CONTENTS

Introduction

HASAN ZENGIN, an Alevi citizen of Turkey, sought in 2001 to exempt his seventh-grade daughter, Eylem, from a compulsory religious culture and ethics class.[1] When the Turkish Directorate of National Education and the administrative courts denied his requests and appeals, Zengin lodged an application with the European Court of Human Rights. The court's 2007 decision in *Zengin v. Turkey* found there had been a violation of the petitioner's right to education.[2] That same year, this time in Malaysia, the Federal Court ruled that the National Registry Department had lawfully denied Lina Joy's conversion from Islam to Christianity.[3] The court found that she had not fulfilled the bureaucratic procedures necessary to change her religious status, even as such procedures did not exist.[4] Just two years later, the Supreme Court of the

1. On the history of Alevism and Alevis' engagements with the Turkish state, see Dressler, *Writing Religion* and Tambar, *The Reckoning of Pluralism*.

2. *Hasan and Eylem Zengin v. Turkey*, no. 1448/04, ECHR 2007-II. Turkey was found to have violated Article 2 of Protocol No. 1 of the European Convention on Human Rights, which reads: "No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions."

3. *Lina Joy v. Majlis Agama Islam Wilayah Persekutuan & Anor* [2007] 4 MLJ 585. In the absence of an order from a Syariah court affirming Joy's conversion to Christianity, the National Registry Department refused her application. Joy appealed the agency's refusal to remove "Islam" from her identity card through the civil courts rather than the religious courts. Though Joy did so on constitutional grounds, the case primarily concerned administrative law.

4. Remarkably, these procedures had never been instituted nor were they in the process of being instituted at the time of the judgment. For one of the earliest scholarly discussions of this case, including the Kafkaesque paradox therein, see Barry, "Apostasy, Marriage and Jurisdiction in Lina Joy."

United Kingdom upheld a lower court's decision finding that the Jewish Free School, a recipient of public funding, had racially discriminated against M. M was an applicant to the school who did not conform to the definition of Judaism set forth by the Office of the Chief Rabbi.[5] It was also in 2009 that Dr. Rauf Hindi, a Bahá'í citizen of Egypt, won his administrative appeal. Hindi had sued the Interior Ministry following its refusal to issue his children's birth certificates with the word "Bahá'í" in the compulsory religion field. The Supreme Administrative Court upheld a lower court decision compelling the Ministry to issue vital records with a dash for Egyptians who had previously—and mistakenly, in the court's view—been issued records identifying them as Bahá'í.

These cases are among the many that feature in an interdisciplinary scholarship on the legal regulation of religion. To date, scholars have argued that the secularist law of states and the international community impedes religious flourishing, exacerbates the dilemmas it is intended to solve, and singles out for protection only those practices that are legible within state definitions of religion.[6] This line of argument is undergirded by scholars' suspicion of political authority and a claim that the religious ways of people in the twenty-first century cannot be adequately protected by law.[7] Yet in the last decade alone, countless communities have codified their religious norms into family and criminal law.[8] Still others have enshrined religious establishment clauses within constitutional frameworks.[9] And in constitutionally secular societies, the appeal to state law and courts for religious exemption continues unabated.[10] This phenomenon is not specific to postcolonial or Muslim-majority societies.[11]

5. R (E) v. Governing Body of JFS and the Admissions Appeal Panel of JFS and others [2009] UKSC 15.

6. For representative examples of and variations on these claims, see Hurd, *Beyond Religious Freedom*; Mahmood, *Religious Difference in a Secular Age*; Moustafa, *Constituting Religion*; Schonthal, *Buddhism, Politics, and the Limits of Law*.

7. Sullivan, *The Impossibility of Religious Freedom*.

8. Such developments in Nigeria are examined in Eltantawi, *Sharia on Trial*; Kendhammer, "The Sharia Controversy in Northern Nigeria and the Politics of Islamic Law in New and Uncertain Democracies"; Lubeck, "Nigeria"; Vaughan, *Religion and the Making of Nigeria*; Weimann, "Divine Law and Local Custom in Northern Nigerian *zinā* Trials."

9. For an overview of these movements in Islamic contexts, see, e.g., Brown and Revkin, "Islamic Law and Constitutions."

10. Recent cases in U.S. law include *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 584 U.S.__(2018) and *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014).

11. Between the 1990s and the early 2000s, political parties in Greece battled over a privacy protection law that required the removal of religious affiliation from national identity cards.

Nor is it limited to religion as a category of difference.[12] Such demands for differential treatment based in the difference of status implicate every geography.

I question the scholarly position which holds that minority communities cannot think outside the logics of the state, suggesting instead that scholars have not sufficiently addressed the inequalities to which minorities assent in their claims making. Hasan Zengin, the Alevi citizen of Turkey, did not argue against state-mandated religious and ethics courses. Zengin argued, on the basis of his Alevi difference, for his right to choose the type of education that his daughter receives. Similarly, though much ink has been spilled on the jurisdictional issues in the case of Lina Joy, these analyses elide a crucial point: Joy did not contest the state regulation of religion.[13] She mobilized the state's administrative apparatus to sever her membership in a Muslim community, formalize her conversion to Christianity, and establish her status as a Christian Malaysian. The 2018 case of Indira Gandhi, decided also in Malaysia, provides a helpful parallel.[14] Legal scholars celebrated the decision for clarifying the precedence of civil over shari'a court jurisdiction.[15] Left unexamined was Gandhi's decision not to question whether the state should regulate citizens on the basis of religion. In the appeal filed in the United Kingdom, the petitioners did not argue that faith-based criteria for school admission are unlawful or that Judaism should not be defined for purposes of law but that this school's definition of Judaism was unlawfully restrictive.[16] Dr. Rauf Hindi, the Bahá'í petitioner in Egypt, did not contest the legality of the state's religion-based civil status

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Compliance with the law would facilitate Greece's integration within the European Union, yet one-third of Greeks—including historically marginalized communities such as Muslims and Jehovah's Witnesses—preferred to retain the religious affiliation criteria. See Fokas, "Religion in the Greek Public Sphere"; Makrides and Molokotos-Liederman, "Religious Controversies in Contemporary Orthodox Greece"; Molokotos-Liederman, "Identity Crisis"; Molokotos-Liederman, "The Greek ID Card Controversy"; Molokotos-Liederman, "Looking at Religion and Greek Identity from the Outside"; Stavrakakis, "Politics and Religion."

12. These include language, ethnicity, sex, gender, and race, as well as religion.

13. On jurisdictional issues in the *Lina Joy* case, see, e.g., Hirschl, "Constitutional Courts as Religion-Harnessing Agents."

14. *Indira Gandhi a/p Mutho v. Pengarah Jabatan Agama Islam Perak & Ors and other appeals* [2018] 1 MLJ 545.

15. See, e.g., Neo, "A Contextual Approach to Unconstitutional Amendments."

16. From the decision: "The dissatisfaction of E and M has not been with the policy of JFS in giving preference in admission to Jews, but with the application of Orthodox standards of conversion which has led to the OCR declining to recognise M as a Jew." For a discussion of the case, see McCrudden, "Multiculturalism, Freedom of Religion, Equality, and the British Constitution."

regime. What is unlawful, he argued, is being compelled to affiliate with a religion not one's own.

This book is about the yearning for distinction. Bahá'ís and Coptic Orthodox in the early twenty-first century stand at the forefront of legal claims making against the Egyptian state. Yet they do not mobilize to deregulate religious difference in Egyptian administrative law. In Egypt, religion is a compulsory category on every civil document—with the exception of passports—that substantiates legal personhood from birth to death. Rather than seek to remove religious affiliation from state probative documents or its privileged position in how civil status is determined, members of religious minority groups fight, instead, to situate Bahá'í and Coptic difference *within* the religious and legal landscape recognized by the nation-state. They do so not with the ultimate aim to capture Egyptian state institutions—whether political, legislative, or judicial—but to expand existing definitions of law and religion in ways that include their difference *and* reinforce majoritarianism.

Their activism encourages us to think differently about how membership as enshrined in public law coheres with membership rules specific to religious communities. Importantly, as I argue in this book, that coherence does not result from the nation-state remaking communities in its image but reflects preexisting and mutually reinforcing norms. The regulation to which the marginalized assent shares a resemblance with the regulatory work done within their communities. The complainants at the center of this book, who are all members of minority religious communities, want their truth recognized and their status in a collective secured. The recognition they seek places them in a subordinate position vis-à-vis the nation-state and the religious majority—a stance that strikes many of us as curious. This book brings to light the extraordinary ways that seemingly marginal religious groups, through their demands to have their religious difference recognized, help us reimagine the relationship between law and religion. To seek recognition of one's difference is to affirm belonging and to engage in a profoundly devotional activity. Difference is the necessary foundation for collective life.

