The reformation of official religious institutions in Tunisia, Egypt, and Yemen

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Introduction:

The issue of reforming religious institutions has been given priority in Arab Spring countries since the eruption of the revolutions in 2011. This was mainly the result of the growing influence of religious figures in these countries during the transitional stage and the impact they started having on the political scene. Religion has also been a major part of the political and societal debates that abounded during that time. The religious scene in Egypt, Tunisia, and Yemen was affected by the developments the region witnessed and was, consequently, involved in projects that focused on the reformation of official religious institutions. In Yemen, it was part of a national project that aimed at reforming the entire state while in Egypt it was the result of the growing power of non-official religious players and which was manifested in the role they started playing in politics whether through the coming to power of Islamists or the political parties established by Salafis. The rising number of youths joining cross-border militant groups raised several questions about the efficiency of official Islamic institutions in countering radicalism especially that they weren't able to deal with the chaos in which the religious scene was plunged since 2011.

The conditions of official religious institutions, which were the result of a number of political decisions that preceded the 2011 revolutions, prove that they are in bad need for reformation, especially owing to the crucial role they still play in regulating the religious scene. Official religious institutions are responsible for the interpretation of religious texts and the propagation of religious knowledge and they oversee the education of potential religious preachers. This is, for example, the case with the Azhar in Egypt and Zitouna in Tunisia. They are also in charge of the main features of the religious discourse including the issuing of religious edicts, which have been particularly problematic owing to the rising influence of non-official religious players in this regard. It is impossible to do away with official religious institutions because of how deeply rooted they are in the history and culture of the countries in which they are located and in the region as a whole and because they are recognized by both the state and society, especially in their role as a tool for the first to control the second.

The religious scene in Egypt, Tunisia, and Yemen witnessed a number of reformation attempts, most of which were associated with the reformation of the state and the modernization of its institutions. The state, in many cases, was

required to regulate its relationship with official religious institutions while taking into consideration the political context in which those institutions were shaped throughout several decades.

In Tunisia, the state made sure that religious institutions are under its control despite the secular nature of the modern state and which took shape following independence. The state closed down several institutions that constituted the traditional source of religious knowledge. This started with abolishing the economic base of religious institutions, religious endowments, followed by Islamic "sharia" courts as part of a project unify and secularize the judiciary[1]. This led the state to directly intervene in the religious scene, mainly through the secularization of many of its institutions. The state also became the sole source of funding for religious institutions. The state restricted the remaining religious institutions in a way that makes them part of the secular national project. However, instead of adopting the "laïcité" principle that requires the separation of the state and religion, the Tunisian state opted for a "césaro-papiste" approach that allowed the state to control religion[2]. Within this framework, Zitouna was restricted so that it turned into a secular university that reproduces Islamic culture through the utilization of modern methodologies that aim at reconciling Islamic tradition with modern requirements in a way that serves national identity. Similarly, the religious edicts "iftaa" department was restructured so that its head, the mufti, became a state advisor, a position that merges between the religious and the political and makes him, therefore, capable of serving both Islam and the state.

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[1] For the history of the Tunisian judiciary see:
- Ben Belghaith al-Shibani. *The Judicial System in Tunisia 1857-1921* [Arabic]. Sfax: Alaadin Press, 2002.
- Mohamed Belkhoga. *Excerpts from Tunisia History* [Arabic]. Beirut: Dar al-Gharb al-Islami, 1986. (See Chapter 2 on Islamic courts in Tunisia)
- Lotfi Heji. *Bourguiba and Islam: Religious and National Leadership* [Arabic]. Tunis: Dar al-Janub, 2004: p. 106
- Ben Achour Mohamed Aziz. *Catégories de la société tunisoise*. Op. Cit. p. 438-441 et 444-453.
- Mohamed Hédi Cherif. *Pouvoirs et société dans la Tunisie d'Husayn Ben Ali (1705-1740)*. Tunis. Publications de l'Université de Tunis. 1984 Tome I p. 217 Robert Brunschvig. "Justice religieuse et justice laïque dans la Tunisie des Deys et Beys jusqu'au milieu du XIXe siècle." *Studia Islamica* XX III 1965

[2] Max Weber. *Sociologie des religions. Textes réunis et traduits par Jean-Pierre Grossein*. Paris: Gallimard. 1996: p. 244-245.

The abolition and restructuring policy adopted by the state was not implemented in a way that makes the establishment of new religious institutions unnecessary because restructured institutions did not cover all religious specializations but only those the state wanted. This vacuum in the religious scene was dealt with through the establishment of a new institution that became in charge of managing religious rituals. This was followed by the foundation of the Supreme Islamic Council in the 1980s.

