

Following Islamic tradition, the mosque is not only a place for worship, but also a place for culture and education, for the provision of health services and in general, for social support and solidarity.

(Ministry of Waqfs, 1982)

The Legal framework of Mosque building and Muslim religious affairs in Egypt: towards a strengthening of State control

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January 15, 2011

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I. Introduction

Known as the place of worship in Islam, the mosque is the place where Muslims congregate to pray,¹ exchange information, get an education, and participate in the cultural and social life of the community. Indeed, it is the pillar and institution of Islam. In other words, it is the center of gravity around which the community unites. Beyond these functions, the mosque is foremost a “symbol of faith, identity and Islamic civilisation.”² Given the multiplicity of its functions and its essential role in Muslim society, attempting to understand the different functions of a mosque is a very complex task that exceeds the scope of this paper. Therefore, the main purpose of this paper is to describe the current Egyptian legislation related to the building of mosques and to examine some of the legal issues surrounding this practice. This objective will be achieved by analyzing the gradual strengthening of state control over Muslim religious affairs in Egypt.

Attempting to analyse worship places from a legal perspective is not a simple undertaking. For instance, in the case of mosque building in Egypt, the responsibility of granting building licenses appears to be fragmented and decentralised. Indeed, many actors seem to be involved in the process of granting construction licenses. Moreover, we noticed that the construction and supervision of a number of mosques are being conducted in a *de facto* and not in a *de jure* way, hence defying all governmental legislation. Therefore, collecting pertinent information on license granting proved to be a complex task. Another difficulty appears when one attempts to analyse the practical application of the ten conditions for mosque building.³ According to the Minister of

¹ In Islam, the prayer performed in a congregation is considered more rewarding (up to 27 times more meritorious) than a prayer performed alone.

² See Adelhah, Fariba and Abderrahmane Moussaoui: *Les Mosques. Espaces, Institutions et Pratiques*, CERI (SciencesPo). July 2009.

Available at: http://www.ceri-cienciaspo.com/ressource/remmm_n125.pdf

³ Issued by the by the Ministry of Endowments in 2001, these conditions stipulate criteria to obtain a governmental license to build a mosque. See AWR 2001, Week 49, Article 4. Though they will be considered further on in the text, they are:

1. *The land on which the mosque is to be built should not be a subject of conflicts or illegally owned.*
2. *The distance between any two mosques should not be less than 500 meters.*
3. *A mosque should only be built in an area that really needs it.*
4. *Only with permission from the Ministry of Awqaf [Religious Endowments]*

Endowments (*Awqaf*) Hamdi Zaquq, these conditions have apparently been respected in an informal way before their official implementation. This raises interesting questions: why and how were these conditions met before being codified and ratified by the People's Assembly?

Studying the mosque building process and its related legal issues is part of the larger issue of religious tensions in Egypt. Indeed, the construction of places of worship, a process involving multiple stakes and interests, has occasionally resulted in confrontational relations between the religious minority and majority in Egypt.

In November 1972, the government appointed a committee tasked to investigate the escalation of tensions between Copts and Muslims in the period between 1970-1972.⁴ The committee's report, which was submitted to the People's Assembly and to then-president Anwar al-Sadat, questions the Interior Ministry's regulations issued in 1934⁵ and their original source, the 1856 Ottoman legislative act. The latter stipulates the obligation for non-Muslims to obtain a permission from the authorities in order to be able to build places of worship. It was clear to the Committee that "one of the main causes"⁶ of interreligious tensions and clashes was the "absence of a simple

should the mosque be built.

5. Mosques are not permitted to be built under residential buildings.

6. The Ministry of Irrigation should approve the building of the mosque if it is next to the River Nile.

7. The land surface of the mosque should not be less than 175 square meters.

8. The designs that are made by the Ministry of Awqaf for building mosques must be applied.

9. There should be a social and health activities floor built under the mosque.

10. The donator must deposit no less than 50 thousand pounds in the bank account as a guarantee of the seriousness of the building program

⁴ See Jacques Jomier : UN Rapport sur Quelques Heurts entre Coptes et Musulmans d'Egypte, November 1972, [Report by Dr. Jamāl al-ʿUtayfī on the al- Khankah sectarian events](http://arabwestreport.info/year-2009/week-13/2-report-dr-jam2571-al-cutayf299-al-khankah-sectarian-events), AWR, 2009, week 13, art. 2, <http://arabwestreport.info/year-2009/week-13/2-report-dr-jam2571-al-cutayf299-al-khankah-sectarian-events>

⁵ The 1934 Interior Ministry's regulations document states ten conditions that have to be met in order to obtain said presidential decree.

⁶ See Jacques Jomier: *L'Islam Vecu en Egypte: 1945-1975*. Paris : Librairie philosophique J. Vrin. 1994.

procedure”⁷ followed by the government to authorize the building of a church. Indeed, the current procedure is long and complex and makes it relatively difficult to obtain a license to build a church, which does not seem to be the case for mosque building.⁸

More than three decades later, the stakes surrounding the construction of a worship place remain high. Indeed, a paper written for AWR⁹ examined the conflicts resulting from the construction of a church in the village of Izbet Bushra in Upper Egypt in 2009. The Christian inhabitants of the village obtained permission to build a factory. In reality however, they designed the building to become a church and a residence for its priest. In the course of its construction, the Muslim community reacted by starting to erect a second village mosque, also without authorization, in front of the church. After clashes took place, the Christians were granted permission to build the church in another location, distant from the mosque, whereas the latter obtained a building license and the right to remain in the same spot.

Even though the primary purpose of the current study is not to understand Coptic-Muslim tensions, it remains an important topic for further research. The 1972 committee investigation and the Izbet Bushra case study both show the important stakes surrounding the construction of places of worship and raise legal questions on the process leading to their construction. Examining the current legal frame of mosque building will enable us to understand the foundational and contextual issues that often remain obscure when considering particular cases such as Izbet Bushra.

In 2008, Arab-West Report issued a comprehensive report¹⁰ on church building in Egypt, which was the first known systematic work on this topic. The study demonstrates that apart from Egyptian legislation, there are many other factors that come into play in the church building

⁷ *Ibid.*

⁸ Christian Fastenrath and Corin Kazanjian: Important Factors for Church Building in Egypt, published by AWR 2008, Week 47, Article 5, Christian Fastenrath and Corin Kazanjian: Important Factors for Church Building in Egypt, published by AWR 2008, Week 47, Article 5, Arab-West Papers no. 4, <http://www.arabwestreport.info/important-factors-church-building-egypt>

⁹ See Jayson Casper: Izbet Bushra: Recording the Sources and Suggesting Reconciliation Following a Conflict over Church Building, published by AWR 2010, Week 2 Article 3.

¹⁰ See Christian Fastenrath and Corin Kazanjian: Important Factors for Church Building in Egypt, published by AWR 2008, Week 47, Article 5.

process in Egypt, including social climate, to name just one. It also demonstrates that the government's role in church construction is blurred and undefined.

While the church building report relied on site visits and AWR database references for newspaper articles, media coverage, and other secondary literature, pertinent primary source information on mosque building seemed very hard to find. Our research relied mainly on three sources: interviews with political and religious figures, academic and newspaper articles, and books. The ministerial decrees of 1962, 1973 and 1982—that are still in force today—were also used for the writing of the present paper. Of course, the Egyptian Constitution was another source.

In view of having a more complete picture of the current legal context of mosque building, it is useful to take a look at the role and the evolution of the mosque in Muslim society. We will, therefore, begin this paper with an examination of the historical background of the mosque through the lens of the Institution of *Waqf* (Islamic charitable endowment). We will then focus on the different types of mosques and the differences in legal status, as well as the financial issues relating to their construction. By exploring current legislation, we will also address several problematic issues surrounding the training and function of the *imams*, who are central figures in Islam. The legal relationship between *imams* and the Ministry of Endowments will also be examined.

We will then focus on the Ministry of Endowments and its jurisdiction over mosque building permits, as well the ministry's legal relationship with mosques. Specifically, we are going to examine the legal role of the Ministry of Endowments before, during, and after the construction of a mosque. We will also look at the process of obtaining a license to build a mosque and at the procedure that is applied in the case of an unauthorized mosque. The article of law that stipulates the required distance between houses of worship and other buildings will also be analyzed. We will conclude with a discussion of the Unified Law for building places of worship in Egypt. This law remains a pending draft, still waiting to be passed by the People's Assembly. In the

conclusion, we will summarize the important points discussed throughout this paper and suggest further related research questions.

II. Historical overview

It is important to remember that the mosque is not merely a provider of religious services. Consequently, we should avoid using a reductionist approach. Since the early days of Islam, mosques have been offering services and activities well beyond the religious realm. Their functions have been extended as they became centers of social and cultural activities, as well as spaces for political debate. These houses of prayer have thus encompassed multi-disciplinary activities. This extension of the mosque's role and contribution to the development of the social and economic sectors has been carried out in accordance with the principle and evolution of the *waqf* (Islamic charitable endowment). Therefore, it is necessary to look at the historical background of the *waqf* and how for centuries it shaped the mosque's social, political, and economic role, as well as its relation with the state in order to understand the complex current legal issues pertaining to mosque building today.