This project began in 2010. That December and in the following weeks, Egyptians upended the decades-long regime of Hosni Mubarak. If Mubarak succumbed to popular uprising, it was projected that Islamists would replace him. At stake was a delicate political order that secularist autocrats had instated in part to

quell their Islamist adversaries.[17] The democratic effervescence of those early months gave way to state repression of dissident groups.[18] Questions emerged about the fate of non-Muslims in the post-uprising Middle East. These questions carried particular salience in Egypt, where the largest populations of Christians in the region are estimated to live.[19] While popular and scholarly discourse at the time, in Arabic and English, was framed in terms of Muslim-Christian relations, I was drawn to scholarship that cast a wider lens on social organization.[20] This was how I first came to know about the Bahá'í Faith, the tradition and its history in Egypt. The case of Dr. Rauf Hindi had been decided just a year earlier. It took on renewed importance as Egyptians debated the conditions for citizenship after the January 25 uprising. I was struck by the participation of Bahá'ís in these debates: they insisted on their difference from Muslims and their belonging to the Egyptian national project.

It so happens that the oldest Bahá'í House of Worship and the only one in North America is located in Wilmette, Illinois, just three miles north of the city of Evanston and Northwestern University, where I was a graduate student. During the first months of this research, I regularly rode the Chicago L four stops north on the Purple Line—Foster to Linden—and walked about two blocks east. Nestled on the edge of Lake Michigan, the majestic temple stands as if draped in white lace (figure 0.1). A perfect geometry magnifies its stature. The dome and an intricate facade, even the color, were familiar, and feeling humbled before sacred presence was familiar, too. But its characteristics are assembled in a structure I had never quite seen before, a novelty most evident up close—past the manicured gardens, fountains, and reflecting pools, and up

17. On the historic agreement forged between Egyptian president Gamal Abdel Nasser and Coptic pope Kirollos VI, see Tadros, "Vicissitudes in the Entente between the Coptic Orthodox Church and the State in Egypt (1952–2007)."

18. For a far-ranging account of the 2011 Egyptian Revolution and its defeat, see Armbrust, *Martyrs and Tricksters*. State violence against Copts during this time is discussed in Guirguis, *Copts and the Security State*. For an account of Islamic giving in post-revolutionary Egypt, see Mittermaier, *Giving to God*.

19. As of 2022, Egypt's population exceeded 110 million; of that number, Christians are estimated at between 5 and 15 million, Bahá'ís in the low thousands, and Jews at about twenty nationwide, with as few as three in Cairo. The state collects data about religious affiliation on civil documents that substantiate legal personhood from birth to death, but official numbers regarding the country's religious topography are not publicly available.

20. See Cole, *Modernity and Millennium*; Pink, "A Post-Qur'ānic Religion between Apostasy and Public Order"; Pink, "The Concept of Freedom of Belief and Its Boundaries in Egypt"; Scott, *The Challenge of Political Islam*.

FIGURE 0.1. Bahá'í Continental House of Worship of North America (Wilmette, Illinois). Copyright © National Spiritual Assembly of the Bahá'ís of the United States, circa 2010.

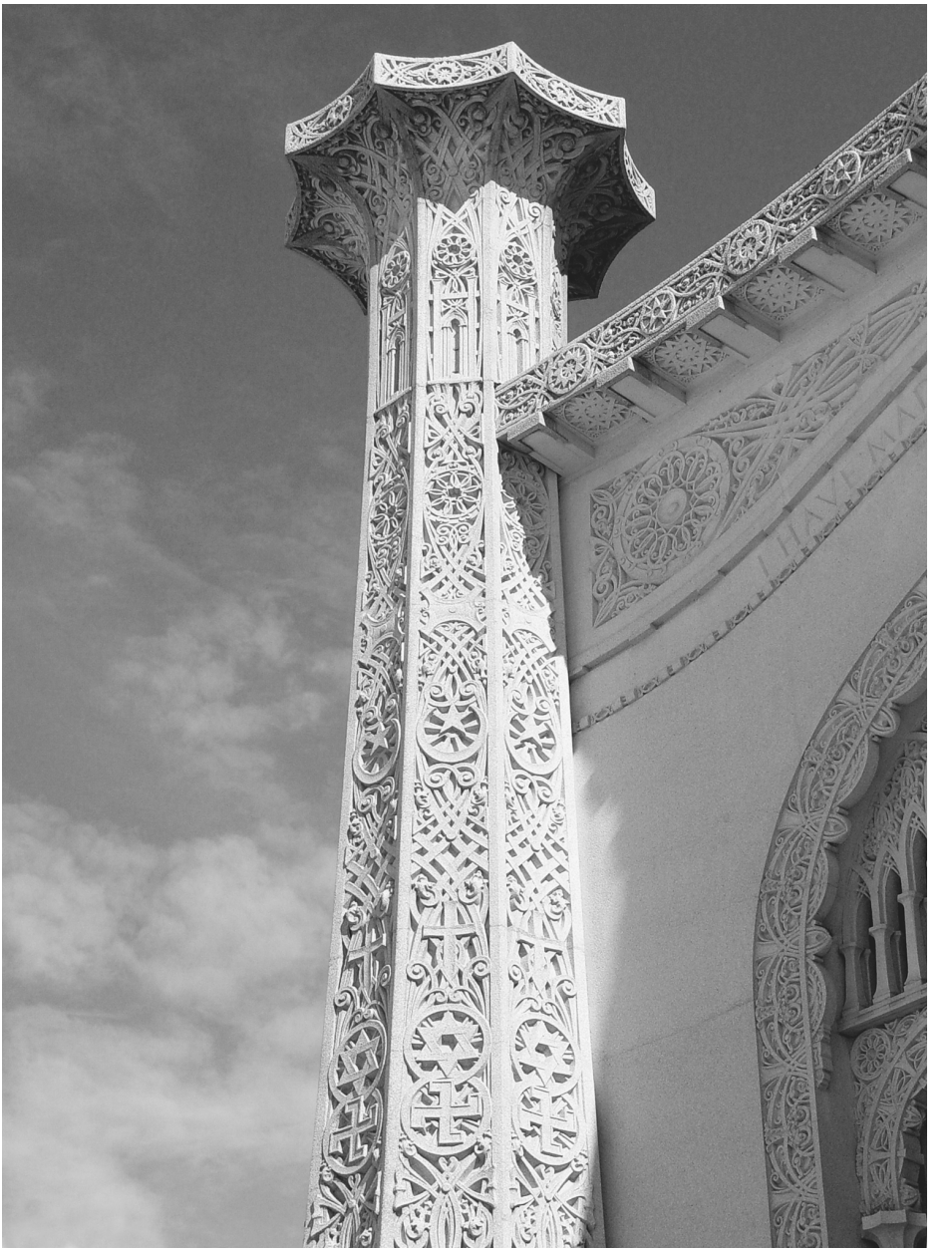

FIGURE 0.2. Exterior detail of the Bahá'í Continental House of Worship of North America (Wilmette, Illinois). Copyright © National Spiritual Assembly of the Bahá'ís of the United States, circa 2010.

a flight of stairs. Pressed into the body of the temple at its farthest edges, like the outer silk threads of a spider's web, are stars and crescents and crosses (figure 0.2).[21] These signs are all the same size, equidistant, and interwoven. Each one is etched expertly into the luminescent concrete and quartz.

The temple is open to all people for assembly. It also houses one of the largest collections of Bahá'í writings in the world. There I found robust accounts of Bahá'í communal life in Egypt during the first half of the twentieth century. Some were written by Egyptian Bahá'ís and relayed to the Bahá'í international community; others were written by Bahá'ís of different nationalities reporting on the situation in Egypt—the spread of the Faith and impediments to its growth. Accounts quickly drop off in the late 1950s and especially after 1960, when the national government forbid Bahá'í assembly and confiscated communal property, including libraries. When the archival trail went cold, I traveled to Cairo. Although I found no comparable centralized archive, I soon discovered that individual Bahá'í families maintained their own mini-collections. Each family's story filled out the broader picture of communal transformation since the 1950s. Their stories were preserved between thin plastic sheets, tucked away in special drawers or chests, and always dated. These families have kept news clippings of events covered in multiple media outlets, highlighting the important parts, and organizing them by year. Papers curled at the edges where the plastic came up short. Other papers in these family collections, including birth certificates and old ID cards, were worn from use. Pages came unhinged from staples like books with broken spines. Dirt was creased into their folds. Their outsides were stained with oil.

