The Turbaned State

An Analysis of the Official Policies on the Administration of Mosques and Islamic Religious Activities in Egypt

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Summary:
Policies Regulating Mosques:
Between the Assumption of Unity and the Reality of Diversity

Along with the rapid political and social transformations which have taken place since January 2011, religion in Egypt has been a subject of much contention. This controversy has included questions of who should be allowed to administer mosques, speak in them, and use their space.

This study observes the roots of the struggle over the right to administer mosques in Islamic jurisprudence and historical practice as well as their modern implications. The study then moves on to focus on the developments that have taken place in the last three years.

The study describes the analytical framework of the policies of the Egyptian state regarding the administration of mosques, based on three assumptions which serve as the basis for these policies. These assumptions are as follows:

1 - The religious unity of Muslims;

2 - The state as imam and representative of the unified community of Muslims;

3 - The state as monitor of the limits of Islamic religious activity.

However, these assumptions are confronted by a different reality, which includes:

1 - Religious diversity within Islam and within religious and political groups that differ in terms of their doctrinal or jurisprudential ideologies or in terms of their political views and stances vis-à-vis the existing authorities;

2 - Groups that are not content with the role of the state as imam – i.e. the state's administration of their religious affairs – and that create alternatives to the state or ignore the state's role as a result;

3 - Religious or political activities that take place outside the limits of legally permitted Islamic religious activity, which represent a threat to the religious and political vision espoused by the state. Those carrying out such activities either bargain with the authorities and adapt or confront and clash with them.

These assumptions serve as the basis for the official policies and legal framework regulating this area, despite their being at odds with the reality of diversity. The roots of these assumptions stretch back to the Islamic jurisprudence and the historical practices of the "Muslim state," or the Islamic Caliphate, as it existed from with the establishment of the state of Medina in the era of the Prophet Mohammed until the end of the Caliphate.

This jurisprudence and historical practice were developed within a community comprised primarily of Muslims, who enjoyed authority over other members of the community. As such, the mosque was central to the religious and political life of this community. The Muslim ruler (or the Caliph / Imam / Commander of the Faithful) served the community's political and religious leader, enjoying a mandate to oversee religious matters according to the mainstream jurisprudence of the community.

This jurisprudence defines the mosque as an endowment to God, i.e. as not belonging to individuals. It views the right to administer mosques and to select their imams as belonging either to the Imam of the Muslims or someone acting on his behalf, to the endower of the mosque itself (or of the endowments which fund the mosque's activities) or someone acting on his behalf, or to the community of Muslims in that particular place. With the exception of some peripheral jurisprudential interpretations which deem it permissible for an endowment to allocate a mosque to the followers of a particular doctrine, all jurisprudence on this matter upholds the assumption of the "religious unity of Muslims".

Historically, the ruler (or "Imam") of the Muslims controlled the central mosques, either in his official capacity or due to his role in funding mosques by allocating endowments to cover mosques' expenses, such as the payment of imams, preachers, and scholars (such endowments were known as "endowments of the Sultan"), or due to the Imam's position as the representative of the community of Muslims in the capital and other major cities.

In practice, endowers also enjoyed a degree of freedom to administer their mosques free from the oversight of the authorities. Later, this role was passed to superintendents or to groups of scholars who espoused the prevailing doctrine in a particular place. These scholars collectively held authority over their followers, some of whom would in turn allocate endowments to fund these scholars and their mosques.

Yet these community initiatives, which embraced the reality of religious diversity, at times clashed with the assumptions of unity often made by the authorities, whose interactions with these initiatives were motivated by the need to ensure loyalty and control diversity such that it would not threaten their political influence or religious support. Such threats, when they arose, thus resulted in confrontations with the authorities.

This study notes the transition undergone by this jurisprudence and historical practice, as well as the assumptions tied to them, upon the establishment of the modern state and the development of administrative systems. With the beginning of administrative management of endowments in the Ottoman state and later under Mohammed Ali and his successors in Egypt, these practices continued in the same general direction. At this time, the state effectively took over the role of the Imam, with its administration of the central mosques expanding to include other mosques and its authority growing from selecting and funding imams to managing the minute details of the daily activities of mosques.

Following the establishment of the Republic (i.e. during the period from 1952 - 2011), the legal and administrative framework continued to develop along the same lines and according to the same assumptions. The president replaced the khedive - who had previously taken over the mandate of the Muslim ruler / Imam in overseeing Islamic religious affairs - by passing laws and presidential decrees on religious matters. The legal framework developed into a policy of centralization, and the Ministry of Endowments was granted the exclusive right to exert control over all mosques and to appoint its employees as imams or issue licenses to non-employees to give sermons and impart religious teachings.

In practice, the state continued to rely on the assumptions of unity. Its core policies, which clearly conflict with diversity, include the following:

- **Ensuring loyalty** through the establishment of an official religious institution affiliated with the state. This institution espouses the ideological concept of Muslim unity, supports the political regime, and confronts its enemies. Security surveillance is also used to ensure the loyalty of this institution and of the imams affiliated with it, and to confront enemies of the political regime and those who fail to adopt the official religion as defined by the state's religious institution.

- **Extralegal tolerance** by which breaches of the law are overlooked - whether in relation to the building of mosques, their administration by individuals or civic groups, or preaching or imparting religious teachings - except when such acts represent a threat to the official religious orientation or the political regime.

- **Conditional tolerance** by which religious activities which may run counter to the official religious orientation are allowed for based on semi-official agreements. Such practices are tolerated on the condition of maintaining the appearance of loyalty to the political regime or submitting to agreements with the security apparatus to alleviate the political and religious threat they could pose. Such agreements are enjoyed by some religious associations and Salafi currents which refrain from opposing the ruler.

However, the advent of the revolution in January 2011 and Mubarak's resignation in February represented a watershed for policies regarding the administration of mosques. The ability of the state to foster the assumptions of unity, upon which its policies were based, diminished, as did its capacity to control diversity, due to the fact that the security apparatus ceased to function for a time. As such, the policies regarding the administration of mosques, which had fundamentally aimed to curtail the influence of the Islamist movements that widely used mosques for their religious and political activities, became less effective. During the transitional period, the Supreme Council of the Armed Forces attempted to maintain a minimum level of state control over central mosques such as the Nour Mosque, which was the subject of a prolonged judicial dispute.

In multiple rulings, the administrative courts supported the centralized legal system that grants the state the right to control all mosques, select imams, and criminalize the practice of religious activities without authorization from the Ministry of Endowments. This legal system further limits the activities that can be carried out by individuals and groups in mosques to philanthropic activities, barring other religious activities that, according to this system, must be centrally directed by the state.

The ascent of Mohammed Morsi to the presidency in mid-2012 posed a major challenge to the state's policies regarding the administration of religious affairs. The fact that the president of the republic belonged to the Muslim Brotherhood and had come to power with the help of a political and social coalition comprised primarily of Islamist groups and their supporters meant that decades of policies aimed at regulating religious affairs, ostensibly for the purpose of confronting "extremism" – the term used by the authorities to describe the ideas and discourse of the Muslim Brotherhood and other Islamist currents – had failed.

Following this challenge to the underlying assumptions of the state's policies regarding the administration of religious affairs, which began with the revolution and culminated in the ascent of Mohammed Morsi to power, the period of Morsi's rule witnessed an attempt to revise these assumptions. This attempt came due to the pressure of a diversity that was no longer possible to deny. At the same time, however, it was hoped that this revision could occur without relinquishing the overarching framework of these assumptions or the related policies regarding the administration of religious affairs, including the administration of mosques.

During the year that the Muslim Brotherhood spent in power, the Ministry of Endowments became the subject of intense controversy. This period can be understood by analyzing a number of the policies which were adopted to regulate preaching and mosques, including: The selection of the Minister of Endowments and the controversy surrounding his "political and ideological affiliations"; the selection of ministerial bureaucrats and the controversy surrounding their "political and ideological affiliations"; changes to the policies for the selection and appointment of imams; the conflict surrounding what was known in the media as "the Ikhwanization of the Ministry and its mosques"; ministerial decrees, the most important of which was the "decree to hold elections for the administrative councils of mosques"; proposed legislation for a professional preachers' syndicate; protocols established with preaching groups; and administrative decrees regarding major mosques or small community mosques, as well as other politicized positions adopted by the Ministry.

These new policies supported the same framework and assumptions upon which Ministry's long-standing policies had been based, albeit with some revisions. Indeed, rather than struggling to dismantle the legal framework under which the Muslim Brotherhood and other Islamist currents suffered for decades, the Brotherhood-led government fought to control and benefit from these same assumptions and policies.

During this period, security surveillance was partially replaced by loyalty to the Islamist alliance and its network. When the Ministry tried to revise some aspects of its centralized nature in order to appease its Islamist allies, it resorted to controversial policies such as the proposal to hold elections for the administrative councils of mosques, which have no authority over religious activities but do enjoy considerable influence over social and philanthropic activities. At the same time, the Brotherhood's Salafist allies were angered by draft legislation to restrict preaching and religious teaching to members of the preachers' syndicate, which would have been limited to preachers from Azhar and some exceptions allowed by the syndicate, thus entrenching the same centralization of power to restrict religious activities, only in the form of a syndicate.

Between June 30, 2013 and the finalization of this study in June 2014, the state used all of the authoritarian tools available under the legal framework for the Ministry of Endowments to the maximum extent. This came in light of the political repercussions of the ouster of President Mohammed Morsi on July 3, including the expulsion of Islamist forces from the political process once again and the ensuing conflict between these forces and the new administration over "legitimacy". In addition, the state reverted to the policies that the Ministry of Endowments had followed prior to January 2011, applying them even more harshly than before, despite the fact that the security apparatus lacked its former ability to survey and intervene in the details of the administration of mosques and instead undertook a broad security campaign. These policies continued after Abdel Fattah el-Sisi won the presidency.

The Ministry of Endowments issued administrative decrees to remove, dismiss and punish a number of imams due to their political activities in support of Islamist groups. The Ministry decided to take control of even more mosques and discontinued Friday prayers in a number of small community mosques, revoked the preaching licenses of all except the imams working with the Ministry, and decided to authorize only preachers from Azhar, with limited exceptions. The Ministry further launched a campaign against religious associations and ordered that all signs referring to these associations be removed from mosque buildings. The Ministry also signed more stringent protocols with these associations, and the Minister of Endowments decried the religious journals issued by these associations and called for limiting the right to issue religious publications to those authorized by Azhar. The Ministry decided to designate one subject to be discussed in each Friday sermon and began to issue these mandatory subjects at the beginning of each Arabic month and to punish those who did not comply.

This study concludes that the assumptions and the state policies which govern the administration of mosques and religious activities have continued along the same lines from the time of the "state of the Muslims" to the modern nation-state. Indeed, these assumptions and policies have failed to change in order to accommodate the concepts of citizenship or religious freedoms. This continuity has undermined the rights of individuals and groups of Muslims who do not wish to follow the official religious orientation espoused by the state and official religious institutions.

A review of these policies, the contexts in which they operate, and their effects indicates that these policies have produced a struggle over use of the two assumptions of unity (namely, the religious unity of Muslims, and concept of the state as "imam" and representative of the community of Muslims), which form the legal foundation for these policies. When confronted with the reality of diversity, this results in an ongoing crisis, requiring religious activities to be constantly monitored and loyalty to be ensured through security surveillance or through a network of political and religious alliances. In this context, religious activity must be restricted or forced to comply with certain conditions. Such policies are always related to the political struggle for power and aim to legitimize and establish political and religious support for the authorities, even as the publicly stated purpose for these policies is to separate mosques from politics.

Following each political struggle, these policies have always been favored by those who come to power, irrespective of the political changes that these different actors might espouse. This is because the centralization made possible by these policies is what grants the executive the authority and capacity to determine how mosques will be administered and the rules by which they will be governed. This reveals the very nature of

these policies to be authoritarian, as they entrench the authority of the existing regime and force the state apparatus to work to maintain this regime in power and to bolster the religious orientation which supports the regime's authority. Further, these policies weaken societal initiatives and render all other religious currents – which may be detrimental to the existing regime – illegal.

This study concludes with a number of recommendations for totally revamping the state's policies regarding the administration of religious affairs. These recommendations include:

- Diversity, as opposed to the assumption of the religious unity of Muslims, should be affirmed.
- It should be emphasized that the state does not represent the community of Muslims, nor can it act on their behalf. The freedom of association should be available to all Muslims and the freedom to carry out religious activities guaranteed to civil society entities.
- The state should not place limits on religious activities, except to ensure equal treatment of all, as does not undermine other rights.
- Policies of extralegal tolerance or conditional tolerance, as well as policies designed to guarantee loyalty, invite rights violations and discrimination, even as it is the role of the state to ensure that religious freedoms may be exercised, as long as they do not threaten other rights and freedoms or incite to discrimination.
- The acceptable limits for the role of an official religious institution affiliated with the state are that this institution not exercise an official monopoly on religion in order to undertake political, legislative, or surveillance roles, which have nothing to do with preaching to or teaching those who approach this institution, and that freedom of religion be guaranteed to those who do not follow the religious orientations of this institution without discrimination.

Table of Contents

Preface

This study aims to understand and analyze the Egyptian state's policies regarding the administration of mosques and of religious and preaching activities in these mosques in particular. It also presents recommendations targeted at reforming these policies and bringing them into conformity with democratic values and the duty of the state to guarantee the freedom of religion and belief.

What is meant here by policies regarding the administration of religious and preaching activities in mosques is the legal framework, administrative decrees, and related practices of the official state bodies, as relates to the regulation of the following:

- The performance of religious rituals.

- Preaching and religious teaching.

- Activities of a religious or preaching nature, such as holding celebrations on religious holidays, providing social services, and organizing training or educational activities which are held in mosques.

Regulations here include the following:

- The regulation of the above practices, their content, and what relates to them, whether by imposing limitations, requiring approval, or prohibiting or restricting such practices.

- The regulation of the relationship with those who undertake such practices, including imams, preachers, other speakers, and those supervising activities, or with individuals from the general public who wish to perform religious rituals, preaching activities, or any other activities that take place in mosques.

This study is primarily concerned with these policies as they had been established prior to January 25, 2011 as well as with the transformations that they underwent during the period that followed the advent of the revolution. It focuses on the transformations seen during the presidency of Mohammed Morsi and under the government of Hisham Qandil as well as the rapid changes which took place in the wake of June 30, the ouster of President Morsi, and the eruption of a violent political battle between the new authorities and the Muslim Brotherhood, its backers, and those who supported the legitimacy of the ousted president.

This study considers these developments in light of certain aspects of Egypt's heritage of Islamic jurisprudence and history of administrative practices, beginning with the Islamic Caliphate and continuing until the establishment of the republic and Egypt's transformation into a modern nation-state. The study examines the areas of continuity and points of departure between this heritage and modern policies.

Historical Point of Departure
In the State of the Muslims:
If Endowments Belong to God… Who is to Administer Them?

In his book entitled "Informing the Worshipper of the Rules Governing Mosques," Shafi'i scholar Mohammed bin Abdullah al-Zarkashi states that the word mosque "linguistically refers to the place of prostration… and since prostration [Arabic: al-sujud] is the holiest act of prayer, as it is through prostration that the individual draws closest to his God, the name of the place of prayer thus derived its name from this act to be called: mosque [Arabic: al-masjed, literally meaning "place of prostration"]… Through customary use, the term "mosque" came to apply to the place where the five daily prayers are performed."[1]

Anything that is set aside to be a mosque, whether land, buildings, or other property or belongings, becomes an "endowment." The act of "endowing", according to the traditional jurisprudential definition, is: "To give up the right to maintain or pass on ownership of an asset which can be benefited from, while preserving the asset and channeling the entire benefit of the asset to a philanthropic purpose."[2]

In other words, an endowment is no longer considered to be the property of its original owner, nor can it be incorporated into the property of any other person. When the benefit of the endowment or of the endowment's revenue is allocated to specific persons, the endowment is conventionally called a civil endowment. In other cases, the profit of the endowment is set aside to be spent on or used for philanthropic work to benefit a group of people, such as Muslims, or to benefit the general public, in which case the endowment is conventionally called a charitable endowment.[3]

1- Mohammed ben Abdullah al-Zarkashi, "I'alam as-sajed bi-ihkam al-masjed," fifth ed., Ministry of Endowments, Cairo, 1999, pp. 26-28.

2- Mohammed Abu Zahra, "Mohadarat fi al-waqf," The Institute of Higher Arabic Studies, Cairo, 1959, pp. 7.

3- Dr. Eissa Zakki, "Mougaz ahkam al-waqf," The General Secretariat of Endowments, Kuwait, 1995, pp. 4 (adapted).

Scholars of Islamic law differ over the meaning of the removal of the right of the endower to own the property, with some Hanafi scholars considering that such endowments should be considered as falling under the "ownership of God," while Hanbali scholars claim that such endowments fall under the ownership of the person who is appointed to administer the endowment's affairs, and Maliki scholars – along with some Hanafi scholars - state that the endowment remains under the ownership of the endower.[4]

Historically, there is a legal and jurisprudential debate around the right to administer endowments and determine issues related to endowments: whether this right belongs to the person appointed by the endower to oversee the endowment, or to the judges who began to oversee endowments to prevent corruption by those overseeing the administration of endowments, or whether the ruler should have the prerogative to intervene directly to determine certain issues related to the endowment and to manage it according to the public welfare.[5]

Mosques fall under the category of charitable endowments, including their land, buildings, and property, as well as any agricultural land or commercial enterprises whose profits are allocated to be spent on the mosques.

Many religious and legal scholars (and even judicial rulings, as will be discussed below) describe endowments – and particularly mosques – as being "the property of God".

However, the description "property of God," which implies that the right of ownership - as defined by the right to buy or sell - has been removed from individual persons, opens the door to a series of questions related to who has the right to administer the activities of mosques and to determine who can perform religious rites, give sermons, and impart academic lessons, as well as to define the content of such activities according to a particular orientation or school(s) of thought.

Some of these questions are addressed in Islamic jurisprudence, particularly the issue of selecting preachers and imams, i.e. identifying a regular imam for the mosque.

4- Mohammed Abu Zahra, ibid., pp. 9.

5- For more information about the prerogative of the ruler to manage an endowment according to the public welfare, see: Abdullah ben Beah, Athr al-maslaha fi al-waqf, Journal of Contemporary Jurisprudential Research, Riyadh, issue no. 47.

Various jurisprudential responses to this issue granting this right to different parties:

> 1 - The ruler, or his deputy
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> 2 - The endower, or his deputy
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> 3 - The "community of Muslims"[6]

Historically, in light of the great diversity of social and political contexts, the prerogatives of administering mosques' activities and selecting imams have belonged to each of these three parties at different times.

The first party, the ruler or his deputy, has historic roots going back to the formation of the "community of Muslims," when the imam, who served as the religious leader, also served as the political leader. This continued throughout the lifetime of the Prophet Mohammed and the duration of all of the states of the Islamic Caliphate.

Since the Caliphate is the "state of the Muslims," its ruler is the imam of the Muslims, also known as the "commander of the faithful," the "caliph of the Muslims," the "successor of the Prophet Mohammed," or the "primary imam".

It might be said that the mosque was a place for the community of Muslims to meet with their imam or his deputy, or that it represented the authority of the community of Muslims in the cities that they invaded, serving as a place to meet with those who joined this community.

The governors of provinces belonging to the Muslim state would lead the believers in prayer in place of the caliph. Indeed, leading the prayer was one of the most important tasks of the governor, and among his titles was "leader of the prayer." If the governor were to be prevented from leading the believers in prayer for any reason, he would be represented at the head of the prayer by the chief of police or another person with an important leadership position in the government of the province.[7]

6- In the Kuwaiti Encyclopedia of Jurisprudence: "The regular imam – who has been appointed by the ruler – or his deputy, or the endower, or the community of Muslims, shall lead the others who are present in prayer, even if another person is superior to him in some quality, such as being more knowledgeable or more appropriate to read the Quran. For it was said of Ibn Omar – may God find pleasure with him and his father – that he visited one of his lands on which there was a mosque where one of Ibn Omar's followers led the prayer, so he prayed with them, and they asked him to lead them in prayer, but he refused, saying, 'The imam of the mosque is more worthy. Or if he has with him the governor or his deputy or the judge or men such as these who enjoy authority and official mandates, they can lead the regular imam in prayer.' As Mohammed said: 'A man does not lead another under his authority in prayer, nor does he take his place of honor, except by his permission.' Further, {The Prophet, peace be upon him, led Etban bin Malik and Anas in the prayer in their homes.} In addition, superseding the ruler without his permission is not compatible with the obedience which should be shown to a ruler. This is a point of agreement among scholars, except for those of the Shafi'i school of thought, who consider that the governor may supersede the regular imam if the imam was not appointed by the ruler or his deputy, yet if the imam was appointed by the ruler or his deputy, he enjoys precedence over the governor and the judge. The end." Kuwaiti Encyclopedia of Jurisprudence, Kuwaiti Ministry of Endowments, Kuwait, available online through "al-Maktaba ash-Shamla" at: http://shamela.ws/browse.php/book-11430/page-13238.

7- Al-Makrizi, plans, citing Abdelaziz Mohammed al-Shanawi, "Azhar jama'an wa jama'a," part one, The Egyptian General Authority for Books, Cairo, 2013, pp. 14.

Numerous jurisprudential interpretations reflect this prevailing jurisprudential current by granting the right to designate imams to "major mosques" - the term currently used by the Ministry of Endowments - to the ruler or his deputy. Some of these jurisprudential interpretations differ on who holds this right, however, with regards to other mosques. Abu al-Hassan al-Mawardi expresses this current in The Ordinances of Government, stating: "The mosques of the Sultan are mosques and shrines by which the community grows in number and in stature when they are cared for by the ruler. Therefore, it is not fitting that anyone be delegated as imam of these mosques unless appointed by the ruler, lest the people overstep the ruler in his mandate. Thus, if the ruler appointed an imam to lead the prayer, the imam becomes worthier than others, even if others were better and wiser than him."[8]

In terms of overseeing endowments in general, those serving in place of the ruler have included either judges or a specific office responsible for administering endowments.

Historical sources mention the origins of an "endowments bureau" in the caliphate of Hisham bin Abd el-Malek, when Touba ben Nimr took charge of the judiciary in Egypt (115-120 A.H. / 723-738 A.D.). "And from that date endowments in Egypt came under the jurisdiction of the religious courts. The administration of endowments became a shared responsibility between the judiciary, which was responsible for general oversight, and the government, represented by the Endowments Bureau, which was responsible for the effective management of endowments either directly or through overseers and superintendents."[9]

In another phase, the matter developed into shared oversight by a body of judges representing the four schools of Sunni Islam. In the era of al-Zahir Baibars, Shafi'i judge Tajuddin ben bint al-A'azz was mandated to look after endowments and mosques. After this, four judges representing the four schools of Sunni Islam were appointed to oversee endowments.[10]

At a later stage, the Ottoman state established a bureau to regulate endowments under the name of "Overseers of the Endowments of the Sultan / Awqaf Humayun Nazharty" in 1242 A.H. This developed into the Ministry of Islamic Affairs and Endowments, which was established in 1920 A.D., before being abolished with the end of the Islamic Caliphate in 1924 A.D.[11]

8- Abu al-Hassan al-Mawardi, "Al-ahkam as-sultaneyya wa al-waleyyat ad-dineyya," Ibn Qutaiba Publishers, Kuwait, 1989, pp. 130.

9- Mohammed Abdel Halim Omar, "Muhadaret tajrebet idaret al-awqaf fi jamhoureyyet mirs al-arabeyya," The Islamic Development Bank, Jeddah - Saudi Arabia, 2004.

10- Mohammed Mohammed Amin, "Al-awqaf wa al-hayya al-ijtema'eyya fi masr," The Arab Renaissance Publishers, Cairo, first edition, 1980, pp. 107.

11- Ali Awzak, Administration of Islamic Endowments in Contemporary Society in Turkey, "Ahameyyet al-awqaf al-islameyya fi a'alem al-youm," Al-Khou'y Charitable Foundation, Studies and Discussions of the Seminar Held in London, UK, 1996, pp. 340.