The Egyptian case was not radically different from its Tunisian counterpart since the state also worked on controlling the religious sphere in a way that serves its agenda. In 1953, one year after the fall of the monarchy, the new republic adopted the same policy initiated by Mohamed Ali in the 19th century and which placed religion as part of establishing the modern in state. In 1960, one law was issued to transfer the ownership of all mosques to the state and another to reform the Azhar.

In the three cases subject of this study, the state worked on controlling the religious scene while not defining the type of relationship between the religious and the political, bearing in mind that the constitution states that Islam is the official religion of the state in the three countries. There were no clear policies that regulated the work of religious institutions. The abolition of some religious institutions and the restructuring of others were mainly driven by the political conditions that prevailed at the time. When these conditions changed and new developments started taking place, these institutions were not able to deal with the chaos that pervaded the religious sphere with the emergence of non-official players whose impact on society was remarkably growing. It was at that point that the reformation of official religious institutions became urgent. However, this reformation cannot be done except under certain conditions and this necessitates overcoming a number of obstacles.

Those obstacles fall under two categories: the first are internal obstacles related to the conditions of official religious institutions and their weakness while the second are related to the religious elite such as religious groups, parties, and organizations. Overcoming these obstacles requires a number of measures, on top of which is demarcating the religious and political spheres in the way

promoted by Bourdieu[3], hence in a way that rationalizes the discourse of religious institutions.

First: Religious institutions:

Official religious institutions in the countries subject of this study suffer from a great deal of weakness, which was particularly manifested in their inability to face the influence of non-official religious players who attempted to monopolize religious discourse. Attempts at reforming those institutions were also deficient for a number of reasons. For example, in Tunisia the state did not succeed in synchronizing between different religious institutions, which is obvious in the overlap between several of them as far as specialization is concerned. This was the case with the mufti and the Supreme Islamic Council. Coordination between different institutions was also lacking. This can be the result of the absence of a vision from the very beginning, which in turn was the result of decisions about religious institutions being associated with the current conditions at the time.

The same applied to religious institutions in Egypt and Yemen even though the main funding institution, Islamic endowments, remained yet the resources of this institution were not enough to meet the needs of institutions in charge of the management of religious affairs, the ministries. For this reason, houses of worship spun out of control and mosques became the place where the religious and the political are intermingled. Institutions in charge of issuing religious edicts "fatwas" in the three countries also complain of their inability to compete with non-official edicts which have a strong impact on citizens, especially youths, and therefore play a major role in the developments that take place in the political scene on both the local and regional levels.

1- Funding institutions: Islamic endowments

Endowments have been playing an important role in funding religious activities throughout history across the Muslim world, including the three countries subject of this study. Endowments fund the construction of mosques and religious schools as well as pilgrimage trips[4] in addition to several types of social activities. However, the very system of endowments is problematic owing

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[3] Piere Bourdieu. "Genèse et structure du champ religieux." *Revue Française de Sociologie*, Juillet-Septembre 1971: pp. 295-334.

[4] Hassan Ali Majali. *Endowments in Yemen* [Arabic]. Sana: Al-Sharaabi Center for Printing and Publication, 2004.

to the fact that buildings or plots of land designated as endowments cannot be part of any trade transactions, which leads to the freezing of national resources, especially arable land.

Tunisia is one of the few countries that abolished all types of endowments whether public, private, or cooperative following its independence. The disadvantages of the endowments system were used as the reason for abolition with special emphasis on the way this system benefited the ruling class and colonial powers and the way it froze national resources that needed to be liberated and returned to the regular economic cycle, hence utilized in post-independence modernization and development. This disadvantage was emphasized in a number of laws issued on May 31, 1956 to abolish public endowments and nationalize all property categorized as such and on July 18, 1957 to abolish private and cooperative endowments. Such disadvantages did make sense, but other undeclared motives for such a move were bound to have negative impacts on the religious scene. Endowments constituted the economic foundation for all religious institutions and the guarantee of their independence as well as the means of striking a balance between religion and the state. That is why the abolition of endowments paved the way for the subsequent deterioration of religious institutions. The most direct impact of the abolition was the state becoming the only source of funding for religious activities, thus controlling the entire religious scene.

Following the Tunisian revolution, the troika government, led by Islamists, attempted to make a change through establishing a committee within the Ministry of Religious Affairs to prepare draft laws related to starting an alms "zakat" fund and the restoration of the endowments system. The draft laws were submitted to the National Constituent Assembly on October 17, 2013, but they were not passed and the troika government left without restoring the endowments system.