My research began in Greater Cairo with Bahá'ís but quickly expanded, shedding its single-community focus. I learned from lawyers that since the mid-1990s thousands of petitions had been filed by individuals whose requests to amend their religious affiliation on vital records had been denied by the Interior Ministry. Bahá'ís were not the only ones suing the Egyptian government. Petitioners included born Muslim converts to Coptic Orthodoxy

21. Readers will note in figure 0.2 that swastikas are also pressed into the temple at Wilmette. The swastika is a Sanskrit word and popular icon in pan-Indian aesthetics. Only in the nineteenth century was it appropriated to symbolize nationalist socialism and neofascism. For a history of the swastika and its changing meanings, see Thomas Wilson, *The Swastika: The Earliest Known Symbol, and Its Migrations; With Observations on the Migration of Certain Industries in Prehistoric Times* (Washington, DC: U.S. National Museum, 1894). The history of its use in Nazi ideology is discussed in Malcolm Quinn, *The Swastika: Constructing the Symbol* (London: Routledge, 1994).

(*mutanaṣerūn*), born Coptic converts to Islam, reconverts to Coptic Orthodoxy (*ʿāʾidūn li-l-misiḥiyya*), and the children of reconverts to Coptic Orthodoxy (*awlād al-ʿāʾidūn*). As I collected and analyzed a sampling of petitions and judicial decisions, and as I listened to these complainants and attorneys and observed their work, I came to understand that these disputes concerned the right to identification. Petitioners claimed the government had failed to recognize their true religious affiliation. They crafted elaborate arguments affirming that religious difference is essential to their civil identity and demanded that their government acknowledge this.

Remarkably, in all cases, this claim was a request for subsidiary civil status. Since 1980, the Egyptian constitution has designated Islamic law the principal source of legislation, which in practice has meant that non-Muslims face routine discrimination in public and private sector employment, eligibility for political office, entitlement to state allowances, marriage authorization, child custody decisions, admission to primary and secondary schools and universities, and eligibility to sit for certain exams, which affects entire work trajectories, housing opportunities, and so on. Petitioners who sought to align their self-proclaimed and official religious affiliations could either convert to Islam or remain Muslim but routinely chose not to. My interlocutors went to great lengths, and incurred substantial costs—financial and social—to align their self-proclaimed and official religious affiliations through state legal procedures. They conveyed deeply affective attachments to the objects that substantiated their legal personhood. Whatever their generational location, class background, or level of education, they did not fully recognize themselves as Christians or Bahá'ís, or as belonging to a religious community, until and unless the nation-state identified them as such. Moreover, rather than advocate for indifference toward religion, they sought inclusion within the Egyptian republic—not as Muslims but as Islam's others. Those seemingly marginalized by the state were among its most devoted subjects.

This fidelity was puzzling in light of the revolutionary situation in Egypt at that time. Despite documented accounts of ongoing discrimination experienced by non-Muslims at the hands of the state, no grassroots campaign to remove religion from Egyptian national ID cards has gained a mainstream following or resulted in policy change.[22] No legislative momentum has

22. Local efforts mostly garnered national and international media attention within liberal circles. These campaigns include one organized by Sarah Carr and Aalam Wassef, titled "None of Your Business," born out of Carr's reporting on the violence at St. Mark's Cathedral and

developed around this issue. My interlocutors never championed these initiatives although they face routine discrimination in housing, employment, education, marriage, inheritance, and divorce on the basis of their religion. And their devotion to the administrative state did not ebb after August 14, 2013, when Egyptian state police and the army undertook one of the world's largest mass killings in a single day.[23] They held in one palm the knowledge of state brutality and in the other a desire for state recognition. As did millions of others. Protestors in the years 2011–13 mobilized around criminal justice, social services, and civil liberties. The grievances included unlawful and inhumane detention, government corruption, low wages, emergency law, restrictions on speech and association, and high costs of living. Even as demonstrators held the Interior Ministry to account for many of these injustices, their demands for change did not mean total destruction of the social order. The Ministry's civil administrative function survived each convulsion. It was hardly a target.

Maspero. See Robert Mackey, "Antisectarian Campaign in Egypt Urges Citizens to Remove Religion from ID Cards," *New York Times*, April 15, 2013, http://thelede.blogs.nytimes.com/2013/04/15/anti-sectarian-campaign-in-egypt-urges-citizens-to-remove-religion-from-i-d-cards/. Just days after the "None of Your Business" campaign launched, a group called the Secularist Movement (*ḥarakat ʿalmānīyūn*) published its own video titled "Revoking the Religion Box . . . We Are All Egyptian" (*ilghāʾ khānat al-dīn . . . kulinā miṣriyyīn*); see http://www.youtube.com/watch?v=tovVPHp5HMA. Months later, the Egyptian Initiative for Personal Rights produced a film called *The Religion Box* (*khānat al-dīn*). The film depicts the process of vital record procurement and the discrimination that ensues from compulsory religious identification. See http://www.youtube.com/watch?v=wmQKdDTNivc&feature=c4-overview&list=UUgZDy4S7286fKAjFIKv63oA. The media campaigns produced in the years 2011–13 resonate with an earlier campaign that brought national and international attention to the administrative predicaments faced by Egyptian Bahá'ís. In 2007 the Muslim Network for Bahá'í Rights (MNBR), a project of the international Mideast Youth advocacy organization, launched a YouTube video mimicking a well-known television ad produced in English by the Egypt Tourism Authority. The MNBR campaign altered the original template at key moments in the video, for example replacing the opening statement "Today, Egyptians offer you their most precious treasure: the sun" with "Today, Egyptians offer you their most precious treasure: their national ID card." The MNBR video retained the use of English in the video to activate an international conversation about human rights. See http://www.bahairights.org.

23. An estimated one thousand people were killed in Rabʿa and al-Nahda Squares, in Giza and Nasr City, where hundreds of Muslim Brotherhood supporters had organized sit-ins to challenge the military takeover and demand the reinstatement of ousted president Mohamed Morsi. See Human Rights Watch, "All According to Plan: The Rabʿa Massacre and Mass Killings of Protestors in Egypt," August 2014, https://www.hrw.org/sites/default/files/reports/egypt0814web_0.pdf.

In this book, *law* is "a framework for ordered relationships" inclusive of those delimited by the nation-state but not exclusive to them.[24] My treatment of law thus challenges understandings that consider the nation-state to be the sole progenitor and arbiter of legal normativity.[25] The distinction often made between "formal law" and "informal law" is not one I invoke here, as it tends to valorize constitutions, statutes, and the like as "real law" compared to custom, for example, or uncodified norms.[26] To avoid this problem, I refer to all normative orders, including those outside the state system, as laws.[27] I may call a statute a statute but do not see it as more legal than, say, the sacraments of the Coptic Orthodox tradition or the rules of the Bahá'í Faith that dictate membership in communal assemblies. Legal pluralism, a phenomenon whereby "two or more legal systems coexist in the same social field,"[28] is ubiquitous in our world. I also understand legal pluralism as "a basic condition of social life," an idea "that law does not emanate solely from the state, but that a multiplicity of normative orders—of the clan, religious or ethnic group, club, school, profession, commercial community, and corporation—produce their own rules, enforcement mechanisms, and bodies for dispute resolution among group members."[29] These premises set an important baseline for the analysis herein.[30]

24. The phrase "a framework for ordered relationships" derives from Rosen, *Law as Culture*, 7.

25. There is a long tradition in legal studies that seeks to understand law as more expansive than a system imposed by sovereign nation-states. Lon Fuller, for example, defines law as "the enterprise of subjecting human conduct to the governance of rules," a view that "treats law as an activity and regards a legal system as the product of a sustained purposive effort" (*The Morality of Law*, 106). Yet the field of legal studies tends generally to treat the nation-state as superior in its capacity to generate, enforce, and arbitrate legal normativity.

26. The distinction between "formal" and "informal" law is elaborated by a number of socio-legal scholars. See, e.g., Black, *The Behavior of Law*.

27. I understand a "normative order" to be "any system of rules and shared expectations governing a particular social situation . . . that [operates] to secure social order." See "normative order," *Oxford Reference*, https://www.oxfordreference.com/view/10.1093/oi/authority.20110803100238793.