Jurisprudential interpretations and practices stemming from the right of the second and third parties, namely the endower or his deputy and the "community of Muslims" to designate imams and administer mosques were based on arguments for the self-regulation of endowments and of the religious activities related to them. These interpretations considered that such matters concerned the society, rather than the authorities.

However, there is a distinction to be made between the right of the endower and that of the "community of Muslims".

If the right belongs to the endower, it allows for various centers of administration to exist and opens the door to diversity of religious doctrine.

If the right is considered to belong to the "community of Muslims," on the other hand, the matter becomes subject to negotiations within the community in a particular time and place, thus broadening the matter and opening it up to diversity and even division due to the different orientations adopted by different "communities". Such religious diversity may even lead to conflict over who holds this right to administer endowments. In addition, the matter becomes subject to negotiation between the social and political realms of the "community," and this could also open the door for the rulers or their deputies to intervene to resolve such disputes, based on their capacity as representatives of the "community of Muslims" in general or in a particular city or area.

Among the few references to the repercussions of religious diversity for the administration of mosques is the jurisprudential debate over the right of the endower to allocate a mosque to the followers of a particular doctrine. While some scholars consider such a condition on an endowment to be invalid, others deem it acceptable as a way to avoid contention and conflict when performing religious rituals according to differing doctrines.[12]

Despite indications that in some instances endowers and their deputies did oversee endowments, or that agreements did take place within the "community of Muslims" in a particular place to follow a group of scholars

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12- Al-Zarkashi observes this debate: "If an endowment is conditioned by the allocation of a mosque specifically to the people of Hadith, i.e. the followers of the Shafi'i, Maliki, or Hanbali doctrines, or to those who advocate the importance of opinion, i.e. the Hanafi doctrine, or to another known sect, then there are two perspectives. The first, chosen by Imam al-Ghazali, is that the condition would be invalid, because a tract of land is made into a mosque by liberating it from the ownership and control of any person, thus rendering any conditions void (just as the liberation of a slave is rendered meaningless if conditioned, so it is meaningless to condition a mosque on its belonging to a particular group). Thus, he stated in al-Tatimma: The endowment is rendered meaningless if conditioned, for conditions themselves are void. The second perspective is that of the Shafi'i imam, who stated: The endowment is not rendered void due to conditions of belonging to a particular doctrine, for just as invalid conditions do not annul the liberation of a slave, so with conditions imposed on endowments. The most correct view according to Rafi'i in al-Muharrar, and Judge Hussein concurred, is that the condition is valid and those mentioned in the condition should observe it as imposed by the endower, in order to prevent conflict when performing religious rituals according to differing doctrines."Mohammed ben Abdullah al-Zarkashi, "I'lam as-sajed bi-ihkam al-masjed," ibid.

of a particular doctrine or school of thought, this was always a point of contention with the authorities, as the mosque was the most important space in the public sphere under the Islamic state and the legitimacy of the authorities was fundamentally based on their being the "Islamic Caliph," or as having a mandate from this caliph to whom loyalty was owed.

The history of the Azhar Mosque is an example of the crisis between the system of endowments allowing for a major mosque to belong to a doctrine other than that espoused by the authorities, and the fact that this situation represented a threat to the legitimacy of the authorities.

The Fatimid caliphs established the Azhar Mosque and granted to it a number of endowments. Azhar was to be the official mosque of the Fatimid state and a platform from which their religious doctrine – belonging to Ismaili Shi'ism – would be disseminated. It was also intended to be a center of learning, where most Ismaili doctrines could be studied, with a specific focus on Ismaili Shi'ism. Finally, Azhar was to be a place where the religious rites of this doctrine would be performed.

When the Ayyubid state was founded in Egypt following the demise of the Fatimid state, Saladin al-Ayyubi prohibited the spending of the revenues of many endowments on Azhar Mosque, and some of these endowments were plundered. The high Shafi'i judge, who had been appointed by Saladin, discontinued Friday prayers in Azhar Mosque. For the next 98 years, Friday prayers were not performed in Azhar. It was only during the era of the Circassian Mamluks that Friday prayers were once again held in Azhar Mosque and that some endowments were restored to it.[13]

The Fatimid Caliphate had stopped being promulgated from the pulpit of Azhar Mosque even before Friday prayers were discontinued. In its place, the pulpit supported the Abbasid Caliphate, which recognized Saladin al-Ayyubi as sultan. This was one form by which mosques – particularly major mosques – were supposed to demonstrate their loyalty to the authorities. History books abound with stories of how the propagation of the name of a particular ruler in place of another was an indication of support for newly established authorities following a struggle for power.

Iraq provides a different example, as it represents a situation in which doctrinal diversity was a reality that could not be overcome. In this case, after decades of turmoil, the controversy ended in a form of endowment administration that accounts for this diversity.

13- Abdelaziz Mohammed al-Shanawi, "Azhar jama'an wa jama'a," part one, ibid. pp. 65-89.

"Iraq lived in a state of sectarian conflict throughout the periods of the Safavid and Ottoman empires. As soon as one side would prevail, this victory would be reflected in the destruction of the religious institutions, shrines, and tombs of the saints, according to the beliefs and doctrine of the victor state. The situation remained such until Safavid rule in Iraq was ended by Sultan Suleiman the Magnificent in 1534."

The developments under Suleiman the Magnificent included transforming endowments bureaus into one bureau for Sunni endowments headed by the president of the republic and the establishment in 1966 of another directorate dedicated to overseeing the holy sites of Shi'ism.[14]

In Egypt, the legal regulations for endowments in general, and particularly with regards to mosques, represented a gradual victory for the right of the first party (the ruler and his deputy) to administer and oversee the affairs of mosques. This came at the expense of the freedoms of the other parties to do so (endowers and their deputies, and the "community of Muslims").

These qualitative developments began under the rule of Mohammed Ali with the establishment of a "General Bureau for Endowments" in 1835. Despite the fact that this bureau was abolished only three years later, it was considered "the seed of government intervention in the area of endowments." In 1851, Khedive Abbas reestablished this bureau, and government intervention in endowments began to develop institutionally and functionally.[15]

One of the milestones of this institutional development was the emergence of centralized administrative bodies, such as the High Council of Endowments and the Administrative Council for Endowments, to administer endowments across Egypt.

This bureau continued to function until it was transformed into a ministry in 1878. Following the British occupation in 1882, however, the administration of endowments was once again given to a bureau, due to the sensitive nature of the administration of the affairs of mosques and of Islamic matters belonging to a governmental ministry under British rule.

Nevertheless, this institutional development continued, and the level of both government intervention and the centralization of the administration of endowments grew, as seen in the "Rules of Procedure for the Bureau of General Endowments" and its internal bylaws.

14- Mohammed Bahr al-Ulum, "Al-waqf fi al-'iraq tarikheyyan wa idareyyan," "Ahameyyet al-awqaf al-islameyya fi a'alem al-youm," ibid.

15- Ibrahim al-Beyoumi Ghanem, "Al-awqaf wa as-siyyasa," Shorouk Publishing House, Cairo, first edition, 1998, pp. 388.

Such developments relating to mosques can be observed in the "Internal Bylaws Concerning the Service of Mosques and Khanqahs Covered by the Administration of the Bureau of General Endowments in Cairo, Alexandria, and Other Frontiers and Regions,"[16] issued in 1311 A.H. / 1893 A.D., which includes details such as the times at which mosques shall be opened and closed, instructions for imams, preachers, caretakers of mosques, muezzins, and custodians and sweepers.

The "Rules of Procedure for the Bureau of General Endowments," issued in 1313 A.H. / 1895 A.D., refer to the "Administrative Council for Endowments" – one of the bodies of the bureau – the most important authorities of which included: "Removing preachers, teachers and keepers of shrines, mosques, and khanqahs, and scholars and heads of maqraas who may have positions with or receive wages from the bureau or other governmental bodies; and appointing replacements for them, except for the regular keepers of mosques, who shall be appointed through higher orders (from the khedive)." However, the bureau "shall not prevent imams and preachers from performing Friday and collective prayers in places other than those where they were held previously."[17]

This text reveals the context of the jurisdiction of the work of the bureau and the extent of the government intervention in the administration of mosques, shrines, and khanqahs and in regulating the payment of the wages of those who work in the mosques. It also reveals that the bureau enjoyed the right to remove imams, preachers, and readers from mosques, which oversteps the established practice of the ruler (the khedive) selecting imams and preachers for major mosques.

In 1913, a high order was issued to transform the General Bureau for Endowments into a ministry once again. Due to the sensitive nature of religious affairs being administered by a government under British control, the preamble of the high order stated that the overseer (the minister) of endowments would be included in the council of ministers and would be granted a mandate from the khedive to administer matters which fell under the jurisdiction of the General Bureau for Endowments, yet the budget for endowments would remain separate from the budget of the government, and the minister of endowments was to "ensure the proper functioning of this interest and use the funds for the affairs of the Islamic nation, paying particular attention to the performance of Islamic rituals and related charitable works."[18]

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16- See Appendix no. 1: Internal Bylaws Concerning the Service of Mosques and Khanqahs Covered by the Administration of the Bureau of General Endowments in Cairo, Alexandria, and Other Frontiers and Regions.

17- Ibrahim al-Beyoumi Ghanem, ibid., pp. 400.

18- Ibrahim al-Beyoumi Ghanem, ibid., pp. 401.

In the 1923 constitution, the king retained his traditional control over religious affairs, according to Article 153, which stipulated: "The law shall regulate the manner in which the king shall exercise his authority, according to the principles established in this constitution relative to religious institutions, the appointment of religious leaders, and endowments, which shall be administered by the Ministry of Endowments, and in general as relates to matters concerning the religions which are permitted in the country. If legislation is not passed to regulate these authorities, they shall be exercised according to the rules and customs currently in place. The rights exercised by the king himself as head of the royal family shall be retained, as established by Law no. 25/1922 on the system of the royal family."

Parallel to the institutional development of the Ministry of Endowments and its control over mosques and the religious sphere, in 1927 King Fuad I issued Law no. 14/1927, based on a proposal from the Senate and House of Representatives, "to regulate the authorities of the king as relates to religious institutions, the appointment of religious leaders, and matters concerning the religions which are permitted in the country."[19] This law stipulated that the king should exercise his authorities related to Azhar Mosque and other religious institutions through the prime minister. It further stipulated that the selection of the sheikh of Azhar Mosque, as well as the appointment of all religious leaders for the religions permitted in the country, would take place by a royal order, based on a proposal by the prime minister.

In 1946, Law no. 36/1946 on the rules of procedure of the Ministry of Endowments was issued. Matters related to mosques were dealt with in Part 6, "In Mosques and Maqari'", which included the following two articles:

Article 12: Except for the sheikhs of mosques who were appointed by royal decree or edict according to the usual practice, employees and managers of mosques shall be appointed according to the stipulations of the internal bylaws.

Article 13: The Ministry shall issue a royal order to perform the Friday prayers and the prayers on the religious holidays in all mosques established by the Ministry, and for mosques established by another party if that party requested the issuance of such an order, after the Ministry verifies that there is no prohibition against said mosque and that the mosque's qiblah is facing the proper direction.

In the same year, Law no. 48/1946 on rules of endowments[20] was issued, making only one mention of mosques

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19- See Appendix 2: Law no. 15/1927.

20- See Appendix 3: Law no. 48/1946.

in Article 5: "The endowment of a mosque shall be permanent." This means that whatever is endowed to be a mosque, whether land or buildings, can never be returned to its previous owner.

After July 1952 and the change of political regime, the budget of endowments was incorporated into the state budget in 1953. This marked the beginning of a new phase of legal developments to regulate the Ministry of Endowments as well as the regulation of mosques.

The Legal Framework for Mosque Administration
The Law Regulating the Ministry of Endowments

Many political transformations took place over multiple stages following the ascent of Mohammed Ali to power and the establishment of the modern state, which gradually broke its ties with the Islamic Caliphate. The state was later transformed into a constitutional monarchy with the adoption of the 1923 constitution, then into a republic following the movement within the army in 1952. Despite this, however, the policies and the legal framework for administering mosques as part of the administration of endowments and religious affairs appeared continuous, linking the "state of the Muslims" to the "republic".

Early steps to regulate endowments moved toward an increased role for the authorities, through jurisprudential interpretations and political practices which gave the right to administer endowments to the "ruler or his representative" while decreasing and at times even eliminating the freedom of the society, with all its diversity, to administer endowments as described by jurisprudential rulings in terms such as "conditions placed by the endower and the administration of his representative." In the same way, fundamental political changes to the ruling regime do not appear to have affected the administration of mosques as part of the administration of religious affairs. Rather, this role and the prerogatives it comprised went from belonging to the "caliph or imam of the Muslims and his deputy," to the "khedive," and then to the "president of the republic" and the government. When Islamic rulings and interpretations are drawn upon, the term "executive authority" replaces the term "the ruler and imam of the Muslims." This has continued as a stable feature of the administration of religious affairs from the 1952 movement within the army to this day, as will be discussed in further detail below.

The new phase of regulation began with a fundamental transformation represented by the abolishment of the civil endowment and the retention only of the charitable endowment (which includes mosques). This came according to decree-law no. 180/1952,[21] which was issued by the temporary trusteeship over the throne prior to the abolishment of the monarchy and the declaration of the republic.

21- See Appendix 4: Law no. 180/1952.

Charitable endowments were later subjected to the central administration, regardless of the conditions placed on them by endowers. This occurred according to Law no. 247/1953[22] and amendments made to it by Law no. 30/1957,[23] which gave the Ministry of Endowments the right to take action in matters concerning charitable endowments, regardless of any conditions made by the endower, if the Ministry considered that another body was more suitable to be spent on by these endowments.

Article 1 of this law, as amended, stipulates: "If the endower did not appoint the party to which the asset was endowed, or if that party is not present or if a worthier recipient is found, the Minister of Endowments may, with the approval of the High Council of Endowments, spend all or part of the profits of this endowment on the recipient that he designates, without being bound by conditions imposed by the endower. The Minister of Endowments may, with the approval of the High Council of Endowments, change the conditions by which the charitable endowment is managed."

As relates specifically to mosques, Law no. 272/1959[24] on the regulation of the Ministry of Endowments and its rules of procedure includes two articles: The first transfers the prerogatives of the khedive to the president of the republic; the second stipulates that the performance of the prayer on Fridays or religious holidays shall be by a decree from the Minister of Endowments. The articles read as follows:

Article 10: The sheikhs of mosques of particular prominence shall be appointed by a decree from the president of the republic.

Article 11: The Minister of Endowments shall issue a decree to perform the prayer on Fridays and religious holidays in every mosque established by the Ministry, or by another party after the mosque's validity is verified.

Law no. 157/1960[25] grants the Ministry of Endowments jurisdiction over the administration of all mosques and what the Ministry deems necessary in terms of small community mosques, as well as the power to issue directives to those managing these mosques. The law reads as follows:

"The Ministry of Endowments shall take charge of the administration of mosques, whether the mosque has been certified by the Ministry or not; in the latter case mosques must be taken over by the Ministry within a period of not more than ten years of the date on which this law comes into effect.

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22- See Appendix 5: Law no. 247/1953.

23- See Appendix 6: Law no. 30/1957.

24- See Appendix 7: Law no. 272/1959.

25- See Appendix 8: Law no. 157/1960.

"The Ministry shall oversee the administration of these mosques until they are taken over by the Ministry. The Ministry shall also oversee the administration of small community mosques, which shall be identified by a decree from the Minister of Endowments, and issue instructions to those who undertake them to ensure that their religious purpose is fulfilled correctly."

Ministerial decree no. 97/1962 on employees and the system of work in mosques,[26] issued by Minister of Endowments and Azhar's Affairs, Mohammed al-Bahey, includes a number of articles related to the details of the Ministry's administration of mosques. The most significant of these are as follows:

Article 1: The positions in the mosque shall comprise:

a. The imam, who presents the Friday sermon, provides religious lessons according to the system established by the competent deputy minister, leads the five daily prayers, and oversees the affairs of the mosque and its employees, as well as other tasks that the Ministry might mandate him to undertake.
b. The keeper of the mosque, who performs the call to prayer and the Quranic readings, oversees memorization of the Holy Quran, and serves as custodian of the library attached to the mosque, as well as performing other tasks that the Ministry might mandate him to undertake.

Article 2: The person who is nominated to work as imam or ritual performer must meet the conditions set out in the law on state employees, and must succeed in passing the test which is to be conducted under the supervision of the Bureau of Employees in agreement with the Ministry, whether the appointment occurs through promotion or based on merit.

Article 3: All nominations to fill open positions in a mosque must be presented to the competent deputy minister and approved by the Minister, except for service positions, for which the approval of the competent deputy minister shall suffice.

Article 6: Work in the mosque shall be overseen by inspectors nominated by the competent deputy minister from among the employees in the Ministry. These inspectors shall prepare periodic reports every three months about the levels of imams in the mosques, the members of which shall be determined by a decree from the competent deputy minister. The imam shall prepare a summary of each sermon that he presents in the mosque and send it to the regional administration and to the competent administration within the Ministry, which will review these summaries and issue the necessary instructions related to these sermons. These summaries shall be considered one element for evaluating the level of the imam.

26- See Appendix 9: Ministerial decree no. 97/1962 on employees and the system of work in mosques.

Article 8: Mosque employees who are deemed unfit to perform their assigned work, or who do not meet the conditions set out in this decree, shall be transferred to other appropriate positions within the Ministry. This transfer shall take place gradually and in accordance with the law.

Ministerial decree no. 152/1973[27] establishes the prerogative of endowments directorates in the governorates to undertake the technical and administrative oversight of mosques. It further establishes a number of procedures specific to the supervision of those who present Friday sermons, stipulating the following:

Article 1: Endowments directorates in the governorates shall undertake technical and administrative oversight of the civil mosques located in their governorate. In order to do so, these directorates shall designate an individual to present the Friday sermon in each mosque, after testing him and verifying his suitability for the task. The names of these individuals shall be written in the directorate's official record. No person other than this designated individual may give a Friday sermon in the mosque, except by permission of the directorate.

Article 2: The endowments directorates shall inform the general administration in the general bureau of the Ministry of the names of those designated to give Friday sermons, as referred to in Article 1 of this decree, as well as any changes to the lists of these individuals as they occur.

Decree no. 20/1982,[28] issued by the Minister of Endowments, regulates the composition of mosques' administrative boards, which undertake some supervisory tasks and play a supportive role for the mosque. These boards fall under the oversight of the endowments directorates, which nominate members to the administrative boards. Members are appointed by a decree from the Minister of Endowments, and decisions taken by the administrative boards must be approved prior to their implementation. The Ministry retains the right to dismiss members of these boards or to dissolve them altogether if they commit infractions deemed by the Ministry to warrant dismissal or dissolution.

The most important articles of this decree are as follows:

Article 1: As relates to the formation of administrative boards for mosques: Every mosque affiliated with the Ministry of Endowments and falling under its supervision shall have an administrative board, the composition of which shall be determined by a decree from the Minister of Endowments, based on nominations by the competent directorate of endowments.

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27- See Appendix 10: Ministerial decree no. 152/1973.

28- See Appendix 11: Decree no. 20/1982 of the Minister of Endowments.

Article 3: In cases as deemed by the Ministry, the administrative board shall have jurisdiction over a number of mosques in a particular city, area, or town, and its headquarters shall be based in the principle mosque in that area. In such cases, the administrative board may allocate particular activities to each of the mosques under its jurisdiction, which the mosques shall carry out under the supervision of the administrative board.

Article 5: The sheikh or imam of the mosque shall be a member of the mosque's administrative board, and he shall represent the Ministry of Endowments according to his position on the administrative board. The person who built the mosque, or one of his sons or a member of his family who meets the stipulated conditions, shall also be a member of the administrative board of the civil mosque, which falls under the oversight of the Ministry of Endowments.

Article 7: The authorities of the administrative board shall include the following: The administrative board shall fulfill its responsibilities within the framework of the policy of the Ministry of Endowments, which aims to make the mosque a beacon of light for its surrounding community, in which citizens find – in addition to fundamental religious values – social, cultural, health, and other services related to the message of the mosque and which help to bring the masses into the mosque and bind them to it.

To achieve this, the administrative board, under the supervision and oversight of the Ministry of Endowments and in coordination and cooperation with it, shall undertake the following tasks:

- Supervision of the cleaning of the mosque and its proper functioning. As relates to government mosques, the role of the administrative board shall be limited to informing the competent directorate of endowments of their most important observations and recommendations as pertains to the workers in the mosque.
- Maintenance of the belongings of the mosque and working towards the associated upkeep and restoration.
- Supervision of religious lectures, lessons, and seminars, covering all areas of religious culture and meeting the needs of the surrounding community, according to the general instructions issued by the Ministry.
- Planning for and supervise cultural, social, health, and other activities in accordance with the message of the mosque, and work to attract the most suitable members from those who frequent the mosque and the surrounding community and encourage them to support these activities.
- Supervision of the religious celebrations which take place in the mosque on the various religious holidays, and work to organize them in such a way as helps to represent the fundamental religious values in an appealing way.
- Paying careful attention to the sessions of Quranic memorization in the mosque.
- Supervision and organization of the mosque's library, and working to increase the number of useful books it contains.

- Giving attention to the supplementary lessons for school children and university students which take place in the mosque.

- Nomination of a number of Islamic individuals able to preach and who can be used to give Friday sermons when made necessary due to the appointed imam's inability to be present at the mosque to lead Friday prayers.

- Supervision of the collection of donations inside the mosque or mosques under their jurisdiction in order to fund their activities.

- Prioritizing spending on the items set by the administrative board.

Article 10: The secretary general of the administrative board shall take charge of the tasks of the general secretariat and supervise the redaction of the minutes of its sessions and their incorporation into the official record after signing it and then obtaining the signature of the president of the board. The secretary general shall also inform the competent directorate of endowments of decisions taken by the board within one week of their issuance; decisions made by the administrative board shall not be implemented until approved by the competent directorate of endowments.

Article 11: The president of the administrative board is responsible for the implementation of the decisions taken by the board after they are approved by the competent directorate of endowments.

Article 12: Every six months, the president of the administrative board shall present to the competent directorate of endowments a report about the most important activities carried out by the board as well as its suggestions to support these activities and overcome obstacles. The directorate shall submit this report, along with its observations, to the deputy minister of religious affairs.

Article 14: As relates to the term of the administrative board: The term of the administrative board shall be four years, after which period the Minister of Endowments shall issue a decree to reconstitute the board. Prior to the end of this term, the administrative board may be dissolved by a decree from the Minister of Endowments, if the board failed to meet three consecutive times without a justification being accepted by the Ministry, or if an infraction was committed which merits such a measure. Membership shall be revoked from any member of the administrative board who is absent from three consecutive meetings of the board without a justification being accepted by the competent directorate of endowments or who commits an infraction which merits the revocation of his membership.

The decree also regulates the participation of the administrative board in spending allocations made by the Ministry on the activities of the mosque, as well as the collection of donations under the supervision of the board, in a number of articles, the most important of which are as follows:

Article 15: The financial resources for the activities undertaken by the administrative board are comprised of what the Ministry of Endowments allocates from funds as well as the donations and grants which have been collected inside the mosque or mosques which fall under the jurisdiction of the administrative board.

Article 16: Spending of these resources takes place under the supervision and oversight of the competent directorate of endowments and according to the priorities set by the administrative board and approved by the directorate.

Article 18: As relates to the regulation of the collection of donations in the mosque: The collection of donations inside the mosque – under the supervision of the administrative board – shall take place through a closed box bearing the seal of the competent directorate, or through numbered, stamped receipts. Such donations shall be spent by the competent directorate of endowments. The collection of other donations is prohibited, except with the approval of the Ministry and in accordance with the rules set by the Ministry.

The control of the Ministry over sermons and religious lessons was intensified when – for the first time – a law was passed which imposes punishments on anyone who gives a sermon or teaches in a mosque without authorization from the Ministry. Law no. 238/1996,[29] which amended the law regulating the Ministry of Endowments as follows:

The Minister of Endowments shall issue a decree stipulating the required conditions which must be met in order for any person to merit the right to present sermons or impart religious teachings in the mosques, as well as the procedures which must be taken to obtain authorization from the Ministry of Endowments to do so.