Egypt witnessed a partial suspension of the endowments system when civil endowments were abolished under the law issued on September 14, 1952. According to the law, all endowments that do not have an immediate charitable benefit should be abolished. Many plots of land were, therefore, placed under the supervision of the Land Reclamation Association. Public endowments, on the other hand, were placed under the supervision of the Ministry of Islamic

Endowments, which meant that the revenue of endowments was managed by the state and spent in accordance with state regulations.

In Yemen, the endowments system was never abolished, yet its role in funding religious activities started dwindling. Before the eruption of the revolution in the north and the independence of the south, the state used the revenues of endowments to propagate the religious ideologies of the ruling class and to establish them as the main religious authority. This was the case in Northern Yemen and Southern Yemen as well as later in unified Yemen since in all cases the state worked on eliminating the financial and administrative independence of endowments. In the People's Democratic Republic of Yemen, for example, endowments were nationalized under law number 32 for the year 1972 and after the unification in 1990, confiscated endowments were returned to their original owners[5], which led to the liquidation of a large portion of endowments.

In Egypt and Yemen, endowments, or at least part of them, were placed under the supervision of the ministry in charge of managing endowments, which sounded rational since the institution of endowments was originally established in Islamic history for the aim of funding religious activities, whether rituals or research.

2- Management institutions: ministries of religious affairs:

The three countries witnessed the establishment of ministries to manage religious affairs and this included both rituals and funding. In Tunisia, it is called the Ministry of Religious Affairs, in Egypt the Ministry of Islamic Endowments, and in Yemen the Ministry of Endowments and Guidance. These ministries are not considered religious institutions in the proper sense of the word since they are secular institutions that manage religious affairs, but not religious institutions. Those ministries became the most important institutions in the religious scene because their scope of work encompassed a number of specializations. The ministries in the three countries subject of the study are similar to a great extent in terms of structure and mission, for they are all controlled by the state and follow the same organizational structure of other official institutions. They were, in fact, established to implement state policies in the religious sphere. The establishment of the Rituals Authority, later the

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[5] Hassan Ali Majali. "Civil Endowments in Yemen [Arabic]." *October 14 Newspaper*. Aden: March 25, 2006.

Ministry of Religious Affairs, in Tunisia in 1957 was to replace traditional religious players by the state so that religion becomes a public affair that needs to be managed by the state as part of its duty to keep public order. The ministry was established in accordance with chapter one of the Tunisian constitution. In Yemen, the Ministry of Endowments and Guidance was also established under the constitution so that it abides by the general policies of the state[6].

These institutions witnessed a number of structural developments since their establishment. The Ministry of Endowments and Guidance in Yemen took its current shape following the unification of northern and southern Yemen so that the Ministry of Endowments and Guidance established in Northern Yemen in 1978 and the Endowments Department at the Ministry of Justice, established in 1967 in Southern Yemen, merged into one entity under the former's name. The Ministry of Religious Affairs in Tunisia started as the Religious Rituals Authority, established in 1957 at the same time as the Religious Edicts Institution. In Egypt, the Ministry of Islamic Endowments goes back to the mid-19th century during the reign of Mohamed Ali, but took its current shape in 1959 following the issuing of a law that regulates its work[7].

The structure of those ministries in the three countries is quite similar. In each of the ministries, there are two types of departments: the first for administrative and financial affairs and the second for religious affairs. The first is exemplified by the General Directory of Legal Affairs and the General Directory of Financial Affairs and Equipment in Tunisia. The second is exemplified by the Endowments Departments in Egypt and Yemen, the Pilgrimage Department in Tunisia and Yemen, the Holy Quran department in Tunisia and Yemen, and the Mosques Department in Egypt and Tunisia. Staff members at those ministries are civil servants whose work is regulated by the laws applied to all government employees. The Egyptian Ministry of Islamic Endowments is distinguished from its Tunisian and Yemeni counterparts by the presence of the Higher Council for Islamic Affairs as part of it. The council was established in 1960 as the Department of Muslim Peoples' Relations and its main job was the propagation of Islamic principles inside and outside Egypt, therefore it acts as a missionary entity. Unlike Egypt that established an entity that addressed non-Muslims across the world, Tunisia's Ministry of Religious Affairs was confined to

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[6] Presidential decree number 210 for the year 2005 on the regulatory laws of the Ministry of Endowments and Guidance issued on September 18, 2005

[7] Law number 272 for the year 1959 on the regulation of the Ministry of Islamic Endowments

offering religious services and knowledge to Tunisians residing abroad. As for the scope of work, those ministries supervise most sectors in the religious sphere such as endowments (in Egypt and Yemen), rituals, mosque, imams, pilgrimage, the Holy Quran, preaching, guidance, and the religious discourse.

