general social atmosphere. Thus, we find that the results indicate that the historical trajectory tended toward citizenship without entailing a loss of special characteristics.

Proceeding from the above, we will turn our discussion towards the "Arab Christians," those that live in Arab countries and speak Arabic. However, before that, we should note the general map of Christians in the area, bearing in mind that all the institutions[221] are locally based in the Arab region, that some of those that live in Cyprus or Iran were added because these institutions are in the location called the "Middle East."

(3) **The Question of Societal Context or the Question of Presence - Absence: What Is the Presence of the Arab Christians?**

The issue of the Arab Christians is not new. Their situation and fate has constantly been under discussion, both positively and negatively. Much of the literature[222] suggests that many of

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[221] The Middle East Council of Churches was founded in 1974.
[222] See Samir Morcos, "Arab Christians between 'Living Hope' and 'Sunken Atlantis': Views on the Map of Contemporary Literatures" in *Christians of*

the issues concerning the Christians of the region were thrown into the political and intellectual arena since the region began to make its way towards modernity. This occurred specifically after the founding of the modern state – by this, I mean Mohammad Ali's state in Egypt – and the independent states that came on the scene after it. This was accompanied by the drawing of new maps in the region. During this time, the constant central question was, "What is the presence for Christians in the region?" This question was raised in two ways. The first reflected a desire for their active presence and the second revealed a deep existential anxiety. The answer to this question was always dependent on the historical moment and its societal context. A quick review of our modern and contemporary history will allow us to observe the three great historical stages in which we can recognize the Christian presence in order to confirm our approach to this issue.

I. Trajectories of the Arab Christians

Passing through the period of national independence and into the beginning of the stage of decline, or what we could call the stage of fragmentation,[223] we can observe the following stages of the historical trajectory:[224]

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the Arab region: Their History, Role and Future, the Arab Group for Muslim Christian Dialogue, 2013. (A recent survey on all the literatures that deal with the following issues: Arab Christians, benefit in following their paths, their initiatives and reactions, reasons that push them towards being present and hindrances that cause them to be absent.)

[223] See Samir Morcos, *Protection and Punishment: the West and the Religious Question in the Middle East*, Cairo, Egypt: Dar Merit, first edition, 2000.

[224] I wish to indicate here that, at the time of preparing this article, the Arab movement had not yet begun. However, in preparing this text for publication, it should be noted that many events have occurred. In the case of Egypt, for example, we can see Christian Egyptians participated with their Muslim fellow citizens in the popular revolutionary youth movement of 25 January 2011. They exited the sphere of the Church and entered the political/civil public sphere. Their revolutionary contributions were considerable. Accordingly, we should note that there is a fourth revolutionary/protest stage

First: The Stage of National Struggle and the Establishment of the Nahda

During this period, Christians, along with their fellow Muslims, participated in confronting the colonizer. They interacted in the emerging national movement and were among the essential elements that participated in building the modern Arab Nahda (renaissance). Through their intellectual, scientific and creative efforts, they were able to reconcile modernization and modernity.

Second: The Post-Independence or Post-WWII Stage

During this period, after independence, Christians contributed to nation-building. They left their mark in various fields. However, due to the challenges faced by the project of independence and the hindrances in the building of the modern state, their presence ranged from effectiveness to retreat into religion. The Church also worked in the service of the project of state-building after independence.

Third: The Stage of Tensions - Religious and Sectarian Rivalries

This is the stage that began after the 1967 defeat, during which the Christian presence noticeably retreated and Christians turned, as we indicated, towards migration, both within their

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taking shape led by a new Coptic elite, in terms of generation and social class, that insists upon societal presence and political struggle on the basis of citizenship until Coptic demands take other directions. The new elite's autonomy from the religious establishment should be noted, as well as the fact that this institution, which belatedly supported the revolution, has come to realize that a new stage has begun to take shape.

For more information, see:

Vivian Fouad, "Copts and the January 25 Revolution," a paper published in *The Arab Spring and Christians in the Middle East*, Jerusalem: Diyar Publisher, 2012.

Samir Morcos, "The Coptic Elite between the Square, Parliament, Safety and Faith," a study under preparation. An excerpt was published in *Al-Musawar Magazine*, Cairo, March 2012.

countries and to other countries. Thus began the decades of material and moral religious conflict. The latter reflects the fact that the "question of existence" across history is the "fundamental" question with regard to the Christians of the region, and no other question, not even the question of ethnicity. All the questions that were raised in the many symposia and writings can be placed under this wide heading. Especially because, as is clear from historical readings, times of advancement were times where the space to accommodate Christians was expanded with great generosity and the opposite is also true. When the stage of sectarian and religious conflicts and political polarization began, it provoked many fears and concerns not only about identity and the possibility of participation, it also generated an existential anxiety among the region's Christians. I believe that girding themselves with the concept of ethnicity is a function of this.

II. Three Exits for the Christians in the 19th and 20th Centuries

Since the mid-19th century, Christians began to leave the usual places where they lived, where they found themselves by virtue of being born there. Each exit was accompanied by an "insistence" on interacting with the reality of the region, regardless of their new location. They were motivated by a "dual commitment:" spiritual and national. Their spiritual commitment was based on the premise that Christianity began in the region and, thus, if there was a need to physically move, that does not mean existential separation. Their patriotic commitment was due to the historical link between being a Christian and that Christians have always been known as an ethnicity that belongs to the region, such as the Copts, Assyrians, Maronites and so on. In light of the above, we observe three "exits" for the Christians, as follows:

First: The Intra-Regional Exit

This is what the Christians of Lebanon and Syria resorted to following the extended religious strife that occurred between 1840 and 1861. They came to Egypt, escaped the strife and interacted with their new country through innovations and various works: artistic, literary, cultural, political, commercial, industrial, etc. Most importantly, they integrated naturally into their new societal contexts.

Second: Exiting the Region

This is represented by the first migrations to the countries of the diaspora in the 1960s. This was, perhaps, because of the inability of the post-independence states to include some of them, especially land and business owners. Or, it was the states' post-independence regimes adopted religious slogans and used them in political struggles. Or, perhaps it was due to the 1967 defeat and the rise of Islamism in the region.

Third: Forced Exit

This occurred due to the effect of the growth and spread of jihadist groups outside of the cities. It began in the early 1970s lasting until the post-Arab Spring period when the Islamists came to power and could not provide a model different from that of the ruling regimes that they had opposed for decades. They did not differ in their economic approach, in which the benefits go to the few, and dealt with the Christians as a religious community and not as citizens. They were unable to prevent militant Salafist forces from promoting their jurisprudential perceptions of Christians that ban offering them greetings on their religious holidays, etc. They also used many means to force Christians to leave their historical homes. This exiting took place in two phases: first, local exiting, which took place in the context of the nation; and, second, exit from the country entirely.

It should be noted that the first two "exits" took place somewhat voluntarily on the part of the Christians. However, the third "exit" happened forcibly, to the degree that some have been prompted to say that it is a conspiracy to "empty" the region of its

Christians. The decline and failure of the post-independence state adds to the difficulty of the circumstances. Rather than continuing the process of modernization by completing the construction of the modern nation-state based on citizenship, we find that the state has reverted to it pre-modern form, where the foremost authority has been given to the primary groups, and not to reason and institutionalism. Values such as "the family elder" or "village ethics" have become prevalent. Furthermore, the state's abandonment of its usual role of providing treatment, education and security, among other roles, to all citizens on the bases of equal opportunity and equality without discrimination worked to the benefit of primary groups. This prompts us to describe the situation that we have reached as a restoration of the Ottoman Empire model, where each religion/sect is responsible for its own subjects and the role of the state becomes the granting privileges to one religion or another depending on the moods of the ruler.

(4) Arab Christians: Two Visions, Approaches, Sentiments and Positions

Accordingly, the final outcome of the Christian "exits" was the development of two "contradictory visions" about what happened, two visions that compete over the "Christians" in the contemporary era. Each has its logic and merits. We will try to shed light on their extreme importance in shaping the future. *The first is theological-national and the second political-sectarian.*

Arab Christians range in their positions towards what occurred between two contradictory positions: theological-national and political-sectarian.

The First Position: Theological-National

- This is based on a vision/approach/feeling that stems from the theological experience of Christians throughout history and an open-minded theology. We can call it *"living hope"* or an *integrationist approach*. In it, we find a treatment that expresses the conflict of the believer-citizen in that

theological thinking based on the value of love interacts with the practice of openness to society, interaction with life and the land and complete openness to the other. This is a complex vision with intersecting elements, in which the philosophical and intellectual overlap with the religious and the political and with doctrine and life. This vision tries to overcome the painful reality and to find ways to treat it. It believes that there is hope for reform and restoration and that this hope lies in a vision that tries to understand what happened, to discover methods of communication and dialogue and to renew the foundations of coexistence through a shared societal agenda that includes many concepts and issues. The most important features of this vision are:

- The conviction that the Christian presence is a testimony and a mission, despite all challenges, and that the Christian roots of the region deserve to be defended by the Christian presence through partnership and active presence. This view does not see a contradiction between church membership and citizenship.
- It is a vision that believes in the future and people's ability to overcome the reality.
- It further believes that all are suffering from the same problems – tyranny, exploitation and political interests – and, thus, we must struggle together to overcome the common suffering and to build a modern state.

The Second Position: Political-Sectarian

- This is based on a vision/approach that stems from harsh reality and is governed by a conservative theology that we can call *"lost Atlantis"*[225] or a *sectarian/religious approach*.

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[225] Borrowed from the book of the same name by Pierre Rondot.

In it, we find an approach that expresses the confrontation between Christians, as a religious community, and society. According to this view, it has become impossible to continue to exist and the elements needed for an active presence based on citizenship have eroded. The options of societal movement in front of them have disappeared due to exclusion and conditional presence or, in the best of cases, the presence of anxiety. The most important features of this vision/approach are:

- ○ The issues posed by this vision/approach revolve around the question of identity and the need to retreat and differentiate one's identity from the surroundings in which one lives.
- ○ It has many apprehensions about the situation.
- ○ It is guided by the fear of extinction or that the Christian movement will meet the fate of Atlantis (so to speak).
- ○ It is governed by fears of the rise of political Islam and the jurisprudential proposals that it raises that return Christians to the *dhimma* or Millet system, or to being classified as apostates and suffering the corresponding punishment of death.
- ○ A self-image that fluctuates between a religious group and a political group, influenced by the push/pull of society towards progress and regression.

(5) *Christians between "Voluntary Absence" and "Forced Removal"*

In light of the above, we can say that what has happened to the Arab Christian situation has fluctuated, as I wrote earlier, between "absence and removal."

- ● *"Voluntary absence"* whether through migration within the region or to a foreign country.

- *"Forced removal"* through exclusion, marginalization, conditional presence or incomplete citizenship.

"Absence and removal" are the result of various overlapping factors, such as perceptions about non-Muslims put forward by Islamist groups since the beginning of the 1970s (and confirmed by the "reconsiderations" three decades later) that served to justify violence against them or, at best considers them *ahl al-dhimma*, this despite the considerable decisive jurisprudential interpretations that recognize the citizenship of Christians.[226]

On the one hand, the political stalemate and the failure of the post-independence state to establish mechanisms capable of accommodating diversity and, on the other, the acceptance of the idea that the struggle between societal elements was religious or sectarian, hiding the true nature of the conflict, further contributed to this. It is obvious that the well-to-do from one religion or the other would be closer to one another and that their sense of economic, social and political injustice suffered by the middle and lower classes would be weaker and, at that time, they feel that what they are experiencing is primarily because of their religious affiliation. This could be true in some cases, but not always.