Throughout the history of Islam, many scholars have studied *waqf* and generated different definitions of the concept. For the purpose of the present paper, we have decided to use Hisham Dafterdar's definition because it most simply illustrates this complex institution. According to Dafterdar, *waqf* refers to "assets that are donated, bequeathed, or purchased for the purpose of being held in perpetual trust as ongoing charity (*sadaka jariya*) or for a general or specific cause that Islam regards as socially beneficial."¹¹

The institution of *waqf* is based on the principle of voluntary donations and is, therefore, not obligatory. As one of the main sources of financing Islam's welfare system, *waqf* helps provide social services such as education, healthcare, and roads. This Islamic socio-economic model based on the redistribution of resources has been applied for centuries and implemented across

¹¹ See Hisham Dafterdar: Towards Effective Legal Regulations and Enabling Environment for Awqaf, Islamic Business Researches Center. Available at: <http://translate.google.com/translate?u=http://kantakji.com/&langpair=ar/en&hl=en&ie=UTF8>

the Islamic world. In fact, institutions such as mosques, Qur'anic schools, and hospitals have historically been built and financed by the *waqf*.¹² Because of its distinctive rules and regulations and given its economic independence vis-à-vis the state, this non-profit institution (and indirectly the mosque from which it was derived) remained out of the rulers' oversight and out of any regulated governmental environment. In reality, despite his official status of administrator, the ruler did not have full control over the economic and legal aspects of the mosque due to the voluntary donation system. In other words, the income received from private donors turned a mosque into an economically independent institution, which practically limited the government's intervention in its affairs. Furthermore, the *waqif* (the founder of the *waqf*) is generally regarded as the owner of the mosque because of his contribution. This legal status allows the *waqf* to decide on the type of management he wants to employ.¹³ Therefore, being financially independent and not submitted to the state's legal control, mosques effectively had an operational space in which the state did not interfere. This independence allowed religious leaders to take a position on certain issues independently of that of the ruling class. This state of affairs lasted for centuries before the state decided to finally put the institution of the *waqf* (and by extension the mosques) under its supervision.

The principle of "perpetuity of *waqf*" allowed Islamic non-profit entities to accumulate important wealth through time. For example, a survey of land in Egypt dated from 1812 -1813 showed that 600,000 *feddan*¹⁴ out of a total of 2.5 million *feddan* were considered *waqf* property.¹⁵ It became clear for governments that the *waqf* amounted to a significant contribution to the socio-economic activities of their respective countries and they therefore considered it a national resource. In the first half of the 19th century, various interests and issues linked to *waqf* incited the ruling class of Muhammad Ali Pasha to undertake measures to put the *waqf* under state jurisdiction. This was carried out in the framework of reforms to modernize Egypt. In order to further carry out his reformist aims, Muhammad Ali Pasha gradually moved *waqf* assets under state control. Ali

¹² See Daniela Pioppi: From Religious Charity to the Welfare State and Back. The Case of Islamic Endowments and Revival in Egypt, EUI Working Paper RSCAS. No. 2004/34. 2004. Available at: http://www.eui.eu/RSCAS/WP-Texts/04_34.pdf

¹³ Towards effective legal regulations and enabling environment for *Awqaf*.

¹⁴ A unit of land measurement equal to 0.95 acres.

¹⁵ See Monzer Kahf: Waqf: A Quick Overview, available at: http://monzer.kahf.com/papers/english/WAQF_A_QUICK_OVERVIEW.pdf

Pasha's reforms of several sectors eventually led to the formation of a modern, national state and to the consequent decline of the institution of *waqf* in Egypt.

However, even the end of the Muhammad Ali Dynasty in 1953 did not end the state expropriation of the *waqf* properties and the process of their integration into the state's sphere. Indeed, the strengthening of state control on *waqf* was furthered in the following decades. Despite its loss of autonomy since the beginning of the 18th century, the institution of the *waqf* still occupied an important space in the economic sector. In 1942, an estimated 11.5% of all private agricultural land in Egypt was endowed land property¹⁶. Under Gamal Abd al-Nasser, the 50's and 60's were characterized by complete state dominance over the *waqf*. Moreover, during Nasser's regime, radical reforms were implemented. Notably, the main branch of the public sector in charge of the *waqf* and the administration of religious affairs became the ministry in charge of handling the *waqf*. The gradual transfer of *waqf* properties to the Ministry of Endowments culminated with Law No. 122 that came into force in 1958. This law gave the Ministry of Endowments (established in 1913) the authority and the "right to manage and to administer all *waqf* properties."¹⁷ The loss of autonomy of the *waqf* to the benefit of the state and the nationalization of many of the country's sectors are consequences of an extension of the state monopoly on welfare programs.

Succeeding Gamal Abd al-Nasser, Anwar El-Sadat tried to rehabilitate the *waqf* institution through a series of reforms, some of which were part of his "opening door" policy, or *infitah*. The state promotion of the Islamic charitable sector along with the emergence of Islamism resulted in a reaffirmation of the mosques' role in the redistribution of social and educational programs. Indeed, this state support of religious charity is largely due to the difficult socioeconomic situation of the time: massive foreign debt, a high budget deficit, and excessive population growth. The Islamic charitable sector proved to be useful in order to partly fill the void created by the regime's incapacity to efficiently provide social services. It was also a way

¹⁶ See Daniela Pioppi: From Religious Charity to the Welfare State and Back. The Case of Islamic Endowments and Revival in Egypt, EUI Working Paper RSCAS. No. 2004/34. 2004. Available at: http://www.eui.eu/RSCAS/WP-Texts/04_34.pdf

¹⁷ See Magda Ismail Abdel Mohsin: Family Waqf: It's Origin, Law Prospects, INCEIF. 2009. Available at: <http://www.iefpedia.com/english/?p=4447>

for the state to show strategic interest in Islam after the secular Nasser years. Indeed, Sadat introduced amendments of the constitution (1980) and Islam was promulgated as the state religion and the principles of sharia as the primary source of legislation.¹⁸ In addition, Sadat's decision to free members of the Muslim Brotherhood who were imprisoned under Nasser was a way to legitimize his new policy. This move to give the religious sector more freedom and importance resulted in the emergence of Islamism and eventually led to the "loss of the Egyptian State's monopoly on ideology, as well as the dropping of the strategy of containing religion on which his predecessor had relied."¹⁹ This reality eventually resulted in Sadat's assassination in 1981 by a member of Islamic Jihad.

Hosni Mubarak, who became the president after the assassination of Sadat, continued to apply reforms aimed at the revitalization of the religious charity sector. However, his reforms were characterized by a double approach: a strengthening of the Ministry of Endowments, which resulted in tighter control of charitable institutions and an extension of their functions. As a result, the role of mosques was transformed, as they once again became providers of social services in the education, health, and cultural sectors, only this time under the state's control.²⁰ Additionally, in its effort to combat extremism, the Mubarak government has been carrying on with the process of annexing private mosques (*ahli*).²¹ In order to succeed in these reform projects, the power of the Ministry of Endowments has been strengthened. This reconsideration of the institution of *waqf* does not mean that the latter has fully recovered the role that it had earlier. Neither should it be viewed as the state's retreat from the religious sector. Of course, under Mubarak, mosques depended on civil society for donations. However, this self-financing has not impeded the state's strengthening of oversight on mosques. Therefore, the development of state or annexed mosques is now tightly supervised by the state. The *waqf* is operating under parameters imposed by the state. The state trains, appoints, and pays *imams*. It also dictates their discourse and rhetoric.

¹⁸ See Article 2 of The Constitution of the Arab Republic of Egypt.

¹⁹ See Peter E Makari: Conflict and Cooperation: Christian-Muslim Relations in Contemporary Egypt. Syracuse, New York: Syracuse University Press. 2007.

²⁰ See Daniela Pioppi: From Religious Charity to the Welfare State and Back. The Case of Islamic Endowments and Revival in Egypt, EUI Working Paper RSCAS. No. 2004/34. 2004. Available at: http://www.eui.eu/RSCAS/WP-Texts/04_34.pdf

²¹ The different types of mosques will be described in the coming section.

In brief, the state's contemporary presence in the religious sector is wide, including its strengthening of the administrative power of the Ministry of Endowments, its will to annex mosques across the nation, and its issuing of the ten conditions for mosque building. The religious charity sector (and by extension the mosque and its construction) and the state are now tightly linked. We elaborate on this link in Chapter 6, in which we focus on the Ministry of Endowments. Before that, we will examine the different types of mosques and their legal statuses in an effort to present a holistic view of the Islamic house of prayers.

III. Different types of mosques and the differences in their legal status

The definition of “mosque” in the English language is not nuanced and does not reflect the fact that there are different types of mosques, each with their own feature and legal status. The *jami'a*, considered as the main mosque, is a worship place that, in addition to offering the five daily prayers, has the right to provide the Friday prayer, which is led by an *imam*, or leader of the mosque. In addition, the *jami'a* has an educational role, as it provides teachings of the Qur'an, as well as cultural and social activities. From a legal standpoint, the government licenses the *Jami'a*; therefore it is under the supervision of the Ministry of Endowments (*Awqaf*). Despite the fact that the *jami'a* mosques remain under the regulation of the *awqaf*, the social activities they provide are under the supervision of the Ministry of Social Solidarity. The *masjid* (usually smaller than the *jami'a*) also offers the five daily prayers (but in fact is not allowed to offer the Friday prayer which in practice it does) and is also licensed under the jurisdiction of the Ministry of Endowments. On the other hand, the *zawiya* are small, private worship places that are generally located under buildings. According to Foad Abd El Azeem²², their width cannot exceed 100 meters. The *zawiyas* are difficult to legally define because it is difficult for the government to supervise them. One of their characteristics is that they are open for all prayers except the Friday prayer, as they lack an established *imam* (though some find an *imam* and thus perform also the Friday's prayers). According to statistics provided by Dr. Salim Abdul Jalil, the

²² In an interview conducted by AWR on April 7, 2010.