28. Merry, "Legal Pluralism," 870.

29. Sharafi, *Law and Identity in Colonial South Asia*, 6.

30. I use the term "administrative law," however, as legal scholars do: to refer to the laws and legal principles that govern the creation and regulation of government agencies. The reason for this is specific to the argument I advance about the history and development of bureaucratic and judicial institutions in Egypt. See especially chapter 2 of this book.

Administrative state in this book refers to the regulatory function performed by the nation-state that is consequential to civil status.[31] Nation-states are empowered to generate rules and procedures that accord with constitutional and statutory law, review the substantive rules and procedures that agencies make, and oversee the relationship between administrative agencies, other governmental bodies, and private persons. As this book shows, the regulatory work done by communal, member-based organizations like the Coptic Orthodox Church is often simultaneous to, and sometimes in collaboration with, the national bureaucracy, judiciary, and legislature.[32] At yet other times, the regulatory work done by these organizations, including the Coptic Church, prompts conflict over the limit or extent of each organization's authority and jurisdiction.

I thus imagine regulation in modern and contemporary Egypt to include a wider set of activities, actors, and organizations beyond the national bureaucracy or what is called the "civilian bureaucratic state."[33] Readers will find in this book a challenge to various rubrics of church and state in modernity, rubrics that suggest the nation-state replaced the church, that the church and the nation-state thrive in inverse relation to the other, or that the church's autonomy has been circumscribed by the nation-state.[34] I also challenge the pervasive notion that group membership in the modern and contemporary world is arranged in "concentric loyalties," whereby the nation-state represents both the outer limit and condition of possibility for all other memberships.[35] I engage recent scholarship that analyzes the history of cooperative governance between the nation-state and what has been called its "sovereign avatars,"[36] but show this plurality includes collaboration between multiple, member-based organizations and their laws as well as take seriously the desire for the regulatory work they all do.

This book revises a common narrative about how the Egyptian republic and the Coptic Orthodox Church relate. Most scholarly treatments consider

31. On the administrative character of the state, see Nettl, "The State as a Conceptual Variable," 559–62.

32. I use "Coptic Orthodox Church," "Coptic Church," and "the Church" interchangeably in this book.

33. Hull, *Government of Paper*, 5.

34. The familiar story of church and state is one of initial complementarity or symbiosis and subsequent inversion. For a critique of this story, see Johnson, Klassen, and Sullivan, *Ekklesia*, 7.

35. I borrow the term "concentric loyalties" from Herzfeld, *The Social Production of Indifference*, 38.

36. Sullivan, *Church State Corporation*.

the republic to have ceded some legislative sovereignty to the Church during the 1950s for the maintenance of communal affairs.[37] By contrast, I treat both the Egyptian state and the Coptic Orthodox Church as member-based regulatory organizations with at times complementary authority. When their authority collides, this conflict is less about the nation-state's encroachment on religious life than how belonging in multiple exclusive communities (e.g., the Egyptian nation and Coptic Orthodoxy) is determined. As we shall see, the Coptic Church enjoys standing in Egyptian law as an administrative body. This means that it is empowered to make decisions transformative of civil status. Take marriage. Today there is no civil marriage option in Egypt for two Egyptian citizens wishing to marry. The Egyptian republic will only recognize a marriage between two Copts when the Coptic Church says that the two parties are in fact married. The marriage certificates held by Egyptian Copts, issued by the Interior Ministry, thus reflect the republic's recognition of the Church's authority to unite two persons in matrimony. The Ministry-issued certificates are provided once the newlyweds present evidence from the Church—a Church-issued marriage certificate—of the institution having officiated their union. When Egyptian Copts, following divorce, sue the Coptic Church for refusing to issue authorizations for remarriage, they do so in administrative court. The Coptic Church thus holds public power; its actions are subject to the oversight of the administrative judiciary whose mandate is to guard against abuses of precisely this type of power.

Calling the Coptic Church a non-state entity would fail to capture the full extent of its public role in Egyptian society, by which I mean the power vested in the Church to perform functions we often assume are within the sole purview of the nation-state. If the Coptic Church were truly a non-state entity, it could not have standing in administrative court. Egyptian citizens would not be able to name it as a respondent in an administrative suit, and it would not be liable to remedy harm as determined by the administrative judiciary. Conceptualizing the Coptic Church and the Egyptian republic as member-based organizations with, at times, overlapping public authority, allows me to account for the counterintuitive preference of non-Muslims to retain subsidiary civil status in a Muslim majoritarian context. The puzzle of this book is why non-Muslims engage in actions that, at first glance, would appear to entrench their

37. See, e.g., Ibrahim, *The Copts of Egypt* and Sezgin, *Human Rights under State-Enforced Religious Family Laws in Israel, Egypt and India*.

subjugation. By foregrounding the state's administrative functions, we see that non-Muslims are not actually acting counterintuitively. What marginalized religious communities are doing when they lodge claims for recognition is assent to the regulatory capacity of the republic and their communal organizations.

One of the first attorneys I met in Cairo counseled Bahá'í complainants before the Egyptian Initiative for Personal Rights (EIPR), a well-known research and legal advocacy organization, was retained as their primary counsel. Ayoub Ramez welcomed me into his office after hours, when the legal secretaries had gone home and he was free to chat. He had risen to fame not through civil rights litigation but through entertainment law. His day job was attorney to the stars. Ayoub's gold cufflinks caught the dim office light as his hands mapped out on an invisible board how these cases came to pass. A buzzing air conditioner made his tailored suit seem sensible in August. I wanted to know why he had taken on the Bahá'í cases, why he hadn't used his political and legal clout to help deregulate religion in administrative law. It seemed to me at the time that the thorny bureaucratic disputes he and other attorneys negotiated could be nullified once amendment to religious affiliation was no longer a justiciable claim.

"Wouldn't removing the religion box from ID cards solve the issue?"

It was a naive question.

"How will we know who we are?" he countered.

Ayoub was concerned that if Bahá'ís were not properly accounted for, Coptic women would marry out of the denomination more easily. "When one of our women goes to marry and religion is no longer on the ID card, who's to say she won't marry a Bahá'í?"

Here was an attorney who asserted a Coptic identity and advocated for the recognition of Bahá'í difference in order to ensure the continuity of Coptic Orthodoxy whose future he located in marriage understood as an exclusively intradenominational sacrament. In other words, a member of one marginalized group was advocating for members of another marginalized group so that each group could remain distinct and coherent.

I left that meeting puzzled. Understanding found me later.

I was confounded by Ayoub's response because of my proximity at the time to a particular line of inquiry, one that had led me to believe that state regulation inhibits religious flourishing. My expectations had been shaped by scholars of religion, and of Islam specifically, who have taken the Foucauldian account of

state power as a premise.[38] But my research led me to conclude that this frame for understanding law's interaction with religion in modernity has been a distraction. It has distracted us from an important story and the story that this book tells: recognition of difference is necessary for collective life.

The cross-disciplinary adoption of Foucauldian governmentality has fostered a deep-seated skepticism toward political authority.[39] Europe and Christianity are not only privileged as a sort of origin story in this framing, writing also precedes knowledge, and states are assumed to discipline, coerce, and regulate through a universal will to know.[40] Yet the regulation of persons and the expertise required therein are neither unique to the nation-state nor coeval with modernity.[41] Civil administration predates the nation-state as a historical formation by several millennia. Censuses and other demographic tools typically associated with modern bureaucracies characterize regulatory practice only after 1800, when registration was administered by high state authority. Local systems like tax collection and civil administration—the recording of birth, marriage, and death—date to the Middle Ages and antiquity. These systems were ubiquitous though not always centralized.[42] Local registers were developed historically to address universal social problems. They had a legal basis and effect, and typically regulated access to community-based provisions, assistance, and benefit. The nineteenth-century identification systems that we are most familiar with today "followed centuries of stabilization by usage and custom alone."[43] All such systems—whether local or national, modern, or premodern—fix a record in the memory of a collective.

Civil administration is among the most extensive and significant of any information infrastructure in human history; it traverses time, locale, geography, and culture, remaining ubiquitous and largely invisible.[44] A registration

38. See especially Agrama, *Questioning Secularism*; Asad, *Formations of the Secular*; Mahmood, *Religious Difference in a Secular Age*.

39. Foucault, *Security, Territory, Population*; Foucault, *The Birth of Biopolitics*; Goody, *The Logic of Writing and the Organization of Society*; Rose, *Governing the Soul*; Scott, *Seeing Like a State*.