However, what supercedes this is that those in the middle and lower classes are in a state of rivalry, rather than joining forces to face the oppression that affects them together. Finally, we come to the choices of Christians themselves, who are content with a cautious isolation that considers their primary

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[226] See Samir Morcos, "Non-Muslim Citizens' Religious and Civil Issues in Majority-Muslim Societies and the Issue of Governance (the Case of Egypt as an Example)," Paper presented at the seminar: the conference on "Trends of Renewal and Reform in Modern Islamic Thought," Library of Alexandria, 2009.

affiliation as their main field of activity and that tends towards the "invention of new Millet system."[227]

(6) The Future: Scenarios Confronting Bad Options

First of all, I agree with the idea proposed by George Qaram, early in 1994, that the problem of Arab Christians is a result of "geopolitical tricks," with many causes and motives. First, internal conflicts. Second, foreign interventions. Third, the societal structures' inability to evolve with the new world, thus preventing the accommodation of Christians through horizontal integration as citizens, not in a vertical order, meaning a Christian religious bloc versus a Muslim religious bloc. Fourth, the failure of the national systems of government to deal with the problems of Arab Christians in an innovative manner and to build on the achievements during the stage of national struggle. Instead, they left the security and administrative bureaucracies to deal with them as, in some countries, a religious branch attached to the ruling party or, in others, as a religious community/Millet whose members are dealt with through the ecclesiastical authority. In other cases, important members of the community would be given political authority, whereby certain families would have a monopoly over political presence or individuals would enjoy favor with the the authorities. This blocked the emerging Christian societal forces practicing politics and civil work on the basis of citizenship from having a political presence. Or, in the best case scenario, in other countries the political quota system was used so that their movement would not go beyond the private sphere. Fifth, the failure of political Islam to provide decisive jurisprudence regarding citizenship. Despite some considerable interpretations, *dhimma* jurisprudence remained dominant, until

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[227] See also, Samir Morcos, "The Copts: From Seizing Citizenship to the Manufacturing of a Minority and the Invention of a Religion: A Look at Future Scenarios," paper presented at the No Arabism without Christians Seminar, Issam Fares Center for Lebanon, Beirut, 2011.

it was replaced by a jurisprudence of apostasy with its concomitant punishments.

Accordingly, we invoke, as we always do in this place, the words of Constantin Zureiq from 1981, who wrote, "The problem of Arab Christians, as a minority in Arab society, most of whose members are Muslim, is a problem that both the majority and minority bear the responsibility for. We cannot find a radical solution without radical transformations on both sides. It can only be done by turning our attention to building a national society based on the people's interests, the achievements of science and culture, legal and practical equality among citizens, justice among citizens and transforming the politicization of religion into an investigation of its spiritual essence. In truth, discussing Christians and the future opens up the entire Arab issue and the issues of the future as a whole." In this context, we can develop three scenarios for the future, as follows:

First: The Scenario of Desertification - Drowning

In the words of Adonis, "What is the desert other than singularity" in its purest form? Hence, because of the current deterioration and absence of the Arab state, the forces of singularity continue to empty the region of others who are different. However, failure to extend, protect and appreciate the scope of pluralism will mean that one day it will contract of its own accord. This scenario represents the Arab situation continuing down its current path, where the forces of darkness or of black and bloody Mechir prevail. It confirms the "lost Atlantis" vision and all of its problems and burdens and the prices that we will pay.

Second: Delicate Survival

This scenario depends on the relative recovery of the current Arab state. It includes some formal and superficial reconciliation and reforms. In other words, it is a recovery that falls short of pushing conditions and hence humanity – including

Christians – towards real progress and radical change that would put us among the developed peoples. It is a state that guarantees survival, but it is a delicate survival, subject to deterioration with every setback. Here, the contrasting visions present among Christians will remain as long as there is not a cultural revolution within the Arab cultural system and the value of pluralism, as an established and authentic value in this system, becomes neither fleeting nor false.

Third: The Scenario of the Renewal of Shared Life, the Scenario of Liberation and Integration

I mean, here, the national movement that happened in Tahrir Square in January 2011. All Egyptians participated in raising slogans that expressed their common suffering. Hence, they were actually able to make citizenship come alive in real life. On this, one poet has said, *"Faith in the revolution's enough now/ Its house of worship is the square/ Its Qur'an is now its Bible/ Its Bible is now its Qur'an"* and caused another to say, *"What is the square? The nation" "Integration is coexistence through the common struggle."*

That the state of liberation was a state of integration par excellence is demonstrated by the following three things:

Consensus on the nature of political power: civil with no quarrel with religion, on the nature of the public sphere (as a place of meeting between different people, not identical people, and its relativity) and on the nature of the nation as being made up of different multiple cultures and not just one element.

It is a scenario that can renew life, society and the state. This is what we live in the hopes of achieving and we must struggle to make it a fact, because we cannot imagine the region without its Christians.

(7) Conclusion: The Christian Issue Is an Issue that Affects All of Our Futures

In reality, it is imperative that we work on the issue of Arab Christians from a cultural perspective, rather than a religious

perspective. We must realize that what threatens a part of society is a threat to all of society. The features that we warned about earlier, and that have come back in force these days, especially with regard to the decreasing numbers of Christians in the region, give a pretext to those – as we wrote – who are trying to prove the inability of our cultural structure to accommodate diversity. As Mohamed Sayyed Ahmed said, Arabs' silence on "the emigration of their Christians is a weapon with which Arabs are hitting themselves." Hence, the thing we must work on diligently has now become recovering those absent internally, Muslims and Christians, so that we can struggle together and abolish the causes of their exclusion. We conclude with Constantin Zureiq's words from 1981, "The problem of Arab Christians, as a minority in Arab society, most of whose members are Muslim, is a problem that both the majority and minority bear the responsibility for. We cannot find a radical solution without radical transformations on both sides. It can only be done by turning our attention to building a national society based on the people's interests, the achievements of science and culture, legal and practical equality among citizens, justice among citizens and transforming the politicization of religion into an investigation of its spiritual essence. In truth, discussing Christians and the future opens up the entire Arab issue and the issues of the future as a whole."

Addendum (1): A Table Representing the Spectrum of Christians that Live in the Region

Eastern Orthodox	Oriental Orthodox	Catholic	Evangelical	Episcopalian
Coptic Orthodox Church	Greek Orthodox Church of Alexandria and All Africa	Maronite Church	Evangelical Church of Egypt	Episcopal Diocese of Jerusalem
Armenian Orthodox Church	Greek Orthodox Church of Antioch	Melkite Greek Catholic Church	Armenian Evangelical Church	Episcopal Diocese of Egypt with North Africa and the Horn of Africa
Syriac Orthodox Church	Greek Orthodox Church of Jerusalem	Armenian Catholic Church	National Evangelical Synod of Syria and Lebanon	Episcopal Diocese of Cyprus and the Gulf
	Greek Orthodox Church of Cyprus	Syriac Catholic Church	National Evangelical Union of Lebanon	Evangelical Lutheran Church in Jordan and the Holy Land
		Coptic Catholic Church		Evangelical Presbyterian Church of Iran

		Roman Catholic Church		
		Chaldean Catholic Church		

Addendum (2): Notes on the Table Above

The above table reflects the many distinctions produced over the course of history. First, we will discover to what extent the doctrinal burdens of history formed many of them. The Council of Chalcedon[228] still divides them into Chalcedonian and non-Chalcedonian or, in other words, Eastern and Oriental. However, this does not prevent many Chalcedonians from being Arab in culture and prayer. We note here that some of the churches that sided with Chalcedon tend towards being Arab in both the culture and language of their church.[229] There are also those whose spiritual authority is outside the geography of the region.[230] As the above table indicates, there is neither a single

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[228] Christian ecumenical council (transnational) held in the Chalcedon area (councils were held thusly, in the name of the collective) in 451. It discussed a complex theological issue, one of the results of which was the split of Christians into two main churches: the Eastern Orthodox Church and the Oriental Orthodox Church.

[229] Such as the Greek Orthodox Church of Antioch.

[230] For example, the Catholic Churches that follow the Vatican. Some of them, however, have become involved in local political activity, such as the Maronite Church. There are some that still speak a language other than Arabic, such as the Armenians, who are brought together by language and ethnicity, despite sectarian differences. There are also the Greek Churches, whose common language is Greek, despite sectarian differences and the fact that the Melkite Greek Catholics follow the Vatican, whereas the Greek Orthodox

language nor a single ethnicity linking the Christians of the region. Even the geographical description varies along with the international context and according to who is describing them: Arab Christians, Christians of the East, Christians of the Middle East, Christians of the Orient. Furthermore, until the 1950s, there were those that used the expression, "Christians of the Near East," bearing in mind that each of descriptions draws a different map and entails different regional obligations. This is why I sometimes choose to use the expression, "Christians of the region."

Addendum (3): Arab Christians: An Approach to the Literature that Deals with Them

(1) Why Review the Literature on Arab Christians?

1. Given the developments in the approaches to dealing with the problem of "Arab Christians," particularly in the last six decades, as a result of the effect of societal context, we will touch on the difference of these approaches. They range from the absolute hope in the possibility of active living and continuing to work in the service of the nations of the region to despair due to the bitterness that led to two types of migration: internal, retreat into the self or the institution (the Church), and outside the region, outside of their homelands. However, these two types of migration did not prevent a segment of Christians from fighting to remain active citizens. At this point, it is necessary to note the importance of context. For example, the stage of national liberation most definitely differs from the stage of regression. Here, we will indicate the influence of context in each historical stage on each of these approaches. This will aid us in determining how we got to where we are now, when the issue has become so urgent.

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follow the Church of Greece. There are also the group of Episcopal churches that follow the Church of England (Canterbury), which split from the Vatican.

2. Reading the literature will help us to understand the weight of the issue at hand and then, from there, to determine the features of the approach and the ideas necessary in the current historical context.

3. It will also help us to devise the fundamental directions in determining what the needed political and cultural movements are.

In light of the above, we will set some standards that we will proceed from in sketching a map of the literature on Arab Christians as well as the classification that we followed with regard to the writings and approaches that these writings followed and, finally, the overarching visions that characterized this literature, taking into account the historical context.[231]

(2) The Need to Distinguish between Integrative Readings and Montage Readings[232]

It is important, when dealing with the literature on Arab Christians, to distinguish montage readings, which choose what they believe they can use in ethnic struggles without a commitment to historical facts and their causes. Sometimes incidents are stripped of their circumstances in order to use them to serve political interests in contemporary issues and struggles. Historical "montage"[233] readings tend towards using political-

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[231] For further information, see: Mark Day, *The Philosophy of History*, New York: Bloomsbury Continuum, 2008.

[232] For more details about this idea, see: Samir Morcos, "Muslim and Coptic Egyptians and the Problem of Historical Writing between Objectivity and the Employment of Religious-Political Factors: Montage Memory and Integrative Memory," a lengthy study presented in *Copts and Muslims: From the Arab Conquest to 1922*, Edited by Jacques Tajer, 2nd Edition, Cairo: Egyptian General Book Authority, 2010.

[233] I have borrowed this phrase from Jan Assmann, *Cultural Memory and Early Civilization: Writing, Remembrance, and Political Imagination*, trans. Abdel Halim Abdel Ghani Rajab, Cairo: the National Translation Program, 2005. I have formulated the concept of "integrative memory" as the opposite of "montage memory."

religious factors more than they tend towards objectivity. Because of political-religious factors, Arab Christians were classified according to the political-religious interests of a given time. Sometimes, in the context of "Arab Christians" defending themselves, they re-read history in a way that protects their reality.

As opposed to the montage readings that are prominent during times of tension, "integrative" readings view "Christians" and "their fellow citizens" through societal dynamics and the joint struggle to overcome whatever hinders these dynamics from being achieved. These are readings that prevail during times of national advancement. "Integrative" reading means that there is a single authoritative memory that is referred to. This is a memory in which all the players of a certain historical moment are found, without excluding or eliminating the role of any one of them. It is a memory, as well, interested in all the details and various economic, social, political and cultural dimensions and the role of each dimension in forming historical fact. Accordingly, when we remember a particular incident, even if it told the story of a crisis, we will place this crisis in context so as to understand the factors that led to it with (relative) impartiality. This is because, in this version, all the players are present and all the causes of the incident are visible, hence, the reading will be objective to one degree or another. In this regard, the encyclopedist Condorcet said, "History alone is the primary basis for the progress of human societies"[234] In accordance with this concept, it is not right to do the following:[235]

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[234] Joseph Hours, *Valeur de l'Histoire*, trans. Nassim Nasr, Beirut: Owaidat Publications, 1986.
[235] See the following: V. Gordon Childe, *History*, trans. Adly Barsoum Abdel Malik, Cairo: Dar el Kutub,
Richard Dagger, "Metropolis, Memory and Citizenship," in *Democracy, Citizenship and the Global City*, Edited by Engin F. Isin, London: Routledge, 2000.