Deputy Minister of *Al-Awqaf* for *Da'awa*, there are presently 105,000 mosques in Egypt, among which 30,000 are of the *zawiya* type.²³

IV. Financing

Because of the mosque's centrality in Muslim community life, facilitating access to mosques is an important issue that raises the questions of construction and financing. Our research shows that there are primarily three sources of funding for mosque building in Egypt: 1) donations from individuals or businesses, 2) donations from religious and charity organizations, and 3) state financial contribution. In theory, any person or organization has the right to submit a construction request to build a mosque. It is noteworthy that this demand should comply with the ten conditions for mosque building, including the deposit of at least 50,000 Egyptian pounds in a bank in order to show the seriousness of the project.²⁴

The legal instrument stipulating the state's role in managing donations from natural or legal entities is Ministerial Decree 16/1982. This law defines the Ministry of Endowment's power over donations allocated to mosque building and also asserts the ministry's responsibility in the management of said donations. Article 3 of this decree stipulates that a committee established and presided over by the Minister of Endowments is to support the ministry in its management of donations. The committee's composition includes: the Deputy of *Al-Awqaf* for *Da'wah*, the Deputy of *Al-Awqaf* for the Engineering Affairs, the Deputy of *Al-Awqaf* for Financial Affairs, and the Legal Advisor to the Minister. The third article of this decree also stipulates the committee's responsibilities, which include determining the priorities of the donor and supervising the implementation with regular follow-up reports.

The Ministry of Endowment's control over donations is further strengthened with Articles 1 and 2 of the decree. Article 1 stipulates that donations must be made on behalf of the Ministry of Endowments, whereas Article 2 specifies that no expense can be made without the prior approval

²³ In an interview conducted by AWR on April 19, 2010.

²⁴ See °Alā °Izzat: New Restrictions on Building Mosques, newspaper source: *Al-Ahrār*, English review published in AWR 2004, Week 14 Article 10.

of the ministry. Moreover, in order to ensure the security of the donated amount, the Ministry of Endowments created a special account at the Central Bank, in which the donations are to be deposited.²⁵ It is noteworthy that, even though the Ministry of Endowments accepts donations destined to itself and that it created and presides a committee responsible for the building of mosques, this ministry still must use the money according to the interests of the donor. The Ministerial Decree 16/1982 is, in a way, a continuation of Ministerial Decree 140/1973, which was adopted almost 10 years earlier. Indeed, both decrees were written in the same spirit and have the same objective: to facilitate the spread of true Islam among Muslims through donations. Decree 16/1982 Article 2 and Decree 140/1973 Article 1 also refer to “surplus account funds of the implantation of the conditions of the donors” as an account established by the Ministry of Endowments for the following purposes stipulated in Art. 2:

Article two: It shall allocate this account for the affairs of the spread of Islamic Da^ʿwah and a charity for the poor, specifically for the following matters:

- (i) Constructing mosques, restoring existing mosques, developing mosque services, and performing religious rites.*
- (ii) Organising Islamic missions abroad to spread the Islamic Da^ʿwah*
- (iii) Preparing religious researchers and studies by the Ministry of Endowments and the associations working on the spread of Islamic Da^ʿwah and the revival of the Islamic Heritage.*
- (iv) Teaching the Holy Qur’an, printing and distributing it.*
- (v) Helping associations who are working on the spread of Islamic Da^ʿwah at home and abroad.*
- (vi) Giving rewards to those who perform excellent work in the field of Islamic Da^ʿwah at home and abroad, whether from the Ministry’s staff or others.*

The management of expenses is administered by a governmental committee as stipulated in Article 3 of the Decree, headed by the Minister of *Al-Awqaf* and composed of:

- i. The Deputy of Al-Awqaf Minister for Da^ʿwah Affairs.*
- ii. The Deputy of Al-Awqaf Minister for the Financial and Administrative Affairs.*
- iii. The Deputy of Al-Awqaf for Charity Affairs.*
- iv. The General Director of Da^ʿwah.*
- v. The General Director of the Financial and Administrative Affairs.*
- vi. The Director of the Budget Administration.*

²⁵ See Article 2 of the Ministerial Decree 16/1982.

With the issuance of decrees 16/1982 and 140/1973, the government confirms its authority over donations and the construction of mosques financed by these types of voluntary subsidies. By regulating the voluntary donations through said decrees, the government asserts its authority over an ancient Islamic institution: the *waqf*. Moreover, the government attempts, through these legal instruments, to limit the construction of unlicensed mosques. These have been subject to governmental annexation, an operation that started in the 1990's.

The financing can also come from abroad. For example, Islamic foundations in Kuwait and Saudi Arabia, as well as the Saudi government are known for financing mosque building in countries around the world, with Egypt being one of the recipient countries.²⁶

Whereas private donations and foreign agencies are indisputable sources of funding for mosque building, the government's financial implication seems somewhat unclear, as there is no consensus among the experts on this topic who have been interviewed by our team. For instance, Dr. Ahmad al-Sayih, a prolific writer on theological issues and former dean at the faculty of *da'wah* at the Azhar, asserts that, according to Egyptian law, the state should not finance mosque building and private donations can be the only sources of financing].²⁷ Additionally, according to Dr. Salim Abdul Jalil, Deputy Minister of *Al-Awqaf* for *Da'awa*, the Ministry of Endowments does not manage any Egyptian Islamic foundation (NGO) that is in charge of financing the construction of mosques. Dr. Abdul Jalil asserts that the Ministry of Endowments is a governmental institution that has no relation to civil society.²⁸

However, in some cases, the government can have an advisory function. For example, according to Mr. Ragab Abdel Mounsief, Chairman of the Central Administration of the Curriculum and the Prophetic *Sunnah*, and Mr. Hamdi Mahmoud Al-Dawi, General Director of the Manuscripts and the Heritage Books, the Ministry of Endowments will first encourage private donors to give priority to the construction of schools and hospitals rather than mosques, given the number of

²⁶ See Saudi Government Paper: Billions Spent by Saudi Royal Family to Spread Islam to Every Corner of the Earth. MEMRI. March 2002. Available at: <http://www.memri.org/report/en/0/0/0/0/0/638.htm>

²⁷ In an interview conducted with AWR on March 23, 2010.

²⁸ In an interview conducted with AWR on April 19, 2010.

mosques already existing on Egyptian territory. In other words, the ministry promotes the “construction [of buildings] that society is in need of.”²⁹ Dr. Salim Abdul Jalil, Deputy Minister of *Al-Awqaf* for *Da’awa*, also agrees with this statement. During an interview with our team, he confirmed that the government, indeed, gives priority to the construction of public utilities, such as schools and hospitals, rather than mosques in communities that are missing public utilities. Moreover, the ten conditions of mosque building states that a mosque can be built in a residential area that is in a “real need.”³⁰ According to these two experts mentioned above, the Egyptian government finances mosques building in a number of limited cases, notably in the case of new cities, as these usually need mosques.

Sometimes governmental financial intervention in the building of a mosque can take a different logic and shape. For instance, officially presented as a project meant to promote Islamic tourism in Egypt, the Egyptian Ministry of Culture and Egypt's Supreme Council of Antiquities and Archaeology opened five mosques, two *sabiels* (public water fountains), and two *kottabs* (old Qur’anic schools) in Cairo after renovations³¹. This four-year project, worth 46 million Egyptian pounds, would never have taken place without the intervention of the state. According to Egypt’s Minister of Culture Farouk Hosni, the government will not stop there, but “will continue with...the restoration of the remaining Islamic monuments not only in Cairo but in all of Egypt.”³² The government’s *modus operandi* in the financing of mosques is also reflected in other cases. For example, the government may decide to apply tax-exempt status to certain mosque-building projects, thereby implicitly intervening in it. Indeed, by applying this method, the government implicitly and efficiently promotes the construction of mosques.³³

In short, there are two types of mosques when it comes to financing, according to Mr. Ragab Abdel Mounsief and Mr. Hamdi Mahmoud Al-Dawi: governmental mosques and non-

²⁹ In an interview conducted with AWR on April 15, 2010.

³⁰ See ‘Alā ‘Izzat: New Restrictions on Building Mosques, newspaper source: *Al-Ahrār*, English review published in AWR 2004, Week 14 Article 10.

³¹ See Egypt Opens Number of Renewed Mosques, Monuments. [Egypt.com](http://tour-guide.egypt.com/index.php?option=com_content&view=article&id=799:egypt-opens-number-of-renewed-mosques-monuments&catid=64:news&Itemid=178), 2010. Available at: http://tour-guide.egypt.com/index.php?option=com_content&view=article&id=799:egypt-opens-number-of-renewed-mosques-monuments&catid=64:news&Itemid=178

³² Ibid.

³³ See S. S. Hassan: *Christians Versus Muslims in Modern Egypt: The Century-Long Struggle for Coptic Equality*. New York: [Oxford University Press](http://www.oxfordup.com), 2003.

governmental mosques. Funds for the construction of mosques from the first category come directly from the Ministry of Endowments, while the financing for the second category of mosques is private, donated by religious and charitable organizations. Mr Ragab Abdel Mounsief and Mr. Hamdi Mahmoud calculate that approximately 90% of mosques are funded by “self-financing” rather than by the government.³⁴ Whereas the government’s financial involvement in mosque building does not seem very clear, the Ministry of Endowments does provide direct funding for the operating costs of mosques, such as electricity, water, and the salaries of the *imam*, preachers, and Islamic studies teachers. Thus, the government affirms its role in the running of mosques and further confirms its authority over them.

V. IMAMS

As the leader of the mosque, the *imam*³⁵ is responsible for spreading Islamic teachings and leading Muslim religious rituals. Considering his central role in Islam, an *imam* must be highly qualified and possess a thorough knowledge of the Qur’an and Muslim religious practices. In his work *Research on the Function of the Mosque in Contemporary Society*, Abdullah Abdul Khalek Al-Mishad highlights the importance of the preacher’s qualifications. Considering that the function requires that he also be qualified as a preacher, an *imam* should satisfy a series of requirements. According to Al-Mishad, a preacher (and an *imam*, by extension) must:

1. Possess very high qualifications and must be selected from the most advanced, most learned, and most well known people for religious devotion.
2. Add power and meaning to his knowledge by translating them with kind actions and noble deeds. This would help him to be a role model for the people.
3. Keep up his attire and dress. It is a dignified dress and people have trust in those who wear it.
4. Know something about the different cultures of the world. Furthermore, he must be well acquainted with the currents of human life, because he will be very close to the

³⁴ From an interview conducted with AWR on April 15, 2010.