The structural development of these ministries was another step towards achieving state control over the religious scene so that religious institutions become one of tools for the implementation of state policies and so that the state becomes the promoter of moderate Islam. This control was not to become complete without dealing with religious figures, which started in the mid-1960s when senior religious preachers were assigned the supervision of teachers at religious schools, mosque imams, and Quran reciters and became also in charge of monitoring mosques. These ministries are generally managed through a centralized system. In Tunisia, there were almost no religious institutions in the provinces before 2011 while provincial institutions were of little influence in Yemen. The system in Egypt is relatively less centralized with the presence of provincial entities across the country, yet ones whose work is more administrative than religious and which mainly focuses on coordination with the central authorities.

The centralization problem was the reason why the minister of religious affairs in the troika government submitted a reform program that made decentralization one of its main purposes. This led to the modification of the law regulating the work of the ministry so that it would include the establishment of new provincial institutions[8], which started in 2012. However, the first institution to open on December 16, 2012 was in Tunis, the capital, and not in the provinces. In fact, it was even close to the headquarters of the Ministry of Religious Affairs. In the following years and until 2015, other 12 provincial institutions were established in different parts of the country.

3- Houses of worship:

Mosques and prayer corners, known in Arabic as "zawaya," are considered communal institutions since they are built for and designed to serve the Muslim community, therefore the state should not be involved in their affairs. However,

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[8] Decree number 2540 for the year 2012 dated October 16, 2012 on the modification of decree number 1618 for the year 2002 dated July 9, 2002 on regulating the work of the Ministry of Religious Affairs, the *Official Gazette,* issue no.85, October 26, 2012.

in the three countries subject of this study, the state established official entities to monitor mosques and prayer corners as part of a comprehensive plan to control the religious sphere. The degree of control the state is able to exercise on houses of worship differs from one country to another and is largely contingent upon the number of mosques in each country. While the number of mosques in Tunisia is estimated at 5,307 according to the 2015 official statistics[9], Yemen had 75,000 mosques in 2008[10] and Egypt has reached 100,000 mosques[11].

In Tunisia, mosques and prayer corners became state property as part of a plan to guarantee state control over the religious sphere. It is worth noting that this was only done to Islamic houses of worship while houses of worship for other religions remained under the supervision of their clergy within the limits allowed by the state. However, the nationalization of houses of worship added a financial burden on the state, which then became responsible for the maintenance and preservation of these buildings, a process that was always associated with the state's stance on the religious scene and religious figures. The state made sure to preserve historic mosques that constituted part of the country's cultural heritage and worked on building new ones to meet demographic developments. The funding of houses of worship mainly depended on donations, which replaced the revenue of the abolished endowments and an official fund was recently established to collect those donations. Mosque staff—the daily imam, the Friday prayer imam, the caller for prayers "muezzin," and the cleaner—are supervised by both the Ministry of Religious Affairs and the Ministry of Interior. Mosques opened their doors for non-official players—Islamists and Salafis—in the 1970s, which played a major role in the emergence of Islamist movements. Mosques also became a meeting place for members of the opposition, especially Islamist ones, which drove the state to intervene through setting a number of rules that prohibit involving houses of worship in politics or any other activities outside religious rituals. This was stipulated in the Mosques Law issued in 1988[12]. The state also made sure to tighten its grip on mosques and watch them closely while at the same time it used mosques for political purposes.

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[9] http://is.gd/WpGtoT
[10] http://is.gd/TzddKi
[11] http://is.gd/qK2gbM
[12] Law number 34 for the year 1988 dated May 3, 1988, the *Official Gazette*, issue no. 31, May 6, 1988, p.717.

The state was, however, unable to eliminate prayer corners due to their association with popular religious practices. For this reason, many of those prayer corners remained privately owned. The state, therefore, made sure it watched those prayer corners through the Ministry of Religious Affairs. However, because prayer corners are different from mosques, they were not as problematic for the state. Being part of popular Islamic practices, prayer corners are more about folklore than religion. Plus, popular Islam is not interested in politics and mainly focuses on spirituality rituals. So because they transcended the boundaries of conventional religion, prayer corners were not fully controlled by the state.