- Eliminate an era or stage from historical memory whether deliberately or otherwise.
- For one party in the political-religious game to have a monopoly over the writing of history and thus to subject the writing of history to a particular religious or political preference.

Nor should we treat this type of writing that discusses a community that although it is joined by a link, it is also joined to society by other links, as if this writing were:

- Mere tales that we recollect to amuse ourselves in the present.
- Trenches in which we fortify ourselves to escape from or reject the present.
- Weapons we use in current political battles.
- Pure facts, or so we think, that we recollect in order to confront a present that we are not satisfied with.

In light of the above, we will find how historical memory came to be influenced by the facts on the ground. It is embellished so as to serve reality and its battles and then re-marketed. This is what contributes to the creation of confused identities and makes the importance of the historical link between Arab Christians and the land from which they emerged easily misunderstood. It also hinders the understanding of the special characteristics of Christians in the Middle East. This is an interconnected, inflammatory moment leading to negative reactions that range from withdrawal to emigration, especially in times of decline because of perceptions of inferiority or exclusionary practices.

(3) Three Types of Writings/Approaches/Sources

In the framework of the above, we have compiled a considerable amount of literature,[236] in accordance with the methodology and the standards to which we referred, from the period of time between the beginning of the 20th century and the present day. We have found that there are three types of writings: first, religious writings; second, academic writings; third; miscellaneous writings.

First: Religious Writings

By this, we mean writings published by religious institutions and entities, such as churches and ecumenical councils and bodies, both in the Arab region and internationally. These writings include various statements, documents, books, manuals and works of seminars and conferences.

Second: Academic Writings

By this we mean writings published by research institutions or universities or that were edited or written by a number of researchers interested in the subject of Arab Christians. It should be noted that those that confront the subject are diverse; some are Christian and others non-Christian, some are Arab and others foreign. However, what brings them together is the research factor.

Third: Miscellaneous Writings[237]

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[236] The addendum at the end cites the most important sources that we reviewed and depended on in our research. Supplement (1) includes sources in Arabic and supplement (2) sources in English.

[237] I mention here the meetings organized by the Fondazione Giovanni Agnelli, l'Institut du monde arabe, the Community of Sant'Egidio and the Evangelical University in Germany. I mention, also, that the Lebanese newspaper, An-Nahar, its weekly cultural supplement in January 1998 to the subject, under the heading: "Stop the Emigration of the Christians of the East!" Many of the elite intellectuals of the region participated in this supplement, including, from Egypt, the late Mohamed Sayyed Ahmed, Dr. Milad Hanna and myself.

Given the importance of the subject and that it has become a hot topic for reasons related to Arab geopolitics, it has been – and remains – a subject of interest for the media and its various elements.

Addendum (4): A Reading of the Christian Ecumenical Documents on Christians' Historical Choice

"The problem of Arab Christians, as a minority in Arab society, most of whose members are Muslim, is a problem that both the majority and minority bear the responsibility for. We cannot find a radical solution without radical transformations on both sides. It can only be done by turning our attention to building a national society based on the peoples' interests, the achievements of science and culture, legal and practical equality among citizens, justice among citizens and transforming the politicization of religion into an investigation of its spiritual essence. In truth, discussing Christians and the future opens up the entire Arab issue and the issues of the future as a whole..."[238]

In reality, after the popular revolutionary youth movements, it was assumed that we had overcome the stage of religious conflicts and could now engage seriously in building nations on the basis of full equality and active national partnership. Indeed, some did engage themselves in this; however, others continue to worry about the exclusionary discourses and violent practices that cause despair, in spite of the revolutionary dynamics that opened up prospects for radical change and that pushed many to engage positively with the Arab movements.[239] It is true that the context has changed, but there

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[238] See Constantin Zureiq, "Arab Christians and the Future," Al-Mustaqbal Al-'Arabi Journal, Issue 27, May 1981.

[239] We should observe, here, that there groups of youth and a part of the middle class that insist on societal presence and political struggle on the basis of citizenship. It should further be noted that these elites are autonomous from the religious establishment. In contrast, there are still groups and social classes that find safety in religious institutions during times of change.

is still existential anxiety.[240] It is true that there are Christians engaged in the current revolutionary and political movement, but there are those that are still afraid. Accordingly, it is imperative that we work on the issue of Arab Christians from a cultural perspective, rather than a religious perspective. We must realize that what threatens a part of society is a threat to all of society. The features that we warned about earlier, and that have come back in force these days, especially with regard to the decreasing numbers of Christians in the region, give a pretext to those -- as we wrote -- who are trying to prove the inability of our cultural structure to accommodate diversity. As Mohamed Sayyed Ahmed, Arabs' silence on "the emigration of their Christians is a weapon with which Arabs are hitting themselves."[241] Hence, we must work diligently to recover those absent internally, Muslims and Christians, so that we can struggle together and abolish the causes of exclusion and to find effective and decisive solutions to the chronic problems that we suffer. The challenges that we have observed can be summarized as follows:

1) To end infringement on religious beliefs and the freedom of worship.
2) To accept full equality and to offer equal opportunities for all.
3) To end violations of any kind against Christians.

We should note here that Christians insist on an active presence on the basis of citizenship.[242]

For more information, see Vivian Fouad, "Copts and the January 25 Revolution," a paper published in *The Arab Spring and Christians in the Middle East*, Jerusalem: Diyar Publisher, 2012.

[240] See Mai Mogib Abdel Moneim, "Future Challenges: The Arab Christian Situation and the Rise of Islamism after the Revolutions," International Politics, 11 June 2012, http://www.siyassa.org.eg/NewsQ/2510.aspx.

[241] See the supplement published January 1998 by the Lebanese newspaper, An-Nahar, entitled, "Stop the Emigration of the Christians of the East!"

[242] Here, we note a number of official documents issued by Christian civilians or Arab Christian religious institutions:

It may be useful to highlight the latest documents to decisively declare that Arab Christians insist upon the historical choice that they have tended towards throughout the ages, because they are people of the region and because Christianity sanctified the Arab region and spread from there to the world. The document was issued unanimously by all present and states the following:

"*We meet in the belief that existential necessities now require us to correct the political, societal and cultural transformations that have happened to the reality of our societies and that afflict the depth of our presence and witness in our countries and the region as a whole. For this reason, we aspire to develop new ways to approach the facts of our existence in the region that go beyond the outdated sayings of political and*

(1) Pastoral Letter issued by the Meeting of the Heads of Oriental Orthodox Churches 12-1985/13.
(2) Pastoral Letter issued by the Meeting of the Heads of Oriental Orthodox Churches 22-1998/24.
(3) Pastoral Letter issued by the Meeting of the Heads of Oriental Orthodox Churches 20-2000/21.
(4) "Christian Presence in the Middle East: A Working Paper," written by both civilians and clergymen, 1998.
(5) "Dialogue and Coexistence," issued by the Arab Group for Muslim Christian Dialogue, 2002.
(6) "Mutual Respect among Religions," issued by the Arab Group for Muslim Christian Dialogue, 2008.
(7) "A Moment of Truth: A Word of Faith, Hope and Love from the Heart of Palestinian Suffering," issued by a group of civil and religious Palestinian leaders, 2010.
(8) "Citizens in One Nation," a series of three documents published by Coptic intellectuals between 2007 and 2010.
(9) Pastoral Letter issued by the Catholic Patriarchs of the Orient, "Christian Presence in the Orient: Witness and Mission," 1992.
(10) Pastoral Letter issued by the Catholic Patriarchs of the Orient, "Together before God for the Welfare of the Individual and of Society," 1994.
(11) Document issued by the Middle East Council of Churches, "Christian Presence on the Threshold of the Third Millennium," 2001.

religious fiqh *that our minds have grown accustomed to...When we observe the current scene...we must observe the sum of the cultural and historical trials that the region is going through.*"

With these words, the gathered Christian religious and civil leaders began the document that they issued at the end of the meeting, organized by the Middle East Council of Churches in Lebanon (May of last year). I believe that it is a historic document that marks a crucial historic shift which should be continued. I offer the following observations:

First Observation: The attendees, authorities in the realm of faith and politics, agreed that the current trials that the region is experiencing at the cultural and historic levels must be accompanied by a new spirituality and methodology that overcomes all the circumstances of the past. Thus, we sense in the words of this paper a language that has a kind of self-revision that drives towards an alliance with the new changes in the region.

Second Observation: The Christians of the region decisively affirmed that they will begin their movement on the basis of human partnership with all their partners in reality on the grounds of citizenship (not sect, religious community or ethnicity). They place themselves in the midst of the "fray," as the document indicates the following, "*It is our purpose to resume our determination, to renew our quest, to share with our brothers and sisters in the Middle East and to walk with them on the path of struggle for the sake of raising the human being to the sublime, he who aspires to this with all his faculties, with all means of struggle.*"

Third Observation: Those gathered committed themselves to much responsibility and struggle, from pushing themselves to be an active presence to confronting the dangers that the region is facing. As the text says, "...*We say to ourselves that our countries are not places of investment and transit, but a location for seriousness and testimony. God installed us in the*

Orient as witnesses of divine mercy, universal brotherhood and genuine human reconciliation. He planted among us, in our weakness, a not insignificant capacity for spiritual and humanitarian struggle. With this, he wants us to help the people of the Orient to eradicate the chronic disease that tampers with our societies and weakens their abilities and strength."

Fourth Observation: The document succeeded in sketching the facts of the "promising and disturbing" current scene. Beginning with the "promising," the document decisively recognizes what young people have done to bring about major shifts in the region. For example, the document mentions how "...*the capabilities of the youth in Arab societies have been awakened. The emerging youth forces pushed to demand the overthrow of systems of intellectual and political tyranny and to struggle to formulate a new vision for the societies in which we live, based on respect for individual human rights, at the forefront of which are personal dignity and creative freedom, and strengthening the values of equality, justice and solidarity. Suddenly, a brilliant sun appeared in the skies of the Middle East, which had been clouded over by all that was old. People rose up for all forms of their dignity and the light of hope emerged from their uprising and spread to many countries, dissipating the darkness and sending life and revival into the Middle Eastern conscience.*"

However, there are many "disturbing facts." **First** is the attempt to marginalize the centrality of the Palestinian cause. We are witnessing not only the Judaization of Jerusalem, but also the Judaization of the state and the land and the prevention of a just and comprehensive peace. **Second** is the stability of some authoritarian Arab regimes. **Third** is the exacerbation of religious fundamentalisms. **Fourth** is political corruption, economic dysfunction and social injustice.

Fifth Observation: In sketching the promising and disturbing facts, the document adopted an approach that was

critical, precise and complex at the same time. As an example, we indicate how the document describes the problems of political corruption, economic dysfunction and social injustice. "*Arab societies have consistently suffered from political corruption, economic dysfunction and social injustice. The political regimes that have successively managed Arab societies since the mid-20th century have been plagued by corruption, clientelism and intellectual sterility in making use of the Arab region's resources. This impoverished the people and concentrated wealth in the hands of the ruling families and a handful of influential investors colluding with the powers-that-be. Thus, these societies lack the most basic structures that foster social, educational and health development.*"

Sixth Observation: The document put forth a vision of agreement that suits the changes that have taken place in the region: consensus based on citizenship. Accordingly, politicians and religious scholars must strive to support the theory and practice of citizenship. In this context, the document condemned, on the one hand, foreign intervention and, on the other, resorting to the West for support. On this, the document states, "*The time has come to draft a new charter for coexistence that respects human dignity, through which we can invent pioneering models of satisfying governance, which propagate free thought and under whose protection a healthy democracy is strengthened. Middle Eastern Christians are determined to seize this promising historical moment to contribute to the enlightening of political jurisprudence, until it becomes capable of bringing citizenship to the point where every human being feels that he has become a human just like everybody else, one who has contentment in himself rather than self-contempt, an inherent dignity that is not degraded and an inherent value that is not violated. Only a citizenship such as this guarantees all people of the Middle East a prosperous, free and noble life. In this context, aligning in camps of dubious alliance between minorities, seeking salvation*

from the West, and colluding with it against our partners in the land and destiny are not appropriate."