³⁵ His leadership exists only during prayer and ends with end of the performance. People have the right to choose five different imams for the five prayers every day. The fact that they may have the same imam for Friday prayers every week should be attributed to administrative and not religious considerations and often he is a member and not head of the administration council.

various types of people that make the society from one side. On the other hand, he is expected to be an encyclopaedia in Islamic knowledge.

5. Be assisted by attendants who will help him fulfill his imposing task and carry out the duties of the mosque.
6. Be given the time to study his people and help them. This requires time, patience, and great study.³⁶

As mentioned earlier, important reforms of the *waqf* were carried out during Nasser's regime in the 1950's and the 1960's. In that context, religious institutions lost significant power to the benefit of the state. This led to the inevitable nationalization of the *waqf*. In its effort to bring *imams* under regulatory authority, the state issued a set of laws defining the *imam's* obligations and functions. In 1962, a legal instrument was issued in view of defining and supervising the role of *imams*. The Ministerial Decree 97/1962, which deals with the staff of mosques, not only defined the functions of an *imam*, but also established the legal relationship between *imams* and the state, confirming the authority of the latter over the former. This authoritative order specifies, among other things, that *imams* are responsible for giving the sermon and religious lessons. Notably, it is specified that these obligations be carried out in "accordance with the system issued by the competent deputy of the Ministry."³⁷ The strengthening of state control over *imams* is not limited to these regulations. In line with Article 4 of the same decree, the ministry is given the authority to assign employees (i.e. the *imams*) for each mosque. Article 4 of the decree reads:

*The competent deputy of the ministry shall determine the qualified employees for each mosque, the division of tasks among themselves, and identify days off for each one of them.*³⁸

The state's authority in terms of assigning the *imams* is reasserted in 1973 through yet another decree. In fact, Ministerial Decree 152/1973 is yet another legal effort by the state to place the *imams* under its control and thus confirms its oversight over its employees. Article 1 of the decree 152/1973 reads as follows:

³⁶See Abdullah Abdul Khaleck Al-Mishad, Research on the Function of the Mosque in Contemporary Society, from the Fifth Conference of the Academy of Islamic Research at al-Azhar, Government Printing Offices, 1970.

³⁷ Article 1 of the Ministerial Decree 97/1962.

³⁸ Article 4 of the Ministerial Decree 97/1962.

*They [al-Awqaf departments in the governorates] can determine for every one of these mosques [private funded mosques], an imam for the Friday prayer, after selecting him, checking his validity, and registering his name in a special registry belonging to the department.*³⁹

Moreover, the link between the state and the *imam* becomes so strong that a certain fusion between both actors eventually takes place, naturally, to the benefit of the state. Indeed, Article 5 of Ministerial Decree 20/1982 stipulates that the *imam* is attributed the status of “representative” of the Ministry of Endowments. The state’s wish to bring *imams* under its control explains the creation of this status. The first part of Article 5 of Ministerial Decree 20/1982 reads as follows:

*The mosque’s imam or shaykh shall be a member at the administration council of the mosque and represent the Endowments Ministry.*⁴⁰

In the light of our analysis of the state’s control over *imams*, it becomes obvious that the current relationship between the former and the latter fits the employee/employer relation (or contract) pattern. The *imam* is trained, offered service hours, dispatched, and financially compensated in exchange for his service. Hence, he works for his employer, the state. This service is to be carried out in accordance with specific parameters established by the employer. Moreover, in July 2010, the government announced its intention to increase the salaries of all *imams* with the hopes that this will “allow *imams* to fully devote themselves to Islamic outreach.”⁴¹

The Ministry of Endowments has also become involved in the training of *imams*. The expansion of mosques in Egypt, sometimes carried out with inadequate resources, raises the question of the quality of the religious and educational services that they provide. As the man of faith and the leader of a mosque, the *imam*’s professionalism can be somewhat problematic if there is a lack of resources for his training. To ensure that the training of *imams* is uniform, the Ministry of

³⁹ Article 1 of the Ministerial Decree 152/1973.

⁴⁰ Article 5 of the Ministerial Decree 20/1982

⁴¹ See Ahmed El-Beheri: Unified Calls to Prayer to Begin this Ramadan. Al-Masry Al-Youm. July 2010.

<http://www.almasryalyoum.com/en/news/unified-calls-prayer-begin-ramadan>

Endowments took charge of their training, yet another strategy to ensure that these religious leaders remain under the state's oversight.

In order to better manage the religious affairs of the Muslim community, the state trains Egypt's *imams* in accordance with *Sunnī* doctrine, which *Al-Awqaf*, Al-Azhar and *Dar Al-Ifta*⁴² all adhere to. These institutions advocate for a "genuine Islam" which is to be taught in accordance with the *Qur'an* and the *Sunnah*. The *imam* must, therefore, act in agreement with values such as tolerance, co-existence, and citizenship. According to the Director of the Institute for the Preparation of Preachers at Al-Nour Mosque, to facilitate the training of *imams*, *Al-Awqaf* has set up the following *imam* training institutes that belong to and are managed by the Ministry of Endowments: Preparation of Preachers Institutes and Islamic Cultural Centers.⁴³ The former are Islamic Institutes responsible for training graduates from Al-Azhar University who want to become official *imams*. The latter are Islamic educational centers providing religious education for the public.⁴⁴ In other words, graduates from any university can study Islamic subjects (religious rites, *Fiqh*, *Sharia*, *Sunnah* and *Qur'an*, etc.) at any one of these centers for two years if they are able to meet the following three conditions:

- (1) The applicants must be graduates from higher education programs.
- (2) They have to register to take exams organized by *Al-Awqaf* by presenting copies of their official documents (ID, certification of birth, and certification of graduation).
- (3) To pass these exams successfully, they must master at least five parts of the *Qur'an* (there are thirty parts in total).⁴⁵

Despite the existence of these educational institutions, in proportion to the number of mosques, there is currently an important deficit in *imams* who are recognized by the Egyptian State and adequately trained to give the sermon and lead the Friday prayer. Indeed, according to Dr. Mahmoud Hamdi Zaquq, the Minister of *Waqf*, there are 47,258 registered *imams* in Egypt serving approximately 104,000 mosques. These numbers reflect a serious problem. Without an

⁴² Al-Azhar affiliated, responsible for issuing *fatwas*.

⁴³ From an interview conducted with AWR on April 26, 2010. The official declined to be identified by name.

⁴⁴ There are 21 of these centers throughout Egypt.

⁴⁵ See Majahed Subhi: The Weakness of Azhar Graduates and the Future of Dawa in Egypt, (translated from Arabic). *Rose al-Yusuf*, April 2, 2010, p. 10.

imam, a mosque cannot open for the Friday prayer.⁴⁶ A series of factors explain this deficit. For instance, Shaykh Salim Abdul Jalil explains that many students are unable to pass the ministry's exams. According to Shaykh Abdul Jalil, *Al-Awqaf* sets very high standards in selecting the best candidates for the Islamic *Da'wah*:

- i. Learning the Holy *Qur'an* with full knowledge of its meanings.
- ii. Learning *Sunnah* with full knowledge of the sciences of *Hadith*.
- iii. Learning *Al-Fiqh* issues with full knowledge of the *Fiqh* of worship and of Islamic history and the Prophetic *Sunnah*, in addition to the personal qualified features for the tasks of *Da'wah*.⁴⁷

The state has established a regulated process through which a candidate must pass in order to become an *imam*. Article 2 of the Ministerial Decree 97/1962 stipulates that:

*The candidates for the jobs of imam...shall be qualified according to the conditions issued in the Law of State officers and shall have passed the competition successfully conducted under the supervision of the Civil Service Bureau for this purpose in accordance with the ministry.*⁴⁸

In order to address the deficit in the number of preachers, the Ministry of Endowments has set up a reward system. The latter consists of giving a financial reward to qualified people – retired professors, teachers of the Islamic religion at schools, teachers of Al-Azhar, retired scholars, etc. – under the condition that they agree to be trained as *imams* at the governmental institutes. However, the Ministry of Endowment's reward program and its training institutes do not seem to prevent the training of *imams* by other non-governmental institutions. For instance, *Al-Gama'iyyah Al-Sharai'yyah*, an Islamic association promoting societal adherence to the *Shari'a* since the beginning of the modern era, also provides training for *imams*, filling gaps in the government-sought monopoly over religious affairs. They are also an important provider of different services, such as mosque building, education, and social services, all of which it provides according to the group's ideological orientation, widely recognized as *Wahhābī*,

⁴⁶ Ibid.

⁴⁷ See Abdullah Abdul Khaleck Al-Mishad, *Research on the Function of the Mosque in Contemporary Society*, from the Fifth Conference of the Academy of Islamic Research at al-Azhar, Government Printing Offices, 1970.

⁴⁸ Article 2 of the Ministerial Decree 97/1962.

traditional, or Salafist, as opposed to the moderate vision promoted by *Al-Awqaf*. According to Dr. Salim, the Ministry of Endowments' incapacity to train all students due to a lack of financial resources creates a void that is filled by non-governmental institutions such as *Al-Gama'iyyah Al-Shara'iyyah*. The fact that it operates outside the *awqaf* system ensures that it is a fertile ground for religious extremism, according to Dr. Salim. He even affirms that "the sectarian clashes in Egypt are a result of the extremist ideas which are supported *Al-Gama'iyyah Al-Shara'iyyah*."⁴⁹

In conclusion, *imams* must pass a government-supervised learning process and need to acquire great aptitudes in order to be certified by the Ministry of Endowments. After being recognised by the *Awqaf*, *imams* will remain under the oversight of this Ministry. Consequently, the latter will supervise their activity and control the ideas that they disseminate. We also noted that there is presently a deficit of licensed *imams* due to the high number of mosques and the relatively low number of *imams* obtaining license. Structural problems and the high degree of difficulty of the exams administered by the Ministry of Endowments are often invoked to justify this deficit.