When mosques became political meeting points, the state chose the security option over political dialogue through imposing a ban on Islamists and Islamism. However, what happened immediately after the toppling of Bin Ali's regime proved that the state was not capable of exercising full control over mosques. The Friday that followed Ben Ali's departure witnessed a number of crucial developments as Islamists, whether proponents of political Islam or Salafis, took over mosques and expelled imams appointed by the state. Some mosques witnessed violent clashes between political Islamists and Salafis who vied for controlling the religious scene while other mosques turned into hotbeds for jihadi militants and others turned into ammunition warehouses. The state was unable to control 10% of the mosques in the country, including historic ones such as Zitouna, the Great Mosques of Kairouan, Msaken, and Sfax. The state was also unable to stop the illegal construction of new mosques. In fact, mosques remain outside state control until the present moment and it is not possible to know the exact number of mosques in the country not only because of the absence of official statistics, but also because of the discrepancy between the numbers provided by civil society, the media, or unions involved in religious affairs.

The state could not protect prayer corners from attacks by Salafis after 2011. In fact, around 130 prayers corners and shrines were attacked between 2011 and 2015 and were burnt down, destroyed, or desecrated. Those include historic prayer corners such as Sidi Bou Said and Saida Manoubia[13]. The attacks on those sites were part of the Salafi campaign against shrines and popular Islam.

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[13] http://is.gd/l2ylB6, http://is.gd/dMHAUZ, http://is.gd/UuqRoI

In Egypt, the state nationalized mosques in 1960[14] in order to be able to control them. The Ministry of Islamic Endowments had repeatedly attempted to control mosques but failed, especially during Mubarak's rule and despite the ministry's declaration that it annexed almost 90% of mosques, this remains ink on paper. In fact, until 2013 the ministry controlled less than half the mosques in Egypt, which is mainly because of the large number of mosques and lack of proper financial and human resources.

Mosques in Egypt vary based on the entity that controls them. Mosques supervised by the Ministry of Islamic Endowments include historic ones as well as several mosques built around shrines such as al-Sayed al-Badawi in Tanta and al-Morsi Abul Abbass in Alexandria. Mosques belonging to Sufi orders are supervised by members of their respective orders such as al-Qaderiya, al-Shazliya, al-Badawiya, al-Desoukiya and others. Other mosques are controlled by the associations that built them such as al-Gamaiya al-Shariya and Ansar al-Sunna al-Mohamadiya, which propagate their vision of Islam and teach potential preachers through these mosques. Salafi groups control a number of mosques especially in Alexandria where al-Daawa al-Salafiya group is very influential while jihadi militants also managed starting from the 1970s to take over several mosques in which they plan their operations and promote their ideologies. The Muslim Brotherhood also have their own mosques where they practice religious rituals, promote their ideologies through sermons and classes, and launch their political activities such as protests.

In 2008, the state in Yemen established the Department of Mosques and Shrines in the Ministry of Endowments and Guidance. This department was to preserve, maintain, and renovate already existing mosques so that they are suitable for prayers and to construct new mosques and charity funds as well as to supervise and provide for mosque personnel[15]. Mosques in Yemen are protected by the endowments system and so are mosques in Egypt, while mosques in Tunisia are protected as state property.

4- Religious edicts institutions:

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[14] Law number 157 for the year 1960.
[15] http://is.gd/p0TgP7

The institutionalization of religious edicts "fatwas" goes back to the 7ᵗʰ century[16] when the expansion of the Islamic state and its inclusion of a number of different cultures necessitated a unification of jurisprudence. This drove the state to appoint a number of official muftis to answer the questions of citizens about religious and worldly matters. These muftis gradually turned into councilors affiliated to the judiciary, especially under the Abbasid state[17]. All Arab states currently have official institutions for religious edicts, but their structure and work differ from one country to another based in the historical context in which they emerged and developed as well as their interaction with ruling authorities.

The Religious Edicts Institution, also called the Cabinet of the Mufti of the Republic or Le Cabinet du Mufti, is the successor of the institution called the Sheikhdom of Islam that was presided over by the Sheikhs of two Islamic schools of thought—the Maliki and the Hanafi—and was in charge of supervising Islamic courts, religious education, and the performance of rituals. The sheikhdom was restructured in 1957 in a way that suited the establishment of the republic since the state could by no means do away with the muftis, through which they worked on controlling the religious scene and gained legitimacy.

In Yemen, the Religious Edicts Institution goes back to the 1990s following the unification of the northern and southern parts of the country[18]. Before the unification, edicts were issued by the mufti, who was affiliated to the Ministry of Justice in Southern Yemen, while in Northern Yemen a committee in charge of issuing religious edicts was established in the Ministry of Endowments and Guidance.

The position of the mufti in Egypt in older than its counterparts in Tunisia and Yemen and following development that took almost a century, the Egyptian Religious Edicts Institution (Dar al-Iftaa) has been an independent entity with an independent budget since 2007[19] when it no longer became part of the Ministry of Justice whether administratively or financially.