The text in question reflects an insistence on the part of the Christians of the region on a fruitful and free active presence in the life of Arab societies "and participation in designing the shape of the Arab presence to come in its political, economic, social and cultural dimensions." The documents sends a message of connection and dialogue to political Islam: "We ask them to look at us and at themselves with a generousness free from the old religious political fiqh *so that we can share in drafting a new charter for human coexistence that cares for the diversity within our communities, protects difference and provides the necessities for a noble life, existential recovery and flourishing prosperity."*

I think that, in what it contains, the document was inspired by the spirit of the revolutionary movement and was able to translate it into governing principles for the current and future Arab Christian movement. Accordingly, there is a need for civil society entities invaded by new open societal movements to accommodate Christians and integrate them into the new dynamics. Furthermore, the post-revolutionary authorities must strive to achieve national consensus and to ensure all means of presence on the basis of citizenship and full equality. This is a challenge posed for all of us together.

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The Future of Citizenship and the Kurdish Question

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Introduction:

We can date the systematizing of the nation-state in both Syria and Iraq to the famous Baathist coups in both countries in March 1963.[243]

With respect to the promotion of citizenship, [244] the "Baathist nation-state" in both countries was not a step towards development, as was the case in traditional experiences in democratic countries. That is to say, they did not boost equality among all citizens so that they could enjoy the same amount of material and symbolic power to access the public sphere and state institutions and to influence them. This happened for two compound reasons:[245]

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[243] The reign of the two brothers, Abdul Salam Arif and Abdul Rahman Arif, from 1963-1968, was a nationalist regime. They did not belong officially to the Baath party, but they were nationalists and close to the regime of President Gamal Abdel Nasser.

[244] The national leadership of the Syrian Baath Party published a political brochure in late 2014 entitled, *Citizenship and National Sovereignty*. This summarized the Baathist vision of the concept of citizenship, saying, "The principle of citizenship works to integrate sub-affiliations, whether ethnic, national, sectarian or racial, into the melting pot of national belonging to a unified homeland." Of course, what is meant here is the quest to color all other social, political and cultural identities with an artificial Arab nationalist identity, even those that do not accept this.

[245] For more details on the ravages of the "Baathist policies of social engineering," see the book by Iraqi researcher and writer, Kanan Makiya, *Cruelty and Silence: War, Tyranny, Uprising, and the Arab region*, New York: WW Norton & Company, 1994.

- In these two countries, the nationalist system was not built on the ruins of ideological, religious or identity-based regimes that rejected some groups of citizens. On the contrary, they were two political systems, the monarchy in Iraq and the bourgeois/liberal regime in Syria. They were systems that had great ability to include and accept most social groups in their respective countries, to interact with them on the basis of citizenship and to provide as much of the public sphere as needed for them to appear in legislative and authoritarian state institutions to an almost equal degree. Therefore, these two nationalist systems came in opposition to the process of "the state based on citizenship" that was moving along at a growing pace in both of these countries since their establishment on the ruins of the Ottoman Empire in 1918.

- The ideological, political and elitist structure of the Baath Party were not developed for the nature of the nationalist tendency to identify the "homeland" with the people that live in it, where the idea of the nation is linked in the depths of the imagination to "all citizens," regardless of their ethnic, sectarian or religious affiliation, as has always been the tendency in the French and English construction of the nation. Instead, it was a Baathist nationalism which, in all its details and components, tended always towards being a racial characteristic for all people that lived there, where the concept of the "people" is superimposed in its mind with those belonging to the same race or those that accept assimilation into it by abandoning any of their own special characteristics. Baathism was a modified Arab version of the German/Nazi concept of the "Volks" that, on the one hand, saw the Germans as a people existing beyond the German entity and, on the other, that the German state contains non-native, non-German elements that must be assimilated or eliminated. Baathism brought

this concept to two political entities were extremely composite and artificial ever since their foundation, which contain very diverse social, regional and identity-based sensitivities.

In this sense, Baathist policies, in all their visible and invisible details, rejected large groups of the societies of these countries, those that belonged to non-Arab ethnic groups, like the Kurds, Armenians, Assyrians and Turkmen and "Arabs" who did not belong to the political and ideological sphere of Arab nationalism, such as liberals and Islamists. The process of Baathification, which meant the nationalization of public institutions and the public sphere, happened through a complex and harsh process of "social and political engineering," at the expense of those groups of citizens who were not Arab nationalists.

Political-Cultural Background:

Since the early 1960s in Iraq and later in Syria, the Kurdish question has caused a qualitative shift in the traditional "historical" approach to dealing with the issue of minorities in the Middle East. This approach was inherited from the past era of the Ottoman Empire, which was, in a sense, a political-symbolic rule for the Sunni Muslims that made up the central nerve of the state as they were in most centers of decision-making and real power and their culture and identity dominated the real and symbolic public sphere. In contrast, citizens from non-Sunni Muslim communities within the Ottoman Empire[246] enjoyed a less

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[246] There were patterns of "internal life" specific to many local Ottoman communities. For example, the religious administration of a particular sect would, itself, administrate economic, judicial and religious affairs as well as endowments, etc, for those belonging to this sect. Social interaction between those belonging to a particular groups was almost entirely confined among themselves. This was similar to the Jewish ghettos in Europe during the Middle Ages, though they were open geographically. The concept of the *ḥāra* [neighborhood] in traditional Levantine culture is a direct expression of this.

effective and symbolic presence in the decision-making centers and institutions and in the government than their Sunni Muslim Ottoman counterparts, despite enjoying a degree of rights and local governance.

To a large extent, the central Sunni Muslim power maintained its symbolic and real presence throughout the Middle East, except in Lebanon, which represents a first model for power-sharing between Muslims and Christians. However, the Kurdish question emerged in Iraq after the return of the Kurdish leader Mullah Mustafa Barzani, following Abd al-Karim Qasim's 1958 coup, from his exile in the Soviet Union. From there, for reasons relating to the complexity of the relationship between the central government and the Kurdish Democratic Party, armed conflict broke out in 1961, known as the First Iraqi-Kurdish War or the Barzani Rebellion.

This caused a shift in the traditional awareness of minorities in the whole region. Kurds were Sunni Muslims, however they were the social element that most keenly felt the policies of absorption, marginalization and assimilation undertaken by the state agencies and societal power of the majority population. This shifted the issue of minorities from its traditional "simple" manner to a complex issue, a problem that concerns all groups to the national public. It became a problem for the ideological structure of the ruling regime and not only monopolized by and based on the social and religious identity of the majority population.

In both countries, the Kurds were the most obvious and visible victims of the process of Baathist nationalization because of their large demographic size and their geographic location that was worrisome to the Baathist movement, as well as because of their acute nationalist movement, which stood in opposition to the Baathist movement. In this, they were always distinct from the rest of the national ethnicities in both countries.

We can cite dozens of examples of "Baathist policies" in opposition to the rights of Kurds in both countries, starting with the changing of the country's official name to the "Syrian Arab Republic" to changing the definition of the "people" in the constitutional structure, considering them Arab in nationality. These also range from the names of the public institutions under the control of the state, like "Syrian Arab Television," the "Syrian Arab Army," etc., to the complete Arabization of the cultural, media, bureaucratic and political public sphere and preventing the Kurdish culture language and identity from benefitting from the state and its institutions.

In this context, the term "citizenship" became concentrated, in both countries, in the public imagination and the Kurdish collective mind around the acceptance of going through this process of Baathist nationalization, meaning Kurdish acceptance of assimilation into the Arab nationalist majority population. In the Kurdish imagination, citizenship means "the inevitability of Arabization" and "the acceptance of Arabization."[247]

In both countries, Baathification caused a structural defect in the consciousness of the various ethnic groups of the concept of citizenship, its definitions and its different legal, political and symbolic levels of activity. They began to feel a great deal of skepticism towards this concept and tend to demand a great deal of guarantees and privileges that would protect them from this, especially with regard to anti-nationalization, in their geographic area in these two countries in particular.

Contents of the Research:

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[247] Everything public in both countries has a name linked to being "Arab." Identity cards stated, "Syrian Arab citizen," the television station was called, "Syrian Arab Television," even the building code was called in Syria the "Syrian Arab Code."

This research seeks to make a comparison between the conditions of and the shifts in the issue of citizenship in both Syria and Iraq and how this relates to the details and focalizations of the Kurdish issue in both countries. Through this approach, this research will reveal the levels of similarity and difference between the two models.

We should note, here, that the ideological structure and "political reason" of the Baathist regimes in Syria and Iraq were previously one and the same. However, the transformations of the Kurdish issue and the political trajectory in both countries were different in many cases and in these differences lies the logic of a comparative approach.

The study will include five levels of analysis related to the issue of Kurdish social and political presence in both Syria and Iraq, its present and its future and its links to the future of citizenship in both countries. The researcher will depend on the following traditional definition of minorities from the *Encyclopedia Americana*: "Groups that have a social status within the community that is lower than the status of the dominant groups in that same society, have less power and influence and exercise fewer rights in comparison to the dominant groups in society. Often, members of minorities are deprived of their full enjoyment of the privileges of first-class citizens." The researcher considers that, in the context of its use in this study, citizenship is, in definition, opposite to this. It is a set of political, legal, symbolic, social and economic measures that provide the same level of power and influence to all citizens, so that they may enjoy all of the rights of the "first-class" citizens.

The Five Levels:
1. The legacy of the nation-state and social engineering in both Syria and Iraq.
2. The modernized Ottoman present in both of these countries.

3. Geographic privilege and equality in the social-political contract.
4. The legal, political, economic and cultural implications of this and their future.
5. The consequences of this for the rest of the communities in these countries and in the surrounding countries.

First: The Modernized Ottoman Present in these Two Countries

It seems clear that the level of violence and mutual rivalry between the civil groups in both countries – both in their direct and clear form and in their many hidden forms – will not allow these countries, in any form, to return again as entities with a central authority and one general law. At least, that is what can be deduced from observing current events.

It seems apparent that the form of the social-political contract that will follow these "wars" will be a break with previous contracts, as these were a key cause of what has happened in these countries. This contract cannot be based on the previous contracts or an amendment to them. Instead, it will build anew all the shared structures (the state, the constitution, the laws, the identity of the official public sphere, the form of power-sharing, the flag, etc.).[248]

Based on the events in the two countries, this social and political contract/agreement will be built upon three compound foundations:

- It will give social and civil groups greater power to transform themselves into political structures, with their own institutions, public spheres, symbols and internal dynamics, largely isolated from their general counterparts and the concerns of other civil communities. This is similar to allowing these communities to found their own

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[248] George Hajjar, "The New Social Contract and the Arab Revolutions," Global Arab Network, 12 August 2012, http://is.gd/b2KhZY.

"countries" internally and many of the powers and roles of the traditional state will be given to the governing powers of these internal communities.

- It will give a number of powers taken from exclusive state powers to many social classes and this will be at the expense of public freedoms and traditional constitutional rights of the citizens. We expect that the religious figures will form an alliance with the "victorious" militia leaders in the current conflict and that, together, they will form the political/social civil "leadership" in the future of these two countries and that they will seize those constitutional powers taken from the state at the expense of public freedoms and the rights of citizens.

- The forms of "general law" will vary depending on the different regions in these two countries. This means that a general, universal law in all regions of the country will no longer be existent. Instead, the internal geographies will be brimming with legal, constitutional and symbolic particularities. These will necessarily mean forms of privileges to some members of these geographies at the expense of other social elements in that local environment.

In sum, it will push the communities of these entities to live a kind of "modernized Ottoman" governance, where the state will be limited to domains greatly varying by region, perhaps the most important being regulating the violence exchanged between the social groups. This is similar to the modes of governance used by the Ottoman Empire, a symbolic state that controls only some central institutions, while "internal communities" appropriate much of the power to manage their own affairs, even though this will be done through charters and tools more "modern" than those used during the Ottoman era.

Second: Geographic Privilege and Equality in the Social-Political Contract

Within this context that the two countries are expected to experience, the issue of achieving citizenship will suffer a lot of regression and not even the minimum of its specific requirements and content will be able to be achieved. This will happen, to varying degrees, to the whole population, including the Kurds.