VI. The Endowments Ministry

The view often held in the West that Egypt lacks regulations governing the construction of mosques is incorrect and ignores the evolution of the governmental effort to place mosques under its supervision – an objective which has not been fully achieved yet. However, there are different laws that frame the construction of these houses of worship. As mentioned earlier, since Muhammad Ali Pasha's modernization project, the institution of the *waqf*, which governed mosques and other charities, was gradually marginalized to the benefit of the state until it was nationalized under Nasser. It was during this precise period that all religious endowments were placed under the control of the Ministry of *Awqaf*. The trend towards state control of the religious sector continued under the Sadat and Mubarak regimes. For example, the state's effort to extend its oversight over the Islamic religious affairs is notable in the adoption of several presidential decrees throughout the 1960's, 1970's, and 1980's. Furthermore, the state's desire

⁴⁹ From an interview conducted with AWR on April 19, 2010.

to control the religious sector is reaffirmed by its decision in 1996 to annex all unlicensed mosques and bring them under its direct supervision. A contextual study of the last 40 years will help to better understand this tightening of state control over religious affairs.

During the Sadat and Mubarak years, Egypt was characterized by an enthusiasm towards a revival of Islam, civil society and private initiatives that could be observed, notably, in the construction of thousands of *zawayia* and in the proliferation of privately built mosques.⁵⁰ Islamists with extremist ideology have been able to consolidate their position in this favourable context and mosques became a space from which their propaganda was transmitted. With the emergence of extremist forces aimed to overthrow the government by means of violence, private mosques were put under the scrutiny of the government. Invoking the extremist threat, the government pursued its effort to exercise tighter control over mosques. The Ministry of Endowments became the key player in the state's struggle to gain control of all mosques. With its substantial power, the ministry became the manager and administrator of annexed and licensed mosques. Granting licenses for the construction of mosques, as well as ensuring that the execution is carried out according to the laws that it issued, both fall within the ministry's competency. This role and authority explicitly confirms its power over mosques and *imams*. For example, the Ministerial Decree 152/1973 Article 1 stipulates that *Al-Awqaf* departments in the governorates are in charge of technical and administrative supervision of even the privately funded mosques located within a specific governorate.

The *Awqaf* is also a decentralized structure that operates by spreading out its authority and more precisely its supervision over aspects that fall under its competency. The dispersion of mosques across the country forces the government to spread its presence nationwide. In fact, the *Al-Awqaf* Ministry established ministerial offices in each of the 29 governorates in view of ensuring a better representation and supervision across the national territory. In some cases, the state chooses to delegate its powers. For instance, the Ministry of Endowments has established administration councils whose objectives are to supervise mosques and to protect their interests. It is also clearly expressed in the Ministerial Decree 20/1982 that said administration councils

⁵⁰ See S. S. Hassan: *Christians Versus Muslims in Modern Egypt: The Century-Long Struggle for Coptic Equality*. New York: Oxford University Press. 2003.

fall under the competency of the Ministry of Endowments and that the performance of their duty is to be carried out in accordance with the orientations of the Ministry of *Awqaf*. The first and second articles of said decree read as follows:

There is an administration council for each of the mosques managed by the Ministry of Endowments and its supervision, issued by a decree from the State Minister for the Endowments based on the nomination of the competent Endowments Department.

*The administration council performs its duties and responsibilities in light of the policy of the Ministry of Endowment, aiming to make the mosque a radiating center in its surrounding environment.*⁵¹

Decrees are not the only judicial instruments used by the government in its endeavour to regulate mosques and more specifically their construction. Indeed, with the official objective of “securing a civilized appearance and maintaining the prestige related to mosques,” the Ministry of Endowments issued in 2001 a set of ten conditions for mosque building. These conditions, approved by the People’s Assembly approximately one year later, read as follows:

- 1. The land on which the mosque is to be built should not be a subject of conflicts or illegally owned.*
- 2. The distance between any two mosques should not be less than 500 meters.*
- 3. A mosque should only be built in an area that really needs it.*
- 4. Only with permission from the Ministry of *Awqaf* [Religious Endowments] should the mosque be built.*
- 5. Mosques are not permitted to be built under residential buildings.*
- 6. The Ministry of Irrigation should approve the building of the mosque if it is next to the River Nile.*
- 7. The land surface of the mosque should not be less than 175 square meters.*
- 8. The designs that are made by the Ministry of *Awqaf* for building mosques must be applied.*
- 9. There should be a social and health activities floor built under the mosque.*

⁵¹ Articles 1 and 2 of the Ministerial Decree 20/1982.

10. *The donator must deposit no less than 50 thousand pounds in the bank account as a guarantee of the seriousness of the building program*⁵²

In brief, the government's approval of the "Ten Conditions" for mosque building polarized opinions among the People's Assembly. Unsurprisingly, the Islamic block in the People's Assembly showed opposition to this instrument, while the Religious Affairs Committee in parliament supported it. Some of the voices that have shown support for it deserve to be mentioned. According to Dr. Mahmoud Hamdi Zaquzuq, the Minister of Endowments, the adoption and the application of said conditions will help to maintain "the sacredness of mosques and their mission."⁵³ For his part, Dr. Abdul Mu'ti Bayoumy, former Deputy of the Religious Committee in parliament (2000-2005) and Dean of *Usul Al-Din* (Theology) Faculty at Al-Azhar University (1989-1991, 1997-2003), underlined "the importance of the ten conditions in the organization of Islamic *Da'wah* [in view of facing] the problem of [random] mosque building and [the deficit of] qualified *imams* to spread the right religious awareness among people."⁵⁴

Although they were codified in 2001, according to the Minister of Endowments Hamdi Zaquzuq, these conditions have apparently been applied *de facto* before their official implementation. But with the codification of these conditions, the government clarified them. Seen under a different angle, these conditions assert, in a *de jure* way, the state's control on mosque building. The fourth condition confirms this statement.

It is noteworthy that these ten conditions are to be applied in the cases of new mosques only. Existing mosques are exempted from these conditions, but according to Dr. Hamdi Zaquzuq, the Ministry of Endowments started affiliating existing unlicensed mosques in 1996. In 2002, the government announced that it had brought under its supervision more than 35,000 mosques, bringing the total of state-controlled mosques to more than 70,000 of the 104,000 existing mosques, including 13,000 *zawiyas*. These numbers may seem impressive, but in reality they still

⁵² See Al-Awa, Mohammed Salim: The Ten Conditions to Build Mosques, newspaper source: *Al-Wafd*, English review published in AWR 2001, Week 49, Article 4.

⁵³ See <http://www.aawsat.com/details.asp?section=17&article=136821&issueno=8757>

⁵⁴ Ibid.

fall short of the government intention, given that it had expressed its desire to bring under its control all unlicensed mosques by the year 2002.⁵⁵ In fact, the rhythm of mosque construction appears to exceed that of governmental annexation.⁵⁶

VII. The mosque construction process – the relationship between *Awqaf* and mosques

The Egyptian government requires all mosques on its national territory to be licensed. As mentioned above, the current government is engaged in an effort to bring, by means of annexation, all unlicensed and privately funded mosques under its legal oversight. As for the newly built mosques, the government requires a construction permit confirming that the mosque project is in accordance with the ten conditions for mosque building instrument issued in 2001. The Ministry of Endowments plays an essential role in the construction and in the operation of mosques. Indeed this ministry issues the permits for mosque building and it supervises the implementation of the project. Basically, all newly licensed mosques are legally affiliated to the *Awqaf* and remain under its authority. Article 4 of the “Ten Conditions” is very clear about the important role of the Ministry of Endowments when it comes to mosque construction, stipulating that: “Only with permission from the Ministry of *Awqaf* [Religious Endowments] should the mosque be built.”

Shaykh Foaad Abdel Azeem Muhammad, the deputy of the Ministry for Mosque Affairs and the Holy *Qur’an*, shed some light on the process leading to the construction of a mosque as well as on the ministry’s intervention in this process.⁵⁷ First, Mr. Foaad explained that a request for the construction of a mosque can be submitted by anyone and that this right was therefore not reserved for any particular social class. The request is then studied by a special committee whose job is to make sure that the request respects all the conditions required by the Ministry of Endowments, notably Article 2 that stipulates that the distance between any two mosques should

⁵⁵ See Al-Siba’i, Iqbal: Sheikha Fifi, From the Gym to the Mosque, newspaper source: *Rose El-Yousuf*, translated summary published in AWR 2001, Week 32, Article 4.

⁵⁶ Christian Fastenrath and Corin Kazanjian: Important Factors for Church Building in Egypt, published by AWR 2008, Week 47, Article 5, Arab-West Papers no. 4, <http://www.arabwestreport.info/important-factors-church-building-egypt>

⁵⁷ In an interview conducted by AWR on April 7, 2010

not be less than 500 meters. Additionally, the committee must verify the ownership of the land on which the mosque will be built. It also makes sure that the local council in the city of the proposed mosque agrees with the project.