40. Breckenridge and Szreter, introduction to *Registration and Recognition*, 1–36.

41. This claim holds whether scholars date modernity to the 1800s or to the Protestant Reformation.

42. C. A. Bayly, foreword to *Registration and Recognition*, ed. Breckenridge and Szreter, xi.

43. Caplan, "'This or That Particular Person,'" 54.

44. An infrastructure is characterized by its embeddedness, transparency, reach, or scope. It is learned as part of membership, links with conventions of practice, embodies standards, is built on an installed base, becomes visible upon breakdown, and is fixed in modular increments whether at once or globally. See table 1.1 in Bowker and Star, *Sorting Things Out*, 35.

order was instituted in preindustrial China, Vietnam, and Korea at least one millennium before the science of population developed in nineteenth-century Europe.[45] Whether in East Asia or Europe, social historians suggest that civil registration had an "intrinsically religious character and function."[46] Although China's ancient state model was introduced in Japan in the seventh century it was in the late sixteenth century that an administrative link between land and household was forged.[47] Under the Tokugawa shogunate, "a religious survey that had been started to stamp out Christianity . . . took on two new functions: the government's undertaking of periodical censuses and local administrations' record-keeping."[48] The early modern parish registers of England and Wales, first instituted in 1538, required the recording of every christening, wedding, and burial ceremony, and are often cited as among the most effective civil administrative systems ever developed.[49] Their effectiveness is measured not only by durability and compliance but also by their capacity to alleviate poverty over several generations. The record of parish membership established reciprocal obligation toward parishioners and the shared authority structure of the group. For the parents who registered the birth of their children, the inscription guaranteed each child "an entitlement for the rest of their life to a sufficient share of their parish's collective wealth to be safe from destitution."[50]

Civil administration in Egypt today encompasses many organizations and actors that exercise administrative functions, generating objects transformative of civil status. These "boundary objects" are created and maintained collaboratively by "communities of practice," which comprises "people

45. Woodside, *Lost Modernities*. The Chinese hukou household registration system in contemporary usage was inaugurated in the mid-1950s to facilitate transition to a socialist economy and has been used to surveil the population, regulate internal migration, and quell political dissidents. Yet hukou is not a uniquely modern innovation; it is the culmination of written population registers that date to the sixth century BCE. See Bray, *Social Space and Governance in Urban China*; Faure, *Emperor and Ancestor*; Kuhn, *The Age of Confucian Rule*; Lewis, *The Construction of Space in Early China*; Szonyi, *Practicing Kinship*.

46. Breckenridge and Szreter, introduction, 5.

47. Smith, *The Agrarian Origins of Modern Japan*; Ooms, *Tokugawa Village Practice*; Totman, *Early Modern Japan*.

48. Osamu Saito and Masahiro Sato, "Japan's Civil Registration Systems before and after the Meiji Restoration," in *Registration and Recognition*, ed. Breckenridge and Szreter, 117–18.

49. Tate, *The Parish Chest*.

50. Simon Szreter, "Registration of Identities in Early Modern English Parishes and amongst the English Overseas," in *Registration and Recognition*, ed. Breckenridge and Szreter, 90.

doing things together."[51] As Geoffrey Bowker and Susan Star note, boundary objects "are those objects that both inhabit several communities of practice and satisfy the informational requirements of each of them. Boundary objects are thus both plastic enough to adapt to local needs and constraints of the several parties employing them, yet robust enough to maintain a common identity across sites. They are weakly structured in common use and become strongly structured in individual-site use. These objects may be abstract or concrete."[52] The boundary objects germane to this book are those that are produced and operate in contexts where empire, colonization, or war is not the primary driver of social classification. The objects include vital records, for example, that are recognizable across jurisdictions as well as other inscriptions like conversion certificates, community newsletters, and voluntary tattoos that signify ethnoreligious distinction. Thus the tattooed body is also a boundary object. Globally and historically, membership has been recorded on a variety of surfaces that include wax panels, parchment, paper, and human and nonhuman skin. This book affirms that the "creation and management of boundary objects is a key process in developing and maintaining coherence across intersecting communities," each of which brings naturalized categories into various spheres of collaboration.[53] All communities of practice depend on cooperative networks within and beyond their constituency.[54]

In the broader historiography of modern Egypt, governmentality remains a pervasive framing and explanatory device to name discontinuities generated by the colonial state. Timothy Mitchell's landmark study of the military, built environment, and schooling in nineteenth-century Egypt names these processes "*nizam*, order and discipline," which he claims effected "a world that would now seem divided in two, into the material realm of things themselves . . . and an abstract realm of their order and structure."[55] Khaled Fahmy further develops this view through what he calls "inscribing reality." He tracks the introduction of conscription registers and an internal passport regime that aimed to reorganize and

51. My thinking about group formation and membership is indebted to the sociology of science, groups, and collective action. I borrow the phrase "boundary objects" and its meaning from Bowker and Star, *Sorting Things Out*. I borrow the phrase "communities of practice" and its meaning from Lave and Wagner, *Situated Learning*. I borrow the phrase "doing things together" and its meaning from Becker, *Doing Things Together*.

52. Bowker and Star, *Sorting Things Out*, 297.

53. Ibid.

54. Becker, *Art Worlds*.

55. Mitchell, *Colonizing Egypt*, 14.

enhance the productivity of Egyptian society, including its military strength.[56] Yet I contend it was in the context of another order, of the new world order, that the distinction between the material realm of things and the abstract realm of their order began to collapse. At mid-twentieth century specific categories of social difference came to be understood as both intertwined and immutable. Religion became a distinctive feature of nationality, and necessary to national belonging—as in fact indigenous to it.[57] What was new about the twentieth century, in other words, was not that religious difference became legally significant, as communities, guided by their membership rules, had long ascribed legal significance to religious difference; rather, the difference of one's religion became intertwined with citizenship through top-down and bottom-up efforts. Offering a corrective to the governmentality framing, Will Hanley notes that the importance of new regulatory technologies varied in the earliest years of their introduction as local ways of knowing persisted. Where registration practices did cohere, they reflect how well they served the interests of individuals and groups, not merely the governing authorities who sought to regiment society.[58]

Regulation of Religion

Rather than treat regulation of religion as an encroachment on religious liberty or as a coercive technique of modern governance, I consider what minorities' claims making evinces about the desire for state entanglement with religion today. In foregrounding the perspective of complainants, their actions and cosmologies, this book moves beyond two existing modes of explanation.

56. Fahmy, *All the Pasha's Men*.

57. This phenomenon is not unique to Egypt. Nathaniel Roberts notes that while India is constitutionally secular, meaning that a state religion is not privileged in its constitutional framework, "the conversion of Dalits to either Christianity or Islam—both of which are commonly portrayed as 'foreign' religions—is treated in India as a matter of vital national concern" (*To Be Cared For*, 111). Writing on commonalties between Muslim nationalism and Zionism, Faisal Devji observes that "Islam in Pakistan has become, like Judaism in Israel, a national religion in such a strong sense as to take the place of citizenship" (*Muslim Zion*, 244). For a global and comparative approach that shows how religion and politics were not severed by modernity but brought into more intimate encounter, see van der Veer and Lehmann, *Nation and Religion*. Yet neither is religious nationalism a phenomenon merely imposed by the state. In her ethnography, Angie Heo notes that "the identity of Copts as foremost 'Egyptians' is grounded in their status as indigenous and native to the land" (*The Political Lives of Saints*, 81).

58. Hanley, *Identifying with Nationality*.

It moves beyond utilitarian and functionalist explanations that would suggest that complainants seek legal recourse to gain material or other benefits. I further contest explanations that hinge on false consciousness, which presume that complainants do not know that their claims making will entrench a discriminatory legal regime. My approach challenges these explanations precisely because Egypt is a place where myriad social, legal, and political benefits accrue to the *Muslim majority*. An Egyptian citizen wishing to secure the most favorable rights, entitlements, and obligations would undoubtedly seek to establish a Muslim status.[59] Non-Muslims are known to experience routine discrimination in employment, housing, and education, among other public services and provisions.[60] Yet mass conversion to Islam is not a noted sociological phenomenon in modern Egypt. Neither is crypto-Christianity or crypto-Judaism.[61] This is despite the fact that Islamic shari'a has been privileged as a source of law in the Egyptian constitution since 1971.[62] Instead, members of non-Muslim

59. Although the procurement of vital records often requires applicants to certify the veracity of the information provided therein, Egypt does not have an institutionalized social mores enforcement unit, such as religious police in places like Saudi Arabia, where public conduct is surveilled by authorities. In other words, one's formal affiliation with the Muslim majority, even if disingenuous, does not get revoked by the state. For an overview of Saudi Arabia's Committee for Promoting Virtue and Preventing Vice, including recent changes to its mandate, see Yasmine Farouk and Nathan J. Brown, "Saudi Arabia's Religious Reforms Are Touching Nothing but Changing Everything," Carnegie Endowment for International Peace, June 7, 2021, https://carnegieendowment.org/2021/06/07/saudi-arabia-s-religious-reforms-are-touching-nothing-but-changing-everything-pub-84650.