Kurdish political forces in both Syria and Iraq will strive to achieve a number of conditions and requirements[249] for them to accept anew their "integration" into these two entities:

Syria:

It seems clear that some conference will be held to end the Syrian conflict, as there is complete agreement that it is impossible for the Syrian conflict to end with the victory of any side. There is also consensus that this conference will be not only to end the cycle of violence, but that it will also be to "rebuild the Syrian entity," with all its constitutional, legal and identity components.

Syrian Kurdish forces will ensure that this new agreement contains the following three compound criteria:

- That the regions with a Kurdish-majority population, Al-Jazira, Kobanî and Afrin, three regions in the north, will be of a Kurdish political and legal character and that this is recognized by the Syrian Constitution.

- That the constitution clearly recognizes national diversity in Syria. This is not recognition in the sense of just recognizing their existence: that would mean that Kurds are present as individuals that have some individual rights. Instead, the Kurdish political forces will desire to gain recognition as a constituent national community of

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[249] Fuad Hama Khorshid, "The Arab Spring Revolutions: A Critical Geopolitical Analysis," Alhewar Almutamaden, Issue 3724, http://is.gd/rpbaoL.

the Syrian entity, a partner and equal counterpart of Arab nationalism. This will mean directly that the formation of symbolic authorities, institutions and realms in the Syria of the future must consistently protect this foundational partnership for the entity, similar to the Christian-Muslim national pact of Lebanon.

- The Kurds will demand that Syria be a state that is decentralized as much as possible. This means that the powers in the hand of the central authority will be as few as possible, whereas the regions and groups will have wide powers. The Kurds will not even be inclined to accept that the three traditional powers, "the economy, military and foreign policy," be centralized in the future Syrian state. Instead, they will demand to be given a portion of these powers that are usually centralized, even in non-centralized states.

Iraq:

Iraqi Kurds seem to have completely moved beyond those nationalist demands that concern the Syrian Kurds, those that they received in batches over stages since the mid-1960s. However, Iraqi Kurds have a complex political plan for the future of their relationship with the Iraqi central state and they will have four new conditions for the rearrangement of their current relationship with the political/national federalist system:

- The Iraqi Kurds will demand more powers for the regions at the expense of the power of the central authority, turning the federalist system into a confederalist system, through which the Kurdish regions will have many new powers, especially in regard to foreign policy, on which they have not conformed with the politics of the central authority since the fall of Saddam Hussein's regime in 2003.

- They will seek for the region to have full rights to invest in its oil wealth and that this is not subject to any kind of "extortion" by the regime, who cuts off financial resources any time a political dispute arises between the two parties. The region will seek approval by the central authority of the interpretation that it has adopted of the constitutional item that considers using the oil wealth a right of the regional authorities.
- The Kurds will seek for the central authority to immediately apply Article 140 of the Constitution. This article states that it is the duty of the state to conduct a comprehensive census of the areas disputed over by the central authority and the Kurdistan region, stretching from the oil-rich Kirkuk governorate to the north of Mosul governorate. They will demand that the state conduct a comprehensive census of the population in these regions and then hold a referendum on the fate of these regions. The Kurds feel that it is inevitable that these areas will join the region if the article is implemented in an accurate manner.
- Finally, they will demand that the central authority recognizes that Iraqi political, economic and military decisions cannot be taken based only on the policies of the political and civil forces that seize a parliamentary majority. Instead, they want all powers and decisions granted to the central authority in Baghdad to be based on agreement between all the political forces, including, particularly, those forces that represent the social groups and regional, ethnic, sectarian and religious sensibilities.

It can be clearly seen that the essence of the Kurdish demands in both countries will be based on recognition of the equality between the Kurdish ethnic community and their Arab counterparts in the central social and political contract of the state and that the state, in its political approaches and decisions, be in agreement with the communities that make up the entity and that,

in the future, these approaches and decisions are not subject only to the choices of the political forces that dominate the political majority. The Kurds combine these demands with demands colored by their geography or by the Kurds' national distinctiveness. However, the form of this distinctiveness differs between Syria and Iraq.

Based on the Kurdish demands, it is likely that they will be adopted in both countries – Syria and Iraq – and, taking into account the manner of state that the two new entities in Syria and are likely to be founded upon – a modernized Ottoman model – the Kurdish relationship to citizenship, in all its approaches and conditions, can be defined through the following:

We can clearly observe the difference between the political efforts of both cases. Syrian Kurds seek more "geographical" control over the areas where they have dense populations and to color those geographies with a Kurdish political identity. On the other hand, Iraqi Kurds seek to gain more "sovereign" powers from the central authority. For this reason, they will not have an identical effect on the future of the issue of citizenship in the region.

In the Syrian model, the question will remain: to what extent will a measure of equal citizenship be achieved in the areas of a Kurdish national character, the three regions in the north (Al-Jazira, Kobanî and Afrin), in partnership with other civil elements? In Iraq, the question will be: what approach will the regional authorities use to distribute their "modern" sovereign powers equitably in order to achieve citizenship in the areas where their control is almost absolute?

Third: The Legal, Political, Economic and Cultural Implications of This and Their Future

1. The Legal Approach

The constitutional recognition of Syrian Kurdish citizens by the new Syrian state will be an important motivation to achieve greater equality for all individuals before the law, which is the

minimum that is considered the preliminary requirement for achieving the legal conditions for substantive citizenship. Moreover, the recognition that "major" policies and legislation cannot occur without agreement will lead to an even higher level of that equality, as it will lead to equality in the formulation of the law itself. At that time, the general law will be more neutral and equal for all citizens, Kurds and non-Kurds alike. This is something that never occurred during the previous eras.[250]

However, at another level, the local regional character will damage the legal civil rights of citizens in many regions. Formally, Kurdish citizens may enjoy their legal right to citizenship at a general level, but they will certainly lose many of their civil rights outside of the regions characterized by their national identity. A Kurd living in Damascus would, effectively, not possess his full civil rights and the same applies to non-Kurdish citizens in Kurdish regions.

Furthermore, the distribution – albeit not declared – of positions and institutions would negatively affect the Kurds' enjoyment of their legal right to access all positions and institutions as fully eligible citizens.

The same issue relates to the symbolic power that will reject non-nationalist Kurdish citizens on the part of the Kurdish nationalist movement. It is expected that the form of the structure of the new entities in both countries will be based on shared distribution between the two nationalisms. This means that they will enact the symbolic power of the nationalist political force at the expense of other non-nationalist political and cultural forces in Kurdish society in both countries. This reduces the individual rights of those citizens and the state's guarantee to give them

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[250] In establishing his view, the researcher depended on the book by the Egyptian researcher, Samir Morcos, *Citizenship and Change: Rooting the Concept and Activating its Practice*. Shorouk International Bookshop: Cairo, 2006

those rights and will increase the influence and role of the ethnic factor in public life.

2. The Political Approach

Citizenship in the political sense involves two compound conditions: that the greatest amount of citizens enjoys all of their political rights and that these citizens are represented by the greatest amount of representation in legislative and authoritative institutions.

In this sense, the Kurds in both countries will enjoy all of their political rights and a high level of political representation in authoritative and legislative institutions. However, they will receive this as a group and the issue will be to turn this "acquisition" of representation as a group into representation as individuals/citizens. This is linked to two fundamental conditions:

- The level of political and public freedoms in the Kurdish geographical spaces in these two countries. This level is not necessarily linked to the nature of the development of political life in the entire country.
- The nature of the relationship between the Kurdish community and the surrounding Arab communities. If this relationship continues to be tense for long periods, it will push a large part of the Kurdish community to adhere to and identify with the nationalist "tribalistic" Kurdish political forces. This will entrench Kurdish political leaders that monopolize Kurdish representation in the general political and legislative institutions in the country. On the other hand, if the Kurdish-Arab societal relationship were more normal, conciliatory and calm, this would aid the emergence of a variety of Kurdish political movements, which will contribute to there being more individual Kurdish representation in those institutions.

3. The Economic Approach

The Kurdish areas will experience economic development that surpasses what they experienced when they were

marginalized during earlier periods. Furthermore, in comparison to other regions in the countries, the relative security and stability that they will enjoy will add more opportunities to attract investment and stability in those areas.

However, an expected struggle over the nature of the investment of the oil wealth will erupt in the near future of these two countries, especially in the oil-rich disputed areas in Iraq.

This does not necessarily mean, though, that individuals will often receive a share of the proceeds of this local wealth. It is not a necessary condition for autonomy of local and regional economic investment to lead to a general fair distribution of income to the citizens.

Instead, the opposite is true. This could lead to the growth and concentration of "economic leaders" that overlap and are allied with the political leaders that could form the local power in these regions and areas.

Achieving local development through allowing local authorities to benefit from local opportunities and wealth, along with the greatest possible amount of equitable distribution to all individuals of the total revenues of the economic power in these regions could perhaps be achieved through creating the greatest possible amount of freedom of investment, communications, control and accountability among the various regions of the country. This is, of course, in addition to strengthening the central judiciary and its institutions for monitoring as well as allowing the central institutions of the media to be present and to monitor all practices of economic institutions in all localities/municipalities.

4. The Cultural Approach

We have become deeply cognizant that the process of "assimilating" the Kurds, in the sense of identity, language and culture, is impossible and, thus, the Kurds have become recognized by a large segment of the two countries' elites as a constituent culture of the national entirety.

The question remains, though: what will the Kurdish culture represent in all of the official public institutions? And, on the other hand, what non-Kurdish representation will parallel it in Kurdish-majority regions? In Syria, for example, the recognition of Kurdish as a second official language in the country alongside Arabic is still not definite and the name, the "Syrian Arab Republic," is not yet a thing of the past. In fact, many Arab nationalists still consider that, if that were to happen, it would be an infringement on the essence of Syrian national identity, a view that is deeply detrimental to fairness in cultural and identity-based representation for all cultures that make up the Syrian entity.

Fourth: The Consequences of This for the Rest of the Communities in These Countries and in the Surrounding Countries

These types of demands from the Kurds will lead to a group of Kurdish demands to ensure their political and legal rights which will, in turn, lead to the emergence of four highly influential trends in these countries.

- This will increase the tendency of non-national communities to define themselves as closed communities that must be treated, within this entity, as national communities with their own identities and special characteristics. Their imagination of themselves will be as close as possible to the style of an internal "people" within an overall national community. This will affect many of those belonging to sects or religions in these communities who will tend to identify with the Kurdish style of demands, despite the discrepancy between the nature of the political and social identity of the Kurds and the nature of the identities of those belonging to these sects and religions in these countries.
- The procurement of a "closed" geographical space within these two countries with a political and cultural identity will

become a pattern to be inspired by and to conform with in order to obtain political representation and presence. The Alawites and the Druze in Syria will demand that the regions that they occupy in the west and south of Syria be colored with their sectarian characteristics. Similarly, the Assyrians in the Nineveh Plain of Iraq will demand their own governorate north of the city of Mosul.

The dilemma is that these areas do not constitute geographical regions on which the people of these identities have a quasi-monopoly, as is the case with the predominantly Kurdish areas in the Kurdish regions of both Iraq and Syria.

- This process of giving formal recognition and official presence in public and cultural institutions to the Kurds will suffer from a rejection on the part of some countries in the region that do not want this to have an impact on the nature of their relationship with the Kurds. Turkey will try with all of its might to prevent this from happening in Syria and will push its Syrian political allies to avoid this. This could threaten political "clashes" in the future of the country. The story is the same for Iran in relation to the Kurds acquiring the disputed areas. That would affect the balance of the relationship between Iran's Iraqi allies and their opponents.

It is abundantly clear that the clannish forces in both countries will strengthen their positions and will always raise mutual fears among citizens in order to push societal forces into the arms of these local leaders. This will completely overthrow civil forces and institutions, which will find themselves – as happens in all countries that have passed through long civil wars – isolated and without protection.

Conclusion:

Perhaps through observing the documents issued by the Syrian political "elite" during the years between the outbreak of

the Syrian Revolution and the present day we can see the "conditions" that could change the positioning of "citizenship" for Syrian Kurds just as changing the modern Iraqi Constitution changed the positioning of Kurds and their citizenship in the modern Iraqi state.