All who inappropriately practice the activities outlined in the previous paragraph will be punished by imprisonment of up to one month and a fine of not less than 100 Egyptian pounds and not more than 300 Egyptian pounds, or by one of these two penalties.

The Minister of Justice, through an agreement with the Minister of Endowments, may grant judicial powers of search and seizure to mosque inspectors as relates to violations of the provisions of this law.

In 1997, the Minister of Endowments issued a ministerial decree regulating the conditions and procedures which govern the granting of authorization to present sermons and impart lessons to those other than those working with the Ministry of Endowments, who are known within the Ministry as "remunerated preachers" to differentiate between them and the preachers who work for the Ministry, and because they receive remuneration for their sermons

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29- See Appendix 12: Law no. 238/1996.

or lessons, rather than salaries, like the workers in the Ministry. Decree no. 11/1997[30] issued by the Minister of Endowments includes a number of articles regulating this area, the most important of which are as follows:

Article 1: No one may present sermons or impart religious lessons in any mosque or small community mosque, except for those who have been granted a license for these activities by the Ministry of Endowments for those who do not work in the field of preaching within the Ministry of Endowments and of preaching at Azhar.

Article 2: Those who may present sermons or impart religious lessons must meet the following conditions:
1 – He must be of good standing and reputation.
2 – He must have obtained an academic qualification providing him with an appropriate measure of religious understanding, or have experience in this area.
3 – He must not be younger than 18 years of age.
4 – He must go to the Directorate of Endowments in the governorate where his residence is located with a request containing the required documentation.

Article 3: The requests shall be presented to the technical secretariat of the Committee of Religious Education in the governorate, which shall review the requests to ensure that all documentation has been properly received. The secretariat shall perform the necessary interviews with the applicants to select those who are qualified to give sermons or impart religious lessons and issue the required licenses.

Article 4: Those who have obtained a degree from one of the Azhar faculties concerned with teaching religious and Arabic studies, as well as those who have obtained a bachelor's degree from the faculty of Dar al-Uloom after finishing secondary school in an Azhar institution, shall be exempted from the interview referred to in Article 3 of this decree.

Article 5: The technical secretariat shall inform the directorate of the names of the individuals who have been selected, in order to take the necessary action to issue the license from the Ministry in the form of the cards prepared for this purpose.

Article 6: The individuals who have been granted authorization to give sermons and impart religious lessons shall fall under the total supervision of the Ministry of Endowments. The preaching inspectors who are granted judicial powers of search and seizure by a decree from the Minister of Justice shall inform the relevant authorities of any violations to this decree, in order for the legally established measures to be taken in response to the matter. These inspectors shall also present periodic reports in this regard to the directorate.

30- See Appendix 13: Decree no. 11/1997, issued by the Minister of Endowments.

Article 8: A committee, presided over by the head of religious affairs and the heads of the centralized administration of mosques and of preaching, shall be formed to investigate cases deemed by the directorates as warranting the revocation of licenses from those who are repeatedly reported to have breached the limits of their assigned work, and to provide an opinion about the content of these reports.

The individual in question shall be informed of the revocation of the license through a written notification, accompanied by an acknowledgement of receipt at the permanent address on his application or the address he had designated. This notification shall be considered equivalent to the revocation of the license, by which the individual in question shall be banned from the activities for which he was previously licensed, as per Article 1 of this decree.

The Administrative Judiciary Mosques: "Owned by God" and Administered by the State

The Supreme Administrative Court considered a number of challenges to judicial rulings related to conflicts over mosques between the parties which established the mosques – both individuals and associations – and which undertook to administer them, and the Ministry of Endowments, which had incorporated these mosques under its jurisdiction. In three cases it reviewed, the court discussed a number of issues related to the regulation of mosques and determined a number of principles in this regard.

These challenges were as follows:

Appeal no. 1946 of judicial year 35 / November 27, 1994 (Appendix 14);

Appeal no. 906 of judicial year 32 / June 17, 1995 (Appendix 15), and related Appeal no. 2941 of judicial year 40 / February 3, 2001 (Appendix 16);

Appeal no. 10309 of judicial year 47 / May 20, 2006 (Appendix 17).

In Appeal no. 1946/35 from 1994, one of the members of the Islamic Education Association in the governorate of Menoufia challenged Decree no. 6/1984, by which the Ministry of Endowments took over one of the mosques belonging to the association (Al-Zenati Mosque in Shebin el-Koum).

The president of the Islamic Education Association had established the mosque at his own expense and then entrusted the mosque to the Association to administer and oversee it. The Association had accepted the mosque and established its headquarters there.

The challenge to this decree was based on two arguments:

1 – The law regulating the Ministry of Endowments, Law no. 272/1959 as amended by Law no. 157/1960, determined that all mosques should be incorporated under the Ministry of Endowments within ten years; the challenge stated that the measure being contested had occurred after the end of this period.

2 – The challenge stated, as per the memorandum of the appeal, that "the members of the Association, and

thus of the mosque, are experts in the field of preaching and known for their competence, and this mosque has become – by the grace of God – a center of Islamic enlightenment and education… until the issuance of the decree to incorporate the mosque under the Ministry of Endowments, which is severely lacking in terms of preaching and in terms of the material resources needed to carry out its designated role. It is therefore unfitting that this mosque be taken over by the Ministry of Endowments."

The response of the court to these two arguments was as follows:

1 – The law's designation of a period of ten years for the Ministry to exert control over all mosques was "a regulatory deadline intended to allow time for the Ministry to be able to provide the necessary funds which would be required for the implementation of the law. Consequently, the Ministry of Endowments is not at fault for receiving any number of mosques at any time, whether the mosques already existed at the time that the law went into effect or were established following this date, according to the funds available to the Ministry for the administration of these mosques."

2 – The court stated that "given the importance of the role played by mosques in instructing Muslims, the state has been required to exercise foresight and awareness of the critical role played by mosques in the lives of Muslims and to ensure that mosques are not left to function without guidance." The court further stated that "the takeover of mosques by the Ministry of Endowments, as long as the Ministry has the necessary appropriations, is in the best interest of the Muslims."

The court referred to the text of the explanatory note of the law regulating the Ministry of Endowments in determining that "in order for religious instruction in the country to occur in a regulated manner, the matter requires a general policy for all mosques and small community mosques in cities and towns which aims to ensure the purity of scholarly material and the soundness of the direction adopted by preachers and teachers. It was noted that a large number of mosques do not fall under the supervision of the Ministry of Endowments, and these mosques are severely affected by the lack of a standardized system, their affairs are decided by circumstance, and they have no one who is responsible for providing teaching and guidance. If left in this state, these issues could diminish the value of religious instruction, weaken trust in the message of the mosque, and pave the way for all forms of heresy and superstition, particularly since what is proclaimed from the pulpit of the mosque is proclaimed in the name of God. As such, the matter requires that a system be put in place to oversee these mosques to ensure the achievement of the high purposes of public religious education, the instruction of the youth, and their protection from foreign ways of thinking. Therefore, it has been determined that the Ministry of Endowments shall administer all mosques."

In Appeal no. 906/32 from 1995, Sheikh Hafez Salama, in his capacity as the founder of the Hedaya Islamic Association, challenged Decree no. 134/1981, issued by the Minister of Endowments, by whicthe Ministry of Endowments took over the Nour Mosque belonging to the Association. This decree was issued in conjunction with a presidential decree, as well as another decree issued the Ministry of Social Affairs to dissolve the Association.

The appeal was based on a number of arguments, as follows:

1 – The representatives of the association challenged the presidential decree and the decree issued by the Ministry of Social Affairs to dissolve the association, as well as the decree issued by the Ministry of Endowments to take over the mosque. The administrative court decided to invalidate the decrees, with the exception of the decree issued by the Ministry of Endowments. Those bringing the challenge argued that the latter decree was based on the first two decrees.

2 – The mosque was the property of the association and not an endowment. In addition, the association was a private association, and as such the association's funds are considered to belong to the association and the association enjoys freedom and immunity according to the constitution, and thus any decree to take over the mosque would be unconstitutional. Those bringing the challenge contested the constitutionality of Law no. 272/1959 regulating the Ministry of Endowments, based on its being in violation of constitutional provisions protecting private property.

The response of the court to these arguments was as follows:

1 – The decree of the Ministry of Endowments to take over the mosque was not based on the presidential decree or the decree issued by the Ministry of Social Affairs to dissolve the association; rather, it was based on the law regulating the Ministry of Endowments, a different legal basis.

2 – Mosques become a form of endowment under Islamic law simply through a statement declaring the place to be a mosque or through the act of performing the prayer in it, regardless of whether or not official documentation for the mosque has been issued. This is according to Article 1 of Law no. 157/1960, which stipulates that the Ministry of Endowments shall administer mosques whether or not documentation for them has been issued.

The court stated that decrees to take over mosques according to the law regulating the Ministry of Endowments do not violate the right to private property, "as it is recognized in Islamic jurisprudence that mosques are to be considered the property of Almighty God, and not the property of any individual. Therefore, if a tract of land were to be allocated as a mosque, this land no longer belongs to its owner and cannot be owned by anyone…

Consequently, if the mosque is not the property of any individual, the legal provision which stipulates that the Ministry of Endowments shall administer mosques does not represent an infringement on private property." In another part of the text of the ruling, the court states, "The Islamic nation concurred that the piece of land set aside verbally for the prayer was no longer considered part of the property belonging to its original owner and became a public place belonging to all Muslims."

The court stated that the decree to take over the mosque "achieves the best interest of the mosque and of the Muslims by appointing an imam, a preacher, and a teacher to this mosque so that it can fulfill its purpose."

The ruling of the court indicated that the buildings attached to the mosque, such as hospitals and clinics, do not lose their status as belonging to the mosque. After the Ministry of Social Affairs continued to administer the extensions of the mosque which provide educational, health, and charitable services, the founder of the association submitted another challenge titled Appeal no. 2941 of high judicial year 40, the ruling on which was issued in 2011. The appeal was upheld and the Ministry made to return the buildings which were not part of the mosque itself and which were not directly linked to the performance of religious rituals.

In Appeal no. 10309 of judicial year 47 from 2006, the Al-Jama'eyya al-Shara'eyya for the Cooperation of Those Working with the Quran and the Sunna challenged Decree no. 73/1999 issued by the Ministry of Endowments to take over the Al-Rahma Mosque belonging to the Association in Shanta al-Hagar in the governorate of Menoufia.

Those bringing the challenge used an argument which was also used in the two previously mentioned appeals, namely that the mosque was established following both the issuance of the law regulating the Ministry of Endowments, which stipulated the Ministry's takeover of mosques, and the end of the period set by the law for the Ministry to take over all mosques.

The mosque responded in the same manner as in the previous cases, stating that the law applies to all mosques, whether or not they had been in existence at the time that the law was passed, that the period of ten years represented a regulatory period subject to the availability of the financial resources necessary to take over the mosques, and that the end of this period did not render the takeover of mosques unlawful.

In the text of the decision in which it rejected the appeal, the court repeated what was included in the rejection of the previous two appeals, stating that any mosque "is to be considered as belonging to God and falling under the supervision of the legitimate ruler of the country," and that "the state, in recognition of the mission of mosques to support religious instruction in the country, and affirming its responsibility to provide education

and guidance and to ensure that requirements thereof are met, including the setting of a general policy for all central mosques and small community mosques in both cities and towns that aims to ensure the purity of scholarly material and the soundness of the direction adopted by preachers and teachers, to ensure the impact of this religious instruction, and to ensure that trust will be maintained in the purpose of the mosques that the youth will be protected from foreign ways of thinking, considers that the Ministry of Endowments shall undertake the administration of all mosques."

The ruling added, "This understanding shall not apply to the buildings adjacent to mosques which are established by civil associations and allocated to provide social, health, and educational services – and thus they shall not fall under the supervision of the Ministry of Endowments."

Analytical Framework of the Development of Policies on the Administration of Mosques prior to January 2011:

Three Assumptions of Religious Unity vs. the Reality of Diversity
The Assumption of the Religious Unity of Muslims

These legal developments – including attempts to regulate endowments and administer mosques and repeated rulings passed by the High Administrative Court – appeared to impose the unlimited control of the state, and particularly of the executive authorities, over all aspects of the administration of mosques. In practice, however, this control was never total. Indeed, the disputes which reached the High Administrative Court reveal that the control of the state was not effective in extending to all mosques, and that this control was resisted and circumvented, including by contesting the state's positions before the administrative courts. Clearly, the control of the state expanded and contracted over time and due to various considerations and calculations.

The legal developments which increased the control of the state by centralizing the administration of mosques appeared to be an extension of the centralized powers of the "imam" or the "ruler" in Islamic jurisprudence and of the political/religious practices of the Islamic Caliphate (or the "state of the Muslims"). As such, these legal developments were based on a conflation that considered the state to also be the legitimate authority over the "community of Muslims."

The understanding of the "community" here is simultaneously religious and political, as these two aspects could not be separated in the time of the Islamic Caliphate. Similarly, the authority of the imam (or the caliph/commander of the faithful/ruler) and his deputies was derived from their political leadership of the community of Muslims as well as their religious mandate over them. This model was most fully achieved when the Prophet Mohammed served as the ruler of the nascent community of Muslims.

The development of the Islamic Caliphate can be viewed as the transformation of this early model into an "assumption" which later confronted changing realities and various political and religious divisions.

It is impossible to separate the political and the religious when discussing these major divisions, including the "great schism" of Islam, which resulted in the split between followers of the Sunni and Shi'ite doctrines in the largest division of the community of Muslims in the history of Islam.

The assumption of the unified "community of Muslims" remained intact throughout the centralized rule of the Islamic Caliphate. Indeed, local authorities owed loyalty to the Caliphate, albeit only symbolically. And although multiple centers of power existed within the Caliphate, each center claimed to represent the Caliphate.

Within each local center of power, the assumption of political unity among the residents in that particular area was linked to an assumption of religious unity as well. The crisis over Azhar that took place between the Shi'ite Fatimids and the Sunni Ayyubids is one example of how the assumption of religious unity went hand-in-hand with the assumption of political unity under one authority, with this religious unity being based, of course, on the "correct" or "true" religious doctrine. Such a characterization in and of itself indicates the presence of other doctrines and religious orientations, i.e. that diversity and differentiation does in fact exist, and unity is merely an illusion that is assumed to be real.

Since the Sunni doctrine and its followers did not disappear under the rule of the Shi'ite Fatimids, nor did the Shi'ite doctrine and its followers disappear in Egypt under the rule of the Sunni Ayyubids (indeed, they remain to this day), the assumption of "unity" remains in constant conflict with the reality of diversity. Even when unity is seemingly achieved, this assumption is still in conflict with the possibility of future diversity.

Under authorities who espouse the assumption of religious unity, the mosque is a public place for all Muslims, as all Muslims are supposed to share the same religious beliefs. This assumption of unity, however, also clashes with the reality of diversity.

Indeed, the major mosques remained supportive of this assumption of unity, as the authorities were intolerant of challenges to this assumption.

The fact that the Ayyubid authorities did not allow for the presence of Azhar as a Shi'ite mosque under their rule is a historic example of this intolerance. The case of the Nour Mosque serves as a modern example, in which the authorities did not tolerate this major mosque becoming a center for the activities of Islamist groups. Indeed, the association which had founded the mosque was dissolved, and the mosque was taken over by the Ministry of Endowments in 1985.[31]

31- Report on the Religious Situation in Egypt, Issue no. 1, Al-Ahram Center for Political and Strategic Studies, Fifth edition, Cairo, 1995, pp. 64.

Historically, the assumption of religious unity – and therefore the religious homogeneity of mosques – was passed on from the Islamic Caliphate to the state under Mohammed Ali and his successors, then to the modern state which took form after July 1952.

As was discussed in detail in the previous section on the legal framework for the administration of mosques, policies centralizing the administration of mosques did not change following the declaration of the republic; rather, this centralization intensified and became more invasive.

However, as observed in the 1995 Report on the Religious Situation in Egypt, the policy of taking over mosques - which for political reasons targeted the containment of what the report refers to as "the ideas of extremist religious groups" - failed to achieve this aim. Mosques even began to be named after of the Muslim Brotherhood and other Islamist groups, including Salafist groups.[32]

In addition, the reality of diversity is clearly evidenced by the fact that the masses of practicing Muslims distinguish between mosques administered by the state through the Ministry of Endowments, mosques administered by Salafists, mosques affiliated with the Muslim Brotherhood, mosques belonging to other specific groups, mosques run according to Sufi orders, and even mosques belonging to a particular family or run by a particular founder whose leanings are known. Such diversity clearly conflicts with the assumption of religious unity, as well as the legal framework which does not recognize such diversity in the first place.

Indeed, the legal framework assumes a religiously unified group, and this is linked to the group's political unity under a particular authority. These assumptions allow for central administration of this group's religious affairs by the "imam" (or the authorities), as mosques are seen as places for the practice of religious activities of a unified nature.

In a press statement, former Minister of Endowments Mahmoud Hamdy Zaqzouq stated, "There are not any mosques in Egypt which belong to a particular sect; even mosques belonging to the Al-Jama'eyya al-Shara'eyya and to Ansar al-Sunnah al-Muhammadiyah have been incorporated under the Ministry of Endowments. There is therefore no sectarianism with relation to mosques."

This statement reveals that the Ministry deals with mosques by considering them to be places of worship that represent a unified religious group, in which there is no room for diversity or for sub-groups belonging to another "sectarian" doctrine.[33]

32- Report on the Religious Situation in Egypt, Issue no. 1, Al-Ahram Center for Political and Strategic Studies, Fifth edition, Cairo, 1995, pp 65.

33- Discussion with the magazine "Nusf ad-duneyya," issued Aug. 27, 2010, available at: http://digital.ahram.org.eg/articles.aspx?Serial=310438&eid=90.

When deciding in cases of appeals and other disputes related to mosques, the High Administrative Court uses terms such as "in the interest of Muslims," "directing the Muslims," "the high purposes of religious direction" – mentioned in the explanatory note of the law regulating the Ministry of Endowments – and "a general policy to administer all mosques." The use of these terms in a legal context supports the state in unilaterally setting this religious "direction" ("religious direction" being the most prominent term supporting the assumption of the "religious unity of Muslims").

The State as "Imam" or Representative of the "Unified Community of Muslims"

The previous assumption - that of the "religious unity of Muslims" - is necessarily linked to the idea of the "imam," whose power is limited to the "unified community." Similarly, this imam's exercise of power is what defines the "religious community." It is this imam who sets the "religious direction" for the community and who adopts a unified policy to administer mosques according to "the high purposes of religious direction."

According to Imam al-Mawardi in The Ordinances of Government: "The imamate is established to succeed the prophets in safeguarding religion and setting worldly policies according to religion."[34]

The extension of this assumption into the modern state (as relates here to the administration of religion and religious activities in mosques) renders the state and its executive authority an extension of the "legitimate imam."

This is clear in relation to major mosques, which represent the most important source of support both for this assumption and for the authorities. The right to select imams for these mosques belonged to the ruler in the "state of the Muslims," since the ruler was the representative of the Muslim community. This concept continued past the establishment of the Egyptian state, when the right to select imams for major mosques was transferred to the khedive (first under the system of the Bureau for Endowments and then under Law no. 36/1946 regulating the Ministry of Endowments). This concept similarly continued into the republic which was established in 1952, as the prerogative to appoint imams to major mosques was passed to the president of the republic (as per the 1959 law regulating endowments) and later to the Ministry of Endowments.

In replacing the "imam" and attempting to maintain the assumption of "religious unity," however, the Ministry of Endowments clashed with the reality of diversity. When trying to impose its control over all central mosques and small community mosques, for instance, it was confronted with many differences in the details of

34- Review the definitions of the legitimate imamate in "The Doctrinal Encyclopedia," available at: http://www.dorar.net/enc/aqadia/3988.

religious belief and practice. It similarly clashed with the reality of diversity when forming an administrative body within the Ministry to appoint imams, preachers, and keepers of mosques, supervise them via inspectors, define for them what religious content could and could not be dealt with, orient them towards desirable content, prohibit the impartation of sermons or religious lessons except by licensed individuals, appoint members to the administrative boards overseeing mosque activities, oversee these members, and dissolve these boards when necessary, as laid out in the legal framework regulating the Ministry of Endowments.

In this context, Azhar Mosque, as an educational and preaching institution, is used as a source of imams and preachers who are supposed to represent "true religiosity" and provide "religious direction." However, the Ministry of Endowments, as part of the government (and therefore an extension of the "imam"), monopolizes the right to administer and direct those at Azhar, rather than allowing the leaders of Azhar to do so.

It is worth mentioning that the Ministry of Endowments is responsible for appointing the administrative board for Azhar and designating its imams, preachers, and teachers. However, the Ministry has always coordinated with the leaders of Azhar when determining these matters. This remained the case until 2014, when the current Minister of Endowments, Mohammed Mokhtar Gomaa, issued a decree imposing academic and administrative supervision on the leaders of Azhar.[35]

Another feature of the Egyptian state placing itself in the role of the "imam" (or the "representative of the community of Muslims") is that the state has created a monopoly for itself over the administration of Islamic endowments, even as it refrained from administering Christian endowments. When the state appropriated agricultural land which had taken on the form of endowed assets and handed it over to the High Commission for Agricultural Reform in 1957, it left each church with around 200 acres of its endowments. Any endowments beyond these 200 acres were taken over by the state, which then paid the churches for the expropriated land. In this way, the Egyptian state dealt with Christian churches as religious entities bearing legal personality with regards to their religious endowments,[36] even as it dealt with Muslims as one group which is directly represented by the state bodies. Once again, this refers us back to the first assumption of the "religious unity of Muslims."

35- Mohammed Mokhtar Gomaa, Egypt and the Mosque and Azhar, the official website of the Ministry of Endowments, Jan. 16, 2014, available at: http://www.awkafonline.com/portal/?p=6374.

36- Report on the Religious Situation in Egypt, Issue no. 1, Al-Ahram Center for Political and Strategic Studies, Fifth edition, Cairo, 1995, pp. 61.

The State as Monitor of the Limits of Islamic Religious Activities

The assumption of "religious unity" is not a mere theoretical assumption, but rather an orientation that attempts to contain diversity and difference so that they do not conflict with the established authorities and their assumptions.

Historically, the Islamic authorities monitored the limits of Islamic religious activities seen as threatening to them. This is revealed, for example, in the historic oppression to which Sufi scholars were subjected because the authorities viewed them as speaking or acting in ways which upset or threatened them.

The development of the modern state under the family of Mohammed Ali was in conflict with the Islamic Caliphate, and this conflict continued between the "July state" and the Muslim Brotherhood. Similarly, the state under Sadat and Mubarak – and until now – has remained in a state of conflict with Islamist forces. As a result, the limits of Islamist religious activity have always been subjected to surveillance to keep it from undermining the authority of the state, which assigns to itself the role of "imam".

As relates to mosques, the role of "imam" played by the state (represented by the Ministry of Endowments) in administering the affairs of the "unified community of Muslims" occurs in conjunction with the state's role as overseer of the limits of Islamic religious activity, including in mosques.

The ideas, religious interpretations, and tendencies which run contrary to the "correct religious direction" – as referred to in the preamble of the law regulating the Ministry of Endowments – are described as "heretical, radical, extremist, and based on foreign ideas." Those who espouse such ideas should not be allowed to practice any religious rituals or activities according to their religious orientations under the umbrella of "Islam," at least according to the legal framework and the official discourse of the Ministry. However, these practices and activities are allowed in mosques according to security directives and political deals, as will be discussed below.

According to the law and the official discourse of the Ministry, the state's monitoring of the limits of Islamic religious activities consists of criminalizing preaching or teaching without authorization from the Ministry. This is equivalent to the state prohibiting any mosque that represents a religious orientation other than that espoused by the Ministry, whether the doctrine of Shi'ism,[37] the Salafi current, or any other school of thought.