When it comes to the legal management of mosques, the Ministry of Endowments might, in particular cases, need to have a shared jurisdiction with other departments. According to Dr. Salim Abdul Jalil,⁵⁸ a shared competence is necessary in the case of mosques built without a license, for instance. Since there are thousands of “private-unlicensed” mosques in Egypt, the Ministry of Endowments must deal with unlicensed mosques, those that were not built in accordance with the law. According to Dr. Jalil, any decision made by the Ministry of Endowments regarding this type of mosque would be considered beyond its powers, as it would not be within its field of competency, being only concerned with the construction of mosques and the oversight of those it builds or envelops. Therefore, the Ministry of Endowments must follow a particular procedure. In the case of an unlicensed mosque, the *Awqaf* must first consult the *Dar al-Ifta*, which will make a decision through its Executive Agency about what will be done with the “private-unlicensed” mosque while taking into account the interest of society. In general, the *Awqaf* will annex “private-unlicensed” mosques in order to be placed under state jurisdiction. Considering the sensitivity of religious issues in Egypt, and in order to avoid any social discontent, the destruction of mosques built illegally is not an option that the state would consider.⁵⁹

That being said, the legal authorization process to build a mosque still remains unclear. Shaykh Ahmad al-Sayih⁶⁰ recognizes⁶¹ that every mosque construction project requires the Ministry’s permission. However, he also recognizes that the involvement of local government administration is possible in the authorization process. Ultimately, the distribution of authority between both entities seems particularly unclear, as Shaykh Ahmad simply stated that both were

⁵⁸ In an interview conducted by AWR on April 19, 2010.

⁵⁹ The destruction of mosques, though rare, does [occur](#). For an example in a village near Alexandria see <http://www.almasryalyoum.com/en/news/tosson-families-protest-land-privatization>. Cornelis Hulsman also notes a mosque that was demolished besides the St. John the Baptist Church in Maadi that was removed in the 1960s or 1970s, according to the testimony of Prof. Otto Meinardus who had served as a pastor here.

⁶⁰ A retired Shaykh, a prolific writer and former professor at the faculty of *Da’wah* at Azhar.

⁶¹ In an interview conducted by AWR on March 25, 2010.

responsible for issuing permissions. In 2004, AWR published an article (AWR 2004, Week 14, Article 10) that highlights the opposition of governors to the Ministry of *Awqaf* [Endowments]'s new conditions for mosque building. The governors claimed that the issuing of new approvals and permits for mosque building falls under their jurisdiction and that this authority was guaranteed to them by law. Indeed, the “Ten Conditions for Mosque Building” transfers the governor’s jurisdiction over mosque construction to the state.

VIII. Post-construction – The relationship between the *Awqaf* and the mosque

All mosques, irrespective of their origin, are subject to governmental inspection. A department of the Ministry of *Waqf* is in charge of inspecting the mosque’s administration in view of verifying whether the officials and the employees carry out their respective duties. The supervision of mosques and the monitoring of their employees are codified in the Ministerial Decree 97/1962 Article 6, which states the responsibilities of inspectors in charge of supervising mosques. The decree stipulates that:

*There are inspectors in charge of control on the work at mosque, nominated by the competent deputy of Ministry among the staff of the Ministry in accordance with their validity/suitability for the task and approved by the Minister. Besides, these inspectors shall prepare periodical reports every three months on the standards of mosques' imams defined by a decree issued by the competent deputy of the Ministry. And the imam should prepare a summary of his sermons at the mosque and send it to the regional administration and to the competent administration at the Ministry to review it and issue the necessary instructions on it. And these summaries are considered as one of the main elements to estimate standard of imam.*⁶²

The Ministry of Public Health is also involved, as it is in charge of inspecting the sanitary facilities: water supply, plumbing fixtures, etc. If it declares them to be substandard, the mosque’s administration must correct the deficiencies.

⁶² Article 6 of Ministerial Decree 97/1962.

The government appoints the *imams* who lead Friday's prayers in mosques and pays their salaries. They also monitor the *imams'* sermons and the activities in the mosque. In addition, Ministerial Decree 97/1962 Article 4 legally frames the duties of the performer of the rites (responsible for the call to prayer) and of the servant (responsible for cleaning and guarding the mosque), as mentioned above in this paper.

There are wide-ranging methods that the government applies to assert its authority over mosques. We can mention the two specific examples. In its endeavour to assert the power of regulation held by the state over mosques, the Ministry of Endowments announced plans to unify the calls to prayer (*adhan*). This decision caused fury in the religious field and "split Al-Azhar down to the middle."⁶³ In addition, government officials announced in August 2010 that the state would create a database containing information on licensed mosques in order to better manage national resources.⁶⁴ In brief, the tightening of state control over mosques is a visible, wide-ranging, and long term project.

IX. Towards a Unified Law?

In the recent years, multiple voices have called for a unified law governing the building of places of worship in Egypt. In 2005, with the objective of unifying existing regulations regarding all religious buildings, MP Mohamed A-Guweili drafted the first bill, which the Parliament's Committee for Proposals and Complaints (PCPC) approved, after which it referred the bill to the House Committee for adoption.⁶⁵ It has since been waiting to be passed by the Parliament. For its supporters, notably the National Council for Human Rights (NCHR), adopting such a law "would put an end to one of the chief causes of sectarian strife in Egypt."⁶⁶ For others, the proposed legislation would confirm the importance given to the principle of national unity referred to in Article 3 of the Constitution of the Arab Republic of Egypt: "*Sovereignty is for the*

⁶³ See Subhy Mujahid: Unified Adhan Sparks Furor in Egypt. IslamOnline.net. September 2004. Available at: <http://www.islamonline.net/English/News/2004-09/15/article02.shtml>

⁶⁴ Government to Keep Closer Tabs on Nation's Mosques, *Al-Masry Al-Youm*. August 2010. <http://www.almasryalyoum.com/en/news/govt-reveals-plan-keep-closer-tabs-nations-mosques>

⁶⁵ See Hany Danial: One Law for All, newspaper source: *Watani International*, English review published in AWR 2007, Week 23 Article 34.

⁶⁶ Problems on Hold: Confounding the Copting Issue, National American Coptic assembly. February 2010. <http://nacopts1.blogspot.com/2010/02/problems-on-holdconfounding-coptic.html>

*people alone and they are the source of authority. The people shall exercise and protect this sovereignty, and safeguard national unity in the manner specified in the Constitution.”*⁶⁷

Furthermore, Article 73 states: *“The Head of State is the President of the Republic. He shall ensure...protection of national unity...”*⁶⁸

This draft law proposes that the construction of all houses of worship, irrespective of religion, should follow a single procedure. Hence, the houses of prayer of all religions are to be placed on an equal legal footing. It also specifies that enforcing of this draft law would invalidate all previous regulations on the construction of houses of worship.

This project’s supporters also argue that a Unified Law is needed, given the incoherencies and gaps in the ten conditions for church building. Deputy Interior Minister Al-Ezabi Pasha issued the latter in February 1934. The AWR report on church building highlights the difficulty and complexity when it comes to the interpretation of the ten conditions for church building and their practical application (see table below). That study questions the ambiguity and lack of precision of the laws governing the building of churches in Egypt. Indeed, the majority of the conditions seem to be questions rather than conditions. These conditions are not properly defined and therefore are subject to different interpretations. This situation opens the way to the discretionary power of administrators and, by extension, to an irregular application of the law, or a case-by-case approach. Many people have denounced the unfairness of the existing difficulty to meet the conditions for church building and to obtain the president’s approval to build, expand, or even renovate churches, which is not the case for mosque building. The following table, extracted from the AWR church building report, compares the conditions governing the building of churches and those governing the building of mosques.

Comparison between the ten conditions for building mosques and churches		
<i>General category of the</i>	<i>Ten conditions for building mosques</i>	<i>Ten conditions for building churches</i>

⁶⁷ Article 3 of the Constitution of the Arab Republic of Egypt.

⁶⁸ Article 73 of the Constitution of the Arab Republic of Egypt.

<i>conditions</i>		
Legal status of the land on which the house of worship is built	1. The land on which the mosque is to be built should not be a subject of conflicts or illegally owned.	1. Is the land on which the church is to be built empty or agricultural land and does it belong to the person presenting the request? Land ownership papers have to be appended to the presented request.
Necessity of the building project	2. The distance between any two mosques should not be less than 500 meters.	5. Is there another church belonging to this denomination in the same town or village? 6. What is the distance between the nearest church belonging to this denomination and to the town in which the requested church is to be built? 7. What is the number of Christians in the area?
Instructions concerning the location	6. The Ministry of Irrigation should approve the building of the mosque if it is next to the Nile.	8. If the land on which the church is to be built is close to Nile bridges or public utilities belonging to the Ministry of Irrigation, an approval should be sought from the Ministry itself. Also, if it is near to railway lines, the railway authorities should also give their approval.
Design of the building	5. Mosques are not permitted to be built under residential buildings. 7. The land surface of the mosque should not be less than 175 square meters. 8. The designs that are made by the Ministry of <i>Awqaf</i> for building mosques must be applied. 9. There should be a social and health activities floor built under the mosque.	10. The applicant must present with his request architectural drawings in the ratio of 1/1000 that are signed by the head of the religious denomination and the engineer who has expertise of the area on which the church is to be built. The competent administration should investigate the truthfulness of the papers and should sign it and present it with the investigation papers.
Conditions which do not correspond to each other and can thus not be compared	4. Only with permission from the Ministry of <i>Awqaf</i> should the mosque be built. 10. The donator of building the mosque must not deposit less than 50,000 pounds in bank as guarantee of the seriousness of the building program.	2. What is the distance between the proposed church and surrounding mosques? 3. If the land is vacant, is it amidst Christian or Muslim settlements? 4. If it is amidst Muslims, do they have any objections to it?