60. No shortage of scholarly, media, and advocacy accounts have indicated this to be true. On the ongoing, fraught status of Coptic Orthodox Christians, see, e.g., Elsässer, *The Coptic Question in the Mubarak Era*. On the complex status of Jews in Egypt following World War II, see, e.g., Beinin, *The Dispersion of Egyptian Jewry*. The Egyptian Initiative for Personal Rights routinely publishes reports on religion-based discrimination. See, e.g., "Closed on Security Grounds: Sectarian Tensions and Attacks Resulting from the Construction and Renovation of Churches," November 2017, https://eipr.org/sites/default/files/reports/pdf/closed_on_security_grounds_web.pdf and "A Death Foretold: The Law on the Construction and Renovation of Churches One Year Later," December 2017, https://eipr.org/sites/default/files/reports/pdf/as_you_were.pdf.

61. On the phenomenon of crypto-Christianity and crypto-Judaism in the region, see, e.g., Reinkowski, "Hidden Believers, Hidden Apostates." Crypto-Christianity among Coptic Orthodox in Mamluk Egypt is discussed in el-Leithy, "Coptic Culture and Conversion in Medieval Cairo." For an account of how Ottoman Christians and Muslims understood the practice of conversion to Islam from the fifteenth to the seventeenth century, see Krstić, *Contested Conversions to Islam*.

62. Article 2 of the Egyptian constitution reads: "Islam is the religion of the state and Arabic is its official language. The principles of Islamic shari'a are the principal source of legislation."

communities, among them the Coptic Orthodox, have lobbied for recognition of their difference in constitutional, administrative, and personal status law.[63] Even when Bahá'ís and Copts secure a semblance of recognition, this status does not give them equal standing alongside Muslims but some equivalence as non-Muslim groups—although Christians affiliated with the Church retain a more privileged position, as discussed below.

Bahá'í claims making further confounds the repertoire of existing explanations since, unlike Copts, Bahá'í presence is not seen within Egyptian historiography as foundational to the republic.[64] Theologically, Bahá'í belief in continuous revelation also directly challenges the finality of Islam, a central tenet of state identity in Egypt. The Faith's historic ties to Iran and Israel (formerly Persia, under the Qajar dynasty, and Palestine, under the Ottoman Empire) mirror Egypt's ongoing animosity with its geopolitical neighbors. The combination of these factors renders Bahá'í claims to recognition even more puzzling. But there are similarities between Coptic and Bahá'í claims making that are significant to address. Copts and Bahá'ís who lodged claims against the Egyptian state, for example, did not seek to subvert its administrative order or aim, as did political parties such as the Muslim Brotherhood in the Middle East or Christian Democrats in Europe, to hijack legislative, electoral, and judicial processes.[65] Rather, Bahá'í and Coptic claims making supports the nation-state's regulatory system by seeking to improve its functioning.

I recruit a different material archive to explore developments other than those that occurred during two periods that predominate in the extant literature on modern and contemporary Egypt. The two periods that organize existing scholarship are the mid-nineteenth century to the early twentieth century, typically ending with the promulgation of the 1923 constitution, and the Islamic revival of the 1970s and 1980s and its implications for Islamic piety movements beginning in the 1990s.[66] I foreground instead legal and political

63. Coptic complainants have recently mobilized to secure recognition of Coptic inheritance rights, which, unlike Islamic norms of inheritance, permit gender parity between inheritors. See Ishak Ibrahim, "Personal Status of Copts: Crisis Made by Church and State," Tahrir Institute for Middle East Policy, February 12, 2020, https://timep.org/commentary/analysis/personal-status-of-copts-crisis-made-by-state-and-church/. See also the epilogue to this book.

64. For an overview of the symbolic use of Coptic history in Egyptian nationalist discourse and the historiography of Egypt, see Sedra, "Class Cleavages and Ethnic Conflict."

65. On Islamist politics in Egypt, see Masoud, *Counting Islam*; on Christian populism in Europe, see Marzouki, McDonnell, and Roy, *Saving the People*.

66. Agrama, *Questioning Secularism*; Hamdi, *Our Bodies Belong to God*; Mahmood, *Politics of Piety*.

developments that date from roughly 1925 to 1955, illuminating both continuities and discontinuities with prior decades and decades subsequent to these.[67] The primary sources from which my analysis emerges include administrative judicial decisions and the evidence considered therein, such as a range of certificates that were required to substantiate the petitioners' claims. These documents were produced by the Coptic Orthodox Patriarchate, the Al-Azhar Fatwa Council (*lajnat al-fatwā bi-majmaʿ al-buḥūth*), and two units within the Ministry of Interior: the Civil Status Organization (*maṣlaḥat al-aḥwāl al-madaniyya*) and the Sector Administration of Public Security, General Directorate of Forensic Evidence Investigation (*qitāʿ maṣlaḥat al-amn al-ʿām, al-idara al-ʿāmma li-taḥqīq al-adila al-jināʾiyya*). All of these institutions have standing as administrative agencies in Egyptian law. Several other material sources were never admitted into evidence but nevertheless revealed to me just how plural the regulatory field is in Egypt. These sources include correspondence between the patriarchate and Coptic advocacy organizations, letters issued by the Bahá'í Universal House of Justice, and certificates of incorporation filed by Bahá'ís in Egypt and the United States. Other primary sources include the administrative plans for the Bahá'í World Crusade (1953–63) and the writings of Bahá'u'lláh (the prophet-founder of the Bahá'í Faith), 'Abdu'l-Bahá (the eldest son of Bahá'u'lláh and the successor of the Bahá'í Faith following Bahá'u'lláh's death), and Shoghi Effendi (the grandson of 'Abdu'l-Bahá and the successor of the Bahá'í Faith following 'Abdu'l-Bahá's death).

Recognition

Scholarly arguments about whether members of minority groups in modern nation-states should aspire to recognition (as Charles Taylor maintains)[68] or acknowledgment (a more modest goal endorsed, for example, by Patchen Markell)[69] miss the point. While scholars read public and jurisprudential debates on recognition through the lens of freedom and equality, equality is not necessarily what is at stake in these disputes. When individuals and groups

67. In doing so, I agree with a view advanced by Omnia El Shakry: "rather than interpret Egypt's 1952 revolution as marking a fundamental disjuncture with the previous sociopolitical order . . . Egyptian history from the 1930s to the 1960s is best viewed as part of a single historical bloc" (*The Great Social Laboratory*, 198).

68. Taylor, "The Politics of Recognition," 50.

69. Markell, *Bound by Recognition*.

entrust their states to work well or better, they assent to deep-seated inequality. Markell frames his inquiry on recognition as a problem for thought with the questions: "Who are you? Who am I? Who are we?"[70] By contrast, the question that inspires this book—"How will we know who we are?"—offers a different starting point. Here, the person asking the question is always and already a member of a group who seeks to maintain its coherence over time. This question implicates method (how), futurity (will), collective (we), recognition (know), distinction (who), collective (we), and being (are). It is a question preoccupied with what Caroline Walker Bynum calls "spatiotemporal continuity," how we know today we are who we were yesterday and whether we will be who we are today tomorrow.[71] The first and second *we* in the question "How will we know who we are" is the group present, past, and future—changed over time yet recognizable to itself. Group affiliation, Bynum reminds us, is "a perduring issue."[72] I suspect her choice of adjective is deliberate. To perdure is to last forever.[73]