37- The Ministry of Endowments, as represented by its ministers, has repeatedly expressed its categorical refusal to allow mosques for the followers of Shi'ism, and prior to January 2011 Mahmoud Hamdy Zaqzouq repeated this stance in more than one statement, including his statement to "Al-Masry Al-Youm" on Sept. 12, 2009, available at: http://www.almasryalyoum.com/news/details/65420.

The flipside of the entrenchment of the state's role as "imam" – which goes beyond even the historical control exercised by the imam over the central mosques in order to eliminate opinions which might upset the imam's claim to the right to administer all mosques – is the state's role as a monitor which considers each mosque that resists being run by the state as a problem to be solved through the criminalization of activities or other forms of security intervention.

Administering Diversity and Security Surveillance:
Ensuring Loyalty / Extralegal Tolerance / Conditional Tolerance

The above assumptions serve as the basis for the state›s policies and ensure their continuation. However, the dissonance between these assumptions and reality is addressed by other policies, which will also be covered by this study.[38]

Historically, the "state of the Muslims" fostered the assumption of unity and the imamate, yet it left space for unthreatening diversity and clamped down on diverse voices only when necessary. The extension of the assumptions of the "state of the Muslims" into the modern state, however, resulted in centralized laws and official policies which rendered diversity illegal. It also led to the creation of other extralegal policies – which could be described as semi-official – to deal with this diversity.

1 – Guarantees of Loyalty

The assumption of the "religious unity of Muslims," which is linked to the presence of a sole authority which undertakes the role of "imam," is what the Egyptian state attempts to achieve in practice by employing another assumption: that the scholars of Azhar represent this religious unity through the "Azhar approach" of "correct, moderate religiosity."

However, the reality is that graduates of the juridical schools of Azhar, who apply to be appointed to work under the Ministry or as remunerated preachers, or who are promoted to positions within the Ministry of Endowments, represent different ideological and political leanings. Indeed, it is impossible to control their allegiance to and support for this assumption except through surveillance by the security apparatus.

38- EIPR's researchers met with a number of imams working with the Ministry of Endowments, remunerated preachers, and some former and current officials in the Ministry, in order to examine the policies and practices of the Ministry and its relationship to the security apparatus. All of these individuals preferred that their names and positions not be mentioned, due to the reprisals that they might face.

Nearly all testimonies of imams and officials within the Ministry of Endowments concur that all appointments and decisions within the Ministry take place under the rigorous oversight of the State Security Investigations Service (SSI), and that this oversight has always been a feature of the work of the Ministry since its founding decades ago.

The imams working in the Ministry reported that they had been summoned to various SSI offices, where they were interviewed and confronted with reports about their activities, their known orientations, and their family and local connections. They reported that SSI at times advised them not to apply for appointment to a particular position because SSI would ultimately recommend that they be rejected. This occurred if they had moved towards an undesirable ideological or political current, such as affiliation with the Muslim Brotherhood or one of the Salafist or Jihadist currents, or for being suspected of belonging to Shi'ism or of being influenced by groups such as the "Quranists" or the ideological currents such as the "rationalists," which are deemed by the Ministry and the security apparatus as falling outside the realm of "true religion" and as causing security problems.

Ministry officials reported that SSI would conduct detailed surveillance of promotions within the Ministry, that tasks were carried out according to the SSI's recommendations, and that SSI would prepare full monitoring reports about the activities and statements of the high-ranking bureaucrats of the Ministry.

Imams and preachers reported that the reports prepared by the security bodies about their sermons and lessons were more important than the reports written by the Ministry's inspectors, and that they were summoned to the State Security headquarters to be questioned about the details of what they had said and at times about the details of their clothing and appearance. They were then instructed not to wear short white galabiyas or turbans with a trailing ends, which are traditionally worn by the sheikhs of "Islamist groups" or Salafist currents.

Security officials would warn imams and preachers of the presence of individuals belonging to the Muslim Brotherhood or Salafist groups in their mosques and caution them not to allow these individuals to participate effectively or to play a prominent role in the preaching or service activities of the mosque. They would also be told to communicate to the security bodies any attempts by political or ideological groups to use the mosque as a space for any of their activities, even to gather to read the Quran.[39]

Sheikh Rabe'a Marzouq stated that the role of the security apparatus had expanded until in 2010 it reached the point where a security representative attended the monthly meetings of the directorates of endowments and

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39- Some imams reported that security officials rebuked them for allowing youth belonging to the Muslim Brotherhood to comment during readings of the Quran, warning them either to keep control over these sessions or to stop holding them.

instructed imams to cooperate with the security apparatus by informing it of those suspected of being linked to any political group.[40]

Security surveillance here plays a role in controlling diversity inside the circles of Azhar and those working in the Ministry of Endowments, in an attempt to block any clash with the assumptions of the "religious unity of Muslims", or the unified religious community which can be administered unilaterally by the Ministry.

In addition to this security surveillance, there is a provision in the penal code which clearly refers to religious sermons being conditioned on the absence of criticism for the government, laws, or official measures. This is found in Article 201 of Law 58/1937, which stipulates: "Any person, even religious clerics performing their work, who presents in any place of worship or other religious forum discourse which includes defamation or slander of the government, a law, an ordinance, a presidential order, or of any act by the public administrative bodies, or which announces or disseminates in the form of advice or religious teachings a message containing any such content, shall be punished by imprisonment and a fine or not less than 5,000 Egyptian pounds and not exceeding 10,000 Egyptian pounds, or by one of these two penalties. If force, violence, or threats are employed, the penalty shall be imprisonment." However, no referral to the courts based on this provision has been observed.

2 – Extralegal Tolerance

This concept indicates that the state officials know that practices exist which cannot practically be restricted without resulting either in public outrage or in a violent confrontation. Such practices are therefore criminalized under the law and allowed in practice, as long as they remain within certain limits. Laws criminalizing such practices are then used when necessary to root out certain practices which breach these limits.

As relates to mosques, the policy of "extralegal tolerance" includes the construction of mosques in violation of the conditions adopted by the Ministry of Endowments, and the Ministry of Interior and the local government. It extends to include the practice of religious activities in civil mosques without the authorization of the Ministry of Endowments as well as others performing the role of the imam and the preacher in mosques belonging to the Ministry.

In terms of the construction of mosques, building has always been a part of the activities of the society, and of philanthropic actors in particular, that has been difficult for any regulatory body to control. At no time in Is-

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40- Interview with Sheikh Rabe'a Marzouq, one of the founders of the Coalition of Azhar preachers, March 2014.

lamic history have the authorities attempted in practice to restrict the building of mosques, due to the potential for this to result in widespread outrage and damage to the legitimacy of the authorities.[41]

Rather, the state has facilitated and supported the building of mosques and even granted exemptions from some ordinances in order for this building to occur. Indeed, neither the Ministry nor the local authorities are able to order the discontinuation of the building of a mosque or of the allocation of lower floors of residential buildings to be mosques once these processes have started, no matter how grave violations to technical or engineering specifications may be.

During the presidency of Mohammed Anwar al-Sadat, Minister of Endowments Zakaria al-Bari stated, "The construction of civil mosques has accelerated in the last few years to the point that mosques are being built at a rate never before seen in Egypt and that far exceeds the capacities of the Ministry to oversee these mosques."

Despite the Ministry's later recourse to remunerated preachers and the issuance of a ministerial decree to regulate their use under Minister Mahmoud Hamdy Zaqzouq in the 1990s, this step did not resolve the problem of the ministry's inability to extend its control over all mosques. Thus, in terms of the state's dealings with many mosques, extralegal tolerance remained the norm, which necessitated the role of the security apparatus.

In 2001, the cabinet issued a set of conditions for the construction of mosques,[42] including that the mosque's dimensions not be less than 150 meters, that the design and building plans for the mosque be submitted to the Ministry of Endowments, that authorization be issued by several bodies, that a sum of 50,000 Egyptian pounds be deposited as a guarantee of the seriousness of the construction project, and that the distance between the mosque to be built and the nearest mosque not be less than 500 meters. Supposedly, the Ministry of Endowments would not issue authorization to build the mosque until these conditions were met.

However, according to a statement by Mohammed Eid Keilani, the current director of the Department of Governmental Mosques within the Ministry of Endowments, to this day no measures have ever been taken against anyone who failed to fulfill these conditions or against the mosques which are in violation of these conditions.[43]

One official with the directorates of endowments stated that the reports prepared by the security bodies monitored mosques which fell outside of the purview of the Ministry. While the Ministry would overlook the

41- Salama Abdelqawy, former media spokesperson for the Ministry of Endowments, at a conference on the policies of the Ministry of Endowments and elections for mosques at the Forum of Religion and Freedoms in March 2013.

42- See Appendix 18: Conditions for the Construction of Mosques.

43- Interview with Mohammed Eid Keilani, director of the Department of Governmental Mosques within the Ministry of Endowments, April 2014.

mosques in which someone from the community or from the family which founded the mosque, or even the founder himself, gave the sermons – particularly in rural areas –when an undesirable political or religious current became active or when the mosque saw worrying mass action, the state's security apparatus would take action and issue orders to the Ministry of Endowments to take over the mosque. These orders were always followed.

One member of a family which had founded and administered a mosque in a lower-class area stated that such measures were not always effective, since the imams and preachers within the Ministry of Endowments normally have additional jobs to make up for the low wages that they are paid. For this reason, imams and preachers would often be absent from the mosque, leaving those who frequently used the mosque to run it. Other times, those using a particular mosque would pay the Ministry's imam an "additional salary" in return for his agreement to let them run the mosque; in such cases, negotiations would take place between the SSI and those who gave sermons or carried out other activities in the mosque, and either an agreement would be reached on certain limits and red lines or a clash would occur which would result in the arrest or constant surveillance of the politically worrisome individuals seen as dangerous by the security apparatus.

One Salafist activist stated that the security apparatus dealt with Salafists in their mosques by dividing them into two types. The first type was Salafists who do not acknowledge that the current authorities have the rights of the "legitimate imam"; these Salafist are therefore close to the Muslim Brotherhood and to Islamist political groups. The other type of Salafists acknowledge that the current authorities have the rights of the "legitimate imam." In the 1980s and 1990s, the security apparatus began to overlook the civil mosques run by Salafists of this second type and to allow them to have a presence in university mosques and to practice some activities. At the same time, the security apparatus harassed the first type of Salafists and dealt with them violently. Yet even Salafists belonging to the second type were subjected to security surveillance and at times harassment, if their religious discourse contradicted the prevailing way of religious thinking described as "moderate" and as "true religiosity." Numerous reports from Salafist activists and preachers confirmed this manner of treatment.

The pattern of "extralegal tolerance" here is clearly an attempt to support and assert the assumption of "religious unity" and the right of the state to occupy the role of the "legitimate imam."

3 – Conditional Tolerance

The pattern of "conditional tolerance" refers to what appears to be legally permissible, yet is based on hidden conditions or implicit limits. As soon as these conditions or limits are breached, the groups or activities in question are no longer tolerated.

The administrative boards of mosques represent one example of conditional tolerance. These boards represent the inclusion of the founders of the mosques and their most important frequenters, along with the imam of the mosque as appointed by the Ministry, in a body that is supposed to oversee the activities of the mosque, with the exception of activities related to preaching and teaching. These boards have the right to propose names of preachers and sheikhs, although control over such matters remains with the Ministry of Endowments. The prerogatives of these administrative boards are, however, conditional, for they are established by the directorate of endowments which has jurisdiction over the mosque and their members are appointed by ministerial decree.

The ministerial decree of 1982 that formed administrative boards for some mosques was an attempt to codify the status quo, i.e. the control exerted by families and frequenters over mosques – and particularly those who provide funds and regularly donate to maintain the mosques – in addition to their providing additional wages at times to the imam of the mosque to compensate for the low wages earned by imams and to ensure that he dedicates himself to the mosque, rather than taking on additional employment.

Furthermore, this came as an attempt to develop the "extralegal tolerance" as relates to the important mosques which fall under the jurisdiction of the Ministry of Endowments. However, it is difficult for the Ministry to administer a mosque without the consent of those who frequent it and that of its major donors. For this reason, the administrative boards represented a convenient form of "conditional tolerance," incorporating all of those who have a hand in the administration of the mosque along with the imam of the mosque into one body which officially works under the supervision of the Ministry of Endowments and which provides both a space for negotiation and for the administration of the mosque to be subjected to the policies of the Ministry, or at least to ensure that the mosque will not deviate from these policies by supporting political or religious tendencies deemed undesirable by the state.

Mahmoud Hamdy Zaqzouq, upon assuming the position of Minister of Endowments in 1996, suspended the ministerial decree to form administrative boards for mosques, justifying this step by claiming that these boards had come to have the upper hand in issues related to mosques and employees in the Ministry.[44]

44- Discussion with Mahmoud Hamdy Zaqzouq, former Minister of Endowments, with Al-Akhbar newspaper on May 21, 2009.

A number of imams stated that this occurred due to the financial control exercised by these administrative boards, particularly if their membership included businessmen, statesmen, or prominent donors who granted funds to mosques to cover their expenses and charitable activities.

Also falling under "conditional tolerance" are religious associations dedicated to preaching. Many founders of mosques prefer that their mosques fall under the auspices of such associations in order to avoid them being taken over by the Ministry of Endowments. The state does allow for some of these associations to be active, under security surveillance; indeed, at times the security apparatus prefers the existence of such associations, such that it is possible to deal and negotiate directly with the leadership of these associations, rather than with numerous, disparate civil mosques.

Mohammed Mokhtar al-Mahdi stated, in a filmed speech which appeared on the website of Al-Jama'eyya Al-Shara'eyya, that the association had coordinated and continued to coordinate with the "body responsible for knowing the affiliations of citizens, and we consult them about who should speak from the pulpits or not. If we receive information from this body that a certain person belongs to a group other than Al-Jama'eyya Al-Shara'eyya, we keep him from preaching from the pulpit… and there is coordination on the matter with this body."[45]

The state welcomes the charitable activities of these associations, such as Al-Jama'eyya Al-Shara'eyya for the Co-operation of Quran and Sunna Workers and Ansar al-Sunna al-Mohammedeyya. The Ministry of Endowments is disturbed, however, when such activities take place in conjunction with preaching activities, and it attempts to extend its control over such activities by taking over the mosques where these activities are practiced, according to security instructions. At times, the Ministry overlooks the matter, following the pattern of "extralegal tolerance." At other times, the Ministry issues authorization for preachers from these associations, particularly those who have been trained by Azhar, and allows them to practice their religious activities, according to the pattern of "conditional tolerance."

According to reports from imams and activists affiliated with such associations, there associations represent a broad umbrella for the work of local groups. As such, the ideological and political leanings and organizational connections of these groups vary, and at times some branches are unofficially controlled by members of the Muslim Brotherhood or Salafist groups inimical to the security apparatus. At other times, such individuals work within these associations without controlling them, and in such cases the security apparatus is forced to instruct the Ministry to take over the mosque in question, as in the case of one of the mosques of Al-Jama'eyya Al-Shara'eyya – a case which was challenged before the High Administrative Court, as previously discussed.

45- Filmed conversation with Mokhtar al-Mahdi, General President of Al-Jama'eyya Al-Shara'eyya, available at: http://alshareyah.com/index.php?option=com_seyret&Itemid=386&task=videodirectlink&id=89.

The tolerance of those belonging to Sufi doctrines falls under this pattern of control. The Ministry of Endowments grants licenses to some Sufi preachers and appoints imams to some mosques which follow Sufi orders, in coordination with the high sheikh of Sufism. This remains, however, under the jurisdiction of the Ministry of Endowments, which is able at any time to appoint imams or preachers to these mosques who do not follow Sufi doctrines.[46]

Law no. 118/1976 regulating the doctrines of Sufism regulates the work of the High Sufi Council, which passes appointments of sheikhs to the central shrines and mosques of Sufism. This Council includes a representative from the Ministry of Endowments and a representative from Azhar, as well as representatives from the Ministry of Interior and from the local government. In addition, the high sheikh of Sufism is appointed by a decree issued by the president of the republic.

The implementing regulations of the law on Sufism, Decree Law no. 54/1978 issued by the president of the republic, compels the president of the High Sufi Council to issue an annual program of activities for the Sufi orders. Article 7 of these regulations stipulates that "the president of the High Sufi Council shall issue an annual program before the beginning of the fiscal year, including the local conferences planned for the coming year in the capitals of the governorates, and this program shall be presented to the High Sufi Council for discussion and in order for the Council to supervise the organization of these events and to determine the places in which they will be held and the books, publications, and Sufi and religious resources which will be distributed or discussed in these conferences. The Council shall also determine the procedures which will be followed in preparing the agendas of these conferences according to the internal bylaws."

Article 8 stipulates that "the president of the High Sufi Council shall present to the Council, according to its previous program of conferences, reports about the importance of these conferences and the necessity of holding them, as well as the currents that go against the Honorable Sharia, necessitating the holding of these conferences and what happens during them. He shall also present the names of those who are entrusted to present lectures or perform preaching work during these conferences, identifying them and detailing their qualifications.

"The High Sufi Council shall announce the method of remuneration and of dealing with those who conduct educational activities, organize and implement these conferences, and those responsible for the Sufi resources, pamphlets, and publications presented in such events."

Aside from the mawlids and major celebrations in which thousands participate, and which raise security and political concerns, the Ministry of Endowments does not interfere in practice in more limited Sufi activities, such as Sufi lectures and lessons which are organized by the leaders of each individual order.

46- Interview with Tarek al-Rafa'i, Sheikh of the Rafa'i doctrine, March 2014.

After January 2011:
Change or Consolidation of the Same Framework?

1 – The Interim Period: Absence of Security Surveillance, Departure from the Three Assumptions, and Weakened State Control

Following January 2011, the State Security apparatus stopped working until the decision was made to dissolve it and replace it with a National Security Service. At the same time, various Islamist movements were set free from the grip of the security apparatus. These two developments represented the most significant distinguishing factors following the advent of the January 2011 revolution.

Prior to this, the last action undertaken by the Ministry of Endowments was the issuance of a large number of directives to imams and preachers instructing them to speak on the Day of Rage – Friday, January 28, 2011 – about the dangers of rebelling against the ruler, the social strife which would result, and the necessity of patiently enduring. This is according to testimonies of imams as well as of activists who had been present in mosques in Cairo and the governorates on this day.

Under the governments which oversaw the transitional period, which preceded the election of Mohammed Morsi as president in June 2012 and his formation of a new government, the role of the Ministry of Endowments was limited to an attempt to rhetorically affirm the assumptions previously discussed. The Ministry lacked effectiveness, however, due to the absence of security surveillance and the effective collapse of these assumptions in reality, due to the release of followers of Islamist currents of all variations and their unfettered resumption of their activities in mosques and on the street. Moreover, those belonging to these Islamist currents, who had been prevented by the security apparatus due to their affiliations from undertaking appointments to the Ministry of Endowments even after having been selected by the Ministry, began to organize themselves and to demand that they be allowed to assume their positions.[47]

47- Al-Youm Al-Sabaa, June 2011, available at: http://www.youm7.com/News.asp?NewsID=433679&SecID=65&IssueID=0#.Uvpz2PmSyIs.

Under both Minister Abdullah al-Husseini and Minister Abdel Fadeel al-Qousa, the Ministry of Endowments failed to take measures which represented a change in the state's policies regarding the administration of mosques. Rather, the practices of the Ministry and statements made by these two ministers represented an attempt to adapt and respond to the new changes without adopting any new policies.

Under the first Minister of Endowments following the revolution, Dr. Abdullah al-Husseini, who headed the Ministry between March 7, 2011 and July 21, 2011 (as part of the cabinet of Ahmed Shafiq and then the first cabinet of Essam Sharaf), the conflict over the Nour Mosque in Abbasiyya – discussed previously in the context of Appeal no. 906 of judicial year 32, decided on June 17, 1995 – was one manifestation of the clash between the assumptions of the state's policy for administering mosques and the reality of diversity. Since the beginning of the revolution, the youth and activists belonging to the Islamist Hedaya Association had resumed control of the Nour Mosque under the leadership of Sheikh Hafez Salama and prevented Sheikh Ahmed Toruk and Sheikh Hassan al-Shafa'i – who later became a member of the Council of Senior Scholars – from preaching from the pulpit after the Ministry of Endowments had sent these two sheikhs to give the Friday sermon. Because of this, fights broke out between those gathered for prayer in the mosque.

Following negotiations, the Minister of Endowments came to an agreement with Sheikh Hafez Salama to invite Mohammed Hussein to present the Friday sermon in the mosque, and the Ministry announced that the dispute had been amiably settled.

The conflict erupted again, however, leading officials in the Ministry to call on the military to intervene. General Hassan al-Ruwaini intervened to enable the Ministry's preacher – guarded by armed military forces – to give the sermon from the pulpit of the Nour Mosque. It was then announced that the crisis had ended.[48]

The crisis of the Nour Mosque represents a clash over a highly influential central mosque in which the military was forced to intervene to impose the authority of the Ministry of Endowments. Meanwhile, the minister announced that there were a number of mosques belonging to the Ministry of Endowments which had fallen under the control of Salafist currents and political groups, and that he had summoned the deputy ministers to hold urgent meetings to confront this situation.[49]

48- Al-Ahram, May 2011.

49- Conversation with Abdullah al-Husseini, former Minister of Endowments, on the television channel Al-Haya, April 2011, available at: http://www.youtube.com/watch?v=4dqu_gVmOIc.

Abdullah al-Husseini was succeeded as Minister of Endowments by Abdel Fadeel al-Qousa, who headed the Ministry from July 21, 2011 until July 24, 2012 (as part of the second cabinet of Essam Sharaf and the cabinet of Kamal Ganzouri). During this period, a number of crises flared up regarding those who had been prevented by the security apparatus from practicing religious activities, as well as protests held by imams against the continued leadership of the directorates of endowments, which were accused of being closely linked to the dissolved National Democratic Party. In addition, Islamist currents continued to exert control over a number ofmosques.[50]

The position of the minister was to deny any clash with Islamist currents over mosques and to deny any return to security surveillance, stating, "The current period requires consensus, not division, beginning with all those who work in the field of Islamic preaching, who must work together for the sake of the interests of the nation, committed to calling the people to God, with wisdom and good counsel, and debate over what is best."

Just prior to the presidential elections, the minister called for an end to the use of mosques in electoral campaigns. In reality, however, many mosques under the control of Islamist currents continued to be used to promote certain candidates from the pulpits and as bases for such campaigns.

In sum, this period shook the core assumption of the "religious unity of Muslims," as well as the assumption that the state can and should occupy the position of "imam." In the place of these assumptions, community initiatives came to the fore, with the founders and endowers of mosques demanding recognition of their right to administer mosques and challenging the state on this front. In light of the absence of the role of the security apparatus, the Ministry failed to impose its control over mosques – except with the help of the armed forces in some limited cases. The Ministry similarly failed to oversee the limits of Islamic religious activities, which were vigorously resumed by Islamist currents. Since the policies of the Ministry effectively depended on the role played by the security apparatus in controlling diversity, the absence of this role led to the total breakdown of these policies. Conflicts between Salafists and Sufis broke out in multiple mosques, and some shrines were demolished by members of the Salafist currents.

Movements linked to Azhar, including the Coalition of Azhar Preachers, presented demands to the Supreme Council of the Armed Forces, including the transfer of the responsibility for overseeing all mosques to the leaders of Azhar.

50- In an interview, Sheikh Rabe'a Marzouq, one of the founders of the Coalition of Azhar Preachers, stated that the imams who did not belong to the Islamist current faced the expanding influence of these currents in mosques since January 2011, after the security apparatus ceased to function. Those currents competed with the Ministry's preachers for the positions of Imams and sermon givers, and they performed political activities and held meetings in mosques. This continued until the beginning of Mohammed Morsi's presidency, when the Islamist trends officially took control of the Ministry of Endowments.Interview with Rabe'a Marzouq, March 2014.