It is significant that the question of the Unified Law has even been discussed at the United Nations, thus spilling out of the national arena. The Universal Periodic Review (UPR), a key component of the United Nations Human Rights Council (UNHRC), reviewed the human rights records in Egypt during the seventh session in February 2010 and issued Report A/HRC/14/17. At that session, The Netherlands, a member state of the Council, recommended that Egypt “eliminate all legal provisions and policies which discriminate against adherents of other religions than Islam and adopt a unified law for places of worship.”⁶⁹

The United States of America added another similar recommendation in the same report, suggesting that Egypt “redress laws and government practices that discriminate against members of religious minorities, and in particular urgently pass a unified law that makes construction and repair requirements equal for the places of worship of all religious groups.”⁷⁰ These two countries are very clear in their recommendations concerning the necessity for Egypt to pass a single law that would govern the construction of houses of prayer. In response to this report and more specifically to the recommendations (contained in section IV of the report) put forward by the two said countries, Egypt made the following statement:

The Egyptian Government is committed to ensuring non-discrimination against any citizen on the basis of religion, in accordance with articles 2 and 40 of Egypt's constitution, as well as to realizing the freedom of exercise of religious rites, as stipulated in article 26 of the constitution. The Government is prohibited from deviating from this constitutional framework, whether as regards legislation, policy or practice. Rather, it is under an obligation to introduce the necessary legislative amendments if any law is found to contain discriminatory provisions on the basis of religion, or to restrict religious freedom. This is an ongoing process. In addition, the Government has announced and implemented numerous measures to facilitate the construction, repair and renovation of churches, and is currently considering the elaboration of the most suitable framework to guarantee this right. A special committee has been set up to study the present legal regime pertaining to the construction of churches, with the aim of further facilitating their construction. Accordingly, Egypt agrees with the objectives outlined in recommendations (1) and

⁶⁹ U.N. General Assembly, 14th Session. Human Rights Council. [Report of the Working Group on the Universal Periodic Review], 26 March 2010 (A/HRC/14/17). Official Record.

⁷⁰ Ibid.

*(2). At the same time, the final form of the legislative instrument to be introduced in order to facilitate the construction of places of worship (a new law or a presidential decree governing the construction of churches or a unified code) cannot be ascertained before the committee completes its work. Consequently, **Egypt partly accepts recommendations (1) and (2).***⁷¹

Special attention should be drawn to the end of the response submitted by the Egyptian government. It clearly states that a unified law for building places of worship is currently being discussed among other options. It also specifies that a draft will not be adopted before a parliamentary committee studies it. The draft is, therefore, still waiting to be passed by the People's Assembly.

It has now been six years since the adoption of the first draft by the PCPC, and despite large support (MPs, Egyptian rights groups, the NCHR, etc.) for the passing of this law, it has regularly been turned down during parliamentary rounds. For example, Maher al-Darbi, head of the parliamentary Local Administration Committee, is against any discussion regarding the unified law bill, stating that if it were raised in Parliament, it “would cause uproar.” In his view, “there is no need for that bill.”⁷² The opposition of some Muslim Brotherhood Members of Parliament is another factor that explains the Parliament's incapacity to adopt this law.⁷³ Dr. Salim Abdul Jalil, Deputy Minister of *Al-Awqaf* for *Da'awa*, is also against the passing of this law. He believes that two separate laws should govern the construction of houses of worship.⁷⁴ In brief, the opponents of the Unified Law appear to win the power struggle in this matter.

X. Conclusion

Egypt is a country where customs and religion are deeply ingrained and not easily discussed, and where *de facto* practices are imposed *de jure*. Therefore, when it comes to the construction of

⁷¹ U.N. General Assembly, 14th Session. Human Rights Council. [*Report of the Working Group on the Universal Periodic Review*], 7 June 2010 (A/HRC/14/17/Add.1). Official Record.

⁷² See Youssef Sidhom: No Victorious Confrontation, Coptic Assembly of America, 2008. Available at: http://www.copticassembly.org/showart.php?main_id=1578

⁷³ Ghādah Ṭalʿat: A Unified Law for Houses of Worship will not be Introduced in 2010 due to the [Muslim] Brotherhood, newspaper source: (not mentioned), English review published in AWR 2009, Week 51, Article 56.

⁷⁴ From an interview conducted by AWR on April 19, 2010.

houses of prayer, attempting to make sense of the legal processes governing mosque building is not an easy endeavour. Our main objective was to describe the legal framework that surrounds mosque building in Egypt. Our research also demonstrated the importance of the institution of *waqf* and the control that the state gradually established over Muslim religious affairs and its sacred institution, the Mosque. We have mainly succeeded in demonstrating that there are, indeed, laws governing the construction of mosques that shed light on the debate.

We have explained that the development of mosques has been carried out in accordance with the principles of *waqf* and with the latter's evolution. This Islamic charity institution contributed to the socio-economic development of Egypt and of other Muslim countries. As one of the main sources of financing of Islam's welfare system, it helped provide important services, notably: education, healthcare, roads, and (of course) mosques. Its economic independence of the state and unique rules allowed this institution to operate out of the state's control for centuries. Its efficiency for the centuries following the foundation of Islam enabled it to acquire a significant amount of properties throughout the Islamic world. In the 19th century, the state decided to take advantage of this institution in order to control the sizeable resources that it had accumulated.

The confiscation of *waqf* properties under Muhammad Ali Pasha marked the beginning of the end of this institution. Gradually, *waqf* properties have been placed under state control. This process culminated in their nationalisation by Nasser and in the centralisation of its management. All *waqf* properties, including, mosques, *imams*, etc. were thus placed under state control. This strengthening of state control was supported by a series of legal instruments issued in view of legally defining the power of the state over mosques and *imams*. Thus, the construction of mosques and their supervision as well as the training of *imams* have all been placed under state jurisdiction.

Under Mubarak, the process of mosque construction has been further legally framed with the Ten Conditions for Mosque Building. Through this legal instrument, the government rules out any possibility of sharing its competency in this matter with other actors, thus confirming the real power of the Ministry of Endowment. In the context of the Mubarak government's fight against

extremism, thousands of private mosques are being annexed. In hopes to establish equal requirements for the construction of houses of worship of all religions, a draft to unify the current distinct laws and regulations is waiting to be studied and approved by the Parliament. The passing of this law is still pending and there is no indication that it might be passed soon.

The importance of understanding the legal framework governing houses of worship in Egypt goes beyond the present study. Since the legal regulations and restrictions imposed on the construction of houses of prayer are a source of contentions between Christians and Muslims, a wrong interpretation of the law or a breach in the law could potentially disrupt national unity. For example, the distance between houses of prayer has been a source of contentions between these two communities. In fact, the law does not allow for a church to be built within 100 meters of a mosque, while building a mosque near a church is exempt of any similar condition.⁷⁵ Therefore, it could be very useful to do a comparative analysis of the legal frameworks governing Christian and Muslim houses of worship, in view of gaining a better comprehension of Coptic-Muslim tensions. Such a comparative analysis would also help us be better equipped for the task of establishing a more effective dialogue for peace and conflict resolution in Egypt. Given the current social environment in Egypt, the debate on Coptic-Muslim tensions needs to be constantly renewed in order to achieve social progress. The present paper, as well as this suggestion for further study on this topic will hopefully contribute to this ongoing debate.

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Reviews of this paper:

**Author: Drs. Cornelis Hulsman
January 15, 2011**

Interreligious tensions in Egypt are, unfortunately, very often related to church construction. In response to this tension, two student interns, Christian Fastenrath and Corin Kazanjian, worked over one year on a paper titled "Important factors for church building in Egypt," published by AWR 2008, Week 47, Article 5, Arab-West Papers no. 4, <http://www.arabwestreport.info/important-factors-church-building-egypt>. They found many newspaper publications, much of these in Egyptian media, on problems surrounding church construction. Several reported church construction problems have been investigated and reported on by. Fastenrath and Kazanjian studied the various reporting, obtained the texts of relevant laws of the Egyptian Ministry of Foreign Affairs, interviewed leading Egyptians, and visited relevant locations. All of this culminated in an unprecedented in-depth report which showed that, in fact, personal relations of significant church leaders (bishops and priests) with local authorities and

individuals play a major role in obtaining building permits and executing building and/or restoration projects,

Following this project, the question naturally arose about the needed permits for mosque building. Two interns compiled a report on mosque building, a topic for which there were few publications available. This report, therefore, needed many more interviews than the corresponding one on church construction. It is therefore regrettable that the second research team lacked time to visit mosques and speak with authorities responsible for these mosques about the process of mosque construction. This, however, would have also been difficult since the inclusion of a non-Egyptian, non-Muslim would have aroused suspicions as to why these questions were being asked. Interviewing on location requires introductions by trusted locals.

I have lived in Egypt in the early eighties and from 1994 to 2009 and would like to report on my practical experiences regarding mosque construction.

When I was in Egypt in the year 1981 to 1982 and 1984 to 1985, there were problems concerning the construction of the al-Nur mosque in Abassiya. This project was initiated by Islamists who wished to build a huge mosque as close as possible to the large Coptic Orthodox Cathedral in Abassiya. I remember clashes between these Islamists and the Egyptian security forces who tried to prevent them from building this mosque. I also remember Time Magazine reporting about these incidents and Egyptian authorities banning this issue of Time Magazine in the country. In the mid-nineties, I visited the mosque with producers from the Nedelandse Moslim Omroep (Dutch Muslim Broadcasting Corporation). The al-Nur mosque had been complete and the government had brought it under the control of the Ministry of Awqaf. Thus, authorities had not been able to halt the mosque's construction but had since decided to simply confiscate the building.

In 1997, Islamists killed Christians in a church in Abu Qurqas. Local people from the Coptic Evangelical Organization for Social Services (CEOSS) informed me that one or more preachers from a local independent mosque had called for attacks on Christians. I then asked Minister of Awqaf, Dr. Hamdi Zaqqouq about this allegation during a press conference of the Foreign Press Association. The minister had just returned from visiting Christian families in the area to offer his condolences. He told the assembled journalists there that there indeed had been problems with inciting language of preachers and he vowed that the government would bring all mosques under government control to avoid further excesses in preaching.

The struggle over the al-Nur mosque and the response of the minister to the inciting preaching in Abu Qurqas shows the struggle between government-controlled mosques (Awqaf) and private mosques. The interns also discuss this struggle in their report.