This frame for understanding the stakes of recognition coheres with what I saw, read, and heard during my research. I found that migration between categories of religious difference is a practice overseen by Copts like Ayoub. They know well that communal maintenance requires distinguishing Coptic Orthodoxy from other normative orders and their collectives, including other Christian denominations and their members. Some borrowing across traditions is also entailed in this work. But it would be a mistake to attribute this work to lawyers alone. They travel in circuits, the attorneys and their clients, a microcosm of Egyptian society, each person and group distinguishing themselves from others. The ethics that underlie lawyers' advocacy—the decisions they make about which claims to advance, whom to represent, and how best to negotiate bureaucratic obstinacy—illumine why some memberships overlap (Christian and Egyptian, Muslim and Egyptian, Bahá'í and Egyptian) while other memberships remain distinct and exclusive (Bahá'í, not Copt; Copt, not Muslim; Muslim, not Copt; Copt, not Bahá'í). Angie Heo has rightly observed that "the religious lives of Egyptian Christians and Muslims

70. Ibid., 1.

71. Bynum, "Why All the Fuss about the Body?" 10–11.

72. Bynum, *Metamorphosis and Identity*, 163.

73. The verb *perdure* is derived from the classical Latin *perdurare*, which was incorporated into the Middle French *perdurer* before being borrowed into Middle English. Its meaning stabilized in the fifteenth century. See "perdure, v.," *OED Online*, June 2020, https://www-oed-com.ezproxy.amherst.edu/view/Entry/140660?redirectedFrom=perdure.

today are largely carried out in entirely separate and distinct spheres," but I challenge her claim that these spheres are "by governmental design."[74] Instead, the protagonists of this book, many of whom identify proudly as Copts, are ordinary people who, while seeking to resolve seemingly mundane administrative issues, ensure that Christians and Muslims remain distinct groups by law.

Seeking recognition in Egypt is not therefore a liberal aspiration. When Egyptian religious minorities seek and secure recognition, they assent to a Muslim majoritarian legal system in which they can hold only subsidiary civil status. They further assent to being bound by the rules of their community—whether arbitrated by the Coptic Orthodox Church or the administrative order of the Bahá'í Faith. My interlocutors' desire for recognition might be understood as a desire to inscribe their injury into law, an act that forecloses arguably more radical democratic alternatives. Wendy Brown has addressed the dangers of advancing political aims through state regulatory institutions, which, she argues, points to contemporary inhibitions toward radical democratic politics. What Brown calls an "unemancipatory" political project

> is not simply misguided in its complicity with the rationalizing and disciplinary elements of late modern culture; it is not simply naive with regard to the regulatory apparatus within which it operates. Rather, it is symptomatic of a feature of politicized identity's *desire* within liberal-bureaucratic regimes, its foreclosure of its own freedom, its impulse to inscribe in the law and in other political registers its historical and present pain rather than conjure an imagined future of power to make itself.[75]

But must complicity with what Brown calls "the rationalizing and disciplinary elements of late modern culture" foreclose politicized identity's own freedom? We might think of this question as one about survival. Judith Butler suggests that "to desire the conditions of one's subordination is . . . required to persist as oneself" wherein "to embrace the very form of power—regulation, prohibition, suppression—that threatens one with dissolution" is to affirm not only the subject's dependence on power but also "that that formation is impossible without dependency."[76]

Yet fidelity to regulation and its impoverished, rights-based imagination—an unemancipatory project though it may be—opens up possibilities for the

74. Heo, *The Political Lives of Saints*, 21.
75. Brown, *States of Injury*, 66.
76. Butler, *The Psychic Life of Power*, 9.

subject's freedom otherwise foreclosed in the absence of recognition. My interlocutors did not understand themselves as belonging to a religious community or to the nation until and unless the state identified them as such. The recognition of the subject's difference in relation to others, the inscription of injury through law, enables the free expression of her subjectivity. Freedom, in this sense, entails recognition of one's *inequality* in relation to others. I caution against understanding demands for recognition as exemplifying Lauren Berlant's "cruel optimism," a relation whereby "something you desire is actually an obstacle to your flourishing."[77] So long as freedom is understood by scholars to encompass abstract ideals to the exclusion of practical liberties, the desire for attachment exhibited by groups such as the ones featured in this book will appear strange. To understand why the nation-state's authority to decide what is religion/religious remains desirable, we need to reconceptualize the tight association between freedom and equality, take seriously the inequalities that people pursue when they are free, and imagine what social relations these inequalities assure within a specific milieu. This book names the attachments pursued by seemingly marginal groups not "fantasy," as they would on Berlant's reading or "subordination," following Butler, but devotion.

Devotion to the Administrative State

Devotion is the term I use to name iterative, relational actions in the service of a cosmology that are concerned with continuity between the present, past, and future. My use of the term denominates a practice that extends beyond those typically attributed to the pious or the devout or centered on material objects and rituals specific to religious traditions.[78] This framing thus departs from how devotion is discussed in religious studies scholarship and aims to move this conversation in new directions. A rich body of work has explored Catholic popular piety,[79] Christian understandings of salvation that undergird American environmentalism,[80] literature as a site of possibility for the devout subject,[81]

77. Berlant, *Cruel Optimism*, 1.

78. On the difference between worship and devotion, and that between worshippers and devotees, see the helpful discussion in Robert, *Unbridled*, 72.

79. There are many excellent studies of Catholic devotion in the United States, among them Maldonado-Estrada, *Lifeblood of the Parish* and Orsi, *Thank You, St. Jude*.

80. Berry, *Devoted to Nature*.

81. Furey, Hammerschlag, and Hollywood, *Devotion*.

African-inspired and Catholic-inflected praise in the Caribbean,[82] and gift-giving and sacrifice in contemporary India.[83] By contrast, I describe the Copts and the Bahá'ís who feature in this book not as devout practitioners but as devoted to the states that secure their communal boundaries. This is an important analytic distinction. I never inquired into or sought to assess the nature, depth, or sincerity of my interlocutors' faith, belief, or commitment. That my interlocutors always claimed affinity with a religious group, however, was something I repeatedly observed. My decision to focus on specific communities was prompted by their claims making, not the particularity of their situation as religious minorities. The rituals and material objects I explore in this book all center a concern with the continuity of status—how it is to be secured amid religious and legal plurality.

It is not coincidental that "state" and "status" share an etymological root. Administrative states regulate the status and social position of their members—however inefficiently and with the assent of those members even when said states partake in other actions potentially harmful to their constituencies.[84] To understand why Copts and Bahá'ís in Egypt are devoted to the Egyptian state despite the systemic marginalization they experience, this book directs attention to how status distinction matters within the local milieu. What other explanations come into view when coercion, false consciousness, political ambition, and material gain are not privileged in our theorizing? Although scholars have suggested that states constrain our ability to imagine collective life differently, this claim fails to countenance the desire for regulation. We have not paid sufficient attention to what the subjects of our theorizing have demonstrated all along: recognition of difference in relation to others is necessary for collective life. The goal of state capture notwithstanding, what marginalized communities are doing when they lodge claims for recognition is seeking to establish and secure their belonging.

A more global historical record is replete with stories of refuge in positivist law and administration, even under conditions of human bondage. Herman

82. Ochoa, *A Party for Lazarus*.

83. Copeman, *Veins of Devotion*.

84. Henry Sumner Maine famously wrote in *Ancient Law* that "the movement of the progressive societies has hitherto been a movement *from Status to Contract*." Yet contemporary legal scholars have challenged this assertion. Not only does status endure as a regulatory tool; its effectiveness as such lies in the fact that "status determination gives the status holders and third parties that interact with them clarity about their rights and obligations." Matsumura, "Breaking Down Status," 674.