In fact, the leaders of Azhar had already been extending their influence within the Ministry of Endowments. Sources stated that the two ministers who had headed the Ministry during the interim period had been appointed following their nomination by the head of Azhar. Similarly, Abdullah al-Husseini announced that the selection of imams for important mosques occurred in collaboration with the Azhar leadership,[51] yet he also stated that the transfer of the responsibility of overseeing mosques to the heads of Azhar was impossible in practice, due to the administrative, regulatory, and financial responsibilities related to the direct administration of mosques.[52]

The proposal of the preaching movements within Azhar was an attempt to preserve the assumption of "religious unity" under the direct and exclusive care of the Azhar leadership. Indeed, many imams continue to demand that this proposal be adopted.[53]

2 – The Government of the Muslim Brotherhood: Reinstating and Revising Assumptions of Centralization

The ascent of Mohammed Morsi to the presidency in mid-2012 was a major challenge to the state's policies as relates to the administration of religious affairs.

The affiliation of the president of the republic to the Muslim Brotherhood, and his election to the presidency through a political and social coalition comprised fundamentally of Islamist currents and their supporters, meant in some ways that the decades-old policies related to the administration of religious affairs – whose ostensible aim had been to confront "extremism," which is how the authorities described the ideas and discourse of the Muslim Brotherhood and other Islamist currents – had failed.

After the core assumptions of the state's policies related to the administration of religious affairs were shaken throughout the period from the beginning of the revolution until Mohammed Morsi's ascent to power, the period of Morsi's rule saw an attempt to revise these assumptions, due to pressure from the reality of diversity which could no longer be denied. At the same time, this attempt sought to preserve the general framework of these assumptions and of the resultant policies for the administration of religious affairs, including the administration of mosques.

51- Al-Youm Al-Sabaa, April 2011.

52- Conversation with Abdullah al-Husseini, former Minister of Endowments, with the television channel Al-Haya, April 2011.

53- Representatives of the movements Imams without Chains and The Popular Front for the Independence of Azhar stated to EIPR's researchers that they continue to call for the adoption of this proposal.

Following his appointment, the Minister stated, "I am personally trained by Azhar, and I love all people, I love the Muslim Brothers and I love the Salafists and I love the tableegh[60] and I love all devout people."[61]

Yet the operational center of "religious unity," was in this case the broad coalition which formed around the Muslim Brotherhood and its Freedom and Justice Party, which controlled the Ministry and assumed the role of "imam."

The broadening of the limits of the assumption of "religious unity," which had previously excluded the Muslim Brotherhood and the Salafists, was necessary to allow for continued centralization of the administration of religious affairs based on this assumption, in light of the facts that several positions of authority were distributed among the diverse members of the coalition and that a certain level of tolerance was prevalent in society, as will be discussed in further detail below.

The State as Imam… with Partners in Representing the "Unified Community of Believers"
1 – Defending and Taking Over the Centralized Administration of Religious Activities

In its section specific to the vision of the party regarding religious institutions, the political platform of the Freedom and Justice Party – the political arm of the Muslim Brotherhood – supports increased centralization, affirming the concept of "unity of planning, directing, and implementing between the elements of the Islamic institutions" and calling for coordination and integration between the three official Islamic institutions – the leadership of Azhar, Dar al-Ifta' (the authority responsible for issuing fatwas), and the Ministry of Endowments.[62]

There is no reference in the political program to the legal framework of the Ministry of Endowments as relates to mosques, yet there is a recommendation to make good selections for the imams of mosques and to prevent any security interference in such appointments. There is also a recommendation to reestablish the administrative boards of mosques, which had been suspended, and to have them undertake their designated roles.[63] Indeed, this became a priority for the Ministry under Afifi.

60- Referring to those who belong to the group "Tablegh and Da'wa," which is a proselytizing group close to the Salafists which focuses on spiritual and moral reform and does not engage in politics.

61- Al-Youm Al-Sabaa, Aug. 3, 2012, available at: http://www1.youm7.com/News.asp?NewsID=748213&SecID#.UwC6c_mSyIs.

62- Political program of the Freedom and Justice Party, pp. 75, available at: http://www.ikhwanwiki.com/index.php?title=%D8%A8%D8%B1%D9%86%D8%A7%D9%85%D8%AC_%D8%AD%D8%B2%D8%A8_%D8%A7%D9%84%D8%AD%D8%B1%D9%8A%D8%A9_%D9%88%D8%A7%D9%84%D8%B9%D8%AF%D8%A7%D9%84%D8%A9.pdf.

63- Political program of the Freedom and Justice Party, pp. 76, ibid.

In an interview, Sheikh Salama Abdel Qawi, the media spokesperson for the Ministry of Endowments, affirmed that "the oversight of the Ministry of Endowments over all mosques is positive and necessary."[64]

Following the appointment of Minister Talaat Afifi, crises and conflicts arose related to new appointments and mandates, including the mandate of Sheikh Salama Abdel Qawi, a member of the Muslim Brotherhood, to serve as the media spokesperson for the Ministry.

As relates to the ministerial bureaucrats, Sheikh Gamal Abdel Sattar, a member of the Muslim Brotherhood, was appointed as an undersecretary of the Ministry and as the central administrative director for preaching affairs. Salah Sultan, also a member of the Muslim Brotherhood, was appointed as the secretary general of the High Council for Islamic Affairs; Sheikh Ahmed Halil, another member of the Muslim Brotherhood, was appointed as director of the department of religious guidance; and Sheikh Abdo Muqalled, a scholar of Al-Ja-ma'eyya al-Shara'eyya and a member of the Islamic Legitimate Body of Rights and Reformation, was appointed president of the section for religious affairs within the Ministry.

The leaders known for their lack of loyalty to the Muslim Brotherhood were removed, such as Sheikh Salim Abdel Galil, the former director of the central administration of preaching affairs.

As relates to the appointments of new imams, accusations were renewed regarding the appointment of 3,000 new imams following the nomination of thousands. Such accusations reached the level that newspapers reported that the mechanism by which the Ministry identified candidates who belonged to the Muslim Brotherhood was that they would remove their shoes before approaching the selection committee.[65]

Different lists of names of the members of the Muslim Brotherhood within the Ministry of Endowments, as well as those among the newly appointed imams in the major mosques, were circulated. Many of these lists lacked precision, attributing membership in the Muslim Brotherhood to scholars and others who had been part of the broader coalition which had formed around the Brotherhood.

In general, it is difficult to follow the organizational affiliations of imams and employees in the Ministry, because membership in the Muslim Brotherhood is not legal nor is it published, with the exception of prominent scholars or other important members.

64- Interview with Sheikh Salama Abdel Qawi, March 2013.

65- "Namothej li-qawa'im tetadhamin asma' al-ikhwan dakhil ta'yinat al-wezara," Al-Youm al-Sabaa, June 26, 2013.

Talaat Afifi held a conference specifically to respond to the "accusations of Ikhwanization,"[66] stating that the affiliation of an employee or imam to the Muslim Brotherhood or to Salafist groups is not a crime and that they had the right to return to their positions after having been removed by the security apparatus.[67] On more than one occasion, Afifi also stated that "these accusations are being circulated by supporters of the former regime."[68]

Afifi maintained the Ministry's policies of centralization with regards to the takeover of mosques, announcing the incorporation of 309 new mosques which had been civil mosques to the Ministry.[69]

Afifi also called for the unification of Friday sermons on some occasions and for their being dedicated to a particular purpose which supports the government. For instance, he called for the unification of Friday sermons to support the police prior to the issuance of the court ruling in the Port Said Stadium case. In a press statement issued by the Ministry, Afifi called for Egyptians to "support policemen and stand beside them, in light of the escalating wave of attacks and animosity towards them, which threatens the security and stability of the country and which would cause a catastrophe if it led to the collapse of the apparatus which protects the country from the inside."[70]

The Ministry continued to send model sermons to guide imams and urged them to adhere to them, and these model sermons were published on the official website of the Ministry. The Friday sermon which preceded the protests of June 30 focused on the sanctity of blood and the risks of violence and social strife. This represented an extension of the Ministry's policies prior to the revolution, which called for Friday sermons to warn against violence and social strife whenever the opposition would call for any protests.

Afifi issued a decree prohibiting Friday sermons in small community mosques and limiting them to the central mosques. He also issued a decree to set the times at which the mosques should open and close before and after the prayer.[71]

66- Mohammed Mokhtar Gomaa, who succeeded Afifi as Minister of Endowments after June 30, later stated that the Muslim Brotherhood had controlled 90% of the leadership positions within the Ministry. Al-Wafd, February 2014, available at: http://www.alwafd.org/%D8%A7%D8%AE%D8%A8%D8%A7%D8%B1-%D8%B9%D8%A7%D8%AC%D9%84%D8%A9/625261-%D8%AC%D9%85%D8%B9%D8%A9-%D8%A7%D9%84%D8%A5%D8%AE%D9%88%D8%A7%D9%86-%D8%A7%D8%B3%D8%AA%D8%AD%D9%88%D8%B0%D9%88%D8%A7-%D8%B9%D9%84%D9%89-90-%D9%85%D9%86-%D9%88%D8%B8%D8%A7%D8%A6%D9%81-%D8%A7%D9%84%D8%A7%D9%88%D9%82%D8%A7%D9%81.

67- Al-Youm al-Sabaa, March 2013, available at: http://www.youm7.com/News.asp?NewsID=986013#.UwCuBvmSyIt.

68- Al-Ahram, March 2013, available at: http://www.ahram.org.eg/News/772/76/201201/%D8%AD%D9%88%D8%A7%D8%B1%D8%A7%D8%AA/%D8%A7%D9%84%D8%AF%D9%83%D8%AA%D9%88%D8%B1-%D8%B7%D9%84%D8%B9%D8%AA-%D8%B9%D9%81%D9%8A%D9%81%D9%8A-%D9%88%D8%B2%D9%8A%D8%B1-%D8%A7%D9%84%D8%A3%D9%88%D9%82%D8%A7%D9%81‎‎%D8%A7%D9%84%D8%A7%D8%AA%D9%87%D8%A7%D9%85%D8%A7%D8%AA-%D8%A7%D9%84%D8%AA%D9%8A-%D8%AA%D9%88.aspx.

69- Al-Youm al-Sabaa, March 2013, available at: http://www.youm7.com/News.asp?NewsID=973926#.UwCtzfmSyIt.

70- Al-Masry al-Youm, March 2013, available at: http://www.almasryalyoum.com/news/details/293500.

71- Al-Youm al-Sabaa, February 2013, available at: http://www.youm7.com/News.asp?NewsID=833292#.UwCtxfmSyIt.

Overall, it is possible to summarize the policies of the Ministry of Endowments under Afifi and the government of the Muslim Brotherhood as maintaining support for the policies of centralization in administering mosques and running the Ministry in general. This can be seen as a continuation of the former policies and an affirmation of the two fundamental assumptions: the "religious unity of Muslims," and the role of the state as "imam and representative of the unified community of Muslims."

Although these policies resulted in the formation of a coalition which included more diverse religious orientations than were allowed by the previous Ministry, they continued to exclude other forms of religious diversity. In addition, the coalition, which took shape politically, gave rise to political resistance made up of the opponents of the Muslim Brotherhood (and its allies) as well as others unaffiliated with the Brotherhood who wished to defend their positions and interests in light of the struggle between the coalition and its opponents.

Indeed, groups began to take action to confront this coalition. Movements such as Imams without Chains and the Independent Syndicate of Preachers were formed, and these groups shared many similarities and found ways to cooperate, essentially raising the social demands to improve the financial circumstances of imams and to ensure the independence of their roles. They also demanded that the oversight of the preaching sector be transferred to the leadership of Azhar. According to interviews with the coordinators and activists with the movement Imams without Chains, however, the main goal was to defend the interests of the imams who were not affiliated with the new coalition within the Ministry.[72]

2 – Mosque Elections: Seeking the "Church of Islam"

In March 2013, Talaat Afifi, the Minister of Endowments, issued Ministerial Decree no. 75/2013[73] to form "administrative councils of mosques" through elections. These councils were to take the place of the administrative boards of the mosques, which had been appointed by the Ministry and the formation of which had been suspended under the previous Minister, Mahmoud Hamdy Zaqzouq.

The decree did not affect the authority of the Ministry to oversee religious and preaching activities or to appoint imams and preachers and issue licenses to present sermons and lessons. The function of the administrative councils included overseeing services provided to the public and organizational activities in support of the role of the imam in the mosque, in addition to supervising the collection of donations and their being spent on the mosque according to the items allocated under the oversight of the Ministry.

72- Meeting with one of the coordinators of the movement Imams without Chains, March 2013.

73- Appendix no. 19.

The correlation between spending on the mosque and administering these activities was a prevalent feature of mosques prior to the organization of administrative boards as well as in mosques that remained without such boards. This correlation goes back to the fundamental idea behind the endowment: that in addition to the mosque itself being a material "endowment", there are also endowments whose proceeds are allocated to the administration of spending on the mosque and its maintenance and of allocating the wages of imams, preachers, Quranic readers, and keepers of mosques. This is what the Ministry of Endowments had begun to control since its establishment and throughout its phases of development, including its aim of exerting control over all mosques, or as many as possible.

However, as was discussed above, mosques which were not subjected to the oversight of the Ministry of Endowments, as well as some of those which were, received only limited funds from the Ministry. As a result, groups of those who frequented the mosque or organized associations would take on the task of providing the necessary funds, which would give them practical control over the administration of the mosque. This detracted from the position of the imam which had been appointed or mandated by the Ministry of Endowments. Testimonies of imams reveal that some mosques at times became the subjects of conflict between competing currents or groups of those who used a particular mosque yet espoused different religious leanings. Such struggles would take place over influence and control of the mosque's various activities. Control over service and charitable activities would be particularly contentious, due to the large impact of these activities on prominent leaders of neighborhoods, Islamist currents, and preaching movements.

The movement Imams without Chains adopted a position of opposition to this decree, considering that it would open the door to conflicts over mosques and weaken the positions of imams working in the Ministry.[74] The implementing regulations of this decree allowed for the imam and workers in the mosque a percentage of the donations given to the mosque and stipulated that the administrative council would oversee the users of the mosque to ensure implementation. This matter, even when carried out with the participation of the imam, represented an affront to the status of the imam and his position in the mosque.

Meanwhile, the media spokesperson of the Ministry of Endowments affirmed that the decree would restore freedom to the activities of the mosque and open the door to elect the administrative councils, rather than their appointment or selection by the Ministry, which could open the Ministry up to accusations of "Ikhwanizing the mosques."[75]

74- Khalaf Massaoud, media spokesperson for the movement Imams without Chains, at a conference on the policies of the Ministry of Endowments held at the Forum of Religion and Freedoms, March 2013.

75- Salama Abdel Qawi, media spokesperson for the Ministry of Endowments, at a conference on the policies of the Ministry of Endowments held at the Forum of Religion and Freedoms, March 2013.

The most controversial measure included in the ministerial decree was how these elections would be held. The electorate was to be comprised of the "general community of those who frequent the mosque;" these people would have the right to vote and to run as candidates to become members of the administrative councils, which would be comprised of seven elected members and three members appointed by the Ministry.

This ministerial decree granted the imam of the mosque, appointed by the Ministry, the authority to register the names of those who frequent the mosque, as well as the power to confirm that those who presented themselves to be registered were really among those who frequently used the mosque and to ensure that the addresses of their permanent residences as recorded on their official documents fell within the same area as the mosque, in addition to a number of other specifications.

This controversial process clearly revealed that the "community of Muslims" as a religious group (or groups) has no defined structure (or structures) or representatives, as is the case of churches. Despite this, Muslims across Egypt are treated as if they comprise a single group centrally represented by bodies affiliated with the state, which administer their religious affairs.

This reveals that the assumptions of the "religious unity of Muslims" and that "the state is the imam and representative of the community of Muslims" obstruct any detailed procedure granting Muslims in a particular place the freedom to regulate some of their religious affairs. Indeed, such self-regulation had taken place outside the framework of these assumptions and of legal policies. Rather, this reality of diversity had been governed by other policies which allowed for Muslims' freedom and self-regulation under the frameworks of "extralegal tolerance" or "conditional tolerance" – or which dealt with Muslims via security measures to guarantee their loyalty and ensure that they did not represent a threat to the authorities or the regime.

Comments made by some imams opposed to the decree included: "These elections will turn mosques into churches and divide Muslims into sects, with each sect following a particular mosque and participating in its administration, for it would not be possible for Muslims to participate in activities of mosques at which they are not registered."[76] However, the paradox is that most of these imams favored placing all religious activities and the activities of mosques under the supervision of the leadership of Azhar, which would similarly unify Muslims by transforming Azhar into an Islamic "church".

Nevertheless, the underlying fear of imams in the Ministry who were not affiliated with the Islamist currents was that the adherents of these currents were more active and organized than others and that they would co-

76- Interview with members of the movement Imams without Chains, March 2013.

ordinate with each other during the elections. This would allow these currents to attain greater control than other less-organized users of the mosques, including the public with which the imam interacts.

A delegation of the movement Imams without Chains met with the Minister of Endowments and a number of other leaders in the Ministry to discuss their objections to the decree. The Minister then announced the suspension of the implementation of the decree until the demands of the imams could be looked into.

Yet in May 2013, the first elections for the administrative councils were held in the Omar bin Abdel Aziz Mosque, which faces the presidential palace in New Cairo. Sheikh Mahmoud Bakkar, the imam of the mosque, presided over the election.

The media spokesperson for the Ministry stated that the elected administrative council would be appointed according to the old bylaws of the administrative councils until the ministerial decree on the administrative councils could be reinstated following consideration of the imams' amendments.[77]

After this, the Ministry of Endowments never announced the fate of the suspended ministerial decree. The Ministry continued to form administrative councils for the major mosques by appointment.

Here it appears that the clash between the centralized legal framework for the administration of mosques obstructs any attempt to open the door for society to administer the activities of mosques and creates a number of problems, rather than aiding in mitigating conflicts and allowing for greater freedom to practice religious rites and activities in a truly diverse manner.

The attempt to hold elections for administrative councils of mosques without affecting the centralized framework of the Ministry represented an effort to revise this framework and to renovate the assumptions on which it is based – and which clash with the reality of diversity and differentiation.

The State as Monitor of the Limits of Islamic Religious Activity

Despite the fact that the coalition of Islamist forces and some preaching associations were accused in the official discourse prior to January 2011 of breaching the limits of moderation and deviating into "extremism," statements made by Talaat Afifi used the same concept to delineate the limits of acceptable Islamic religious activities overseen by the Ministry. In one statement, he said, "We are against any departure from the path of moderate Islam."[78]

77- Al-Youm al-Sabaa, May 2013, available at: http://www.youm7.com/News.asp?NewsID=1047675&#.UwIYrfmSyIs.

78- Al-Youm al-Sabaa, September 2012, available at: http://www.youm7.com/News.asp?NewsID=772003#.UwIoevmSyIu.

What was controversial was Afifi's mention of this "extremism" in the context of a discussion on Sufism and some of its practices. He further affirmed that the Ministry – as represented by the High Council of Sufism – would not participate in the organization of Sufi mawlids, due to their inclusion of "heresy and contradictions with Islamic law, such as the mixing of men and women," according to Afifi. Afifi faced a wave of criticism from followers of Sufism as a result.[79]

Afifi further stated that the Ministry could not allow the presence of any Shi'ite ideas or practices in any mosques, adding that "the Ministry has the right, if it found any such disorder, to work to combat it and to restore the matter to its proper state."

This came in addition to other references to extremist takfiri ideas. Under the government of the Muslim Brotherhood, the Ministry widened the framework of acceptable religious leanings and continued on the same path as its predecessor with regards to Shi'ism. Yet it provoked concerns among the followers of Sufism, as well as among imams who adopted positions against the Islamist currents.

The most prominent crisis in this regard was when Sheikh Mazhar Shahin was prevented from giving a sermon in the Omar Makram mosque in Tahrir Square in April 2013. The Ministry had issued a decree to prohibit him from working and to refer him for questioning due to this discussion of political affairs in his sermons, in which he criticized the president and the Muslim Brotherhood.

Despite the existence of many testimonies about imams and preachers discussing political matters – many in support of President Mohammed Morsi – no similar measures were taken against them. Perhaps the most prominent example of this is that Mazhar Shahin himself had previously congratulated President Mohammed Morsi on his decision to change the leadership of the military, describing it as being a necessary, revolutionary decision.[80]

Shahin challenged the Ministry of Endowments before the administrative courts, appealing the decision prohibiting him from working; he obtained a ruling stating that he could continue his work.[81]

The incident of Mazhar Shahin can be considered an extension of the intolerance shown previously by the Ministry for the presence of an imam known for his opposition to the authorities in a major mosque. Indeed, this is one of the most prominent features of the state's oversight of the limits of Islamic religious activity.

79- Al-Watan, October 2012, available at: http://www.elwatannews.com/news/details/55707.

80- A video including part of one of Mazhar Shahin's speeches following Morsi's decision is available at: http://www.youtube.com/watch?v=3WrSYzBShvM.

81- Al-Masry Al-Youm, April 2013, available at: http://www.almasryalyoum.com/news/details/310046.

Draft Legislation for the Preachers' Syndicate:
A New Basis for Centralization

In April 2013, MP Mohammed al-Saghir of the Building and Development Party presented the draft law on a syndicate for the profession of preaching[82] to the Legislative Committee of the Shura Council. Sources from the Nour Party stated that this bill had been created in coordination with the Freedom and Justice Party. The Legislative Committee agreed to discuss the bill.

The founding conference of the syndicate was held in July 2011, and a committee was formed to manage the syndicate's affairs until its establishment. Among the members of this committee were Salah Sultan, who later became the secretary general of the High Council for Islamic Affairs within the Ministry of Endowments, and Gamal Abdel Sattar, who later became the director of the Central Administration of Preaching Affairs.[83]

The draft law granted only the members of the syndicate the right to proselytize and teach religion through any medium. It further gave the syndicate the right to grant, suspend, and revoke licenses to preach and proselytize. This according to Articles 7 and 8, as below:

Article 7:

A) Anyone who is not a member of the syndicate may not undertake the following activities:

1 – Preaching or teaching in mosques or via media outlets, whether audio, visual, written, or online media, or in other bodies or outlets.
2 – Teaching the studies of Islamic jurisprudence in mosques or via media outlets, whether audio, visual, written, or online media, or in other bodies or outlets.
3 – Issuing fatwas regarding the rulings of Islamic Shari'a law, through the fatwa committees affiliated with the Egyptian Dar al-Ifta' or Azhar, or in mosques or via media outlets, whether audio, visual, written, or online media, or in other bodies or outlets.

It shall not be permissible for the state ministries and their affiliated offices, bodies, agencies, and departments, or public or private bodies, institutions or agencies, or associations or individuals, to appoint anyone to preaching positions or to mandate anyone to preaching work except for those individuals whose names are recorded in the syndicate's register.

82- Appendix no. 20.

83- Ikhwan Online, July 2011, available at: http://ikhwanonline.com/Article.aspx?ArtID=88653&SecID=250.

Professors at universities, colleges, institutions, and academic centers shall be exempted from this, as well as those appointed prior to the issuance of this law to permanent positions which include the performance of the activities referred to in this article. Such persons shall present documentation of their appointment to the records committee of the syndicate to record their names in the syndicate's register.

B) The "studies of Islamic jurisprudence" shall be understood in the context of this law to include the following:

1 – The interpretation of the Holy Quran and its study.

2 – The Hadith and its study.

3 – The Honorable Sirah and its study.

4 – Islamic doctrine and its study.

5 – Islamic jurisprudence and its study.

6 – The origins of Islamic jurisprudence and its study.

7 – The legal bases and the general theories of Islamic jurisprudence.

8 – Sharia Purposes.

9 – Islamic preaching and its study.

10 – Arabic language and its study.

Article 8:

The Council of the General Syndicate alone may issue licenses to practice the profession of Islamic preaching to those who do not meet the condition of having obtained the necessary scholarly qualification for membership, and this according to the following regulations:

1 – The passage of a written test and an oral test in the following areas:

- Memorization and recitation of not less than five sections of the Holy Quran.
- The rest of the other studies of Islamic jurisprudence.

2 – The test shall be retaken once per year before obtaining a license.