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[16] Joseph Schacht. *Introduction au droit musulman.* Paris: Maisonneuve et Larose, 1983: p.24

[17] Richard Bulliet. *Islam: The View from the Edge*. New York: Columbia University Press, 1993: p.92-93.

[18] Presidential decree number 15 for the year 1997 on the establishment of the Yemeni religious Edicts Institution (Dar al-Iftaa). *The Official Gazette*, May 31, 1997.

[19] http://is.gd/OgY1Ki

The structure of the Yemeni edicts institution is different from its counterparts in Egypt and Tunisia since it is comprised of four members supervised by the mufti of the republic. This structure reflects the sectarian diversity of the Yemeni society, which is mainly made up of Zaidi Shiites and Shafei Sunnis. In Tunisia, there is only one mufti for all Tunisians regardless of which sect or school of thought they belong too. This was done to eliminate the Maliki-Hanafi divide that existed previously in the religious scene. The first mufti was a Maliki, a gesture through which the state wanted to demonstrate its solidarity with the people, who were mostly Malikis, while the Hanafi school of though was followed by the Ottomans, who ruled the country since the early 18th century.

The Egyptian edicts institution is comprised of a number of departments, the most important of which is the Edicts "fatwas" Department whose members are senior religious scholars that work together in order to minimize error and make sure edicts are as close as possible to the religious text[20]. The mufti in Tunisia and Yemen is appointed by the president, yet the institution in Tunisia is affiliated to the prime minister while in Yemen it is affiliated to the presidency.

Religious edicts institutions in the three countries subject of the study share a number of duties. They are mainly responsible for answering citizens' questions about religious views of worldly affairs. They also make announcements about the beginning of months of the Islamic calendar to determine the dates of important Islamic occasions such as the holy month of Ramadan and the lesser and greater bayrams. It is on such occasions that the mufti always makes a public appearance. In the Tunisian and Yemeni cases, edicts institutions are expected to cooperate with meteorological authorities to determine such dates.

The mufti in Tunisia determines the amounts to be paid for alms. He is also in charge of legalizing the status of new converts to Islam, which requires cooperating with the secular judiciary following the disbanding of religious courts and emphasized the position of religious institutions as part of the secular state. This connection between the secular and the religious in Tunisia is also demonstrated in the way the mufti acts as the state advisor on religious affairs in accordance with the first chapter of the constitution and which states that Islam is the official religion of the state. Thus, the state requires an expert on religious affairs as long as it still considers Islam its official religion, which makes the

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[20] http://is.gd/14LzwV

application of the "laïcité" principle not possible. On the other hand, the mufti in Yemen does not deal directly with the judiciary, for the edicts institution only sends booklets of the edicts it issues on different matters to courts so they can be a reference in lawsuits especially personal status ones. These booklets are also distributed to scholarly entities and individuals.

Second: Religious players:

State policies on players in the religious scene differed in the three countries subject of the study, mainly based on the political context and the historical era. However, the role of religious plays has remarkably grown since 2011 whether in the religious or political sphere. Religious players hinder the reformation of official religious institutions in one way or another either because some of them are not willing to do away with privileges they have—material or nonmaterial— or because others are preoccupied with competing to control the religious scene. These obstacles are basically manifested through mosques, religious edicts, and the religious elite.

1- The battle for mosques:

After 2011, mosques in Tunisia turned into battlefields in which several religious players vied for control. For those players, mosques were the best channel through which they can control the entire religious scene since it is the place where religious discourse is formed and where ideologies are propagated. Religious players in Tunisia fall under three categories: imams appointed by the state before 2011 and who were accused of their bias to the regime, imams who belong to Salafi thought including its jihadi offshoot, and imams who belong to political Islam represented by Nahda Party and Tahrir Party among others. In addition to these main categories, some mosques are controlled by Shiite imams, which is the case in the city of Gabès, and some religious figures focus on defending the Maliki and Ashaari identity of Tunisia to counter the Wahabi influence, which is the case with Sheikh Farid al-Baji.

The debate over the neutrality of mosques started as part of the dialogue that took place in the transitional stage about the identity of the state and society and the relationship between religion and politics. This debate was part of discussions that took place inside and outside official institutions about several laws such as the electoral law and press law. The neutrality of mosques was one of the most important demands put forward during the national dialogue and was

actually part of the road map agreed upon by different political factions to resolve the 2013 crisis.