Bennett shows that Africans and their descendants in sixteenth-century colonial Mexico, enslaved and free, "shared and reproduced the legal consciousness that circulated between patricians and plebeians."[85] Caught in the jurisdictional conflict between the Catholic Church and the Spanish Crown—and their conflicting status under those legal regimes as at once chattel, vassals, and Christians—"persons of African descent modified their life circumstances, yet rarely, if ever, threatened to undermine Spanish rule."[86] Enslaved persons in colonial Lima, as Michelle McKinley shows, were aware that manumission was always subject to negotiation and revocation; they embraced a "fractional freedom" whereby they "adapted and even aspired to the condition of contingent liberty."[87] Compared to favorable judicial decisions, pretrial motions like *censuras*, threats of excommunication and ecclesiastical condemnation, "were an equally compelling means of summoning witnesses, functioning as a sort of spiritual subpoena . . . that compelled courts to rectify wrongs and that recalibrated the equilibrium between enslaved peoples and their owners."[88] In his magisterial history of the San Domingo revolution, C.L.R. James recounts how, in 1788, fourteen enslaved persons brought an action under the French law of slavery, the Code Noir, against Le Jeune, a coffee planter who tortured several others in a heinous extortion campaign.[89] Rebecca Scott and Jean Hébrard, in their multigenerational microhistory of the Vincent/Tinchant family across North America, the Caribbean, and Europe, further challenge assumptions that free persons of color would seek to distance themselves completely from slavery's administrative and legal architecture. "Across multiple generations," they write, "members of this family had taken the unavoidable stigmatizing labels *négresse*, 'natural child,' or 'man of color' and brought into being paper that could surround these words with other signs of continuity and recognition."[90]

Social and legal historians as well as anthropologists of the nineteenth and twentieth centuries provide complementary accounts. They track not only

85. Bennett, *Africans in Colonial Mexico*, 2.

86. Ibid., 3.

87. McKinley, *Fractional Freedoms*, 11–12.

88. Ibid., 6.

89. James, *The Black Jacobins*, 22–23.

90. They further write, "At the same time, as they pulled away from the stigmas and stereotypes attributed to African ancestry in general, [free persons of color] drew on their specific ancestry, repeating an uncle's or an aunt's name from generation to generation, naming Haiti as a birthplace, and, in the case of Éduoard [Tinchant] at this moment of political prominence, declaring himself to be a 'son of Africa'" (*Freedom Papers*, 172).

fidelity to positivist law and institutions among marginalized communities but also convergences between positivist and communal norms of group membership wrought by individual and collective claims making. Mitra Sharafi examines the legal culture of an ethnoreligious minority community in India that was unusually invested in colonial law. She finds that "Parsi lobbyists, legislators, lawyers, judges, jurists, and litigants de-Anglicized the law that controlled them *by sinking deep into the colonial legal system itself*. . . . [T]he Parsis worked from within and through the colonial state, rather than from outside or against it" to ensure their collective life.[91] Max Weiss shows that Lebanese society became sectarian under the French Mandate through a dialectic process: ordinary people, local communities, and village councils demanded communal rights and recognition while French colonial authorities privileged strategic and subnational modes of identification.[92] Shiʿi Muslims proved their loyalty to the Lebanese state and effected their institutional integration within it.[93] In her study of post-Soviet Jewry in Moscow, Sascha Goluboff finds that even as the Soviet state compelled the administrative identification of Jews as an extraterritorial minority and internal enemy, "being a *Russian* Jew, *Mountain* Jew, *Georgian* Jew, or *Bukharan* Jew is intimately linked to the Jewish struggle to be valuable members of Russian society."[94] Maurice Samuels likewise challenges scholarly assertions that French universalism requires Jews to relinquish completely their communal ties to join the majority culture.[95]

Religious and political practice, among and beyond marginalized communities, is more reliant on states and their laws than critics of secularism and scholars critical of state regulation have allowed. Members of the twentieth-century U.S. "religio-racial movements" examined by Judith Weisenfeld "felt deeply invested in the power of group naming to produce collective shame or

91. Sharafi, *Law and Identity in Colonial South Asia*, 5–6.

92. Weiss, *In the Shadow of Sectarianism*.

93. Writing on the French Mandate in Syria, Benjamin Thomas White finds that even as various communities including Yazidis, ʿAlawis, Ismaʿlis, and Shiʿis "sought a degree of cooperation with the High Commission [they] were by no means passive tools of the French. . . . Within each community, different groups and individuals sought to use legislative reform in this area in order to redefine that community to their own advantage" (*The Emergence of Minorities in the Middle East*, 181). On the question of modernity, state formation, and communal identity in the Levant, see also Makdisi, *The Culture of Sectarianism* and Watenpaugh, *Being Modern in the Middle East*.

94. Goluboff, *Jewish Russians*, 5.

95. Samuels, *The Right to Difference*.

foster pride," so much so that for them, "misnaming black people collectively as well as individually had the dire religious consequences of cutting off access to divine knowledge and thwarting possibilities for a productive collective future."[96] Even as members of these movements criticized the U.S. racist dystopia, they expanded the race-based classification that undergirded it. They sought identification as "Moors" rather than "Negroes," "olive" rather than "black" or "colored."[97] To be identified as raced—on draft registration and membership lists, national ID cards they created and carried on their person, and other records—is coterminous with Moorish American belonging.[98] The U.S. context also makes plain that once a convergence of membership norms is forged, some groups, and not necessarily minoritized ones, may experience threat when that convergence is challenged. As Mary Anne Case shows, American Protestants' historical opposition to same-sex marriage can be explained by "their comparative dependence on the state for the definition of marriage, its formation, and above all its dissolution."[99] Unlike Catholics and Jews, who understand marriage as a religious covenant and maintain their own annulment and divorce procedures, Protestants have historically understood marriage as a civil contract.

When scholars claim that religion is too plural a domain of human activity, that legal positivism is too inadequate to equitably delimit religious belonging, they reveal a specific liberal aversion to only *some* enforced rules of association. Our livelihoods—access to education, health care, employment, and wealth—have always depended on the regulation of social categories, enforced by the nation-state and other collectives to which we aspire for membership. It is the task of the scholar to explain why certain individuals and groups in some contexts revere particular categories of association and empower states to arbitrate their material and conceptual limits. Why do complainants in Egypt

96. Weisenfeld, *A New World A-Coming*, 15–16.

97. Turner, *Islam in the African-American Experience*, 92.

98. Spencer Dew has recently suggested that what unifies the Aliites, followers of the religions of Noble Drew Ali (the Moors among them), is "engagement with the state and the state's legal system in order to achieve recognition and to transform society" (*The Aliites*, 13).

99. Case, "The Peculiar Stake U.S. Protestants Have in the Question of State Recognition of Same-Sex Marriages," 312.

and Malaysia entrench systems that regulate religious difference but similar systems in Turkey have undergone significant revision?[100] Why is race a meaningful administrative category of belonging in England, Canada, and United States but not in France?[101] And why does sex- and gender-based regulation, as administrative requirement and personal aspiration, persist globally—even in jurisdictions that recognize same-sex marriage?[102]

Individuals and groups that seek recognition of their difference are invariably aware of the legal constraints within their milieu. They also routinely seek acknowledgment of what makes them distinctive often within a framework of national belonging. They willingly forfeit political, economic, and social rewards afforded to the majority group by doing so. And they assign immutability to their difference. Even as this difference may change over their lifetime, the centrality of belonging to a group is continuously renewed through iterative actions. Though such practices appear counterintuitive, a closer look at how status matters to social cohesion, within and across groups, evidences the stakes of recognition. The regulation to which the marginalized assent shares a resemblance with the regulatory work done within their communities. When they seek recognition from the nation-state, they seek not to be equal but to form attachments—to be bound to and within cosmological orders.

In what follows, the first part is a collection of vignettes that capture fleeting moments of encounter. Each subsequent part consists of substantive chapters inspired by these moments. They point ultimately to enduring normative orders within and across communities as well as the role of law and legal institutions to communal integrity. I refuse the unbridled novelty often attributed to the regulatory work done by nation-states, instead situating this work within broader arenas of social organization. As Bruno Latour notes, "the modern world, like revolutions, permits scarcely anything more than small extensions of practices, slight accelerations, in the circulation of knowledge, a tiny extension of societies,

100. On the Malaysian case, see Neo, "Malay Nationalism, Islamic Supremacy and the Constitutional Bargain in the Multi-Ethnic Composition of Malaysia" and Stilt, "Contextualizing Constitutional Islam." On the case of Turkey, see Özgül, "Legally Armenian."

101. On racial classification in Great Britain, Canada, and the United States, see Thompson, *The Schematic State*. On the history and politics of what is often referred to as "French colorblindness," see Simon, "The Choice of Ignorance." For a comparative analysis of two states that developed divergent policies on race and racism, see Bleich, *Race Politics in Britain and France*.

102. For a discussion of the diminishing legal interests in binary gender regulation and an argument for nonbinary inclusion in U.S. law, see Clarke, "They, Them, Theirs."

minuscule increases in the number of actors, small modifications of old beliefs."[103] Each chapter heeds this orientation. Some chapters are more historical, others intimate, and yet others engage contexts well beyond Egypt. I intend through this stylistic choice to unsettle certainties about an authentic past, one that predominates in the various literatures named herein. "We do have a future and a past," Latour writes, "but the future takes the form of a circle expanding in all directions, and the past is not surpassed but revisited, repeated, surrounded, protected, recombined, reinterpreted and reshuffled."[104]

103. Latour, *We Have Never Been Modern*, 48.
104. Ibid., 75.

INDEX

Page numbers indicating photographs, documents, and maps are noted in italics.