3 – The license shall be renewed annually.

4 – The general assembly shall define specific fees to be paid by those studying to receive licenses, and no licenses shall be issued until all fees are covered.

5 – Those holding licenses shall be called "da'eyya" during the period in which the license is valid, and they shall not be called or referred to using other titles used to refer to members of the syndicate.

6 – Those holding licenses are not members of the syndicate.

7 – Those holding licenses may not attend the general assembly.

8 – Those holding licenses do not have the right to vote on any matters under consideration or in elections or on any other occasions of the syndicate or regarding any of its affairs or the affairs of its members or its activities or on any other matter.

9 – The Council of the General Syndicate may revoke or suspend licenses if they are used in a manner which is damaging to Islamic preaching or the preachers thereof, or if the syndicate sees a reason for such action.

10 – The general assembly may discontinue these licenses in full or in part or for a period of time, if it deems such action to be in the interest of Islamic preaching or the preachers thereof.

11 – The Council of the General Syndicate and the general assembly, according to the situation, enjoy discretionary powers over all matters related to the licenses referred to herein.

Salafist currents and the Nour Party considered this to represent the desire of the Muslim Brotherhood and its political party to control all activities related to preaching and to eliminate the Salafists and other preachers who had not been trained by Azhar. For this reason, they fiercely criticized the bill.[84] The Salafists were joined in denouncing the bill by some Sufi groups as well as leaders of the Islamic Legitimate Body of Rights and Reformation,[85] which represented a coalition of scholars from the Islamist groups and preaching associations allied with the Brotherhood, and in the end the bill was withdrawn from the Legislative Committee.[86]

Despite their support for the content of the draft law, movements within Azhar which opposed the Muslim Brotherhood's policies were wary of this bill, as it had been presented without their consultation. Even so, members of the Brotherhood took over the drafting of the bill and the formation of the committee to manage the syndicate's affairs until its establishment.[87]

Faced with these pressures, the Muslim Brotherhood issued declarations from Mahmoud Hussein, the secretary general of the Muslim Brotherhood, that "the Muslim Brotherhood did not propose, nor did it review or discuss, any draft legislation to regulate the preachers syndicate or set regulations for their work. As such, the bill that we have recently been hearing about is a proposal by some preachers and does not represent anyone except for the individuals who proposed it."[88]

84- Members and leaders of the Nour Party described the draft law as "catastrophic" and "an extension of the silencing [dissent] and of the laws of the Mubarak regime." ONews Agency, May 2013, available at: http://www.akhbarak.net/articles/12424020-%D9%86%D8%A7%D8%A6%D8%A8_%D8%B3%D9%84%D9%81%D9%8A_%D9%82%D8%A7%D9%86%D9%88%D9%86%E2%80%9D_%D9%86%D9%82%D8%A7%D8%A8%D8%A9_%D8%A7%D9%84%D8%AF%D8%B9%D8%A7%D8%A9_%E2%80%9D_%D9%83%D8%A7%D8%B1%D8%AB%D8%A9; Al-Watan, May 2013, available at: http://www.elwatannews.com/news/details/182695.

85- ONews Agency, May 2013, available at: http://onaeg.com/?p=940965.

86- Rose al-Yousef, June 2013, available at: http://www.rosaeveryday.com/news/35342.

87- Interview with Sheikh Ahmed al-Bahey, coordinator of the movement Imams without Chains, May 2013.

88- Ikhwan Online, May 2013, available at: http://ikhwanonline.com/Article.aspx?ArtID=149516&SecID=211.

At the same time, Gamal Abdel Sattar, a prominent member of the Muslim Brotherhood and director of the Central Department of Preaching Affairs, said in a press statement that what had been presented as a proposed bill on the syndicate was merely a draft for discussion, the content of which was unrelated to any party or group, and that the points over which some parties differed might be in need of further explanation, elaboration, or addition or removal, and there was no harm in that. He further stated that the accusations that the syndicate would seek to silence dissent, nationalize preaching, or prevent individuals, currents, or groups from preaching were completely baseless and void of reason. He stated, "All rational and faithful individuals among the preachers, scholars, and others well understand the massive extent of the need for the regulations of Islam and the rulings agreed upon by the preaching preachers and scholars in order to protect the field from outsiders and conserve it from heretics."[89]

This draft legislation and what it included can be interpreted as an attempt by the elites which took control of the Ministry of Endowments to seek alternative tools to impose what they saw as necessary restrictions on the preaching activities, instead of being forced to use the law regulating the Ministry of Endowments to issue or revoke licenses. This initiative took advantage of the Muslim Brotherhood's popular support and the backing of preachers from Azhar who support limiting preaching activities to those affiliated with Azhar and that these restrictions be implemented through the framework of a syndicate rather than imposed by the executive authority.

This can also be considered an attempt to preserve the practice of "oversight of the limits of Islamic religious activities," except through the form of a syndicate which holds a monopoly on the power to authorize the practices of the profession.[90]

Administering Diversity

The general trend of the policies of the Ministry of Endowments under the government of the Muslim Brotherhood was towards preserving the same assumptions upon which the policies of the Ministry had historically been built, yet with some renovation and attempted revisions, as was discussed above. As such, the centralized legal framework for administering mosques did not change the fact that many practices in mosques still fell outside of this framework. Consequently, diversity continued to be dealt with in nearly the same way as it

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89- Ikhwan Online, May 2013, available at: http://www.ikhwanonline.com/Article.aspx?ArtID=150483&SecID=230.

90- See also the statement issued by the Egyptian Initiative for Personal Rights regarding the draft law, available at: http://eipr.org/pressrelease/2013/04/16/1690.

had been in the past, with the exception of the fundamental change represented by the absence of security sur-veillance. However the role of the security apparatus was replaced in some ways by another network, which sought to regulate loyalties, appease allies, and eliminate enemies.

1 – "Extralegal Tolerance"

Mosques continued to be constructed and administered, and religious rites continued to be performed in them, without the oversight of the Ministry of Endowments. In light of the absence of the role of the security appa-ratus, the range of these practices broadened and most Islamist currents administered numerous mosques and even retook mosques and places of prayer which had been overtaken by the Ministry. Some imams within the Ministry complained of this phenomenon[91] and of the inadequate state administration of endowments affiliat-ed to the various Islamist currents allied with the Muslim Brotherhood and supportive of the government of Mohammed Morsi.

With regards to some regions with weak state control in general, such as in Sinai, the Ministry admitted that a number of mosques ceased to be administered by the Ministry and fallen under the control of jihadist takfiri groups. Abdel Qawi stated that the takfiri and jihadist groups had a noticeable presence in Sinai and con-trolled a number of mosques, indicating that the Ministry was communicating with the heads of these groups to arrange meetings soon between the Minister of Endowments and other leaders in the Ministry to hold an ideological discussion with these groups. He added that taking control of all mosques in Sinai, and particularly the mosques of takfiri and jihadist groups, was a very difficult task, particularly since these mosques were not affiliated with the Ministry, and that succeeding in this would require dialogue, not confrontation.[92]

Salama Abdel Qawi, media spokesperson for the Ministry of Endowments, said that the Ministry was attempt-ing to totally regulate the religious sphere, from the construction of mosques to preaching. He went on to say that the Ministry, however, could not take hard-handed measures or call for the security apparatus to intervene as had been done under the previous regime.[93]

This area, which was difficult to control even with heavy security surveillance prior to January 2011, and over which the state did not dare to clash with society at large, broadened due to the failure of the Muslim Brotherhood

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91- Interview with a number of imams from Alexandrea, al-Gharbeyya, and al-Boheira belonging to the movement Imams without Chains, May 2013.

92- Al-Youm al-Sabaa, May 2013, available at: http://www.youm7.com/News.asp?NewsID=1081968#.UwNX6vmSyIs.

93- Conference on the policies of the Ministry of Endowments held at the Forum of Religion and Freedoms, March 2013.

and its allies, both within the Ministry and outside of it, to agree on the appropriate frameworks for restricting religious activities in mosques, as described above. At the same time, no determination was shown to move away from the old legal framework and policies of the Ministry in order to truly liberate religious activities.

2 – Developments to "Conditional Tolerance": Protocols with Preaching Groups

The initiative to transform the administrative boards of mosques into elected administrative councils can be considered one attempt to develop the policies of "conditional tolerance" with regards to these appointed administrative boards, which were allowed to administer the activities of mosques within the limits of the conditions imposed by the Ministry.

The elected administrative councils of mosques derived some of their authority over service activities from being elected by those belonging to the mosque. However, this authority continued to depend on coordination with the imam appointed by the Ministry as related to preaching and religious activities, meaning that tolerance of these councils continued to be conditional based on conformity with the policies of the Ministry.

Following the stalling and suspension of this experiment, for the reasons described above, administrative boards were once again appointed to the major mosques, which cannot function in the absence of some form of administrative body.

As relates to the Sufist currents and their mosques, the legal framework by which they were regulated did not change, and their mosques continued to be administered in coordination with the Ministry of Endowments.

Developments to the protocols of cooperation between the Ministry and preaching groups were the most prominent development to the pattern of conditional tolerance to which preaching and philanthropic associations were subjected.

In January 2013, the Ministry of Endowments signed a protocol of cooperation with a number of preaching associations, the most important being Al-Jama'eyya al-Shara'eyya and Ansar al-Sunna al-Mohammedeyya.[94]

The protocol allowed the mosques of these associations remain under the administration and authority of these associations, but required that they coordinate with the Ministry of Endowments with regards to religious preaching activities. It further established that the Ministry of Endowments would conduct an evaluation of sermons and oversee the imams and preachers in these mosques.

94- Appendix no. 21.

Sources within the Ministry of Endowments said that the purpose of this protocol was to allow increased freedom to these associations in relation to preaching activities, rather than incorporating their mosques into the Ministry. At the same time, there would still be an agreement between the Ministry and these associations over the necessity of adhering to certain conditions established by the Ministry for religious preaching.

Dr. Abdo Muqalled, first undersecretary of the Ministry of Endowments and president of the section for religious affairs, stated that the signing of this protocol came with the goal of revising and regulating preaching in mosques. He indicated that, according to the requirements of this protocol, the Ministry of Endowments would oversee and evaluate religious discourse from a preaching perspective and supervise imams and preachers in these mosques, which would remain affiliated to these associations. He stated that this would reflect positively on the development of religious discourse, in cooperation with these bodies.

Dr. Abdo Muqalled further stated that "the protocol compels each association to provide the names of the preachers in its mosques and the schedules of the sermons in its mosques. It also obliges each association to pledge not to include in its membership anyone who contradicts the method of Sunnis and of the community, in order to prevent extremism, laxity, and negligence." He added, "The associations will pledge to build their mosques, carry out their affairs, and achieve their purposes, and there will be no interference by the Ministry unless the line of moderation is overstepped. The associations will adhere to the directives of the Ministry of Endowments which limit the holding of Friday prayers to major mosques, to the exclusion of small community mosques, except for in places where there is no mosque belonging to these associations and which lie further than 500 meters from such a mosque."[95]

This protocol replaced the security surveillance which had regulated the concept of "conditional tolerance" of such preaching associations in coordination with the Ministry of Endowments.

This protocol further represented an agreement on the limits and conditions according to which the mosques of these associations would be tolerated. It came following the absence of the role played by the security apparatus and while the Ministry lacked the capacity to directly oversee the mosques of these associations. Moreover, the Ministry lacked the will to oversee these mosques, as the preaching and charitable associations they were affiliated with were seen as part of the alliance which ran the Ministry, and their scholars were among the scholars of the Islamic Legitimate Body of Rights and Reformation, to which the Minister and other leaders in the Ministry also belonged. Finally, Minister Talaat Afifi and the president of the sector for religious affairs,

95- Al-Mesryoon, January 2013, available at: http://www.masress.com/almesryoon/193786.

Abdo Muqalled, were originally among the scholars of Al-Jama'eyya al-Shara'eyya, which was one of the most prominent of these associations.

3 – Ensuring Loyalty and Regulating Diversity: Security Surveillance Replaced by the "Islamist Alliance"

In April 2013, the Ministry of Endowments announced the appointment of 3,000 new imams to positions for which 57,000 imams had applied. The Minister stated that this was the first time that imams had been appointed without reference to security reports.[96]

Indeed, the end of the role of the security apparatus represented the most important development related to the policies on the administration of mosques, which sought to regulate diversity and ensure loyalty.

However, imams complained of the Muslim Brotherhood and its supporters controlling the nominations for important positions via their connections, including in the most influential mosques, and excluding their political opponents from these positions.

These conflicts and grievances were covered by the media and came to be known as the "Ikhwanization" of the Ministry of Endowments or of the mosques. As referred to above, however, a coalition broader than the Muslim Brotherhood itself was in control of the Ministry.

A source within the office of the Minister said to researchers from EIPR that imams had come to the Minister's office to complain of having been transferred to smaller mosques and of having been punished or dismissed unfairly due to their alleged lack of discipline. They stated that they knew that it was "not their day," because they had been enemies of the Brotherhood and the other Islamist currents, whether ideologically or due to their links to the previous regime.

Khalaf Massaoud, the media spokesperson for the movement Imams without Chains, accused the Muslim Brotherhood of favoritism and of appointing its supporters to leadership positions within the major mosques and giving them contracts to work as remunerated preachers. Salama Abdel Qawi, media spokesperson for the Ministry, responded by saying that the new officials in the Ministry remember their fear of God when making appointments and decisions.

96- Al-Ahram, April 2013, available at: http://www.ahram.org.eg/News/799/25/206179/%D8%A7%D9%84%D8%A3%D9%88%D9%84%D9%89/%E2%80%8F-%D8%A2%D9%84%D8%A7%D9%81-%D8%A5%D9%85%D8%A7%D9%85-%D8%A8%D8%A7%D9%84%D8%A3%D9%8-8%D9%82%D8%A7%D9%81-%D8%AF%D9%88%D9%86-%D8%AA%D9%82%D8%A7%D8%B1%D9%8A%D8%B1-%D8%A3%D9%85%D9%86%D9%8A%D8%A9.aspx.

The incident of the referral of Mazhar Shahin to be investigated after he criticized the Muslim Brotherhood-affiliated authorities– because he had spoken about politics, even though he had previously spoken of politics when praising these same authorities – represents one manifestation of the authorities seeking, through their administration of mosques, to guarantee loyalty and restrict diversity such that it not detrimentally affect them. While such legal proceedings represent the official side of this phenomenon, the decisions of the Islamist alliance, taken throughout its conflict with the previous network which had controlled the Ministry, represents the unofficial side. Indeed, the positions of these two networks within the Ministry had become completely inverted: Whereas the old network had, with the cooperation of the security apparatus, previously prevented positions within the Ministry and in mosques from being occupied by any person linked to the Islamic currents, the new network adopted a similar policy against its opponents once it came to control the Ministry, through support from its Islamist alliance.

This Islamist network also filled the vacuum left by the security apparatus as relates to the restriction of Shi'ism and hunting down clusters of Shi'ites.

The Salafist Call and its Nour Party announced that they had met with the Minister of Endowments and agreed with him to coordinate in order to confront what they described as the "Shi'ite expansion."[97]

The Coalition of Muslims for the Defense of the Prophet's Family and Companions was established by a group of Islamist activists, who announced that they would work against any Shi'ite presence in Egypt, including any practice of Shi'ite rituals or the spread of their ideas. This coalition also announced that it would cooperate with the police by supplying information about the activities of Shi'ites.

This coalition welcomed the surrounding of a home in the town of Zaweyet Abo Muslim in Giza in which Shi'ite rituals were performed. This incident led to dozens of people attacking the home and killing four followers of Shi'ism, including Hassan Shahata, a prominent Shi'ite sheikh.[98]

97- Al-Mesryoon, June 2013, available at: http://almesryoon.com/%D8%A3%D9%81%D8%AA%D8%B1-%D8%A3%D8%AD%D9%88%D8%A7%D9%84-%D8%A7%D9%84%D9%88%D8%B7%D9%86/149901-%D9%88%D9%81%D8%AF-%D9%85%D9%86-%D8%A7%D9%84%D9%86%D9%88%D8%B1-%D9%8A%D9%84%D8%AA%D9%82%D9%89-%D9%88%D8%B2%D9%8A%D8%B1-%D8%A7%D9%84%D8%A3%D9%88%D9%82%D8%A7%D9%81-%D9%84%D8%A8%D8%AD%D8%AB-%D9%85%D8%B4%D9%83%D9%84%D8%A7%D8%AA-%D8%A7%D9%84%D8%AF%D8%B9%D9%88%D8%A9.

98- The Egyptian Initiative for Personal Rights, report on the "Shi'ite massacre" in Zaweyet Abo Muslim, available at: http://eipr.org/pressrelease/2013/06/26/1750.

The coalition – along with other Salafist activists – publishes information and pictures of any mosque in which Shi'ite activities appear. It then calls on the security apparatus to intervene.

The Salafist Call organized a broad campaign against the "Shi'ite danger," saying that Shi'ites were active in a number of mosques in towns which fell outside the control of the state. It called on the security apparatus and the Ministry of Endowments to deal with these mosques.

One such incident occurred when the Salafist Call and the Nour Party in Assiut called on the security apparatus to deal with a building, which they claimed had been turned into a Husseinia in which Shi'ite rituals were performed. Sheikh Mostafa Ghallab, a leader of the Salafist Call and secretary of the Nour Party in the center of al-Fatah in Assiut, said, "If the security apparatus fails to carry out its duty, we will have our own response."99

99- Al-Masry Al-Youm, April 2013, available at: http://www.almasryalyoum.com/news/details/303813.

Post-June 30:
Intensive Use of Authoritarian Tools in the Political Struggle over Mosques

The period from June 30, 2013 until the finalization of this study (in June 2014) witnessed the repercussions of the political changes which occurred due to the ouster of President Mohammed Morsi on July 3, the declaration of Adly Mansour, president of the Constitutional Court, as interim president, and the formation of a new government. As a result of these changes, the Ministry of Endowments, under the leadership of Dr. Mohammed Mokhtar Gomaa, who served as Minister of Endowments under the governments of Hazem al-Beblawi and then Ibrahim Mahlab, used all of the authoritarian tools available to it under the legal framework for the Ministry of Endowments to the maximum extent. In addition, the Ministry reverted to the policies that it had followed prior to January 2011; indeed, it employed these policies even more intensely than before, regardless of the fact that the security apparatus had not regained its previous level of effectiveness or its ability to interfere in the details of the administration of mosques. Rather, a broad security campaign was conducted. These policies continued following the ascent of Abdel Fattah el-Sisi to the presidency, under which Mahlab remained Prime Minister and Gomaa Minister of Endowments.

All of this took place in light of the political struggle between the new cabinet supported by the military, and later Sisi's cabinet, and the Muslim Brotherhood and its supporters, who defended "President Mohamad Morsi's legitimacy". Indeed, this struggle continues to this day. Part of this conflict was symbolic and revolved around the concept of "religious legitimacy", while part of the conflict was material and affected mosques and spaces where Islamist currents had resumed their preaching activities. In addition, since Islamist groups had taken control of the Ministry of Endowments prior to June 30, the new authorities called for a "battle" to be waged over the Ministry in order to bring it back into the service of the new authorities, to strip it of the most important tools which had enabled Islamist groups to exert influence and communicate with the public, and to direct it in a way that would benefit the new authorities and support the new roadmap for the country.

Reasserting the Assumption of the "Religious Unity of Muslims"

"There is no doubt that we are going through a critical period in the history of our nation, which will not endure any of the nation's ideological or cultural mores being tampered with, or anything that would divide the unity of its people. If the religious scholars have decided that Friday prayers will only be held in the central mosques, and only by authorization of the imam, in order to preserve the unified vision of Muslims and prevent their fragmentation, then the benefit is not achieved unless all are of the same heart and there is a particular body or ministry which can guarantee the interests of the nation and of the Islamic Call, due to its access to tools and information which is not available to each individual person or group."

This is an excerpt from an article written by Mohammed Mokhtar Gomaa, the Minister of Endowments under the government of Hazem al-Beblawi, published on the Ministry's website[100] to defend the decision of the Ministry to unify the topics covered by Friday sermons and punish those who go against this decision by preaching about other matters. In addition, the article reasserted the Ministry's previous decision to limit the performance of Friday prayers to central mosques, to the exclusion of small and community mosques.

This is one of the clearest expressions of the Ministry's policies based on the assumption of the "religious unity of Muslims" and its desire to enforce this assumption in practice. This assumption was indeed imposed through a policy of designating one topic to be discussed in Friday sermons in all mosques, as determined by the Ministry. Indeed, this was among the most invasive of the Ministry's policies of centralization.

Statements made by the Minister reveal a clear link between the policies followed by the Ministry in dealing with the issue of religion and those used to address political matters. Indeed, during this period – which was described as not able to endure anything that would undermine the national unity of the people – the Ministry's initiatives to unite Muslims came in conjunction with efforts by the state to unify Egyptians overall. Thus, a correlation was created between the "interests of the nation and of Islamic preaching".

In the same article, the Minister said, "We affirm that we are not acting politically; rather, we are carrying out our national duty in the same way that we did when adopting our position vis-à-vis the referendum [on the amendments to the 2012 constitution], for example, when we asserted that participation was a national duty by which the purposes of Shari'a law would be achieved. We focused on the importance of positive participation as a form of loyalty to the nation, emphasizing that this national duty derives from the true spirit of Islam."

100- Mohammed Mokhtar Gomaa, Al-awqaf wa qadayya al-watan wa falsefet al-khotba al-mowahhada, January 2014, available at: http://www.awkafonline.com/portal/?p=6756.

This "national duty" is distinct from other forms of political action because it is based on the assumed "national unity" of the people, according to the Minister's opinion. This is the same position as that adopted by the previous Minister of Endowments, Talaat Afifi, when he called for participation in the referendum on the 2012 constitution despite calls for a boycott. In his meeting with the movement Imams without Chains, he said that the Ministry of Endowments and its preachers did not endorse any political or party positions, but rather "national" positions.

Both ministers called on imams and preachers to urge Muslims to participate in these respective referendums rather than boycotting. This represented an exception to the Ministry's warning to imams against speaking about politics, and this exception was deemed acceptable because it fell within the Ministry's assumption of unity, as desired by the state. In reality, there was a segment of the Egyptian population which called for a boycott out of protest at the political course of the country. Such calls were considered by the authorities as threatening what they assumed to be the unity of society.

The "Azhar methodology" – ever described by its moderation – always served as the ideological backing for this assumption. In the same article referred to above, the Minister stated, "Perhaps the most important factor which sets this period apart in the history of the Ministry of Endowments is that the Ministry is completely aligned with Azhar's moderate ideology. Indeed, the Ministry has returned to its rightful place under the broad umbrella of Azhar, through the leadership of the Grand Imam Ahmed al-Tayyeb, sheikh of Azhar."

When introducing a master's thesis in August 2013, the Minister stated, "Azhar stands on par with our brave armed forces as a shield protecting this nation. The role of Azhar in preserving intellectual security and disseminating the tolerance of Islam is necessary and complements the role of our armed forces in preserving our national security, just as its efforts support the Ministry of Interior in maintaining the security of the nation and its citizens."[101]

Practically, the participation of Ahmed al-Tayyeb in the armed forces' announcement of the ouster of former President Mohammed Morsi served to usher in the restoration of the influence of the leadership of Azhar over the Ministry of Endowments, as had been the case during the interim period.

Sources within the leadership of Azhar confirmed that al-Tayyeb was the person who had nominated Mokhtar Gomaa to head the Ministry. At the time, Gomaa had already become a member of the technical bureau of the sheikh of Azhar, on which he continues to serve to this day.

101- Awkaf Online, August 2013, available at: http://www.awkafonline.com/portal/?p=4040.

The Minister announced on more than one occasion, in addition to this article, that the Ministry was acting according to the directives of the sheikh of Azhar and in complete coordination with him.