Proponents of the neutrality of mosques argue that mosques are religious spaces that should not be involved in politics and should be used by any faction to get political or electoral gains. Critics of this demand, on the other hand, argue that it is not possible in Islam to separate the religious from the political, that religious discourse cannot be confined to spiritual matters, and that imams have the right to discuss worldly affairs that concern the Muslim public. In the discussions about the press law, prepared by the Higher Authority for Realization of the Objectives of the Revolution, Political Reform and Democratic Transition in 2011, several religious associations objected to articles in the law that impose restrictions on religious discourse in mosques and considered them against freedom of expression.

The use mosques in politics was demonstrated in a number of incidents. Protests started from mosques, several political leaders delivered speeches in mosques, and political parties used mosques in their electoral campaigns especially in the National Constituent Assembly elections in 2011. Before the 2014 legislative and presidential elections, the Ministry of Religious Affairs warned against involving mosques in electoral campaigns. At the time, concerns about using politics in mosques were growing as the religious discourse took quite a violent turn and mosques became the venue for speeches that incited hatred and promoted militant activities. That is why members of the National Constituent Assembly stressed the importance of the neutrality of mosques in the new Tunisian constitution issued on January 26, 2014. The 6th chapter of the constitution states that the state protects religious rights and the freedom of practicing religious rituals and guarantees the neutrality of mosques.

Mosques in Egypt were similarly used for political purposes during the Mubarak era. At the time, the state gave several religious players the freedom to use politics in mosques, provided that the discourse used supports the policies of the regime. Mosques, thus, became a tool for players who wanted to pledge allegiance to the regime and those who did not tow that line were punished. After 2011, mosques were extensively used by the Muslim Brotherhood and the Salafis in their electoral campaigns in a way that intensified political polarization in the country. The Ministry of Islamic Endowments is currently working on controlling as many mosques as possible and took several measures

towards that end, including the appointment of only imams who graduated from the Azhar.

In Yemen, a large number of mosques were destroyed by the Houthis as part of their belief that attacking mosques that belong to other sects is permitted. This is part of a violent conflict taking place in Yemen between the Shiite Houthis and Aalafi Wahabism.

2- Religious edicts "fatwas":

Despite the fact that official institutions in charge of issuing religious edicts are affiliated to the state, religious edicts are always issued by different entities and/or individuals. While the mufti is required to be a scholar and an expert and the same applies to his assistants so that religious edicts are issued on scientific basis, this is not the case with other sources. None of the official religious institutions in the three countries have been able to control the flow of religious edicts from different unqualified sources, especially in the light of communication technologies that made such edicts available on different media.

Official religious institutions are not only obstructed by non-official religious players, but are also suffering from overlap with other official institutions. In 1987, the Supreme Islamic Council was established in Tunisia as an advisory entity that helps the government implement the first chapter of the constitution. Confrontations between the state and Islamists in the 1980s necessitated the creation of an entity that includes members of the religious elite. The mufti, already the head of the edicts institution, was assigned the establishment of this council, which he headed for a while until the two institutions were separated from each other. In Egypt, the Azhar grand imam competes with the mufti in issuing religious edicts even though this is not part of his official duties.

3- The religious elite:

Unlike Egypt that is still capable of producing religious scholars through the Azhar, needing reformation itself, Tunisia is facing an acute crisis in this regard owing to the transformation of Zitouna. While restricting Zitouna's role in the religious sphere could have promised the elimination of the traditional conservative system and the introduction of a more progressive approach, these changes that started in the 1950s only aimed at enabling the state of controlling the university through making it part of a bigger system it was establishing in

different fields, including education. The state turned Zitouna into a public institution affiliated to the higher education system and its curricula were modified to be in line with the post-independence modernization project. Zitouna, thus, lost its influence and its scholars turned into civil servants. The new religious elites graduating from Zitouna are totally different from the old ones and the second refuse to recognize the first. Older generations, which are almost extinct, accuse younger ones of lack of proper religious knowledge and inability to represent the Islamic thought. This means that younger generations might not be qualified to become part of the Religious Edicts Institution.

Imams also constitute part of the problem in the three countries subject of the study. Imams enjoy a great deal of popularity among Muslims, especially imams that deliver Friday sermons. For a large portion of Muslims, the imam is not only their guide in religious matters, but also their role model in regular daily affairs. Despite efforts aiming at enhancing the skills of imams through the establishment of specialized institutes and the organization of training courses, imams remain below average.

Third: reformation requirements:

The reformation of official religious institutions is contingent upon a number of conditions and requires an extended time span. However, without setting the foundations for reformation, any future attempts will be doomed to failure. Those foundations revolve around the separation of religion and politics and the rationalization of religious institutions.