It is often said that mosques are built with Awqaf financing, or, in the case of private mosques, private funds. This is true for most mosques, but the Foreign Press Association uncovered different sources while visiting the governorate of Minia during the summer of 2008 in response to tensions around the monastery of Abu Fana. There, we also visited a newly-built mosque in Bahnassa. Local authorities told us that their mosque has been built around 2004 or 2005 with financing from the Ministry of Tourism. This is interesting since it shows that more government bodies than Awqaf finance mosques at certain times. The mosque of Bahnassa was also interesting for another reason. The builders had incorporated a well into their courtyard that local people, Muslim and Christian alike, believe was made by Jesus Christ, only one of the local Holy Family stories, with which Egypt is rich. Beside the well stands a tree which is believed to have shaded the Holy Family. The well and the tree were located beside a Muslim cemetery but did not stand on land belonging to a church or mosque. The locations of the two landmarks were mentioned in a booklet that the Egyptian Ministry of Tourism had published in 2000 about Christian Holy Family sites. A few years later, the same ministry had shifted the control over the well and tree entirely to the mosque. Of course, the well and tree are still accessible to any Christian willing to come to the courtyard before the mosque but having them incorporated into the mosque is a major barrier for most Christians.

Mosque construction also occurs in response to church construction, as is the case with the aforementioned el-Nur Mosque. In an interview with Islamist Yousef al-Badri in 1996, he stated with pride that he built a mosque in new Maadi directly adjacent to a church that had been built a few years earlier. Al-Badri continued to say that in this way the prayers of Muslims and Christians would come together before God's throne, something he viewed as a symbol of 'national unity' that Egyptians often like to speak of. Christians in the nearby church, however, were not happy with this 'national unity' as the prayers from the mosque were heard five times per day throughout the church proper.

Similar complaints came from monks in the monastery of Muharraq, Upper Egypt, and from Bishop Thomas from his Christian retreat center, Anafura, on the desert road between Cairo and Alexandria. In these cases, Muslims have built mosques close to the walls of these Christian centers. Monks at these retreats and monasteries complain that they are disturbed by the Muslim call to prayer whilst in their private cells.

In Dar es-Salaam, a poor quarter of Cairo, there was not enough space to build a mosque near the newly-built church and so a mosque was built over the road, allowing cars to pass underneath while also placing the wall of the mosque against the wall of the church. It is impossible that such a mosque was funded by local Muslims, as the area is too poor to support this type of construction. Thus, this building must have received outside financial support. Near the Christian pilgrimage site in Musturod, just outside of Cairo, there is a large mosque towering over the ancient church. I was there when the loudspeaker-broadcasted Muslim prayer overshadowed the

prayer in the church. Therefore, it is not strange that Egyptian Christians are displeased with mosques being placed so close to their own houses of worship.

In the year 2000, tensions arose in El-Tur, Sinai, between local Greek Orthodox Christians and local Coptic Orthodox Christians, who were no longer able to worship in the Greek Orthodox Church. The Copts chose to pray in a Christian restaurant. The Greek Orthodox priest, Arsanuis, then told me he had informed Egyptian security forces about this prayer with the intention of halting it because he found the restaurant too close to his church. Police interference had resulted in international media attention and, local Coptic Orthodox Christians told me, financial support from Coptic Orthodox congregations in North America to build a large church in El-Tur, Sinai. The funds provided would have build a church too large for the local Coptic community, who justified the size by saying it was done so to house the future growth their community would experience in the coming years. We also noted that the church in El-Tur was larger than local mosques and in a later visit in the summer of 2009, noticed a large new mosque under construction in an effort to rival the size of the local church.

The examples given show the rivalry between local Muslims and Christians about building houses of worship. Houses of worship are markers of public identity and I have often heard local Muslims speak of the need to maintain the Muslim identity of a particular area through building new mosques that rival the size of local churches or at least have a higher minaret than the height of the local church tower.

Such stories are not presented in this paper, however, since this paper is not based on field research. Checking local building stories can yield important additional information that is not easily available through official documents or interviews. I hope that such research can be conducted in the future.

Reading this report on mosque building shows many similarities between church and mosque construction. As is the case with church building, strong personal relations with local authorities are equally important in mosque building. Generally, personal relations of those engaged in mosque building are less strained than those of many local Christians and this certainly eases mosque building.

The paper opens with a quote from the Ministry of Awqaf stating that, "The mosque is not only a place for worship, but also a place for culture and education, for both the provision of health services, and in general for social support and solidarity." This can also be said of churches in Egypt as well.

The authors interviewed Ministry of Awqaf officials and have and used this to add insight to their thoughts about mosque building. They discussed the history of mosque building, the

different types of mosques, their financing, the role of imams, the role of the Ministry of Awqaf, and the conditions for mosque building. Despite a number of allegations from Christian activists, there are, in fact, conditions and rules for mosque building. Obtaining permits for mosque building has certainly become more difficult over the years. An example of the regulation on mosque building is the ten conditions of the Ministry of Awqaf for mosque building, as established in 2001. Interestingly, permits for church building are also limited by ten conditions that date to 1934. Were the ten conditions for mosque building 'inspired' by the conditions for church building? Is this a step towards a unified law for constructing places of worship? We don't know but these are certainly possibilities. The authors compared the respective ten conditions for building places of worship. It is interesting to see the similarities and differences. Conditions for mosque building are easier than those for church building, despite efforts to come to a unified law on building houses of worship, one that would set equal building regulations for both mosques and churches. Islamists oppose this equality while Christians complain that the formulation of a new law takes so many years and many proposals have been shelved throughout the years.

I certainly support the conclusions of the authors, stating that making "sense of the legal process governing mosque building is not an easy endeavor". The Ten Conditions for Mosque Building show that the government is attempting to keep decisions about mosque building firmly in its own hands, not allowing much space for private initiatives to build mosques. I have been pleased to work with the students throughout the production of this report and agree with them that "the present paper, as well as this suggestion for further study on this topic will hopefully contribute to this ongoing debate."

Mosque Building Paper Review

Author: Dr. Afaf Badran

January 15, 2011

The paper's main objective seems to be to cast light on the state's weak control and bias in favor of Muslim religious affairs by examining and analyzing how mosque construction practices defy legislation and are left uncorrected. An analysis of the current Egyptian legislation for mosque building, which is stated as the goal of the paper, cannot really be achieved by analyzing the gradual strengthening of the state control over Muslim religious affairs, as stated in the introduction.

The paper generally demonstrates a good effort, but a subjective approach and an uneasy comparison of the legal procedure for the permit and erection of each of the two worship places, mosques and churches, seem to disrupt its objectiveness. If the paper's purpose is to make an objective comparison, the title should have been: The Legal Framework for the Erection of Worship Places and Religious Affairs in Egypt. But here the comprehensive information needed to assess a ruling or judgment is often missing [Hulsman: the paper therefore should be read in conjunction with Christian Fastenrath and Corin Kazanjian: Important Factors for Church Building in Egypt, published by AWR 2008, Week 47, Article 5, Arab-West Papers no. 4, <http://www.arabwestreport.info/important-factors-church-building-egypt>]

In comparison, the paper clearly refers to the ten conditions for mosque building but does not refer to the more strenuous conditions for church building, except at the very end of the paper. In the Izbet Bushra story, there were vague points and queries. The absence of necessary information in the Izbet Bushra story diminishes trust in the judgment. For example, the size and structure of the factory, which was to become a church, in comparison to the size and structure of the two mosques is unclear. The structure of the population and their financial status is unclear. The disappointment of the people who thought the place would offer work opportunities is overlooked. The time local Muslims knew that the building was to become a church for them to start building their mosque is unclear. The authorities' ruling can best be assessed with knowledge of these points. In such societies, the emotions of the majority have to be considered. If the minority exhibits power and prestige by constructing huge, well-built worship buildings for fewer people, the poor majority might feel unprivileged and overlooked and would not easily bless it. This could put peace at risk.

Over the last half-century and more, Muslims and non-Muslims have known that they must obtain permission for erecting any building, not only places of worship, especially in cities and towns. The procedures have always been long and slow and perhaps sometimes frustrating because they do not change or develop. This is why some buildings are erected without permits or defying rules, especially at a distance from cities and towns. At present, this still happens mostly in slum areas, but not for the same reasons. The authorities can threaten to bring down these buildings at any time. However, they often lag because poor people have limited resources and the authorities cannot offer immediate alternative solutions.

As for present day mosques in Egypt, we cannot say that mosques in general are still places where Muslims go to receive education. Societies change and we cannot make a book statement about how Muslim communities used mosques fifty years ago or how they use them now in other countries and trust that this applies today or in all other countries as the same. Nowadays, most mosques, other than the historic ones and a few recent large ones, open only for prayers and close immediately after prayers. Some large mosques are built as complex buildings with medical clinics and/or rooms (attached and not within), respectively to treat poor people and teach children and illiterate adults how to read, write, and recite the Quran. Only the Azhar Mosque has one of the oldest attached and offers degrees and certificates. New Azhar faculties have been added through the years and are built away from the main old Azhar University.

Mosques are not really "the place where Muslims participate in the social life of the community". It is true that the birthdays of the Prophet's descendants or some other revered religious men and women are celebrated by some near the dareehs or near the mosques named after them, but these special events are celebrated around, not in, the mosques. Some large mosques have built in the last decades, other than the praying hall, one or two small halls attached. These accommodate legal marriage ceremonies in the presence of the families and friends of the bride and groom, but not wedding parties. They also accommodate gatherings for paying condolences to the family of a deceased. These two functions and their accommodating halls are recent additions that offer solutions for those who have smaller homes and less means to book richer halls and as open areas near homes have become congested with cars. (About forty years ago, the common trend was that average people who had small homes close up parts of an open area or roundabout in close to their homes with specially made fabric and wooden studs to accommodate their celebrations or condolence gatherings.)

Other than the aforementioned aspects, at present, almost no other aspects of the social life of a Muslim community take place in mosques.