The document, "National Covenant for a New Syria," was issued by the Syrian National Council on 27 March 2012. It is considered the original political document on which all documents published later by the rest of the national civil opposition parties were modeled, in particular the Syrian National Coalition, which was formed through a union of the Syrian National Council with a number of other Syrian political parties. This document was the most expressive of what the social and political charters and contracts will look like in Syria's future.

This document states that Syria's future "must" be a civil and democratic state. Furthermore, it indicates, "We, the Syrian people, are proud of our cultural mosaic and diversity of our religious beliefs – Muslim, Christian and others – that are integral parts of our society." From another perspective, it states, "The constitution will ensure non-discrimination between any of the religious, ethnic or national components of Syrian society – Arabs, Kurds, Assyrians, Chaldeans, Turkmen or others. It will recognize equal rights for all within the context of Syria's territorial and demographic integrity and unity."

This "central" document did not address in any way what Syria should be in the future: the ideas that it posed remained within the scope of advocating tolerance and equality of citizenship. All the documents issued by Syrian secular parties remained within this framework, particularly those issued by the Syrian National Coalition, which represents the broadest alliance of Syrian civilian opposition forces.[251]

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[251] "National Covenant for a New Syria," issued by the Syrian National Council, 27 March 2012, http://is.gd/HMP0Yj. English translation from the

The programs of these "secular" opposition parties are not political programs for the future of the identity and institutions of the state as much as they are phased political programs to end the current state of "political tyranny," which occupies the center of its consciousness. The core of the leadership of the civilian opposition was the "Damascus Declaration" organization but, six months after the start of the events, when the shift began towards armed conflict, most of the leadership of the "Damascus Declaration" left the country and the Syrian National Council was formed.

This will be the political "struggle" that the Syrian national-democratic political forces and elites, in general, and the Kurds, in particular, must focus on. They must strive to change the form and manner in which the charters and pledges issued by these political groups approach the confrontation with the country's political and military despotism. They can do this by transforming them into national democratic charters that consider equal citizenship a supreme value to aspire to.

Carnegie   Endowment,
http://carnegieendowment.org/syriaincrisis/?fa=48423.

Citizenship and Cultural Diversity: The Amazigh of North Africa

Case Study on the Kingdom of Morocco

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1. Introduction

The most important moment that was a real measure for respect for the Amazigh people's right of citizenship was during the formation of the nation-state at the beginning of the 20th century. This was due to the predominance, at that time, of the ideology of Arab nationalism, Islamic frames of reference and a vision of unity based on a single language and culture. In this context, the basic common feature shared among the countries where the Amazigh are found is the marginalization of their culture and language and their forced absence from politics, institutions and from any role in the areas of public decision-making. Morocco was not an exception to the rest of the region: the state's traditional institutions and the leaders of the national movement worked to develop institutional modes in which Arabic language and culture overlapped with Islamic references. This excluded any recognition of Amazigh language and culture, in complete denial of the reality of the demographic, cultural and linguistic diversity of the country.

For this reason, there is much confusion and inaccuracy in discussion of the status of "minorities" when dealing with the Amazigh in North Africa. This is why the concept of "minorities" has increasingly come back into usage when discussing the wave of changes that the region experienced during what has been termed the "Arab Spring." Before that, the term "minorities" was used mostly by the United Nations, for example in the 1992

Declaration on the Rights of Minorities and the 2007 Declaration on the Rights of Indigenous Peoples. In this context, many analysts tend to use the term "cultural diversity" instead of the term "minority."[252] In my own opinion, I agree with the use of this term when studying the status of the Amazigh in Morocco and North Africa because the correct approach to studying and analyzing this issue is a rights-based approach, given that rights must be equal and include all human beings. In this regard, the term "cultural diversity" stems from the principle of equality for all different groups, regardless of their size or whether they are a minority or a majority. Rights are comprehensive and general: they belong to the individual regardless of his race, religion, nationality, language, sex or social origin.

Through this paper, then, I will attempt to review the basic components of the Amazigh movement's discourse, beginning with the case of Morocco and moving to the status of the Amazigh in the rest of the North African countries. For each country, I will discuss the status of citizenship held by the Amazigh and the characteristics of the paths developed by the Amazigh people in each country. I will also examine the development of the Amazigh people's discourse of demands, the evolution of ways to express them, then the repercussions of the Amazigh movement both in North Africa and in the world to demonstrate the relationship of influence and being influenced between the national and international levels of action. Finally, I will return to the ways in which institutions deal with the Amazigh demands and engage the challenges faced by Amazigh citizenship in the post-Democratic Spring stage in the region.

2. The Development of the Amazigh People's Discourse of Demands and the Evolution of Its Mode of Expression

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[252] Abdul Hussein Shaaban, "Confusion on the Term 'Minority,'" Al Khaleej Electronic News, 19 February 2014, http://is.gd/55Uv93.

The establishment of the first Amazigh association, the Moroccan Association for Research and Cultural Exchange, in Rabat in 1967 was an indication of the beginning of a movement within Moroccan society to demand cultural and linguistic rights for the Amazigh. However, during that period, this movement was limited to defending Amazigh culture and folk arts against the backdrop of the slogan, "unity in diversity," without taking a directly confrontational approach or having any political or legal emphasis. In this context, the foundation of the Berber Academy in Paris in 1966 by Amazigh activists in France had a significant impact on the North African region, where it played a fundamental and essential role in renewing and developing awareness about the Amazigh demands and in creating a large-scale mobilization, especially in Algeria and Morocco.

Later, the organizations and associations founded in the 1970 and 1980s were linked with the development of a discourse of direct demands with cultural and political dimensions and that drew on international conventions on human rights. Here, we can discuss the second generation of associations whose movements were framed by slogans such as "Tamazight is a national responsibility" and, later, "no democracy without Tamazight."

These dynamics had a significant influence on the emergence of an awareness of Amazigh rights of citizenship by demanding a review of the state's policy in the field of managing cultural and linguistic diversity, the assurance of respect for political, economic, social and cultural rights and the expansion of the freedoms of association. Some of the important steps achieved by these dynamics include: the signing of the Charter of Agadir in 1991, the signing of a memorandum on the cultural rights of the Amazigh addressed to the World Conference on Human Rights held in Vienna in the summer of 1993, the formation of the first national coordination for the associations, the National Coordination Council for Amazigh Associations in

Morocco,[253] in 1994 and the submission of a memorandum of demands to the Royal Court about the need to respect the Amazigh's right of citizenship through amendments that the Amazigh movement expected in the 1996 Constitution.[254]

During the last three decades, this dynamic permeated deep discussions about the organizational options for the Amazigh movement. Opinions on these options are varied. One current says this should be done through the foundation of a political party to defend the Amazigh.[255] Another current says that there is a need to support Amazigh associations and non-governmental organizations' civil action in order to break into society and the state institutions through a non-confrontational approach, based on human rights, that does work in the field to raise citizens' awareness of the forms of discrimination experienced by the Amazigh language and culture and development work for the benefit of the marginalized Amazigh areas through utilizing international partnerships in the areas of democratic development.[256]

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[253] This council breathed life into the development of demands directed at the highest level of the state and formed a new framework for mobilizing national and international public opinion in order to renew interest in the Amazigh identity and culture.

[254] Mohamed Massoui, "The Amazigh Movement: Its Development and Path," *Tafsout Magazine*, No. 1, Spring 2007, http://is.gd/XKGilU.

[255] This later resulted in the establishment of the first Amazigh political party, the Amazigh Moroccan Democratic Party, 31 July 2005. The Moroccan Ministry of the Interior filed a lawsuit in the Administrative Court in Rabat to dissolve it under the pretext that it was an ethnic party. The court responded in 2008 and issued a decision to ban this party in accordance with Article 4 of the Law on the Establishment of Political Parties in Morocco, which stipulates the invalidity of any party founded on religious, ethnic or linguistic lines.

[256] In this regard, Morocco experienced the emergence of many associational networks and coalitions that operated at the local, national and even international levels. The most important of these networks were the Confederation of Amazigh Associations in northern Morocco, the Tamunt N Iffus Confédération in southern Morocco, La Coordination Amyafa in central

However, the Amazigh movement's discourse also had repercussions throughout the "Tamazgha" area, the North African countries where Amazigh live, Egypt, Libya, Tunisia, Algeria, and Morocco, in addition to the Amazigh of the Canary Islands and the Tuareg in Mali and Niger, and crossed over these borders to reach other continents, especially Europe and America.

3.   The Repercussions of the Amazigh Movement both in North Africa and in the World

The World Conference on Human Rights in Vienna (June 1993) was an occasion to internationalize the Amazigh demands. During this conference, a memorandum on the cultural and linguistic rights of the Amazigh was presented to the international organizations working in the field of human rights and a strong understanding was formed with the rest of the parties in the Amazigh movement that were located in various countries.[257]

In this regard, a powerful dynamic emerged to assemble and unify the groups taking part in the Amazigh movement at an international level. The idea arose to found an international organization that would gather together the Amazigh in North Africa and those in the diaspora. This directly led to the founding conference of the World Amazigh Congress in early September 1995 in the Canary Islands. Despite the various problems resulting from the struggle for legitimacies within this organization, the conflict of interests of the parties within it and a desire by influential powers in the region to dominate it, they have contributed to bringing the Amazigh in the world closer together

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Morocco and the Amazigh Network for Citizenship. The last of these launched several initiatives, including the Amyaway Imazighen National Coordination and the establishment of the Federation of Amazigh Democratic Associations in Morocco.

[257] Mustapha Antara, "Reflections on the Reality of the Amazigh Movement in Morocco after the Charter of Agadir," Alhewar Almutamaden, 738, http://is.gd/Pg1rUN.

in a symbolic manner, internationalizing the Amazigh issue through contacting various international organizations, such as the Office of the High Commissioner for Human Rights, and strengthening the contribution of Amazigh organizations in the UN's International Decade of the World's Indigenous People, which led to the adoption of the Declaration on the Rights of Indigenous Peoples by the UN General Assembly Resolution 61/292 on 13 September 2007.[258]

The Amazigh organizations in Morocco and Algeria, in addition to those located in the diaspora countries (France, Spain, Belgium, Netherlands, etc.), intensified their communications and litigation work with the contractual mechanisms of the United Nations and, in particular, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of All Forms of Discrimination against Women. In this context, we can note two important points: the first was the clear recommendations sent to the Moroccan state by the Committee on Economic, Social and Cultural Rights in 2006, requesting them to respect the citizenship rights of the Amazigh and to adopt the use of the Tamazight language in public bureaus and services. The second was the stronger recommendations issued in 2010 by the Committee on the Elimination of Racial Discrimination, which called on the Moroccan state to recognize the Amazigh language (Tamazight) and culture in its Constitution and to perform a census to count the number of Amazigh in Morocco.

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[258] Dialogue between Mustapha Antara and Mohamed Handain, Vice President of the World Amazigh Congress, Alhewar Almutamaden, 1188, http://is.gd/RVfDT5.

4. The Status of Amazigh Citizenship Rights in the States of North Africa

In the absence of precise statistics on the number of Amazigh, preliminary estimates are based on their geographical range and historical data regarding the presence of Amazigh in North Africa over the centuries. According to these estimates, there are currently approximately 35 million Amazigh people throughout the world. About 30 million of these individuals reside in their original homeland, North Africa, and about 5 million are distributed throughout the countries of diaspora in Europe and the Americas. Morocco and Algeria continue to have the highest density of Amazigh people, then Libya, Tunisia and Egypt, in addition to the Amazigh Tuaregs in Mali and Niger, then the Amazigh of the Canary Islands.

The status of the Amazigh and the forms of their work for the basic rights of citizenship vary from country to country. Though the Amazigh movement is strong in Morocco and Algeria in terms of its associational and institutional activities and its long history of struggle for Amazigh rights, in other of the countries mentioned above, they have just barely passed the first stages of organized work, which is characterized by local specificities linked to the political contexts where the work originates. This is because of the exclusion and physical and symbolic violence suffered by these communities during the last five decades.