The Ministry under Afifi had broadened the assumption by including within the limits of "unity" the religious leanings espoused by the members of the Islamist alliance and incorporating them into the acceptable "framework of moderation," albeit to the continued exclusion of Shi'ism and even some Sufi practices. In contrast, the Ministry under Gomaa reestablished the previous limits of this assumption, causing most Islamist currents to once again fall into the categories of "extremists" and "terrorists". This occurred in conjunction with directives from the cabinet which declared the Muslim Brotherhood to be a "terrorist organization." The government then launched a broad security campaign targeting the organizational cadres of the Brotherhood and other Islamist groups supportive of it.

Ali Gomaa, a member of the Panel of Grand Scholars of Azhar, a former mufti, and one of the most prominent scholars who supported the post-June 30 administration, used the term "khawarij" in an official statement to describe the youth affiliated with Islamist currents opposed to the authorities.[102] This term was repeated in this way on more than one occasion.

The Salafist Call and its Nour Party were exempted from this description, since they supported the post-June 30 administration and the ouster of Mohammed Morsi. The Ministry attempted to deal with the mosques belonging to the Salafist Call on the basis of this exception, as will be discussed below.

The Shi'ite doctrine remained outside the limits of this "unity", as it continued to be considered a prohibited religious orientation, the religious and jurisprudential activities of which should not be carried out in any mosque.

The policies of the Ministry continued to affirm this assumption of "unity" and to be accompanied by practices of centralization, which had remained in place even under the previous Ministry. However, the faltering attempts to revise these policies of centralization – the most prominent of which was the attempt to change the procedure for selecting administrative boards for mosques and to allow a measure of freedom to preaching organizations – were abandoned. The imposition of these policies of centralization was announced in an unprecedented manner, although the success of their enforcement was varied in practice.

102- Statement of Sheikh Ali Gomaa, December 2013, available at: https://www.facebook.com/photo.php?fbid=10153603819245144&set =a.10153567403495144.1073741853.90845230143&type=1.

In March 2014, Gomaa issued a Ministerial Decree no. 64/2014[103] to incorporate all mosques, including small community mosques, under the Ministry of Endowments, as per the law regulating the Ministry, which had not been implemented due to the lack of financial resources and the shortage of imams and other employees in the Ministry to be able to do so. However, the Minister instructed the departments of the Ministry to take the necessary measures to begin taking over all mosques, and the Ministry began regularly announcing the numbers of mosques, including small community mosques, that it had incorporated as a result of these efforts.[104] Gomaa also issued a decree to remove all signs with information regarding religious associations from the mosques which belonged to the Ministry of Endowments, as well as to change the names of mosques which included references to such associations or to particular ideologies or sects.

Through this decree, the Minister affirmed the assumption of the "religious unity of Muslims" and linked this assumption to political unity as well, stating that his decision came "to protect the unity of the Egyptian social fabric, and to work to prevent fissures to national unity due to isolated groups following different parties, ideologies, or doctrines and belonging to religious political parties, ideological factions, or civil associations which serve these groups or go along with them, or which shelter these groups under their wings and work to infiltrate them and utilize them for their own purposes.

"This decree comes in order to preserve the moderate, tolerant religious discourse which encompasses all segments of society without ideological or doctrinal discrimination."[105]

The State as Imam and Sole Representative of the Unified Community of Muslims

"If the majority of Islamic scholars agree that the Friday sermon should only be given in the central mosque and by the permission of the imam or his deputy, then deductive analogy and the interests of the community require unification of the community now and consensus for one opinion. As such, Ministry of Endowments has decided to unify the Friday sermons at the national level in all of Egypt's mosques, beginning with the coming Friday."

This is from the text of the decree issued by the Minister of Endowments in January 2014 to unify Friday sermons.[106]

103- See Appendix no. 24.

104- Awkaf Online, March 2014, available at: http://www.awkafonline.com/portal/?p=7664.

105- Awkaf Online, May 2014, available at: http://www.awkafonline.com/portal/?p=9083.

106- Awkaf Online, January 2014, available at: http://www.awkafonline.com/portal/?p=6885.

That quote shows clearly that Ministry of Endowments once again took over the position of "imam or his deputy," based on the jurisprudential interpretation which mandates the ruler to exercise guardianship over religious activity in his capacity as representative of the "community of Muslims," with the goal of "unification of the community and its vision and creating consensus around one opinion."

The centralized policies which continued to be adopted were derived in this case from the context of escalating divisions and political conflict in general, and in relation to mosques and religious activity in particular.

The failure of Azhar's leadership – as well as some state institutions such as the judiciary and the police – to come to a full agreement with the authorities under Morsi's rule had represented an obstacle for the centralized policies which the Muslim Brotherhood had sought to impose. In contrast, the full agreement of the leadership of Azhar and these institutions with the new authorities produced circumstances which assisted in moving towards the announcement of further centralized policies, which sought to support the "new coalition" over the "old coalition" which had now fallen from power and been excluded from the political process and deprived of any legal forms of religious and political expression.

The decree issued by the current Minister of Endowments to take over one of the mosques belonging to al-Jama'eyya al-Shara'eyya – where the former Minister of Endowments, Talaat Afifi, had presented a Friday sermon in October 2013 – is representative of this context.[107]

The Minister replaced most of those in positions of leadership within the Ministry who had been relied upon under Afifi, particularly those involved in the Muslim Brotherhood and other currents supportive of it. Some of these individuals were dismissed from their positions based on claims that they had been absent from work or that they had not adhered to administrative procedures. This is what happened to Salama Abdel Qawi, former media spokesperson of the Ministry, and Mohammed al-Saghir, one of the Minister's advisers.

Many prominent figures who had been removed from the previous Ministry were restored to their positions. Among them were Salem Abdel Galil, who once again became undersecretary of the Ministry, and Mohammed Eid Kilani, director of civil mosques. The department of major mosques came under the leadership of Sheikh Ahmed Toruk, who had previously been in charge of a number of major mosques including the Nour Mosque in Abbasiya and Mostafa Mahmoud Mosque in Mohandiseen, and who had been removed from his position under the previous Ministry.

107- A statement was issued by the Ministry regarding the decision to revoke the right to administer the Fatah Mosque in Maadi from Al-Jama'eyya al-Shara'eyya due to its violation of decrees issued by the Ministry with regards to the Friday sermon on October 4, 2013, without mentioning the name of Talaat Afifi. However, sources within the administration of Al-Jama'eyya al-Shara'eyya stated that the reason was that Talaat Afifi had addressed political issues while presenting the Friday sermon on this date.

The Minister restructured the committees of the High Council for Islamic Affairs, dismissing its general secretary, Salah Sultan,[108] who had been referred to court following the dispersal of the sit-in at Rabaa al-Adawiya on charges of "resisting the authorities." A number of other scholars belonging to the Muslim Brotherhood or Salafist currents were similarly dismissed from the committees of the Council.

These centralized policies were also seen in a number of decisions which included the prohibition of the performance of Friday prayers in small community mosques whose area measures less than 80 meters, except with special permission from the Ministry, as well as the revocation of all licenses of preachers who did not work in the Ministry (i.e. remunerated preachers) and who had not renewed their licenses within the past two months, with renewal allowed only for those affiliated with Azhar.[109]

On June 29, 2014, the Minister issued the "Binding Charter of the Islamic Call and Regulations for Preaching Permits",[110] which combined all regulations on the practice of preaching that had been included in previous decrees issued by the Ministry. It linked the obtaining of licenses to preach to signing this charter and stipulated that licenses would be revoked in cases of violations to the charter.

Despite the fact that no problems arose between Sufi orders and the new Ministry, the Ministry maintained its policies of centralization with regards to the major Sufi mosques, and imams and preachers were appointed to a number of these mosques without agreement or coordination with these Sufi orders. One example of the phenomenon was the Al-Rafi'i Mosque, which serves as the center of leadership for the Rifi'i order.[111]

The State as Monitor of the Limits of Islamic Religious Activity

Since it began work, the Ministry intensified its use of all of the tools at its disposal to oversee the limits of permissible Islamic religious activities. These limits were significantly constricted, and all who breached these limits were charged under the law or subjected to other measures taken against them whenever possible.

One such step taken by the Ministry was to publicize a telephone number which would receive complaints from citizens about the misuse of pulpits or mosques for political agendas or regarding any violations to decrees issued by the Ministry.[112]

108- Awkaf Online, July 2013, available at: http://www.awkafonline.com/portal/?p=3471.

109- See Appendix no. 22.

110- Awkaf Online, June 2014, available at: http://www.awkafonline.com/portal/?p=9564.

111- Interview with Tarek al-Rafa'i, sheikh of the Rafa'i order, March 2014.

112- Awkaf Online, September 2013, available at: http://www.awkafonline.com/portal/?p=4179.

Dozens of decrees were issued to dismiss and refer to investigations any employees and imams with connections to the Islamist currents supportive of the Muslim Brotherhood or who discussed political matters – either in support of the Brotherhood or expressing criticism of the new authorities and their legitimacy – within or outside of mosques.

At the same time, a number of prominent scholars and preachers were allowed to carry out political activities and support the new administration, expressing what came to be known in the media as "support for the army and the police" and attacking the Muslim Brotherhood and other Islamist currents, both within mosques and outside of them. (The most prominent of these was Ali Gomaa, a member of the Body of the High Scholars of Azhar.) The Ministry took no measures against these individuals.

The Minister issued a statement warning imams and preachers not belonging to the Ministry of Endowments or having obtained licenses that the 1996 law regulating the Ministry of Endowments, as amended to allow for the punishment of anyone who preached or gave lessons in a mosque by imprisonment and a fine, would be enforced.

Despite the fact that no one was ever brought to trial based on this law due to religious sensitivities surrounding the matter, the Ministry of Endowments and its officials began to submit complaints against a number of Salafist sheikhs for having preached without authorization. The most prominent case was that of Mohammed Hussein Yaqoub, a famous preacher.[113]

The Ministry imposed its control on the important mosques which were known for being home to prominent sheikhs belonging to Salafist currents supportive of the Muslim Brotherhood (most of which belonged to Al-Jama'eyya al-Shara'eyya, Ansar al-Sunna, and other preaching associations). The Ministry announced that only imams from within the Ministry would be allowed to preach from these pulpits.

In some of these mosques, fights broke out among those gathered. One example of this was what happened at the Al-Aziz Billah Mosque in al-Zeitoun when some of those gathered for prayer began chanting against the imam, who had been sent by the Ministry; the imam was surrounded and his turban was removed. Later, the Ministry of Interior announced that it had arrested one of the imam's attackers and referred him to trial.

The Ministry also announced that it had submitted a complaint against the prominent Salafist preacher Abo Ishaq al-Haweini due to his having addressed politics in a lesson he gave in a civil mosque in the governorate

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113- Bowabet Al-Ahram, April 2014, available at: http://gate.ahram.org.eg/News/480741.aspx.

of Kafr el-Sheikh and his call for boycotting the referendum on the constitutional amendments. The Ministry then announced its dismissal of the secretary of the Ministry in Kafr el-Sheikh, since he did not submit the complaint against al-Haweini as he had been instructed to do by the Ministry.[114]

The Ministry of Endowments refused to allow a number of Shi'ites to visit al-Hussein Mosque on the Day of Ashura, announcing its rejection of the performance of any Shi'ite rituals in any mosque. The Ministry further declared that the mosque would be closed except for during the times of prayer. On the Day of Ashura, a number of security forces, as well as Salafist activists who oppose Shi'ism, were present in the area around the mosque, and a Shi'ite activist was arrested and referred to trial based on charges of defamation of religion and propagating extremist ideas.[115]

In May 2014, the Minister formed a committee from the Ministry and the union of Quran Reciters to investigate one of these readers following his appearance in a video in which he performs the call to prayer as stipulated by the Shi'ite doctrine during a religious celebration in Iraq.[116]

The following month, the Ministry announced the referral of additional readers for investigations, after they had traveled to Iran and Iraq without authorization. The relevant official bodies were informed of this measure, "in order to preserve our national security and the unity of our social fabric," according to a statement issued by the Ministry.[117]

The Ministry similarly referred for questioning more than one preacher who had been influenced by certain currents which diminish the importance of the narratives of the Prophetic Sunna in favor of relying solely on the Quran. The Ministry warned that those who presented currents in violation of the Ministry's approach when preaching or teaching would be punished.[118]

The Ministry's decrees affected other religious and ideological orientations, including for example the discontinuation of lessons by Dr. Heba Raouf Ezzat in Al-Sultan Hassan Mosque in February 2014, as she had been discussing literature of social history in her lessons, including Ibn Khaldun's "Muqaddimah". Sources close to the administration of this mosque said that this decision came following instructions by the security apparatus to that effect.

114- Moheet, December 2013, available at: http://moheet.com/2013/12/25/1859179/محضرا-حرر-الشيخ-كفر-أوقاف-مدير-مصدر-Ù.html#.UwktOd_bGmg.

115- For more details, see: Amr Ezzat, Zhikra 'ashoura wa huquq a-shi'a, November 2013, available at: http://eipr.org/blog/post/2013/11/21/1878.

116- Awkaf Online, May 2014, available at: http://www.awkafonline.com/portal/?p=8802.

117- Awkaf Online, June 2014.

118- Televised interview with one of the imams referred to questioning, December 2013.

The movement of the state towards greater oversight of the limits of preaching activities culminated in the issuance of a law to regulate preaching[119] by a presidential decree from Adly Mansour in June 2014, days before he was to transfer power to Abdel Fattah el-Sisi. This law increased the penalty for religious preaching or teaching in mosques without authorization.

An amendment made to the law regulating the Ministry of Endowments, Law no. 238/1996, had stipulated a penalty of imprisonment for a period of not more than a month and a fine of not less than 100 Egyptian pounds and not more than 300 Egyptian pounds for those who preach or impart religious lessons without authorization from the Ministry. This penalty was increased under Article 5 of the new law, which stipulated a penalty of imprisonment for a period not less than one month and not more than one year and a fine of not less than 20,000 Egyptian pounds and not more than 50,000 Egyptian pounds, or one of these two penalties, for those who violate Article 2 of the law, which stipulates that no one shall preach or impart religious lessons except with a license from the Ministry of Endowments or the leadership of Azhar. The law further stipulates that the penalty would be increased in cases of repeated offenses.[120]

Policies Regulating Diversity:
1 – Reinstating Restrictions on Conditional Tolerance

The Ministry imposed restrictions on the kinds of "conditional tolerance" which had governed the administrative boards of mosques and some freedoms which had been enjoyed by preaching associations.

The Ministry announced its full revocation of the suspended decree to reestablish elected administrative councils of some mosques. It also dissolved all administrative boards which had been formed under the previous Ministry and formed new administrative boards, excluding the majority of scholars and preachers known for their affiliations to Islamist currents.[121]

The Ministry appointed administrative boards for the major mosques from among individuals who had opposed the government of the Muslim Brotherhood and the previous Ministry, as well as from activists in protest movements which had taken active stances against the policies of the previous Ministry.[122]

119- Appendix no. 25: Law no. 50/2014.

120- Statement issued by the Egyptian Initiative for Personal Rights on the law regulating preaching, available at: http://www.eipr.org/pressrelease/2014/06/15/2110.

121- Awkaf Online, October 2013, available at: http://www.awkafonline.com/portal/?p=5047.

122- Awkaf Online, November 2013, available at: http://www.awkafonline.com/portal/?p=5562; http://www.awkafonline.com/portal/?p=5047.

On January 6, 2014, the Minister issued a ministerial decree to transfer oversight of Azhar Mosque to the leadership of Azhar in scholarly and administrative matters. It further stipulated that a member of the technical bureau of the sheikh of Azhar for matters of Preaching and religious media become responsible, under the supervision of the sheikh of Azhar, for other matters of Islamic preaching and academic lessons in this ancient mosque. Finally, it set out that the leadership of Azhar would be mandated to oversee other matters of spending and the full maintenance of the mosque, as well as everything else that relates to the mosque's affairs.[123]

This decree reveals the paradox by which the Azhar Mosque enjoys the conditional tolerance of the Ministry of Endowments, which appoints its administrative board and officially oversees its preaching work. Indeed, the leadership of Azhar has no official authority over the Azhar Mosque; rather, it coordinates with the Ministry to oversee the mosque's affairs.

This decree did not represent an exception to the general restriction of conditional tolerance, for this increased restriction came in the context of government policies which arose out of the authorities' conflict with the Muslim Brotherhood and its allies. In the framework of this conflict, the influence of the leadership of Azhar increased due to its being considered one of the most important sources of support for the new authorities. As such, the leadership of Azhar regained its influence over the Ministry of Endowments, beginning with its nomination of the Minister, in order to oversee the general course of the Ministry.

This ministerial decree does represent an exception to the law regulating the Ministry, yet its importance lies in the fact that it would be difficult to revoke except in a situation where the state institutions were in a direct conflict with the leadership of Azhar.

As relates to preaching associations, the Minister launched a violent attack on these organizations and issued warnings to them on more than one occasion, announcing that their preaching institutes, which teach juridical studies, had violated the agreements and protocols between them and the Ministry of Endowments and that they were not conforming to the policies of the Ministry.

Despite the fact that Mokhtar Gomaa, like his predecessor Talaat Afifi, was from the body of scholars called Al-Jama'eyya al-Shara'eyya, he differed with the scholars of Al-Jama'eyya over their political position in support of the Muslim Brotherhood and of the election of Mohammed Morsi in the presidential elections of 2012. Gomaa had been responsible for the affairs of the preaching institutes belonging to Al-Jama'eyya al-Shara'eyya.

123- Awkaf Online, January 2014, available at: http://www.awkafonline.com/portal/?p=6374.

Gomaa signed new protocols with Al-Jama'eyya al-Shara'eyya and the other preaching associations, in which he revoked some of the tolerance that these associations had enjoyed under the previous protocol.[124]

The protocol of the former Ministry had forced these associations to submit the names of the preachers, imams, and preachers who were active in their mosques and to pledge that they would act according to the policies of the Ministry of Endowments and adhere to the religious discourse set by the Ministry. In the new protocol, prior review of the names of preachers and teachers is imposed, forcing these associations to await the Ministry's confirmation of these names prior to their undertaking of any activities. The new protocol further limits those who are allowed to preach and proselytize to those belonging to Azhar, whereas this condition had not been present in the prior protocol.

The new protocol also intensified the detailed oversight procedures used by the Ministry of Endowments to supervise the methods and teachers within the preaching institutes belonging to these associations, in contrast to the previous protocol.

The Minister escalated his criticisms of these associations and denounced their religious and preaching practices. He wrote an article which appeared on the Ministry's website in June 2014 under the title "The Bitter Harvest of the Preaching of Charitable Associations and Islamist Groups," stating in it that "it is not possible for the rational person, or for the nationalist, or to anyone who truly understands his religion to deny that the harvest of the preaching of Islamist groups and the charitable organizations which have joined them has been a bitter one. They sowed thorns, so we have reaped bitter fruits. We have emphasized in diverse forms that the role of these charitable associations should be limited to their humanitarian, social, and health-related missions."

In his article, the Minister calls for limiting the issuance of religious journals to Azhar and the Ministry of Endowments, making reference to the religious publications issued by preaching associations, the most famous of which include Al-Tabyan, issued by Al-Jama'eyya al-Shara'eyya, and Al-Tawheed, issued by Ansar al-Sunna al-Mohammedeyya.[125]

124- See Appendix no. 23.

125- Awkaf Online, June 2014, available at: http://www.awkafonline.com/portal/?p=9181.

2 – Extralegal Tolerance

The Ministry's intensification of the policies of centralization and its announcement of restricted "conditional tolerance" forced many practices into the scope of "extralegal tolerance".

There are indications that these policies of centralization, or the policies of restricting conditional tolerance, were not enforced very effectively. Yet they did indeed aim to force the practices of many imams and preachers into the realm of "extralegal tolerance" in order to facilitate the punishment of those who took advantage of this tolerance in order to go against the orientations of the Ministry and the authorities in general.

One recently appointed member of the administrative board of a major mosque in Alexandria stated that he and other preachers who had opposed the Muslim Brotherhood do not adhere to the requirement of discussing the unified sermon, as they known that the decree was not aimed at them but rather will be used only to eradicate imams sympathetic to the Muslim Brotherhood and who announce this in their sermons or lessons or through their political activities in support of the Brotherhood.

Many testimonies collected by EIPR's researchers indicated weak compliance with the decree to "unify sermons" in the beginning, whereas later – when greater emphasis was placed on adherence and punishment of violators – preachers would comply by mentioning the pre-determined topic in addition to dealing with other issues as they wished. For this reason, some imams were subjected to investigations and administrative penalties, due to their critical positions vis-à-vis the authorities, even if expressed outside of the mosques. As such, the freedom of a number of preachers to select the issues to be discussed in their Friday sermons or to not refer to or build on the topic imposed by the Ministry was placed firmly within the scope of "extralegal tolerance."

The refusal to renew licenses of remunerated preachers not belonging to Azhar had a similar effect, with some of these preachers continuing to give sermons in violation of the policy of the Ministry. Similarly, some small community mosques continued to hold Friday prayers without authorization from the Ministry. All of these activities were thus transferred to the realm of "extralegal tolerance," which could be cause for decisions by the Ministry to conduct investigations, dismiss workers, or resort to security action.

In conjunction with the fierce criticisms expressed by the Minister of Endowments, some preaching associations, most prominent among them Al-Jama'eyya al-Shara'eyya, faced charges of being involved in the "financing of terrorism" and of being linked to the Muslim Brotherhood. A decision was issued by the cabinet to freeze the accounts of some branches of Al-Jama'eyya, yet this was later retracted.

Mohammed al-Mokhtar al-Mahdi, general president of Al-Jama'eyya al-Shara'eyya, indicated in a taped meeting which was published on the website of Al-Jama'eyya that the reason for the crisis was that some new members of the apparatus "mandated to know the affiliations of citizens" – i.e. the security apparatus – had not been informed of Al-Jama'eyya's precedent of cooperation with this apparatus to ensure that its preachers and imams were not affiliated to any political forces.[126]

However, the current within the Ministry and the new security apparatus to eliminate the activities of these associations and place them within the scope of "extralegal tolerance" represented a return to the same policies which had been pursued by the Ministry prior to January 2011 with regards to these associations and their regulation by the security apparatus. This return came despite the fact that the previous Ministry had restructured these policies to exclude the role of the security apparatus and base them instead on a network of loyalties which formed the "Islamist alliance" that ran the Ministry.

3 – Ensuring Loyalty

The new Ministry faced a crisis due to the division of the imams and preaching preachers working in the Ministry of Endowments, as well as outside of it. Despite intensive measures to change ministerial leaders and directors belonging to or sympathetic to the Muslim Brotherhood, the matter was much more complicated when dealing with tens of thousands of imams and preachers.

One of the most important indicators of this division was the split which occurred within the ranks of imams who had been active in protests against the policies of the Muslim Brotherhood in the Ministry of Endowments. Indeed, many of these imams moved to support the Brotherhood following June 30, based on the view that their differences with it were merely over policies and decisions, while what happened following June 30 was a "war against the Islamist project" or a "war against Islam itself."

The most prominent of those who split from the movement Imams without Chains was Sheikh Khalaf Massaoud, who had been the media spokesperson for the movement until shortly before June 30.[127]

Against this backdrop, we can understand a number of measures which intensified the centralization of this field and further restricted "conditional tolerance," thus forcing a number of practices outside the framework of

126- https://www.youtube.com/watch?v=AUNZIPghD0Y

127- For more details, see: Amr Ezzat, Tawheed al-khotba...Ta'keed al-inqisam, Al-Masry Al-Youm, February 2014, available at: http://www.al-masryalyoum.com/News/Details/393374.

the law, as an attempt to constrict the scope of the movement and expression of imams working in the Ministry of Endowments as much as possible and to ensure their loyalty to the Ministry.

In order to dismantle the policies which had been used by the previous Ministry to ensure loyalty, including the appointment of many supporters of the Brotherhood and its allies to be "remunerated preachers", a decision was passed to limit the renewal of all licenses, and to limit licenses only to those belonging to Azhar. This was an attempt to ensure loyalty to the new authorities as much as possible. When considering the fact that many supporters of the Muslim Brotherhood and its allies were affiliated with Azhar, however, such centralized policies to oversee and condition their practices were not effective at limiting "old loyalties" and ensuring "new loyalties".