1-Independence of the religious sphere:

Religion is part of the social sphere, which means that it exists side by side with the political, economic, cultural, and artistic aspects of this sphere according to Bourdieu's theory. This means that the religious sphere should enjoy a degree of independence from other fields, which does not necessarily means total separation from them.

It is also important to provide a clear definition for the relationship between religion and the state as a step towards designing a rational religious policy. When the state decided to become in charge of religion and religious

institutions, it became responsible for serving all citizens involved in the religious sphere regardless of their affiliations and ideologies. That is why the state has to stay neutral and rise above political skirmishes as well as make sure no faction will take advantage of religion to achieve political gains.

The independence of religious institutions is part of a broader problem related to the separation between the religious and the political, which also requires separating state institutions from religious ones. One of the most significant demands of non-religious political factions in Egypt and Tunisia after 2011 was neutralizing mosques so that they can steer clear of political conflicts and so that they would not be used by Islamist factions for political and electoral purposes. In Yemen, there was a demand for the independence of religious institutions from state authorities as part of the national dialogue and this demand included clearly stating this in the constitution and laws to guarantee that religious institutions will no longer be used for political purposes[21].

2-Rationalization of religious institutions:

The rationalization of religious institutions is basically done through coordination plans that specify the specialization of each institution, applying modern professional standards in managing those institutions, and restructuring the institutions in congruence with the characteristics of modern requirements and the developments of the social sphere. It is important in this regard for the state to design a rational policy on the religious sphere and which clearly defines the role the state will play in the religious sphere and its relationship with religious players as well as means of coordination between different official institutions and between those institutions and non-official players.

Since the state opted for the nationalization of religious institutions and the establishment of entities that manage religious affairs, it is required to apply the principles of good governance in this regard. This includes societal participation in the management of those institutions so that their performance is monitored. This, of course, requires transparency on the part of religious institutions. It is also important to involve both official and non-official religious players as well as regular citizens in this process.

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[21] Paper on the independence of institutions published in the proceedings of The National Dialogue Conference, p.1.

Religious edicts need to develop in a way that makes them capable of tackling modern issues in a fast-changing society. These edicts need to take into consideration the developments witnessed by Arab societies as a result of their exposure to other civilizations, especially the West. Institutions in charge of issuing edicts also need to utilize different technological advancements to disseminate their work and counter edicts issued by other institutions.

Edicts institutions in Egypt and Tunisia seem aware of those challenges and are working on fighting the phenomenon known as "random edicts," which are not based on scholarly research. An international conference was held in Cairo in August 2015 to discuss means of developing official institutions of religious edicts so they can fight religious extremism. The conference, which was attended by a large number of muftis from across the Muslim world, issued a number of recommendations about how different institutions can cooperate in order to deal with the problem of random edicts and the establishment of institutes that train scholars on issuing religious edicts.

Conclusion and recommendations:

The constitutions of the three countries subject of this study state that Islam is the religion of the state, but the way this was implemented on the ground was not the same. Tunisian laws remain secular while this is not the case in Egypt and Yemen. The Yemeni constitution states in its 4th article that Islamic law is the source of all legislation while the Egyptian constitution states in its 2nd article that the principles of Islamic law are the main source of legislation.

Articles stating that Islam is the religion of the state made it easier for the state to control official religious institutions. Religion was bureaucratized and religious scholars were functionalized and the development of religious institutions became contingent upon the degree of state intervention in the religious sphere. The restructuring of the religious sphere as part of the national project to establish the modern state in Tunisia was not done in a rational way and was characterized by the absence of a strategic vision. State policies were most of the time based on reactions and decisions that were related to the context in which they were issued rather than a far-sighted approach. The chaos that pervaded the religious scene after 2011 proved that official religious institutions were not able to play their role in the proper manner and were also too weak to counter the influence of other players who emerged in the scene.

The situation is more problematic in Yemen which has for decades been struggling with the establishment of the state unlike Egypt and Tunisia where the modern state was established in the 1950s.

The reformation of official religious institutions in the three countries needs to be part of a broad vision that aims at defining the relationship between religion and the state. This should be done through starting a societal dialogue in which different relevant parties take part and which should focus on the following points:

- A clear definition of the relationship between religion and the state away from politics
- Providing the adequate resources for the reformation of religious financial institutions such as the endowment system
- Restructuring the religious sphere in a way that eliminates overlap between different institutions and that defines the specializations of each institution
- Coordination between official religious institutions and civil society organizations that are active in the religious scene
- Reforming religious educational entities to qualify younger generations for becoming Islamic scholars as well as experts in the management of religious institutions