- **Amazigh Citizenship in Algeria**

The Amazigh people are present in most regions of Algeria to varying degrees and in geographically distinct groups of tribes in the regions of Tizi Ouzou, the Chaouis in the Aurès region, the Mozabites (the only Amazigh group that follows the Ibadi doctrine) in the Ghardaïa region, the Tuareg in the extreme

south of the country and the Chenouas in the Cherchell region.[259] We should note that there is a characteristic by which the Amazigh issue in Algeria is distinct from the Amazigh issue in Morocco and the rest of the countries in the region. This characteristic has to do with the fact that their demands, since the beginning, have had a large and well-defined political aspect, which political parties have been defending for many years. Furthermore, the struggle over Tamazight was affected significantly by the bloody events experienced by Algeria in the 1990s and the path to reconciliation begun later.

The differences among the leadership of the National Liberation Front over determining the bases of the identity of the Algerian nation was a determinant in fueling conflict after independence over the status of Amazigh citizenship. This came as a result of the marginalization and exclusion experienced by Amazigh rights at the hands of the Algerian authorities, who defined the national identity in Arab and Islamic terms only. In this respect, Ahmed Ben Bella denied Amazigh rights, stressing the Arab identity of Algeria and the Arabization policy during the Boumediene era led to the first confrontations between the advocates of Tamazight and the authorities over the issue of language.

In this context, the Amazigh movement developed vigorously in Algeria and the countries of the diaspora, especially France, which became the center for the expression of the Amazigh demands. In France, the Berber Academy was the center of action for many of the struggles and pressures put on the Algerian government to adopt policies that recognized the Amazigh in the Constitution and national identity and that entrenched multilingualism in schools and other public facilities. This helped to fuel the Amazigh uprising in Algeria in 1980,

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[259] "Berber Protests in Kabylia: The Amazigh Movement in Algeria," 26 December 2013, Afrigate News, http://is.gd/yvH9gI.

known as the Berber Spring or Tafsut Imaziɣen. During this uprising, thousands of young people took to the streets following a ban by the authorities of a lecture on Amazigh tribal poetry. This erupted into clashes with the authorities and led to the arrest of many activists in the Amazigh movement in 1985.

Following this came the government's response to the opening of Tamazight departments at the University of Béjaïa and the University of Tizi-Ouzou in 1990. However, the school boycott of 1994-1995, rejecting the Algerian state's policy of Arabization led to an April 1995 agreement in which Liamine Zéroual made decisions that worked to promote Amazigh citizenship[260] through the recognition of some of their rights, including:

- The introduction of Tamazight in education in the region.
- The establishment of the High Commission for Amazigh Identity, an official institution dedicated to the advancement of Tamazight in various fields.
- The broadcast of the evening news bulletin in Tamazight on Algerian television.
- The inclusion of Amazigh culture as one of the components and bases of national identity in a 1996 constitutional amendment.

However, despite all of these decisions, the state of Amazigh citizenship in Algeria changed only a little. This led to the events of the Black Spring in 2001, during which Amazigh demonstrations were met with severe repression after these demonstrations expanded to include the entirety of the Kabylia region, killing 123 people. In this atmosphere, the Berber Arouch Citizens' Movement took over the leadership of this movement and formulated a list of demands. The most important of these were: the evacuation of the gendarmerie from Kabylia, to

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[260] Abdel Nour Ben Antar, "Consequences of Making the Tamazight a National Language in Algeria," Al Jazeera, http://is.gd/ER8pNd.

respond to all of the identity-based, cultural and linguistic demands made by the Amazigh people without a referendum and without conditions and to compensate the families of the victims, among other demands of a social nature.[261]

The dialogue with the Berber Arouch Citizens' Movement culminated in a response by the authorities to the most prominent of these demands through a speech by President Bouteflika in 2002 in which he announced that Tamazight was to be considered a national language in the Constitution, without resorting to a referendum. Despite this being a maneuver to contain the growing popular anger and to calm the political tension, Bouteflika's decision to recognize Tamazight is considered a massive shift in the way in which authorities deal with the Amazigh people's right to full citizenship. This has led to some politicians demanding the establishment of a state bureau endowed with significant financial allocations that is tasked with promoting Tamazight by training research professors and translators in order for Tamazight to become used as an official language in the courts and public administrations.[262]

- **Amazigh Citizenship in Tunisia:**

The Jasmine Revolution in Tunisia was a milestone in bringing discussion about Amazigh demands into the open, to the extent that Tunisians have begun a public discussion centered on the fact that they are Amazigh people that, as a result of numerous historical and political factors, were Arabized. Within this discussion, there are voices saying that the Amazigh origins are of the past, like the Phoenician and Roman civilizations, among others, that passed through Tunisia and that, because of the language used to describe them in the Constitution, Tunisians are now Arabs.

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[261] Ibid. (8).

[262] "Hanoune: It Is Time to Make Tamazight Official," El Khabar Online, Algeria Press Service, 18 April 2015, http://is.gd/Nem8v6.

In the absence of accurate statistics, the Amazigh population in Tunisia is estimated today to be more than 500,000, though only a few of them speak Tamazight, most of whom live among the tribes of southern Tunisia in Matmata, Tamezret, Zraoua and Tajout. This explains why most Tunisians do not know much about the Amazigh culture or civilization that has been suppressed for decades and that remained for years, before the revolution, a taboo topic not open for discussion.[263]

The earliest precursors to these demands were a group of Amazigh activists from the northwest of Tunisia who, in the 1970s and 1980s, began to demand the recognition of the Amazigh people as a social element within Tunisia. However, the late President Bourguiba put an end to these demands and the authorities banned Amazigh activism and a band with the name "Imazighen." Two decades later, international Amazigh organizations had a role in sounding the alarm about the state of siege experienced by the Amazigh language and culture. In this regard, the World Amazigh Congress issued a statement in October 2004, entitled "Tunisia's Amazigh on the Road to Extinction."

Recently, many activists and defenders of the Amazigh right to full citizenship have appeared and demanded the recognition of Amazigh identity in the new Tunisian Constitution and laws and that the Amazigh be included in all aspects of public life. This issue created considerable debate during the period after the Jasmine Revolution.

Behind this movement were a number of active associations that began to appear in recent years. The most important of these is the Tunisian Association for Amazigh Culture, founded in July 2011, which works to revive Amazigh heritage as an important element in Tunisian society. Together

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[263] Khaoula Ashi, "Amazigh Awakening in Tunisia after the Revolution," Al Hayat, 24 March 2014, http://is.gd/H7DfLT.

with the Association for the Preservation of Amazigh Culture and other associations, it submitted its demands to the National Constituent Assembly that Amazigh rights be recognized in the Constitution and that Amazigh civilization, which was suppressed for decades, be rehabilitated.[264] However, their demands did not get any response from the National Constituent Assembly and remain strongly dependent on the democratic transition that the country is going through, in addition to the role of civil society and the expansion of the degree of freedoms in order to strengthen the Amazigh demands of the Tunisian state in the coming years.

- **Amazigh Citizenship in Libya**

The Amazigh population represents about 10% of Libya's population of almost 5.5 million. They mostly live high in the mountains west of Tripoli or in the desert in the south, for example the Tuareg. Currently, most of the Tamazight-speaking Amazigh, more than 500,000, live in the Nafusa Mountains, more than 70,000 in Zuwarah and more than 80,000 in Ghadames in addition to the Tuareg and the Awjila.

During the Gaddafi era, the Amazigh of Libya experienced various forms of exclusion, marginalization and violence as the Gaddafi regime tried to obliterate the Amazigh identity, language and culture through a forceful Arabization of the area.[265] Despite numerous attempts led by Libyans from the inside to highlight the Amazigh element of Libyan culture and identity during the 1980s and 1990s, the Amazigh discourse remained weak within the country due to the imposed repression. However, the Libyan Amazigh living abroad as refugees or members of the political opposition were able to highlight their discourse in multiple ways, through their active attendance at Amazigh meetings organized

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[264] Mariam Nasseri, "The Amazigh in Tunisia Demand the Recognition of Their Identity," 3 May 2014, http://is.gd/j3HT.

[265] "The Amazigh of Libya and the Journey of Searching for Identity in the New Constitution," The New Arab, http://is.gd/j3HT43.

internationally or in some North African countries, such as Morocco and Algeria.

The Amazigh of Libya participated in the Libyan Revolution and engaged in the armed action that toppled Gaddafi. After the revolution, a number of political and associational organizations appeared on the scene to demand the realization of all Amazigh rights in the "new Libya." In this context, the Supreme Council for the Amazigh of Libya decided to boycott the elections for the Constituent Assembly to Draft the Constitution and withdrew their members from parliament. They justified this by saying that the other Libyan parties do not desire to ensure that all elements of society are represented in the country's institutions. Due to the current situation in the country, achieving citizenship for the Amazigh of Libya remains conditional on the achievement of a comprehensive citizenship for all Libyans within the framework of a state run by institutions with democratic legitimacy that respects diversity in all of its forms.

- **Amazigh Citizenship in Egypt**

The situation of the Amazigh in Egypt is completely different. They are in a numerical minority and live in areas of Upper Egypt and Alexandria. Those that speak Tamazight live in the Siwa Oasis and number around 25,000 people. As it did not have an organizational force to stimulate and motivate it, the Amazigh discourse was not present in the public sphere until recent years. One of the most prominent promoters of this discourse is the Egyptian Network for Amazigh, which was founded in 2010. It was the first organization working for the Amazigh and to protect local cultures as part of Egyptian culture, for example, Nubian, Coptic, Kurdish, Armenian and Béjaoui.

The overthrow of the Mubarak regime and the attempt to begin a new stage in Egyptian internal politics, in order to bring together all of the talents of the nation, enabled this emerging Amazigh organization to participate as a representative for the

Amazigh, after years of exclusion and marginalization, in hearings before the Committee of Fifty tasked with rewriting the Constitution. This culminated in the inclusion of "multiculturalism" in the text of Article 50 of the Egyptian Constitution.[266] Despite the refusal of the constitutional drafting committee to expressly include Amazigh language and culture in the Egyptian Constitution, observers of Amazigh affairs in North Africa and some Amazigh actors consider Article 50 an initial achievement. This is primarily because of the way that it safeguards all rights of citizenship and protects the Amazigh language and culture from going extinct, although this step requires the strengthening of human rights mechanisms and foundations of democratic governance as starting points to strengthen the culture of democratic dialogue between all actors on issues for which procedural approaches have not yet developed.

5. **Some Approaches to Dealing with Amazigh Citizenship in Morocco**

The exclusion and discrimination of Tamazight in Moroccan laws and institutions was based on the idea that everything outside the binary of Arab identity and Islam is an attempt to differentiate between Moroccans. The manifestations of this idea were visible in the dual logic used by the state in its dealings with Tamazight and Amazigh demands. It also laid the foundation for the curtailment of Amazigh citizenship in various fields:

<u>**From a political perspective**</u>, the Moroccan central state's interaction with and treatment of Amazigh demands was characterized for a long time by a period of marginalization at the political, social and cultural levels, interspersed with periods of repression, for example with the arrest and imprisonment of the late Amazigh professor and poet Ali Sidqi Azayko at the

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[266] Suhair Abdel Hameed, "The Amazigh of Egypt," Al-Ahram, 30 May 2014, http://is.gd/6sntyZ.

beginning of the 1980s and the arrest of three Amazigh activists in 1994 when they participated in May Day workers' demonstrations carrying banners written in Tamazight demanding that Tamazight be officially included in the Constitution and an end to the injustice experienced by Amazigh rights in Morocco. This period was characterized by the exclusion of all that is Amazigh from the system of official institutions of the state and from government programs: Tamazight was not present in schools, the media or other public facilities.

After this came the period of relative relaxation due to the Palace adopting the "New Era" approach. This was to be an era that broke with all the practices and violations of the former regime through a methodology of reforming state affairs that took into account ending the injustice experienced by Amazigh citizenship and officially recognizing their language and culture. In this context, the King delivered the "Ajdir" speech in October 2001[267] in the Ajdir region within the Amazigh Atlas Mountains as a new vision for Moroccan identity. In this speech, the King of Morocco confirmed that Tamazight is an essential element of Moroccan identity and the promotion of Tamazight is a national responsibility.