Testimonies by a number of imams, in addition to the testimony of the head of Al-Jama'eyya al-Shara'eyya, stated that security surveillance over mosques is being restored. Multiple imams and preachers said that an official from the National Security apparatus had visited them in their mosques and begun to engage with them, particularly in mosques where the Muslim Brotherhood and its allies had been active.

Testimonies by imams also revealed, however, that this security surveillance has not been restored to its previous state of full, detailed surveillance of mosque activities, but rather that a broader security campaign is being carried out against Islamist opposition groups and any activities suspected of having links to these groups. In addition, administrative measures have been taken which some imams considered to be a form of "revenge" by imams not affiliated with political groups due to their having been dismissed in order to make room for those belonging to the Muslim Brotherhood and its allies.

The policies of the Ministry as relates to the "Salafist Call"[128]– which established the Nour Party and which supported the authorities post-June 30 – may be considered the most prominent examples of how these policies ensure loyalty through conditional tolerance.

The Ministry conducted negotiations with representatives of the Salafist Call and with the Nour Party with regards to the new restrictions on associations, and the Salafist Call expressed its criticisms of limiting the right to proselytize to only those belonging to Azhar.

Following this meeting with the Minister of Endowments, Younis Makhyoun stated that the need for the Ministry's measures was understandable and that "the mosques of Salafists will function independently under

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128- The official name of the Salafist Call association is The Association of Proselytizers; the Salafist Call is the name by which it is known in the media, yet the Ministry of Social Affairs had refused to register the group under this name.

the supervision of Azhar." In addition, the Ministry of Endowments would oversee the preaching institutes belonging to the Salafist Call which educate individuals to become preachers and imams. The Ministry issued a statement responding to the criticism of the Salafist Call in which it affirmed that licenses would indeed be granted only to those within the Call belonging to Azhar.

Despite the broad security campaign and attempts by the Ministry to restrict the activities of these associations, the mosques belonging to the Salafist Call and event halls connected to it were able to hold political meetings in support of al-Sisi and to explain the political position of the Salafist Call and the Nour Party. The Ministry did not issue any comment regarding this matter.

At first, the Ministry refrained from taking over or criticizing mosques belonging to the Salafist Call as it did with the mosques belonging to other associations. It similarly refrained from dismissing any preachers belonging to the Salafist Call due to their political activities both inside and outside of the mosques.

This position taken by the Ministry with regard to the Salafist Call is similar to the position of the former Ministry towards the associations whose representatives had expressed loyalty to the political regime in power at that time and which had comprised part of the broad "Islamist alliance."

The Salafist Call announced that it was coordinating with the Ministry to eliminate "takfiri and extremist activity." Sources close to the administration of the Salafist Call stated that this coordination also targeted the prevention of any mixing between the followers of the Salafist Call, which supported the new political course taken post-June 30, and Salafists who remained supportive of the Muslim Brotherhood, in order to avoid any legal or security measures being taken against those belonging to the Salafist Call.

The situation changed during the last days of Adly Mansour's interim presidency and with the beginning of el-Sisi's government, with the Ministry of Endowments beginning to intensify its criticism of the Salafist Call, which in turn complained of being prevented from undertaking preaching activities, particularly following the issuance of the law to regulate preaching.

The above information reveals that the policies to guarantee loyalty aimed to restore detailed security surveillance over the activities of mosques and preaching activities in one form or another. Yet sources within the Ministry stated that all of the Ministry's policies were adopted in full coordination with the National Security Service, the military, and the police, in light of the circumstances in which the country found itself during this time.

Moving in a New Direction: Administering Mosques and Islamic Religious Activity within the Framework of Freedom of Religion

A review of the development of the legal framework surrounding the administration of mosques and the religious and preaching activities which take place in them, along with the state's policies in this area across multiple political regime changes, leads to a number of observations:

The three fundamental assumptions and the policies derived from them have been constantly affirmed, despite various regime changes. The only exception has been limited attempts to revise these assumptions, which themselves have not sought to move away from or discard these assumptions, but rather to support them and ensure their continuation.

These assumptions and policies, which were established during the time of the "state of the Muslims" / the caliphate, were extended via the creation of a legal and administrative framework under the monarchy, the constitutional monarchy, and the republic in its various periods. This continued even after January 2011, including throughout the interim period, the time that the Muslim Brotherhood spent in power, and post-June 30, 2013.

These assumptions and policies assume one aspect of Islamic jurisprudential heritage as relates to endowments and the administration of mosques, namely "the authority of the imam and his deputy" over the administration of charitable endowments relating to mosques. This assumption gradually constrained and marginalized the concept of conditions being imposed by the endower, or the endower's right to determine the fate of the endowed mosque.

The right of the "community of the Muslims" in general, or of a group of Muslims in a particular place, has been similarly marginalized and used either as a means to support the authority of the imam and his deputy (who are

considered to represent the "unified" community of Muslims) or officially denied and placed outside the framework of the law, to be monitored and restricted through policies of "conditional tolerance" and "ensuring loyalty".

A review of these policies, the contexts in which they operate, and their effects indicates that these policies have produced a fight over the use of the two assumptions of unity (namely, the religious unity of Muslims, and concept of the state as "imam" and representative of the community of Muslims), which form the legal foundation for these policies. When confronted with the reality of diversity, this results in an ongoing crisis, requiring religious activities to be constantly monitored or loyalty to be ensured through security surveillance or a network of political and religious alliances. In this context, religious activity must be restricted or forced to comply with conditions. Such policies are always related to the political struggle for power and aim to legitimize and establish political and religious support for the authorities, even as the publicly stated purpose for these policies is to separate mosques from politics.

Following each political struggle, these policies have always been favored by those who come to power, irrespective of the political changes that these different actors might espouse. This is because the centralization made possible by these policies is what grants the executive the authority and capacity to determine how mosques will be administered and the rules by which they will be governed. This reveals the very nature of these policies to be authoritarian, as they entrench the authority of the existing regime and force the state apparatus to work to maintain this regime in power and to bolster the religious orientation which supports the regime's authority. Further, these policies weaken societal initiatives and render all other religious currents – which may be detrimental to the existing regime – illegal.

These policies restrict the freedom of religion and belief and the freedom to perform Islamic religious rituals which are not in line with the state's vision of "moderate, true Islam" and which do not comply with the decisions and procedures of the Ministry of Endowments. These policies allow some of these beliefs and practices which fall outside the legal framework to exist, based on the condition of political loyalty (or at least refraining from opposing the authorities) or due to the state's incapacity to regulate them. Thus, rather than the state fulfilling its duty to guarantee these freedoms, its policies represent a threat to the freedom of religion and belief, to the freedom of expression, and to the freedom of association and assembly.

It is possible to think about a completely new direction for these policies with the aim of developing an alternative vision for the administration of mosques and Islamic religious activity in general, based on the following fundamental concepts:

Acknowledging and accepting diversity, rather than assuming the religious unity of Muslims

The assumption of the "religious unity of Muslims" in Egypt represents one of the main pillars of the modern state's policy regarding the administration of mosques. It stretches back to the time of the "state of the Muslims," when the link between political unity and religious unity under the caliphate was taken for granted.

This assumption continued to underlie the policies adopted by the modern nation-state under the monarchy and after the establishment of the republic in July 1952. This assumption was shared by the successive political regimes in Egypt, as well as by their Islamist enemies, who similarly adopted this assumption as one of the pillars of their ideology. Indeed, these Islamists reasserted this assumption under the presidency of Mohammed Morsi and the government that he formed.

This assumption is what makes possible the adoption of a single, centralized policy to regulate this domain – a policy informed by a single religious orientation described as "true Islam" or "moderate Islam" and espoused by Azhar (despite the diversity within Azhar itself). While some attempts were made to broaden the acceptable limits of this exclusive orientation under the rule of the Muslim Brotherhood and to tolerate certain Salafist groups which supported the authorities post-June 30, the adoption of this assumption and the resulting policies of centralization has remained constant.

The interim period between January 2011 and June 2012 witnessed an attempt by the Supreme Council of the Armed Forces to reaffirm the importance of complying with the limits of the religious orientation espoused by Azhar. During this time, however, attempts to support this assumption of unity on the ground through practical policies regarding the administration of mosques were at their weakest, due to the diminished influence of the state agencies and the increased influence of various Islamist currents.

The major mosques became a point of contention between the administration and Islamist currents. The conflict over the Nour Mosque was the most prominent manifestation of the clash between the assumption of unity and the reality of diversity, which became undeniably evident during the interim period following the disappearance of the security apparatus. The authorities (i.e. the Supreme Council of the Armed Forces) insisted that at least one of the major mosques remain under the control of the Ministry and the Azhar scholars. This represented an extension of the stance of the "state of the Muslims" which similarly insisted on maintaining the main central mosques as a symbol of the state's authority; these mosques were to be under the state's direct control and owed loyalty to the political/religious "imam".

The link between political loyalty and religious unity was modified in the modern nationalist discourse to conform to the reality of different religions coexisting in Egypt, with Christians making up a numerically significant minority. The discourse of "national unity" referred to the unity of these two religious groups, namely Muslims and Christians, which were represented by the institutions of Azhar and the Church. Indeed, the loyalty of Azhar and the Church to the political regime was one of the main foundations of political legitimacy in the Egyptian state. This vision was reflected in a number of policies and even more clearly in the 2012 constitution and its amendments, which made explicit reference to Azhar and the Church.

However, the state's policies did not acknowledge the diversity among Muslims and between their different doctrines, leanings, and ideological orientations. The exception to this was the treatment of Sufi orders according to the regulations of "conditional tolerance," as was discussed above.

This link between religious and political loyalty is institutional, rather than cultural, and eradicating this link is one of the core systemic conditions necessary for a democratic state based on the concept of citizenship. Indeed, "incorporating the religious and the political is not consistent with the principle of modern citizenship."[129]

This combining of religious and political loyalty is linked to the restriction of religious freedom and attempts to conceal the reality of diversity in order to preserve the influence of the official religion or doctrine.

A review of the development of the policies of the Ministry of Endowments throughout its different phases reveals that the assumption of the "religious unity of Muslims" was fundamentally present in the development of the legal framework of these policies. Moreover, this assumption always formed the basis for the Ministry's restrictions of religious rituals which did not follow the Ministry's vision for them. Clearly, this assumption has always been in conflict with the reality of diversity.

Any policy to regulate religious activity must not assume the religious unity of the population or of the followers of a particular religion or doctrine, even in cases when this unity may be effectively achieved at a particular moment in time. The state must fulfill its duty to allow for the freedom of belief and to practice religious rituals, as well as the related freedoms of expression, assembly, and association as relates to belief or religious practice. The assumption must always be that people should have the freedom to shift from one belief to another, or to break off from a religion or a particular doctrine or ideology and begin following other religions, doctrines, or ideologies.

129- José Casanova, Public Religions in the Modern World, Arab Organization for Translation, first ed., Beirut, 2005, pp. 321.

This freedom is protected in Article 18 of the Universal Declaration of Human Rights, which stipulates: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."[130]

General comment no. 22[131] of the international human rights instruments (the general comments and general recommendations adopted by human rights treaty bodies) clarifies: "The terms 'belief' and 'religion' are to be broadly construed." This comment speaks of "religious groups" and states that "the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools."

This elaboration of the rights related to the right to freedom of religion and belief places the responsibility on the state to guarantee protection for diversity and differentiation among religious groups and to ensure their freedom to independently associate, establish places of worship, and choose those who will perform rituals or teach the religion according to their doctrine or ideological orientation.

However, this is exactly what the policies of the Ministry of Endowments, throughout all of its stages, have tried to restrict or regulate, as was discussed above.

As such, attempts to entrench the assumption of the "religious unity of Muslims", by restricting the rights and freedoms of various religious groups in order to maintain the influence of the "official religion" according to a designated orientation, are what is referred to in comment 22 when it states: "The fact that a religion is recognized as a state religion or that it is established as official or traditional or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the Covenant."

Moreover, state policies should not, through any claim of expanding the influence of the official religion as per the desired official orientation (the methodology of Azhar), be based on the assumption of the "religious unity of Muslims." Rather, the law and any official policies should assume the presence of diversity, or at least respect the possibility of such diversity existing in the future, according to individuals' freedom of thought and expression, their freedom to change their beliefs and religious inclinations, and their freedom to establish religious associations according to any idea without restriction, except for ideas amounting to "propaganda for war or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence."

130- Universal Declaration of Human Rights, available at: http://www.un.org/en/documents/udhr/index.shtml.

131- The International Human Rights Instruments, Volume I, .

The state does not represent Muslims: Allowing freedom of association to groups of Muslims and guaranteeing the freedom of religious activity to entities belonging to civil society

The assumption of the "state as imam and representative of the unified community of Muslims" is linked to the previous assumption and has similarly extended – as one of the bases for policies regarding the administration of mosques and religious activities, similar to the previous assumption – from the time of the "state of the Muslims" until the modern state.

This reveals the shortcomings of the system regulating religious activities and shows it to be in contradiction with the foundations of the modern state.

As relates to mosques, this assumption is based on one particular aspect of Islamic jurisprudential heritage – an aspect that deems it to be the right of the imam, and anyone who represents the imam, to select preachers. When combined with the spending of the authorities on building some mosques, particularly major mosques, the imam takes on the rights of "endower" as well.

However, some other jurisprudential statements refer to the right of the "community of Muslims" in general, or of the "community of Muslims in a particular place", to administer their mosques and to select individuals to oversee mosques and religious activities. This vision was in fact implemented in mosques other than the major mosques and central mosques – which are administered by the authorities – through a system of civic self-regulation, of which civil mosques and mosques belonging to associations are an extension. However, this reality of self-regulation was not based on a jurisprudential or legal heritage that upholds diversity between self-regulated religious groups. Indeed, from the beginning the regulatory system was set up to centrally administer public endowments, and then gradually established centralized administration of mosques as well, clearly favoring the perspective that the administration of mosques is the right of the imam and his deputy. Other methods for administering mosques through self-regulation thus fell outside of what is deemed acceptable under the law (extralegal tolerance).

The jurisprudential interpretation which is even more marginalized allows for endowments to be conditioned on a mosque being dedicated to the followers of a particular doctrine in order to avoid contention. This peripheral interpretation is not recognized as legitimate under the legal framework, despite its implementation in reality under either extralegal or conditional tolerance (as in the case of mosques belonging to associations or to Sufi orders).

As such, the legal framework regulating the administration of mosques is based completely on the jurisprudential heritage which gives preference to the right of the imam to administer mosques and religious activity. This was confirmed by Mohammed Mokhtar Gomaa, the Minister of Endowments at the time that this study was written, when he justified the imposition of even more stringent policies of centralization, such as unifying the topic of Friday sermons.

We note that this right to have authority over religious institutions was exercised by the successors of Mohammed Ali and later asserted in the 1923 constitution. It then became customary for the authorities to select imams and preachers for mosques of particular importance (under the General Bureau of Endowments). This authority was then transferred to the president of the republic and later to the Minister of Endowments, before finally being given to the directorates of endowments. All of this has occurred as if there is no fundamental difference between the authority of the "state of Muslims" and the authority of the administration in a republic, which is supposed to be based on the values of citizenship and the freedom of religion and belief.

Perhaps this has come about because the concept of the "community of Muslims" has historically referred to a political group in which there is no organized religious structure (such as the Church) to represent it, clearly set the limits of this religious group, or choose its religious leaders.

As was discussed above, the attempt to establish elections for the administrative councils of mosques ended in there needing to be a "general group of those who frequent the mosque," which led to comments that such a step would be similar to the system of membership in churches.

The lack of a well-defined religious group following the end of the historic "Muslim state" and the establishment of the modern state was bound to lead in one of two directions: either the establishment of freedom of religion as a core value, according to which the Islamic religion would be practiced in full freedom, including through the formation of self-regulating groups belonging to civil society; or the authorities continuing to invoke one particular aspect of the historic "state of the Muslims" in order for the state to replace the religious/political "imam". The Egyptian state, of course, adopted the latter course.

Some[132] consider that the state's administration of Islamic endowments and Islamic religious activity - even as it allows Christian endowments and religious activities to be administered by the churches and various Christian sects - to be a form of discrimination against Muslims. Yet herein lies a paradox. On one hand, the state has placed itself in the position of the political/religious "imam" of all Muslims, which results in differential

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[132] Including Ibrahim al-Bayoumi Ghanem in his book "Endowments and Politics."

treatment which significantly favors Muslims. This represents an extension of one of the features of the "state of the Muslims", and in practical terms it means that Islamic religious activities enjoy public funding and direction from the government. Perhaps this can be interpreted as the concept of the "people" replacing that of the "Muslims," just as the "state/imam" took on the powers of the "caliphate", including to authorize non-Islamic religious activity (according to the Hamayuni current). These powers were transferred to the khedive and then to the president, as if there is no fundamental difference between the authorities in the "state of the Muslims" and the administration in the modern state. On the other hand, however, this differential treatment which favors Muslims also includes greater restrictions of the freedom of Muslims to practice their religion in ways which differ from the orientation espoused by the state. Indeed, the religious freedom of Muslims is legally conditioned by what the state deems appropriate and establishes as official procedures according to which Islamic religion should be practiced.

The freedom of Muslims to assemble and independently associate should be granted to civil society entities to which places of worship have been endowed and which ascribe to a particular religious or doctrinal orientation. Moreover, the representatives of these entities should have the right to administer their own places of worship, and the religious group affiliated with this entity should have the right to select individuals to oversee the place of worship and to agree upon the procedures by which individuals are selected to preach and teach religious studies. All of this already takes place in reality, yet it remains outside the scope of the law and is subject to conditions imposed by the state.

The continued existence of some constitutional monarchies in Europe, where the monarch is considered to be the head of the official church, is linked to the symbolic authority of the monarch and to the symbolic and cultural aspects of the concept of the "official church". This is further linked to the institutional separation between church and state, and to the ability to establish any new churches or to break off from the official church.

Continued state support for the "official religion" according to certain orientations should occur in separation from the concept of the "state which is also imam" and should be institutionally separated from any state body run by the government, i.e. state support for the official religion should not be linked to the Ministry of Endowments' administration of mosques and preaching activities. This should take place without any additional discrimination or restriction to the freedom of religious groups which belong to the same religion but which follow other leanings or orientations.

The state does not determine the limits of religious activity, except to regulate the equal treatment of all, as does not undermine other rights

The state's legal monopoly to exclusively administer Islamic religious activity, its monitoring of the limits of religious activities which threaten its authority and legitimacy, and its overlooking of religious practices which are unopposed to its authority, reveal that the "state-imam" seeks to maintain its position as representative of the "unified community of Muslims" and to oversee the religious activities of this community such that no other "imam" will challenge its position.

Through its policies and discourse, the state defines its position as political/religious "imam" in order to reap the benefits of the jurisprudential, religious, and traditional support for this position. It then engages in a protracted battle with the competing Islamist forces that would like to occupy this position and that claim to have the right to do so because they meet the requirements of this position and seek to impose a clearer manifestation of the "state of the Muslims".

It is thus impossible for the state to stop monitoring the limits of Islamic religious activity without also giving up the assumptions of the "religious unity of Muslims" and surrendering its position as "state-imam". As long as this position, which allows for rule by "Islamic authoritarianism", continues to form part of the basis of official policies, it will remain a point of contention between the traditional forces of the state and Islamist forces.

In order to move in a completely different direction, the state's monitoring of the limits of Islamic religious activity should be subject to different standards. According to such standards, the state can and should monitor incitement to violence and discrimination, which may occur within the field of Islamic religious activity or elsewhere. However, this would first require the state to renounce its own policies of religious discrimination, particularly as relates to the administration of religious activity.

The state's policy towards Islamic religious matters – in the case that the state continues to support an official religious institution – should be based on equal treatment for all other Islamic currents without discrimination.

Policies of extralegal tolerance, conditional tolerance, and ensuring loyalty invite rights violations and discrimination

Policies of "extralegal tolerance" and "conditional tolerance" continue to obscure the legal restrictions discussed above. These policies cover a broad range of civil mosques, mosques belonging to associations, and mosques belonging to Sufi orders; such policies should focus on allowing for religious diversity and protecting the freedom of religion, rather than restricting it.

Renouncing these two policies would allow the practices which are currently subjected to them to become part of a diverse reality in which the freedoms of religion, expression, and association could be enjoyed.

The state policies of extralegal tolerance and conditional tolerance are also linked to a policy of ensuring loyalty through security surveillance or via political and religious alliances which confront religious leanings within the official religious institution or the Ministry of Endowments which differ from their own. The state's renunciation of the former two policies, which are based on the assumptions of "religious unity" and of the "state-imam" confluence, would necessarily force the state to abandon the latter policy as well.

Acceptable limits for the role of an official religious institution supported by the state

All of the above points indicate that the acceptable limits for the role of an official religious institution in administering religious activity are as follows:

First: The institutional link between this institution and the government must be dismantled. The state must refrain from adopting a discourse based on any religious legitimacy for its authority, as if the state were an extension of the historic Muslim state, and move towards supporting the legitimacy of state institutions which serve to guarantee and protect rights and freedoms without discrimination.

Second: The state must prevent discrimination against other religions, doctrines, and religious views which differ from those of this religious institution. The state must also prevent the restriction of the freedom of the followers of these religions and doctrines to establish and maintain places of worship, perform religious rituals, teach their religion or doctrine, and carry out preaching activities according to their beliefs.

Third: The official religious institution should be self-regulated and independent from the three branches of government, in order to prevent regulatory procedures or the process of selecting its leaders from being used by forces in the government for their own political purposes.

It may be said that Azhar and the Ministry of Endowments are the two halves of the official religious institution which intellectually represents the official religious orientation and practically exercises control over the administration of religious activity. These two halves were separated in order enable them to be used by the political regime for its own purposes without granting too much influence to a single entity.

The fundamental problem lies in using the two institutions of Azhar and the Ministry of Endowments to link state policies to religious legitimacy. Moreover, the state exercises religious discrimination and restricts freedom of religion through these two institutions, neither of which is independent or self-regulated. Indeed, the Ministry of Endowments is part of the government itself, and Azhar is affected by many power balances, as it performs official tasks with the Endowments Ministry and also represents the official religious view before the judicial and executive bodies. In addition, its internal structure is established by a law over which it has no control and which could be amended by the parliament at any time, and the president continues to play a role in approving the membership of the Panel of Grand Scholars in conjunction with the sheikh of Azhar, according to the latest amendment of the law regulating Azhar, passed in January 2012.

The acceptable limits for the role of an official religious institution would first require that the institution of Azhar be restored to its proper place as an institution of Islamic learning which plays no official role and is not institutionally linked to the state, with the exception of receiving support from the state, which would preferably be replaced by returning to the concept of the endowment to serve as the financial resource of Azhar.

As for the preaching departments within the Ministry of Endowments, they must first relinquish their exclusive, monopolizing roles. This should take place through an amendment of the law regulating the Ministry of Endowments and measures following from this amendment. The Ministry should suffice with administering the governmental mosques which are funded by the state. Further steps should also be taken to move towards ending the institutional link between the Ministry and the government in the future, including through the transfer of governmental mosques to associations and independent entities, which would incorporate the Ministry's scholars and preachers as well and would rely on independent endowments to fund the administration of these mosques. This would require the Ministry of Endowments to review the centralization of the financial administration of endowments in general.

Some imams and preachers have suggested that the Ministry of Endowments transfer the oversight of the religious sector to Azhar. However, such a step would represent a continuation of the same policies currently adopted by the state and would result in even greater complications and centralization. It would also intensify the conflict between different forces within the institution of Azhar, due to the multiple powers that the institution would hold.

In such a scenario, Azhar would merely replace the Ministry of Endowments, while the same policies would be maintained. Indeed, in the wake of June 30, the religious sector could be seen as being subject to the influ-

ence of the leadership of Azhar in some ways, and until now this has only resulted in increased centralization and greater restrictions. In addition, the state has increasingly relied on religious legitimacy – and therefore on Azhar and the Ministry of Endowments – in its political struggle to establish the legitimacy of the current authorities and to confront their political enemies.