Among the steps that were taken in the context of the state's response and interactions with the demands of the Amazigh movement was the founding of the Royal Institute for the Amazigh Culture. This is an institute that was founded by the King and whose function is mainly to express ideas to the King about measures to protect the Amazigh language and culture and to support them in all of their forms and expressions.[268] However, the Royal Institute for the Amazigh Culture faces great

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[267] For more information on King Mohammed VI's speech in Ajdir, see the Wikipedia article, http://is.gd/oo116s.
[268] The Royal Institute for the Amazigh Culture's website: www.ircam.ma.

difficulties in managing urgent issues, such as the introduction of Tamazight into education, the media and other public facilities.

From a rights-based perspective, since the 2005 report by the Equity and Reconciliation Commission that tried to develop basic approaches to safeguard rights and freedoms, to ensure Morocco's engagement in a series of democratic reforms and to move beyond the serious violations of human rights, Amazigh organizations continue to focus on transgressions that prevent the Amazigh people's exercise of their rights as citizens. In this context, the Moroccan state received recommendations and observations by United Nations human rights bodies containing recommendations relevant to the Amazigh issue. These were mainly related to lifting the ban on Tamazight names. The Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child all noted that there existed a ban both in law and practice on giving Tamazight names to newborns. These reports demanded the lifting of this ban so as to allow the Amazigh people to enjoy their right to name their children according to the identity and cultural choices of the parents. However, these recommendations have yet to be implemented, as there have been no amendments in the Civil Status Law in this direction.[269]

Respect for Amazigh rights of citizenship remains dependent on the adoption of public policies proceeding from a new vision based on the requirements of the 2011 Constitution. This includes, for example, ending the injustice experienced by Amazigh Moroccans that have cases before the courts and who have difficulty in conversing with a judge who speaks to them in Arabic. This violates the requirements for a fair trial as they resort to unofficial translation performed by court employees or some

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[269] Annual statement about the situation of cultural rights in Morocco, the Amazigh Network for Citizenship, 2014, Rabat, Morocco.

Tamazight-speaking lawyers present in the chamber instead of using certified interpreters for this purpose. The laws do not recognize Tamazight as a language of the court or, at least, one of the languages that can be translated within the courts by a certified translator.

From a legislative and legal perspective, despite the constitutional recognition of Tamazight in 2011, regulatory laws complementary to the text of the Constitution in this regard have not yet been issued, even after five years of the current legislative term. This is in addition to the fact that there are many legal texts still in force that perpetuate discrimination against the Amazigh.[270] These include, for example:

-       **Penal Code:** Although, in its preamble, the Constitution states that the state shall endeavor to prohibit and to combat all forms of discrimination (due to language, etc.), Article 431 of the Moroccan Penal Code does not criminalize discrimination on the basis of language.

-       **The Act of Unification of Moroccan Courts:** In Law No. 3.64 issued on 26 January 1965 on the unification of the courts, Article 5 states, "Arabic alone is the language of deliberations, proceedings and rulings in Moroccan courts."

-       **The Arabization, Moroccanization, and Unification Law:** Issued 25 January 1965, this was a royal decree that required public administrations, institutions and authorities to use only the Arabic language in their proceedings and in their internal and external writings.

-       **Civil Status Law:** Law 37.99 relates to the civil status system. Article 21 states, "The personal name chosen by the individual that submits the declaration of birth for registration in the civil status registry must have a Moroccan character." This "Moroccan character" is often interpreted as an Arab-Islamic

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[270] A study on the reality of cultural rights for the Amazigh in public policies in Morocco, Amazigh Network for Citizenship, 2015, Rabat, Morocco.

character. Many Amazigh personal and family names are banned by the Civil Status Administration in accordance with a circular by the ministry of the interior that circulates a list of prohibited names, most of which are Amazigh.

- **Law 62.06 on Moroccan Nationality:** The fifth condition of naturalization contained in Article 11 of Section 2 is "sufficient knowledge of the Arabic language" and Article 11: "Taking into account the exceptional circumstances stipulated in Chapter 12, a foreigner seeking naturalization is not entitled thereto unless he meets the following conditions: proving that he has sufficient knowledge of the Arabic language…." The Nationality Law, which was issued in the 1950s and is still in effect, cast a shadow over all the related legal texts, including regulations for holding public office or liberal professions, especially in the judiciary, and because of the Arabization Law of 1965, which banned public or official deliberation in any language other than Arabic in the justice system, educational institutions, public administration and other official institutions.

- **Decree on Publications of the Official Gazette:** This law was issued 5 December 1997 and states, in its first article, "the official newspaper includes four publications issued in Arabic."

- **Law Number 35.06 Establishing the Electronic National Identity Card:** In this law, Article 3 stipulates, "The form of the electronic national identity card shall be a printing of the following emblems and data on both sides. On the face: personal and family names in Arabic and Latin letters… place of birth in Arabic and Latin letters."

- **Law 00-49 on the Regulation of the Profession of Stenography** is among other laws and regulations for some judicial and non-judicial professions that do not take into account the multilingualism present in Morocco in the selection of their members.

The **economic perspective** is closely linked to the abovementioned aspects as, for many decades, the Amazigh

areas experienced a stalled process of development. These areas remained marginalized, leading to large waves of migration from the countryside to Moroccan cities as well as to the countries of Europe, such as Spain, France, Belgium and the Netherlands. The Netherlands, for example, hosts more than 350,000 Moroccan immigrants and Dutch of Moroccan descent, most of who come from the Amazigh rural mountain areas.

This is in addition to the exploitation of the wealth of forests and minerals, as most gold and silver are extracted from Amazigh regions. Nevertheless, the inhabitants do not benefit from real opportunities for human and spatial development. This is because the mining companies do not offer structures inclusive of the local population and their headquarters are located in the major cities, so that their taxes go to benefit these cities. This has been rectified somewhat in recent years after growing protests and sit-ins by local residents against the companies that caused contamination of the water table and contribute to confining agricultural land to a small area.

6. **Challenges for the Respect of Amazigh Citizenship after the Democratic Spring in the Region**

The revolutions of the Democratic Spring created a new outlet for all the forces that believe in democracy, social justice, equality and respect for human rights… The state of the Amazigh people before the 2010-2011 revolutions was one of tension in Libya, marginalization in Egypt and Tunisia, relative relaxation in Algeria and the beginnings of reconciliation in Morocco. However, the common feature among all of these countries is that the Amazigh element was not recognized as a fundamental aspect or Tamazight as an official language in any of the constitutions or laws in the region. Instead, this phase witnessed a repeated return to severity in dealing with Amazigh activists by banning their activities, not licensing them to establish associations and, sometimes, putting them in prison.

Another common feature in this historic stage is that there is a real interaction between Amazigh actors and the struggle of the protest movements demanding political change, dignity and social justice. With the exception of Algeria, which did not experience the regime's status or authority being taken away, the changes that have taken place in other countries, especially Egypt, Libya and Tunisia, have had a significant, direct effect on the Amazigh situation and on this coming into the open through their participation in protests and in toppling the regimes. In addition, in Morocco, the February 20 Movement contributed to placing Amazigh demands at the center of demands for democratic change. This led to the recognition of Amazigh identity and language as an official language in addition to Arabic in the 2011 Moroccan Constitution as a response to the demands that had been made during the more than fifty years of independence.

Therefore, the existing challenges that must be overcome in order to respect Amazigh citizenship vary according to the political system under consideration:

In Egypt, the state took the first steps in this area by including "multiculturalism" in the Constitution. This is a key approach that offers a climate that allows the Amazigh discourse to continue its work, to build legitimacy within society and to play a role in pushing for democratic change in the country. However, there are still other steps that must be taken in order to ensure the protection of freedom of belief and all the languages spoken by minorities, such as Tamazight, Nubian and Coptic, and to embody the principle of "multiculturalism" as written in the Constitution. This must be done through clear procedures that guarantee the protection of cultural and civilizational pluralism and establish the principle that all citizens are the same before the law, equal in rights and freedoms and that there will be no discrimination on the basis of color, race or language. For this

reason, Amazigh civil organizations will have an important role in building a state based on rights and the law in the coming years.

As for Tunisia, after the 14 January 2011 revolution, the Amazigh rushed to raise interest in their case and to break the silence that had lasted for decades. However, their demands ran up against the power of the Arab-Islamic ideology that controlled Tunisian institutions and especially the National Constituent Assembly. For this reason, the subject of identity and language in the Tunisian Constitution after the revolution has been determined within the classic system, which says that the country's language is Arabic and its religion Islam, despite the inclusion of various rights within the Tunisian Constitution. What is certain, though, is that Tunisians desire to achieve real democratic transition and to build a path to full citizenship based on dignity, justice and equality for all Tunisian men and women. This strong desire will be the factor that will inevitably enable Amazigh discourse and action in Tunisia to flourish through the development of civil society organizations to take leading roles in imposing change.

In Libya, the political crisis is casting a shadow on the Amazigh future in the country, and all possibilities remain open. The armed conflict that the country is going through between actors who only yesterday were a single, united force against the Gaddafi regime has put a halt to all paths toward national accord over the post-revolution phase. The Amazigh remain an essential player by virtue of their membership in armed factions and in the political and civil organizations that are involved in dialogue and consultations in order to overcome the political crisis afflicting the country's ailing institutions. The new situation in Libya, if the national accord succeeds, could mean important political gains for Libya's Amazigh, as they form an important element in the calculus of the current armed conflict. Thereby, their demands might move beyond simple cultural and linguistic rights to constitutional empowerment and federal organization that

reflects a response to the expectations of various entities in the country.

As for Algeria, it was apparently not affected by the Democratic Spring that passed through the region. The regime, backed by the military, has tightened its grip over most aspects of political life. For this reason, the political stability equation remains dependent on how quickly the state responds to the expectations of protest movements, including the Amazigh movement, and a revision of the Constitution, which should be an opportunity to begin a democratic turn by official recognizing Tamazight.[271] This is in addition to the stakes and challenges posed by the renewal of discourse of the Amazigh movement through the emergence of a movement demanding autonomy in Kabylia and the formation of a guiding council for this in France. All of this opens this issue up to many possibilities.

Finally, we approach the subject of Morocco after the 2011 Constitution, which was more responsive to the demands of the Amazigh movement by way of recognizing Tamazight and the diversity of the Moroccan identity. The 2011 Constitution, by officially recognizing Tamazight alongside Arabic in the Constitution, represents a break with all previous constitutions. Furthermore, the requirements of the new constitution (in several articles and chapters) show the adoption of multilingualism, resulting in many observers putting Morocco on par with other countries that recognize official and constitutional pluralism, along the lines of countries such as Switzerland, India and Belgium, among others. Despite this, however, the challenges of implementing these constitutional gains loom large for the Amazigh movement and require it to renew its discourse, to undertake practical initiatives to speed up the pace of implementing the requirements included in the new constitution

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[271] "Hanoune: It Is Time to Make Tamazight Official," El Khabar Online, Algeria Press Service, 18 April 2015, http://is.gd/Nem8v6.

and to put more pressure on the state, which has the power and the means to move from planning to implementation of the political choices,[272] and on the government and parliament to pass regulatory laws related to giving an official character to the Amazigh in Morocco. This is in addition to the challenges of aligning the Amazigh movement with other democratic movements that are demanding more openness and political change and human rights movements that are calling for the promotion of human rights and freedoms.

The challenge that the countries in North Africa are facing in achieving stability directly requires them to connect the question of Amazigh rights to citizenship with the question of democracy. This must be done through empowering all groups of people to contribute to building a modern civil state and the development of legislative systems that enshrine non-discrimination among citizens both in the laws and in the institutions. This necessarily requires achieving comprehensive development through ensuring economic, social and cultural dignity. We cannot imagine growth and development at all levels of the North African region, for example, as long as the people of the region, the Amazigh among them, suffer from marginalization and exclusion because the systems of governance do not see the dynamics of democratic change as a new prospect based on respect for and promotion of diversity at various levels within the state and society.

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[272] Said Bennis, "Linguistic and Cultural Rights in Light of the Project of the Wider Region," Mohammed V University, Rabat, published on Iffus Press, http://is.gd/W8VYQ7.